

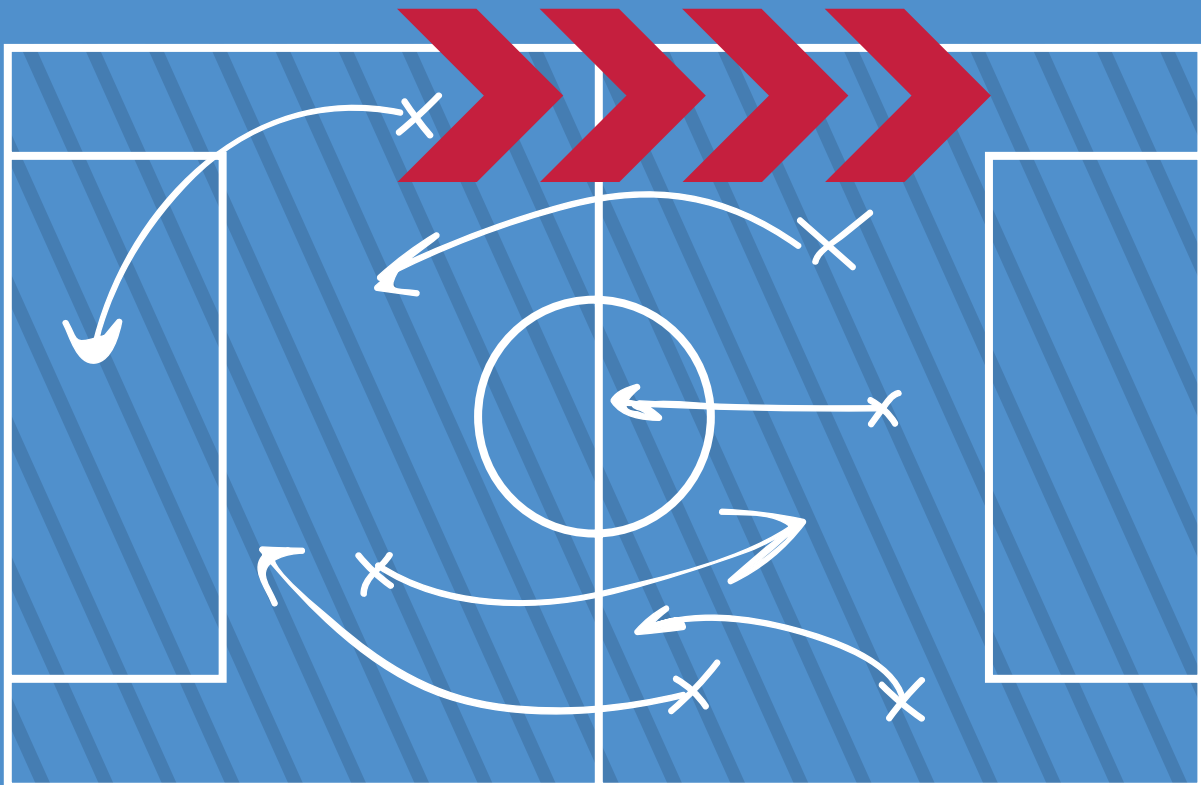


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GLOBAL REPORT ON CORRUPTION IN SPORT





FOREWORD



Sport contributes to peace, enables sustainable development, creates jobs and plays a vital role in promoting healthy lifestyles. It inspires, teaches and brings people, young and old, together.

But in our increasingly globalized world, sport is exposed to complex risks posed by corrupt actors who seek to exploit it for illicit gain.

Corruption strips sport of its positive, transformative power. There is widespread recognition of the negative economic and societal consequences of corruption in sport, and in particular its impact on youth. To effectively address this problem, more work is required to understand the scale, scope and manifestations of corruption in sport worldwide.

The international community is acutely aware of the need to close this knowledge gap. At its eighth session in Abu Dhabi in 2019, the Conference of the States Parties to the United Nations Convention against Corruption adopted resolution 8/4 on Safeguarding Sport from Corruption, which requests the United Nations Office on Drugs and Crime to “develop, within its mandate, in close consultation with States parties and in cooperation with interested stakeholders, a comprehensive thematic study on safeguarding sport from corruption, including consideration of how the Convention can be applied to prevent and counter corruption in sport.”



In response to this request, the first-ever *UNODC Global Report on Corruption in Sport* seeks to inform States parties and sports organizations on the different forms of corruption in sport, through an analysis of trends and case studies.

The Report presents policy recommendations on how to tackle the various problems identified, supported by examples of good practices. Close to 200 experts and practitioners were involved in the elaboration of this document.

The Report also highlights the need for greater international, regional, national, and local cooperation between government authorities, sports organizations, and other key stakeholders to tackle corruption in sport.

UNODC is dedicated to supporting these actors in developing and implementing coordinated responses for sport integrity, through its Programme on Safeguarding Sport from Corruption, an integral part of the Global Programme against Corruption.

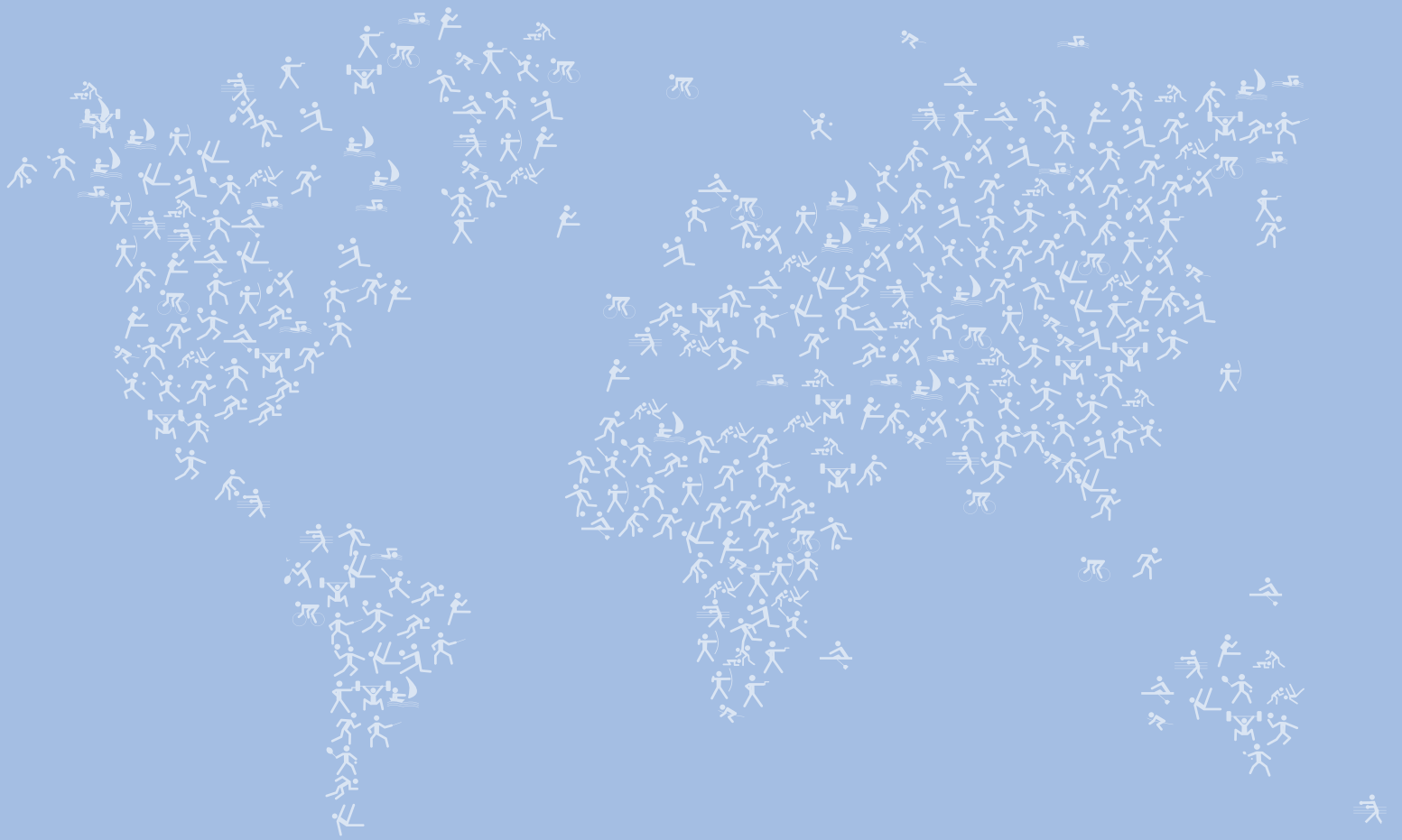
I encourage all governments, sports organizations, and other key stakeholders to make full use of this Report, and of UNODC’s assistance in using the international anti-corruption framework to keep sport clean, for prosperity, for development and for fairer societies.

Ghada Waly, Executive Director
United Nations Office on Drugs and Crime



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ACKNOWLEDGEMENTS

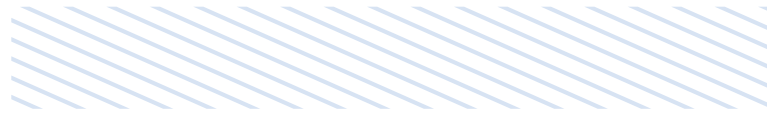


The Global Report on Corruption in Sport has been prepared by the Corruption and Economic Crime Branch (CEB) of the United Nations Office on Drugs and Crime (UNODC). UNODC wishes to express its gratitude to the Governments of Norway and the Russian Federation for their generosity in providing funding for the development of this report.

UNODC acknowledges with gratitude all those who have contributed their expertise and knowledge to the development of this report, in particular Pim Verschuuren, Post-doctoral Researcher, University of Lausanne; Julieta Arias, Consultant, Transparency and Integrity in Sport; Paul Scotney, Director, Sports Integrity Services; Madalina Diaconu, Associate Professor, University of Neuchatel and Managing Partner, SPLC Advocates & Notaries; Martin Purbrick, Director, Purbrick & Associates; Paolo Bertaccini, Adviser for Sports Integrity for the Italian G20 Presidency; and Joseph Weiler,

Professor, Allard School of Law, University of British Columbia, for their substantive contributions to the preparation of this report. The Organization also wishes to thank Alexey Konov, Director, Anti-Corruption Centre, Higher School of Economics University, Russian Federation, for supporting the review and coordination of the report and Johnny Morgan, supported by Manfred Boemeke, for editing the report.

The Report on Corruption in Sport has benefited from the valuable contributions and expertise of UNODC staff members, including Abhishek Deshpande, Alexandra Sokolova, Brigitte Strobel-Shaw, Camilla Contorni, Giovanni Gallo, and Mafaro Kasipo, as well as Indra Espinosa and Mariana Alegret for supporting the graphic design process. UNODC wishes to recognize Ronan O'Laoire for ensuring the overall coordination and the substantive development of the report.



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JUSTIFICATION



The Conference of the States Parties to the United Nations Convention against Corruption (UNCAC) held its eighth session in Abu Dhabi, from 16 to 20 December 2019. During this session, the Conference adopted resolution 8/4 on Safeguarding Sport from Corruption which requested the United Nations Office on Drugs and Crime (UNODC), inter alia, to:

“...develop, within its mandate, in close consultation with States parties and in cooperation with interested stakeholders, a comprehensive thematic study on safeguarding sport from corruption, including consideration of how the Convention can be applied to prevent and counter corruption in sport”

The present document seeks to implement this request by providing relevant stakeholders, in particular representatives of States parties and sports organizations with information, including trends, case studies, examples and good practices, on the different forms and manifestations of corruption in sport. It also presents policies for consideration on how to tackle the various problems identified.

METHODOLOGY



The report is multidisciplinary in its approach. It is based on data from official sources, academic journals, studies and articles. Examples used are based on adjudicated cases.

The Report's structure and areas of focus have been reviewed by a wide variety of experts and officials as part of an extensive review process. This involved the review of sections of the report by over 180 representatives of governments, international organizations, sports organizations and the private sector. This process was designed to ensure that the report was developed in an inclusive and transparent manner. Representatives were able to provide their feedback in written form and also through contributing to nine virtual meetings of experts that were organized by UNODC to review various sections of the report.¹

¹ Section 1: Evolutions in sport related to corruption–8 June 2021; Section 3: Overview of initiatives to tackle corruption in sport–3 June 2021; Section 4: Detecting and reporting corruption in sport–22 June 2021; Section 5: Gender and corruption in Sport–20 April 2021; Section 6: Organized crime and sport–9 July 2021; Section 7: Corruption and abuse in sport –23 July 2021; Section 8: Understanding the manipulation of sports competitions–16 July 2021; Section 9: Illegal Betting and sport–5 May 2021; Section 10: Major sport events and corruption–27 May 2021



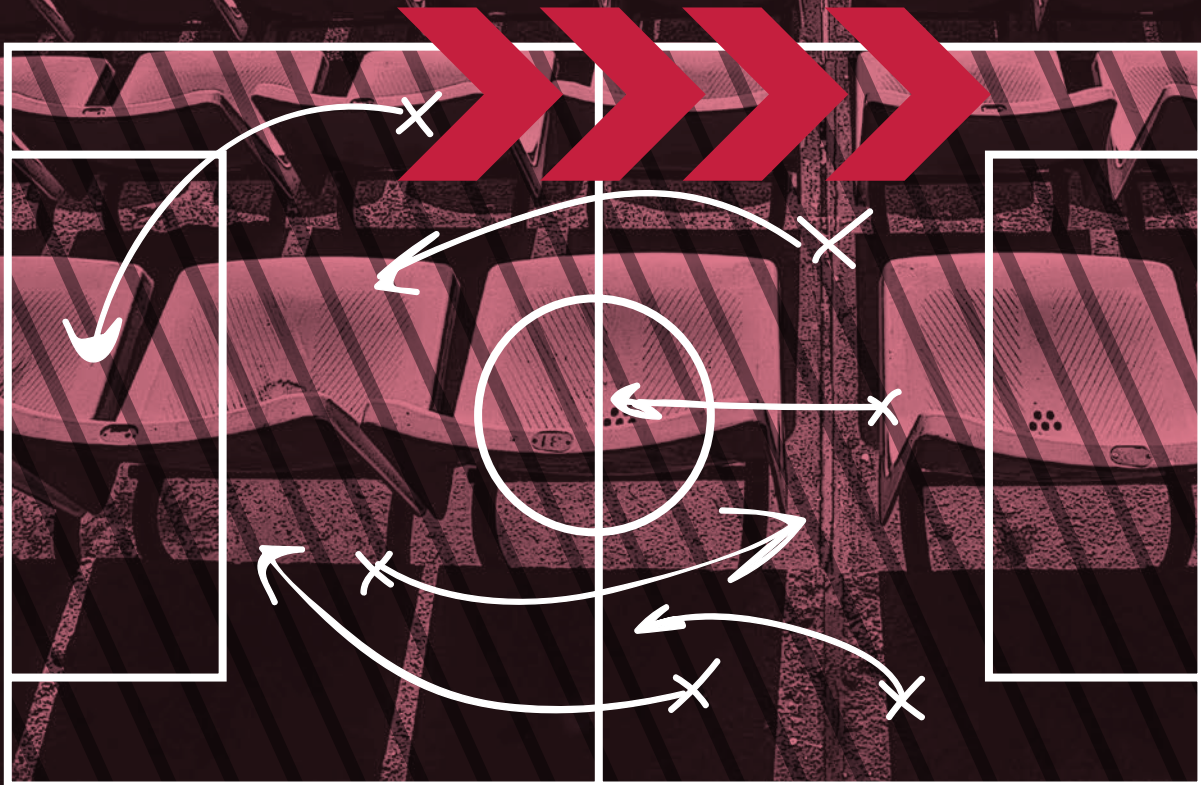
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GLOBAL REPORT ON CORRUPTION IN SPORT

EXECUTIVE SUMMARY



RECENT DEVELOPMENTS

MAIN ISSUES

POSSIBLE RESPONSES

SECTION 1: EVOLUTIONS IN SPORT RELATED TO CORRUPTION

The sports sector has undergone comprehensive changes in recent decades. Globalization, a huge influx of money at the top level of professional sport, the rapid growth of legal and illegal sports betting and marked technological advances have transformed the way sport is played and consumed.

These factors have also had a major impact on corruption in sport, both in terms of its scale and its forms, and on the role played by international organizations, Governments and sports bodies in combating this activity.

Competition manipulation has become a significant problem in sport. Major evolutions in sport have made it more vulnerable to this type of corruption, with the risks becoming increasingly complex.

Corruption within sports organizations has been exposed on a broad scale, not least with regard to the awarding of hosting rights of major sport events. While steps are being taken, further framework strengthening is needed.

The role of organized crime groups in corruption in sport and the criminal infiltration of sports organizations has grown markedly as a result of the recent evolutions in sport. Criminal groups are exploiting vulnerabilities linked to development-related changes and the weaknesses of legislative and regulatory frameworks that govern sport.

The need to strengthen legislative and regulatory frameworks and tools has put the spotlight on sports administration and autonomy and how approaches must be developed to effectively combat corruption in sport.

- » Effectively implement the United Nations Convention against Corruption, including where appropriate, reviewing and updating legislation, regulations and rules to bring them in line with the principles of the Convention.
- » Develop comprehensive policies on anti-corruption in sport based on an assessment of the corruption risks faced, including those related to the organization of major sports events, competition manipulation, illegal betting and the involvement of organized crime groups.
- » Establish bodies at the international organization, Government and sport body levels that have clear responsibility for the prevention, detection, investigation and sanctioning of corruption in sport, ensuring they have the necessary independence, training and resources required to carry out their functions effectively.

RECENT DEVELOPMENTS

MAIN ISSUES

POSSIBLE RESPONSES

SECTION 2: APPLYING THE UNITED NATIONS CONVENTION AGAINST CORRUPTION TO SPORT

Corruption has emerged as a complex and multifaceted threat to the integrity of sport, with the transnationality of activity a key characteristic.

International organizations, Governments and sport bodies are increasingly responding to this threat and the United Nations Convention against Corruption, as the only legal binding universal anti-corruption instrument, is a unique resource that they can use to combat corruption in sport and to enhance the credibility of sport.

As sport has evolved in recent decades, in terms of professionalism, globalization and accessibility, so the type of corruption that affects it and its scale has grown.

As a result, comprehensive legislative and regulatory frameworks and related tools are required to effectively combat corruption in all its forms.

These frameworks and tools at the Government, international organization and sports body levels, in jurisdictions around the world, need to be strengthened and developed in order to better tackle corruption in sport.

- » Effectively implement the United Nations Convention against Corruption, including where appropriate, reviewing and updating rules and regulations to bring them in line with the principles of the Convention.
- » Develop comprehensive policies on anti-corruption in sport based on an assessment of the corruption risks faced, including those related to the organization of major sports events, competition manipulation and illegal betting, and which negatively affect children, young athletes and other vulnerable groups.
- » Establish a body or bodies that have clear responsibility for the prevention, detection, investigation and sanctioning of corruption in sport, ensuring they have the necessary independence, training and resources required to carry out their functions effectively.
- » Support programmes, projects, task forces, expert groups and existing initiatives that promote and enhance cooperation and the exchange of information and good practices among law enforcement, criminal justice authorities and corruption prevention authorities, lawmakers, and policymakers.

RECENT DEVELOPMENTS

MAIN ISSUES

POSSIBLE RESPONSES

SECTION 3: OVERVIEW OF INTERNATIONAL INITIATIVES TO TACKLE CORRUPTION IN SPORT

Governments, international organizations and sports bodies have launched a range of frameworks, initiatives and tools aimed at countering corruption in sport.

Corruption offences in sport have been increasingly criminalized, standards of conduct for public officials and participants in the sport have been introduced, good governance has been promoted and specialized entities have been created to deal with various corruption prevention and detection issues.

Anti-corruption institutions in sport are in many ways still in their infancy. Tools originally designed for other purposes are often used to combat corruption in sport.

The search for optimal models of criminalization, models for the promotion of standards of conduct and good governance, and models for the establishment of specialized bodies is still ongoing.

The scope and focus of corruption solutions applied by Governments and sports organizations often vary considerably and the effectiveness of some solutions is questionable.

- » Develop comprehensive policies on combatting corruption in sport at the international, national and local levels.
- » Use a comprehensive and thoughtful approach to the criminalization of the most significant corruption offences in sport, reflecting the specifics of national legal systems and law enforcement contexts.
- » Establish a body or bodies that have clear responsibility for the prevention, detection, investigation and sanctioning of corruption in sport, ensuring that they have the necessary independence, training and resources required to carry out their functions effectively.
- » Introduce standards of conduct for government officials responsible for regulating sports, including but not limited to their interaction with national and international sports organizations, and for officials of sports organizations.
- » Without prejudice to the sports autonomy, promote good governance, improve human resources management, especially for positions considered especially vulnerable to corruption, and increase the transparency of decision-making processes and funding in sports organizations.
- » Support existing initiatives that promote and enhance cooperation and the exchange of information and good practices between law enforcement authorities, criminal justice authorities, corruption prevention authorities, lawmakers and policymakers, international organizations, sports organizations, civil society organizations and other relevant stakeholders.

RECENT DEVELOPMENTS

MAIN ISSUES

POSSIBLE RESPONSES

SECTION 4: DETECTION AND REPORTING CORRUPTION IN SPORT

Internal and external mechanisms to report and detect corruption in sport are increasingly used by Governments, sports bodies and international organizations around the world.

Journalists are also increasingly engaged in investigating and exposing corruption in sport.

The ability of Governments and sports organizations to detect corruption is hampered by a critical lack of human and technological resources and specialist skills.

Potential whistle-blowers are still discouraged from reporting corruption by the fear of retaliation or the belief that reporting will not make a difference.

Investigative journalists often face intimidation, attempts to undermine their professional credibility and threats to their lives.

- » Develop mechanisms for open, confidential and anonymous reporting of all forms of wrongdoing in sport, on the broadest possible scale, including stakeholders from outside of sport.
- » Design reporting mechanisms in such a way that they protect the identity and safety of reporting persons, witnesses and suspects, respect data privacy requirements and are based on principles enshrined within the rule of law.
- » Consider all forms of technology in the detection of corruption, including contractual agreements with data companies to monitor betting markets for suspicious activity and with betting operators to monitor sporting events for performance anomalies, to enable the sharing of personal information about wrongdoers.
- » Wherever possible, involve law enforcement authorities in criminal investigations relating to corruption in sport and promote cooperation between both relevant Governments and Governments and the private sector.
- » Establish a body or bodies within sports organizations that have a clear responsibility for the prevention, detection, investigation and sanctioning of proven acts of corruption. Provide them with the necessary independence, training and resources to fulfil this role effectively.
- » Encourage and enable free and independent media and investigative journalism, and ensure that all media reports are taken seriously and investigated thoroughly.

RECENT DEVELOPMENTS

MAIN ISSUES

POSSIBLE RESPONSES

SECTION 5: GENDER AND CORRUPTION IN SPORT

Against a background of the increasing profile and popularity of amateur, semi-professional and professional women's sport, gender issues in sport are gradually becoming part of the national and international agenda.

The social and cultural norms that deter girls and women from playing sport, the biases and stereotypes relating to women's capacity to fulfil leadership roles and the lack of skill and experience that prevent women from accessing decision-making roles in sport are being increasingly acknowledged.

Corruption in sport poses a range of gender-specific threats to girls and women, most notably in the form of sexual harassment and abuse by those in positions of authority. A growing number of cases are being reported or uncovered, and brought to the attention of authorities and the public.

However, the exact nature and scale of this form of corruption is still unknown because of the challenges that exist in relation to the reporting of gender-based violence.

Inequality in pay leaves women in sport vulnerable to corruption on various levels, including in connection with betting-related competition manipulation.

A lack of representation of women in sport governance roles plays a part in hampering the fight against corruption in sport.

- » Increase investment in the development of women's sport and support equal opportunities for girls in sport, physical activity and physical education.
- » Strengthen legislation to prevent and respond to violence against women and girls in sport.
- » Promote women to decision-making roles in sports organizations and build a pipeline for female candidates for governance roles.
- » Reduce the likelihood of women in sport engaging in corruption because of financial vulnerability by ensuring fair pay and considering supportive maternity leave policies.
- » Conduct empirical studies to enhance understanding of the risk factors, social norms and cultural traditions that influence women's participation in and resistance to different forms of corruption in sport.

RECENT DEVELOPMENTS

MAIN ISSUES

POSSIBLE RESPONSES

SECTION 6: ORGANIZED CRIME AND SPORT

Organized crime groups have long been involved in corruption in sport, but the transformation of sport in recent decades has acted a catalyst for a significant increase in the size and scale of this activity.

The involvement of organized crime in sport is widespread and takes place on a global scale. It is linked to competition manipulation, corruption in sports organizations, illegal betting, money-laundering, human trafficking and migrant smuggling in sport and other corruption in sport.

International organizations, Governments and sports bodies are taking steps to address this issue, including through the implementation of the principles of the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime.

While awareness is growing of how the evolution of sport has exposed it to corruption involving organized crime and of the international instruments that can help in the fight against this activity, legislative and regulatory frameworks and tools at the national and international levels focused on addressing this issue need to be strengthened.

The failure to effectively tackle the involvement of organized crime in sport is a serious threat not only to the integrity of sport but also to the social role of sport and the ethos and values that underpin it.

The coronavirus disease (COVID-19) has made sport more vulnerable to corruption involving organized crime groups.

- » Enhance understanding of the interlinkages between corruption and organized crime in sport, including by undertaking comprehensive corruption threat assessments, continuing to raise awareness about the threat, and developing strategic, collective and coordinated responses.
- » Introduce preventive measures aimed at addressing the threat of corruption and organized crime, including the promotion of education and awareness-raising events for children and young adults.
- » Put in place comprehensive safeguarding policies and procedures to prevent and respond to any form of crime in sport, including abuse and exploitation perpetrated by organized criminal groups.
- » Use a multi-stakeholder approach in the fight against organized crime in sport, including public-private cooperation.

RECENT DEVELOPMENTS

MAIN ISSUES

POSSIBLE RESPONSES

SECTION 7: CORRUPTION AND ABUSE IN SPORT

The reporting of abuse in sport, a form of corruption in sport, is growing, with cases increasingly coming to the attention of the public, largely as a result of media reports on the subject.

International organizations, Governments and sports bodies are addressing this issue, strengthening their engagement with the subject and developing their approaches to ensuring safe sporting environments.

For example, FIFA has conducted an extensive review of abuse in sport as part of its consulting process for a proposed safe sport entity.

While more cases of abuse in sport are being reported, as societal attitudes change and the availability of reporting mechanisms increases, the incidence of this type of corruption in sport remains underreported.

In order to better combat abuse in sport and enhance the environment relating to reporting, the weaknesses of the societal, institutional, regulatory and legislative frameworks that are responsible for the underreporting of abuse need to be addressed.

- » Adopt clear and comprehensive legislation that prohibits all forms of violence, including the sale and sexual exploitation of children, in all contexts, including sport.
- » Make it mandatory for all sports institutions to have safeguarding policies and procedures in place, including the undertaking of background checks of any individuals working with children in sport .
- » Develop victim-centred frameworks that facilitate reporting of abuse cases and protect reporting persons, witnesses and victims.
- » In cases of investigations, prosecutions and sanctions, provide all-encompassing care, recovery and rehabilitation services and ensure that victims are consulted in the roll-out of such services.
- » Support and engage in data-gathering efforts on the extent of the sale and sexual exploitation of children in sport to ensure that responses are based on evidence.
- » Launch and support awareness-raising campaigns on safe sport and on how to prevent the violation of children's rights in the practice of sports.

RECENT DEVELOPMENTS

MAIN ISSUES

POSSIBLE RESPONSES

SECTION 8: UNDERSTANDING THE MANIPULATION OF SPORTS COMPETITION

Numerous initiatives focused on tackling competition manipulation have been launched at the national, regional and international levels.

International organizations, Governments and sports bodies are using different means to address the issue. A common theme is the promotion of cooperation between key stakeholders.

Significant efforts have been made by leading sports organizations, including the International Olympic Committee and the Fédération Internationale de Football Association (FIFA), to tackle competition manipulation.

The competition manipulation landscape is continually evolving and there is a need to address the impact of current trends, including the growth of betting and the development of e-sports and other technological advancements, in order to mitigate the risks posed to sport by competition manipulation.

People involved in competition manipulation are increasingly targeting youth sports, semi-professional competitions and women's sports, where betting is available but monitoring is limited, if not absent, and detection is difficult.

The impact of the coronavirus disease (COVID-19) has exacerbated the risk factors that lead to competition manipulation.

- » Support more effective application of existing legislation to competition manipulation or, where appropriate, support the development of specific legislation to criminalize competition manipulation.
- » Establish a national cooperation framework to promote cooperation, coordination and exchange of information between relevant government entities, in particular law enforcement and criminal justice authorities, and between sports governing bodies and sports betting entities to help detect, investigate, prosecute and disrupt competition manipulation.
- » Support assessments, analyses and investigations of the role of organized criminal groups in competition manipulation.
- » Strengthen coordination and cooperation between Governments and sports organizations at the multilateral and bilateral levels.
- » Continue and increase, where possible, the organization of awareness-raising sessions for employees from relevant government entities, sports organizations, betting operators and related stakeholders about the threat posed by competition manipulation.

RECENT DEVELOPMENTS

MAIN ISSUES

POSSIBLE RESPONSES

SECTION 9: ILLEGAL BETTING AND SPORT

International organizations, Governments and sports bodies are becoming increasingly aware of the scale of the problem of illegal betting and the money-laundering that it facilitates, and are taking action to address the issue and minimize the risks related to the activity.

Major sports betting operators, betting industry associations and monitoring companies are increasingly cooperating in activity aimed at minimizing the risks associated with illegal betting by sharing betting data and suspicious betting alerts with sports organizations.

Illegal betting on sport has become a global problem and the financial scale of the problem is such that illegal betting is a major driver of corruption in sport and a major channel for money-laundering, including by organized crime groups.

The situation is complicated by the use of innovative types of bets, the proliferation of online gambling and the growth of cryptocurrencies.

The transnationality of many illegal betting operations presents a challenge to authorities attempting to combat the activity, with illegal betting operators exploiting an uneven national legislation landscape and the greater anonymity provided by the Internet and cryptocurrency use.

- » Establish national platforms and contact points for international cooperation with sports bodies and other key stakeholders, including law enforcement agencies and licenced betting operators.
- » Ensure national legislation includes laws that appropriately criminalize illegal betting and related competition manipulation.
- » Develop regulation that requires licenced betting operators to report instances of suspicious betting to regulators and to publish an official list of shareholders, parent companies and subsidiaries, to make clear the identity of their owners.
- » Encourage operators of Internet payment systems to identify transactions that are suspected of being related to illegal betting and cooperate with Internet service providers to ask them, where appropriate, to identify, block and remove illegal betting websites and to report the situation to relevant law enforcement authorities.
- » Establish specific sports betting integrity units within regulatory bodies.
- » Set up anti-money-laundering units within gambling regulators and ensure that anti-money-laundering controls are in place that follow relevant standards and guidelines.

RECENT DEVELOPMENTS

MAIN ISSUES

POSSIBLE RESPONSES

SECTION 10: MAJOR SPORTS EVENTS AND CORRUPTION

The unique corruption risks linked to the bidding process for hosting rights to major sport events and the organization and delivery of these events, both for the bidding cities and countries and for the international sports organizations that select the hosts, have been frequently highlighted by the media and at the Government and sports organization levels.

This focus has led sports organizations that own major sport events to begin making changes to their governance systems and selection processes, while a number of Governments have started to strengthen their sports governance frameworks and sports procurement systems.

Several high-profile scandals in relation to alleged corrupt processes in the awarding of hosting rights for major sport events, and relating to flawed internal governance policies within sports organizations, have shaken public confidence in the ethical standards of these organizations and in the integrity of the major events that they oversee.

- » Develop and implement policies and regulations addressing conflicts of interest at all stages of major sport events.
- » Clearly outline the rules that apply to gift giving and other forms of hospitality that are provided by bidding cities and countries to voters as part of their promotional activity.
- » Establish stronger internal and external controls systems and innovative multiparty collaborative compliance systems that apply to all participants in the major-sport-event delivery ecosystem.
- » Designate within delivery authorities a compliance officer who is independently responsible for integrity-management and anti-corruption- compliance processes and activities in relation to major sport events.
- » Apply an open-contracting approach in procurement relating to major sport events and use special digital tools to analyse procurement data and produce actionable information.
- » Consider engaging civil society organizations in the overseeing of major-sport-event delivery, including through the use of integrity pacts.

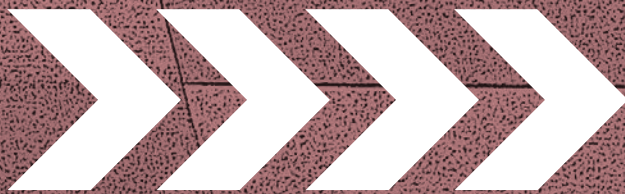
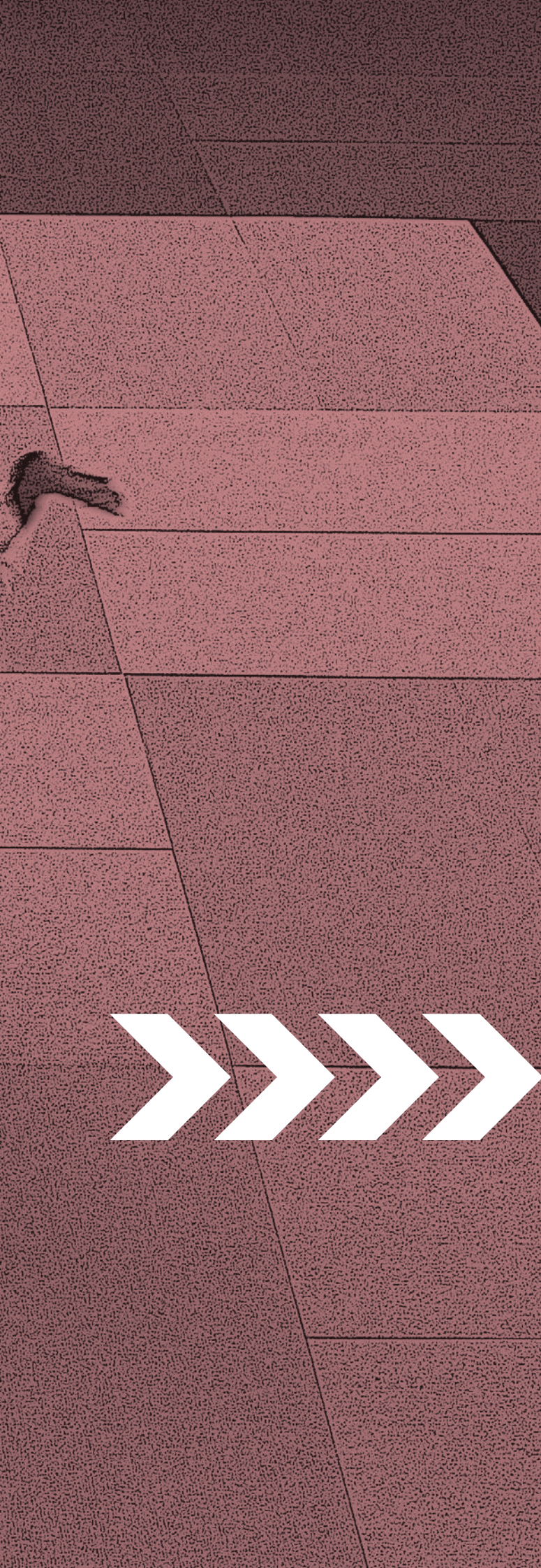




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GLOBAL REPORT ON CORRUPTION IN SPORT

EVOLUTIONS IN SPORT RELATED TO CORRUPTION

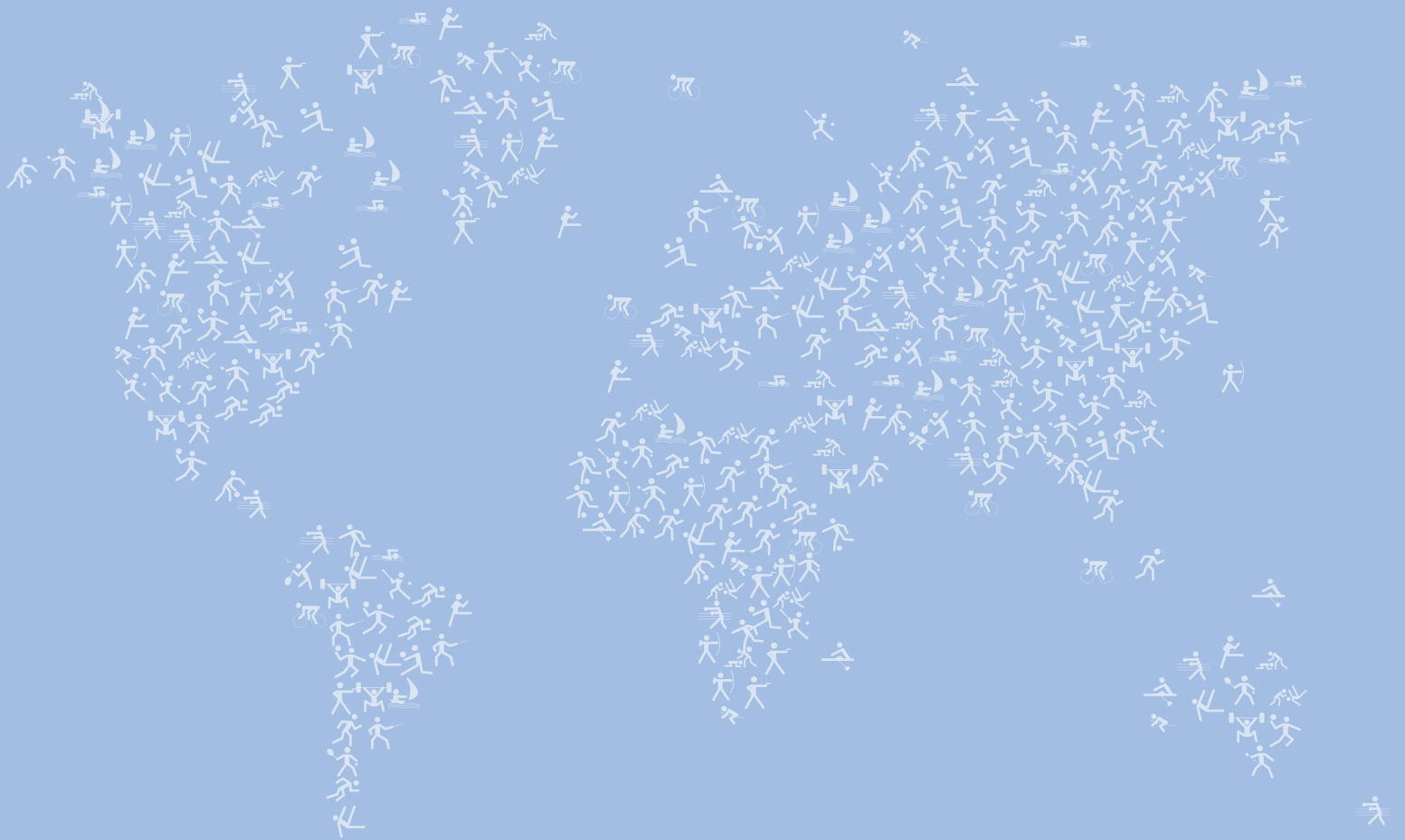
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GLOBAL REPORT ON CORRUPTION IN SPORT

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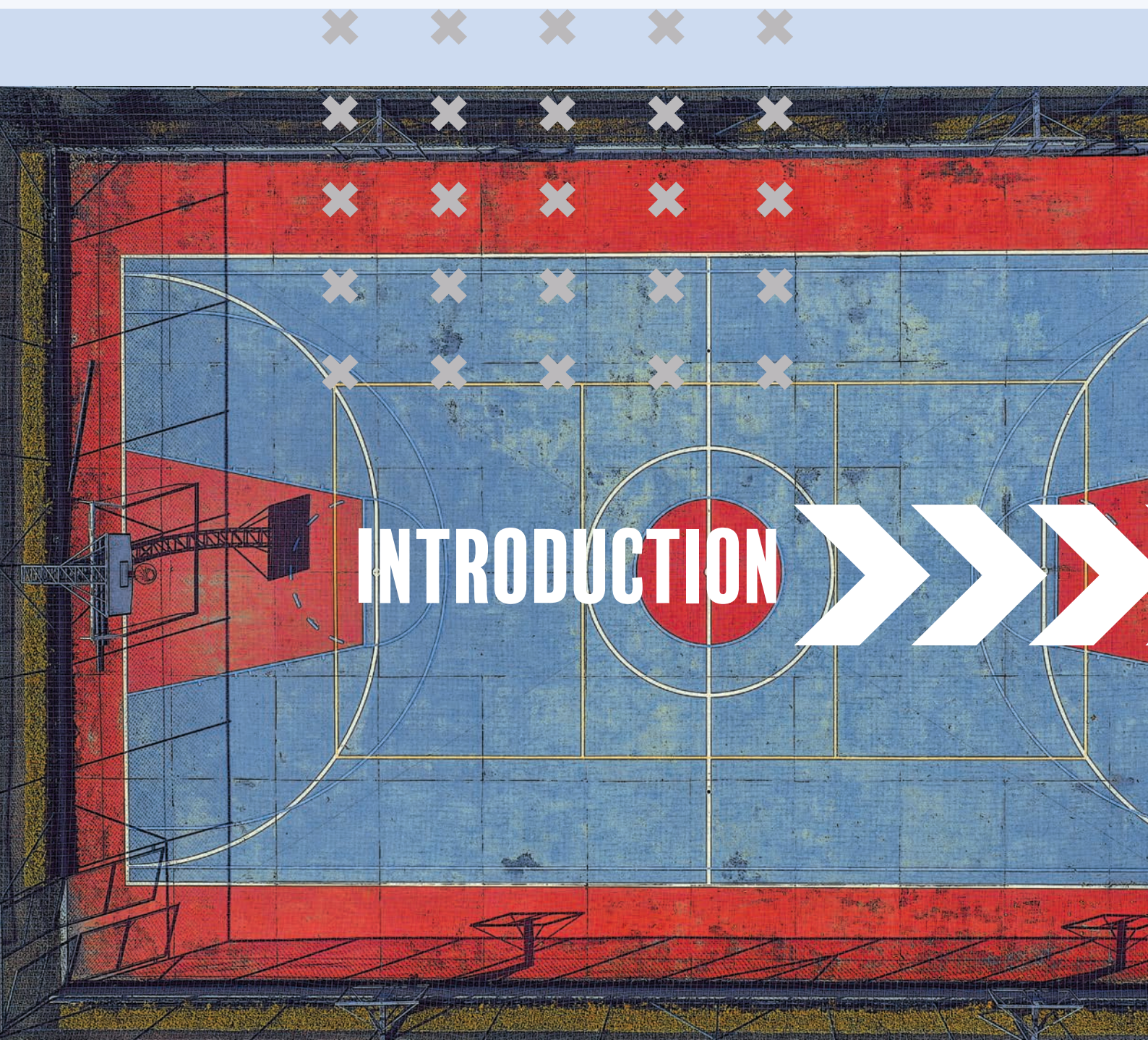
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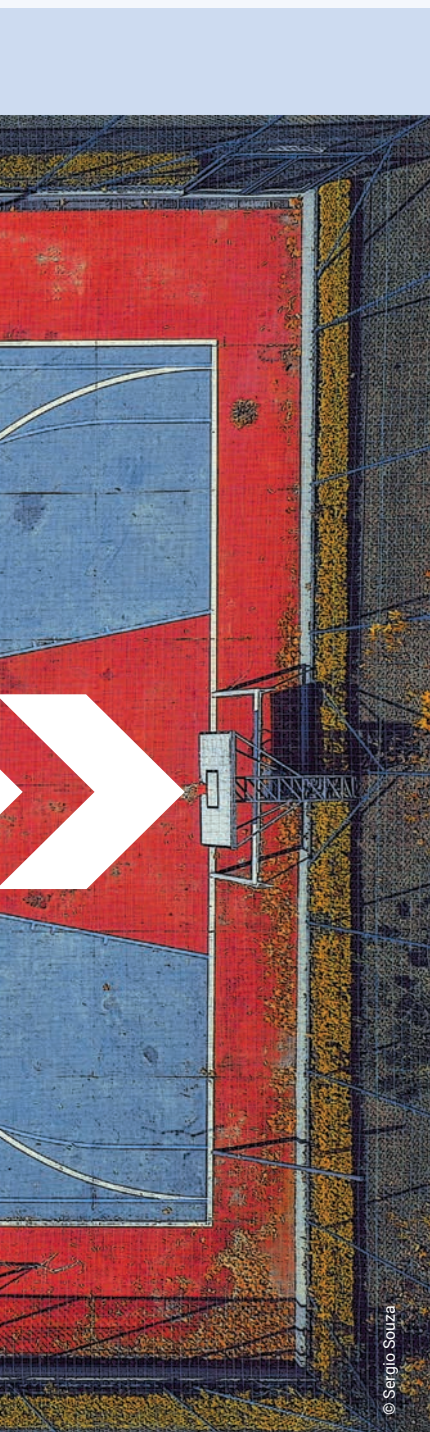
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INTRODUCTION





INTRODUCTION

Corruption in sport is not a new phenomenon. Fraudulent activities in the running of sports institutions and competitions have been documented from the times of the Ancient Olympic Games to the modern day, including in relation to e-sports tournaments. Indeed, tackling corruption in sport and strengthening its integrity has been a key driver of the development of modern sports, through the adoption of relevant rules and regulations. For example, it is believed that the rules of cricket were first written in the United Kingdom of Great Britain and Northern Ireland in the eighteenth century to settle and avoid gambling disputes that were increasingly marring the sport.¹ Similarly, it would be misleading to assert that corruption only became a public concern in the last decade. Cases such as the 1919 Black Sox scandal in baseball in the United States of America² and the 1980 Totonero competition manipulation scandal in Italian football³ attracted considerable media attention and political scrutiny.

In recent years, criminal proceedings involving corruption in sport have attracted much attention. Several recent examples can be cited. In 2018, following an investigation by the Federal Bureau of Investigation (FBI),⁴ the launch of multiple and high-profile investigations by prosecutors and numerous private investigations for racketeering, fraud and corruption offences, a former member of the Fédération Internationale de Football Association (FIFA) Executive Committee (now FIFA Council) was sentenced to nine years in prison. In another case, authorities in France convicted the former President of the International Association of Athletics Federations (IAAF), alongside other international officials, of corruption.⁵ In 2019, the International Olympic Committee (IOC), decided to exclude the Association Internationale de Boxe Amateur from organizing boxing events at the following Summer Olympic Games in Tokyo because of mismanagement and governance issues, including competition manipulation concerns.⁶

When the credibility of sport is undermined by such scandals, the negative impact can be dramatic, including a decline in television audiences and in attendance at stadiums, the withdrawal of sponsors and a reduction in general interest in the given sport. For example, following years of allegations and cases of competition manipulation, in 2011, Turkish football suffered a significant fall in match attendance.⁷ In February 2016, Nestlé terminated its sponsorship of the International Association of Athletics Federations (now called World Athletics) explicitly citing negative publicity associated with corruption allegations as one of the reasons.⁸

Corruption in sport affects the financial health of federations, clubs and athletes, and erodes public trust in and saps the societal impact of sports activities. The educative and ethical values of sport and its capacity to foster positive social change depend on the exemplarity of sporting role models and the credibility of sporting institutions. Therefore, corruption in sport is a matter of public interest because countries invest in sport and rely on it to promote health, educative and social benefits.

The aim of this section is to identify major evolutions in sport integrity issues in recent decades to support further understanding and raise awareness of them. The section looks at structural changes and vulnerabilities in the global sports sector, the main corruption risks in sport and governance reforms in sport, before offering conclusions.

¹ Roger Munting, *An Economic and Social History of Gambling in Britain and the USA* (Manchester, Manchester University Press, 1996).

² Daniel A. Nathan, *Saying It's So: A Cultural History of the Black Sox Scandal* (Urbana, IL, and Chicago, University of Illinois Press, 2003).

³ Sean Hamil and others, "The governance and regulation of Italian football", *Soccer and Society*, vol. 11, No. 4 (July 2010), pp. 373–413.

⁴ United States Attorney's Office, Eastern District of New York, "Former FIFA Executive, President of CONMEBOL and Paraguayan Soccer Official Sentenced to Nine Years in Prison for Racketeering and Corruption Offenses", 29 August 2018.

⁵ Sean Ingle, "Lamine Diack found guilty of corruption and sentenced to two years in prison", *The Guardian*, 16 September 2020.

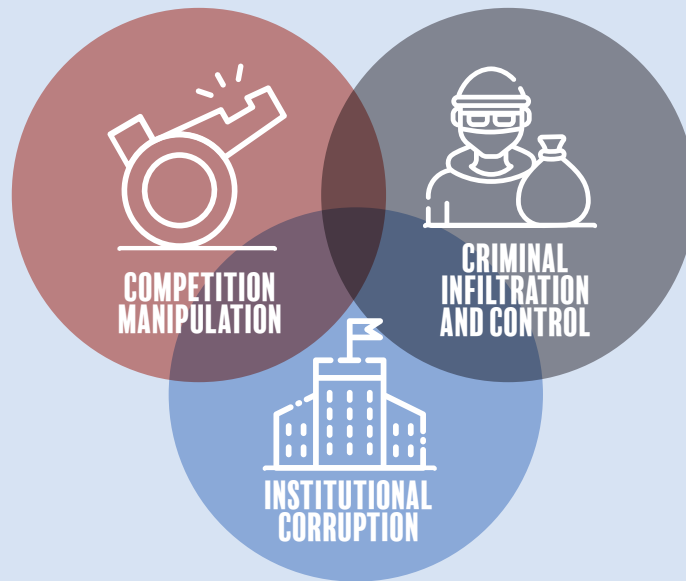
⁶ International Olympic Committee (IOC), "IOC EB recommends boxing keep its place on the Tokyo 2020 sports programme and suspension of recognition of AIBA", 22 May 2019.

⁷ Hürriyet Daily News, "Alarm bells ringing as football stadia attendance hit new low", 27 December 2011.

⁸ Nestlé, "Nestlé ends its partnership with the IAAF", 11 February 2016.

FIGURE I.

SPORTS CORRUPTION TYPOLOGY APPLIED IN THE PRESENT REPORT



1. >>>>

STRUCTURAL CHANGES AND VULNERABILITIES IN THE GLOBAL SPORTS SECTOR

This section is aimed at highlighting and discussing several key transformative trends that have affected the sports sector in recent times, including the risks of corruption in sport and how they are linked to economic innovation in and the expansion of the sector.

1.1 GLOBALIZATION OF SPORTS

A major trend in sport over the last two decades has been the globalization of sports activities. An indication of this trend is the increasing audiences for mega-events such as the Olympic Games and the FIFA World Cup. On a larger scale, viewership of football, tennis, rugby, cricket and basketball competitions has grown exponentially over the period.

According to FIFA, more than half of the world's population aged over four watched its 2018 World Cup.⁹ At club level, strengthened by growing budgets,¹⁰ major European football clubs are investing in smaller clubs and training centres

around the world with the aim of identifying and nurturing promising players. Marketing strategies are aimed beyond national borders, too. Markets in Asia and America are specifically targeted through exhibition tours and training camps, while social media is also helping clubs expand global fan bases: Real Madrid and Barcelona football clubs together count more than 500 million followers through their social media networks, according to a private study.¹¹ The signing of star players is accompanied by global merchandising strategies, as they attract entire fanbases associated with the players.

Estimates of the value of the sports industry vary depending on the range of metrics used. In 2018, estimates ranged from \$488.5 billion¹² when looking at sport-specific products to \$756 billion¹³ when other economic sectors are included, such as transportation and entertainment. While these are significant figures, outside of the world of elite sport, the sector is characterized by financial difficulties, for sports people and institutions, which has associated corruption risks.

⁹ Fédération Internationale de Football Association, *Financial Report 2018* (2019).

¹⁰ Union of European Football Associations, "Benchmarking report highlights profits and polarisation", 16 January 2020.

¹¹ Deloitte Sports Business Group, *Testing Times: Football Money League*, January 2021.

¹² Businesswire, "Sports – \$614 Billion Global Market Opportunities & Strategies to 2022 – ResearchAndMarkets.com", 14 May 2019.

¹³ Amir Somoggi, "Coronavirus's economic impact on the sports industry", *Sportsvalue*, 18 March 2020.

1.2 FINANCIAL PRECARITY IN SPORT

Football and tennis, given their popularity and global reach, are representative examples of the financial disparities that exist in sport. From 2010 to 2020, the total prize money for the Australian Open Grand Slam tennis tournament rose from 24 million Australian dollars to 71 million Australian dollars.¹⁴ Meanwhile, the prize money for ATP Challenger Tour and ITF Futures tournaments has stagnated until recently. Many players compete outside of the media spotlight for limited prize money. According to the International Tennis Federation, in 2017 there were 14,000 so-called tennis professionals, but fewer than 600 broke even before coaching costs.¹⁵

Similar conditions apply to football. Between the 2010 FIFA World Cup in South Africa and the 2018 FIFA World Cup in the Russian Federation, the annual revenue of FIFA tripled.¹⁶ Over the same period, aggregated revenues from football clubs participating in European competitions rose by 65 per cent, from 12,774 million euros to 21,083 million euros.¹⁷ Consequently, transfer prices and player wages levels broke records every year. In comparison, global gross domestic product rose by 25 per cent.¹⁸ The percentage of total European revenue accounted for by the five major leagues (England, Spain, Germany, Italy and France) between 2010 and 2018 rose from 69 per cent to 75 per cent, its highest ever level, while the share of the leagues in the remaining 50 countries fell from 16 per cent to 12 per cent.¹⁹ These numbers have significant meaning, as the majority of leagues and clubs are struggling to make ends meet and to attract players and sponsors.

The polarization of revenue distribution is visible in most sports. Many international and national federations are struggling to attract media and sponsors. The vast majority of the 11,237 athletes who participated in the 2016 Summer Olympics did not have stable financial circumstances. For all athletes, their financial circumstances depend on their physical and psychological performance, which by nature is unpredictable. Notably, when the end of their career is approaching (sporting careers are short) and they have few post-career professional and financial prospects, athletes could be tempted to make easy money out of their last appearances. These precarious situations can lead some athletes and their entourages to carry out corrupt acts.

¹⁴ Tennis Australia, "Record \$71 million in prize money for Australian Open 2020", 24 December 2019.

¹⁵ Martyn Herman, "Tennis: ITF's new pathway to help dreamers reach the top", Reuters, February 19, 2019.

¹⁶ FIFA, *Financial Report 2018*.

¹⁷ UEFA, "Benchmarking report highlights profits and polarisation".

¹⁸ International Monetary Fund, "Real GDP growth: annual percent change".

¹⁹ Ibid.

1.3 THE IMPACT OF TECHNOLOGY: A NEW ERA OF SPORTS BETTING

Betting and sports are linked in the era of modern sport. In many countries where betting is legalised, betting finances sports activities through public lotteries, the profits of which have long been channelled to sports organizations.²⁰ For example, the Moroccan lottery finances the national sports agency. In 2019, this contribution reached 50 million euros. Betting also finances sport through sponsorship: in 2020, betting operators were the second most important main-shirt sponsors for European football clubs, behind retail companies.²¹ Betting companies are also increasingly targeting non-European markets, as countries such as Brazil, India and the United States are opening their betting markets. In addition, betting can be an additional attraction for sports audiences, who eye the possibility of private financial gain from games that they often have little interest in.²²

The arrival and mass adoption of the Internet at the turn of the twenty-first century revolutionized the betting industry through the development of online betting, which has created a worldwide betting market. This for example allows a betting operator to reduce risks linked to unfavourable sports results by placing several bets on several betting websites. This way, they can pay out winnings to customers who have placed winning bets using money that they have won from similar bets placed abroad. More importantly, some betting operators, with a licence in just one jurisdiction, use the Internet to target bettors around the world. For example, an operator only licenced to operate in country W can target consumers in jurisdictions X, Y and Z through the Internet, even though jurisdictions X, Y and Z may not allow them to do so. As underlined in the section on illegal betting, it is estimated that about 80 per cent of the global sports betting market is illegal.²³

With return rates (the average amount paid back to bettors) approaching 100 per cent, the profits of betting operators remain low, compared to the amounts of bets that are placed each year. For customers, who can invest money almost at any time, without firm thresholds, the global betting market resembles an unregulated financial marketplace, with the

²⁰ Jean-Loup Chappelet and Pim Verschuuren, "International sports and match fixing" in *The Business and Culture of Sports: Society, Politics, Economy, Environment*, Joseph Maguire, Mark Falcous and Katie Liston, eds. (Farmington Hills, MI, Macmillan Reference USA, 2019).

²¹ UEFA, "Benchmarking report highlights profits and polarisation".

²² David Forrest and Levi Pérez, "Betting: the benefits and risks to sport" in *Sports (and) Economics*, Jaume Garcia, ed. (Madrid, Funcas, 2019).

²³ According to the Council of Europe Convention on the Manipulation of Sports Competitions, illegal betting refers to "any sports betting activity whose type or operator is not allowed under the applicable law of the jurisdiction where the consumer is located" (art. 3); Sorbonne-ICSS, *Protecting the Integrity of Sport Competition: The Last Bet for Modern Sport, Sorbonne-ICSS Research Programme on Ethics and Sports Integrity*, 2014. See also the chapter on the illegal betting market for further statistics and analyses.



main betting operators sheltered in “regulatory havens”, where some betting regulatory authorities impose only a few restrictions, if any.²⁴ Products and prices are seldom controlled and in many jurisdictions operators may not be obliged to conduct due diligence regarding the profile of bettors and the origin of money, or to ensure that money-laundering, manipulation or betting addiction risks are assessed and managed. In this context, it can be easy to place a high number of fraudulent bets on a specific match, use cryptocurrencies as a means of payment and avoid detection by selecting favourable operators and jurisdictions and disseminating the bets across them.²⁵

Therefore, in the space of just a few years, technological innovation has transformed sports betting into a highly volatile, liquid and ill-controlled financial market. It has become possible to place large bets on a very wide range of sports involving primary and secondary competitions, professional and amateur sports, and with relative anonymity.

This evolution has also facilitated the activities of those involved in competition manipulation. By fixing results in advance and placing a larger number of bets on different platforms, sizeable sums of money can be won, at minimal

²⁴ Christian Kalb and Pim Verschuuren, *Money Laundering: The Latest Threat to Sports Betting?* (Paris, IRIS Editions, 2013).

²⁵ *Ibid.*

costs and with negligible risk of being caught. Although there is a long history of the manipulation of sports competitions, the advent of online sports betting has exacerbated the scale of the phenomenon to the point that networks have been created at both the international and national levels to bribe, coerce and threaten referees, players and club officials to manipulate competitions to ensure given outcomes or events take place during a competition.²⁶ Some cases have also shown how athletes and officials are the perpetrators of these activities, when they bet on competitions that they themselves are involved in. The number of alerts signalling the possibility of manipulation has increased significantly from the 2000s onwards, with the trend sparing no country, no discipline and no playing level.²⁷

Another related aspect has been the increasing commercial ties between sport governing bodies and the betting industry. In particular, the decision of some sport governing bodies to sign agreements with betting industry companies to sell exclusive data rights for sport competitions has raised concerns. An independent review of integrity in tennis following several allegations into competition manipulation noted that:

The advent of online betting and the sale of official live scoring data have greatly exacerbated the problem. The data sale contracts have made tens of thousands of matches available for betting, creating greater opportunities for players and officials to bet or act corruptly. It is now possible to place online bets on a wide range of contingencies in matches played at levels of the sport that cannot accurately be described as professional, and at which the risk of integrity breaches, by players, officials, and others, is likely greatest.²⁸

Similarly, the sponsorship of clubs by betting companies is creating further potential conflicts of interests and corruption avenues. In general, the institutionalization of legal (or tolerated) betting in sport has normalized betting behaviour and related risks and exposed players to manipulators.²⁹ Another aspect linked to the normalization of betting throughout many societies is the high number of bettors within the population of athletes, in particular among football

²⁶ David Forrest, The threat to football from betting-related corruption. *International Journal of Sport Finance*, vol. 7, No. 2 (May 2012), pp. 99–116.

²⁷ David Forrest, “Sports corruption and developments in betting markets” in *The Economics of Sports Betting*, Plácido Rodríguez, Brad R. Humphreys and Robert Simmons, eds. (Cheltenham and Northampton, MA, Edward Elgar Publishing, 2017), pp.162–182.

²⁸ Tennis Integrity Unit, Independent Review of Integrity in Tennis, “Interim Report, 2018”, p. 2.

²⁹ Minhyeok Tak, “Too big to jail: match-fixing, institutional failure and the shifting of responsibility”, *International Review for the Sociology of Sport*, vol. 53, No. 7 (2018), pp. 788–806.

players.³⁰ Betting addiction can lead players to accept bribes or bet on their own competitions, with increased manipulation risks, as demonstrated by research conducted in football.³¹ The case of a referee in the National Basketball Association basketball championship in the United States highlights how those with a gambling addiction can be vulnerable to approaches by organized crime, as does the Calcioscommesse football match-fixing scandal in Italy, where a player fixed several games to pay off gambling debts.³²

1.4 THE IMPACT OF TECHNOLOGY: THE RISE OF E-SPORTS

Another technological evolution that has affected the sports landscape is the rise of e-sports. The Internet has enabled video game players from around the world to play against each other online. This activity has become increasingly professionalized and now includes e-sport competitions, which receive considerable media attention and attract large prize money and a growing pool of players and spectators. Globally, the e-sports audience is estimated to have grown from 281 million viewers in 2016 to 380 million viewers in 2018. The total is forecast to reach 557 million viewers in 2021.³³

While no consensus yet exists about whether e-sports can be considered a sport, many sports federations are investing in the activity, for example, by organizing virtual competitions of their own sports. Notably, IOC has announced the creation of the Olympic Virtual Series³⁴ and e-sport will feature in the 2022 Asian Games. Several football clubs are also creating professional teams that compete in virtual competitions involving video games series such as FIFA and Pro Evolution Soccer. However, the regulation of e-sports integrity depends on the willingness of each game producer to allow the creation of specific rules and monitoring and control over the activity. E-sports is not regulated by a responsible global non-profit entity, as is the case with traditional sports. Although some attempts at regulation have been attempted by the International Esports Federation and the Global Esports

Federation, e-sports are controlled by game publishers, which for the most part do not have these regulatory structures.³⁵

With these characteristics in mind, e-sports are particularly vulnerable to two types of corruption. Firstly, the competitive setting of e-sports tournaments and the stakes attached make them vulnerable to the same type of corrupt behaviour that is witnessed in traditional sports: cases of competition manipulation have been reported in e-sports.³⁶ In 2020, the Australian police charged five e-sport athletes for competition manipulation offences. According to the Esports Integrity Commission, which seeks to involve e-sports actors in dealing with integrity issues, the global number of alerts related to e-sport competitions signals the possibility of competition manipulation being on the rise.³⁷

Secondly, the virtual nature of the medium makes it vulnerable to structural manipulation that can affect the essence of the game. Digital cheating (also called digital doping or e-doping) can help competitors to manipulate their data, as has been detected in several e-cycling competitions since 2019,³⁸ or manipulate the playing platform and the software itself.

In common with betting, the technological innovation represented by the development of e-sports provides an opportunity for traditional sports to reach out to younger generations. If well managed, it can attract more participants and generate greater popularity and more revenue for sports organizations. The measures taken by different countries in relation to the coronavirus disease (COVID-19) have meant a significant decrease in sporting events and an increase in the supply of e-sports events. However, as the examples of digital doping and competition manipulation show, e-sports are also vulnerable to corruption and these risks should be closely assessed, monitored, prevented and mitigated. The absence of a single governing entity or architecture to implement regulation and monitor compliance makes such action more difficult.

1.5 THE ADMINISTRATION AND AUTONOMY OF SPORT

Sport is largely composed of organizations with private non-profit association status and which operate according to a private contractual legal framework, although they defend a public interest status,³⁹ giving them a hybrid governance structure.

³⁰ Marie Grail-Bronnec and others, "Gambling among European professional athletes: prevalence and associated factors", *Journal of Addictive Diseases*, vol. 35, No. 4 (2016), pp. 278–290; Marcelo Moriconi and César de Cima, "Betting practices among players in Portuguese championships: from cultural to illegal behaviours", *Journal of Gambling Studies*, vol. 36, No.1 (2020), pp. 161–181.

³¹ Moriconi and de Cima, "Betting practices among players in Portuguese championships".

³² James Richardson, "Latest Italian match-fixing scandal met with both fury and weary resignation", *The Guardian*, 28 May 2012.

³³ Young Hoon Kim, John Nauright, and Chokechai Suveatwatanakul, "The rise of E-Sports and potential for Post-COVID continued growth", *Sport in Society*, vol. 23, No. 11 (2020), pp. 1861–1871.

³⁴ IOC, "IOC makes landmark move into virtual sports by announcing first-ever Olympic Virtual Series", 22 April 2021.

³⁵ Eric Windholz, "Governing esports: public policy, regulation and the law", *Sports Law and Governance Journal*, vol. 1 (2020).

³⁶ John T. Holden, Ryan M. Rodenberg and Anastasios Kaburakis, "Esports corruption: gambling, doping, and global governance", *Maryland Journal of International Law*, vol. 32, No.1 (2017), pp. 236–273.

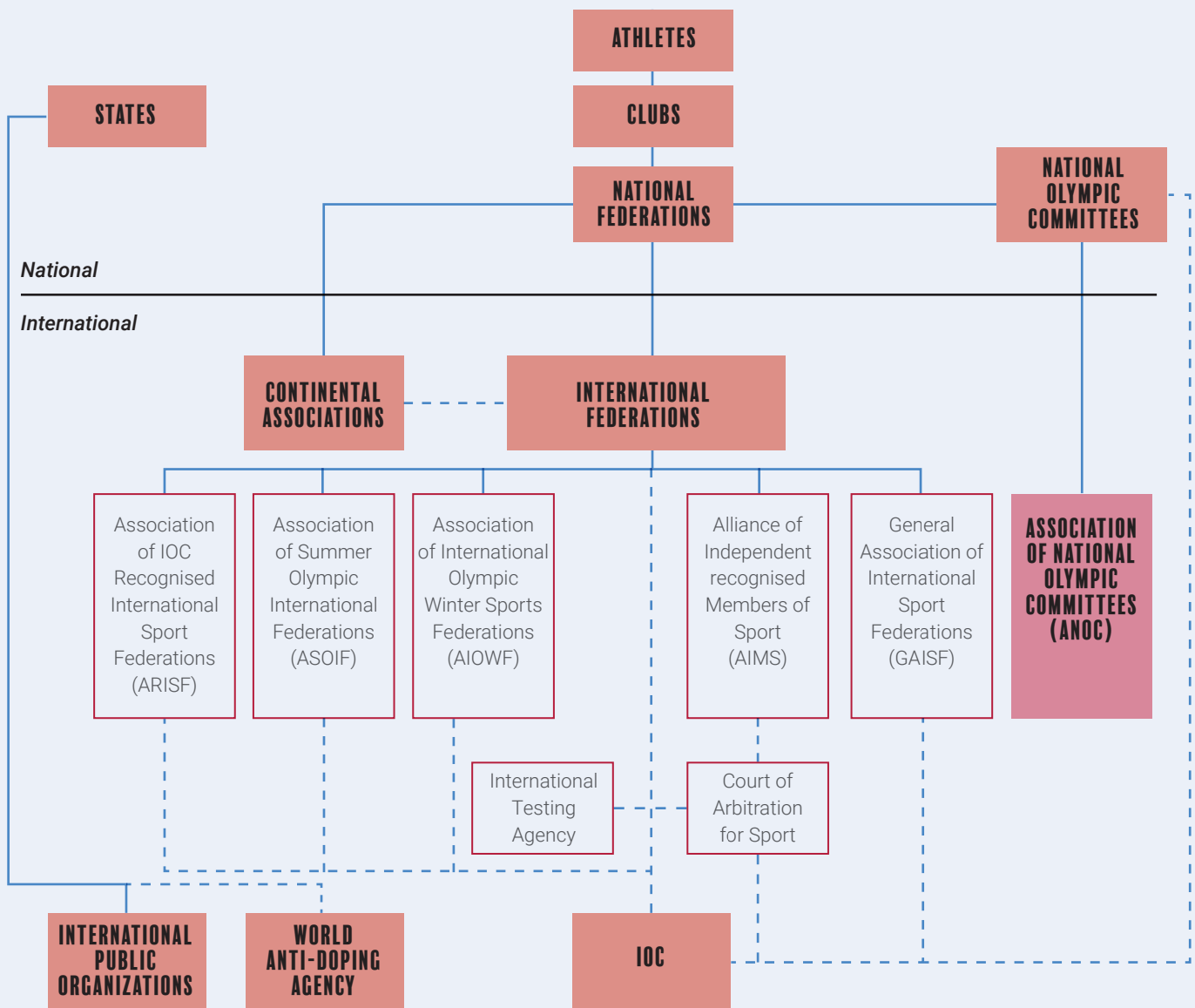
³⁷ Mario Christodoulou, "Esports regulator says there's been a 'very significant upturn' in match-fixing", ABC News, 26 November 2020.

³⁸ Liam Morgan, "Zwift bans two riders from cycling esports events for manipulating race data", *Insidethegames.biz*, 23 November 2020.

³⁹ John Forster and Nigel K. Ll. Pope, *The Political Economy of Global Sports Organizations* (London and New York, Routledge, 2007).

FIGURE II.

MAIN STAKEHOLDERS IN THE INTERNATIONAL SPORTS ECOSYSTEM



— RELATIONSHIP THROUGH MEMBERSHIP

- - - RELATIONSHIP THROUGH RECOGNITION



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In terms of tackling corruption in sport, while many reforms have been adopted and initiatives developed (see the section on institutional initiatives), sport associations clearly lack the capacities and powers of law enforcement agencies and criminal justice authorities. While they can go as far as to forbid participation in a sport activity that they regulate, which in and of itself is a significant deterrent for athletes, coaches and officials, the same cannot be said for those who are not subject to the relevant rules and regulations, but who nevertheless seek to exploit sport for illicit gains. In addition, unlike large multinational companies, many sports organizations lack the human and material resources to run comprehensive compliance programmes.

Sport governing bodies were created as non-profit entities to regulate private and, initially, predominantly amateur sporting activity. During the twentieth century, as sport competitions and activities grew in importance and jurisdictions developed sport regulations and instrumentalization strategies, the Olympic Movement adopted the doctrine of sport autonomy.⁴⁰

The notion first appeared in the Olympic Charter in 1949 and was later refined as one of the fundamental principles of Olympism: “Recognising that sport occurs within the framework of society, sports organisations within the Olympic Movement shall apply political neutrality. They have the rights and obligations of autonomy, which include freely establishing and controlling the rules of sport, determining the structure and governance of their organisations, enjoying the right of elections free from any outside influence and the responsibility for ensuring that principles of good governance be applied.”⁴¹ This has served as a basis to exclude national Olympic committees from Olympic Games or national teams or federations from their respective international championships when States have interfered with their internal affairs.

However, IOC now proposes an approach based on “responsible autonomy”,⁴² in which appropriate governance processes and frameworks need to be enforced by sports organizations to avoid State interference in their internal affairs. However, sports organizations have acknowledged that the fight against doping, competition manipulation and other corruption and crime in sport cannot succeed without the help of States.

⁴⁰ Jean-Loup Chappelet, *Autonomy of Sport in Europe* (Council of Europe, 2010).

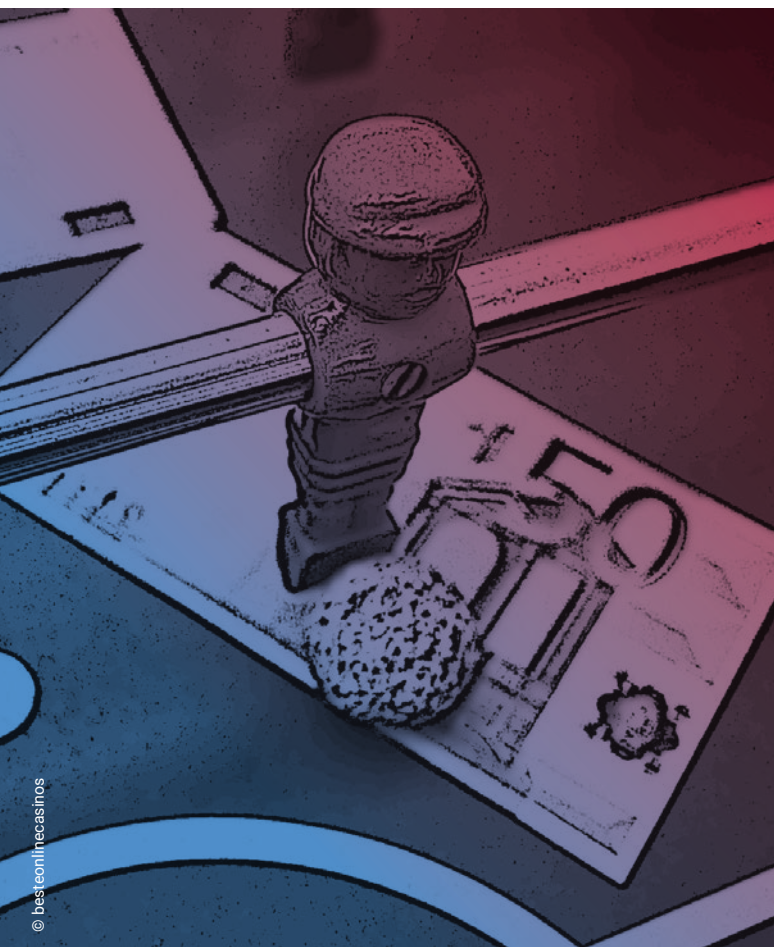
⁴¹ IOC, *Olympic Charter in Force as from 17 July 2020* (2020), p. 11.

⁴² Thomas Bach, President of the International Olympic Committee, “Building a peaceful and better world through sport and the Olympic ideal”, statement to the 68th Session of the General Assembly, New York, 6 November 2013. On the evolution of the concept of sports autonomy, see Jean-Loup Chappelet, “The autonomy of sport and the EU”, in *Research Handbook on EU Sports Law and Policy*, Jack Anderson, Richard Parrish, Borja Garcia, eds. (Cheltenham and Northampton, MA, Edward Elgar, 2018), pp. 157–172.

2. >>>>>

MAIN CORRUPTION RISKS IN SPORT

This section examines the main corruption risks to sport that have materialized over the last two decades. Three main groups of risks are presented in this section and are outlined at length in subsequent sections of this report. However, this section does not purport to present a comprehensive overview of all corruption risks in sport, with information on other risks presented in detail in other sections of this report.



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2.1 COMPETITION MANIPULATION

The manipulation of sports competitions can be understood as the “intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the aforementioned sports competition with a view to obtaining an undue advantage for oneself or for others.”⁴³

Changes in the betting landscape (described in greater detail in the section on competition manipulation and the section on illegal betting) have affected the risk of competition manipulation, in part because of the illicit profits that can be generated through illegal betting. The potential profits of such activity are enormous and when compared to other activities, such as drug trafficking or counterfeiting, the entry costs are low and the chances of being caught are slim.

Competition manipulation involves actors from inside and outside the world of sport. As such, while illicit activity does involve organized groups, in many cases, players, referees, club presidents and sport organization officials have played a significant role and even instigated such activity. For example, as the end of a season approaches, if a club has no sporting stake in a competition, the president could ask players to manipulate all or part of a game and then directly bet on the game. In 2004, the manipulation of a single game by FK Pobeda, a club from what was then the former Yugoslav Republic of Macedonia, was alleged to have generated 300,000 euros for the criminal organization involved.⁴⁴ At the conclusion of the arbitrary proceedings, the Court of Arbitration for Sport upheld the decision of the appeals body of the Union of European Football Associations (UEFA), thereby banning the club from UEFA competitions for a period of eight years and imposing a life ban from any football-related activities on the former president of the club.⁴⁵ As the FK Pobeda case shows, a club can sell information on a fixed game to criminal groups and place bets on the agreed outcome. By fixing a game even in a preliminary round of a major competition, a club can earn a large part of their annual budget.

Recent academic research has underlined the diversity of competition manipulation.⁴⁶ Betting by athletes and players on competitions in which they are involved or have inside knowledge of is another example of a risk that can lead to competition manipulation. Athletes can become vulnerable

⁴³ Article 3 of the Council of Europe Convention on the Manipulation of Sports Competitions.

⁴⁴ Court of Arbitration for Sport (CAS), CAS 2009/A/1920 FK Pobeda, Aleksandar Zabrcanec, Nikolce Zdraveski v/ UEFA, 2009.

⁴⁵ Ibid.

⁴⁶ Jae-Hyeon Park and others, “How should sports match fixing be classified?”, *Cogent Social Sciences*, vol. 5, No. 1 (2019); Stef Van Der Hoeven and others, “Match-fixing: moral challenges for those involved”, *Ethics & Behavior*, vol. 30, No. 6 (2020), pp. 425–443.

to this type of activity, which is against sports rules, if they become addicted to betting or have financial difficulties. The passing of inside information⁴⁷ to third parties represents another concern. Tips about a team's tactics or a player's health can be used to manipulate the betting market. For example, a former captain of the Zimbabwe national cricket team was banned by the International Cricket Council from all cricket for eight years following the disclosure of inside information for betting purposes.⁴⁸

2.2 CORRUPTION WITHIN SPORTS ORGANIZATIONS

If the manipulation of sports competitions undermines the integrity of on-field performances, institutional corruption undermines the integrity of the organizations that regulate sports activities and events.

The awarding of hosting rights of major sports events is a case in point. In some federations, this decision is taken by a general assembly of members, who can be the representatives of national federations that belong to an international federation, or by individual members of an international sports organization. In other organizations, it is an executive body, composed of a limited number of officials, which holds the voting rights. While the scale and size of a given decision-making body affects how vulnerable it is to corruption, officials representing the countries or cities competing to host an event can seek to influence the decision-making process through corruption, such as by offering cash, gifts and other favours. Other institutional decision-making processes are often subject to conflict of interests and can be manipulated. The awarding of sponsorship or broadcasting rights, the nomination of officials to key positions, disciplinary rulings and the creation of new competitions are examples of the decisions that can be targeted by people engaged in corruption.

Furthermore, limited or inadequate transparency and accountability structures in sports organizations also increase the risk of corruption within a sports organization. In sport, there is a particularly strong emphasis on team or organization loyalty, in addition to a focus on athletic performance. Added to this is the risk of abuse. The perpetration of abuse in sport by officials is a result of a number of reasons, including a fear of speaking out due to the possibility of reprisals, complacency and the abuse of power by officials in positions of trust. These considerations can prevail over ethical reasoning, values and individual dissent, which can

⁴⁷ "Inside information" here means information relating to any competition that a person possesses by virtue of his or her position in relation to a sport or competition, excluding any information already published or common knowledge, easily accessible to interested members of the public or disclosed in accordance with the rules and regulations governing the relevant competition. International Criminal Police Organization (Interpol)-IOC, Handbook on Protecting Sport from Competition Manipulation (Lausanne, IOC, 2016).

⁴⁸ International Cricket Council, In the Matter of Proceeding Brought under the ICC Anti-Corruption Code between the International Cricket Council and Mr Heath Streak, 28 March 2021.

lead to situations of omertà.⁴⁹ The risk of corruption in such environments where wrongdoing is tolerated or not reported is much higher than in those where strong transparency and accountability structures are in place.

Since the Salt Lake City Olympic scandal in 1999, an increasing amount of academic literature has been dedicated to explaining the phenomena of institutional corruption in global sport, although the lack of disciplinary and judiciary proceedings in relation to international bribery limits the information available for research. Analyses have been published by FIFA,⁵⁰ IOC⁵¹ and IAAF,⁵² and by Task Force 4 of the International Partnership against Corruption in Sport,⁵³ explaining how corrupt networks were sustained and how bribery laws have been used in a sport context. Another literary trend in relation to sport governance has focused on the analysis of the progress and limits of institutional anti-corruption (or "good governance") frameworks.⁵⁴

2.3 CORRUPTION RISKS LINKED TO CRIMINAL INFILTRATION

Another major corruption risk is linked to infiltration of criminal interests into sport (see the section on organized crime and sport for more details).

No sport is immune to infiltration by criminal interests, but football in particular has been targeted by organized crime groups as a convenient vehicle for money-laundering and profiteering activity. Substantial and often poorly controlled money flows connect a diverse range of actors (e.g. club officials, owners, shareholders, players, staff, sponsors, agents and lawyers) and the financial growth of the sport has made this framework increasingly susceptible to exploitation.⁵⁵

⁴⁹ Pim Verschuuren, "Whistleblowing determinants and the effectiveness of reporting channels in the international sports sector", *Sport Management Review*, vol. 23, No. 1 (2020), pp. 142–154; Patricia A. Adler and Peter Adler, "Intense loyalty in organizations: a case study of college athletics", *Administrative Science Quarterly*, vol. 33, No. 3 (1988), pp. 401–417.

