

*Nemanja Stevanović**
Faculty of Diplomacy and Security

*Dušan Radulović**
Faculty of Diplomacy and Security

INTERNATIONAL LEGAL STANDARDS OF CRIMINAL-LEGAL PROTECTION AGAINST VIOLENCE AT SPORTS EVENTS

Resume

The aim of the paper is to present the effectiveness of the mechanisms used so far to prevent violence and unsuitable behaviour at sports events, contained in the international legal framework and national legislation, and which arose from the practice of opposing this form of violence in certain countries of Western Europe. International cooperation in the field of criminal-legal protection against violence at sports events developed after a series of tragic events in the second half of the 20th century, with the intention of establishing a system of preventive action through the power of laws and international conventions in order to eliminate unpleasant scenes from the content of sports activities. As certain societies, especially those in the process of transition, ignore the importance of the health and recreational function of sports, at the same time they do not do enough in terms of this prevention and change of those social relations that are at the foundation of the deviant behaviour of sports actors, primarily fans. Based on the qualitative analysis of the literature, as a basic methodological approach and the analysis of the legal and institutional framework in this area, it is declared that

* Contact: nemanja.stevanovic@fdb.edu.rs

* Contact: dusan.radulovic@fdb.edu.rs

many useful and effective steps have been taken in this field in the last few decades. However, as violence at sports events still exists as an unavoidable feature of almost every activity of this kind, on the fields and in the halls throughout Europe, we could note that there is some room for further progress in terms of the defined goal. Using cheering as a defense mechanism of identification, where the very competitive relationship within the game creates rivalry, these members of mostly marginalized social groups in this way articulate their dissatisfaction in a socially unacceptable way.

Keywords: sport, fans, law, hooligans, sports violence, international legal framework, extremism.

INTRODUCTION

Surveyed throughout history, violence at sporting events (better known mainly as hooliganism), in the second half of the 20th century and the beginning of the 21st century became an authentic characteristic of almost every sporting event. Often, forms of violent and inappropriate behaviour had the power to culminate in mass-scale conflicts, which in a certain number of cases ended with several hundred victims. Such development of the situation clearly indicated that there were certain failures both in the organizational sense of the events themselves, and in the sense of the lack of an adequate normative framework that would contribute to the suppression of this type of violence, both at the national and international level.

Europe, bearing in mind the complexity of this phenomenon on its soil, was the first and most determined to oppose extreme fan groups and the forms of threat to vital values that they produced. The reason for this is certainly that social threats of this type affect the national security of states. The popularization of this phenomenon and the interest of both the professional and the lay public is evidenced by a large number of studies published in leading scientific journals, which focus on the victimological and phenomenological aspects of this issue (Tsoukala, Pearson, Coenen 2016; Gumusgul & Acet 2016; Nielsen 2013). The aforementioned, as well as other research on this topic, point to the basic shortcomings in terms of prevention and suppression of these patterns of behaviour, which, for the most part, come down to an inadequate

normative framework, at the national and international level, that is, organizational and other failures, the causes of which we will see in to the second part of the text. However, with this statement about the interest in researching the impact of extreme types of behavior at sports events on all forms of security (Bošković, Mišev 2022; Arsić, Kovač 2022), we encounter the first dilemma. This dilemma is reflected in a rhetorical question – how is it possible that even after so many practical examples of opposing this type of violence, there are still countries in Europe and the rest of the world that are unable to face this problem. The answer is, seemingly, simple, given that the work will provide us with an insight into how the politicization of extreme fan groups brings stability to the ruling political structures, but, at the same time, it is also unacceptable, especially if we have in mind certain modalities applied in an effort to suppress, or at least limit, criminal forms of behaviour at sports events. Here, above all, we mean the so-called the “English model“ which, without any doubt, gave effective results, but also served as an inspiration for the establishment of numerous regulations that would regulate this area. Taking all that into account, this paper is dedicated to observing the correlation between the codified regulations on the suppression of violent and inappropriate behaviour at sports events and the contribution that the adopted international legal and national mechanisms have to the overall social response to extreme patterns of behaviour of members of fan groups during sports events.

VIOLENCE AT SPORTS EVENTS AND THE INTERNATIONAL LEGAL FRAMEWORK FOR ITS PREVENTION

Perceiving the fundamental and unequivocal health and recreational functions of sport, such as the contribution to preserving and improving the health of the population, primarily the cardiovascular and cerebral vascular systems, it is clear that it is an unsurpassed need of every community. However, in addition to such an obvious function, sport unfortunately manifests the other side, which is, to the greatest extent, a product of political or some other manipulation. Therefore, it is not a rare occurrence that a certain sports event turns into proving the so-called banal nationalism, using an enormous amount of violence, on which the identity of most fan groups as indispensable actors of these events is mainly built. In order to understand the aforementioned issue, “an analysis of

the causes and conditions that favour the emergence and survival of fan group violence, its forms, spatial and temporal representation, as well as the consequences caused by it, is necessary“ (Otašević 2014, 5). At the same time, it is important to note that the violent forms of behaviour that are noticeable today at almost every event of this type are not a striking characteristic of the modern era, nor is proving national affiliation the only reason for such behaviour, although there is no doubt that it is the most pronounced in modern conditions. In fact, sports competitions were organized in almost all stages of human history, while various forms of violent behaviour were present throughout the entire period of the development of sports. Hence, it is not surprising that violence at sports events could be observed as early as the time of ancient Greece and the Roman Empire, when fan clashes were an inevitable factor in every event (Joseph 2016).¹

