



Annex to OSCE/ODIHR Comments on the Draft Law on Prevention of Violence and Misbehaviour  
at Sports Events of the Federation of Bosnia and Herzegovina  
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Bosnia and Herzegovina  
Federation of Bosnia and Herzegovina  
FEDERAL MINISTRY OF INTERNAL AFFAIRS  
SARAJEVO

**PRE-DRAFT**

**LAW ON PREVENTION OF VIOLENCE AND MISBEHAVIOR AT SPORTS  
EVENTS**

**Sarajevo, January 2017.**

**LAW ON PREVENTION OF VIOLENCE AND MISBEHAVIOR AT SPORTS  
EVENTS**

## **CHAPTER I - GENERAL PROVISIONS**

### **Article 1** *(Subject)*

This law lays down the characteristics of violence and misbehavior at sports events, measures for the prevention of violence and misbehavior at sports events and in relation to sports events, undertaken by the organizers of sports events, sports organizations, competent Ministries of Internal Affairs and other entities in order to ensure personal and property safety of spectators, competitors and other participants in sports events, especially sports events of increased risk, as well as other issues of importance for the specified area in the Federation of Bosnia and Herzegovina (hereinafter: the Federation).

### **Article 2.** *(Characteristics of violence and misbehavior and other protective measures for prevention of violence and misbehavior at sports events)*

Actions specified by this Law that have characteristics of violence and misbehavior and security measures and other measures for the prevention of violence and misbehavior at sports events represent actions and measures with the goal to ensure smooth maintenance of sports events and prevention of illegal acts directed towards participants of an event and the protection of the constitutional order of the Federation and the Cantons.

### **Article 3.** *(Responsibility of the sports event organizer)*

(1) The organizer of sports events is responsible for the security at sports events and is obliged to ensure the peaceful conduct of a sports event by taking all the measures and actions prescribed by this law in cooperation with the Cantonal Ministry and legal persons registered for providing protection of persons and property for the sake of protection of participants of a sports event.

(2) If a sports event is organized by a sports event organizer registered at the level of Bosnia and Herzegovina or if it is a sports event with an international character, the organizer is obliged to undertake measures and actions referred to in paragraph 1 of this Article in the territory of the Federation

in cooperation with the Federal Police Administration, which coordinates further activities with the Cantonal Ministry in whose area a sports event takes place.

(3) For the purpose of carrying out the activities referred to in paragraphs (1) and (2) of this Article, depending on the risk assessment, an organizer of the sports event shall be responsible for forming a Coordinating body composed of representatives of sports event organizers, police, medical service, fire department and other bodies for which presence there is a need, whose task is to coordinate activities and actions in order to protect participants of a sports event.

#### **Article 4.** *(Security Commission)*

(1) Sports Associations are obliged to organize a special Security Commission within the Association, whose task is to monitor and coordinate implementation of measures at sports events established by this Law.

(2) Sports Associations, in cooperation with the Federal Ministry of the Interior (hereinafter: the Federal Ministry), shall, with the consent of the Cantonal Ministry, adopt provisions regulating the composition and competence of the Security Commission as well as other issues relating to the work of the Commission.

#### **Article 5.** *(Meaning of terms)*

(1) Specific terms used in this law have the following meanings:

a) **Sports events** are sports competitions and sports manifestations defined by the Law on Sports, as well as other public events and other forms of assembly in the sense of a law that prescribes the issue of public assemblies.

b) **Sports event organizer** is a sports organization that can be founded as a Sports Association, Sports Union, Sports Society, business entity, institution, professional association (hereinafter: sports organization) and other legal or natural person who is permanently or temporarily engaged in organization of sports events, that is, that has taken over the organization of a certain sports event or is performing certain activities in the organization of a sports event,

c) **Sports event participants** are all persons present at a sports event,

d) **Officials at a sports event** are the police officer, the guard from an Agency for Protection of People and Property, steward, and other officials at the sports event,

e) **Sports facility** is a special or multipurpose, indoor or outdoor space intended for sports trainings, exercises, competitions and holding of sports events, which, in addition to the sports field, has a space for the auditorium and can also have an additional space (sanitary facilities, dressing room, storage, etc.)

f) **Sports field** is the area where sports activities (sports games, competitions) are performed as well as a space next to the auditorium.

g) **Auditorium** is an arranged space at the sports facility designed to accommodate spectators (stands), ie the area next the sports field intended for spectators if there are no stands in a facility,

h) **Timing of the sports event** is the time period required for the organized and safe arrival and entry of spectators in the auditorium before the start of the sports event and the time needed for their safe and secure exit from the sports facility and departure after the end of the sports event and whose duration in each concrete case is determined by the organizer of the sports event in cooperation with the Cantonal Ministries, in whose area a sporting event takes place, and exceptionally with the Federal Ministry, adjusting the timing to the character of sports events, especially sports events of increased risk.

i) **Safety measures** are any measures designed and implemented with the primary objective of protecting the health and well-being of individuals and groups who attend or participate in a sporting event or who live or work in the vicinity of the place where a sports event is held;

j) **Security measures** are any measure designed and implemented with the primary objective of preventing, reducing the risk and / or responding to any violence or other unlawful activity or disturbances committed in connection with a sports event inside or outside the sports facility.

l) **Service Measures** are any measures designed or implemented with the main objective to make individuals or groups feel comfortable, respected and pleasantly when attending a sports event inside or outside a sports facility;

m) **Integrated Approach** means recognition that, regardless of their basic purpose, safety measures, security measures, and service measures at sports events are always intertwined, interrelated in terms of impact, and that they need to be balanced and can not be designed or implemented in isolation;

n) **Multi-agency integrated approach** means recognition that roles and actions of any agency involved in planning and operational activities related to a sports event must be coordinated, complementary, proportionate, designed and implemented as a part of a comprehensive security, safety and service strategy,

o) **Good practices** are measures applied in one or more countries that have proven to be very effective in achieving the stated goal or intent.

## Article 6

*(Gender equality)*

Grammatical terminology relating to the use of male or female gender in this law implies the inclusion of both sexes.

**Article 7**

*(Application of other regulations)*

On issues not regulated by this law, provisions regulating the area of public assembly, the area of public peace and order and the area of sport shall be applied.

**II – NOTION OF VIOLENCE AND MISBEHAVIOR AT SPORTS EVENTS**

**Article 8**

*(Violence at sports events)*

Under the violence at sporting events, in terms of this law, shall be considered the following actions:

- a) physical assault on competitors, referees, delegates, members of an Agency for Protection of Persons and Property contracted by an organizer of a sports event or other person acting as stewards or other officials at a sports event,
- b) physical assault on spectators or physical confrontation between spectators at a sports event,
- c) physical assault or physical confrontation between competitors at a sports event,
- d) inviting and encouraging to physical assault or physical confrontation, referred to in points a), b) and c) of this article,
- e) throwing objects that could endanger life and physical integrity or property in the sports field or in the auditorium,
- f) bringing into a sports facility or exhibiting symbols, banners, flags or other things containing a text, image, sign or other features, or exclaiming slogans that are expressing or inciting hatred or violence based on racial, national or religious affiliation or any other specificity, whose content is offensive or indecent,
- g) damaging a sports facility, equipment, devices and installations of a sports facility where a sports event is held,
- h) causing disorder or destruction of property upon arrival or departure from a sports event or within a sports facility itself, disruption of a sports event or

endangering the safety of participants or third parties in a sports event.  
i) other forms of violence that may endanger the safety of participants of a sports event or property.

### **Article 9**

#### *(Misbehavior at sports events)*

Under the misbehavior, within the meaning of this Law, the following acts are considered:

- a) unauthorized entry into the sports field, into the official premises and official passage of a sports facility or into part of a sports facility intended for opposing fans,
- b) an attempt to bring or bringing into a sports facility, possession or use of alcohol, drugs or other psychoactive substances,
- c) an attempt to bring or bringing into a sports facility or the use of pyrotechnic articles and other objects and means that may endanger the safety of participants of a sports event or disturb its course,
- d) the ignition of supporters' accessories or other objects,
- e) wearing scarves, caps or other items with an intent to conceal the identity of a person for whom there is a reasonable suspicion to be a perpetrator of a criminal act or an offense,
- f) any form of resistance and disrespect of orders of police officers or members of an Agency for Protection of Persons and Property other persons acting as stewards, issued for the purpose of establishing of public peace and order
- g) other forms of misbehavior that may endanger the safety of sports event participants or property.

### **Article 10**

#### *Duty of the sports event organizer for undertaking measures and actions to avert, preven and disenable the outbreak of violence and misbehavior of spectators*

The sports event organizer, in accordance with Article 3 of this Law, is obliged to ensure the safe maintenance of a sporting event and to take measures and actions to avert, prevent and disenable the outbreak of violence and misbehavior of spectators laid down in Articles 8 and 9 of this Law.

### **III - MEASURES FOR PREVENTION OF VIOLENCE AND MISBEHAVIOR AT SPORTS EVENTS**

#### **1. Measures to be undertaken by a sports event organizer during a sports event**

##### **Article 11**

*(Plan of measures to be undertaken)*

(1) The sports event organizer, in cooperation with the Cantonal Ministries, sets out a plan for undertaking the following measures to avert and prevent the violence and misbehavior of spectators:

- a) preventative measures and regular measures to be taken at all sports events,
- b) measures to be taken at sports events of increased risk,
- c) measures undertaken by the Federal Ministry and the Cantonal Ministries, courts and institutes for serving misdemeanor penalties.

(2) When a sports event organizer entrusts the organization of a sports event or execution of certain activities in the organization of a sports event (**REPEATED**) to another legal or natural person, he is obliged to supervise the implementation of measures stipulated in the plan referred to in paragraph 1 of this Article that are prescribed for the organizer of a sports event by this Law.

##### **Article 12**

*(Preventive measures)*

For the purpose of preventive action and reducing the risk of violence and misbehavior of audience, the organizer of a sports event is obliged to:

- a) encourage organization and the fair play behavior of their fans clubs and fans in general
- b) achieves appropriate informing of their supporters (meetings with fans, newsletter publishing, inviting through media to fair cheering, etc ),
- c) cooperates with their fans clubs and upon the assessment initiates **selection of stewards amongst them in order to assist the organizers of sports events** in maintaining peace and order
- d) coordinates activities with fans clubs during their organized departure to sports events where these sports organizations - clubs and their supporters are guests,
- e) encourage positive behavior and actions of players and officials before,

during and after a sports event,

f) regulates sports rules from its jurisdiction, which sports events are considered as sports events of increased risk and what measures sports event organizers and other participants are obliged to undertake, in accordance with the provisions of the law and other regulations

g) undertakes other measures and activities, in accordance with the provisions of the law, regulations adopted on the basis of the law and sports rules.

### **Article 13**

*(Steward service)*

(1) The Sports event organizer shall establish steward service to carry out the regular measures set out in Article 14 of this Law.

(2) The steward service referred to in paragraph (1) of this Article are composed of stewards who will have visible marks or inscriptions on their clothing indicating that they are members of the steward service.

(3) Only a person who has undergone training according to the program referred to in paragraph (4) of this Law can be engaged to perform the tasks of steward.

(4) The Federal Minister shall issue a regulation to determine the program and the manner of carrying out the training for performing the tasks referred to in paragraph (2) of this Article in cooperation with the Cantonal Ministry.