⁵⁰ Alan Tomlinson, "Global sports governance and politics: learning from the FIFA story", in *The Business and Culture of Sports*, Maguire, Falcois and Liston, eds.; Sven Junghagen and Mads Aurvandil, "Structural susceptibility to corruption in FIFA: a social network analysis", *International Journal of Sport Policy and Politics*, vol. 12, No. 4 (2020), pp. 655–677.

⁵¹ Daniel S. Mason, Lucie Thibault and Laura Misener, "An agency theory perspective on corruption in sport: the case of the International Olympic Committee", *Journal of Sport Management*, vol. 20, No. 1 (2006), pp. 52–73.

⁵² Jörg Krieger, "No struggle, no progress: the historical significance of the governance structure reform of the International Association of Athletics Federation", *Journal of Global Sport Management*, vol. 4, No. 1 (2019), pp. 61–78.

⁵³ International Partnership Against Corruption in Sport, "Inaugural Meeting of the Task Force 4, Video – conference via Microsoft Teams", 23 April 2021.

⁵⁴ Jean-Loup Chappelet, "Beyond governance: the need to improve the regulation of international sport", *Sport in Society*, vol. 21, No. 5 (2017), pp. 1–11; Roger Pielke, Jr., "Obstacles to accountability in international sports governance", in *Global Corruption Report: Sport*, Gareth Sweeney, ed. for Transparency International (London and New York, Routledge, 2016), pp. 29–38; Arnout Geeraert, Jens Alm and Michael Groll, "Good governance in international sport organizations: an analysis of the 35 Olympic sport governing bodies", *International Journal of Sport Policy and Politics*, vol. 6, No. 3 (2014), pp. 281–306.

⁵⁵ Financial Action Task Force (FATF), *Money Laundering through the Football Sector* (2009).



3. >>>>

GOVERNANCE REFORMS AND COMPLIANCE IN SPORT

An example of this vulnerability is the way in which third parties can take control of a football club. Many clubs are heavily indebted and are looking for investors to reduce or pay off debts and to buy better players. Furthermore, the current economic hardships linked to COVID-19 look set to further increase the financial pressure on clubs. Hence, an offer to buy or invest in a club is often very much welcomed, even when it is made by investors with a dubious background, with many national federations imposing either only limited controls or no controls on the origin of investment capital and the background of third-party investors in the event of the acquisition or sponsorship of a club.

As soon as an investor with ill intentions takes control of a club, a wide range of opportunities for corruption opens to them. Direct access to players and staff offers many possibilities for manipulation and money-laundering. Regarding the latter, a club's financial systems are susceptible to exploitation: for example, money generated from illegal activities can be laundered through gate receipts, whereby the numbers of spectators are artificially increased, or by inflating costs of construction projects such as those relating to training centres and stadium extensions.⁵⁶

The reasons for the infiltration of a club can also be non-monetary. Club owners are influential people. They can be public figures and hugely popular, and they can have direct access to local and national leaders. They can use this combination of public status, popularity and political influence to facilitate illegal activities.⁵⁷

The development of corruption risks and their consequences for the credibility of global sport has compelled sports governing bodies to implement a vast array of reforms and respond to threats to the integrity of sport. Beyond the need to protect their reputations and economic revenues, sports organizations have understood that it is their responsibility to ensure that their activities comply with applicable law and governance standards. In this sense, they have joined a trend for compliance and “good governance” culture that has spread among multinational companies since the 1990s, and which is promoted by international organizations such as the United Nations Office of Drugs and Crime, the World Bank and the Organisation for Economic Co-operation and Development, and by the Group of 20.⁵⁸

Governance standards cover management processes and decision-making processes within organizations. They are aimed at reducing the risk of corruption and other forms of malpractice, and at the same time, at improving the capacity of organizations to detect, investigate and sanction such activities. They also contribute to a culture of transparency and strengthen accountability with regard to direct stakeholders.

The subject of governance entered the sports realm following the Salt Lake City Olympic scandal in 1999 and was integrated into the Olympic Charter in 2004 (article 19.3.2). In 2011, the subject of governance was included in the first mission of the IOC: “To encourage and support the promotion of ethics and good governance in sport as well as education of youth through sport and to dedicate its efforts to ensuring that, in sport, the spirit of fair play prevails, and violence is banned” (article 2.1.).

As such, in the face of increasing corruption risks and heightened expectations in terms of governance, sports governing bodies have imported and adapted compliance tools, hired

⁵⁶ Ibid.

⁵⁷ Ibid.; Transcrime, *From Illegal Markets to Legitimate Businesses: The Portfolio of Organised Crime in Europe – Final Report of the Project OCP Organised Crime Portfolio*, Ernesto U. Savona and Michele Riccardi, eds. (Trento, Università degli Studi di Trento, 2015).

⁵⁸ United Nations Office on Drugs and Crime (UNODC), *An Anti-Corruption Ethics and Compliance Programme for Business: A Practical Guide* (September 2013).

anti-corruption experts from the corporate sector and learned how to investigate and sanction acts of corruption. Today, although the main sports organizations have implemented governance reforms and introduced some form of integrity regulation, adequate governance remains a new feature.

One of the first steps taken by authorities to address corruption in sport was to publish ethics and integrity codes, which list prohibited behaviours alongside clear rules and responsibilities. The IOC Code of Ethics, first published in 1999 in the wake of the Salt Lake City Olympic scandal, covers acts of institutional corruption by “Olympic parties”.⁵⁹ While the Code was first addressed to IOC members and national Olympic committees, similar codes have since been incorporated into the disciplinary regulations of all international Olympic federations and now cover all members of the Olympic Movement. In 2015, IOC approved the Olympic Movement Code on the Prevention of the Manipulation of Competitions, which has also been integrated throughout the sector.⁶⁰

Governance standards have also been promoted within sports, including through the Basic Universal Principles of Good Governance in the Olympic and Sports Movement, published by IOC in 2008. The Association of Summer Olympic International Federations (ASOIF) Governance Task Force was created in 2015 and the ASOIF Governance Support and Monitoring Unit was established in 2018. These entities selected 50 indicators that serve as governance and integrity standards, divided between five areas: transparency, democracy, integrity, development and control mechanisms.⁶¹ On this basis, the Governance Task Force reviewed the implementation of these indicators by international Olympic federations in 2017, 2018 and 2020, and will do again in 2022. The results have underlined where improvements are required in relation to global governance, while the indicators have become an industry standard that summer and winter Olympic international federations and others are encouraged to follow.⁶² Global sports bodies are also expanding their own compliance and awareness-raising programmes to encourage national constituents (national federations, national Olympic committees, clubs, etc.) to accept similar standards. For example, IOC, UEFA and FIFA are asking national federations to appoint integrity officers to act as contact points for integrity matters.

Today, the main international federations have an ethics or

integrity commission and code and/or an administrative unit to deal with suspected cases of corruption. The role of these entities is to ensure the compliance of all sport actors with applicable disciplinary regulations and laws. There is also a trend towards developing and implementing reporting mechanisms to allow for the reporting of wrongdoing in sport (see the section on detecting and reporting corruption in sport), allowing anyone to signal any wrongdoing, with the hope of ending cultures of organizational silence that can exist in sport.⁶³ Communication about the risks of corruption, applicable regulations and how to react when experiencing ambiguous situations is also increasingly carried out through face-to-face sessions, online teaching and social media messaging targeted at sports stakeholders.

Intermediaries have been key to the globalization of sport, given the roles they have played related to ownership, sponsorship and player transfers networks, particularly in football. Also known as agents, they can represent clubs and players, deal with player image rights, negotiate transfer agreements between clubs and carry out scouting tasks on behalf of clubs.

However, critics of the existing system governing the transfer of football players have underlined significant risks, including conflicts of interest, fraud, money-laundering and abusive behaviour by agents, intermediaries and advisers, who often fall beyond the disciplinary reach of sports organizations. In 2018 and 2019, several football agents operating in Belgium were arrested and charged with money-laundering and corruption.⁶⁴ In order to address these risks, FIFA has developed new regulations on the status and transfer of players, new regulation on agents and new regulations for the purpose of establishing a clearing house.

The various initiatives highlighted above are part of a general framework of compliance and governance reforms that have modified the sports sector in recent decades. However, the effectiveness of the fight against corruption in sport depends on the cooperation and contribution of many stakeholders, including public authorities.⁶⁵ In recent years, intergovernmental organizations and national authorities have mobilized and begun working with sports organizations in the battle against corruption in all its forms.

⁵⁹ IOC, Code of Ethics, 2020.

⁶⁰ IOC, “Olympic Movement Code on the Prevention of the Manipulation of Competitions”, in *IOC Code of Ethics and other Texts* (2016).

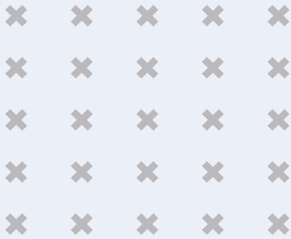
⁶¹ Association of Summer Olympic International Federations (ASOIF), “ASOIF Governance Task Force (GTF) Report Approved by ASOIF General Assembly 2016”, p. 6.

⁶² ASOIF, *Third Review of International Federation Governance*, June 2020.

⁶³ UNODC, *Reporting Mechanisms in Sport: A Practical Guide for Development and Implementation* (Vienna, 2019).

⁶⁴ Pim Verschuuren, “Integrity Washing? The Implementation of Reporting Mechanisms by International Sports Organisations.” *Journal of Global Sport Management*, vol. 1, No. 23 (2021).

⁶⁵ *Ibid.*



CONCLUSION



The risk of corruption has grown alongside the globalization of sport. While the evolution of sport has been positive in many respects, it has also brought with it complex corruption risks that combine general risks, common to many different sectors, with sport-specific risks. For example, the Bochum match-fixing scandal included criminal infiltration of a football club, money-laundering and competition manipulation.

The difficulty of addressing corruption has been vividly highlighted by the negative impact of COVID-19, which has severely affected sport revenues. Many competitions at the professional and amateur levels have been cancelled and others are continuing in empty stadiums or in diminished formats, leaving sport organizations with less income and fewer resources. As a result, clubs, players and officials may be more vulnerable to approaches from those looking to

exploit this situation, including organized criminal groups, by offering alternative revenues.⁶⁶

Public authorities have only recently displayed interest in regulating against corruption in sport. The strategy of infiltrating organizations used by organized criminal groups to target sports entities poses a threat that States can no longer ignore. But corruption in sport cannot be considered as a purely exogenous threat. What has also attracted public scrutiny is the reach, scale and complexity of criminal networks within sport. Because these networks involve influential sport actors and institutions, because they stem from internal governance and compliance shortcomings, and because they undermine trust in the sector, corruption in sport has become a subject of public interest.



⁶⁶ Europol, "The Involvement of Organized Crime Groups in Sports Corruption", 5 August 2020.





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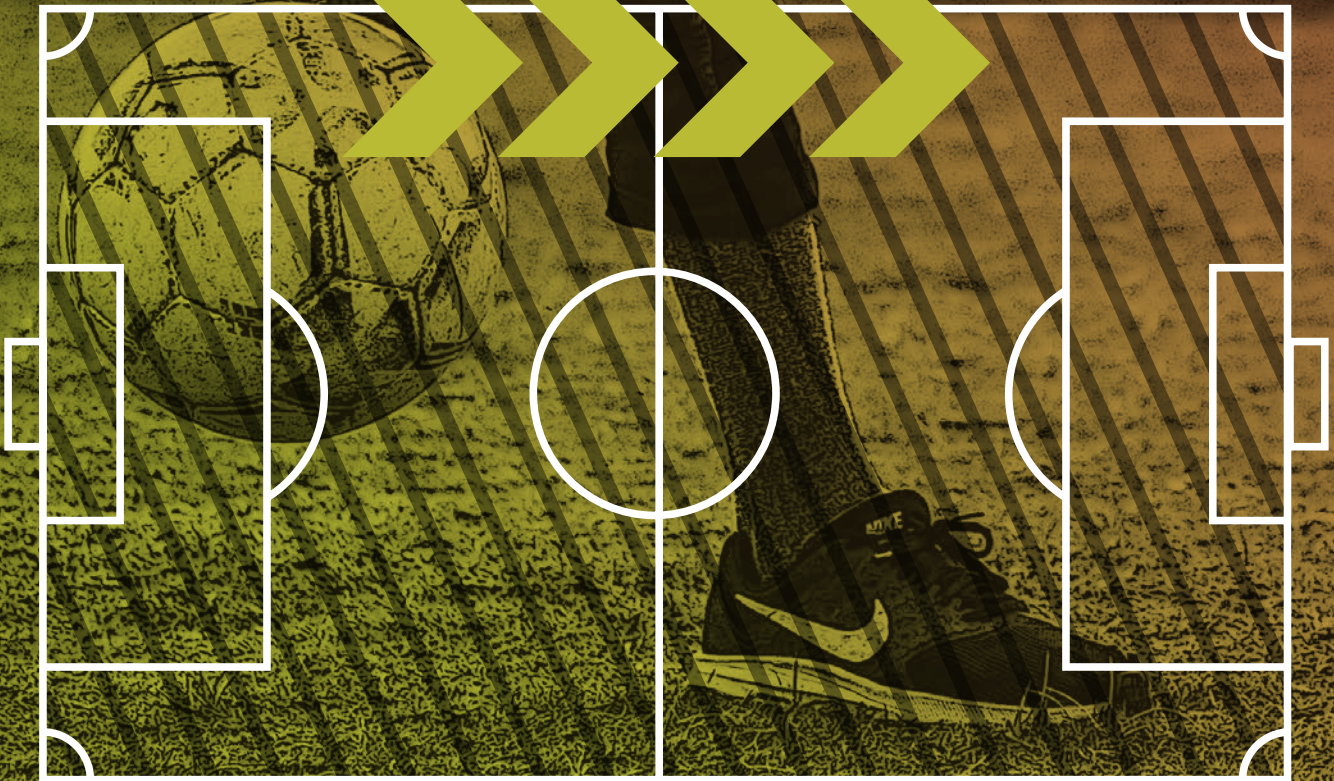
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GLOBAL REPORT ON CORRUPTION IN SPORT

APPLYING THE UNITED NATIONS CONVENTION AGAINST CORRUPTION TO SPORT

2





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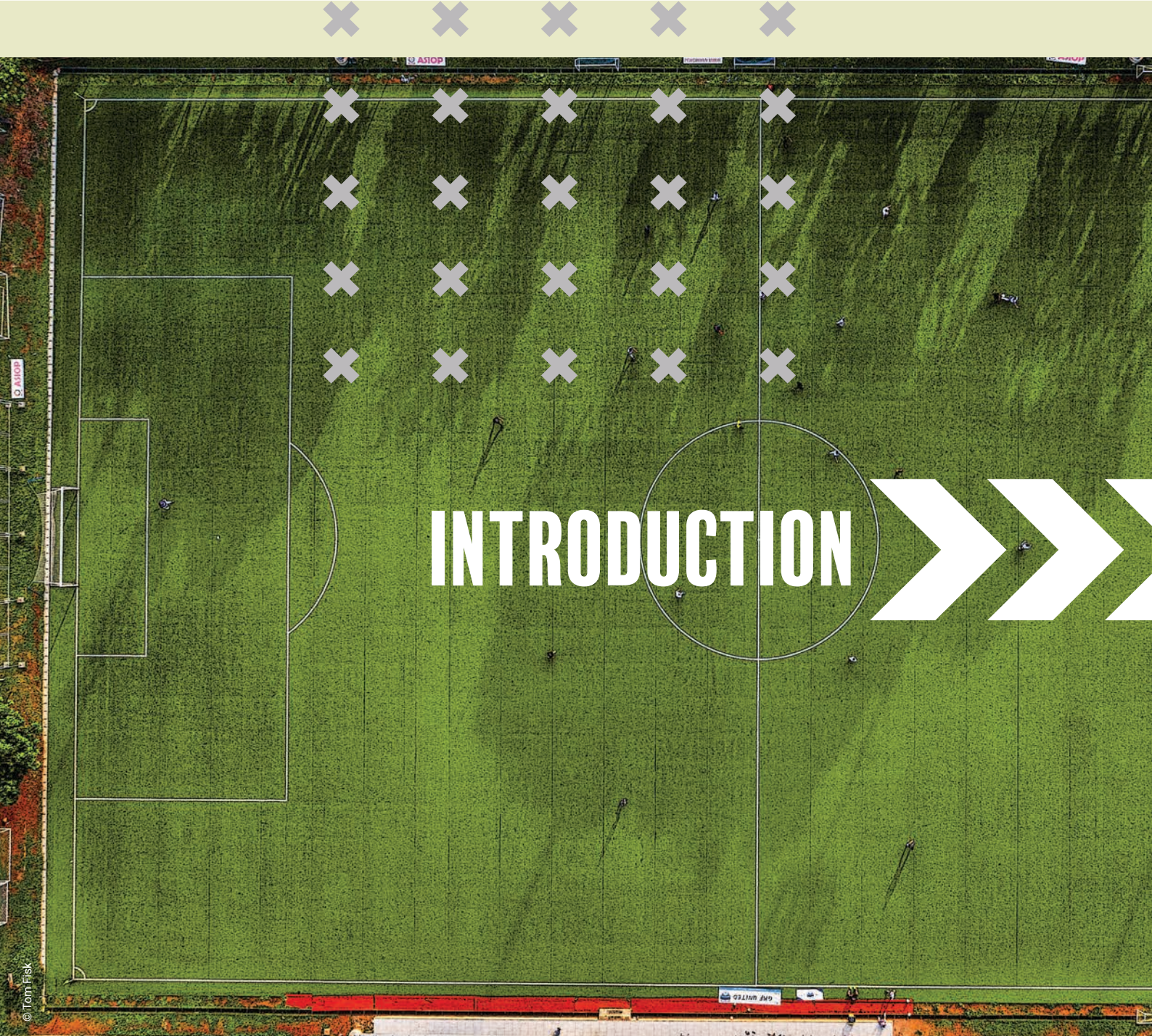
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INTRODUCTION



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INTRODUCTION

Corruption is a complex and multifaceted threat to the integrity of sport, often with transnational characteristics. The use of legislation by Governments is an effective way to help tackle corruption in sport.

The overall aim of this section is to provide lawmakers, policymakers, prosecutors and other relevant officials with an overview of practical approaches, good practices and guidance to help tackle the threat of corruption to sport and society, and to enhance the credibility and transparency of sport. Furthermore, it seeks to identify ways in which the anti-corruption and integrity policies of sports organizations can be aligned more closely with the principles of the United Nations Convention against Corruption.

Although the Convention against Corruption is not legally binding on sports organizations, it can be a useful basis for these entities and related stakeholders to review to what extent they are developing and implementing policies and mechanisms that can be effective in the fight against corruption in sport.

The section is also aimed at supporting States parties to the Convention against Corruption to implement the recommendation detailed in paragraph 9 of resolution 8/4, on safeguarding sport from corruption, adopted by the Conference of the States Parties to the United Nations Convention against Corruption at its eighth session, held in Abu Dhabi from 16 to 20 December 2019. In this paragraph, the Conference “requests the United Nations Office on Drugs and Crime to develop, within its mandate, in close consultation with States parties and in cooperation with interested stakeholders, a comprehensive thematic study on safeguarding sport from corruption, including consideration of how the Convention can be applied to prevent and counter corruption in sport.”

Information used to develop the section was provided by States parties in response to a questionnaire issued by the United Nations Office on Drugs and Crime (UNODC) to 187 States parties to the Convention against Corruption in June 2020. This was complemented using open-source materials, including legislation, judicial decisions, jurisprudence, academic journals, articles, studies and relevant research.



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1. >>>>>

OVERVIEW OF THE UNITED NATIONS CONVENTION AGAINST CORRUPTION AND ITS RELEVANCE TO SPORT

The Convention against Corruption is the only legally binding universal anti-corruption instrument. The far-reaching approach of the Convention and the mandatory character of many of its provisions make it a unique tool for developing a comprehensive response to a global problem. At time of writing, the Convention has 188 parties.

The Convention establishes measures to prevent and combat corruption in five main sections: preventive measures; criminalization and law enforcement; international cooperation; asset recovery; and technical assistance and information exchange. It does not define corruption, but it does define specific acts of corruption that are established as criminal offences by every State that adheres to the Convention.

For the purposes of this section, four areas will be focused on that are of particular importance to tackling corruption in sport, namely: preventive measures; criminalization and law enforcement; international cooperation; and technical assistance and information exchange.

The Conference of the States Parties is the main anti-corruption policymaking body established by the Convention. It supports States parties in their implementation of the Convention and gives policy guidance to UNODC to develop and implement anti-corruption activities.

The Conference was established, as per article 63 of the Convention, to:

- » Improve the capacity of States to implement the Convention
- » Enhance cooperation among States in achieving the objectives of the Convention
- » Promote and review the implementation of the Convention

The Conference meets every two years and adopts resolutions and decisions in furtherance of its mandate.

It has identified tackling corruption in sport as a priority issue through the adoption by consensus of two resolutions, namely:

- » Resolution 8/4, on safeguarding sport from corruption, adopted by the Conference at its eighth session, held in Abu Dhabi, from 16 to 20 December 2019
- » Resolution 7/8, on corruption in sport, adopted by the Conference at its seventh session, held in Vienna, from 6 to 10 November 2017

The topic of corruption in sport was not a key focus area for the international community during the negotiation of the Convention against Corruption, which entered into force in December 2005. As such, the various instruments and initiatives developed to ensure the implementation and applicability of its provisions to the sphere of sports requires consideration and analysis.

Given this, the resolutions dedicated to tackling corruption in sport, related resolutions¹ and a political declaration² adopted at the first special session of the General Assembly against corruption in June 2021, which includes reference to the need to tackle corruption in sport, take on special significance. These resolutions and the political declaration represent a major and significant commitment by the international community to preventing and tackling corruption in sport, while contributing to an emerging global framework for enhancing the contribution of sport to development and peace.

¹ Including resolution 73/24, on sport as an enabler of sustainable development; resolution 73/190, on preventing and combating corrupt practices and the transfer of proceeds of corruption, facilitating asset recovery and returning such assets to legitimate owners, in particular to countries of origin, in accordance with the United Nations Convention against Corruption; and resolution 75/30, on sport as an enabler of sustainable development.

² Political declaration adopted by the special session of the General Assembly against corruption, paragraph 71, <https://undocs.org/A/S-32/2/Add.1>.

³ For example, the anti-corruption strategy 2017 to 2022 of the United Kingdom of Great Britain and Northern Ireland (United Kingdom) lists greater integrity in domestic and international sport among its long-term goals. HM Government, *United Kingdom Anti-Corruption Strategy 2017–2022* (London 2017). The Portuguese National Anti-Corruption Strategy 2020–2024 includes among its objectives the creation of a national platform to address the manipulation of sport competitions; the standardization of penalties for corruption of sports agents; and the responsibility of regulators for the implementation of good practices and additional measures in their sub-sectors, including the sports sector. Governo de Portugal, Ministério da Justiça, *Estratégia nacional de combate à corrupção 2020–2024*, <https://justica.gov.pt/Portals/0/Estrategia%20Nacional%20de%20Combate%20a%20Corrupcao%20-%20ENCC.pdf>.

2. >>>>>

PREVENTION OF CORRUPTION IN SPORT

Corruption can be prosecuted after the fact, but primarily, it requires prevention. An entire section of the Convention against Corruption is dedicated to prevention, with measures directed at both the public and private sectors.

States must endeavour to ensure that their public services are subject to safeguards that promote efficiency, transparency and recruitment based on merit. Preventing public corruption also requires an effort from all members of society at large. For these reasons, the Convention calls on countries to actively promote the involvement of non-governmental and community-based organizations, as well as other elements of civil society, and to raise public awareness of corruption and what can be done about it.

Many of the provisions contained in the section on the prevention of corruption can be useful in helping Governments, sport organizations and related stakeholders to prevent corruption in sport. A sample of some of the most pertinent provisions is set out in this section of the section.

2.1 ANTI-CORRUPTION POLICIES

Article 5 of the Convention against Corruption states that effective, coordinated anti-corruption policies should be developed and implemented or maintained at the national level. In addition, under article 6, each State party is required to ensure the existence of a body or bodies, as appropriate, that prevent corruption by implementing the policies referred to in article 5 and, where appropriate, by overseeing and coordinating the implementation of these policies.

This is a valuable tool to ensure a comprehensive and consistent approach to combating corruption.

Such an approach could apply to the field of sport, as follows:

- » Anti-corruption and integrity issues can be included in national anti-corruption strategies and planning³

- » At the national level, a separate plan for the integrity of sport could be adopted⁴
- » Anti-corruption policies and plans can be adopted by international and national sports bodies⁵

Indeed, the importance of anti-corruption policies in sport is explicitly referred to in paragraph 15 of resolution 8/4, on safeguarding sport from corruption, where the Conference:

Encourages States parties, in order to tackle the problems of competition manipulation, illegal betting and related money-laundering activities, to periodically evaluate national policies, effective practices and national law with a view to determining their efficiency and effectiveness in preventing and combating corruption in sport and to make use of the booklet entitled "Model criminal law provisions for the prosecution of competition manipulation" and the study entitled *Criminalization Approaches to Combat Match-Fixing and Illegal/Irregular Betting: A Global Perspective*, joint publications of the United Nations Office on Drugs and Crime and the International Olympic Committee, and of the *Resource Guide on Good Practices in the Investigation of Match-Fixing and National Anti-Corruption Strategies: A Practical Guide for Development and Implementation*, published by the United Nations Office on Drugs and Crime.

2.2 STANDARDS OF CONDUCT

The Convention against Corruption encourages States parties to develop conflict-of-interest regulations (paragraph 4 of article 7) and to establish codes or standards of conduct, which include specific anti-corruption prohibitions, restrictions and obligations, such as in relation to asset declaration (article 8).

These provisions can be applied to the field of sport in a variety of ways:

- » Governments can introduce anti-corruption standards that apply to a wide range of public officials, including those responsible for regulating sports. These can be developed bearing in mind the specificities of sport. For example, developing a list of conflicts-of-interest risks

(e.g. a situation whereby a person is holding a position as a director or shareholder in an entity which is in a contractual relationship with a given sports organization) to be managed or mitigated, or rules regarding interactions with officials of sports organizations, especially in relation to gifts and hospitality, such as those related to distribution of tickets and merchandise.

- » Governments may directly or indirectly impose anti-corruption standards on sports bodies officials, athletes, coaches and referees. This can be done by obliging sports organizations that apply for public funding to adopt and implement measures aimed at enhancing transparency and promoting good governance and ethics.⁶ Another measure is to extend to the sports sector the anti-corruption standards originally developed for public officials.⁷
- » Standards of conduct, including conflicts-of-interest regulations, can be established by Governments and by international and national sports bodies. To date, many such codes have been adopted.⁸ However, they differ significantly in terms of who they apply to, their compliance procedures and the types of sanctions for breaches.⁹

Highlighted in the section on major sport events and corruption is a growing trend whereby international sport organizations are looking to support relevant stakeholders in their sport ecosystem. Their aim is to ensure compliance with relevant codes, rules and regulations that link to tackling

⁶ See, for example, Sport England and UK Sport, "A Code for Sports Governance – revised: list of mandatory Code requirements". Both Sport England and UK Sport were established by Royal Charter in the 1990s. In this context, it should be noted that paragraph 14 of resolution 8/4 explicitly calls on states to encourage the implementation of standards of conduct in sports organizations at all levels.

⁷ For instance, in Greece, Act No. 3213 of 31 December 2003 on the Declaration and Audit of Assets of Members of Parliament, Public Officials, Media Owners and Other Categories of Persons expressly imposes a duty to declare assets. This includes the president and board members of sports federations and persons who are executive members of Anonymous Sports Companies (AAE) or Professional Athletes' Associations (TAA). It also pertains to certified referees, assistant referees, monitors of professional sports championships and persons serving on relevant bodies or tribunals. See Organisation for Economic Co-operation and Development (OECD) and Greece's National Anti-Corruption Plan, *Technical Report on Asset Declarations in Greece*, Greece-OECD Project: Technical Support on Anti-Corruption (OECD 2017), p. 55.

⁸ See, for example, International Olympic Committee (IOC), *IOC Code of Ethics* (2020), or Fédération Internationale de Football Association (FIFA), *FIFA Code of Ethics: 2019 Edition* (Zürich, 2019).

⁹ The content and effectiveness of such codes have been extensively studied. See, for example, Els De Waegeneer, Jeroen Van De Sompele and Annick Willem, "Ethical codes in sports organizations: classification framework, content analysis, and the influence of content on code effectiveness", *Journal of Business Ethics*, vol. 136 (2016), pp. 587–598; Els De Waegeneer, Ignaas Devisch and Annick Willem, "Ethical codes in sports organizations: an empirical study on determinants of effectiveness", *Ethics & Behavior*, vol. 27, No. 4 (2017), pp. 261–282; Jens Alm, *Sports Governance Observer 2019: An Assessment of Good Governance in Six International Sports Federations* (Play the Game, October 2019); Christina Philippou and Tony Hines, "Anti-bribery and corruption policies in international sports governing bodies", *Frontiers in Sports and Active Living*, vol. 3 (2021); Erika Riedl, "How sport regulations are being used to restore trust following the International Biathlon Union scandal", in *Restoring Trust in Sport: Corruption Cases and Solutions*, Catherine Ordway, ed. (London, Routledge, 2021).

⁴ Such plans have been adopted, for example, in Australia (Sport Integrity Australia, 2020–2024 Corporate Plan: *Protecting Sport Together*) and Spain (Ministry of Consumer Affairs, *Action Plan of the National Commission to Fight Sports Competition Fixing and Betting Fraud*).

⁵ For example, International Basketball Federation, "FIBA Integrity Policy", www.cbfbasketball/el/file/hSz+0cCwWtf2nxXo9+AUZw==/; Italian National Olympic Committee (CONI), *Three-Year Anti-Corruption Plan 2018-2020*; and Football Kenya Federation, "Integrity Action Plan (2021–2023)".

corruption in sport and strengthening its integrity, and with stated ethical principles of behaviour and ethical norms. Approaches to doing this include the establishment of commissions, engaging independent private oversight bodies (such as an external audit company) and working with a relevant government monitoring agency.

2.3 GOOD GOVERNANCE AND TRANSPARENCY

The Convention against Corruption also emphasizes that to effectively combat corruption, it is not enough to criminalize certain offences and introduce specific anti-corruption measures. It is also of paramount importance to promote good governance.

Article 7 of the Convention calls for the development of human resource management systems “based on principles of efficiency, transparency and objective criteria such as merit, equity and aptitude.” It indicates the need to have adequate procedures and clear criteria for selecting candidates for positions considered especially vulnerable to corruption, to ensure transparency in their funding and to provide them with specialized and appropriate training to enhance their awareness of the risks of corruption.

Article 10 calls for the promotion of public reporting, including the adoption of procedures that allow public access to information on the organization, functioning and decision-making processes in the national public administration. Paragraph 3 of article 12 emphasizes the maintenance of books and records, financial statement disclosures and accounting and auditing standards.

Applied to a sports context, the application of articles 7 and 10 of the Convention can be used to support the building of systems of governance, enhancing transparency (including that linked to financial issues) and increasing accountability in sports organizations.

In recent years, many major international sports organizations have reformed their management systems, which are in line with the spirit of the Convention. Examples of the types of reforms include updating procedures used in the selection of hosting sports events, introducing term limits for senior officials, introducing objective criteria such as merit, equity and aptitude in the appointment of individuals to important positions, and ensuring greater transparency in the disbursement of funds. Education and training have also played central roles in the prevention of corruption in sport, with many sports organizations developing relevant programmes, including for young athletes.

For their part, Governments have increasingly encouraged sporting organizations to adopt such measures, developing governance standards oriented towards them and sometimes even making the receipt of public funding contingent on the implementation of standards.¹⁰ This also applies to those in positions that may be vulnerable to corruption.¹¹ The importance of such measures is also highlighted in paragraph 14 of resolution 8/4, on safeguarding sport from corruption, where the Conference:

*Urges States parties, in accordance with their domestic legal systems, to strongly encourage sports organizations at all levels and relevant stakeholders to promote and enhance ethical practices and transparency in sport, including through the adoption, where appropriate, of term limits for senior officials of sports organizations and by developing and implementing conflict of interest policies, preparing and making publicly available relevant information, including statutes, rules and regulations, annual activity reports and main events reports, annual financial reports and summaries of reports or decisions taken during executive board and committee meetings, election processes and results, and monitoring the implementation of such policies and procedures, and encourages the use by sports organizations of the publication of the United Nations Office on Drugs and Crime entitled *An Anti-Corruption Ethics and Compliance Programme for Business: A Practical Guide*.*

2.4 PROCUREMENT AND CORRUPTION IN SPORT EVENTS

Sport events is an area that has been affected by multiple cases of corruption, and which is explored in the section on major sports events and corruption in this publication.

Article 9 of the Convention against Corruption, on public procurement and management of public finances, highlights the importance of transparency, competition and objective criteria in decision-making when linked with the offer of contracts funded by public resources. The Convention does not explicitly encourage the criminalization of procurement violations, although it is stated in article 9 that States parties are required “to take the necessary steps to establish

¹⁰ For example, in the United Kingdom, to receive public funding, sports organizations must meet the “golden standard of governance” contained in the “Code for Sports Governance”, adopted by the government through Sport England and UK Sport. In Argentina, the Anti-Corruption Office issued Principles of Good Governance in Sports Entities in 2019 in *Oficina Anticorrupción, Principios de Buen Gobierno en Entidades Deportivas* (2019). www.argentina.gob.ar/sites/default/files/principios_de_buen_gobierno_de_entidades_deportivas_0.pdf. In Belgium, the government sports regulator issued the *Code of Good Governance in Flemish Sports Federations* (Sport.Vlaanderen, 2016).

¹¹ Associated Press, “New Swiss law allows more scrutiny of Fifa and IOC finances”, *The Guardian*, 12 December 2014.

appropriate systems of procurement, based on transparency, competition, and objective criteria in decision-making, that are effective, inter alia, in preventing corruption.”

While criminalizing certain procurement irregularities can be instrumental in combatting corruption in the preparation of sporting events, especially major ones requiring large-scale infrastructure development, other measures aimed at protecting competitions and enhancing transparency are also effective.

These include centralizing information pertaining to the development of sports-related infrastructure; identifying and mapping the roles and responsibilities of stakeholders in the delivery of sports infrastructure; reducing predictability in the outcomes of tender processes to minimize risks of corruption or collusion; and ensuring that amendments to contracts benefit from strong oversight.¹²

The relevance of applying article 9 to the field of sport is underlined by paragraph 13 of resolution 8/4 in which the Conference “encourages States parties and relevant stakeholders, including organizing committees, in the course of organizing sports events, to take the necessary steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making, that are effective, inter alia, in preventing corruption and to make use of the United Nations Office on Drugs and Crime publication entitled *The United Nations Convention against Corruption: A Strategy for Safeguarding against Corruption in Major Public Events*, as well as of its support tool.”

2.5 PARTICIPATION OF SOCIETY

Article 13 of the Convention against Corruption encourages States parties to promote active participation of individuals and groups outside the public sector in the prevention of and the fight against corruption. This provision is of relevance to the field of sports.

Addressing corruption in sport cannot be effective without the support of sports organizations, athletes, coaches, officials, related stakeholders and the public, including fans and observers, a point repeatedly emphasized in the resolutions

¹² Other international and sports organizations have also paid considerable attention to the issue of good procurement for major sporting events. See, for example, the report by the International Partnership against Corruption in Sport (IPACS), *Mapping of Procurement Standards and Risk Management Activities in the Construction of Infrastructure for Sporting Events* (2019), or the report by the IOC, *Procurement of Major International Sport-Events-Related Infrastructure and Services: Good Practices and Guidelines for the Olympic Movement* (2020).

on sport adopted by Conference of the States Parties to the United Nations Convention against Corruption.

Stakeholders that are not formally members of a sports organization, such as civil society organizations and the media, also play a crucial role. Civil society organizations have long been involved in combating corruption in sports. Some organizations, such as Transparency International,¹³ address this issue, while others, such as Play the Game, have established specialized projects. Civil society organizations raise awareness, conduct research,¹⁴ organize conferences,¹⁵ monitor the measures implemented by sports organizations,¹⁶ participate in partnership initiatives and support the development of reporting mechanisms and the protection of reporting persons.¹⁷

Regarding the role of the media, high-profile journalist investigations have been one of the key reasons for the dramatic increase in attention paid to the topic of corruption in sports, an area which is explored in detail in the section on detecting and reporting corruption in sports.

Examples exist of media reports uncovering cases of illegal betting, competition manipulation and other corruption-related offences in the world of sport, involving prominent sports officials, coaches and athletes.¹⁸ Investigations by the media can be lengthy and involve sophisticated investigative

¹³ Transparency International, *Global Corruption Report: Sport* (New York, Routledge, 2016).

¹⁴ See, for example, Transparency International, “Staying on side: how to stop match-fixing” (2014).

¹⁵ www.playthegame.org/conferences/.

¹⁶ See the report series by the Sports Governance Observer, www.playthegame.org/theme-pages/the-sports-governance-observer/ and the initiative by the National Sports Governance Observer.

¹⁷ As exemplified by the cooperation between Czech Ice Hockey Federation and Transparency International in the section on reporting systems.

¹⁸ Andrew Jennings, with his book *Foul! The Secret World of FIFA: Bribes, Vote Rigging and Ticket Scandals* (London, Harpersport, 2007) and other publications, has contributed significantly to launching the investigations that eventually led to the arrest of FIFA officials in 2015 and the resignation of its president. During the prosecutions, to date, 27 individual defendants have pleaded guilty to the crimes with which they were charged. In December 2017, two former FIFA officials, Juan Ángel Napout of Paraguay and José María Marin of Brazil, were convicted of racketeering conspiracy and related offenses. Four corporate entities have pleaded guilty, and others, including banking institutions, have acknowledged their roles in criminal conduct through deferred prosecution or non-prosecution agreements. The government’s prosecutions and investigation are ongoing. United States Department of Justice, “Justice Department approves remission of over \$32 million in forfeited funds to victims in the FIFA corruption case”, 21 August 2021. Operation “Double Game”, conducted by the Organized Crime and Corruption Reporting Project (OCCRP), investigated 336 individuals that engaged in illegal online sports betting schemes linked to Sicily’s Cosa Nostra. It led to the seizure of over €80 million and restriction orders against 23 people. Alessandro Ford, “Italian Mafia bets on illegal online gambling”, 4 March 2021, www.occrp.org/en/daily/13985-italian-mafia-bets-on-illegal-online-gambling.

techniques, including undercover operations.¹⁹ Also, journalists are often external contact points for reporting persons who may not wish to rely on official reporting systems. When communicated, reports²⁰ have been the starting point of many investigations by journalists.

Unfortunately, such activities can carry significant risks²¹ and the protection of journalists and civil society representatives who publish sensitive information on corruption is no less important than the protection of reporting persons. Article 13 of the Convention specifically mentions the need “to respect, promote and protect the freedom to seek, receive, publish and disseminate information concerning corruption.”

2.6 ADMINISTRATION OF JUSTICE

Corruption in the justice system, whether actual or perceived, poses a real threat to confidence in the rule of law. The implementation of article 11 of the Convention against Corruption involves taking measures to strengthen integrity and prevent opportunities for corruption among members of the judiciary.

Relevant developments and initiatives in this area include the adoption by the United Nations of an e-solution endorsing the Bangalore Principles of Judicial Conduct, which sets out six core principles (independence, impartiality, integrity, propriety, equality and competence and diligence), and the establishment of the Global Judicial Integrity Network, which is aimed at assisting judiciaries across the globe in strengthening judicial integrity and preventing corruption in the justice sector, in line with article 11 of the Convention.

The application of an administration of justice that is free from corruption holds equally true for sport. It is important to highlight that sport has created disciplinary bodies that are responsible for settling disputes, mediating and guaranteeing the correct interpretation of sporting rules and

¹⁹ For example, “Exclusive investigation: England manager Sam Allardyce for sale”, *The Telegraph*, 22 September 2016. Numerous sting operations were conducted in India on match-fixing or cash-for selection: “BCCI bans players exposed in India TV sting operation on IPL players”, India TV, 30 June 2012; Prabhaskar C. Jha, “Cash-for-selection sting rocks Jharkhand cricket, two suspended”, *Times of India*, 22 February 2019. The BBC has filmed African referees and a member of the FIFA Council accepting cash during an undercover investigation into African football. “Betraying the game: African officials filmed taking cash”, *BBC Sport*, 7 June 2018.

²⁰ A well-known example is “Football Leaks”, the largest leak in sports history involving more than 18 million leaked documents. They served as material for publications by the European Investigative Collaborations (EIC) network comprising 12 European media. The Panama Papers also touched on corruption in sports. See Bastian Obermayer and Frederik Obermaier, *The Panama Papers: Breaking the Story of How the Rich and Powerful Hide Their Money* (London, Oneworld Publications, 2016), Chapter 7.

²¹ Ulla Carlsson and Reeta Pöyhtäri, eds., *The Assault on Journalism: Building Knowledge to Protect Freedom of Expression* (Gothenburg, Nordicom, 2017). The case involving the murder of an investigative journalist in Ghana has been reported in Gary Al-Smith, “Corruption, murder and how Ghana’s football has ground to a halt”, *The Guardian*, 7 February 2019.

regulations. Such bodies exist at the national and international levels, with the Court of Arbitration for Sport, an independent institution that facilitates the settlement of sports-related disputes through arbitration or mediation by means of procedural rules adapted to the specific needs of the sports world, being the highest appeal body for international sports.

The existence of internal justice systems in sport, when operated as independent bodies, significantly enhances the capacity of the justice system to respond to the needs of sport and serves to support the implementation of the fundamental principles of judicial conduct underpinning article 11 of the Convention. When they are applied in line with legal constraints, the disciplinary powers of sports organizations can constitute an effective tool in the fight against corruption in sport. Equally important is the need for these bodies to be free from the threat of corruption and to operate to the highest standards of conduct.

2.7 ANTI-CORRUPTION TRAINING

As efforts to fight corruption in sport gain momentum and laws, rules, regulations and standards are developed and implemented to help tackle the problem, it is necessary that those who are subject to these requirements are aware of them. It is equally important that they are provided with the knowledge to comply with and apply them in practice and receive up-to-date information about relevant policies and experiences. This is where anti-corruption training plays a vital role. The subject is covered by article 60 of the Convention against Corruption. In addition, it is requested in paragraph 9 of resolution 8/4 that UNODC provide up-to-date training materials, guides and tools for Governments and sports organizations, and share information and good practices.

Many relevant educational initiatives have been undertaken in recent years by international organizations, Governments, sports bodies and academic institutions.²² However, while the high quality of many anti-corruption training programmes is of benefit to sport, their effectiveness can be enhanced by

²² Examples include: at the international organizations level, seminars and workshops run by INTERPOL and the IOC as provided for by the Memorandum of Understanding between the two parties of January 2014 (“INTERPOL and IOC renew partnership to strengthen sports integrity”, 27 July 2018); at the national level, the e-learning courses provided by Sport Integrity Australia (https://elearning.sportintegrity.gov.au/blocks/androggic_catalogue/index.php?c1=Courses); at the level of sports organizations, the FIFA Global Integrity Programme (www.fifa.com/legal/integrity/programme) or the International Volleyball Federation’s “E-learning course on prevention of competition manipulation” (www.fivb.com/development/manipulationcourse); and at the academic level, the Erasmus Mundus Joint Master Degree in Sports Ethics and Integrity (www.maisi-project.eu/).

expanding their scope and scale and by catering to the needs of all categories of relevant stakeholders, including children and young athletes, which involves quite a diverse range of requirements.

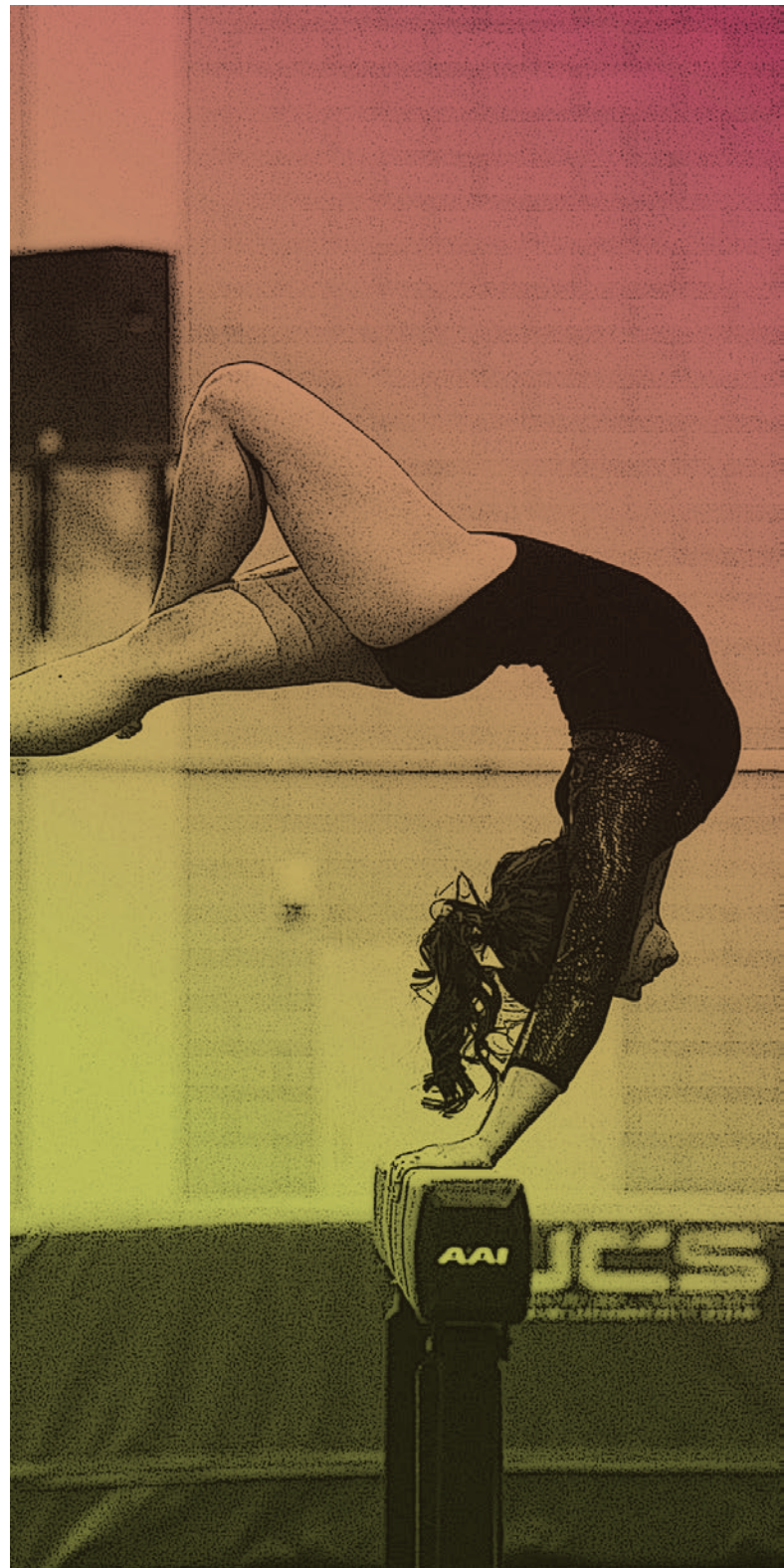
2.8 CORRUPTION, ABUSE AND VULNERABLE GROUPS

Ensuring that sport is a safe space for children and young athletes by tackling the corruption that puts them at risk and prevents them from realizing their potential are areas of increasing focus and interest, including for States and sports organizations.

It is important to acknowledge that corruption impacts all levels, including the amateur, youth and grassroots levels. This corruption can include the embezzlement of funds and the use of bribes to get enrolled into a sports academy, to secure a place on a team or to make undue payments to amateur players. Equally important to acknowledge is how corruption can facilitate abuse in sport. This topic is addressed in detail in the section on corruption and abuse in sport. Abuse in sport can lead to insurmountable psychological trauma, unjustly deprive talented young athletes of a chance to compete and hinder the development of national sport.²³

While the Convention against Corruption does not explicitly address the impact of corruption on vulnerable groups, this issue receives special attention in resolution 8/4. In paragraph 10, the Conference “urges States parties and relevant stakeholders to address the risks to vulnerable groups, in particular children and young athletes, posed by corruption in sport, with a view to promoting healthy lives and principles of integrity and to creating an atmosphere of intolerance towards corruption in junior and youth sport.” It is also referred to in the political declaration adopted at the special session of the General Assembly against corruption, in paragraph 71, which states: “We will address risks to groups in vulnerable conditions, in particular children and young athletes, posed by corruption in sport, with a view to promoting fair competition, healthy lives and principles of integrity and to creating an atmosphere of intolerance towards corruption in junior and youth sport, in accordance with domestic legal systems.”

²³ See, for example, the educational video about corruption and sport in Kyrgyzstan: Госагентство сняло видеоролик против коррупции в спорте – ELGEZIT.





3. >>>>>>

CRIMINALIZATION AND LAW ENFORCEMENT

3.1 CRIMINALIZATION

The Convention against Corruption requires countries to establish criminal and other offences to cover a wide range of acts of corruption, if these are not already crimes under domestic law. In some cases, States are legally obliged to establish offences, while in other cases, in order to consider differences in domestic law, they are required to consider establishing certain offences. The Convention introduces minimum standards, but States are free to go beyond them.

The far reaching approach of the Convention and the mandatory character of many of its provisions makes it a unique and comprehensive tool. The Convention goes beyond previous instruments of this kind, criminalizing not only basic

forms of corruption such as bribery and the embezzlement of public funds in both public and private sectors, but also trading in influence and the concealment and laundering of the proceeds of corruption. Offences committed in support of corruption, including money-laundering and obstructing justice, are also dealt with.

Some of the approaches used by States parties to apply provisions in the Convention to the criminalization of corruption in sports are set out below, but the examples do not purport to be comprehensive or exhaustive.

3.1.1 CORRUPTION IN THE PUBLIC SECTOR

Most offences subject to criminalization under the Convention against Corruption (articles 15 to 20) are related to corruption in the public sector and by default are primarily aimed at tackling corruption offences by public officials. Relevant articles in the Convention that relate to corruption in the public sector include:

- » Articles 15 and 16 on bribery of national public officials and bribery of foreign public officials and officials of public international organizations
- » Article 17 on embezzlement, misappropriation or other diversion of property by a public official
- » Article 18 on trading in influence
- » Article 19 on abuse of functions
- » Article 20 on illicit enrichment

However, officials of sports organizations, coaches, athletes, referees and other members of the sports movement are not ordinarily classified as public officials. Nevertheless, even without being amended, articles on the criminal liability of public officials for bribery, embezzlement and abuse of office or functions, as well as those criminalizing the bribery of public officials, and more rarely provisions on illicit enrichment, may be used in the context of sport:

- » Such legal provisions help to counteract corruption in government agencies responsible for sports as well as in state-owned enterprises²⁴ involved in the implementation of sport-related projects, such as the construction of sports infrastructure.

²⁴ In many countries, employees of state-owned enterprises are recognized by criminal law as public officials.

- » In some countries, certain sports organizations are also state-owned enterprises. The management or a broader range of employees of such organizations may be subject to anti-corruption regulations, including criminal ones that apply to public office holders, civil servants and other public officials.²⁵
- » These provisions could also be useful for combating bribe-giving through sports. For example, when undue payments are made to a public official in the form of free or discounted tickets to sporting events or, more significantly, in the form of sponsorship or investment in a sports club by a public official.²⁶
- » Provisions on criminal liability for corruption offences can be used as a model by sports organizations when building their internal sanction systems. Even though sports organizations are not empowered to impose criminal penalties, they may provide for disciplinary sanctions for the same offences.
- » Some States parties have extended the provisions originally aimed at public officials to sports-related individuals and legal entities. The definition of a public official could be amended accordingly²⁷ or the rules on the criminal liability of public officials may be applied to the employees of any organization, including sports organizations.²⁸

²⁵ This is the case in the Russian Federation, where many sports schools have the status of state institutions. Persons who are in a position of authority or organizational responsibility and carry out regulative, administrative, and economic functions in state institutions are recognized by the Criminal Code (article 285) as public officials. Accordingly, they are subject to criminal liability for bribery, abuse of power, embezzlement and other corruption offences.

²⁶ See, for example, certain enforcement actions of the Foreign Corrupt Practices Act (FCPA). In the cases of SBM Offshore N. V., 2017, (www.justice.gov/criminal-fraud/file/1017346/download) and Telefônica Brasil S. A., 2019 (www.sec.gov/litigation/admin/2019/34-85819.pdf), the companies transferred illegal remuneration in the form of tickets to sporting events. SBM Offshore N.V. and its wholly owned United States subsidiary, SBM Offshore USA Inc. (SBM USA), agreed to resolve criminal charges and pay a criminal penalty of \$238 million in connection with schemes involving the bribery of foreign officials. In the case of Telefônica Brasil S.A., without admitting or denying the findings, Telefônica agreed to a cease-and-desist order and to pay a \$4,125,000 civil money penalty. In the case of BHP Billiton (BHPB), 2015, the basis for enforcement action was a global hospitality programme that the company hosted in connection with its sponsorship of the 2008 Beijing Summer Olympic Games. BHPB invited approximately 176 government officials and employees of state-owned enterprises to attend the Olympics at BHPB's expense (www.sec.gov/litigation/admin/2015/34-74998.pdf). The United States Securities and Exchange Commission (SEC) charged BHPB with violating the FCPA and BHPB agreed to pay a penalty of \$25 million to settle the SEC's charges. The case of Las Vegas Sands, 2016, involved the alleged misconduct of the payment of fictitious consultancy fees to acquire or sponsor a professional basketball team in the Chinese Basketball Association (www.justice.gov/criminal-fraud/file/1022231/download). Las Vegas Sands Corp. agreed to pay a \$9 million penalty to settle charges that it had violated the FCPA.

²⁷ For instance, the Malaysian Anti-Corruption Commission Act of 2009 criminalizes bribery of an officer (that is, any person who is a member, an officer, an employee or a servant) of a public body, while a "public body includes any sports body registered under Section 17 of the Sports Development Act 1997.

²⁸ The Vietnamese Penal Code, for example, applies to an office holder (i.e., a person who is given certain duties and power through appointment, election, contract conclusion or another method) in an enterprise or organization *other than a state organization* the same penalties for active and passive bribery as it applies to office holders in government agencies (para. 6, article 354; para. 6 article 364).

3.1.2 CORRUPTION IN THE PRIVATE SECTOR

Applying laws on private corruption to the field of sports can be an effective way to tackle corruption given that sports bodies, clubs, institutes and academies schools are often private-sector organizations.²⁹ The following articles of the Convention against Corruption are relevant in this context:

- » Article 21 on bribery in the private sector
- » Article 22 on embezzlement of property in the private sector

However, it is important to bear in mind that sometimes the language of criminal anti-corruption provisions may limit their applicability. This is particularly the case for certain restrictive clauses that limit the scope or coverage of such provisions, including the following:

- » **Type of organization.** In some jurisdictions, private sector bribery provisions apply only to commercial organizations or to bribery during commercial activities,³⁰ whereas international and national sports bodies are frequently established as non-governmental organizations and sport-related corruption offences are often not related to commercial transactions (e.g. vote rigging).
- » **Categories of employees.** Whereas a corruption offence in the private sector can apply only to persons who perform managerial or other specific functions,³¹ the roles and responsibilities of athletes, coaches and referees often are not considered as such functions and thus do not fall under criminal liability.
- » **Harm.** In certain jurisdictions, a corruption offence is criminalized only if it brings harm to specific social relations or to society at large. In the area of sport, such a restrictive clause may make it more difficult to impose sanctions. Firstly, it could be problematic to prove social harm from certain corrupt acts (e.g. bribing officials of international sports bodies to gain the right to host a major sporting event). Secondly, sports organizations

²⁹ For further guidance, refer to UNODC, *The United Nations Convention against Corruption: A Resource Guide on State Measures for Strengthening Corporate Integrity* (Vienna, 2013).

³⁰ For example, in Greece, article 396 of the Greek Criminal Code criminalizes private commercial bribery, that is, the acceptance or receipt directly or indirectly of any benefit **during the exercise of a commercial activity** in breach of their duties or the giving or offering of benefits directly or indirectly to a person in the private sector for the purposes of acting or omitting to act in breach of their duties. In Australia, commercial bribery is not expressly prohibited under the Criminal Code. However, if a bribe is paid **to obtain a commercial advantage**, various national criminal and civil laws can hold the company and the individuals involved liable for the conduct.

³¹ In the Russian Federation, article 204 of the Criminal Code criminalizes commercial bribery, that is, the illegal transfer or receipt of money, securities or any other assets, or the unlawful provision of monetized services or granting of other property rights by an individual or group for the commission of actions or omissions in the interests of the giver, in connection with an official position held by **a person discharging managerial functions**.

may not be involved in specific relationships that are covered by criminal law.³²

Thus, regarding the application of articles 21 and 22 of the Convention and national legislation on private-sector corruption to the field of sport, it is important to carefully consider the language of the relevant provisions and, when necessary, consider excluding restrictive clauses to ensure that laws can be applied to a broad range of sport-related persons.

A different approach is also possible: to solve the applicability issues, some jurisdictions have explicitly stated that provisions relating to private-sector corruption extend to certain sports actors.³³

3.1.3 SPECIFIC LAWS ON CORRUPTION IN SPORTS

In addition to applying and adapting existing general criminal anti-corruption laws to tackle forms of corruption that are used in sport (as discussed throughout this report, but for example, bribes paid to ensure a particular city or country is selected to host a major sporting event, to facilitate the inclusion of a player on a team and to secure a high-level position in a sports organization), an increasing number of jurisdictions have enacted legislation that addresses sport-specific or sport-related corruption, such as the criminalization of competition manipulation and illegal betting. For example, in 2021, 45 jurisdictions that specifically criminalize the manipulation of sport competitions were identified. This represents a significant increase compared to the five jurisdictions identified in 2013 (see the section on understanding the manipulation of sports competitions for more information). In addition, another approach used is also to develop specific provisions that can be incorporated into more general laws on corruption in the private sector.³⁴

³² Before the 2016 amendments to the Penal Code came into force in Switzerland, the country hosting most international sports bodies, bribery in the private sector was only criminalized under the Swiss Unfair Competition Act in cases where such actions led to the distortion of the market. Since sports bodies officials may take bribes also outside the market relations, this provision severely limited the applicability of the relevant rules. The situation was remedied with the introduction of articles 322octies–322novies in the Criminal Code.

³³ For instance, article 333 of the Criminal Code of the Republic of Moldova criminalizes its claim, acceptance or receipt, in person or by an intermediary, by an arbitrator elected or appointed to settle by arbitration a litigation, by a person managing a commercial, public or other non-state organization, or by a person working for a such organization, by a participant in a sporting event or in a betting event, goods, services, privileges or benefits in any form, for itself or for another person, or accepting offers or promises from them in order to fulfill or not or to delay or accelerate the performance of an action in exercising its position or contrary to it either within a sporting event or a betting event.

³⁴ For example, article 286bis of the Spanish Penal Code, dedicated to countering private bribery, includes para. 4, according to which the provisions of this article shall be applicable, in their respective cases, to the directors, administrators, employees or collaborators of a sports entity, regardless of its legal form, as well as to athletes, referees or judges, with respect to those conducts whose purpose is to deliberately and fraudulently predetermine or alter the result of an event, match or sports competition of special economic or sporting relevance.

3.1.4 FRAUD

In addition to the criminalization of bribery, embezzlement, abuse of office and other corruption offences, norms on criminal liability for fraud are also used as an anti-corruption tool. Even though the Convention against Corruption does not explicitly provide for the criminalization of fraud, the use of anti-fraud measures to combat corruption can be consistent with the spirit of the Convention, as they are aimed at countering the same types of criminal actions.

Fraud encompasses any act or omission whereby an individual or entity knowingly misrepresents or conceals a material fact in order to obtain an undue benefit or advantage for himself, herself, itself or a third party, or to cause another to act to his or her detriment.³⁵

Anti-fraud legislation can be applied to the field of sports in a variety of ways, including, but not limited to, the following:

- » Competition manipulation (which is discussed in greater detail in the chapter on understanding the manipulation of sports competitions) can be considered as a form of fraud. According to the study *Criminal Law Provisions for the Prosecution of Competition Manipulation* by UNODC and the International Olympic Committee, many countries use provisions on fraud, among other general criminal law provisions, to sanction competition manipulation,³⁶ with some countries even introducing the term “sports fraud” to refer to competition manipulation.³⁷
- » Criminal liability for fraud may be applied to an employee implementing a scheme that results in the employer, such as a Government, a sports organization or a private company, being deprived of certain assets. The losses to the employer may be pecuniary, for example, when an employee of a sports organization ensures the purchase of uncompleted or fictitious goods and services,³⁸ receives a bribe to sell broadcasting rights of a sporting event at a low price or siphons off funds received for the transfer of a player.³⁹ The losses can also be intangible, such as when the employer is deprived of the proper

³⁵ Anti-Fraud and Anti-Corruption Framework of the United Nations Secretariat, <https://undocs.org/en/ST/IC/2016/25>.

³⁶ See relevant examples of prosecutions in the chapter on the manipulation of sports competitions.

³⁷ For example, in El Salvador, article 218A entitled “Sporting fraud” is included in the Criminal Code. In India, the term “sports fraud” was used in several consecutive though not yet adopted bills.

³⁸ For example, in the Russian Federation, the director of a state-owned sports school was accused of fraud, according to investigators, for making a fictitious purchase of equipment that had previously been supplied free of charge by sponsors, 31 January 2021, <https://22.xn--b1aew.xn--p1ai/news/item/22818453/>.

³⁹ See, for example, the case of Zoran Mamic, a former Dinamo Zagreb coach, who was found guilty of fraud on players’ transfer fees. In 2012, Croatia issued an international arrest warrant for him. The case is adjudicated.

performance of an employee's duties and there is a breach of fiduciary duty.⁴⁰

- » It may also constitute fraud when damages are suffered by sports-related organizations because of fraudulent actions by persons who are not formal members of the organization. For example, when agents offer bribes to players, in exchange for the players agreeing to be represented by the agents in the future and signing post-dated representation contracts⁴¹ or when agents and sports clothing companies give money to the families of college players in exchange for their commitment to later join the teams sponsored by those companies.⁴²
- » The application of anti-fraud provisions, which are often quite broad in terms of their scope, can be a convenient way for law enforcement and criminal justice authorities to tackle corruption in sport. For example, when a bribe is paid to a person who can informally influence the outcome of an event through a network of contacts, such as the awarding of a bid or the selection of players for a competition, but who has no formal role on a selection committee or is not formally employed by the given sports organization.

3.1.5 LAUNDERING OF PROCEEDS OF CRIME

The link between corruption in sport and money-laundering has been the subject of many publications and initiatives. In the Convention against Corruption, the issue of money-laundering is addressed in article 14 on measures to prevent money-laundering and in article 23 on laundering of proceeds of crime. Article 23 prescribes that a range of criminal offences established in accordance with the Convention should be included as predicate offences.

In terms of protecting the integrity of sport, anti-money-laundering measures are important for several reasons:

- » They prevent the free use of criminal proceeds by unscrupulous public officials, members of sports organizations, organizers of illegal betting and other criminals who may have infiltrated sport

⁴⁰ 18 U. S. C. § 1346. For instance, honest services fraud counts were the predicate for the racketeering counts when the Racketeer Influenced and Corrupt Organizations (RICO) act was applied to FIFA officials.

⁴¹ As in *United States v. Walters*. In this case, two sports agents were found guilty of defrauding two universities of their property interests in athletic scholarships. For a detailed discussion, see Landis Cox, "Targeting sports agents with the Mail Fraud Statute: *United States v. Norby Walters & Lloyd Bloom*", *Duke Law Journal*, vol. 41, (1992) pp. 1157–1210.

⁴² For example, *United States v. Gatto*. For a detailed discussion, see e.g., Seth Myers, "An intentional foul: corruption in NCAA Basketball & the aftermath of the 2017 scandal", *DePaul Journal of Sports Law*, vol. 15, No. 1 (2019), pp. 65–92.

- » They facilitate combating money-laundering through sports, such as using proceeds of crime to buy a sports club, to invest in transfers and to provide sponsorship, and through sports-related betting⁴³
- » They can be an effective tool for law enforcement agencies and criminal justice authorities as they allow for the prosecution of persons to whom, for several reasons, anti-corruption provisions cannot be applied

Anti-money-laundering issues in sport, including the experiences of individual jurisdictions in implementing the relevant provisions of the Convention, are discussed in more detail in the section on understanding the manipulation of sports competitions.

3.2 LAW ENFORCEMENT

In addition to adopting relevant laws and regulations to criminalize corruption which are of direct relevance to sport, it is also important to ensure proper investigative procedures, prosecution, adjudication and sanctions, as well as, to the extent possible, compensation for damages.

The Convention against Corruption addresses these issues in several articles, including:

- » Article 24 on concealment
- » Article 25 on obstruction of justice
- » Article 26 on liability of legal persons
- » Article 27 on participation and attempt
- » Article 28 on knowledge, intent and purpose as elements of an offence
- » Article 29 on statute of limitations
- » Article 30 on prosecution, adjudication and sanctions
- » Article 31 on freezing, seizure and confiscation
- » Article 34 on consequences of acts of corruption
- » Article 35 on compensation for damage
- » Article 41 on criminal record
- » Article 50 on special investigative techniques

As these articles are of a general nature, they can be applied to a variety of corruption offences, including those that are

⁴³ A recent report by the European Union Agency for Law Enforcement Cooperation (Europol) on the involvement of organized crime in sports corruption notes that money-laundering through sports corruption can be a straightforward activity, where smaller amounts of money are laundered directly through betting with illegal funds and turned into legitimate betting wins.

committed in sports. They can also be used as guidance by sports organizations when they establish disciplinary measures and develop internal systems of investigation.

3.2.1 SPECIALIZED BODIES

Specialized bodies that can perform various functions regarding corruption prevention and law enforcement are an essential element of any anti-corruption framework. The role of such entities is covered by the Convention against Corruption in the following articles:

- » Article 6 on preventive anti-corruption body or bodies
- » Article 36 on specialized authorities
- » Article 38 on cooperation between national authorities
- » Article 39 on cooperation between national authorities and the private sector

In resolution 8/4, the Conference also addresses this issue and “calls upon States parties, where possible and in accordance with the fundamental principles of their legal systems, to inform the Secretariat of the names and addresses of authorities that may be able to assist other States parties in developing and implementing specific measures to address corruption in sport.”

In recent years, the number of specialized bodies to tackle corruption in sport has grown. At the national level, numerous examples exist involving either the establishment of units within sports regulatory bodies⁴⁴ or within law enforcement agencies.⁴⁵ Such units can deal with a wide range of issues related to anti-corruption and the protection of the integrity of sport. Some have a specialized mandate, such as focusing on tackling competition manipulation.⁴⁶ Some jurisdictions have moved towards the creation of a separate sports integrity body with a mandate that includes tackling the various forms of wrongdoing and corruption in sport.⁴⁷

⁴⁴ In Japan, a Sport Integrity Unit was established under the Japan Sport Council in 2014, which is dedicated, among other things, to ensuring good governance and integrity in sports organizations.

⁴⁵ In Belgium, the Sports Fraud Team was established within the Federal Judicial Police. In Spain, the National Police Center for Integrity in Sports and Gambling (CENPIDA) was created. In the United States, the FBI has recently launched the Sport and Gaming Initiative. In India, the Sports Integrity Unit was created under the Special Crime Branch of the Central Bureau of Investigation (CBI).

⁴⁶ For example, in Italy, the Sports Betting Information Unit (UISS) was established within the Central Directorate of the Criminal Police.

⁴⁷ In Australia, a specialized agency – Sport Integrity Australia – was established in 2020 to bring together the functions of the Australian Sports Anti-Doping Authority, the National Integrity of Sport Unit, and the sport integrity functions of Sport Australia. Public debate has recently started in Malta on the creation of the Sports Integrity Authority (https://meae.gov.mt/en/Public_Consultations/MISW/Pages/Consultations/ParliamentaryBillforPublicConsultationSportsGovernanceandIntegrityAct2021.aspx).

Regarding sports bodies, numerous examples exist of the establishment of integrity units or the appointment of integrity officers at both the international and national⁴⁸ levels, often with mandates aimed at preventing corruption and conducting internal investigations. Efforts are also being made to introduce anti-corruption regulatory entities in new areas such as e-sports.⁴⁹

Furthermore, in the spirit of articles 38 and 39 of the Convention, initiatives are emerging that facilitate cooperation on anti-corruption in sport between different public bodies and between public bodies and sports organizations or other private sector organizations. Such forms of cooperation can be initiated by Governments⁵⁰ or sports organizations.⁵¹ In recent years, agreements with private sector organizations that can provide the data necessary to detect wrongdoing have become increasingly common.⁵²

While the number of anti-corruption bodies in sport is growing, it is an approach that can be considered a new phenomenon. Despite calls for more bodies, it is not a widespread practice, especially when compared to approaches to tackle other integrity risks in sport, such as doping.

3.2.2 REPORTING SYSTEMS

At the international level, it has been consistently emphasized that for the fight against corruption to be effective, it is important to establish reporting systems that enable reporting individuals to report on possible corruption offences and that ensure that reporting persons are protected against retaliation. This topic is examined in detail in the section on detecting and reporting corruption in sport.

⁴⁸ The Italian Olympic Committee (CONI), for instance, created the General Prosecution Office for Sport (Procura Generale dello Sport).

⁴⁹ See, for example: The Global Anticorruption Blog (GAB), “eSports: a playground for corruption?”, 2 July 2021.

⁵⁰ For example, in Spain, the National Commission to Combat the Manipulation of Sports Competitions and Betting Fraud (CONFAD) was established. CONFAD is chaired by the Ministry of Consumption in coordination with the Superior Council of Sports, National Police, Civil Guard, sports federations, organizers of sports competitions and game operators.

⁵¹ In Malaysia, the Football Association of Malaysia created the Integrity Committee that includes the representatives of the Malaysian Anti-Corruption Commission and the Royal Malaysia Police. In Estonia, the Estonian Center for Integrity in Sports was set up in 2019 by the Estonian Olympic Committee in cooperation with the Ministry of Culture; in 2020, the Center merged with the Estonian Anti-Doping Foundation.

⁵² Sportradar, one of the leading companies in supplying sports related data, has numerous agreements with state authorities (Bulgaria’s National police, the Central Service of Races and Games of France’s National Police Force, the Estonian Center for Integrity in Sports, etc.) as well as with international and national sports bodies (with the IOC and FIFA being among the largest, and the Netherlands Olympic Committee, the National Hockey League, and the International Table Tennis Federation the most recent partners). Such agreements often involve, among other things, the provision of data on integrity risks.

In the Convention against Corruption, reporting on corruption is addressed in paragraph 4 of article 8 on codes of conduct for public officials and in article 33 on protection of reporting persons. These are supplemented by article 32 on the protection of witnesses, experts and victims, and by article 37 on cooperation with law enforcement authorities, which include provisions for the protection of witnesses and persons assisting investigations.

These provisions are applicable to the field of sport, as explicitly stated in paragraph 12 of resolution 7/8, where the Conference “encourages States parties and sports organizations, bearing in mind in particular articles 8, 32 and 33 of the United Nations Convention against Corruption, in conformity with national legislation and in the context of sport, to consider developing reporting mechanisms in sport and establishing effective protection measures for reporting persons and witnesses, to increase awareness of such measures and to make use of the joint publication of the United Nations Office on Drugs and Crime and the International Olympic Committee entitled *Reporting Mechanisms in Sport: A Practical Guide for Development and Implementation* and the publication of the United Nations Office on Drugs and Crime entitled *Resource Guide on Good Practices in the Protection of Reporting Persons*.

In 2019, UNODC and the International Olympic Committee released a publication entitled *Reporting Mechanisms in Sport: A Practical Guide for Development and Implementation*, which looks at the key elements of reporting systems in sport, provides guidance on their implementation and gives examples from different jurisdictions and sports organizations. It is available in Arabic, English, French, Spanish and Russian.

Reporting mechanisms are currently being implemented at the national level, where appropriate reporting channels are usually established within sport regulatory bodies and/or law enforcement authorities,⁵³ and by international and national sports bodies. Both Governments and sports organizations are looking for ways to make reporting systems more effective, with the aim of trying to better gain the trust of potential reporting persons, increasing the use of reporting channels, improving the quality of information handling, and ensuring the ability to conduct effective investigations. Various innovative solutions can be applied, including new

⁵³ Such reporting systems have been established, for example, as part of Sport Integrity Australia (www.sportintegrity.gov.au/contact-us/anonymously-report-integrity-issues) or by the Belgian police (www.politie.be/5998/nl/vragen/sportfraude/heb-jij-informatie-over-sport-fraude).

information technology⁵⁴ and the outsourcing of reporting mechanism management to third parties.⁵⁵ However, the issue of the insufficient protection of reporting persons, as set out in article 33 on protection of reporting persons, and the reluctance to disclose information about corruption because of a fear of reprisals, is still highly relevant and requires close attention.

3.2.3 SPECIAL INVESTIGATIVE TECHNIQUES

Crimes in the field of sports are often complex, transnational in nature and involve the use of modern technologies. Therefore, a variety of often innovative methods must be used to investigate them (see the sections on detecting and reporting corruption in sport, understanding the manipulation of sports competitions and illegal betting and sport for additional information).

Article 50 of the Convention against Corruption urges States parties “to allow for the appropriate use by its competent authorities of controlled delivery and, where it deems appropriate, other special investigative techniques, such as electronic or other forms of surveillance and undercover operations, within its territory, and to allow for the admissibility in court of evidence derived therefrom.”

In recent years, certain countries have allowed the use of special investigative techniques in relation to sport-related corruption offences⁵⁶ and in some cases, national law enforcement agencies have successfully applied the new tools in practice.⁵⁷ Sports organizations, although more

⁵⁴ For example, within the framework of the PROtect Integrity Plus project, co-funded by the Erasmus+ Programme of the European Union, the specialized Red Button reporting App was introduced to professional athletes from seven European Union countries. Initially developed by the Football Players Association of Finland (JPY) and FIFPro, the application was installed on players’ smartphones and allows them, anonymously if preferred, to report match-fixing. Later, FIFA used this experience and distributed the Red Button application to its member associations. See Babatunde Buraimo and David Forrest, *Report on ‘Project Integrity Plus’: Roll-Out of the Red Button App to New Sports and New Countries* (University of Liverpool Management School, December 2019).

⁵⁵ The Czech Ice Hockey Federation, for example, has outsourced the analysis and review of whistleblower information to a specialized anti-corruption NGO. See Ordway, *Restoring Trust in Sport*, Chapter 8.

⁵⁶ For instance, in Albania, the crimes for which photographic or video surveillance and the use of tracking devices are permitted include predetermining results in sports and distortion of competition in sports. Articles 197/A and, 197/B of the Criminal Code of the Republic of Albania, <https://rm.coe.int/16806ec19f>.

⁵⁷ Such cases are quite numerous. In Italy, in 2013, during Operation New Line, the Antimafia District Directions (DDAs) used sophisticated interceptions of web communication to identify and dismantle an illegal betting organization managed by Camorra and specialized in sports events. The organization created an illegal web platform able to collect thousands of Euros each week in various Italian regions. It even fraudulently modified the display of sport results to alter the payment of illegal bets. - https://ec.europa.eu/home-affairs/sites/default/files/e-library/docs/20150312_1_amoc_report_020315_0_220_part_2_en.pdf. In the United States, in 2017, the FBI used wiretaps, undercover agents, informants and other means to investigate fraud and corruption in college basketball. See www.justice.gov/usao-sdny/press-release/file/998751/download.

constrained in their choice of means, are also trying to expand their range of investigation methods.⁵⁸ In addition, international organizations are contributing to this effort by providing methodological and educational support with regard to investigating corruption in sport.⁵⁹

3.2.4 JURISDICTION

Regarding article 42 of the Convention against Corruption, on jurisdiction, some countries have adopted and enforced anti-corruption legislation with a wide extraterritorial reach. In general, extraterritorial liability means that a jurisdiction can, in certain cases, apply sanctions for corruption offences (as well as for fraud, money-laundering and other crimes) to foreign nationals and/or non-resident organizations. These can be applied for activities that take place outside the regulating jurisdiction.

Extraterritorial liability creates additional opportunities to prosecute officials of international sports bodies for corruption, although it is not an approach that is widely used. This approach provides legal grounds for the investigation of such persons by law enforcement authorities of jurisdictions other than the jurisdiction hosting the sports body or the jurisdiction of which the official is a citizen. A well-known example of the use of such measures is the use of the Racketeer Influenced and Corrupt Organizations (RICO) Act in the United States of America to bring charges against former officials of the Fédération Internationale de Football Association.⁶⁰

⁵⁸ International sports federations are increasingly enshrining in their codes of conduct the right to demand from a suspected wrongdoer access to his/her clouds or electronic devices. For a more detailed discussion of this method and an example of its practical application in corruption investigations, see the chapter on detecting and reporting on corruption in sport. For a discussion of the difficulties associated with the use of such investigative tools, see, for example, Björn Hessert, "The protection of minor athletes in sports investigation proceedings", *International Sports Law Journal*, vol. 21, No. 1–2 (2021), pp. 62–73.

⁵⁹ For more on this, see, for example, the section on Interpol initiatives.

⁶⁰ See, for example, Catherine Lee, "How the Foreign Corrupt Practices Act can help referee FIFA", *Maryland Journal of International Law*, vol. 31, No. 1 (2016), pp. 283–310; Branislav Hock, "Transnational bribery: when is extraterritoriality appropriate?", *Charleston Law Review*, vol. 9, (2017), pp. 305–352; Jake Elijah Struebing, "Federal criminal law and international corruption: an appraisal of the FIFA prosecution", *New Criminal Law Review*, vol. 21, No. 1 (2018), pp. 1–56; Conor Slattery, "A new world order: FIFA fiscal scandal opens the door for the United States Department of Justice to prosecute crimes committed across the globe through the use of extraterritorial jurisdiction", *Suffolk Transnational Law Review*, vol. 41, No. 1 (2018), pp. 201–231.

4. >>>>>

INTERNATIONAL COOPERATION AND EXCHANGE OF INFORMATION

Corruption in sport has long been a transnational phenomenon that requires coordinated action across borders to effectively tackle it.

Under the Convention against Corruption, State parties agree to cooperate with one another in every aspect of the fight against corruption, including prevention, investigation and the prosecution of offenders.

In this regard, the articles of the Convention on international cooperation are of particular importance, including those on the exchange of information on suspects, the movement of proceeds of crime, property and equipment used in the commission of offences, joint transnational investigations, mutual legal assistance, extradition of criminals (articles 43 to 50), asset recovery (articles 54, 55, 56, 58 and 59) and technical assistance and support in investigating corruption (articles 60 and 61). All these articles can be applied to a wide range of corruption offences, including those in sports.

It is crucial to the overall anti-corruption effort to build effective cooperation between officials and agencies with responsibility for the enforcement of relevant laws. In recent years, there has been a significant increase in the number of international and regional initiatives to help law enforcement and other agencies from different countries share information and collaborate in other ways, including informally, to tackle crime in sport.

These include:

- » United Nations Office on Drugs and Crime (UNODC) Programme on Safeguarding Sport from Corruption and Crime
- » UNODC Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE Network)
- » International Partnership against Corruption in Sport Task Force 4 on Effective Cooperation between Law Enforcement, Criminal Justice Authorities and Sport Organizations



- » International Criminal Police Organization (INTERPOL) Match-Fixing Task Force
- » Organization for Economic Development Global Network of Law Enforcement Practitioners against Transnational Bribery
- » Council of Europe Network of National Platforms (Group of Copenhagen)
- » Europol Analysis Project Sports Corruption

Some of these initiatives are more focused on facilitating cooperation between authorities from different jurisdictions with regard to specific law enforcement actions, while others are aimed at strengthening the basis for international collaboration: developing common terminology, disseminating useful resources and technologies, preparing analytical materials and conducting educational activities.

Increasingly, sports organizations, non-governmental organizations and other relevant stakeholders are also involved in several ways in such cooperation. For example, numerous formal agreements⁶¹ have been reached between sports

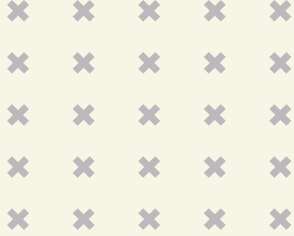
organizations and international organizations specializing in law enforcement cooperation and anti-corruption training.

