

Play On

The Morgan Sports Law Podcast

PODCAST SPECS

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PODCAST TRANSCRIPTION [ENGLISH]

William Sternheimer: [00:00:09]

Hello and welcome to Play On, the Morgan Sports Law podcast. I am William Sternheimer, Partner of the firm Morgan Sports Law, and I have the chance to be accompanied today by my colleague Imen Larabi, Associate of the firm. We are very pleased to also have with us today this Grégory Durand podcast. Grégory has been at Paris Saint-Germain for nearly 8 years, of which he is the director of legal affairs, sports and institutional relations since 2019, has almost been a lawyer sports contracts and responsible for sports legal affairs, he is also the interim general manager of PSG women. We are also accompanied by Patrick Vieira. Patrick is a former French international with 107 caps, world champion of European champions. He was an iconic player and captain of Arsenal, where he spent nine seasons, but also of Inter Milan, where he spent four seasons to name but a few. In all, Patrick has won five Italian league titles and three English league titles, not counting the national cups. Patrick has converted into a coach and has notably coached New York City FC and OGC Nice. Welcome to all of you! In today's episode, we will discuss the scourge of racism in football. Unfortunately, this issue is still relevant. Whether between players: on saw it during the match between Paris Saint-Germain and Olympique de Marseille, between Alvaro Alvarez and Neymar during the Europa League match, between Slavia Prague and Rangers, between Andrej Koudelka and Glen Kamara, or even more recently during the match between Cadiz and Valencia, in Spain, between Juan Cala and Mouctar Diakhaby.

William Sternheimer: [00:01:42]

Racism also, unfortunately, on the part of referees with a Romanian referee in the Champions League match between Paris Saint-Germain and Istanbul Basaksehirin connection with Pierre Webó. Racism still on the part of fans, with for example racist insults against fc Basel player Aldo Kalulu, but also racist insults outside the stadiums with on social networks concerning for example Manchester United players Anthony Martial, Axel Tuanzebe or Marcus Rashford or, more recently still, Imrane Louza of FC Nantes. We will now move on to the discussion. My first question and I'll start with you, Patrick. Patrick, in an opinion piece published in the newspaper L'Equipe on June 24, 2020, thanks to the tragic death of George Floyd in the United States, on May 25, 2020, you called for a general awareness that must finally lead to strong acts in the fight against racism; Let this go beyond declarations of good intentions. Almost a year since the publication of this op-ed, do you think that we have gone beyond mere declarations of good intentions? Or like Thierry Henry, who retired from social networks on March 26, Pensez-vous that we always focus more on the form than on the substance of the problem?

Patrick Vieira: [00:02:55]

Hello everyone. No, but I think that the substance of the problem has still not been studied. We could see players wearing the T-shirt, which is a very good thing. We've seen players get on their knees. That is a very good thing. We recently saw Thierry Henry leave social networks. This is a very good thing, but I think it is really important that the authorities, when I say the authorities, the bodies of our sport, that is to say football and bodies at political level, take decisions, decisions that will move things forward. I think that we are taking small steps here which are important, but there comes a time when everyone must assume their responsibilities, particularly at UEFA level and FIFA. The politicians are themselves, the real decision-makers. It is they who have to take precisely these decisions in order to move things forward. We will continue to act. We will continue to make statements. We are going to give our point of view, but it is still insufficient in relation to the impact that politicians can have or must have to make in order to move things forward.

William Sternheimer: [00:04:03]

Thanks Patrick, Grégory, what do you think, for your part of this situation, of going beyond the mere declaration of good intentions?

Grégory Durand: [00:04:10]

Hello, thank you for allowing me to participate in the debates too and I am completely in tune with what Patrick has just said, especially on all these small steps that are very important, that are obviously essential, but that remain elements that bring a little credit to this awareness. And in any case, precisely, to ensure that this awareness is more and more obvious to everyone. I think that we are clearly in this movement. We are moving to an evolution of the tolerance thresholds as well. We can be seen from all the facts. You mentioned earlier. There are acts that are strong. There are incidents that are extremely strong and that actually bring these small acts. I think that what is even more important today in this awareness is that we are seeing more and more acts. And I don't think the world is more racist than it was ten years ago. I just think that we are coming to this very end of the tolerance thresholds, which are decreasing more and more and where we are left with situations which, until now, have not been denounced in any way and have not even been discussed, have not even been controversial.

