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Report on Compliance by Portugal with the European Convention on Spectator Violence at Sports Events

Compliance with Commitments Project
Committee for the Development of Sport
(CDDS)

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Committee for the Development of Sport (CDDS)

**“Compliance with Commitments Project”
Respect by Portugal
of the European Convention on Spectator Violence at Sports Events
1987 - 1997**

Reports by:

- Portugal**
- Examining Group**

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A. Report by Portugal

INTRODUCTION AND GROUNDS FOR REPORT

Although violence is not a new phenomenon, it has emerged as one of the leading themes in modern sport.

This trend reached a peak in 1985, when incidents occurred in a number of different countries (such as Mexico) leading to deaths and injuries at football matches. In the same year a fire during a match at a stadium in the English city of Bradford caused panic to break out, leaving 53 dead and 200 injured, and at the Heysel Stadium in Belgium confrontations between the English Liverpool fans and the Italian Juventus fans at the European Cup final led to 39 deaths, with more than 500 injured.

This is not to say that violent incidents of varying degrees of intensity have not continued to occur more or less frequently, as is shown by the tragedy four years later, in 1989, when the match between Nottingham Forest and Liverpool resulted in the dramatic figure of 94 dead and 200 injured.

What in fact happened in 1985 was that the international community, led in this case by the Council of Europe (which since the end of the 1970's had debated and made recommendations on this matter), finally sat up to the need to take concrete and binding measures to prevent violence at stadia, which measures would have to tackle directly the structural causes of the phenomenon.

A document entitled the "European Convention on Spectator Violence and Misbehaviour at Sports Events and in Particular at Football Matches" was opened for signature in August and entered into force in November 1985, followed by a number of Recommendations on specific questions.

The Committee of Ministers of the Council of Europe also decided that, in addition to issuing new documents and designing new policies, it was important to check whether member States were complying with their undertakings to the organisation and to assess the real social results of implementing these recommendations.

The Council for Cultural Co-operation of the Council of Europe then launched a European-wide survey of individual national policies in this field, adopting the model used as from the end of the 1960's by the OECD for studying the education policies of different countries. This consisted of each country preparing a national report on the matter in question, after which an international panel of examiners would visit the country for the purpose of consultation and visits to relevant venues in order to complement the report. The examiners would then prepare a report reflecting both the national report and their own experience, and the two reports, together with a summary of the final meeting, would be published.¹

In 1997 the Steering Committee for the Development of Sport launched a project entitled "Monitoring Fulfilment of Commitments", inspired by the European programme for assessment of cultural policies and the decision by member States to monitor compliance with the undertakings made to the Council of Europe in respect of three fundamental documents: the Convention on Spectator Violence, the Anti-doping Convention and the European Sports Charter.

Since the late seventies, Portugal has played an active role in preventing violence associated with sport, both internationally and at home. Having accompanied the work undertaken in this field in

¹ Cf. Robert Wangermée, *Evaluation des politiques culturelles nationales – Lignes directrices pour l'établissement des rapports nationaux*, Strasbourg, Council of Europe, 1993.

Europe, Portugal felt the need to assess its own efforts and immediately volunteered to take part in this project and thereby undertook to examine the progress made in applying the principles established in the “European Convention on Spectator Violence and Misbehaviour at Sports Events and in Particular at Football Matches”.

This report therefore represents an assessment of Portuguese efforts to prevent violence associated with sport in line with the measures established in the European Convention and seeks to present an outline survey of the initiatives and actions taken by the Portuguese public authorities between 1987 and 1998.

In order to prepare this report, a working party was set up consisting of an engineer specialising in sports facilities (Cabral Faria), a lawyer specialised in sports law (Fanha Vieira), a sociologist working in the sociology of sport (Salomé Marivoet), the Director of European Affairs and External Relations of the CEFD (Bruno de Jesus) and by a specialist in the sociology of sport who has been responsible for the practical organisation of the project with the purpose of preparing the national report (Cristina Matos Almeida). The main aim of this working party has been to provide its expertise and oversee the process of preparing the report, which has been drawn up under the auspices of the European Affairs and External Relations Department of the CEFD.

Chapter I of the report outlines the social development of the country prior to and after the signing of the Convention (1987). In Chapter II the report examines the source of Portuguese undertakings in the field of violence associated with sport and Chapter III describes the organisation and co-ordination of sports policy in this field in Portugal.

In order to provide a general analysis of implementation of the Convention in Portugal, Chapter IV looks at the legislation, internal co-operation and social and educational measures adopted, whilst in Chapter V the report analyses the degree to which the different measures have been implemented, and in what form, examining their effectiveness in achieving the aims stated in the Convention. Finally, Chapter VI gives an article-by-article analysis of the Convention, briefly comparing the text with actual achievements in each area.

I. OUTLINE OF SOCIAL DEVELOPMENT AND SPORTING LIFE PRIOR TO AND AFTER SIGNING OF THE CONVENTION²

I.a) Social development

After many decades of relative stasis, the pace of social change in Portugal increased considerably in the sixties and the great changes which had occurred in other European countries in the post-war period, and in some cases earlier, began to take place in Portugal.

These changes - a strong drive towards industrialisation and the expansion of the service sector, a significant reduction in the proportion of the population engaged in agricultural and rural activities, the intensification of internal migration from the country to the cities, previously unrecorded levels of growth in domestic output and a reduction in the birth rate and infant mortality rate – occurred later in Portugal than in its European neighbours, and at a much faster pace.

However, a number of specific factors affecting social, economic and political development, such as emigration, three simultaneous colonial wars (Angola, Mozambique and Guinea Bissau), rapid

² Text based on a study organised by the sociologist António Barreto, *A Situação Social em Portugal, 1960 – 1995*, Lisbon, Instituto de Ciências Sociais, Universidade de Lisboa, 1996, and on another study by Salomé Marivoet, “Hábitos desportivos na sociedade portuguesa” in *Estruturas sociais e Desenvolvimento*, Actas do II Congresso Português de Sociologia, Vol. II, Lisbon, Editorial Fragmentos, 1993.

growth in foreign investment (when Portugal joined EFTA/AELE) and in tourism, which growth led to extremely rapid expansion of the service sector, lent specific individual characteristics to the development of the country.

The process of national integration of society, public administration, the communications system and the domestic market was concluded in the sixties.

Portugal's small and homogenous population was finally brought into contact with itself through television, with the attainment of nation-wide coverage, and through the other changes taking place.

The domestic market was consolidated, a fully monetarised economy was established, the banks began to expand and the public administrative authorities attained effective coverage of the entire country.

New public services such as health, education and social security began to reach the entire population (albeit precariously), and with the reform of the education and social security systems the welfare state started its advance. The reform of primary, secondary and higher education, helping to make education open to all and ensuring that all children attended school, was a milestone achieved at the end of the sixties.

It was also at this time that women began to join the labour market in great numbers (in manufacturing, farming and services), as the result of severe labour shortages (in terms of numbers and in terms of training and qualifications) - Portugal enjoyed almost full employment, a fact which had a profound impact on families, social relations and the cultural mood.

From 1974 onwards, following the transition to democracy, the end of the colonial war and the end of the empire, followed by a social revolution (nationalisation and expropriations) and an application for membership of the EEC, the wide ranging process of change suddenly accelerated to a much faster pace.

By the beginning of the eighties, Portugal boasted a democratic regime and the traditional freedoms enjoyed in western countries. Half way through the decade Portugal joined the EEC, and integration into the Community became the guiding principle for political and economic development.

However, the period between 1976 and 1985 was one of transition, characterised by enormous political, social and economic instability, aggravated by two specific demographic factors (decreased emigration and the return of the *retornados* – some hundreds of thousands of former residents in the colonies, some of them born in Portugal, others born and bred in the colonies). These two factors caused the population of the country to grow by around 7% in only a few months.

Political stability was finally achieved from 1985 onwards and the economy recovered thanks to increased confidence and integration in Europe (the Portuguese economy rapidly opened up to the rest of the world), a smooth process of re-privatisation of a large number of companies which had been nationalised during the revolution and a vast programme of public works and infrastructure investments.

In the nineties, the guiding principle behind political and economic development of Portugal became the integration in Economic and Monetary Union. This meant a process of convergence with the economic performance of other EU member countries, requiring fundamental measures in order to meet four criteria: price stability (inflation control), the non-existence of an excessive budget deficit (sound public finance), keeping the Portuguese escudo within a narrow exchange rate band in the European Monetary System (EMS) and interest rate convergence. The efforts made to

achieve convergence helped to improve the living standards of the Portuguese population, except in respect of unemployment which continues to generate some tension.

Over the last four decades we have witnessed thorough-going and rapid modernisation (“the process of moving towards the standards of development and the social organisation models which exist in the economically and technologically more advanced societies in Europe, with greater experience of the welfare state and longer democratic political traditions”³) of Portuguese society, accompanied by even faster growth in the expectations and aspirations of the Portuguese to live in a society open to the rest of the world.

The welfare state has grown enormously, with effective results, although the quality of services is often still sub-standard. A particularly delicate imbalance can be found in the system, as the result of various historical factors, such as the rapid expansion of the welfare state without sound finance or capitalisation, the fact that many of those receiving social security benefits (pensioners) make no contribution, faster demographic ageing and lower levels of labour and industrial productivity than in neighbouring European countries, the population’s slim economic resources which do not permit them to make alternative provision (insurance, savings) and the gulf which exists between the expectations created and people’s real economic capacity.

The divisions in Portuguese society today are no longer between rural and urban areas (geographical divisions) but are instead social and economic, and there are still great inequalities in the division of wealth. There is now generally available access to goods and services, to rights, to institutional systems, to commercial and information circuits, and the geographical and institutional barriers are much reduced, but this access is conditional on social and economic factors.

António Barreto sees Portugal today in a paradoxical situation: it is the most peripheral country in the centre of Europe (with consequences for its future social development). In other words, it quickly assimilates the life styles, aspirations and expectations of one of the main economic and political centres of the world, whilst in the cultural, economic and technological spheres this assimilation takes places much more slowly.

According to this sociologist, “the weaknesses of the periphery correspond to the aspirations proper to the centre. The high expectations proper to the more developed countries in the world may be frustrated by natural, economic and technological shortcomings, not to mention sheer physical distances and scientific and cultural backwardness.”⁴

I.b) Evolution of sporting life

One of Portugal’s foremost authors, Eça de Queiróz, wrote the following description of sporting life in Portugal at the end of the nineteenth century. Although not entirely accurate and possibly somewhat exaggerated, it does effectively caricature the situation:

“We lack the games of skill played by other nations – the Englishman’s cricket, football and running, the gymnastics as can be seen in France, the compulsory military service which makes the Germans strong ... We have nothing to give a young lad a bit of fibre. All we have is bullfighting... Take away the bullfight and we would be left with only spineless dandies shuffling through the Chiado.”
(in *Os Maias*, 1888)

The lack of interest in sport was compounded in the early twentieth century by legislation, which had a poor opinion of its role in society. The Regulations on Physical Education in High Schools

³ António Barreto, *Op. cit.*, p. 57.

⁴ *Ibidem*, p. 60.

(Decree no. 21.110 of 16 April 1932) declared that “sports are not a means to individual improvement, but rather a physical deformation, and often a moral perversion”.

From the nineteen forties through to the revolution in 1974, when Portugal lived under the dictatorial regime, sport (as seen by the law) was exploited by the State (which exerted total control over it) as a means of improving the general physical fitness of the population. Sports associations were virtually dependent on the Directorate-General of Physical Education, Sports and School Health and all decisions relating to the management and internal affairs of these organisations were subject to tight administrative and bureaucratic control.

The winds of change which affected most European countries in the second half of the twentieth century, such as the “sport for all” movement and Government policies which established sport as a right of citizenship, were slow to be felt in Portuguese society.

Whilst Portugal’s European neighbours strove to make sport available to all, providing sports organisations with the chance to open up sporting activities to a wider and more varied public, who could take part in different ways, thereby increasing the market and encouraging new attitudes and new forms of organisation in the sports system, the rare investments made by the Portuguese state took the form of subsidies to institutions responsible for developing traditional competitive disciplines.

Only from 1974 onwards was there the beginning of a movement to promote access to sport and to make this a right of citizenship, and only in 1982 were the constitution amended to make the State responsible for ensuring effective access to sporting activities.

According to figures from the National Institute of Statistics (INE)⁵, there was a sharp increase during 1974 and 1975 (the exact period when the Portuguese political system underwent radical change) in the number of participants in almost all sports. Portugal began to run further (more athletes), swim better (more swimmers), to take part more in gymnastics, handball, cycling, fencing, shooting and volleyball. And football, which had already led the field, also expanded rapidly.

Whereas up to 1974 the authoritarian corporate regime in Portugal had prohibited the freedom of association, keeping sports organisations under tight control, the post-74 regime intransigently clung to the principles of freedom of association and non-interference by the state in the organisation and promotion of sporting activities. Both the State and the organisations themselves defended this approach, and resulted in under-investment in organising and building the sports facilities nation-wide which would provide real and effective access to recreational sport.

Starting in the nineteen eighties, the local Government authorities began to make good the absence of any state policy and the consequent shortage of public facilities. However, these efforts were uncoordinated and hindered by a severe lack of funds: what funding there was continued to be channelled by both central and local authorities into competitive sports.

The under-encouragement of recreational sport and the lack of sporting facilities made it difficult to foster new values and attitudes, which would help to popularise, sport and create new habits in the population.

⁵ Education Statistics (1971, 1975) and Culture, Sport and Recreation Statistics (1990, 1994), published by the National Institute of Statistics. These figures are however not entirely representative, as they only include data on the members of Associations or Federations, whose records are notoriously unsystematic. Even these figures are completely insufficient, as there is no breakdown into age, sex, educational attainment, etc. for each sport. There are also no figures on people taking part in sports but not belonging to sporting institutions.

Figures from a survey conducted by Salomé Marivoet⁶ provide confirmation of this situation. Marivoet's "Carta da Procura da Prática Desportiva", included in the Atlas Desportivo Nacional (National Sporting Atlas), a survey of the population aged between 15 and 60 (covering all of mainland Portugal), during the 1987/88 season, with the aim of "Discovering the sporting habits of the Portuguese, through study of the social profile of participants in different sports, through their motivation, interest, regularity, values and changing processes in sporting activities."⁷

The findings of the survey indicated that only 27% of the Portuguese population took part in sports, and that most participants were concentrated in a very small number of individual sports, with football (90%) in first place, followed by gymnastics and athletics (4%), swimming and tennis (2%), and finally basketball, handball, volleyball, cycling, hunting, recreational fishing, and judo/karate (1%).

It was also found that more men take part in sports than women, and that young people are the most highly represented group: 55% of those taking part in sporting activities in Portugal are aged 15 to 19, and most of these take part in sports at school.

Over the last decade, in line with a new policy in which sport is regarded as a strategic factor in the country's development, the Government shifted the emphasis to modernising facilities and creating a context in which sport can flourish. This policy has consisted of supporting sporting associations and high level competition, encouraging the construction and modernisation of local sports facilities so as to achieve even coverage of the country as a whole, training sports officers and establishing a new legal framework for professional sport.

It is hoped that this new policy direction will bear fruit for future generations, by increasing the market for sports and encouraging new attitudes and forms of organisation.

II. THE SOURCE OF THE COMMITMENTS

Since the end of the seventies, Portugal has played an active role in preventing violence associated with sport, both internationally and at home.

In the international arena, Portugal was a founding member, and helped to draft the articles of association, of the International Association for Combating Violence Associated with Sport, later renamed as the Rika Van-Ocken International Foundation – FIRVO.

A working party was set up in Portugal in 1977, bringing together representatives of different public authorities (in the fields of sport, education, safety and public order), to look into aspects related to violence at sports stadia and to adopt security measures.

The Portuguese authorities were quick to realise that isolated measures would be ineffective unless backed up by a concerted national and international campaign.

In the nineteen eighties the Portuguese authorities published a legislation on violence associated with sport (Decree-law no. 339/80, of 30 August, Law no. 16/81, of 31 July and Decree-law no. 61/85, of 12 March), albeit with the emphasis on punitive measures.

Over the course of this period, Portugal sought to accompany various efforts being made at European level, as an active member of the working party which in 1985 concluded the draft of the

⁶ Salomé Marivoet, *Carta da Procura da Prática desportiva*, Atlas Desportivo Nacional, vol. 00, Parte I, Lisbon, ME/DGD, 1991.

