The national policy on violence prevention and security in sport spectacles: challenges and proposals

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Abstract

In this paper, we developed a normative and ethical reflection on the process of construction of the National Policy on Violence Prevention and Security in Sport Spectacles. To develop this reflection, we adopted the following methodological procedures: a literature review, analysis of laws and documents and observations made during our participation in the public debate on violence in Brazilian football and also during exchanges and research apprenticeships conducted in Argentina and Germany, in 2013 and 2014. The text was organized into two interdependent parts: at first, we discussed the main challenges to make the process in question more fair and democratic. Among the challenges addressed, we highlighted the challenge of creating special measures to encourage the inclusion of groups normally excluded from positions of power. Secondly, we presented and justified some concrete measures to overcome these challenges. Among them, the establishment of local committees to prevent football violence, the strengthening and democratization of the National Commission on Violence Prevention and Security in Sport Spectacles (CONSEGUE), of the ministries of Justice and Sports, the creation of the figure of ombudsfan, the strengthening of dialogue with the independent associations of supporters and the organizations representing the torcidas organizadas, the training of its leaders, offering them the cultural resources needed to face the problems of everyday lives of these torcidas and needed to the creative and peaceful transformation of the violent conflicts between them, the recognition of less hegemonic forms of discourse, allowing the fans to speak in his own voice, and the creation of the figure of the moderator who does Socratic relief work to the word in CONSEGUE.

Keywords: Sports; Football; Public Policy; Deliberation; Torcidas Organizadas.

Introduction

Violence in Brazilian soccer is not a recent phenomenon. However, it was only post mid-1990s, after a series of tragic episodes with a huge impact on the media that public authorities began to take a series of measures. Among them, the elaboration and implementation of Law No. 10,671/03, better known as Estatuto de Defesa do Torcedor (Supporter Statute of Defense), later amended by Law No. 12,299/2010. This statute was initially proposed on 2002 by the Comissão de Educação, Cultura e Desporto da Câmara dos Deputados (Education, Culture and Sports Commission of the Chamber of Deputies) as draft Law No. 7,262/02.

Afterwards, it went through in the Federal Senate as draft law No. 1/03, and was sanctioned by the President of the Republic at that time, Luiz Inácio Lula da Silva, on May, 15th, 2003. According to Reis¹, the aforementioned statute:

[...] is a fundamental legal instrument for the prevention of violence related to sports events, albeit it is quite limited. Its entry into force was groundbreaking in sports history. This is because in the country up to 2003 there were no laws regulating the promotion of sport as an spectacle, even though the onset of soccer had already began in the form of a spectacle, and

for being, since two decades, one of the most profitable commodities of capitalism (p. 98).

Another measure taken by the Public Authorities was the creation of the Comissão Nacional de Prevenção da Violência e Segurança nos Espetáculos Esportivos (CONSEGUE) (National Commission for the Prevention of Violence and Security in Sports Events), which was later called "Comissão Paz no Esporte" (Peace in Sport Commission). This commission was proposed by 2003 when the Ministries of Sports and Justice took the initiative to promote the Seminário sobre Segurança nos Estádios (Seminar on Security in Stadium) and held a meeting with a group of experts from several fields. During those events, it was discussed violence in sport in general, but primarily in soccer, and the Carta de Brasília (Letter from Brasília) was elaborated. The Letter defined a series of actions of responsibility of the Federal Government for the reduction of the rates of accidents and crime in soccer stadiums. Among other things, it was also proposed, following a recommendation from Reis¹, the creation of CONSEGUE, which was formalized by Presidential Decree No. 4,960 of January, 19th, 2004, ten months after the publication of the aforementioned letter.

Since its formalization, CONSEGUE has not only been undertaking debates and plenary meetings with specialists in sports Security, but also carrying out technical visits to stadiums (in Brazil and abroad) and analyzing laws and procedures of several countries, "[...] in order to support and follow the implementation of the national policy for the prevention of violence and Security in sporting events". Therefore, in this research, we chose to develop an ethical and normative reflection about the process of elaboration of this policy. Although it is aimed for sports in general, we will focus on soccer, since it is considered the most problematic one. In order to design such a reflection, we have organized the writing into two reliant parts:

primarily, we've addressed the main challenges needed to elaborate an equitable and democratic process. In a second moment, we've showed and substantiated some concrete measures which may be able to overcome the challenges aforementioned.

The discussion is initially substantiated by the relevance and urgency of the debate about violence in Brazilian soccer. After all,

[...] it is a complex phenomenon, which not only involves the country's main sport, which is of great importance to our popular culture and social life, but which also has serious economic, political and social implications³ (p. 15).

In addition, it addresses aspects which the scientific literature hasn't yet explored enough. Although there are some studies that analyze from a legal point of view the articles of the Estatuto de Defesa do Torcedor (Supporter's Statute of Defense) - such as Gomes et al.⁴ - and others that evaluate their compliance (or not) - such as NICÁCIO et al.⁵, REIS⁶ and MEZZADRI et al.⁷ - very little attention has been given to other studies and initiatives. One exception is the groundbreaking work of REIS¹, which describes the drafting of the Carta de Brasília (Letter from Brasilia) and the elaboration of the CONSEGUE. Another one is the work of LOPES⁸, which analyzes the 2005/2006 reports of the commission.

