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Draft Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events

Report¹

Committee on Culture, Science, Education and Media

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Summary

The Committee on Culture, Science, Education and Media welcomes the initiative of the Committee of Ministers of the Council of Europe in drawing up a Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events. The committee unreservedly concurs with the multi-agency, integrated approach of the new convention, which is intended to establish the regulatory framework and the mechanisms required for effective and co-ordinated action by all the stakeholders involved, while respecting the specific features of national systems and the independence of the partner sports organisations.

Some improvements would be desirable however. In particular, it would be appropriate to:

- explicitly refer to the threats which can originate from terrorism, thus showing that the new convention is part of the response to these threats;
- highlight that the States Parties shall ensure proper risk assessment, based on relevant data;
- associate the Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe in the monitoring of the implementation of the convention, in particular by taking part, without the right to vote, in the Committee on Safety and Security at Sports Events to be set up under the convention.

All Council of Europe member States should be encouraged to ratify rapidly this new convention.

1. Reference to committee: [Doc. 13752](#), Reference 4129 of 24 April 2015.



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A. Draft opinion²

1. The Parliamentary Assembly welcomes the initiative of the Committee of Ministers of the Council of Europe in drawing up a Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events.

2. It unreservedly concurs with both the aims of the new convention and the multi-agency, integrated approach of the draft convention, which is actually the only approach capable of ensuring maximum effectiveness of the system for combating violence inside and outside stadiums. The Assembly believes that this reflects clear added value of the new convention compared with the European Convention on Spectator Violence and Misbehaviour at Sports Events (ETS No. 120).

3. The Assembly notes that the draft convention takes account both of the need to respect the specific features of national systems and the autonomy of the partner sports organisations and of the need to establish the regulatory framework and the mechanisms required for effective and co-ordinated action by all the stakeholders involved. It welcomes this outcome and, with regard to the substantive provisions, wishes to make only two comments:

3.1. in Article 4, it would be appropriate to highlight that the Parties shall ensure proper risk assessment, based on relevant data;

3.2. Article 7, in the second sentence, uses the modal verb “shall” in the conditional (“should”), whereas the obligation provided for in the first sentence cannot be met unless the exercises mentioned in this second sentence are initiated, supervised and certified and hence also unless an agency is clearly entrusted with the task.

4. The Assembly believes that both it and the Congress of Local and Regional Authorities of the Council of Europe could make a useful contribution, once the new convention comes into force, to monitoring its implementation, in particular by taking part, without the right to vote, in the Committee on Safety and Security at Sports Events to be set up under Article 13 of the convention.

5. The Assembly believes that technical amendments in some of the final clauses would be appropriate; in this connection, it refers to the comments and explanations set out in the explanatory memorandum to the [draft] opinion by the Committee on Culture, Science, Education and the Media ([Doc. 13913](#)).

6. Lastly, the Assembly suggests that the new convention should explicitly refer to the threats which can originate from terrorism, thus showing that the new convention is also intended to be part of the response to these threats.

7. The Assembly therefore recommends that the Committee of Ministers make the following amendments to the draft convention:

7.1. in the preamble, insert the following new paragraph: “Having regard to Opinion... (2015), adopted by the Parliamentary Assembly of the Council of Europe on ... November 2015”;

7.2. in Article 4, insert the following new paragraph 4.2 (or 4.4): “The Parties shall ensure that co-ordination arrangements are established to identify, analyse and evaluate the risks pertaining to safety, security and services, and to allow the sharing of updated information on risk assessment”;

7.3. modify the second sentence of Article 7 as follows: “National legal, regulatory or administrative frameworks *shall* make clear which agency is responsible for initiating, supervising and certifying the exercises”;

7.4. at the beginning of Article 13.4, insert the following new sentence: “The Parliamentary Assembly of the Council of Europe and the Congress of Local and Regional Authorities of the Council of Europe may each appoint one representative to attend the committee’s meetings, without the right to vote”;

7.5. draft Article 16.4. as follows: “4. When depositing its instrument of ratification, acceptance or approval in accordance with the preceding paragraph, a Contracting State may declare that it will continue to apply Convention No. 120 until the entry into force of this Convention according to the provisions of Article 17.1”;

7.6. delete Article 19.2;

2. Draft opinion adopted unanimously by the committee on 29 September 2015.

7.7. if deemed desirable in order to ensure continuity between Convention No. 120 and the new convention, add a new paragraph 3 to Article 17, worded as follows: “3. Following denunciation of Convention No. 120, a State may declare that the provisions of this Convention shall apply to it on a provisional basis until such time as its ratification enters into force in accordance with the provisions of Article 17.2 of this Convention”;

7.8. in the explanatory report to the draft convention, make an explicit reference to the threat of terrorism, adding a new sentence at the end of paragraph 14 as follows: “These are risks which can originate from different causes, for instance natural disasters, terrorist attacks, infrastructure failures, violence of any kind and misbehaviour”;

7.9. if applicable, make the necessary amendments to the explanatory report to the draft convention so as to reflect the amendments to the draft text.