Regarding cooperation in law enforcement actions, the practice of joint investigations of corruption in sports, as promoted by article 49 of the Convention against Corruption, is gradually growing. Examples include the *Flankengott* investigation⁶² in Germany launched in 2009 by the Bochum criminal investigations division, which quickly gained international coverage, and Operation VETO that ran between 2011 and 2013, for which the joint investigation team comprised Europol experts and teams from 13 European countries.

The Convention also prepares the legal ground for developing other elements of international cooperation, including extradition. In 2019, the first extradition of its kind took place under the extradition treaty between the United Kingdom of Great Britain and Northern Ireland and India, involving an Indian businessperson accused of manipulating of cricket matches (see the section on understanding the manipulation of sports competitions).

⁶¹ See, for example, the partnership agreement between UNODC and the IOC to tackle corruption in sport (www.unodc.org/unodc/en/frontpage/2018/October/unodc-and-international-olympic-committee-enter-partnership-to-tackle-corruption-in-sport.html); the memorandum of understanding between UNODC and FIFA (www.unodc.org/unodc/frontpage/2020/September/unodc-and-fifa-partner-to-kick-out-corruption-and-foster-youth-development-through-football.html); and the renewal of the partnership between INTERPOL and the IOC (www.interpol.int/es/Noticias-y-acontecimientos/Noticias/2018/INTERPOL-and-IOC-renew-partnership-to-strengthen-sports-integrity).

⁶² See Thematic Compilation of Relevant Information Submitted by Germany: Promoting Good Governance in Sport and Mitigating the Risk of Corruption, page 3 (www.unodc.org/documents/corruption/WG-Prevention/Art_5_Integrity-in-sport/Thematic_compilation_Sports_Germany.pdf).



CONCLUSION AND POLICY CONSIDERATIONS



CONCLUSION

While the Convention against Corruption does not explicitly refer to sport, its provisions have been and can be directly applied in many ways that can lay a strong foundation for the development of relevant measures, tools and mechanisms to tackle the corruption sport faces and to strengthen its integrity.

This applies to the criminalization of certain offences and the establishment of effective systems to detect, investigate and sanction corruption. Equally significant are measures to prevent corruption in sport, including promoting good governance and standards of conduct, improving procurement systems and providing anti-corruption education. The Convention also emphasizes the important role relevant stakeholders can play in the fight against corruption. Building effective cooperation between these stakeholders, both at the national and international levels, needs to be an important aspect of anti-corruption efforts.

The field of anti-corruption in sport is actively developing and new issues are emerging that were not apparent at the time the Convention was negotiated. Such issues (for example, illegal betting, competition manipulation and the protection of vulnerable groups) are often touched upon in the soft law instruments adopted in furtherance of the Convention, primarily in the resolutions of the General Assembly and the Conference of the States Parties to the Convention against Corruption.

Importantly, while the Convention is addressed to States parties and signatories, it is not only Governments that can apply its principles and measures. Sports organizations can use the Convention as a benchmark and adapt its provisions to create their own systems to prevent, detect, investigate and sanction corruption, which they have been consistently encouraged to do by the international community.

POLICY CONSIDERATIONS

Governments can strengthen efforts to tackle corruption in sport by:

- » Effectively implementing the United Nations Convention against Corruption
- » Developing comprehensive policies on anti-corruption in sport based on an assessment of the corruption risks faced, including where applicable, but not limited to, those related to the organization of major sports events, competition manipulation and illegal betting, and those

that negatively impact children, young athletes and other vulnerable groups

- » Establishing a body or bodies that have clear responsibility for the prevention, detection, investigation and sanctioning of corruption in sport, and ensuring that they have the necessary independence, training and resources required to carry out their functions effectively
- » Supporting programmes, projects, task forces, expert groups and existing initiatives that promote and enhance cooperation and the exchange of information and good practices among law enforcement agencies, criminal justice authorities, corruption prevention authorities, law-makers and policymakers

Sports organizations can strengthen efforts to tackle corruption by further aligning their rules and regulations with the principles of the Convention against Corruption. They can do this by:

- » Reviewing and updating, where necessary, their rules and regulation to align with the principles of the United Nations Convention against Corruption
- » Including public reporting on corruption risks in their organization as part of their information disclosure policies
- » Developing comprehensive anti-corruption policies based on an assessment of corruption risks faced by their organizations. The use and adaptation of the UNODC publication entitled National Anti-Corruption Strategies: A Practical Guide for Development and Implementation can be helpful in this regard
- » Developing, implementing and simplifying their mechanisms for reporting acts of corruption, including the possibility of anonymous reporting
- » Providing staff with access to services that can provide confidential advice on ways to prevent, mitigate and remedy conflicts of interest, and assisting staff in conforming their conduct to the ethical expectations established by their organizations
- » Developing and implementing procedures for the selection of individuals for positions considered especially vulnerable to corruption
- » Establishing a body or bodies within their institutions that have clear responsibility for the prevention, detection, investigation and sanction of corruption. These bodies should be provided with the necessary independence, training and resources required to carry out their functions effectively



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**# SAVE
SPORT**

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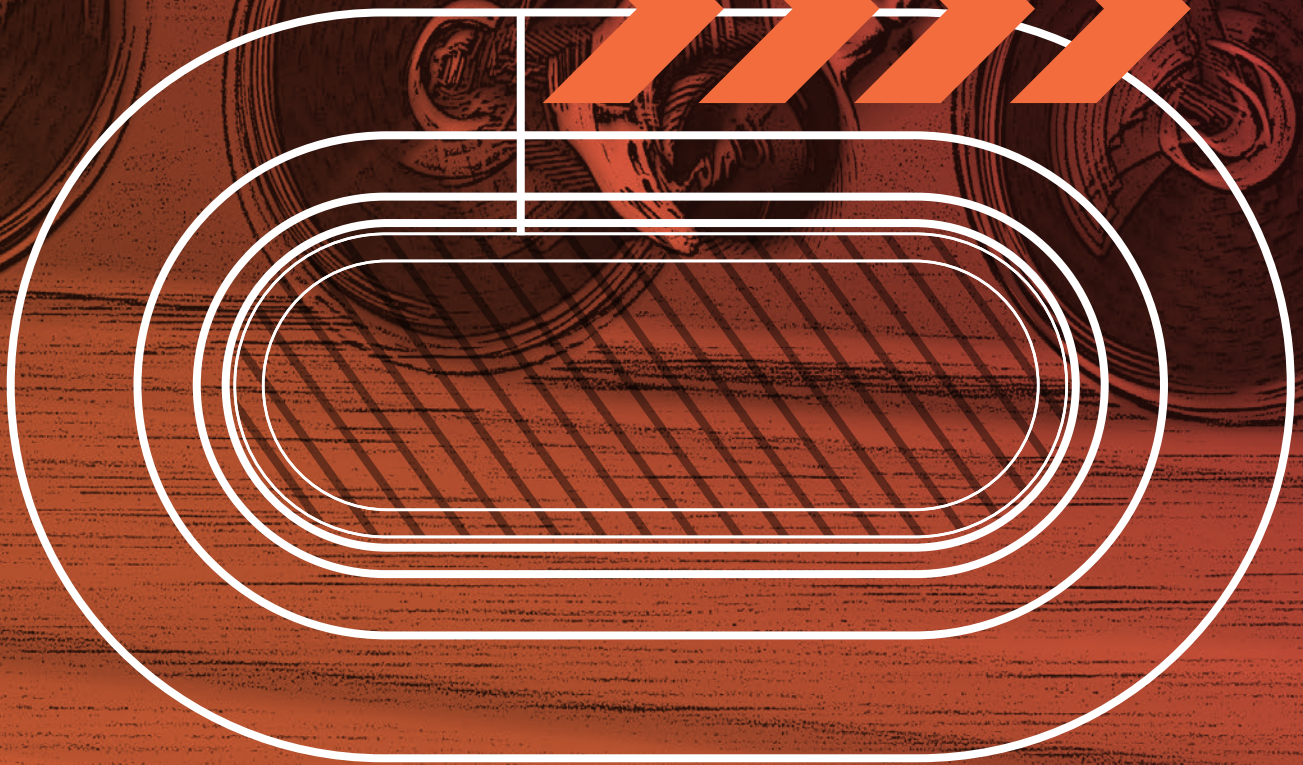
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GLOBAL REPORT ON CORRUPTION IN SPORT

OVERVIEW OF INSTITUTIONAL INITIATIVES TO TACKLE CORRUPTION IN SPORT

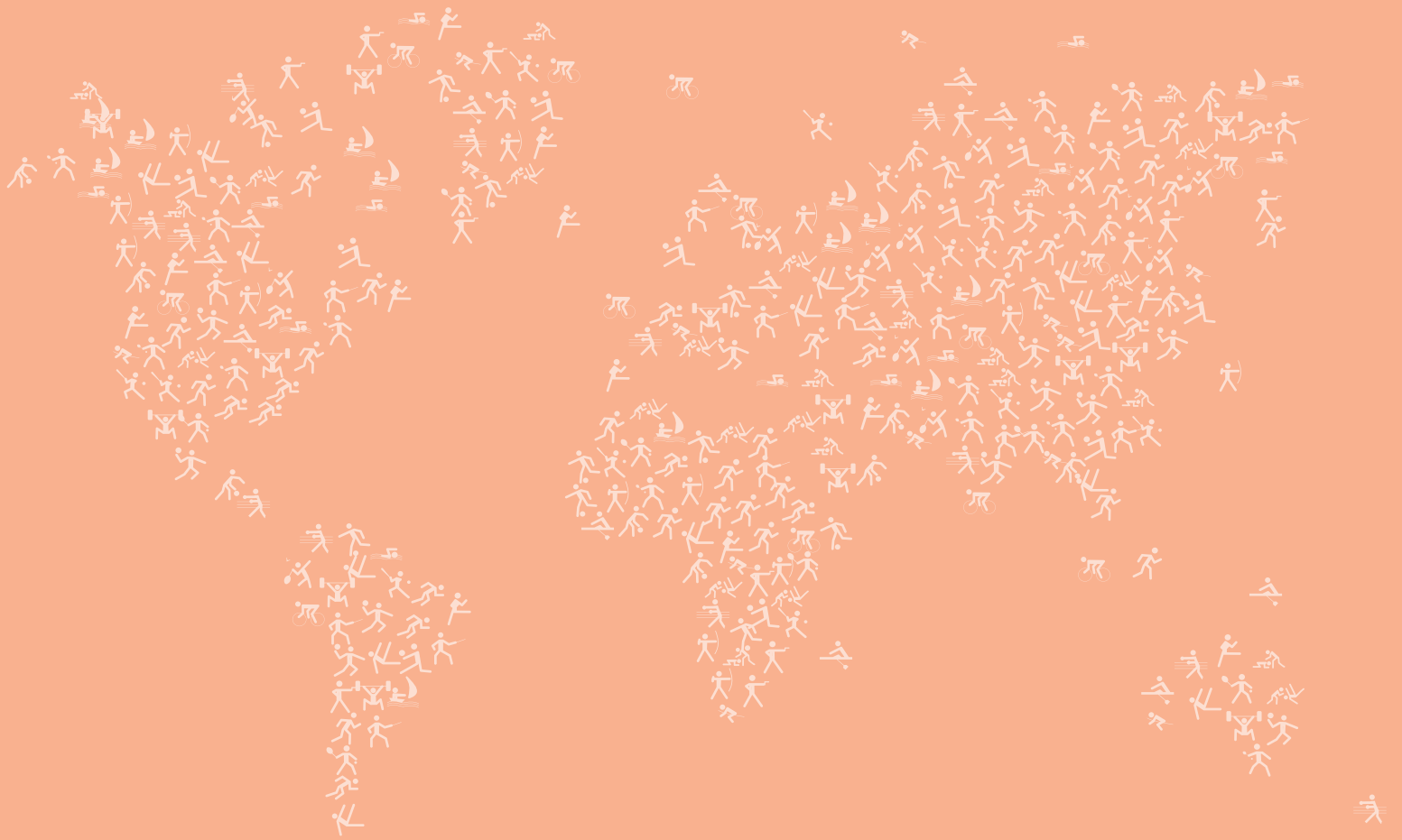
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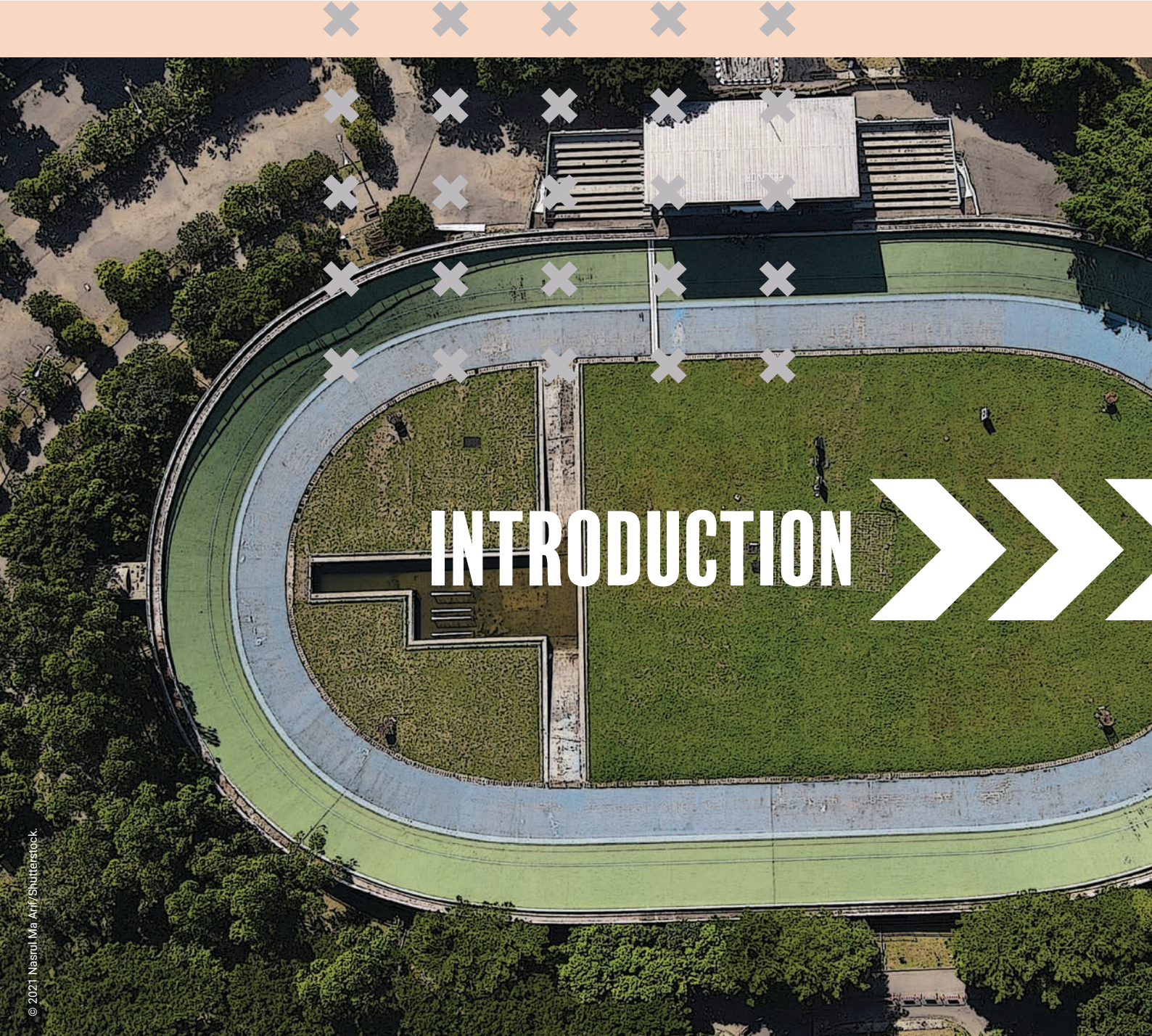
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INTRODUCTION



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INTRODUCTION

Sport is integral to the achievement of the Sustainable Development Goals.¹ Significant efforts have been made to develop policies and initiatives at all levels to make sport an accelerator of peace and sustainable development for all,² including those aimed at strengthening the integrity of sport.³

However, there is a growing understanding that illicit activities, often involving an international dimension, pose a significant threat to sport's role in the achievement of the Sustainable Development Goals. The last decade has seen a notable increase in the number of initiatives at the national and international levels to tackle corruption in sport and strengthen the integrity of sport. Their range and diversity reflect the complexity of the challenge and the fact that there is no "one-size-fits-all" approach.

The objective of this section is to provide an overview of the different initiatives developed to tackle corruption in sport. It also highlights initiatives designed to enhance cooperation at the subnational, national, regional and global levels, before offering conclusions and policy considerations. The section does not purport to be comprehensive, but rather endeavors to provide an overview of relevant initiatives, based on information submitted by States parties to the United Nations Convention against Corruption, as well as on the content of academic journals, studies and articles.

What can be gleaned from this overview is that there is a tendency to prioritize preventive measures as the main way of safeguarding sport from corruption and of enhancing its integrity. This has been done by developing laws, codes of conduct, regulations and policies. Education and training initiatives to enhance the governance of sport have also been widely used.

In addition, there has been a trend towards establishing effective deterrent and punitive mechanisms. In many of the examples identified in this section, this has resulted in the establishment of specialized authorities. The main actors involved in these mechanisms are public authorities, sports organizations and other relevant stakeholders and cooperation among them is aimed at facilitating investigations, sharing information and exchanging good practices.

¹ United Nations Office on Sport for Development and Peace, *Sport and the Sustainable Development Goals: An overview outlining the contribution of sports to the SDGs*.

² General Assembly, "Sport: a global accelerator of peace and sustainable development for all" (13 July 2020). Available at: www.un.org/development/desa/dspd/sport-development-peace/unsq-report2020.html.

³ Commonwealth Secretariat, *Strengthening Sport-Related Policy Coherence: Commonwealth Toolkit and Self-Evaluation Checklist* (2018).

1. >>>>

EXAMPLES OF NATIONAL INITIATIVES ON TACKLING CORRUPTION IN SPORT

To varying degrees, countries and sport organizations have introduced anti-corruption strategies or measures in their sports sector policies. The aim of this section is to identify the measures adopted by the States parties to the United Nations Convention against Corruption, with a focus on the promotion, establishment and strengthening of formal institutional frameworks and processes to tackle corruption in sport.⁴

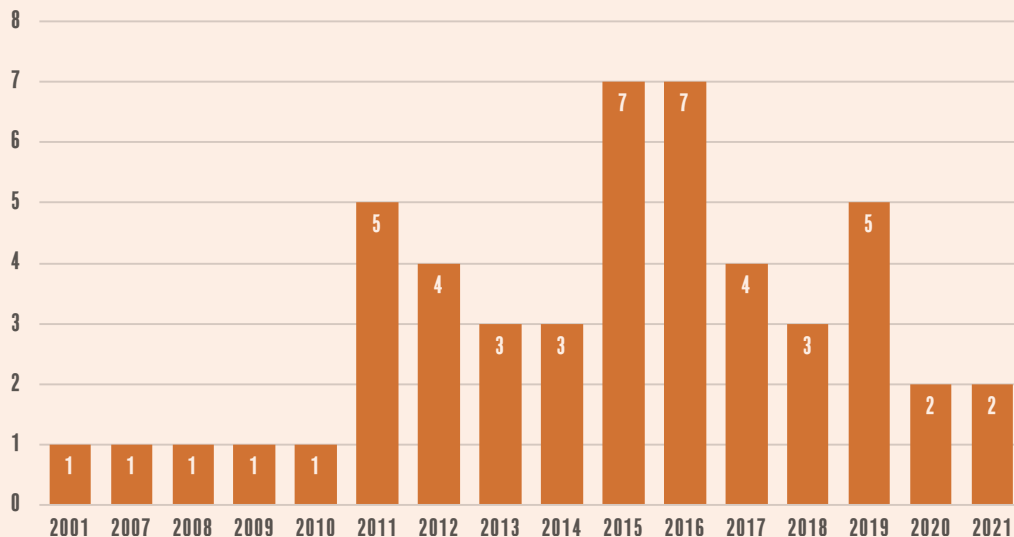
The following analysis identifies progress, trends at the regional level and plans for action, which provide valuable information to help promote the fight against corruption in the sport in the medium and long term.

From 2000 onwards, there have been a range of developments in line with the promotion of international frameworks at the global level.⁵ The analysis of institutional initiatives in 37 States parties to the Convention against Corruption identified a total of 68 anti-corruption initiatives in sport.⁶ Based on the information available, the section groups the analysis of these initiatives into two broad categories, namely those aimed at:

- » Enhancing the governance of sports through laws, codes of conduct and policies
- » Establishing and implementing institutional or coordination mechanisms to tackle corruption in sport

FIGURE I.

NEW ANTI-CORRUPTION INITIATIVES IN SPORT PER YEAR, 2001–2021



⁴ The examples included in this section are based on responses provided by States parties to the questionnaire sent by UNODC and from information provided elsewhere in this report and from other government sources.

⁵ See the section in this section on international frameworks on anti-corruption in sport.

⁶ In response to the questionnaire sent to the States parties inviting them to share information on initiatives on tackling corruption in sport, 37 States parties provided details about various institutional initiatives.

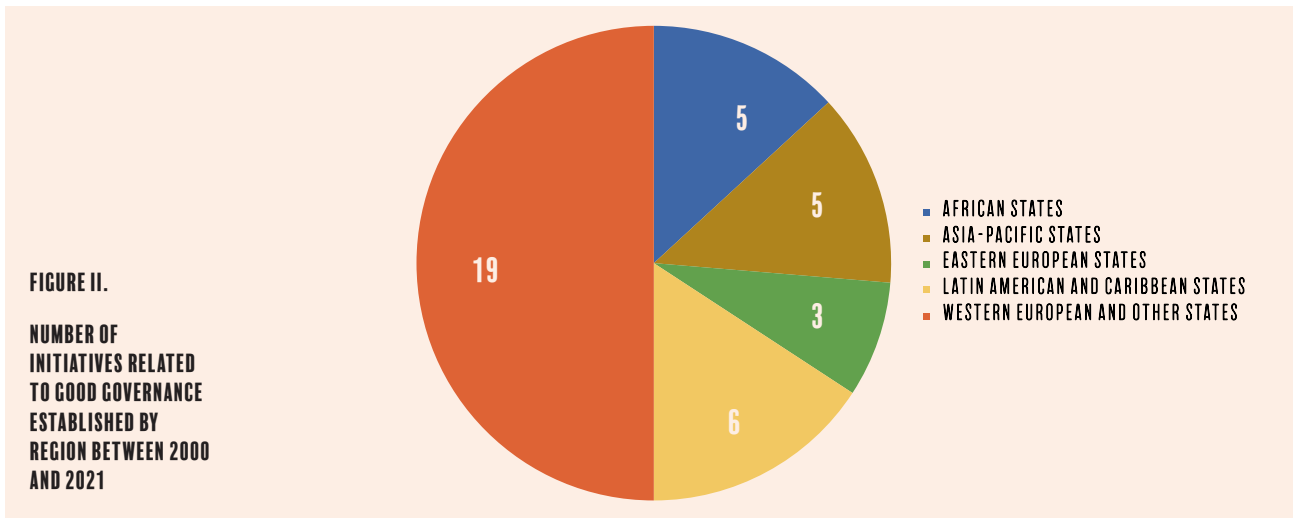
1.1 ENHANCING THE GOVERNANCE OF SPORTS THROUGH LAWS, CODES OF CONDUCT AND POLICIES

A key component of the initiatives that have emerged in the fight against corruption in sport is the governance of institutions and organizations in charge of the management of sport.

Progress to prevent and counter corruption is strongly related to the way in which organizations and institutions are governed, their processes and their norms. In recent decades, specific laws, regulations, codes of conduct and policies that govern the sports sector have been developed in accordance with international anti-corruption frameworks and standards. The concept of “good governance”, an evolution of the notion

of governance, has been introduced to emphasize the intention of such initiatives to promote transparency, integrity and accountability. These include codes of ethics, codes of integrity, codes of conduct and disciplinary codes, which contain guidelines for behaviour and standards of conduct developed by sport organizations to govern the processes of a specific sport and to enhance their governance. They also include legislation, bylaws, rules and regulations adopted by Governments that relate to subjects such as transparency and accountability of the sports sector and related aspects.

Many of the initiatives identified are aimed at enhancing the ability of national authorities and sport organizations to prevent corruption by strengthening legal and institutional frameworks.



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AFRICAN STATES

In Egypt, the Code of Conduct, Morals and Values in Sport was introduced in 2018 by the Egyptian Olympic Committee and is applicable to the staff of all sporting bodies. The Code covers issues such as conflicts of interest and financial accountability, betting and gambling, bribery, competition manipulation and profiteering.

In Mauritius, the Ethical Guideline for Office Bearers of National Sports Federations has been adopted. It is complemented by a code of ethics for all stakeholders in the sports community.

In Mozambique, the Code of Ethics and Sporting Conduct was introduced in 2016. It details the ethical values and behaviours to be observed and adhered to by athletes, physical education professionals, referees, sport managers and administrators, spectators, sports event organizers and volunteers.

In South Africa, the White Paper on Sport and Recreation for the Republic of South Africa was published in 2013. The 2030 Vision of Sport and Recreation of South Africa, included in the White Paper, contemplates the development of good corporate governance in sport in South Africa, including the alignment of the work of government agencies, sports federations, private sector partners and other stakeholders.

ASIA-PACIFIC STATES

In India, the governance of sports bodies at the national level is regulated by the National Sports Development Code. The Code was established in 2011 with a range of aims, including ensuring fairness and transparency in the selection of athletes for participation in national and international sports events. In addition, National Observers in select sports are responsible for ensuring the fair and transparent selection of players and teams, and for considering any complaints.

In Qatar, the Qatar Football Association Disciplinary Code was issued by the Qatar Football Association in 2019. An ethics committee imposes penalties for violations of the Code and of the related rules on conflicts of interest. In addition, the Regulations on Working with Intermediaries of the Qatar Football Association (2016) include operational mechanisms designed to promote integrity and combat corruption in football, particularly with regard to the prevention of conflicts of interest.

In Samoa, the main goals of the Samoa National Sports Framework 2018-2028 include the establishment and strengthening of systems for record-keeping, financial management, accountability and data management in national sports organizations.

In Tajikistan, the board of the Committee for Youth and Sports approved a code of ethics for athletes, coaches, judges, and other sports workers in 2017. Issues of compliance with the requirements of the Code are resolved by officials and athletes during sports events, seminars, and conferences.

EASTERN EUROPEAN STATES

In Bulgaria, the Ministry of Youth and Sports, as the administrator of the national register of sport organizations and licencing bodies, stipulates that all sport organizations must sign a declaration on conflicts of interest at the time of registration.

In Estonia, the Estonian Olympic Committee adopted good management practices in 2017. The Government takes account of whether a sports organization is a signatory of the declaration on good governance when distributing State funding. Funding can be decreased if sports organizations fail to adhere to good governance principles.

In the Russian Federation, for sports organizations categorized as state (municipal) institutions, citizens applying for positions at the head of these organizations and persons holding these positions are obliged to submit annual information on their income, property and property obligations, and on the income, property and property obligations of their spouses and children.⁷ In addition, if sports organizations belong to the category of organizations created to fulfil the tasks assigned to federal state bodies, individual employees of such organizations that occupy positions included in the lists established by the regulatory acts of the Russian Federation are subject to a range of restrictions, prohibitions and obligations. Except for established cases, these anti-corruption standards include the submission of information on their income, expenses, property and the property obligations of their spouse and children; measures to prevent and resolve conflicts of interest; and the refusal of remuneration from individuals and legal entities in connection with the performance of their professional duties (e.g. gifts, money, loans, services, payment for entertainment, recreation and transportation costs).

⁷ In accordance with clauses 3.1 and 4 of part 1 of article 8 of the Federal Law No. 273-FZ on Combating Corruption of December 25, 2008.



LATIN AMERICAN AND CARIBBEAN STATES

In Argentina, the Anti-Corruption Office produced a guide on principles of good governance in sports entities in 2019. It provides guidance to sports organizations on the implementation of good governance policies and provides practical tools and examples that these bodies can use.

In Brazil, the emergence of anti-corruption initiatives is strongly related to the country's organization of major sporting events.⁸ For example, in 2013, major modifications were made to Law No. 9.615/98 of 24 March 1998, the so called "Pelé Law", relating to the inclusion of governance rules for sports organizations as a condition for eligibility for public funding. Act no. 13.155 of 4th of August 2015, known as "PROFUT", was enacted, and further regulated by the Decree no. 8.642 of 19th of January 2016, with the aim of modernizing the management of football clubs in Brazil and implementing a fiscal responsibility programme under the Federal Government. In 2017, a programme on management, ethics and transparency was launched with the aim of improving the management of Olympic sports confederations. The programme was based on a development model for organizational maturity, which focused on five areas of knowledge: governance, strategy, transparency, support and compliance.

In Chile, the Sports Law (2001)⁹ requires sports organizations to have an ethics and discipline commission. The National Sports Institute oversees the implementation of sports plans and programmes, the development of infrastructure and the financing of projects. It is also responsible for monitoring the budgets, performance, projects, funding and other operational aspects of sports organizations.

In Mexico, a guide to implementing measures to prevent corruption and promote integrity in sport was launched in 2018. It was developed by the Sports Appeal and Arbitration Commission. The guide has a broad scope of application, including persons employed in the federal sports sector, states and municipalities, the social and private sectors, national sports associations and other sports organizations. It contains information on basic concepts, regulatory frameworks, actions and specific integrity policies for the different stakeholders.

⁸ For example, the 2014 FIFA World Cup, the 2016 Olympic Summer Games and the 2016 Paralympic Games.

⁹ Chile, Law 19.712 of 9 February 2001 (last reformed in 2020).

WESTERN EUROPE AND OTHER STATES

In Western Europe and other States, rules and regulations aimed at preventing corruption in the governance of sports organizations present some common patterns. Over a third of these rules and regulations tie sports organizations' eligibility for public funds to the fulfilment of good governance requirements.¹⁰ Another common pattern is the relevance of the national Olympic committees in the promotion of anti-corruption policies; in 58 per cent of the cases, national Olympic committees have a prominent role in the design and implementation of such policies and compliance with them.

In Australia, in 2016, the Australian Sports Commission launched integrity guidelines for directors and leaders of sporting organizations. In 2020, the Commission developed and launched the Sport Governance Principles to help organizations implement good governance mechanisms. The principles cover nine areas and provide comprehensive guidance on processes for stakeholders.

In Austria, recipients of public funds must comply with the provisions of the Federal Act on Combating Doping in Sport. In addition, national sports federations that receive public funds are obliged to use part of them for activities to prevent and counter doping. The Act regulates instances of incompatibility disclosure and financial reporting for sports federations applying for or receiving public funds.

In Belgium, the Code of Good Governance in Flemish Sports Federations was introduced in 2016. The Code provides principles, specific criteria and tips for implementation in three main areas of focus: transparency, democracy and social responsibility, and accountability and internal control. The award of subsidies is contingent upon meeting the obligatory and non-obligatory conditions of the Code.

In Finland, the Finnish Olympic Committee has developed guiding documents for its national sports organizations. These cover a range of subjects including good governance, rules for sport clubs, rules for sanctions in sport and guidance on prevent illegal betting.

In Germany, the German Olympic Sports Federation book entitled *Good Governance in German Sport*¹¹ was published in 2015. It includes guidance on how measures relating to

integrity, transparency and accountability can be implemented. Additionally, guidelines on model behaviour were created to help member organizations. The guidelines are complemented by suggestions relating to training, capacity-building, consultations and advice.

In Italy, the Sports Code of Conduct was established in 2012 by the Italian National Olympic Committee. The code must be adhered to by every sports federation at every level and every federation must have a Guarantor of the Code. In addition, the Committee's Code of Ethics outlines a series of rules of behaviour that must be respected by all those working at the organization, in accordance with the values of impartiality, confidentiality and transparency.

In the Netherlands, there is a code for good sports governance. Since 2011, the Dutch Olympic Committee, the Dutch Sports Federation and sports associations have signed binding agreements regarding minimum quality requirements. Fulfilling certain conditions required by the code allows the allocation of resources and the distribution of lottery money to sport associations. The requirements to fulfil certain conditions by the code are determined annually and the compliance with the enlisted requirements is checked against the application for funding.

In New Zealand, the Sport New Zealand publication entitled *Nine Steps to Effective Governance* was published in 2012 with the aim of helping sports and not-for-profit organizations to improve governance structures. It includes supporting material for the practical implementation of structures.

In Portugal, the Code of Sport Ethics (2015) sets the standard of ethics in sport, including rules of conduct for different stakeholders in national sports (e.g. safeguarding entities, practitioners, teachers, schools, coaches, referees, managers, agents, parents, doctors and other health professionals, sports organizations, spectators and the media). It has three main areas of focus: sports ethics, education through sport and fair play/clean game. A sports integrity guide has been created by the Olympic Committee of Portugal with the aim of protecting sports from competition manipulation. The guide includes teaching tools, practical information, recommendations and guiding principles.

In Switzerland, the Federal Office of Sports supports Swiss Olympic, the national Olympic committee, with an annual contribution to the promotion and development of sport. The financial aid may be refused or demanded back if Swiss Olympic or other sports organizations and organizers of sports events do not fulfil their commitments relating to

¹⁰ The Parliamentary Assembly of the Council of Europe Resolution 2199 (2018) states "the Assembly calls on Council of Europe member and observer States and States whose parliaments enjoy observer status with the Parliamentary Assembly to make the award of public grants to sports organisations and for sports events conditional on compliance with good governance standards."

¹¹ Gabriele Freytag and Sylvia Schenk, *Good Governance in German Sport*, German Olympic Sports Federation (2015)

ethics and safety in sport. The Charter of Ethics in sport was developed by Swiss Olympic and the Federal Office of Sport and enacted in 2015. The Charter is based on nine principles: the ninth principle states opposition to all forms of corruption. The principles have been put into practice by means of practical guides, including guides on the development and implementation of a code of conduct and on a model code of conduct for federations.

In the United Kingdom of Great Britain and Northern Ireland, the Code for Sports Governance applies to all organizations that receive funding, regardless of their size and sector, including national sports governing bodies, clubs, charities and local authorities. It includes five principles of good governance (structure, people, communication, standards and conduct and policies and processes) and clear guidance to help organizations meet requirements and raise standards.

1.2 ESTABLISHMENT AND IMPLEMENTATION OF INSTITUTIONAL OR COORDINATION MECHANISMS TO TACKLE CORRUPTION IN SPORT

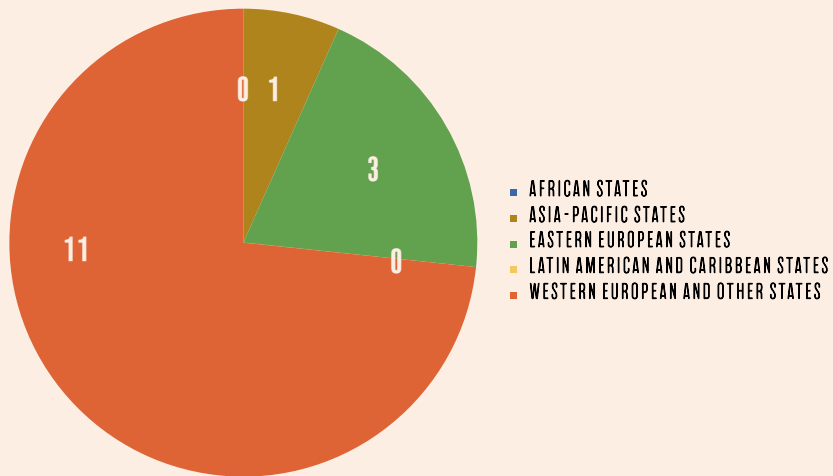
The Convention against Corruption places an emphasis on the need for States parties to promote coordination and coherence in the development and implementation of domestic measures to tackle corruption. This section has identified 31 initiatives involving the implementation of institutional or coordination mechanisms to tackle corruption in sport.

The analysis of such initiative indicates that the consolidation of all the measures to tackle corruption in sport into a single framework, body or mechanism may often be impracticable, given the number of different measures needed, including those regulating prevention, detection, enforcement, investigation and cooperation. However, an approach common to a number of States parties is the establishment of a central body, such as a working group or a task force, to serve as a focal point for the development, implementation and monitoring of policies designed to tackle corruption in sport.

A total of 17 States parties focused on coordination and cooperation between stakeholders at the local and international levels. The information presented below illustrates the number of initiatives focused on mechanisms to enhance cooperation and coordination, as well as preventive measures, such as education tools and training programmes for relevant stakeholders.



FIGURE III.
COORDINATION AND COOPERATION INITIATIVES LAUNCHED BY REGION BETWEEN 2001 AND 2021

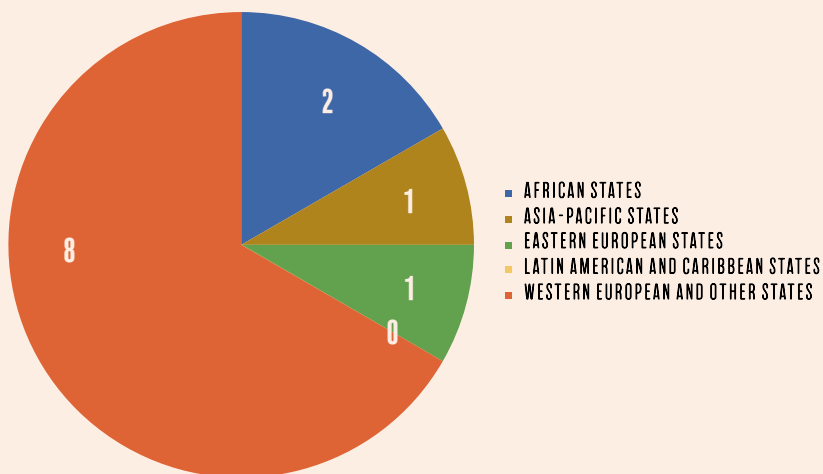


The existence of bodies specialized in preventing a combating corruption is a requirement under the Convention against Corruption. This section identified 14 initiatives linked to the development of specialized bodies to address corruption in sport.

The prevailing trend for States parties and sports organizations is the establishment of bodies mainly with

preventive mandates. Such bodies are primarily responsible for promoting a coherent approach to tackling corruption in sport through the development and implementation of legislation, regulations and practices. Training programmes and educational activities are also a focal point of their mandates.

FIGURE IV.
NUMBER OF INITIATIVES RELATED TO SPECIALIZED BODIES BY REGION LAUNCHED BETWEEN 2000 AND 2020



AFRICAN STATES

In Algeria, the Algerian Academy Against Corruption in Sports was established in 2019.

In Angola, the National Council for Discipline and Ethics in Sport is responsible for settling administrative conflicts based on infringements of sports ethics.

ASIA-PACIFIC STATES

In Japan, the Japan Sport Council launched the Sport Integrity Unit in 2014 as a measure to protect the integrity of sport against threats such as doping, violence, harassment and a lack of governance in sports organizations. The activity of the Unit covers the following main tasks: monitoring of national sports organizations to assist in improving their quality of governance; collection, analysis and provision of information on activities to enhance governance and the compliance of sporting organizations in Japan and overseas; and implementation of programmes to prevent improper activities or behaviour that threaten the integrity of sport (e.g. the provision of education programmes for sports organizations).

In Malaysia, in 2010, an inter-agency initiative, the Football Association of Malaysia Integrity Committee, was launched by the Football Association of Malaysia, the Malaysian Anti-Corruption Commission, the Royal Malaysia Police and the Armed Forces Malaysia. According to the Committee, all state football associations must establish a similar integrity-focused entity in their institutional frameworks.

In Qatar, the International Sports Security Center (ICSS) is a specialized body working in the areas of safety and security, sport integrity and youth matters. The work of the ICSS in these segments is based on a network of international partnerships across different sectors, including sport, Government, law enforcement and academia, and on its capacity to undertake research initiatives and create open-ended platforms to encourage collective action and exchange of ideas. Through this collaboration and activity, ICSS drives thought leadership and helps identify solutions for greater safety, security and integrity in sport. A key platform for supporting these efforts is the ICSS flagship conference, Securing Sport, which aims to unite stakeholders from all sectors and areas of the sports industry to discuss and identify new ways to safeguard sport.

EASTERN EUROPEAN STATES

In Estonia, since 2011, the Corruption Crime Bureau has worked within the Central Criminal Police organization. The Bureau has divisions in four counties and is responsible for processing cases that involve corruption in sport.

The Estonian Center for Integrity in Sports was established in 2019 by the Estonian Olympic Committee in cooperation with the Ministry of Culture. In 2020, the Center merged with the Estonian Anti-Doping Foundation. The aim of this organization is to promote non-discriminatory, ethical and fair sport, contributing to the prevention of doping use, competition manipulation and discrimination in sport.



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In Lithuania, an agreement on cooperation was signed in 2015 between the Ministry of the Interior, the former Department of Physical Education and Sports,¹² the Gaming Control Authority under the Ministry of Finance, the Police Department under the Ministry of the Interior and the Prosecutor General's Office. The agreement is aimed at ensuring cooperation between the parties, coordinated action, the development of education and prevention programmes and the sharing of relevant information and best practices. In 2020, the agreement was renewed with the aim of preventing, detecting and investigating competition manipulation. At the same time, the Special Investigation Service and the Financial Crime Investigation Service joined the agreement.

In Slovakia, the Monitoring Committee for Countering Sport Competitions Manipulation was established in 2015 by the Ministry of Education, Science, Research and Sport. It comprises representatives of the Office of Special Prosecution, law enforcement agencies, the Ministry of Finance, sport organizations and betting companies. It was established to encourage and facilitate the exchange information between its members, to ensure the implementation of the Convention on the Manipulation of Sports Competitions and to monitor the implementation and application of legislation.

WESTERN EUROPEAN AND OTHER STATES

In Australia, Sport Integrity Australia was launched in 2020 and is the national agency in charge of developing a comprehensive approach to fighting corruption in sport. It combines the former functions and responsibilities of the Australian Sports Anti-Doping Authority, the National Integrity of Sport Unit and the national integrity functions of Sport Australia. The agency supports national capacity-building forums, such as the Australian Sports Integrity Network (a body of integrity practitioners from across the sports, law enforcement and regulatory sectors) and the Jurisdictional Sports Integrity Network (which comprises officials from state and territory governments responsible for sports integrity).

In Austria, the Federal Criminal Police Office directs, coordinates and controls measures to combat crime, and is the contact and reporting point for citizens who witness suspicious activities. In this regard, the Office has its own reporting function to coordinate measures against betting fraud in sport. It works with the International Criminal Police

¹² Since 1 October 2019, the Ministry of Education, Science and Sport has been responsible for the activities of the Department of Physical Education and Sports.



Organization (INTERPOL) and sports associations, such as the Fédération Internationale de Football Association (FIFA), the Union of European Football Associations (UEFA) and the Austrian Football Association.

The Play Fair Code is an initiative of the Ministry of Sports, the Austrian Football Association, and the Austrian Football League. It is aimed at guaranteeing clean and manipulation-free competitions, in coordination with sports associations, athletes, coaches and club managers. Focused on prevention, it develops training, education, and awareness-raising activities, carries out monitoring functions by observing and analysing games and game results, and has established an ombudsperson as a contact point for athletes, coaches, supervisors and other stakeholders.

In Belgium, any citizen who has information concerning fraud in the sports sector can contact the police through a specific reporting mechanism.¹³ The information is sent to the Sports Fraud Team of the Federal Judicial Police, which is responsible for sharing it with the Federal Prosecutor's Office.

In Finland, the Advisory Board of Sport Ethics is responsible for promoting fair play in sport and compliance with

¹³ Available at www.fraudesportive.be.



international conventions. Its main tasks are to monitor and develop the joint activities of public authorities and sports organizations in matters related to ethical issues; to track international cooperation; and to make recommendations on sport-related ethical issues. This body is closely linked to the national anti-doping organization.

The Finnish Center for Integrity in Sports, established in 2016, is responsible for implementing international treaties on anti-doping activities, competition manipulation and spectator safety. In addition, it supports ethics in sports in cooperation with other bodies. The Center is composed of representatives from the Finnish Olympic Committee, the Finnish Paralympic Committee, the Finnish Society of Sports Medicine and the Ministry of Education and Culture.

In Italy, the General Prosecution Office for Sport was established in 2014 and is responsible for protecting the legality of the sport system, conducting internal investigations and cooperating with the judiciary police and public prosecution offices. In addition, the National Platform to combat competition manipulation (comprising the Sports Betting Information Unit and the Sports betting investigative team (GISS) at the Ministry of Interior) was established in 2011 and has been re-designed and strengthened. The Sports

Betting Information Unit was established in 2011 within the Department of Public Security and is responsible for leading the fight against corruption and illegal betting in sport. The Unit is made up of representatives from law enforcement (including a number of special units), the Italian National Olympic Committee, the Customs and Monopolies Agency, the Italian Football Federation, the National Union for the Increasing of Horse Breeds and the Sports Office of the Government of Italy. It is supported by GISS.

In Malta, the Malta Gaming Authority's Sports Betting Integrity Department (2018) is the body in charge of gathering intelligence and information relating to suspicious betting and serves as a liaison point with local and foreign regulatory authorities, law enforcement agencies, betting monitoring systems, sporting bodies and gaming operators in order to investigate irregular and suspicious betting activities. The Department has various data-sharing-agreements with sports governing bodies and other platforms, such as the International Olympic Committee (IOC), the International Betting Integrity Association, the Esports Integrity Coalition and the International Cricket Council.¹⁴

In the Netherlands, the National Platform fosters collaboration between the sports sector, the betting and gaming sector, law enforcement and the public prosecution service in the area of tackling competition manipulation. It is structured in three levels: the strategic level, relating to general direction and scope; the policy level, relating to the creation or reform of policies to fight manipulation; and the signals level, where information is generated, collated and analysed, and where official cases are dealt with.

In Norway, the National Platform¹⁵ is operated by the Ministry of Culture and hosted by the Norwegian Gaming Authority. It provides opportunities for information-sharing between stakeholders, conducts risk assessments and generates proposals to enhance the prevention betting-related crimes.

In Spain, the National Police Centre for Integrity in Sport and Gambling is responsible for the prevention, investigation and prosecution of any type of fraud in sport, including betting fraud and the corruption of athletes. It is organized in operational groups at the central level and coordinates territorial contact points across the country.

The National Commission to Combat the Manipulation of Sports Competitions and Fraud in Betting was established in

¹⁴ www.mga.org.mt/sports-integrity-2

¹⁵ www.government.nl/topics/sports/fair-sport.



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2019 and is responsible for promoting dialogue, cooperation and coordination between public authorities, sports organizations in charge of organizing sports competitions and representatives of the gambling industry to prevent and eradicate competition manipulation and other forms of corruption. Working with the Guardia Civil, and in collaboration with the National Sports Council, the National Police, the Spanish Football Federation, the Spanish Tennis Federation, La Liga, Bet365, Sportium, Codere and Entain (formerly GVC Holdings), the National Commission created the National Plan 2020-2021 to combat the manipulation of sports competitions and gambling fraud. In 2019, the Guardia Civil and Sportradar signed a cooperation protocol in order to improve cooperation in the investigation of corruption in sport, in particular of fraud in sports betting, exchanging information, statistical data, trends and experiences.

In 2021, the National Police Force and the Spanish Football Federation signed a collaboration agreement aimed at strengthening communication and the exchange of information.

In the United Kingdom, the Sports Betting Integrity Forum was established in 2012 to combat risks relating to competition manipulation and tackle threats to the integrity of sports betting. The Forum is part of the National Platform to combat

the risks of competition manipulation and threats to the integrity of sports betting. From 2021, Police Scotland and major football clubs in Glasgow have been coordinating preventive education activities for young players by providing information and advice on organized crime and its practices.

In the United States of America, the Sports Bribery Program of the Federal Bureau of Investigation (FBI) leads the fight against corruption in sport. This initiative includes the Sports Presentation Program, which helps college and professional sporting associations ensure the integrity of their sporting events. Specifically, the Program is designed to provide education on and raise awareness of illegal gambling, bribery in sport and match-fixing to and among professional athletes, administrators and officials, and at the National Collegiate Athletic Association. The Program also covers the investigation of violations of federal statutes concerning gambling and corruption in the sports industry. In addition, the Transnational Organized Crime-Global Section of the FBI has developed the Integrity in Sport and Gaming Initiative to combat threats of organized crime in relation to match-fixing, illegal sports gambling (including online gambling) and the corruption of the integrity of athletes and sports organizations.

2. >>>>>

EXAMPLES OF UNITED NATIONS INITIATIVES AND INITIATIVES OF OTHER ORGANIZATIONS

2.1 UNITED NATIONS OFFICE ON DRUGS AND CRIME

In 2016, the United Nations Office on Drugs and Crime (UNODC) consolidated its anti-corruption work under a single global programme to prevent and combat corruption through effective implementation of the Convention against Corruption in support of Sustainable Development Goal 16. A prominent and growing pillar of the global programme is the Programme on Safeguarding Sport from Corruption, launched by UNODC in 2015 to help Governments, sports organizations and related stakeholders tackle corruption in sport.

The establishment of partnerships has been a key feature of the Programme. In 2018, UNODC and IOC signed a partnership agreement at the Olympism in Action Forum.¹⁶ The agreement builds on the memorandum of understanding signed by UNODC and IOC in 2011. In addition, memorandums of understanding were signed by UNODC with FIFA in 2020, the Supreme Committee for Delivery and Legacy of Qatar in 2019 and the Asian Football Confederation in 2018. A funding agreement between UNODC and the European Commission Directorate-General for Education, Youth, Sport and Culture was signed in 2019. In 2016, UNODC and INTERPOL signed a cooperation arrangement focusing on operations against organized crime and terrorism.

UNODC is a partner of the International Partnership Against Corruption in Sport (IPACS). Task Force 4 of IPACS, on enhancing cooperation between law enforcement, criminal justice authorities and sports organizations, was launched in April 2021 and is co-chaired by UNODC and IOC.

UNODC also works extensively with INTERPOL, the Council of Europe, the European Union, the European Commission, Europol, the Athletics Integrity Unit, the International Cricket Council, the International Tennis Integrity Agency, World Rugby, the Asian Racing Federation Council on Tackling

¹⁶ www.unodc.org/unodc/en/frontpage/2018/October/unodc-and-internationalolympic-committee-enter-partnership-to-tackle-corruption-in-sport.html



Illegal Betting and Economic Crime, and UEFA, among many others.

Relevant tools, guides and studies authored or co-authored by UNODC include:

- » *The United Nations Convention against Corruption: A Strategy for Safeguarding against Corruption in Major Public Events* and its training materials¹⁷
- » *Resource Guide on Good Practices in the Investigation of Match-Fixing*
- » *Model Criminal Law Provisions for the Prosecution of Competition Manipulation*
- » "Preventing Corruption in Sport and Competition Manipulation: Ensuring Integrity is at the Core of Sport's Response to the Pandemic"
- » "Safeguarding Sport from Corruption: Conference Report"
- » "Recovering Better: Sport for Development and Peace Reopening, Recovery and Resilience Post-COVID-19"
- » "Governance Guidelines of the International Partnership against Corruption in Sport"

In addition, UNODC is supporting the development and outputs achieved by IPACS Task Force 1 on reducing the risk of corruption in procurement relating to sporting events and infrastructure; the development and outputs achieved by IPACS Task Force 2 on ensuring integrity in the selection of major sporting events, with an initial focus on managing conflicts of interests; and the development and outputs achieved by IPACS Task Force 3 on optimizing the processes of compliance with good governance principles to mitigate the risk of corruption.

¹⁷ www.unodc.org/unodc/en/corruption/tools_and_publications/training-materials-major-public-events.html

Training and capacity-building are also a key pillar of the Programme. Since 2017, UNODC has been delivering a large number of training programmes and workshops at the national, regional and global levels, frequently in partnership with INTERPOL, IOC and FIFA.¹⁸ Over 7,500 individuals, including law enforcement officials, judges, prosecutors and members of global, regional and national sport organizations, from 137 countries have benefited directly from these activities.

To raise awareness of good practices and disseminate tools to help address corruption in sport, UNODC organized two international conferences in 2018 and 2019 with Brazil, China, India, Italy, the Russia Federation and South Africa.¹⁹ These two events were successful in providing an inclusive platform to discuss and share progress on the implementation of resolution 7/8, on corruption in sport, and, where applicable, other efforts to safeguard sport as they relate to the 2030 Agenda for Sustainable Development. In the framework of the eighth session of the Conference of the States Parties to the Convention, held in Abu Dhabi in 2019, UNODC organized the inaugural General Conference of the International Partnership against Corruption in Sport.²⁰ In December 2020, UNODC and FIFA launched an advocacy campaign to tackle competition manipulation. On the same day, UNODC organized a virtual panel discussion in partnership with the European Parliament.

The Programme website²¹ is regularly upgraded and provides easy access to the comprehensive catalogue of knowledge products, guidelines, tools and campaigns designed to better safeguard sport from corruption.

¹⁸ For Algeria, Ghana, Indonesia, Malaysia, Nigeria, Portugal, Japan, Viet Nam and Qatar. In terms of capacity-building, UNODC, in partnership with the IOC and INTERPOL, contributed to or joint-organized a series of regional and national workshops: for the Pacific region in July 2020; the Baltic region in July 2020; the Mediterranean region in September 2020; Eastern Europe region in April 2021; as well as virtual national workshops for Egypt in December 2020 and for Mexico in February 2021. UNODC also supported the IOC to train: European National Olympic Committees at a workshop in May 2019; National Olympic Committees of Andorra, Cyprus, Iceland, Liechtenstein, Luxembourg, Malta, Monaco, Montenegro, and San Marino at a virtual workshop in November 2020; Pan American Sport Organizations in April 2021. FIFA in collaboration with UNODC launched Global Integrity Programme in March 2021 and co-organized virtual regional workshops for Asia in March 2021, South America in June 2021, and central and north America in August and September 2021.

¹⁹ www.unodc.org/unodc/en/safeguardingsport/conference.html and www.unodc.org/unodc/en/safeguardingsport/meetings/safeguarding-sport-from-corruption-conference-september-2019.html

²⁰ www.unodc.org/unodc/en/safeguardingsport/newsandevents/general-conference-of-the-international-partnership-against-corruption-in-sport-ipacs.html

²¹ www.unodc.org/unodc/safeguardingsport/index.html



2.2 UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

Fighting corruption in sport has been on the agenda of the United Nations Educational, Scientific and Cultural Organization (UNESCO) at least since 1978. In 1978, the General Conference adopted the International Charter of Physical Education, Physical Activity and Sport, which was revised in 1991 and 2015. Article 10 of the Charter names corruption, along with violence, doping, political exploitation and manipulation in sport, among abuses that “endanger the credibility and integrity of physical education, physical activity and sport and undermine their educational, developmental, and health promoting functions.”

The Charter also focuses on mitigating specific corruption-related risks. It obliges:

- » Major sports events owners, public authorities and other stakeholders to take measures to maximize transparency, objectivity and fairness in the bidding, planning and hosting of these events
- » Public authorities that contribute financial, material or other support to providers of physical education, physical activity and sport to audit and control the proper use of the resources they have granted on behalf of society

The Charter also promotes educational programmes for a wide range of actors, including referees, public authorities, law enforcement agencies, sports organizations, betting operators, owners of sports-related rights, the media, non-governmental organizations, administrators, educators, families and the medical profession.

In 2013, the International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport adopted the Berlin Declaration, which also addresses anti-corruption issues. The Declaration states that various national and international authorities and stakeholders need to concert their efforts to both prevent and combat money-laundering and corruption in line with the relevant international instruments, particularly the United Nations Convention against Transnational Organized Crime and the Convention against Corruption. It also recognizes that safeguarding the integrity of sport needs sufficient financial, personnel and other resources.

A more detailed follow-up document to the International Charter and the Berlin Declaration was the Kazan Action Plan, adopted in 2017. The Plan contains a section devoted to protecting the integrity of sport.

A notable feature of the Kazan Action Plan is its focus on organizational measures to further develop the subject of safeguarding the integrity of sport. The Plan points out that there are many sport integrity standards at the international level and that an inventory and the systematization of relevant initiatives would be useful. The Plan provides for comprehensive mapping of existing international standards and norms as well as national legislation that addresses the integrity of sport. It also calls for the assessment of the needs of jurisdictions to prepare more consistent and comprehensive international standards.

2.3 UNITED NATIONS GLOBAL COMPACT

In 2013, the United Nations Global Compact established a taskforce on Sport Sponsoring and Hospitality²² and developed the paper “Fighting Corruption in Sport Sponsorship and Hospitality: A practical guide for companies”. Sponsoring a major event allows companies to gain public visibility, attract new customers and increase their advertising revenue. For this reason, organizations may seek to win a sports sponsorship contract at any cost, including by bribing officials of sport bodies as well as athletes, including amateurs. Unscrupulous companies may also try to bribe a public official by sponsoring their favourite or affiliated team or by providing a public official with free or hugely discounted tickets to sporting events.²³ Finally, sponsorship contracts may be a way to conceal or launder improperly obtained funds.

²² The task force included representatives from the organizations including the Fachverband für Sponsoring und Sonderwerbeformen e.V, huMBoldt Viadrina School of Governance, Instituto Ethos Brazil, Transparency International, the United Nations Global Compact and the United Nations Office on Drugs and Crime.

²³ Examples of such practices were mentioned earlier in the section on UNCAC when describing FCPA enforcement actions.



As noted in the paper, involvement in corrupt practices can damage an organization’s reputation, undermine the trust of its clients and, consequently, have negative financial consequences. In this regard, the guide provides recommendations for organizations on how to build a six-step internal system of anti-corruption measures. Such a system should allow for the identification and minimization of risks of corruption, including by developing and implementing principles and procedures for the provision of sports sponsorship and sport-related hospitality, and by increasing the transparency of relevant processes.

2.4 COUNCIL OF EUROPE

Within the Council of Europe, the entity that has been the most active in addressing the issue of corruption in sport is the Conference of Ministers responsible for Sport. The Conference has identified tackling corruption in sport as a priority issue through the adoption of a number of resolutions and conventions, including the adoption of Recommendation CM/Rec(2018)12, on the promotion of good governance in sport, in 2018. While the autonomy of sports organizations is by no means challenged in the recommendation, the Council of Europe explicitly links the autonomy and legitimacy of the sports movement to the highest standards of ethical behaviour and good governance.

The explanatory memorandum of the recommendation highlights that Governments have the obligation to promote and protect human rights and to guarantee respect for the rule of law, including in the context of sports organizations.

Further, Governments commit state funding to sport in various ways and they have a duty to ensure that these resources are managed properly.²⁴

The Parliamentary Assembly of the Council of Europe has also paid attention to combating malpractice in sport through its resolution 1875, on good governance and ethics in sport, which is further strengthened by resolution 2199, on a framework for modern sports governance, and by resolution 2200, on good football governance.

Sport integrity issues have also received considerable attention within the framework of the Enlarged Partial Agreement on Sport (EPAS), which was launched in 2007. EPAS was tasked with providing analytical support to the Council of Europe and drafting the recommendations of the Committee of Ministers. EPAS has also developed analytical materials and tools.²⁵

In 2019, the Council of Europe Convention on the Manipulation of Sports Competitions entered into force. Additional information on the Convention is contained in the section on understanding the manipulation of sports competitions.



²⁴ For example, Caneppele S., Cinaglia G., Langlois F. *An Overview of Corruption in Sport around the World. Restoring Trust in Sport: Corruption Cases and Solutions*. Section 2. Routledge. 2021: www.routledge.com/Restoring-Trust-in-Sport-Corruption-Cases-and-Solutions/Ordway/p/book/9780367473068. Council of Europe. *Good governance initiatives in sport at national level – Good practice handbook No. 9*. 2019. URL: <https://edoc.coe.int/en/online-resources/7757-human-rights-protection-in-europe-in-the-context-of-sports-organizations-disciplinary-ans-arbitration-procedures-good-practice-handbook-no-5.html>

²⁵ <https://edoc.coe.int/en/doping/8480-guidelines-on-sport-integrity-action-3-of-the-kazan-action-plan.html>

2.5 EUROPEAN UNION

According to article 165 of the Treaty on the Functioning of the European Union, the Union actions are aimed at “promoting fairness and openness in sporting competitions and cooperation between bodies responsible for sports as well as protecting the physical and moral integrity of sportsmen and sportswomen, especially the youngest sportsmen and sportswomen.”

In 2011, the first three-year European Union Work Plan for Sport was adopted. The integrity of sport was listed first among the issues that should be given priority by States members and the Commission. In 2019, at a meeting of the Council of Ministers of the European Union with representatives of the Governments of the States members, a document on corruption in sport was adopted.²⁶

In December 2020, with the adoption of the 2021-2024 Work Plan for Sport, the Council of the European Union reaffirmed the commitment of the European Union and its States members to protecting integrity and values in sport as one of the main priorities for the future.

The European Parliament has also dealt with the subject of corruption in sport. In 2012, it conducted a hearing under the title “Playing by the rules: Financial fair play and the fight against corruption in sport”. In 2013, a resolution on match-fixing and corruption in sport was adopted. The issue of match-fixing has been further addressed. In 2016, a conference on match-fixing was hosted by the European Parliament sport intergroup. In June 2021, a study “EU sports policy: assessment and possible ways forward” was prepared upon request by the European Parliament’s Committee on Culture and Education.²⁷ The study pays significant attention to the issues of anti-corruption, good governance and integrity.

With regards to law enforcement aspects, Europol has been actively involved in combating corruption in sports. It has been participating in large-scale investigations²⁸ and has been assisting European Union law enforcement authorities in analysing data on corruption in sport.²⁹ In 2013, the European Parliament adopted a dedicated resolution on

²⁶ Conclusions of the Council and of the representatives of the governments of the Member States meeting within the Council on combating corruption in sport, <https://op.europa.eu/en/publication-detail/-/publication/31fe46a8-1bf0-11ea-8c1f-01aa75ed71a1>

²⁷ [www.europarl.europa.eu/RegData/etudes/STUD/2021/652251/IPOL_STU\(2021\)652251_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2021/652251/IPOL_STU(2021)652251_EN.pdf)

²⁸ www.europol.europa.eu/crime-areas-and-trends/crime-areas/corruption/sports-corruption

²⁹ See relevant examples in sections 2 and 4.

match-fixing and corruption in sport calling for the adoption of a number of actions, including the collection, exchange, analysis and dissemination of intelligence on match-fixing, fraud in sports and other forms of corruption in sport. Since then, the international legal framework to fight corruption in sport has been further enhanced. The need to tackle this crime more effectively on an international level prompted the creation of a dedicated Europol operational project, Analysis Project Sports Corruption, in 2014, with the aim of supporting State member investigations. The project coordinates resources and other materials from 16 States members and INTERPOL³⁰ and through its Economic and Financial Crime Centre, Europol continues to support investigations to dismantle criminal networks that launder their criminal profits through sports corruption or increase their illegal assets by manipulating sporting events worldwide.

In addition to the initiatives outlined above, the European Union supports research and educational programmes to prevent corruption in sport.³¹



³⁰ See, for example, the previously mentioned report "The Involvement of Organized Crime Groups in Sports Corruption", www.europol.europa.eu/sites/default/files/documents/the_involvement_of_organised_crime_groups_in_sports_corruption.pdf

³¹ See, for example, PROtect Integrity, www.protect-integrity.com/; The National Sports Governance Observer: Benchmarking sports governance across national boundaries, www.playthegame.org/theme-pages/the-national-sports-governance-observer/; IntegriSport, www.integrisport.org/; Against match fixing – European Research and Education Program (AMFIX), <https://ec.europa.eu/programmes/erasmus-plus/projects/eplu-project-details/#project/590606-EPP-1-2017-1-PL-SPO-SCP>; POINTS project, etc. www.points-project.com/, etc.

2.6 GROUP OF 20

The subject of anti-corruption in sport first appeared in documents of the Group of 20 in 2013, when a proposal was put forward to establish a Global Alliance for Integrity in Sport. The proposal was endorsed by the G20 Leaders' Declaration, which welcomed efforts to combat corruption in sports, cultural and other major international events.

In 2017, the G20 Leaders' Declaration was even more explicit, in that it stated that "We will continue our work to address integrity in sports and urge international sports organizations to intensify their fight against corruption by achieving the highest global integrity and anti-corruption standards. In this respect, we strive for a common understanding regarding corruption risks in bids to host major sporting events."³²

Some of the issues addressed by the G20 Leaders' Declaration in 2017 was discussed at the Partnering against Corruption in Sport event, organized in the margins of a meeting of the G20 Anti-Corruption Working Group in 2018.

The Chair's summary of Partnering against Corruption in Sport event recognized that risks of corruption exist both in sports organizations and in Governments. Examples of the former were conflicts of interest in the activities of officials of international federations; and a lack of accountability in determining the hosts of major sports events. Examples of the latter were a lack of mechanisms to prevent and detect corruption in organizing committees of sports events and the tight timeframe for the preparation of major events.

Recommendations to minimize such risks were formulated. It was recommended that sports organizations introduce clear and transparent systems for selecting senior positions; improve management systems to increase accountability and avoid excessive concentration of decision-making authority in single individuals; and introduce procedures to prevent and resolve conflicts of interest and other standards of conduct. Governments were encouraged to develop appropriate legislation and mechanisms to ensure that sports organizations meet anti-corruption standards, including by providing support only to those organizations that comply with such standards.

On 31 October 2021, the Group of 20 adopted the G20 High-Level Principles on Corruption.³³

³² www.g20.utoronto.ca/2017/2017-G20-leaders-declaration.html

³³ www.unodc.org/documents/corruption/G20-Anti-Corruption-Resources/Principles/2021_G20_High-Level_Principles_on_Tackling_Corruption_in_Sport.pdf

2.7 ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

The OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions can be used to combat specific corruption offences in the sport sector. However, the Convention criminalizes bribery of public officials, while officials of sports bodies are largely excluded from this definition. Nevertheless, the Convention can be effectively used to counter bribery in sports.

Firstly, the Organisation for Economic Co-operation and Development (OECD) is involved in initiatives directly related to the integrity of sport. It organizes events on this subject,³⁴ participates in the development of relevant background papers and draft documents for the Group of 20, is a co-founding partner of IPACS and has the role of co-chair in two of its task forces.³⁵

Secondly, several OECD recommendations and analytical materials that are not directly related to the field of sport can be applied to sport, including the recommendation on procurement, which can be used to combat corruption in the preparation of major sporting events (e.g. the OECD Recommendation of the Council on Public Procurement and the OECD Recommendation of the Council on Fighting Bid Rigging in Public Procurement, and the OECD publication "Preventing Corruption in Public Procurement").

2.8 INTERNATIONAL CRIMINAL POLICE ORGANIZATION

The INTERPOL Match-Fixing Task Force brings together law enforcement agencies from around the world to tackle match-fixing and corruption in sport. The task force currently has 98 member units from jurisdictions in five continents, with more than 151 national points of contact worldwide. This network allows the task force to act as a platform for cross-border investigations and international case coordination, with meetings held regularly. The task force supports member countries in match-fixing investigations and operations in all sports and maintains a global network of investigators that share information, intelligence and best practices. Specific INTERPOL-developed tools dedicated to data collection on sport corruption (Ethical Issues of Emerging ICT Applications project) and financial crimes analysis (FINCAF) are available to law enforcement worldwide. In recent years, cooperation frameworks have also been established in cooperation with other INTERPOL units to protect major sporting events from criminal exploitation.

³⁴ See e.g., Integrity in Sports session held at the OECD Global Anti-Corruption & Integrity Forum 2018.

³⁵ For more details on IPACS see Section 4.

INTERPOL also carries out capacity-building and training programmes in relation to competition manipulation. INTERPOL implements a global capacity-building and training project that offers tailored trainings and workshops to law enforcement, government agencies, sports organizations, betting operators and regulators to address competition manipulation and create a global network of practitioners, together with IOC.³⁶ INTERPOL issues the Integrity in Sport biweekly bulletin, which is an overview of the main stories in the media related to current investigations, sanctions and sentences, illegal betting and best practice.

INTERPOL also prepares statistical and analytical materials. For example, in cooperation with IOC, it has released two handbooks:

- » *Handbook on Conducting Fact-Finding Inquiries into Breaches of Sports Integrity*
- » *Handbook on Protecting Sport from Competition Manipulation*



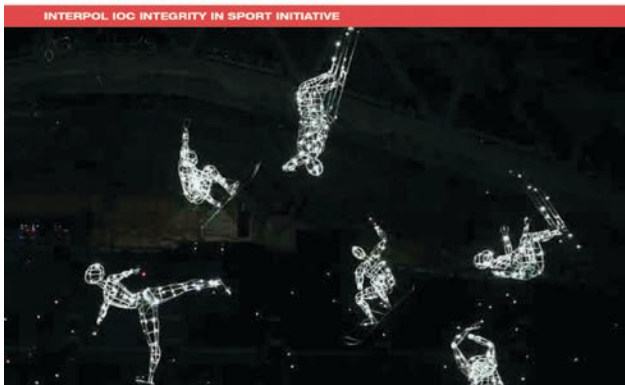
HANDBOOK ON CONDUCTING FACT-FINDING INQUIRIES INTO BREACHES OF SPORTS INTEGRITY



³⁶ For example, a joint regional workshop with IOC and UNODC on preventing and effectively countering match-fixing for Latin America (www.interpol.int/en/News-and-Events/News/2019/INTERPOL-and-IOC-regional-workshop-on-sports-integrity/en/News-and-Events/News/2019/INTERPOL-and-IOC-regional-workshop-on-sports-integrity), a webinar for the Pacific and Asian regions (www.interpol.int/en/News-and-Events/News/2020/Competition-manipulation-risks-and-prevention/en/News-and-Events/News/2020/Competition-manipulation-risks-and-prevention), a large number of country-specific workshops, for example for Algeria (www.interpol.int/en/News-and-Events/News/2019/INTERPOL-and-IOC-team-up-with-Algeria-to-promote-sports-integration/en/News-and-Events/News/2019/INTERPOL-and-IOC-team-up-with-Algeria-to-promote-sports-integrity), Japan (www.interpol.int/News-and-Events/News/2019/INTERPOL-and-IOC-shaping-a-global-network-on-sports-integrity/News-and-Events/News/2019/INTERPOL-and-IOC-shaping-a-global-network-on-sports-integrity), Qatar (www.interpol.int/News-and-Events/News/2019/Integrity-in-Sport-INTERPOL-and-IOC-collaboration-in-Qatar/News-and-Events/News/2019/Integrity-in-Sport-INTERPOL-and-IOC-collaboration-in-Qatar), etc.



HANDBOOK ON PROTECTING SPORT FROM COMPETITION MANIPULATION



In 2021, working with Abertay University, INTERPOL produced the Sport Corruption Barometer,³⁷ which is a statistical summary containing information on investigations into corruption in sport and on sanctions and convictions.

2.9 FINANCIAL ACTION TASK FORCE

In 2009, the Financial Action Task Force (FATF) issued a report entitled “Money Laundering through the Football Sector”. In preparation for the report, FATF analysed cases of the use of football for money-laundering, the results of a questionnaire sent to 25 jurisdictions and relevant literature.

In the report, several typical money-laundering methods are identified, including investment in and ownership of football clubs, the control of player transfers and player image rights, betting activities, sponsorship and advertising. As the report points out, the results of the study can be extrapolated and extended to other sports that provide similar opportunities for criminals to launder illicit proceeds.

³⁷ The 2020 Sport Corruption Barometer can be found in the related documents section of the following webpage: www.interpol.int/en/Crimes/Corruption/Corruption-in-sport



2.10 INTERNATIONAL PARTNERSHIP AGAINST CORRUPTION IN SPORT

In 2016, the Anti-Corruption Summit welcomed the initiative to launch an international sport integrity partnership. Later that year, the initiative was supported by the Conference of Ministers responsible for Sport of the Council of Europe. As a result, IPACS was launched in February 2017. IPACS is a multi-stakeholder platform aimed at bringing together international sports organizations, Governments, inter-governmental organizations and other relevant stakeholders to strengthen and support efforts to eliminate corruption and promote a culture of good governance in and around sport.

The central body of IPACS is its steering committee, which comprises government representatives, international organizations and international sports organizations. The agenda and the organizational arrangements of the steering committee are prepared and supported by a bureau composed of the five co-founding partners, namely the Council of Europe, IOC, OECD, the United Kingdom and UNODC. In addition, three Governments and two sports organizations are elected by the steering committee as members of the bureau for a period of two years, renewable once for a total period of four years. A general conference is convened every two years with the participation of all members of the Partnership and other interested parties for the purpose of sharing information on the activity of the entity, exploring new opportunities for action and enhanced collaboration, identifying issues requiring attention and adopting documents.

IPACS has formed four task forces dedicated to different areas of integrity and anti-corruption in sport:

- » **Task Force 1** on reducing the risk of corruption in procurement relating to sporting events and infrastructure. In 2019, the task force published a report, entitled *Mapping of procurement standards and risk management activities in the construction of infrastructure for sporting events*, which was followed in 2020 by *Procurement of Major International Sport-Events-Related Infrastructure and Services: Good Practices and Guidelines for the Olympic movement*, which was prepared on behalf of IOC.
- » **Task Force 2** on ensuring integrity in the selection of major sporting events. In 2018, the task force published a report, entitled *Stocktaking Report on Managing Conflicts of Interest Relating to the Voting for the Selection of Hosts for Major Sports Events*, which was followed in 2020 by *Good practice examples for managing conflicts of interest in sports organizations*.
- » **Task Force 3** on optimizing the processes of compliance with good governance principles to mitigate the risk of corruption. As a first component of the IPACS Sports Governance Benchmark, the task force issued 50 recommendations in 2020, which aims to promote financial transparency, manage conflict of interests and ensure appropriate term of office, including duration and limits in sports organizations at all levels.³⁸
- » **Task Force 4** on enhancing effective cooperation between law enforcement, criminal justice authorities and sports organizations. Officially launched in 2021, at the time of writing, the task force has developed a draft stocktaking document to map international anti-bribery standards and related national legislation that could be applicable to the activities of sports organizations. The objective of the stocktaking document is to develop and disseminate good practices.

³⁸ The objectives of Task Force 3 are to develop a benchmark for sports governance, recognized both by the international sports movement and Governments and applicable at the national and international levels, and to outline options for providing advice, support and monitoring compliance with the benchmark at the national and international levels. This benchmark was approved in 2020 and focuses on five different areas: transparency, integrity, democracy, development and solidarity, and checks and balance/control mechanisms. Implementation guidelines for the benchmark are currently being drafted by a restricted Drafting

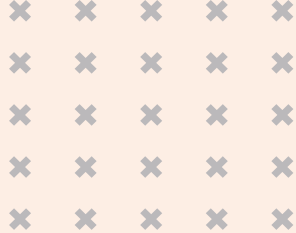


2.11 SPORT INTEGRITY GLOBAL ALLIANCE

The Sport Integrity Global Alliance (SIGA) was launched in 2017. It was established as a non-profit association under Swiss law “to provide global leadership, promote good governance and safeguard the integrity of sport through a set of universal standards operated by an independent, neutral and global body.”

The universal standards are supplemented by the SIGA Independent Rating and Verification System, which is designed to assess the extent to which a sports organization has implemented the standards.

The work of SIGA is organized in five strategic areas, each addressed by a standing committee. These areas are good governance in sport, financial integrity in sport, betting integrity, media, sponsorship and sport integrity, and youth development and child protection.



CONCLUSION AND POLICY CONSIDERATIONS



CONCLUSION

The initiatives mentioned in this section have facilitated concrete action against corruption in sport. The developments witnessed in recent years, ranging from the adoption of targeted legislation and the establishment of specialized bodies to enhanced good governance and joint initiatives, have led to significant progress in the evolution of tools and mechanisms to fight corruption in sport, while also highlighting future challenges in this area.

There is a clear need to involve all relevant stakeholders, including those in the public and private sectors (gambling companies, companies involved in the organization of major sporting events, sponsors, etc.), sports organizations, athletes, non-government organizations, the media (individuals and organized groups), volunteers, supporters and academia.

Cooperation and coordination are fundamental to sharing knowledge and strengthening capacities to develop and implement comprehensive and integrated anti-corruption strategies. The legal instruments developed globally, primarily the Convention against Corruption, can be used more effectively to promote and develop anti-corruption policies in the sports sector, consistent with the specific reality of each State and sports organization.

POLICY CONSIDERATIONS

Governments and sport organizations can strengthen efforts to tackle corruption in sport by:

- » Assessing risks of corruption in sport and developing, implementing and monitoring risk mitigation strategies and plans³⁹
- » Establishing a specialist body or bodies that have a clear responsibility for the prevention, detection, investigation and sanctioning of corruption in sport, if not yet done, in line with articles 6 and 36 of the Convention against Corruption, ensuring that they have adequate independence, training and resources to carry out their functions effectively
- » Establishing and supporting programmes, including those of relevant international organizations, to provide training and education, ensuring that such programmes are tailored to the specific needs and characteristics of different actors, particularly children, young athletes and vulnerable groups
- » Publishing the reports of existing specialized bodies to increase understanding of how they function and identify and share good practices

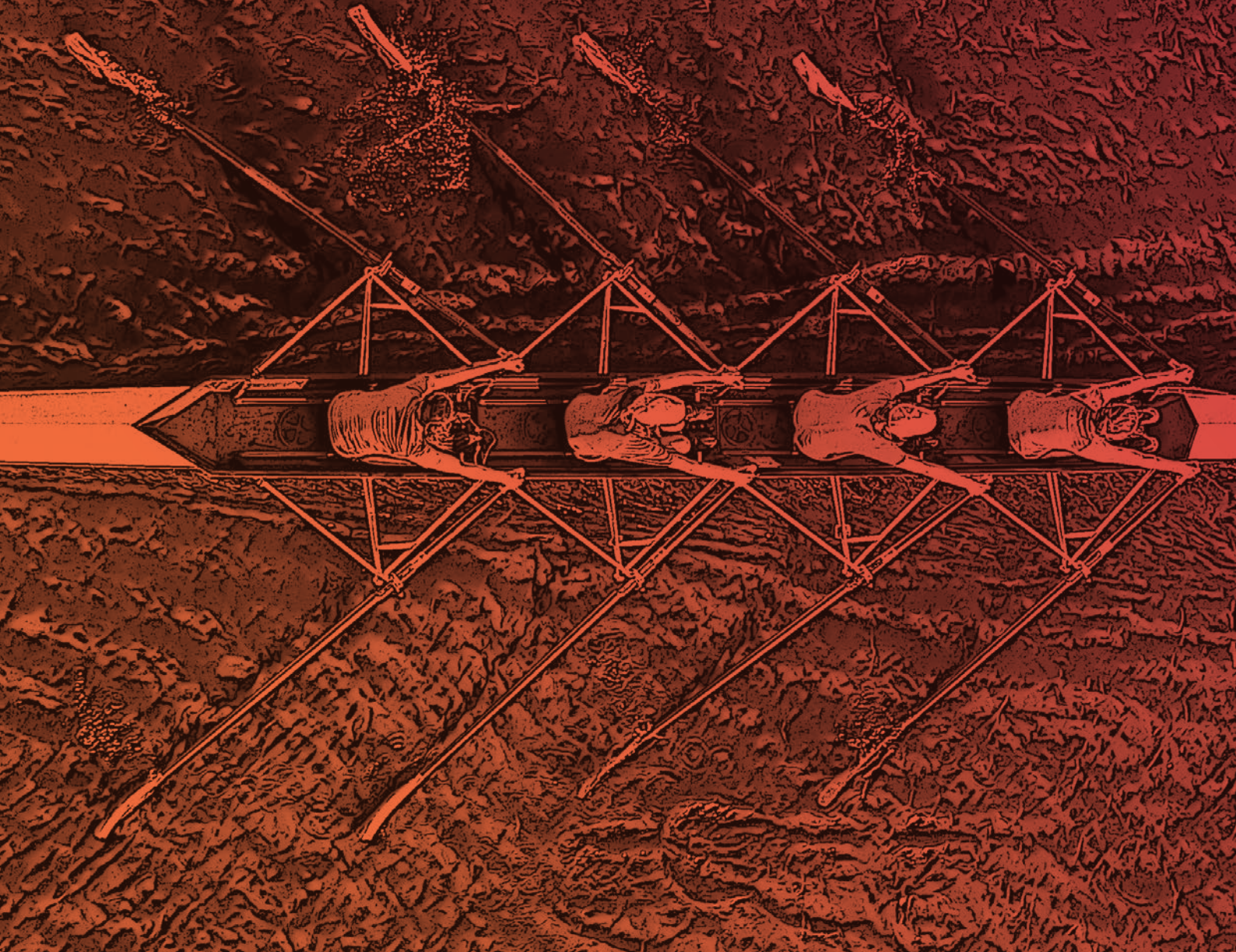


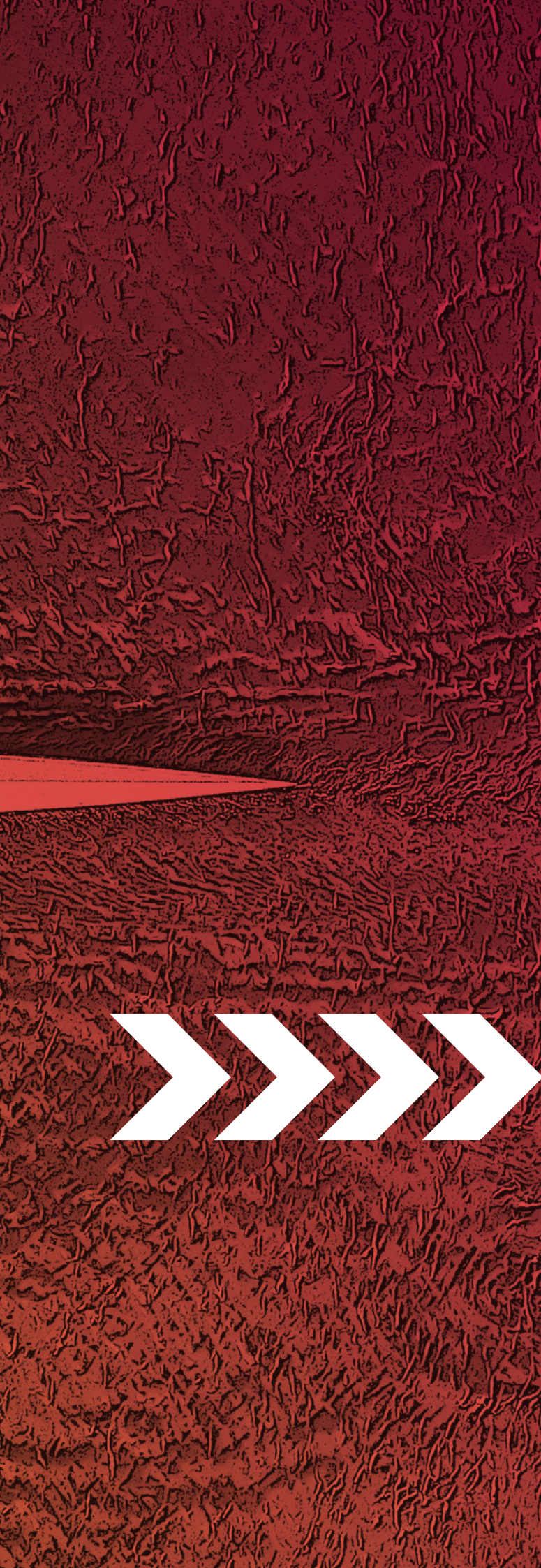
³⁹The UNODC publication *State of Integrity: A guide on Conducting Corruption Risk Assessments in Public Organizations* can be used to conduct risk assessments to identify, mitigate and prevent risks of corruption in relation to the activities of ministries of sport and the administrative tasks linked to the organization of major sports events, and with the allocation of public funds. In parallel, the UNODC publication *National Anti-Corruption Strategies: Practical Guide for Development and Implementation* can be useful to develop, implement and monitor sport-centered anti-corruption strategies and plans. Although the Guide is focused on recommendations for the development of national anti-corruption strategies, many of the suggestions can also be relevant to sector-based initiatives, such as those in the sports sector.



