KEY THEME[1]
Sports and the Convention

(Last updated: 28/02/2026)

Introduction

The Court has examined cases relating to sports in a variety of contexts. This Key Theme describes the case-law concerning sports hooliganism and related issues, disciplinary proceedings concerning sports professionals and discrimination in sport.[2]

Principles drawn from the current case-law

Hooliganism:

- A plan of operations to ensure public safety against hooliganism before, during and after a football match, does not have to cover any and all situations that might arise to eliminate all risk of violence under Article 3, but should be sufficiently thorough to serve as a basis capable of providing effective protection of the general public in relation to the football match in question (*Koffi v. Bulgaria*, 2026, § 171).
- A gathering of a large number of potentially aggressive fans, known to the authorities as a demographic in principle prone to hooliganism, to violence against spectators and police and to street riots, entails a high level of inherent risk to life and limb, and to people's physical and psychological integrity. At the same time, incidents might happen anywhere, at any point in time and set off by individuals in a random fashion or triggered by factors that are not possible to anticipate, bearing in mind the unpredictability of human conduct. In the absence of specific elements pointing to imminent danger from a group, or some of its members, brought to the knowledge of the police prior to the assault, there is no special obligation of diligence on the authorities (*Koffi v. Bulgaria*, 2026, §§ 173 and 180-181).
- Preventive detention in football hooliganism may be permitted under Article 5 § 1 (c), outside the context of criminal proceedings, when it is reasonably considered necessary to prevent an offence. In such cases the Court has noted, *inter alia*, that it should not be made impracticable for the police to fulfil their duties of maintaining order and protecting the public, acknowledging the numerous occurrences in Europe of football and other sports hooliganism and of mass events turning violent (*S., V. and A. v. Denmark* [GC], 2018 §§ 94-95, 116 and 123).
- The Court has underlined that the "purpose" requirement of bringing a detainee before a court is to be applied with a degree of flexibility to detention falling under the second limb of Article 5 § 1 (c), in order not to prolong short preventive detention unnecessarily. When a person is released from preventive detention after a short period of time, either because the risk has passed or, for example, because a prescribed short time-limit has expired, the

[1] Prepared by the Registry. It does not bind the Court.

[2] This Key Theme does not cover sports arbitration: see rather Key Theme on Arbitration.

purpose requirement should not constitute an obstacle to preventive detention (*S., V. and A. v. Denmark* [GC], 2018, §§ 118-126).

- To ensure that such preventive detention is neither arbitrary nor disproportionate, the Court has emphasised that specific safeguards are necessary: the requirement of domestic lawfulness; the protection from arbitrariness; the requirement for the offence to be concrete and specific; and the need for the arrest and detention to be "reasonably necessary". The necessity test under the second limb of Article 5 § 1 (c) requires that measures less severe than detention have to be considered and found to be insufficient to safeguard the individual or public interest. The offence in question has to be of a serious nature, entailing danger to life and limb or significant material damage. In addition, the detention should cease as soon as the risk has passed, which calls for monitoring, the duration of the detention being also a relevant factor (*S., V. and A. v. Denmark* [GC], 2018, § 161).
- Where individuals are detained under Article 5 § 1 (b) to "secure the fulfilment of any obligation prescribed by law", the obligation to not commit a criminal offence in the imminent future cannot be considered sufficiently concrete and specific, as long as no specific measures have been ordered which have not been complied with. In this regard, the Court has considered that a large police presence, which is normal at any mass event such as before, during and after a football match, does not amount to a sufficiently specific order and cannot be compared to very specific measures ensuring that an individual has been made aware of the act which they must refrain from committing (*S., V. and A. v. Denmark* [GC], 2018, §§ 83 and 85-86; compare and contrast with *Ostendorf v. Germany*, 2013, § 92-96, where the police had specifically ordered the applicant, prior to his arrest, to stay with a group of football supporters and had warned him in a clear manner of the consequences of his failure to comply with that order).
- The dissolution of an association of football supporters following violent or offensive behaviour by its members may be a proportionate interference with Article 11 pursuing the legitimate aim of maintaining order and preventing crime (*Les Authentiks and Supras Auteuil 91 v. France*, 2016, §§ 77 and 84; *Association Nouvelle Des Boulogne Boys v. France* (dec.), 2011). In this context, the Court has noted that associations whose official purpose is to promote a football club are considered of less importance in a democracy than a political party and, consequently, the necessity of restricting the right of association does not need to be subject to the same rigorous scrutiny (*Les Authentiks and Supras Auteuil 91 v. France*, 2016, § 84).
- An exclusion measure, imposed following a conviction for hooliganism, that prohibited attendance at football matches nationally and internationally, including a requirement to report to the police station and to surrender travel documents, was considered of a preventive nature (to protect possible future violence during sports events) and not a criminal penalty for the purposes of Article 4 of Protocol No. 7 (*Seražin v. Croatia* (dec.), 2018, §§ 78-91; compare and contrast *Velkov v. Bulgaria*, 2020, § 51, in which the administrative ban on attending sporting events was in addition to the principal sanction of deprivation of liberty, and following a single set of proceedings of a punitive nature).