⁷ Salomé Marivoet, *Op. Cit.*, 1993, p. 290.

European convention on the reduction of spectator violence at sports events, and through the appointment of a Portuguese representative to take part in the proceedings (from the outset) of the Standing Committee on the European convention on spectator violence (T-RV). Portugal chaired the Research Working Party of the Standing Committee from 1989 to 1991.

This meeting resulted in the document entitled “European convention on the reduction of spectator violence during sports events, in particular at football matches”, approved at an emergency meeting of European ministers responsible for sport on 27 June 1985, chaired by the Dutch minister Van Der Reyden, with Portugal also taking part.

The Portuguese Ambassador to the Council of Europe signed the European convention on the reduction of spectator violence on 4 September 1985, and the convention was ratified by the Portuguese Parliament on 11 January 1987 and published on 10 March 1987 (Resolution of the Assembly of the Republic no. 11/87 – DR no. 57, Series I, of 10 March), and came into force in Portugal on 1 August 1987.

In order to incorporate the measures established in the European Convention into Portuguese legislation, the Government published Decree-law no. 270/89, of 18 August, creating the National Co-ordination and Inspection Board (Comissão Nacional de Coordenação e Fiscalização – CNCF) in order to promote and co-ordinate measures designed to prevent violence at sporting venues.

The main thrust of this decree was to grant exceptional powers to the Portuguese state, allowing it to intervene and issue regulations, these powers being justified and accepted because of the seriousness and dramatic proportions of the problem.

The new law followed up previous legislation in this area and established a series of measures designed to prevent violence, and assigning responsibility for implementation and monitoring to the CNCF, chaired by the Director-General of Sport and comprising representatives of the autonomous regions, the police forces, the Ministry of Home Affairs, the National Fire-fighting Service, the National Institute for Emergency Medicine, the Departments of Primary and Secondary Education and press and broadcasting organisations.

This Board, which reports to the ministers of home affairs and education, has comprehensive powers in all areas relating to the prevention of violence at sports events, including powers to approve all building plans for new sports facilities or for works in existing facilities, to oversee the installation of security equipment at sports stadia and any changes which may be made as the result of closure orders, to give its opinion on the installation of fixed or temporary additional seating and to encourage and promote ethical and sports education.

In 1996 the Portuguese authorities got further involved in the prevention of violence associated with sport, by creating a plan for modernising stadia and then in 1998 by approving a new law on the subject, Law no. 38/98, of 4 August.

The stadia modernisation plan was drawn up in response to the realisation that the security problem will not be solved simply through perfecting the legislation and regulations, or through social sensitisation initiatives designed to encourage awareness of fair play issues amongst sports fans. It is also of fundamental importance to implement measures, which prevent and deter violence, in the form of crowd control and security equipment at sports stadia; the cost of this equipment is to be shared by the clubs and the State.

The aims of the plan are to establish programme contracts for installing turnstiles, closed circuit television systems and the introduction of individual numbered seats at the stadia of first and second division football clubs.

Law no. 38/98, of 4 August, which repeals the 1989 law, which had enacted the measures established in the European Convention on Spectator Violence, now completely out of date, having been left behind by developments in current thinking on violence prevention, establishes a set of rules and regulations to apply in sports complexes, stadia and playing fields, so as to allow events to go ahead in keeping with the ethical principles proper to the spirit of fair play.

The 1998 law therefore introduces a more up-to-date framework, more compatible with the overriding need to prevent and combat violent behaviour at sporting events. One of the prime aims of those drafting this law was therefore to bring the legislation into line with the current situation, in a responsible and innovative manner, so as to avoid it becoming ineffective. The law represents the honouring of one more commitment by the Government, which has, in this as in other areas, clearly demonstrated its concern and its determination to face up to its responsibilities.

This concern has also been shared by the PS (Socialist Party) group in parliament, which amongst things organised a seminar on Violence in Sport, in the Senate Room on 4 July 1996, at which the participants included sports managers, supporters' leaders, teachers, representatives of the media and of the Government.

In Law no. 38/98 the emphasis is placed on prevention, at the same time as improving and updating punitive measures. Sports organisers are given joint responsibility for preventive measures and for creating and then implementing their own regulations. A clear distinction is also made between the treatment of professional sporting events (much stricter) and non-professional events.

Two major concerns are established in relation to preventive procedures: better quality facilities and improved standards of organisation for spectator sports.

The law also establishes revised policing policies, attaches greater importance to the role of sports clubs in combating violence, updates punitive procedures and creates the National Council for the Prevention of Violence in Sport (Conselho Nacional contra a violência no desporto - CNVD). This new body will adopt a more pro-active approach to fighting the phenomenon of violence associated with sport.

III. STRUCTURE AND CO-ORDINATION OF SPORTS POLICY IN PORTUGAL

It is the Government's responsibility to harness the energies of the sports clubs, regional associations and national federations for each sport, with their respective long-standing traditions, and to enact legislation to serve as the basis for all sporting activities, and to encourage these activities by providing the technical and material resources needed for their development.

This new view of the State's role derives from the recently adopted constitutional precept which requires the State to promote, encourage, guide and support the practice and dissemination of physical culture and sports, in collaboration with school and sporting associations and other organisations.

In order to give substance to this new role, a law was passed in 1990 establishing the general framework in which sporting activities should be organised in Portugal – the Sports System Basic Law (Law no. 1/90 of 13 January). This law acknowledges the important role played by sport in the harmonious personal development of individuals and establishes a number of rules and guiding

principles by which the State undertakes to abide in order to bring policy for the sector to full fruition.

The law elaborates on the State's duty to support sporting organisation, by requiring the public administrative authorities to grant funding for their activities. This funding is to be given under contracts which establish programmes for developing sporting activities, with strict provisions on the nature of the activities, costing and measuring their independent human and material resources.

The Sports System Basic Law also recognises the need to reorganise the system of state support for the sports system.

In 1993 reorganisation of the public sector resulted in rationalisation of human and financial resources. Two separate institutions (the General Directorate of Sports, responsible for supporting and fostering sport and for providing the technical and material resources needed, and the Sports Development Fund, which provided funding for official sporting activities) were merged into a single Sports Institute – INDESP, which united in a single organisation the work and responsibilities of its two forerunners.

The same year also saw the creation of the Higher Sports Board as an advisory body assisting the member of the Government responsible for sport. The Board is required to monitor developments in the Portuguese sports system, and to study and give its opinion on guidelines for national sports policy.

In 1997, INDESP was found to suffer from a heavy bureaucratic structure, rendering it unable to manage all its responsibilities, and to concentrate large amounts of funding, which it was difficult to put to optimum use. It was consequently decided to create three distinct organisations: the National Sports Institute (Instituto Nacional do Desporto – IND), the Study Centre for Sports Training (Centro de Estudos e Formação Desportiva - CEFD) and the Support Centre for Sporting Activities (Complexo de Apoio às Actividades Desportivas – CAAD).

The IND took over all work relating to direct support for sports associations and sporting activities. Through its relations with sports associations and other public and private bodies it promotes and encourages sporting activities by providing technical and material support, designing and co-ordinating an integrated programme for building and renovating sports facilities and by studying measures to prevent doping, violence and corruption.

The CEFD, which has taken over responsibility for training sports personnel and the departments in charge of studies, research and planning, also collaborates with sports associations and organises a variety of training schemes for sports personnel in the form of courses, colloquia seminars and conferences for team leaders and sports officers. Other educational initiatives include the publication of the CEFD's research projects and other projects which it supports, working on the preparation of legislation to reform or bring the sports system up to date, and co-operation in the form of protocols, agreements and programme contracts with other public and private organisations in Portugal and abroad.

The CAAD, which now has national responsible for sports facilities, supports both recreational sport and high-level competitive sport. It organises activities in sports complexes, manages the different sports facilities under its control and optimises the resources available for support for high-level competition, co-ordinating work in this area through the High Performance Centre (Centro de Alto Rendimento).

One final point should be made in relation to the administration of sport in Portugal. For some six decades sport came within the brief of the Ministry of Education (except for short period when it was the responsibility of the Presidency of the Council of Ministers, and the former Ministry of the Quality of Life). From 1995 onwards, sport has been the responsibility of the Presidency of the Council of Ministers (Assistant Minister to the Prime Minister), who is responsible for setting policy guidelines, whilst policy is implemented through the State Secretariat of Sport.

IV. MEASURES ADOPTED BY THE PUBLIC AUTHORITIES

IV.a) Legislation

There are three specific references to the question of violence associated with sport in Portuguese law, each at a distinct level:

Constitution of the Republic of Portugal

At the highest level, article 79 of the Portuguese Constitution enumerates the State's responsibilities in relation to the exercise of citizens' rights with regard to physical culture and sport.

A second paragraph was added to this paragraph when the constitution was amended in 1989, making the State responsible also for preventing violence associated with sport, on the terms stated.

Sports System Basic Law (Law no. 1/90 of 13 de January)

On a second level, article 2 of the Sports System Basic Law (Law no. 1/90 of 13 January) establishes that one of the fundamental principles underlying the State's action is to develop sports policy and to guarantee fair play.

This concept of fair play is found in article 5 of the law, which states that "sporting activities shall be carried on in observance of the principles of fair play and with respect for the moral and physical well-being of the participants" and that "spectators and all those who, by exercising management or technical responsibilities, are involved in sport and sporting activities shall also be bound to observance of the principles of fair play."

Paragraph 3 of article 5 of the law establishes that the State, when acting in the defence of fair play, shall adopt measures designed to prevent and punish unsporting behaviour, namely violence.

Violence is therefore characterised by the law as unsporting behaviour and therefore contrary to the principles of fair play, meaning that it is the duty of the State to adopt measures designed to prevent and punish it, which measures shall apply both to the sporting activity itself and to spectators and all those involved in sport and sporting activities through the exercise of management or technical responsibilities.

The third reference to this question is to be found in the specific legal regulations on violence associated with sport.

It should be noted that Portugal has had specific legislation on violence associated with sport since 1980 (Decree-law no. 339/80, of 30 August, Law no. 16/81, of 31 July and Decree-law no. 61/85, of 12 March), and that in addition to Decree-law no. 270/89, of 18 August, which incorporated into Portuguese law the measures established in the European Convention of Spectator Violence, and which will therefore be the prime focus of our analysis in this report, further legislation was introduced in 1998 (Law no. 38/98, of 4 August).

Decree-law no. 339/80, of 30 August

Decree-law no. 339/80, of 30 August, was therefore the first piece of legislation to establish measures designed to prevent violence at sports venues. This law made it obligatory, in the event of disturbances during sports events, to fence off the playing field and to build tunnels leading to the changing rooms. The law also prohibited the sale of alcohol and established that new sports facilities are built with an enclosure around the playing field and a tunnel providing access to changing rooms.

It should be noted that this law acknowledges only violence caused by spectators and the prohibitive measures and the obligation to enclose the playing area and construct an access tunnel relate only to certain sports (handball, basketball, football, and roller hockey, where the situation gave greatest cause for concern), to matches at specific levels and only at certain venues.

Law no 16/81 of 31 July

Law no. 16/81, of 31 July, made a number of adjustments to the preceding law, such as adding, as a further pre-requisite for application of the preventive measures, the condition of aggression against the forces of law and order at sporting venues.

Decree-law no. 61/85 of 12 March

Decree-law no. 61/85, of 12 March, established a regime halfway between those of the two previous laws (339/80 and 16/81), making improvements to the legal framework and moving back towards the original regime, i.e. by toughening the punitive aspects of the law.

However, it should be noted that the main thrust of all these regulations is still to allow sporting events to go ahead in keeping with the spirit of fair play. The tone is therefore still dominated by the assertion of positive principles – respect for fair play, which was later to be replaced by acknowledgement of the inevitability of negative values – the phenomenon of violence.

Decree-law no. 270/89 of 18 August

One of the main innovations introduced by the 1989 law (Decree-law no. 270/89, of 18 August) was the acknowledgement of the phenomenon of violence. This law introduced rules, which differed substantially from those which had preceded them, representing the culmination of the legislative process on measures designed to prevent and punish violence associated with sport.

The new legislation implemented the measures established in the European Convention on Spectator Violence⁸, and granted wide-ranging powers and responsibilities to sporting organisations.

The responsibilities incumbent on sports clubs were increased both indirectly, and by specific obligations established in the law. Clubs were given a set of duties requiring them to take special security measures when in the event of matches expected to attract unruly behaviour the respective federation classifies them as “risk” or “high risk” matches.

This means that federations are made responsible for a judgement (classifying matches) which will result in clubs being required to take security measures appropriate to the specific circumstances,

⁸ “European Convention on the reduction of spectator violence at sports events and in particular at football matches” approved on 27 June 1985, which came into force in Portugal in August 1987.

namely increased policing, segregating fans, controls on ticket sales in order to ensure segregation, crowd supervision and control to ensure that capacity is not exceeded and that entrances/exits are not blocked, controls at the gates to prevent fans from bringing in prohibited objects or offensive weapons, and supervising and overseeing travel arrangements for fans.

In addition to this, clubs were also assigned a number of responsibilities relating to their members. With a view to preventing violence, clubs were required to encourage a spirit of fair play amongst members, and especially amongst organised cliques, and also to take measures against any members involved in unruly behaviour (expulsion from club) and to protect any individuals who received threats.

Spectators were also given a new status through a set of rules especially aimed at them, some of a more preventive nature, such as measures to be organised by clubs in order to encourage fair play, and others of a more punitive nature, such as expulsion from clubs, banning from sports venues, alcohol testing, expulsion from sports venues and the application of fines.

At the same time, spectators were no longer viewed by the law as the sole protagonists of violence. Responsibility is laid at the feet of almost all those involved in spectator sports, including managers, players, coaches, doctors, owners or franchise holders, club employees. Any of these could now be subject to sanctions, such as banning from sports venues for a maximum period of two years.

The most important rule established in the law was one already contained in previous legislation – the application of closure orders on sports grounds in the event of disturbances during sports events, and the requirement that playing areas be enclosed and tunnels be built for access to changing rooms. These rules were however adjusted by the 1989 law.

Closure orders are defined as the imposition of a temporary order prohibiting the sports club from holding sports events in the same sport, age range and category as those at which disturbances have occurred. The sports federations are made responsible for deciding on the duration of the ban, i.e. how many matches are affected, in the light of the seriousness of the incidents in question and the frequency with which they have occurred.

The grounds for closure orders include crowd trouble leading to personal injury or damage to property, and also cases of attempted assault or organised acts of intimidation against spectators, managers, doctors, coaches, secretaries, technical staff, technical assistants and employees, referees and linesmen, players or officers of the law.

A club subject to a closure order is also required to bear the full cost of policing the match at which the disturbances occurred.

Decree-law no. 238/92 of 29 October

The law on the cost of policing spectator sports was amended on several occasions through to 1992. The original rule that liability for these costs lay fully with the organisers of sporting events was eventually replaced by another that the State would be liable for expenses up to a given threshold, any further spending required being the responsibility of the organisers.

With the enactment in 1992 of Decree-law no. 238/92, of 29 October, new regulations on this matter came into force, and the rules and spirit of the law on payment of policing costs were definitively established.

The State accepts responsibility for policing the area outside sports venues, and liability for the cost of policing inside the stadia depends on the category of the match. Three categories are established for this purpose: national senior level fixtures, where liability lies fully with the organisers, district senior level fixtures, where the State makes a partial contribution, and finally youth fixtures and matches involving national teams, where the State bears the costs in full.

The State's partial contribution to the costs of policing district senior-level fixtures, and its sole responsibility for paying for policing at youth fixtures and international matches involving national teams, is financed from the fund especially set up for this purpose. This fund draws its revenues from a levy of 1.5% on the operating results of the Totoloto, a lottery organised by the Santa Casa de Misericórdia de Lisboa (a charitable organisation) paid to the Ministry of Home Affairs, for the purpose of covering the expense of policing public sporting events.

However, this system for State contributions to the cost of policing sports events applies only to the federations for a given number of sports: football, handball, skating, volleyball, basketball, hockey and indoor football.

The law makes the organisers of sports events responsible for security inside stadia, insofar as it is up to them to request policing for each event.