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DETECTING AND REPORTING CORRUPTION IN SPORT

4





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SECTION 8: UNDERSTANDING THE MANIPULATION OF SPORTS COMPETITION

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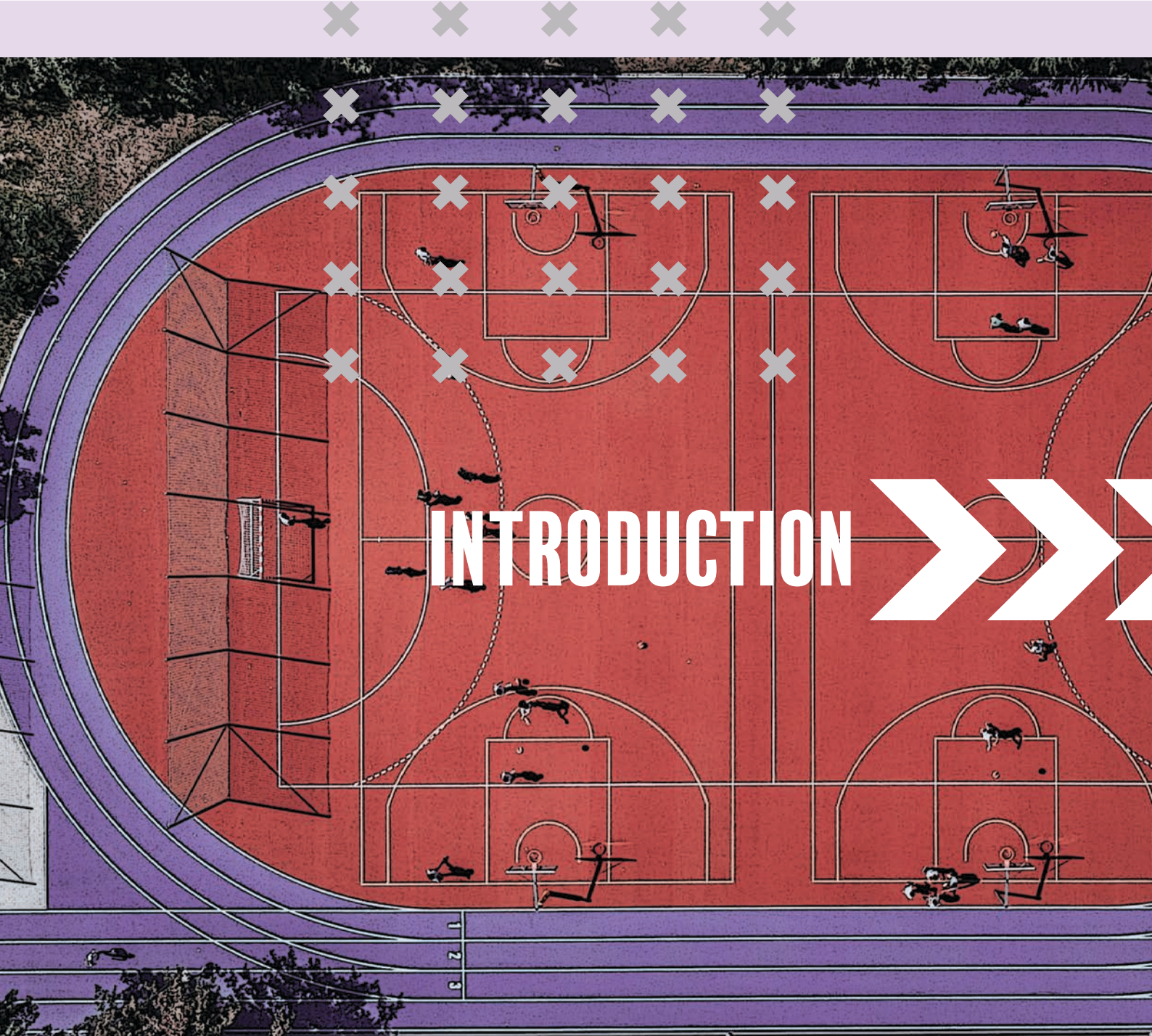
SECTION 9: ILLEGAL BETTING AND SPORT

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SECTION 10: MAJOR SPORTS EVENTS AND CORRUPTION

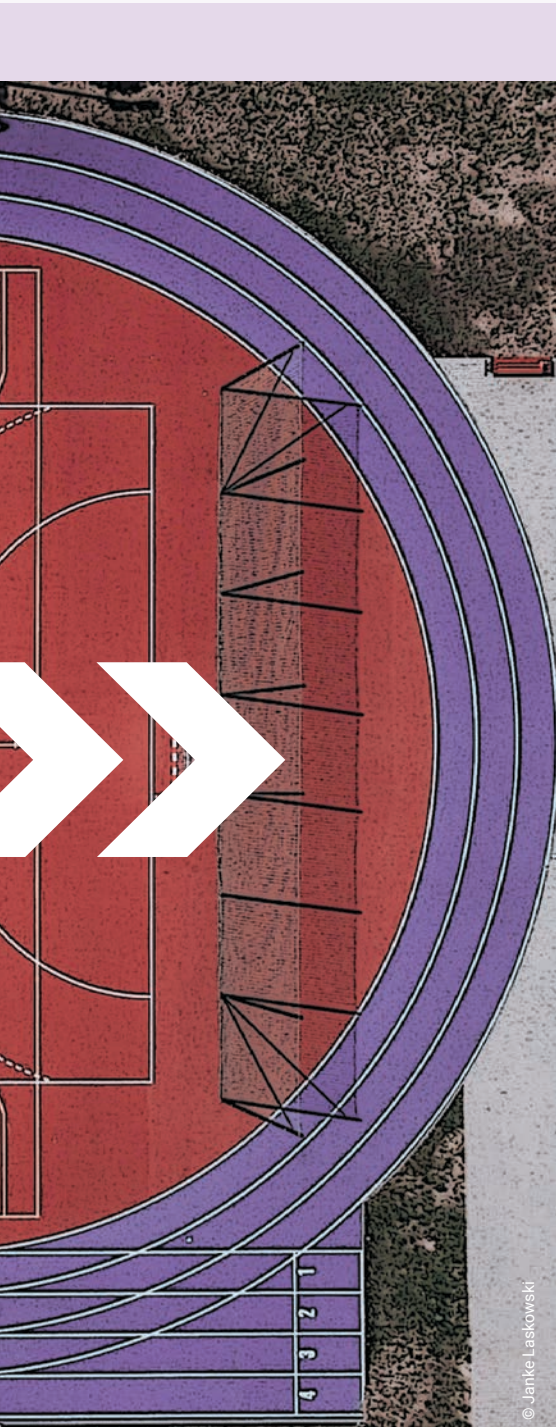
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INTRODUCTION





INTRODUCTION

Effective detection and reporting mechanisms can help to develop a better understanding of the nature and scale of corruption in sport. Equally, such mechanisms can strengthen intelligence-led investigation processes and increase the likelihood of securing successful criminal prosecutions or sport-led disciplinary sanctions, thus allowing stakeholders to better safeguard the integrity of their sports. These mechanisms are also vital in helping to address and mitigate the impact of abuse on children and young athletes in sport, and on adult athletes, officials, fans and other relevant participants.

Tackling the various forms of corruption in sport requires a strong criminal, administrative and civil response. It is also vitally important that sports organizations apply their capabilities to addressing wrongdoing in an effective, transparent and accountable manner. However, in many countries, criminal-justice and sports-organization responses are significantly hampered by a critical lack of human and technological resources and specialist skills.

Against this background, this section seeks to highlight key considerations and developments relating to the detection and reporting mechanisms in sport which are needed to help address wrongdoing and corruption. It also seeks to give a broad overview of key trends and good practices in these areas and to share relevant examples of initiatives introduced by Governments and sports organizations aimed at developing reporting and detection mechanisms to combat corruption-related criminal activities in sport at the national, regional and international levels.

The section also examines several salient issues, including:

- » The protection of reporting persons
- » The use of technology and data in the fight against corruption in sport, in particular competition manipulation
- » The role and impact of investigative journalism
- » The importance of strengthening the investigative capacity of Governments to facilitate the successful prosecution of cases of corruption in sport



1. >>>>

OVERVIEW OF CAPACITIES TO DETECT AND REPORT CORRUPTION IN SPORT

1.1 DETECTING CORRUPTION IN SPORT

It should be noted that, in general terms, corruption-related offences have proven difficult to detect. The reasons for this are varied, but an important one is that individuals and groups directly involved in a corruption-related act often employ sophisticated methods to conceal their activities. Furthermore, in situations where the request for a bribe is coercive, the giver of the bribe might not report the act because of fear of retaliation.

Therefore, it is important to develop and implement mechanisms to detect corruption that prioritize protecting the confidentiality of reporting persons, that respect data privacy requirements and that are based on the principles enshrined within the rule of law, namely the presumption of innocence, the right to be heard and the preservation of integrity of an investigation through the “need to know” principle. Equally important is to highlight the actions taken as a result of reports in order to establish trust in the mechanism and the process of treating reports and to ensure there is no retaliation.

To report and detect corruption in sport, several internal and external mechanisms can be used (see the box below). This combination can encourage confidential reporting of violations without the risk of retaliation. Combining multiple sources of information from both inside and outside sport (e.g. a betting alert and social media posts) can be used to uncover corruption. As such, it is useful to develop a set of support mechanisms to facilitate reporting, either directly to superiors or to relevant departments, such as relevant compliance and integrity units. Alternatively, sports organizations can designate highly trusted individuals, such as ombudspersons, and establish internal reporting hotlines, mobile phone apps and web portals, which can be operated by external service providers.

EXAMPLES OF INTERNAL AND EXTERNAL DETECTION MECHANISMS IN SPORT

INTERNAL MECHANISMS FOR DETECTING CORRUPTION	EXTERNAL MECHANISMS FOR DETECTING CORRUPTION
<ul style="list-style-type: none"> » Internal controls including robust anti-corruption codes and rules that require athletes and administrators to report acts of corruption, when known » Internal sport-led investigations » Internal audits and monitoring of athletes » Internal reporting hotlines » Ombudspersons » Human resources departments » Line managers 	<ul style="list-style-type: none"> » External auditors and hotlines » Complaints and concerns from other external parties, such as betting operators and monitoring companies » Media reports » Ombudspersons » Independent third-party investigations, such as forensic accounting » Open-source intelligence » Training and education programmes

PROACTIVE DETECTION MECHANISMS

Proactive detection mechanisms include those that enable reporting persons who are officials, athletes, coaches or other members of a sports organization and related stakeholders who are not representatives or members of a sports organization, including the public, to report incidences of corruption involving sport, such as those linked to a sporting event or a sports organization. Such mechanisms can include technological solutions, such as betting monitoring and alert systems that highlight incidences of competition manipulation or breaches of betting rules (see below and the sections on illegal betting and understanding the manipulation of sports competitions), and standard and undercover investigations. Another valuable option is using intelligence networks across various stakeholders to target and expose corruptors in sport. Furthermore, investigative journalists play an often-vital role by proactively investigating and exposing corruption in sport (these subjects are covered in more detail later in the section).

REACTIVE DETECTION MECHANISMS

The investigation process is the most used reactive detection mechanism and is usually initiated by law enforcement agencies or sports organizations in response to a report of corruption. Where competition manipulation is detected, this typically involves information from a reporting person or a report of suspicious betting activity from a betting monitoring company. In addition, performance analysis can also be used alongside reports in order to develop deeper insights into what has happened in any given competition.

The deterrent effect of these options stems from the ability of detection and reporting mechanisms to provide athletes, officials, fans and other related stakeholders of a sport with the means to take action to safeguard the integrity of their sport and to send a message that corruption in sport will not be tolerated. Furthermore, undertaking campaigns to raise awareness of the detection and reporting of corruption signals a collective commitment to the integrity of sport, and thus makes the trustworthiness of detection and reporting mechanisms in sport less dependent on a single sports organization.

1.2 REPORTING MECHANISMS IN SPORT

Reporting mechanisms are designed to receive and handle reports of perceived or actual wrongdoing. Such mechanisms should be easily accessible (e.g. a 24-hour hotline, cost free and available in a local language) with clear instructions on how they can be used (such as a “frequently asked questions” section). Furthermore, the availability and use of reporting mechanisms should be supported by educational and public awareness programmes.

The main interfaces used by sports organizations and other relevant stakeholders include:

- » Toll-free telephone reporting hotlines
- » App- or text-focused reporting systems
- » Dedicated email addresses
- » Face-to-face reporting options, such as contacting a dedicated integrity officer or line manager

There are a range of mechanisms currently being used by sports organizations and other relevant stakeholders to detect corruption in sport. In some cases, they are issue-specific, such as an anti-doping or an anti-competition manipulation reporting mechanism.

However, establishing separate mechanisms for each issue increases running costs, including the promotion and awareness-raising of the reporting mechanisms. Mechanisms that facilitate reporting on a broad range of wrongdoing, such as telephone- or Internet-focused reporting mechanisms, can be more efficient and can often be accessed by a wide range of stakeholders who have an interest in exposing wrongdoing in sport.¹ A centralized system allows reports to be made on different issues relevant to the given sports organization and facilitates tracking, follow-up and analysis of reporting trends. Examples of organizations that use a wide-ranging reporting mechanism are Sport Integrity Australia² and Tennis Australia.³

It is important that reporting mechanisms are designed for those most at risk from potential corruptors and criminals, such as sports participants and match officials, with the aim of enabling and encouraging them to report corrupt approaches or knowledge of corruption as easily and efficiently as possible. Both the Union of European Football Associations (UEFA) and the International Cricket Council (ICC) have developed applications that can be easily downloaded, including by embedding a quick response code into relevant promotional materials, which also facilitates their distribution.⁴

Another example is the FIFPRO red button smartphone app that allows professional footballers to report if they are approached by someone looking to manipulate a competition, with the option of doing so anonymously.⁵

¹ United Nations Office on Drugs and Crime (UNODC), *Reporting Mechanisms in Sports: A Practical Guide for Development and Implementation* (Vienna, 2019).

² www.sportintegrity.gov.au/contact-us/anonymously-report-integrity-issues.

³ www.tennis.com.au/about-tennis-australia/reports-and-policies/policies.

⁴ UNODC, *Reporting Mechanisms in Sports*.

⁵ www.fifpro.org/en/rights/match-fixing/the-red-button-app-explained. See also Babatunde Buraimo and David Forrest, *Report on 'Project Integrity Plus': Roll-Out of the Red Button App to New Sports and New Countries* (University of Liverpool Management School, December 2019).

In Australia, many national sporting organizations have developed reporting mechanism policies. This has been facilitated by Sports Australia and Sports Integrity Australia, which have made available a template⁶ for sports to use to develop relevant policies. It is also an option for sports to use outside reporting mechanisms experts. An example of such an entity is Protect in the United Kingdom of Great Britain and Northern Ireland, an organization that provides support to around 3,000 reporting persons each year and works with organizations to improve their reporting arrangements.

When reports are handled well and reporting persons are treated sensitively, professionally and confidentially, trust in the accountability of organizations and their oversight bodies grows. When this occurs, those closest to the problem are encouraged to report and sports organizations and entities responsible for tackling corruption and crime in sport at all levels are more likely to learn about problems early enough to do something about them. These are important points, as often there is a belief that reporting will not make a difference and that reporting persons will face retaliation, such as through victimization or ostracization.

⁶ www.sportintegrity.gov.au/resources.

EXAMPLES OF REPORTING MECHANISMS IN SPORTS

ORGANIZATION	YEAR FOUNDED	REPORTING MECHANISM	SCOPE
International Olympic Committee	2008	Integrity and Compliance Hotline (for all Olympic sports except football, which has its own reporting frameworks)	» Any unethical behaviour, corruption or breaches of sports integrity rules
Union of European Football Associations	2014	UEFA Integrity	» Match-fixing » Doping » Corruption
Fédération Internationale de Football Association	2013	Reporting mechanism	» Unethical behaviour » Match manipulation » Doping » Safeguarding human rights
International Cricket Council	2000	Anti-Corruption Unit	» Competition manipulation » Betting by players or match officials » Attempts to compromise players or match officials
World Anti-Doping Agency	2017	Speak Up!	» Doping » Misconduct » Cheating
World Rugby	2020	Reporting persons policy	» Doping » Anti-corruption and betting

To support the reporting of corruption, sports federations and organizations can introduce regulations for their members that include the obligation to report acts of corruption. Codes of conduct of many international sports federations require any player, official or connected person to report new knowledge or suspicion of any corruption offence. For example, the Olympic Movement Code on the Prevention of the Manipulation of Competitions states that “Failing to report to the Sports Organization concerned or a relevant disclosure/reporting mechanism or authority, at the first available opportunity, full details of any approaches or invitations received by the Participant to engage in conduct or incidents that could amount to a violation of this Code.”⁷

In its Code of Ethics,⁸ the Fédération Internationale de Football Association (FIFA) includes a duty to report in article 17:

1. Persons bound by this Code who become aware of any infringements of this Code shall inform, in writing, the secretariat and/or chairperson of the investigatory chamber of the Ethics Committee directly.
2. Failure to report such infringements shall be sanctioned with an appropriate fine of at least CHF 10,000 as well as a ban on taking part in any football related activity for a maximum of two years.

BADMINTON WORLD FEDERATION COUNCIL MEMBER BANNED FOR LIFE

After receiving a whistle-blowing report from a representative of a member association that claimed a council member was responsible for several corruption-related violations, the Badminton World Federation launched an investigation. At a subsequent disciplinary hearing, the council member in question was found guilty and banned for life for the misuse of funds, including money intended for potential Olympic athletes.⁹

⁷ International Olympic Committee (IOC), “Olympic Movement Code on the Prevention of the Manipulation of Competitions”, in *IOC Code of Ethics and Other Texts*, 2020 edition (Lausanne, 2020), p. 79.

⁸ Fédération Internationale de Football Association (FIFA), *Code of Ethics*, 2019 Edition (Zürich, 2019).

⁹ Decision 2018/02 of the Badminton World Federation Ethics Hearing Panel, 21 November 2018. https://system.bwfbadminton.com/documents/folder_1_81/folder_1_210/Hearing-Panel-Decisions/0.%20Decision%20BWF%20-%20Mr%20Gaya%2021.11.2018.pdf.

An interesting approach to encouraging detection of corruption by some sports organizations, including cricket, has been to offer amnesties from disciplinary action for the belated disclosure of information known by players and others connected to the sport. In certain circumstances, this can be a useful tool for receiving corruption-related information and for building trust with players who know that they will not be sanctioned for a technical breach of the obligation to report knowledge of corrupt conduct. In addition, incentives such as a reduced sanction are offered to those involved in breaches to encourage them to come forward with useful intelligence.



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DISTINCTION BETWEEN OPEN, CONFIDENTIAL AND ANONYMOUS FORMS OF REPORTING

- » **Open reporting:** where individuals openly report or disclose information or state that they do not endeavour to ensure or require their identity to be kept secret
- » **Confidential reporting:** where the name and identity of the individual who disclosed information is known by the recipient, but will not be disclosed without the individual’s consent, unless required by law
- » **Anonymous reporting:** where a report or information is received, but no one knows the source

PROTECTION OF REPORTING PERSONS

Numerous studies from outside of sport have revealed that the fear of retaliation, which can take the form of violence, loss of employment, harassment by peers or restrictions on conditions and access in the workplace, are the main reasons why people choose not to report suspected acts of corruption.¹⁰

Sports organizations can learn from this by ensuring that the identities of reporting persons are kept confidential throughout an investigative process, including until the point of a trial or a sports disciplinary hearing. By way of example, when publishing details of any disciplinary action, the Badminton World Federation, the International Tennis Integrity Agency and FIFA¹¹ ensure that all references to the identity of the reporting person or other witnesses are redacted.

Regrettably, there are examples in sports of reporting persons who have suffered negative consequences because of reporting corruption. For instance, an Argentinean tennis player who reported competition manipulation attempts remarked on the challenges he encountered as a result of this decision, stating that “most of the players who receive offers to lose a game do not report out of fear.”¹² Other examples include a Russian athlete and a Russian sports official who reported widespread incidences of doping, who stated that as a result of their reports their lives had been put at risk.

It is often the case that reporting persons face considerable uncertainty and stress given that they may not be sure whether what they have observed is serious enough to report, whether they need further evidence or what will happen once they make a report. After a report has been made, the time taken to assess and investigate suspected wrongdoing can often be lengthy, leading to risks of reprisal or fear that there is a cover-up. This is particularly problematic in cases of abuse in sport: individuals who have experienced harm are extremely vulnerable to trauma and being re-victimized. This is particularly pertinent in relation to individuals in sport that are particularly vulnerable, such as those with disabilities. Therefore, as other sections in this report also highlight, effective reporting mechanisms need a victim-centred approach that prioritizes the needs of those who

have experienced harm, including children and young athletes.

Research indicates that team dynamics can create a culture of *omertà*, which is more prevalent in team sports than in non-team sports. Potential reporting persons may not report unethical practices or corruption to avoid putting the team at risk of sanction. There is also the fear of retaliation from officials, teammates or competitors on the playing field, which might impact their performance. Hence, encouraging those with information to come forward depends on the ability of a sports organization to demonstrate that reporting wrongdoing can be done safely and that doing so results in enhancing the integrity of sport.



¹⁰ Marcia P. Miceli and Janet P. Near, “What makes whistle-blowers effective?”, *Human Relations*, vol. 55, No. 4 (April 2002), pp. 455–479.

¹¹ “FIFA Compliance Pocket Guide: Raising Concerns for Externals”, 8 October 2020, <https://digitalhub.fifa.com/m/5943eb168530141/original/dw9mxybroh11rcmjfk6-pdf.pdf>.

¹² Marcelo Moriconi and César de Cima, “To report, or not to report? From code of silence suppositions within sports to public secrecy realities”, *Crime, Law and Social Change*, vol. 74, No. 1 (2020), pp. 55–76.

UNITED NATIONS CONVENTION AGAINST CORRUPTION AND THE PROTECTION OF REPORTING PERSONS

The United Nations Convention against Corruption requires States parties to criminalize corrupt conduct and to strengthen the investigation and prosecution of these offences. The Convention against Corruption also recognizes that tackling corruption requires a broad approach.

Protecting reporting persons is relevant to all three objectives of the Convention, which are to:

- » Promote and strengthen measures to prevent and combat corruption more efficiently and effectively
- » Promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery
- » Promote integrity, accountability and proper management of public affairs and public property

Articles of the Convention relating to the provision of reporting channels and cooperation include:

Article 8 on codes of conduct for public officials

It is stated in paragraph 4 that “Each State Party shall consider, in accordance with the fundamental principles of domestic law, establishing measures and systems to facilitate reporting by public officials of acts of corruption to appropriate authorities, when such acts come to their notice in the performance of their functions.”

Article 13 on participation of society

It is stated in paragraph 2 that “Each State Party shall take appropriate measures to ensure that the relevant anti-corruption bodies referred to in this Convention are known to the public and shall provide access to such bodies, where appropriate, for the reporting, including anonymously, of any incidents that may be considered to constitute an offence established in accordance with this Convention.”

Article 37 on cooperating with law offenders

It is stated that “Each State Party shall take appropriate measures to encourage persons who participate or who have participated in the commission of an offence established in accordance with the Convention to supply information useful to competent authorities for investigate and evidentiary purposes.”

Article 38 on cooperation between national authorities

It is stated that “Each State Party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between, on the one hand, its public authorities, as well as its public officials, and, on the other hand, its authorities responsible for investigating and prosecuting criminal offences.”

Article 39 on cooperation between national authorities and the private sector

It is stated that “Each State Party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between national investigating and prosecuting authorities and entities of the private sector, in particular financial institutions, relating to matters involving the commission of offences.

1.3 USE OF TECHNOLOGY TO DETECT CORRUPTION IN SPORT

The drive for innovation in anti-corruption efforts, fuelled by the rapid development of information and communications technology, has led to innovative solutions for detecting incidences of corruption in sport, particularly regarding competition manipulation.

The popularity of betting on sporting events globally continues to grow rapidly as new markets for this activity develop, such as in the United States of America. However, as highlighted in the section on illegal betting and sport, betting markets are also increasingly becoming a vehicle for criminals to make money through competition manipulation. To counter this threat, monitoring of global betting markets by data companies has become one of the most important ways of indicating incidences of competition manipulation (or other rule breaches) within sporting events.

Betting markets are monitored by combining both technological and human elements to identify discrepancies between actual and expected odds that can indicate potentially irregular and suspicious betting. If suspicious betting activity is reported to a sports organization prior to a sports competition taking place, it provides an opportunity for the intended manipulation to be stopped. Alternatively, reporting of suspicious betting activity can be the catalyst for an investigation into the circumstances surrounding the activity, which can lead to the detection of related acts of corruption. Companies exist which offer services to help detect competition manipulation. Examples include:

- » Genius Sports are contracted by the Premier League in England and Wales and the Badminton World Federation to monitor the main global betting markets for all their principal competitions
- » Sportradar provide Fédération Internationale de Football Association with monitoring, education and intelligence services to further strengthen the integrity of football around the world
- » Stats Perform provide leading sports organizations with betting market monitoring, global intelligence gathering and performance analysis services, including for the Wimbledon Championships, the Football Association in England and Wales and La Liga in Spain

It is important to note that while numerous cases of “suspicious betting activity” have been an indicator of competition manipulation in the past, convictions against individuals for such acts have only been possible alongside other

supporting evidence, and that evidence pointing in the opposite direction must be taken into consideration. This point has been made by the Court of Arbitration for Sports (CAS), which has stated that: “In order to come to the conclusion that a match is fixed, the analytical information needs to be supported by other, different and external elements pointing in the same direction.”

Recently, there have been developments in in-game statistical analysis of sporting events, regarding “expected performance” in relation to certain aspects of sports competition (such as the number of yellow or red cards, the number of goals scored, expected goals, expected tackles, expected shots on target, touches in opposition box, supremacy metrics, match flow, tactical analysis and detailed passing analysis),¹³ which have the potential to help detect corrupt activity. Significant discrepancies between expected and actual outcomes may be an indicator of wrongdoing. However, this is very much a developing area, given that discrepancies can be caused by many sports-related factors, and information is only likely to be considered of significance when placed alongside other supporting evidence (as highlighted above).

Many major sports organizations, law enforcement authorities and other government agencies now have either complimentary or pay-for-service contracts with sports data companies (see the box on sports data use below), which monitor global licenced and unlicenced betting markets. These companies can alert their customers when incidences of “suspicious betting activity” are identified, which may be indicators of competition manipulation. Examples of cases where the monitoring of betting markets has been the trigger for disciplinary action include cases adjudged by CAS relating to the Albanian football club Skënderbeu (*Skënderbeu vs. UEFA*)¹⁴ and to the FIFA-appointed football referee Joseph Lamptey (*Joseph Lamptey vs. FIFA*).¹⁵

¹³ Sean Ingle, “Revealed: expected goals being used in football’s war against match-fixing” *The Guardian*, 13 February 2021.

¹⁴ CAS 2016/A/4650 *KS Skenderbeu v. UEFA*.

¹⁵ Adam Brickell, “The use of betting evidence to combat match-fixing: a review of the Joseph Lamptey decision,” *LawInSport*, 6 February 2018, www.lawinsport.com/topics/item/the-use-of-betting-evidence-to-combat-match-fixing-a-review-of-the-joseph-lamptey-decision.

MONITORING OF BETTING MARKETS LEADS TO MATCH-FIXING BAN FOR AN INTERNATIONAL TENNIS PLAYER

The monitoring of global betting markets triggered an alert of suspicious betting that led to an international tennis player being from Australia being convicted of match-fixing charges after he admitted to deliberately losing the first set of a match at an ATP Challenger Tour tournament in Victoria, Australia in October 2016.

Although the player went on to win the match and received no financial benefit, he was fined \$500 and given a two-year good behaviour bond at a criminal hearing in May 2017. In addition, because his conduct was in breach of the rules set out in the Tennis Anti-Corruption Program, he was banned for 19 months by the Tennis Integrity Unit (now the International Tennis Integrity Agency).



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Furthermore, bodies have been established by betting operators to provide alerts on suspicious betting activity to sports governing bodies and sports organizations. These bodies include:

- » International Betting Integrity Association (IBIA), which represents many commercial betting operators, including many of the world's largest regulated betting operators. Members undergo a rigorous due-diligence process and must adhere to a code of conduct that includes a "requirement to cooperate" with sports organizations when they instigate an investigation into suspicious betting activity.
- » Global Lotteries Monitoring System (GLMS), which brings together state lotteries and betting regulators to work together to safeguard the integrity of sport from corruption related to competition manipulation. The association has almost 40 members, including lotteries that offer sports betting, and two collective members, namely the World Lottery Association and European Lotteries, as well as several associate members.

IBIA and GLMS act as conduits, passing on information about "suspicious betting activity" directly to sports organizations or authorized investigative bodies. In certain incidences, this information may include the identity and relevant details of individuals behind suspicious bets.

There is also the ability to monitor betting activity on individual betting accounts for behavioral anomalies, such as a betting account holder behaving out of character with sudden increased levels of high betting or if bets become strongly focused on one competition. This type of bet monitoring can be carried out by the betting operators themselves or through third-party account level monitoring entities, which, in the case of the latter, also have the power to aggregate such data across multiple operators to spot additional trends and anomalies.

If suspicious betting activity is reported back to a sports organization prior to the given competition taking place, it provides an opportunity to stop or disrupt the intended manipulation. Additionally, the notification can be used as the catalyst for an investigation into the circumstance of the suspicious betting.

Advances in technology related to sports data collection and analysis have had many positive impacts, but the technology can also be used in relation to competition manipulation. Sports data can be used to develop betting odds on game results and in-game events (such as the probable number of yellow cards issued or the probable number of goals scored

by a given player). An independent review of integrity in tennis following several allegations into competition manipulation noted that:

The advent of online betting and the sale of official live scoring data have greatly exacerbated the problem. The data sale contracts have made tens of thousands of matches available for betting, creating greater opportunities for players and officials to bet or act corruptly. It is now possible to place online bets on a wide range of contingencies in matches played at levels of the sport that cannot accurately be described as professional, and at which the risk of integrity breaches, by players, officials, and others, is likely greatest.¹⁶

SPORTS DATA USE

While the use of information and communications technology to collect and analyse sports data on betting platforms is helping to tackle corruption in sport, in the wrong hands these data create opportunities for wrongdoing.

The following are key questions for Governments, sports organizations and other relevant stakeholders to consider in relation to the use of sports data:

How can sports data be misused?

How can sports data be regulated and protected from being misused?

How can it be ensured that sports data is used in a way that helps detect wrongdoing in sport?

1.4 ROLE OF THE MEDIA IN EXPOSING CORRUPTION IN SPORT

The media has long been vital in exposing wrongdoing, including in sport. Investigative journalism strengthens accountability and transparency in sports organizations and the Governments of the countries in which they operate. More specifically, the media provides information on corruption in sports competitions or within associated sports organizations that for one reason or another is ignored by sports regulators, law enforcement agencies or Governments.

In the 2000s, media reports on competition manipulation in sports were an important way of drawing attention to the

problem. Prominent examples of competition manipulation cases that received wide media coverage include the Golden Whistle match-fixing scandal in Portuguese football in 2004, the Bochum football match-fixing scandal in 2010 that led to the largest competition manipulation trial in Germany and the cricket spot-fixing scandal involving members of the Pakistan national team in 2010. Other scandals exposed by journalists include those in professional cycling and those exposing corruption in FIFA.

In comparison to traditional media, social media is more widely accessible and provides an outlet for citizen journalism. There are several social media platforms where citizens can provide information on corruption, which can be then



investigated by government authorities and other journalists. Notwithstanding the positive effect that social media can have in engaging citizens in the fight against corruption, it should be taken into consideration that contemporary mass media platforms are vulnerable to abuse, which can lead to the sustained spread of disinformation. This is evident in the phenomenon of fake news. It is also important to be aware of negative impact on the subject of the media report when the story is false, inaccurate, misleading or involves an investigation that is of a low standard. Therefore, if the media is to play a role in exposing corruption in sport and informing society, it should take measures to ensure that its research and reporting are carried out in accordance with high professional and ethical standards.

¹⁶ Tennis Integrity Unit, *Independent Review of Integrity in Tennis, Interim Report*, 25 April 2018, p. 2.

PHYSICAL SAFETY OF JOURNALISTS

Investigative journalists from around the world have long risked their safety to report on corruption. They regularly face intimidation, attempts to undermine their professional credibility and threats to their lives. According to Audrey Azoulay, Director-General of the United Nations Educational, Scientific and Cultural Organization, between 2010 and 2019, close to 900 journalists were killed while doing their job.¹⁷ For example, in January 2019, Ahmed Hussein-Suale, an undercover journalist whose work included investigating allegations of corruption in football in Ghana, was shot dead. For the media and journalism to fulfil its vital role in the fight against corruption, jurisdictions should offer protection to those seeking to uncover and publish information of public importance.

ACCESS-TO-INFORMATION LAWS

Access-to-information laws are useful tools that journalists can use to assist in the detection of corruption in sport. The right to access-to-information legislation is an important measure for the effective implementation of article 13 (1) (d) of the Convention against Corruption, which covers the wider issues of the freedoms of opinion and expression in relation to corruption issues and is reinforced by subparagraph (b) that outlines the requirement that States parties specifically ensure “that the public has effective access to information.”

PROTECTION AND ANONYMITY MEDIA SOURCES

Effective measures to promote investigative reporting on corruption should be based on the premise that journalists have the right and the obligation to protect the confidentiality of their sources. As previously discussed, the assurance of anonymity makes it more likely that a person involved in sport will come forward to report a suspected act of corruption, especially if they consider the media as their only viable option.

However, this right is not absolute. In the landmark case of *Goodwin v. United Kingdom*, in 1996, the European Court of Human Rights stated that orders for journalists to disclose sources of information reduce the flow of information to the detriment of democracy and are, therefore, only justifiable in very exceptional cases. For example, if the source is either guilty of a serious crime or must be used as a key witness against someone who has committed such a crime.¹⁸

¹⁷ UN News, “Targeting journalists takes a toll on ‘societies as a whole’ – UN chief”, 2 November 2020.

¹⁸ UNODC, *Reporting on Corruption: A Resource Tool for Governments and Journalists*. The United Nations Convention against Corruption (New York, 2013).

1.5 ROLE OF INVESTIGATIONS IN DETECTING CORRUPTION IN SPORT

LAW ENFORCEMENT-LED INVESTIGATIONS

Detecting corruption in sport by way of a law enforcement-led investigation can be highly effective. There are many examples in this report where corruption in sport has involved the commission of a crime. In such circumstances, the responsibility to investigate lies with the relevant law enforcement or criminal justice authority, including anti-corruption bodies. Given the powers and resources available to these authorities, the effectiveness of a law enforcement-led investigation is often beyond what can be achieved by a sports organization.

However, while there are examples, the number of successful law enforcement-led investigations into corruption in sport are limited, with few investigations going to trial and resulting in a conviction. There are a variety of reasons for this, including weak investigation capacities, inefficient information-gathering systems and intelligence sharing, a lack of capacity to analyse and cross-reference existing and open-source data on corruption in sport, and limited interest.

Furthermore, criminal networks involved in sport, in particular those involved in competition manipulation, tend to be flexible, creative and adaptable, as they need to keep ahead of law enforcement to avoid detection and prosecution, and to exploit new opportunities once their traditional activities become overly scrutinized.

An additional issue is the multi-jurisdictional element of an investigation, which can add significant complications and act as a potential hurdle to law enforcement involvement. When an incident of corruption in sport crosses borders, inevitably the jurisdictions involved will have different approaches to investigating this type of crime. The judicial process is another factor; this relates to the amount of time needed in different jurisdictions for courts to adjudicate and the sentencing powers that courts can apply should those accused be found guilty of corruption offences.

SPORTS ORGANIZATIONS, REPORTING AND INTERNAL INVESTIGATIONS

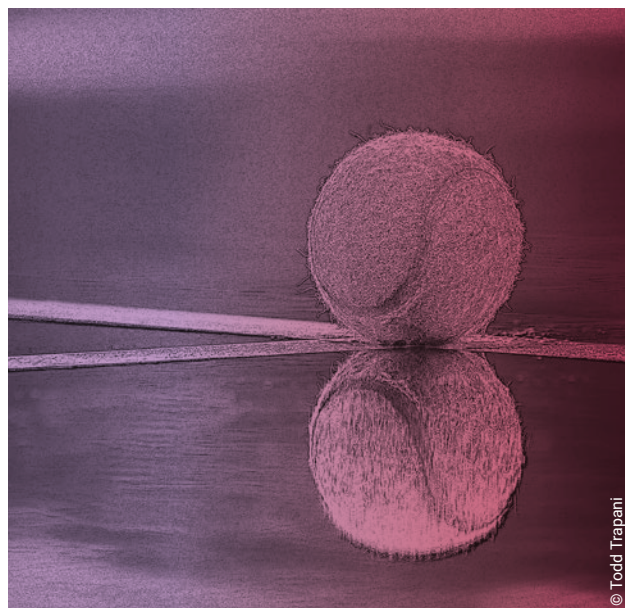
Recognizing the need to tackle corruption in sport, many major sports governing bodies have developed their own investigation capabilities, including by establishing specialized units, which often have a focus on competition manipulation (see the section on understanding the manipulation of sports competitions for further details).

EXAMPLE OF A SPORTS INTEGRITY UNIT: A NEW ANTI-CORRUPTION AGENCY FOR TENNIS

In January 2021, the International Tennis Integrity Agency replaced the Tennis Integrity Unit as the overarching anti-corruption body for tennis, covering all professional tennis around the world.

The agency is responsible for enforcing a zero-tolerance policy on betting-related corruption. In doing so, it has three main strategic priorities:

- » Preventing corruption from taking place
- » Investigating and prosecuting offenders
- » Delivering anti-corruption educational programmes to players and other stakeholders to help them recognize and report corrupt activity



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To support internal investigations, many sports organizations have in place a comprehensive set of anti-corruption rules that, for example, restrict participants involvement in betting and prohibit any form of corrupt practice. They also have rules that allow investigators access to financial data, such as bank records and information held on the electronic devices of suspects (see below for more details). All of these rules should be complimented by a wide range of penalty options for transgressors, include life bans for the most serious integrity-related breaches.

INTELLIGENCE SHARING NETWORKS

To successfully tackle wrongdoing in sports, it is important to have efficient and effective systems to store and disseminate relevant intelligence between key stakeholders, including law enforcement and criminal justice authorities, relevant ministries (such as ministries of sport and justice), betting regulators and sports organizations. This information includes intelligence relating to individuals thought to be involved in various forms of wrongdoing in sport (including suspicious betting on sports competitions), acts of corruption, doping violations and physical, sexual and mental abuse, in particular of children, young athletes and vulnerable persons.

ACCESSING ELECTRONIC DEVICES AND RECORDS

It is becoming an increasingly frequent practice for sports organizations to require suspected wrongdoers to produce relevant documents, such as betting and bank records, as well as to provide access to electronic devices such as mobile phones and laptops. However, it is crucial that sports organizations have rules in place that allow them to do this legally and while protecting the rights of the individual. By way of example, the integrity units of the International Tennis Integrity Agency and ICC have the power to seize the telephone handset of suspected wrongdoers and download the information on them. This has proven successful in finding evidence that substantiates reports of wrongdoing and in uncovering wider networks of corruption.

EFFECTIVELY MANAGING REPORTS AS A PRECONDITION FOR SUCCESSFUL INVESTIGATIONS

Once a report of corruption in sport is submitted by a reporting person, a citizen, an organization or a journalist, it is important for the credibility and success of the investigation that the report is managed in a way that demonstrates a commitment to tackling the problem outlined in the report. This is key to enhancing the integrity of sport. As part of the wider agenda to combat corruption, it is important that sports organizations and relevant bodies, both internal and

external, develop clear and transparent systems to receive and manage reports of corruption. Importantly, sports organizations must find ways to competently oversee complaints. This is particularly relevant in cases of involving physical, sexual and mental abuse in sport where the abuser is a trusted person in a position of authority.

ADEQUATE TRAINING AND RESOURCES FOR INVESTIGATORS

Because there are many types of corruption in sport, a wide range of specialist skills and knowledge is required on the part of investigation teams to identify, preserve and present evidence in criminal proceedings and disciplinary proceedings. For example, because the credibility of a witness is key to a successful conviction, investigators must be trained to conduct due diligence to ensure information about the criminal background of any witness is disclosed to the court at an early stage in proceedings.

INFORMANTS AND WITNESSES AND THEIR PROTECTION

Investigations into corruption require the identification of individuals who can assist by providing information about the wrongdoing. These individuals include informants and witnesses. An informant is a person who covertly provides information about wrongdoing by a person or an organization. The proactive recruitment and use of such individuals is becoming more commonly used as a way of detecting wrongdoing in sport, particularly in sports with historical links to criminality and betting, such as horse racing, football and boxing.¹⁹ Working with informants and witnesses requires special skills and it is crucial that law enforcement agencies and sports governing bodies have the correct training infrastructure, systems and processes in place that allow them to protect the identity of these individuals and that they conform to data protection and retention legislation. This can be achieved by sports governing bodies by following law enforcement guidelines in this area.

¹⁹ UNODC, *Resource Guide on Good Practices in the Investigation of Match-Fixing* (New York, 2016).

ACCESS TO ELECTRONIC DEVICES:

CORRUPT APPROACH REPORTED TO THE INTEGRITY UNIT OF THE BADMINTON WORLD FEDERATION

In September 2017, an international badminton player from Australia reported a corrupt approach from an international player from Indonesia to the Integrity Unit of the Badminton World Federation (BWF). The approach involved a request for cooperation in fixing the outcome of several international badminton matches.

As part of an internal investigation launched by BWF, the player who made the approach was interviewed and admitted wrongdoing in a match-fixing conspiracy. The next step of the investigation was to make a demand for his mobile phone, which BWF has the power to do under its anti-corruption code of conduct.

All the data were extracted from the device and a subsequent analysis of the data revealed a large number of conversations, including on a number of online instant messaging platforms, with current and former badminton players from Indonesia about their involvement in the fixing of several international badminton matches, with the intention of making money from international betting markets.

The investigation resulted in nine current or former international badminton players being banned from the sport for periods ranging from six years to life.



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2. >>>>

INITIATIVES TO ENHANCE THE DETECTION AND REPORTING OF CORRUPTION IN SPORT

In 2020, States parties to the Conference of the United Nations Convention against Corruption were invited to provide information on initiatives and practices to detect corruption in sport and to support the implementation of resolution 8/4, on safeguarding sports from corruption. In addition to the responses received, this section has also used data from official sources and from academic journals, studies and articles.

A) AFRICAN STATES

EGYPT

To better manage questions and complaints from young people related to corruption in sport, the Ministry of Youth and Sports in Egypt has opened a dedicated office for this purpose.

MAURITIUS

Since 2013, the Ministry of Youth Empowerment, Sports and Recreation in Mauritius has been working on the implementation of the Public Sector Anti-Corruption Framework, which is a risk-based self-assessment mechanism to enhance organizational integrity in public bodies. The ministry has set up an anti-corruption committee, adopted an anti-corruption policy and conducted risk-assessment exercises in several areas, including in procurement. An integrity officer is responsible for developing, implementing and monitoring anti-corruption policies and procedures, and for contributing to the establishment of an enduring ethical culture.

B) ASIA-PACIFIC STATES

INDIA

To ensure fairness and transparency in the selection of athletes for national and international sports events, the Government of India requires national sports federations to publish a calendar of their competitions on their websites, indicating the venues and dates of the competitions and the selection criteria for participation in these competitions. Furthermore, the Government has appointed National Observers in select sports that are responsible for ensuring the fair and transparent selection of players and teams, and for examining complaints from players and other stakeholders, and when appropriate, for addressing the issues with the relevant national sports federations.

C) LATIN AMERICAN AND CARIBBEAN STATES

BRAZIL

The Brazilian Football Confederation operates a reporting channel (the Brazilian Football Ethics Channel) that receives corruption-related complaints. It has also established the Brazilian Football Ethics Committee.²⁰

MEXICO

In Mexico, the Ministry of Public Administration operates a technological alert platform, which serves as a mechanism for publicizing the fight against corruption. Through this platform, citizens can provide information on acts of corruption that have been committed or are likely to be committed by public servants in the exercise of their duties. This includes public servants who are responsible for the promotion of sports and physical culture.

D) WESTERN EUROPEAN AND OTHER STATES

AUSTRALIA

The 2019 amendment²¹ to the Corporations Act 2001 includes aspects of protection for reporting persons, mandating that corporations (including most national sporting organizations) adopt a reporting persons policy. An example of good practice from Australia is the Victoria Police Sports

Integrity Intelligence Unit, which was established in 2013 and monitors integrity issues across all sporting and racing codes. Sports Australia also has a range of mandatory sports governance principles that are recommended to sports organizations, including the identification and implementation of reporting mechanisms.

Sport Integrity Australia (SIA) has a memorandum of understanding with the Australian Criminal Intelligence Commission (ACIC) to ensure that relevant intelligence is shared between the two organizations. In addition, the launch of the Australian Sports Wagering Scheme is under consideration, as is the incorporation of the ACIC Sports Betting Integrity Unit into SIA.

EUROPEAN UNION

Directive 2019/1937 of the European Parliament and of the Council on the protection of persons who report breaches of Union Law was adopted in November 2019 and States members have until the 17 December 2021 to transpose the Directive into their national legal and institutional systems. The Directive will apply to employees, persons who have left an organization and those ones who will start working for it in the future.

While this section does not examine the implications of the Directive for the protection of reporting persons, it contains features that are relevant to the development and implementation of reporting mechanisms in sport.

BELGIUM

In Belgium, the Evidence-based Prevention of Sporting-related Match-fixing project takes a multidisciplinary and scientific approach to addressing corruption in sport based on close collaboration between a wide range of researchers and key stakeholders. This project is using scientific research to develop a range of tools (e.g. a sports fraud barometer) to optimize the fight against corruption in sports.

The Belgian Federal Police has created a sports fraud team. The team works on cases involving a wide range of financial crimes within the sports environment, including corruption related to public procurement, subsidy fraud and money-laundering. The team also cooperates with other units in related areas such as trade in illegal drugs, the trafficking of human beings, the smuggling of migrants, child abuse and cybercrime.

²⁰ www.eticadofutebolbrasileiro.com.br/sobre.

²¹ Corporations Amendment (Strengthening Protections for Employee Entitlements) Act 2019, No. 44, 2019, www.legislation.gov.au/Details/C2019A00044.

ITALY

In Italy, the Sports Betting Information Unit has been set up within the Department of Public Security to enhance the fight against corruption and illicit betting in sports competitions. The Unit comprises representatives from law enforcement and is supported by the Gruppo Investigativo Scommesse Sportive, which is tasked with the collection, analysis and dissemination of intelligence related to competition manipulation and other corruption in sport.

NEW ZEALAND

The Government of New Zealand has established an independent Integrity Working Group to look at how the country's sport integrity institutional arrangements might be streamlined or improved in the future.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

In the late 2000s, to gain a better understanding of betting-related corruption in sport in the country, the Government of the United Kingdom commissioned a review that involved representatives from sports bodies, law enforcement, the Gambling Commission and the betting industry as well as sports integrity specialists. The purpose of the review was to recommend an integrated strategy for enhancing integrity in sports betting and to propose how the various bodies concerned could work together more effectively. The review's recommendations are:

- » The establishment of a Sports Betting Intelligence Unit within the Gambling Commission
- » The creation of a code of conduct for sports that lays down a set of principles to help sport deal with betting-related corruption
- » The creation of the Sports Betting Group, comprised of individuals from several sports, to encourage compliance with the code for the wellbeing of sport
- » A tripartite forum that brings together representatives from sport, the betting industry and the Gambling Commission with the principal objective of regularly assessing how to enhance cooperation with regard to tackling betting-related corruption

SWEDEN

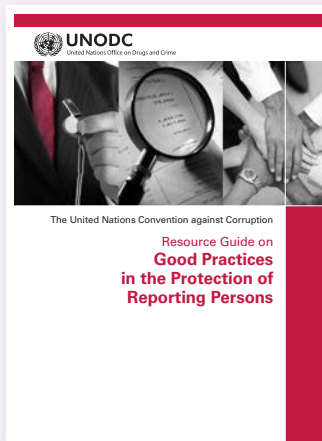
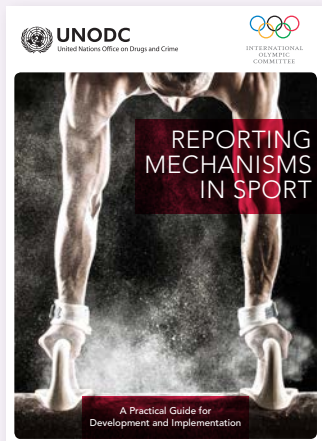
The Swedish Sports Confederation is responsible for ensuring that its core values are followed throughout the sports

sector. Sports federations and clubs operate a number of programmes focused on these values, including a whistle-blowing service.

UNITED STATES OF AMERICA

There is an array of institutions, bodies and agencies with a mandate to detect corruption in sport. These efforts rely on the application of several laws, including the Illegal Gambling Act, the Sports Bribery Act, the Professional and Amateur Sports Protection Act and the Federal Racketeering Statutes.





E) RELATED UNITED NATIONS INITIATIVES AND INITIATIVES OF OTHER ORGANIZATIONS

UNITED NATIONS OFFICE ON DRUGS AND CRIME

Through its Programme on Safeguarding Sport from Corruptions and Crime, UNODC is supporting sport organizations, law enforcement agencies, criminal justice authorities and corruption prevention authorities in the development and implementation of reporting mechanisms.

UNODC is helping these entities achieve this goal through the development of tools, the organization of capacity building activities and the delivery of technical assistance. Since 2018, through its programme, UNODC has organized, co-organized or supported over 20 multi-stakeholder national and regional workshops and partnership development meetings for law enforcement officials, criminal justice authorities and sport organizations for over 90s.²²

In 2019, UNODC, in partnership with IOC, published *Reporting Mechanisms in Sports: A Practical Guide for Development and Implementation*. The guide is aimed at facilitating the implementation of effective reporting mechanisms in sport. It is available in Arabic, English, French, Russian and Spanish.

Furthermore, UNODC has developed a *Resource Guide on Good Practices in the Protection of Reporting Persons*. It is aimed at helping Governments and other national actors to identify what legal and institutional reforms may be needed to meet international requirements, and the resources and support available for this task.

Also relevant is the publication entitled *Reporting on Corruption: A Resource Tool for Governments and Journalists*, which examines and highlights good practices, both in journalism and in relation to legislation promoting broader freedoms of opinion and expression, which can support Governments and journalists in their anti-corruption efforts.

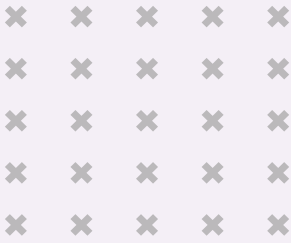
INTERNATIONAL CRIMINAL POLICE ORGANIZATION

The INTERPOL Match-Fixing Task Force supports member countries of the International Criminal Police Organization (INTERPOL) in investigations and operations in all sports and maintains a global network of investigators that share information, intelligence and best practices. Specific INTERPOL-developed tools dedicated to data collection on corruption in sport (the Ethical Issues of Emerging ICT Applications project) and financial crimes analysis (FINCAF) are available to law enforcement worldwide. INTERPOL also organizes capacity building and training programmes on integrity in sport for law enforcement and other stakeholders.²³

²² Including Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Bahamas, Barbados, Belarus, Belize, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo (Congo-Brazzaville), Costa Rica, Cook Islands, Côte d'Ivoire, Croatia, Cuba, Cyprus, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Eswatini, Ethiopia, Fiji, Gabon, Gambia, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Indonesia, Israel, Italy, Jamaica, Japan, Kenya, Kiribati, Kosovo (under UNSCR 1244), Latvia, Lesotho, Liberia, Libya, Lithuania, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova (Republic of), Montenegro, Morocco, Mozambique, Namibia, Nauru, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, North Macedonia, Palau, Panama, Papua New Guinea, Paraguay, Peru, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovenia, Solomon Islands, Somalia, South Africa, South Sudan, Sudan, Suriname, Togo, Tonga.

²³ "Corruption in sport", www.interpol.int/Crimes/Corruption/Corruption-in-sport.





CONCLUSION AND POLICY CONSIDERATIONS



CONCLUSION

As many incidences of corruption in sport are likely to involve the commission of a crime, wherever possible such matters should be the responsibility of law enforcement bodies. However, globally, the number of examples of adjudicated cases involving criminality and corruption in sport is limited. This suggests that corruption in sport is an area where detection and reporting capabilities can be enhanced.

Reporting mechanisms are integral to detecting corruption in sport and they should allow for open, confidential and anonymous reporting. They should be accessible to athletes, officials and relevant stakeholders, including the public, and they should be easy to use. This is key to developing an environment that is safe for children and young athletes and that does not tolerate any form of wrongdoing in sport.

It is crucial for sports organizations to design detection and reporting mechanisms that protect the identity and safety of reporting persons, witnesses and suspects, that respect data privacy requirements and that are based on principles enshrined within the rule of law, which include the presumption of innocence and the right to be heard. Regarding cases of abuse in sports, it is important to have victim-centered reporting mechanisms that prioritize the needs of the people who have experienced harm.

The principal responsibility for detecting and reporting instances of corruption rests with the governing bodies of sports organizations. As such, the importance of developing and implementing relevant mechanisms and internal integrity capabilities is key. However, it is also evident that Governments should look to develop and implement legislation that facilitates development in this key area of tackling corruption in sport, in particular with regard to protecting reporting persons from retaliation and abuse.

POLICY CONSIDERATIONS

Governments can strengthen the detection and reporting of corruption and other forms of wrongdoing in sport by:

- » Providing adequate training, resources and equipment for investigators from relevant law enforcement and criminal justice authorities working on corruption in sport cases
- » Encouraging and enabling free and independent media and investigative journalism
- » Establishing mechanisms at the national level, such as specialized units, national platforms, task forces and working groups, to act as information and exchange hubs and points of contact for international cooperation to support proactive and reactive detection activities, including investigations
- » Supporting measures to provide protection against unjustified treatment for any persons who report in good faith and on reasonable grounds any facts concerning wrongdoing in sport
- » Establishing and maintaining mechanisms for reporting of corruption and for the effective protection for reporting persons, including in sport, in accordance with legal frameworks
- » Providing witnesses and victims who give testimony concerning corruption offences related to organized crime, as well as, as appropriate, their relatives and other persons close to them, with effective protection from intimidation in line with article 32 of the United Nations Convention against Corruption

Sport organizations can strengthen the detection and reporting of corruption and other forms of wrongdoing in sport by:

- » Developing, implementing and strengthening effective systems for reporting suspicions of wrongdoing and corruption. To this end, sport organizations can make

use of existing guides, including the UNODC publication entitled *Reporting Mechanisms in Sport: A Practical Guide for Development and Implementation*

- » Establishing focal points, specialized units and sufficient internal controls to assist in preventing, detecting and investigating acts of wrongdoing, including corruption. Such units should have a reporting line to the most senior level of leadership in the governing body and should establish working relationships with relevant anti-corruption authorities to educate them regarding the nature of corruption in their sport and to assist in determining which regulatory authorities have the powers and competence to assess and investigate different matters involving corruption in sport
- » Training relevant staff, supported by intelligence, analytical and research experts, to carry out internal investigations (including interviews and digital forensics, such as the analysis of computers and mobile phones) into any kind of wrongdoing in their sports
- » Periodically reporting on activities, undergoing independent auditing, considering the use of external specialist service providers and developing codes of conduct and conflict-of-interest policies for relevant members, in particular those in receipt of public funds
- » Designing corruption detection mechanisms and policies that prioritize protecting the confidentiality of reporting persons, respect data privacy requirements and that are based on principles enshrined within the rule of law, which include the presumption of innocence and the right to be heard

- » Committing to the principle to report all suspected corruption in their sport to the appropriate authorities in the jurisdiction where the criminal acts are believed to have been committed, and to assist all law enforcement authorities in the investigation of such cases

Ensuring that corruption-related offences are listed as such in their relevant codes and regulations and that breaches of these offences are subject to sanctions.





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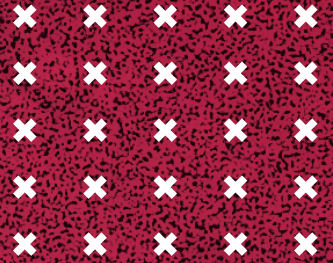
**#SAVE
SPORT**

**#UNITED
AGAINST
CORRUPTION**



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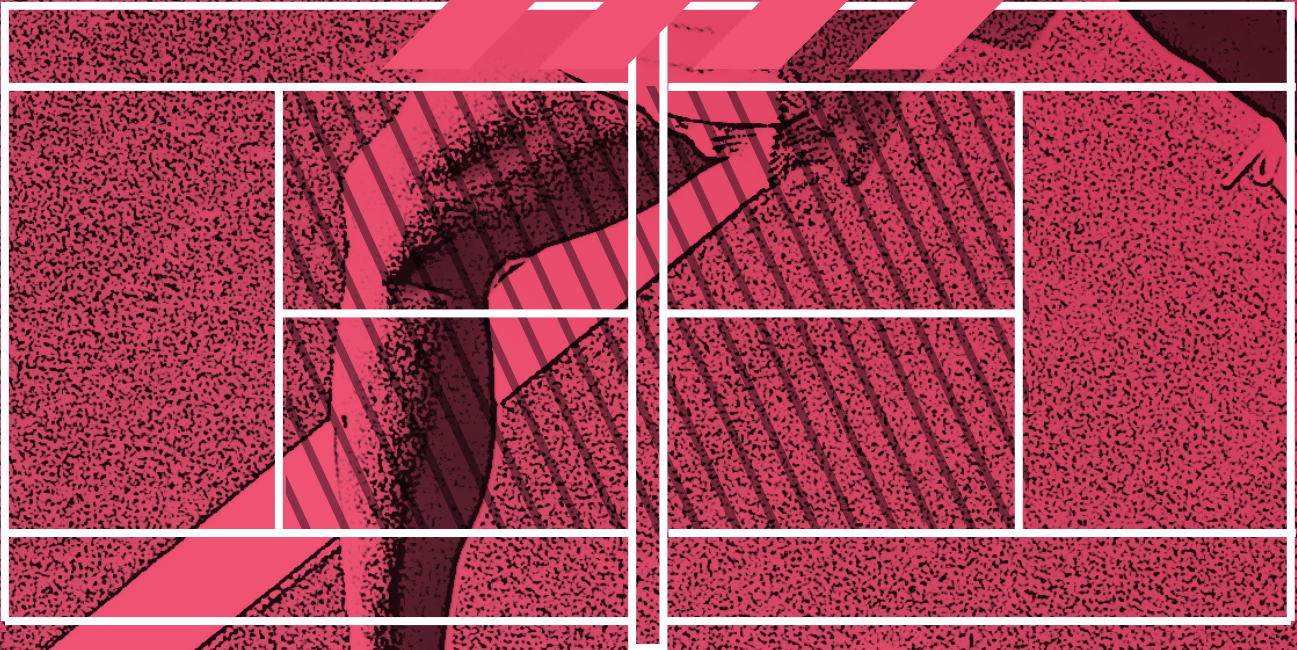
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GLOBAL REPORT ON CORRUPTION IN SPORT

GENDER AND CORRUPTION IN SPORT

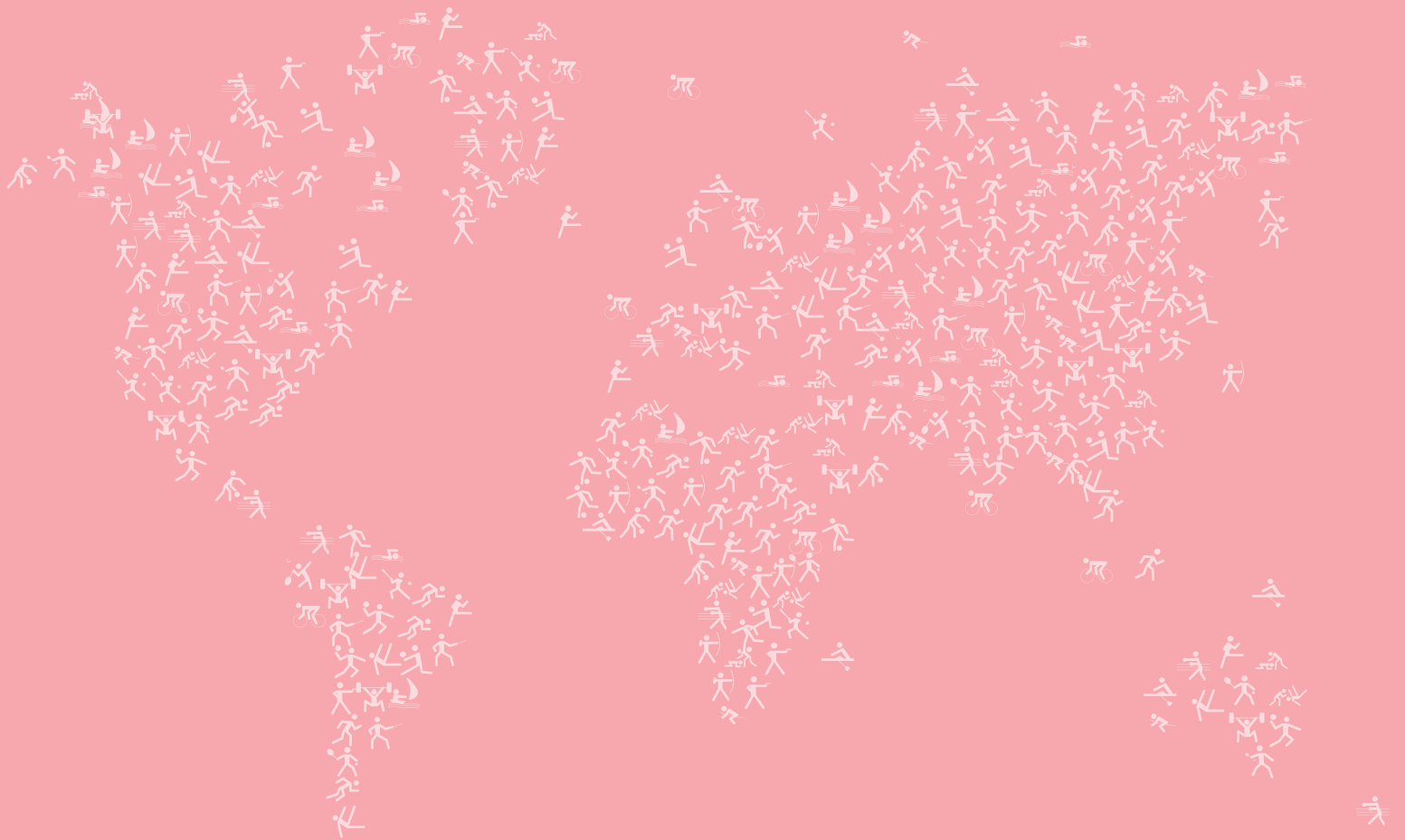
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INTRODUCTION



INTRODUCTION

Professional women's sport is both rising in status and increasing in popularity. This is translating into greater commercial success and an increasing number of sponsorship deals with major brands.¹ The 2019 FIFA Women's World Cup in France generated record viewership: a total of 993 million people watched it on television, with a further 482 million accessing it via digital platforms.² The 2019 Women's World Cup final was more popular among viewers in the United States of America than the men's final in 2018, with the audience for the women's game 22 per cent larger. In cricket, the International Cricket Council (ICC) Women's T20 World Cup 2020 was the most watched ICC women's T20 event in history: the final was watched by 53 million viewers.³ In 2016, for the first time in history, women represented 45 per cent of athletes competing at a Summer Olympic Games.⁴

These milestones were reached against a backdrop of historical and contemporary gender-based discrimination.⁵ Patriarchal values and social constructions that associate sports with masculine characteristics, such as toughness and durability, have led to discrimination against female athletes, who are perceived as having feminine characteristics and as being too soft and weak to participate in sports.⁶

Sport has an important role to play in achieving the Sustainable Development Goals, including Goal 5, which is focused on achieving gender equality and empowering all women and girls. On 18 October 2010, the General Assembly adopted resolution 65/4, in which the use of sport as a vehicle to empower girls and women was emphasized and encouraged.

However, it is acknowledged at the international level that corruption is undermining the ability of sport to achieve gender equality and the empowerment of women, as highlighted in the preamble of and paragraph 11 resolution 8/4 on safeguarding sport from corruption, which was adopted by the Conference of States Parties to the United Nations Convention against Corruption at its eighth session, in December 2019. Based on concerns that the challenges posed by corruption could undermine the potential of sports to advance gender equality and the empowerment of women, States parties and relevant stakeholders are invited to, with a view to promoting gender equality and the empowerment of women,

¹ PricewaterhouseCoopers, "Sports industry – time to refocus? PwC's sports survey 2019", 2019.

² Paul Lee and others, "Women's sports gets down to business: on track for rising monetization – TMT Predictions 2021", Deloitte Insights, 7 December 2020.

³ International Cricket Council (ICC), "ICC's Women's T20 World Cup 2020 is the most watched ICC women's T20 event in history", Media Release, 22 June 2020.

⁴ International Olympic Committee (IOC), "Gender equality through time: at the Olympic Games", <https://olympics.com/ioc/gender-equality/gender-equality-through-time/at-the-olympic-games>.

⁵ United Nations, *Women, Gender Equality and Sport*, Women 2000 and Beyond (New York, 2007).

⁶ *Ibid.* Traditional gender stereotypes influence women's participation and experience in sport: for example, female athletes who defy gendered stereotypes are likely to be marginalized and ignored by mainstream media. For more information, see Kirsten Rasmussen and others, "Marginalization in sports participation through advertising: the case of Nike", *International Journal of Environmental Research and Public Health*, vol. 18, No. 15 (July 2021).

actively encourage the greater participation and representation of women in sports-related activities, programmes and initiatives and in sports governing bodies, including by developing robust awareness programmes that address gender-related barriers in sport caused by corruption.

Although, there is no implied positive correlation between increasing popularity in sport and corruption, an argument can be made that the rising popularity and the increasing commercialization of women's sport are offering those intent on corruption more opportunities to exploit and abuse competitions, games and people. Notably, the gender pay gap in sport, with many professional female athletes not able to live off their earnings,⁷ makes women's sport particularly vulnerable.

While there exists a growing body of research on the interlinkages between gender and corruption, there are gaps in data and knowledge regarding the relationship between gender and corruption in sport. Some discussion of the gender dimensions of corruption in sport has taken place in the context of doping.⁸ A challenge faced in the study of criminality and deviant behaviour is the inherent gender biases that fail to acknowledge complexities and nuances relating to the issue of female criminality. Empirical data showing that women continue to offend at lower levels than men adds complexity to the discussion,⁹ albeit such rates may also reflect sociocultural norms that prescribe behaviour.

With the growth of women's sport, the aim of the section is to highlight the impact of different forms of corruption on women's participation in sport and to support the development of targeted responses aimed at ensuring that corruption does not undermine sport's contribution to the advancement of gender equality and the empowerment of women. It looks to achieve this by identifying the prevalence and main types of corruption risks specific to women in sport to better understand their causes and impact. The section examines literature on gender and corruption to set the context before outlining the gender dimensions of corruption in sport. Vulnerabilities to corruption in women's

sport are identified and examined and gender-sensitive anti-corruption initiatives are highlighted before conclusions and policy considerations are offered.

The concept of gender is applied throughout this document to equate a binary understanding of men and women simply because this is where research can support the findings, without the intention of diluting the rainbow representing the community of lesbian, gay, bisexual, transgender and intersex people.

Also, the terms "woman" and "female" are used interchangeably as an editorial choice to make the text more readable, even though it is acknowledged that these terms are not perfect synonyms.

Gender is defined as the differences between males and females that are socially constructed, changeable over time, and have wide variations within and between cultures. As opposed to biologically determined characteristics (sex), gender refers to learned behaviour and expectations to fulfil an image of masculinity and femininity. Gender is also a socioeconomic and political variable with which to analyse people's roles, responsibilities, constraints and opportunities. The term 'gender' is not synonymous with women; rather the term is used to refer to human or social attributes concerning both women and men collectively.¹⁰ As women are not a homogenous group, it is important to capture an intersectional view on inequalities between women, men, boys and girls in corruption in sport. According to the United Nations Office on Drugs and Crime (UNODC), an intersectional approach to gender equality acknowledges the fact that women have different experiences based on aspects of their identity including race, social class, ethnicity, sexual orientation, religion and age as well as other forms of identity.¹¹

⁷ Lakshmi Puri, United Nations Women Deputy Executive Director, "Making equality a reality", statement to the FIFA Conference for Equality and Inclusion, Zürich, 6 March 2017

⁸ Charlene Weaving and Sarah Teetzel, *A Sociocultural Analysis of Gender and Doping*, World Anti-Doping Agency (2008).

⁹ United Nations High Commissioner for Human Rights, "Women and detention" (September 2014).

¹⁰ United Nations Educational, Scientific and Cultural Organization, Gender, Media & ICTs: *New Approaches for Research, Education & Training*, UNESCO Series on Journalism Education (Paris, 2019).

¹¹ United Nations Office on Drugs and Crime (UNODC), *Gender Mainstreaming in the Work of UNODC: Guidance Note for UNODC Staff* (Vienna, 2021).





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1. >>>>>

UNDERSTANDING THE LINK BETWEEN GENDER AND CORRUPTION

This section seeks to summarize research pertaining to the relationship between gender and corruption.¹² In general, there is evidence that suggests women are disproportionately affected by corruption, in part because in most societies women as a group have less socioeconomic power than men, and in part because of social and cultural norms that influence how people interact and how they access public services.¹³ In many societies, women remain the primary caretakers of the family and are regularly confronted with corruption when dealing with education, health and other public services.¹⁴ Furthermore, gender itself implies a greater risk of exposure to particular forms of corruption, prominently among them “sexual corruption”, where sexual favours rather than money (or assets with obvious monetary value) are paid as a bribe (the corruption and abuse in sport section expands upon this discussion).

The relationship between gender and corruption was put in the spotlight by two World Bank studies published in the early 2000s.¹⁵ While these seminal studies seemed to reveal that higher representation of women in Government was empirically associated with lower corruption levels in that Government, the causality of this relationship has remained an evolving area of study. Essentialist views, such as women being intrinsically more honest than men,¹⁶ have been put

¹² The United Nations Convention against Corruption does not contain a definition of corruption but instead defines acts of corruption, some of which are addressed in this chapter. The specific acts include: bribery in the public and private sectors (articles 15, 16 and 21), embezzlement in the public and private sectors (articles 17 and 22), trading in influence (article 18), abuse of functions (article 19), illicit enrichment (article 20), money-laundering (article 23), concealment (article 24) and obstruction of justice (article 25).

¹³ UNODC, *The Time is Now: Addressing the Gender Dimensions of Corruption* (Vienna, 2020).

¹⁴ UNODC, “Thematic brief on gender and corruption in Myanmar” (October 2020).

¹⁵ David Dollar, Raymond Fisman and Roberta Gatti, “Are women really the ‘fairer’ sex? Corruption and women in gov-ernment”, *Journal of Economic Behavior & Organization*, vol. 46 (2001), pp. 423–429; Anand Swamy and others, “Gender and corruption”, *Journal of Development Economics*, vol. 64, No. 1 (2001), pp. 25–55.

¹⁶ Dollar, Fisman and Gatti, “Are women really the ‘fairer’ sex?”.

forward to seek to explain why women are less corrupt than men, although this viewpoint has been successfully challenged.¹⁷ Nonetheless, this stereotype has been used by women seeking leadership roles. For example, Amanda Clinton, a prominent Ghanaian lawyer, stated in an interview during her campaign for the presidency of the Ghana Football Association¹⁸ that “women are more noted for actually doing the work, and going out there and not wanting to be associated with something corrupt, so, they don’t employ corrupt tactics.”¹⁹



While literature on gender and corruption reveals that women are often excluded from corrupt networks, which are frequently male-dominated patronage networks,²⁰ there is some evidence suggesting that some women are included in these patronage networks if they are able to maintain the status quo.²¹ In Nigeria, the phenomena of “godfathers” – a term referring to powerful political figures who support both men and women politicians with the expectation that they use their public office to distribute lucrative State contracts in a way that reaffirms loyalty to their patrons, in the process maintaining and strengthening the patronage network²² – is a case in point. This is no different in the sport context as illustrated below, which in many ways shows the complex nature of corruption.

¹⁷ Anne Marie Goetz, “Political cleaners: women as the new anti-corruption force?”, *Development and Change*, vol. 38, No. 1 (2007), pp. 87–105.

¹⁸ Kwesi Nyantakyi, the former president of the Ghana Football Association, had been banned for life by the FIFA Ethics Committee in October 2018 for breaking bribery and corruption rules. This ban was reduced to 15 years after Nyantakyi’s appeal to the Court of Arbitration for Sport (CAS). See Piers Edwards, “Ex-Ghana FA boss’ lifetime FIFA ban reduced to 15 years”, *BBC Sport Africa*, 9 October 2020.

¹⁹ Emmanuel Ayamga, “GFA race: ‘vote for me; women don’t associate with corruption’ – Amanda Clinton to delegates”, *Pulse.com.gh*, 9 October 2019.

²⁰ Elin Bjarnegård, *Gender, Informal Institutions and Political Recruitment: Explaining Male Dominance in Parliamentary Representation* (New York, Palgrave Macmillan, 2013).

²¹ UNODC, *The Time is Now*.

²² Amaechi D. Okonkwo, “Gender and corruption in Nigerian politics”, *African Sociological Review/Revue Africaine de Sociologie*, vol. 20, No. 1 (2016), pp. 111–136.

CEO OF THE ZIMBABWE FOOTBALL ASSOCIATION BANNED FOR LIFE FOR COMPETITION MANIPULATION

In October 2010, the first female chief executive officer of the Zimbabwe Football Association, was banned for life after an independent investigative panel found her guilty of working with Asian syndicates to fix football matches. The investigative panel described her as an individual who “wielded so much power in the association as to be untouchable and a mini-god and could manipulate players and coaches alike to do her will. Players were afraid of her and board members also felt intimidated by her.”

The match-fixing scandal, referred to as Asiagate, took place between 2007 and 2009 and involved approximately 80 football players, administrators, journalists and politicians. Players were paid between 2,500 and 3,500 euros in cash by Asian syndicates to participate in match-fixing. This was a significant sum of money for poorly paid players at a time of national economic crisis.

Corruption is a complex human behaviour which is context specific, dependent on the institutional and cultural setting.²³ Research demonstrates this complexity, in that marital status, care-giving responsibilities and other variables can have an influence. In Ghana, Alolo²⁴ has conducted extensive research into the relationship between gender and corruption and has found that female public officials engage in corruption to fulfil cultural expectations, such as assisting family members in need of help. The relevance of Alolo’s research to gender and corruption in sport lies in the sense of obligation connected to care-giving responsibilities. The next section explores the notion that female athletes are vulnerable to corruption because they are underpaid and do not earn enough to support their families.

²³ Justin Esarey and Gina Chirillo, “‘Fairer sex’ or purity myth? Corruption, gender, and institutional context”, *Politics & Gender*, vol. 9, No. 4 (December 2013), pp. 361–389.

²⁴ Namawu Alolo, “Ethic of care versus ethic of justice? The gender-corruption nexus: testing the new conventional wisdom”, *Éthique et économique/Ethics and Economics*, vol. 4, No. 2 (2006).

2. >>>>>

GENDER DIMENSIONS OF CORRUPTION IN SPORT

The gendered dimensions of corruption in sport are multifaceted and highlight cross-cutting issues that require the addressing of underlying gender bias and harmful social norms. Although not an exhaustive list, this section explores key issues relating to the role of women in corruption in sport: lack of representation in leadership, inequality in pay and gender-based violence.

2.1 LACK OF WOMEN'S REPRESENTATION IN SPORT GOVERNANCE

The historical overrepresentation of men in leadership roles in sports organizations is undisputed.²⁵ In 1984, the first World Conference on Women and Sport was held in Brighton. This eventually led to the 1994 Brighton Declaration, which called for "a more fair and equitable system of sport and physical activity, fully inclusive of women and girls." Thirty years later, the Brighton plus Helsinki 2014 Declaration on Women and Sport emphasized the importance of female leaders to facilitating equal opportunities for women and girls in sport. On the same subject, the Sydney Scoreboard, which collects data on the gender composition of sports governance structures, including national sport organizations, international sport federations and national Olympic Committees, has found that women remain underrepresented in sport governance structures in different regions of the world.²⁶

Research by the United Nations shows that increasing women's representation on corporate boards improves business outcomes in multiple ways, ranging from increased revenues and profits to strengthened environmental, social and governance performance, and this is arguably the same for

different sectors, including sport.²⁷ Similarly, the Target Gender Equality programme of the United Nations Global Compact calls for all companies to set and meet ambitious targets for women's representation and leadership, including at the board level.²⁸ Studies show that diversity in corporate boards contributes to good governance.²⁹ Taking the intersectional approach to diversity in boards is not just about gender but also about ethnicity, race, income level, geographic location, religion, age, sexual orientation, etc.

Gender equality as part of good governance

The International Olympic Committee (IOC) has made significant progress in terms of female representation and reaching its target of the percentage of decision-making positions held by women.

Currently, women account for 37.5 per cent of IOC membership, up from 21 per cent in 2014. Female representation on the IOC Executive Board stands at 33.3 per cent, versus 26.6 per cent pre-Olympic Agenda 2020. Also, women account for 47.8 per cent of the members of IOC commissions, compared with 20.3 per cent pre-Olympic Agenda 2020, while 11 of these commissions are chaired by women.

IOC also supports and works closely with the United Nations Office on Drugs and Crime regarding the implementation of resolution 8/4 on safeguarding sport from corruption (adopted by the Conference of States Parties to the United Nations Convention against Corruption in 2019).