### **Article 14**

*(Tasks of steward service)*

(1) For the purpose of preventing violence and misbehavior at sports events, the steward service performs the following tasks:

a) prohibits access to a facility in which a sports event is held to people under the influence of alcohol, drugs or other psychoactive substances or can be reasonably concluded from their behavior that they are prone to violent or inappropriate behavior.

b) effectively separates visiting supporters by directing them to special entrances and exits from the sports facility to a particular part of the auditorium assigned to them,

c) ensures that spectators sit at designated places,

d) prevents the entry of spectators to the sports field and prevent them from moving to a part of the auditorium intended for supporters of a visiting club,

e) prevents selling and taking alcoholic beverages into a sports facility,

f) prevents taking objects into a sports facility that can be used in violent actions (pyrotechnic articles, sticks, bottles, etc.), ie which may obstruct the course of a sports event (mirrors, laser pointers, high power speakers, banners or features that encourage racial, religious, national or other intolerance and hatred, or whose content is abusive or indecent, etc.)

g) prevents taking into a sports facility and exhibiting fans symbols of larger dimensions which may obstruct the work of officials except flags, scarves, caps and jerseys with club tags,

h) warns or removes a spectator whose behavior, act or failure to act could trigger violence at a sports event, endanger the safety of participants or hinder the course of a sports event,

i) does not allow access to a sport facility to a person who has been granted a safety measure, or a protective measure of prohibiting the attendance to certain sports events, retains that person and handles it to the competent police officer.

(2) The activities referred to in paragraph (1), points (a), (d), (e), (f) and (i) of this Article shall be carried out by a person who has a certificate for performing physical protection activities issued in accordance with the Law on Agencies and Internal Services for Protection of People and Assets ("Official Gazette of the Federation of Bosnia and Herzegovina", No. 78/08 and 63/13).

(3) Depending on the risk assessment relating to a sports event, the plan referred to in Article 12 of this Law shall determine a number of stewards ie guards necessary for carrying out, execution, performing the activities referred to in paragraph (1) of this Article.

(4) The tasks referred to in paragraph (1) of this Article shall be performed by the steward service in accordance with this Law and the regulation referred to in paragraph (2) of this Article

## **Article 15**

*(Duties of spectators)*

(1) A spectator or a group of spectators is obliged to act in accordance with directions of members of the steward service when performing the tasks referred to in Article 14 of this Law.

(2) If a spectator or a group of spectators does not act upon orders of the members of the steward service, a steward shall immediately inform and request engagement of a police officer or if the steward is not able to engage a police officer, he will seek engagement of a guard until arrival of the police.

## **Article 16**

*(Use of physical force by members of the steward service)*

(1) A member of the steward service is authorized to use physical force if he can not otherwise reject a simultaneous unlawful attack on a steward, a guard or another person, or an attack aimed at damaging or destroying of property, resources or equipment.

(2) On the use of physical force by the members of the steward service, steward service is obliged to draft a written report containing all the data relevant for assessing the justification and regularity of the use of physical force and to submit it to the organizer at the latest 24 hours after the use of physical force;

(3) The report referred to in paragraph (2) of this Article shall be submitted immediately to the organizer of a sports event, who is obliged to submit it to the competent Cantonal Ministry not later than 48 hours after the use of physical force.

(4) Physical force within the steward service may only be undertaken by guards engaged by an organizer of a sports event based on a contract signed with an Agency for Protection of People and Property that is performing the tasks of protection of people and property in accordance with the provision referred to in Article 14 paragraph (2) of this Law .

### **Article 17**

(Other measures ensured by the sports event organizer)

In addition to the measures referred to in Articles 11, 12 and 13 of this Law, during a sports event the organizer is obliged to ensure the presence of:

- a) police officers,
- b) emergency medical service and fire department,
- c) where appropriate, other competent bodies and organizations, public services and public companies (inspection services, communal services, etc.).

### **Article 18**

*(Determining the number of police officers and the manner of taking the actions of police officers)*

Based on the application of organizers to hold a sports event and the assessment of the relevant elements relating the risks from endangering the safety situation as well as measures that had been undertaken by the organizer, the Cantonal Ministry determines a number and manner of undertaking of actions of police officers to ensure public peace and order at a certain sports event.

## **2. The measures to be taken at sports events of increased risk**

### **Article 19**

*(Sports events of increased risk)*

(1) Sports Association of Bosnia and Herzegovina or the Federation, ie a sports event organizer, declares a sports event of increased risk based on the act of the competent sports association and / or the recommendation of the competent Cantonal Ministry in the following cases:

- a) domestic and international sports events of major competition significance,
- b) sports events where the presence of a large number of spectators or visiting club's fans is expected
- c) other sports events when specific circumstances indicate that during the sports event violence and/or misbehavior may occur.

(2) The Federal Police Administration or the Cantonal Ministry, upon receipt of the notification by an organizer on the timing of a sports event, shall appoint a police officer from the Cantonal Ministry in which a sports event is taking place, to be a member of the coordinating body referred to in Article 3 of this Law. The police officer shall be at the same time the leader of that team for coordination of the overall activities of all subjects participating in the organization of that sports event, so that all preventive, regular and special measures prescribed by this law are undertaken by the competent authorities and steward services in a timely and effective manner.

### **Article 20**

*(The general duties of the organizer regarding a sports event of increased risk)*

(1) In cases referred to in Article 19 of this Law, the organizer of a sports event is obliged to:

a) immediately upon finding out notifies Cantonal Ministry and the Federal Ministry and other competent authorities, the competent Sports Association and other interested sports organizations and, if necessary, the athletes participating in a sports event, about all information relating to the sports event but no later than 48 hours before the start of a sports event.

b) designates a responsible person in charge of implementation of the measures prescribed by this Law and cooperation with a competent Cantonal Ministry,

c) requests information from a Sports Association, the Cantonal Ministry and other persons about individuals who will participate in the coordinating

team and to name

d) establishes cooperation with a competent Cantonal Ministry in order to act in accordance with orders relating to the maintenance of public peace and order at a sports event,

e) provides a duty misdemeanor judge (OR: [presence of a duty judge](#)),

f) acts in accordance to orders of the competent Cantonal Ministry

g) establishes cooperation with representatives of clubs of supporters for the mutual exchange of information and more efficient provision of security at a sports event.

(2) The sports event organizer, in cooperation with a police officer referred to in Article 19 paragraph (2) of this Law, may interrupt a sports event and order emptying of a part or the complete auditorium in the event of mass manifestation of racial, religious, national or other intolerance or hatred.

(3) After emptying the audience, a sports competition may be resumed or postponed in accordance with the applicable rules

## **Article 21**

*(Duties of the organizer on the day of holding of the sports event of increased risk)*

Before the start, during and after the sports event of increased risk, the organizer of a sports event shall:

a) ensure separation of groups of visiting supporters by selling tickets at separate and special points of sale,

b) ensure that only numbered seating tickets are issued for sale, ie issuing the number of standing tickets that correspond to the potential number of seats,

c) provide seating arrangements on numbered seats that correspond to the number of seats indicated on tickets,

d) cooperate with sports organizations - clubs participating in a sports event with regard to sale of ticket for their fans,

e) designate special entrances, and a part of the auditorium for the visiting supporters, if their expected arrival is organized or if their arrival is expected in a greater number,

f) ensure measures to encourage spectators to properly behave, through the sports event program or through means of communication,

## **Article 22**

*(Police escort)*

At sports events of increased risk referred to in Article 19 paragraph (1) of this Law, Cantonal Ministry shall, upon the request of the police officer from Article 19, paragraph (2) of this law, provide the escort for fans who, in an organized way, go to a sports event, in cooperation with the Cantonal Ministry of the Canton in which the sports event is organized.

### **Article 23**

*(Ensuring presence of a Judge for Misdemeanors)*

(1) If a sports event, pursuant to Article (3) of this Law, has been assessed as an event of a high risk of an outbreak of disorder and violence, the organizer of a sports event, on the proposal of a coordinating body from Article 3, paragraph (3) of this Law, shall require that the President of the Misdemeanor Court ensure the presence of a Misdemeanor Court Judge and a court reporter, if a sports facility has appropriate premises for their work.

(2) If a sports facility does not have the appropriate premises for the work of a Misdemeanor Court Judge, it is necessary to ensure his attendance in the premises of the competent Misdemeanor Court.

(3), At the request of the organizer, a standby judge shall be determined by a President of the Misdemeanor Court located closest to the venue of the sports event referred to in paragraph 1 of this Article.

## **3. Sale of tickets and conditions and manner of use of a sports facility**

### **Article 24**

*(Sale of tickets on the day of a sports event)*

(1) On the day of a sports event of an increased risk, tickets can not, as a rule, be sold in a sports facility where a sports event is held or in a close proximity, but only at special sales points.

(2) The approval for determining the sale points referred to in paragraph (1) of this Article shall be issued by the coordinating body referred to in Article 3, paragraph (3) of this Law.

### **Article 25**

*(Sales of ticket to persons who have identification documents)*

(1) The organizer of a sports event is obliged to ensure that tickets are sold exclusively to persons holding an identification document (ID card,

- travel document, etc.).
- (2) The organizer of a sports event is obliged to ensure that more than five tickets can not be sold to a single person.
  - (3) The sports event organizer shall be obliged to prevent access to a sports event to persons who do not have an identification document or persons under the age of 16 who are not accompanied by a parent or a legal guardian.

## **Article 26**

### *(Conditions to be met by a sports facility)*

(1) A sport facility must have an evacuation plan adopted according to a certain methodology determining the procedures in case of emergency situations, stipulated by the decision of a municipality or a town where the sport facility is located.

(2) The evacuation plan shall be made by owners ie a responsible person of a legal person of the sports facility, after obtaining the consent of a competent Cantonal Ministry (police administration or police stations), fire brigade and emergency medical service.

(3) The evacuation plan shall contain described procedures of action in case of emergency situations (collapse of the structure, notification on planted mine-explosive devices, etc.) as well as a clear schematic presentation of the evacuation corridors.

(4) Before the start of a sports event, the sports event organizer is obliged to inform representatives of sports clubs, judges and other officials at a sports event about the evacuation plan.

(5) A sports facility classified as a facility for international sports events must have the Certificate on Safety of Facility (Stadium) verified by the competent Ministry, which shall be further regulated by the provision referred to in paragraph 9 of this Article.

(6) The Certificate on Safety of Facility is issued for a period of one year, based on the previously performed positive inspection findings in the field of electrical protection, protection from lightning, fire protection, possession of means and first aid equipment, hygiene and technical safety of public toilets, static loads of characteristic structures, entrance-exit gates, corridors and protective fences.

(7) The organizer is obliged to ensure that a sports event of increased risk is conducted in a sports facility that has:

- a) appropriate fences in front of a sports facility for routing and separating opponents groups of fans,
- b) adequate fences to prevent the entry of spectators into the sports field,

- c) appropriate fences within a sports facility for separating opponents groups of fans,
- d) an appropriate number of clear and visibly marked entries and exits to all parts of the auditorium,
- e) suitable numbered seats that can not be broken off by using the physical force,
- f) an appropriate space for a standby judge, competent prosecutor and a police officer of the Federal Ministry and Cantonal Ministry responsible for maintaining public peace and order at a sports event, with a clear view on the sport field and spectators and access to equipment from item g) of this paragraph,
- g) technical equipment for monitoring and recording of entry and exit of spectators and their behavior in a sports facility,
- h) an appropriate room for the safekeeping of sports event participants that are behaving illegally as well as persons who have been subjected to the safety measure or the protective measure of prohibiting the attendance to certain sports events, that are found in a sports facility,
- i) a room for provision of emergency medical assistance,
- j) a corresponding number of male and female toilets in all parts of the auditorium,
- k) a space for safe accommodation of transportation vehicles of visiting teams,
- l) loudspeaker system,
- m) an adequate illumination if a sports event takes place in the evening, and ensured uninterrupted power supply.