Ministerial Order (Portaria) no. 371/91, of 30 April

Decree-law no. 270/89 established basic rules on closure orders for sports venues in the event of disturbances during sporting events, and on the obligatory fencing of playing areas and the construction of tunnels for access to changing rooms. Paragraph 1 of article 8 makes three essential provisions: specification of the characteristics of the fencing and tunnel giving access to the changing rooms, the requirement that all new sports facilities be equipped with fencing and tunnels in line with the rules, and a requirement that all venues where official competitions are held be adapted to meet the minimum security standards set in the law within a period of three years.

Ministerial Order no. 371/91, of 30 April, fleshes out these rules, stating the required specifications for fencing and the tunnel giving access to the changing rooms, and introduces a requirement for an enclosed car park for the vehicles transporting the players, as well as the vehicles of the security forces, emergency and medical services.

Regulatory Decree, no. 34/95, of 16 December

Regulatory Decree no. 34/95, of 16 December establishes general principles on modern security standards, approving the regulations on the technical and security standards for sports and entertainment venues, in order to ensure that these events take place at venues which meet the necessary requirements for the safety of the public and of participants, and seeking to limit the risk of accidents.

Resolution of the Council of Ministers no. 17/96, of 26 February

In 1996 the Government approved Resolution no. 17/96, of 26 February, of the Council of Ministers, with the aim of providing funding for a programme of stadium modernisation. This Resolution establishes that a levy of 25% be collected by the public sports authorities on the revenues of bingo halls franchised to sports clubs and then channelled into work on modernising stadia.

This programme started up in 1996 with a programme contract with the Portuguese Professional Football League for the installation of an entrance control system at 1st and 2nd Division stadia, and closed circuit television systems at 1st Division stadia. This was followed in 1998 by a programme contract with the League and the Football Federation for installing individual seats on the terraces of 1st and 2nd Division stadia.

Law no. 8/97 of 12 April

In response to the tragedy at the Portuguese Cup final in 1997, when misuse of a flare resulted in the death of a young man, and given the ineffectiveness in the circumstances of the existing legislation on the control of the sale and possession of pyrotechnic, luminous or smoke devices, the Government approved Law no. 8/97, of 12 April, criminalising conduct likely to constitute a hazard to life and physical wellbeing involving the use and carrying of firearms, explosive substances or devices or pyrotechnic materials (amongst others) at sporting events.

The use and carrying of explosive or similar substances was already an offence under the terms of article 275 of the Criminal Code. However, this article excluded pistols and revolvers with a calibre of no more than 6.35mm and 7.65 mm, and the use of fireworks or similar objects in the restricted context of sporting events was merely an administrative, not a criminal, offence.

The new law introduced more severe penal sanctions for such conduct, in the light of the danger it represents to persons and property. It also requires the organisers of sports events to publicise the law against bringing firearms and explosive or pyrotechnic substances or devices into sports stadia, making express provision for searches in order to detect any such weapons or substances in stadia or being brought into the stadia.

Decree-law no. 317/97 of 25 November

In the same year, Decree-law no. 317/97, of 25 November, established the regulatory framework for the design and operation of sports venues open to the public, regardless of whether they are publicly or privately owned, or whether they are operated for profit or not. The law seeks to promote the quality of the services offered and improve the procedures for inspection by the authorities, especially in relation to operational and safety issues, given that the State wishes to guarantee safety and security, in line with its constitutional duties and with its obligations under the Sports System Basic Law.

Currently in force – Law no. 38/98, of 4 August

As ideas and thinking on the prevention of violence associated with sport have moved on, so too must legislation reflect the changing state of affairs. In 1997 therefore, the Government submitted for discussion in the National Assembly a draft law designed to replace the 1989 law, which had implemented the measures contained in the European Convention on Spectator Violence, and the new legislation was approved in 1998.

This reflects the commitment of Portuguese legislators to perfecting the legal mechanisms for the prevention and repression of violence and for providing citizens with a greater sense of security when attending sports events and entering stadia.

Decree-law no. 270/89, of 18 August, made an important contribution in its time, but was deemed to have been left behind by developments in the world of sport, and consequently unable to respond to real situations today.

With Law no. 38/98, of 4 August, with the ultimate objective of ensuring the safety and security of all those involved in sport, the Government created a more up-to-date framework compatible with the overriding need to prevent and combat violent behaviour related to sports events.

The law, which established the legal framework for fighting the phenomenon of violence associated with sport, was already nine years old; it was therefore out of touch with the current situation and failed to reflect new currents of thinking on prevention which could be applied with success.

Moreover, since publication of the 1989 law, a number of important legislative steps had been taken, without being accompanied by specific rules on combating violence associated with sport. These included the penultimate constitutional review (1989), the launch of the revised Sports System Basic Law, making a distinction between professional and amateur events, and the criminalisation of conduct likely to constitute a hazard to the physical safety of spectators at major events, including sports events.

It was therefore necessary to move on, to enable the public authorities to react effectively, with legislation, which reflected the advances, made in this area and the responsibilities assumed by the Portuguese State.

The Government accordingly approved a law, which placed the emphasis on preventive measures, at the same time as bolstering and modernising the punitive aspects of the law.

The law also recognises that combating violence is part of the struggle to defend fair play, and the organisers of sports events are made jointly responsible for taking preventive measures and for creating and implementing their own regulations.

For the first time, the law also makes a clear distinction between the procedure for professional and amateur events, imposing innovative and extremely strict measures for major sporting events. This reflects the Government's concern to treat different situations in different ways, with much stricter rules for professional competitive events, on the grounds of the much greater scale and higher profile of professional sport.

In relation to preventive procedures, the Government had two major concerns: to improve the quality of sports venues and the actual organisational arrangements for events.

With regard to the first of these concerns – specific provisions designed to improve the quality of sports venues – the law establishes that venues hosting professional fixtures must be equipped with seating, a closed circuit television monitoring system, adequate parking facilities and specially adapted entrances for spectators with special needs. Some of these measures are already being implemented in Portugal with help from the State.

The public, as the consumer of spectator sports, is entitled to comfort and safety. The new law enshrines the right of the disabled to attend sports events, and requires special disabled access to be provided at all stadia.

Although safety and the prevention of violence are important aspects of the preventive measures established by the law, the question of providing spectators with comfortable conditions in which to enjoy the match is also stressed.

The preventive measures for professional fixtures also include the appointment of a safety co-ordinator for each match to liaise with the police authorities and to be responsible for the smooth running of the event, making it possible to identify exactly who is in charge of organising it. The

safety co-ordinator is therefore the person responsible for safety on the part of the organisers and who co-ordinates any action needed with the security forces depending on developments. The appointment of the safety co-ordinator makes it possible to hold the organisers liable and facilitates concerted action in the event of trouble.

The police authorities are also granted new powers under the law. In addition to testing for alcohol, officers can run checks on individuals who show signs of being under the influence of drugs, with powers to deny access to or remove from the stadium any person who tests positive or refuses to be tested. The police can now search spectators, whenever necessary, to prevent them from bringing into the stadium banned objects or any other objects which might be used in acts of violence, a procedures which had already been implemented by security forces at major football fixtures.

The 1998 law recognises that sports clubs have a fundamental role to play in fighting violence. They are uniquely able to encourage a sporting spirit amongst their supporters and to take steps against troublemakers. Clubs are therefore able to support their fans, but only if they are members of official and legally constituted organisations, and behave in accordance with correct civic and sporting behaviour. Supporter's groups are therefore not permitted to adopt signs, symbols or slogans that incite their members or others to acts of violence, racism or xenophobia.

As we known that many organised groups of supporters have been connected with violent behaviour (although it is only fair to say that there is no relationship of cause and effect between the existence of supports' clubs and violent scenes), the fact that this law only permits clubs to support legally constituted organisations of this type will certainly lead to improved control and supervision of their activities. It will also make it possible to hold their officers liable for any trouble.

The law also revises punitive procedures. Fines have been increased to levels, which are effectively punitive, in accordance with whether the sporting event is professional or amateur and fines are doubled when applied to sports professionals.

The penalties to be imposed in the event of trouble are the responsibility of the respective federations and leagues, in accordance with their own regulations. These organisations are also responsible for imposing closure orders (for up to five matches) on sports venues, disciplinary fines and for ensuring compliance with the obligation to install new security equipment. Closure orders may only be issued as the result of disciplinary proceedings and preventive bans may not exceed thirty days.

The sporting movement itself is therefore recognised as a prime mover in the defence of sporting values, on the basis of the principle of co-operation and the joint responsibility of sports federations, and of respect for their capacity to run their own affairs.

Two new offences have been created in response to pressing needs: the offence of undue support from sports clubs or societies to supporter's groups not legally constituted as associations, in line with the general terms of the law, and the offence of bringing fireworks or similar objects into sports venues or using them in such places.

The law also creates the National Council for the Prevention of Violence in Sport (the CNVD), which replaces the former National Co-ordination and Inspection Board, with aim of promoting and co-ordinating the adoption of appropriate measures to combat violence associated with sport. This new body takes over the existing powers of the former CNCF as well as having new powers, and now includes members of sports federations and professional leagues.

IV. b) Co-ordination Bodies

Violence associated with sport is a complex phenomenon, which straddles great many administrative areas: sport, education, safety and public order, entertainment events, medical and other emergency services, and the media. It is ineffective to mobilise any one of these services in an isolated fashion without any concerted action.

The system developed by the Portuguese authorities to control and prevent spectator violence has therefore been designed bearing in mind the need to conjugate and co-ordinate the work of different organisations. Two fundamental principles underlie the system:

- the creation of the National Co-ordination and Inspection Board, replaced in 1998 by the National Council for the Prevention of Violence in Sport (CNVD);
- the creation of a Special Board for policing sports events.

National Co-ordination and Inspection Board (CNCF)

This board had been created by previous legislation (Decree-law no. 339/80). Over the course of the nineteen eighties, successive slight changes were made in respect of the authority to which it was answerable and its composition, and the board was eventually abolished by Decree-law no.61/85.

It was then resurrected by Decree-Law no. 270/89, of 18 August, reporting to the home affairs and education ministers and operating at the General Directorate of Sports. The chairmanship was entrusted on a permanent basis to the Director-General of Sports and the board had 12 members:

- the Director-General of Sports
- a representative of the Autonomous Region of Madeira
- a representative of the Autonomous Region of the Azores
- a representative of the General Command of the GNR (national police force)
- a representative of the General Command of the PSP (urban police force)
- a representative of the Ministry of Home Affairs Special Board for the policing of sports events
- a representative of the National Fire-fighting Service
- a representative of the National Medical Emergency Service
- a representative of the Directorate General for Basic and Secondary Education
- a representative of the Directorate General of Public Entertainments and Author's Rights
- an engineer specialising in sports facilities, appointed by the Directorate General of Sports
- a representative of the media.

The aim of this board's work, in accordance with article 9, paragraph 1 of Decree-law no. 270/89, consisted of promoting and co-ordinating measures designed to prevent violence at sports events and to oversee implementation, as well as to promote preventive measures (article 10), such as campaigns encouraging a sporting attitude amongst all those involved in spectator sports (sub-paragraph g) and support for ethical and sports education in schools (sub-paragraph h).

The preventive brief of the board also extended to the power to issue recommendations on all plans for new sports facilities open to the public, or any works at these facilities (sub-paragraph a), powers to inspect security equipment installed at sports venues (sub-paragraph b), and to detect any deviations from regulations at sports venues which might jeopardise the safety and comfort of spectators, namely by gradually converting terraces to numbered seating (sub-paragraph c).

The board held plenary meetings and meetings of working parties created in order to pursue the CNCF's aims with greater vigour and to deal with specific questions or with implementation of given measures.

The busiest phase of the board's life in terms of the number of plenary meetings was the period immediately after its creation in 1990, and the pace of the board's work then steadied in subsequent years, followed by a period, from 1993 onwards, when it was practically dormant. The board was only roused from sleep by the occurrence of serious incidents in sports stadia in 1995.

The CNCF lapsed into a period of inactivity because despite the provisions of the law it arrived at the conclusion, after four years of existence, that it had practically no powers with which to execute the vast array of responsibilities committed to it, and no disciplinary powers for cases of non-compliance.

After reflecting on its work and on its impact on sporting life in Portugal, the CNCF therefore decided to submit a draft law amending the legislation on violence associated with sport and to find a new role for the CNCF.

The following were the main working parties created to tackle directly the different responsibilities assigned to the CNCF:

- * Bureau for questions of violence associated with sport

This was an operational arm of the CNCF directly answerable to and co-ordinated by the Sub-director General of Sport. Its members included representatives of the federations, the legal system, specialists in sports facilities, sociologists and secretarial staff.

- * Sports Venues Inspectorate (Dispatch no. 51/ME/91, of 17 April)

Decree-law no. 270/89, of 18 August, gave the CNCF a range of powers for inspecting sports venues and the security equipment installed subsequent to the issuing of a closure order. Given the complexity of this task and the different forms of expertise required, the bureau was set up to support the CNCF on two projects: helping with organisation of the world junior championship in 1991 and inspections to check compliance with the terms of Decree-law no. 270/89. These inspections related to the installation of security equipment at sports venues or alterations made as the result of a closure order being applied, and also to detect any irregularities which jeopardised the safety and comfort of spectators.

- * Research and information bureau on sports venues

This bureau was created to survey the security situation at football stadia, looking first at 1st and 2nd Division stadia in order to notify the owners of improvements needed and also to calculate the cost of essential work. The bureau was co-ordinated by the director of the RIID, and comprised a representative of the Directorate General of Public Entertainments and Authors' Rights, the National Fire-fighting Service, the security forces, and engineer, and architect and a lawyer from the Directorate General of Sport.

In addition to these bureaux, a number of CNCF sub-commissions were created to draw up regulations as required by Decree-law no. 270/89:

- * Sub-commission for the preparation of the ministerial order provided for in article 8, paragraph 1 of Decree-law no. 270/89 (Ministerial Order [*Portaria*] no. 371/91, of 30 April)

This sub-commission was responsible for drafting the ministerial order on the required specifications of fencing and tunnels for access to changing rooms at venues where these were needed in the wake of outbreaks of violence. The group was co-ordinated by an architect from the Directorate General of Sport and comprised the following members: representatives (one each) of the GNR (national police force), the PSP (urban police force) and the National Fire-Fighting Service and a lawyer from the Directorate General of Sport.

* Sub-commission for the preparation of the ministerial order provided for in article 13, paragraph 13 of Decree-law no. 270/89.

This working party was set up in order to draft the ministerial order on the fixing of alcohol levels and establishing procedures and principles for prosecutions for offences against Decree-law no. 270/89. The group was co-ordinated by a representative of the Special Policing Board and included representatives of the GNR, the PSP, National Institute of Emergency Medicine and two lawyers from the Directorate General of Sport.

- * Sub-commission for the preparation of an inspection file in order to facilitate decentralisation of inspection work and to support inspectors working at local level.
- * Sub-commission for the preparation of organisers' manual for spectator sports events.
- * Sub-commission for drafting a ministerial order on freedom of access to sports venues.
- * Sub-commission for drafting a law on security procedures at spectator sports events.
- * Sub-commission for drafting a law amending the legislation on violence.

Currently in office – National Council for the Prevention of Violence in Sport (CNVD)

The National Council for the Prevention of Violence in Sport is the co-ordinating body created by Law no. 38/98 of 4 August, replacing the former CNCF. The prime aims of the CNVD are to monitor implementation of the 1998 law, by promoting and co-ordinating measures designed to prevent violence and to carry out inspections in order to check compliance with the law.

The Council has wider powers than those of the previous CNCF, and is able to fix the maximum capacity of venues, to give its opinion on international conventions, to promote co-operation with the police authorities and to run advertising campaigns to deter violence and encouraging fair play.

The Council has deliberately fewer members than its predecessor body, reflecting a concern to make it more effective in terms of action. The aim was to create a body with an executive structure, which would deal swiftly and effectively with the questions requiring attention.

The National Council is answerable to the member of Government responsible for sport, and ordinary plenary meetings are held every three months. These sessions are chaired by the Chairman of the IND (National Sports Institute) and attended by the twelve members:

- Chairman of the National Sports Institute.
- A representative of the Ministry of Home Affairs.
- A representative of the Ministry of Health.
- A representative of each of the Autonomous Regions – Madeira and the Azores.
- A representative of each of the professional leagues constituted in accordance with the Sports System Basic Law (football and basketball).
- A representative of the Portuguese Olympic Committee.

- A representative of the organisations representing professional sportsmen and women.
- Two representatives of the sports federations.
- An engineer specialising in sports facilities.

