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# Further towards the right to 'safe leisure': a case study of the Council of Europe's 2016 Saint-Denis Convention

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## ABSTRACT

In the context of the right to leisure – enshrined by the Universal Declaration of Human Rights (1948) – this article addresses how the Council of Europe's (2016) Convention on an 'Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events' ('Saint-Denis Convention') provides a legal pathway towards what we conceptualize here as the right to 'safe leisure'. This right to 'safe leisure', we locate within broader right to leisure discourses which this article reconsiders. We contend that the Convention has wider ramifications for the intersection between human rights and leisure and that the Convention's potential resides in the fact that it enhances the existing and orthodox conceptualizations of leisure. Following an unpacking and operationalization of the right to leisure, this conceptual article then showcases how the 2016 Convention enshrines distinct duties and obligations which establish a clear right to 'safe leisure' within a significant realm of leisure life.

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## Introduction

By extending the growing academic discussions on the human rights and leisure pair (Caudwell and McGee 2018; Darnell and Millington 2019; Veal 2015), or – more specifically, the right to leisure – this article focuses on the Council of Europe's (2016) Convention on 'an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events (CETS No. 218)' (commonly referred to as the *Saint-Denis Convention*). In doing so, the article argues that this Convention represents a key exemplar of an (international) legal mechanism which contains the necessary legal provisions which, when taken together, establish what we conceptualize as the right to *safe leisure*. Further, we contend that the significance of this resides in the fact that the Convention amplifies existent and orthodox conceptualizations of leisure, and therefore possesses an immense socio-legal significance. Munday (1978, 450) previously argued that the purpose of international legal conventions was to 'achieve uniformity of legal rules within the various States party to it'. However, given the centrality which political will assumes in ensuring the success or

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otherwise of a state's adherence to their agreed-upon legal commitments, Munday also reminds us that 'conflicting national interpretations of uniform conventions constitute a fact of international legal life' (Munday 1978, 451).

Much is written about the importance of both football matches and other types of sport events as key spaces of various leisure practices (Duignan et al. 2022; Lenskyj 2015; Webber and Turner 2023). Across Europe, contemporary sport events are typically visited by large crowds of fans, sports tourists, and other spectators. Yet it is also important to recollect that within this vast heterogeneous constituency resides distinct groups of rights-holders – such as children and young people, for example – whose right to leisure is underpinned by well-crafted legal protections which are firmly anchored within international human rights law. Thus, if leisure is approached, for instance, as 'that portion of the day not used for meeting the exigencies of existence' (Weiss 1965, 1), or what Joffre Dumazedier famously declared in 1967 as those activities, extraneous to the obligations arising from work, family, or society, which the individual turns to, for '(1) relaxation, (2) diversion, or (3) broadening his knowledge and his spontaneous social participation, the free exercise of his creative capacity' (for more, see Veal 2019, 189), then sport events unquestionably span different leisure fields. These include, *inter alia*, sport, consumption, tourism, and media, to name but a few. Moreover, the inseparable overlay between sport and leisure can be inferred from the definition of leisure as espoused by the United Nations (UN) Committee on the Rights of the Child, the international treaty monitoring body for the UN Convention on the Rights of the Child ('CRC') (1989), who define leisure as the:

free or unobligated time that does not involve formal education, work, home responsibilities, performance of other life-sustaining functions or engaging in activity directed from outside the individual. (UN 2013, 5)

Consequently, the diverse nature of the audiences and spectators which sport events attract have been key sites of analysis for scholars of leisure to date (Spracklen and Lamond 2016). Importantly, this feeds into the justification for our employment of sport events and football matches as an *exemplar* context in which an international convention and framework upholding human rights – including the right to leisure and, importantly what we conceptualize as *the right to safe leisure* – operate in the current leisure world.

The question of safety is sociologically important because sport events and football matches, despite their leisure-related advantages, have for decades been subject to a range of security and safety issues, mismanagement, disasters and human rights breaches (Talbot and Carter 2018). In other words, they are spaces in which the users' safety or security can be compromised or put at risk. This, however, renders it an important scholarly task to explore how exactly what we might call the right to 'safe leisure' – which we position *within* the idea of the right to a participation and access to leisure – is established on a legal basis by the mentioned 2016 Convention, as one of the few internationally legally binding instruments that apply directly to sport. Significantly, also, this is necessary as despite a few exceptions (see Byrne and Lee Ludvigsen, 2023a; Giandomenico 2020), the 2016 *Saint-Denis Convention* has been subjected to scant scholarly analysis. Against this backdrop, this article therefore seeks to answer the following research question: How can the Council of Europe's 2016 Convention be understood as a legal mechanism that further contributes towards an ideal of 'safe leisure'?