In a sense, this study follows the last two productions in order to offer subsidies to democratize and improve the work of the aforementioned commission. In doing so, it aims to strengthen strategies to prevent violence in soccer. After all, as the German experience teaches, such strategies should not be confined to police intelligence (although this is not unimportant), but should focus on education and dialogue with the supporters - as they have been doing since 1980 the so-called Fanprojetke, which promotes a (successful) social work with German fans⁹. Although it is not our intention to focus on that work, we must highlight the uniqueness of including the supporter as a legitimate actor in the process of transformation of conflicts related to soccer.

Method

In order to carry out the suggested discussion, we've adopted the following methodological procedures:

1) Review of the scientific literature about violence in soccer and on Security policies for sports events, both in South America and in Europe, with reference to Portuguese, English and Castilian studies. The main bibliographic databases researched were: The Scientific Electronic Library Online; Academic Google; CAPES Thesis Bank; Library of the State University of Campinas; Library of the University of São Paulo; Library of the Autonomous University of Barcelona; Survey of monographs, dissertations and theses on

soccer supporters available on the website of the Education and Cultural Patrimony Laboratory of the Fluminense Federal University; CD-ROOM "Survey of production on soccer in the humanities and social sciences from 1980 to 2007" and the authors' personal archives. In these bibliographic databases, we've used and crossed keywords that varied according to the organization setting and the terminology of the sites.

- 2) Survey and analysis of documents and laws that reinforce the policies in question. To do so, we've relied on our personal files and on Google searching engine. Once designated, we've cautiously and wisely read the documents again. Following it we've shaped analysis tables, which organized information into three categories: causes of violence in soccer, actors involved with it and proposed solutions.
- 3) Observations carried out during our participation in the public debate on violence in Brazilian soccer "[...] moments in which veiled interests are often explained without shame" ¹⁰ and also during exchanges and internships carried out in Germany and Argentina during 2013 and 2014.

On such occasions, we had the opportunity to visit stadiums, go to matches, follow caravans, visit training centers, meet socio-pedagogical projects with supporters, participate in informal meetings with supporters suspended for violent acts and attend formal meetings with Police Chiefs, sports leaders, politicians, social workers, educators and researchers. These experiences were photographed and recorded in a field diary.

With these procedures, we primarily pursue to know the several forms of violence in soccer, their engendering factors and where we can find the main obstacles for their solution. Secondly, we aim to know the Security measures adopted in Brazil and in other countries, furthering us in the experiences considered more effective and inclusive. Keeping in mind those experiences, we suggest some measures for the Brazilian context, considering, of course, its specificities. The proposals presented here are, therefore, the result of a complex interpretative process, which sought to synthesize possible significances of those experiences in the context of Brazil and to concept new possibilities from this synthesis.

Results and Discussion

Once the methodological procedures have been specified, the results should now be presented and discussed. Let us begin by analyzing the main challenges for the elaboration of the Política Nacional de Prevenção da Violência e Segurança nos Espetáculos Esportivos. (Policy for the Prevention of Violence and Security in Sports Events.)

Challenges for the elaboration of the National Policy for the Prevention of Violence and Security in Sporting Events

Following Thompson's reflections¹¹, we comprehend the human being as an active agent, and the society as a stage of conflicts, constituent and constituted by structural and symbolic settings. This concept of being human and of society foremost presumes that conflict is not a social pathology yet to be eliminated. On the contrary, conflict is intrinsic to all societies and can produce intense social transformations, shaking the structures of domination (of gender, race, social class, etc.). For this reason, conflict is comprehended here as legitimate, thus as

something that must be recognized and respected, as it is in democratic societies indeed¹². Hence, the problem is not the conflict itself, but the violent ways in which some of them are carried out. Therefore, what we should perceive to avoid is the violent conflict, since we understand that a conflict is violent when it increases the distance concerning the potential and the effective between what it is and what could have been, according to what is possible with resources and knowledge available nowadays^{13,a}.

Although the concept of violence proposed by Galtung¹³⁻¹⁴ has some analytical limitations, it eludes a prevalent inclination in the academic literature: that of reducing violence in merely one of its forms: the direct (when there is a clear relation among subject-action-object) and the physical (when it acts over the body)¹⁵. Their analysis provides a thought in which a Security policy can contribute to the reduction of violence, but they also produce others - such as the structural (seen in the injustice and social domination) and the cultural (seen in the symbolic aspects of life used to justify or legitimize any form of violence). Faced with this, we are led to realize that, even if it reduces

direct and physical violence, a security policy may be incompatible with peace. After all, peace, to be peace, must be full, that is, it cannot shelter any form of violence. And from a critical perspective, this point is non-negotiable. In concrete terms, this means that a violent structural/cultural Security policy is essentially illegitimate, even if it reduces physical and direct violence.

As an example: if we may say that there was supposed to be a set of empirical evidence indicating that the vast majority of violent supporters are young people from the working classes. In this context, the increase in the price of tickets could be seen (at least by the elites) as a pacifying action, inasmuch it would exclude those young people from the Stadiums^b. However, in addition to not effectively reach the causes of violence in soccer, this action is structurally violent - since it excludes millions of Brazilians from a form of leisure that is considered a "national passion" - and culturally violent - as it reinforces the Stigma that associates the poor with savagery. As a result, the increase in the price of tickets cannot, under any circumstances, be considered a peace-promoting action. On the contrary, it must be seen as a violent action, since it contributes to the maintenance of a form of social domination, which is the class domination.