With a view to preventing outbreaks of violence, the CNVD has powers to issue recommendations on all plans for new sports venues open to the public and any works in existing venues. It can inspect the security equipment installed under the 1998 law, fix the maximum capacity of each venue, classify fixtures in terms of the degree of risk and take the measures it deems fit in co-operation with the respective federations and leagues.

The CNVD is also responsible for campaigns to foster fair play amongst all those involved in spectator sports, for analysing statistics on violence associated with sport and for promoting concerted action with the police authorities.

Special Board for the Policing of Spectator Sports (CT)

This Board already existed under previous legislation (Decree-law no. 885/87 of 5 November) and was restructured by Decree-law no. 238/92. It is now representative of organisations with distinct interests, such as the security forces responsible for ensuring security at sports events and the leaders of sports associations who are responsible for paying for security services. The Board comprises the following members:

- Secretary General of the Ministry of Home Affairs, who chairs the board on behalf of the Government member responsible for sport, currently the Secretary of State for Home Affairs.
- A representative of the General Command of the GNR (national police force).
- A representative of the General Command of the PSP (urban police force).
- A representative of the Portuguese Football Federation.
- A representative of the Portuguese Sports Confederation.
- A representative of the Professional Football League.
- A representative of the District Football Associations.

The Special Board's work has included creating a standard documentary format for requesting policing for spectator sports events, establishing rational criteria for distributing the funds allocated for paying for the policing of sports events, with a clear policy of priorities for funding, and design of a precise framework for different degrees of intervention by the security forces and the sports associations, with clear delineation of how their respective interests are to be conciliated.

The new application documents have standardised the form and deadlines for requesting policing for sports events, and made it possible to set up a computerised database on the policing of sports events. The board to draw up an annual report setting out major developments and achievements in the area of the policing of sports events uses this database.

With the definition of rational criteria for the distribution of the funds allocated to policing expenses it has been possible to institute much more rigorous management of these resources.

The Special Board has also created a penalty consisting of non-payment of policing expenses (for youth fixtures) and of non-contribution to expenses (district senior fixtures) for clubs, which, directly or indirectly, has been the cause of violent incidents. Payments and contributions are suspended for periods of 6 months, 1 year and 2 years, depending on the seriousness of the disturbances.

IV. c) Social and educational initiatives

In the light of the findings of a number of research initiatives into violence associated with sport, including participation in 1989 in a multinational project run by the Council of Europe into violence associated with sport, and hooliganism in particular, and given that in 1991 was host to the World Juniors Football Championship and the World Roller Hockey Championship, the initial idea of an advertising campaign with the slogan “Sporting Spirit in Sport” emerged.

The Minister of Education, who in 1991 was also responsible for sport, called for the campaign to be widened and declared 1991 the Year of Fair Play.

In response to this call, the Directorate General of Sports organised the following initiatives:

1. Action organised by the CNCF.
2. Action organised by the National Anti-Doping Council (publications listing banned substances and doping substances, training courses for doctors responsible for anti-doping controls and initiatives to raise anti-doping awareness amongst young people).
3. The words “1991 – SPORTING SPIRIT IN SPORT” were printed at the bottom of all the stationary of the Directorate General of Sport.
4. Publicity material and competitions invoking the spirit of fair play at two trade fairs, “Gloria” and “Sportugal”, held at the Lisbon International Trade Fair, the first devoted to clubs, competition and sports brands, and the second devoted more to recreational sports and the general public.
5. A sequence of discussion sessions for sports leaders (from clubs, associations, federations, local councils, etc.), where various questions relating to fair play were discussed and analysed.
6. Design of a logo for the year of fair play.
7. Postmarks on all of the correspondence of the Directorate General of Sport, sporting federations and the Portuguese Olympic Committee, with the words “1991 – SPORTING SPIRIT IN SPORT”.

Work done by the CNCF

One of the responsibilities of the National Co-ordination and Inspection Board (CNCF) was to organise campaigns designed to encourage the spirit of fair play amongst the public and those involved in sport. In 1991 therefore the Board decided to mark the year of ethics in sport by launching a campaign designed to raise awareness of violence associated with sport, with the slogan “Sporting Spirit in Sport”. The campaign was aimed primarily at the sporting community, schools, and the general public and was publicised in various forms, using leaflets, posters, stickers, T-shirts, pens, etc.

All these promotional materials sought to encourage reflection and debate about ethics in sport, in the light of recent changes in the sector, specifically highlighting aspects connected to professionalism, sport as spectacle and the tough demands of competition.

The sporting community, i.e. the federations, association and clubs, were used as the prime forum for the campaign, and was active in promoting the ideas and initiatives involved.

In co-operation with the sporting community, the campaign took advantage of major public sports events (the first division football championship final, the Volta a Portugal cycle race and the Estoril Grand Prix, as well as international competitions (the World Juniors Football Championship, the World Roller Hockey Championship, the European Youth Volleyball and Basketball Championships) in order to convey its message to a wide public.

The high point of the campaign came with the Under-20s World Football Championship, for which a number of initiatives were organised aimed specifically at the large numbers of the public and especially young people present amongst the spectators.

Initiatives in schools were designed to encourage students to adopt behaviour consistent with standards of fair play in sport, in order to prevent outbreaks of violence.

A number of separate campaigns were aimed at this public, with the co-operation of the regional offices of the Ministry of Education. These included an inter-school competition for the best designed campaign materials, including a logo, 10 rules of good behaviour for athletes and 10 rules of good behaviour for spectators.

The wider community was also invited to take part in the debate and reflection on the problem of violence associated with sport; this process was also regarded as an important means of preventing violence.

Local authorities were able to play their part in helping with the organisation of a touring exhibition designed to reach a wide public. The exhibition was sent first to towns and communities bearing the brunt of impact of the Under-20s World Football Championship and the World Roller Hockey Championship, and then toured district capitals around the country. In tandem with the exhibition, opportunities were organised for reflection and debate on questions raised by the topic “sporting spirit in sport”.

The “Sporting Spirit in Sport” campaign also included publication of a document listing and explaining a series of principles for ideal behaviour by active participants in sporting activities.

Active participants were defined as players, coaches, doctors, managers, the media, referees and spectators, given the wide range of different participants in spectator sports.

In order to make the document as comprehensive as possible, a number of leading personalities were contacted in each area and asked to contribute their ideas as to the ethical principles to be respected.

The document disseminating these ethical principles took the form of a leaflet setting out ten golden rules. This was regarded as the ideal format for achieving maximum impact in raising community awareness.

In 1991, the CNCF also published and promoted a set of regulations for security at sports events aimed at the sporting community, entitled “Instruction manual for the organisation of spectator sports events”. This manual contained security recommendations for the organisers of spectator sports events on equipment, staff and co-ordination.

The manual is divided into three parts. The first contains recommendations for pre-match preparations (classifying international and national fixtures in terms of the degree of risk, special recommendations for high-risk matches, grade A, and risk matches, grade B). The second part gives recommendations for the day of the match and third for after the day of the match. In the form of an appendix, the manual also includes the Portuguese legislation on violence associated with sport, an inspection form, the articles of association of the CNCF and a form for applying for policing of spectator sports events.

Work done by the CT

The Special Board for the policing of sports events has been active in raising the awareness of sporting federations and association with a view to making it possible to arrive at a stable situation where policing is not required at sports events for some of the lower age range competitions. The CT's message has encouraged a number of federations to work in this direction, and many youth fixtures are now held without any permanent police presence.

Aware of the need to work towards encouraging fair play in sport, the CT is also planning to award a fair play prize to the federation which records the best results in the ratio of the lowest number of violent incidents to the lowest number of fixtures held without policing, for district senior fixtures and youth matches.

Forum on "The prevention of violence associated with sport" (1998)

After a gap of several years, the Sports System Basic Law once again placed special emphasis on the importance of educational, ethical and training issues, requiring the state to take action to prevent and punish unsporting behaviour. It therefore became urgent to revise strategies for preventing the problems of violence associated with sport, with a view to increasing the effectiveness of preventive and punitive measures designed to curtail violent behaviour.

A draft law was therefore submitted to parliament in 1997 in order to replace Decree-law no. 270/89, creating an opportunity for broad nation-wide debate on this topic.

Because of this, and also because of Portugal's active involvement in the "Compliance with commitments" project organised by the Council of Europe, the public sporting authorities organised a forum on "The prevention of violence associated with sport" on 6 and 7 May 1998 in Lisbon. The aims of the event were:

- i. to provide an opportunity for awareness raising, reflection and debate on the prevention of violence associated with sport where information and experiences could be shared in relation to different questions at national and European level.
- ii. to emphasise the role of security and the prevention of violence associated with sport as a factor in enhancing the quality of spectator sports, thereby contributing to a better image for sporting organisations and as a means of encouraging the public to attend events at stadia and other venues.

The participants included representatives of the public sports authorities, non-Governmental sporting organisations, local authorities and the media.

However, the forum was originally intended primarily for the representatives of professional football clubs, given that the greatest number of incidents requiring prevention take place at football fixtures, and attendance by this sector was lower than expected.

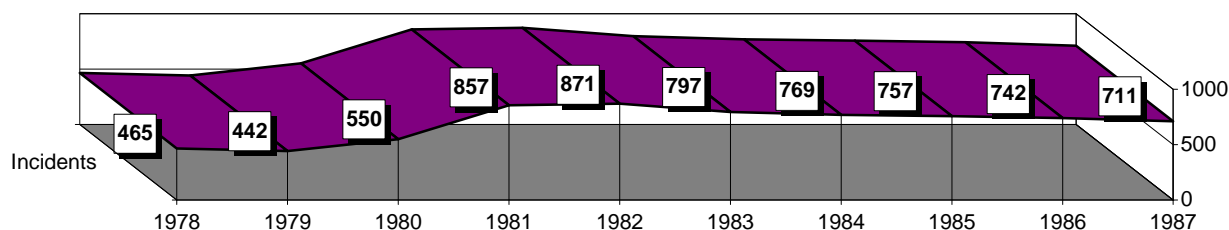
This shows the importance of the forum and future events of the same kind as a means of raising social and educational awareness, and of developing a more open, co-operative and aware attitude on the part of clubs and leagues in relation to the problems of violence associated with sport.

V. IMPLEMENTATION OF MEASURES

V.a) Incidents at sports venues in the period prior to ratification of the European Convention on Spectator Violence (1978 – 1987)

A number of conclusions were drawn in a study undertaken by the Portuguese sports sociologist, Salomé Marivoet⁹, into the evolution and nature of violent incidents recorded at sports venues in the between 1978 and 1987, on the basis of statistics kept by the GNR (national police force).

Evolution of the number of fixtures with violent incidents, according to GNR figures (1978-1987)



Source: ME/DGD Statistics (1989)

The nineteen eighties witnessed an increase in the number of incidents at sports venues, especially in the 81/82 season when incidents affected 30% of football fixtures.

According to this author, this increase may be related to the introduction in 1979 of legislation, which removed the obligation to provide policing at spectator sports events, unless a given capacity threshold was reached.

The seriousness and frequency of these incidents led even to football referees coming out on strike in 1984 in order to alert the authorities to the situation.

Indeed, 99% of all incidents of violence associated with sport took place in the context of football fixtures in the period from 1977 to 1987.

The majority of these incidents took place at district fixtures and involved individual supporters. The main causes of this behaviour were the progress of the matches themselves and the tension created between the supporter, the club/team and the result, meaning that referees were the main targets of assault.

The geographical distribution of matches with violent incidents shows that more than half took place in the north of the country, in the districts of Oporto, Aveiro, Braga and Viseu in particular. This pattern is not specific to violence associated with sport, as it reflects the general pattern of criminality in Portugal.

However, the fact that the overwhelming majority of violent incidents were related to football and took place in the north of the country should be seen in the light of the fact football is the sport with the greatest number of competitions in Portugal and that the north of the country is the region with the greatest number of teams taking part in competitive fixtures.

⁹ Salomé Marivoet, *Evolução da violência associada ao desporto (1978-1987)*, Lisbon, Ministério da Educação/Direcção Geral dos Desportos, 1989.

V.b) Hooliganism in Portugal

The study referred to above was undertaken as part of a project entitled “Multinational Comparative Research by the Council of Europe into Hooliganism in Football”. This project was an initiative of the Council of Europe and was designed to reveal the real situation in each member State, with a view to the adoption of specific legislation and other measures. Portugal’s contribution to the project was organised by the then Directorate General of Sports, and the research undertaken by a multi-disciplinary team of experts (sociologists, an anthropologist, a psychologist and an architect) during the 1989/90 sports season.

The main goals of this research project were to characterise and understand the forms taken by violence associated with sport in Portugal (delimitation of the nature of the phenomenon, the related causes and motivations), with a view to subsequent preventive measures at national and European level.

The research team responsible sought to account for the existence or otherwise of hooliganism in Portugal, analysing incidents at sports venues both according to the parameters detailed above and also using a diachronic perspective. In addition to this they sought to characterise football facilities, to analyse the movements of claques (phases, organisation, profiles of leaders/members and hard cores), spectator rituals and fan behaviour, the role of football clubs, the action taken by security forces at sports venues and to study the role of media in the phenomenon in question.

This research led to the conclusion that violence associated with sport, and football-related violence in particular, was not so serious in Portugal as to have assumed the scale which had made it a social problem in some European countries, and that football hooliganism did not in fact exist in Portugal.

Salomé Marivoet identified three phases in the history of football claques in Portugal (after analysing 11 claques supporting 7 different 1st division teams, involving a total of 5000 members). In the first phase, in the second half of the seventies, some of the young members of the larger Portuguese clubs would meet to watch matches together at a fixed location within the area reserved for members. In the second phase, in the early eighties, the claques became institutionalised within their respective clubs, whilst in the third phase the clubs made strenuous efforts to exercise strict control over their claques.

The study showed that the Portuguese claques are groups of young club supporters with an explicit form of organisation and members who are well-integrated into society.

They are organised along similar lines to those of the clubs, insofar as they have a management structure, membership fees (as well as paying the club subscriptions the members have to pay a subscription to the claque), identity cards and, in some cases, a written constitution.

Most of them have a president or leader who holds this position by virtue of having been there the longest or because of his especially keen commitment. Most of the leaders are aged between 20 and 25 and each one has specific responsibilities (organisation, funds, public relations, etc.).

Membership is organised in units based around area of residence or schools, and each unit has a leader who offers his services to the overall leadership and serves as a link between the organisation and the local group.

Except for claques controlled by clubs (where the leadership is older, in the 30/45 age range, where specific duties are not assigned to members and which are not divided into units), which are small (up to 100 members aged between 15 and 28), the other claques are larger, include young people

aged 12 and over, with the 15/25 age range predominating. Most are young men, and are students (85%) or workers (15%).

The young people who make up the leadership of the claques organised independently of the clubs also correspond to this profile. These young people are also closely involved in sporting activities as practising members of sports clubs (past or present), they have considerable experience of club membership, either from school, or political parties, and have a strong emotional attachment to the collective life of the club.

The support given by clubs to the officially recognised claques takes the form of free or cut-price tickets, free buses to away fixtures and the use of premises for meetings and storing materials.

In order to meet the cost of materials to be used in performances, the claques raise funds from members' subscriptions and by selling stickers and raffle tickets. Only rarely do they receive any financial subsidy from the clubs.

Their attitude to football represents a radical break with that of traditional supporters. They attach greater value to the match as a performing art, participating as both spectators and performers, in support of their team. This difference generates a number of conflicts, which the club, as an authority respected by both sides, manages to keep at bay.

Analysis of claque behaviour has also shown that, given their attitude to the clubs and the organisation and profile of their leaders and membership, they are able to play a controlling role, and that even when confronted by hard cores (groups of supporters not belonging to claques, and with a great propensity towards violent behaviour) they display a great capacity for conflict control.

Portuguese clubs have large memberships. A strong popular and voluntary culture exists creating strong cultural identities. This situation derives in part from the way in which clubs are organised: they are heavily dependent on membership fees, gate revenues, advertising and the profits derived from bingo halls. Given the importance of their members, they are real democratic organisations and members take an active part in managing the club through the established institutional procedures.

In addition to the fact that the profile of young people in Portuguese claques differs from that of hooligans, and that the Portuguese clubs have not as yet undergone the changes witnessed in other countries, where the members no longer play an active role in the life of the club, the study also concluded that the actions of the security forces and the role of the media both differed from countries where hooliganism is a greater problem.