Nevertheless, although incidents in stands and playgrounds have accompanied sporting events since their beginning, violence at events of this nature, in the form in which we know it today, developed during the 20th century. In this sense, the first recorded incident of this kind dates back to 1916, when, in the Argentine city of Buenos Aires, during a football match between Argentina and Uruguay, fans and the police clashed (Otašević 2014, 18). From that event, in fact, the expansion of the destructive behaviour of intermediate actors of sports events begins, which is maintained throughout the 20th century, and reaches its culmination in 1985 at the *Heysel* stadium in Brussels. At the football match between Liverpool and Juventus, the fans of the English team moved to the stand of the opposing supporters and pressed them against the wall, which fell under the load and dragged 39 fans of the Italian club to their deaths, while more than six hundred people was injured (Steen 2015, 261-262). The tragedy at the Heysel stadium, an unimaginable phenomenon in sports Europe until then, quite expectedly, given the unacceptable consequences of a sporting event, represented a turning point both in the approach to the problem of extreme fan groups and their behaviour, as well as in the adoption of a number of internationally valid regulations which aimed to prevent such situations in the future.

To acknowledge such forms of behaviour, however, a more specific analysis of the causes that lead to it is needed. In this sense, in the literature that deals with this issue, there is a consensus of authors that the sporting

¹ The most massive such incident occurred in the year 512 in ancient Rome, when over 30 thousand people died in a mass brawl of fans who followed horse races (Joseph 2016, 3).

event itself is the primary factor that determines the behaviour of the audience at the matches, while the role of the secondary cause mostly appears to be the social climate, which may or may not be connected to the sporting event itself (Spaaij 2005, 2). And while there is agreement regarding the causes of deviant behaviour primarily at the venues of sports events, the situation with the classification of such forms of behaviour is completely opposite. It is not simple, some authors claim, to offer a generally accepted classification of the behaviour of extreme fans, and the already complex situation is further complicated by the fact that progress in all spheres of society enables them to constantly manifest new and more destructive forms of action (Yuldashevna & Gulpta, 2022). Consequently, various typologies are possible in this sense, of course, depending on the very criteria that are at its base. Thus, according to the criterion of the way deviant behaviour is manifested, it can be classified into: verbal, which is reduced to insulting rival groups or individuals, and which aims at provocation, which is why in most cases it is only an introduction to more extreme activities; physical, which represents the most destructive action of organized fan groups, and the consequences are serious physical injuries or even murders (Otašević 2014, 64-65). Misić, on the other hand, cites the number of participants as the basic criterion of division and distinguishes group and individual violence according to it (Misić 2010, 118). The same author also emphasizes that according to the criterion of the time of manifestation, violence at sports events can be classified as that which is manifested before, during, or after a game (Misić 2010, 119). According to Marija Djoric, conflict between athletes, aggression against officials, hostility between football coaches and players, and hooliganism by spectators can all occur during sporting events (Djoric 2012, 40-41). The author describes hooliganism as a “violent behaviour by which a part of the audience at sports events builds their personal identity through belonging of a fan group, which expresses frustration aggression by destroying material things or injuring opponents” (Djoric 2010, 385). No less important is the typology of violence at sports events, which takes as a criterion the degree of organization of violence, according to which spontaneous, organized and planned riots are distinguished (Savković, Đorđević 2010, 15). However, regardless of which of these forms of violence is involved, the common element for all these well-organized and hierarchically structured groups is the indispensable connection with the political structures of states (Kuhn, 2019). This, to the great regret of the sport itself, but also of society as a

whole, is evidenced by numerous examples in which some form of violent behaviour took place and where the perpetrators were not prosecuted. Also, the brutality that these groups manifest in certain actions, as well as the organization in carrying out certain activities, indicate the support they have in the most important state bodies, including public order and peace authorities. On the other hand, as a completely legitimate question, the one related to the attempt to understand the interest of the holders of political power to have such groups under their control and on their side stands out. The answer, at least based on current practice, is both simple and unacceptable, because fan groups themselves are often the subject of political manipulation, so it is therefore not a surprise when some of them send sublimated messages from the government to the electorate. If we take into account the fact that they are composed of members who, as a rule, have charges for several different criminal acts, it is clear that this is a very effective means of political manipulation through these groups.