8. Lastly, the Assembly recommends that all member States initiate as quickly as possible the necessary internal procedures for the ratification of the new convention.

B. Explanatory memorandum by Mr Jablianov, rapporteur

1. Introduction

1. After the adoption by the Parliamentary Assembly of [Recommendation 963 \(1983\)](#) on cultural and educational means of reducing violence, a range of dramatic incidents, and in particular the Heysel disaster in May 1985,³ made clear the need to give a binding response to the phenomenon of hooliganism and other football-related violence.

2. This led to the drafting of the European Convention on Spectator Violence and Misbehaviour at Sport Events and in particular at Football Matches (ETS No. 120), which was opened for signature on 19 August 1985 and entered into force on 1 November 1985; it has since been ratified by 42 States.

3. Convention No. 120 represented an important step forward. However, over the past decade it became increasingly apparent that its content (which was essentially aimed at preventing, deterring and responding to incidents of violence and misbehaviour inside or within the vicinity of stadiums) had become inappropriate with some provisions felt to potentially exacerbate rather than counter the threat of violence and disorder.

4. Therefore, upon the proposal of the 12th Council of Europe Conference of Ministers responsible for Sport (Belgrade, March 2012), in June 2012, the Committee of Ministers entrusted the Standing Committee of the Spectator Violence Convention to study the extent to which it was necessary to update Convention No. 120 (see CM/Del/Dec(2012)1145/8.1). This study, which was submitted to the Committee of Ministers in December 2013 (see CM/Del/Dec(2013)1187/8.3), concluded that there was a strong case for revising the 1985 Convention.

5. A number of interrelated explanations were provided, including:

- the content of Convention No. 120 is in some respects inconsistent with the experience acquired and good practices adopted in Europe since its adoption; the Standing Committee's recommendations accordingly do not tally with the provisions of the convention, which causes confusion for the States Parties;
- Convention No. 120 focuses on spectator violence and does not take account of other factors such as security and services ("hospitality"), although an integrated multi-agency approach to the three pillars should be promoted;
- revision would enable:
 - greater account to be taken of the impact of societal changes (economic, migratory, political, social and technological) on football and of the nature and level of associated risks;
 - partnerships to be developed more widely.

6. In the light of this study, the Committee of Ministers decided at its 1187th meeting in December 2013 to update the convention, and instructed the Standing Committee to revise it. The Standing Committee prepared a new text which, after intensive consultation and discussion, was refined and then unanimously endorsed by delegations of all States Parties in December 2014. The Committee of Ministers sent this text to the Assembly for an opinion.

2. Main elements of the draft convention

7. The draft Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events (hereafter "the draft convention") aims to ensure that football and other sports events provide a safe, secure and welcoming environment for all individuals.

8. To achieve this end, the draft builds on a basic idea: to promote a multi-agency, integrated approach towards safety, security and service, and a partnership ethos between all of the agencies involved in a sport event, with the roles and responsibilities of each public and private agency being clear and complementary.

9. The draft convention also highlights the importance of developing a dialogue with local communities and supporters, and underlines that sport can have an important role in promoting the core values of the Council of Europe, such as social cohesion, tolerance and the fight against discrimination.

3. Violent incidents between Liverpool fans and Juventus fans led to 39 deaths and left more than 600 people injured inside the Heysel Stadium, just before the beginning of the 1985 European Cup Final.

10. The draft convention proposes setting out key principles which States can adapt and apply in the light of their national legislation and circumstances, depending on the character and severity of the safety and security problems associated with sports events in their territory.

11. With regard to the scope of the convention, its provisions are therefore to be applied to all domestic and international professional football matches, but it is for each State Party to decide whether they should be extended to other sports events where comparable risks and challenges apply.

12. Moreover, obligations under the convention must not interfere with the principle of autonomy of sport in Europe, which has been recognised by the Committee of Ministers.⁴ However, the principle does not exclude the sports movement from compliance with the rule of law and the applicable law in each jurisdiction.

13. The draft convention also stresses that the convention should be applied in a manner that is consistent with international and national legal obligations in respect of matters such as human rights, data protection and rehabilitation of offenders.