Paragraph 11 is of particular importance as it invites States to encourage greater representation of women in sports governing bodies, and encourages the creation of awareness programmes that address gender-related barriers in sport caused by corruption.

²⁵ An intersectional approach shows that women's experiences in sport differ between sports. Some female-centric sports, such as netball, were "initially designed and traditionally administered as an activity for promoting appropriate forms of femininity". In such sports, women's representation is generally higher at all levels. For more information, see Brendon Tagg, "Imagine, a man playing netball! Masculinities and sport in New Zealand", *International Review for the Sociology of Sport*, vol. 43, No. 4 (2008), pp. 409–430.

²⁶ Johanna Adriaanse, "Gender diversity in the governance of sport associations: the Sydney Scoreboard Global Index of Participation", *Journal of Business Ethics*, vol. 137, No. 1 (2016), pp. 149–160.

²⁷ United Nations Global Compact, "How to increase gender balance in boardrooms", 18 February 2021.

²⁸ Ibid.

²⁹ Johanna Adriaanse and Toni Schofield, "The impact of gender quotas on gender equality in sport governance", *Journal of Sport Management*, vol. 28, No. 5 (2014), pp. 485–497.

Diversity in the boards of sports organizations is essential to breaking up group thinking, which is a step that can lead to less corruption.³⁰ Scholarly work on gender and corruption reveals that homogenous political governance systems act as barriers to accessing political participation for women and reinforce “old boys” patronage networks that facilitate corrupt transactions unchallenged.³¹ A recent study from the FIFA Task Force for Women’s Football found that better gender balance delivers improvements in critical aspects of football governance by creating a better, more diverse decision-making environment and a culture that is less prone to corruption.³² The collection of data to enable evidence-based policymaking to address the adverse effects of corruption on gender equality in sport is vital.

IN JULY 2021, THE GLOBAL OBSERVATORY FOR WOMEN, SPORT, PHYSICAL EDUCATION AND PHYSICAL ACTIVITY WAS ESTABLISHED IN SWITZERLAND.

In the framework of the Kazan Action Plan, a feasibility study (financed by the Government of the Swiss Confederation, coordinated by UNESCO and involving UN-Women and experts from women’s sports organizations) identified one of main activities of the Global Observatory as taking part in regional and global initiatives and partnering with sister organizations with the aim of developing unified evaluation methodologies and conducting independent monitoring of gender equality and sport commitments.

Below are factors linked to increasing the participation of women in the governance of sport.

2.1.1 GENDER-SENSITIVE POLICIES AND PRACTICES

Language, policies and practices in sport organizations tend to portray men in a good light and put women at a disadvantage.³³ Research on gender relations in sport governance in

³⁰ Isabelle Westbury, “FIFA, gender and corruption: everything is fine today, that is our illusion”, The Sports Integrity Initiative, 23 November 2015.

³¹ UNODC, *The Time is Now*.

³² “FIFA, football and women: why reform must specify inclusion and investment”, Submission to Mr Francois Carrard, Chair of FIFA Reform Committee, October 2015, <https://digitalhub.fifa.com/m/6f529bb72b443014/original/i2berd89n7syxdjl5fhq-pdf.pdf>.

³³ Sally Shaw and Trevor Slack, “It’s been like that for donkey’s years: the construction of gender relations and the cultures of sports organizations”, *Culture, Sport, Society*, vol. 5, No. 1 (2002), pp. 86–106.

Australia shows a prevalent perception that it is difficult to find qualified, experienced women to serve as board members.³⁴ A study exploring how gendered meanings influence access to leadership roles on national sport governing boards in the Netherlands found that women were viewed as lacking the time for board membership.³⁵ Adriaanse and Schofield³⁶ point out that the difficulty governance boards have in identifying suitable women is because of “homosexual reproduction”, as “the directors were looking for a woman of “their kind”, which severely limited the pool of candidates.” These challenges point to sport being a masculine environment; therefore, there is the perception that women are not qualified as they do not exhibit masculine traits. As discussed earlier, the dynamics between feminini



ties and masculinities in sport occur within a masculine context.³⁷

An important tool for increasing female representation in different spheres has been the use of quotas, whereby there is a mandatory requirement of a minimum percentage of women participating in leadership roles. The use of quotas has been generally effective in increasing the number of women in such roles. In Brazil, the gender quota practice in the Antidoping Court has been relatively successful and is

³⁴ Johanna A. Adriaanse and Toni Schofield, “Analysing gender dynamics in sport governance: a new regimes-based approach”, *Sport Management Review*, vol. 16, No. 4 (2013), pp. 498–513.

³⁵ Inge Claringbould and Annelies Knoppers, “Doing and undoing gender in sport governance”, *Sex Roles*, vol. 58, No. 1–2 (2008), pp. 81–92.

³⁶ Adriaanse and Schofield, “Analysing gender dynamics in sport governance”.

³⁷ United Nations, *Women, Gender Equality and Sport*.

included in the sports law of Brazil, although it is not mandatory.³⁸ However, the use of quotas has also been criticized for undermining the principle of merit and perpetuating the view of women as tokens hired to meet gender requirements.³⁹ On temporary special measures, it should be noted that the criticism of lack of merit is erroneous because merit applies to the application of quotas. Studies suggest that gender quotas in sports governance are effective when used in combination with other measures,⁴⁰ including the adoption of gender equality as an organizational value, the allocation of influential roles on boards to women and the provision of support by male colleagues.

2.1.2 GENDERED SOCIAL NORMS AS BARRIERS

Social and cultural factors also contribute to women's underrepresentation in the governance of sport. A United Nations Development Programme and United Nations Development Fund for Women report noted that gendered responsibilities affect the ability of women and girls to participate in sport and other leisure activities. For example, in rural areas in different parts of the world, girls are responsible for time-consuming household chores, including fetching water, which leaves no time for participation in sport.⁴¹ Research from Malawi highlights the role of pervasive traditional norms informed by cultural and religious norms, which reflect the general status and role of women in society, in preventing women and girls from participating in sport. Examples of these gender norms include the perception of women in sport leadership as being "opportunists", "loose" and "only interested in men".⁴² As a result, less than three per cent of those in leadership positions in sport governance in Malawi are women.⁴³

³⁸ Law n° 9.615/1998, article 55-A, paragraph 2°. L9615 - Consolidada (planalto.gov.br).

³⁹ Adriaanse and Schofield, "The impact of gender quotas on gender equality".

⁴⁰ Ibid.

⁴¹ United Nations Development Programme and United Nations Development Fund for Women, *Corruption, Accountability and Gender: Understanding the Connections* (2010).

⁴² Anneliese E. Goslin and Darlene A. Kluka, "Women and sport leadership: perceptions of Malawi women educated in sport business leadership", *South African Journal for Research in Sport, Physical Education and Recreation*, vol. 36, No. 3 (2014), pp. 93–108.

⁴³ Ibid.

CASE STUDY: DEVELOPMENT OF WOMEN'S FOOTBALL IN THE RUSSIAN FEDERATION

In 2019, the Russia Football Union Executive Committee adopted the 2030 Programme for the Development of Women's Football. The programme is a comprehensive roadmap aimed at promoting development at all levels of the women's game: national teams, club football, talent development, grassroots, female refereeing and female coaching. The programme has the following key goals:

- » Further professionalize the women's game and ensure long-term sporting success
- » Increase female participation in football
- » Improve the image of women's football and enhance its visibility, thereby increasing its audience and ensuring commercial development
- » Ensure female participation in football-related professions

A new Women's Football Department was created to implement the programme. The Russia Football Union ensures that women's football development receives adequate attention, staffing and investment. Results of the programme have already included:

- » The qualification of the women's national team for the UEFA Women's Euro 2022 championship
- » The implementation of major changes to club football, with the top league rebranded and four new women's clubs affiliated with top men's clubs taking part in the championship, and a major increase in audience and a landmark media rights deal with a federal television and digital platform
- » The introduction of new under-16 and under-21 competitions for elite youth teams
- » The launch of the UEFA Playmakers programme, which is designed to increase girls' participation in football, in 27 centres throughout the country to engage over 800 girls per year in playing football



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2.2 INEQUALITY IN PAY

Notably, while gender pay gaps exist in most industries, UN- Women has signalled that the sports industry has one of the largest gender pay gaps, with the exception of a small number of sports, such as tennis.⁴⁴ For example, in the National Basketball Association in North America, the top salary in the men's league in 2018 was \$37.4 million, compared to \$117,500 in the Women's National Basketball Association.⁴⁵ These gaps create vulnerability. A sport identified by experts as particularly vulnerable to corruption is women's football in South America, where the game is growing at a faster rate than players' salaries.⁴⁶

Financial vulnerability is one reason why athletes engage with and participate in corruption. Athletes have short competitive careers and many are poorly paid, or in some cases not paid.⁴⁷ It must be noted that all actors within the sports ecosystem are susceptible to engaging in corruption. As such, highlighting that financial vulnerabilities are a key risk for corruption in sport does not negate the fact that corruption occurs amongst athletes who are not necessarily financially vulnerable. A study of competition manipulation in football revealed that while the main driving factor for the activity was money, the reasons "for acquiring that money varies in each case, from conditions of relative deprivation to simple greed".⁴⁸ In other words, corruption acts are carried out by athletes from across the socioeconomic spectrum for a range of different reasons.

The financial vulnerability of female athletes is exacerbated by the fact that most sports organizations lack structures "to support women who are pregnant or who have parental responsibilities".⁴⁹ However, there have been important developments, such as the initiative by FIFA to introduce measures such as mandatory maternity leave with pay, which is designed to protect female players and coaches from pregnancy-related discrimination.⁵⁰ The Women's Tennis Association maternity leave policy provides a two-year period for an athlete to return to competition by using the ranking she had on the day she stopped playing to go on

⁴⁴ Puri, "Making equality a reality".

⁴⁵ Olivia Abrams, "Why female athletes earn less than men across most sports", *Forbes*, 23 June 2019.

⁴⁶ INTERPOL *Integrity In Sport Bi-Weekly Bulletin: 13 August 2019–26 August 2019*, LawInSport.

⁴⁷ Kevin Carpenter, "Match-fixing: the biggest threat to sport in the 21st century? Part 1", *LawInSport*, 5 June 2011.

⁴⁸ Declan Hill, "Jumping into fixing", *Trends in Organized Crime*, vol. 18, No. 3 (January 2015), pp. 212–228.

⁴⁹ Laura Douglas, "Say it ain't so Josephine? The risk of match-fixing in women's sport", *The ANZSLA Commentator*, vol. 97 (December 2016), pp. 29–42.

⁵⁰ "FIFA steps up protection of female players and football coaches", 19 November 2020.

maternity leave.⁵¹ The role of women as professional athletes and officials continues to undergo important changes and efforts are being made to equally reward men and women for winning tournaments.⁵² However, pay parity in sport is still far away.⁵³

2.3 ABUSE INCLUDING ABUSE OF AUTHORITY AND GENDER-BASED VIOLENCE IN SPORT

The sports sector is particularly vulnerable to sexual harassment and abuse of authority because of the nature of relationships in the workplace environment, in particular between female athletes and their coaches, who are predominately male,⁵⁴ and other actors, such as doctors (see the section on corruption and abuse in sport for a more in-depth examination of this issue). At the international level, it has been increasingly recognized in the resolutions of United Nations bodies⁵⁵ that women and girls are frequently subjected to violence, including sexual harassment, at work and that they face increased risks of violence in particular contexts, such as when working in male-dominated workplaces. Furthermore, female athletes are pressured to conform to relative standards of the ideal body and remain vulnerable to bullying and body shaming in a way that their male counterparts are not.⁵⁶

There are numerous incidents in which women and girls in sport have been subjected to gender-based violence, sexual harassment and abuse by various authority figures. This form of abuse, a crime in most countries, undermines the integrity of sport and includes acts of sexual, physical, emotional and psychological abuse and neglect. Indeed, anecdotal evidence from cases around the world showing officials abusing their positions of authority to receive or request sexual favours is alarming and needs to be urgently addressed by sports organizations and Governments. In what has been heralded as the largest sexual abuse case in American sports history, a former USA Gymnastics national team doctor was sentenced to 40 to 175 years in prison for sexually abusing more than 150 female athletes, including minor athletes, over decades.⁵⁷ His abuse of female athletes reveals the consequences of failure at the institutional level

to implement policies and practices to protect athletes. Investigations by the United States Senate into the case found that abuse of young athletes occurred “because of a lack of over-sight, independence, and transparency.”⁵⁸ This case reiterates the importance of strengthening accountability mechanisms in sports organizations, creating a culture of putting athletes first and fortifying the independence of the investigative bodies responsible for investigating allegations of sexual abuse against athletes.⁵⁹

In June 2019, a former president of the Afghanistan Football Federation and a former FIFA Standing Committee member was banned for life from all football-related activities after the FIFA Ethics Committee found him guilty of having abused his position and sexually abused a number of female players, including children, in violation of the FIFA Code of Ethics.⁶⁰

In May 2021, a former supervisor of the under-20 women’s national team at the Haitian Football Association (FHF) was found guilty of having failed to protect the physical and mental integrity of various female players, including minors who were under her authority and responsibility at the Centre Technique National in Croix-des-Bouquets in Haiti. The former supervisor was condemned for actively coercing and threatening the players into engaging in sexual relationships with the former FHF president in violation of the FIFA Code of Ethics.⁶¹ The former FHF president was banned for life from all football-related activities by FIFA after its Ethics Committee found him guilty of having abused his position and of sexually harassing and abusing female players, including minors, in violation of the FIFA Code of Ethics.⁶² The abuse case in Haitian football shows that gender-based violence can be perpetuated by figures in authority (both male and female) as sport, both professional and amateur, can create particular vulnerabilities as a result of power imbalances and dependencies between individuals.⁶³

⁵¹ WTA Staff, “In focus: WTA maternity leave policy, rankings and seedings” WTA Tour, 27 June 2018.

⁵² Louise Taylor, “England women’s and men’s teams receive same pay, FA reveals”, *The Guardian*, 3 September 2020.

⁵³ Valeria Perasso, “100 women: is the gender pay gap in sport really closing?”, BBC News, 23 October 2017.

⁵⁴ Susanne Johansson, Göran Kenttä and Mark B. Andersen, “Desires and taboos: sexual relationships between coaches and athletes”, *International Journal of Sports Science & Coaching*, vol. 11, No. 4 (2016), pp. 589–598.

⁵⁵ For example, General Assembly resolution 73/148 (17 December 2018), available from <https://undocs.org/en/A/RES/73/148>.

⁵⁶ Kareem Abdul-Jabbar, “Body shaming black female athletes is not just about race”, *Time*, 20 July 2015.

⁵⁷ Judicial Circuit Court for Eaton County, *People v. Nassar*, Case No. 17-020217-FC; Judicial Circuit Court for Ingham County, *People v. Nassar*, Case No. 17-143-FC.

⁵⁸ Senate Olympics Investigation, “Senators Jerry Moran and Richard Blumenthal’s Empowering Olympic and Amateur Athletes Act of 2019”, www.capito.senate.gov/imo/media/doc/08-05-2019%20Empowering%20Olympic%20and%20Amateur%20Athletes%20Act%20of%202019_OnePager.pdf.

⁵⁹ Ibid.

⁶⁰ Fédération Internationale de Football Association (FIFA), “Adjudicatory chamber of the independent Ethics Committee sanctions Mr Keramuudin Karim”, 8 June 2019, www.fifa.com/media-releases/adjudicatory-chamber-of-the-independent-ethics-committee-sanctions-mr-keramuudin.

⁶¹ FIFA, “Adjudicatory chamber of the independent Ethics Committee sanctions Ms Nella Joseph”, 3 May 2021, www.fifa.com/about-fifa/organisation/committees/media-releases/adjudicatory-chamber-of-the-independent-ethics-committee-sanctions-ms-nella-joseph.

⁶² FIFA, “Adjudicatory chamber of the independent Ethics Committee sanctions Yves Jean-Bart”, 20 November 2020, www.fifa.com/media-releases/adjudicatory-chamber-of-the-independent-ethics-committee-sanctions-yves-jean-bart.

⁶³ Margo Mountjoy and others, “The International Olympic Committee consensus statement: harassment and abuse (non-accidental violence) in sport”, *British Journal of Sports Medicine*, vol. 50, No. 17 (2016), pp. 1019–1029.

Generally, gender-based violence is highly underreported because of the complex nature of the crime and the social stigma it carries, disproportionately affecting women.⁶⁴ The extent of sexual harassment and abuse of female athletes in professional sport and grassroots sport around the world is unknown. There is, however, a growing awareness that, as in other parts of society, harassment and abuse does occur in sport with many cases not being reported primarily because of fear and mistrust of reporting and the sensitivity and shame that surround these cases. This represents a blind spot for many sport organizations, either through fear of reputational damage or through ignorance, silence and collusion.⁶⁵ Furthermore, survivor-centred support for victims of abuse in sport is essential as sex crimes require specialist investigators, safe refuge and psychological and care providers experienced in sexual abuse. Often victims have been groomed over a long period, coerced, threatened and harmed, and threats have issued to family members.⁶⁶

2.4 COMPETITION MANIPULATION

Financial vulnerability is a key driver in motivating athletes to engage in competition manipulation (see the section on competition manipulation for more details). In many countries, athletes are poorly remunerated, increasing their vulnerability to competition manipulation, particularly at lower levels where sport competitions are less scrutinised.⁶⁷ One study exploring competition manipulation in cricket revealed that players accepted bribes because they were paid low salaries.⁶⁸ Examples of competition manipulation involving the offering of money to female athletes to engage in such activities are almost entirely lacking, with the exception of the two female volleyball players from the Republic of Korea that were banned for life for competition manipulation in exchange for five million won (\$4,400).⁶⁹ Studies into the factors motivating female athletes to engage in competition manipulation are needed.

⁶⁴ UNODC, *Global Study on Homicide: Gender-related Killing of Women and Girls* (Vienna, 2020).

⁶⁵ Mountjoy and others, "The IOC consensus statement".

⁶⁶ "FIFA welcomes CAS decision in the case of former president of Afghan Football Federation Keramuudin Karim". FIFA has also recently published a "Minimum Package of Care in cases of harassment and abuse (with reference to cases under article 23 of the FIFA Code of Ethics)" to support victims who wish to come forward and has adopted survivor-centered case management when investigating reports of abuse. <https://digitalhub.fifa.com/m/5b5359a41539e520/original/jwsfapaqn0bf1r4vgffn-pdf.pdf>.

⁶⁷ Mike Huggins, "Match-fixing: a historical perspective", *The International Journal of the History of Sport*, vol. 35, No. 2-3 (2018), pp. 123–140.

⁶⁸ Stefan Szymanski, "The economic design of sporting contests", *Journal of Economic Literature*, vol. 41, no. 4 (2003), pp. 1137–1187.

⁶⁹ Yonhap News Agency, "S. Korea bans 11 volleyball players for life over match-fixing scandal", 19 March 2012.

A survey measuring the prevalence of competition manipulation among 425 German elite athletes (gender ratio of the participants was 52 per cent male and 48 per cent female) concluded that there was no gender dimension to competition manipulation involving German elite athletes.⁷⁰ A target group-specific survey of over 5,000 athletes, coaches and officials carried out by the Evidence-based Prevention Of Sporting-related Match-fixing project of the Erasmus+ Programme showed that competition manipulation is much less widespread among female athletes, coaches and officials than among their male colleagues.⁷¹ A study to investigate high-performance athletes' involvement in non-betting-related competition manipulation in the Republic of Korea found that out of 731 Olympic sports athletes who took part in the survey, 74 respondents (10 per cent) had been approached to manipulate a competition.⁷² The study findings revealed that female athletes had been approached proportionately slightly more often than males (females: 10.74 per cent, males: 9.70 per cent). Out of the 74 respondents, 33 athletes (5 per cent) actually participated in competition manipulation, with the involvement of female athletes slightly higher than that of males (5.03 per cent versus 4.16 per cent). However, as a result of the limited availability of relevant data, the present report was not able to make any conclusions regarding the role of gender in non-betting-related competition manipulation.

2.5 BETTING ON WOMEN'S SPORT

Betting-related competition manipulation is often linked to other forms of criminal activity (see the section on competition manipulation and the section on illegal betting and sport for additional information). As noted by Anderson, because of "the traditional liquidity of gambling markets, sports betting can, and has long been, an attractively accessible conduit for criminal syndicates to launder the proceeds of crime."⁷³ Technological advancement, such as the arrival and growth of the Internet, has increased opportunities for participating in illegal betting.⁷⁴ The illegal betting syndicates providing avenues to engage in illegal sport betting may also

⁷⁰ Monika Frenger, Eike Emrich and Werner Pitsch, "Corruption in Olympic sports: prevalence estimations of match fixing among German squad athletes," *SAGE Open*, vol. 9, No. 3 (2019).

⁷¹ "EPOSM project tackles non-betting-related match-fixing", www.eposm.net/kopievan-kick-off.

⁷² Minhyeok Tak, Michael P. Sam and Chang-Hwan Choi, "Too much at stake to uphold sport integrity? High-performance athletes' involvement in match-fixing", *Crime, Law and Social Change*, vol. 74 (2020), pp. 27–44.

⁷³ Jack Anderson, "Match fixing and money laundering", Queen's University Belfast, School of Law, Research Paper No. 2014-05, 14 April 2014, p. 2, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2424755.

⁷⁴ Jay S. Albanese, "Illegal gambling businesses & organized crime: an analysis of federal convictions", *Trends in Organized Crime*, vol. 21, No. 3 (2018), pp. 262–277.

have an impact on women's sport. For example, senior figures in cricket have highlighted the vulnerability to corruption of women's cricket, pointing to an exponential increase in betting on women's competitions in recent years.⁷⁵ Similar observations have been made about women's football.⁷⁶

Research from Hong Kong, China⁷⁷ reveals that women's involvement in betting, whether legal or illegal, has been underestimated,⁷⁸ suggesting that the traditional gender gap in illegal betting may be shrinking. Illegal bettors of both genders share broadly similar demographic profiles, insofar as they are typically middle-aged, blue-collar workers with relatively low levels of education and income when compared to national averages.⁷⁹

Studies conducted by the Hong Kong Jockey Club⁸⁰ (HKJC) reveal the multifaceted roles of women operating within Asian illegal betting networks. HKJC noted that, in the Asian context, women are typically employed as marketers, croupiers and agents within illegal betting operations.⁸¹ In addition, women advertise and operate such betting businesses primarily by enticing male bettors to bet with them. Women have also been identified as being illegal bookmakers and as managing illegal betting operations throughout Asia, including in Thailand.⁸² Furthermore, women are increasingly taking up more leadership roles within illegal betting networks despite these positions being historically male dominated.⁸³

The Australian Criminal Intelligence Commission (ACIC) Project Petram⁸⁴ identified that while women and girls in Australia do not regularly bet using offshore platforms, there have been incidences where they act as betting agents to facilitate access to these platforms for professional,

high-value gamblers, including for entities linked to organized criminal groups. The Project also identified that criminal entities are likely to exploit legal betting accounts operated by women through third-party betting arrangements in order to obfuscate corrupt betting and to bet using illicit funds. Third-party betting arrangements provide anonymity to gamblers and obscure the identity of the person placing the bet. These arrangements reduce the ability of law enforcement agencies to conduct accurate financial profiling and to identify unexplained wealth linked to criminal entities, and create significant vulnerability to criminal exploitation. As a result, women are at a significant risk from both a criminal and sports integrity perspective.

In addition, ACIC has identified a trend of organized crime entities betting anonymously using criminal proceeds, potentially using gains from corrupted sporting events, by directing close female associates to place bets using accounts in their names. However, it is worth noting that professional athletes use this as a method to avoid their betting activity being detected.⁸⁵ Whilst this is often to hide prohibited betting rather than competition manipulation, this method can also be used by athletes involved in competition manipulation, and it is possible that a "sense of loyalty" or "coercion" could be factors at play in such scenarios.



⁷⁵ Tim Wigmore, "Women's cricket 'likely to be a target' for corruption, insiders fear", *The Guardian*, 11 October 2017.

⁷⁶ Mike Morrison, *Suspicious Betting Trends in Global Football – 2020 Report* (Stats Perform Integrity and Starlizard Integrity Services, 2020), www.statsperform.com/resource/suspicious-betting-trends-in-global-football-2020/.

⁷⁷ Francis T. Liu, *Report on Market Sizing of Illegal Betting Market in Hong Kong* (Oliver Wyman, November 2017).

⁷⁸ Nerilee Hing and others, *A Comparative Study of Men and Women Gamblers in Victoria*, Research Report (Victoria, Australia, Victorian Responsible Gambling Foundation, 2014).

⁷⁹ Oxford Economics, *Impact of Illegal Gambling in Hong Kong* (Sydney, 2016).

⁸⁰ Written responses to interview questions, 13 November 2020. In Hong Kong, China, betting of any sorts is illegal except for the betting on three products provided by the HKJC, which is the government's licensed operator. The products are betting on horseracing, betting on football and betting on the lottery.

⁸¹ "17 arrested in connection with illegal gambling site", *The Standard*, 6 May 2020.

⁸² Zoltan Tundik, "Thailand police arrest seven women for illegal gambling", *European Gaming Media*, 30 October 2018.

⁸³ Jana Arsovska and Felia Allum, "Introduction: women and transnational organized crime", *Trends in Organized Crime*, vol. 17 (2014), pp. 1–15.

⁸⁴ Written responses to interview questions, 16 January 2021. Project Petram is aimed at developing an understanding of the nature and extent of the links between transnational serious organized crime/serious organized crime entities, offshore unregulated bookmaking sectors, domestic bookmaking sectors and the impact on the wagering industry and identifying and assessing the threats to Australian sporting sectors.

⁸⁵ Gregor Robertson, "Footballers use girlfriends and dads so they're not caught gambling", *The Times*, 24 January 2018.

CASE STUDY: GENDER-DISAGGREGATED DATA ON BETTING-RELATED AND OTHER INTEGRITY ISSUES FACING TENNIS

In 2016, the international governing bodies principally responsible for governing professional tennis at the international level appointed an Independent Review Panel to address betting-related and other integrity issues facing the sport.⁸⁶ The Panel's comparative analysis of match specific alerts from the men's and women's game between 2009 and 2017 showed that, while women's professional tennis has become responsible for an increasing share of match specific alerts, the incidence of match specific alerts for professional women's matches remains much lower than that for men's events. In 2017, there was approximately one match specific alert per 165 men's matches calculated as bettable matches,⁸⁷ while it took 557 bettable matches in the women's game to produce a single match specific alert.⁸⁸

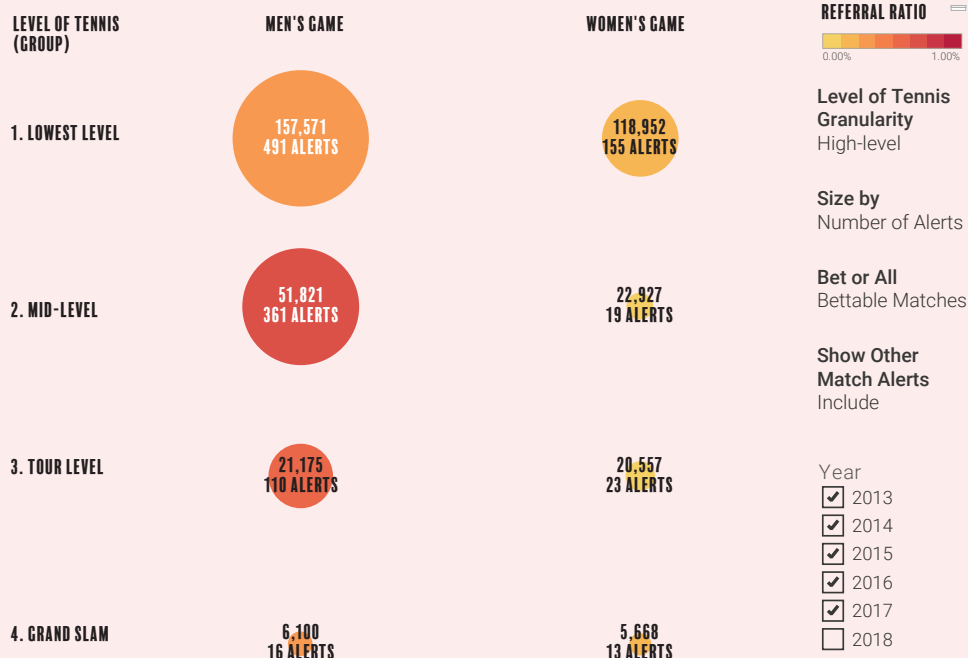
The gender-disaggregated data captured in the graphic below on match specific alerts and bettable matches in tennis are important to understanding differences in men's and women's games. However, more research and analysis are needed to further interpret this type of data to inform evidence-based gender-sensitive anti-corruption initiatives.

⁸⁶ Adam Lewis QC, Beth Wilkinson and Marc Henzelin, Independent Review of Integrity in Tennis, Final Report (2018); Russell Fuller, "Final tennis corruption report recommends no live streaming of lowest-tier events",

⁸⁷ Betttable match* means a match on which bets could be placed on a market created by a betting operator using official live scoring data. For more information, refer to Lewis, Wilkinson and Henzelin, *Independent Review of Integrity in Tennis*, Final Report.

⁸⁸ Ibid, In 2017, the men's game accounted for 289 match specific alerts (and 47,689 bettable matches), whereas the women's game accounted for 65 match specific alerts (and 36,229 bettable matches).

COMPARISON OF MATCH SPECIFIC ALERTS AND BETTABLE MATCHES, BY LEVEL OF TENNIS AND GENDER, 2013-2017



The Referral Ratio is fixed as a 0.0% to 1.0% (or higher) range and is displayed as an eight-step (0.125%) gradient. The eighth and darkest red therefore represents a Referral Ratio of 0.875% or higher. For more information refer to Adam Lewis QC, Beth Wilkinson, Marc Henzelin, Independent Review of Integrity in Tennis, Final Report 2018

3. >>>>>

GENDER ASPECTS TO ENHANCING PREVENTION, COOPERATION AND DETECTION



3.1. PREVENTION OF CORRUPTION IN SPORT THROUGH EDUCATION

Education is essential for successful and sustainable efforts aimed at preventing corruption in sport. The point was made earlier in the section that professional women's sport is both rising in status and increasing in popularity. It can be assumed that amateur women's sports will also grow in parallel given this increasing interest. As such, it is important that women athletes, coaches and referees are included in sports integrity education programmes. Education is a context-specific activity and it is important that such education is tailored to specific audiences. For example, in order to help women in sport to mitigate risks to their careers and to their sports, it is important that they understand the different types of corrupt approaches and wrongdoing that they would be vulnerable to (see the section on abuse and corruption in sport), understand their reporting obligations and how to use reporting mechanisms, and see relevant examples of corruption in women's sport. Although education and training are key elements of corruption prevention in sport, they need to be complemented by other measures, such as the commitment of senior management, corruption risk mapping and the adequate monitoring and control of training programmes.⁸⁹

⁸⁹ The guidelines of the French Anti-Corruption Agency (AFA) provide valuable recommendations on how to design and implement robust measures to prevent and detect corruption in public and private organization, which include training and awareness programmes: www.agence-francaise-anticorruption.gouv.fr/files/2021-03/French%20AC%20Agency%20Guidelines%20.pdf.

INTERNATIONAL CRICKET COUNCIL INTEGRITY UNIT

Women are strongly represented in the International Cricket Council (ICC) Integrity Unit across tournament management, intelligence, investigations and education. At the time of writing, there were ten anti-corruption and security managers employed by the ICC Integrity Unit (based and deployed globally). This includes three women from India, New Zealand and the United Kingdom of Great Britain and Northern Ireland, respectively.

Within the ICC Integrity Unit team based in the United Arab Emirates, there is a 50-50 gender split, which includes three women in intelligence. The head of anti-doping is also female. While their primary responsibility is anti-corruption and security at ICC events, international matches and relevant franchise events, these employees may also be first responders to safeguarding or other integrity matters. ICC women's events involve the delivery of tailored education, often by female anti-corruption managers and other staff.

3.2. ENHANCING COOPERATION THROUGH COMMUNITY FOCUSED APPROACHES

Engaging local communities to support the integrity of women's sport can be an effective method to tackle corruption and wrongdoing. A report by UNODC based on research from South-East Asia highlights the role of female officers in enhancing the operational effectiveness of law enforcement through improving responses to gender-based crimes and increasing community trust and perceived legitimacy, which contributes to a reduction in corruption.⁹⁰ Involving women from local communities can help foster cooperation between sports organizations and law enforcement and criminal justice authorities. Also, as examples from South America show, women in law enforcement can play a key role in the implementation of anti-corruption policies and initiatives, which could be effective if duplicated in a sports context to tackle corruption and wrongdoing in sport.

The Global South is a source of good practices relating to women-led initiatives that can be used to inform the creation of gender-sensitive anti-corruption initiatives in sport.

- » The International Fund for Animal Welfare created Team Lioness, an all-women ranger unit, with members recruited from the Maasai community to fight poaching around the Amboseli National Park in Kenya, including

⁹⁰ UNODC, INTERPOL and UN-Women, *Women in Law Enforcement in the ASEAN Region* (2020).

the corruption involved⁹¹. The Maasai community is dominantly patriarchal, therefore, Team Lioness is a powerful symbol of the importance of gender equality.

- » The Akashinga (The Brave Ones) ranger unit is an all-female armed ranger unit in the Zambezi Valley in Zimbabwe. The unit was created by Damien Mander, a former member of the Royal Australian Navy. Akashinga members comprise vulnerable women, including survivors of domestic abuse, orphans and others made vulnerable by AIDS, and single mothers.⁹² The Akashinga rangers receive the same military training as male rangers, challenging cultural and social norms about arming women.⁹³
- » The Black Mamba Anti-Poaching Unit in the Balule Nature Reserve, a protected area in the Kruger National Park in South Africa, is made up of young women from the local community. The Unit focuses on “visible policing, as well as outreach and awareness-raising in their communities”, encouraging “communities to understand that their benefits will be greater through rhino conservation than through poaching.”⁹⁴

Anti-corruption responses in sport can draw from these and other relevant initiatives in the implementation of whole-of-society initiatives focused on empowering local communities to counter crime and corruption.

3.3 GENDER-SENSITIVE REPORTING MECHANISMS

Gender mainstreaming in all relevant bodies responsible for receiving and investigating complaints is imperative to facilitating an environment in which women are comfortable about reporting wrongdoing.⁹⁵ Understanding the different motivations and patterns of behaviour, as well as incentives and barriers, relating to reporting that exist between men and women is vital to the creation of gender-sensitive reporting and reporting mechanisms.⁹⁶

As the 2019 UNODC guide to reporting mechanisms in sport⁹⁷ notes, committing to integrity in sport requires frameworks for reporting, identifying and resolving issues of wrongdoing in sport. Notably, effective reporting mechanisms are a crucial part of the fight against corruption in sport, as a means of both detecting and deterring such activity (see the section on detecting and reporting corruption in sport). As with reporting different forms of crime, men and women report different forms of corruption differently. For example, there are studies showing that women are more likely to report corruption if they are interacting with other women.⁹⁸ In the sports context, further research is needed to understand the how women and men engage with reporting and reporting mechanisms to disclose corruption.



⁹¹ Team Lioness – Kenya, “We’re transforming what it means to be a woman ranger”, International Fund for Animal Welfare, www.ifaw.org/eu/projects/team-lioness.

⁹² Damien Mander, “Akashinga: The Brave Ones”, National Geographic (documentary film).

⁹³ Rachel Nuwer, “Meet the ‘Brave Ones’: The women saving Africa’s wildlife”, BBC Future, 27 September 2018.

⁹⁴ Annette Hübschle and Clifford Shearing, *Ending Wildlife Trafficking: Local Communities as Change Agents* (The Global Initiative Against Transnational Organized Crime, 2018).

⁹⁵ Gender mainstreaming considers the human implications of any activity, highlighting the differences between women and men and the potential differential impacts and designing the activity to ensure that both men and women will benefit equally. For more information, see UNODC, *Gender Mainstreaming in the Work of UNODC*.

⁹⁶ Nieves Zúñiga, “U4 Helpdesk Answer: Gender sensitivity in corruption reporting and whistleblowing”, U4 Anti-Corruption Resource Centre and Transparency International (2020).

⁹⁷ UNODC, *Reporting Mechanisms in Sport: A Practical Guide for Development and Implementation* (Vienna, 2019).

⁹⁸ Hazel Feigenblatt, *Breaking the Silence around Sextortion: The Links between Power, Sex and Corruption* (Transparency International, 2020).

Research on how women and men engage with reporting mechanisms has revealed that women and men are motivated by different factors to report.⁹⁹ The type of reporting mechanism made a difference in the frequency of women's reporting, with women valuing policies that provide protection from retaliation and confidentiality provisions more than men.¹⁰⁰ A "victim-centred" approach, which ensures that the victim has access to relevant services, is essential to creating efficient whistle-blowing systems.¹⁰¹ Key elements contained in effective reporting mechanisms include confidentiality and anonymity, accessibility (including access to health and financial services), clearly identifiable reporting channels, guidance for the reporting persons on the reporting processes, protection against different forms of retaliation, inclusive language and communication, and the training of officials receiving complaints to avoid possible biases.¹⁰²

THE PLAY FAIR CODE WAS FOUNDED BY THE AUSTRIAN ASSOCIATION FOR PROTECTING THE INTEGRITY IN SPORT IN 2012.

In 2014, as part of the mandate of the Play Fair Code, an ombudsperson facility was implemented as a neutral and protected facility for the reporting of match-fixing incidents. The ombudsperson facility is gender sensitive with reporting persons able to choose between male and female points of contact.

However, use of the ombudsperson facility since its creation has shown that there is marginal demand for a gender-specific option. The proportion of female whistle-blowers was close to zero and the Play Fair Code was largely contacted directly (bypassing the ombudsperson facility) with sensitive information.



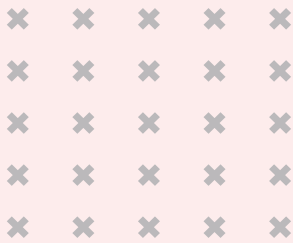
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⁹⁹ Orly Lobel, "Linking prevention, detection, and whistleblowing: principles for designing effective reporting mechanisms," 54. *South Texas Law Review* 37, 46 (2012).

¹⁰⁰ Clare Tilton, "Women and whistleblowing: exploring gender effects in policy design", *Columbia Journal of Gender and Law*, vol. 35, No. 2 (2018), pp. 338–368.

¹⁰¹ UNODC, *The Time is Now*.

¹⁰² Feigenblatt, *Breaking the Silence around Sextortion*.



CONCLUSION AND POLICY CONSIDERATIONS



CONCLUSION

The participation of women in sport governance is key to promoting gender equality and addressing corruption in sport. However, while an increase in the number of women participating in sport governance is essential, “numbers alone do not constitute gender equality”.¹⁰³ Gender equity in sport should be centred on addressing discriminatory practices that undermine real transformation in sport governance, as well as buy-in and a significant shift in mindset across the entire sports ecosystem. This requires an acknowledgment of the social and cultural norms that deter girls and women from playing sport, the biases and stereotypes relating to women’s capacity to fulfil leadership roles and the lack of skill and experience that serve as barriers to women accessing decision-making roles in sport.

Financial vulnerability is identified as a key driver in motivating athletes to engage in corrupt practices, potentially exacerbated for female athletes because of gender pay gap in sport. However, there is a lack of data on the role of financial vulnerability in motivating female athletes to engage in competition manipulation. This is an important gap because as women’s sport becomes increasing popular and profitable, it creates new opportunities for criminal syndicates to corrupt women’s sport and for women to engage in corrupt practices.

The involvement of women in anti-corruption initiatives in sport is imperative for the creation of effective policy and programming. There are two aspects that are critical to the creation of gender-sensitive anti-corruption responses in sport: prevention and law enforcement. To develop appropriate solutions the prevention aspect of anti-corruption efforts requires context-specific education and awareness programmes that recognize the diversity of women’s lived experiences. Effective measures to address corruption in sport requires trust building and enhanced cooperation between government departments, anti-corruption authorities, law enforcement authorities, sports organizations and other relevant stakeholders, at the national and international levels, complimented by relevant capacity-building activities. To inform both prevention and law enforcement policymaking and implementation efforts, the collection and analysis of sex-disaggregated data on the key drivers and the key risk factors relating to women’s involvement in corruption in sport would be useful.

¹⁰³ Madeleine Pape, “Gender segregation and trajectories of organizational change: the underrepresentation of women in sports leadership”, *Gender & Society*, vol. 34, No. 1 (2020), pp. 81–105. Critical mass theory postulates that minorities need to reach a threshold or critical mass of approximately a third of the group to be able to tilt the culture of the organization. Therefore, it is not enough to have a few token women given leadership positions in sport governance.

POLICY CONSIDERATIONS

Governments can enhance the development and application of initiatives, policies and programmes to tackle corruption in women’s sport by:

- » Increasing investment in the development of women’s sport and supporting equal opportunities for girls in sport, physical activity and physical education
- » Strengthening legislation to prevent and respond to violence against women and girls in sport, including sextortion
- » Ensuring that cooperation and coordination between law enforcement agencies and criminal justice authorities, sports organizations and relevant stakeholders aimed at addressing the manipulation of sports competitions include women’s sport
- » Supporting and encouraging academic and research institutions to conduct empirical studies to enhance understanding of the risk factors, social norms and cultural traditions that influence women’s participation in and resistance to different forms of corruption in sport
- » Developing initiatives that are focused on promoting women as anti-corruption agents who can counter gender stereotypes about women’s corruptibility by educating people about the relationship between women and corruption in sport.

Sports organizations can enhance the development and application of initiatives, policies and programmes to tackle corruption in women’s sport by:

- » Promoting women to decision-making roles in sports organizations and increasing training opportunities to increase women’s capacity for advancement and to remove any discrimination or bias with regard to women’s access to leadership roles
- » Increasing opportunities for female athletes to benefit from sponsorships and ensuring an equal living wage for women in sport
- » Implementing policies aimed at eliminating harmful gender stereotypes and promoting positive role models, including through promoting women’s equal participation and bias-free representation in sports media, including communications
- » Enlisting male athletes to voice their support for gender equality and to tackle gender bias and stereotypes
- » Increasing support to ensure tailored education and training activities on anti-corruption in sport and the integrity of sport is available to women in sport



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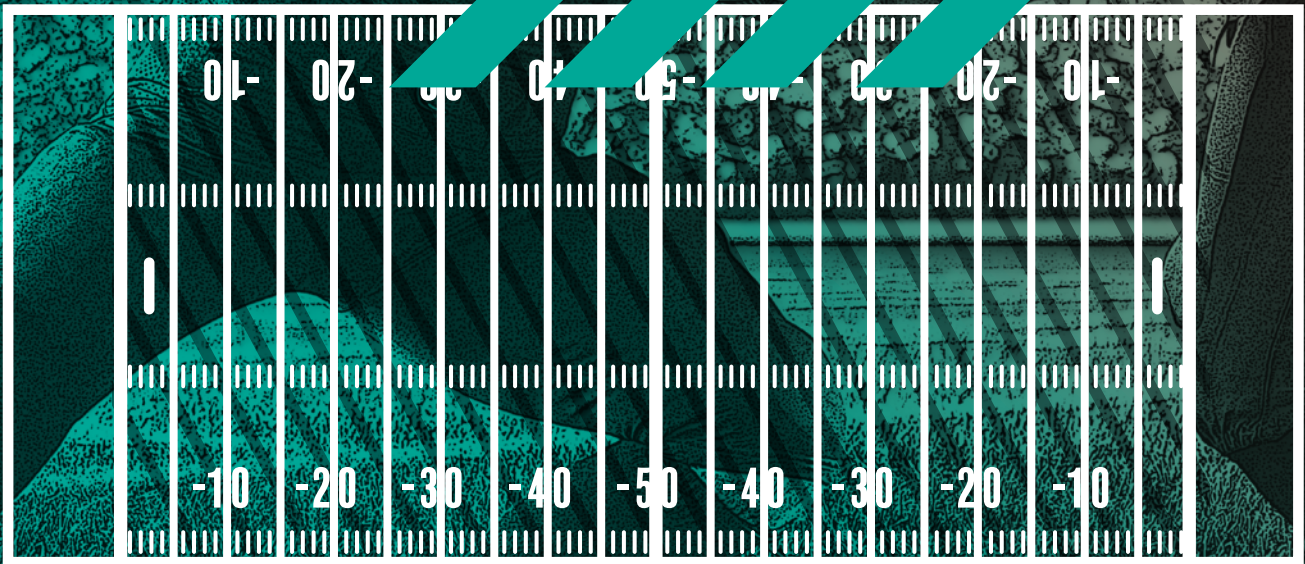
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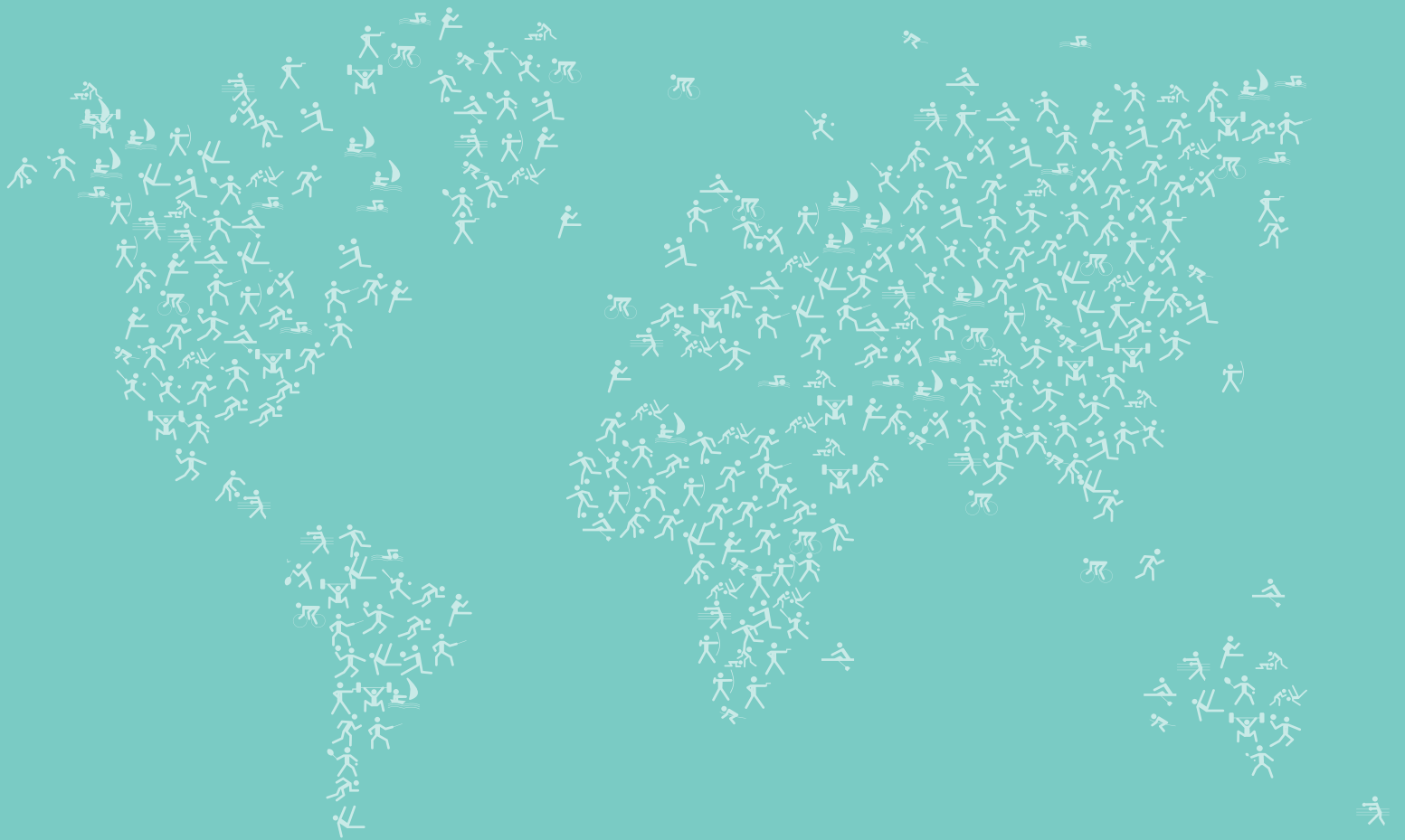
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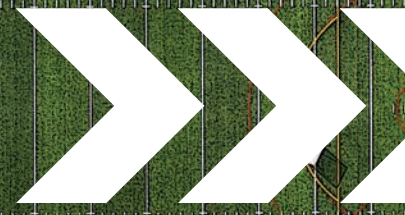
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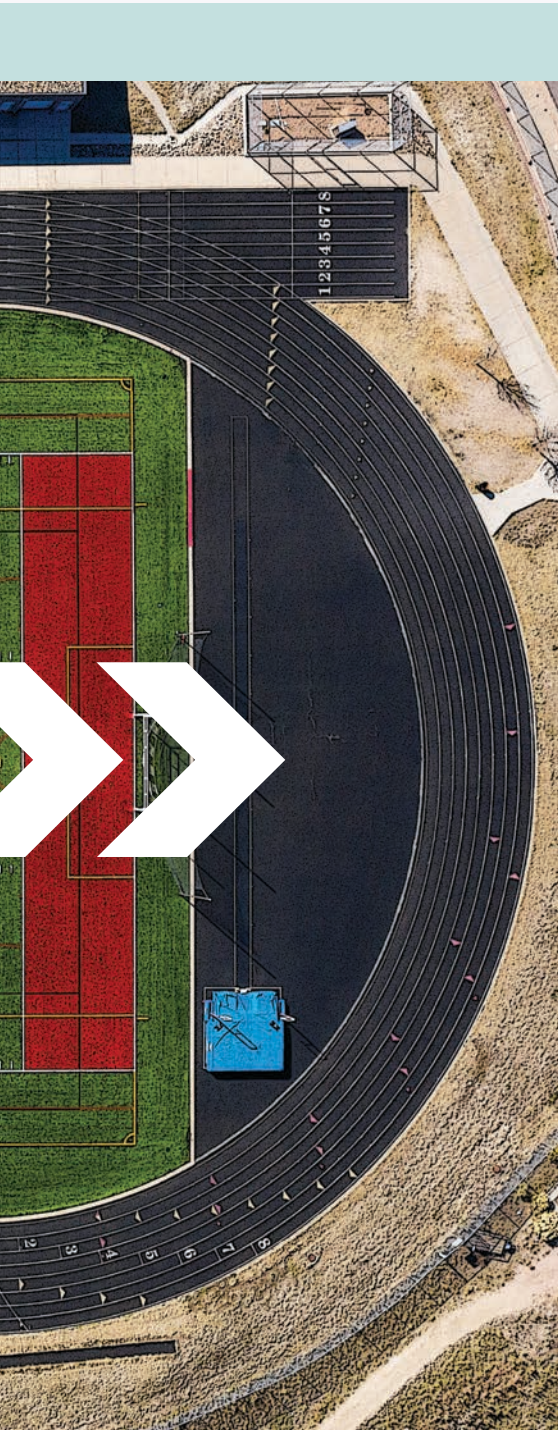
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INTRODUCTION



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INTRODUCTION

The evolution of sport, especially in its globalized nature, has exposed it to new and sophisticated forms of corruption that often involve transnational organized criminal groups. The influence and threat posed by criminal organizations to sport is an issue of increasing concern to Governments, sport organizations and the private sector alike. The seriousness of this threat has been amplified by the drastic impact of the COVID-19 pandemic, which has made sport more vulnerable to corruption and organized crime.¹

The involvement of organized crime in sport is a serious threat to the social role of sport and to the ethos and values that underpin it. Organized crime groups use corruption to facilitate their infiltration of sport and make it possible to exploit it in both its amateur and professional forms at local, national, regional and global levels. They exploit sport through illegal betting, competition manipulation and human trafficking to generate illicit profit. However, they also use sport as a vehicle to project power and influence in local communities, often with devastating consequences, particularly when their activities have an impact on children, young athletes and vulnerable groups.

However, more information and knowledge is required to understand the organized crime threat in the sport context; to develop effective policies, mechanisms and initiatives; and to allocate the resources needed to tackle it. The objective of this section is to recognize relevant trends, identify good practices and present case studies, where feasible, on the phenomenon of organized crime in sport. The section outlines relevant international legal frameworks, before presenting an overview of global trends of organized crime in sport that highlights relevant examples from around the world and presents conclusion and policy considerations.

¹ The impact of COVID-19 on corruption in sport lies primarily in the potentially greater vulnerabilities to which some athletes and clubs are exposed at a time when criminal groups have been forced to change their activities due to the disruption of their traditional revenue sources resulting from the pandemic. For a discussion of the impact of COVID-19 on the nature of organized crime in Europe, see: European Union Agency for Law Enforcement Cooperation (Europol), "Beyond the pandemic: how COVID-19 will shape the serious and organised crime landscape in the EU", 30 April 2020.

1. >>>>

INTERNATIONAL LEGAL FRAMEWORKS TO TACKLE ORGANIZED CRIME IN SPORT

To effectively tackle the often transnational dimension to illicit activities in sport, safe havens for organized crime need to be dismantled. This requires greater standardization and coordination of national legislative, administrative and enforcement measures relating to transnational organized crime as well as the promotion of effective cooperation among States.² It is essential that international cooperation be strengthened, based on the principles of shared responsibility and in accordance with international law.³ Organized crime in sport must be addressed as part of a comprehensive response that is aimed at creating durable solutions through the promotion of human rights and more equitable socio-economic conditions.

International legal frameworks are an important avenue means to achieve those objectives.

1.1 UNITED NATIONS CONVENTIONS

1.1.1 UNITED NATIONS CONVENTION AGAINST CORRUPTION

As highlighted throughout this report, the Conference of the States Parties to the United Nations Convention against Corruption has repeatedly identified tackling corruption in sport as a priority issue.

Moreover, it is important to note that the need to tackle organized crime in sport also prominently features in particular in the:

» **Preambular paragraph of resolution 8/4 on Safeguarding Sport from Corruption:**

Noting with great concern that corruption and organized and economic crime can undermine

the potential of sport and its role in contributing to the achievement of the Sustainable Development Goals and targets contained in the 2030 Agenda for Sustainable Development

» **Operative Paragraph 5 of resolution 8/4 on Safeguarding Sport from Corruption:**

Encourages States parties to further increase capacity, where possible, to strengthen cooperation between their law enforcement authorities, with a view to more effectively tackling corruption crimes in sport, exacerbated, in particular, by the infiltration of organized crime, and to guarantee, without prejudice to their domestic law, the timely sharing of information concerning corruption, fraud and money-laundering in sport at the national, regional and international levels, and to do so using relevant modern technologies

1.1.2 UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME AND THE PROTOCOLS THERETO

As organized criminal groups form or join ever more complex networks spanning the globe, with a rapidly growing use of online technology, their crimes become increasingly transnational and diversified, as do their *modi operandi*.

The United Nations Convention against Transnational Organized Crime (UNTOC), referred to as “Palermo Convention”, and the Protocols thereto are the main global tools available to the international community to prevent and fight all forms and manifestations of transnational organized crime and to protect the victims of such crimes.⁴ In the foreword of UNTOC, Kofi Annan, United Nations Secretary-General at the time of its publication, stated:

Criminal groups have wasted no time in embracing today’s globalized economy and the sophisticated technology that goes with it. But our efforts to combat them have remained up to now very fragmented and our weapons almost obsolete. The Convention gives us a new tool to address the scourge of crime as a global problem. With enhanced international cooperation, we can have a real impact on the ability of international criminals to operate successfully and can help citizens everywhere in their often bitter struggle for safety and dignity in their homes and communities.⁵

² UNODC, *Legislative Guide for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto* (New York, 2004), p. 2.

³ *Ibid.*

⁴ www.unodc.org/documents/treaties/UNTOC/COP/SESSION_10/Resolutions/Resolution_10_4_-_English.pdf.

⁵ UNODC, *Legislative Guide for the Implementation of the United Nations Convention against Transnational Organized Crime*, p. iv.

Article 1 of the Convention states that its purpose is to “promote cooperation to prevent and combat transnational organized crime more effectively”. It requires each State party to criminalize certain conduct, even if there are no transnational elements or organized criminal groups involved.

The Convention was drafted to reflect the common denominator of measures against transnational organized crime and is addressed to national governments and legislators. Thus, the level of abstraction is higher than that necessary for domestic legislation. National legislative drafters should therefore be careful not to incorporate parts of the text verbatim but are encouraged to adopt the spirit and meaning of the various articles.⁶ In establishing their priorities, national legislators should bear in mind that the provisions of the Convention and the Protocols thereto do not all have the same level of obligation.⁷ In general, provisions can be grouped into the following three categories:

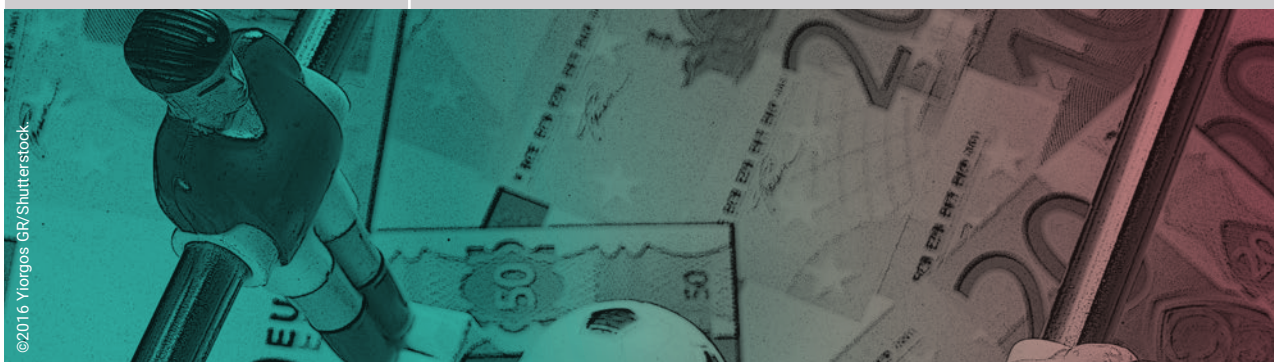
- » Measures that are mandatory (either absolutely or where specified conditions have been met)
- » Measures that States parties must consider applying or endeavour to apply
- » Measures that are optional

The Convention does not provide a definition of organized crime. It rather defines and criminalizes the participation in an organized criminal group. It also calls for the criminalization of instrumental offences, such as the laundry of proceeds of crime, corruption⁸ and obstruction of justice. This approach allows the provisions to the Convention to apply to new and emerging forms of crime, including those related to sport.

The issue of crime in sport has been considered by the Working Group on the Smuggling of Migrants, a subsidiary body of the Conference of the Parties to the Convention.⁹ The applicability of UNTOC to tackle organized crime in sport merits further examination.

TABLE 1: THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME

Article 2 Use of terms	(a) “Organized criminal group” shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.
Article 3 Scope of application	2. [...] an offence is transnational in nature if: (a) It is committed in more than one State. (b) It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State. (c) It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or (d) It is committed in one State but has substantial effects in another State.



⁶ Legislative Guide for the Implementation of the United Nations Convention against Transnational Organized Crime, para. 17 (www.unodc.org/documents/treaties/Legislative_Guide_2017/Legislative_Guide_E.pdf).

⁷ Ibid., para. 11.

⁸ By criminalizing corruption, UNTOC recognizes that corruption is one of the main facilitators of organized crime, including in sport.

⁹ The the “smuggling of migrants to hosting countries on the occasion of international sporting ... events” is referred to in recommendation 15 of the Sixth Meeting of the Working Group on Smuggling of Migrants, 11–13 September 2019. See See UNODC, *Smuggling of Migrants: Compendium and Thematic Index of Recommendations, Resolutions and Decisions* (Vienna 2021), p. 20.

Examples of relevant articles related to the applicability of the UNTOC to the sport context, involving also corruption, include:

- » Article 8, which requires, among other things, the establishment as criminal offences the promise, offering or giving to a public official, as well as the solicitation or acceptance by a public official, of an undue advantage.
- » Article 9, which contains separate specific measures against corruption. UNTOC criminalizes the laundering of proceeds of crime and can be applied to any serious offence committed by a transnational organized criminal group.

Other provisions of the UNTOC that may also be of relevance include, among others, the following: article 10 (liability of legal persons); article 12 (freezing, seizure and confiscation of proceeds derived from offences established in accordance with the Convention); article 15 (jurisdiction); article 20 (use of special investigative techniques); and article 24 (protection of witnesses).

In addition, the notion of “serious crime” is defined in article 2, paragraph (b), of the Organized Crime Convention as meaning “conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty”. The definition of serious crime, thus, does not contain any requirements in relation to the gravity, motivation or content of the offence, other than the criminal penalty associated with it. Consequently, the inclusion of the notion of “serious crime” in the Organized Crime Convention enables the application of the Convention to a broad range of offences, including offences linked to corruption in sport, in a flexible manner. Moreover, new forms and dimensions of transnational organized crime fall under the scope of the Convention, considerably enhancing its use, in particular for international cooperation in criminal matters, including extradition (see article 16 of the UNTOC) and mutual legal assistance (see article 18 of the UNTOC).

UNTOC offers an important opportunity for using measures that were originally developed to combat organized crime in helping to fight corruption in sport. There are jurisdictions in which anti-corruption measures and measures against organized crime have proven to be closely linked historically, legally and in practice. An example of this is the United States of America, where the Sports Bribery Act, adopted as part of a package of measures designed to combat organized crime, and the Racketeer Influenced and Corrupt Organizations Act (RICO), developed to combat organized crime, have recently been applied to transnational offences of corruption in football.

2. >>>>>

GLOBAL OVERVIEW OF THE INVOLVEMENT OF ORGANIZED CRIME IN SPORT

To apprehend the scale of the threat posed by organized criminal groups to sport, it is important to understand the main typologies of such groups and to gain some insight into how they operate. This section presents an overview of the characteristics of the involvement of organized crime in sport and outlines key issues, trends and principal areas of illicit activity.

2.1 TYPOLOGIES OF INVOLVEMENT OF ORGANIZED CRIMINAL GROUPS IN SPORT

It is possible to distinguish two general ways in which organized crime groups exploit sport for illicit gain:

- » By direct affiliation to or infiltration of sport, often through internal actors, such as senior officials of sport organizations, coaches, referees, athletes and intermediaries
- » Those with no direct affiliation to sport, such as external and established organized crime groups, including mafia-type organizations that require the collaboration of internal actors inside sport to enact their illicit activities

In many of the reported cases involving organized crime groups (see section 3 for relevant examples), the activities of these groups include a strong transnational element. They make use of networks spanning across different jurisdictions in different spheres of the illicit economy, although it should be noted that organized crime groups also apply their large illegal profits to infiltrate the licit economy.¹⁰ Thus, it is important to note that the line dividing these typologies can be often blurred, with some illicit activities, such as competition manipulation, involving both types of methods.

¹⁰ European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy to tackle Organised Crime 2021–2025, Brussels, 14.4.2021, COM(2021) 170.

2.2 OVERVIEW OF KEY ISSUES OF ORGANIZED CRIME IN SPORT

- » The use of corruption by organized crime groups multiplies the negative impact that these groups have on sport. Corruption is used to infiltrate sport and exploit sport for illicit gain.
- » Infiltration of sport organizations, especially football clubs of minor or non-professional leagues, has been identified as a means frequently used by mafia-type groups to exert influence and launder money, including through fake sponsorships.
- » The limited systematic collection of relevant information makes it difficult, for law enforcement and criminal justice authorities, to estimate the scale of the problem and assess the exact impact of organized crime on sport. Nevertheless, the involvement of organized crime in illegal betting, competition manipulation and corruption linked to major sports events suggests that such activities would put the total value of such illegal activities on a par with those groups involved in illegal drug trafficking, human trafficking or arms trafficking.
- » The vast amounts of money involved in sport, the weak or complex governance structures of some sport organization and the low investigation and conviction rates by law enforcement and criminal justice authorities contribute to making sport a profitable and low-risk target for organized criminal groups and their activities.
- » The rise in the popularity of sport and its economic dimension has made it increasingly attractive to organized crime groups as a vehicle to be exploited for illicit financial gain. It has also served to expand and strengthen the power and influence of such groups.
- » Organized criminal groups use advanced technology and sophisticated methods to exploit sport for illicit gains, which requires that criminal justice systems be equipped with equally advanced means, knowledge and resources.¹¹

2.3 PRINCIPAL AREAS OF ACTIVITY OF ORGANIZED CRIME GROUPS IN SPORT

While the involvement of organized crime in sport is multifaceted, the principal areas of activity involve the manipulation of sports competitions, illegal betting, money-laundering, manipulation of public procurement processes for the construction of sport infrastructure and the use of corruption to infiltrate sports organizations, both at professional and

amateur levels. There is also increasing concern about the scale of human trafficking in sport, which involves transnational organized criminal groups infiltrating the transfer market of athletes.

The involvement of organized crime has been reported in other areas related to sport, such as doping,¹² E-sport¹³ and organized supporters' clubs.¹⁴

2.3.1 MANIPULATION OF SPORT COMPETITIONS AND ILLEGAL BETTING

Competition manipulation is a large and complex field, and the involvement of transnational organized criminal groups is a common feature. The types of sport most frequently affected include football, cricket, tennis and boxing.¹⁵ Competition manipulation is analyzed in detail in section 8.

A structural and systemic connection between organized crime, illegal betting and competition manipulation often exists. A case in point are the discoveries of the Joint Investigation Unit led by Europol between 2011 and 2013 in cooperation with several European countries. The investigation identified 380 football matches suspected of being manipulated, involving 15 countries and 425 persons. As the spokesperson for the transnational investigation unit pointed out, there was evidence that "150 of these cases and the operations were run out of Singapore with bribes of up to 100,000 euros paid per match".¹⁶

¹¹ See UNODC, *Legislative Guide for the Implementation of the United Nations Convention against Transnational Organized Crime*, articles 19, 20 and 27.

¹² Thoroughbred Trainer Jorge Navarro and Head of New York Veterinary Clinic Plead Guilty in Federal Doping Case | USAO-SDNY | Department of Justice.

¹³ INTERPOL, "E-sports: keeping crime out of video game competitions", February 2020, www.interpol.int/News-and-Events/News/2020/E-sports-keeping-crime-out-of-video-game-competitions.

¹⁴ Cass. Pen., VI sez., sent. del 18/04/2019, n. 39363, www.italgiure.giustizia.it/xway/application/nif/clean/hc.dll?verbo=attach&db=snpen&id=/.20190925/snpen@s60@a2019@n39363@tS.clean.pdf.

¹⁵ See also: Toine Snapens, "Match-fixing" in *Contemporary Organized Crime: Developments, Challenges and Responses*, Hans Nelen and Dina Siegel, eds., 2nd Edition, *Studies in Organized Crime*, Vol. 18 (Cham, Springer Nature, 2021), pp. 135–150; The Asian Racing Federation Council on Anti-illegal Betting and Related Financial Crime, *Good Practices in Addressing Illegal Betting: A Handbook for Horse Racing and Other Sports to Uphold Integrity* (2020); Marcelo Moriconi and João Paulo Almeida, "El mercado global de apuestas deportivas online: terreno fértil para fraudes y crímenes", *Sociología: Problemas e Prácticas*, vol. 96 (2021), pp. 93–116.

¹⁶ Europol, "Update: Results from the largest football match-fixing investigation in Europe", Press Release, 6 February 2013, www.europol.europa.eu/newsroom/news/update-results-largest-football-match-fixing-investigation-in-europe.

2.3.2 ORGANIZED CRIME AND SPORT INFRASTRUCTURE

The construction industry is estimated to account for five to seven per cent of the Gross Domestic Product of most countries.¹⁷ Construction has a significant role in the development of a country, the creation of employment, the promotion of economic growth and human development.¹⁸

The construction of sports infrastructure, whether the building of new facilities or the renovation of existing ones, whether for major sports events or for regular tournaments and championships, is a primary target for organized crime. Furthermore, the construction of sport infrastructure is potentially vulnerable to corruption. The following case illustrates the potential vulnerability of construction projects to corruption.



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¹⁷ Charles Kenny, "Construction, corruption, and developing countries", Policy Research Working Paper 4271, June 2007, World Bank, Washington, DC.

¹⁸ Vivien Foster and Celia Briceño-Garmendia, *Africa's Infrastructure: A Time for Transformation* (Washington, DC, World Bank, 2010).

CASE STUDY: COLLUSION IN THE CONSTRUCTION INDUSTRY

In preparation for hosting the single biggest sport tournament in the world, the FIFA World Cup, South Africa fast tracked its infrastructure roll-out programme. Accordingly, six years before the start of the tournament in 2010, simultaneous construction projects, such as the building of new stadiums, road networks and railway lines took place throughout the country. Building companies, however, took advantage of these construction activities and engaged in various collusive agreements. Initial suspicion of possible anti-competitive behaviour by construction companies emerged after the National Treasury and various local municipalities expressed concern regarding the sharp increases in costs of constructing the 2010 FIFA World Cup stadiums. The South African Competition Commission initiated an investigation into the construction industry on the 1 February 2009 relating to tenders for the construction of World Cup stadiums. Shortly thereafter, a second investigation was initiated on 1 September 2009, which covered all large and small tenders for construction projects. Based on responses received the Commission developed and launched a fast track settlement programme on 1 February 2011. The principles of the fast track settlement programme were adopted from similar programmes utilized by the Office of Fair Trade (OFT) and the Netherlands Competition Authority (NMA). The aim of this programme was to incentivize firms to enter into a comprehensive settlement with the Commission. Through the fast track settlement programme, construction firms admitted to bid-rigging 298 contracts to the value of R111.9 billion. In 2013, the Commission concluded settlements with most of the firms involved in bid-rigging and collusive tendering of projects that took place between 2006 and 2009. The total administrative penalties from that settlement process amounted to R1.46 billion.

*African Competition Forum, *Competition Challenges in African Construction Markets: A Study across East and Southern Africa* (2019), www.compcam.co.za/wp-content/uploads/2020/02/African-Competition-Forum-Competition-challenges-in-African-construction-markets-A-study-across-East-and-Southern-Africa.pdf. For more information on the collusion in the South African construction industry to build the 2010 FIFA World Cup football stadiums, see Mafaro Kasipo, "Hybrid governance in the global south: a case study of collusion within the South African construction industry", PhD dissertation, University of Cape Town, 2020, <http://hdl.handle.net/11427/32508>.

2.3.3 INFILTRATION OF AMATEUR AND PROFESSIONAL SPORTS

The infiltration of sport organizations, both at amateur and professional levels, for illicit purposes by organized crime groups represents a major and growing threat to sport. Controlling an amateur or professional sport organization can be an appealing target for organized criminal groups when their acquisition and control lead to engagement with and exercise of influence over communities.

Furthermore, economic activities related to the management of sport organizations can be convenient vehicles through which criminal groups can launder money by, for instance, manipulating sponsorship agreements, transfers of players and complex infrastructure projects.

Given the often precarious financial situation of some sports organizations, background checks may be omitted, and due diligence standards relaxed at the prospect of new revenue coming from new sponsors or investors. Such risks have been highlighted by the Union of European Football Associations (UEFA) by issuing alerts and through the development of training programmes for club managers.

CASE STUDY: ORGANIZED CRIME CONTROL OF LOCAL PUBLIC SPORTS FACILITY

In 2011, the Sport Centre Ripamonti Iseo, a local public sport facility in the city of Milan, had fallen under the control of a mafia-type organized criminal group, the “Ndrangheta Flachi Clan”. Using legitimate means to gain control of managing the sport club facility, the group used this status to build its reputation in the local area for securing employment for its members and other illegal activities. When the involvement of the group was uncovered, the public authorities suspended the contract for the facility, which was subsequently severely damaged by fire in a retaliatory action. The facility reopened to the public in 2015.

* Paolo Bertaccini Bonoli and Caterina Gozzoli, “The Code of Ethics for sport in the Municipality of Milan: a grassroots approach against organised crime and corruption in sports” in *Global Corruption Report: Sport*, Transparency International (Abingdon and New York, Routledge, 2016), pp. 94–98. See also https://milano.corriere.it/notizie/cronaca/11_dicembre_19/centro-sportivo-ripamonti-via-iseo-riaperto-1902584899523.shtml.

2.3.4 TRAFFICKING IN PERSONS AND SMUGGLING OF MIGRANTS IN SPORT

Trafficking in persons is a global and widespread crime that treats men, women and children like commodities for profit. The organized networks or individuals behind this lucrative crime take advantage of people who are in vulnerable situations, desperate or simply seeking a better life.

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,¹⁹ supplementing the United Nations Convention against Transnational Organized Crime, was adopted by the General Assembly in November 2000. It is the first legally binding instrument with an internationally recognized definition of trafficking in persons. The Protocol is a vital tool for the prosecution of alleged offenders, for the detection of all forms of exploitation which constitute trafficking in persons, for the identification and protection of victims, whether men, women or children. State Parties to the Protocol must criminalize human trafficking and develop anti-trafficking laws in line with the provisions of the Protocol. They must provide protection and assistance to victims of trafficking and ensure that the victims’ rights are fully respected.



¹⁹ www.unodc.org/res/human-trafficking/2021-the-protocol-tip_html/TIP.pdf.

The crime of human trafficking consists of three core elements: the act, the means, the purpose. Traffickers use various means such as deception, threat or use of force (physical or psychological) to control their victims. Exploitation can take place in a victim's home country, during migration or in a foreign country.

TRAFFICKING IN FOOTBALL

Evidence of the vulnerability of children to abusive adults within the football industry is apparent in two forms of human trafficking, known as trafficking through and in football. Trafficking through football relates to the criminal activities of individuals, posing as football scouts or agents, who use football and the prospect of trials overseas to fraudulently extract money from the parents of eager young players. The fees involved can be as high as £3,000 and typically see families incurring debt, selling possessions, and cutting back on other familial costs such as schooling for other siblings. This process invariably ends with the player being taken to Europe on a standard three-month visitor visa before being effectively abandoned.

Trafficking in football involves a similar route to Europe and, in some more recent cases, to South and East Asia. Trials do materialize, and professional contracts are secured. However, what allows this process to be defined as trafficking is the fact that these contracts are often highly exploitative and unfavourable for the players, with agents taking as much as 50 per cent of the players' salary for the duration of the contract. Although trafficking in football is associated primarily with young men and boys, researchers have drawn attention to how women and young girls ally if they have migrant status, can also find themselves tied to exploitative contractual terms.

**James Esson and others, "Children before players: current risks and future research agendas", Report commissioned by UNICEF UK (2020), <https://hdl.handle.net/2134/11590800.v1>.

Instances of trafficking of children in the context of sports have been reported. For example, in football, a recurrent pattern is the trafficking of players from West Africa and Latin America to European and Asian clubs.²⁰ This activity

²⁰ Europol, *Criminal Networks Involved in the Trafficking and Exploitation of Underage Victims in the European Union* (The Hague, 2018), p. 21.

usually involves children and young adults living in precarious situations, who can be easily deceived and convinced to pay for services or to sign unfair contracts. As a consequence, they find themselves victims of criminal schemes. It has been reported that young athletes, children and their families are approached by fraudsters who claim to be agents of well-known sport organizations. These criminals charge a fee based on the false promise that ensures appealing earnings and contracts abroad. When travel does occur, it is revealed that no academy or club existed to recruit them.²¹

Sport organizations are increasingly aware of the risk of trafficking in their sports. For example:

- » FIFA is working with its stakeholders to improve and strengthen the protection of minors within the football transfer system. It has announced²² that it would undertake a full review of its rules with respect to the age limit for international transfers, trials involving minors and minors registered with private academies (i.e. outside of the structure of organized football), with a view to ascertaining whether its existing safeguarding mechanisms and rules are sufficient or should be improved. These measures are part of FIFA's reform of the transfer system, undertaken since 2018 and in consultation with FIFA's football stakeholders. Part of this reform includes measures such as the establishment of a clearing house, to process transfers and avoid fraudulent conduct, as well as a licensing system for agents and caps on agents' remuneration.²³
- » In the United States of America, Major League Baseball (MLB) has launched an initiative to raise awareness about the problem.²⁴
- » The arrangement for cooperation between the European Union and UEFA²⁵ refers to the need to take all appropriate measures to fight trafficking in sport, especially with regard to minors.

²¹ Matthew Hall, "The scramble for Africa's athletes", *Foreign Policy*, 20 April 2018, <https://foreignpolicy.com/2018/04/20/the-scramble-for-africas-athletes-trafficking-soccer-football-messi-real-madrid-barcelona/>.

²² Football Stakeholders Committee agrees on key principles pertaining to third reform package, 14 May 2020, www.fifa.com/about-fifa/organisation/media-releases/football-stakeholders-committee-agrees-on-key-principles-pertaining-to-third-ref

²³ For more information, refer to FIFA publishes report on ten years of international transfers (2011–2020). Among others, key findings include: \$48.5 billion spent on transfer fees over the past decade, and a total of \$3.5 billion was paid for agents' commissions in international transfers.

²⁴ Sarah Hanlon, "Addressing human trafficking in the context of Major League Baseball and the Cuban Baseball Federation", *DePaul Journal of Sports Law*, vol. 16, No. 1 (2020), pp. 35–53.

²⁵ https://ec.europa.eu/sport/sites/default/files/library/documents/decision-eu-uefa-cooperation-2018_1.pdf.

Human trafficking around major sports events is also an issue that attracts growing interest and research. These events require large workforces, including the use of manual labour, and also are linked to increased demand that fosters trafficking for sexual exploitation.²⁶

The organization of sport events may also increase opportunities for the smuggling of migrants. The matter has been considered by the States parties to UNTOC. The Working Group on the Smuggling of Migrants, at its meeting in September 2019, recommended that “States parties should consider means of sharing information, in line with domestic law, with a view to reducing opportunities for the smuggling of migrants to hosting countries on the occasion of international sporting or other major events.”²⁷

2.3.5 MONEY-LAUNDERING

Money-laundering is a key driver for those organized criminal groups that use sport as a vehicle to launder proceeds of crime.

Estimates as to the financial value of the sports industry vary, depending on the range of metrics used. In 2018, they ranged from \$488.5 billion when looking at specific sport products, to \$614.1 billion when other economic sectors are included.²⁸ Sponsorships, merchandising, television rights, commercial revenues, ticket sales, as well as the increase of legitimate betting all contribute to the estimates of the financial value of sport.

The systems for reporting suspicious transaction used by the Financial Action Task Force (FATF)²⁹ bringing together a global international network of Financial Intelligence Units (FIUs) provide financial information, which is crucial to the opening of investigation scenarios and to the reconstruction of complex schemes aimed at laundering illicit gains. This system for reporting suspicious transactions can also be applied in the sports sector.

²⁶ For example, see the study by the McCain Institute, which also explored the impact of the Super Bowl on sex trafficking in 2015, www.mccaininstitute.org/countering-human-trafficking-at-large-sporting-events/.

²⁷ Recommendation 15. See UNODC, *Smuggling of Migrants*, p. 20.

²⁸ www.businesswire.com/news/home/20190514005472/en/Sports---614-Billion-Global-Market-Opportunities#:~:text=The%20global%20sports%20market%20reached,nearly%20%24614.1%20billion%20by%202022.

²⁹ FATF is an independent intergovernmental body that develops and promotes policies to protect the global financial system against money-laundering, terrorist financing and the financing of proliferation of weapons of mass destruction. The FATF Recommendations are recognized as the global anti-money laundering (AML) and counter-terrorist financing (CFT) standard.

CASE STUDY: INFILTRATION OF A FOOTBALL CLUB BY AN ORGANIZED CRIMINAL GROUP³⁰

In 2015, the Portuguese Criminal Police (Policia Judiciária), supported by Europol, dismantled a transnational organized criminal group, mainly composed of Russian nationals, who carried out money-laundering through the football sector. Active since at least 2008, this criminal network was thought to be a cell of an important Russian mafia group, directly responsible for laundering several million euros across numerous European Union countries, believed to derive from poly-criminal activities committed outside the European Union. The group’s known modus operandus was to identify football clubs in the European Union that were in financial distress and to infiltrate them with benefactors who provided much needed short-term donations or investments. The operation by the Portuguese Criminal Police involved more than 70 Portuguese police officers and was supported by experts from the Europol’s Financial Intelligence Group. As the result of more than one year of a complex, international criminal investigation, three members of the organized criminal network were arrested. In addition, 22 houses and companies (including four major football clubs) and lawyers’ and accountants’ offices were searched, and several thousand euros in cash were seized.



³⁰ www.europol.europa.eu/newsroom/news/police-dismantle-russian-money-laundering-ring-operating-in-football-sector.

³¹ For the Financial Intelligence Unit, see <https://uif.bancaditalia.it/homepage/index.html?com.dotmarketing.htmlpage.language=1>.