Disciplinary proceedings concerning sports professionals:

Private and family life

- A requirement for athletes to keep authorities informed of their whereabouts for the purposes of random drug testing interferes with private and family life and home protected under Article 8 of the Convention. The obligation to be present at a specified location each day of the week for a specified one-hour period impacts on the quality of private life and

also entails consequences for the enjoyment of family life. In addition to restricting personal autonomy as regards the planning of day-to-day private and family life, such a requirement could lead to a situation in which applicants have no other choice but to choose their home address as the designated place for the purpose of testing for doping, with implications for their right to enjoy their home (*National Federation of Sportspersons' Associations and Unions (FNASS) and Others v. France*, 2018, §§ 155-159; see also *Platini v. Switzerland* (dec.), 2020, §§ 53-58, for an application of the *Denisov* consequence-based approach to the question of the applicability of Article 8, and compare and contrast with *Altıner Akıncı v. Türkiye*, 2026, §§ 104-107 and *Yokuşlu v. Türkiye*, 2026, §§ 61-63).

- A 'whereabouts requirement' for professional athletes was considered to pursue the legitimate aim of protecting the health of sports professionals and, beyond that group, the health of others, especially young people engaged in sport. In addition, it is linked to the promotion of fair play by eliminating the use of substances which confer an unfair advantage on the user as well as a dangerous incentive especially on young amateur sportsmen and women to increase performance on the sports field. The Court has also observed that spectators should be able to expect that the sports events they attended reflected values of fair play (*National Federation of Sportspersons' Associations and Unions (FNASS) and Others v. France*, 2018, §§ 165-66).
- In assessing proportionality, the Court has underlined the harmful effects of doping on the health of sports professionals and the dangers of its use especially among young people involved in sport, noting in particular the function of role-model that sports professionals carry out for young people aspiring to succeed in the field of sports. Given the difficult scientific, legal and ethical issues involved in this area, States are afforded a wide margin of appreciation under the Convention (*National Federation of Sportspersons' Associations and Unions (FNASS) and Others v. France*, 2018, §§ 171-77).