Another example regarded to the European context. Since the entry into force of the 1985 European Convention, the hooliganism control model is based on the principle of actuarial risk management. Since it is by definition virtual and linked to a group behavior, its management can only be impersonal and anticipatory. Thus, a supporter could be considered a hooligan not for what he actually did, but for what he could do, that is, for what he, in fact, did not do. Here, "[...] the reality gives way to the virtual reality, and the trajectory of time is reversed, since the present is formed in accordance of the created image of the future" [16] (p. 27).

This reverses the dominant logic of criminal law, since it rules out the principle of presumption of innocence, and implicate a true presumption of guilty. In this sense, such a measure cannot be considered a designer of peace, since the freedom of thinking and acting of the supporter is denied in the name of a foreknowledge that determines in advance the future behavior. This becomes even more serious if we keep in mind that the suspicion of future riot and violent behaviors usually falls on economically and socially disadvantaged groups,

reinforcing stereotypes and prejudices.

A third example: in Colombia, the closure of borders has been adopted, which consists in not authorizing the entry of *barras*^c visitors in the cities where soccer matches are hold. Such a measure openly violates the right of coming and going of members of those groups and fosters regionalism, segregation and exclusion¹⁷. Thus the decision taken mutually by public and private agents is, from the structural point of view, a violence, even though it (supposedly) reduces physical and direct violence, inasmuch as it (supposedly) avoids the encounter between rivals. In this sense, it is incompatible with peace.

Thus, if a security policy cannot be structurally violent, it cannot therefore be imposed from the "top down" in order to silence questions and divergences. As Thompson¹¹ observes (p. 416-417), in order to be fair and worthy of support, a social agreement must provide the right of participation for all persons affected by it. That is why "... it should in principle include persons who in the material circumstances of daily life may be excluded from positions of power." After all, the marginalization of such people is a ruthless form of structural violence. Thus, assuming a broader concept of peace, which understands it as a state of affairs that makes possible non-violent (in all aspects) and creative management of conflict, the very process of elaborating Security policies for soccer events has to be peaceful itself.

So, if peace is the pathway itself and if we assume a broader concept of peace the challenge is: how to shape lines of action for the promotion of peace in soccer events by means that are not structurally and culturally violent? As suggested, first of all, by including in the plan the most diverse actors in the soccer universe. Nowadays, the public debate about violence in Brazilian soccer is carried out in a social space structured in a rather asymmetrical way. Generally, the supporter is excluded from the positions of power, since he is usually not entitled to voice or, much less, to vote. The recent meetings endorsed by the Comissão Especial de Regulamentação do Estatuto do Torcedor, do Ministério do Esporte (Special Commission for Regulation of the Statute of the Supporter, of the Ministry of Sport), for example, had the participation of technicians from the Ministries of Justice and Sports, members of clubs and federations, and the Confederação Brasileira de Futebol (CBF) (Brazilian Soccer Confederation), law and academic personas, but nonetheless the supporter was absent.

This exclusion becomes even more serious in the case of a specific supporter: the affiliated to the Torcidas Organizadas (Organized Supporters). After all, it is upon them that falls the stigma of violence. As Lopes⁸ observes, such a supporter is neither a source of information nor of reflection in the mass media. Nor is it accessed by the authorities in the process of elaborating public policy, and even the 2005/2006 report of CONSEGUE did not foresee the participation of those supporters in the commission. In order to lessen the situation, in 2012, through Portaria Interministerial no. 30518 (Interministerial Ordinance no. 30518), lawyer Silvia Carbonaro da Silva Chioroglo, of the Torcida Mancha Alviverde, from Palmeiras, was assigned to compose the CONSEGUE, as representative of the Torcida Organizada (Organizaed Supporters). The Ministry of Sport has also upheld some seminars with leaders of the Torcidas Organizadas, following recommendations of that report. At the 1st South Southeast Seminar of Torcidas Organizadas, held at the end of 2013 in São Paulo, those leaders even had the opportunity to personally hand over to the Minister at the time Aldo Rebelo a letter with a series of demands and suggestions.

It so occurs that these efforts have been wasted inasmuch as many of the things that are amended with the Public Power and are not actually accomplished during the game days. The Estatuto de Defesa do Torcedor (Supporters Defense Statute) itself has not been accurately applied. After investigating compliance of the Statute for five years, REIS⁶, for example, concluded that approximately 50% of its articles and paragraphs were not respected. Onwards informal conversations with supporters during our field trips, we've found that flouting with a law or agreement crafts a sense of injustice and frustration - which may hamper the establishment of new agreements and the accomplishment of participation initiatives and social co-responsibility. After all, why would a supporter sit down to dialogue with the Public Power if it does not comply with its part?

Efforts in order to dialogue with supporters and with civil society in general have also been wasted inasmuch as, when a serious incident of violence occurs, the Government launches a series of measures (usually rather repressive) without prior discussion, in order to give a prompt response to public opinion and thus "calm things down". We can see as proof of this process that shortly after

the occurrence of episodes of violence seen in the last round of the 2013 Brazilian Championship - when supporters of Vasco and Atlético-PR clashed on the stands of the Joinville Arena, leaving some people seriously injured - Ministries of Sport and Justice have issued nine projects to be implemented during 2014.

Among other things, they included the recommendation of court judges of supporters, special police stations and greater accountability of the clubs. Without considering the merits of the proposals, they were rather hurried, and by that it disregarded all the work accomplished by CONSEGUE. No wonder several of its recommendations have not been adopted. For example, in contrary to the commission's 2005/2006 report, the Public Prosecutor's Office of the State of São Paulo recommended that there should be no ticket sales at the headquarters of the Torcidas Organizadas.