(8) The requirements of paragraphs 1, 2, 3, 4 and 5 of this Article shall be met by an organizer of a sports events also for facilities that are not subjected to increased risk, except for the requirements stipulated in points a ), c), f), g), k) and l) of paragraph (5) of this Article.

(9) More detailed conditions and procedures for licensing of sports facilities, their certification, including the safety requirements referred to in paragraphs: (1), (2), (3), (4), (5) and (6) of this Article and the manner of their implementation shall be determined with specific regulation by a competent Sports Association or Sport Organization, with the prior opinion of the competent Cantonal Ministry of Sports and Culture and with the approval of the Federal Ministry ie the Competent ministry.

## **Article 27**

*(Rules for handling entries and exits from a sports facility)*

- (1) The entrances and exits to and from a sport facility are handled by

qualified persons.

(2) The entrance and exit doors to the sports facility and all the doors leading towards auditorium area shall be open outwards from viewers and are to be unlocked while spectators are in a sports facility.

(3) Exceptionally, a competent police officer or a head of a steward service can order locking of doors that are leading to the auditorium with the key.

(4) All doors have locking and opening devices that can be quickly and easily operated with and must not be locked with a key.

(5) Entrance and exit doors, in particular doors used in emergency situations (collapse of stands, roofs or other structures and materials, that are covering spectators space, fire, uncontrolled movement of mass of spectators, loss of electricity, etc.), a premise for sales of tickets, ramps for directing spectators, passes (tunnels) and stairs are appropriately and clearly marked and are subject to permanent supervision by members of steward service or an agency for protection of persons and property or police officers during a sporting event.

(6) In emergency situations, an organizer must provide the possibility to allow the release of the spectators into the competition area.

## **Article 28**

### *(Obligations of the visiting sports club)*

A visiting sports club that participate in a sports event of the increased risk is obliged to:

a) no later than three days before the organized departure of supporters to a sports event, inform a sports event organizer on all elements important for the admission of the club and its supporters (day and time of departure, estimated number of fans coming, means of transport, the registration plates of the transport vehicles, place of staying in or gathering, names of leaders of fans etc.

b) establish cooperation with the a club of its fans and participate in the organization of their arrival and departure from a sports event,

c) ensure distribution of tickets for their fans received from a sports event organizer,

d) take other necessary measures to ensure that a club and its supporters do not the cause violence and misbehavior at a sporting event.

## **Article 29**

### *(Prohibition of sale of alcoholic beverages)*

(1) The sale or consumption of alcoholic beverages is forbidden along the access routes, in the immediate vicinity and in a sports facility itself during the

three hours before and after the sporting event.

(2) Non -alcoholic drinks can be sold and distributed in paper or open plastic cups

#### **4 – Measures taken by competent bodies**

##### **Article 30**

(Measures for prevention of violence and misbehaviour)

(1) The Cantonal Ministry may, during the holding of sports events with increased risk, order the taking of all necessary measures to prevent the violence and misbehavior of spectators, in particular may:

a) order groups of visiting supporters to move in certain direction when arriving or leaving the sports facility,

b) order the organizer of sports event to remove the perceived shortcomings of sports facility or shortcomings in organization, especially concerning the perceived shortcomings during sports event which may significantly endanger the safety of participants of sports event;

c) disable the arrival to the place of sports event or forbid the entry to sports facility, i.e. move away from sports facility a person whose behavior leads to conclusion that he tends/intends to commit violence and/or misbehave.

(2) The Cantonal Ministry shall, prior to the sports event with increased risk, at least 24 hours prior to its beginning, inspect sports facility where sports event will be held and shall inspect organizational preparations and ensure that sports facility is searched on time, in accordance with the applicable procedures, in order to detect presence of, possibly, explosive diversionary-terrorist devices, firearms, pyrotechnics, objects suitable for causing body injuries, etc.

(3) If the organizer of sports event does not comply with the orders of the competent Cantonal Ministry, and because failure to remove perceived shortcomings may significantly endanger the safety of participants in sports event, the competent Cantonal Ministry may forbid the holding of sports event.

(4) During sports events with increased risk referred to in paragraph (1) of this Article, Cantonal Ministry may, if assessed necessary, request assistance from the FBiH Police Administration.

##### **Article 31**

(Costs of implementation of measures)

(1) The organizer of sports event shall bear the costs related to taking of measures referred to in Article 11 to 22 of this Law.

(2) The organizer shall, with the FBiH Ministry i.e Cantonal Ministry in 48 hours before the beginning of sports event, conclude a contract on performance of certain activities to provide safety at sports event and implement certain measures for the

prevention of violence and misbehaviour at sports event, which are not part of regular activities of maintaining public order and peace.

(3) Revenues acquired by performing activities and implementing the measures referred to in paragraph (1) of this Article shall be the revenues of the budget of the Federation of BiH (FBiH), or the Canton where sports event is held, which will be used to improve the work of the police.

(4) The Minister of the Federal Ministry, upon the proposal of Director of the FBiH Police Administration and the Minister of Interior of competent Cantonal Ministry, upon the proposal of the Police Commissioner, each within their jurisdiction, within 30 days from the date of entry into force of this Law, shall issue a regulation on the type and price of services of additional engagement of police officers and other services, as well as the method of paying the costs referred to in paragraph (1) of this Article.

#### **IV – ADOPTION OF STRATEGY AND KEEPING RECORDS**

##### **Article 32**

(Adoption of the strategy for prevention of violence and misbehaviour at sports events)

(1) The Federal Ministry and competent Cantonal Ministry shall adopt the Strategy of police work and cooperation with other competent authorities on the prevention of violence and misbehaviour at sports events, which will be regularly evaluated and updated in accordance with international and domestic experiences and good practices, and which will be in accordance with a broader integrated approach to safety, security and services, i.e. valid international Convention on integrated safety, security and services approach in football matches and other sports events.

(2) The Strategy of police work on the prevention of violence and misbehaviour at sports events shall take into account good practices including particularly: collection of intelligence data, continuous risk assessment, risk-based deployment, proportional intervention to prevent escalation of violence and disorder, efficient dialogue with supporters and the wider community, collection of evidence of criminal and misdemeanor activities, as well as exchange of collected evidence with the authorities competent for prosecution.

##### **Article 33**

(International cooperation)

In accordance with the applicable procedures, the FBiH Ministry and competent Cantonal Ministries shall cooperate with the Committee for safety and security at sports events, especially in the part related to the establishment of national football information point within the police forces of BiH (NFIP) i.e. exchange of relevant information related to the prevention of violence and misbehaviour at sports events with international dimension.

#### **Article 34**

(Cooperation of FBiH Ministry and Cantonal Ministry (**OR: Cantonal ministries?))**  
In accordance with the applicable procedures, the FBiH Ministry and Cantonal Ministries shall cooperate with each other and provide all necessary information, data and other support (manpower, equipment, technical means) in order to ensure the smooth running of sports event and safety of participants and other citizens during and after sports event.

#### **Article 35**

(Records and manner of implementation of protection measures of prohibition to attend certain sports events)

- (1) The Cantonal Ministry shall establish and properly keep records of persons to whom was pronounced the protection measure referred to in Article 45 of this Law.
- (2) The records referred to in paragraph (1) of this Article shall include: name, father's name and surname, address, name of court, number and date of decision, type of sports event to which the prohibition is related, duration of the prohibition (date) and remark.

#### **Article 36**

(Records on supporters)

- (1) In cooperation with the sports clubs participating in sports event and clubs of their supporters, the organizer of sports event shall ensure the keeping of records on the identity of persons to whom the tickets are sold i.e. given through the clubs of supporters.
- (2) The organizer of the sports event shall provide access to the records referred to in paragraph (1) of this Article at the request of police officer.

#### **Article 37**

(Adoption of regulations on records)

- (1) In cooperation with the Cantonal Ministry, the FBiH Minister shall adopt a regulation which will regulate the manner and procedure for keeping records referred to in Article 35 and 36 of this Law, as well as other issues related to these records.

### **V - ADMINISTRATIVE SUPERVISION**

#### **Article 38**

(Supervision of implementation of the Law)

Supervision of the application of this Law and bylaws adopted on the basis of this Law shall be performed by the FbiH Ministry, Cantonal Ministry and Sports Associations, in accordance with their competencies.

#### **Article 39**

(Acting upon the orders and instructions of Cantonal Ministry and FBiH Ministry)

Organizers of sports events, sports associations and other legal entities shall act in accordance with the orders and instructions of Cantonal Ministry and the FBiH

Ministry.

## **VI – PENAL PROVISIONS**

### **Article 40**

(Violent behaviour at sports event as criminal offense)

(1) Whoever enters the sports field with the intention to cause violence, or by entering sports field causes violence, physically attacks participants of sports event, brings to sports facility or throws at sports field or among spectators the objects, pyrotechnic objects or other explosive, flammable or harmful substances which can cause body injuries or endanger the health of participants in sports event or participates in a physical clashes at sports event, shall be sentenced by imprisonment of three months to one year.

(2) Whoever commits in the group the criminal offense referred to in paragraph (1) of this Article shall be sentenced by imprisonment of six months to three years.

(3) An instigator of the group which commits the criminal offense referred to in paragraph (1) of this Article shall be sentenced by imprisonment of one to five years.

(4) For the criminal offense referred to in paragraphs (1), (2) and (3) of this Article, besides the sentence of imprisonment, a protection measure of prohibition to attend certain sports events for a period of two to three years shall be imposed, and a protection measure of confiscation of an object may also be imposed.

### **Article 41**

(Fines for misdemeanors of organizers and other legal entities)

(1) A fine of 1,500 KM to 6,000 KM for a misdemeanor shall be imposed to the organizer of sports event or other legal entity which the organizer of sports event engaged to provide security for sports event if:

a) he/she does not ensure co-operation with regard to taking of measures and actions for the protection of participants in sports event with the Cantonal Ministry, FBiH Ministry and legal entities registered for protection of people and property (Article 3, paragraphs (1) and (2),

b) he/she does not establish a coordination body in accordance with Article 3, paragraph (3) of this Law,

c) he/she does not ensure the safe holding of sports event and does not take any measures or actions to prevent and disable the outbreak of violence and misbehaviour of spectators defined in Article 8 and 9 of this Law (Article 10),

d) he/she fails to define a plan of taking measures to prevent the outbreak of violence and misbehaviour of spectators (Article 11 paragraph (1) of the Law),

e) he/she does not supervise implementation of the measures specified in the plan for taking measures in legal or natural person entrusted with the organization of sports event or performance of certain activities in the organization of sports event (Article

11, paragraph 2)

f) he/she does not undertake measures to make preventive action and decrease risk of the outburst of violence and misbehaviour of spectators defined in Article 12 of this Law,

g) he/she fails to establish a stewards service (Article 13 paragraph (1)),

h) he/she does not ensure to stewards the visible sign or inscription on the clothes indicating that they are members of the stewards service (Article 13 paragraph (2)),

i) he/she employs a person who did not receive the training according to the program adopted by the FBiH Ministry (Article 13 paragraph (3)),

j) stewards service does not perform the duties specified in Article 15 paragraph (1) of this Law,

k) activities referred to in Article 14, paragraph (1), items: s), d), e), f) and i) of this Law are not performed by a person who has a certificate for performing physical protection activities (Article 14, paragraph 2)

l) member of the stewards service does not make and submit a written report in accordance with Article 15 paragraph (1),

lj) physical force within the stewards service is not undertaken by the wardens engaged by the organizer of sports event in the stewards service on the basis of the contract with the agency for protection of people and property (Article 16, paragraph (4)),

m) during sports event, organizer does not provide the measures referred to in Article 17 of this Law,

n) he/she does not declare sports event as an event with increased risk in accordance with the provisions of Article 21 of this Law,

nj) he/she does not assume the duties specified in Article 22 paragraph (1) of this Law,

o) he/she does not undertake the duties defined in Article 23 of this Law,

p) he/she sells tickets contrary to Article 24 of this Law,

r) he/she does not ensure that tickets are sold exclusively to persons with identification document (Article 25, paragraph (1)),

s) he/she does not ensure that one person cannot buy more than five tickets (Article 25, paragraph (2)),

(š) he/she does not prevent persons without identification document or persons under 16 who are not accompanied by an adult to enter sports event, (Article 25, paragraph (3)),

t) sports facility does not have the evacuation plan (Article 26, paragraph (1)),

u) before the beginning of sports event, he/she does not inform about the evacuation plan the representatives of sports clubs, judges and other officials at sports event;

v) he/she does not ensure that sports event with increased risk is held in sports facility which meets the conditions specified in Article 26, paragraph (7) of this Law,

z) entrance and exit doors of sports facility are not managed by a qualified person (Article 27, paragraph (1)),

ž) entrance and exit doors of sports facility and all doors towards grandstand are not opened opposite from the spectators and are locked while the spectators are in sports facility (Article 27, paragraph 2)

aa) he/she does not provide, during sports event, the presence of appropriate emergency medical care and fire brigade units and, if necessary, other competent authorities and organizations, public services and public enterprises (Article 9, paragraph 2)

bb) he/she sells alcoholic beverages contrary to the prohibition (Article 30).