To answer this question, this conceptual article adopts a socio-legal approach; analyses the Convention and places it in a wider multidisciplinary context by developing frames from the literature bases situated within human rights, leisure studies and the sociology of sport. This informs our overall contention that the Convention enshrines several distinct duties and obligations which taken together establish a clear right to 'safe leisure' within what we must consider a significant realm of leisure life – namely, football and sport events.

This article's first part contextualizes the right to leisure and its realization as a foundational starting point. The second part conceptualizes sports events and football matches, as directly covered by the Convention, as recognized sites of leisure that are simultaneously sites of (in)security. Here, we turn to explain how exactly the Convention could work as a progressive vessel for ensuring not solely the right to leisure, but to 'safe leisure'. Ultimately, we assert that the *Saint-Denis Convention* is to be commended for its embrace of a new approach to leisure rights by foregrounding and concretizing safety within its operational and practical ambit, thereby underpinning our wider argument that it establishes a novel right to 'safe leisure'.

### **Unpacking and operationalizing the right to leisure: human rights, legal character and realization**

This section examines the right to leisure, and its institutional formalization via international frameworks and conventions set out by actors in the international system. Whereas the nexus between human rights and leisure has been escalated in public debates in recent years, partly due to the human rights abuses and breaches uncovered at sport mega-events (Horne 2018), it must also be mentioned that sport and leisure have not been exempt from the human rights-based language evident more broadly since the late 1940s (Webber and Turner 2023). As Darnell and Millington (2019, 178) write:

Into the postwar era, sport continued to be seen by various groups and social actors as a vehicle for social change, and in ways that increasingly included a commitment to social justice, especially given broader and emerging notions of human rights

The 1948 Universal Declaration of Human Rights (UDHR) undoubtedly represents the 'cornerstone of any discussion on human rights' (Giulianotti 2004, 358). In this context, Webber and Turner (2023) cite Article 24 of the UDHR which specifically refers to 'the right to leisure'. They also refer to the right to relax and play referred to by UNICEF in their 1989 Convention on the Rights of the Child, as examples of the commitments to provide individuals and groups with a level of access to leisure worlds. Within the world of sport, too, we observe that, for example, the Olympic Charter states that the: 'practice of sport is a human right', and that: '[e]very individual must have the possibility of practicing sport' (IOC 2021, 8). Indeed, as Veal (2015) demonstrates, there are over 25 declarations and conventions developed by international or regional organizations that set out leisure as a human right. In other words, leisure – with sport forming some part of that – should be conceptualized and approached as a human right (Evans, Bellon, and Matthews 2017). As apparent, this is recognized by organizations with their main remit located primarily within and outside the realms of sport and leisure.

Furthermore, as we argue elsewhere, given the neoliberal and commercialized logics that dominate within the often-intersecting sport and leisure sectors, it could also be argued that, for example, the UN's 'Guiding Principles for Business and Human Rights' (the 'Ruggie Principles') should be applied to the activities of the governing bodies in sport and leisure (Byrne and Lee Ludvigsen, 2023b). So far, most of the academic interest into the connection between human rights and leisure has consequently been focused on how leisure either realizes or obstructs human rights (Veal 2021). Yet concurrently, while normative conceptions of human rights have permeated several national and international domains, it is less than a decade since it was contended that '[human rights] appears not to have permeated the field of leisure studies to any great extent' (Veal 2015, 250). This is surprising, because leisure (again, with sport forming a significant part of that) is embedded into international human rights treaties which, we argue, invite leisure-oriented examinations rooted in critical sociological and legal analysis. Importantly, despite the global consensus on leisure constituting a human right, 'there still remain a number of challenges and issues that individuals, communities and nations face in relation to fulfilling this right' (Mcgrath, Young, and Adams 2017, 314). This consequently necessitates a deeper examination of the *human right* to leisure itself, its legal character and practical realization, which we now unpack.

### ***The human right to leisure***

Before assessing how the *Saint-Denis Convention* establishes the right to what we conceptualize as 'safe leisure', it is first necessary to understand what the right to leisure encases in the first instance. Two reasons underpin this contention. First, as outlined, although the right to leisure finds expression and inclusion across disparate international human rights treaties, the right itself possess a complex, if not multi-faceted, socio-legal pathogenesis (Rowe 2016; Veal 2009). Therefore, identifying the legal contours of the right, and the correlative obligations it imposes on contracting states assumes an important accountability function, as the legal delineation of the right is essential for ensuring that it can exert the fullness of its legal potential. Second, and inter-connectedly, an understanding of what the right imposes allows for a deeper, more exhaustive interrogation of how the right can be realized and claimed for distinct groups of people. Put another way, such an understanding reflects the reality that human rights, including the right to leisure, are not enjoyed within equivalent practical or legal paradigmatic frameworks. For example, respect for various rights-holders, including children and young people on the one hand, or disabled people on the other (Evans, Bellon, and Matthews 2017), necessitates that their human rights, including their right to leisure, are realized and implemented in a manner which is consistent with the distinct treaty-specific obligations which international human rights law prescribes under both the UN's CRC (1989) and the UN Convention on the Rights of Persons with Disabilities (UNCPRD) (2007).