In view of this, we reinforce the need for a broader debate with the various sectors of society before adopting new measures. As we have already estimated, we begin with the assumption that the human being is an active and potentially critical agent able to shape reasonable judgments through the assimilation of information and different points of view. From this assumption, we consider that a mutual decision will be legitimate if it is elaborated through a public interchange that will be free, inclusive and well-versed of arguments. In this sense, the legitimacy of a decision should not be limited to the plain arithmetical sum of individual preferences, but must be the result of a generalized process of mutual deliberation¹⁹.

As Vieira and Silva²⁰ point out, this process has an intrinsic value, which

resides in the set of political competences and civic virtues, among which the following stand out: the political education that comes from the involvement in democratic procedures of evaluation of alternative proposals; the mutual respect that the public opposition of opinions can help to promote; the most reasonable expectations about what is available to the political decision maker and the constraints that political actions face; and a sense of reciprocal equality that is nurtured by the experience of listening and of being heard by fellow citizens, which, in turn, nourishes the individual autonomy and the capacities of action associated with it (p. 161-162, emphasis of authors).

No wonder the idea of deliberation is nowadays

instituted as the amendable ideal of much of the theoretical proposals on the nature of democracy. This idea, however, is not immune to criticism. Perhaps the main one is that it reproduces socioeconomic and cognitive inequalities. Evidently, several difficulties arise when we attempt to distribute symmetrically the material and intellectual prerequisites necessary to participate in a deliberative process. Unfortunately, sections of the population that are already underrepresented within the formal political process often have a clear disadvantage in this process, failing to be heard as the rest is. Among other reasons, for the reason that its members are too busy with their own survival to be actively involved in deliberation²⁰.

Or, because they have less competence to use the word in a coherent and adapted way in a debate²¹. After all, "in public deliberation it is not enough to express oneself, to listen and to make oneself heard. It is also necessary to speak in a certain way "(p. 163). Faced with these difficulties, we consider that one of the main challenges of the Public Power in the process of elaborating the National Policy for the Prevention of Violence and Security in Sports Events is to be able to create special measures to encourage the inclusion of groups that are routinely excluded from positions of power.

Proposals for the elaboration of the National Policy for the Prevention of Violence and Security in Sport Events

Given that soccer is not an island within society, we must not lose sight of the fact that in order to include groups routinely excluded from positions of power in the process of deliberation about their own future, we need to think about deeper structural transformations through the elaboration of distributive social policies and intervention in the current economic and educational system. Although fundamental, the discussion of changes is obviously vastly complex and goes beyond the scope of this study. Thus, we will limit ourselves to showing and substantiating here only proposals that have a direct relationship with the process of elaboration of the National Policy for the Prevention of Violence and Security in Sports Events.

Elaboration of discussion forums and local commissions

In order for this elaboration to be indeed democratic, we consider as necessary what we have

already suggested in the previous topic, which is to enable a several number of channels of participation that allows us to know in a direct way the perceptions and proposals that people

and institutions interested in the theme may have "22 (p. 20, our translation).

In light of this, it is necessary to carry out different activities: first, the creation of discussion forums about soccer for specific groups (such as groups of children, women, homosexuals, people with disabilities, etc.), where they can discuss their specific needs and issues, as well as to develop strategies to elucidate them.

In addition, it is necessary to create (and consult) local committees^d for the prevention of violence in soccer, mainly if we consider that Brazil has continental dimensions and that the problems faced in each region are not necessarily the same. These committees should provide space for the most diverse groups - such as academics, journalists, soccer stadium neighborhoods, professional players, referees, government secretaries, prosecutors, law enforcement officials, club leaders, torcidas organizadas, representatives of supports association, club directors and federation leaders - and to uphold dialogue between theme. This can (and should) result in concrete proposals^f that can guide Security operations for days of matches and, above all, complement and guide the work of CONSEGUE^g.

Guarantee the autonomy of CONSEGUE and democratize its composition

Following the reflections of Reis¹, we consider that the CONSEGUE constitutes the foremost space for the elaboration of the National Policy for the Prevention of Violence and Security in Sports Events, since it is a space of a multidisciplinary nature, and are able to promote the public and democratic exchange of different arguments and points of view^h. In order to do so, it is primarily necessary for the committee to have the autonomy to convey its own questions, instead of simply authoritatively deliberate on solutions to problems imposed from the outside - which would be a way of protecting it. After all, there are several demands related to soccer that no one (or at least almost anyone) verbalizes or wants to understand. For example, every time there is a serious event of violence, the media raise again the following question: Would it be better if we eliminated the Torcidas Organizadas? This category of question

- simplistic and manichean (because it hides the complexity of the problem and emphasizes the responsibility of a single actor, vilifying it) directs the debate towards the path of repression and, at the same time, suppresses important social demands, because it counteract the interests of dominant groups.

At this point, the issue of transport is emblematic. The route to the Corinthians Arena, in Itaquera, for example, where the supporter faces evident problems in order to return home, although there are train and subway stations nearby, they close shortly after the finishing of the midweek games, which usually end at almost midnight, causing overcrowding of the last trains. No wonder many supporters choose to leave the stadium with the match still in progress. Another problem is that, evidently, many supporters have to wake up early the next day in order to work. Because of this, the Torcida Organizada do Corinthians have made several demonstrations against the match schedule.