Grégory Durand: [00:05:08]

Today, we have this controversy that swells, that increases and where this situation, becomes denounced and becomes denounced. So I think we are in this movement, which is quite positive. And so, when we talked about awareness at the beginning of the question, I think we're really going in the right direction in terms of that. And this is where, in fact, all these small acts, which are once again essential, must be accompanied by the public authorities, but the football institutions have succeeded, because in the world of football, we have a vocation, I think, to be the driving force behind these awareness- raising levels, on the actions that must be put in place in practice. This is something so general that, in fact, there must be the politicians who really take up the problem beyond simply displaying it and that is where we will not accompany, we will help. I think that we had a responsibility in this awareness, that we will have a real responsibility behind it, but that we must be more and more in prevention rather than in reaction. Because today, all these small acts are acts of reaction to incidents. We need to find a way to ensure that these incidents do not happen at all.

Patrick Vieira: [00:06:07]

To return to what Grégory said, we have seen actors of our sport rebel, especially as I mentioned before, Thierry Henry, but there comes a time when we need our authorities to take the lead, take this role of leader precisely. It is not we, the actors, who must be in front. It is those who lead us who must be there, and we, we will be behind, exactly for the supporters. In relation to all the incidents that have occurred in recent months, we have not seen our sports or political bodies really firm in the decisions that have to be taken.

William Sternheimer: [00:06:43]

We will come back to some concrete examples of the reaction of sports authorities to acts of racism that have taken place. Imen can be fair on this point, what is your point of view on what has come to be said by Grégory and Patrick?

Imen Larabi: [00:06:54]

It's true that lately, there have been a lot of campaigns from different actors in the world both football, but also political "No to racism", that kind of thing. Personally, I was a little shocked to see, for example, FIFA issuing a code, a guide to good practice in the field of diversity to combat discrimination with a ten-page chronology of all the actions that have been put in place by FIFA. Et in fact, we realize that it has been more than ten years since it was put in place, for example, but that in the end, the problem is very far from having evolved. So that's kind of the concern. Everyone is trying to do something, and it is good that people are acting even if it is through campaigns, but the problem remains and the problem must be solved not only by the football authorities, but also by the political authorities but also by the authorities of each country.

William Sternheimer: [00:07:43]

Thank you, Imen. Even if I can just bounce back on the actions, the actions that are put in place, we saw FIFA that had initiated the International Day for the Elimination of Racial Discrimination on March 21, which joined this International Day and the Black Lives Matter movement. We also see that Ligue 1 and Ligue 2, scheduled for the 30th day in France, to join forces with Licra to raise awareness among supporters and the general public about the fight against racism and anti-Semitism. Grégory, Patrick can be on these two points, precisely, since these are initiatives that are put in place by the authorities, so I'd just like to pick up on what Imen talked about the guides issued by the institutions or annexed to the rules, especially FIFA. This shows laudable intentions, but it is essentially a question of reaction protocols, for example the directives for referees in the event of racist behaviour in football stadiums. These are guides that make it possible to be prepared and to know how to deal with a situation of racism, especially from the galleries. That is a good thing, but it is not the engine of reflection that will initiate change. This is what the LFP has done, especially with the Licra, but more broadly the majority of football institutions over the last 12 months. Because this one-year period really marked a real milestone in the awareness that we praised just now. I think we are left with an essential complement focused on this process of reflection and education. I think that this is really very positive after these reaction plans, and in addition to these action plans, which will make it possible to look at the substance of the problem. It has to be that we must now also look at the systems of repression. Perhaps with firmer sanctions and possibly, sanctions of principle and things, we will say, a little more dissuasive. A sanction will not, of course, be the solution in

itself. But in this idea of educating and staggering this progression, it is also a passage that seems very important to me.

William Sternheimer: [00:09:58]

Patrick want to bounce back?

Patrick Vieira: [00:10:04]

No, but I think there's really an awareness of everyone and when you see what the league is proposing to fight racism, I think it's a good thing. It really starts with good intentions. For me, it is still insufficient. There is a lot of education to be done, whether it is supporters or at the level of the players at the level of the authorities. There is this education that must be put in place to be really clear that there is a course of action to be seen and that if this line of conduct is not respected, we must crack down. And I think that's where there's a gap between the good intentions that are put in place to change people's mentality, people's education, and sanctions. I think there is a discrepancy between the two.