### ***The legal character of the right to leisure***

From a legal standpoint, the right to leisure is resolutely anchored within the fabric of international human rights law. From its genesis in the aforementioned Article 24 of the UDHR (1948), which pronounced that everyone 'has the right to rest and leisure',

the human right to leisure now permeates all major international human rights treaties. For instance, Article 7(d) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966) enshrines the right to '[r]est, leisure and reasonable limitation of working hours', while Article 31 of the CRC protects the 'the right of the child to rest and leisure'. Similar protections are afforded from a disability rights perspective within Article 30(5)(d) UNCRPD which mandates that 'children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities'. Meanwhile, Article 30(5)(e) UNCRPD further provides for equitable access for persons with disabilities to 'have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities'. One main departure point is thus that the legal foundations upon which the right to leisure is instituted upon appear to be objectively stable and certain.

However, on a deeper inspection, the right to leisure, as Veal (2021, 141) cogently argues, has not enjoyed the same comparable legal engagement and international monitoring as other human rights, the consequence of which has resulted in the right becoming 'relatively neglected as a policy issue'. Veal's observations are highly significant given that human rights monitoring – as widely accepted across the academic literature – assumes an important accountability function in holding states to account for their voluntarily agreed upon human rights commitments (Apoddaca 2007; Carvalho 2008; Langford and Fukuda-Parr 2012). Relatedly, in their examination of the status of human rights within a globalized world, Hafner-Burton and Tsutsui (2005, 1378) argue that the international institutionalization of human rights has been 'a double-edged sword' which has generated a 'paradox of empty promises'. This, they maintain, has been activated by weak treaty monitoring systems which, on the one hand, embolden treaty ratification but, on the other, lack the mechanisms to enforce the commitment to implement the human rights obligations expected of contracting states.

These warnings underscore the significance of the issue of human rights enforcement but also, more critically, for challenging what Landman (2004, 907) calls the 'continuing disparity between official proclamation and actual implementation of human rights protection'. In the context of the right to leisure, such a disparity was recently highlighted by Veal and Sivan (2022a, 205), who, in making the argument for a research-led pathway to more visibly centralize the right to leisure within the international human rights monitoring system, argue that leisure rights have effectively been 'all but ignored'.

In addition to the comparable legal neglect which the right to leisure has endured, its objective legal status, as one which falls into the category of human rights known as economic, social and cultural (ESC) rights, has also impaired its legal and operational development. This category of human rights resulted from the post-war development and thematic separation of human rights into two distinct legal amalgamations: civil and political rights, on the one hand, and ESC rights on the other (Craven 1995; Liebenberg 1995), with the latter assembly of rights historically perceived as a lesser and inferior body of human rights (Macklem 2015). Indeed, in its most reductive articulation, the distinction between both sets of rights rested on the ideological and juridical discrepancy which viewed civil and political rights as directly enforceable (Vierdag 1978) with no requirement for special legislation or special funding measures to finance their implementation, while ESC rights were, conversely, devoid of an enforceable legality, lacked legal definition, and were 'of such a nature as to be legally negligible'

(Vierdag 1978, 105). This was further recognized and elaborated upon by Young (2012, 4), asserting that the:

reported distinctions between civil, political and economic, cultural and social rights, have created a discourse around human rights that treats the legalization of economic and social rights as uniquely challenging for our current constitutional democratic systems.

Therefore, in view of its status as an ESC right, Veal and Sivan (2022a, 207) argue that the right to leisure possesses 'a lower status' than a civil and political right, while Richards and Carbonetti (2013) distil the criticisms which the right has sustained (on account of its status as an ESC right) into two main camps: namely, a reductionist and an essentialist critique. The former assessment maintains that ESC rights are 'substantively different in value' (Richards and Carbonetti 2013, 332) than their civil and political counterparts, are inherently indeterminate, and consequently impossible to realize and enforce in practical terms. The latter appraisal rests on the assumptive basis that 'all rights must satisfy the commonsense criterion that no other right can be considered more important than the one under consideration' (Richards and Carbonetti 2013, 333). In this regard, the right to leisure – as an ESC right – is deemed to fall *outside* the assembly of rights regarded as essential in nature and is thereby devoid of the true legal character which would otherwise elevate it to the status of an enforceable human right.