CASE STUDY: THE ROLE OF STRS IN IDENTIFYING FRAUD AND CORRUPTION IN SPORT

Numerous Suspicious Transaction Reports (STRs) received and analyzed by the Italian Financial Intelligence Unit (UIF) highlight recurring cases and types of illegal behavior in the world of sport. Anomalous phenomena connected with the sponsorship of amateur sports clubs, often linked to the practice of “false invoicing”, have been often brought to the attention of the UIF. Furthermore, many STRs originate from anomalies detected in the winnings of bets on competitions and sporting events (for example, concentrations of winnings over time or within specific territories). Among the most relevant cases emerged in recent years, there are those of false accounting, very often associated with tax offences, committed by sports clubs to hide situations of financial weakness. It has also been noted that sports clubs use proceeds of tax offences to finance transactions of significant amounts. Furthermore, the administrative liability of sports clubs, in addition to the criminal liability of natural persons, may be established pursuant to Legislative Decree 231/2001 concerning the liability of legal persons.



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3. >>>>

EXAMPLES OF SELECTED INITIATIVES AND CASES RELATED TO ORGANIZED CRIME IN SPORT

Information used in the preparation of this section was provided by States parties in response to a questionnaire issued by UNODC to the 187 parties to the United Nations Convention against Corruption (UNCAC) in June 2020. This was complemented by using open-source materials, including legislation, judicial decisions, jurisprudence, academic journals, articles, studies and relevant research.

3.1 AFRICAN STATES

KENYA

A former Minister of Sport and three other officials in the Ministry of Sport, together with the former President of the National Olympic Committee of Kenya (NOCK) and three other NOCK officials were charged by the Kenyan Office of Director of Public Prosecutions with embezzlement relating to funds for the 2016 Olympic Games.³²

SOUTH AFRICA

In 2000, the President of South Africa established the King Commission to investigate corruption and competition manipulation in cricket after the captain of the national team had admitted that he had inappropriate dealings with book-makers in India. At the same time, the International Cricket Council established a committee to investigate corruption and competition manipulation. Both reports painted a bleak picture of corruption in cricket and the involvement of organized crime in the sport.³³

³² For further details, see <https://apnews.com/article/sports-africa-business-2020-to-kyo-olympics-kenya-3a88bb5862490280c8bb33189bc34612>; www.sportsintegrityinitiative.com/seven-kenyans-charged-over-rio-2016-olympic-fraud/; and www.insidethegames.biz/articles/1071007/former-kenyan-noc-official-arrested-over-rio-2016-financial-scandal-as-charges-ordered-against-six-more.

³³ Steve Cornelius, “South African measures to combat match fixing and corruption in sport”, *International Sports Law Journal*, no. 3–4 (2007), pp. 68–71.

In 2004, the South African Police Service, the Directorate of Priority Crimes and the National Prosecuting Authority launched operation “Dribble”. Over 40 match officials and team managers in the South African Premier Soccer League were arrested. Many charges were eventually withdrawn, since the crimes occurred before the entry into force of section 15 of the Prevention and Combating of Corrupt Activities Act.³⁴ At the time, the common law definitions of corruption or bribery required the involvement of government officials or public officers and not that of private actors.

3.2 ASIA-PACIFIC STATES

CAMBODIA

Four officials belonging to the national football federation were found guilty of embezzling sponsorship funds allocated for a tournament between 2015 and 2019.³⁵

INDIA

In 2013, in a case linked to the Indian Premier League cricket competition, players and bookmakers were charged under the Maharashtra Control of Organized Crime Act 1999 for participation in organized crime.³⁶

It was discovered that the bookmakers had links with a crime syndicate and that matches were manipulated at their behest.³⁷ However, the standard for proving guilt under the act is rigorous and includes the following requirements:

- » The accused must be members of an organized crime syndicate
- » Continually use of unlawful means for carrying on unlawful activity for economic gains
- » The continuing unlawful activity has to be a cognizable offence punishable with imprisonment of three or more years, in respect of which more than one charge sheet has to have been filed before a competent court in the preceding ten years
- » The court must recognize such an offence³⁸

³⁴ Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004) (PreCCA) deals expressly with sport and provides a tool which can potentially be very powerful in the fight against corruption and match fixing in sport. See www.gov.za/documents/prevention-and-combating-corrupt-activities-act-0.

³⁵ Khy Sovuthy, “Football officials banned for life over corruption”, Cambodian Journalists Alliance Association, 7 May 2020.

³⁶ Delhi District Court, Patiala House Courts, *State v. Ashwani Aggarwal alias Tinku Mandi and Ors*, Case No. SC No. 115/13, 25 July 2015.

³⁷ Supreme Court of India, *Sreesanth v. The Board of Control for Cricket in India and others*, decision of 15/03/2019, case no. 42358/2017, https://main.sci.gov.in/supreme-court/2017/42358/42358_2017_Judgement_15-Mar-2019.pdf.

³⁸ India, Maharashtra Control of Organised Crime Act, section 2(1).

In this case, the prosecution could not provide sufficient evidence to prove that the players were part of the crime syndicate, or that they were carrying on continued unlawful activity consisting of cognizable offences punishable with imprisonment of three or more years. Therefore, the Delhi District Court acquitted all the players for lack of evidence.³⁹

PAPUA NEW GUINEA

In 2018, an audit into the construction of a new headquarters for the Oceania Football Federation and the conduct of the former President of the Papua New Guinea Football Association, revealed notable irregularities. A budget of \$10.9 million was allocated for the project but was assigned without the use of regular processes. The former president was banned from football for six and a half years and received a substantial fine.⁴⁰

TÜRKIYE

In 2011, 61 individuals were arrested, including club managers and national team players, on suspicion of being involved in the fixing of 19 football matches. One official was sentenced to six years and three months in prison on charges of competition manipulation. A senior official of a football club at the time received a prison sentence of one year, ten months and ten days. Another official was sentenced to one year and two months in prison, while a fourth official was sent to prison for six years and three months.⁴¹

3.3 EASTERN EUROPEAN STATES

ARMENIA

In 2018, an international investigation supported by Europol revealed that an Armenian-Belgian criminal organization operating across different countries, both inside and outside Europe, actively bribed professional players of lower-tier tennis circuits. Most of the bribed players participated in the Challenger and Futures tournaments, the second- and third-highest levels of professional tennis competitions. The players had been bribed to obtain pre-arranged match results with the aim of betting on those fixed matches. The Armenian-Belgian criminal organization consisted of several individuals, each of whom had a specific task, including anonymously moving large sums of money abroad. As part of the investigation, Belgium cooperated with investigators

³⁹ The Court of the Additional District Judge, Delhi, *Ajay Sharma v. The Board of Control for Cricket in India*, Case No. 507/14/03 (24 May 2014).

⁴⁰ www.fifa.com/media-releases/adjudicatory-chamber-of-the-independent-ethics-committee-sanctions-david-chung.

⁴¹ See: www.bbc.com/news/world-europe-18681119.

from Bulgaria, France, Germany, the Netherlands, Slovakia, and the United States of America, with support from the Federal Bureau of Investigation (FBI).⁴²

BULGARIA

In 2017, a lawsuit was started against two football coaches for competition manipulation. The coaches were held accountable under article 321 (1) of the Penal Code regarding anyone who forms or manages an organized criminal group.⁴³

LATVIA

In 2014, a joint investigation into match-fixing conducted by the police in cooperation with UEFA and the Latvian Football Federation led to the arrest of eight individuals.⁴⁴

In 2019, the State Police supported by UEFA and the Latvian Football Federation, launched a criminal investigation on a case of competition manipulation in the Latvian football league. Three individuals were arrested.⁴⁵

REPUBLIC OF MOLDOVA

In 2020, an investigation by the Moldovan National Anticorruption Centre, with the support of Europol, revealed that half of the teams in the Moldovan top league were involved in the fixing of around 20 football matches. Criminals would influence the outcome of the games and bet mostly on the Asian market. The bets ranged between €10,000 and €20,000 for a single fixed match. Overall, the criminal profits are estimated at €600,000.⁴⁶

ROMANIA

In 2014, eight executives and management officials, including a former Romanian national football captain, received jail sentences for money-laundering and tax evasion. The officials registered false sums for the transfers of 12 players from Romania to foreign clubs between 1999 and 2005.

⁴² See www.europol.europa.eu/newsroom/news/match-point-law-enforcement-organised-crime-group-involved-in-manipulating-professional-tennis-competitions-arrested.

⁴³ <https://rai-see.org/two-bulgarian-football-players-charged-with-match-fixing/>.

⁴⁴ The 2014 case (reference n. 1815006313) has been sent to the court. No decision has been taken yet about the case.

⁴⁵ The 2019 case (reference no. 11815003519) is under preliminary investigation, the report is in finalization phase before being sent to court.

⁴⁶ See: www.europol.europa.eu/newsroom/news/four-arrested-in-top-football-league-match-fixing-scheme

Prosecutors proved that the state lost €1.7 million in taxes, and the Romanian clubs lost €10 million.⁴⁷

RUSSIAN FEDERATION

Cases of connections between criminal groups and sport organizations have been prosecuted and adjudicated since the 1990s. They frequently involved the abuse or misuse of public funds and public authority.

A first case, for instance, is related to officials at an ice hockey club who admitted misusing funds in connection with a local criminal group between 2011 and 2013. A second case involves interference with a basketball club activity between 2014 and 2016. Representatives of the basketball club, acting under pressure from the minister, rented apartments at the expense of the club for the residence of the minister's acquaintances. As a result, the club suffered damage in the amount of 2.7 million rubles.

Furthermore, in 2010, a high level official of the Kaluga region organized the activities of legal entities that entered formal contracts to perform the functions of construction control during the building of these facilities. In fact, control services were provided in full by a state treasury institution subordinate to the Ministry of Construction and Housing and Utilities of the region, fully financed from budget funds. Fictitious control services were paid from the budget of the Kaluga region in the amount of more than 15 million rubles.⁴⁸

SLOVENIA

In the context of an operation supported by Europol in 2017, law enforcement authorities identified an organized crime group that had created different websites as part of an online illegal betting platform used to place bets on manipulated sport events taking place in multiple countries across Europe.⁴⁹

3.4 LATIN AMERICAN AND CARIBBEAN STATES

BRAZIL

In 2015, an investigation was initiated into the construction of a new stadium for the FIFA 2014 World Cup, the Arena Pernambuco. The construction had been managed by the

⁴⁷ See: www.occrp.org/en/ccwatch/cc-watch-briefs/2359-romania-eight-top-football-officials-jailed-for-corruption.

⁴⁸ Cases reported by the Russian Federation in response to a questionnaire issued by UNODC in preparation for the present report.

⁴⁹ Regional Anti-Corruption Initiative, "Croatia and Slovenia: 11 arrested in sports corruption hit", 19 December 2017.

major domestic construction company Odebrecht. The investigation revealed widespread corruption relating to the project, the price of which had been inflated by \$12 million. The head of Odebrecht was found guilty of organizing a significant kick-back scheme and given a 19-year prison sentence.⁵⁰

COLOMBIA

The municipality of Medellin designed and implemented a programme aimed at building a multifunctional space open to all citizens, using activities in sport, culture and other areas as a means for social inclusion. The strategic use of sport is viewed as a crucial tool in stopping young people from joining local gangs.

3.5 WESTERN EUROPEAN AND OTHER STATES

In 2020, EUROPOL⁵¹ highlighted the threat posed to sport by organized crime. This built on the Europol Serious and Organised Crime Threat Assessment (SOCTA) of 2017, which identified corruption in sport as one of the 12 main activities of organized crime within the European Union.⁵²

AUSTRALIA

In 2013, the Australian Crime Commission released a report⁵³ dedicated to organized crime and which covered the link between organized crime and doping and the smuggling of pharmaceuticals. The report stated:

Australian professional athletes, facilitated by sports scientists, coaches and support staff are using prohibited substances including peptides and hormones. This behavior is occurring in several professional sporting codes in Australia. The use of illicit drugs within some sporting codes is higher than previously recorded. Organized crime is involved in the domestic distribution of peptides and hormones. The use of prohibited substances by athletes is leading to an association between professional athletes and criminal identities. There is a culture in some professional sports of administering untested and experimental substances to athletes. Some sports scientists and medical practitioners are involved in supplying peptides and hormones to athletes.

⁵⁰ BBC, "Brazil corruption: ailed former Odebrecht chief to serve term at home", 19 December 2017; BBC, "Brazil launches investigation into World Cup corruption", 14 August 2015.

⁵¹ Europol, "The involvement of organised crime groups in sport corruption", August 2020, www.europol.europa.eu/publications-documents/involvement-of-organised-crime-groups-in-sports-corruption.

⁵² Europol, "Serious and organized crime threat assessment 2017 (SOCTA): updated methodology", November 2017.

⁵³ Australian Crime Commission, *Organised Crime and Drugs in Sport* (Canberra, 2013).

Also, in Australia, the infrastructure to prevent and counter organized and serious crime is proving to be crucial in identifying connections between sport and organized crime. Qualified and knowledge-based reporting has been identified as a key tool in building effective policies.⁵⁴

BELGIUM

In 2015, a Serbian player was transferred from a football club in Serbia to a club in Belgium and subsequently to a club in the United Kingdom. The transfers involved a series of illegal payments. Belgium law enforcement agencies discovered irregularities in the transfers, leading to the arrest of both the coach and the agent.⁵⁵ In addition, Operation Clean Hands, conducted between 2017 and 2019, revealed a scheme used by sport agents to hide commissions from authorities. The investigation led to 23 people, including player agents, club executives and board members, being accused of at least one crime.⁵⁶



⁵⁴ See: Australian Criminal Intelligence Commission, *Organised Crime in Australia* (2017); Commonwealth of Australia, Department of Health, *Report of the Review of Australia's Sports Integrity Arrangements* (2018).

⁵⁵ "Belgium football transfer: two arrested in fraud inquiry", www.bbc.com/news/world-europe-49662132.

⁵⁶ See www.eurojust.europa.eu/eurojust-supports-dismantling-football-money-laundering-network.

CANADA

In 2013, the administrator of the illegal sports betting ring Platinum Sports Book was arrested and later sentenced for illegal gambling. Platinum Sport Book was technologically advanced, with computer servers in Costa Rica, toll-free telephone lines and a smart-phone app for betting on all major sporting events. It was organized in a pyramid structure, with betting operators signing up their own clients, collecting their debts and paying out the winnings.⁵⁷

FINLAND

The Court of Appeal applied section 6, section 5(2), of the Criminal Code to increase the sentence applied to members of a football club. In a decision by a district court, the member of a football club was found to have participated in the activity of an organized criminal group involved in illegal betting in Asia and in manipulating games played in different countries.

Persons belonging to the football club were prosecuted by a district court for the laundering of money obtained by betting on manipulated competitions. While the district court dismissed the charges, the Court of Appeal found that the former managing director and the chairperson of the club should have known that 300,000 euros received by the team from a Singaporean company as part of partnership deal in 2010–2011 was the result of criminal activities. The trial before the Court of Appeal resulted in a conviction.⁵⁸

ITALY

Numerous examples of the involvement of organized crime in sport in Italy exist. These date from the 1980s to more recent times.⁵⁹

- » In 1980, the “Totonero” competition manipulation case in the country’s professional football leagues resulted in two processes that had two different outcomes: disciplinary

⁵⁷ See: <https://nationalpost.com/news/toronto/man-admits-to-role-in-103m-illegal-gambling-ring-allegedly-linked-to-mafia-hells-angels>.

⁵⁸ Johanna Peurala, “Match-manipulation in football: the challenges faced in Finland”, *International Sports Law Journal*, vol. 13 (2013), pp. 268–286.

⁵⁹ For the analytical information about the selected cases, refer to: Raffaele Cantone and Gianluca Di Feo, *Football clan. Perché il calcio è diventato lo sport più amato dalle mafie* (BUR Univ. Rizzoli Library, 2014); Daniele Poto, *Le mafie nel pallone. Storia dell’illegalità diffusa nel gioco più truccato del mondo* (Abele Group, 2010); Daniela Giuffrè and Antonio Scuglia, *Calcio truccato. Il grande business della mafia* (Bologna, Minerva, 2018); Daniela Giuffrè and Antonio Scuglia *Game over. Calcio truccato, ora basta!* (Bologna, Minerva, 2015); Pierpaolo Romani, *Calcio criminale* (Rubbettino, 2012); Antonio Felici *Le pagine nere del calcio. Tutti gli scandali minuto per minuto* (Iacobellieditore, 2011); Antonio Felici, *Da porta a porta. Gli ultimi dribbling dei furbetti del calcio* (Iacobellieditore, 2012); Oliviero Beha and Andrea Di Caro, *Indagine sul calcio* (BUR Biblioteca Univ. Rizzoli, 2006); Oliviero Beha and Andrea Di Caro, *Il calcio alla sbarra* (BUR Biblioteca Univ. Rizzoli, 2011); Giovanni Tartaglia Polcini *C’è del marcio nello sport. Ovvero come truccare le carte del gioco*, (Ricerca Eurispes, 2019); Paolo Bertaccini Bonoli and Caterina Gozzoli, *Il match-fixing in Italia: un’indagine conoscitiva* (2014), ASAG Università Cattolica within the Stop Match-fixing Italia project, www.stop-match-fixing-italia.org/1/upload/indaginematchfixing_italia.pdf.

and criminal. On 14 May and 11 June 1980, the Disciplinary Commissions of the Federation determined the relegation to Serie B of the teams AC Milan and SS Lazio, along with various penalties, including the disqualification of presidents and players. On 23 December 1980 at the Fifth Criminal Section of the Court of Rome acquitted all connected players indicted for aggravated fraud, because at the time there was a gap in the legislation in Italy that did not allow the criminal punishment of the incident. This gap was filled by Law 401/89.

- » In 1986, the “Totonero” competition manipulation case revealed the involvement of a large network of criminals that was responsible for a wide range of criminal activity affecting all the country’s professional football leagues. Similar to the 1980 “Totonero” competition manipulation case, the result was two processes that had two different outcomes: disciplinary and criminal, with sanctioning occurring through disciplinary procedures.
- » In 2006, the “Calciopoli” competition manipulation case was uncovered. Several club owners, managers, players, referees and league officials were accused of corruption and links to organized crime.⁶⁰
- » In 2011, the “Calcioscommesse” competition manipulation case affected football in Italy again. Approximately 130 professional football players, officials and referees were involved in a range of corrupt practices, who were prosecuted under organized crime legislation.⁶¹
- » In 2015, a further investigation into competition manipulation in football was launched. It involved teams and officials from the lower leagues of Italian football. A total of 100 incidents were cited, involving 36 clubs and 40 matches. The clubs were prosecuted for illicit activities and betting under organized crime legislation.⁶²
- » In 2018, operation “Mani in Pasta” revealed the involvement of organized crime in the fixing of horse races, with a leading role by the Sicilian mafia. An organized criminal group had manipulated jockeys and doped horses across the country to win bets on races.⁶³

⁶⁰ I degree Sentence of conviction by the Court of Naples on 8.11.2011 RG 27685/06 against BERTINI Paolo + others; II degree Sentence of conviction of the Court of Appeal of Naples of 17.12.2013 no. 10786/13; Supreme Court of Cassation III Criminal Section n. 36350/15 of 23.3.2015

⁶¹ The trial concluded for all defendants with a sentence of non-suitability as the alleged crimes were extinguished due to the statute of limitations. Order applying precautionary measures of the GIP of the Court of Cremona of 28.5.2011.

⁶² Execution on 19.5.2015 and 10.6.2015 of two precautionary orders issued by the GIP of the Court of Catanzaro at the request of the local Anti-Mafia District Directorate: Investigated DI LAURO Fabio + 83 RG 345/16.

⁶³ On 12.05.2020 executed order of application of precautionary measure against the family of Acquasanta Resuttana (FONTANA Gaetano + 104), which documented the diversified illegal business, including those in the field of online betting, horse racing betting and slot machines, with the reinvestment of its proceeds. Among the crimes charged were also fraud and sports fraud relating to horse races (OCC 3275/2019 RGNR and 3713/2019 RGGIP issued by the GIP of the Court of Palermo).



It is worth noting that investigations of corruption in sport initiated in Italy after 2010 were a spin-off of earlier investigations into the activity of organized criminal groups.

Historically, organized crime has been a primary threat in Italy, which has generated in-depth analyses and the adoption of structural policies, legislation and other measures.⁶⁴ In response to the emerging connections between organized crime and sport, Italian authorities have implemented a wide number of measures, including:

- » The inclusion of sport in the activities of the parliamentary Anti-mafia Commission.⁶⁵
- » The establishment of the UISS-GISS (Unità Informativa Scimmesse Sportive-Gruppo Investigativo Scimmesse Sportive) platform within the Ministry of Interior, combating illegal betting and competition manipulation, including their relations to organized crime.
- » The establishment of asset recovery operations in lities has been handed to non-governmental organizations or grassroots sport clubs.
- » The implementation by the Ministry of Youth and Sports of an integrated programme on competition manipulation, including the launch of a reporting mechanism.⁶⁶

⁶⁴ For some guiding literature on the Italian case, refer to Isaia Sales and others, eds., *Atlante delle Mafie: storia, economia, società, cultura*, vols. 1–5 (Rubbettino, 2012–2017); Isaia Sales, *Storia dell'Italia mafiosa: Perché le mafie hanno avuto successo* (Rubbettino, 2015); Nicola Gratteri and Antonio Nicaso, *Storia segreta della 'ndrangheta. Una lunga e oscura vicenda di sangue e potere (1860–2018)* (Mondadori, 2018); Antonio Giorgi Mai più nell'ombra. *Vittime di mafia: dalla conoscenza all'intervento psicologico* (Franco Angeli, 2019); Nando Dalla Chiesa *L'impresa mafiosa. Tra capitalismo violento e controllo sociale* (Novocento Media, 2012); Nando Dalla Chiesa, *Buccinasco. La 'ndrangheta al nord* (Ein audi, 2012); Giovanni Fiandaca and Salvatore Lupo, *La mafia non ha vinto: Il labirinto della trattativa* (Laterza, 2014); Piero Bevilacqua, *Breve storia dell'Italia meridionale. Dall'Ottocento a oggi* (Donzelli, 2005); Pino Arlacchi *La mafia imprenditrice. L'etica mafiosa e lo spirito del capitalismo* (Il Mulino, 1983).

⁶⁵ Commissione Parlamentare Di Inchiesta Sul Fenomeno Delle Mafie E Sulle Altre Associazioni Criminali, Anche Straniere, www.camera.it/leg17/491?idLegislatura=17&categoria=023&tipologiaDoc=documento&numero=031&doc=intero.

⁶⁶ See: www.sport.governo.it/attivita-istituzionale-e-internazionale/contrasto-alla-manipolazione-dei-risultati-sportivi/presentazione/. www.sportpulisitalia.it within the AMFF project www.anti-match-fixing-formula.eu/index.php/eng/.

SPAIN

In 2018, an operation conducted in Spain with the support of Europol, INTERPOL and law enforcement authorities from Georgia revealed competition manipulation involving organized criminal groups from Belgium, France, Italy, Lithuania and the United States of America. Many apprehended individuals had close contacts with tennis, beach volleyball, basketball and ice hockey players. Twenty athletes were bribed to arrange the outcome of matches to obtain illegal gains.⁶⁷

As a result of a growing number of investigations by the Guardia Civil and the National Police on organized criminal schemes related to competition manipulation, in June 2018, a total of 21 people were arrested in connection with operation "Cortes". It was launched to uncover the fixing of football matches played in the men's third division and the women's first division in Andalusia and Extremadura.⁶⁸

UNITED STATES OF AMERICA

The FBI's Criminal Investigative Division launched the Integrity in Sport and Gaming (ISG) Initiative to combat threats of influence from organized crime groups and other criminal actors who sought to undermine integrity in sport and gaming. The ISG Initiative has two interrelated components: ensuring integrity in sports and tackling illegal sports gambling. In addition to supporting case development to address growing threats to sport and gaming, the ISG Initiative focuses on promoting partnerships with public and private entities involved in sports integrity to increase education and information sharing between those entities and the law enforcement community.

Attention to sports integrity issues continues to grow in the United States, particularly because of the expanding legalization of sports betting across the country and the passage of the Rodchenkov Anti-Doping Act in December 2020, which can "impose criminal sanctions on certain persons involved in international doping fraud conspiracies, to provide restitution for victims of such conspiracies, and to require sharing of information with the United States Anti-Doping Agency to assist its fight against doping, and for other purposes". The

⁶⁷ Europol, "Major Spanish operation against a prolific organized crime group in Europe", Press Release, 6 July 2018. www.europol.europa.eu/newsroom/news/major-spanish-operation-against-prolific-organised-crime-group-in-europe. The case is still not adjudicated or the sentence available (case reference no. 9/2016 – Instrucción número 2 de Tarrasa / Barcelona).

⁶⁸ See: https://elpais.com/deportes/2018/06/12/actualidad/1528757145_452287.html

FBI focuses on combatting threats from organized crime groups and other criminal actors who seek to commit or facilitate competition manipulation, illegal gambling and corruption of the integrity of athletes and sporting institutions.

In March 2020, an FBI investigation led to the formal accusation of 27 defendants involved in an international racehorse doping scheme. Trainers, veterinarians and other individuals were charged with conspiracy to manufacture, distribute and administer adulterated or misbranded drugs, as well as with conspiracy to commit mail and wire fraud.⁶⁹

In 2013, an FBI fugitive and Russian organized crime figure was indicted in the United States for operating an illegal international sportsbook that catered to wealthy Russian entrepreneurs. His syndicate used this sportsbook to launder more than \$100 million through shell companies and bank accounts in Cyprus, before diverting the funds to the United States.⁷⁰

In 2009, an investigation of the construction of a new stadium for the New York Yankees baseball team revealed that companies involved had been previously linked to local criminal organizations and had been previously banned from taking part in public sector construction work.⁷¹

A former Mafia boss, who was condemned in 1986 to an eight-year prison term for a wide range of crimes, later described analytically the modalities through which New York mafia-type organized crime made a systemic use of sport for illegal earnings through competition manipulation. It was revealed that the most popular gamble in United States sport betting was "the spread": players in teams that were strong favourites were targeted to simply fix the winning margin to be lower than expected. This scheme generated huge profits.⁷² Since 2006, the former mobster has cooperated with the Association of Tennis Professional (ATP) to prevent competition manipulation.

⁶⁹ See: www.justice.gov/usao-sdny/pr/manhattan-us-attorney-charges-27-defendants-race-horse-doping-rings.

⁷⁰ See: www.state.gov/transnational-organized-crime-rewards-program-2/alimzhan-tokhtakhounov/.

⁷¹ "Some work on New York stadiums was done by firms New York shuns", *New York Times*, 10 April 2009.

⁷² Michael Franzese, *Blood Covenant: The Story of the "Mafia Prince" Who Publicly Quit the Mob and Lived* (New Kensington, PA, Whitaker House, 2018).



CONCLUSION AND POLICY CONSIDERATIONS



CONCLUSION

The role played by organized crime in sport is cause for significant concern and greatly exacerbates the problem of corruption in sport. The threat and impact that organized criminal groups can have on youth and amateur sports is particularly worrying. More action is required to protect the positive role of sport in the development of values and the socialization of children and youth from the detrimental involvement of unscrupulous and sophisticated criminal syndicates.

It is clear that transnational organized criminal groups have a thorough knowledge of the differences between national legal frameworks and investigative and judicial regimens. This knowledge is used to exploit the vulnerabilities of sport and minimize the risk of being brought to justice, while maximizing opportunities to exploit sport for illicit gains.

POLICY CONSIDERATIONS

Governments can strengthen their efforts to tackle organized crime in sport by:

- » Implementing the provisions of the United Nations Convention against Transnational Organized Crime and its Protocols and of the United Nations Convention against Corruption; in addition, by participating actively in their review mechanism to identify and address implementation gaps.
- » Enhancing the understanding of how organized crime and corruption can affect sport through undertaking comprehensive organized crime and corruption threat assessments in sport at local, national, regional and global levels.
- » Developing the capacity of law enforcement and criminal justice authorities to tackle organized crime in sport, including through training programmes and the creation of specialized bodies with appropriate financial, technical and human resources.

- » Supporting local, national, regional and global initiatives to prevent and adjudicate criminal activities in sport, at both amateur and professional levels.
- » Establishing cooperation mechanisms between law enforcement, sport organizations and related stakeholders to facilitate the exchange of information and good practices in the prevention and adjudication of organized criminal groups exploiting sport
- » Developing education and awareness-raising programmes, for children and young athletes to alert them of the risks of corruption and organized crime in sport, including those linked to competition manipulation, illegal betting in sport, human trafficking, the transfer of athletes, and promoting principles of integrity and to creating an atmosphere of intolerance towards corruption in junior and youth sport.

Sport organizations can strengthen efforts to tackle organized crime in sport by designing and implementing policies and measures to:

- » Prevent and detect the presence or influence of organized crime and the use of corrupt practices in their sport. This can be done, for instance, by enhancing transparency and accountability in relation to the transfer of athletes and by establishing control and voluntary disclosure mechanisms for managers, employees and athletes and by regularly assessing their specific risks of infiltration by organized crime.
- » Support, promote and strengthen reporting to, and cooperation, exchange of information and good practices with, law enforcement and criminal justice authorities.
- » Conduct due diligence of investors, commercial partners, agents and intermediaries involved in activities and transactions which are exposed to heightened risks of corruption, money-laundering and other economic crimes.
- » Promote transparency, including by publishing annual reports and information on revenues (such as donations, sponsorship, income from ticketing, merchandise and television rights) and expenditures.



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7





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GLOBAL REPORT ON CORRUPTION IN SPORT

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INTRODUCTION





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INTRODUCTION

Violence and abuse are pervasive global issues¹ that affect women, men, boys and girls in all sectors of society and that cut across boundaries of age, race, religion, ethnicity, disability, culture and wealth. Women² and children³ (both boys and girls) are most affected. Violence and abuse are often perpetrated by people victims know and abuse tends to flourish when there are power imbalances and a lack of accountability for perpetrators.

Sport as a microcosm of society has not been spared from this violence and abuse.⁴ The risk factors that are discussed in this section include unequal power relations between athletes and individuals in positions of authority, training environments that provide opportunities for abuse, institutional culture⁵ and the tolerance of violence in sport.

A multidisciplinary approach to tackling these issues, which incorporates all perspectives, is needed for effective safeguarding. Recognizing the importance of coordination and collaboration between the various stakeholders that use different international legal and policy frameworks to address abuse in sport efficiently, this section highlights how the United Nations Convention against Corruption can be used to tackle abuse in sport.

Corruption in sport, particularly in the form of the abuse of authority, facilitates violence, abuse and harassment. The International Olympic Committee (IOC) recognizes this link in its consensus statement on sexual harassment and abuse in sport, in which it states that “sexual harassment and abuse in sport stem from power relations and abuses of power facilitated by an organizational culture that ignores, denies, fails to prevent or even tacitly accepts such problems.”⁶

An important point to note at the outset is that not all forms of abuse are forms of corruption. However, abuse in sport can be linked to corruption when persons in positions of entrusted authority misuse such authority or their position of influence to exert power or authority over another person in order to derive private and undue benefit. In article 19 of the Convention against Corruption, Governments

¹ RESPECT women: Preventing violence against women. Geneva: World Health Organization; 2019.

² Almost one in three women worldwide experience physical and/or sexual violence by an intimate partner or sexual violence by someone else in their lifetime. For more information refer to www.who.int/news/item/26-05-2020-fifa-european-commission-and-world-health-organization-launch-safehome-campaign-to-support-those-at-risk-from-domestic-violence

³ It is also estimated that one billion children aged between two and seventeen years (or half the world's children) have experienced physical, sexual, or emotional violence or neglect in the past year. For more information refer to www.who.int/news/item/26-05-2020-fifa-european-commission-and-world-health-organization-launch-safehome-campaign-to-support-those-at-risk-from-domestic-violence.

⁴ <https://olympics.com/ioc/safe-sport>. For this report the definition of the child is any person below 18 years old taken from United Nations Convention on the Rights of the Child, 1989.

⁵ Institutional culture is defined as the shared values, beliefs, and customs that shape how individuals behave within an institution. For more information refer to Damani A Piggott, Liza Cariaga-Lo, Promoting Inclusion, Diversity, Access, and Equity Through Enhanced Institutional Culture and Climate, *The Journal of Infectious Diseases*, Volume 220, Issue Supplement 2, 15 September 2019.

⁶ Ibid.

are asked to consider establishing the abuse of functions as a criminal offence.

As highlighted in the section on applying the Convention to sport, ensuring that sport is a safe space for children and young athletes by tackling the corruption that puts them at risk and prevents them from realizing their potential are areas of increasing focus and interest for States, sports organizations and other stakeholders. This is highlighted in paragraph 10 of resolution 8/4, on safeguarding sport from corruption, adopted by the Conference of States Parties to the United Nations Convention Against Corruption, at its eighth session, in December 2019. In this paragraph, the Conference urges States parties and relevant stakeholders to address the risks to vulnerable groups, in particular children and young athletes, posed by corruption in sport, with a view to promoting healthy lives and principles of integrity and to creating an atmosphere of intolerance towards corruption in junior and youth sport.

Further to this, in the first special session of the General Assembly against corruption, a political declaration was adopted in June 2021, in which the subject of corruption and abuse in sport was addressed. It is stated in paragraph 71 of the declaration that:

We will safeguard sport from corruption by strengthening and further coordinating our efforts in an inclusive and impartial manner, including in the framework of the United Nations, and by enhancing cooperation between all relevant stakeholders, including sports organizations at all levels, relevant international and regional organizations, and relevant domestic authorities, including law enforcement authorities, as appropriate. To that end, we will raise awareness within sports organizations and the broader sports community of the value of fairness and the gravity of corruption, promote accountability and good governance within sports organizations and facilitate the exchange of expertise, the timely dissemination of information and the sharing of good practices. We will address risks to groups in vulnerable conditions, in particular children and young athletes, posed by corruption in sport, with a view to promoting fair competition, healthy lives, and principles of integrity and to creating an atmosphere of intolerance towards corruption in junior and youth sport, in accordance with domestic legal systems.

For the purposes of this section, the definition of harassment and abuse is derived from the IOC consensus statement on harassment and abuse in sport, referred to as “non-accidental violence” or “intentional violence” (see the figure below). This harassment and abuse can be expressed in five main forms, which may occur in combination or in isolation.

These forms are:

- » Psychological abuse
- » Physical abuse
- » Sexual harassment
- » Sexual abuse
- » Neglect

This section seeks to address the relationship between corruption and abuse in sport and to provide information that enables Governments and sports organizations to develop a clearer understanding and greater awareness of the issue. The section does so by providing an overview of existing anti-corruption legal instruments at the domestic and international levels and by highlighting how the provisions of the Convention can be used to address abuse in sport. It then focuses on sexual abuse in sport before offering conclusions and policy considerations.

This section draws on an extensive review of and research into abuse in sport conducted by the Fédération Internationale de Football Association (FIFA). It has also benefited from a review process involving external experts.

KEY INTERNATIONAL LEGAL AND POLICY INSTRUMENTS ADDRESSING ABUSE

Abuse may impede the protection and promotion of human rights. Multiple international legal and policy frameworks have been signed and ratified by States and serve to outline State obligations with regard to the protection of human rights across all sectors of society, including sport. Some of these instruments are listed below. In most cases, anti-corruption instruments can have a complementary role or can be applied only to specific forms of abuse.

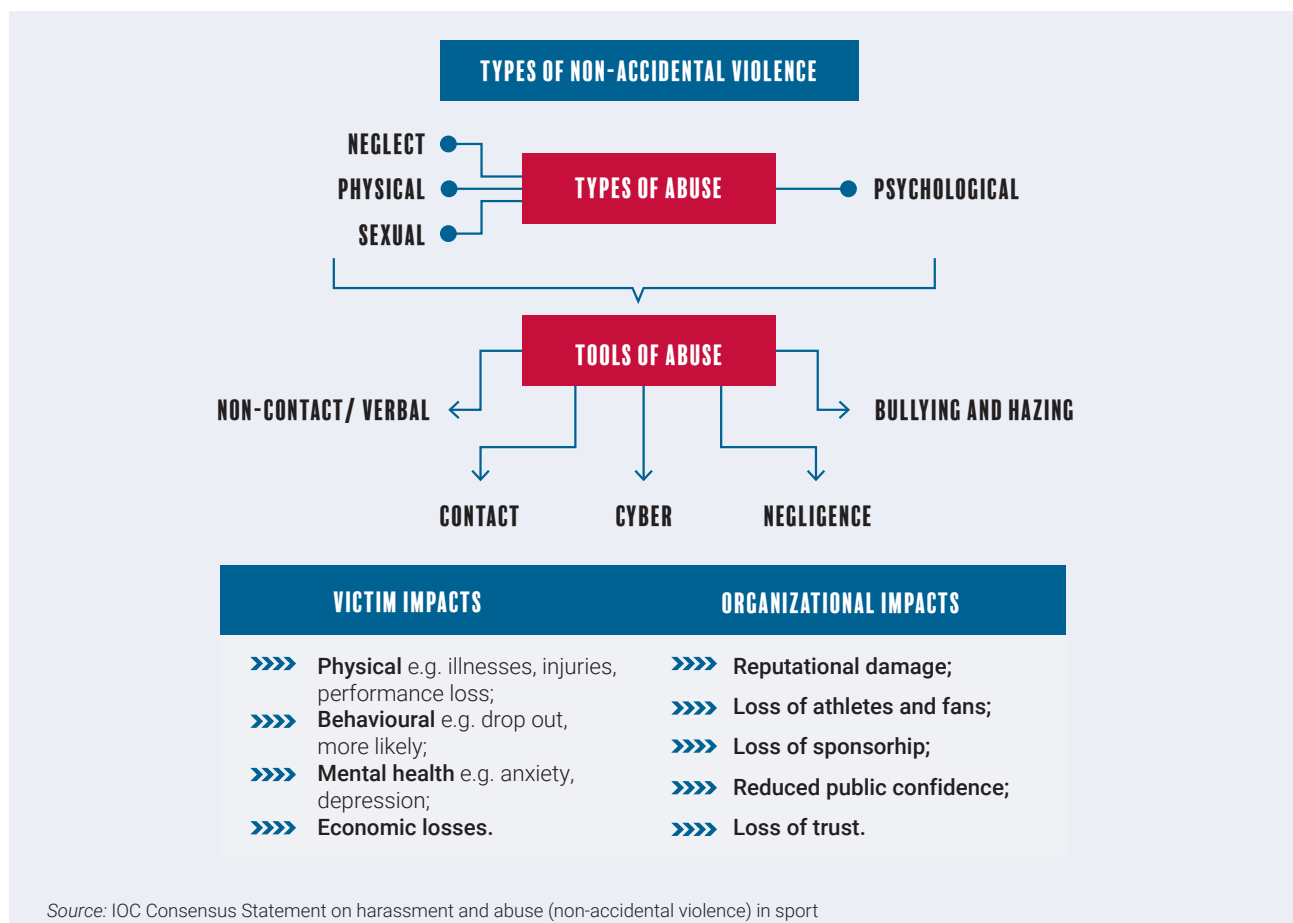
- » Universal Declaration on Human Rights, 1948
- » United Nations Convention on the Elimination of all Forms of Discrimination Against Women, 1979
- » United Nations Convention on the Rights of the Child, 1989
- » United Nations Declaration on the Elimination of Violence against Women, 1993
- » United Nations Convention on the Rights of Persons with Disabilities, 2006
- » United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 2006
- » Council of Europe Ministers of Sport Resolution No. 3/2000 on the prevention of sexual harassment and abuse of women, young people and children in sport
- » Council of Europe Enlarged Partial Agreement on Sport Guidelines on sport integrity (Action 3 of the Kazan Action Plan)
- » Sustainable Development Goals
- » United Nations standards and norms related to justice for children

1. >>>>

OVERVIEW OF ABUSE IN SPORT

Violence and abuse can be based on any grounds, including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age, disability, socioeconomic status and athletic ability. Violence and abuse can include a one-off incident or a series of incidents, in person or online. While the definition of non-accidental

violence or intentional violence in the IOC consensus statement is extensive and widely accepted in the sports sector, there are other internationally acknowledged definitions of violence from the World Health Organization (WHO)⁷ and the United Nations Convention on the Rights of the Child.



⁷ WHO defines violence as "the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation." For more information refer to www.who.int/violenceprevention/approach/definition/en/.

All ages and types of athletes are susceptible to abuse and psychological abuse is at the core of all other forms of abuse.⁸ At the highest risk to abuse are athletes who are disabled, minors and performing at an elite level as well as those that are targeted because of their sexual orientation and gender identity.⁹

Reports¹⁰ have highlighted that children, who are particularly vulnerable, may be most at risk in the very spaces where they should be safe, enabled and empowered. For children and young people, sport provides the opportunity to travel, often away from home and normal family life, which makes them highly dependent on adults and their team in terms of care and professional development and success. A 2018 report¹¹ on the sale and sexual exploitation of children in sport indicates that many children, the world over, are unprotected in their sporting activities and that abuse happens when adults have access to them in private spaces. For sexual abuse, children are most at risk when in changing rooms, on a field of play, when travelling to competitions away from home, in the home or the transport vehicle of figures of authority and at relevant social events. However, emotional abuse and bullying is often peer led and certainly not restricted to these locations.

Regarding adults at risk, there have been numerous cases in which women in sport have been subjected to gender-based violence by figures in authority¹² (see the section on gender and corruption in sport for an in-depth examination of this topic). The sports sector is particularly vulnerable to sexual harassment and the abuse of women because of the nature of relationships and power-imbalances between female athletes and their coaches, doctors and other actors, who are predominately male.¹³

The resolution on intensification of efforts to prevent and eliminate all forms of violence against women and girls: sexual harassment, adopted by the General Assembly on 17 December 2018, states:

Recognizing that women and girls are frequently subjected to violence, including sexual harassment, at work and that women and girls face increased risks of violence, including sexual harassment, in particular contexts, such as when working alone, when working in male-dominated workplaces, when working outside the normal working hours or when working in the same place where they live, bearing in mind the large number of women and girls worldwide who have reported being victims of sexual harassment in their workplace, and concerned that, owing to underreporting, the actual number may be much greater.

For all sportspeople, the consequences of abuse are often devastating and long lasting,¹⁴ including in relation to the loss of self-esteem, poor academic performance, distorted body image, eating disorders, depression, anxiety, substance use disorders and self-harm.¹⁵ The consequences of violence for children in comparison with adults is much worse as violence against children has a lifelong impact on the health and well-being of children, families and communities. According to WHO, violence against children can result in death, lead to severe injuries, impair brain and nervous system development, result in negative coping and health-risk behaviours, lead to unintended pregnancies, contribute to a wide range of non-communicable diseases and adversely affect opportunities and future generations.¹⁶

⁸ Ibid.

⁹ Ibid.

¹⁰ Andrea Darling, Laura Pope, Jamie-Lee Mooney, Sophia King, and Grace Ablett, *Truth Project Thematic Report, Child sexual abuse in sports*, Independent Inquiry Child Sexual Abuse, 2020. Australian Royal Commission into Institutional Responses to Child Sexual Abuse, 2016. Celia Brackenridge, Kari Fasting, Sandra Kirby, and Trisha Leahy. T. *Protecting Children from Violence in Sport: A Review with a Focus on Industrialized Countries*. Florence: UNICEF Innocenti Research Centre 2010.

¹¹ *Playing It Safe*: www.ohchr.org/Documents/Press/Playing%20it%20Safe_SR_Report.pdf.

¹² Susanne Johansson, Göran Kenttä, and Mark B. Andersen, "Desires and taboos: Sexual relationships between coaches and athletes", *International Journal of Sports Science & Coaching*, vol. 11, No.4 (June 2016), pp.589-598.

¹³ Ibid.

¹⁴ Ian R. Tofler, and Eric D. Morse, "The Interface Between Sport Psychiatry and Sports Medicine", *Clinics in Sports Medicine*, vol. 24, No.4 (June 2005); Michael J. Hartill, *Sexual Abuse in Youth Sport* (London, Routledge, 2016).

¹⁵ Misia Gervis and Nicola Dunn, "The emotional abuse of elite child athletes by their coaches", *Child Abuse Review*, vol.13, No.3 (May/June 2004), pp.215-223. See also, IOC, 2019.

¹⁶ For more information, refer to www.who.int/news-room/fact-sheets/detail/violence-against-children.

1.1 SCALE OF ABUSE IN SPORT

Although there is a lack of aggregated data, anecdotal evidence from thousands of cases around the world has come to light in recent years,¹⁷ showing that the incidence of abuse in sport is alarming and that this issue needs to be urgently addressed by sports organizations and Governments.

As the IOC consensus statement on harassment and abuse (non-accidental violence) in sport highlights, abuse in sport takes various forms and is multifaceted, and includes sexual harassment, neglect, physical harm, psychological abuse and sexual abuse. Examples also exist of cases involving racist abuse (see an example from the United Kingdom of Great Britain and Northern Ireland below). Emotional and psychological abuse and neglect are more commonly reported by athletes.¹⁸

This section provides examples of relevant cases to give an overview of the scale and scope of abuse in sport¹⁹ around the world. It is also important to note that there appears to be extremely limited systematic and comprehensive monitoring or recording of cases at the national or international levels, which makes it difficult to get a clear understanding or overview of the scale of abuse in sport.

AFGHANISTAN

Following “severe mental, physical, sexual and equal rights-abuse of female players” by the former president of the Afghanistan Football Association,²⁰ the Court of Arbitration for Sport affirmed the decision of the FIFA Ethics Committee to ban the former president for life from all football activities. The panel in charge of the matter underlined that, unlike bribery and competition manipulation that damages the integrity of the sport, the offences committed by the former president violated basic human rights and damaged the mental and physical dignity and integrity of young female players, and that “with his appalling acts, he had destroyed not only their careers, but severely damaged their lives.”²¹

¹⁷ See: Sheldon, C., 2021; United Nations Special Rapporteur on the sale and sexual exploitation of children, 2018; Mountjoy, M., Brackenridge, C., Arrington, M., et al, 2016; UNICEF, 2010.

¹⁸ Stirling, A. E., & Kerr, G. A. (2013). The perceived effects of elite athletes' experiences of emotional abuse in the coach-athlete relationship. *International Journal of Sport and Exercise Psychology*, 11, 87-100.

¹⁹ Kari Fasting, “Gender, Sexual Harassment and Abuse in Sport”, in Sport & Gender, G Sobiech and S. Günter, eds. (Wiesbaden, Springer VS; 2017); Brackenridge, C., Fasting, K., 2002, p. 3.

²⁰ CAS 2019/A/6388, p.3. For more information, refer to Afghanistan – United States Department of State.

²¹ FIFA Decision of the adjudicatory chamber of the Ethics Committee, 8 June 2019, p. 71.

ARGENTINA

In 2018, authorities in Argentina uncovered a paedophile ring that had been sexually exploiting dozens of boys training at lower division football clubs. In this country, it is common for children from remote areas to lodge at football academies away from their families, thus making them particularly vulnerable to abuse and exploitation.²²

CASE STUDY: ABUSE OF POWER

Young players are vulnerable to trafficking through and in football. This relates to the criminal activities of individuals, posing as football scouts or agents, who use football and the prospect of trials overseas to fraudulently extract money from the parents of eager young players. This form of exploitation of young players occurs as a result of the power dynamics and the lack of independent oversight inherent in the sporting industry but also the cultural and economic conditions beyond it.

Typically, young players from Africa and Latin America are taken to Europe, and more recently to South Asia and South-East Asia, on standard three-month visitor visas before being effectively abandoned. In cases where professional contracts materialize, these are often highly exploitative and unfavourable for players, with agents taking as much as 50 per cent of players' salaries for the duration of the contracts.

To address this issue, the Fédération Internationale de Football Association has created a regulatory framework that governs the recruitment of minor players in the football transfer system under its regulations for the status and transfer of players.

Enforcement of regulations to protect minor players has been plagued by inconsistencies and the exploitation of loopholes in legislation. Human trafficking of children in sport is a cross-cutting issue that intersects with migration and socioeconomic issues and requires cooperation between Governments and the sport industry to be effectively addressed.

²² A/HRC/40/51, General Assembly, Human Rights Council. For more information refer to pdf (undocs.org) para 76.



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CANADA

A 2019 survey²³ found that every one of the 1,001 current and former Canadian athletes that took part in the study had experienced at least one form of harm (psychological abuse, neglect or sexually or physically harmful behaviours), which had been inflicted by either a teammate or a person in a position of power.

NETHERLANDS

A Commission of Inquiry on Sexual Harassment and Abuse in Sports, established by the Netherlands national Olympic committee, concluded that four per cent of those who it had interviewed had been sexually abused or raped during their childhood. More girls than boys were affected, with young children being particularly vulnerable. Many victims identified the perpetrators as male coaches or trainers, with a higher incidence in football.²⁴

JAPAN

A study was carried out into allegations of abusive coaching techniques that include, but are not limited to, hitting children with bats and bamboo kendo sticks, slapping children across the face and holding children's heads underwater to simulate drowning.²⁵ Of the 381 respondents, 19 per cent alleged that they had been hit, punched, slapped, kicked, knocked to the ground or beaten with an object while participating in sports. These experiences occurred in at least 22 different sports and in at least 26 prefectures.²⁶

SOUTH AFRICA

In 2008, a player on the South Africa women's national football team, who was an activist for the rights of lesbian, gay, bisexual and transgender persons, was raped and murdered.²⁷

²³ Kerr, G., Willson, W., Stirling, A., 30 April 2019, p. 11. Prevalence of Maltreatment Among Current and Former National Team Athletes, University of Toronto in partnership with AthletesCAN, Microsoft Word - Prevalence of Maltreatment Report_May6_2019 (1) (1).docx (athletescan.com).

²⁴ de Vries, K. Ross-van Dorp C. and Myjer, E., 2017. Rapport van de Onderzoekscommissie seksuele intimidatie en misbruik in de sport.

²⁵ Human Rights Watch, July 2020, p. 1. Measures to eradicate harassment and abuse in Japanese sport referred to here <https://olympics.com/ioc/news/ioc-and-joc-discuss-measures-to-eradicate-harassment-and-abuse-in-japanese-sport>.

²⁶ Ibid, p. 17.

²⁷ Eudy Simelane Memorial Lecture, Inaugural lecture on behalf of The Other Foundation and The Ujamaa Centre, University of KwaZulu-Natal by Edwin Cameron, Constitutional Court of South Africa, [www.concourt.org.za/images/phocadownload/justice_cameron/Eudy%20Simelane%20Memorial%20Lecture%20Thursday%207%20April%202016%20\(updated\).pdf](http://www.concourt.org.za/images/phocadownload/justice_cameron/Eudy%20Simelane%20Memorial%20Lecture%20Thursday%207%20April%202016%20(updated).pdf).

UNITED STATES OF AMERICA

In January 2018, a former USA Gymnastics doctor was found guilty of abusing hundreds of gymnasts, including children, since the early 1990s. He was sentenced to 175 years in prison after pleading guilty to seven counts of sexual assault of children.²⁸ In February 2018, he was sentenced to an additional 40 to 125 years in prison after pleading guilty to an additional three counts of sexual assault.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

The Government of the United Kingdom has set out plans on how to tackle online racist abuse following the social media attacks on England players after the final of the 2020 UEFA European Football Championship.²⁹ Legislation will be amended to extend the use of football banning orders to include those using the Internet to commit racial abuse.

Explanatory memorandum to the European Commission against Racism and Intolerance General Policy Recommendation No. 12

Racism and racial discrimination in sport may go beyond the individual or collective behaviour of fans or isolated cases of racist gestures and remarks made, for example, by athletes, coaches or club managers. In fact, institutional racism is also at work in the field of sport. Initiatives for combating racism in sport have often mainly concentrated on fan behaviour and in particular, on hooliganism, even if not all hooligans or members of radical fan groups are necessarily racist. Racist acts may also be perpetrated by athletes, coaches and other sport staff, as well as ordinary fans.

²⁸ Judicial Circuit Court for Eaton County, *People v. Nassar*, Case No. 17-020217-FC; Judicial Circuit; Court for Ingham County, *People v. Nassar*, Case No. 17-143-FC.

²⁹ www.gov.uk/government/news/government-sets-out-action-to-stop-online-racist-abuse-in-football.

1.2 NORMALIZATION OF CORRUPTION THAT FACILITATES ABUSE IN SPORT

Corruption facilitates abuse in sport. Indeed, systemic corruption in sport is an important underlying cause and risk factor that gives rise to the abuse of power and positions of trust. Taylor³⁰ explains that a culture normalizes corruption through three processes:

- » **Institutionalization:** the embedding of corrupt practices in organizational structures and processes
- » **Rationalization:** self-serving ideologies that justify corrupt practices
- » **Socialization:** systems and norms that tolerate or permit corruption

INSTITUTIONALIZATION

The perpetration of abuse in sport exists because of silence, complacency and continued abuse of power and positions of trust, with perpetrators feeling that they can act with impunity.

An institutional culture of corruption is brought about by a multiplicity of factors, such as complicated leadership structures and elevated levels of autonomy and discretion, with a lack of transparency, accountability and ethics. Therefore, an institutional culture of corruption is both an outcome and a facilitator of corruption.³¹

IOC consensus statement on harassment and abuse (non-accidental violence) in sport

Sexual harassment and abuse in sport stem from abuses of power relations facilitated by an organizational culture that ignores, denies, fails to prevent, or even tacitly accepts such problems. They may thus be considered as symptoms of failed leadership.

The autonomy of sport provides a right of self-governance and independence from political interference in the governance of sport.³² However, if this autonomy is abused, this can lead to instances where there is an absence of adequate prevention and detection mechanisms, a lack of transparency and an absence of cooperation between sports

³⁰ Taylor, Alison (2016). *What Do Corrupt Firms Have in Common? Red Flags of Corruption in Organizational Culture*. Center for the Advancement of Public Integrity, Columbia Law School.

³¹ For more information refer to <https://rm.coe.int/autonomy-of-sport-in-europe/168073499f>.

³² For more information refer to <https://rm.coe.int/autonomy-of-sport-in-europe/168073499f>.

organizations and law enforcement authorities. Problems with the autonomous sports system include that the sports themselves seek to control and even cover up cases of abuse because of the fear of devastating reputational, staffing and financial consequences, placing them in a situation of conflict of interest.

Another key risk factor is the fact that sports organizations often lack the capacity to detect and investigate reports of abuse (see the section on detecting and reporting corruption in sport). This problem is exacerbated when a victim or a reporting person fears retaliation or when a sport organization itself also bears responsibility for the abuse.

Therefore, it is important for sport institutions to create mechanisms that protect victims and reporting persons from retaliation, intimidation or other negative consequences, and that are both child and gender sensitive. It is important to acknowledge that children differ from adults in their physical, mental and psychological developmental needs and vulnerabilities. Therefore, mechanisms to tackle abuse in sport need to make the distinction between children and adults, in line with international law, including the United Nations Convention on the Rights of the Child and the United Nations standards and norms related to justice for children, in particular to those related to child victims and witnesses of crime.

RATIONALIZATION

In sport, as elsewhere, individuals can engage in rationalization strategies to justify their unethical behaviour. For the purposes of this section, the following three common rationalizations and their relevance to the sports sector are elaborated upon: “Everyone else is doing it”, “It’s not my responsibility” and “The end justifies the means”.³³

This rationalization can manifest itself in different situations, including:

- » When unethical behaviour is normalized across a group (e.g. fellow coaches and teammates) within a sports organization that helps justify corrupt and abusive conduct, and where there is no sanction for engaging in the behaviour

³³ Drawn from the E4J University Module Series: Anti-Corruption, For more information refer to www.unodc.org/e4j/en/anti-corruption/module-5/key-issues/causes-of-private-sector-corruption.html.

- » By denying responsibility for an action, individuals can rationalize engagement in corruption as being beyond their control. Examples include when an individual will claim that they were unaware that an act constituted abuse or corruption; that the act was done for the benefit of the organization; or that they were powerless to stop the abuse or corruption³⁴

- » Corruption in the form of abuse of authority in sport can be perceived as generating positive collective effects. This form of abuse can be rationalized as being carried out in an athlete’s best interests. An example is the use of physical violence in sport being justified as an effective coaching technique that generates positive sporting results and helps in the development of the personal character of those engaged in sport³⁵

SOCIALIZATION

Different actors within sports organizations can be socialized into systems and norms that tolerate or permit abuse of authority. For example, peer pressure can socialize athletes into abuse. As stated by the IOC consensus statement on harassment and abuse in sport: “Power imbalances may also lead to intense selection rivalries among peer athletes, which can result in both prosocial and antisocial behaviours.”

The culture of obedience and deference to authority in sport can lead to an environment in which there is a high tolerance for violence. Indeed, the authority structure of many sports clubs parallels that found in traditional patriarchal families in which the authority figure exerts influence over the other family members.³⁶

³⁴ Alliance for Integrity (2016). No eXcuses! Countering the 10 Most Common Excuses for Corrupt Behaviour: A Pocket Guide for Business Practitioners.

³⁵ www.hrw.org/report/2020/07/20/i-was-hit-so-many-times-i-cant-count/abuse-child-athletes-japan.

³⁶ Abuse in Sport - A Selection of Writings by Celia Brackenridge For the Brunel International Network for Athlete Welfare (BIRNAW) 2017. Exposing the ‘Olympic family’: a review of progress towards understanding risk factors for sexual victimisation in sport’, paper to a conference Victimisation of Children and Youth: An International Research Conference, Family Research Laboratory and Crimes Against Children Research Centre, University of New Hampshire, United States, 25-28 Jun, 2000.

1.3 PREVENTING ABUSE IN SPORT

While criminalization and prosecution are essential to ensuring justice in cases of abuse in sport, even more important is the need to prevent abuse from occurring in the first place.

Under article 19 of the United Nations Convention on the Rights of the Child, there is the obligation to adopt protective measures to provide support to child victims, with regard to other forms of prevention and to measures relating to identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment.

The Convention against Corruption calls on countries to promote actively the involvement of non-governmental and community-based organizations, as well as other elements of civil society, in prevention efforts. As such, addressing corruption in sport cannot be effective without the involvement of sports organizations, athletes, coaches, officials, related stakeholders and the public, including fans and observers.

EXAMPLE OF A RELEVANT INITIATIVE: THE INTERNATIONAL CENTRE ETHICS IN SPORT

The International Centre Ethics in Sport in Belgium is recognized by the Flemish Ministry of Sport and has the following main objectives:

- » To act as a knowledge centre in the field of sports ethics
- » To monitor and evaluate existing practices
- » To translate information, expertise and knowledge into relevant new practices for sports organizations
- » To support the Flemish Government with regard to sports ethics

Systemic cultural change may be required in certain jurisdictions to eradicate abusive behaviour that has become normalized, to identify and sanction perpetrators and to build the capacity for sport to remain a safe sport for its participants. Prevention is linked with well-governed sports organizations that recognize their duty of care. Through understanding and knowledge, denial may be overcome, reporting of abuse will occur and steps will be taken to address cultural issues and concerns, acknowledge responsibility and develop the support required to move forward.



FIFA Guardians toolkit and FIFA Guardians Safeguarding in Sport Diploma

The FIFA Guardians toolkit is a practical handbook for the organization's 211 member associations (national football federations) on the steps needed to develop and implement policies and procedures to prevent and address harm and to ensure the well-being of everyone in football, especially children.

The toolkit provides guidance, samples and templates to develop and implement safeguarding and child protection measures in football, in line with their national legal and sociocultural context. This includes guidance on how to deal with concerns or allegations of child abuse; guidance on safe recruiting and screening procedures; sample codes of conduct for staff, parents and children; guidance on how to conduct safeguarding risk assessments; guidance on supervision of children in sport; guidance on planning and organizing tournaments, overnight stays and away trips; a sample missing child policy; guidance on celebration and communication arrangements; guidance on the safe use of changing rooms and shower facilities; guidance on how to recognize and respond to abuse; guidance on standards of expected behaviour; and guidance on monitoring and evaluating organizational safeguarding efforts.

The FIFA Guardians Safeguarding in Sport Diploma launched together with the Open University aims to further raise safeguarding standards and to professionalise the role of safeguarding officers across the 211 FIFA member associations. The Diploma, a two-year open learning programme, consists of five online courses, together with a series of tutor led webinars, assignments and a residential workshop. Course one – FIFA Guardians Safeguarding Essentials – provides basic guidance on safeguarding and is intended for everyone working in football.

2. >>>>

APPLYING THE UNITED NATIONS CONVENTION AGAINST CORRUPTION TO ABUSE IN SPORT

While articles of the Convention against Corruption relevant to tackling abuse in sport are highlighted, it is important to note that the list is not exhaustive. The key articles outlined below relate to abuse of functions, bribery, protection of reporting persons, witnesses, experts and victims, and cooperation. It is also important to underline that while the majority of the articles of the Convention are addressed to public officials, they can be a useful basis for sports organizations and related stakeholders to consider how to develop and implement policies and mechanisms that can help prevent, detect and investigate abuse in sport, and how to foster cooperation with regard to achieving these goals.

2.1 ABUSE OF FUNCTIONS IN SPORT

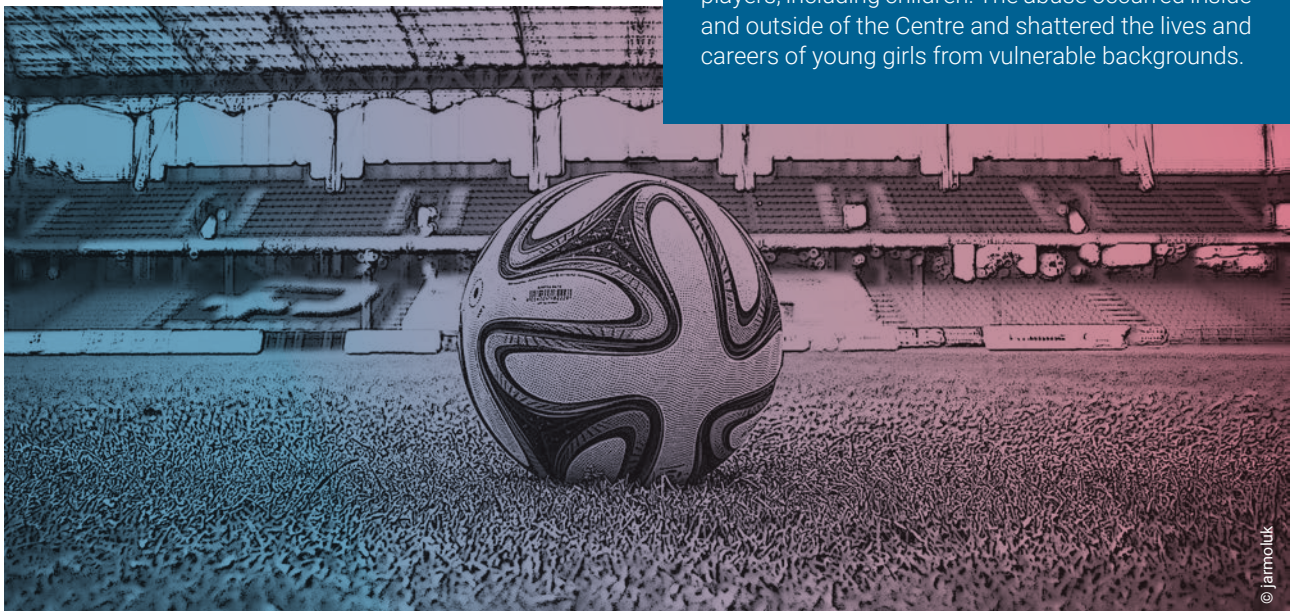
Abuse of functions, also referred to as abuse of position, office and authority in sport, is a multifaceted and complex issue. Abuse in sport exists because of silence, complacency and the continued abuse of power and positions of trust, with perpetrators feeling that they can act with impunity.

In the Convention against Corruption, article 19 on abuse of functions states that: "Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the abuse of functions or position, that is, the performance of or failure to perform an act, in violation of laws, by a public official in the 19 discharge of his or her functions, for the purpose of obtaining an undue advantage for himself or herself or for another person or entity."

Addressing abuse of authority in sport involving acts of a sexual nature under anti-corruption legislation has the advantage that this legislation has a lower threshold for proving coercion than required under gender-based violence laws or sexual harassment laws.³⁷ Prosecuting corruption cases involving sexual favours under gender-based violence laws faces many challenges relating to satisfying the high criminal standard of proof and providing sufficient evidence, exacerbated by factors that include re-victimization and gender bias in the judiciary.³⁸

Typically, in cases involving gender-based violence, the applicable standard is often presented as having no doubt at all, and therefore, it is almost impossible to secure a successful prosecution. However, under anti-corruption legislation, the mere solicitation or suggestion of sex as a currency of bribery could be understood as meeting the threshold required to constitute abuse of authority under anti-corruption legislation, bypassing, for example, the issue of consent that makes it difficult to prosecute cases of sexual harassment.³⁹

These challenges with regard to prosecuting sexual offences highlight the urgent need to develop legislation to effectively tackle abuse in sport. Furthermore, by its very nature, corruption-related legislation does not take into consideration the safeguards and rights of child victims.



RELEVANT EXAMPLE: HAITI

In 2020, the FIFA Ethics Committee banned the former president of the Haitian Football Association from all football activities for life for his involvement in the sexual abuse of 34 female players.⁴⁰ The abuse took place at the Centre Technique National in Croix-des-Bouquets, which was established to train and prepare future generations of Haitian footballers.

The former president systematically harassed and sexually abused a number of players, including minors, with behaviour ranging from inappropriate gifts and touching to assault and rape. The situation was part of a scheme that lasted for years, as a result of a system of omertà maintained with the help of various accomplices (such as facilitators, but also other abusers), involving threats and coercion and promises of benefits. Only the bravery of (some of) the victims and witnesses, who decided to step forward and testify, allowed this tragedy to be discovered and prosecuted.

It was determined that the former president abused his position as the most senior official in Haitian football and created a complex and extremely harmful system of sexual abuse and exploitation of female players, including children. The abuse occurred inside and outside of the Centre and shattered the lives and careers of young girls from vulnerable backgrounds.

³⁷ United Nations Office on Drugs and Crime, *The Time is Now*.

³⁸ www.unodc.org/documents/ji/knowledge_products/Gender_2020.pdf.

³⁹ *Ibid.*

⁴⁰ FIFA, Decision of the adjudicatory chamber of the Ethics Committee, 18 November 2020. Adj. ref. no. 3/2020.

2.2 BRIBERY AND ABUSE IN SPORT

Under various bribery laws, a broad definition of the concept of an undue advantage may be used covering both material and non-material gains. While the definition of the term undue advantage is not explicitly provided for in the Convention against Corruption, the term can be applied as broadly as possible and to cover instances involving intangible, non-material or non-pecuniary benefits (such as honorary positions and titles, preferential treatment or sexual favours), as far as they create or may create a sense of obligation on the side of the recipient towards the giver.⁴¹

In the Convention, relevant articles on bribery include:

- » Article 15 on bribery of national public officials
- » Article 16 on bribery of foreign public officials and officials of public international organizations
- » Article 21 on bribery in the private sector

Research by the International Association of Women Judges (IAWJ) has revealed an important weakness in using corruption laws in cases where sexual favours is the currency of bribe: most corruption laws tend to criminalize both the offer and the provision of a bribe, therefore potentially criminalizing a person who is a victim.⁴² This highlights the need for the critical engagement of all stakeholders with the goal of creating legislation that addresses cases that involve corruption and sexual abuse that protects and does not criminalize victims.⁴³

A particular challenge in the application of the bribery provisions under the Convention is the fact that international sports organizations are not classified as public international organizations, as called for in article 16. Furthermore, athletes and officials are rarely considered as public officials as called for in article 15. However, the provisions of bribery in the private sector, as provided for in article 21, have a wider applicability. These issues are also discussed in the section on applying the Convention to sport in this report.

⁴¹ United Nations Office on Drugs and Crime, *State of Implementation of the United Nations Convention against Corruption: Criminalization, Law Enforcement and International Cooperation* (Vienna, 2017).

⁴² International Association of Women Judges, *Stopping the Abuse of Power through Sexual Exploitation: Naming, shaming and ending sextortion*.

⁴³ United Nations Office on Drugs and Crime, *The Time is Now - Addressing the Gender Dimensions of Corruption* (Vienna, 2020).



2.3 PROTECTION OF REPORTING PERSONS, WITNESSES, EXPERTS AND VICTIMS

Organizations that operate reporting mechanisms bear the responsibility for ensuring that the identity of reporting persons, alleged wrongdoers and other people named in reports are kept confidential. According to research carried out by the United Nations Office on Drugs and Crime and IOC, several jurisdictions have legislation that provides for the protection of reporting persons; however, most of the protection is offered after the event. The reporting person can only use the legislation to seek redress in court, or in an appropriate forum, after they have experienced retaliation. Furthermore, there is limited conformity among jurisdictions regarding the protection of witnesses, reporting persons and cooperating offenders in the context of criminal law,⁴⁶ and reporting persons in sport may find that the legislation does not apply to them or their specific circumstances. For example:

⁴⁴ The High Court of the Republic of Singapore, *Ding Si Yang v Public Prosecutor and another appeal*, Judgement, 16 January 2015.

⁴⁵ *Ibid.*

⁴⁶ United Nations Office on Drugs and Crime and International Olympic Committee, *Criminalization Approaches to Combat Match-Fixing and Illegal/Irregular Betting: A Global Perspective* (2013); and United Nations Office on Drugs and Crime and International Olympic Committee, *Model Criminal Law Provisions for the Prosecution of Competition Manipulation* (2016).

- » In some jurisdictions, anti-corruption legislation on protecting reporting persons only covers employment relationships, which may not cover agents and intermediaries in the sports sector
- » In some jurisdictions, the protection offered through anti-corruption legislation is restricted to misconduct by government officials, which means the scope of the law is too limited to effectively protect reporting persons in sport

In the Convention against Corruption, relevant articles include:

- » Article 32 on protection of witnesses, experts and victims
- » Article 33 on protection of reporting persons
- » Article 37 on cooperation with law enforcement authorities

RELEVANT EXAMPLE: NEW ZEALAND

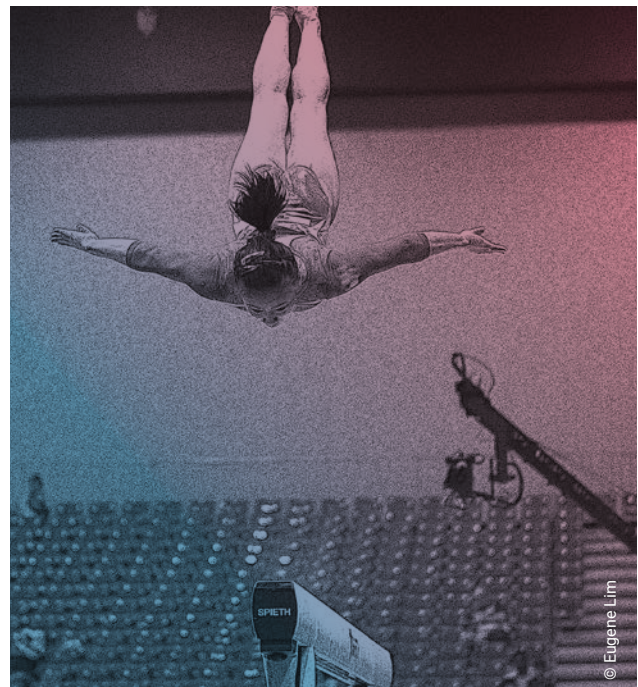
In February 2021, following allegations of psychological and physical abuse, an independent review by Gymnastics New Zealand found that complaints relating to abuse were not advanced to the appropriate authorities for investigation because the complainants either feared retribution or feared the process as damaging to the well-being of a child.⁴⁷ Providing victims, responsible guardians, reporting persons and witnesses the opportunity to report abuse is a necessary step for sport to fulfil its responsibility to keep sport a space free from abuse and to address cases when they arise. Therefore, protection of reporting persons from various forms of retaliation that serve as barriers to reporting is key to facilitating the disclosure of abuse in sport. The Convention against Corruption has relevant provisions relating to the protection of the various categories of reporting persons.

⁴⁷ Howman, D., Nicol, L., Vickery, R., February 2021, p. 26. 'Independent Review of New Zealand Gymnastics', Gymnastics-New-Zealand-Independent-Report-10-February-2021.pdf (gymnasticsnz.com).

2.4 COOPERATION TO TACKLE ABUSE IN SPORT

The significance of the development of cooperation between Governments on the protection of athletes is noted in the IOC safeguarding sport toolkit.⁴⁸ The lack of coordination and collaboration between stakeholders globally risks hampering the ability to address abuse in sport holistically and efficiently.

One of the objectives of the Convention against Corruption is to promote, facilitate and support international cooperation in the fight against corruption. Successful domestic and international cooperation is required for investigating complaints, the gathering of evidence, the implementation of provisional measures and the eventual prosecution and sanctioning of offenders in abuse and corruption cases.



⁴⁸ International Olympic Committee, *Safeguarding athletes from harassment and abuse in sport: IOC Toolkit for IFs and NOCs* (Lausanne, 2017).

Relevant articles include:

- » Article 38 on cooperation between national authorities
- » Article 39 on cooperation between national authorities and the private sector
- » Article 43 on international cooperation
- » Article 48 on law enforcement cooperation
- » Article 61 on collection, exchange and analysis of information on corruption

At the domestic level, cooperative efforts can be established by laws, regulations and inter-ministerial and inter-agency agreements and practices. Furthermore, at the national level, it is important that sports organizations and law enforcement authorities look to cooperate⁴⁹ in cases involving abuse and conduct investigations using a survivor-centred approach.

International cooperation would help ensure sure that offenders do not benefit from legal loopholes in one jurisdiction and take shelter in another or get jobs in other sports or countries. As a result of cases of sexual abuse in the humanitarian sector, several projects have recently been established to address the issue of abusers moving within the sector and across organizations and jurisdictions. In several countries, the disclosure of criminal records is mandatory when applying for jobs that involve working with children. However, this is often limited to the national context and not always possible when an individual from country A applies for a job in country B.

Due-diligence screening within sport currently appears to take place on a case-by-case basis, conducted by individual sports organizations often working with private sector due diligence companies to conduct the background checks. Notable challenges in any screening or vetting process include meeting privacy and data protection obligations that differ across jurisdictions and difficulties related to obtaining criminal information, which in many jurisdictions is impossible or due to corruption, inaccurate.

Furthermore, article 13 of the Convention promotes multi-stakeholder cooperation, thereby encouraging cooperation and partnerships between sports organizations, State authorities and civil society to tackle abuse in sport. These enable the development of adequate and efficient infrastructure in contexts where time is of the essence. For example, abuse and corruption cases could be dealt with effectively not only outside sporting competitions but also during major sporting events should the need arise.

⁴⁹ Recognizing the ongoing work of sports organizations such as the IOC and FIFA safeguarding programmes.

RELEVANT EXAMPLE: PORTUGAL

In 2015, a registration system for individuals convicted of offences against the sexual self-determination and sexual freedom of minors was created in Portugal.

The Directorate-General of Justice Administration is responsible for registering cases on the system, which can only be accessed by judges and prosecutors for the purpose of criminal investigation, instruction of criminal proceedings, execution of sentences and decisions on adoption, guardianship, custody or the regulation of parental responsibilities, and by law enforcement authorities, the Directorate-General for Probation and Prisons Administration and the head of the Commission for Protection of Children and Young People at Risk.

The details of what should be included in this system are determined by law. The law does not explicitly provide for information on whether the crime was committed in the context of sport, although it is possible to extract this information from the judicial decision of conviction, which is attached to the registration system.⁵⁰



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⁵⁰ Law 103/2015, of 24 August.



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3. >>>>

FOCUS ON CORRUPTION AND SEXUAL ABUSE

The abuse of power to obtain sexual benefit is a global phenomenon and it occurs at all levels and in all sectors of society. Examples are wide ranging in their scope, from the trading of sex for access to public services (including health services)⁵¹ and government officials granting immigration permits in exchange for sexual favours, to teachers and lecturers in educational institutions trading grades for sex and sexual harassment in the workplace. Requests for sexual favours may be a recurrent practice, but because of the highly sensitive nature of the subject, collecting reliable and representative data on this phenomenon continues to be a major challenge.



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It is important to note that the link between abuse and corruption necessitates a quid pro quo exchange which results in the emphasis on sexual abuse, although the section acknowledges that abuse goes beyond sexual abuse and encompasses psychological, physical and emotional abuse. There is limited information on the link between abuse and corruption in sport, but in sectors such as immigration and education⁵² the relationship between abuse and corruption has been identified.

⁵¹ <https://africa.harvard.edu/news/sexual-extortion-%E2%80%9Csilent%E2%80%9D-corruption-across-sub-saharan-africa>.

⁵² For more information see U4 Expert Answer, *Gender, Corruption, and Education* (2009).

Anti-corruption legislation has traditionally focused on monetary aspects of corruption. However, this approach may have not given full consideration to non-financial bribes, such as sexual favours. To address this issue, in 2008, IAWJ coined the term “sextortion” to define:

The abuse of power to obtain a sexual benefit or advantage. Sextortion is a form of corruption in which sex, rather than money, is the currency of the bribe. It is not limited to certain countries or sectors, but can be found wherever those entrusted with power lack integrity and try to sexually exploit those who are vulnerable and dependent on their power.⁵³

3.1 CHARACTERISTICS OF CORRUPTION LINKED TO SEXUAL ABUSE

Sexual abuse is centred on the abuse of authority, where persons in positions of power use this superiority and influence to obtain benefits of a sexual nature. The sexual benefit can be understood as:

Sexual intercourse or even physical touching, but could be any form of unwanted sexual activity, such as exposing private body parts, posing for sexual photographs, participating in phone sex, or submitting to inappropriate touching.⁵⁴

The characteristics of corruption involving abuse include:

- » **Abuse of authority:** persons in positions of entrusted authority who use their authority to derive private benefit
- » **Quid pro quo:** persons in positions of authority who implicitly or explicitly receive/or request an act of a sexual nature in exchange for a benefit they are empowered to withhold or confer

The following example highlights sanctioning abuse of authority for sexual benefit which can be instructive when considering the same act in a sport context:

⁵³ The word sextortion has some ambiguities - under the laws of some federal states in the United States of America such as Pennsylvania, where sexual extortion—shortened to sextortion—refers to a situation where someone forces another individual to send them sexual images under the threat of exposing private or sensitive information. Sextortion is also used differently by the National Crime Agency of the United Kingdom of Great Britain and Northern Ireland, as a form of webcam blackmail, where criminals befriend victims online by using a fake identity and persuade them to perform sexual acts in front of their webcams. International Association of Women Judges, Stopping the Abuse of Power through Sexual Exploitation: Naming, shaming and ending sextortion (2012).

⁵⁴ International Association of Women Judges, Stopping the Abuse of Power through Sexual Exploitation: Naming, shaming and ending sextortion (2012).

NORWAY

In 2019, a regional governor in Norway was found guilty of abusing his position and exploiting three young male asylum seekers (the youngest was a 17-year-old child). The asylum seekers said they believed that their response to the governor’s demand for sex could have resulted in either their deportation or the securing of permanent residency.⁵⁵

3.2 USING ANTI-CORRUPTION FRAMEWORKS TO TACKLE SEXUAL ABUSE IN SPORT

In some jurisdictions, anti-corruption statutes have a narrow focus that requires financial exchange as an element of the corruption offence and, therefore, cannot be interpreted to cover non-financial bribes. For example, the main anti-corruption legislation in Brazil⁵⁶ requires an official to misuse their position of authority in exchange for monetary gain.

In some jurisdictions, the anti-corruption statutes use language that explicitly covers non-financial forms of corruption, such as sexual favours. For example, it is stated in the Burundi Penal Code that soliciting, accepting or forcing any kind of sexual activity by a public official to do or to abstain from doing an act in their power constitutes a bribery offence.

In some jurisdictions, the language of anti-corruption legislation can be such that it implicitly allows for interpretation that cover non-financial forms of bribery. For example, the Anti-Corruption and Economic Crimes Act in Kenya, 2003 uses the term “benefit” and the Anti-Corruption Act in Uganda, 2009 states “any form of gratification for himself” in a way that allows interpretation that includes sexual favours. However, even in circumstances where language in anti-corruption legislation is such that it allows for an interpretation that covers all non-financial forms of bribery, the interpretation has been narrow. Therefore, ensuring that anti-corruption legislation covers abuse of authority for both financial and non-financial gain would help efforts to effectively tackle abuse in sport.

In the absence of legislation directly targeting sex-related abuse of authority, law enforcement and criminal justice authorities tend to use existing legal frameworks. There are a range of laws, including gender-based violence laws, child protection laws and labour and sexual harassment laws, that tend to be limited to the workplace, and some countries such

⁵⁵ The Supreme Court confirmed the ruling (Case No. HR-2019-2111-U) of the lower court (Case No. TNHER-2018-194021-2).