(2) For the misdemeanor referred to in paragraph (1) of this Article, a responsible legal or natural person who organizes sports event shall be fined from 300 KM to 1,500 KM.

#### **Article 42**

(Fines for misdemeanors of natural persons)

(1) A fine from 600 KM to 1,500 KM shall be imposed on natural person-spectator for the following misdemeanors:

a) unauthorized entry into sports field, official premises and official passage of sports facility or in a part of sports facility's grandstand intended for opposing supporters (Article 9, item a)

b) possession, attempt to bring in or use alcohol in sports facility, drugs or other psychoactive substances (Article 9, item b),

c) attempt to bring in sports facility or use pyrotechnic articles and other objects and items that could endanger the safety of participants in sports event or derange its course (Article 9, item c),

d) firing of supporter's pyrotechnic equipment or other items (Article 9, item d),

e) wearing scarves, caps or other items to hide identity of person who is reasonably suspected to be the perpetrator of a criminal act or offense (Article 9, item e),

f) if he/she opposes and disrespects the order of police officer, warden or steward which is made to reinstate a violated public order and peace (Article 9, item f),

g) if he/she performs other forms of misbehaviour which may jeopardize the safety of participants in sports event or property (Article 9, item g),

i) fails to comply with the orders of stewards service in accordance with Article 15 paragraph (1) of this Law;

j) if he/she consumes or sells alcoholic beverages at the access points, in the immediate vicinity of sports facility during and three hours before and after sports event (Article 29, paragraph (1)),

k) if he/she attends sports event or goes to sports event abroad when a protective measure was imposed on him/her in accordance with Article 46 of this Law;

l) if the person whom the protective measure was imposed in accordance with Article 46 of the Law does not perform the duties defined in Article 47 of this Law.

(2) A protection measure of confiscation of objects in addition to a fine, shall be imposed for the misdemeanors referred to in points a), b), c), d), e), g), h), i) of paragraph 1 of this Article.

#### **Article 43**

(Fines for misdemeanors of sports federation)

(1) A prison sentence, a fine from 1,000 KM to 3,000 KM, shall be imposed on sports association:

- a) if it does not appoint security committee in accordance with Article 4 of this Law,
- b) if it does not inform about sports event with increased risk upon the recommendation of the competent Cantonal Ministry (Article 19 paragraph (1)).

(2) For a misdemeanor referred to in paragraph (1) of this Article, a responsible person in the sports association shall be fined from KM 300 to KM 1,500.

#### **Article 44**

(Fines for legal persons)

A legal person who sells alcoholic drinks at the access points, in the immediate vicinity and in sports facility during and three hours before and after sports event (Article 29, paragraph (1)) shall be fined from KM 1,000 to 3,000 KM.

#### **Article 45**

(Revenues from fines)

Revenues from the fines imposed for the offense referred to in Articles 41, 42, 43 and 44 of this Law shall be included in the budget of the Canton in which sports event is held and it can be used for taking prevention measures for combating violence and misbehaviour at sports events.

#### **Article 46**

(Protection measures defined by this Law)

(1) The misdemeanor court may impose on the perpetrator of misdemeanor referred to in Article 42 of this Law, along with the fine and besides the protection measures prescribed by the Law on misdemeanors, the following protection measures defined by this Law:

- a) prohibition of attendance at certain sports events in the FBiH territory with the obligation to report to the police station,
- b) prohibition of attendance at certain sports events in the FBiH with the obligation to stay at the police station,
- c) prohibition of attendance at certain sports events abroad where national teams participate of BiH or sports clubs with the obligation to report to the police station and the obligation to surrender a travel document.

(2) The protection measures referred to in paragraph (1) of this Article may be pronounced for a period which may not be either shorter than one year or longer than two years.

(3) The protection measure of confiscation of objects shall be pronounced for the misdemeanors prescribed by this Law.

(4) The final decisions in which was pronounced the protection measure referred to in paragraph (1) of this Article shall be submitted by the court, not only to the submitter of misdemeanor or criminal charge but also to the national sports association which shall inform the organizer of sports event or contractual distributor authorized for the sale of tickets and a club i.e. supporter's club.

(5) The organizer of sports event or contractual distributor shall refuse to sell or give a ticket for particular sports event to a person whom was pronounced the protection measure referred to in paragraph (1) of this Article, for the duration of such protection measure.

(6) The organizer of sports event shall take measures to prevent access to the premises of sports facility to a person for whom the organizer knows or is obliged to know that he was pronounced a protection or security measure i.e. prohibition to attend a particular sports event.

(7) The organizer of sports event or contractual distributor shall refuse to sell or give a ticket for particular sports event to a person who is known to have previously behaved unlawfully and shall take measures to prevent access of that person to the area of sports facility.

#### **Article 47**

(Obligations of persons whom protection measures were pronounced)

(1) The person whom was pronounced the security measure referred to in Article 46, paragraph (1), item a) of this Law, shall, at least two hours before the beginning of particular sports event, report to the competent police station in accordance with the place of residence, and if the person is absent from the place of residence in the FBiH he shall approach to the nearest police station, report to the duty police officer and inform him of the address where he will stay during the certain sports event and two hours after that event. (**OR: about the place of stay, two hours after that event.**)

(2) The address referred to in paragraph (1) of this Article may not be in the area which is two kilometers distant from the sports facility (*in which direction?*) where sports event is held, for which the person was given a protection measure referred to in Article 46, paragraph ( 1) item a) of this Law, except in case when the person has a permanent or temporary residence in the mentioned area, respectively place of work or other justified cases. (*which?*)

(3) The person whom was pronounced the protection measure referred to in Article 46, paragraph (1), item b) of this Law shall report to the competent police station in accordance with the place of residence no later than two hours before the beginning of particular sports event, and if the person is absent from the place of residence and is located in the FBiH he shall report to the nearest police station and shall stay in the official premises of the police or other suitable premises until the expiration of two hours after the end of sports event.

(4) The person whom was pronounced the protection measure referred to in Article 46, paragraph (1), item b) of this Law shall, no later than half an hour before the beginning of particular sports event, approach to the police station in accordance with the place of residence; if he is absent from the place of residence and is in the FBiH he shall approach to the nearest police station and report to the duty police officer and inform him of the address where he will stay during certain sports event as well as during two hours after the end of that event, and shall, seven days prior to sports event, hand over a travel document to the police station in accordance with the place of residence.

5) If, for justified reasons, because of medical condition or professional obligations that cannot be delayed, the person referred to in paragraphs (1), (3) and (4) of this Article is unable to act in accordance with the provisions of paragraphs (1), (3) and (4) of this Article, he shall contact by telephone the police station at the place of residence and report the address where he is located.

(6) The Cantonal Ministry shall be authorized to check whether the person referred to in paragraph (1) and (4) of this Article is located at the given address.

(7) For person from paragraphs (1), (3) and (4) of this Article who did not approach to the competent police station or the nearest police station and reported to the duty police officer, or person for whom it was confirmed by checking that he is not at the given address, the Cantonal Ministry may call for a pursuit to bring him to the judge of the misdemeanor court.

(8) The Cantonal Ministry shall bring the person referred to in the paragraphs (1), (3) and (4) of this Article to the misdemeanor court if he was found within the space of sports facility or his presence was determined by reviewing the video surveillance record of sports facility or video surveillance recorded by the police.

#### **Article 48**

(Security measure for perpetrator of criminal offense)

(1) The court may impose on the perpetrator of offense committed during sports event a security measure prohibiting attendance at certain sports event for a period which cannot be shorter than one year or longer than five years, counting from the validity of the court decision, but the duration of imprisonment sentence shall not be counted in the duration of this measure.

(2) The provisions of Article 47 of this Law shall apply accordingly to the security measure referred to in paragraph (1) of this Article.

#### **Article 49**

(Manner and procedure for imposing security measures)

The FBiH Minister in cooperation with the FBiH Minister of Justice shall prescribe the conditions, manner and procedure for imposing the measures referred to in Articles 46 and 48 of this Law, as well as other issues related to these measures.

### **CHAPTER VII - TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 50**

(Adoption of bylaws)

(1) Within three months from the date of entry into force of this Law, the FBiH Minister shall adopt the regulation referred to in Article 13, paragraph 4, Article 37 and Article 49 of this Law.

(2) Within three months from the date of entry into force of this Law, the competent sports association or sport organization shall adopt the regulation referred to in Article

4, paragraph (2) and Article 26, paragraph (9) of this Law.

(3) Within three months from the date of entry into force of this Law, the FBiH Minister shall at the proposal of the Director of the FBiH Police Administration, and the Minister of the Interior of the competent Cantonal Ministry at the proposal of the Police Commissioner, each within their jurisdiction, issue the regulation referred to in Article 31 paragraph (4) of this Law.

#### **Article 51**

(Equipping sports facilities)

The owners or users of sports facilities shall, within three months from the entry into force of this Law, equip sport facilities in accordance with the conditions prescribed by this Law.

#### **Article 52**

(Entry into force of the Law)

This Law shall enter into force eight days from the date of its publication in the "Official Gazette of the Federation of Bosnia and Herzegovina".

### **EXPLANATION**

#### **I – CONSTITUTIONAL BASIS**

The constitutional basis for adoption of the Law on Prevention of Violence and Misbehaviour at Sports Events is enshrined in the provision II.A. Article 2, paragraph (1), item i), provision III. of Article 1 item d) and in relation to the provision III. Article 2, item a) and Article 3, paragraph (3), and the provision IV.A.7 Article 20, paragraph d) of the FBiH Constitution.

The above-mentioned provisions stipulate that the FBiH shall ensure the application of the highest level of internationally recognized rights and freedoms defined by the Acts specified in the Annex, and particularly that all persons in the FBiH territory enjoy the rights to basic freedoms: freedom of speech and of the press, freedom of thought, conscience and belief and freedom of assembly, and that the FBiH government and the cantons are responsible for guaranteeing and implementing (*laws in the field*) of human rights, which include, among others, the right to freedom of assembly which must be ensured as binding in the entire FBiH; in performance of these competencies and regarding laws and other regulations binding in the entire FBiH, in accordance with the Constitution and decisions of the FBiH Parliament, the FBiH authorities shall act while taking into account cantonal jurisdictions, different situations in some cantons and need for flexibility in implementation. The FBiH government has the right to establish the policy and pass the laws concerning the guarantee and implementation (*of the laws in the area, etc.*) of human rights.