The Portuguese security forces, probably because of the absence of serious conflicts, show greater tolerance of offences at sporting events than elsewhere, rather than the other way around. Their actions reveal a security strategy designed primarily to defend technical teams and players.

At the same time, the media have eschewed sensationalism, taking care not to contribute to antagonism between rival supporters and seeking a certain degree of impartiality. The analysis of press reports revealed that most refers to incidents, which took place abroad, which in itself attests to the absence of serious conflicts in Portugal.

Whilst on the evidence of this research conducted during the 89/90 season Portugal is not faced with the problem of hooliganism and outbreaks of violence are not serious, the authors show that it is necessary to raise awareness of the problem amongst all those involved in sport, and also to improve security conditions at stadia, especially in those hosting district level fixtures.

This was in fact the message, which the Ministry of Education sought to convey in 1991 through a range of campaigns and preventive and awareness-raising initiatives in the course of “1991: Year of Fair Play”.

V.c) Incidents at sports venues (1987-1997)

Over the course of the decade in question, the total number of matches at which violent incidents occurred fell overall by 20% (from 916 incidents in 1987 to 734 incidents in 1997).

However, there was a sharp rise in the number of incidents in 1992, with 429 more incidents than in the preceding year (35%). But this was immediately followed by a reduction of 46% in the following year (564 less incidents in 1993).

Given that in 1991 the Portuguese authorities had shown their commitment to preventing violence associated with sport, by declaring 1991 the Year of Fair Play, organising a variety of initiatives and running preventive and awareness-raising campaigns (chapter IV.c), the sharp rise in violent incidents in 1992 could lead to pessimistic conclusions being drawn as to the efficacy of these efforts. However, a more careful analysis of the overall social situation easily leads us to conclude otherwise.

The sports system derives from the social whole, which is society, and is therefore subject to the same waves of conflict as the rest of society. This means that violence associated with sport is one of the forms in which the conflicts inherent in the system manifest themselves.

Indeed, 1992 was a year of considerable unrest, both in Portugal and internationally.

It could indeed be called the year of all wars, as armed conflict broke out in different locations all over the world, albeit for a variety of reasons (these conflicts included the war in Bosnia and Herzegovina).

It was also a year in which xenophobia appeared to increase all over Europe (especially in Germany) and in the USA.

Other developments in the same year included the broadcast and exploitation of the massacre in Santa Cruz (East Timor) and the arrest of the Timorese resistance leader, Xanana Gusmão.

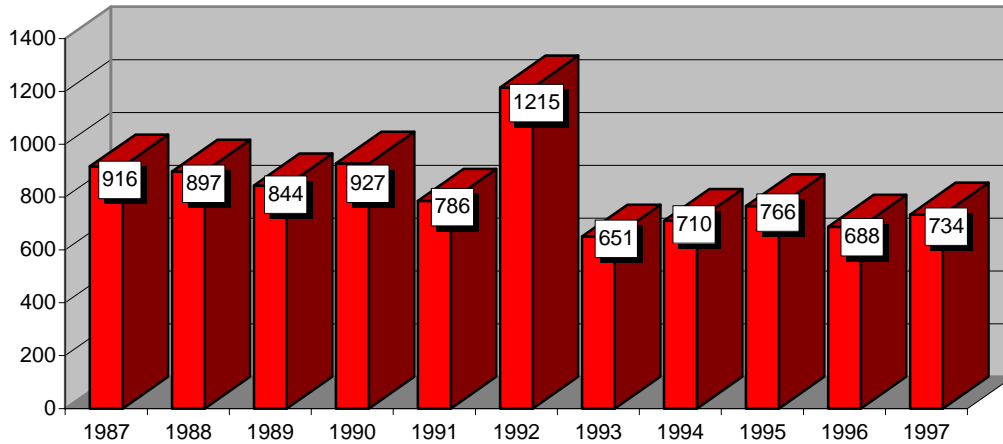
Statistics reveal that in Portugal there was an increase in unemployment, in the number of strikes and in the late payment of wages, making it a complicated year in several respects.

Other problems derived from legislation proposed and supported by the Government of the day (the Colonels' Law, the law introducing a general entrance examination for access to higher education and an increase in university fees, and the law on the dismissal of excess public employees). These proposals generated great public antagonism and brought thousands of students and public sector employees out on to the streets in demonstrations (some of them violent) and strikes, going so far as to force the resignation of the education minister.

Disputes also broke out in other sectors of society: farmers protested vehemently against the common agricultural policy, the police came out on to the streets in defence of their trades union rights, municipal authorities declared war on the Government over their financial subsidies and doctors went on strike over changes to the National Health Service.

Finally, one of Lisbon’s most prestigious football stadia, the Sporting Lisbon Stadium, was subject to a closure order on the basis of a report from the National Civil Engineering Laboratory declaring the central terraces unsafe. This order was contested, generating considerable controversy and even leading to the resignation of the member of the Government responsible for the decision.

Evolution of the number of fixtures with violent incidents, according to GNR and PSP figures (1987-1997)

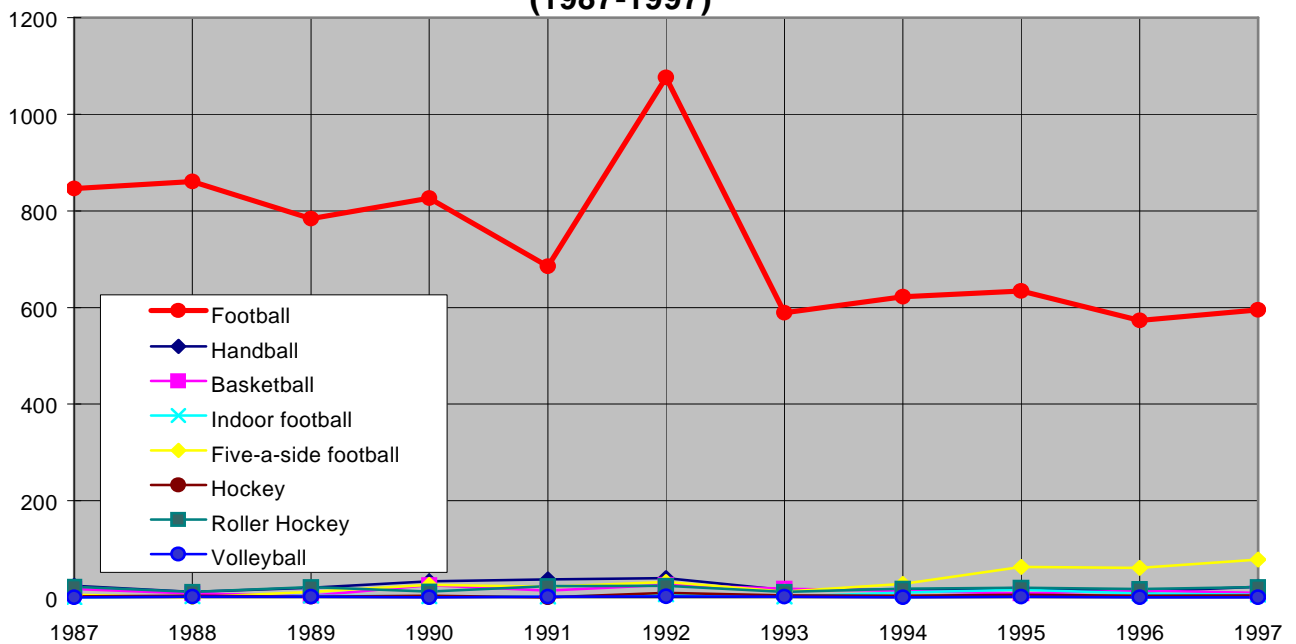


Source: GNR/PSP Statistics (1987 to 1997)

The breakdown of fixtures with violent incidents by sport shows that football continues to generate the largest number of incidents (as in the period 1978-1987), a finding which has to be seen in the light of the fact that football also accounts for the largest number of matches. However, football is no longer the leading sport affected by violence, as the problem has spread to other sports.

Other sports, five-a-side football in particular, recorded an increase in the number of games with violent incidents during the period under consideration.

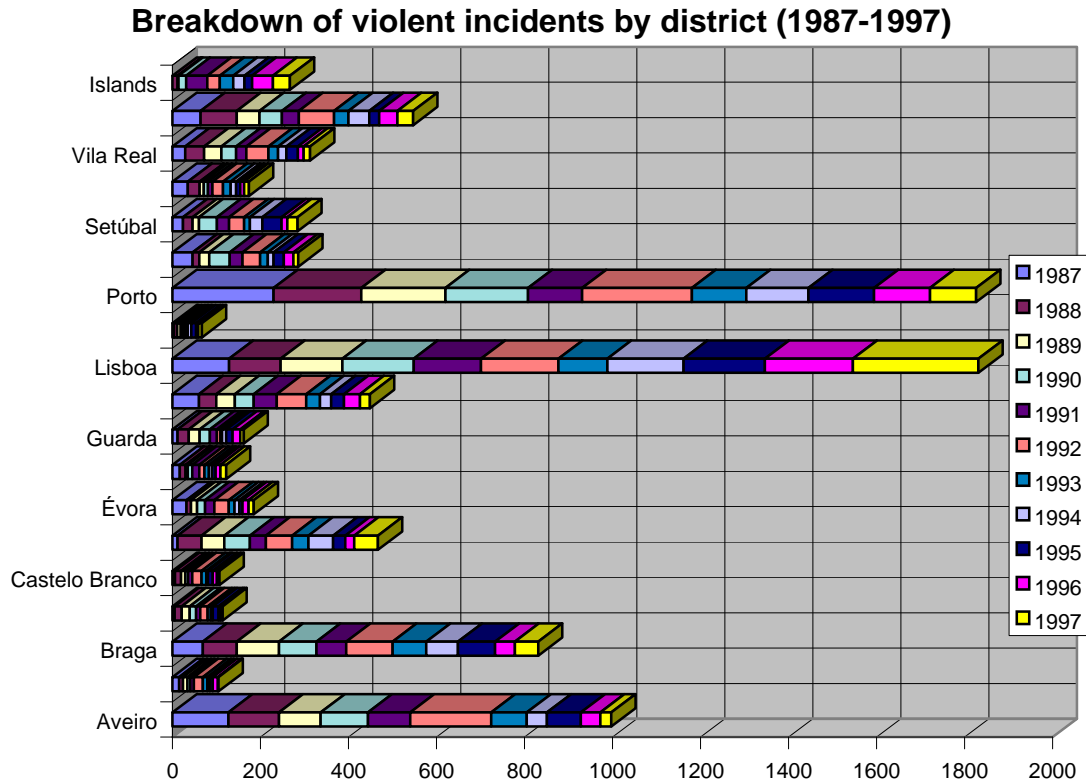
Number of matches with violent incidents, by sport (1987-1997)



Source: GNR/PSP Statistics (1987 to 1997)

When respect to the geographical distribution of matches with incidents by district, the trend identified during the period 1978 – 1987 continues to hold. In other words, incidents are concentrated in the large urban centres – Lisbon and Oporto – and in the north of the country, especially in the districts of Aveiro, Braga and Viseu.

The two main cities, however, have swapped places in the ranking, with Lisbon recording a higher number of violent incidents at sports events than Oporto from 1994 onwards.



When incidents are broken down into type, the most frequent protagonists of violence are found to be spectators (42% of incidents in the period under consideration), followed by referees and linesmen (average of 31%) and then by players (average of 11%).

Although spectator violence continues to be the major problem, it has in fact decreased, whilst at the same time the number of incidents involving direct participants in the event – referees and players – has increased. Incidents in 1997 broke down into 37% caused by spectators, 33% by referees and 12% by players.

TYPE OF INCIDENTS RECORDED AT SPORTS VENUES (1987-1997)

INCIDENTS	1987		1988		1989		1990		1991		1992		1993		1994		1995		1996		1997	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Spectators	794	48,7	868	49,8	786	46,8	812	46,2	498	36,0	1060	43,2	632	45,4	507	36,4	646	37,7	631	39,4	589	37,1
Referees	486	29,8	463	26,6	451	26,8	522	29,7	494	35,7	726	29,6	426	30,6	493	35,4	568	33,1	528	33,0	520	32,7
Players	172	10,5	223	12,8	252	15,0	176	10,0	163	11,8	313	12,8	133	9,5	122	8,8	177	10,3	165	10,3	187	11,8
Managers	81	5,0	120	6,9	119	7,1	146	8,3	156	11,3	251	10,2	110	7,9	84	6,0	121	7,1	127	7,9	85	5,4
Police forces	85	5,2	49	2,8	67	4,0	54	3,1	44	3,2	56	2,3	46	3,3	50	3,6	69	4,0	41	2,6	47	3,0
Number of arrests							3	0,2	4	0,3			11	0,8	10	0,7	30	1,8	6	0,4	17	1,1
Offences under DL 270/89															39	2,8	17	1,0	17	1,1	18	1,1
Others	14	0,9	20	1,1	5	0,3	43	2,4	26	1,9	48	2,0	35	2,5	88	6,3	86	5,0	85	5,3	125	7,9
TOTAL	1632		1743		1680		1756		1385		2454		1393		1393		1714		1600		1588	
SPECTATORS	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Between spectators	403	50,8	426	49,1	373	47,5	336	41,4	280	56,2	610	57,5	223	35,3	205	40,4	283	43,8	253	40,1	251	42,6
Spectators/referee	25	3,1	14	1,6	7	0,9	21	2,6	5	1,0	8	0,8	100	15,8	32	6,3	61	9,4	115	18,2	98	16,6
Spectators/players	43	5,4	28	3,2	34	4,3	45	5,5	16	3,2	42	4,0	35	5,5	22	4,3	25	3,9	31	4,9	32	5,4
Pitch invasion	106	13,4	149	17,2	136	17,3	133	16,4	73	14,7	122	11,5	159	25,2	115	22,7	138	21,4	110	17,4	103	17,5
Hurling missiles	217	27,3	251	28,9	236	30,0	277	34,1	124	24,9	278	26,2	115	18,2	133	26,2	139	21,5	122	19,3	105	17,8
TOTAL	794		868		786		812		498		1060		632		507		646		631		589	
REFEREES	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Assaults on referees	453	93,2	444	95,9	423	93,8	498	95,4	466	94,3	681	93,8	367	86,2	468	94,9	520	91,5	465	88,1	459	88,3
Referees/players	25	5,1	12	2,6	17	3,8	19	3,6	21	4,3	32	4,4	56	13,1	20	4,1	41	7,2	60	11,4	59	11,3
By referees	8	1,6	7	1,5	11	2,4	5	1,0	7	1,4	13	1,8	3	0,7	5	1,0	7	1,2	3	0,6	2	0,4
TOTAL	486		463		451		522		494		726		426		493		568		528		520	

Source: GNR/PSP Statistics (1987-1997)

Violent incidents involving spectators break down into incidents between spectators (average of 46%), followed by the hurling of missiles (25%) and pitch invasions (18%). It should be noted however that incidents between spectators and referees and pitch invasions have increased in recent years as a proportion of the total number of incident protagonised by spectators.

Of violent incidents relating to referees and linesmen an average of 92% of incidents consist of assaults on referees, although the proportion represented by incidents between referees and players has increased.

The general trends for the period 1987-1997 show that violence associated with sport in Portugal has been gradually diminishing, despite a number of fluctuations.

The overall picture continues to be much the same as in previous period (incidents concentrated in football and the north of the country), providing confirmation of a trend identified in another study, i.e. violence is moving onto the playing pitch, with “the majority of incidents being connected to the progress of the game and judgements on the fairness of the arbiters – the referees and linesmen.”¹⁰

We may therefore conclude that the type of violence associated with sport to be found in Portugal continues to be committed by participants in spectator sports, in an individualised and non-organised form, caused above all by the progress of the match itself, meaning that the behaviour of the players, referees, coaches and managers is not alien to the phenomenon of violence.

V.d) Policing at sports venues (1993-1997)

In the last two seasons (95/96 and 96/97) there has been a reduction in the number of both fixtures with a police presence and high-risk matches. At the same time there has been an increase in the number of police officers deployed in operations at sports venues, with an average of around 3.4 police officers present at each match in both seasons.

The average cost of policing each match therefore increased by an average of 6%, with the highest costs incurred at a fixture in the district of Lisbon (95/96 season) and in Oporto (96/97 season).