William Sternheimer: [00:10:48]

Thank you all very much. If we can talk about the reaction of the sports authorities, we can return for a moment to the incident during the match between Paris-Saint-Germain and Istanbul basaksehir where one of the Romanian referees, who has an assistant coach of the Turkish team and who referred to Pierre Webó by his skin color. Immediately following the incident, both teams decided to stop playing and return to the locker room. UEFA, for their part, nevertheless took long hours to comment on the situation to indicate that it is conducting a thorough investigation. UEFA, it should be recalled, since the early 2000s, had forged a partnership with the Football Against Racism in Europe network, which is an initiative that was launched by supporters and representatives of players and clubs in the late 90s to promote the fight against racism in stadiums. And UEFA has been displaying "No to Racism" as its slogan for a number of years now. We also know that the Romanian referee was finally suspended by UEFA until the end of the season. But on the basis, and I quote, of inappropriate behaviour and not for racism. Grégory, I will start with you since you have been directly involved with your club. What do you think of this attitude on the part of UEFA and the qualification it has used to suspend the Romanian referee?

Grégory Durand: [00:12:00]

I think we can once again talk about this evolving awareness and these tolerance thresholds that are decreasing more and more. We are in a situation that was unprecedented. It was a new milestone that was reached. When we talked about racism in stadiums a decade ago, we immediately and almost only thought of the monkey cries of the fans or that sort of thing. It all came from the stands, really. When we

talked about racism in the stadium, we were talking at that time-there only about the stands behind. There have, however, been incidents that have been reported in relation to acts of racism or discrimination on the pitch between players. There, we have taken another step forward with a racist, discriminatory or just clumsy situation, whatever. It was a situation compared to officials. This was completely new, knowing that to this was added the fact that all the players decided to stop the match by mutual agreement, which was also something, probably not anticipated by UEFA which probably created this inaction for several minutes. We are on subjects that are very serious, that must be dealt with correctly and therefore it is not necessarily easy for the institutions to react at the moment. We were in this situation, UEFA took a long time, clearly, was it a bad thing for the message that had to pass? I'm not sure, in the same way, in this clumsiness or in any case in this inability to react at the moment of UEFA. I have the impression that somewhere, it also has, to add another dimension to this situation and the fact that we realize that it is something completely new, when in fact, it cannot be new. We are necessarily in a contemporary subject that is a social subject, so it is not something that had never happened, but it is something on which UEFA had never had to react. The fact that it is taking so long to react, I think, is also another signal that things are changing. Another signal that things need to change. And in the end, finally, this inaction is almost positive, your moment, I was also pretty much completely lost. In the same way that UEFA was and I was wondering a little bit what was going on because everything went very fast, everything was a little confused. When the players came out, I really wondered what was going on. I am very proud of what happened, finally, that evening, and I was very proud to be a representative of Paris Saint-Germain at that time, there is no doubt. I still am, but I was even more so that night.

Grégory Durand: [00:14:21]

And I think when we were talking about new evolution and direction, every time, we're on that. When we talked about a situation of racism ten years ago and we had a completely proven act of a player who did not hide from it and who in the press said "yes I said it but it is said on a field and I will say it again" and that he took three games of suspension today, it is just unthinkable and it could not be more shocking. Today, we are in a situation where players stop playing a Champion's League game. One more match was a match with a real stake where the other teams, in any case, needed to win to go and qualify. There really is something that has evolved. And when, just now, Patrick said now, the institutions must take over, I also think that today, the players have taken responsibility for this and we expect the institutions to do the same. And the situation that happened that evening shows that they did not necessarily have, that she was not in any case ready for this type of situation. But now it has to be and it has to act. Then there is the subject of the sanction, which we will perhaps talk about later.

William Sternheimer: [00:15:19]

Thank you, Grégory. Patrick, for your part, do you have anything to say, precisely in relation to the reaction time of UEFA and in relation to this event in particular, and perhaps even already the qualification by UEFA of inappropriate remarks rather than talking about racist remarks?

Patrick Vieira: [00:15:33]

I think we all agree that UEFA took too long to deliberate and gave its sanction. This is a very delicate matter. Perhaps he needed to do a little more investigation to try to get as much information as possible to try to make the best decision. But for me, when a referee designates a player "the black there", there is a problem. The referee could get closer and say it's that player there, he could come closer and then point the finger. But to say it's black there, more, I have a problem with that. We've heard a lot of things, as Grégory said from the stands, but when it comes from a referee, it's taken a step forward. It is true that that day, I was in front of the TV and when I saw the reaction of the players of both teams, I told myself that these players there or this generation, we can point the finger, on can say a lot about them, but they are brave because to make these decisions, to decide to leave the field, to stop the game, you have to be brave. And I think it was a message to say it's unbearable. And I think this union that there was between these two teams the decision that was made of these players. This is something that is remarkable, it is strong acts like this that will ensure that we succeed in changing the mentality. We will continue to educate people.