Nevertheless, violence at sport events is an immensely complex phenomenon and as such requires a multidisciplinary scientific approach in its study. This, in fact, implies that it is necessary to observe it from the point of view of several different sciences, inevitably including legal sciences, especially if we take into account the ubiquitous demand that this phenomenon be regulated within the framework of both international and national legislation. Consequently, in the theory of law, there is a consensus around the position that there are two reasons for the establishment of criminal legal protection of sports: the first reason indicates the need to protect in this way all those values that sport can have, which, in the first place, are reflected in the benefits that such activities bring to the individual and the social community; the second reason is reflected in the fact that various socially dangerous behaviours are an integral part of sports events and thus threaten the values mentioned here (Otašević 2014, 142). For these reasons, and not long after the tragedy at the Heysel Stadium, the Council of Europe took the first step towards the normative shaping of this area by adopting the European Convention on Violence and Misbehaviour of Spectators at Sports Events in 1985, and in particular at Football Matches (*European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches*)² (hereinafter: Convention I). This intention reflects the basic goal of this

² European Convention on Spectator Violence and Misbehavior at Sports Events and in particular at Football Matches, adopted on August 19, 1985 in Strasbourg, entered

Convention, which is embodied in the effort that all member states of the Council of Europe, including other signatory states, take all necessary measures to successfully implement these provisions in their legislation. Since Convention I obliges the signatory states to pass appropriate laws that would define criminal acts and misdemeanours that can be committed by undertaking any of the acts of violence and misconduct at sports events, this is the main reason why the same Convention represents an international source of criminal law in the area of sport. Convention I, in its introductory part, emphasizes the need to suppress fan violence, primarily due to the fear that further escalation could threaten the basic principle of sport contained in the understanding that sports activities should be brought as close as possible to the largest percentage of the population, among other things that sport is viewed as a universal medium for establishing good international and inter-national relations (Golijan 2021, 174).

By analysing the content of the first Convention of the Council of Europe, three main areas that are regulated can be unequivocally observed: prevention, cooperation and judicial measures. In the part of the text of the Convention that talks about preventive measures, it is actually about measures that should be taken in order to establish standards for the construction and design of sports facilities (infrastructure standards). These are standards whose application should prevent a whole series of possible consequences, and which include measures related to ensuring a sufficient number of entrances/exits, including explicit marking of them in case of danger, an installed and applicable technical protection system (video surveillance), as well as suggestions regarding the use of appropriate building materials. Another area that the Convention refers to is cooperation and it includes a set of measures that establish standards of international communication. Here, in fact, we are talking about established standards, the application of which should enable the necessary contacts between the security structures responsible for the organization of a certain sports event, in order to predict potential dangers, and therefore reduce the possibility of certain risks manifesting. The third, and also the last main area to which prevention refers, involves the application of judicial measures that establish standards of judicial cooperation. This group of measures, formulated within this standard,

into force on 1 November 1985 (ETS No. 120). The Republic of Serbia is a member of this convention ("Official Gazette of SFRY – International Agreements", No. 9/90).

refers to the coordination of the activities of judicial authorities, such as inspection of court records of persons prosecuted for violence.

The contribution of the Convention in reducing tensions and preventing inappropriate behaviour at sports events is also reflected in the part of the text where it is emphasized that the relationships that are established are also responsible for the current state of sports, because, as Giulianotti notes, sport as a game, in this way, gives primacy to the competition, so the emerging rivalry is inevitably transferred to the fans (Đulijanoti 2008, 213). Anastassia Tsoukala joined the few papers that analyse the importance of the first European Convention in order to prevent: however, they cannot be identified as the main and only cause. To these shortcomings of the Convention, which the mentioned authors identified and explained, we would add a few more that we observed during this analysis. Namely, the very name of this document implies that the establishment of international standards and the development of effective mechanisms for preventing the manifestation of illegal forms of behaviour primarily refer to football matches, not to all sporting events. However, looking at the Convention, one gets a different, but incomplete impression, that the provisions presented and analysed here mostly refer to sports events of all kinds, although the main focus is on football matches. Bearing in mind the popularity and mass of this sport, then such a solution does not represent a big deviation, although the specifics of other sports and the areas where they are held cannot be ignored either. This, for example, is probably best reflected in that part of the Convention from which the analysis of the provisions can be used to single out infrastructure standards. Football stadiums, in accordance with their specific architecture, are very different from the infrastructural solutions used in the construction of sports halls, halls or swimming pools intended for water sports. Certain differences, in this sense, also exist in the approaches to such facilities, the places intended for the entrance/exit of the audience, and especially in the very concept of the stands, because, unlike football stadiums, in most cases it is about prefabricated stands that include different organizational requirements and security protocols. On the other hand, since it is a matter of the Convention which, as we have already stated, was adopted under the influence of the tragedy at the football stadium, then such determinations contained in it are somewhat understandable. Furthermore, a big problem when we talk about this topic, and which the Convention does not deal with, is the kind of violence and inappropriate behaviour of certain actors of sports