However, the longstanding debates surrounding the distinctions between both sets of rights do not withstand sustained or rigorous academic scrutiny (Fredman 2008). Indeed, Nolan (2014) argues that the concerns deriving from the separation of human rights as outlined above are ostensibly misplaced and even unfounded, stating that:

the growing inclusion of justiciable socio-economic rights in the constitutions of states with a wide variety of different economic systems [...] have effectively rendered claims about the ideological nature of socio-economic rights moot (23)

Nolan further writes that, while the realization of ESC rights which invariably includes the right to leisure, requires greater state intervention and action to secure their realisation, 'this difference separates the two sets of rights more in terms of degree than kind' (28). Meanwhile, others contends that many of the alleged differences advanced between the two categories of rights 'are historical and descriptive rather than inherent and normative' (Christiansen 2007, 343). Indeed, as the UN (1993) affirmed, all human rights are indivisible and interrelated, which 'reflects the fact that the two sets of rights can neither logically nor practically be separated in watertight compartments' (Steiner, Alston, and Goodman 2008, 275). Therefore, despite falling into the ESC rights classification, the right to leisure *must* and *should* not be viewed as a 'lesser' or 'insignificant' human right. Indeed, when taken together with the comparable scholarly neglect which the right to leisure has endured, its operational and legal refinement has been undoubtedly hindered. In view further of the above-mentioned criticisms which have long beleaguered the advancement of ESC rights, much work now remains to be done to delineate the legal contours of the right to leisure itself, to ensure it can be claimed, enforced, and vindicated. Furthermore, the ascendancy of comparative legal and constitutional scholarship has borne witness to the divergent approaches taken by disparate national legal systems in their adjudication of ESC rights, so that new pathways and remedies are opening up in relation to how ESC rights can be enforced (Langford 2008).



Therefore, as we suggest next, it is perhaps the realization of the right to leisure itself, where attention must and should focus.

### **Realizing the right to leisure**

Although the right to leisure is ‘founded firmly in the protection of workers’ (Richards and Carbonetti 2013, 343) and undoubtedly owes its historical conception and cultivation to the post-war labour movement, the right to leisure has since evolved into a dynamic human right, capable of exerting significant personal and societal benefits. Indeed, the *World Leisure Charter*, although non-binding in nature, affirms the wider positive and consequential impact of leisure:

Leisure is also a medium through which other rights and related benefits set out in the Universal Declaration of Human Rights and associated covenants can be exercised, including: the physical, mental, emotional and social development of the child through play; support for family life; personal expression and development; sustaining of cultural life of the community; and promotion of physical and mental health and well-being through sport, physical activity and cultural engagement. Conversely, denial of time for beneficial leisure activity can have serious consequences for the well-being of individuals and societies. (Article 5 of the *World Leisure Charter*)

However, despite its clear foothold in international human rights law, the realization and translation of the right to leisure into an accessible reality is a site of much needed academic treatment. For example, from a children’s rights perspective, the right to leisure falls within Article 31 CRC which enshrines the ‘right to play’. However, despite the voluminous academic attention which children’s rights scholarship has generally received, Article 31 CRC has by comparison elided the same scholarly interrogation (Hodgkin and Newell 2002; Lott 2022) and been described, *inter alia*, as a ‘forgotten right’ (Hughes 1990, 58). By extension, also, this has meant that the child’s right to leisure has evaded much needed academic engagement. Similarly, the UN Committee on the Rights of the Child, in its guidance on how contracting states should enforce and implement Article 31 CRC, have avoided systematic engagement with the child’s right to leisure (UN 2013). Although they recognize the importance which the right to rest and leisure assumes in the context of ‘children’s development’ (5) and encourage awareness raising initiatives to counteract the ‘widespread cultural attitudes which attach low value to the rights provided for in article 31’ (18), the guidance is otherwise comparably limited in how contracting states should incorporate, enforce, and realize the right to leisure for children and young people. For instance, the CRC’s four general principles – namely, non-discrimination (Article 2), the child’s best interests principles (Article 3), the right to life, survival and development (Article 6), and the right of the child to participate in decisions which affect them (Article 12), are notably absent from the Committee’s discussions around the right to leisure. This is significant from an implementation perspective, because in addition to their status as general principles, these four distinct human rights provisions produce an enduring legal connection such that all other provisions within the CRC – including the right to leisure – must be upheld and delivered against them (Doek 2005). Hence, all other rights must not be viewed as either separate to, or distinct from, these principles (Peleg 2019). Therefore, children and young people’s right to leisure must be delivered and secured in a



manner consistent with these four principles. However, this generates specific obligations on contracting states to adhere to these principles when designing, developing, and implementing laws and policies, which either engage with, or affect, children and young people's leisure rights.