According to ALVITO²³

Transport is clearly a Security measure in many ways. If it is reliable, comfortable and fast, it will avoid a huge concentration of supporters arriving at the stadium or leaving it, which is perhaps the most dangerous moment for the supporters; many violent episodes and clashes of supporters take place exactly on the way to the stadium or on the way home (p. 41).

However, many night games are finished around midnight mid-week, when there is virtually no public transportation in most Brazilian cities. In Rio de Janeiro, for example,

the trains stop at 10 pm, the subway (except in special games) at 11 pm and in matches of specific teams, bus companies used to adopt a "special" scheme: they changed their itinerary or shut down the busses, causing GEPE to have to deal with thousands of angry supporters who are worried about going back home²³ (p. 41).

In order to change this scenario, it would therefore be fundamental that the matches began earlier. However, this would affect the television schedule (more precisely of Rede Globo), inasmuch as the match schedule would coincide with the Jornal Nacional (National Newspaper) schedule and / or with the soap opera at 9pm. Thus, as those who work in the means connected to the broadcasters are not able to deal with this issue and since even those who are not connected to it feel constrained to do the same (since, otherwise, it may close opportunities for future work), seldom the media discuss the (enormous) power of Rede Globo, which takes advantage of the financial imbalance of

the clubs to release transmission quotas and submit them to their control. In view of this, legitimate and pertinent questions about, for example, which strategies are most appropriate to reduce this (enormous) power and to disrupt the monopoly of that mentioned station are not highlighted. In order to achieve that, there must be autonomy.

In order for CONSEGUE to have autonomy, its configuration must be genuinely democratic. For this purpose, it must be diverse and representative, enabling the right to voice and vote for the most different actors. Specifically for the reasons already mentioned, this implies that Rede Globo and those under its control (clubs, federations and CBF) do not have, under any circumstances, a majority in the vote. Nor has the government, since it is well known that in our country there is a network of complicity between politicians and sports leadersⁱ, which means that the measures articulated and proposed by them are viewed, a priori, with suspicion. In view of this, we argue that CONSEGUE opens up more space for the supporter - being them part or not part of Torcidas Organizadas - and for people with known experience in the subject - especially academics. After all, it seems to be a contradiction that the State with its "left hand" finances the development of research on the subject of violence in soccer, and, with its "right hand" disregard those researches when elaborating public policies²⁴.

To create the figure of the ombudsfan, to invest in research and to strengthen the dialogue with the independent associations of supporters and with ANATORG

The stand for a more participation of the supporter in the CONSEGUE arise, however, a huge problem. Who has the legitimacy to represent it? The "supporter" category is intangible. It is a fictional division that interconnects people in a shared identity, regardless of the differences and detachments that can separate them¹¹. In practice, there are people with needs and goals that are often inconsistent. There is a passionate supporter and the casual one. The ones who watch on television and the ones who goes to the stadium. The ones who are part of Torcidas Organizadas and the ones who go "on their own". The ones who are submitted to supportive membership plans and the ones who buy ticket at the ticket office. The rich and the poor. At last, there is a true diversity of supporters that cannot be unified in a common figure. But how can

we contemplate this diversity in the elaboration of security measures?

In the first place, as already suggested by the English supporters, by creating the figure of ombudsfan who would be guided to receive through electronic messages, for example - critics, complaints and suggestions from the supporters²⁴. This figure would be recognized as one of their voices in the CONSEGUE. However, in order for it to defend, in fact, the rights of the supporter, by reflecting as far as possible on the demands that come to it, ombudsfan should not, for reasons already explained, be a representative of the State, Federations and clubs. Facing this, the figure should not be confused with the figure of the ombudsman of the competitions, mentioned in Chapter 6 of the Supporter's Statute of Defense²⁵. After all, this figure is by law nominated by the entity responsible for the competition, and may even be remunerated by sports organizations. Therefore, if the ombudsfan is the ombudsman of the competition, there could be a conflict of interests, since the interests of those he represents may not coincide with of those who assigns and remunerate him. Moreover, the ombudsfan would not only be a moderator between the supporter and the organizer of the competition, but a representative of the supporters community, with voting rights in issues related to professional soccer. Thus, in order to assure its representativeness and legitimacy, we consider that the ombudsfan should be assigned by the entities who represent the Torcidas Organizadas and the independent associations of supporters, which is subject of our second recommendation. Brazil has a tradition of association, and the soccer clubs themselves are a consequence of this. It is significant, then, that the supporters themselves have associative entities that represent them and help them assert their rights. Nowadays, Frente Nacional dos Torcedores (FNT) (National Front of the Supporters) is an entity with this aspect. Associação Nacional dos Torcedores e das Torcedoras (ANT) (The National Association of Male and Female Supporters) was another experience. The State can (and should) help to create and strengthen those types of associations, which must be represented in the CONSEGUE. Following Alabarces's recommendations²⁴, the state could, for example, help them in their organization - as means by holding permanent forums - and in the production of magazines and creation of alternative media spaces, where the most diverse supporters could manifest their views and opinions. Evidently,

in parallel to this, mechanisms must be created to prevent such support from being converted into co-optation. Once their autonomy is lost, the supporters associations are no longer independent and therefore lose their raison d'être, by means, their very reason.