Freedom of expression

- Famous football players, who are role-models for many fans, should be aware of the possible negative impact of provocative chanting on spectators' behaviour and should abstain from such conduct (*Šimunić v. Croatia* (dec.), 2019, § 45).
- Disciplinary sanctions imposed on football professionals for "unsportsmanlike statements" following their comments and messages published on social media, should be sufficiently reasoned and not merely justified by citing, in a general manner, passages from the rules which define the offences of unsportsmanlike comments. Authorities should conduct a balancing exercise of the right to freedom of expression and other interests at issue such as maintaining order and peace in the footballing community (*Sedat Doğan v. Turkey*, 2021, § 41; *Naki and AMED Sportif Faaliyetler Kulübü Derneği v. Turkey*, 2021, § 36; *İbrahim Tokmak v. Turkey*, 2021, § 35).
- In particular, where sanctions are imposed on football professionals for messages posted on social media which allegedly fuelled or incited violence, the reasoning provided in the disciplinary proceedings should assess the content and context of those message as well as shed light on their capacity to lead to harmful consequences (for example, encouraged football fans to commit acts of violence, *Sedat Doğan v. Turkey*, 2021, § 42; *Naki and AMED Sportif Faaliyetler Kulübü Derneği v. Turkey*, 2021, § 37; compare and contrast, *Šimunić v. Croatia* (dec.), 2019, §§ 44-45, as to chants at a football match deemed to express or entice hatred on the basis of race, nationality and faith). This obligation persists even where it is accepted that the social media posts contained expressions liable to be considered contrary to the values of "national, moral or sporting culture" (*İbrahim Tokmak v. Turkey*, 2021, § 36).

- The authorities should assess the nature and severity of the sanction imposed in disciplinary proceedings as well as the chilling effect on the freedom of expression of football professionals (*İbrahim Tokmak v. Turkey*, 2021, § 36; compare and contrast, *Šimunić v. Croatia* (dec.), 2019, §§ 46-47, in which a fine was imposed).

Discrimination in sport:

- Once a State has decided to set up a system of recognition of sporting achievements and rewards, it must do so without discrimination. Although it is legitimate for authorities to focus on the highest sporting achievements and most important competitions when providing rewards, it is inconceivable that the "prestige" of a game or sport as such should depend merely on whether it is practised by persons with or without a disability (*Negovanović and Others v. Serbia*, 2022, §§ 86-87).

Noteworthy examples

Article 3:

- *Koffi v. Bulgaria*, 2026 — serious injuries sustained as a result of a violent assault by several football fans walking through the city centre after a match *(no violation)*.

Article 5:

- *S., V. and A. v. Denmark* [GC], 2018 — detention of football supporters for 8 hours without charge in order to prevent them from organising and taking part in hooliganism. The police were found to have proactively engaged in a dialogue with supporters, sought to only detain those who had been identified as a risk to public order and carefully monitored the situation to determine whether risk had passed (*no violation*);
- *Ostendorf v. Germany*, 2013 — four-hour police custody of a football supporter to prevent him from organising and taking part in a violent brawl between football hooligans (*no violation*).

Article 8:

- *National Federation of Sportspersons' Associations and Unions (FNASS) and Others v. France*, 2018 — requirement by elite athletes to keep authorities informed of their whereabouts for the purposes of random drug testing (*no violation*);
- *Platini v. Switzerland* (dec.), 2020 — disciplinary sanctions and suspension from football related activities against the applicant, a former professional footballer and former high-ranking official at UEFA (Union of European Football Associations) and FIFA (Fédération Internationale de Football Association), for receiving a salary "supplement" (*Article 8 applicable; inadmissible: manifestly ill-founded*);
- *Altıner Akıncı v. Türkiye*, 2026 — decision not to include a beach volleyball referee on the list of referees eligible for international matches (*inadmissible: incompatible ratione materiae*);
- *Yokuşlu v. Türkiye*, 2026 — decision not to revoke a termination notice of a professional football player's contract with a football club (*inadmissible: incompatible ratione materiae*).

Article 10:

- *Sedat Doğan v. Turkey*, 2021, *Naki and AMED Sportif Faaliyetler Kulübü Derneği v. Turkey*, 2021, *İbrahim Tokmak v. Turkey*, 2021 — disciplinary and sporting sanctions and fines imposed by the Turkish Football Federation for comments made on a TV programme and on social media networks (*violation*);
- *Šimunić v. Croatia* (dec.), 2019 — a football player's conviction for addressing messages to spectators at a football match, the content of which expressed or provoked hatred on the basis of race, nationality and faith (*inadmissible: manifestly ill-founded*);
- *Maguire v. the United Kingdom* (dec.), 2015 — conviction for breach of the peace for wearing an offensive and provocative top at a football match, likely to cause distress and give rise to a substantial risk of violence and disorder (*inadmissible: manifestly ill-founded*).