⁵⁶ Criminal Code, Title XI, Chapter I, Article 312.

as the United States of America have specific “safe sport” legislation.⁵⁷ Although these different laws overlap and are all useful tools to address abuse of authority to obtain sexual favours, barriers remain to prosecuting cases under these legal frameworks because of the fact that the cases may be considered beyond the scope of the law.⁵⁸

Furthermore, there are challenges when dealing with children (e.g. regulations on bringing a child into court, safeguarding measures, evidence-based protocols for interviewing, the provision of child-friendly information, whether parents and guardians should be part of legal proceedings, etc.) that anti-corruption legislation does not address. Ensuring that anti-corruption legislation is child sensitive is an important step in ensuring that the needs of all stakeholders are catered to and addressed in tackling abuse in sport.

The following example highlights how corruption legislation can be used to sanction abuse of authority for sexual benefit which can be instructive when considering the same act in a sport context:

AUSTRALIA

In June 2009, the Corruption and Crime Commission in Australia opened an investigation into allegations that a lecturer used his position at Curtin University of Technology to pressure female students into sex in exchange for higher grades. The investigation concluded that the lecturer “engaged in serious misconduct under section 4(b) of the Corruption and Crime Commission Act 2003, in that he corruptly took advantage of his employment as a public officer to obtain a benefit for himself by seeking sexual favours from a female foreign student of his in exchange for awarding her a higher mark in her mid-term examination.”⁵⁹

⁵⁷ For more information, refer to the USA Safe Sport Act: www.congress.gov/bill/115th-congress/senate-bill/534.

⁵⁸ Ibid.

⁵⁹ Corruption and Crime Commission, Report on the Investigation of Alleged Public Sector Misconduct by Dr Nasrul Ameer Ali as a Sessional Academic Employed by Curtin University of Technology (2010).

CASE STUDY: ABUSE OF AUTHORITY AS AN AGGRAVATING FACTOR

The Fédération Internationale de Natation (FINA) adopted the “Rules on the Protection from Harassment and Abuse” in June 2021, following consultation with athletes, medical professionals and various other stakeholders within the FINA family.

In imposing sanctions in accordance with these rules, the FINA Ethics Panel shall be entitled to consider the existence of any aggravating and/or mitigating factors. Aggravating factors may include:

6.2.1 Failure to cooperate by the Covered Person with any investigation or requests for information by the Independent Protection Officer, Independent Investigation Officer and/or the FINA Ethics Panel.

6.2.2 Forbidden Conduct directed towards a minor(s) or other dependant person(s), notably, but not limited to, conduct arising from positions of power, caregiving, employment or any other form of dependant relationship.



3.3 CASE STUDY OF A NATIONAL MECHANISM TO TACKLE SEXUAL ABUSE IN SPORT

Sport safeguarding in the United Kingdom⁶⁰ is organized and delivered through a network of authorities and organizations:

- » The Government established the legal framework for safeguarding and child protection (led by the Home Office and the Department for Education).
- » The Child Protection in Sport Unit (CPSU), part of the National Society for the Prevention of Cruelty to Children, is funded by Sport England (and by Sport Northern Ireland and Sport Wales) to act as the sector's leading expert organization in child safeguarding and a trusted source of advice on these matters. The role of CPSU includes providing safeguarding support, evaluation and benchmarking for regularly funded national governing bodies, and helping national governing bodies to maintain safeguarding standards and to put in place safeguarding practices. The Standards for Safeguarding and Protecting Children in Sport are mandatory for funded sports and form part of the Governance Code for Sport in the United Kingdom.⁶¹
- » Safeguarding Adults in Sport and Activity is a project funded by Sport England, Sport Wales and UK Sport to help national governing bodies, active partnerships, regional partnerships and sport and activity organizations to develop best practice in safeguarding adults at risk.⁶²
- » Sport Resolutions UK is an independent, not-for-profit dispute resolution service for sport in the United Kingdom. They also operate the National Safeguarding Panel, which supports national governing bodies to manage complaints and concerns. The Panel is a group of safeguarding experts from various backgrounds, including legal, police, social work, offender management and sport administration.
- » Disclosure and Barring Service (DBS) checks are an important standard that employers should use when assessing whether someone is suitable for a role working with children or vulnerable adults. All coaches working regularly with children and vulnerable adults, and who are employed or attached to a recognized sports club, are eligible for DBS checks. The checks are carried out at various levels depending on whether the person is working supervised or unsupervised, and the information can only be shared with the individual's consent.



MANDATORY REPORTING OF CHILD ABUSE

In many jurisdictions, it is a criminal offence not to report, in good faith and on reasonable grounds, child sexual abuse or other forms of maltreatment and abuse.

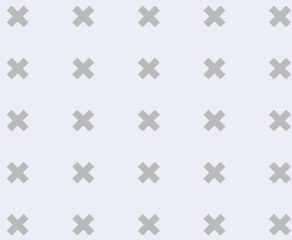
In the United States of America, it is required by law, if you are a "mandatory reporter", to report cases of suspected child abuse in sport to relevant authorities.

Under sports regulations, mandatory reporting has been established as a legal duty, for example, under the Olympic Movement Code on the Prevention of the Manipulation of Competitions.

⁶⁰ In 2020, as part of the development of this report, UNODC distributed a questionnaire for the purpose of obtaining information on initiatives and practices to combat corruption in sport used by jurisdictions to support the implementation of resolution 8/4 on safeguarding sport from corruption. This case study is based on the United Kingdom's response to the questionnaire.

⁶¹ Standards for safeguarding and protecting children in sport (thecpsu.org.uk).

⁶² Safeguarding Adults in Sport Advice & Training – ACT (anncrafttrust.org).



CONCLUSION AND POLICY CONSIDERATIONS



CONCLUSION

Abuse in sport is a universal concern that requires different responses using a multisectorial and comprehensive approach by States and sports organizations. As part of this approach, the use of anti-corruption mechanisms and legislative frameworks should be considered to support efforts to tackle abuse in sport.

This section highlights the role that anti-corruption legislation can play as a useful basis for Governments and sports organizations and related stakeholders to address abuse in sport. The abuse of power is an act of corruption that is a key facilitator of abuse in sport and it is underreported for a variety of reasons, including the stigmatization of victims and a lack of confidential protection mechanisms for those who report abuse.

The section underlines the importance of developing and implementing policies and legislative and regulatory frameworks that facilitate the reporting of abuse cases in sport. For such policies and frameworks to be effective they must be victim-centred, prioritizing the needs of the person who has experienced harm and protecting victims, reporting persons and witnesses.

Ensuring justice in cases of abuse is crucial, as is preventing abuse from happening in the first place. Effective prevention necessitates that sport organizations, criminal justice systems and child protection authorities, at both national and international levels, are equipped with the requisite knowledge, resources and capacities.

POLICY CONSIDERATIONS

Governments can strengthen efforts to tackle the forms of corruption that constitute and lead to abuse in sport by:

- » Adhering to the United Nations Convention against Corruption, for those that have yet to do so, and effectively implementing its provisions

- » Adopting and implementing clear and comprehensive legislation that prohibits and criminalizes⁶³ all forms of violence, including violence against women and the sale and sexual exploitation of children, in all contexts, including sports
- » Promoting the adoption of child-, gender- and victim-sensitive policies and mechanisms to deal with corruption and abuse involving children
- » Ensuring the prevention, investigation, punishment and redressal of abuses committed by sports organizations, through effective policies and legislation
- » Developing and implementing legislation making it mandatory for all sports institutions to have safeguarding policies and procedures in place, in line with the Guiding Principles on Business and Human Rights, including undertaking background checks of any individual working with children in sport as a requirement to receive public funding
- » Ensuring timely and effective investigations and prosecutions of and judgements on individual perpetrators and any legal person responsible for acts of abuse in sport
- » Providing all-encompassing services for survivors, including health care, social services, victim support, protection, and legal aid, in a manner that takes a coordinated multi-sectoral approach and ensures that victims are consulted in the roll-out of such services⁶⁴
- » Supporting and engaging in data-gathering efforts (disaggregated by age and gender) on the extent of all forms of abuse in sport as part of efforts to develop evidence-based initiatives to tackle abuse in sport
- » Launching and supporting prevention initiatives that are centred on changing social norms that address risk factors that increase vulnerability of abuse in sport

⁶³ A/Res/65/228, annex, para. 14 (b).

⁶⁴ A/Res/65/228, annex, paras. 18-19.

- » Reviewing national anti-corruption legislation to ensure that it takes a child- and gender-sensitive approach, that abuse of authority includes non-financial favours and that the protection of victims is included, as well as that capacity building of officials in the criminal justice system (anti-corruption officials, prosecution and judiciary) is carried out
- » Establishing or maintaining mechanisms for reporting on corruption and for effective protection for witnesses, experts, victims and reporting persons, including in sport, from retaliation and intimidation in line with articles 32 and 33 of the Convention against Corruption

Sports organizations can strengthen efforts to tackle the forms of corruption that constitute and lead to abuse in sport by:

- » Promoting cooperation between sports organizations, law enforcement authorities, criminal justice entities and corruption prevention authorities to effectively prevent, detect and sanction abuse in sport
- » Enhancing governance, transparency and accountability mechanisms to promote integrity and to effectively tackle abuse in sport, including by creating diverse and inclusive power structures
- » Adopting a zero-tolerance policy on any form of abuse by fostering an institutional culture of integrity that moves away from protecting organizational reputation at the expense of victims and that incentivizes individuals to act ethically by establishing values and by developing codes of conduct, rules, regulations and conflict-of-interest policies for relevant members
- » Expressing their commitment to preventing and addressing abuse and violence in sports through a statement of policy that:
 - Is approved at the most senior level of the sports organization

- Is informed by relevant internal and/or external expertise
- Stipulates the organization's ethical expectations of personnel, business partners and other parties directly linked to their operations, products or services
- Is publicly available and communicated internally and externally to all personnel, business partners and other relevant parties
- Is reflected in operational policies and procedures⁶⁵
- » Establishing sufficient internal controls to assist in preventing and detecting acts of abuse in sport, ensuring that confidentiality and anonymity requirements to protect reporting persons and victims are met, and requiring periodic reporting and independent auditing of those sports organizations that receive public funds
- » Consulting with survivors to develop survivor-centred policies and protocols
- » Identifying and implementing measures to mitigate risk of abuse by integrating safeguarding standards in all aspects of the organization
- » Establishing or participating in effective operational-level grievance mechanisms for individuals and communities affected by abuse and violence in sports⁶⁶
- » Monitoring the effectiveness of their response to violence and abuse in sports, based on appropriate qualitative and quantitative indicators and drawing on feedback from internal and external sources, including affected stakeholders

⁶⁵ Guiding Principles on Business and Human Rights, Principles 15-16.

⁶⁶ Guiding Principles on Business and Human Rights, Principles 29 and 31.



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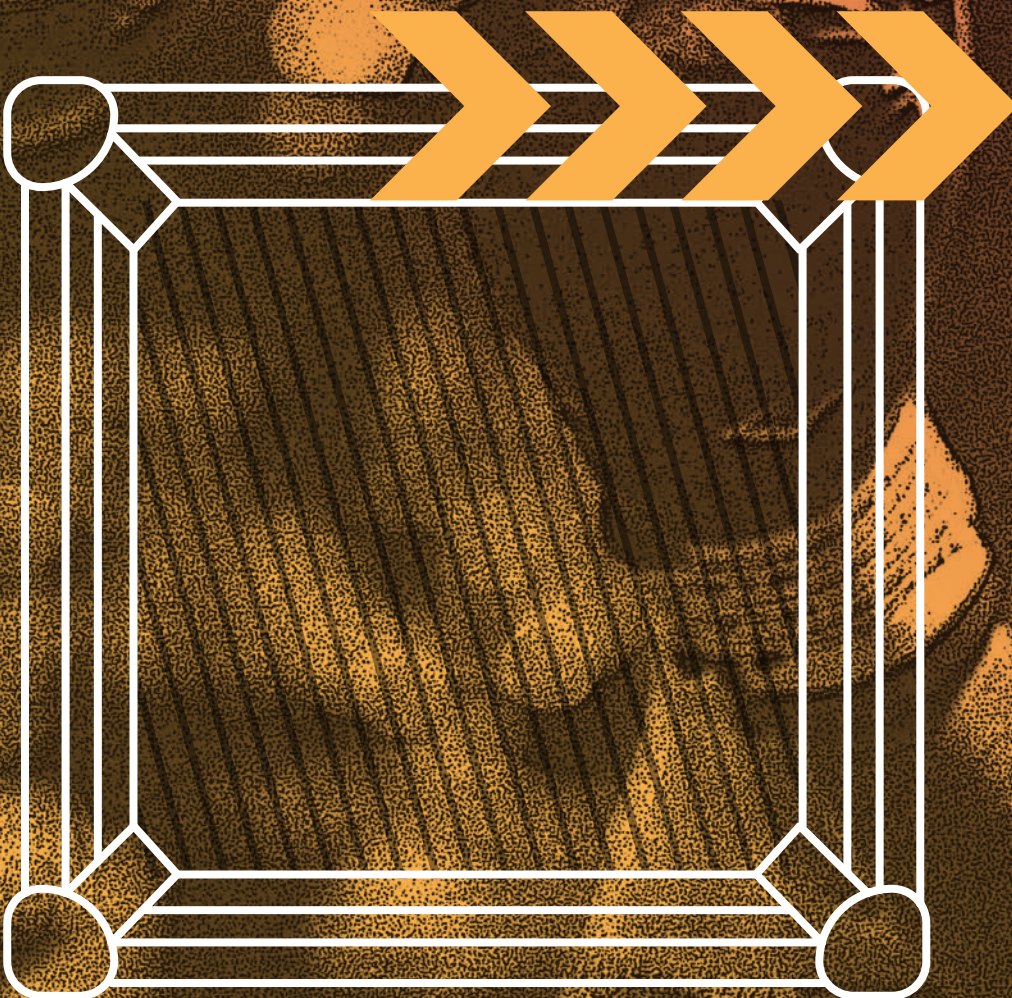
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GLOBAL REPORT ON CORRUPTION IN SPORT

UNDERSTANDING THE MANIPULATION OF SPORTS COMPETITIONS

8





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GLOBAL REPORT ON CORRUPTION IN SPORT

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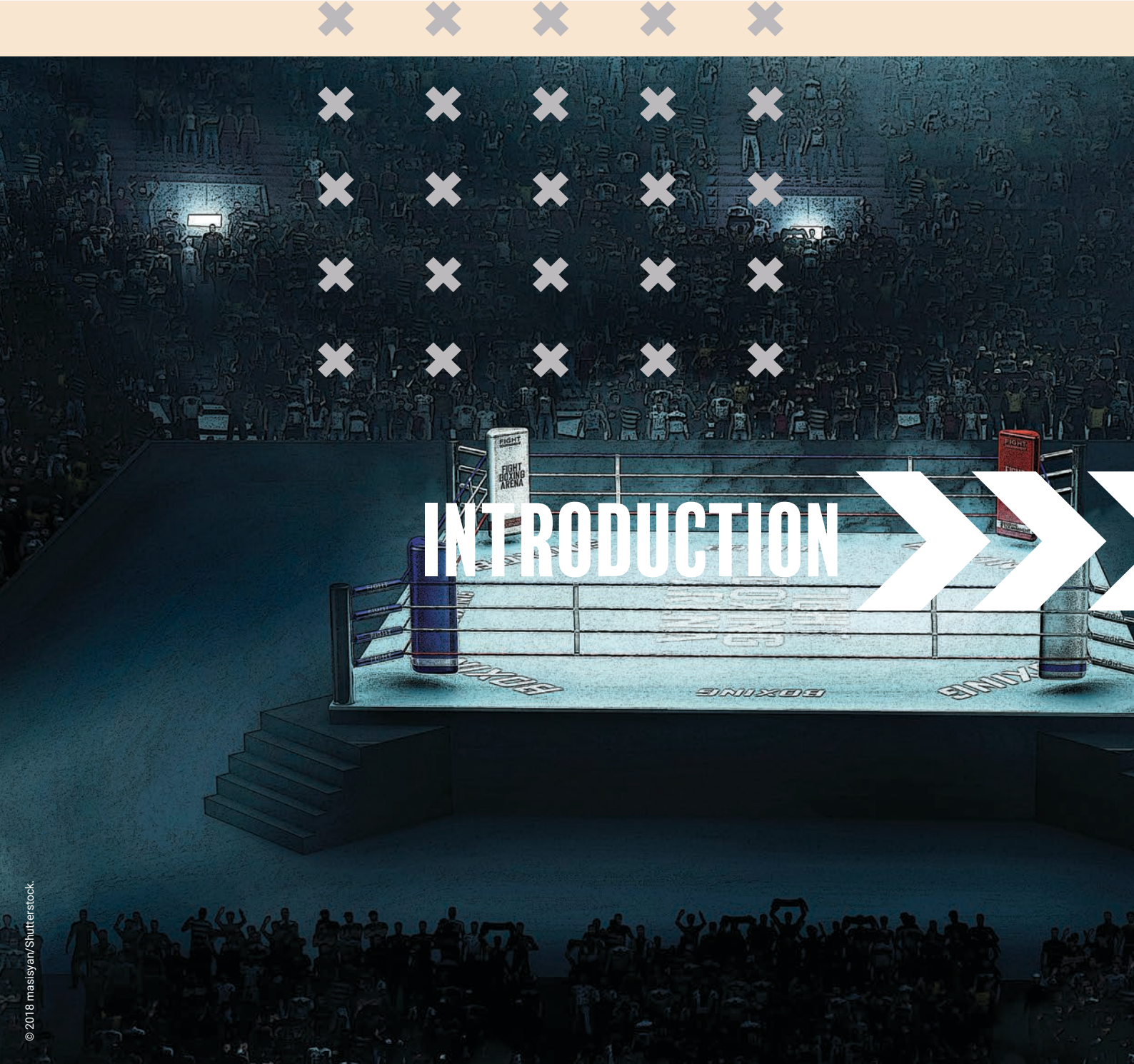
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INTRODUCTION

Competition manipulation has long been seen by sport organizations as a fundamental threat to the integrity of sport, on a par with doping, and as a cause of significant reputational damage to partner organizations and sponsors.

It has also increasingly been recognized by Governments, through the establishment of international standards,¹ the adoption of national laws and the allocation of resources, as an issue requiring the attention of law enforcement and criminal justice authorities.

The Council of Europe Convention on the Manipulation of Sports Competitions defines manipulation of sports competitions as “an intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the aforementioned sports competition with a view to obtaining an undue advantage for oneself or for others.”²

Competition manipulation can be committed for sporting- or betting-related purposes. The former is where the manipulation is perpetrated to provide a sporting advantage, for example, to protect against relegation or to ensure a perceived advantageous competition draw. The latter is where the manipulation is perpetrated to ensure a predetermined course or outcome, on which a bet is placed, resulting in an undue advantage. For example, when a match is manipulated to guarantee that a certain team loses or that a set number of goals are scored.

Where adequate regulations exist, sports organizations can sanction those that fall within their regulatory jurisdiction. These actors may include athletes, referees, coaches and other officials, and in certain specific instances, persons who would not be ordinarily under their jurisdictions, such as known perpetrators banned from stadia during practices and events. For example, the 2011–12 Calciopoli competition manipulation case in Italian football involved a host of actors, including players, managers, referees and administrators, while cricket has witnessed competition manipulation involving grounds staff and former players.³

However, the often transnational nature of offences means that actors can operate in a jurisdiction different from where the manipulation takes place, often facilitated through the use of modern communication technologies. Notably, individuals and organized criminal groups who work outside of relevant sports disciplinary frameworks can often continue their activities given that few jurisdictions explicitly criminalize the problem. For such individuals and groups, low rates of investigation and prosecution mean that the activity is considered a low-risk high-reward activity.

¹ www.unodc.org/documents/treaties/UNCAC/COSP/session8/V2001911e.pdf.

² <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016801cdd7e> (article 3).

³ Decision of the International Cricket Council in the matter of proceedings brought under the ICC Anti-Corruption Code between ICC and Jayananda Warnaweera, 19 January 2016.

In sport, competition manipulation has many forms, including:

- » Where the result is manipulated
- » Where the result is not affected, but the winning margin is purposefully held below a certain limit
- » Where a player or team purposefully underperforms. This can be done during qualifying to manipulate the competition seeding or to influence the betting odds
- » Where specific events during the run of play are manipulated, but do not necessarily have a direct impact on the result (for example, bowling a no-ball, feigning an injury or kicking a ball out of play)
- » Where side events, which have no impact on the competition, are manipulated; for example, whether a player will wear a cap at a certain time during the match (this demonstrates the control an individual or organized groups can have on the field of play)
- » Where competitions are not organized in the format that is advertised or when a team plays under a false name, in order to give the appearance of an official competition, on which bets can be placed
- » Where final outcomes are published incorrectly to fraudulently secure a gambling advantage
- » Where bookmakers or gamblers seek advance knowledge of playing conditions or certain confidential aspects, such as starting line-ups, planned substitutions or batting orders, to obtain an unfair advantage
- » Where gamblers exploit a delay in the relaying of results to place last-minute bets when they already know the outcome of an event

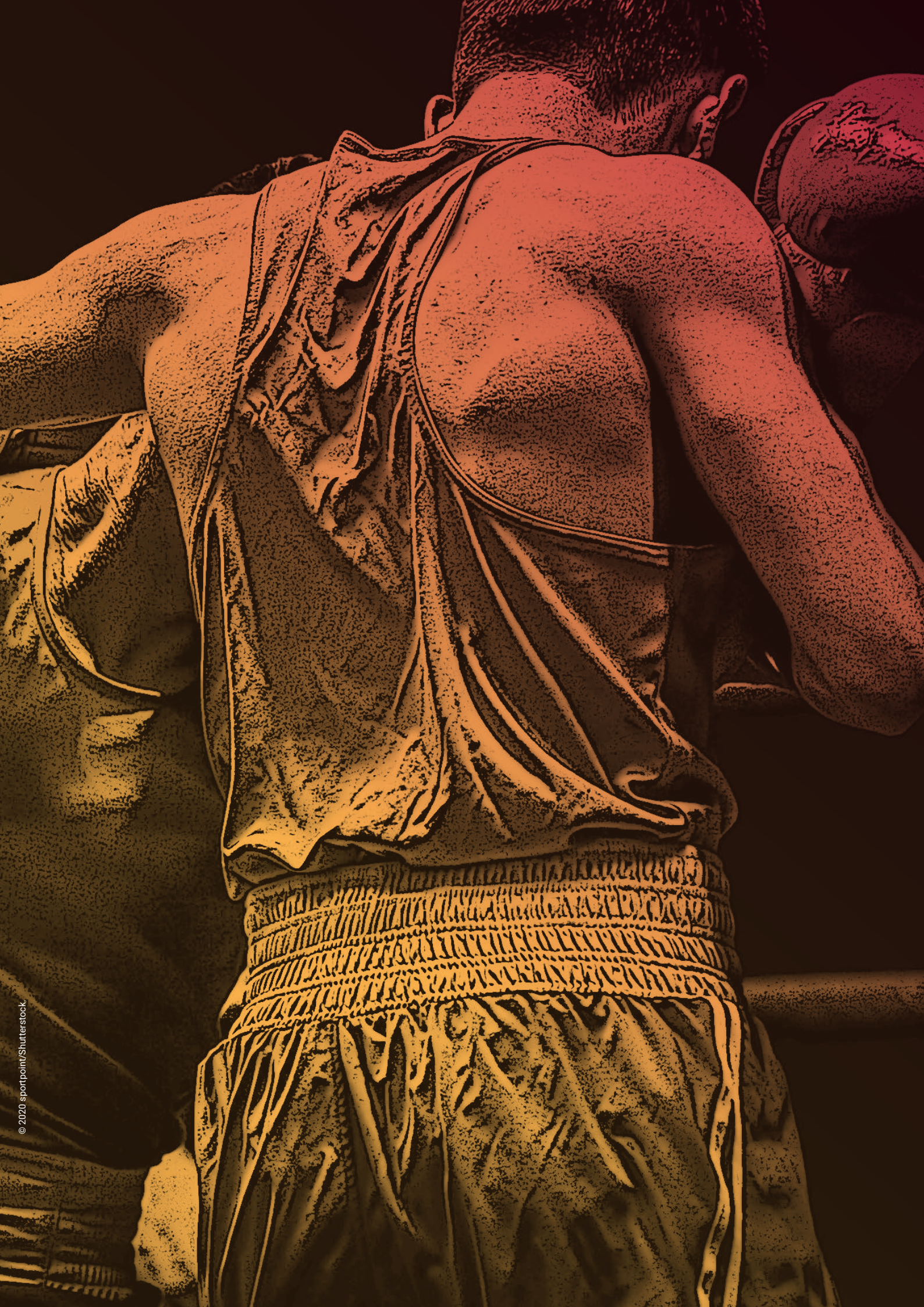
Significant resources have been deployed by sports organizations to tackle the problem, including by the International Olympic Committee (IOC), with the creation of the Olympic Movement Unit on Prevention of Manipulation of Competitions; by the Fédération Internationale de Football Association (FIFA); by the International Cricket Council (ICC), through the creation of the ICC Anti-Corruption Unit; and with the creation of the International Tennis Integrity Agency (ITIA).

In terms of the scale of the problem, it can be instructive to examine an overview of suspicious activity generated by specialized entities:

- » The International Betting Integrity Association (IBIA) generated 986 alerts globally in different sports between 2017 and 2020
- » The Global Lottery Monitoring System (GLMS) reported 126 matches to its partners in 2002, sending a total of 162 alerts
- » The Sportradar Integrity Services fraud detection system has flagged up over 5,500 matches as suspicious since 2008, including 691 suspicious matches in 2020
- » Starlizard identified 456 suspicious football matches in 2019

A number of these alerts, when they have been investigated, have proven to be an indicator of competition manipulation. However, it is important to note that these alerts are only indications of suspicious activity and do not prove that competitions have been manipulated.

This section aims to provide an overview of key issues in relation to the development of this multifaceted and increasingly widespread problem. It also looks to identify existing frameworks, initiatives and trends relating to the criminalization, prevention, detection and investigation of competition manipulation, accompanied by case studies where available. It concludes by setting out a conclusion and policy considerations for Governments, sports organizations and other relevant stakeholders to help address the threat posed by competition manipulation to the integrity of sport.



1. >>>>>

KEY ISSUES RELATED TO THE MANIPULATION OF SPORTS COMPETITIONS

Competition manipulation is not a recent phenomenon in sport. The first recorded case was at the 388 BC Olympic Games, when Eupolos from Thessalia bribed his competitors in order to allow him to win a fist combat tournament.⁴ There are reports of fixed cricket matches in London from the eighteenth century⁵ and the 1919 Black Sox Scandal rocked the sport of baseball in the United States of America. More recently, in the late twentieth and early twenty-first centuries, it has become clear that no sport is immune to the risk. However, football, cricket and tennis have been the most affected sports.

Nonetheless, current trends, including those linked to the growth of betting, the rise of e-sports and virtual gaming and other technological advancements, are increasingly seen as issues that Governments, sports organizations and the private sector need to be aware of when considering how best to address the threat posed to sport by competition manipulation.

1.1. GROWTH OF BETTING

While attitudes to betting differ from society to society and culture to culture, it has always been a part of sport. A detailed overview of betting is provided in the chapter on illegal betting and sport.⁶ While the activity is criminalized in many countries, in others where it is legalized, it helps finance sports activities through public lotteries, where a portion of the profits generated are channelled to sports

organizations.⁷ For example, the lottery in Morocco finances the national sports agency, contributing 50 million euros in 2019.⁸

A key feature of contemporary sports betting is the ability to bet not only on the outcome of a competition, but also on the probability of events happening during it (e.g. on the number of yellow cards in a football match). Furthermore, the use of online betting platforms has also greatly expanded the reach of the industry and the ease with which bets can be made. Combined, these two elements have been key drivers behind the growth in the popularity of betting.

THE INTERNATIONAL TENNIS INTEGRITY AGENCY (PREVIOUSLY THE TENNIS INTEGRITY UNIT) OUTLINED THE FOLLOWING REASONS FOR THE GROWTH OF BETTING:

- » Economic growth and an increase in disposable income, especially in developing countries
- » An increase in live sport broadcasts, on terrestrial, satellite and cable television channels and via the Internet
- » Proliferation of the use of smartphones
- » Proliferation of Internet and mobile banking, which facilitates the mass-market adoption of online gambling
- » A significant increase in the advertising of gambling, especially around sporting events
- » An improvement in data feeds and its impact on the demand for live betting and the availability of in-play betting



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⁴ Wolfgang Maennig, "Corruption in International Sports and Sport Management: Forms, Tendencies, Extent and Countermeasures", *European Sport Management Quarterly*, vol. 5, No. 2 (2005), pp.187-225.

⁵ Derek Birley, *A Social History of English Cricket* (Aurum Press, 1999).

⁶ Recommendations for the IOC seminar, "Sports betting: A challenge to be faced", 24 June 2010.

⁷ Jean-Loup Chappellet and Pim Verschuuren, "International Sports and Match Fixing" in *The Business and Culture of Sports: Society, Politics, Economy, Environment*, Joseph Maguire, Mark Faloutsos and Katie Liston, eds (Farmington Hills, Michigan, Macmillan Reference USA, 2019).

⁸ La Marocaine Des Jeux et des Sports, « Faire gagner le sport ». <https://mdjs.ma/faire-gagner-le-sport/>.

Against this background, competition manipulation can be an attractive prospect. Those involved in manipulating a competition can take advantage of certain aspects of online betting, such as the liquidity offered, and the lack of uniformity in sports betting laws and regulatory frameworks around the world. It is possible for a person from one country where betting is illegal to place a bet using a betting platform from a second country on a match or event taking place in a third country. For example, between 2017 and 2020, IBIA reported that 92 per cent of basketball alerts and 84 per cent of football alerts were based on suspicious betting patterns generated in markets in jurisdictions foreign to where the competitions took place.⁹

1.2 CORONAVIRUS DISEASE AND COMPETITION MANIPULATION

The impact of the coronavirus disease (COVID-19) has exacerbated the risk factors that lead to competition manipulation. In response to COVID-19, countries have taken a broad range of measures to contain and mitigate the spread of the virus. This has had a dramatic impact on global economic activity, which has not spared sport. The temporary absence or scaled back nature of local, national, regional, international and mega sport events has shown that sports integrity issues, including the manipulation of competitions, is still prevalent, and has reduced or diverted resources from integrity measures towards other more immediate needs.

At the same time, the economic impact of COVID-19 has left many athletes and officials facing lower pay scales and fewer opportunities for participation, and has left many sports organizations facing reduced investment in sport. This has made sports actors more vulnerable to being approached by individuals involved in sporting- and betting-related competition manipulation. Given the difficulty in approaching players and officials in person because of social distancing measures, a growing trend is the use of social media platforms to facilitate contact with players and officials. There are examples of players being approached via such platforms in tennis,¹⁰ cricket¹¹ and darts.¹²

COVID-19 has also seen an increase in the number of so called “ghost” and fake games¹³ across the world to fill the

⁹ International Betting Integrity Association (IBIA), *An Optimum Betting Market: A Regulatory, Fiscal & Integrity Assessment*, p. 60, available at <https://ibia.net/wp-content/uploads/2021/08/IBIA-An-Optimum-Betting-Market.pdf>.

¹⁰ Independent Review of Integrity in Tennis (2018), chapter 13, page 5.

¹¹ www.espn.com/story/corrupters-using-social-media-to-get-to-players-during-lockdown-icc-1221240.

¹² BBC, “Kyle McKinstry: NI darts player given eight-year ban for match-fixing and failing to produce phone bill”, 26 November 2020.

¹³ A ghost game being one which does not exist in the form that is supposed/prettended to be, while a fake game being one where a team plays but is not the real team that is supposed to play – INTERPOL’s Purple Notice, April 23, 2020.

void created by the lack of official sports events. This has exacerbated the risk of competition manipulation. According to media sources, a cricket tournament held in Punjab, India claimed to be a match held in Sri Lanka as part of the UVA T20 League.¹⁴

1.3 VULNERABILITY OF YOUTH, WOMEN’S, LOWER LEAGUE, EXHIBITION AND FRIENDLY MATCHES AND COMPETITIONS

Among those who are particularly at risk of being approached are referees, given their disproportionate ability to affect competitions. Their role calls for the provision of greater security to prevent approaches and to safeguard the referee selection process for matches and, where feasible, for the use of analytics to evaluate their conduct.¹⁵

However, a growing trend is for people engaged in competition manipulation to increasingly target youth, women’s and lower tier competitions. While most international events and the top tiers of national competitions are closely monitored for signs of competition manipulation, this is rarely the case for mid-to-lower tiers of competitions at the local and national levels. Therefore, the lack of resources for preventing and detecting competition manipulation in these competitions could pose a significant risk and hamper efforts to tackle the phenomenon.

For example, based on information provided by Sportradar, in 2019, 33 per cent of suspicious domestic matches were from the third tier or lower, including youth football. In comparison, top tier matches accounted for 21 per cent of suspicious matches, whereas second tier matches saw the most suspicious activity, accounting for 46 per cent of suspicious matches in total.¹⁶ Though most betting across lower leagues remains monitored through fraud detection systems, an estimated \$110 billion (93 billion euros) is wagered through all regulated betting operators globally on football matches outside of the so called “top seven competitions”,¹⁷ equating to around 75 per cent of all betting on football. The lack of resources given to preventing and detecting competition manipulation in lower tier competitions means new, amateur and youth competitions are vulnerable to those looking to manipulate competitions.

¹⁴ Andy Bull, “The T20 tournament that wasn’t: how fixers fabricated the UvaT20 League”, *The Guardian*, 12 May 2021.

¹⁵ Walter Distaso, et al., *Corruption and Referee Bias in Football: The case of Calciopoli*, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2004385.

¹⁶ Data received from Sportradar.

¹⁷ IBIA, *An Optimum Betting Market*, p. 61. According to IBIA, the top seven football competitions are the domestic football leagues of England, Spain, Germany, Italy and France, in addition to the UEFA Champions League and the UEFA Europa League.

ROLE OF DATA SCOUTS IN LOWER LEAGUE COMPETITIONS

Data scouts are employed to transmit live data (usually from lower-tier sporting events, as elite level events generally have official data contracts in place), which is then used to create a betting market on the event. If it was not for these data scouts, in many cases, a betting market would not exist on these events.

It is often lower-tier sporting events that are at greater risk of competition manipulation. As such, there should be much greater scrutiny of the involvement of data scouts at such events and of the wider ramifications of this activity.



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Exhibition and friendly matches can be high profile games involving major sponsors. They can be held for marketing purposes, as warm-up events, linked to key competitions or a means to try out young players.¹⁸ Notably, in most of these matches, performance is not often a central factor. The organizers of these events can be from various sectors, from clubs and federations to private companies, and access to these matches is usually by invitation only.¹⁹ Such games are particularly vulnerable as these competitions are organized in often very complex circumstances with a lack of clarity about who is ultimately responsible for organizing them, especially if the matches are organized with the involvement of different federations and associations in third countries. By way of example of the prevalence of the potential for the manipulation of such matches, 29 suspicious friendly football matches were flagged in 2019.²⁰

¹⁸ Asser Institute, *The Odds of Match-Fixing: Facts and Figures on the Integrity Risk of Certain Sport Bets* (Brussels, 2015).

¹⁹ *Independent Review of Integrity in Tennis* (2018).

²⁰ As per data received from Starlizard Integrity Services. Starlizard focuses on identifying suspicious games and betting patterns, especially in the area of football. See www.starlizard.com/integrity-services/.

If not managed through the increased monitoring and regulation of stakeholders involved in the organization of such events, the risk of betting-related competition manipulation will remain high.

1.4 GROWTH OF E-SPORTS AND VIRTUAL GAMING

E-sports and virtual gaming has grown markedly in recent years. COVID-19 and the disruption to traditional sports have had a notable impact on the sector, raising its profile and attracting new fans.²¹ Sector revenue is expected to reach \$1.1 billion for 2021, compared to \$947.1 million in 2020.²² At the same time, betting on e-sports and virtual gaming has also grown. As with traditional sports, this growth has exposed e-sports and virtual gaming to betting-related competition manipulation. Further, it brings the unique challenge of the absence of a single governing entity to implement regulation and monitor compliance.

COMPETITION MANIPULATION IN E-SPORT IN THE REPUBLIC OF KOREA

In 2016, in the Republic of Korea, an investigation by the Changwon Regional Prosecution Service into competition manipulation related to the StarCraft 2 e-sports competition resulted in the arrest of eight people. The investigation uncovered the identity of the programmers engaged in competition manipulation and the network of brokers and financial backers behind them.

Sources: TL.net, "StarCraft 2 Match-Fixing Investigation Result: 8 indicated and arrested, including a top-class programmer", 21 April 2016; TL.net, "StarCraft 2 Match-Fixing Investigation Result: 12 identified, 9 indicted and arrested, 2 indicted (not arrested), 1 wanted", 19 October 2015.

Notably, IOC and the Global Association of International Sports Federations have announced the formation of an Esports and Gaming Liaison Group to promote Olympic sports and Olympic values in e-sports and virtual gaming.²³ Furthermore, e-sports and virtual gaming has been included in the Olympic Agenda 2020+5. Other international federations, such as FIFA, the International Basketball Federation, the Union Cycliste Internationale and the International Ice

²¹ Deloitte Insights, *Let's Play! 2020: The European esports market (2020)*.

²² Newzoo, "Viewership Engagement Continues to Skyrocket Across Games and Esports: The Global Live Streaming Audience Will Pass 700 Million This Year", 9 March 2021.

²³ Olympic World Library, "Zoom In: Esports and Gaming", https://library.olympics.com/default/esports-and-gaming.aspx?_lg=en-GB.

Hockey Federation, and sports organizations around the world have developed various e-sports and virtual gaming competitions.

Although the methods of cheating vary in e-sports and virtual gaming, competition manipulation is a common means of corruption.²⁴ Notably, there have been several high-profile cases of betting-related competition manipulation in e-sports and virtual gaming. As noted in the section on evolutions in sport related to corruption, e-sports are particularly vulnerable to two types of corruption. First, the competitive setting of e-sports tournaments and stakes attract similar forms of cheating as seen in other sporting contexts, including doping and competition manipulation.²⁵ Second, the virtual nature of the medium allows for structural manipulation that can affect the essence of the game. Digital cheating (also called digital doping or e-doping or technological cheating/hacking) helps competitors manipulate data, as was detected in several e-cycling competitions in 2019,²⁶ or to manipulate the playing platform and the software itself.

While betting-related competition manipulation in e-sports is a new phenomenon and it faces challenges relating to governance and regulation, it is important to safeguard the integrity of e-sports and the integrity of betting on e-sports. The launch of the Esport Integrity Commission (ESIC) in 2016 highlights the growing awareness of the industry to threats posed to e-sport, including competition manipulation. In a recent case of competition manipulation, ESIC issued bans to 35 people involved in e-sports match-fixing.²⁷ It has also assisted Victoria Police's Sporting Integrity Intelligence Unit with regard to such activity in the past.²⁸

²⁴ Ian Smith, "PTG2017 - Integrity of esports", Esport Integrity Coalition, 2016.

²⁵ John T. Holden, Ryan M. Rodenberg and Anastasios Kaburakis, "Esports corruption: gambling, doping, and global governance", *Maryland Journal of International Law*, vol. 32, No. 1 (2017), pp. 236–272.

²⁶ Liam Morgan, "Zwift bans two riders from cycling esports events for manipulating race data", *Insidethegames*, 23 November 2020.

²⁷ The fines, which mostly pertain to suspension from competitive play, range from 12 to 60 months and have been handed down based on a specific algorithm the organization uses to assess the severity of each issue. The bans have been handed across a number of high-tier competitions, including BLAST, DreamHack, ESL, WePlay, 247 Leagues, and other entities – see Gambling News, "35 Australians involved in Esports Match Fixing", available at www.gamblingnews.com/news/esic-issues-bans-to-35-australians-involved-in-esports-match-fixing/ (January 22, 2021).

²⁸ "Six people arrested in esports investigation", ESIC Press Release, 22 August 2019, <https://esic.gg/press-release/esic-collaborate-with-victoria-police-resulting-in-the-rest-of-six-individuals/>.

1.5 OTHER NOTEWORTHY ISSUES

I. AVOIDING DETECTION USING TECHNOLOGY

The use of technology, including the darknet,²⁹ is a notable development in the evolution of factors that affects the modus operandi of those involved in the manipulation of sports competitions where offers to manipulate outcomes and events of games have been made. The anonymity and the perceived safety from law enforcement provided by the darknet³⁰ further adds to the difficulty in detecting and investigating these activities.

Further to this, there is an increasing trend in the use of modern money transfer and payment methods, such as e-wallets and emerging digital currencies. Though not widely accepted by betting regulators and unavailable on well-regulated betting markets, they have been used as forms of payment to those involved in the manipulation of sports competitions. Their use also facilitates the anonymity of those involved. For example, digital currencies were used in relation to a major competition manipulation case involving cricket games played in South Africa.³¹ It is also important to highlight the possibility that prepaid cards for mobile voice and data services or other prepaid cards could be used as forms of payment and to facilitate money-laundering.³²

II. APPROACHES BY CORRUPTORS

Athletes, coaches, officials and other actors are particularly vulnerable to approaches from individuals engaged in competition manipulation at sports venues and places of residence, such as hotels where they stay for the course of events or matches.

For example, in 2021, three unlicensed and unregulated persons were arrested during the Indian Premier League cricket tournament for trying to approach players participating in the competition that were staying in the same hotel.³³ In another instance, according to media sources a coach was approached by a businessman outside a hotel where his team was staying in order to influence him to manipulate a FIFA World Cup qualification match.³⁴

²⁹ Alice Raven, "Case Study: Match Fixing on the Dark Web", in *Dark Web Investigation*, Babak Akhgar and others, eds. (Cham, Springer Nature, 2021), pp. 237–247.

³⁰ Ibid.

³¹ Decision pursuant to article 5.1.12 of the ICC Anti-Corruption Code in the matter of proceedings between ICC and Heath Streak, 28 March 2021.

³² Financial Action Task Force, *Money Laundering Using New Payment Methods* (Paris, 2021).

³³ Shubham Birwadkar, "BCCI's ACU Arrests 3 Bookies For Allegedly Trying to Fix Matches From RR's Mumbai Hotel", *RepublicWorld*, 6 May 2021.

³⁴ <https://digitalhub.fifa.com/m/5e121e54357f197e/original/b69sjccudevzc0v37u4-pdf> (August 4, 2021).

2. >>>>>

MEASURES TO TACKLE COMPETITION MANIPULATION

2.1. RELEVANT LEGAL AND REGULATORY FRAMEWORKS

2.1.1 INTERNATIONAL INSTRUMENTS

Competition manipulation often has an international dimension, which makes combating the activity more complex. This requires intergovernmental coordination and action, in particular with regard to criminal justice authorities.

There are two international instruments that provide relevant tools for tackling competition manipulation, namely the United Nations Convention against Transnational Organized Crime and Protocol Thereto and the United Nations Convention against Corruption. The Council of Europe Convention on the Manipulation of Sports Competitions is the only convention that specifically addresses this problem.

APPLICABILITY OF THE UNITED NATIONS CONVENTION AGAINST CORRUPTION TO COMPETITION MANIPULATION

The Convention against Corruption is the only legally binding universal anti-corruption instrument. At the time of writing, it has 188 parties.

The Convention does not specifically refer to the problem of competition manipulation. However, the Conference of the States Parties to the United Nations Convention against Corruption does refer to the problem in two resolutions, namely:

- » Resolution 8/4, on safeguarding sport from corruption, adopted by the Conference at its eighth session, held in Abu Dhabi, from 16 to 20 December 2019
- » Resolution 7/8, on corruption in sport, adopted by the Conference at its seventh session, held in Vienna, from 6 to 10 November 2017

These resolutions set out the key issues that need to be addressed to tackle the problem of corruption in sport and outline the actions that States parties have committed to taking in order to do so, including in relation to the manipulation of sports competitions.

While many of the provisions of the Convention can be applied to the context of competition manipulation, a global mapping of national legislation on competition manipulation commissioned by the United Nations Office on Drugs and Crime (UNODC) and IOC in 2021 identified the following provisions in relation to adjudicated cases involving competition manipulation:

- » Bribery in the public and private sectors (articles 15, 16 and 21)
- » Embezzlement in the public and private sectors (articles 17 and 22)
- » Abuse of functions (article 19)
- » Money-laundering (article 23)

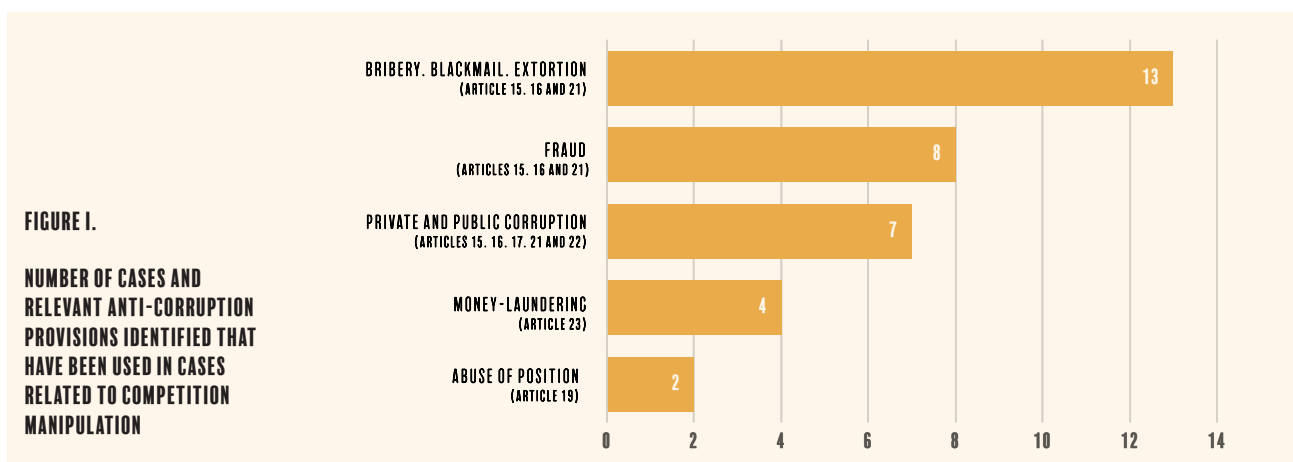


FIGURE I.
NUMBER OF CASES AND RELEVANT ANTI-CORRUPTION PROVISIONS IDENTIFIED THAT HAVE BEEN USED IN CASES RELATED TO COMPETITION MANIPULATION

Note: The figures used in this graph are taken from the UNODC-IOC publication *Legal Approaches to Tackling the Manipulation of Sports Competitions: A Resource Guide based on the United Nations Convention against Corruption*. The notions of public and private corruption are not established by the Convention against Corruption. They are used for the purposes of this publication to describe and exemplify forms of corruption that can be found in sports.

APPLICABILITY OF THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME AND THE PROTOCOLS THERETO TO COMPETITION MANIPULATION

It has been reiterated by the General Assembly that transnational organized crime has a negative impact on development, peace, stability, security and human rights. It has also been highlighted that society is becoming increasingly vulnerable to such crime and that there is a growing degree of penetration of activities of criminal organizations and their financial and economic resources into the legitimate economy.³⁵

On the occasion of the adoption of the Organized Crime Convention in 2000, Secretary-General Kofi Annan stated that this instrument represented “a new tool to address the scourge of crime as a global problem” and that “if crime crosses all borders so must law enforcement. If the rule of law is undermined not only in one country, but in many, then those who defend it cannot limit themselves to purely national means.”³⁶ A total of 190 jurisdictions are parties to the Organized Crime Convention. A detailed overview of the Convention and organized crime in sport is contained in section 6.

In the context of sport, the measures laid out in the Convention can be applied to competition manipulation when offenders are a part of an organized criminal group, bribe public officials and are involved in the laundering of proceeds of a crime they have committed. They can also be applied to any serious crime prescribed by the Convention.

EXTRADITION IN RELATION TO A COMPETITION MANIPULATION OFFENCE

In February 2019, in the first extradition of its kind under the extradition treaty between the United Kingdom of Great Britain and Northern Ireland and India, an Indian businessman accused of attempting to manipulate cricket matches in India during a tour by the South Africa cricket team in 2000 was extradited from the United Kingdom to India.

Sources: Casemine, “Chawla V the Government of India”; and Hindustan Times, “Sanjeev Chawla, accused in the 2000 cricket match-fixing racket, extradited from UK to India”, 15 September 2020.

³⁵ See, for instance, General Assembly resolution 74/177 of 18 December 2019, entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity”.

³⁶ UNODC, Address by the Secretary-General, Mr. Kofi Annan, at the opening of the signing conference for the United Nations Convention against Transnational Organized Crime and Protocols Thereto, Palermo, 12 December 2000.

Notably, the Convention can be used to expand the scope of bilateral treaties regarding offences for which those involved can be extradited. Most States parties appear conscious of the obligation to include corruption-related offences in this remit. Paragraph 5 of article 44 provides that States parties can make extradition conditional on the existence of a treaty to use the Convention in this sense. It is also indirectly aimed at reducing the need for the often time-consuming process of negotiating new extradition agreements.³⁷

INTERNATIONAL COOPERATION IN COMPETITION MANIPULATION CASE LEADS TO THE RECOVERY OF ASSETS IN BELGIUM

In 2018, law enforcement in Belgium searched 44 buildings across the country, including the headquarters of a football club and residences linked to suspects in a competition manipulation case, and seized contracts and other documents, empty luxury watch boxes, jewels, luxury watches and cash.

A total of 184 police officers from Belgium and 36 police officers from other jurisdictions participated in the searches. In addition, three examining magistrates were working concurrently to process those arrested, which is a rare occurrence in Belgium, where the appointment of multiple examining magistrates to a single investigation usually only occurs in relation to terrorism cases.

Source: VRT, “Police raid Club Brugge and Anderlecht as part of wider match-fixing and money laundering investigation”, 10 October 2018.

COUNCIL OF EUROPE CONVENTION ON THE MANIPULATION OF SPORTS COMPETITIONS

Adopted by the Council of Europe Committee of Ministers on 9 July 2014, the Council of Europe Convention on the Manipulation of Sports Competitions was opened for signature on 18 September 2014. The Convention entered into force on 1 September 2019 and as of September 2021 has 32 signatories and 7 ratifications.

The aim of the Convention is to pave the way for the more systematic application of the measures adopted by sports organizations, sports betting operators and public authorities to enable them to jointly identify and prevent the manipulation of sports competitions and to ensure better cooperation between these stakeholders.

³⁷ United Nations Office on Drugs and Crime, *State of implementation of the United Nations Convention against Corruption* (Vienna 2017).

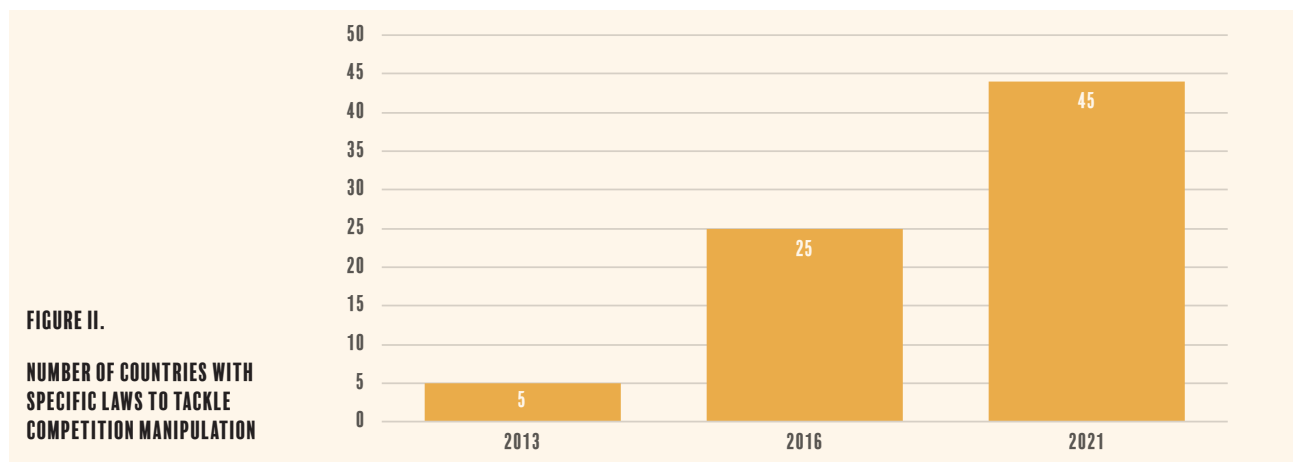
Article 13 of the Convention also provides for the introduction of a mechanism to exchange information between countries through the establishment of a national platform. With regard to public authorities, the Convention encourages them to adopt the necessary legislation or other measures, including financial ones, to support any initiatives taken by other stakeholders and to combat illegal sports betting, but also to identify the authorities responsible for implementing the legal framework for the regulation of their sports betting market.

2.1.2 NATIONAL DEVELOPMENTS RELATED TO CRIMINALIZING COMPETITION MANIPULATION

Increasingly, Governments are looking to criminalize competition manipulation. A global mapping of national legislation on competition manipulation conducted by UNODC and the IOC in 2021 found that 45 jurisdictions³⁸ specifically criminalize competition manipulation. This represents a significant increase compared to the numbers recorded for 2016 and 2013.

Awareness of specific offences relating to competition manipulation is important for the prevention, investigation, prosecution and sanctioning of such activity. Furthermore, the linking of these offences to activities such as corruption, money-laundering, bribery, fraud, aiding and abetting, influence peddling and the abuse of power, can make the work of law enforcement and criminal justice authorities more effective.

In some jurisdictions, the offence of competition manipulation is limited to competitions on which bets are proposed.³⁹ In these jurisdictions, the offence of competition manipulation is intrinsically linked to the risk associated with the manipulation of a betting outcome. In addition, elsewhere, non-betting-related competition manipulation cannot be prosecuted under specific competition manipulation laws and may only be prosecuted under general criminal provisions on corruption, bribery, fraud, etc.



³⁸ Albania, Algeria, Argentina, Armenia, Australia, Azerbaijan, Brazil, Bulgaria, China, Cyprus, Denmark, El Salvador, France, Georgia, Germany, Greece, Hungary, Israel, Italy, Japan, Latvia, Lithuania, Malta, Namibia, New Zealand, North Macedonia, Paraguay, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Russian Federation, San Marino, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Türkiye, Ukraine, United States of America and Uruguay.

³⁹ Australia, France, New Zealand, Republic of Korea, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland.

**EXAMPLES OF THE USE OF GENERAL CRIMINAL LAW PROVISIONS
IN CASES LINKED TO COMPETITION MANIPULATION IN ARMENIA,
CZECHIA AND INDONESIA**

In Armenia, a criminal investigation revealed that a football referee and his second assistant were bribed to manipulate the result of game in July 2013 for betting purposes. The case was prosecuted under article 201 of the Criminal Code related to the bribery of the participants and organizers of professional and commercial sports competitions or shows.

In Czechia, the Criminal Code includes provisions regulating the possibility of imposing sanctions for fraud, corruption and bribery. These provisions have

been applied by the Supreme Court in the case of the manipulation of sports competitions.

In Indonesia, in the first criminal conviction for the manipulation of sports competitions, in 2019, the Banjarnegara district court in Java found six people, including a former referee and members of the national football association, guilty of fraud. They were sentenced to up to three years in prison and given fines.

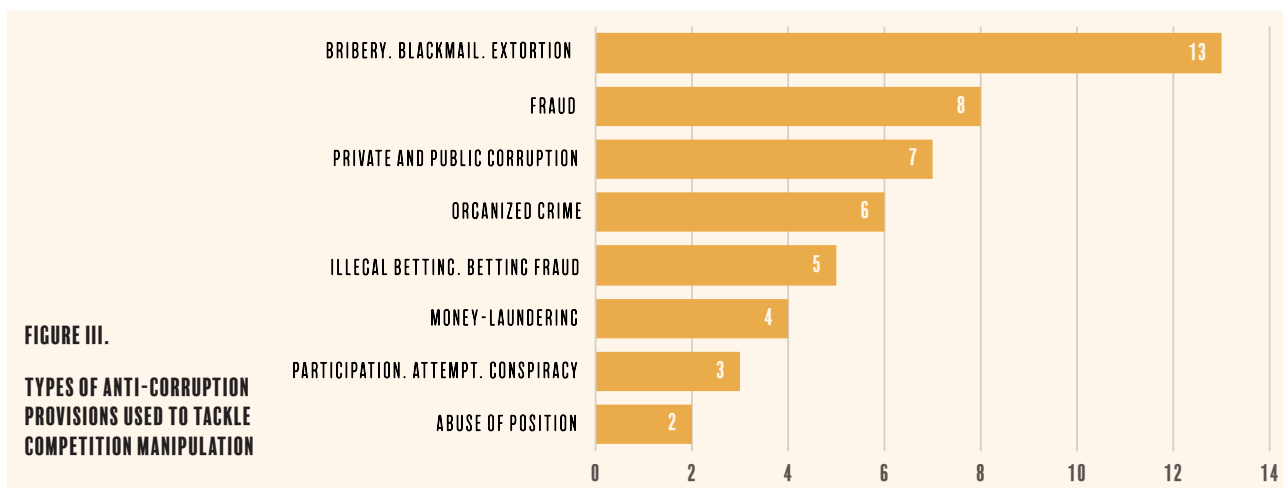
Sources: Czechia, Criminal Code, Act No. 40/2009, sections 209, 331, 332 and 333; Bronislava Coufalová and Jan Pinkava, "Corruption in Sports Environment", *International and Comparative Law Review*, vol. 13., No. 2 (2013), p. 97-110; KEA European Affairs, Match-fixing in sport: A mapping of criminal law provisions in EU 27 (2012); and Reuters, "Soccer-Indonesia court jails six in first trial over match fixing", July 2019.

While there is a growing trend to specifically criminalize competition manipulation, general criminal law provisions are also being successfully applied by jurisdictions to competition manipulation cases.

The above-mentioned mapping also found that 26 jurisdictions have used general criminal law provisions for this purpose.⁴⁰ It also revealed that in jurisdictions with no specific legal provisions relating to competition manipulation, the most applied legal provisions are those relating to bribery, fraud and organized crime.



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⁴⁰ Australia (Victoria, Tasmania and Western Australia), Austria, Belgium, Czechia, El Salvador, Finland, Georgia, India, Indonesia, Luxembourg, Malaysia, Montenegro, Netherlands, Nepal, Norway, Panama, Romania, Singapore, Slovenia, Sweden, Switzerland, United Kingdom, United States of America and Viet Nam, as well as Hong Kong, China, and Kosovo, under SCR 1244.

2.1.3 RELEVANT SPORTS REGULATIONS

International sports bodies' regulations are a valuable tool in the fight against competition manipulation. One of the most high-profile examples is the Olympic Movement Code on the Prevention of the Manipulation of Competitions, which was developed by IOC and relates to the conduct and disciplinary proceedings of sports organizations. Under the Olympic Charter it is mandatory for the all bodies within the Olympic Movement to be compliant with the charter. Furthermore, the recognition of international federations is dependent on the implementation of the Olympic Movement Code.

Notably, the regulations of most international sports federations maintain the jurisdiction of the organizations over their own events, allowing an exception for major-event regulations and for provisions for the mutual recognition of sanctions.⁴¹ With regard to major-event regulations, they are based on the Olympic Movement Code on the Prevention of the Manipulation of Competitions and apply during international events over which event regulations have jurisdiction, such as the Olympic Games. Based on this benchmark, it is interesting to note that out of the total 41 summer and winter Olympic federations,⁴² 30 have their own specific rules, 7 have adopted IOC rules and only 4 have no dedicated regulations addressing competition manipulation.⁴³

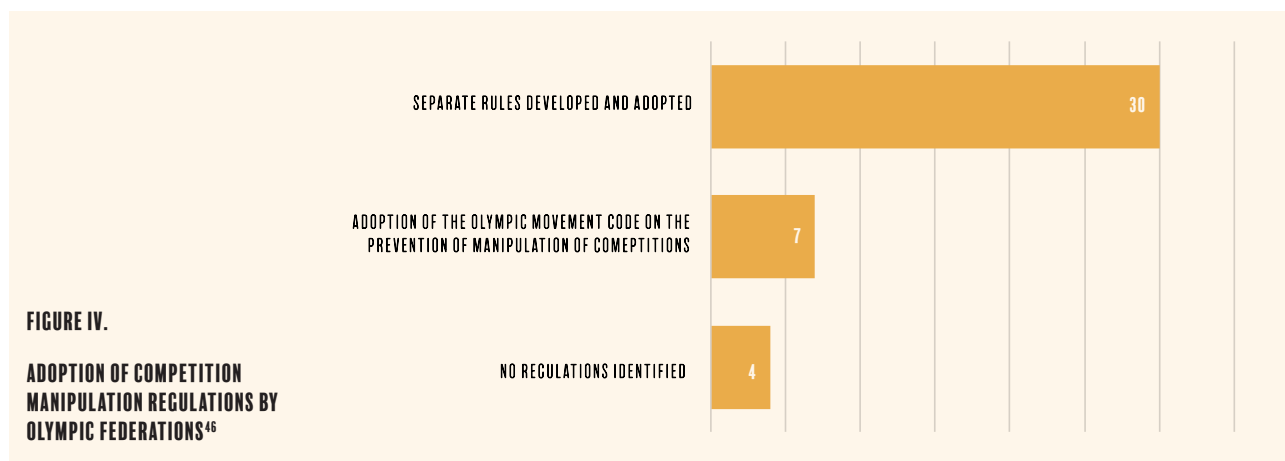


FIGURE IV.
ADOPTION OF COMPETITION MANIPULATION REGULATIONS BY OLYMPIC FEDERATIONS⁴⁶



⁴¹ For example, rule 11.2 of International Ski Federation, *FIS Rules on the Prevention of Manipulation of Competitions* (Oberhofen, 2016).

⁴² The Scope of the study is limited to international federations that have disciplines that are part of the summer or winter games. Summer – International Swimming Federation, World Archery Federation, World Athletics (until June 2019: International Amateur Athletics Federation), Badminton World Federation, International Basketball Federation, International Boxing Association (AIBA), International.

⁴³ These are: International Bobsleigh Federation, Federation Internationale de Luge, World Dance Sport Federation, the International Federation for Sport Climbing and World Baseball-Softball Confederation.

⁴⁴ Note: The federations are Canoe Federation, Union Cycliste Internationale, Fédération Équestre Internationale, Fédération Internationale d'Escrime, Fédération Internationale de Football Associations, International Golf Federation, Fédération Internationale de Gymnastique, International Handball Federation, Fédération Internationale de Hockey, International Judo Federation, Union Internationale de Pentathlon Moderne, Fédération Internationale des Sociétés d'Aviron, World Rugby, World Sailing (until December 2015, International Sailing Federation), International Shooting Sport Federation, International Table Tennis Federation, World Taekwondo, International Tennis Federation, International Triathlon Union, Fédération Internationale de Volleyball, International Weightlifting Federation, United World Wrestling, World Dance Sport Federation, International Surfing Association, International Federation of Sport Climbing, World Karate Federation, World Skate, World Baseball and Softball Confederation; Winter – International Biathlon Union, International Bobsleigh and Skeleton Federation, World Curling Federation, International Ice Hockey Federation, International Skating Union, Fédération Internationale de Luge de Course and Fédération Internationale du Ski.

FIFA REGULATORY FRAMEWORK RELATING TO COMPETITION MANIPULATION

The following integrity-related provisions, taken from the FIFA Statutes (May 2021 edition), the FIFA Disciplinary Code (2019 edition) and the FIFA Code of Ethics (2020 edition), focus on the substantive law related to competition manipulation and integrity.

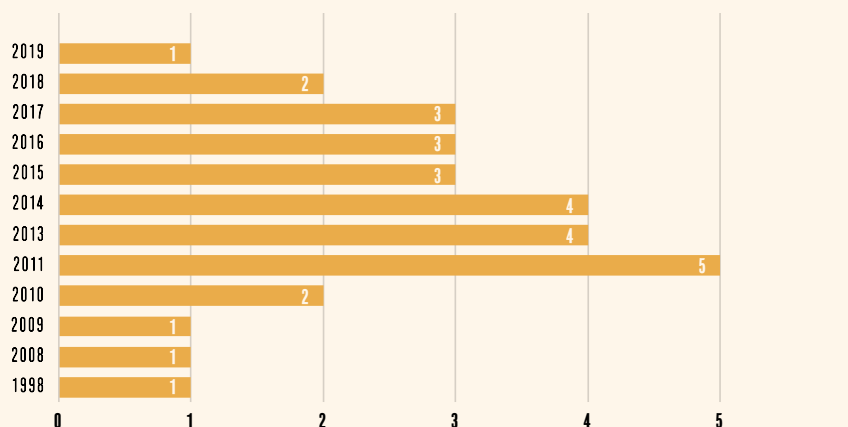
Article 2 of the FIFA Statutes, on objectives, states that one of the objectives of the organization is “to promote integrity, ethics and fair play with a view to preventing all methods or practices, such as corruption, doping or match, which might jeopardise the integrity of matches, competitions, players, officials and member associations or give rise to abuse of association football.”

The main provisions on integrity include the following articles of the FIFA Disciplinary Code: article 18 on the manipulation of football matches and competitions, article 19 on duty to report and article 20 on duty to collaborate, and the following articles of the FIFA Code of Ethics: article 29 on manipulation of football matches and competitions, article 17 on duty to report, article 18 on duty to cooperate and article 26 on involvement with betting, gambling or similar activities.

A significant number of federations explicitly mention both acts and omissions. Furthermore, most mention active and passive forms of manipulation, partial/course manipulation in addition to the result, whether or not the act is for financial benefit, beneficiaries and third parties, sports and betting events. Appeals relating to internal federation adjudication on disciplinary matters, contingent on their disciplinary regulations, usually end up in arbitration before the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland, with further appeal permitted on limited grounds to the Swiss Federal Tribunal.⁴⁵

CAS has heard more than 30 cases related to the manipulation of sports competitions, none of which have been appealed to the Swiss Federal Tribunal on the main grounds of manipulation (only incidental procedural issues have been raised so far). The number of cases seen annually peaked between 2011 and 2014, a period that witnessed a number of major European football competition manipulation cases, and has declined since. As June 2021, five sports have seen cases involving competition manipulation brought before CAS:⁴⁶ football (20), tennis (3), cricket (2), skiing (1) and bridge (1). However, these cases represent only the “tip of the iceberg”, as the vast majority of manipulation-related disciplinary cases are not taken all the way to CAS. Out of these cases, 24 involved parties from Europe, 9 from Asia, and 1 from Africa (with some having parties from both Europe and Asia).^{47,48}

FIGURE V.
NUMBER OF MANIPULATION-RELATED AWARDS ISSUED BY THE COURT OF ARBITRATION FOR SPORT PER YEAR, 1998 AND 2008–2019⁴⁸



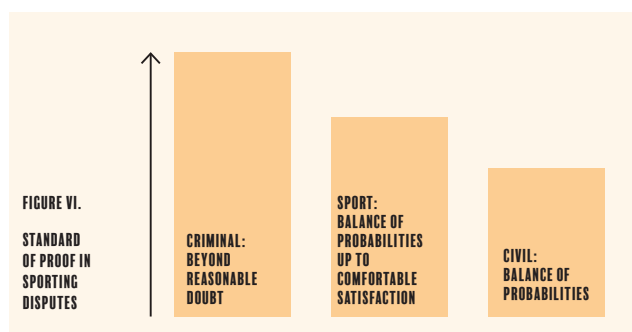
⁴⁵ See Rule 47 of the CAS Procedural Rules (2017), www.tas-cas.org/en/arbitration/code-procedural-rules.html (March 12, 2021).

⁴⁶ Madalina Diaconu, Surbhi Kuwelkar and André Kuhn, “The court of arbitration for sport jurisprudence on match-fixing: a legal update”, *International Sports Law Journal*, vol. 21, No. 1 (2021), pp. 27–46.

⁴⁷ Ibid.

⁴⁸ Source: *ibid.*

CAS jurisprudence also highlights several issues⁴⁹ that are common to international federation regulations. These include issues on what evidence is admissible and consequently what the standard of proof is,⁵⁰ given the investigative ability of sports federations in comparison to that of law enforcement and criminal justice authorities.



⁴⁹ For a legal analysis, see Diaconu M., Kuwelkar S. and Kuhn A. (2021). The CAS has held the standard of proof to be comfortable satisfaction (in between the usual criminal and civil standards), save for where applicable regulations say otherwise (it has been noted to be a balance of probability in certain federation regulations, but never raised beyond comfortable satisfaction); see also IOC *Guidelines for the for Sports Organizations for the Sanctioning of Competition Manipulation* at p. 7 (footnote 8).

⁵⁰ The burden of proof is distinct from the standard of proof. The standard of proof is the level of certainty and the degree of evidence necessary to establish and prove a case. In general, the standard of proof for criminal cases is beyond reasonable doubt. For sporting disciplinary proceedings, it is the balance of probabilities or to the comfortable satisfaction of a panel.

2.2 EXAMPLES OF INTERNATIONAL INITIATIVES TO TACKLE COMPETITION MANIPULATION

Efforts to raise awareness and build capacity are integral to implementing effective policies and processes to manage risks relating to competition manipulation. Taking this action at all levels is crucial to mobilizing all the main actors involved in tackling this type of corruption in sport. The examples below give a non-exhaustive overview of relevant initiatives to tackle competition manipulation.

In 2017, UNODC launched the Programme on Safeguarding Sport from Corruption and Crime, which includes a strong focus on supporting Governments and sports organizations in their efforts to tackle competition manipulation. Since its launch, the Programme has delivered over 150 activities (including awareness-raising, capacity-building and other forms of technical assistance) to over 7,500 direct beneficiaries from over 130 countries. A key feature of the Programme is to enhance cooperation and partnerships with relevant sport entities and to this end, UNODC has signed several memorandums of understanding, including with the IOC in 2011, the International Centre for Sport Security in 2015, the Asian Football Confederation (AFC) in 2018, the Supreme Committee for Delivery and Legacy in 2019 and FIFA in 2020.

In 2018, the IOC and UNODC signed an agreement to implement a project on preventing corruption and competition manipulation in sport. The overall aim of the project was for sports organizations and other relevant stakeholders to be assisted in identifying and preventing competition manipulation and related corruption in sport. Over the course of the project, and in partnership with the IOC, UNODC organized, co-organized or supported 13 multi-stakeholder national and regional workshops and partnership development meetings for law enforcement officials, criminal justice authorities and sport organizations from over 50 countries.⁵¹ The partnership also resulted in the development and launch of the joint UNODC-IOC publication entitled *Reporting Mechanisms in Sport: A Practical Guide for Development and Implementation* available in Arabic, English, French, Spanish and Russian) and the development and launch of the joint publication from UNODC, the IOC and the International Criminal Police Organization (INTERPOL) entitled "Preventing Corruption in

⁵¹ Albania, Argentina, Australia, Belarus, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, China, Colombia, Cook Islands, Croatia, Cyprus, Egypt, Estonia, Fiji, Ghana, Greece, Indonesia, Israel, Italy, Japan, Kiribati, Latvia, Lithuania, Malaysia, Malta, Mexico, Micronesia (Federated States of), Moldova (Republic of), Montenegro, Nauru, New Zealand, Nigeria, North Macedonia, Palau, Papua New Guinea, Paraguay, Peru, Qatar, Romania, Samoa, Serbia, Singapore, Slovenia, Solomon Islands, Tonga, Tuvalu, Ukraine, United States of America and Vanuatu, as well as and Kosovo, under SCR 1244.

Sport and Manipulation of Competitions: Ensuring that Integrity is at the Core of Sport's Response to the Pandemic".

The INTERPOL Match-Fixing Task Force brings together law enforcement agencies from around the world to tackle match-fixing and corruption in sport. It currently has 98 member units from jurisdictions in five continents, with more than 151 national points of contact worldwide. This network allows the task force to act as a platform for cross-border investigations and international case coordination, with meetings held regularly. The task force supports member countries in investigations and operations in all sports and maintains a global network of investigators that share information, intelligence and good practices. INTERPOL-developed tools dedicated to data collection on corruption in sport (Ethical Issues of Emerging ICT Applications project) and financial crimes analysis (FINCAF) are available to law enforcement agencies worldwide.

The Council of Europe Network of National Platforms (known as the Group of Copenhagen) was established in 2016 and brings together 33 countries, which are represented by coordinators.⁵² The Network has laid the groundwork for transnational cooperation, enabling the exchange of information, experience and expertise essential to combating the manipulation of sports competitions.

The Network's priorities are:

- » Identifying and highlighting good practices
- » Providing practical support to existing National Platforms to help consolidate and improve their systems
- » Supporting countries in the creation of their National Platforms
- » Strengthening the institutional and professional capacities of national and international actors

In recent years, cooperation frameworks have also been established in cooperation with INTERPOL and IOC to protect major sports events from criminal exploitation. Europol has its own manipulation-targeted programme: the Analysis Project Corruption. The organization also has agreements with other bodies, such as a memorandum of understanding with the Union of European Football Associations (UEFA)

⁵² The requirement for national platforms stems from article 13 of the Convention on the Manipulation of Sports Competitions.

regarding measures to combat competition manipulation. In terms of event-specific entities, the FIFA Women's World Cup 2019 Integrity Task Force was a joint exercise between the Group of Copenhagen, Sportradar, GLMS and INTERPOL to monitor any tournament-related suspicious activity.

ATHLETICS INTEGRITY UNIT, WORLD ATHLETICS AND THE TOKYO 2020 OLYMPIC GAMES

Also of note is the Athletics Integrity Unit, which works independently of World Athletics. The board of the Athletics Integrity Unit has been delegated full authority to oversee the sport's integrity issues.

Most recently, 17 referred cases of suspected manipulation of competition in order to seek qualification for the Tokyo 2020 Olympic Games were investigated in close cooperation with World Athletics. The cases came from 16 countries and involved 31 athletes, and were related to unreliable photo-finish pictures, the short measuring of courses, the illegal use of pacers, the use of unauthorized field instruments and incorrect timing). Of the 17 cases, eight of the qualifying performances were not recognized, with events being investigated further.

Source: Athletics Integrity Unit, "Competition manipulation is a threat to sport integrity: AIU identifies multiple illegitimate qualifying performances for the Tokyo 2020 Olympic Games", 21 July 2021.



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In December 2015, the IOC Executive Board approved the Olympic Movement Code on the Prevention of the Manipulation of Competitions. This Code aims to provide sports organizations with harmonized regulations to protect all competitions from the risk of manipulation. In 2017, on the recommendation of the International Forum for Sport Integrity, IOC created the Olympic Movement Unit on the Prevention of the Manipulation of Competitions. The Unit's work is based on a three-pillar strategy: (a) regulation and legislation; (b) awareness-raising and capacity-building; and (c) intelligence and investigations. The Unit has established model rules for national Olympic committees, national federations, international federations and multi-sport event organizers (in line with the Olympic Movement Code), as well as a robust awareness-raising campaign (the "Believe in Sport" campaign) and the IOC Integrity Betting Intelligence System for the entire Olympic Movement. The Unit supports international sports federations, national Olympic committees, multi-sports event organizers and other sports organizations in their efforts to protect the integrity of sport and develop relevant activities. It has also entered numerous partnerships with relevant stakeholders and supports various initiatives of intergovernmental organizations.

In early 2021, FIFA launched the FIFA Global Integrity Programme in collaboration with UNODC. The Programme is aimed at providing integrity officers at FIFA member associations with an in-depth understanding of competition manipulation and measures to tackle it.⁵³ At the time of writing, the Programme has delivered training to AFC and the South American Football Association. FIFA also introduced a new disciplinary code in 2019 and has developed specific measures through a dedicated integrity department aimed at addressing competition manipulation.⁵⁴ Notably, football witnesses a disproportionately high number of irregular betting alerts⁵⁵ and lifetime bans for corruption.

In 2021, ITIA was established as an independent body by the international governing bodies of tennis to promote, encourage, enhance and safeguard the integrity of tennis worldwide. ITIA is funded by the sport's seven major stakeholders: the International Tennis Federation, the Association of Tennis Professionals, the Women's Tennis Association, the

Australian Open, Roland-Garros, the Wimbledon Championships and the United States Open Tennis Championships. ITIA uses an overarching single definition of competition manipulation offences, which includes the mention of corruption, betting, bribery, insider information, lack of reporting and cooperation, and aiding and abetting.

In cricket, participants in ICC competitions must adhere to the ICC Anti-Corruption Code, which defines offences specific to the sport. The ICC Anti-Corruption Unit has the power to investigate incidents of corruption proactively and thoroughly. Notably, ICC encourages its member national federations to have their own systems in place to deal with incidents related to corruption.

2.3 DETECTING, REPORTING, MONITORING AND INVESTIGATING COMPETITION MANIPULATION

2.3.1 DETECTING AND REPORTING COMPETITION MANIPULATION

Detecting corrupt behaviour in sports is a major challenge and is discussed in greater detail in the section on detecting and reporting corruption in sport. Competition manipulation, like other acts of corruption, is no exception. As such, robust detection measures and the identification of the various types of behaviours that can be classified as manipulation (as highlighted previously), which could trigger investigations, are needed. These measures can help provide evidence that could be used before courts of law or sporting tribunals.

Creating awareness of what constitutes manipulation and the efforts to tackle it, and establishing reporting mechanisms, are a crucial part of the fight against competition manipulation, both in terms of detection and as a deterrent. Reporting mechanisms are an important means of detecting corruption, often providing compelling evidence in the investigation of wrongdoing,⁵⁶ and function as a way in which athletes and other actors can take action to safeguard the integrity of their sport, which sends the message that corruption in sport will not be tolerated.⁵⁷

⁵³ UNODC, "Launch of FIFA and UNODC Global Integrity Programme to tackle match manipulation", 16 March 2021.

⁵⁴ FIFA.com, "FIFA develops new and enhanced integrity resources for member associations and federations", 16 January 2020. These resources include an integrity handbook, an e-learning tutorial and an integrity officer community platform.

⁵⁵ Niji Narayan, "GLMS reports 41% year-on-year increase in suspicious betting alerts for 2020", 5 January 2021, <https://igamingradio.com/glms-reports-41-year-on-year-increase-in-suspicious-betting-alerts-for-2020/>.

⁵⁶ See Association of Certified Fraud Examiners, *Report to the Nations on Occupational Fraud and Abuse* (Austin, Texas, United States of America, 2018); Ethics and Compliance Initiative, *Global Business Ethics Survey: Measuring Risk and Promoting Workplace Integrity* (Arlington, Virginia, United States, 2016); and A. J. Brown and S. Lawrence, "Strength of organizational whistleblowing processes: analysis from Australia" (Griffith University, Brisbane, Australia, 2017).

⁵⁷ Pim Verschuuren, "Whistle: Implementation of whistleblowing policies by the sports organizations in the EU", Sport Whistle, 2019.

FÉDÉRATION INTERNATIONALE DE NATATION AND THE MANIPULATION OF SWIMMING COMPETITIONS IN UZBEKISTAN

In July 2021, the Court of Arbitration for Sport confirmed the decision of the Fédération Internationale de Natation (FINA) to annul certain results from the Uzbekistan Open Swimming Cup, which was held in November 2020, and the Uzbekistan Open Swimming Championships, which was held between 13 and 17 April 2021.

The FINA decision was taken after a report on attempts to manipulate the results of the competitions. The report helped an investigation establish that certain results from the two events had been manipulated by the Uzbekistan Swimming Federation in an attempt to qualify Uzbek swimmers for the 2020 Summer Olympic Games in Tokyo. FINA thanked the reporting person for the courage shown to come forward.

FINA is the world governing body for the six aquatic disciplines: swimming, diving, water polo, synchronized swimming, open water swimming and high diving.

Sources: FINA, "FINA Media Statement – CAS award on UZB results", 7 July 2021.



Reporting mechanisms are fundamentally important because they allow individuals involved in sport in any capacity to raise concerns regarding actual or potential wrongdoing, danger or risk that affects them or others. Notably, reporting mechanisms help close the gap between athletes and officials and top-level management.⁵⁸ These mechanisms, such as the IOC Integrity and Compliance Hotline, help to facilitate effective and protected reporting. An integrity hotline is used by various sport bodies. Failure to report is, both within the Olympic Code and most federation regulations, listed as a code violation.

⁵⁸ Ibid.

EXAMPLES OF THE USE OF REPORTING MECHANISMS AT THE NATIONAL AND INTERNATIONAL LEVELS

In 2014, a whistle-blower protection law was established in Romania and was adapted to cover reporting in sport. To bring its practices in line with the new law, the Romanian Football Federation established a multi-actor platform entitled Clean Football to allow staff, athletes and match officials to report corrupt acts using institutional channels.

In 2018, an Argentinian tennis player reported a corrupt approach from a third party to the Tennis Integrity Unit (now the International Tennis Integrity Agency). Subsequently, he acted as a witness in the prosecution of three Argentinian tennis players, who were later sanctioned for various breaches of the Tennis Anti-Corruption Programme.