The FBiH Constitution prescribes that the affairs of inter-cantonal crimes are in the

sole jurisdiction of the FBiH, which particularly appears during sports events. Bearing in mind that this law regulates the manner and procedure of exercising and conducting public assemblies at sports events which belongs to the right to freedom of assembly guaranteed by the FBiH Constitution and which is to be ensured by the FBiH, and that during public assembly at sports events are committed the acts of inter-cantonal crime whose characteristics were determined by the Law on Internal Affairs of the FBiH, we consider that the above-mentioned provisions of the FBiH Constitution can serve as the basis for adoption of this law.

## **II - REASONS FOR ADOPTION OF THE LAW IN URGENT PROCEDURE**

By the Act number 02-d-02-441/16 dated 02 March 2016, the Club of Bosniak Delegates launched an Initiative proposing to the FBiH Government to submit a Draft Law on Public Order in the FBiH to the parliamentary procedure (hereinafter: Law on Public Order).

The issues which need to be regulated by the Law on Public Order and reasons for existence of need to adopt this Law have been defined more closely in the explanation of this Initiative.

It derives from the Initiative that the Law on Public Order needs to regulate the following issues:

- a) organizing sports and other events in the FBiH territory,
- b) other public assemblies, i.e. issues in the field of public order in the FBiH territory.

The reasons for adopting the Public Order Act stated in the Initiative are as follows:

- a) prevention of diversionary and terrorist activities of certain groups and individuals,
- b) legal possibility of engaging police forces from the FBiH level or from other cantons when organizing sports, cultural and other public events or other forms of public assemblies in the FBiH,
- c) establishment of uniform rules of conduct and uniform penal policy in the FBiH area when it comes to public assembly,
- d) establishment of the legal basis for provision of material, technical and other types of assistance to the cantonal police for issues in the field of public order,
- e) legal regulation of public assembly of citizens in the vicinity of facilities and space protected by the FBiH Police Administration (hereinafter: the Police Administration).

It is stated in the Initiative that the FBiH Government, in cooperation with the cantons, shall prepare, as soon as possible, the text of regulations in the field of public order which are needed at the FBiH level.

From the aforementioned Initiative, a detailed analysis of the issues contained in the Initiative was conducted and in particular the issues covered by this law, and it was found that violence and misbehaviour at sports events in the FBiH area have been regulated by the cantonal regulations (the regulation exists in four cantons).

These laws on the prevention of violence and misbehaviour at sports events determine

the measures for the prevention of violence and misbehavior at sports events, as well as the obligations of organizer and mandate of the competent authorities in the implementation of these measures.

The FBiH Constitution has not explicitly established that the activities of suppression, prevention of violence and misbehaviour at sports events are under the jurisdiction of the cantons.

By reviewing the content of the Law on Prevention of Violence and Misbehaviour at Sports Events, it can be concluded that the issues governed by these regulations are directly related to performance of the tasks which, by the Chapter III. Article 1, item d) of the FBiH Constitution, are explicitly placed in the sole competence of the FBiH (suppression of terrorism and inter-cantonal crime), because these regulations (Law on Prevention of Violence and Misbehaviour at Sports Events) determine the measures and activities necessary to suppress terrorist activities and inter-cantonal crime during the holding of public assemblies and sports events in the cantonal area.

The Law on the Prevention of Violence and Misbehaviour at Sports Events should be binding in the FBiH territory and not only in the area of the cantons for which this Law is adopted, because in sports fields, as a special form of public assembly, requires a greater form of organizing such events which cannot be conducted independently by cantonal ministries without assistance of other cantonal ministries and FBiH Ministry of the Interior (escorting spectators, providing information, providing technical, personnel and other assistance, taking measures against terrorist activities etc.). This regulation should be adopted on the basis of the decisions defined by the Chapter III. Article 3, paragraph 3 of the FBiH Constitution, which stipulates that in the implementation of these competencies regarding the laws and other regulations which are binding in the entire FBiH territory, in accordance with this Constitution and decisions of the FBiH Parliament, the FBiH authorities shall act while taking into account cantonal competencies, different situations in individual cantons, with the need for flexibility in implementation. The FBiH government has the right to establish policy and adopt laws concerning each of these competencies.

Practice has shown that the above-mentioned provision of the Constitution should be the starting point to regulate the issue of organizing sports events in the FBiH territory, since certain deplorable events happened which resulted in death case. Supporters of particular clubs from a canton different from the canton where sports event was organized, because of disorder and incidents sustained serious injuries that were qualified as a criminal offense. Certain groups of supporters during sports event damage the objects and things of other persons and participate in fights. These actions have all the elements of inter-cantonal crime and the FBiH shall take all measures and actions in order to control successfully these negative activities.

In accordance with the above-mentioned initiative and given explanation, the FBiH Ministry of Interior decided, in order to regulate the aforementioned issues, to prepare a regulation that would regulate misbehaviour at sports fields and submit it to the

FBiH Government.

The FBiH Government adopted a conclusion accepting the Initiative of the Club of Bosniak Delegates and tasked the FBiH Ministry to submit to the FBiH Government a proposal of decision on the appointment of working group to draft the Law on Prevention of Violence and Misbehaviour at Sports Events. In accordance with the above-mentioned conclusion, the FBiH Government adopted a decision appointing the working group.

### III - EXPLANATION OF PROPOSED SOLUTIONS

With regard to the concept and content, the Law on Prevention of Violence and Misbehaviour at Sports Events has been systematized in 7 chapters which make thematically complete units within the document unique by content, as follows: I - Basic Provisions, II - Concept of Violence and Misbehaviour at Sports Events, III - Measures to prevent violence and misbehaviour at sports events, IV – Adoption of Strategy and keeping records, V - Administrative supervision, VI - Penal provisions and XII - Transitional and final provisions.

This law establishes measures and activities to prevent terrorist activities by monitoring the entire course of sports event and effective and timely action of the FBiH Police Administration in cases of occurrence of inter-cantonal crime, as well as measures and actions related to endangering and violation of public order. All previously mentioned actions and measures to prevent occurrence of negative occurrences make the whole, which is difficult to separate specifically to measures that would relate only to inter-cantonal crime, terrorism and public order at sports events.

**I - Basic Provisions (Articles 1 to 7)** contain basic principles related to the characteristics of violence and misbehavior at sport events and entities that are responsible for taking measures and actions to prevent violence and misbehaviour at sports events, and these are: characteristics of violence and misbehavior and protection and other measures to prevent violence and misbehaviour at sports events, responsibility of the organizer of sports event, Security Committee and meaning of certain terms specified in this Law and application of other regulations.

#### **II - Concept of violence and misbehaviour at sports events (Articles 8 to 10)**

This chapter defines actions that are considered as violence at sports events and misbehaviour at sports events.

#### **III - Measures to prevent violence and misbehaviour at sports events (Articles 11 to 31)**

This chapter regulates issues related to measures taken by the organizer of sports event during sports event, measures taken at sports events with increased risk and measures taken by the competent authorities.

#### **IV - Adoption of strategy and keeping records (Articles 32 to 37)**

This chapter defines issues related to the development of strategy, co-operation and keeping records for preventing violence and misbehaviour at sports fields. The adoption of strategy and cooperation was established by the Convention on integrated access to security, provision of services in football matches and other sports events.

#### **V - Administrative supervision (Articles 38 to 39)**

This chapter defines the issues related to the supervision of application of this Law and the bylaws adopted on the basis of this Law.

#### **VI - Penal provisions (Articles 40 to 49)**

This chapter identifies the criminal offense at sports events by *lex specialis* regulation and violations and protection measures taken against persons who commit violence and misbehave at sports events.

We believe that the most effective preventive measure for spectators is prohibiting their attendance at sports events if they commit acts of misbehaviour at sports events and security measure if they commit violence at sports events, and by these measures spectators themselves will influence on assurance of public order at sports events.

#### **VII - Transitional and Final Provisions (Articles 50 to 52)**

This chapter defines the issues related to the deadlines for adoption of bylaws and the date of entry into force of this Law.

### **IV - HARMONIZATION OF REGULATIONS WITH THE EUROPEAN LEGISLATION**

The basis for adoption of special Law on Prevention of Violence and Misbehaviour at Sports Events derives from the European Convention on the Violence and Misbehaviour of Spectators at sports events, especially in football matches (Series of European Agreements number 120) which was opened for signature in Strasbourg on 19 August 1985.

On the basis of this Convention, many European countries passed a special law that regulates only the issue of violence and misbehaviour at sports events.

The Law on Prevention of Violence and Misbehavior at Sports Events is in line with the mentioned Convention.

Likewise, a significant international document which regulates the issue of taking measures and actions at sports events to combat violence and misbehaviour at sports events is the Council of Europe's **Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events**, Saint-Denis 03 July 2016.

### **V - IMPLEMENTING MECHANISMS AND WAYS TO ENSURE RESPECT**

## **FOR REGULATIONS**

The implementation of the Law will be provided by the FBiH Ministry and the cantonal ministry through supervision. These activities will be carried out through administrative supervision, which consists of giving expert opinions, providing information and other activities.

It is important to emphasize the significance of Security Committee which will be formed by sports associations under Article 4 of this Law, which will monitor and coordinate all activities related to security at sports events by the organizer of sports event.

Respect and application of regulations shall be provided by the coordination body referred to in Article 3, paragraph (3) of this Law, headed by police officer of the cantonal ministry on the area of which a sports event takes place.

## **VI - DESCRIPTION OF CONSULTATIONS CONDUCTED IN THE PROCESS OF DEVELOPMENT OF REGULATIONS**

In accordance with the conclusions of the FBiH Government, the FBiH Ministry of Interior proposed a working group (WG), appointed by the FBiH Government, which made the Draft Law on Prevention of Violence and Misbehaviour at Sports Events.

The WG made the Draft Law in accordance with the Decision of the FBiH Government and submitted it to the Federal Minister of Interior.

The FBiH Ministry of Interior, after receiving the Draft Law on Prevention of Violence and Misbehavior at Sports Events, in accordance with the Directive on rules for participation of the interested public in the procedure for preparation of the FBiH legislation and other acts ("Official Gazette of the Federation BiH", no. 51/12), made consultations with the following interested entities: Cantonal Ministries of Interior, Football Association of BiH, Chamber of Agencies for Human and Property Protection, Basketball Federation and Volleyball Federation.

After receiving the proposals and remarks, the FBiH Minister of the Interior submitted to the FBiH Police Administration the Draft Law on Prevention of Violence and Misbehaviour at Sports Events with remarks and proposals from the above-mentioned authorities and institutions, for the purpose of reviewing the Draft Laws, remarks and proposals in order to establish the final text of the Draft Law on public assembly.

The following bodies had remarks and proposals to the Draft Law:

- The Football Federation of BiH - two,
- Inspectorate for supervision of work of agencies and internal services for protection of people and property from fire - four,
- Sector for General and Common Affairs - two.

The Cantonal Ministry of Interior from Canton 10 Livno, Herzegovina-Neretva Canton and West Herzegovina Canton expressed their views about the preliminary Draft Law on Prevention of Violence and Misbehavior at Sports Events, stating that the prevention of violence and misbehavior at sports events is the sole competence of

the cantons and they disagree that the mentioned law is passed by the FBiH Parliament.