Similarly, from a disability rights perspective, the need for more comprehensive engagement with the right to leisure for persons with disabilities becomes apparent. Indeed, situated right across the literature is the unanimous acceptance of the routine difficulties which persons with disabilities face when accessing leisure-related facilities and activities (Beart et al. 2001; Charnley et al. 2019). Stumbo, Wang, and Pegg (2011, 95–96) helpfully observe that the primary barriers which preclude persons with disabilities from participating in leisure-related activities include, *inter alia*, (i) the lack of attention to the physical activity, leisure and health needs of people with disabilities; (ii) the lack of exercise equipment that accommodates disabilities, (iii) the absence of evidence-based exercise parameters or guidelines for people with disabilities, (iv) the lower incomes which persons with disabilities typically receive which makes leisure related participation more difficult, (v) the lack of physical energy and time after the completion of daily tasks, (vi) inadequate access to information and knowledge regarding service providers, and finally, heightened incidents of depression as a secondary disability which affects motivation to engage in leisure related activities. Such observations underscore the need for the rights-based protections pursuant to the UNCRPD, to underpin and guide leisure-related policies and measures to ensure that persons with disabilities are not denied their right to leisure.

Indeed, looking into the UNCRPD itself, the procedural requirements which it mandates contracting states to adopt assume enormous import in the context of realizing disabled people's right to leisure. This includes for example, the duty pursuant to Article 4(3) UNCRPD to 'closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations', when developing laws and policies. Such an approach, in the words of the UN Committee on the Rights of Persons with Disabilities, the treaty-monitoring body responsible for overseeing the UNCRPD, is 'consistent with the human rights-based approach in public decision-making processes and ensures good governance and social accountability' (UN 2018, 1). Therefore, in view of the foregoing, persons with disabilities, and their representative organizations, must be actively involved in decision-making processes around the design and provision of leisure-related facilities and services to ensure that their rights are vindicated.

Hence, as the next section will demonstrate, the 2016 *Saint-Denis Convention* assumes immense importance as its embrace of the right to 'safe leisure' must be positioned against the foregoing legal realities and the distinct human rights obligations that the right to leisure imposes on contracting states for all rights-holders, including children and young people, and those with disabilities, to name a few. As such, considering the diverse constituency who avail of football and other sporting events, as a *forum* for exercising their leisure rights, the obligations which are imposed on contracting states under the *Saint-Denis Convention*, and especially the right to 'safe leisure' which is undoubtedly entrenched within its legal and operational ambit, must be positioned and delivered against wider human rights principles and standards.

## Sport events as sites of leisure and (in)security

Having outlined the legal nature and associated difficulties that attach to the right to leisure, this remainder of this article will highlight how the Council of Europe's 2016 'Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events' should be understood, and further examined, as a distinct legal instrument which relates directly to the world of leisure. More broadly, this section underscores further how the Council of Europe as an international organization tasked with the protection of human rights, through its institutional engagement with sport (see Frossard 2007; Serby 2015), is of direct relevance to the study of the right to (safe) leisure and its consequent realization.

In line with professionalization and commercialization processes, football matches and sport events in Europe have become increasingly embedded within wider, neoliberal consumption circuits (Kennedy and Kennedy 2012). Sport events, and in particular international football events – which have received much attention from social scientists (Boykoff 2019; Horne 2018; Rookwood 2021) are now heavily visited by crowds of fans, tourists, spectators, volunteers and other (transnational) mobilities of individuals performing various rituals (e.g. standing, singing, chanting, consuming). Such events, therefore, must be considered contested, yet important locations where the right to leisure is both exercised and engaged. Over the past few decades, sport events have also increasingly become an attractive destination for fans without 'match tickets' who, for example, attend fan zones (Lee Ludvigsen, 2021) or partake in the wider festivities of an event (Rookwood 2021). Against this backdrop, it is important to critically approach football matches and other sport events, historically and presently, as sites of leisure *activities* that again take place within modern *spaces* for leisure (Taylor and Taylor 1997; Webber and Turner 2023). Thus, football matches and sport events should be approached as constructive prisms through which we may understand not just the right to leisure *per se*, but also what we argue is the inter-connected right to 'safe leisure'.