14. The text also provides for the establishment of a Committee on Safety and Security at Sports Events which would be entrusted with monitoring compliance with the convention and providing support and advice to States Parties for its implementation. This arrangement is similar to that used by the Anti-Doping Convention (ETS No. 135).

3. The multi-agency, integrated approach towards safety, security and service

15. The concept of “safety” comprises all measures related to the protection of people from being injured or facing a risk for their health and well-being during sports events. These measures concern stadium infrastructure, stadium certification, rules for the consumption of alcohol, emergency plans, etc.; but there are also measures which can be implemented outside stadiums in order to protect people on their journey to the event, or those who live or work in the vicinity. This may incorporate the management of public and private vehicles and supporters in the vicinity of stadiums. It also includes measures in respect of football-related events held in public spaces, like fan zones and public viewing areas.

16. The concept of “security” comprises all measures aiming to tackle violence inside and outside stadiums, and namely all measures designed to deter, prevent and sanction any incident of violence or misbehaviour, including co-operation between policing and other agencies involved in the security of an event, risk assessment, and sanctions against individuals committing offences or public disorder.

17. “Service” measures comprise all measures designed to make football and other sports events enjoyable and welcoming for all, not only in stadiums but also in public spaces where spectators gather, either at organised events or in a spontaneous manner. This incorporates key elements like catering and toilet facilities and also the manner in which they are greeted and treated throughout the event experience.

18. The draft convention stresses that these three dimensions must be addressed jointly (“integrated” approach) so as to ensure maximum effectiveness of the system for combating violence inside and outside stadiums. I entirely agree with this analysis and believe that this reflects clear added value of the new convention compared with Convention No. 120. In my view, it is very important to regard spectators not just as a crowd of people to be managed and controlled but as “individuals” with “legitimate expectations” to be able to attend sports events in comfortable conditions and without taking risks. When seen in this way, spectators become partners in the efforts to combat misbehaviour. I unreservedly endorse this commendable approach.

19. I consider the provisions in Articles 7 (Contingency and emergency planning), 9 (Police strategies and operations), 10 (Prevention and sanctioning of offending behaviour) and 11 (International co-operation) are particularly important. Among other elements, these provisions establish that the Parties to the convention:

- “shall ensure that multi-agency contingency and emergency plans are developed, and that those plans are tested and refined in regular joint exercises” (Article 7);
- “shall ensure that policing strategies are developed, regularly evaluated and refined in the light of national and international experience and good practices, and are consistent with the wider, integrated approach to safety, security and service” (Article 9.1);

4. Recommendation CM/Rec(2011)3 of the Committee of Ministers on the principle of autonomy of sport in Europe, adopted on 2 February 2011 at the 1104th meeting of the Ministers’ Deputies.

- “shall, in accordance with national and international law, ensure that effective exclusion arrangements, appropriate to the character and location of risk, are in place to deter and prevent incidents of violence or disorder” (Article 10.2);
- “shall, in accordance with national and international law, co-operate in seeking to ensure that individuals committing offences abroad receive appropriate sanctions, either in the country where the offence is committed or in their country of residence or citizenship” (Article 10.3);
- “shall co-operate closely on all matters covered by this Convention and related matters, in order to maximise collaboration in respect of international events, share experiences and participate in the development of good practices” (Article 11.1).

20. I strongly welcome the reference in Article 8 to the need to encourage multi-agency projects. In this respect, I find particularly important the role that schools can play in getting youth involved and gaining their support. This will certainly strengthen the effectiveness of the process, by raising awareness on safety and security risks, helping the dissemination of relevant information and thus promoting proper behaviour.

21. I also welcome the fact that the new convention will be open to non-member States: their accession will ensure maximum effectiveness.

4. Possible improvements

4.1. Preamble

22. In the preamble, a new paragraph worded as follows should be added: “Having regard to Opinion... (2015), adopted by the Parliamentary Assembly of the Council of Europe on [27] November 2015”.

4.2. Provisions on Parties’ obligations and on the monitoring mechanism

23. Proper risk assessment – based on relevant, exhaustive data – is a precondition of any sound strategy development and implementation. Therefore, the Parties should ensure that co-ordination arrangements are established to identify, analyse and evaluate the risks pertaining to safety, security and services and to allow the sharing of updated information on risk assessment. In this respect, I would deem it appropriate to develop national databases to gather relevant information on potential risks and tensions which may occur during sports events, also with a view to supporting the preparation of the policing strategies foreseen in Article 9 of the draft convention and to enhancing the intelligence capacity of police forces. I hope that this idea can be taken on board in the explanatory report to the draft convention.