It is also necessary to keep in mind that these associations do not inevitably represent the desires and needs of the supporter community, which is not homogeneous as we have already suggested. Those association tends to attract and be led by more active, civic and political supporters who have greater knowledge and interest on the course soccer will take, as well as greater confidence in the effectiveness of political participation. In view of this, it is necessary to discover mechanisms of inclusion of the non-activist supporters, with potentially more pliable positions and preferences, and to establish communication channels between them and the CONSEGUE. Besides the already mentioned creation of the figure of the ombudsfan and elaboration of specific forums, the investment in quantitative and qualitative researches that would assess the supporter's needs and preferences would be another alternative.

We also believe that the State should strengthen the dialogue with the Associação Nacional das Torcidas Organizadas do Brasil (ANATORG)(National Association of Organized Supporters) and other entities that represents those supporters, as well as establish partnerships with them, as the Ministry of Sport is apparently willing to do, as we have been told at the III Seminário Nacional de Torcidas Organizadas (III National Seminar of Organized Supporters), held at the end of 2014 in Belo Horizonte.

First of all, because this would offer the members of Torcidas Organizadas the possibility of feeling part of the solution, not just the problem. Secondly, because it is on these people that the stigma of violence and the State's "iron hand" fall more forcefully. If we recall, for example, that by Art. 39-A of the Estatuto de Defesa do Torcedor (Supporter Statute of Defense), an

torcida organizada responds civilly, in an objective and supportive manner, for damages caused by any of its members or associates not only on the place of the sport event, but also in its surroundings or on the way to the event or back from it²⁵.

Thirdly, because torcidas organizadas tend to have very specific demands. For example, they organize caravans for other cities and are the main target of violent actions. In view of this, it is legitimate for ANATORG to have representatives in CONSEGUE.

Although we are aware that by intermediation of conflict among rival supporters, we may on some occasions create problems for ANATORG, as we consider that it has a central role in this mediation, since the State has no legitimacy for this. After all, the State has historically opted for repression, which often means that it is not seen by supporters as a possible "partner". By analyzing the Argentine context, ZUCAL²⁶ shows, for example, that there are no complaints among the members of the barras. Thus, when one barra steals the flag of another, the one that had its flag stolen will not go to the nearest police station to press charges, but they will try to rescue it in order to defend its honor. In the Brazilian context, as we learn from informal conversations with supporters of torcidas organizadas, an analogous phenomenon occurs. Thus, only an entity with legitimized supporters within this universe can do the mediation.

In order to provide the cultural resources needed for its leaders to cope with the day-to-day issues of torcidas organizadas and to creatively and peacefully transform violent conflicts among them, we advocate that the government invest in the empowerment of those torcidas organizadas. Although it's really difficult to eliminate conflicts completely, their action can diminish them and, in extreme cases, normalize them. This setting can contribute significantly to lower the damages. In German soccer, for example, the mortality rate is very low compared to the Brazilian one. This is not due to the absence of frequent conflicts, but to the "restrictions" on the use of weapons (especially firearms) by violent supporters and in fact, in a limited extent, that some rules ought to be respected, such as not beating a supporter down to the ground.

In addition to contributing to the mediation of conflicts among torcidas organizadas, ANATORG can provide legal advice for the smaller supporters who do not have sufficient financial resources, as well as assist in mediation between torcidas organizadas and the Public Power. The Federação das Torcidas Organizadas do Rio de Janeiro (FTORJ)(Federation of Organized Supporters of Rio de Janeiro), for example, maintains frequent contact with the Grupamento Especial de Policiamento em Estádios (GEPE). (Special Stadium Police Force). This dialogue is fundamental for the planning of routes and Security operations. After all, as Alabarces²⁴ observes (p. 132, our translation), "there is no one as a supporter to know where to go and where not to."

From this dialogue, new security standards can also be created, which are more likely to be respected, since by including the supporters in the elaboration, it will no longer be experienced as repressive, which may ease the establishment of co-responsibilities.

However, in order to reduce the risk of "power apparatuses" within representative associations of organized supporters, their participation in the mentioned committee must be provisional on their democratic functioning, which should provide for direct and periodic elections in order to designate their representatives, preferably without the possibility of re-election. After all, this not only avoids having permanent representatives, but also avoids that power is consequently concentrated in the hands of only a few supporters or groups of fans. Since representatives have a mandate to defend the interests of the community of organized supporters before the Public Power, there must be mechanisms that allow the annulment of their mandate in case of non-compliance. These should, as far as possible, be defined mutually with all organized supporters. For this reason, it is important to shape spaces for collective deliberation within these associations, stimulating the political participation of organized supporters and ensuring democracy.

To stimulate the democratic functioning of torcidas oranizadas and to continue the working groups of the CONSEGUE

We also consider as fundamental that the State stimulates and reinforces the democratic functioning of the torcidas organizadas themselves, not just of their representative entities. After all, in addition to assure symmetry in the power relations of the torcidas organizadas, a democratic structure helps to encompass the advance of violence. As we recall, nowadays, the great majority of casualties related to Argentine soccer is due to internal disputes within barras²⁷. This is due to the fact that access to power within torcidas organizadas is not shaped democratically - through periodic elections, for example but through armed and physical conflicts²⁸. However, it will be very difficult to stimulate and strengthen the democratic functioning of such supporters if the clubs themselves, federations and the CBF do not have a democratic and transparent management. For this reason, it is fundamental that the State promotes (including through the creation of new legal mechanisms)

such management in these institutions.