William Sternheimer: [00:17:05]

If I can also bounce back on that, it's true that there, in this context of that match, it's true that the players decided to stop playing. If we take the example too, it was in 2008, during a Champions League match between Olympique de Marseille and Atlético Madrid. Atlético Madrid fans, in the stands, mimicked monkey cries when Olympique de Marseille's players of colour had the ball. At the time, the match had not been stopped. It also lacked an evolution in the reaction of players and teams and staff when such incidents happened. Which, as you say, Patrick, a very good thing. Imen, do you have anything to add on this specific point?

Imen Larabi: [00:17:38]

In fact, when we look at the motivation for the suspension of this referee which seems quite shocking, it is that UEFA had the possibility to suspend or sanction him in relation to the Disciplinary Code in its article 14, which is specifically on racism and other discriminatory conduct, but chose to do so on the basis of article 11, a violation on its part of the principles of ethics or integrity. After we will talk about it a little later, it is true that it can be justified because the Sports Court, when it had to judge cases on racism, also

took into account the fact that the insult or the act that could be considered racist had to be considered as such by an objective spectator. And it's true that when this incident took place, we could see a lot of people who said yes, it's 100% racist, but other people who interpreted it differently: it is a problem of language, a problem of interpretation. So we can perhaps say to ourselves that this is perhaps the reason why UEFA has decided to take its time, and perhaps also not to sanction, in addition for the first time, an official for racism.

William Sternheimer: [00:18:52]

Thank you, Imen, precisely. Grégory to come back to the question of qualification. I think that Imen was also referring rightly to that famous match between Atlético Madrid and Olympique de Marseille with the monkey cries that emanated from the stands and where Atlético Madrid was punished for improper conduct by supporters and not for racist conduct. So UEFA seems to adopt, just like the CAS behind it, but seems to adopt this attitude of qualifying, these words as inappropriate and not racist. Patrick told us that for him, it was clearly racist in terms of legal qualification, it is always a little more tenuous and necessarily more important in determining sanctions. What do you think?

Grégory Durand: [00:19:31]

I think I'm going to start from the idea of evolution that I've mentioned maybe already too many times, but in any case, I'm going to start from that to answer this question. Where is the empowerment of the actors which is very good today, who has started from very far away? Where we had at one time, precisely, the monkey cries towards certain players and who continued the match, who tried to ignore and who tried to continue the match without denouncing. Because we were in a different context, a different situation. This evolution led the players to be in reaction to these situations, but it was always the players concerned. We ended up with situations where the players, I am thinking in particular of Marc-André Zoro, unfortunately it was often in Italy at that time where Marc-André Zoro found himself in precisely this situation, wanted to leave the field, was in tears. It was really something poignant and terrible and where his teammates convinced him to stay. The evolution according to the teammates, have fronted with the players. We had Maria's situation and her teammates had also asked her to stay, but the player was out and that was the next evolution. And today, we are really in the responsibility of all the actors on the ground, especially with this situation. Effective lie, on this match of the Champion's League last December where all the players came out, but naturally, there was not even any consultation. All this seemed obvious to them that there was something that they could not tolerate that went beyond football and that it was natural not to continue playing the game in these conditions. So we have this development, which is positive, which comes from the actors on the ground. There is real responsibility and this is where, just now, it was said that there was a moment for this responsibility, it must be shared by everyone and

where I think that the institutions must also change their way of seeing things, of reasoning, their way of sanctioning and where the fact that we do not use the tools to combat racism in this type of situation is already a way of taking a position that does not necessarily go in this direction of evolution. Today, in order to change things, I would like to say that the fact that it was a blunder was almost better for taking strong decisions on the UEFA side. Because today, in fact, to describe a person by the colour of his skin, it was the time for UEFA to say that it was not something suitable, that societies react differently and all societies use this type of adjective in different ways.

Grégory Durand: [00:21:54]

The fact remains that if it creates controversy, it is that there is a subject behind it and it is that there is something to deal with. And this is where I think that UEFA is not necessarily going to the end of the problem and did not necessarily want to take this responsibility there at that time, and hence on the characterization of Article 11 which is linked to the nature of the remarks without going on the subject of racism. Then effectively, on a purely legal level, it is clearly less risky. There is no such matter of intention that can be taken into account today. Indeed, I have no doubt that this official is not racist. Nevertheless, what he said goes beyond the line of the hearable, in my opinion and in the opinion of many people. So that's where UEFA can be that educational role that also went through, this time through sanctions. This is where I am more in line with Patrick on the fact of saying that this empowerment of UEFA has not gone in the direction of the evolution that we expect.