By reviewing the content of the Draft Law on Prevention of Violence and Misbehaviour at Sports Events, it can be clearly established that there is no transfer of the competence regarding prevention of violence and misbehavior at sports events organized at the Cantonal Ministry of Interior to any FBiH Administration Body, but these activities remain under the jurisdiction of the Cantonal Ministry of Interior. This law uniquely regulates the prevention of violence and misbehavior at sports events in the FBiH area, which in most cases, when the crime occurs in these events, has elements of inter-cantonal crime which fall within the sole competence of the FBiH. The remarks and proposals made by the Football Federation of BiH are not harmonized with the Law on Sports in BiH.

The remarks and proposals made by the Inspectorate for supervision of work of agencies and internal services for protection of people and property from fire pertained to the harmonization of the Draft Law on Prevention of Violence and Misbehaviour at Sports Events with the Law on agencies and internal services for protection of people and property and are fully accepted.

The remarks and proposals of the Sector for general and common affairs pertained to the nomotechnical regulation of the provisions.

The FBiH Police Administration considered the Preliminary Draft Law developed by the WG and established that the Preliminary Draft Law regulates the field in which acts and actions encompassed by the definition of inter-cantonal crime are in the jurisdiction of the Federal Police Administration and that it is necessary to pass this law at the FBiH level.

### **III FINANCIAL RESOURCES**

The adoption of this law does not require additional funds from the FBiH budget, but its implementation does.

#### **4 – Measures taken by competent bodies**

##### **Article 30**

(Measures for prevention of violence and misbehaviour)

(1) The Cantonal Ministry may, during the holding of sports events with increased risk, order the taking of all necessary measures to prevent the violence and misbehavior of spectators, in particular may:

- a) order groups of visiting supporters to move in certain direction when arriving or leaving the sports facility,
- b) order the organizer of sports event to remove the perceived shortcomings of sports facility or shortcomings in organization, especially concerning the perceived shortcomings during sports event which may significantly endanger the safety of participants of sports event;
- c) disable the arrival to the place of sports event or forbid the entry to sports facility,

i.e. move away from sports facility a person whose behavior leads to conclusion that he tends/intends to commit violence and/or misbehave.

(2) The Cantonal Ministry shall, prior to the sports event with increased risk, at least 24 hours prior to its beginning, inspect sports facility where sports event will be held and shall inspect organizational preparations and ensure that sports facility is searched on time, in accordance with the applicable procedures, in order to detect presence of, possibly, explosive diversionary-terrorist devices, firearms, pyrotechnics, objects suitable for causing body injuries, etc.

(3) If the organizer of sports event does not comply with the orders of the competent Cantonal Ministry, and because failure to remove perceived shortcomings may significantly endanger the safety of participants in sports event, the competent Cantonal Ministry may forbid the holding of sports event.

(4) During sports events with increased risk referred to in paragraph (1) of this Article, Cantonal Ministry may, if assessed necessary, request assistance from the FBiH Police Administration.

### **Article 31**

(Costs of implementation of measures)

(1) The organizer of sports event shall bear the costs related to taking of measures referred to in Article 11 to 22 of this Law.

(2) The organizer shall, with the FBiH Ministry i.e Cantonal Ministry in 48 hours before the beginning of sports event, conclude a contract on performance of certain activities to provide safety at sports event and implement certain measures for the prevention of violence and misbehaviour at sports event, which are not part of regular activities of maintaining public order and peace.

(3) Revenues acquired by performing activities and implementing the measures referred to in paragraph (1) of this Article shall be the revenues of the budget of the Federation of BiH (FBiH), or the Canton where sports event is held, which will be used to improve the work of the police.

(4) The Minister of the Federal Ministry, upon the proposal of Director of the FBiH Police Administration and the Minister of Interior of competent Cantonal Ministry, upon the proposal of the Police Commissioner, each within their jurisdiction, within 30 days from the date of entry into force of this Law, shall issue a regulation on the type and price of services of additional engagement of police officers and other services, as well as the method of paying the costs referred to in paragraph (1) of this Article.

## **IV – ADOPTION OF STRATEGY AND KEEPING RECORDS**

### **Article 32**

(Adoption of the strategy for prevention of violence  
and misbehaviour at sports events)

(1) The Federal Ministry and competent Cantonal Ministry shall adopt the Strategy of police work and cooperation with other competent authorities on the prevention of

violence and misbehaviour at sports events, which will be regularly evaluated and updated in accordance with international and domestic experiences and good practices, and which will be in accordance with a broader integrated approach to safety, security and services, i.e. valid international Convention on integrated safety, security and services approach in football matches and other sports events.

(2) The Strategy of police work on the prevention of violence and misbehaviour at sports events shall take into account good practices including particularly: collection of intelligence data, continuous risk assessment, risk-based deployment, proportional intervention to prevent escalation of violence and disorder, efficient dialogue with supporters and the wider community, collection of evidence of criminal and misdemeanor activities, as well as exchange of collected evidence with the authorities competent for prosecution.

### **Article 33**

(International cooperation)

In accordance with the applicable procedures, the FBiH Ministry and competent Cantonal Ministries shall cooperate with the Committee for safety and security at sports events, especially in the part related to the establishment of national football information point within the police forces of BiH (NFIP) i.e. exchange of relevant information related to the prevention of violence and misbehaviour at sports events with international dimension.

### **Article 34**

(Cooperation of FBiH Ministry and Cantonal Ministry (OR: Cantonal ministries?)) In accordance with the applicable procedures, the FBiH Ministry and Cantonal Ministries shall cooperate with each other and provide all necessary information, data and other support (manpower, equipment, technical means) in order to ensure the smooth running of sports event and safety of participants and other citizens during and after sports event.

### **Article 35**

(Records and manner of implementation of protection measures of prohibition to attend certain sports events)

(1) The Cantonal Ministry shall establish and properly keep records of persons to whom was pronounced the protection measure referred to in Article 45 of this Law.

(2) The records referred to in paragraph (1) of this Article shall include: name, father's name and surname, address, name of court, number and date of decision, type of sports event to which the prohibition is related, duration of the prohibition (date) and remark.

### **Article 36**

(Records on supporters)

(1) In cooperation with the sports clubs participating in sports event and clubs of their supporters, the organizer of sports event shall ensure the keeping of records on the

identity of persons to whom the tickets are sold i.e. given through the clubs of supporters.

(2) The organizer of the sports event shall provide access to the records referred to in paragraph (1) of this Article at the request of police officer.

#### **Article 37**

(Adoption of regulations on records)

(1) In cooperation with the Cantonal Ministry, the FBiH Minister shall adopt a regulation which will regulate the manner and procedure for keeping records referred to in Article 35 and 36 of this Law, as well as other issues related to these records.

### **V - ADMINISTRATIVE SUPERVISION**

#### **Article 38**

(Supervision of implementation of the Law)

Supervision of the application of this Law and bylaws adopted on the basis of this Law shall be performed by the FbiH Ministry, Cantonal Ministry and Sports Associations, in accordance with their competencies.

#### **Article 39**

(Acting upon the orders and instructions of Cantonal Ministry and FBiH Ministry)

Organizers of sports events, sports associations and other legal entities shall act in accordance with the orders and instructions of Cantonal Ministry and the FBiH Ministry.

### **VI – PENAL PROVISIONS**

#### **Article 40**

(Violent behaviour at sports event as criminal offense)

(1) Whoever enters the sports field with the intention to cause violence, or by entering sports field causes violence, physically attacks participants of sports event, brings to sports facility or throws at sports field or among spectators the objects, pyrotechnic objects or other explosive, flammable or harmful substances which can cause body injuries or endanger the health of participants in sports event or participates in a physical clashes at sports event, shall be sentenced by imprisonment of three months to one year.

(2) Whoever commits in the group the criminal offense referred to in paragraph (1) of this Article shall be sentenced by imprisonment of six months to three years.

(3) An instigator of the group which commits the criminal offense referred to in paragraph (1) of this Article shall be sentenced by imprisonment of one to five years.

(4) For the criminal offense referred to in paragraphs (1), (2) and (3) of this Article,

besides the sentence of imprisonment, a protection measure of prohibition to attend certain sports events for a period of two to three years shall be imposed, and a protection measure of confiscation of an object may also be imposed.

#### **Article 41**

(Fines for misdemeanors of organizers and other legal entities)

(1) A fine of 1,500 KM to 6,000 KM for a misdemeanor shall be imposed to the organizer of sports event or other legal entity which the organizer of sports event engaged to provide security for sports event if:

- a) he/she does not ensure co-operation with regard to taking of measures and actions for the protection of participants in sports event with the Cantonal Ministry, FBiH Ministry and legal entities registered for protection of people and property (Article 3, paragraphs (1) and (2),
- b) he/she does not establish a coordination body in accordance with Article 3, paragraph (3) of this Law,
- c) he/she does not ensure the safe holding of sports event and does not take any measures or actions to prevent and disable the outbreak of violence and misbehaviour of spectators defined in Article 8 and 9 of this Law (Article 10),
- d) he/she fails to define a plan of taking measures to prevent the outbreak of violence and misbehaviour of spectators (Article 11 paragraph (1) of the Law),
- e) he/she does not supervise implementation of the measures specified in the plan for taking measures in legal or natural person entrusted with the organization of sports event or performance of certain activities in the organization of sports event (Article 11, paragraph 2)
- f) he/she does not undertake measures to make preventive action and decrease risk of the outburst of violence and misbehaviour of spectators defined in Article 12 of this Law,
- g) he/she fails to establish a stewards service (Article 13 paragraph (1)),
- h) he/she does not ensure to stewards the visible sign or inscription on the clothes indicating that they are members of the stewards service (Article 13 paragraph (2)),
- i) he/she employs a person who did not receive the training according to the program adopted by the FBiH Ministry (Article 13 paragraph (3)),
- j) stewards service does not perform the duties specified in Article 15 paragraph (1) of this Law,
- k) activities referred to in Article 14, paragraph (1), items: s), d), e), f) and i) of this Law are not performed by a person who has a certificate for performing physical protection activities (Article 14, paragraph 2)
- l) member of the stewards service does not make and submit a written report in accordance with Article 15 paragraph (1),
- lj) physical force within the stewards service is not undertaken by the wardens engaged by the organizer of sports event in the stewards service on the basis of the contract with the agency for protection of people and property (Article 16, paragraph (4)),
- m) during sports event, organizer does not provide the measures referred to in Article

17 of this Law,

- n) he/she does not declare sports event as an event with increased risk in accordance with the provisions of Article 21 of this Law,
- nj) he/she does not assume the duties specified in Article 22 paragraph (1) of this Law,
- o) he/she does not undertake the duties defined in Article 23 of this Law,
- p) he/she sells tickets contrary to Article 24 of this Law,
- r) he/she does not ensure that tickets are sold exclusively to persons with identification document (Article 25, paragraph (1)),
- s) he/she does not ensure that one person cannot buy more than five tickets (Article 25, paragraph (2)),
- (š) he/she does not prevent persons without identification document or persons under 16 who are not accompanied by an adult to enter sports event, (Article 25, paragraph (3)),
- t) sports facility does not have the evacuation plan (Article 26, paragraph (1)),
- u) before the beginning of sports event, he/she does not inform about the evacuation plan the representatives of sports clubs, judges and other officials at sports event;
- v) he/she does not ensure that sports event with increased risk is held in sports facility which meets the conditions specified in Article 26, paragraph (7) of this Law,
- z) entrance and exit doors of sports facility are not managed by a qualified person (Article 27, paragraph (1)),
- ž) entrance and exit doors of sports facility and all doors towards grandstand are not opened opposite from the spectators and are locked while the spectators are in sports facility (Article 27, paragraph 2)
- aa) he/she does not provide, during sports event, the presence of appropriate emergency medical care and fire brigade units and, if necessary, other competent authorities and organizations, public services and public enterprises (Article 9, paragraph 2)
- bb) he/she sells alcoholic beverages contrary to the prohibition (Article 30).