Simultaneously, given the potential threats from, *inter alia*, spectator violence, political violence, public and crowd disorder, European sport events – from a regional perspective – are also heavily regulated affairs (Klauser 2012; Tsoukala, Pearson, and Coenen 2016). Indeed, the Council of Europe (n.d.-a) has previously mentioned how security issues might have implications on human rights:

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

Notwithstanding, beyond human right questions, these insecurities, in distinct ways, also reinforce Lisle's (2013) argument which holds that the life-worlds of leisure and tourism are increasingly relevant sites for modern understandings of (in)security. In that sense, it is apparent that, for example, the 'match-going football supporter negotiate distinct but oft-competing spaces of leisure', as Webber and Turner (2023, 2) assert in their examination of the right to stand at football games. Processes of contested leisure occur both through mechanisms of regulation and social control in place inside or around event spaces or stadiums, but also through more standardized, formal and supranational

channels and mechanisms that set out frameworks for how sport events – on a ‘pan-European’ level – can (or should) be regulated. Concerning the latter, which this article analyses, this includes the Council of Europe’s 2016 *Saint-Denis Convention*, which explicitly focuses on themes related to this article, including ‘safety’, ‘security’, ‘violence’ or ‘misbehaviour’ in the context of sport events and, simultaneously, give us a glimpse of how these sites of leisure are also impacted by processes of (in)security.

Although socio-historical genealogies of European countries and institutions’ responses to violence in football and other sports are critically analysed in detail elsewhere (see Tsoukala 2009; 2018), it is necessary to briefly unpack the 2016 *Saint-Denis Convention* and indeed its legal antecedents, for prior to the adoption of the *Saint-Denis Convention*, the *European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches* (ETS no. 120) was adopted in August 1985 by the Council of Europe. This Convention surfaced as a response to issues of football-related violence and, particularly, the Heysel stadium disaster earlier the same year where 39 supporters lost their lives. This Convention set out a number of measures that member states were required to take, including co-operation between public authorities and sports organizations to prevent violence and misbehaviour at sports events (Taylor 1986). In its scope, however, this Convention was largely focused on the threat posed by violence to the safety of other spectators and communities, and so, it represented a response to ‘the ways football hooliganism manifested itself’ (Tsoukala 2009).

Therefore, given the narrow scope of the 1985 Convention – which focused primarily on how to repress spectator violence – in conjunction with the radically altered social, political, economic and legal landscapes in which sport events now occur, the need to update the 1985 Convention was highlighted in 2012 by the Council of Europe Conference of Ministers (Giandomenico 2020). And, in 2016, the Council of Europe adapted the new *Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events* (CETS no. 218) which is currently ratified by 25 states (Byrne and Lee Ludvigsen, 2023a). According to the Council of Europe (n.d.-b), this followed the need to ‘go from a violence-focused approach towards an integrated approach based on safety, security and service’, whereby the pillar of *service* promotes welcoming environments at sport events and football matches, as an element reinforcing feelings of safety and security. Whilst different in scope, the two Conventions must be understood as efforts to ensure the safety of spectators during sports events. Thus, crucially, they speak directly to what we consider here as leisure spaces and activities which they seek to make secure and safe.

Notwithstanding, though the 2016 Convention is described as ‘an important step toward a management of sport events [...] aimed at ensuring a safe and secure enjoyment of such events by people’ (Giandomenico 2020, 85) and coordinates national responses to insecurity at European sport events, it is yet to be examined from a leisure-oriented angle. This, despite its *de facto* recognition that sites of *leisure* are spaces whereby fans, spectators or tourists might very well become insecure or unsafe (demonstrated by the *need* for the Convention itself). In filling this research gap, we aim to situate the 2016 *Saint-Denis Convention* not solely within the confines of the human right to leisure exclusively, but more broadly, within the wider scholarship on leisure and human rights (Caudwell and McGee 2018; Horne 2018; Sivan and Veal 2021). By doing this, we produce a principal argument that the *Saint-Denis Convention*

represents an important legal instrument that must be analysed not merely within the contexts of the aforementioned 'right to leisure' or the securitization of sport, but within the context of what we call the right to 'safe leisure' as the next section will now demonstrate.

### Further towards a right to 'safe leisure'?

Opened for signature on 3 July 2016 and entering into force on 1 November 2017, the 2016 *Saint-Denis Convention* sets out the full range of operational, legal, and practical measures, which contracting states are mandated to follow and implement to ensure a safe, secure, and welcoming space at football and other sporting events (Article 2). According to the Council of Europe (2016, 6), it:

reflects widespread European experience which evidences that focusing only on security risks in isolation does not provide an appropriate or effective means for reducing risks or ensuring a safe, secure and welcoming atmosphere in stadiums.