Article 11:

- *Les Authentiks and Supras Auteuil 91 v. France*, 2016 — dissolution of two associations of football supporters, following scuffles involving some of their members and leading to the death of one supporter (*no violation*);
- *Association Nouvelle Des Boulogne Boys v. France* (dec.), 2011 — dissolution of an association of football supporters' for displaying an insulting banner at a football match, violence against rival supporters and a police officer, as a result of which one supporter died (*inadmissible: manifestly ill-founded*).

Article 1 of Protocol No. 12

- *Negovanović and Others v. Serbia*, 2022 — blind chess players denied financial awards which were granted to sighted chess players as a national sporting recognition for winning similar international accolades (*violation*).

Article 4 of Protocol No. 7

- *Velkov v. Bulgaria*, 2020 — administrative and criminal sanctions for public-order disturbances during a sporting competition (*violation*);
- *Seražin v. Croatia* (dec.), 2018 — exclusion measure prohibiting a person convicted of hooliganism from attending sports events (*inadmissible: incompatible ratione materiae*).

Further references

Other Key Themes:

- Arbitration

KEY CASE-LAW REFERENCES

Leading cases

- *Association Nouvelle Des Boulogne Boys v. France* (dec.), no. 6568/09, 22 February 2011 (Article 11: inadmissible – manifestly ill-founded);
- *Ostendorf v. Germany*, no. 15598/08, 7 March 2013 (no violation of Article 5);
- *Maguire v. the United Kingdom* (dec.), no. 58060/13, 3 March 2015 (Article 10: inadmissible – manifestly ill-founded);
- *Les Authentiks and Supras Auteuil 91 v. France*, nos. 4696/11 and 4703/11, 27 October 2016 (no violation of Article 11);
- *National Federation of Sportspersons' Associations and Unions (FNASS) and Others v. France*, nos. 48151/11 and 77769/13, 18 January 2018 (no violation of Article 8);
- *Seražin v. Croatia* (dec.), no. 19120/15, 9 October 2018 (Article 4 Protocol No 7: inadmissible – incompatible *ratione materiae*);
- *S., V. and A. v. Denmark* [GC], nos. 35553/12 and 2 others, 22 October 2018 (no violation of Article 5);
- *Šimunić v. Croatia* (dec.), no. 20373/17, 22 January 2019 (Article 10: inadmissible – manifestly ill-founded);
- *Platini v. Switzerland* (dec.), no. 526/18, 11 February 2020 (Article 8: inadmissible – manifestly ill-founded);
- *Velkov v. Bulgaria*, no. 34503/10, 21 July 2020 (violation of Article 4 Protocol No. 7);
- *Naki and AMED Sportif Faaliyetler Kulübü Derneği v. Turkey*, no. 48924/16, 18 May 2021 (violation of Article 10);
- *Sedat Doğan v. Turkey*, no. 48909/14, 18 May 2021 (violation of Article 10);
- *İbrahim Tokmak v. Turkey*, no. 54540/16, 18 May 2021 (violation of Article 10);
- *Negovanović and Others v. Serbia*, nos. 29907/16 and 3 others, 25 January 2022 (violation of Article 1 Protocol No. 12);
- *Altıner Akıncı v. Türkiye*, no. 9570/23, 6 January 2026 (Article 8: inadmissible - incompatible *ratione materiae*);
- *Yokuşlu v. Türkiye*, no. 489/24, 6 January 2026 (Article 8: inadmissible - incompatible *ratione materiae*);
- *Koffi v. Bulgaria*, no. 95/24, 17 February 2026 (no violation of Article 3).

Other cases

- *Herrmann v. Germany* [GC], no. 9300/07, 26 June 2012 (obligation of a landowner to tolerate hunting on his land – violation of Article 1 of Protocol No. 1);
- *Hentschel and Stark v. Germany*, no. 47274/15, 9 November 2017 (complaint by football supporters about ill-treatment by police – no violation of Article 3 (substantive), violation of Article 3 (procedural)).