William Sternheimer: [00:22:49]

Thank you. Patrick, we have already talked about this and we will perhaps go back to what is happening on one ground. In your opinion, what should be the attitude of a player, a coach, a club, a referee when a person, another player, a coach is the victim of racist comments or discriminatory acts.

Patrick Vieira: [00:23:05]

I think what's important is to be supportive when you see the latest incidents in Valencia, the player came out and all his teammates went out with him because it was really important. I am not in favour, because what I want is to see players on the pitch, I want to see the game. I don't want the match to stop, I want the match to continue, but if we want to change mentalities, if we want to change things, these are strong decisions that we have to make. And get off the field, stop the game, if they stop five minutes, they stop ten minutes, if it's completely to stop, that I don't have the answer, but see the players come out of the field to score the shot, I think it's a very good thing. But it comes at a time when the players will go out and will not want to go back on the field and will not want to play. Unfortunately, we're going to get to that point because when you look at how things are going, ten years ago, the players didn't get off the

field. Today, they are leaving the field and coming back. It even goes at some point, they will come off the field and will want to play again. And that, I think, what and we will get to that point, it will be very complicated après, for the authorities to make the right decisions. Because if they take note now and give the necessary sanctions, it will not get there because the players will see that they are supported by UEFA and that UEFA is on their side. And from there, they won't have any reason to get off the field because it's a fight that's going to take time. It's not going to happen overnight, but what's important is to see that the authorities are behind the players they support the players. But they have a big responsibility to learn if they don't want the matches to stop.

Grégory Durand: [00:24:50]

I'm completely in tune, we're on situations that need to be taken as a message, a signal, not as a solution. And precisely this message is clearly being sent to the institutions, in this case with regard to the matches we are talking about at UEFA, but in any case to all the institutions. This weekend, indeed, at the RFEF, in an equally recurrent way of the LFP with the Italian Federation, all the federations have situations in each of the countries and this is where they must take over so that what happens there that is initiated by the actors of the field, it must be taken as a message. It is now up to her to take responsibility so that behind, it no longer happens. So after that, it's easy to say that. I do not have a solution, unfortunately to give them. I may even have been tough just now on UEFA because behind me I do not know what they have to decide. But I think that here we are really at a crossroads where choices must be made in relation to this and where it is time to take responsibility, to find not necessarily solutions, but in any case firm actions to continue to move forward, so that these messages do not become a solution and a rule inherent in every situation of this type, but allow us to continue to move forward in the right direction.

William Sternheimer: [00:25:54]

Thank you both for coming back here now, precisely on all that is disciplinary settlement. But we know that in practice, a referee, for example on the pitch, could stop a match and declare it lost on the green carpet in the event of racist remarks made during the match. To my knowledge, in any case, I believe that it has never been done in practice and that the only things that have happened are temporary stoppages of the match, or even a stoppage for a day, as in the case of PSG against Basakesehir and then the resumption of the match the next day. At the level of the disciplinary regulations, the disciplinary regulations, so I mean you had reference to Article 14 of the UEFA disciplinary regulations. We also have Article 13 of the FIFA Disciplinary Code, which provides for suspensions, I summarize because the articles are much more complex, but provide for suspensions of at least 10 matches or any other appropriate sanction for the perpetrators of discriminatory or racist acts. Sanctions are also provided for against clubs or members in the event of racist acts by members in the event of racist acts on the part of supporters,

with at least the closure of part of the stadium and finally, the penalties are even greater in the event of a repeat offence with fines, one or more matches behind closed doors, stadium closures, or even the deduction of points or the disqualification of a competition. Imen I'm going to start with you. Can you tell us about the CAS case law on the application of the various disciplinary rules?

Imen Larabi: [00:27:14]