Overseen by the Committee of the *Saint-Denis Convention*, whose principal function is 'monitoring the application of the Convention' (Article 14), three core, yet intersecting, objectives underpin the design and delivery of the Convention itself. These include the adoption of 'an integrated, multi-agency and balanced approach towards safety, security and service' (Article 2); the recognition that 'all public and private agencies, and other stakeholders, recognize that safety, security and service provision cannot be considered in isolation, and can have a direct influence on delivery of the other two components' (Council of Europe 2016), and finally; the obligation on contracting states to 'take account of good practices in developing an integrated approach to safety, security and service' (Council of Europe 2016). And while the Convention remains very much in its infancy as an international legal instrument, it is contended that, on closer inspection, the distinct emphasis it places on 'safety' and the consequent legal and operational requirement it imposes on contracting states to ensure fans, spectators, and all relevant stakeholders can enjoy football matches and other sporting events in a 'safe' manner, is of immense socio-legal significance. With its emphasis on safety, and the connected intersection of leisure enjoyment and safety, the Convention opens the discursive, legal, and conceptual parameters in which our collective understandings of leisure, security and human rights, and their relationships, are located.

Furthermore, the overarching concept of safety, and the concomitant obligation it imposes on contracting states to ensure that those attending and enjoying football matches and other sport events, can do so in safe manner, permeates the entirety of the *Saint-Denis Convention*. Indeed, it is arguably the *raison d'être* of the Convention itself, given that the concept of 'safety' is explicitly referred to 33 times across the Convention's 22 substantive provisions. Given further, as already unpacked, that football matches symbolize areas of leisure consumption, and denote spaces wherein the right to leisure is regularly enjoyed by a multiplicity of rights-holders, a cogent and persuasive inference can be made, that the Convention, with its predominant emphasis on safety, and its inseparable legal and practical connection with the enjoyment of leisure activities, establishes a right to 'safe leisure'. Put another way, the evident centrality which the concept of 'safety' occupies within the Convention's legal and lexical make-up, in conjunction with

the centrality which the Convention assumes within a sporting and wider leisure context, gives rise to the reasonable extrapolation that a right to 'safe leisure' can be read into the Convention.

Indeed, issues of safety and security at football matches have once again come to dominate the sporting and leisure worlds (Pearson and Stott 2022). A key moment in that regard was the publication of two seminal international reports after the resultant fallout from the 2022 Union of European Football Associations (UEFA) Champions League Final between Liverpool and Real Madrid in Paris, in May 2022, and the calamitous safety measures which were employed by the French authorities that severely impacted the health and safety of the fans who attended the final in question.

First, in their independent report, Scraton et al. (2022, 12) observe that the policing approach adopted by the French authorities, before, during and after the final of the 2022 Champions League Final, 'prioritised harsh measures of control rather than ensuring the safety of the crowd', while the report further concluded that 'crowd safety was compromised at every stage of the event' (13). More recently, the report of the Independent Review Panel led by Dr. Brandão Rodrigues, which investigated the events surrounding the Final, and which was published by UEFA on 13 February 2023, again underscores the absence of even the most rudimentary adherence to basic health and safety protocols at the Paris 2022 Final.

Although acknowledging that there existed 'a range of international agreements to ensure the safety and security of supporters and others at football fixtures with an international dimension' (Independent Review 2022 UEFA Champions League Final 2023, 11), the report was unequivocal in its findings that UEFA failed to adhere and abide by the safety requirements as set out in the *Saint-Denis Convention*. In noting that 'the safety, security and service model laid out in the *Saint-Denis Convention*, was ignored in favour of a securitized approach' (14), the report further states that UEFA failed to achieve its objective of protecting fans' safety and security, the result of which both compromised and materially undermined fan safety. Indeed, more widely, the right to safety is embedded within UEFA's (2019) *Safety and Security Regulations*, the aim of which are designed to 'ensure a safe, secure and welcoming environment for everyone present' at football matches. However, perhaps most tellingly in support of the right to 'safe leisure', was the penultimate recommendation by the Independent Review Panel – namely, that for future Champions League finals, UEFA's bidding requirements and protocols should be amended to ensure that prospective hosts adheres to the legal requirements as set out in the *Saint – Denis Convention* itself (Independent Review 2022 UEFA Champions League Final 2023, 205), which undeniably foregrounds the right to safety for all concerned.

Overall, the emphasis on 'safety' within the 2016 *Saint-Denis Convention* is unambiguous. Indeed, it was the unsafe and dangerous practices which came to typify the 2022 Champions League final in Paris that led to the vehement condemnation of the French authorities by the two independent reports we have cited here. Central to such condemnation was the fact that the approach taken by the French authorities not only deviated from, but materially, undermined the rights, standards, and legal obligations as outlined in the *Saint Denis Convention*. Therefore, against this canvas, and the wider leisure-related significance of football and sport events, the Convention must now be viewed as a legal instrument, whose constituent elements comprise to give effect to a clear right to 'safe

leisure'. While much work remains to be done to fully amplify the legal and operational minutiae of what 'safe leisure' entails, what is clear nonetheless, is that the Convention inextricably aligns safety and leisure in a manner which establishes the legal and theoretical foundations for an emergent right to 'safe leisure'.