SEASON	No. of Fixtures	No. of high risk fixtures	No. of police officers requested	Average police officers/fixture	Average cost/fixture
95/96	58 788	40	197 236	3.4	Esc. 13 496\$00 EUR 67,32
96/97	58 351	36	197 847	3.4	Esc. 14 358\$00 EUR 71,62

Source: Annual reports of the Special Board for the Policing of Sports Events (1993-1997)

National senior fixtures (for which the costs of policing are borne in full by the organisers) accounted for around 36% of total spending on policing during these two seasons at matches in the joint funding scheme (football, handball, roller hockey, volleyball, basketball, hockey and indoor football), with eleven-a-side football representing the highest spending and volleyball the lowest.

Fixtures for which the State contributes to policing costs (district senior fixtures) have since the 93/94 seasons accounted for an average of PTE 253,823,000 / EUR 1,266,063.79 (31% of total), distributed between all sports, but with eleven-a-side football representing the highest spending.

¹⁰ Salomé Marivoet, “Violência nos espetáculos de futebol”, in *Sociologia - Problemas e Práticas*, no. 12, October 1992, p. 144.

It is interesting to note that the cost of policing fixtures in this category was covered in full for all sports, except for eleven-a-side football, with coverage of 66% in the 94/95 season, 68% in the 95/96 season and 78% in the 96/97 season.

Youth fixtures (competitive matches between junior teams and schools) and fixtures involving national teams in all categories, where the cost of policing is borne in full by the State, representing annual average spending of PTE 233,066.000 / EUR 1,162,528.31 (33% of total).

Funds allocated to payment/contribution by the State of/to policing costs were derived from a levy of 1.5% on the Totoloto (lottery) and from the proceeds of fines applied under Decree-law no. 270/89, of 18 August.

COST (*) OF POLICING SPORTS EVENTS

SEASON	FUNDS DISTRIBUTION					SOURCE OF FUNDS CONTRIBUTED
	Total value	Jointly funded/Paid	National Seniors	District Seniors	Youth and National Teams	Totoloto
93/94	a)	454 266	a)	260 092	194 174	a)
94/95	a)	467 592	a)	248 267	219 325	420 615
95/96	792 891	498 555	291 056	247 368	251 187	485 463
96/97	837 827	527 144	302 064	259 564	267 580	523 299
TOTAL		1 947 557		1 015 291	932 266	

(*) Figures in thousand PTE

Source: Annual Reports of the Special Board for the policing of Sports Events (1993-1997)

a) Information not available

The accrued value of jointly funded policing at sports events since the 93/94 season through to the 96/97 season (last four years) amounts to around PTE 1,947,557,000 / EUR 9,714,373.36, divided between youth fixtures (PTE 932,266,000 / EUR 4,650,123.20) and district senior level fixtures (PTE 1,015,291,000 / EUR 5,064,250.16).

For football the accrued values since the 93/94 season are around PTE 873,000,000 / EUR 4,354,505.64 for youth fixtures and PTE 997,000,000 / EUR 5,064,250.16 for district senior level fixtures, making it the sport where spending in this area is highest. These figures may be compared with those for volleyball: PTE 24,000 / EUR 119.71 for district senior level fixtures and PTE 511,000 / EUR 2,548.86 for youth fixtures.

V.e) Preparation and adaptation of sports venues (1989-1998)

The CNCF, created in 1989 in order to promote and co-ordinate measures designed to prevent violence at spectator sports, is responsible, amongst many other things, for inspecting security equipment installed at sports venues and for detecting any shortcomings in sports facilities which might jeopardise the safety and comfort of spectators, principally by gradually requiring that numbered seating be installed.

In view of the complexity of this task and the different areas of expertise involved, a Special Bureau for the Inspection of Sports Venues was set up (Dispatch no. 51/ME/91, of 17 April) in order to support the Board and also to help in the organisation of the World Junior Championship in 1991.

The measures taken in order to implement technical systems and procedures for control and security at sports venues were therefore based on the provisions of Regulatory Decree no. 34/95, which established a set of basic safety rules designed to minimise the possible negative effects of any foreseeable accidents (incidents). These rules were applied in the process of upgrading stadia for the World Junior Championship in 1991 and to the process of installing security equipment under the terms of Ministerial Order no. 371/91, in the wake of a closure order being imposed.

A qualitative leap was made in this field in 1996 when the Government approved a stadium modernisation programme.

Recognising the fact that the security problem will not be solved simply through perfecting the legislation and regulations, or through social sensitisation initiatives designed to encourage awareness of fair play and civil questions amongst sports fans. It is also of fundamental importance to implement measures, which prevent and deter violence, in the form of crowd control and security equipment at sports stadia; the cost of this equipment is to be shared by the clubs and the State. A programme contract was therefore established in 1996 between the National Sports Institute (INDESP) and the Portuguese Professional Football League for installing turnstiles and closed circuit television systems at first division stadia. Turnstiles are also being installed at second division stadia.

INDESP will finance 60% of the cost of installing turnstiles (up to a maximum of PTE 650,000,000 / EUR 3,242,186.33), with 30% being provided by the league and 10% by the clubs. INDESP will also contribute 75% of the cost of installing closed circuit television systems, up to a maximum of PTE 150,000,000 / EUR 748,196.85.

It is therefore calculated that the public sports authorities will contribute an average of PTE 21,112,000 / EUR 105,306.21 per stadium towards the cost of installing turnstiles, and PTE 8,333,000 / EUR 41,564.83 per stadium towards the cost of installing closed circuit television circuits.

In 1998 a second programme contract was signed by the National Sports Institute and the Portuguese Professional Football League for the installation of individual numbered seating on the terraces of first and second division stadia.

In order to finance this plan the public sports authorities will contribute PTE 700 / EUR 3.49 per unit. A total of 480,000 individual seats are planned, at a forecast cost of PTE 336,000,000 / EUR 1,675,960.93.

VI. COMPARATIVE ANALYSIS OF THE RECOMMENDATIONS WITH THE ACTION TAKEN IN PORTUGAL

VI.a) Commitments under Article 1 – Aim of the Convention

“1 - The Parties, with a view to preventing and controlling violence and misbehaviour by spectators at football matches, undertake, within the limits of their respective constitutional provisions, to take the necessary steps to give effect to the provisions of this Convention.

2 - The Parties shall apply the provisions of this Convention to other sports and sports events in which violence or misbehaviour by spectators is to be feared, as appropriate to the specific requirements of such sports and sports events.”

VI.b) Commitments under Article 2 – Domestic co-ordination

«The Parties shall co-ordinate the policies and actions of their Government departments and other public agencies against violence and misbehaviour by spectators, where appropriate through setting up co-ordinating bodies.»

Efforts to co-ordinate domestic measures to prevent violence associated with sport have been centred on the creation of two bodies: the National Co-ordination and Inspection Board, replaced in 1998 by the National Council for the Prevention of Violence in Sport, and the Special Board for the Policing of Sports Events, whose work is described in detail in chapter IV.b of this report.

VI.c) Commitments under Article 3 – Measures

This is the first article in the convention to introduce concrete measures. Given the structure of this report, in which chapter III is devoted to a description of the measures taken by the Portuguese State since ratification of the convention, we shall here give a brief summary of action taken in this area.

MEASURES – EUROPEAN CONVENTION	MEASURES – PORTUGUESE STATE
<p>«Article 3 <u>Measures</u> 1 - The Parties undertake to ensure the formulation and implementation of measures designed to prevent and control violence and misbehaviour by spectators, including in particular:</p> <p>a) To secure that adequate public order resources are employed to counter outbreaks of violence and misbehaviour, both within the immediate vicinity of and inside stadia and along the transit routes used by spectators;</p> <p>b) To facilitate close co-operation and exchange of appropriate information between the police forces of the different localities involved or likely to be involved;</p> <p>c) To apply or, if need be, to adopt legislation which provides for those found guilty of offences related to violence or misbehaviour by spectators to receive appropriate penalties or, as the case may be, appropriate administrative measures.</p> <p>2 - The Parties undertake to encourage the responsible organisation and good conduct of supporters, clubs and the appointment of stewards from within their membership to help manage and inform spectators at matches and to accompany parties of supporters travelling to away fixtures.</p> <p>3 - The Parties shall encourage the co-ordination, in so far as legally possible, of the organisation of travel arrangements from the place of departure with the co-operation of clubs, organised supporters, and travel agencies, so as to inhibit potential trouble-makers from leaving to attend matches.</p> <p>4 – The Parties shall seek to ensure, where necessary by introducing appropriate legislation which contains sanctions for non-compliance or by any other appropriate means, that, where outbreaks of violence and misbehaviour by spectators are to be feared, sports organisations and clubs, together with, where appropriate, stadium owners and public authorities, in accordance with responsibilities defined in domestic law, take practical measures at and within stadia to prevent or control such violence or misbehaviour, including:</p> <p>a) To secure that the design and physical fabric of stadia provide for the safety of spectators, do not readily facilitate violence between spectators, allow effective crowd control, contain appropriate barriers or fencing, and allow security and police forces to operate;</p> <p>b) To segregate effectively groups of rival supporters, by allocating to groups of visiting supporters, when they are admitted, specific terraces;</p>	<p>DL 238/92 art. 2 (Request for policing), 3 (Liability for the cost of policing) e 4 (State Contribution)</p> <p>DL 270/89 art. 12 -1 a) Law 38/98 art. 7 a)</p> <p>DL 238/92 art. 9 b) Law 38/98 art. 30 1-j)</p> <p>DL 270/89 art. 3, 15 and 16 Law 38/98 art. 18 (Closure orders for sports venues), 19 (Disciplinary proceedings), 21 (Offences), 22 (Fines), 23 (Managers, organisers of sports event and sports officers) and 36 (Exclusion from sports venues)</p> <p>DL 270/89 art. 12 1-f) and 14 Law 38/98 art. 5 (Duties of the organisers of sports events), 6 (Support to organised groups of supporters) and 7 g)</p> <p>DL 270/89 art. 12 1-f) and 14 Law 38/98 art. 5 (Duties of the organisers of sports events), 6 (Support to organised groups of supporters) and 7 g)</p> <p>DL 270/89 art. 3 to 7, 12, 15 and 16 Law 38/98 art. 18 to 20 (Closure of sports venues), 35 (High risk matches)</p> <p>DL 270/89 art. 8 Ministerial Order 371/91 Law 38/98 art. 10 (Seating), 11 (Video security systems), 12 (Car parks), 14 (Improvements to stadia)</p> <p>DL 270/89 art. 12 b) Law 38/98 art. 7 b)</p>

<p>c) <i>To ensure this segregation by strictly controlling the sale of tickets and to take particular precautions in the period immediately preceding the match;</i></p> <p>d) <i>To exclude from or forbid access to matches and stadia, in so far as it is legally possible, known or potential trouble-makers, or people who are under the influence of alcohol or drugs;</i></p> <p>e) <i>To provide stadia with an effective public address system and to see that full use is made of this, of the match programme and of other publicity outlets to encourage spectators to behave correctly;</i></p> <p>f) <i>To prohibit the introduction of alcoholic drinks by spectators into stadia; to restrict, and preferably ban, the sale and any distribution of alcoholic drinks at stadia, and to ensure that all beverages available are in safe containers;</i></p> <p>g) <i>To provide controls so as to ensure that spectators do not bring into stadia objects that are likely to be used in acts of violence, or fireworks or similar devices;</i></p> <p>h) <i>To ensure that liaison officers co-operate with the authorities concerned before matches on arrangements to be taken for crowd control, so that the relevant rules are enforced through concerted action.</i></p>	<p>DL 270/89 art. 12 c) Law 38/98 art. 7 c) and 8 (Ticket sales and control)</p> <p>DL 270/89 art. 13 Law 38/98 art. 16 (Control of alcohol consumption and drugs use)</p> <p>Law 38/98 art. 11 (Video security systems)</p> <p>DL 270/89 art. 15 a) e b) Law 38/98 art. 7 f) and 21 a) and b)</p> <p>DL 270/89 art. 15 c) and h) Law 38/98 art. 7 e), 17 (Amended) and 21 c), d) and I)</p> <p>Law 38/38 art. 15 (Organisation and security)</p>
<p>5 - <i>The Parties shall take appropriate social and educational measures, bearing in mind the potential importance of the mass media, to prevent violence in and associated with sport, in particular by promoting the sporting ideal through educational and other campaigns, by giving support to the notion of fair play, especially among young people, so as to enhance mutual respect both amongst spectators and between sports players and also by encouraging increased active participation in sport.»</i></p>	<p>DL 270/89 art. 10 g) Law 38/98 art. 30 h) Detailed in chapter III.c) of this report</p>

VI.d) Commitments under Article 4 – International Co-operation

«1 - The parties shall co-operate closely on the matters covered by this Convention and encourage similar co-operation as appropriate between national sports authorities involved.»

From a very early stage (end of the seventies), Portugal has played an active role in presenting violence associated with sport, both internationally (as a founding member, and helped to draft the articles of association, of the International Association for Combating Violence Associated with Sport, later renamed as the Rika Van-Ocken International Foundation – FIRVO) and at home, with the creation of a working party in 1977, bringing together representatives of different public authorities (in the fields of sport, education, safety and public order), to look into aspects related to violence at sports stadia and to adopt security measures.

The Portuguese authorities were quick to realise that isolated measures would be ineffective unless backed up by a concerted national and international campaign.

Portugal has therefore sought to accompany various efforts being made at European level, as an active member of the working which in 1985 concluded the draft of the European convention on the reduction of spectator violence at sports events, and through the appointment of a Portuguese

representative to take part in the proceedings (from the outset) of the Standing Committee on the European convention on spectator violence (TR-V). Portugal chaired the Standing Committee in the late eighties.

The security forces were also highly active in the former Trevi Group, participating in the sub-group for violence associated with sport which sought to study questions related to the safety of spectators.

VI.e) Commitments under Article 5 – Identification and treatment of offenders

«1 - The Parties, respecting existing legal procedures and the principle of the independence of the judiciary, shall seek to ensure that spectators committing acts of violence or other criminal behaviour are identified and prosecuted in accordance with the due process of the law.»

With Decree-law no. 270/89, of 18 August (which introduced into Portuguese law the measures contained in the European Convention on Spectator Violence), spectators were accorded a new status through a set of punitive measures, such as expulsion from clubs, banning from sports venues, subjection to alcohol tests, removal from sports venues and the imposition of fines for certain offences.

However, responsibility for causing unrest is laid at the feet of almost all the participants in spectator sports (managers, players, coaches, doctors, trainers, owners and franchise holders and club employees), and any of these may be subject to penalties, including banning from sports venues for a period of up to 2 years.

Closure orders, whereby a club is banned from holding events in the same sport, age range and category as those of events where violence has broken out, may be issued as a penalty in the event of disturbances leading to injury or to damage to property, and may also be used in the event of attempted assault or organised acts of intimidation against spectators, managers, doctors, coaches, secretaries, technical staff, auxiliary staff and employees, referees and linesmen, players and members of the security forces.

The programme contract signed in 1996 by the National Sports Institute and the Portuguese Professional Football League for the installation of short circuit television security systems in 1st division clubs has made it possible to identify persons committing acts of violence.

The 1998 law (Law no. 38/98) made substantial increases to fines. For instance, the fine for a pitch invasion, punishable up to 1998 by a fine of between PTE 10,000 / EUR 49.88 and PTE 50,000 / EUR 249.40, was increased to between PTE 200,000 / EUR 997.60 and PTE 350,000 / EUR 1,745.79. The fines are doubled in the case of professional sporting events.

VI.f) Commitments under Article 6 – Additional measures

«1 - The Parties undertake to co-operate closely with their appropriate national sports organisations and clubs, and where appropriate, stadium owners, on arrangements regarding the planning and execution of alterations to the physical fabric of stadia or other alterations, including access to and egress from stadia, necessary to improve safety and to prevent violence.»

The co-operation established between the sports authorities, the professional federations/leagues and the clubs organising event on improvement to the physical fabric of stadia in order to improve safety and prevent violence are detailed in chapter V.e) of this report.

3 - The Parties undertake to encourage their national sports organisations to review their regulations continuously in order to control factors which may lead to outbreaks of violence by players of spectators.»

Article 4 of the recent Law no. 38/98, of 4 August, establishing preventive and punitive measures to be adopted in the event of outbreaks of violence associated with sport, sets out the relevant sporting rules and regulations. This law states that the sports federations and professional leagues should adopt regulations or rules for the prevention and control of violence at competitions which they organise, and that these regulations should set out, amongst other things, preventive procedures, a list of typical violent situations where penalties are to be applied and indication of the respective penalties.