It may seem a little surprising, given that we tend to remember a lot of incidents that have taken place. But in fact, when we look at the CAS case law on this subject, we find that very few cases probably that some are not public. If we go back a little in time, it could be that Patrick will remember it, even one of the first cases we see, it is a case with PSV Eindhoven against UEFA in 2002. It was on a CHAMPIONS LEAGUE match of PSV Eindhoven against Arsenal. In fact, there had been throwing objects and monkey cries at Arsenal players. The referee of the match, by that in fact, what triggers all this, it is a denunciation of referee, or then of the players. But in this case, the referee of the match had just made him a report for the throwing of objects and some screams. So there was a first instance of UEFA that had given a fine of 30,000 Swiss francs for these insults and throws and had taken into account the history of PSV Eindhoven. And this fine had been raised to 50,000 francs, suite to a new study, UEFA which had decided, after viewing videos and testimonies of some Arsenal players that the facts were much more serious. So this is to go to the CAS and the fine was reduced to 30,000 francs because the CAS took into account the liabilities of the club, indeed, but especially the fact that previously, the club PSV Eindhoven had been sanctioned with a fine of 20,000 euros, by UEFA for incidents that, I quote, were much more serious in their opinion, which had required the intervention of the police. These incidents were not related to racism, but the CAS considered that since these incidents were much more serious, the punishment, despite the racist insults, could not be greater than what had happened before. When we think now about what is happening, we find it a little shocking anyway, because physical violence is serious, but racism is something that is also very limited anyway. After that, we had other cases, several other cases. What has emerged a little from the CAS case law is to realize that for Article 14 on racism of the UEFA Disciplinary Code to apply, there are two elements that must exist. The first is that there must be an insult to human dignity. And that this insult must be on the basis of race or ethnicity. UEFA is going to know widely, that is to say that banners, songs, if they are interpreted as being an attack on dignity, must be punished. But here again, we come to the interpretation. And this interpretation is made on the basis of what is called the objective observer. That's kind of the limits we have. It may be shocking, but in many cases, the CAS has reduced some of the sanctions taking into account the principle of proportionality.

William Sternheimer: [00:30:11]

Patrick, Grégory, maybe before you bounced back. We are going to stay in the Netherlands, unfortunately, there was also a case between Feyenoord Rotterdam against UEFA during a match between Feyenoord Rotterdam and Rome, where one of the supporters had thrown an inflatable banana at Gervinho, Roma player at the time, UEFA had sanctioned and the CAS reduced this suspension in reality, considering that there was a reasonable possibility that the banana had been thrown away to show frustration and without racist intention. That is to some extent what Imen was saying with his example of interpreting an act which, in itself, can be considered, and in my opinion should be regarded as a racist act, but which, legally, is reclassified. Patrick, you can bounce back a little bit on these two examples. There are others. There are many others. We can perhaps bounce back on another example after, but already on these examples there you have something to say?

Patrick Vieira: [00:31:04]

That's the interpretation, it's not wanting to make the right decisions. I would like to be a little fly and be in this room with this Committee to see a little how they judge these cases, because when you see the pictures, when you hear the sounds of monkeys, when you hear racist words coming out of the galleries and you do not realize, it is that there is a problem. For me, it is either we do not want to fight racism, or we do not feel concerned or we say yes, it will be better tomorrow, but that is what I cannot understand from these people who make these decisions. And that's why I would have so many questions to ask them if I'm going to be in front of me because I want to understand how they think. They may not feel concerned because in this group, at the level of the CAS who make decisions, they have not experienced this kind of thing. Maybe, they have a hard time understanding this stuff and that's what bothers me. And Imen mentioned the match against PSV. I was on the pitch, I was a player, I heard the racism coming out of the stands and in our time, in my time, I used it as a source of motivation and today, the players come off the pitch. I would have liked less to leave the field much earlier. Maybe the evolution would have been different today and that's why the players who came off the field today I am, but 300% behind them. I send them all my love and all my support for this decision. Because it is this decision that will make things improve in the future.

William Sternheimer: [00:32:38]

And you Grégory, as a lawyer, do you think that this situation, these CAS or UEFA sanctions and their application are adequate to fight racism effectively?

Grégory Durand: [00:32:51]

No, but once I've said that, if I'm in one of these committees, maybe I'm actually thinking twice about the situation as it is today. Because indeed, when is this disciplinary committee that has dealt with the case of the referees of our December match, it is necessary to think in this case in relation to the legal and jurisprudential context of the moment. The problem with this way of thinking is that it is complicated to change things because the context does not change until new decisions are made. When we talk about accountability, obviously, there is that of the football authorities, there is also that of the Court of Arbitration for Sport, there is also the one where we talk about general policy. We are once again in a subject of society where nous, football, we have the chance to have an, aura, an exhibition, a universality that allows us to be able to hold, in any case an educational and educational role. So I think that's where everyone needs to take responsibility because maybe, yes, I'll be less virulent and less direct and less firm if I was in one of these committees as well, especially because I witnessed situations like that, but I've never been the target.

Grégory Durand: [00:34:03]

I have never suffered from this type of situation. I just saw people suffer from it and I witnessed it and it touched me. But of course, I can't say if it has nothing to do with it. But I strongly suspect that it has absolutely nothing to do with it. And today, when I say that all the institutions must come together and develop, take responsibility and develop their case law, it is indeed UEFA, and I have also the Court of Arbitration for Sport. Because, honestly, these two famous criteria that have meant that it is Article 14 that has not come out in favour of Article 11, which no longer has anything to do with racism. It is difficult to make as a decision. It's also very hard for the referee himself because, in fact, it still means making a decision to say you were racist, whereas basically, it was actually maybe a blunder. Nevertheless, if we want these things to be stopped being said, we must make it clear that they are racist acts. And this is not a matter of intention. At each disciplinary committee where we go on a red card for a player, very often, the player does not make the mistake on purpose, so we plead in quotation marks the clumsiness before the disciplinary committee and in particular before the LFP.