events that take place immediately before or after the end of the event itself, in the near or far vicinity of a sports facility. In fact, if we assume that the first Convention in this area is guided by the opinion that deviant behaviour in the further vicinity of the stadium is the responsibility of public order authorities, regardless of the indisputable connection with the sporting event itself, then it cannot be accepted in those places in the vicinity which represent an integral part of the sports facility itself. Therefore, the Convention itself does not explicitly indicate where the spatial limit of the responsibility of the organizer of the sports event is, although from the given provisions it can be concluded that it refers only to the sports facility understood in a narrower sense (the field intended for the game and the stands intended for the presence of the audience). Therefore, while respecting all the contribution that this document made in order to establish international standards for the prevention of violence at sporting events, it is also noticeable that the Convention also contains certain shortcomings, which is primarily a consequence of the accelerated effort to immediately after the “Heysel tragedy” this kind of document sends a message to the hooligans that the same or similar behaviour will not be possible, that is, a message to the general public that there are mechanisms for effective prevention in order to prevent such outcomes.

In the years that followed, there was no reduction in the amount and intensity of violence at sports events, which is to some extent a consequence of the development of methods and means of sophisticated hooligan activity, so as a response of the Council of Europe to such a challenge, the adoption of numerous recommendations followed. A certain problem with these recommendations is their legal obligation, however, as Šuput explains, it “stems from the authority of the body that adopts them and is the result of the agreement of the political representatives of the member states of the Council of Europe“ (2011, 89). Among these recommendations, the following stand out:

- Council Recommendation of 30 November 1993 concerning the responsibility of organizers of sporting events³ – contains guidelines that indicate the need to determine who is the organizer of the match and what is their responsibility, i.e. if the responsibility is divided between two or more bodies to determine who will be responsible

³ Council Recommendation of 30 November 1993 concerning the responsibility of organizers of sporting events, adopted on 30 November 1993 (OJ C 444/1). It is not subject to ratification because it is not an international treaty.

and for which function.

- Council Recommendation of 1 December 1994 concerning exchange of information on the occasion of major events and meetings (network of contact persons)⁴ – suggests the national institutions and bodies of the Council of Europe to establish a network of contacts so that the flow of information important for the organization of the event itself is more expeditious.
- Council Recommendation of 22 April 1996 on guidelines for preventing and restraining disorder connected with football matches, with an annexed standard format for the exchange of police intelligence on football hooligans⁵ – suggests that signatory states should use an integrated database of police reports on persons who have committed offenses or who are reasonably suspected of causing riots.
- Recommendation Rec (2001) 6 of the Committee of Ministers to member states on the prevention of racism, xenophobia and racial intolerance in sport⁶ – calls on national governments to take the necessary measures to prevent racist and xenophobic messages in football stadiums and sports halls.
- Recommendation 2003/1 of the Standing Committee on the role of social and educational measures in the prevention of violence in sport (Recommendation Rec (2001) 6 of the Committee of Ministers to member states on the prevention of racism, xenophobia and racial intolerance in sport)⁷ – indicates the need establishment

⁴ Council Recommendation of 1 December 1994 concerning exchange of information on the occasion of major events and meetings (network of contact persons) adopted on December 1, 1994 (OJ C 444/1). It is not subject to ratification because it is not an international treaty.

⁵ Council Recommendation of 22 April 1996 on guidelines for preventing and restraining disorder connected with football matches, with an annexed standard format for the exchange of police intelligence on football hooligans, adopted on April 22, 1996 (OJ C 131). It is not subject to ratification because it is not an international treaty.

⁶ Recommendation Rec (2001) 6 of the Committee of Ministers to member states on the prevention of racism, xenophobia and racial intolerance in sport, adopted in June 2006, entered into force in 2002 (OJ C 444/1). It is not subject to ratification because it is not an international treaty.

⁷ Recommendation Rec (2001) 6 of the Committee of Ministers to member states on the prevention of racism, xenophobia and racial intolerance in sport, adopted in 2001, entered into force in 2002 (OJ C 444/1). It is not subject to ratification because it is not an international treaty.

of a broader approach to the prevention of this problem, through the development of certain educational projects.

The most significant contribution made by the aforementioned recommendations and other accompanying documents adopted in the period after the first Convention of the Council of Europe is reflected precisely in the establishment and further development of the standards that we previously identified from the analysis of the provisions of the Convention themselves – the standards of mutual communication. In this regard, many efforts have been made to establish effective mechanisms for the application of these standards, not leaving out the institutionalization of such communication, so today's cooperation between the organizers of sports events and their immediate actors is incomparably easier and more efficient. To this, as an additional contribution to the ultimate goal – prevention of inappropriate and violent behaviour at sports events, we should add the obligation of the signatory states, which arises from these accompanying documents, to establish a National Football Information Point (hereinafter: NFIP), as the central body through which all communication related to the organization of international matches will be carried out. The NFIP is, in fact, conceived as the bearer of almost all the activities we mentioned above, which derive from the recommendations of the Council of Europe, including the indispensable communication between security structures as well as the exchange of police and intelligence data. However, regardless of the noticeable progress that has been made towards the set goal, it is noticeable, almost equally, that the aforementioned recommendations focus on football as the most mass sport (cf. aut. NFIP), almost always respecting the specifics of events of this type only. To be fair, other sports, including the venues in which they can be played, are not completely neglected, but they are not nearly as represented as football matches.