24. In any case, I believe that the new convention should refer explicitly to risk assessment. I therefore suggest inserting in Article 4 the following new paragraph 4.2 (or 4.4):

“The Parties shall ensure that co-ordination arrangements are established to identify, analyse and evaluate the risks pertaining to safety, security and services and to allow the sharing of updated information on risk assessment.”

25. Article 7 of the draft convention reads as follows:

“Contingency and emergency planning

The Parties shall ensure that multi-agency contingency and emergency plans are developed, and that those plans are tested and refined in regular joint exercises. National legal, regulatory or administrative frameworks should make clear which agency is responsible for initiating, supervising and certifying the exercises.”

26. In the second sentence, the modal verb “shall” is in the conditional (“should”); this does not seem consistent, as the obligation provided for in the first sentence cannot be met unless the exercises mentioned are initiated, supervised and certified and hence also unless an agency is clearly entrusted with the task. I propose that the second sentence be modified as follows:

*“National legal, regulatory or administrative frameworks **shall** make clear which agency is responsible for initiating, supervising and certifying the exercises.”*

27. Article 13 of the draft convention deals with the establishment of the Committee on Safety and Security at Sports Events, which will be the body responsible for monitoring the application of the convention, composed of Parties' representatives. Paragraph 3 of this article provides that:

“3. Any member State of the Council of Europe or other State Party to the European Cultural Convention which is not a Party to this Convention, as well as any non-member State which is a Party to Convention No. 120, may be represented on the committee as an observer.”

28. It is unfortunate that the draft convention does not make provision for the Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe to be represented (without the right to vote) on the committee. For instance, the Council of Europe Convention on the Manipulation of Sports Competitions (CETS No. 215) provides for our Assembly's involvement in the follow-up committee. I propose that Article 13 be amended to make provision for the involvement of the Assembly and the Congress (the organisation of sports events necessarily involves local authorities).

4.3. Final clauses

29. I consider that the present drafting of article 16.4 lacks clarity. The present text reads as follows:

“4. When depositing its instrument of ratification, acceptance or approval in accordance with the preceding paragraph and the provisions of Article 17, a Contracting State may declare that it will continue to apply Convention No. 120 until the entry into force of this Convention.”

30. Article 17, which is mentioned here, concerns the entry into force of the convention, not the depositing of instruments. In my view, the following wording would therefore be more accurate [changes highlighted]:

*“4. When depositing its instrument of ratification, acceptance or approval in accordance with the preceding paragraph [~~DELETE: “and the provisions of Article 17”~~], a Contracting State may declare that it will continue to apply Convention No. 120 until the entry into force of this Convention **according to the provisions of Article 17.1.**”*

31. I propose to delete Article 19.2, which reads as follows:

“2. Pending the effective denunciation of Convention No. 120, a Contracting State to this Convention may declare that the provisions of this Convention shall apply to it on a provisional basis.”

32. The meaning of this provision is very ambiguous and the explanatory report does not really help to clarify it. A declaration of the provisional application of a new convention relates to the process of its ratification – whereas there is no reference to ratification here – not (only) to the denunciation of a previous convention (Convention No. 120 in this case).

33. It may be that the intention is to enable the new convention to be applied provisionally following denunciation of Convention No. 120 and until such time as ratification takes effect. In other words, a State which has decided to ratify and denounces Convention No. 120 could, with the declaration, “provisionally” apply the new convention system pending the entry into force of the ratification (not the denunciation). A mechanism of this kind would be acceptable, but it would be better for the corresponding provision to be included in Article 17 (as a new paragraph 3) and it should be worded completely differently, for example:

“3. Following denunciation of Convention No. 120, a State may declare that the provisions of this Convention shall apply to it on a provisional basis until such time as its ratification enters into force in accordance with the provisions of Article 17.2 of this Convention.”

4.4. Explanatory report

34. The explanatory report should be adjusted, depending on changes introduced in the text of the convention.

35. In addition, there is no explicit reference to the threat of terrorist attacks, although they are today a major safety and security issue. Sports events may easily become focal points of terrorist attacks and I believe that, to some extent, this convention could and should contribute to their prevention. For this reason, I suggest that, at the end of paragraph 14 in the explanatory report of the draft convention, the following new sentence be added:

“These are risks which can originate from different causes, for instance natural disasters, terrorist attacks, infrastructure failures, violence of any kind and misbehaviour.”

5. Conclusion

36. I agree with the approach and the spirit of co-operation behind the draft Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events; it is an extremely welcome text which our Assembly should support by inviting Council of Europe member States to ratify it promptly.

37. The few amendments proposed are merely intended to involve our Assembly (and the Congress of Local and Regional Authorities of the Council of Europe) more closely in its implementation, make the text clearer and strengthen it in a few key points.