## Conclusions

Recent years have seen the proliferation of academic debates on whether leisure and sport *obstruct* or *realize* human rights (Boykoff 2019; Veal and Sivan, 2022b; Horne 2018; Veal 2015; Webber and Turner 2023). Similarly, the serious incidents of crowd troubles, disorder and mismanagement at the Euro 2020 and the 2022 Champions League finals have (re-)generated debates on pressing issues related to safety and security at sport events and particularly football matches (Pearson and Stott 2022). Importantly, it is towards these two socio-politically important debates – that we approach as inter-linked – that this article makes a contribution.

This article has, in the context of the oft-mentioned, but less researched 'right to leisure', examined how the Council of Europe's 2016 *Saint-Denis Convention* relating to safety, security and service at football matches and sport events may be understood as one legal mechanism that can contribute further towards the ideal of the right to 'safe leisure' that, again, can be positioned within the discourses surrounding the right to leisure which we reconsidered in the first part of this article. Overall, three inter-related key arguments are developed in this article. First, we argue that within the right to leisure discourses, the *realization* of the right to leisure requires further attention in future analyses. Second, we made the case for why sport events and football matches can be considered key exemplars of leisure life and individuals' leisure-worlds. Third, this article's key argument maintains that the Convention's articles can be viewed as capturing and speaking directly to the world of leisure. The *Saint-Denis Convention* should be considered a key legal mechanism that protects the right to 'safe leisure' which is associated with sport events. As argued, through its distinct obligations and provisions, the Convention indeed establishes a right to 'safe leisure'. Whilst we acknowledge the contested nature of concepts such as 'safe' and 'secure' (Lee Ludvigsen, 2022), 'safe leisure' – in this article's context – relates to the ability to participate in leisure life and activities whilst being free from risks and harms. Thus, in football spaces, these risks may encompass, for example, direct physical violence, structurally inadequate stadiums, and event mismanagement, but also other issues which have implications on spectators' feelings of safety and security, such as homophobia, racism and sexism (e.g. Millward 2023; Penfold and Cleland 2022). However, we must stress that in extending this working understanding of 'safe leisure', more comparative and critical work from other leisure contexts (beyond sport events and its spectators) is required to proceed further towards an (even) more holistic and less context-specific definition of 'safe leisure' as applied to diverse social groups and stakeholders (e.g. spectators, athletes, volunteers, local residents). In all, our idea of 'safe leisure' has ramifications for the broader interface of leisure and human rights. We also highlight that it lays the foundation for further scholarly attention dedicated to the operation and application of the *Saint-Denis Convention* itself.

Beyond its contribution to the study of leisure and human rights, this article is also one of the first contributions to analyse the *Saint-Denis Convention* – representing a European response to safety concerns – from the perspective of leisure studies. And, our argument carries a special worth given, first, the undeniable importance of the right to leisure – as enshrined by the UDHR (1948) – although scholars have questioned to what extent governing bodies of leisure and sport are committed to this, and what this right looks like in more practical terms (Webber and Turner 2023). Second, to reiterate, at recent events, the security and safety of spectators attending sport events have been put at risk (Pearson and Stott 2022). Our article remains important as we unpack some of those mechanisms that are in place to *minimize* these risks. In relation to the aforementioned 2022 Champions League Final, the event was described by UEFA’s Independent Panel Review as: ‘a real “near miss” which was harmful to a significant number of fans from both clubs’. Indeed, as we have alluded to, the post-event report contained 21 recommendations that were set out against the obligations enshrined in the Saint Denis Convention (Independent Review 2022 UEFA Champions League Final 2023, 6, 12). In many ways, this serves as a reminder of not solely the right to leisure, but the right to a ‘safe leisure’ world which the *Saint-Denis Convention*, in part, can be seen as establishing an institutional baseline for. As such, a value of this paper is that it may provide some consideration points *vis-à-vis* the nexus between human rights and safety for event planners. Concerning the academic community, it remains imperative that future research continues to explore the right to leisure in parallel with topics such as ‘safety’ and ‘security’. However, it is important to note that the idea of ‘safe leisure’, as suggested above, is not conceptually exclusive to the domain of sport events and football matches, which we have focused upon. Undeniably, an important task for researchers of leisure, sport, and human rights alike, is to broaden and deepen the notion of ‘safe leisure’ by examining its application and diverse meanings in other leisure contexts (e.g. gyms, festivals and other mass gatherings, online contexts) beyond the ones that article has zoomed in on, and, indeed, the enforcement of human rights on local and national levels.

## Disclosure statement

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