Seeking to compensate for the shortcomings contained in the previous Convention I, under the influence of a new wave of expansion of violence and misconduct by fans in stadiums across the continent, in 2016 the Council of Europe adopted a new document called the Council of Europe Convention on an integrated safety, security and service approach at football matches and other sports events⁸ (hereinafter: Convention

⁸ Council of Europe Convention on an integrated safety, security and service approach at football matches and other sports events), adopted on July 3, 2016 in Strasbourg, entered into force on November 1, 2017 (OJEU L 115/9). The Republic of Serbia signed this convention on May 17, 2021, but did not ratify it.

II). In the explanation of the proposal of the Convention (Explanatory Report)⁹, it is stated that in the period of almost three decades after the adoption of the first Convention of the Council of Europe (in 1985), new circumstances arose which are reflected in the significant influence of various social factors (economic, political, technological, migration) to sports events and the development of new forms of hooligan behaviour. Accordingly, the proposal of the Convention in its introductory part particularly emphasizes the importance of establishing a dialogue with key actors, such as local communities, fan associations and the like. Therefore, from the very introductory provisions we can notice certain changes in the approach to the issue itself, i.e. it can be seen that Convention II will have an integrative approach that does not only mean communication between the security structures responsible for the organization of an international sports event (a legacy of the first CE Convention), but also interaction with a wider circle of indirect and direct actors of sports events. Convention II, just like the one that preceded it, foresees a whole series of measures to prevent and punish violence and misconduct. Among others, there are those that emphasize that the signatory states are obliged to improve the licensing system of those persons who are in charge of implementing security protocols at the venues of sports events; it is necessary to improve the sanitary conditions in these places, that is, to develop more effective protocols for unhindered access to special categories (women, children, the elderly and people with disabilities); the organizers of the sports events themselves have the possibility of being sanctioned, due to inadequate actions, if certain incidents occur. At the very beginning of Convention II, we can see a repetition of the flaws of previous similar or the same documents, which are reflected in the overemphasis of the validity of provisions for football matches. Although its text states that most of these provisions refer to football due to its global distribution, it is evident that the changed social circumstances that were noted at the beginning, among other things, influenced the development of deviant forms of behaviour at other types of sporting events (cf. aut. basketball games in Serbia). However, in addition to this tendency, which builds on the previous document, Convention II, unlike all previous solutions, also provides institutional support for the implementation and realization of the foreseen measures.

⁹ Explanatory Report to the Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events, adopted in 2016 in St. Denis (CETS 218).

For this purpose, the Committee on Safety and Security at Sports Events was established, which is responsible for monitoring the implementation of the provisions of Convention II and providing technical and advisory assistance to the signatory states.

Further analysis of the provisions contained in Convention II indicates that the basis of this document is the position that misconduct at sports events is not the result of innate or created rivalry, nor the consequence of the consumption of illegal psychoactive substances, but rather the synchronized action of the most diverse risk factors. In this sense, the integrative approach that the Council of Europe tried to implement in the fight against illegal behaviour at sports events implies that the most important standards that can be extracted from these provisions are safety, security and services, which are also three pillars of the same goal. Safety standards, as the thematic concept of Convention II, include a set of measures related to the protection of life and health of all actors of an event (stadium infrastructure, stadium certification, rules for the consumption of alcoholic beverages, plans for emergency situations, etc.). Security standards, as the next thematic concept, include those measures that are specially designed to suppress all forms of violence both in the stadium and outside it (cooperation between police services and other security structures in the organization of a sporting event of an international character, risk assessment, sanctions for individuals). From the mentioned group of measures, we can see one of the objections of the CE Convention from 1985, which refers to the defining of responsibility for the type of violence directly related to the football match. It is not manifested in the stadium itself, but in its environment. Although it is emphasized again that such violence, first of all, must be correlated with a football match (the possibility is left that it can apply to other sports as well), the value of this group of measures lies precisely in the fact that it defines the spatial competence of the organizers, which no longer includes the deviant behaviours displayed within the confines of the stadium. Service standards represent the last thematic concept that is equally important for achieving the very goal of Convention II and refers to a set of measures that should make the stay at sports events pleasant (availability of food and drinks, appropriate sanitary facilities, safety protocols).