Grégory Durand: [00:35:11]

The president of the disciplinary committee, so open, he tells us "You know, clumsiness is a fault" because we are in situations where, indeed, intention can be an aggravating circumstance. But it does not prevent, there is intention or not the fault, and they exist in the same way as if there is intention or not, if the remarks are racist, it must be qualified as racist acts. I would also have liked to be the little fly next door because I do not even understand how, even with the jurisprudential context of the Court of Arbitration for Sport at that time, I do not even understand how we could have come to give the benefit of the doubt

on a situation like this. So, yes, there is the presumption of innocence. There are many things that need to be protected and that are very important. Besides that, I think that we must continue to crack down and this is perhaps where he just needs to become aware, that to say that a person has done a racist act is not necessarily to tell him that he is racist, but it is precisely to educate him and everyone around in relation to the fact that these things should no longer be said. If there is controversy and there is a subject, we must continue to move in the right direction.

Patrick Vieira: [00:36:08]

But in addition, I think that if I may say so, what is a little questionable is how this commission is composed. I am beginning to wonder about precisely those committees that take decisions about how they are composed. Who is there in this committee? Are there men, women, former players? I want to know how this committee is built precisely to try to make the right decision. We will say the right decision.

William Sternheimer: [00:36:38]

Just in relation to the type of sanction, it is true that two examples were cited that were not necessarily examples that were very significant in the fight against racism. But it is true that if we take another example in a CAS case between Josip Simunic, a Croatian player against FIFA, the CAS had confirmed the sanction that was pronounced against the player by FIFA, which is a suspension of 10 matches for having, at the end of a match between Croatia and Iceland, pronounced with the fans in the stadium, the Croatian salute, which was used during the Second World War by the fascist movement Ustaz. It is true that FIFA, like CAS, has applied a 10-game suspension which is the minimum suspension in this kind of situation.

Grégory Durand: [00:37:15]

Today, there may indeed be this subject of qualification where it is complicated and we have to make strong decisions that may be legally will be debatable, but in any case that are defensible, therefore I think we have to take them. And behind, today, the tools exist and there are real sanctions that are still very strong, whether for players or clubs, for supporters via clubs, suspensions and finally the decisions that can be taken, the sentences that can be taken are very stronger, but we realize that they are never applied. As we were talking about another situation or the fact that a referee stops the match, it does not happen. And yet, maybe it shouldn't happen anymore because the situations exist. So why? Why doesn't that happen? The tools exist, but there is this fear of applying them because we are on a "touchy" subject and afraid to put a spotlight on something negative in our environment, while we realize that when it comes to the end, it is only positive. This is where I think we must ignore this fear that we all have, if only there, the fact that I am speaking on this subject. I wanted to do it, but instinctively, I also asked internally if it's something I could do and everyone said "obviously". But there is always this fear because we are on a

"touchy" subject. We are always afraid of being clumsy. We are always afraid of creating a controversy, whereas I think that we should not be afraid of this controversy. In the end, we realize that this is what is needed to continue to move forward.

William Sternheimer: [00:38:42]

Thank you all for concluding one last question now on social media. The regulation of federations does not seem to concern racist attacks on supporters on social networks and, as I said in my introduction, there are unfortunately far too many examples on this subject, whereas the regulation covers such statements made by players. And I can cite the fairly recent example Edinson Cavani with Manchester United when he responded to a comment congratulating him on his performance. He said, and I quote in Spanish, 'gracias negrito', which was sanctioned in England with three matches of suspension and a fine of 100 000 pounds. Patrick, according to you, what measures should be taken to tackle this situation of racist attacks on social networks?