In addition, we believe that the following up of the originally foreseen thematic working groups, which have been suspended, should be continued. In the report of REIS¹,

[...] the following working groups were established: Infrastructure and Security Management; Policing and Justice; Education and Awareness; and Studies on Violence. After some discussions via internet, the setting of these groups was defined as follows: Lieutenant-Colonel Marcos Cabral Marinho as coordinator of the Policing and Justice groups; Roberto Siviero (non-member of the technical group at the meeting of March 25, 2003) as coordinator of the Education and Awareness group; and professor Dr. Heloisa Helena Baldy dos Reis as coordinator of two groups - Infrastructure and Security Management and Studies on Violence. The Ministry of Justice, who at the time coordinated our contacts and debates over the Internet, suggested a guideline for the work of the groups. By evaluating this agenda, I came to the conclusion that in order to carry out the pleading, meetings of the members of the groups coordinated by me should be made face-to-face; So I contacted the two ministers by telephone, and I explained our needs, but the work was interrupted because there was no reply (p. 105).

The interest aspect of those groups lies on the possibility of giving voice to a larger number of people than the meetings of the CONSEGUE can, which makes it able to offer suggestions and technical support for their decisions. After all, these meetings are, in principle, limited to its members, except in instances where it decides, through its chairman, to invite experts and civil or governmental entities to participate. Moreover, these groups are interesting spaces for deliberating on alternatives that require some technical knowledge^k, since they are rather narrow at first and cover various specialists in work subjects.

Recognize less hegemonic discursive forms, organize forums for the torcidas organizadas and create new spaces for deliberation

Lastly, we consider it important to make some recommendations so that the process of deliberation on the course of Brazilian soccer does not replicate

socioeconomic and cognitive inequalities, discussed in the previous matters. In general, it is required that the deliberation ought to be guided by "objective", "impersonal" and "unbiased" language, typical of institutions of a scientific or legal nature. In addition to being a rhetorical maneuver, which hides the interests and values behind the arguments highlighted, as if they were merely "technical", this requirement hinders the participation of groups less proficient in this style of language. In CONSEGUE meetings, such a requirement tends to benefit academics and legal operatives, in detriment of supporters.

In order to avoid this, it is necessary at the same time to invest, as suggested, in the qualification of the last mentioned, with the purpose of enlightening them about their rights and duties as citizens, and let them express themselves in their own voice and in the first person. Hence the importance of CONSEGUE in order to recognize less hegemonic discursive forms - such as testimony and narrative - that are capable of thinking the issues under discussion from the perspective of the tangible other, and not only of the other generalized. After all,

even though the deliberative process is oriented to identification and spheres of 'commonality', in which all of us may meet, it cannot close itself to the true alterity of the other, nor even to the possibility of political conflict, in a current democracy²⁰ (p. 164-165).

Hence the importance of the figure of a mediator who is experienced and able to carry out the Socratic mode of assistance to the word, in order to help groups less conversant in the elaboration of arguments and to help them to be self-assured when expressing their thoughts and in the effectiveness of their participation during the deliberative process, reestablishing a sense of equality. For this, the mediator can proceed in several ways: by giving these groups the word at the right time, by not hastening or interrupting their speeches (especially in moments of tension), and by expressing signs of interest, verbal and nonverbal, and etc²⁹. By proceeding as said, the mediator can help the establishment of an environment where people feel freer to picture their views, even if they are against those of the majority. After all, when studying the elaboration of public opinion, Noelle-Neumann³⁰ shows that, in general, people are afraid of being isolated in their behavior, attitudes and opinions. Consequently, they tend to repress the expression of their views when they recognize that they do not coincide with the dominant opinion, which may

result in a cyclical and progressive suppression of the dominated views, repressing divergence and averting the democratic exchange of arguments.

In order to avert the onset and ongoing of this "spiral of silence", it also seems suitable that the CONSEGUE, as foreseen in its 2005/2006 report³¹, should hold forums of the torcidas organizadas (as well as independent supporters associations), as well as the creation of the thematic chamber of organization and association of supporters previously mentioned.

After all, those spaces can work as a "safe haven" of supporter's concerns and interests. Here, the Plan Decenal de Seguridad, Comodidad y Convivencia en el Fútbol 2014-2024 (Ten Year Plan of Security, Comfort and Coexistence in the Soccer 2014-2024), Colombia, can guide us somehow. The plan was based, among other things, on the mesas de barrismo social, where a total of 22 *barras* of the country discussed and elaborated proposals to be included in mentioned plan¹⁷.

By developing an ethical and normative reflection about the process of elaboration of Security policies for soccer events in Brazil, we aim among other things to display some tangible measures that can make it more fair and democratic, thus contributing to the reformulation of this process and for the elaboration of new programs and projects to prevent violence in Brazilian soccer.

In common, the measures showed here presuppose the recognition of the supporters as legitimate actors - which will strengthen them as "[...] core of civil society, representative cores, defenders of their interests and desires, full counterparts"²⁴ (p. 132 our translation). This necessarily means to move them from the condition of mere passive consumers of soccer events. This is a condition that (most of) sports managers, public authorities, journalists, marketing professionals and others systematically try to impose on them. Only by recognizing the democratic rights of the supporters, we will have the right to demand from them the respect to the norms established. After all, as Alabarces²⁴ observes (p. 133, our translation),

[...] if the supporters are recognized in this way, they themselves will develop their own

arrangements of self-control. Before this, every norm will be experienced as repression. And the establishment of responsibilities is impossible or considered illegitimate".