On the other hand, in addition to all the aforementioned provisions and established standards aimed at suppressing violent and inappropriate behaviour at sports events, the conclusion is that Convention II does not

contain revolutionary solutions, that is, that on the way to that goal, it will not lead to radical changes. Although it is not in dispute that it has the provisions and established standards that we mentioned above, which can partially contribute to that goal, we are witnessing the expansion of hooliganism in stadiums and in halls throughout Europe, which also shows that certain solutions contained in Convention II are superficial and practical unattainable. Also, part of the responsibility for this problem must be borne by the Security and Protection Committee itself, because as an institutional support, practice has shown, it does not have effective mechanisms for implementing these ideas. Although the very idea of establishing a body of this nature, with clearly presented powers, was welcomed by the largest number of states and unequivocally accepted, however, there were no concrete results. Noting the existence of difficulties in the practical implementation of these provisions, we come to the part in which Convention II showed its greatest shortcomings. Namely, the set of provisions related to the change of the stadium infrastructure, in the first place, does not indicate the correlation between the non-adapted stadium infrastructure and violence in it, so the entities responsible for the implementation of these provisions on the basis of the given text cannot see the danger that may arise if they turn a deaf ear to requests of this kind. In practice, on the other hand, it turned out to be an open possibility that, in the name of that absence, those same subjects make different compromises when it comes to the construction of the stadium infrastructure. For example, football stadiums in Serbia use this gap, and therefore do not have adequate control systems at the entrances, but have prefabricated technical systems whose goal is to select spectators depending on the price they paid for the ticket, and not to contribute to their safety. However, as it is clear that one document, regardless of its legal force, cannot systematically eradicate the occurrence of violence at sports events, it should be noted that Convention II contains provisions that should represent guidelines for future development with the aim of preventing the occurrence and criminalization of such patterns of behaviour.

CRIMINAL-LEGAL PROTECTION AGAINST VIOLENCE AT SPORTS EVENTS IN EUROPEAN COUNTRIES – THE EXAMPLE OF ENGLAND

As we could see in the previous chapter, various forms of inappropriate, illegal and consequently harmful behaviour of actors of sports events were the main motive for the adoption of international standards aimed at regulating this issue. The specificity of the adopted documents is that they mostly acted retroactively, that is, they were ratified immediately after certain events that caused consequences of an enormous scale, as well as enormous public pressure. We are also witnesses, as the above-mentioned examples confirm, that football team matches are particularly inspiring for extreme groups or individuals, so, regardless of the fact that various forms of inappropriate behaviour appear at matches of other sports, in modern conditions there is an impression that such behaviour most pronounced precisely in this sport. Such a generalization, somewhat reasonable, is nevertheless not justified, i.e. in order to reduce the problem of improper behaviour at sports events to a socially acceptable level, it is necessary that the approach to the problem includes all aspects of this behaviour, including the possible place and time of their manifestation. This further implies that the complexity of this issue also lies in the fact that there are no clear preconditions that can be said to favour the emergence of this phenomenon, i.e. that unacceptable outbursts of violence occurred equally in developed and underdeveloped countries, smaller and larger continents, more precisely independent of the determinants of this type. However, there are several countries that are leading in this regard, that is, that can be singled out as an example of good practice. The first among them is England, a country that, in order to prevent illegal forms of behaviour in stadiums, adopted the standards identified above and brought their functioning to near perfection in practice. Just looking at the sports events that take place in this country indicates that, for example, infrastructure standards have been applied in such a way that this country is rightly used today as an illustration of the topic that this paper deals with.

Until the mid-1980s, hooliganism, claims Robert Carroll, was an integral part of the sports (football) scene in England, i.e. a striking feature of sporting events (1980, 77). According to Hall (Stuart Hall), this problem begins to be solved from the moment when violence of this type is identified as a social phenomenon and as such becomes a

political matter (a question of law and social control) (1978, 42). Although hooliganism in England manifested itself in the years before World War II, the first significant steps towards the normative formulation of this problem were made only in 1984, when the Police and Criminal Evidence Act 1984 was adopted, which gave the police the authority to supervise football hooligans. Already in the following year, the now famous tragedy at the Heysel stadium had a decisive influence on the change in the approach of the UK authorities towards the problem of this type of violence. The then Prime Minister of the United Kingdom Margaret Thatcher, realizing that tragedies of this nature irreversibly damage the reputation of this country in international relations and reflect the impression that extreme fans are stronger than the law (Veutney and Freeburn 2015, 209), began an unconditional, long-term and decisive confrontation with hooligans. Among the series of measures that were introduced at that time and the laws that were adopted, the following provisions stand out: prison sentences of 3-5 years were introduced, stadiums had no standing room, the serving of alcohol was prohibited, cameras were installed in stadiums and in the streets at the approaches to the stadium, complete numbering of seats was introduced and the sale of subscription tickets with an identification document... (Otašević 2014, 164). Emphasizing the position that football hooliganism was the "worst disease of the nation", Thatcher at the same time used the great public pressure that took place through the media in order to introduce stricter measures against deviant youth, the stronghold of the working class, and the game of football in general (Piskurek 2018, 96). In this sense, the adoption of a series of laws that further contributed to this struggle continued, among which the following stand out: the Sporting Events [Control of Alcohol] Act of 1985, the Public Order Act from 1986, Football Spectators Act from 1989, Football Offenses and Disorder Act from 1999 and Football Disorder Act from 2000.