Another new law is currently before parliament (Law no. 71/VII). This proposed law deals with the disciplinary regime of sports federations, requiring that they adopt measures in the defence of fair play, namely by preventing and punishing violence associated with sport.

Under this new law, sports federations should have disciplinary regulations designed to penalise breach of the rules of fair play, including measures to penalise violence associated with sport.

The disciplinary regulations should include, amongst other things, a list of typical offences, classified as minor, serious and very serious, and set the respective penalties, which in professional competitions should be fixed in line with the following scale of penalties: fines of between PTE 500 / EUR 2.49 and PTE 5,000,000 / EUR 24,939.89, banning from office in sports organisations for a period of 1 to 10 years, docking of points or demotion in championships, relegation to a lower division or exclusion from professional competition for a period of no more than five seasons.

CLOSING REMARKS

This report has been drawn up under the “Compliance with Commitments” project and will serve as the basis for the consultation process and visits to be conducted by a group of inspectors from the Council of Europe. The aim was therefore not to draw definite conclusions, but rather to paint a picture of Portuguese efforts to prevent violence associated with sport in line with the measures set out in the European Convention.

However, a number of points have clearly emerged.

One of these is that it is possible to conclude that efforts to prevent violence associated with sport in Portugal appear in general to have honoured the country’s commitments under the European Convention, and that many of these measures were already in force prior to the Convention.

Moreover, observed over time, the Portuguese authorities can be seen to have become increasingly involved in and committed to the prevention of violence associated with sport. This process dates back to 1989, when Decree-law no. 270/89 incorporated into Portuguese law the measures set out in the European Convention, with the creation of a Commission responsible for promoting and co-ordinating measures designed to prevent violence at sports venues.

From 1996 onwards Portugal resumed its active involvement in the prevention of violence associated with sport, with a plan for the modernisation of football stadia, jointly funded by the State and the clubs, with the approval in 1997 of regulations on the physical fabric and operation of sports venues open to the public (Decree-law no. 317/97, of 25 November) and with the drafting and approval in 1998 of a new law (Law no. 38/98, of 4 August) reflecting recent thinking on the prevention of violence associated with sport.

The new legislation published since 1996 and the funding provided for improving sports stadia are part of a drive to modernise sport in Portugal and to defend sporting values, in line with the Government’s commitment to this area.

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- *Staff of DSAERE*
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proof-reading

ATTACHMENTS

- I. Resolution of the Assembly of the Republic no. 11/87
Approving the European Convention on spectator violence and misbehaviour at sports events and in particular at football matches.
- II. Amendment of the Portuguese Constitution 1989 (Article 79, no. 2)
Introducing an amendment to paragraph 2 of Article 79.
- III. Law no. 1/90 of 13 January (Article 2 and 5)
Sports System Basic Law.
- IV. Decree-Law no. 270/89 of 18 August
Establishing preventive and punitive measures against violence associated with sport.
- V. Ministerial Order no. 371/91 of 30 April
Regulating security measures at sports venues.
- VI. Despatch no. 51/ME/91 of 17 April
Creating the Technical bureau for the inspections of sports venues.
- VII. Decree-law no. 238/92 of 29 October
Regulating the policing of spectator sports events held at sports venues.
- VIII. Regulatory decree no. 34/95 of 16 December
Approving the regulations on technical and safety specifications for places of public entertainment.
- IX. Resolution of the Council of Ministers no. 17/96 of 26 February
Defining the distribution of the gross revenues from sales of cards at bingo halls franchised to sports clubs.
- X. Law no. 8/97 of 12 April
Criminalising behaviour likely to endanger life and physical wellbeing through the use and carrying of firearms and explosive or pyrotechnic substances or devices at civic, political, religious, artistic, cultural or sports events.
- XI. Decree-law no. 317/97 of 25 November
Establishing the rules for the design and operation of sports facilities open to the public.
- XII. Law no. 38/98 of 4 August
Establishing preventive and punitive measures to be adopted in the event of outbreaks of violence associated with sport.
- XIII. Draft Law no. 71/VII
Approving the disciplinary procedures for sports federations.

B. Report by the Examining Group on Compliance by Portugal with the European Convention on Spectator Violence and Misbehaviour

OBJECTIVE AND SCOPE OF THE REPORT

A. THE COMMITMENTS PROJECT

The Council of Europe and Monitoring

The Committee of Ministers and the Parliamentary Assembly of the Council of Europe began their respective activities on Monitoring in 1996. At the Council of Europe's Second Summit (1997), the Heads of State and Government solemnly confirmed the importance they attached «to ensure that the commitments accepted by member States are effectively honoured...»

The Committee for the Development of Sport (CDDS) and the Compliance with Commitments Project

The Bureau of the CDDS first proposed that the CDDS should embark on a similar monitoring exercise in the sports sector in December 1996. In March 1997, the CDDS decided to include an activity on Commitments in its work programme, described as follows:

«This project, inspired by the Committee of Ministers' decision to monitor member States' fulfilment of their obligations to the Organisation, made a promising start in 1997 with six [later seven] countries agreeing to volunteer to participate in the initial stage. The commitments derive from three texts: the *European Sports Charter* (for which Switzerland and the United Kingdom volunteered); the *European Convention on Spectator Violence* (for which Spain and Portugal volunteered); and the *Anti-Doping Convention* (for which Norway and Italy [and later Austria] volunteered). The project is designed to concentrate on areas of crucial importance... It is not the intention to undertake systematic reviews of a country's entire sports policy...» (CDDS (97) 42, page 10).

The objectives of the Commitments project include :

- To enhance the effectiveness of the text examined, both at the level of the State concerned and amongst the member States and Parties as a whole.
- To renew political interest in the text, again within the State and within the Council of Europe as a whole.
- To provide political and technical support and advice to the State examined.
- To exchange information on current best practice and on common problems.

The European Convention on Spectator Violence and Misbehaviour.

This Convention entered into force in 1985. 29 States have ratified it, and a further 5 have signed it (situation at November 1999). UEFA and FIFA are active participants in the work of the Standing Committee, which is responsible for the implementation of the Convention. The Commitments derive from the text of the Convention itself. In addition, the Standing Committee has adopted numerous Recommendations to Parties, giving detailed operational guidance on various points.

B. STRATEGIC APPROACH

The plan for the implementation of the Commitments project was agreed at the first meeting of the Project group in Strasbourg in June 1997, when representatives of all bodies and of the first six countries to volunteer were present. (Report: CDDS (97) 44 rev). In particular, it was agreed that each country to be examined would prepare a National Report on the topic, and that an Examining Group would be nominated to make a visit to the country and to meet the persons and bodies concerned. The Examining Group would be composed in such a way as to cover the different kinds of expertise required by the text.

C. REFERENCE DOCUMENTS

- The European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches (ETS 120) of 19 November 1985, and in particular its operational articles 1 – 6.
- Recommendations to Parties adopted by the Standing Committee on articles 3, 4, 5 and 6 of the Convention.
- The National Report prepared by the Portuguese authorities: CDDS (99) 59 of 2 August 1999.
- The Report on Compliance by Spain with the European Convention on Spectator Violence at Sports Events: CDDS (99) 5 final/T-RV (99) 1 final of 27 April 1998.
- On site visits and discussions with various authorities provided a wide range of supplementary written and visual documentation and impressions.
- Members of the Examining Group's national norms and practices.

D. REPORT BY THE EXAMINING GROUP ON COMPLIANCE BY PORTUGAL WITH THE EUROPEAN CONVENTION ON SPECTATOR VIOLENCE AND MISBEHAVIOUR AT SPORTS EVENTS

The Examining Group, composed by the Standing Committee and approved by the CDDS Bureau, consisted of:

- Mr J Ramon Beorlegui (Inspector-General of Sports Federations, Spain), Chair of the Standing Committee, Leader;
- Mr John de Quidt (Chief Executive, Football Licensing Authority, United Kingdom), delegate to the Standing Committee, responsible for stadia, safety and stewarding questions;
- Mr Will van Rhee (Manager Security and Competitions, Royal Dutch Football Association, Netherlands), responsible for football organisational and policing questions;
- Mr George Walker, Head of the Sport Department, Council of Europe, responsible for educational and social measures, Secretary.

Note: The two Vice Chairs of the Standing Committee were unable to join the Group because of prior engagements.

The arrangements for the visit in Portugal were made through the Secretaria de Estado do Deporto, and in particular the Centro de Estudos e Formação Desportiva (CEFD). The Examining Group extends its particular thanks to it, to the newly appointed State Secretary, Mr Vasco Lynce de Faria, and to the Director for International Affairs of CEFD, Mr Bruno De Jesus, for the excellent preparation and arrangements made for the visit. The group also extends its cordial appreciation to all the other organisations visited and the numerous persons who made their time generously available for meetings and discussions.

The programme of the visit was as follows:

Tuesday 2 November

Arrival in Lisbon

1530 Meeting of the Examining Group

1700 Meeting with the Portuguese Football Federation: President: Mr Gilberto Madaíl; Secretary General: Mr António Sequeira; Legal advisor: Mr João Leal.

1900 Visit to the Sport Lisboa e Benfica Club and Stadium da Luz: President: Mr João Vale e Azevedo; Games Organisation Manager: Mr José Pinheiro; Sports Facilities Manager: Mr Pedro Loureiro; liaison officer with supporters' associations: Mr João Roquete; Emanuel: a supporter.

Wednesday 3 November

0700 Departure by train for Oporto

1200 Visit to Vitória Sport Clube de Guimarães, and Afonso Henriques football stadium: President: Mr Antonio Machado; Sports Facilities Manager: Mr Cruz Fernandes; Field Manager: Mr José Cunha; Public Relations Director: Mr José L A Machado.

1700 Meeting with the Portuguese Professional Football League: President: Maj Valentim Loureiro; Secretary General: Mr Álvaro Braga; Executive Director: Mr José G Aguiar.

Thursday 4 November

0700 Departure by train for Lisbon

1130 Visit to the National Stadium: Director: Mr Manuel Miranda; Director of CEFD: Mr José Manuel Chabert.

Meeting with the State Secretary for Sport: Mr Vasco Lynce de Faria

1400 Lunch at the National Sports Training Centre, Cruz Quebrada

1600 Meeting of the Examining Group

1700 Meeting with members of the National Council against Violence in Sport (CNVD): Interim President: Commissioner Paulo J V Gomes; Secretary of the Technical Council for the Policing of Sports Events (TCPS): Mr Carlos M S da Palma; CEFD Director: José M Chabert; IND Sports Facilities Director: Ing. Cabral Faria.

1930 Benfica Stadium for Sport Lisboa e Benfica vs PAOK (UEFA Cup match).

Friday 5 November

Departure.

Though the Group was not able to have an informal meeting with journalists, representatives of the press were present during the visit to the Guimarães Stadium, and a briefing was given to them.

SOME GENERAL REMARKS

Members of the Examining Group were particularly struck not only by the hospitality shown by their Portuguese hosts, but also by the frankness with which questions and problems in the stadia and in the football organisations were discussed.

It is obvious that Portugal is developing rapidly in many ways. Now that EURO 2004 has been assigned to Portugal, that development will certainly also apply to football and its stadia. For EURO 2004, five new stadia will be built and five others will be thoroughly renovated. The organisation of these Championships can be an extra stimulus to adapting stadia all over the country to the requirements of the 21st century. In so doing, the necessary safety requirements can then be met 100%.

Some recommendations in that respect are included in the relevant sections of this report.

A. STADIA

Articles 3.4, 6.1 and 6.2

If one looks with a very critical eye at the stadia that we visited (Sport Lisboa e Benfica, Estadio da Luz (B); Estadio Afonso Henriques of Vitória Sport Clube of Guimarães (G); and the National Stadium in Lisbon (N)) they do not meet modern safety requirements. (The National Stadium is a national architectural monument, open-air with seats on three sides, and while it has been very sympathetically restored, and is an object of beauty, it is not and will never be a stadium for holding major or high-risk football matches).

The shortcomings are not really large and can be improved upon quite easily.

It is apparent that in general all stadia have relatively limited service facilities. When building new stadia or renovating the current stadia special attention should be paid to improving such facilities.

The design and fabric of the stadia

The Portuguese national report explains that, following a resolution of the Council of Ministers in 1996, the state is helping fund the installation of individual seats at all First and Second Division stadia. This work was made mandatory under Law no 38/98 of August 1998. The Examining Group observed with pleasure that it had been completed at the three stadia that it visited. The Group was also made aware of plans for further significant improvements, in particular during the run up to the European Championships in 2004. The following comments should be read in this context.

All the seats had backrests and were individually numbered. Each one commanded a clear and unbroken view of the entire playing area. However, at one stadium (G), a number of seats had been installed in such a way that they projected into the radial gangway. Various seats were checked for comfort. While they all provided spectators with sufficient leg room, some seats in the top tier of one stadium (B) were very uncomfortable in that spectators could not rest their feet flat on the ground due to the angle of the rake.

In this stadium in particular the steepness of the gangways was such that spectators could only safely move up and down them slowly and carefully. No railings or handholds were provided. Moreover, at the two stadia where spectators enter through vomitories (B & G), there were no barriers or railings around these vomitories, even where seats were located immediately in front of them. Such barriers as there were, for example along the front of the upper tiers, did not appear particularly robust. Some were observed to be rusty.

In some areas, the gangways and staircases showed signs of wear and lack of maintenance. This was also true of many of the concourses, which were generally drab. While the catering points (which serve non-alcoholic drinks) were of poor quality, the standard of the toilets was reasonably good, though more could perhaps be provided. Of possibly greater concern was the noticeable vibration of the top tier of one stadium (B) when loud rhythmic music was played at the end of a match.

In one stadium (G), the radial gangways were very far apart, with up to 50 seats to a row. This has implications for crowd management and movement (see below).

The Examining Group was informed that all stadia were built in accordance with the national building regulations that are applied by the local authorities. These authorities inspect the stadia during construction but not apparently thereafter. Stadia in the Portuguese Football League are inspected annually by representatives of the League, who ascertain that they comply with UEFA requirements. These, however, apply mainly to the facilities for players, officials and the media. Spectator control and safety are covered only in general terms.

According to the Portuguese national report, the National Council for the Prevention of Violence in Sport (CNVD) may inspect the security equipment that is required to be installed under Law 38/98. However, while it may set the capacity of the stadium, it appears to have no power to inspect the fabric or the safety management. Nor do these matters appear to be covered by the match day inspections undertaken by the Portuguese Football League.

The Examining Group suggests that this leaves a gap that should be filled. It should, however, be for the Portuguese authorities to determine whether the overall responsibility should rest with the central government, the CNVD, the local authorities or the football authorities.

Recommendation

Spectators should be treated as guests, similar to people going to a restaurant. That means that the football match is actually the main course on the menu but at the same time the entrée and the dessert must not be ignored.

Furthermore, stadia are no longer built exclusively for a number of home matches of a particular team. On non-matchdays the stadia could be used for other events.

Through these activities (offering more service and allowing people to get together sociably before and after the match inside the stadium) and equipping the stadium for multi-purpose use, more revenue can be generated.

The Examining Group:

- **concludes that Portugal is fully committed to meeting its obligations under Article 3.4;**
- **welcomes the significant improvements already implemented to the structure and management of the stadia;**
- **commends the intention of the Portuguese authorities to progress these further in the run up to the 2004 European Championships;**
- **suggests that, in this context, the Portuguese authorities focus in particular on creating procedures for ensuring that stadia are structurally safe, well maintained and safely managed;**
- **suggests that the owners and clubs in major stadia cooperate in developing attractive service facilities for longer and alternative uses of such stadia.**

National standards

According to the Portuguese national report, the National Council for the Prevention of Violence in Sport (CNVD) has the power to issue recommendations on all plans for new sports venues open to the public and any works in existing venues. The Examining Group understands that the CNVD has not yet exercised these powers but that it intends to do so in respect of the five new stadia that are to be built and the five existing ones that are to be renovated for the 2004 European Championships. The Group strongly supports this proposed development.

The Group also welcomes the intention of the Portuguese authorities to develop and promulgate new national guidance on stadia. Having regard to its comments on Article 3.4 above, the Group suggests that this guidance should cover *inter alia*:

- the structural integrity of the stadium (including its dynamic loading);
- the design and layout of the seating decks;
- the entrances, exits and circulation areas;
- the barriers and hand rails; and
- the control rooms and communications systems.