(2) For the misdemeanor referred to in paragraph (1) of this Article, a responsible legal or natural person who organizes sports event shall be fined from 300 KM to 1,500 KM.

#### **Article 42**

(Fines for misdemeanors of natural persons)

(1) A fine from 600 KM to 1,500 KM shall be imposed on natural person-spectator for the following misdemeanors:

- a) unauthorized entry into sports field, official premises and official passage of sports facility or in a part of sports facility's grandstand intended for opposing supporters (Article 9, item a)
- b) possession, attempt to bring in or use alcohol in sports facility, drugs or other psychoactive substances (Article 9, item b),
- c) attempt to bring in sports facility or use pyrotechnic articles and other objects and items that could endanger the safety of participants in sports event or derange its course (Article 9, item c),

- d) firing of supporter's pyrotechnic equipment or other items (Article 9, item d),
  - e) wearing scarves, caps or other items to hide identity of person who is reasonably suspected to be the perpetrator of a criminal act or offense (Article 9, item e),
  - f) if he/she opposes and disrespects the order of police officer, warden or steward which is made to reinstate a violated public order and peace (Article 9, item f),
  - g) if he/she performs other forms of misbehaviour which may jeopardize the safety of participants in sports event or property (Article 9, item g),
  - i) fails to comply with the orders of stewards service in accordance with Article 15 paragraph (1) of this Law;
  - j) if he/she consumes or sells alcoholic beverages at the access points, in the immediate vicinity of sports facility during and three hours before and after sports event (Article 29, paragraph (1)),
  - k) if he/she attends sports event or goes to sports event abroad when a protective measure was imposed on him/her in accordance with Article 46 of this Law;
  - l) if the person whom the protective measure was imposed in accordance with Article 46 of the Law does not perform the duties defined in Article 47 of this Law.
- (2) A protection measure of confiscation of objects, in addition to a fine, shall be imposed for the misdemeanors referred to in points a), b), c), d), e), g), h), i) of paragraph 1 of this Article.

#### **Article 43**

(Fines for misdemeanors of sports federation)

- (1) A prison sentence, a fine from 1,000 KM to 3,000 KM, shall be imposed on sports association:
- a) if it does not appoint security committee in accordance with Article 4 of this Law,
  - b) if it does not inform about sports event with increased risk upon the recommendation of the competent Cantonal Ministry (Article 19 paragraph (1)).
- (2) For a misdemeanor referred to in paragraph (1) of this Article, a responsible person in the sports association shall be fined from KM 300 to KM 1,500.

#### **Article 44**

(Fines for legal persons)

A legal person who sells alcoholic drinks at the access points, in the immediate vicinity and in sports facility during and three hours before and after sports event (Article 29, paragraph (1)) shall be fined from KM 1,000 to 3,000 KM.

#### **Article 45**

(Revenues from fines)

Revenues from the fines imposed for the offense referred to in Articles 41, 42, 43 and 44 of this Law shall be included in the budget of the Canton in which sports event is held and it can be used for taking prevention measures for combating violence and misbehaviour at sports events.

#### **Article 46**

(Protection measures defined by this Law)

(1) The misdemeanor court may impose on the perpetrator of misdemeanor referred to in Article 42 of this Law, along with the fine and besides the protection measures prescribed by the Law on misdemeanors, the following protection measures defined by this Law:

- a) prohibition of attendance at certain sports events in the FBiH territory with the obligation to report to the police station,
- b) prohibition of attendance at certain sports events in the FBiH with the obligation to stay at the police station,
- c) prohibition of attendance at certain sports events abroad where national teams participate of BiH or sports clubs with the obligation to report to the police station and the obligation to surrender a travel document.

(2) The protection measures referred to in paragraph (1) of this Article may be pronounced for a period which may not be either shorter than one year or longer than two years.

(3) The protection measure of confiscation of objects (*WHICH?*) shall be pronounced for the misdemeanors prescribed by this Law.

(4) The final decisions in which was pronounced the protection measure referred to in paragraph (1) of this Article shall be submitted by the court, not only to the submitter of misdemeanor or criminal charge but also to the national sports association which shall inform the organizer of sports event or contractual distributor authorized for the sale of tickets and a club i.e. supporter's club.

(5) The organizer of sports event or contractual distributor shall refuse to sell or give a ticket for particular sports event to a person whom was pronounced the protection measure referred to in paragraph (1) of this Article, for the duration of such protection measure.

(6) The organizer of sports event shall take measures to prevent access to the premises of sports facility to a person for whom the organizer knows or is obliged to know that he was pronounced a protection or security measure i.e. prohibition to attend a particular sports event.

(7) The organizer of sports event or contractual distributor shall refuse to sell or give a ticket for particular sports event to a person who is known to have previously behaved unlawfully and shall take measures to prevent access of that person to the area of sports facility.

#### **Article 47**

(Obligations of persons whom protection measures were pronounced)

(1) The person whom was pronounced the security measure referred to in Article 46, paragraph (1), item a) of this Law, shall, at least two hours before the beginning of particular sports event, report to the competent police station in accordance with the place of residence, and if the person is absent from the place of residence in the FBiH he shall approach to the nearest police station, report to the duty police officer and inform him of the address where he will stay during the certain sports event and two hours after that event. (**OR: about the place of stay, two hours after that event.**)

(2) The address referred to in paragraph (1) of this Article may not be in the area which is two kilometers distant from the sports facility (*in which direction?*) where sports event is held, for which the person was given a protection measure referred to in Article 46, paragraph (1) item a) of this Law, except in case when the person has a permanent or temporary residence in the mentioned area, respectively place of work or other justified cases. (*which?*)

(3) The person whom was pronounced the protection measure referred to in Article 46, paragraph (1), item b) of this Law shall report to the competent police station in accordance with the place of residence no later than two hours before the beginning of particular sports event, and if the person is absent from the place of residence and is located in the FBiH he shall report to the nearest police station and shall stay in the official premises of the police or other suitable premises until the expiration of two hours after the end of sports event.

(4) The person whom was pronounced the protection measure referred to in Article 46, paragraph (1), item b) of this Law shall, no later than half an hour before the beginning of particular sports event, approach to the police station in accordance with the place of residence; if he is absent from the place of residence and is in the FBiH he shall approach to the nearest police station and report to the duty police officer and inform him of the address where he will stay during certain sports event as well as during two hours after the end of that event, and shall, seven days prior to sports event, hand over a travel document to the police station in accordance with the place of residence.

5) If, for justified reasons, because of medical condition or professional obligations that cannot be delayed, the person referred to in paragraphs (1), (3) and (4) of this Article is unable to act in accordance with the provisions of paragraphs (1), (3) and (4) of this Article, he shall contact by telephone the police station at the place of residence and report the address where he is located.

(6) The Cantonal Ministry shall be authorized to check whether the person referred to in paragraph (1) and (4) of this Article is located at the given address.

(7) For person from paragraphs (1), (3) and (4) of this Article who did not approach to the competent police station or the nearest police station and reported to the duty police officer, or person for whom it was confirmed by checking that he is not at the given address, the Cantonal Ministry may call for a pursuit to bring him to the judge of the misdemeanor court.

(8) The Cantonal Ministry shall bring the person referred to in the paragraphs (1), (3) and (4) of this Article to the misdemeanor court if he was found within the space of sports facility or his presence was determined by reviewing the video surveillance record of sports facility or video surveillance recorded by the police.

#### **Article 48**

(Security measure for perpetrator of criminal offense)

(1) The court may impose on the perpetrator of offense committed during sports event a security measure prohibiting attendance at certain sports event for a period which cannot be shorter than one year or longer than five years, counting from the validity of the court decision, but the duration of imprisonment sentence shall not be counted in the duration of this measure.

(2) The provisions of Article 47 of this Law shall apply accordingly to the security measure referred to in paragraph (1) of this Article.

#### **Article 49**

(Manner and procedure for imposing security measures)

The FBiH Minister in cooperation with the FBiH Minister of Justice shall prescribe the conditions, manner and procedure for imposing the measures referred to in Articles 46 and 48 of this Law, as well as other issues related to these measures.

### **CHAPTER VII - TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 50**

(Adoption of bylaws)

(1) Within three months from the date of entry into force of this Law, the FBiH Minister shall adopt the regulation referred to in Article 13, paragraph 4, Article 37 and Article 49 of this Law.

(2) Within three months from the date of entry into force of this Law, the competent sports association or sport organization shall adopt the regulation referred to in Article 4, paragraph (2) and Article 26, paragraph (9) of this Law.

(3) Within three months from the date of entry into force of this Law, the FBiH Minister shall at the proposal of the Director of the FBiH Police Administration, and the Minister of the Interior of the competent Cantonal Ministry at the proposal of the Police Commissioner, each within their jurisdiction, issue the regulation referred to in Article 31 paragraph (4) of this Law.

#### **Article 51**

(Equipping sports facilities)

The owners or users of sports facilities shall, within three months from the entry into force of this Law, equip sport facilities in accordance with the conditions prescribed by this Law.

#### **Article 52**

(Entry into force of the Law)

This Law shall enter into force eight days from the date of its publication in the "Official Gazette of the Federation of Bosnia and Herzegovina".

### **EXPLANATION**

## **I – CONSTITUTIONAL BASIS**

The constitutional basis for adoption of the Law on Prevention of Violence and Misbehaviour at Sports Events is enshrined in the provision II.A. Article 2, paragraph (1), item i), provision III. of Article 1 item d) and in relation to the provision III. Article 2, item a) and Article 3, paragraph (3), and the provision IV.A.7 Article 20, paragraph d) of the FBiH Constitution.

The above-mentioned provisions stipulate that the FBiH shall ensure the application of the highest level of internationally recognized rights and freedoms defined by the Acts specified in the Annex, and particularly that all persons in the FBiH territory enjoy the rights to basic freedoms: freedom of speech and of the press, freedom of thought, conscience and belief and freedom of assembly, and that the FBiH government and the cantons are responsible for guaranteeing and implementing (*laws in the field*) of human rights, which include, among others, the right to freedom of assembly which must be ensured as binding in the entire FBiH; in performance of these competencies and regarding laws and other regulations binding in the entire FBiH, in accordance with the Constitution and decisions of the FBiH Parliament, the FBiH authorities shall act while taking into account cantonal jurisdictions, different situations in some cantons and need for flexibility in implementation. The FBiH government has the right to establish the policy and pass the laws concerning the guarantee and implementation (*of the laws in the area, etc.*) of human rights.

The FBiH Constitution prescribes that the affairs of inter-cantonal crimes are in the sole jurisdiction of the FBiH, which particularly appears during sports events. Bearing in mind that this law regulates the manner and procedure of exercising and conducting public assemblies at sports events which belongs to the right to freedom of assembly guaranteed by the FBiH Constitution and which is to be ensured by the FBiH, and that during public assembly at sports events are committed the acts of inter-cantonal crime whose characteristics were determined by the Law on Internal Affairs of the FBiH, we consider that the above-mentioned provisions of the FBiH Constitution can serve as the basis for adoption of this law.

## **II - REASONS FOR ADOPTION OF THE LAW IN URGENT PROCEDURE**

By the Act number 02-d-02-441/16 dated 02 March 2016, the Club of Bosniak Delegates launched an Initiative proposing to the FBiH Government to submit a Draft Law on Public Order in the FBiH to the parliamentary procedure (hereinafter: Law on Public Order).