The aforementioned normative solutions led to numerous changes, of course, and to the integration of the standards recommended by the Council of Europe Convention, but also to their further development. Namely, as we said, probably the most visible such example is represented by infrastructure standards, which began to be applied at the end of the 20th century and continue to develop to the extent that many of today's stadiums on the soil of this country are masterpieces of architecture. England was, therefore, the first to recognize the correlation between stadium infrastructure and the safety of direct and indirect actors of a

sporting event, adopted a normative framework for the application of these standards and thereby significantly reduced the risk of various forms of misconduct (Đorić 2017, 39-55). Accordingly, all stadiums in England today have chairs for sitting, the number of which must correspond to the estimated capacity of the stadium, and visitors are obliged to adhere to the numbering of the seats and to sit in their seats during the game. Also, in this wave of changes, significant steps have been taken to improve service standards, so every stadium has toilets that are clearly marked, and access to them is enabled for every visitor (including special categories, such as people with disabilities).

Although almost all the provisions contained in the laws mentioned here have their role in preventing and suppressing inappropriate behaviour patterns, first of all on football and then on all other fields, most theorists agree that the Football Spectators Act¹⁰ from 1989 is the one that to the greatest extent enabled noticeable results in practice, especially in terms of establishing standards of judicial cooperation and standards of police behaviour. The most important provision of this Act is contained in Chapter 15, which states that the UK courts can impose a measure of prohibition (so-called “restriction order”) from attending sporting events, both at home and abroad, to those persons who have previously been registered and convicted of misdemeanours at football matches (Stott & Pearson 2006, 242). It should be noted that this law is a kind of upgrade of previous laws that tried to combat the ever-growing problem of hooliganism, and in the Western literature one can clearly see opinions that, in fact, say that based on the experience of previous laws, a whole series of shortcomings have been corrected by the new act, which, again, according to their opinion, is also its main value (Williams 2013, 2). However, the prohibition measure introduced by this Law also contains certain shortcomings that are primarily reflected in the imperfect solution that this measure can be imposed on all those persons who have records of violence in connection with football matches. However, underlines Williams (Adam Williams), the problem arises at the moment when such an act is not directly related to a football match, but without a doubt represents an act carried out by hooligans, insisting on the example when a group of extreme fans attacked an elderly woman in the wider centre of London, on a day when no games were played (2013, 2-3). In the given circumstances of the specific example, the court did not consider

¹⁰ Football Spectators Act 1989. UK Public General Acts 1989 p. 37. Retrieved April 15, 2022, from <https://www.legislation.gov.uk/ukpga/1989/37/contents/enacted>

that the legal requirement was met, stating that the assumption that it is about fans is not sufficient, that is, it is necessary that there is fulfilment of the main condition – that such an act is related to a football match. Several similar examples like the one mentioned here influenced the legislator to reconsider the solutions contained in the previously analysed law, and finally, after the new riots that marked the European football championship held in Belgium in 2000, to make additional efforts to eliminate these shortcomings. Accordingly, in the same year 2000, the Football Disorder Act¹¹ was adopted, which stipulates that the measure of banning attendance at sports events (“restriction order”) can be imposed even in those situations where the manifestation of violent behaviour is not direct in connection with a football match. A significant contribution of this Law, as stated by Pearson (Geoff Pearson), is also in the provision that allows this measure to be imposed on those persons who have not been registered and convicted for committing offenses at football matches, if it is about persons who have been flagged by the police as entities that can incite riots and violence at matches (2006, 2). With this solution, the police received much greater and more effective powers in the fight against hooliganism at sports events, and the data (3,286 bans based on police recommendations) also show that the Ministry of Internal Affairs in the years after the adoption of the Law became the pivot of this type of struggle (Pearson 2006, 2). From the aforementioned analysis of the criminal-legal reaction to the violence of extreme fans in England, it is clear to note that many years of continuous work on this problem has yielded results, in the sense that violence at football and all other matches is an unimaginable phenomenon in this country. However, when looking at the wider picture of this problem, although the general impression of the public is that the then British Prime Minister Margaret Thatcher, with her decisive and uncompromising approach, solved the problem of hooliganism on the sports scene, the reality points to different facts. It is true, therefore, that violence in the stands in England is a thing of the past, especially after the tragedy at the Heysel stadium in which 39 English fans lost their lives, but it has not ceased to exist as such, that is, it has been partially moved from the stadium to the streets of British cities, but also to the stadiums and streets of those European cities where English clubs are visiting, and which do not have effective mechanisms to oppose this phenomenon.