It would also be advisable for the guidance to pay specific regard both to the need for ongoing maintenance and to the management systems and safety procedures that will be required to operate the stadium safely.

It was unclear to the Examining Group to what extent the CNVD, or any other body, would be empowered to enforce its recommendations. The Group believes that, if the Portuguese authorities have not already addressed this issue, they would be well advised to do so. It would be logical for any procedure to tie in with that suggested in relation to the ongoing supervision of existing stadia proposed under Article 3.4 above.

The Examining Group:

- **welcomes the measures already put in place by Portugal to enable it to meet its obligations under Articles 6.1 and 6.2;**
- **commends the intention of the Portuguese authorities to draw up new national guidelines on stadia; and**
- **suggests that procedures be drawn up for ensuring that this guidance is followed.**

B. POLICING AND MATCH MANAGEMENT

Articles 3.1 - 3.4

Match organisation

The home club discuss the match organisation with the police and the visiting club, although the discussion starts quite late (2-6 days before the match). All agreements are laid down in a checklist. The advice is to make an extensive scenario for each match which stipulates exactly how the organisation is set up and who is responsible.

From talks with representatives of clubs, police and the local authorities it became clear that the local chief of police has an important say in realising the match organisation. It is he who determines the number of police to be brought into action without further consultation with the club. The club pays for the deployment of police.

The result of the heavy police involvement is that clubs have hardly developed any policy with regards to spectators or stewarding. (There are hardly any stewards, and they are mainly agents of private security firms hired by the club).

Representatives of clubs and football association seem to be quite reluctant to develop policies in this respect. In one way this is easy to understand, due to the detailed legislation regarding the fight against hooliganism and the high number of police deployed in comparison to other European countries.

The role of the government can be detected in this field, and also where the financial support of building plans is at stake.

Apart from the fact that football representatives actually have no say in the number of police deployed, they have no say in how the police perform the duties in the stadium either. Therefore, it was no surprise that police officers disappeared from the entrances of a number of sectors during the Benfica - PAOK match, without prior notice to the club. The football association holds the view that it can convince the government to abolish the payment of police deployment.

Representatives of the police were convinced that in coming years:

- * The number of police brought into action for football matches will be reduced.
- * Clubs will have to take more action and responsibility in order to maintain public order inside their stadia.
- * Police deployment will still have to be paid for.

Another safety issue was raised.

Should an emergency occur inside a stadium and one asks who is responsible, all club representatives reply: "The police, because they are paid for it."

On the other hand, police authorities always reply that the organising body, either the home club or the football association, is responsible.

At neither first division stadium visited did the safety officer know the time that it would take to evacuate the full number of spectators (estimates of between 15 and 30 minutes were given in both cases).

When a spectator was killed by a fire cracker in the national stadium in 1997, the relatives of the victim lodged a claim for negligence during the frisking of supporters both with the football association as well as with the police.

The expectations are that Portugal will go through the same developments as other European countries. The police will gradually withdraw from the stadium. The clubs should maintain public order inside the stadia, whereas the police should do so outside the stadia.

Recommendation:

The clubs and the FA can tackle this problem by:

- a. Setting up a group of stewards which is good in number as well as in quality
- b. Investing in a better match (safety) organisation system. Access control can be computerised and spectators can be observed by cameras. Meetings between all parties

involved must be professionally organised and the agreements should be laid down in various scenarios.

c. Investing in spectator policy

As long as the police stay in the stadia, it is very important to know exactly who is responsible for what. Also it must be clear what the costs are for the police-effort. For example, clubs and police could decide together at the beginning of the season how many police a club has to pay for each match. Obviously, assessing the “risk factor” of each match would be important.

In such a case the club knows, before starting the season, exactly the maximum price of the police effort.

Attention must also be paid to the fact withdrawing the police can create a safety vacuum which might be abused by hooligans. In other words, these changes should take place gradually. It is obvious that the number of police deployed can be decreased but then time and money have to be spent in other fields of attention.

The law of communicating vessels does applies here:

One could think of:

- Improvements to the accommodation and facility

- Improvements to the infrastructure

- Professional (and timely) handling of match organisation and involvement of the supporters' clubs of the home and visiting club.

- Setting up of a group of stewards that is good in quality and in quantity

- Making agreements about tasks and responsibilities and laying these down in a scenario

- Setting up a spectator policy.

With regards to the improvement of accommodation and infrastructure we can say that safety has become an integral part of the service policy. Clubs should offer service at the highest possible level to their spectators. Many spectators indeed, not only VIPs and businessmen, are quite willing to pay a little more for a comfortable reception, a good seat or the possibility of spending some time in the stadium sociably after the match.

This means that for the improvement of the accommodation and the infra-structure the basic idea is to improve the level of service (see page 7). Of course, safety matters have to be organised for 100 percent. The measures that have to be taken for the sake of security are not contrary to the ideas of safety and service.

If one wants to separate the sector for the visiting supporters from the other sectors, these boundaries should not clash with the level of service. In other words, use a moat or transparent screens rather than fences or barbed wire.

Conclusion

Football in Portugal is on a crossroads.

Continuing in the way things have been done in the past would be wrong.

Portugal can learn from the developments elsewhere in Europe with regards to the improvement of accommodation, match organisation, stewarding and spectator policy that have taken place.

It is clear that the people have the will to do so and have an open mind.

If things are changed gradually and under good management the perfect football world could come about in Portugal, where one is leading in the field of customer friendly stadia, spectator policy, match organisation and stewarding.

The basis is certainly there, but now is the time to form a task force from all possible areas that can come up with a perfect scenario, including time schedule.

Portugal can boast a glorious football future in many ways.

The Examining Group:

- **recommends the Portuguese authorities should institute a review – as part of a long-term strategy to be in place by 2004 – of the principles of the organisation of spectators at matches, with a view to less responsibility being shouldered by the police and more by the clubs.**

C. THE CONTROL AND SAFETY OF SPECTATORS

Article 3.4

CCTV

The Examining Group noted that Law 38/98 also requires grounds hosting professional football to install CCTV and entry control systems, again with financial assistance from the Portuguese authorities. These were already in place at two of the stadia (G & N) visited by the examining Group. On brief examination, both systems appeared to be well planned, easy to use and of a sufficient standard. Provided that they are well managed by trained and competent staff as part of an integrated safety management procedure, they should significantly enhance the stadium management's ability to control and care for spectators.

Safety co-ordinator

Under Law 38/98 each stadium must also have a safety co-ordinator for each match to liaise with the police and to be responsible for the smooth running of the event. At two venues in particular (G & N) the Group was greatly encouraged by the enthusiasm and commitment of the stadium management and by its expressed desire to play a more proactive role in the management of spectator safety. It noted, however, that the scope for this was constrained by a number of factors, many of which, it was pleased to learn, are already being addressed.

Control rooms

The Examining Group visited the control rooms at two stadia (B & G). These were both wholly inadequate for their purpose and are due to be replaced as part of the upgrading of the stadium. The existing facilities were too small, had limited views and could not accommodate the monitors for both the CCTV and entry control systems. They were not designed for command and control, nor were they suitable for joint use by the police and the club. This reflected the lack of a co-ordinated team approach to spectator control and safety.

Entry and ticketing

Entry to the stadia is separately controlled by the police (who are responsible for searching) and by the club (who check the tickets). No cash is taken at the entrances. At two of the stadia visited by the Examining Group (G & N) spectators enter through turnstiles; the tickets have bar codes which are read by a scanner. A similar system is to be installed at the other stadium where, for the time being, the tickets are checked visually.

The separation of home and visiting supporters is achieved through the ticketing system. Tickets for the visitors are normally sent to the visiting club for them to distribute to their supporters on their arrival at the ground. These organised groups normally travel by coach. It was unclear, however, what if any ticketing arrangements exist for visitors who do not travel in such organised groups. While Portuguese supporters may not behave in this way, the same cannot be said for those coming from other countries.

The clubs are therefore responsible for controlling the number of spectators who are admitted. In at least one stadium (G) the club now monitors the CCTV cameras. If it detects anything amiss, it must inform either the police (if the case of a public order problem) or the fire / ambulance service (if it is safety-related). It has no means or power to resolve the problem, however minor, itself.

While the police appear to be able to exclude spectators because of their conduct at the time, the clubs themselves cannot exclude any individual, even a known troublemaker, from what is usually their own private property, without a court order. This takes time to obtain. It is clearly desirable that clubs should not act capriciously. Nevertheless, a power to exclude those who have previously breached the stadium regulations could be very useful, in particular during the 2004 Championships.

Stewarding

The clubs employ uniformed security staff (supplied by a private company) to carry out the ticket checks but these appear to have no other functions. It was observed that these security staff left some 40 minutes before the end of the match attended by the Examining Group (which admittedly went to extra time and penalties). During this period the entrance gates were open and unstaffed.

Apart from a number of hostesses in VIP areas, none of the stadia have stewards, as defined in Recommendation 1/99 of the Standing Committee on the European Convention on Spectator Violence. The Examining Group was unable to ascertain to what extent the functions identified in this recommendation were being undertaken. While the overall responsibility of the police and its duty to maintain public order was clearly understood, there appeared to be something of a vacuum in relation to spectator safety and customer care.

This was particularly evident at the match attended by the Examining Group. Once inside the stadium, the home supporters enjoyed almost complete freedom of movement within the sector in which they found themselves. The Group was informed that there is no culture of spectators occupying the seat corresponding to their ticket number. Indeed the effect of numbering these seats was entirely negated by the absence of any enforcement.

While small numbers of police officers were present at the back of some sectors (mostly in the lower tiers) their role there was unclear. In many sectors occupied by home supporters, there were no police at all. It was unclear what action would have been taken, and by whom, had it been necessary to evacuate any part of the stadium for whatever reason.

There appeared to be a tacit acceptance that spectators could sit or stand wherever they liked, including on their seats and on walls and barriers. It was observed that the gangways and staircases in the most popular areas were obstructed. While these matters did not present a significant safety hazard on the night, because the stadium was only 30-40% full, this could be a matter of considerable concern if the stadium was full (90,000 + capacity), especially if the spectators were drawn from different countries with different expectations.

The Examining Group:

- **suggests that the Portuguese authorities focus in particular on:**
 - **setting up an integrated system of crowd control and safety management in which the respective roles of the police and club are clearly identified and agreed;**
 - **introducing a more proactive system of safety management, including the preparation and testing of contingency plans and the use of stewards; and**
 - **providing effective command and communication facilities;**
- **suggests that for the European Football Championships 2004, the Portuguese authorities:**
 - **implement a coherent and structured stewarding policy, as in T-RV Recommendation No 1/99;**
 - **put in place means for recognising national stadium bans and other exclusion orders against known football offenders.**

D. SOCIAL MEASURES

Article 3.5

The national report describes (pages 40/44) the special campaign begun in 1991 and which, judging from what we heard, had an important impact. There appears, however, to have been no evaluation of the impact of these activities. Social measures have always had a particular importance in Portugal: for instance, supporters' groups, even the "cliques", are more integrated into the club organisation and structures than in many other countries and there are regular meetings between them and the clubs to plan future activities together. This role is set out at pages 32/33 of the Report, and a more sociological analysis is given at pages 47/49. They are consulted when necessary by the National Council for the Prevention of Violence at Sport (CNVD). The police forces too have access to their offices. At Benfica, there are two main cliques: the "Red Devils", with c 7,000 members; and the "No Name Boys", with, we were told, right-wing tendencies. Both cliques were active at the UEFA Cup match on the evening of 4 November (Benfica vs POAK). To some extent it appeared that these noisy and enthusiastic supporters set the agenda for crowd control, to which the authorities respond.

Television spots on fair play will be prepared by the PFF and broadcast in 2000. The PFF told us that hissing while foreign national anthems are played has been stopped, and that teams shake hands before the match, together with the referee. That respect, judging from what we saw at the match

on 4 November, stops as soon as the game begins. It was also noteworthy that the pre-match and half-time speaker on the public address system appeared to make no reference to the opponents and concentrated on whipping up – and very stridently – support from the Benfica fans.

No apparent racism or racial discrimination is thought to exist (Portugal is already a multi-ethnic society). The referee however is often, as in other countries, subject to considerable abuse. There are efforts to portray referees as human beings, liable, as other people, to make mistakes.

Though there is considerable consensus on the importance of fair play and ethics, the hardest target group to reach are the managers. The media's fascination with the slightest crumb falling from their lips does not help in this respect, and managers exploit this to achieve psychological advantage over their adversaries or opponents of the moment. The contribution of the media to reducing violence is not estimated highly by the football authorities. The President of the Football League considers that the attitudes of adults are difficult to change: priority should be given to reaching children, who could then be in a position to challenge their parents' viewpoints.

The number of incidents which involve match officials is high (31/33%: cf. p. 53 of the Report). We were told that this is due to statistical recording of every incident, however slight, and is not a true picture of real violence.

We were also told that fair-play activities continue: but we have to say that no evidence of this was produced. It appears that the 1991 campaign has not been followed up. If this is indeed the case, we recommend that urgent attention should be given to restarting this work. The forthcoming European Football Championships provide a relevant and timely context for developing such educational and preventative work as part of the CNVD's responsibilities.

The Examining Group:

- **suggests that in the lead up to Euro 2004, the Portuguese authorities conduct an evaluation of the impact of past educational and social measures, renew a campaign for spectators notably with regard to match officials, and institute measures, as in Spain, for bringing managers within the scope of possible disciplinary action.**

CONCLUDING REMARKS

The Examining Group underlines the positive impression gathered from this visit. The visit was not an "exam", but gave the opportunity for independent, external experts to make a number of observations. The excellent preparatory work done beforehand by the organisers ensured that time was used to the best effect. It was clear that Portugal is fully committed to meeting its obligations under the Convention.

In general, the legislation and decrees in place are satisfactory, but there seems to be a need for a more rigorous application of them in the several areas affected by the law. This could be initiated by developing a better domestic coordination (cf. Article 2 of the Convention), bringing together the public authorities (in particular, the Ministry of the Interior, which now has the advantage of having responsibility for the Secretariat of State for Sport, and the local authorities), stadium owners, and the sports movement, in particular the Football Association, the League and the clubs.

The development of a proper stewarding policy (whether or not in addition to or to replace the present use of private security firms, which have a legitimate role) is seen as a priority.

In the context of the Portuguese national report and of this visit by the examining group, the preparation of the European Football Championships 2004 is a major chance and opportunity. It is a chance for all parties in Portugal to develop new and modern stadia and to develop new safety and crowd control procedures. That challenge accomplished, Portugal will meet, or even exceed, the requirements of the European Convention and the operational guidelines set out in the Standing Committee's Recommendations.

Summary of Recommendations to Portugal by the Examining Group

- Focus in particular on creating procedures for ensuring that stadia are structurally safe, well maintained and safely managed (articles 3.4, 6.1, 6.2) (page 54)
- Suggest that the owners and clubs in major stadia cooperate in developing attractive service facilities for longer and alternative uses of such stadia (articles 3.4, 6.1, 6.2) (page 54)
- Draw up new national guidelines on stadia and develop procedures for ensuring that this guidance is followed (articles 6.1 and 6.2) (page 55)
- Institute a review – as part of a long-term strategy to be in place by 2004 – of the principles of the organisation of spectators at matches, with a view to less responsibility being shouldered by the police and more by the clubs (articles 3.1 – 3.4, page 58)
- Focus in particular on:
 - setting up an integrated system of crowd control and safety management in which the respective roles of the police and club are clearly identified and agreed;
 - introducing a more proactive system of safety management, including the preparation and testing of contingency plans and the use of stewards; and
 - providing effective command and communication facilities (article 3.4, page 60)
- For the European Football Championships 2004:
 - implement a coherent and structured stewarding policy, as in T-RV Recommendation No 1/99;
 - put in place means for recognising national stadium bans and other exclusion orders against known football offenders (article 3.4, page 60)
- In the lead up to Euro 2004, conduct an evaluation of the impact of past educational and social measures, renew a campaign for spectators notably with regard to match officials, and institute measures, as in Spain, for bringing managers within the scope of possible disciplinary action. (article 3.5, page 61)

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In a communication by e-mail on 14 June 2000, the Portuguese authorities expressed their full satisfaction with the report of the Examining Group. “The serious approach will help everyone responsible for combating violence in sport in Portugal, particularly, those responsible for the organisation of the Euro 2004”.