The issues which need to be regulated by the Law on Public Order and reasons for existence of need to adopt this Law have been defined more closely in the explanation of this Initiative.

It derives from the Initiative that the Law on Public Order needs to regulate the following issues:

a) organizing sports and other events in the FBiH territory,

b) other public assemblies, i.e. issues in the field of public order in the FBiH territory.

The reasons for adopting the Public Order Act stated in the Initiative are as follows:

- a) prevention of diversionary and terrorist activities of certain groups and individuals,
- b) legal possibility of engaging police forces from the FBiH level or from other cantons when organizing sports, cultural and other public events or other forms of public assemblies in the FBiH,
- c) establishment of uniform rules of conduct and uniform penal policy in the FBiH area when it comes to public assembly,
- d) establishment of the legal basis for provision of material, technical and other types of assistance to the cantonal police for issues in the field of public order,
- e) legal regulation of public assembly of citizens in the vicinity of facilities and space protected by the FBiH Police Administration (hereinafter: the Police Administration).

It is stated in the Initiative that the FBiH Government, in cooperation with the cantons, shall prepare, as soon as possible, the text of regulations in the field of public order which are needed at the FBiH level.

From the aforementioned Initiative, a detailed analysis of the issues contained in the Initiative was conducted and in particular the issues covered by this law, and it was found that violence and misbehaviour at sports events in the FBiH area have been regulated by the cantonal regulations (the regulation exists in four cantons).

These laws on the prevention of violence and misbehaviour at sports events determine the measures for the prevention of violence and misbehavior at sports events, as well as the obligations of organizer and mandate of the competent authorities in the implementation of these measures.

The FBiH Constitution has not explicitly established that the activities of suppression, prevention of violence and misbehaviour at sports events are under the jurisdiction of the cantons.

By reviewing the content of the Law on Prevention of Violence and Misbehaviour at Sports Events, it can be concluded that the issues governed by these regulations are directly related to performance of the tasks which, by the Chapter III. Article 1, item d) of the FBiH Constitution, are explicitly placed in the sole competence of the FBiH (suppression of terrorism and inter-cantonal crime), because these regulations (Law on Prevention of Violence and Misbehaviour at Sports Events) determine the measures and activities necessary to suppress terrorist activities and inter-cantonal crime during the holding of public assemblies and sports events in the cantonal area.

The Law on the Prevention of Violence and Misbehaviour at Sports Events should be binding in the FBiH territory and not only in the area of the cantons for which this Law is adopted, because in sports fields, as a special form of public assembly, it (*the Law?*) requires a greater form of organizing such events which cannot be conducted independently by cantonal ministries without assistance of other cantonal ministries and FBiH Ministry of the Interior (escorting spectators, providing information,

providing technical, personnel and other assistance, taking measures against terrorist activities etc.). This regulation should be adopted on the basis of the decisions defined by the Chapter III. Article 3, paragraph 3 of the FBiH Constitution, which stipulates that in the implementation of these competencies regarding the laws and other regulations which are binding in the entire FBiH territory, in accordance with this Constitution and decisions of the FBiH Parliament, the FBiH authorities shall act while taking into account cantonal competencies, different situations in individual cantons, with the need for flexibility in implementation. The FBiH government has the right to establish policy and adopt laws concerning each of these competencies. Practice has shown that the above-mentioned provision of the Constitution should be the starting point to regulate the issue of organizing sports events in the FBiH territory, since certain deplorable events happened which resulted in death case. Supporters of particular clubs from a canton different from the canton where sports event was organized, because of disorder and incidents sustained serious injuries that were qualified as a criminal offense. Certain groups of supporters during sports event damage the objects and things of other persons and participate in fights. These actions have all the elements of inter-cantonal crime and the FBiH shall take all measures and actions in order to control successfully these negative activities.

In accordance with the above-mentioned initiative and given explanation, the FBiH Ministry of Interior decided, in order to regulate the aforementioned issues, to prepare a regulation that would regulate misbehaviour at sports fields and submit it to the FBiH Government.

The FBiH Government adopted a conclusion accepting the Initiative of the Club of Bosniak Delegates and tasked the FBiH Ministry to submit to the FBiH Government a proposal of decision on the appointment of working group to draft the Law on Prevention of Violence and Misbehaviour at Sports Events. In accordance with the above-mentioned conclusion, the FBiH Government adopted a decision appointing the working group.

### III - EXPLANATION OF PROPOSED SOLUTIONS

With regard to the concept and content, the Law on Prevention of Violence and Misbehaviour at Sports Events has been systematized in 7 chapters which make thematically complete units within the document unique by content, as follows: I - Basic Provisions, II - Concept of Violence and Misbehaviour at Sports Events, III - Measures to prevent violence and misbehaviour at sports events, IV – Adoption of Strategy and keeping records, V - Administrative supervision, VI - Penal provisions and XII - Transitional and final provisions.

This law establishes measures and activities to prevent terrorist activities by monitoring the entire course of sports event and effective and timely action of the FBiH Police Administration in cases of occurrence of inter-cantonal crime, as well as measures and actions related to endangering and violation of public order. All previously mentioned actions and measures to prevent occurrence of negative occurrences make the whole,

which is difficult to separate specifically to measures that would relate only to inter-cantonal crime, terrorism and public order at sports events.

**I - Basic Provisions (Articles 1 to 7)** contain basic principles related to the characteristics of violence and misbehavior at sport events and entities that are responsible for taking measures and actions to prevent violence and misbehaviour at sports events, and these are: characteristics of violence and misbehavior and protection and other measures to prevent violence and misbehaviour at sports events, responsibility of the organizer of sports event, Security Committee and meaning of certain terms specified in this Law and application of other regulations.

**II - Concept of violence and misbehaviour at sports events (Articles 8 to 10)**

This chapter defines actions that are considered as violence at sports events and misbehaviour at sports events.

**III - Measures to prevent violence and misbehaviour at sports events (Articles 11 to 31)**

This chapter regulates issues related to measures taken by the organizer of sports event during sports event, measures taken at sports events with increased risk and measures taken by the competent authorities.

**IV - Adoption of strategy and keeping records (Articles 32 to 37)**

This chapter defines issues related to the development of strategy, co-operation and keeping records for preventing violence and misbehaviour at sports fields. The adoption of strategy and cooperation was established by the Convention on integrated access to security, provision of services in football matches and other sports events.

**V - Administrative supervision (Articles 38 to 39)**

This chapter defines the issues related to the supervision of application of this Law and the bylaws adopted on the basis of this Law.

**VI - Penal provisions (Articles 40 to 49)**

This chapter identifies the criminal offense at sports events by *lex specialis* regulation and violations and protection measures taken against persons who commit violence and misbehave at sports events.

We believe that the most effective preventive measure for spectators is prohibiting their attendance at sports events if they commit acts of misbehaviour at sports events and security measure if they commit violence at sports events, and by these measures spectators themselves will influence on assurance of public order at sports events.

**VII - Transitional and Final Provisions (Articles 50 to 52)**

This chapter defines the issues related to the deadlines for adoption of bylaws and the date of entry into force of this Law.

#### **IV - HARMONIZATION OF REGULATIONS WITH THE EUROPEAN LEGISLATION**

The basis for adoption of special Law on Prevention of Violence and Misbehaviour at Sports Events derives from the European Convention on the Violence and Misbehaviour of Spectators at sports events, especially in football matches (Series of European Agreements number 120) which was opened for signature in Strasbourg on 19 August 1985.

On the basis of this Convention, many European countries passed a special law that regulates only the issue of violence and misbehaviour at sports events.

The Law on Prevention of Violence and Misbehavior at Sports Events is in line with the mentioned Convention.

Likewise, a significant international document which regulates the issue of taking measures and actions at sports events to combat violence and misbehaviour at sports events is the Council of Europe's **Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events**, Saint-Denis 03 July 2016.

#### **V - IMPLEMENTING MECHANISMS AND WAYS TO ENSURE RESPECT FOR REGULATIONS**

The implementation of the Law will be provided by the FBiH Ministry and the cantonal ministry through supervision. These activities will be carried out through administrative supervision, which consists of giving expert opinions, providing information and other activities.

It is important to emphasize the significance of Security Committee which will be formed by sports associations under Article 4 of this Law, which will monitor and coordinate all activities related to security at sports events by the organizer of sports event.

Respect and application of regulations shall be provided by the coordination body referred to in Article 3, paragraph (3) of this Law, headed by police officer of the cantonal ministry on the area of which a sports event takes place.

#### **VI - DESCRIPTION OF CONSULTATIONS CONDUCTED IN THE PROCESS OF DEVELOPMENT OF REGULATIONS**

In accordance with the conclusions of the FBiH Government, the FBiH Ministry of Interior proposed a working group (WG), appointed by the FBiH Government, which made the Draft Law on Prevention of Violence and Misbehaviour at Sports Events.

The WG made the Draft Law in accordance with the Decision of the FBiH

Government and submitted it to the Federal Minister of Interior.

The FBiH Ministry of Interior, after receiving the Draft Law on Prevention of Violence and Misbehavior at Sports Events, in accordance with the Directive on rules for participation of the interested public in the procedure for preparation of the FBiH legislation and other acts ("Official Gazette of the Federation BiH", no. 51/12), made consultations with the following interested entities: Cantonal Ministries of Interior, Football Association of BiH, Chamber of Agencies for Human and Property Protection, Basketball Federation and Volleyball Federation.

After receiving the proposals and remarks, the FBiH Minister of the Interior submitted to the FBiH Police Administration the Draft Law on Prevention of Violence and Misbehaviour at Sports Events with remarks and proposals from the above-mentioned authorities and institutions, for the purpose of reviewing the Draft Laws, remarks and proposals in order to establish the final text of the Draft Law on public assembly.

The following bodies had remarks and proposals to the Draft Law:

- The Football Federation of BiH - two,
- Inspectorate for supervision of work of agencies and internal services for protection of people and property from fire - four,
- Sector for General and Common Affairs - two.

The Cantonal Ministry of Interior from Canton 10 Livno, Herzegovina-Neretva Canton and West Herzegovina Canton expressed their views about the preliminary Draft Law on Prevention of Violence and Misbehavior at Sports Events, stating that the prevention of violence and misbehavior at sports events is the sole competence of the cantons and they disagree that the mentioned law is passed by the FBiH Parliament.

By reviewing the content of the Draft Law on Prevention of Violence and Misbehaviour at Sports Events, it can be clearly established that there is no transfer of the competence regarding prevention of violence and misbehavior at sports events organized at the Cantonal Ministry of Interior to any FBiH Administration Body, but these activities remain under the jurisdiction of the Cantonal Ministry of Interior. This law uniquely regulates the prevention of violence and misbehavior at sports events in the FBiH area, which in most cases, when the crime occurs in these events, has elements of inter-cantonal crime which fall within the sole competence of the FBiH. The remarks and proposals made by the Football Federation of BiH are not harmonized with the Law on Sports in BiH.

The remarks and proposals made by the Inspectorate for supervision of work of agencies and internal services for protection of people and property from fire pertained to the harmonization of the Draft Law on Prevention of Violence and Misbehaviour at Sports Events with the Law on agencies and internal services for protection of people and property and are fully accepted.

The remarks and proposals of the Sector for general and common affairs pertained to the nomotechnical regulation of the provisions.

The FBiH Police Administration considered the Preliminary Draft Law developed by the WG and established that the Preliminary Draft Law regulates the field in which

acts and actions encompassed by the definition of inter-cantonal crime are in the jurisdiction of the Federal Police Administration and that it is necessary to pass this law at the FBiH level.

### **III FINANCIAL RESOURCES**

The adoption of this law does not require additional funds from the FBiH budget, but its implementation does.