¹¹ Football (Disorder) Act 2000. UK Public General Acts 2000 p. 25. Retrieved April 15, 2022, from <https://www.legislation.gov.uk/ukpga/2000/25/contents>

CONCLUSION

The generally accepted point of view that socio-political processes throughout the 20th century, primarily globalization, transformed the basic role of sport, which today is reflected in its commercial effect, still did not erase the centuries-old testimony that it also has a noticeable ideological role. The effort to adapt sport to a broad concept of mass culture, with the additional aim of representing a counterweight to the boring and increasingly less acceptable everyday life, at the same time exposing the fact that it has become a tool of powerful industries less and less available to the common man, marks the first and crucial step towards its hypostasis. The new paradigm of sports, to be honest, is not only a consequence of the processes observed here, but the responsibility for the state of affairs in this area lies with the very relationships that are established, on the basis of which the competition gains primacy over the game, and the emerging rivalry is inevitably transferred to the fans as well. An indispensable element of this new paradigm, therefore, is inappropriate and improper behaviour, not only by the audience but also by other actors of sports events, and a whole series of social, economic and political factors that act synchronously ultimately make such patterns of behaviour grow into hard-to-understand extremism.

The history of the fight against violence at sports events, as we have seen in the paper, can be divided into two stages: the first, covers the time period from the end of World War I to the tragedy at the Heysel Stadium in 1985, which is characterized by a noticeably flexible and somewhat weak approach to this issue; the second, covers the time period immediately after the aforementioned tragedy and lasts until today, i.e. the period in which certain countries (cf. aut. England) have shown that it is possible to develop effective normative and social mechanisms to oppose the expansion of violent behaviour of this kind. A whole series of primarily international and then national documents and laws that were ratified and adopted in this period undoubtedly contributed to the improvement of international legal standards of criminal-legal protection against violence at sports events, however, the fact that most of them were adopted retroactively presents a certain problem, i.e. only after the manifestation of certain behaviours that had catastrophic consequences. The example of the mentioned country, which served as an example of the topic that is dealt with in the paper, shows that it is possible with legal provisions to reduce inappropriate behaviour of fans to a

socially acceptable level and that it is possible to establish successful international cooperation with the same goal. However, when we talk about the international cooperation of countries on this front, it should be noted that there is a sufficiently large space for further progress, especially between what was proclaimed and what was done. The daily witness to situations where fans from various countries, following their teams on away trips, continue with the practice of extreme activities (use of pyrotechnics, rioting, drugging and drinking...), quite decisively confirms this claim.

The existence of sport, bearing in mind all of the above, is quite endangered, and in order to avoid the most unfavourable scenario in this regard, it is necessary to provide sport with a position in society that will enable it to actively participate in the social and economic system of the country. Therefore, in order for such a status to be possible to be achieved from sport, all those elements that threaten it, which are embodied in the connection between sport-politics-crime, must be eliminated and an effective control function must be established that would reduce socially unacceptable behaviours to a minimum.

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Немања Стевановић

Факултет за дипломатију и безбеднос

Душан Радуловић

Факултет за дипломатију и безбеднос

МЕЂУНАРОДНО ПРАВНИ СТАНДАРДИ КАЗНЕНО-ПРАВНЕ ЗАШТИТЕ ОД НАСИЉА НА СПОРТСКИМ ПРИРЕДБАМА

Сажетак

Циљ рада јесте приказ ефикасности до сада примењених механизма за спречавање насиља и недоличног понашања на спортским приредбама, садржани у међународно правном оквиру и националном законодавству, а који су настали из праксе супротстављања овом облику насиља у појединим државама Западне Европе. Међународна сарадња на пољу казнено-правне заштите од насиља на спортским приредбама развила се након низа трагичних догађаја у другој половини XX века, с намером да се снагом закона и међународних конвенција успостави систем превентивног деловања како би се немиле сцене елиминисале из садржаја спортских активности. Како поједина друштва, поготову она у процесу транзиције, занемарују значај здравствено-рекреативне функције спорта, истовремено не чине довољно на плану ове превенције и промени оних друштвених релација које се налазе у основи девијантног понашања спортских актера, у првом реду навијача. На основу квалитативне анализе литературе, као основног методолошког приступа и анализе правног и институционалног оквира у овој области, констатује се да је на овом пољу у последњих неколико деценија учињено много корисних и ефикасних корака. Како насиље на спортским догађајима још увек егзистира као неизоставно обележје готово сваке активности ове врсте, на теренима и у халама широм Европе, да се приметити да постоји изванредан простор за даљи напредак у погледу дефинисаног циља. Користећи навијање као одбрамбени механизам идентификације, где сам такмичарски однос унутар игре ствара ривалитет, ови припадници углавном ма

маргинализованих друштвених група на овај начин артикулишу своје незадовољство на друштвено неприхватљив начин.

Кључне речи: спорт, навијачи, закон, хулигани, спортско насиље, међународно правни оквир, екстремизам.