In conclusion, we would like to reinforce that the spaces for deliberation on the Política Nacional de Prevenção da Violência e Segurança nos Espetáculos Esportivos (National Policy for the Prevention of Violence and Security in Sports Events) suggested here should not be by any means the only ones. For example, while we hold that the recommendations of the CONSEGUE should guide the renovation or construction of new stadiums, we advocate that groups of supporters are included into the design of architectural projects, as it was in Germany especially during the renovation of stadiums for the 2006 World Cup³². We also advocate the institutionalization of supporters committees within clubs³³. After all, the inclusion of supporters (especially younger ones) in decisions that affect themselves is not only fair, but also helps to shape a critical awareness, by generating new values and a culture of political participation. For example, this culture can also be enthused by creating spaces similar to Fanprojekte here in Brazil. Or, by creating conditions for the stadiums (or at least part of them) to be managed by the supporters themselves. Far from being a distant libertarian utopia, the self-management of the grandstand begins to be shaped in Germany, which already has some experiences (more or less) in that sense, such as the one held in Dusseldorf, the place occupied by the ultra groups of Fortuna.

During our field surveys in Germany, we went to a game of Fortuna, in Block 42 of the Esprit Arena, where these groups are arranged. There, we were informed by local Fanprojekt leaders about their political-ideological partitions. A dissident group considered as the extreme left had to move to the opposite goal due to "conceptual" divergences with the other ultras. Thus, although we are aware that not everything is la vie en rose and that experiences of self-management of the grandstands arises difficulties and tensions, it is never too much to remember that, as Demo³⁴ notes, participation is process, not a product done.

Resumo

A política nacional de prevenção da violência e segurança nos espetáculos esportivos: desafios e propostas

Neste texto, desenvolvemos uma reflexão ética e normativa acerca do processo de construção da Política Nacional de Prevenção da Violência e Segurança nos Espetáculos Esportivos. Para desenvolver tal reflexão, adotamos os seguintes procedimentos metodológicos: revisão de literatura, análise de leis e documentos e observações realizadas durante nossa participação no debate público sobre a violência no futebol brasileiro e, também, durante intercâmbios e estágios de pesquisa realizados na Alemanha e na Argentina, em 2013 e 2014. O texto foi organizado em duas partes interdependentes: num primeiro momento, abordamos os principais desafios para tornar o processo em questão mais justo e democrático. Entre os desafios abordados, destacamos o de conseguir criar medidas especiais de estímulo à inclusão de grupos normalmente excluídos das posições de poder. Num segundo momento, apresentamos e justificamos algumas medidas concretas capazes de superar os referidos desafios. Entre elas, o estabelecimento de comissões locais de prevenção da violência no futebol, o fortalecimento e a democratização da "Comissão Paz no Esporte", dos ministérios da Justiça e do Esporte, a criação da figura do ombudsfan, o fortalecimento do diálogo com as associações independentes de torcedores e com as entidades representativas de torcedores organizados, a capacitação de seus dirigentes, oferecendo a eles os recursos culturais necessários para o enfrentamento dos problemas do dia-a-dia dessas torcidas e para a transformação criativa e pacífica dos conflitos violentos entre elas, o reconhecimento de formas menos hegemônicas de discurso, que permitam o torcedor se exprimir na sua própria voz, e a criação da figura do moderador, que faça o trabalho socrático de assistência à palavra na referida comissão.

Palavras-chave: Esporte; Futebol; Política Pública; Deliberação; Torcida Organizada.

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Notes

- a. For example, if a soccer club required its athletes to take anabolic substances to improve their physical performance at a time when the side effects of these substances were not yet known, this indication could not be considered a violence. However, nowadays, despite the widespread knowledge of its harms if the club required the same, then we could think about violence.
- b. What is also rather controversial. It is enough to recall that even with very expensive tickets the 2014 World Cup recorded several fights within the stadiums such as the one portrayed by Croatians and Mexicans during the first phase, and those between Brazilians and Argentines during the finals.
- c. Organized groups of supporters from Latin America spanish-speaking countries and in some regions of Brazil, such as Rio Grande do Sul.
- d. Ideally, every city that holds professional soccer should have such a commission.
- e. In order to encourage dialogue and the exchange of experience among the committees themselves, it would also be interesting to hold an annual meeting among them.
- f. It should be public knowledge. To do so, it would be important to develop a website that would make available the records of the local committee meetings and a space for any citizen to make comments, recommendations and / or criticisms, (retro) fulfilling those meetings.
- g. In view of this, such proposals should not be restricted to those functioning; on the contrary, it would be interesting for these commissions to debate long-term prevention strategies, including, for example, the educational variable.

Anyhow, we believe that such committees should be free to elaborate their own agenda.

- h. Evidently that by this we are not suggesting that the mentioned policy should not be debated in the most different social spaces. For example, the media could contribute to the debate by giving public visibility to the plurality of views.
- i. The so-called "Bancada da Bola" (Ball Groups), which brings together congressmen related to soccer clubs and federations, is an example.
- j. Information provided by a German supporter during an informal conversation who was prohibited from entering the stadiums of his country due to violent behavior. This information was checked with and confirmed by other supporters.
- k. These specialists may not necessarily be academics or law personal. Otherwise, they would be segregationist. For example, a working group on policing and justice should have leaders from torcidas organizadas, since they are one of the most affected by police violence and have much to say on the subject. These spaces, however, will lose their very reason if they aren't obviously heard. For this reason, they need assurances that their deliberations will in fact be considered by CONSEGUE, besides having the autonomy to elaborate their own agenda. Otherwise, they may be influenced by those who preside over them to legitimize controversial decisions especially those that shields dominant forces.

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