Patrick Vieira: [00:39:25]

To talk about Cavani, I think Grégory, you know him much better than me and knowing the South Americans, they tend to call the players of color, the "negrito" and that, for me, it is a lack of education. And when Grigor talked about education, I think we're really in there. It is time to educate these people to tell them that calling a black player "negrito" is unacceptable and that it is not something we should and can do. I think what is important about the message that has been sent by the Federation is that it is calling someone in this unacceptable way. That doesn't mean Cavani is racist, it's something that I think was something natural for him in terms of the way he was educated, the way he grew up. And I think the message was very strong from the English Federation because these are words that are unacceptable. And there, the message was clear and from there, there is this education side, which is very important that the on all has this responsibility to educate our children to tell them that there are things that we cannot afford to do or say. Regarding social networks, again, we go back to the responsibility, when we talk about Instagram or talk about tweeting, I mean, these are big boxes that can stop these words that people come out. You can't insult players in terms of their skin color. You can't make racist comments using Instagram or Tweeter or other social networks. I think that these companies have a responsibility to block the accounts of these people who make racist remarks and I think that this awareness must also come from them.

William Sternheimer: [00:41:22]

Patrick, Grégory, as a representative of the club, do you not think that it is also the responsibility of the clubs to try to take action? I know it's extremely complicated to police all users of Twitter, Instagram and other social networks. But what you don't think clubs can also try to do?

Grégory Durand: [00:41:40]

Again, we all have a responsibility, have all been part of that environment, we are all part of that exhibition. We all enjoy living in football, we love it. It's a passion and we're very happy to be there. On the other side, there is indeed this type of obligation and this responsibility the English Federation has had it. This strong act in relation to this sanction on Cavani, I think it was the right decision. And I love Edinson. And he is someone who seems to me to be ten thousand miles away from any notion of discrimination, of racism. She is a very beautiful person. However, once again, it is a subject of education. This is where I regret that UEFA did not take this decision in relation to the referee. Even if indeed "the black", we can consider maybe that on a scale of acceptable, it is a little less worse than "negrito". But a moment ago, you just have to tell yourself there are things that don't say and I don't think there's a scale. It's just to tell yourself what can be said, what can't be said. This role of education, I think that the English Federation has held well on this decision. I think UEFA could have held the same on the referees. No one took that as Cavani is racist, everyone took that, as is something that should not be said, it was the same thing that had to happen with this Romanian referee.

Grégory Durand: [00:42:53]

This is not a trial to say that such a person is racist or not. It is just a moment in the evolution of jurisprudence to say what can and cannot be said. And yes, players have a role. Yes, the institutions have a role. Yes, clubs necessarily have a role too. We have long heard "There is no racism in football". From the moment football evolves in the same world, I do not understand how, how we can say that. Perhaps indeed, it is less prominent because the sport itself, there is a real merit to the performances. In this type of way of working, racism may not find its place and so much the better. Nevertheless, beyond this meritocracy, there are still acts and incidents and we are seeing them more and more. Again, it is not that there are more of them, it is that we see them more and more when they are denounced. And obviously, that the clubs play a role in relation to that at Paris Saint-Germain, we are very attentive to that. There are things that must be regarded as things that go beyond the limit of what is acceptable. And that is where the institutions have to take the right decisions. Clubs must educate their players, their educators in the same way and players, with the aura they have, must effectively continue this approach.

William Sternheimer: [00:44:07]

Thank you both for what you have said, is something you want to say to conclude?

Patrick Vieira: [00:44:11]

To conclude, this is just to say that the players in this sport are taking responsibility for everything that has happened in recent weeks, in recent months. And today, it is time for the authorities to take their responsibilities.

William Sternheimer: [00:44:24]

Thank you very much. Grégory, a word to conclude or has all been said?

Grégory Durand: [00:44:28]

Everything is said and I think anyway, there has been a lot of talk about racism. I think that discrimination goes beyond that. There are many things that are being said on the ground that should not be said. Indeed, racism is what, for players, is beyond comprehension and acceptable. Today, I think that there is much more to be said on the ground than that and that they should no longer say to each other or in the gallery. I am quite reassured for the future. I'm pretty confident because again, everything that's happened lately, even if it comes out of negative incidents, the way it's moving forward, the way it's taken by the public, it seems to me to be extremely positive. I agree with Patrick that now, we need to exploit this awareness and make everyone responsible. First and foremost, the institutions, even if this is not the main role of the clubs and the world of football. We do not make politics. Nevertheless, we can have this role of education and we must have.

William Sternheimer: [00:45:21]

Many thanks to both of you. Thanks to Grégory, Patrick for joining us and sharing their opinion on this topic which is interesting, and which could develop much further. For analyses and articles on sports litigation in general, please visit our website: www.morgansl.com as if you wish to subscribe to our mailing list or if you would like certain topics to be discussed in a future podcast, please send us an email to the following address podcasts@morgansl.com. Finally, feel free to connect with us on our social media platforms Twitter, LinkedIn, Instagram and Facebook for articles, updates and news. We hope you had fun listening to us and that you will join us for the next episodes of Play On.