Sources: Tennis Integrity Unit, "The Tennis Integrity Unit and Marco Trungelliti", 1 May 2019; Vasilica Grigore and others, "Promoting Ethics and Integrity in Sport: the Romanian Experience in Whistleblowing", *Romanian Journal for Multidimensional Education*, vol.10, No. 1 (2018).

The use of technology in sport to support the detection of competition manipulation is a notable anti-corruption feature of this sector.

In their fight against competition manipulation, sport organizations are supported by bodies such as GLMS, which specializes in detecting irregular betting patterns and analysing suspicious betting activity, and shares information with relevant sport organizations and public authorities. Similarly, IBIA supports sport organizations through its monitoring and alert platform, which detects and reports suspicious activities in sports competitions.

Data and artificial intelligence-focused companies, such as Genius Sport, Sportradar, Stats Perform and Starlizard Integrity Services have partnered with several international sports organizations, including the Fédération Internationale de l'Automobile,⁵⁹ FIFA, UEFA and AFC, as well as with a number of national sports organizations, such as the Board of Control for Cricket in India. Such companies also provide information that is being used by betting operators and governing bodies.⁶⁰ These arrangements are usually made by concluding monitoring agreements with sports organizations.

⁵⁹ Sportradar, "FIA expands partnership with Sportradar Integrity Services", 26 April 2019.

⁶⁰ iGB, "Genius Sports to support German FA with Integrity efforts" 20 July 2019.

Furthermore, monitoring tools developed by other stakeholders are proving effective in tackling competition manipulation, including in relation to the gathering of intelligence, data and evidence. For example, in a case heard by CAS, the combined analysis of betting data and video footage of a player's performance was considered a sufficient legal basis to conclude that competition manipulation took place.⁶¹ In another example, involving a football club in North Macedonia, CAS relied primarily on the report of a betting expert in order to conclude that games had been manipulated.⁶² In a criminal case, such intelligence is typically used as circumstantial evidence.

GLOBAL COMPETITION-MANIPULATION INFORMATION-SHARING PLATFORM ESTABLISHED BY THE FÉDÉRATION INTERNATIONALE DE FOOTBALL ASSOCIATION

The Fédération Internationale de Football Association (FIFA) has established the FIFA Integrity Officers Community Platform with a view to bringing together a global network of integrity officers to share experience and knowledge and to exchange good practices related to preventing and fighting competition manipulation and to promoting integrity in sport.

2.3.2 MONITORING FOR COMPETITION MANIPULATION

A range of integrity measures are readily available and employed by various regulatory authorities. They include information-sharing, voiding suspicious bets and the suspension of betting markets. An effective means of protecting a market is through monitoring and the most efficient and widely used approach is to require licensed operators to use market and customer oversight to identify and report suspicious betting.

This requirement to report suspicious betting is evident in many European gambling licensing frameworks, such as those in Denmark, France, Italy, Malta, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. In the United States, the states of New Jersey and Nevada also enforce integrity reporting requirements, as does Australia. In addition to individual operator monitoring and reporting, it is also increasingly recognized that there is clear value from

operators being part of a wider international alert and monitoring system, which also feeds data to the appropriate authorities.

Germany uses an early warning system⁶³ and legislation in the Netherlands requires operators to be a member of a monitoring system.⁶⁴ These support the findings of the European Commission-funded Betmonialert report that strongly recommends that public authorities should oblige all operators to be "part of a betting monitoring system".⁶⁵ This report and the remote gambling law in the Netherlands specifically refer to IBIA as a best practice example. *The Review of Australia's Sports Integrity Arrangements* similarly recognizes IBIA and recommends that betting operators "participate in 'detect and disrupt' real-time monitoring and analysis of suspicious wagering activity", anticipating a model similar to IBIA's platform.⁶⁶

2.3.3 INVESTIGATING CASES OF COMPETITION MANIPULATION

Investigations are an important tool in the fight against competition manipulation, whether carried out by sports organizations or law enforcement authorities. The investigation of competition manipulation has two broad forms. Sports organizations carry out a disciplinary investigation for any actual or potential breach of sporting rules or regulations, whereas, where there is involvement of any criminal element, law enforcement authorities carry out a criminal investigation. Their ability to share information and collaborate increases the likelihood of reports of wrongdoing being successfully investigated. The more thorough and effective the investigations, the more people engaged in competition manipulation are identified and punished, which acts as a deterrent to those contemplating such acts. Furthermore, the failure to investigate allegations of competition manipulation, or to do so to a satisfactory degree, and to conclude that cases are proven or not, represent significant risks to efforts aimed at tackling the problem.

⁶¹ Court of Arbitration for Sport, *Vsl Pakruojo FK et al. v. LFF*, Case No. CAS2015/A/4351, 13 July 2016.

⁶² Court of Arbitration for Sport, *FK Pobeda, Aleksandar Zabrcanec, Nikolce Zdravski v UEFA*, CAS 2009/A/1920, Arbitral Award, 15 April 2010.

⁶³ www.im.nrw/sites/default/files/media/document/file/160129II_Leitlinien%20Sportwetten.pdf.

⁶⁴ [https://kansspelautoriteit.nl/nieuws/nieuwsberichten/2020/maart/voortgang-wet/Article 4.7](https://kansspelautoriteit.nl/nieuws/nieuwsberichten/2020/maart/voortgang-wet/Article%204.7) and related sections in the Explanatory Memorandum (Translated to English).

⁶⁵ *The Monitoring Systems of Sports Betting and Warning Mechanisms between Public and Private Actors*, Betmonialert Home/2014/PPXX/AG/SPBX, May 2017, p. 7, http://ethisport.com/wp-content/uploads/2017/06/Betmonialert_Design-NB-DEF-2-06-2017.pdf.

⁶⁶ Commonwealth of Australia, Department of Health, *Report of the Review of Australia's Sports Integrity Arrangements* (Canberra, 2018), p. 91 and footnote 160, https://consultations.health.gov.au/population-health-and-sport-division/review-of-australias-sports-integrity-arrangements/supporting_documents/HEALTH%20RASI%20Report_Acc.pdf.

Investigations into competition manipulation can be lengthy and complex, not least because of multi-jurisdictional and mutual legal assistance challenges, the different attitudes and approaches of law enforcement authorities, limited resources, a lack of commitment and non-existent or inconsistent legislation on competition manipulation, betting and data protection.

VICTORIA POLICE'S SPORTING INTEGRITY INTELLIGENCE UNIT

Victoria Police established a Sporting Integrity Intelligence Unit (SIIU) in 2013. SIIU attaches significant importance to intelligence collection from a range of domestic and international sources and has established relationships with sporting and racing bodies and wagering operators around the world.

SIIU is responsible for investigating match-fixing and corruption linked to sports betting, preventing illegal betting and disrupting organized criminal networks. SIIU has conducted successful investigations into betting-related corruption in football, tennis, horse racing and e-sports.

Source: Richard Willingham, "Premier orders Victorian sports integrity unit", *The Age*, 7 February 2013.

It has also been the case that, until recently, law enforcement authorities have become involved in competition manipulation cases largely on a reactive rather than proactive basis, with monitoring and intelligence gathering principally carried out by sports organizations and betting entities. Furthermore, another barrier to the successful investigation of competition manipulation is the low number of cases resulting in prosecution and sentencing.

The efficiency and effectiveness of judicial institutions in relation to the carrying out of investigations is also important. Knowing in advance about sentencing powers, procedures and associated issues that will determine when a case will be heard is critical when deciding which jurisdiction should take the lead in any investigation.⁶⁷

If betting is legal and regulated in a given jurisdiction, it can, to some extent, aid and facilitate access to betting data that may be useful for conducting an investigation into competition manipulation for betting purposes. It may also be possible, depending on data protection laws, to obtain information

⁶⁷ UNODC, *Resource Guide on Good Practices in the Investigation of Match-Fixing* (New York, 2016).

from betting operators on people who have placed suspicious bets. However, data protection laws should not be used as an excuse for inaction when it comes to investigating competition manipulation.⁶⁸

It should also be noted that international sports organizations such as IOC, FIFA, ICC and ITIA and regional sports organizations such as UEFA and AFC have created integrity units to protect the integrity of their respective sports. These units have the power to support disciplinary investigations, including the gathering of evidence and the collection of data that can be used before a tribunal or a court to prove competition manipulation.

2.4 SANCTIONS

It has been shown that the perceived likelihood of detection and enforcement, not the severity of the sanctions imposed, has the strongest impact on the behaviour of those involved in illicit activities.⁶⁹ This also applies in the case of competition manipulation.

Criminal sanctions following a criminal investigation can result in fines or even custodial sentences for those who are directly involved in a sport (i.e. a referee or a player), and can be effective in sanctioning those who have no official role in a sport (i.e. are not members or employees of a sports organization).

However, in parallel or independently of any criminal investigation, sports disciplinary frameworks may also be used to impose sanctions. Typically, such frameworks use a lower burden of proof⁷⁰ and can result in very strong sanctions, including a lifetime ban, which can be effective prevention measures for those on which such sanctions can be imposed (e.g. players and members of a sports organization). Such sanctions are typically prescribed within the rules and regulations of sports governing bodies and IOC has issued its "Guidelines for Sports Organization on the Sanctioning of Competition Manipulation".

⁶⁸ Council of Europe, "Convention on the Manipulation of Sports Competitions (Macolin Convention) – Group of Copenhagen: Macolin Convention Data Protection Principles (draft v.2)", 5 June 2020.

⁶⁹ Christine Parker, "Criminal Sanctions and Compliance: The Gap between Rhetoric and Reality in Criminalising Cartels", in *Critical Studies of an International Regulatory Movement*, Caron Beaton-Wells and Ariel Ezrachi, eds. (Hart Publishing, 2011).

⁷⁰ Article 3.3 of the "Olympic Movement Code on the Prevention of the Manipulation of Competitions" stipulates that "the standard of proof in all matters under this Code shall be the balance of probabilities, a standard that implies that on the preponderance of the evidence it is more likely than not that a breach of this Code has occurred." IOC, IOC Code of Ethics and Other Texts (2020), p. 80, <https://stillmedab.olympic.org/media/Document%20Library/OlympicOrg/Documents/Code-of-Ethics/Code-of-Ethics-ENG.pdf>.

CONCLUSION AND POLICY CONSIDERATIONS



CONCLUSION

Any effective approach to tackling competition manipulation requires that law enforcement agencies, criminal justice authorities, corruption prevention authorities and relevant officials in sports organizations acquire appropriate knowledge, receive appropriate technical assistance and have access to cooperation mechanisms.

COVID-19 has increased the vulnerability of sport to competition manipulation, as stakeholders across sport and in related industries have been severely affected by the pandemic. Those engaging in competition manipulation have sought to exploit the economic hardship experienced by athletes, coaches and other actors because of the interruption to competitions and earnings. Therefore, tackling competition manipulation in the post-pandemic world requires extra vigilance.⁷¹

However, it is equally important to develop a comprehensive, evidence-based understanding of the nature, scale and scope of competition manipulation to develop and implement effective measures to tackle this problem, especially at the national level. While sports organizations have acquired a good understanding of the threat it poses to the integrity of sport, the threat it poses to society in general, especially through the interlinkages it has with organized crime, illegal betting and other anti-social behaviours, is less well understood. To understand these types of threats, especially how they impact on young people and vulnerable groups, is key to developing responses and initiatives that can ensure the positive contribution of sport to the Sustainable Development Goals.

Many initiatives and services exist that can help sport organizations tackle the problem. Notably, in terms of technology, the detection and monitoring of this type of

corruption stands out as particularly sophisticated when linked to analysing data connected to betting-related manipulation. However, activities linked to tackling the problem in sporting contexts where there is less monitoring, such as youth, amateur, women's and lower-level competitions, need further development and support.

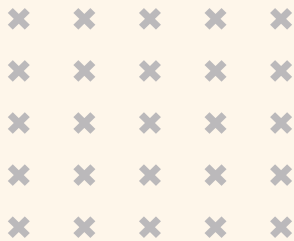
While prevention-focused activities remain the most important way of tackling the problem, they need to be combined with more stringent efforts on investigation and appropriate sanctions involving the criminal justice system. The number of reports indicating suspicious activity, in particular given the growth of betting, suggest that the risk of competition manipulation to all sports is increasing.

POLICY CONSIDERATIONS

Governments can strengthen efforts to tackle the manipulation of sports competitions by:

- » Implementing the provisions of the United Nations Convention on Transnational Organized Crime and the Protocols Thereto, the United Nations Convention against Corruption and other relevant international treaties
- » Supporting more effective application of existing legislation to the manipulation of sports competitions or, where appropriate, supporting the development of specific legislation to criminalize the manipulation of sports competitions
- » Providing specialized capacity-building activities for sport organizations, law enforcement officials and corruption prevention and criminal justice authorities on preventing, detecting, investigating and prosecuting the manipulation of sports competitions
- » Supporting the development and implementation of reporting mechanisms in sport
- » Continuing and increasing, where possible, the organization of awareness-raising sessions for officials from relevant government entities, sports organizations and related stakeholders on the threat posed by competition manipulation, with a focus on youth, vulnerable groups and women's sports
- » Strengthening coordination and cooperation at the regional, interregional and global levels among and between Governments and sport organizations, both

⁷¹ UNODC, IOC and INTERPOL, "Preventing corruption in sport and manipulation of competitions", 2019.



multilaterally and bilaterally. At the national level, there is need for strong cooperation frameworks with the participation of sport, law enforcement and criminal justice authorities and other relevant State authorities

- » Ensuring the existence of adequate regulatory powers to compel betting operators to have in place robust suspicious-betting monitoring mechanisms and obligations to report such information, or disclose it when demanded, in support of investigations
- » Establishing a national cooperation framework to promote cooperation, coordination and the exchange of information among relevant government entities, in particular law enforcement and criminal justice authorities, and between sports governing bodies and sports betting entities, to help detect, investigate, prosecute and disrupt competition manipulation, while bearing in mind that a law enforcement investigation and a sport disciplinary investigation should, to the extent possible, be run in parallel and in a coordinated manner
- » Conducting assessments and analyses of the role of organized criminal groups in competition manipulation
- » Supporting programmes, projects, task forces, expert groups and existing initiatives that promote and enhance cooperation and the exchange of information and good practices between sport organizations, law enforcement authorities, criminal justice and corruption prevention authorities, lawmakers and policymakers, including through the INTERPOL Match-Fixing Task Force and the UNODC Programme on Safeguarding Sport from Corruption and Crime

Sport organizations can strengthen efforts to tackle the manipulation of sports competitions by:

- » Establishing and implementing rules, standards and regulations on tackling competition manipulation that comply with the Olympic Movement Code on the Prevention of the Manipulation of Competitions
- » Establishing and implementing sustainable and measurable sports integrity programmes for members and relevant stakeholders, including the prioritizing of awareness-raising among sports persons and other personnel, developing and implementing reporting mechanisms in sport, and promoting existing mechanisms among relevant stakeholders

- » Encouraging actions to implement educational and sensitization modules and reporting mechanisms for competition manipulation approaches, aimed at sports administrators, players and referees
- » Strengthening cooperation with Governments and inter-governmental organizations with regard to the exchange of knowledge about competition manipulation, and supporting, where feasible, legislative efforts aimed at tackling competition manipulation
- » Ensuring adequate resources and support is provided to youth, women's, lower-league, exhibition and friendly competitions and games
- » Ensuring strict security measures are employed at sports venues and the hotels used by key actors during matches and competitions to stop approaches by those engaged in competition manipulation
- » Incorporating stricter rules for establishing private leagues and accepting private equity in sport, and applying robust compliance measures, including background checks coordinated with law enforcement on team owners and investors, and setting out team and league ownership norms to prevent one team from exercising any control or influence over a league or another team from internal and external sources, including affected stakeholders

Betting operators and monitoring companies can strengthen efforts to tackle the manipulation of sports competitions by:

- » Supporting sports organizations and government agencies in their fight against competition manipulation using investigation and intelligence tools
- » Establishing and implementing compliance programmes for members and relevant stakeholders, including conflict-of-interest and inside-information provisions
- » Establishing suspicious-betting monitoring mechanisms and reporting such suspicious activity to relevant government authorities



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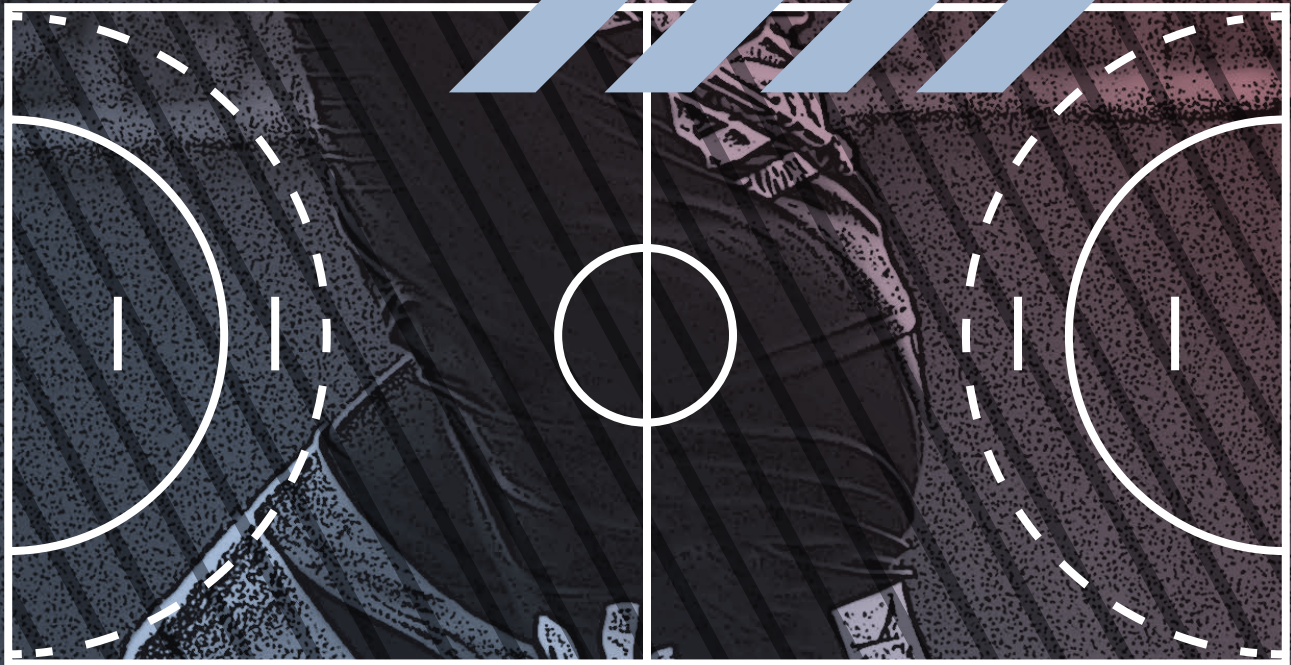
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GLOBAL REPORT ON CORRUPTION IN SPORT

ILLEGAL BETTING AND SPORT

9





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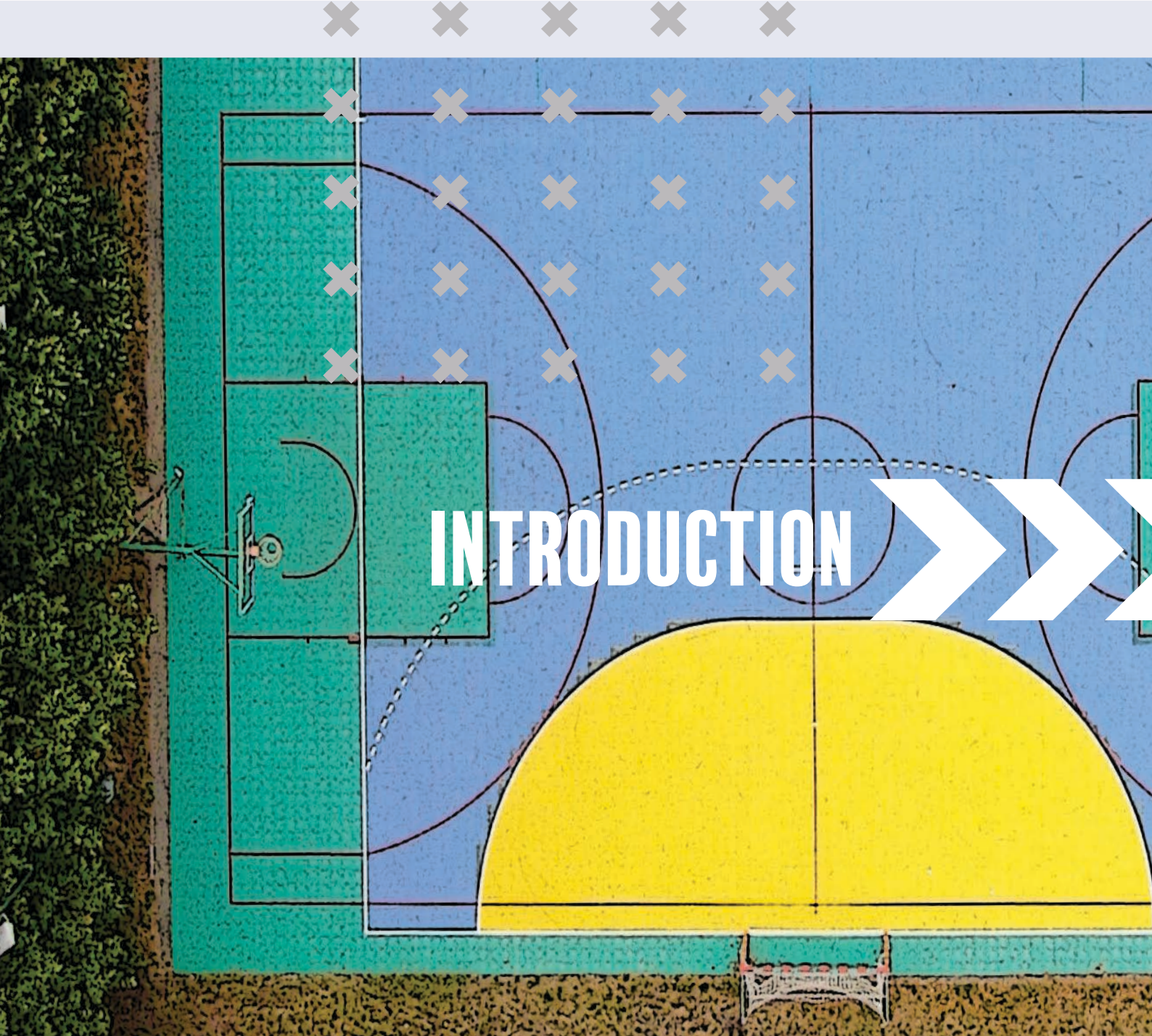
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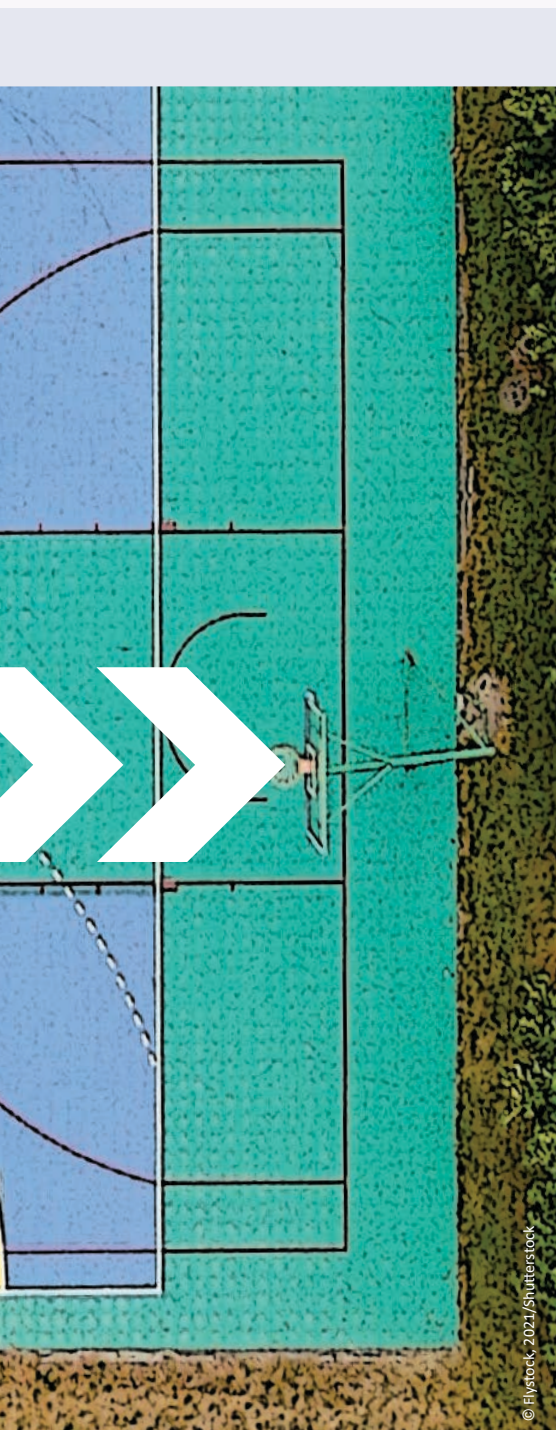
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INTRODUCTION





INTRODUCTION

Illegal betting and the related manipulation of sport competitions are major threats to the integrity of sport and to its nature. The role of illegal betting in sports in money-laundering has become a global problem and the financial scale of the problem is such that illegal betting is not only a major driver of corruption in sport, but also a major channel for money-laundering.

While the clandestine nature of money-laundering makes it difficult to estimate the amount of money that is laundered, the amount laundered globally in one year is estimated to be between \$800 billion and \$2 trillion, equal to between two and five per cent of global gross domestic product (GDP).¹ Hence, government agencies, sports governing bodies, and national and international sports organizations must take a coordinated approach to tackling these threats.

The objective of the section is to give an overview of illegal betting and related issues, in particular money-laundering, and to identify international, regional and national initiatives to tackle these problems. Good practices and case studies are presented in the section, as are policy considerations for Governments and betting regulators.

¹ UNODC, "Money Laundering".

1. >>>>

OVERVIEW OF ILLEGAL BETTING AND MONEY-LAUNDERING ISSUES IN SPORT

1.1 KEY CHARACTERISTICS OF LEGAL AND ILLEGAL BETTING MARKETS

1.1.1 LEGAL BETTING MARKET ON SPORTS

The global legal betting market on horse racing and sports in 2020 was estimated to be worth \$40 billion. The largest global market was Asia, where bets worth \$19.6 billion were made, followed by Europe with \$15.2 billion, North America with \$2.3 billion, Oceania with \$1.7 billion, Africa with \$751 million and Latin America with \$335.9 million. The growth of the legal online betting market is attributed to rising Internet penetration, increasing mobile phone use, easier access to online gambling, cultural approval and the significant proliferation of corporate sponsorships and celebrity endorsements.²

Legal sports betting continues to grow as new markets open up. In 2018, the Supreme Court of the United States of America ruled that state governments could authorize commercial sports betting, which had been banned under federal law since 1992.³ The Professional and Amateur Sports Protection Act was initially aimed at outlawing sports betting across all parts of the United States, because of “the harms it [sports betting] inflicts are felt beyond the borders of those States that sanction it.”⁴ It was later declared unconstitutional.⁵ By 2020, 18 states had allowed the opening of regulated sports betting markets, leading to legal betting on sports of over \$20 billion in this two-year period alone.⁶ More states are preparing similar reforms.

The strength and scale of the illegal betting market in the United States is indicated by findings from a 2020 survey by the American Gaming Association that showed that 52 per

cent of bettors participate in the illegal market, and that 82 per cent were surprised to learn that they were making bets on illegal betting websites.⁷

The sports that are the most popular for betting are often those that are the most popular with sports fans around the world. In 2020, the most followed sports were football (soccer), basketball, volleyball, tennis, motorsports, cycling, extreme sports, mixed martial arts, badminton, baseball, golf, ice hockey, rugby and cricket.⁸ Naturally, audience levels vary in different countries. For example, in India, 93 per cent of all sports viewers watch cricket,⁹ while in the United States the most viewed sports are American football, basketball and baseball.¹⁰ Betting on sports is strongly linked to the viewing of sports and hence, televised games and events are key to sports-related betting turnover.

Globally, the e-sports audience is estimated to have grown from 281 million viewers in 2016 to 380 million viewers in 2018. The total is forecast to reach 557 million viewers for 2021 and is a lucrative new betting market.



Betting on sport differs according to the sport, depending on if it is a team game or a game between two individual players, or a race or a game of skill. The betting industry provides bet types for all sports, involving people (e.g. football and tennis), animals (e.g. horse racing) and vehicles (e.g. motor-sport). The availability of a range of types of bets is a common feature across both legal and illegal betting markets, although there tend to be more in illegal markets because there are no regulatory restrictions on operators. Some examples of bet types in major sports are as follows:

² H2 Gambling Capital, Global Summaries.

³ Adam Liptak and Kevin Draper, “Supreme Court ruling favors sports betting”, *New York Times*, 14 May 2018.

⁴ Bill Bradley, “The Professional and Amateur Sports Protection Act: policy concerns behind Senate Bill 474”, *Seton Hall Journal of Sport Law*, vol. 2, No. 5 (1992).

⁵ *Murphy v. National Collegiate Athletic Association*, 138 S. Ct. 1461 (2018).

⁶ David Purdum, “Sports betting’s growth in U.S. ‘extraordinary’”, *ESPN*, 14 May 2020.

⁷ American Gaming Association, “2020 Survey of American Sports Bettors”, 21 July 2020.

⁸ The Nielsen Company, “How the world’s biggest sports properties engaged fans in 2020” (2021).

⁹ Broadcast Audience Research Council (BARC) India, “Cricket in India: it’s not just a game”, *THINK Newsletter* 2019.

¹⁰ Jim Norman, “Football still Americans’ favorite sport to watch”, *Gallup News*, 4 January 2018.

FIGURE I. EXAMPLES OF TYPES OF BETS THAT CAN BE PLACED IN FOOTBALL, TENNIS AND HORSE RACING

	FOOTBALL	TENNIS	HORSE RACING
BET TYPE	<ul style="list-style-type: none"> » Team A wins » Team B wins » Draw (tie) » Half-time score » Full-time score » Both teams score 	<ul style="list-style-type: none"> » Match winner » Tournament winner » Set winner » Set correct score » Total tie breaks » Most aces served » Total double faults 	<ul style="list-style-type: none"> » Win » Place (1st, 2nd or 3rd) » Quinella (1st and 2nd, any order)

These are just a few examples of the many different bet types available on sports. Betting operators around the world constantly update their betting products to attract customers. While legal betting operators usually abide by regulations with regard to the variety of betting markets and bet types they can offer in territories where those regulations exist, illegal operators do not.¹¹

COURTSIDING

Courtsiding is when a spectator at a match or a game relays details of the match or the game instantaneously to overseas betting entities, which may take advantage of the information and slightly delayed broadcasting times to manipulate betting markets to their advantage.

Notably, while several sports prohibit courtsiding at events (e.g. tennis, cricket and basketball), the legal debate over whether courtsiding is influencing a "betting outcome" and as such should be made illegal is ongoing.



¹¹ Asian Racing Federation, *Good Practices in Addressing Illegal Betting: A Handbook for Horse Racing and Other Sports to Uphold Integrity* (January 2021), e-book.

1.1.2. CHARACTERISTICS OF ILLEGAL BETTING

Integral to understanding the impact of illegal betting is its definition, which, in common with other transnational crimes, is not consistent or universally agreed upon. However, in order to bring more clarity to the definition of illegal betting, the following categorizations can be used to describe sports betting activity:

- a. White market: betting operators licensed to operate in all jurisdictions in which they take bets
- b. Grey market: betting operators licensed in at least one jurisdiction but take bets in areas where the betting product is illegal
- c. Black market: unlicensed betting operators that operate in multiple jurisdictions and can be understood as a form of transnational organized crime

While illegal betting takes place in both grey and black markets, the licensing framework for grey market operators is often opaque. Notably, over the last 20 to 30 years, a licensing system has developed in which several jurisdictions provide a licence for online betting operators, which is used by many operators to justify their online cross-border business.

The licensing system for gambling entities that operate globally on the Internet lends itself to abuse by unlicensed operators, which claim to be licensed by a jurisdiction. This situation illustrates why the regulation of Internet-based gambling requires a cross-State approach in order to be effective. With so many online betting operators taking bets in multiple jurisdictions, it is increasingly difficult to determine which are legal and which are not, except from the narrow position of whether the operator is licensed in the jurisdiction where the point of sale takes place.

"A betting operator licensed in one jurisdiction (for example the Philippines or Malta), markets to and takes bets from customers in jurisdictions where its product is illegal. This is illegal betting as defined above, but these operators argue they are not acting illegally since they have a licence."

Illegal betting operators are subject to none of the anti-money-laundering oversight measures present in the legal betting or financial industries (notably some of these measures are used by transnational organized criminal groups to make proceeds of crime appear to be profits from licensed betting operations). For example, in 2015, police in Italy took action against an organized crime syndicate that used a network of 1,500 betting shops, 82 Internet sites and eleven gambling companies in Austria, Malta, Romania and Spain as a front for money-laundering.¹²

1.1.3 GROWTH OF ILLEGAL BETTING ON SPORTS

Over the past two decades, illegal online betting has expanded as a result of the massive growth in Internet use, the globalization of sports viewing and the consequent popularity of betting on sports in countries with limited legal gambling industries.

The Internet has allowed the operators of online gambling platforms to reach larger audiences in locations where gambling is considered illegal. The operators often exploit existing political or legal situations to strategically host online gambling platforms in these locations where they cannot be easily spotted by local authorities. Gambling interfaces, which could act as proof of illegal activity, are often placed behind doorways and access has to be manually provided through an agent, which performs the additional verification of potential customers. This illegal activity includes money-laundering through betting by abusing services provided by bookmakers, the selling of compromised accounts of sports and bookmaker companies, the hacking of prominent betting operators to gain competitive intelligence and the running of independent illegal betting operations online.¹³

Further to this, public forums, underground forums and social media and messaging platforms are playing a significant role in the globalization of illicit activities, including competition manipulation and illegal betting. Forums and

social media platforms are mostly used for discussions and promotions of services and initial contacts, while messaging platforms are used for private peer-to-peer communication, invite-only group discussions and real-time betting.

The use of cryptocurrencies and cryptocurrency mixing services in the context of illegal betting are also an emerging issue. They offer a reliable and almost untraceable international money transfer mechanism that can be used for betting purposes, as many betting sites now accept cryptocurrencies as a form of payment.



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¹² Caroline Muscat and Matthew Xuereb, "Malta gaming firms at centre of Mafia probe", *Times of Malta*, 23 July 2015.

¹³ Daniel Lunghi and others, *Uncovering DRBControl: Inside the Cyberespionage Campaign Targeting Gambling Operations*, Trend Micro Research (2020).

1.2 THE RELATIONSHIP BETWEEN MONEY-LAUNDERING AND ILLEGAL BETTING ON SPORTS

The threat posed to sports by illegal betting is amplified by the increasing amount of money-laundering that is associated with this illicit activity. Estimates about the scale and scope of illegal betting vary, with some estimating that up to \$140 billion is laundered through sports betting every year¹⁴ and that the amount wagered on illegal betting markets is between \$340 billion and \$1.7 trillion.

Further to this, the Asian Racing Federation (ARF) has stated that “the illegal sports betting market is at least as big as the legal market in terms of margin (the portion of wagers kept by the bookmaker, i.e. customers’ losses)” and that “it is estimated that as many as 80% of sports and racing bets worldwide are made illegally.” Given the scale of illegal betting turnover, the industry is highly attractive to transnational organized criminal groups as means of money-laundering.

To combat this problem, it is vital to understand the nature of money-laundering relating to illegal betting from a criminal justice perspective, including the role played by transnational organized crime.

Money-laundering risks relating to casino gambling are generally well understood and many jurisdictions have anti-money-laundering programmes to minimize this risk.¹⁵ However, in many jurisdictions, particularly in offshore tax havens, such anti-money-laundering oversight is absent or ineffectual.

The huge growth in online illegal betting has been accompanied by a significant rise in money-laundering. The efficiency of online illegal betting allows it to be used as a vehicle for laundering money. Europol has stated that the “widespread use of cash couriers, money service businesses and increasingly e-wallets payment service providers are used to transfer the proceeds of crime linked to sports corruption cases and to fuel online betting accounts for large-scale competition manipulation”.¹⁶

¹⁴ Christian Kalb and Pim Verschuuren, *Money Laundering: The Latest Threat to Sports Betting?* (Paris, IRIS Editions, 2013).

¹⁵ “With the exception of casinos, and following an appropriate risk assessment, Member States (EU) may decide to exempt, in full or in part, providers of certain gambling services from national provisions transposing this Directive on the basis of the proven low risk posed by the nature and, where appropriate, the scale of operations of such services” (Art. 2, para. 2, Directive (EU) 2015/849).

¹⁶ Europol, *The Involvement of Organised Crime Groups in Sports Corruption* (August 2020).

Illegal betting can be used as a vehicle for money-laundering using the following approaches:¹⁷

- » The depositing of proceeds of crime into a betting account and the withdrawal of funds as winnings, with a commission deducted by the betting operator
- » The establishment of an offshore company, either directly or through associates, its application for an online betting licence from a loosely regulated jurisdiction, and the laundering of proceeds of crime through the online illegal betting website, as well as the commingling of any legitimate profits, which are returned to the banking system
- » The establishment of an online illegal betting website without a licence, with the website taking no public bets but being used for the placement of proceeds of crime and the subsequent distribution of funds to others
- » Collusion with professional gamblers, whereby gamblers bet proceeds of crime on online betting websites, retaining a commission, before returning winnings
- » The depositing of proceeds of crime into an e-wallet, which is then used to transfer money into an online gambling account, with the winnings deposited back to the e-wallet for use for other online transactions

1.3 USE OF ILLEGAL BETTING ON SPORTS BY ORGANIZED CRIME GROUPS

Illegal betting markets are attractive for organized crime groups for the purpose of betting-related competition manipulation and money-laundering because of the greater anonymity, greater liquidity and better return on investment that they offer.

Europol stated that “Asian criminal syndicates are an “engine” of match-fixing. This is particularly due to the fact that approximately 65 per cent of the worldwide betting market is in Asia, in both regulated and unregulated or illegal sectors (the latter is reportedly ten times larger than the former).”¹⁸

While the major betting markets are in Asia, the organized criminal groups involved in money-laundering and corruption in sport are located around the world.

Criminals are involved in illegal betting on sports not only to launder gains from other criminal activity,¹⁹ but also because

¹⁷ Moneyval, *The Use of Online Gambling for Money Laundering and the Financing of Terrorism Purposes* (April 2013).

¹⁸ *Ibid.*

¹⁹ Fausto Martin De Sanctis, *Football, Gambling, and Money Laundering: A Global Criminal Justice Perspective* (Cham, Springer, 2014).

the return on investment is consistently very high. The operation of illegal betting on sports and other gambling platforms generates a high rate of return for organized crime groups because overhead costs are very low and the risks involved are far lower than compared to other serious criminal activity, such as drug trafficking.

Organized crime groups also increasingly exploit, especially in Europe, regulated betting operators by coordinating large betting activities in multiple countries with the extensive use of “betting mules”. Betting mules are used to create multiple online betting accounts (up to thousands), using identity theft, in order to comply with the limited staking limits imposed by regulated betting operators. The betting mules are then used to bet on manipulated matches. Alternatively, organized crime groups may take direct ownership of these operators (“criminally controlled gambling operators”), using them for money-laundering purposes.



Organized criminal groups in Asia are central to the global growth of illegal betting on sports and related corruption. Such is the scale of illegal betting markets in Asia and the financial returns on offer that organized crime groups in Europe also make use of this network. In addition, the multi-layered nature of Asian betting markets, which operate according to a pyramid structure (from the apex: bookmakers, super master agents, master agents and basic agents, with each level providing credit to the next one down), provides cut outs and anonymity for customers.²⁰ This diverse and complex structure is another major factor in the facilitation of money-laundering.

²⁰ Europol, *Involvement of Organised Crime Groups*.

1.4 CRYPTOCURRENCY AND ILLEGAL BETTING

Cryptocurrencies are based on blockchain technology, which is a decentralized ledger of all transactions across a peer-to-peer network, through which users can confirm transactions without the need for a bank to clear them.

Cryptocurrencies are increasingly popular for use in online betting. As a cryptocurrency is both secure and a form of electronic cash, it is ideal for use in online transactions. However, as cryptocurrencies can be used in peer-to-peer transactions without the involvement of a bank, there are significant risks relating to anonymity and how this enables transactions to be used for illegal purposes. Although the value of cryptocurrencies has fluctuated hugely, as established banks become more involved in facilitating the purchase of cryptocurrencies, there is growing confidence in their use for online betting. Instant peer-to-peer payment systems, also known as P2P payments or money transfer apps, which work with over hundreds of financial institutions, can be used to buy Bitcoin, which can be transferred to an account with a sports betting operator.

These systems allow anonymity, because they can be used across the Internet and therefore on a global scale, and because they have complex infrastructures involving multiple entities that leaves anti-money-laundering responsibilities unclear.²¹

In February 2020, the Asian Football Confederation and Sportradar reported that traditional payments from financial institutions and wire transfers were increasingly being made using cryptocurrencies.²²

The use of cryptocurrencies to facilitate illegal betting payments and related money-laundering has been reported in China. In October 2020, 77 people were arrested for using Tether, a cryptocurrency linked to the value of the United States dollar, in cross-border transactions to launder gambling proceeds worth nearly 120 million yuan.²³ It was reported that most of the Tether transactions were made on Huobi, a Seychelles-based cryptocurrency exchange, and that illegal online gambling sites were using gamblers' funds to buy Tether on Huobi and then selling the cryptocurrency, thus laundering the funds into legitimate cash accounts.²⁴

²¹ Financial Action Task Force (FATF), *Virtual Currencies: Key Definitions and Potential AML/CFT Risks* (Paris, 2014).

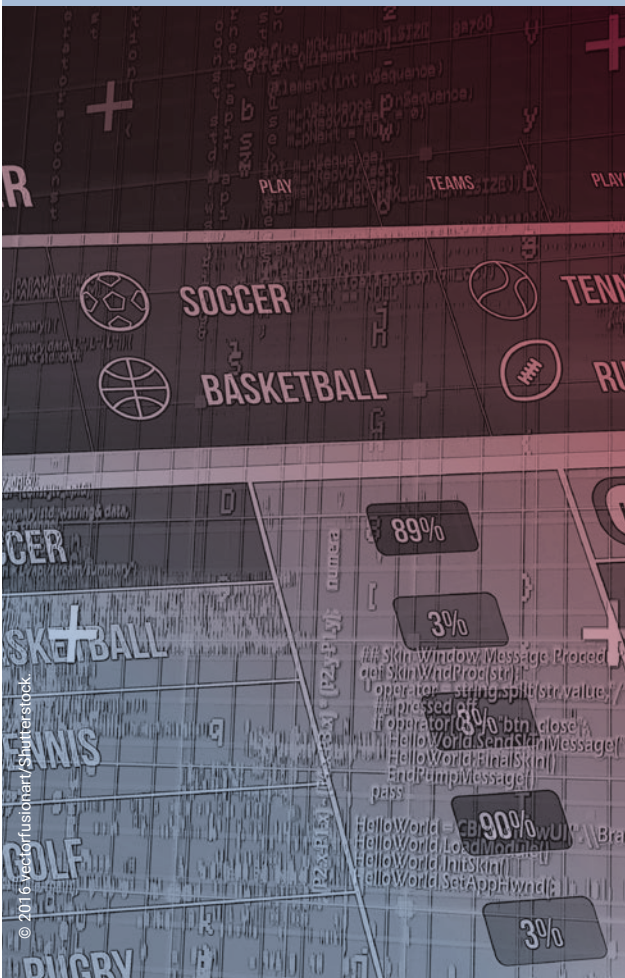
²² Reuters, “Asia sees sharp decline in match-fixing says AFC” 14 February 2020.

²³ Zhang Yuzhe and Denise Jia, “How illegal online gambling launders \$153 billion from China”, Caixin, 21 December 2020.

²⁴ Ibid.

CASE STUDY: CRYPTOCURRENCIES AND BETTING IN MALTA

The Malta Gaming Authority (MGA) launched the first phase of the *Guidance on the use of Innovative Technology Arrangements and the acceptance of Virtual Financial Assets and Virtual Tokens through the implementation of a Sandbox Environment* (the Sandbox Framework) in January 2019. By means of the first phase, licensed gaming operators were enabled to accept cryptocurrencies as a means of payment. This was followed by the launch of the second phase in September 2019, which allowed operators to make use of other innovative technology arrangements, including distributed ledger technology platforms and smart contracts. MGA aimed to address the risks that are inherent to cryptocurrencies by listing specific requirements in the Sandbox Framework.



2. >>>>

EXAMPLES OF INITIATIVES ON TACKLING ILLEGAL BETTING ON SPORT

In 2020, at the Conference of States Parties to the United Nations Convention against Corruption, Governments were invited to provide information on initiatives and practices to address corruption in sport and to support the implementation resolution 8/4 on safeguarding sports from corruption. In addition to the responses received related to tackling illegal betting on sport, data from official sources and academic journals, studies and articles are also used in this section.

While no region is immune to the problem of illegal betting, available evidence suggests that Asia-Pacific States are particularly affected by both the supply of and demand for this type of illicit activity. It is also strongly suspected that illegal betting is a growing problem in African States and Latin American and Caribbean States, however, information on related trends and developments is limited.

2.1 ASIA-PACIFIC STATES

Many major illegal betting operators are based in Asia, where there is a large customer base in countries where a limited number of or no legal betting products are available.²⁵ Illegal online betting on sports has also been driven by the massive expansion of the customer base in Asia, which has led to the growth of illegal online betting operators in the region, which have then expanded their business to markets in the rest of the world.

The growth of illegal online betting on sports in Asia is attributed to a number of related factors. Firstly, between 2002 and 2007, most countries in Asia experienced significant economic growth. For example, Indonesia, Malaysia, the Philippines, the Republic of Korea, Singapore and Thailand, and Hong Kong, China all recorded average annual GDP growth of over 5 per cent, while India posted growth of 7.3 per

²⁵ Anti-Illegal Betting Taskforce, Asian Racing Federation, "Illegal betting in an Asian context", White Paper, September 2018.

cent and China of 10.5 per cent.²⁶ This growth led to a corresponding increase in disposable income for a large number of people across the region, giving them more money to spend on betting, which is a popular recreational pursuit.

Secondly, mobile Internet access in Asia grew hugely after 2000, again largely as a result of the increase in disposable income. In 2000, the total number of people in Asia with Internet access was estimated at 114 million; by mid-2021, it had risen to almost 2.8 billion.²⁷ This provided illegal online betting operators with a platform to deliver their betting products to customers. In addition, televised European

football, in particular games from the English Premier League, has become widely popular in the region, creating a fan base of hundreds of millions.

CHINA

In Hong Kong, China, the primary legislation governing betting on sporting events and gambling is the Gambling Ordinance, which dictates that gambling is unlawful unless the act falls within one of the exemptions under the statute.²⁸ The only licenced betting on sport permitted in the jurisdiction is through the Hong Kong Jockey Club, which provides betting on horse racing and football.

CASE STUDY: CASINO JUNKET OPERATIONS IN MACAU, CHINA AND LAW ENFORCEMENT ACTION ON ILLEGAL BETTING AND RELATED MONEY-LAUNDERING

Casino junket operations in Macau, China are used for the laundering of illicit funds, which are estimated by the Macau University of Science and Technology to total at least \$202 billion every year.

Casino junket operations in Macau, China allow customers to gamble in casinos. In Macau, China, there are six licenced casino operators, which sub-let rooms in casinos to VIP room promoters, who are junket operators. These junket operators have a network of agents that find customers, check their credit, give credit for gambling and collect debts. This activity can be legally problematic because gambling is largely illegal in China and the collection of gambling debts is not legally enforceable. Hence, junket operations and their agents exist in a grey area of gambling debt collection.

Casino junket operators have been reportedly involved in illegal betting for many years, either through the provision of bet settlement for customers or by directly operating online betting websites.

Casino junket operations in Macau, China provide an ideal channel for the laundering of illicit funds, estimated by the Macau University of Science and Technology to amount to at least 1.57 trillion Hong Kong dollars every year. The transfer of funds from junket operations is disguised as bona fide casino winnings or as unrelated payments between clients and junket debt collectors in China. In this regard, junket operations in Macau, China not only transfer casino gambling debts out of China, but also facilitate the transfer of other illicit funds as part of a money-laundering service.

The authorities in China have become aware of the extent of this activity and since 2019, there has been a crackdown on underground bank fund transfers and cross-border illegal betting, as well as authority-led criticism of junket operations in Macau, China. This has led the junket operations in Macau, China to diversify their operations, expanding into other parts of Asia, which has enabled them to operate informal fund transfer systems on a wider scale. The largest casino junket operations from Macau, China now have operations in Australia, Cambodia, Myanmar, the Philippines, the Republic of Korea and Viet Nam.

The expansion of these junket operations across Asia has been widely reported. In December 2020, law enforcement officers in Macau, China arrested four people for alleged involvement in running cross-border casinos in South-East Asia and maintaining online gambling websites, which were believed to have generated profits of at least 100 million Macau Pataca (\$12.5 million). The suspects had put together a family-style online betting syndicate based in China and Macau, China, and had attempted to hide the activity of the syndicate by masquerading as technology and advertising companies in Zhuhai, China and Macau, China. It is believed that the group had assisted other criminal groups in South-East Asia, including ones in Cambodia and Thailand, in setting up gambling websites. It is alleged that the group provided daily maintenance services for several illegal gambling websites, including those impersonating gaming operators from Macau, China.

This raid on the illegal betting websites is the latest in a series of actions by law enforcement to crackdown on illegal gambling in Macau, China. As of November 2020, 125 websites linked to illegal gambling or fraud had been identified. However, local police had been able to act against only 97 websites because the rest were hosted overseas and beyond the reach of the local authorities.

²⁶ Yiping Huang and Bijun Wang, "From the Asian Miracle to an Asian century? Economic transformation in the 2000s and prospects for the 2010s", Reserve Bank of Australia, Conference – 2011.

²⁷ Internet World Stats, Usage and Population Statistics, "Internet 2021 Usage in Asia".

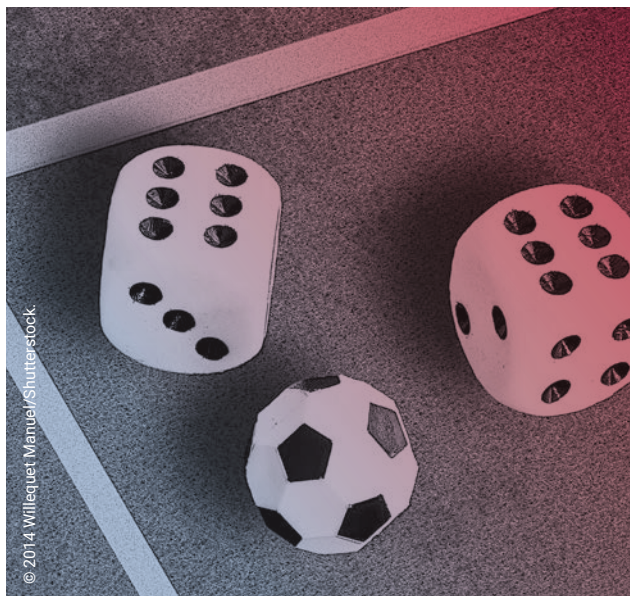
²⁸ Gambling Ordinance, [17 February 1977], L.N. 44 of 1977.

THE PHILIPPINES

The Philippines has been a hub for online betting operators in Asia for over two decades. Online gambling licences were first issued in the northern province of Cagayan but were later centralized under the Philippine Amusement and Gaming Corporation (PAGCOR). On 1 September 2016, with government approval, PAGCOR approved regulations that gave them the authority to issue licences to offshore online betting operators.

The Philippines Anti-Money Laundering Council has also warned of an “increasing level of threat to money laundering and other fraudulent activities” in the country’s online gaming industry as a result of unregulated and unsupervised service providers.²⁹

The reason for introducing this type of licence is to curb illegal online betting in the country, ensuring online games are properly regulated. Applicants for the new Philippine Offshore Gaming Operators licence are required to pay a \$50,000 processing fee on application for an e-casino licence and \$40,000 for a sports betting licence.³⁰ On approval, applicants pay another \$200,000 for an e-casino licence and \$150,000 for a sports betting licence.³¹ Licensees are only allowed to accept bets from bettors based outside of the territorial jurisdiction of the Philippines.³²



²⁹ Republic of the Philippines, Anti-Money Laundering Council, “Understanding the internet-based casino sector in the Philippines: a risk assessment”, March 2020.

³⁰ Doris Dumlaog-Abadilla, “Pagcor rolls out offshore gaming”, Philippine Daily Inquirer, 14 September 2016.

³¹ Ibid.

³² Ibid.

The popularity of Philippines Offshore Gaming Operators licence, with licensees now numbering around 60, has led to the country becoming a centre for online gambling, attracting around 100,000 Chinese nationals to work in the industry.³³ Although the regulations stipulate that customers must be located outside of the Philippines in jurisdictions where online gambling is allowed, it is estimated that over 90 per cent of customers are in China, where it is illegal to bet online.³⁴

2.2 EASTERN EUROPEAN STATES, WESTERN EUROPEAN AND OTHER STATES

The popularity of betting is also on the rise in Europe. For instance, in the United Kingdom, a gross gambling yield of 14.3 billion pounds sterling was generated between October 2018 and September 2019, with a large amount of revenue from online gambling.

There is no specific European Union legislation on sports betting. European Union member States are responsible for drawing up their own gambling laws, as long as this legislation does not infringe upon the freedoms to provide services or to open a business in another country in the European Union.

AUSTRALIA

The Government of Australia has a national policy on competition manipulation that articulates the roles of government departments, sports organizations and the betting industry, and commits to nationally consistent legislation with regard to competition manipulation.

In Australia, online gambling, which includes sports betting, is regulated at the federal level by the Interactive Gambling Act 2001, which is used to set the general online gambling policy for the country. Australian states and territories individually regulate online gambling in their jurisdictions in accordance with the principles set out in the Interactive Gambling Act 2001. The federal law makes it illegal for gambling providers to offer online casinos, in-play sports betting, sports betting services that do not have an Australian licence and betting on the outcome of a lottery.³⁵

³³ Julie Zaugg, “Philippines casinos catering to illicit Chinese gamblers are causing kidnappings and chaos in Manila”, CNN, 15 June 2020.

³⁴ Ibid.

³⁵ Australian Communications and Media Authority (ACMA), “About the Interactive Gambling Act”.

The Australian Criminal Intelligence Commission (ACIC), the national criminal intelligence agency for Australia, reported in 2019 that: "Several international organised crime groups are direct owners of online bookmakers. Multiple opportunities exist for domestic and international criminals to utilise online bookmakers to launder proceeds of crime and profit from the corruption of sporting and racing events. This includes the capacity to bet large amounts of money anonymously through offshore bookmakers."³⁶ ACIC collaborates with other Australian law enforcement agencies, international law enforcement agencies and international organizations to combat organized crime involvement in illegal betting on sports and related money-laundering.

The Victoria State Police has operated a Sporting Integrity Intelligence Unit since 2013. It was formed to investigate allegations of organized crime in sport and money-laundering through gambling markets. The Unit has conducted successful investigations into betting-related corruption in football, tennis and horse racing, and conducts intelligence and deterrence work to prevent sports corruption in Victoria.³⁷

The Review of Australia's Sports Integrity Arrangements³⁸ recommended the development of the Australian Sports Wagering Scheme to streamline current processes and provide clarity, transparency and consistency of the sports wagering regulatory system at the national level. Following a thorough consultation process with key stakeholders, including sports organizations, wagering service providers and state and territory regulators, the Government indicated that it would work towards the development of an appropriate model for streamlined regulation.

CURAÇAO

Curaçao, a territory of the Netherlands, started to issue online e-gaming licences in 1996. A single licence can cover multiple forms of interactive online gambling, including casinos, sports betting, exchanges and lottery.³⁹ The low cost of the licence, at 25,000 euros, and the status of the territory as an offshore financial centre, make Curaçao an attractive base of operations for online betting companies.

This situation is changing as the Government of the Netherlands has reached an agreement with the Government of Curaçao for the latter to confront financial and economic crime, including

better regulation of online gambling. As part of the agreement, the Government of Curaçao has agreed to ensure that its online gambling licencees act in accordance with the laws and regulations of the countries that they target.⁴⁰

MALTA

Malta has a three-tier framework of gambling legislation based on the Gaming Act (2018), regulations published by the ministry responsible for gaming and directives for licensees and rules published by the Malta Gaming Authority (MGA). MGA regularly publishes notices stating that they are not connected to certain online gambling entities and that any reference to MGA and/or gaming licence/s said to be issued by the Authority, as stated by those entities, are false and misleading. The investigations function within the Compliance Directorate of MGA is primarily responsible for investigating matters of a suspicious nature, which include illegal gaming, fraud and other breaches relating to the relevant gaming laws and regulations falling under the remit of the Authority. Many of the cases usually revolve around gaming operations performed to or from Malta or through a Maltese legal entity, without the relevant authorizations. The Anti-Money Laundering Supervisory Unit was set up in 2018⁴¹ and was tasked with the carrying out of supervisory examinations to ensure that gaming licence holders have the necessary policies, measures, controls and procedures in place and that these are effectively being implemented to prevent their businesses for being misused for money-laundering purposes.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

The Gambling Commission of the United Kingdom has published guidelines for licence applicants with regard to the use of crypto-assets and blockchain technology as a currency for gambling or to fund a gambling business.⁴² In November 2020, the Bitcoin-based online casino Peergame announced that it had received an e-licence from the Curacao Gambling Commission that allows customers to place bets directly from their Bitcoin wallets,⁴³ following in the footsteps of others such as sportsbet.io and bicasino.io.

The Gambling Act of 2005, the basis for all gambling regulation, is presently (2021) being reviewed by the Government of the United Kingdom.

³⁶ Australian Criminal Intelligence Commission, *Organised Crime in Australia 2017* (2017).

³⁷ Kieran Murnane and James Moller, "On the frontline: the role and operations of the Victoria Police Sporting Integrity Intelligence Unit", in *Match-Fixing in Sport: Comparative Studies from Australia, Japan, Korea and beyond*, Stacey Steele and Hayden Opie, eds (Abingdon, Routledge, 2018), pp. 187–203.

³⁸ Australian Government Department of Health, "The Review of Australia's Sports Integrity Arrangements".

³⁹ Curacao Egaming, "Packages".

⁴⁰ Steven Stradbroke, "Curacao to rein in online gambling after Netherlands withheld pandemic bailout", CalvinAyre, 11 November 2020.

⁴¹ Christopher Formosa, "The Malta Gaming Authority sets up a new Anti-Money Laundering Supervisory Unit", Malta Gaming Authority, 13 February 2018.

⁴² Gambling Commission, "Blockchain technology and crypto-assets".

⁴³ Derek Tonin, "Peergame receives world's first Bitcoin SV gambling license from Curacao", CalvinAyre, 13 November 2020.

ISLE OF MAN

The Isle of Man, which is a British Crown dependency, introduced legislation specifically designed to benefit gambling and e-gaming firms in 2001. Online gambling licence holders are regulated by the Gambling Supervision Commission, which provides a regulatory service for licence holders that agree to not take bets from customers in the United Kingdom. In addition to the United Kingdom, there are a limited number of other locations from which bets cannot be taken, but licence holders are free to take bets from everywhere else.

SWITZERLAND

The Federal Gaming Commission is the supervisory authority for casinos. It monitors compliance with casino law and licensing regulations. It is also responsible for prosecuting illegal gambling, by blocking access to illegal online offers and by prosecuting criminal offences involving illegal gambling. The Swiss Gambling Supervisory Authority aims to ensure that players in Switzerland can participate in lotteries, sports betting and skill-based games in a safe and socially responsible manner.

UNITED STATES OF AMERICA

One of the priorities of the Federal Bureau of Investigation (FBI) is to investigate organized crime groups that operate illegal sports betting operations and to disrupt and dismantle these operations. The FBI recognizes that organized crime groups operate illegal betting on sports and use revenue from this activity to fund other criminal activities. In 2015, the then Assistant Director of the FBI pointed out that “in the age of the Internet, what used to be a crime conducted by local bookies on street corners can now operate as an international criminal enterprise.”⁴⁴

Legitimate licensed sports betting operators are increasingly working to comply with betting laws and regulations and anti-money-laundering regulations, following know-your-customer guidelines and carrying out transaction monitoring and suspicious transaction monitoring. This activity is being driven by the increasing growth and globalization of the sports betting industry.

⁴⁴ Joseph S. Campbell (Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation), “Law enforcement implications of illegal online gambling”, Statement before the House Committee on Oversight and Government Reform, Washington, D.C., 9 December 2015.

2.3 RELATED UNITED NATIONS INITIATIVES AND INITIATIVES OF OTHER ORGANIZATIONS

INTERNATIONAL ORGANIZATIONS

In 2016, as a result of the work of Operation SOGA, coordinated by the International Criminal Police Organization (INTERPOL) since 2007⁴⁵, around 4,000 raids were conducted on illegal gambling operators, which handled bets worth \$649 million in China, France, Greece, Italy, Malaysia, Singapore, Thailand and Viet Nam.⁴⁶ Further to this, INTERPOL has also launched Operation HAECHI, a three-year project to tackle cyber-enabled financial crime, including money-laundering associated with illegal online gambling, supported by the Republic of Korea.⁴⁷

The UNODC Programme on Safeguarding Sport from Corruption and Crime is aimed at tackling corruption in sport. Notably, UNODC recognized irregular and illegal betting as a key risk leading to competition manipulation in its 2013 publication, *Criminalization Approaches to Combat Match-fixing and Illegal/Irregular Betting: A Global Perspective*. UNODC has also contributed to the work of the Asian Racing Federation Council on anti-illegal betting and related financial crime. Since 2019, UNODC has included the issue of illegal betting in its capacity-building and awareness-raising workshops and its international conferences held in Vienna.

Since 2011, the European Union Agency for Law Enforcement Cooperation (Europol) has been assisting law enforcement authorities in the European Union with the analysis of data from investigations into corruption in sport. Europol has established the Analysis Project Sports Corruption to coordinate action against corruption in sport. Europol has stated that “online betting is increasingly used by organised crime groups to manipulate sports competitions and criminals usually target lower-level competitions across different sports, with football and tennis the most targeted sports by criminal networks.”⁴⁸

SPORTS AUTHORITIES

In 2011, IOC established the Working Group on Irregular and Illegal Betting in Sport to strengthen cooperation on corruption between sports organizations, Governments and betting agencies, with a focus on action in the areas of education, monitoring and legislation and regulations. The work of the

⁴⁵ INTERPOL, “INTERPOL helps smash illegal soccer gambling networks across Asia”, 23 November 2007.

⁴⁶ INTERPOL, “More than 4,100 arrests in INTERPOL-led operation targeting Asian illegal gambling networks”, 18 July 2016.

⁴⁷ INTERPOL, “Asia: USD 83 million intercepted in INTERPOL operation against online financial crime”, 27 May 2021.

⁴⁸ Europol, “How are organised crime groups involved in sports corruption?”, 5 August 2020.

Group led to the foundation of the IOC Integrity Betting Intelligence Systems (IBIS) in 2014. Through IBIS, regulators and operators provide alerts and relevant information on potential manipulation connected to sports betting on sports events.⁴⁹

A statutory objective of FIFA is to “to promote integrity, ethics and fair play with a view to preventing all methods or practices, such as corruption, doping or match manipulation, which might jeopardise the integrity of matches, competitions, players, officials and member associations or give rise to abuse of association football.” This includes protecting the sport from risks related to illegal (and legal) betting. All officials, referees and players as well as match agents and intermediaries are subject to article 26 of the FIFA Code of Ethics 2020 Edition, which includes the following rules relating to betting:

- » They are forbidden from participating in, either directly or indirectly, betting, gambling, lotteries or similar events or transactions related to football matches or competitions and/or any related football activities.
- » They shall not have any interests, either directly or indirectly (through or in conjunction with third parties), in entities, companies, organizations, etc. that promote, broker, arrange or conduct betting, gambling, lotteries or similar events or transactions connected with football matches and competitions. Interests include gaining any possible advantage for the persons bound by the Code themselves and/or related parties.

People who breach the FIFA Code of Ethics can be subject to an investigation, which can lead to a fine of at least 100,000 Swiss francs and a ban on taking part in any football-related activity for a maximum of three years.⁵⁰

FIFA member associations are formed together into continental confederations. Each confederation has an established integrity unit to oversee integrity issues in their respective jurisdictions. Many member associations, of a total of 211, have already appointed an integrity officer at the national level.

BETTING-RELATED ORGANIZATIONS

Major sports betting operators are cooperating to share betting data with sports organizations with the aim of combating corruption. The role of regulated betting operators in supporting efforts to maintain the integrity of competitions is vital in jurisdictions where effective regulation is in place. Operators have the ability to see account-level information and link bets to individuals. Many regulators require operators to report events over which they have integrity-related concerns as part of their licensing conditions, in a similar way to anti-money-laundering-related concerns. For instance, at the global level, the International Betting Integrity Association (IBIA) is a not-for-profit membership organization that counts many of the world’s largest regulated betting operators among its members. IBIA members share sports betting information and report suspicious activity on betting markets. Furthermore, IBIA has information-sharing partnerships with leading sports bodies, including FIFA, UEFA, the International Tennis Integrity Agency (ITIA) and IOC, as well as with gambling regulators.

In 2021, ARF published *Good Practices in Addressing Illegal Betting*, a handbook for horse racing and other sports organizations. The handbook explains the nature of illegal betting and details how horse racing administrators and administrators in other sports can combat illegal betting through the use of betting analysis, intelligence, investigations and engagement with appropriate stakeholders in society. The work of the Foundation continues through the Council on Anti-Illegal Betting and Related Financial Crime, which is a permanent body.

⁴⁹ International Olympic Committee (IOC), “Factsheet: The Integrity Betting Intelligence System (IBIS)”, 23 February 2020.

⁵⁰ Fédération Internationale de Football Association (FIFA), *FIFA Code of Ethics. 2020 Edition* (Zürich, 2020).



CONCLUSION AND POLICY CONSIDERATIONS



CONCLUSION

The volume of bets made on illegal and unregulated betting markets is such that it is highly attractive to transnational organized crime groups as a means of money-laundering. Such groups are also attracted to illegal betting as it offers greater anonymity, greater liquidity and can produce good returns on the money that they invest.

Illegal betting is a major driver of corruption in sport and has a direct relationship with the manipulation of sports competitions. Illegal betting takes place in both grey and black markets and the licensing framework for grey-market operators is often opaque, especially in the context of online betting platforms and jurisdictions offering bets on events taking place in other jurisdictions.

Available evidence suggests that Asia is particularly affected by illegal betting, both in terms of the supply of and demand for this type of illicit activity. It is also strongly suspected that illegal betting is a growing problem in Africa and South America, however, information on related trends and developments is limited.

POLICY CONSIDERATIONS

Governments can strengthen detection and reporting of illegal betting on sport and related money-laundering by:

- » Establishing national platforms and contact points for international cooperation with sports governing bodies and other key stakeholders, including law enforcement agencies and licensed betting operators, to combat illegal betting on sports
 - » Ensuring national legislation includes laws that appropriately criminalize illegal betting and related manipulation of sport competitions, including obliging betting operators that offer betting on sports events to report instances of suspicious betting to regulators
 - » Enhancing the capacities of relevant authorities, through training and allocation of adequate resources, in order to detect, investigate, prosecute and sanction those involved in illegal betting on sport
- » Developing regulations that require licensed betting operators to publish an official list of shareholders, parent companies and subsidiaries, to make clear the identity of their owners
 - » Encouraging law enforcement agencies responsible for acting on illegal betting on sport to seek cooperation with operators of Internet payment systems in order to identify transactions that are suspected to be related to illegal betting
 - » Encouraging relevant law enforcement and criminal justice authorities to consider illegal betting activities that involve laundering proceeds from illegal and criminal activity as dealing with the proceeds of crime
 - » Encouraging Governments, gambling regulators and sports governing bodies to cooperate with Internet service providers in order to request these providers, where appropriate, to identify, block and remove illegal betting websites from the Internet and to report the situation to relevant law enforcement and criminal justice authorities

Betting regulators can strengthen frameworks to combat money-laundering and illegal betting on sport by:

- » Establishing anti-money-laundering units to encourage an enhanced holistic view of licensed gaming operators from a supervisory and monitoring perspective
- » Ensuring that anti-money-laundering controls include the following:
 - Anti-money-laundering requirements that follow Financial Action Task Force guidelines
 - The banning of the use of anonymous payment processing firms by betting operators
 - The recording of customer identification and betting data
 - The reporting to financial crime authorities of (a) suspicious transactions and (b) when a certain large bet threshold has been breached by an individual or a multiple associated transaction



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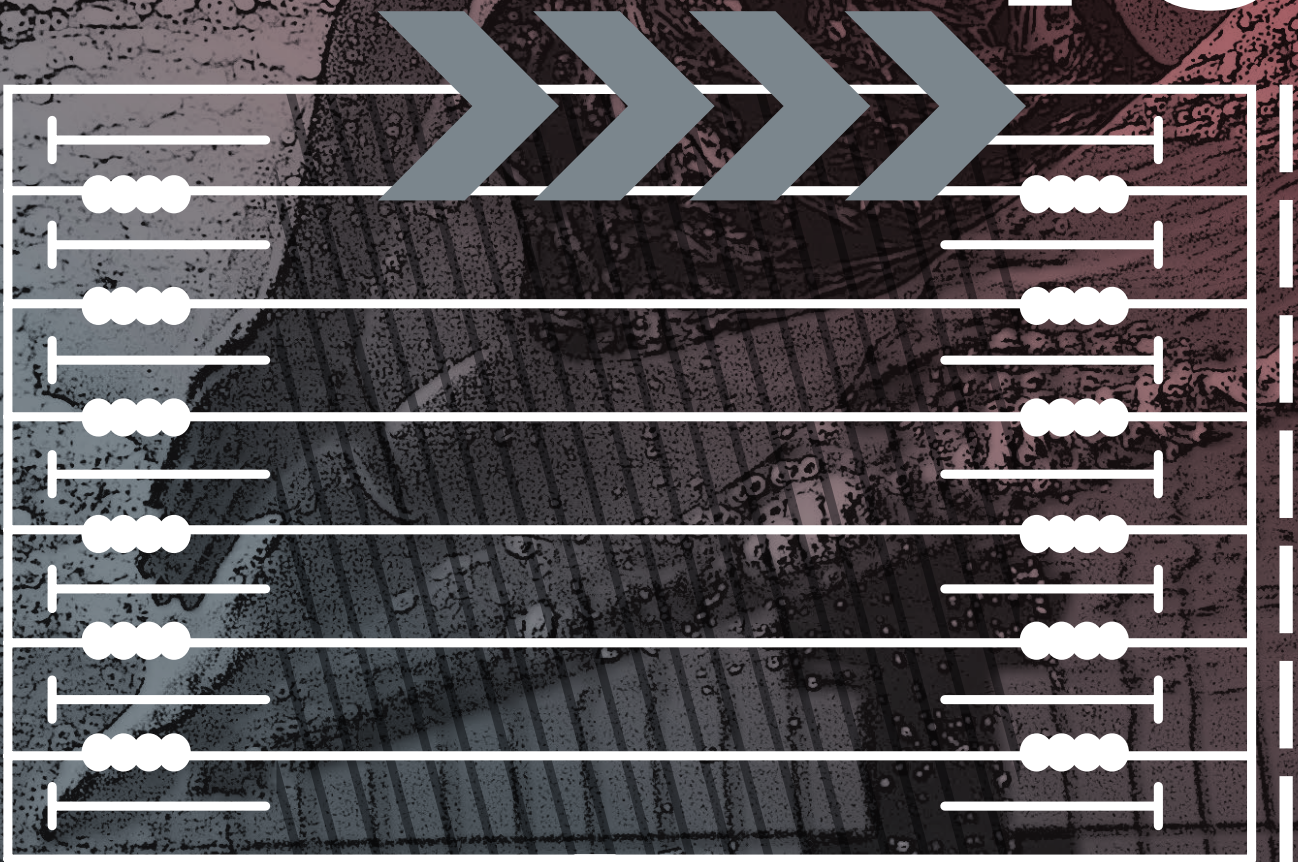
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GLOBAL REPORT ON CORRUPTION IN SPORT

MAJOR SPORTS EVENTS AND CORRUPTION

10





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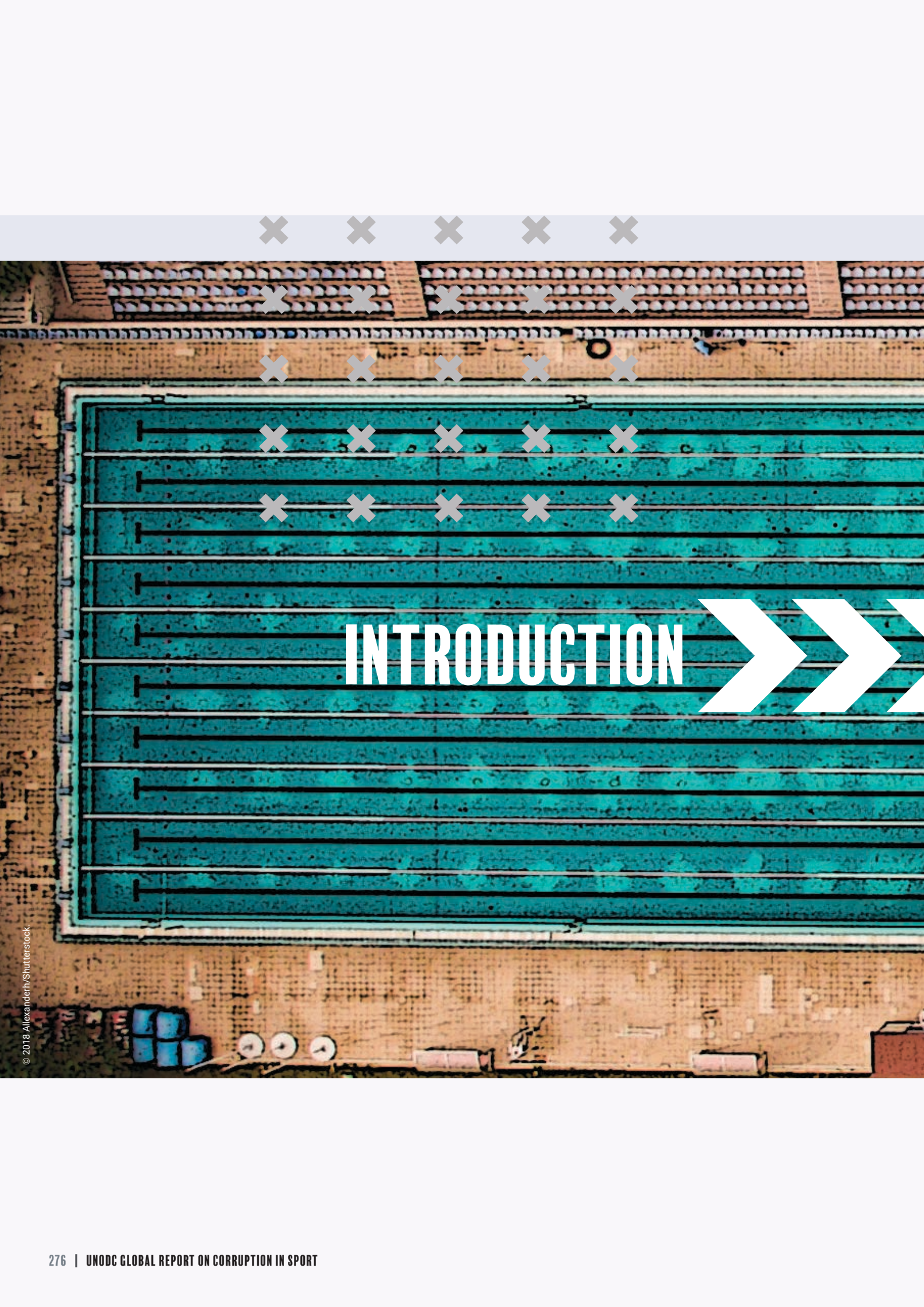
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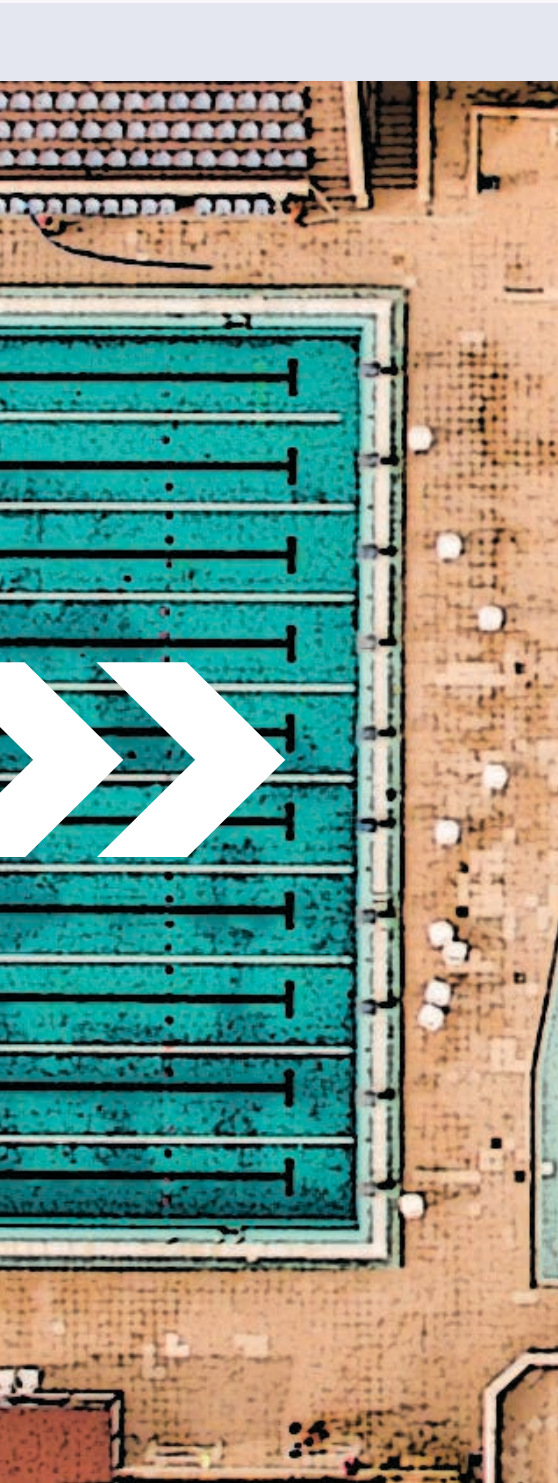
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INTRODUCTION





INTRODUCTION

Major sports events such as the Olympic Games, the FIFA World Cup and the Rugby World Cup, and other large events such as the Asian Games and the Commonwealth Games, are some of the most-watched events on the planet and serve as showpieces of the role of sport in society.¹ Major sports events have the potential to be transformative for host cities and countries, acting as a catalyst for and accelerating the development of urban infrastructure. Major sports events are an opportunity for hosts to promote their country or city on the global stage as a place to visit and invest. They are also an opportunity to enhance social cohesion by engaging and empowering the local populations through their involvement in a shared experience.

However, over the past two decades, there have been several high-profile corruption cases and investigations linked to the bidding for and the implementation and legacy of major sports events. Examples include manipulation of host selection processes, financial kick-back schemes involving the use of public funds in the development of major sports events-related infrastructure, conflicts of interest involving international sports organizations, reselling of event tickets by event organizers for personal gain and corruption linked to sponsorship opportunities and the acquisition of media rights for major sports events.

The International Partnership Against Corruption in Sport (IPACS) Task Force I report entitled *Mapping of procurement standards and risk management activities in the construction of infrastructure for sporting events* highlights some of the corruption risks and challenges that are involved in the organizing of major sports events:

By their very nature, sporting events require substantial amounts of funds, complex logistical arrangements and the co-operation of a varied group of stakeholders. All these need to be managed under very tight and mostly non-negotiable deadlines. Under such exceptional circumstances regulations and standard procedures might be relaxed, while monitoring, auditing and accountability mechanisms can underperform. Where the necessary independent oversight is lacking, public funds remain highly vulnerable to misuse.

This section examines corruption-related challenges faced by organizations involved in major sports events and the steps taken to restore public confidence and trust in global sport organizations and events. The policies and practices implemented by both international sports organizations and Governments to safeguard the integrity of sport are analysed. In conclusion, several proposed policies to help tackle corruption linked to major sports events are put forward for consideration by Governments and sports organizations.

¹ Major sports events can be distinguished from heritage sport events, such as The Masters golf tournament and The All England Lawn Tennis Championships (popularly known as Wimbledon). These are globally prominent, single-sport events that typically take place at the same time and location each year. Heritage sport events (once established) typically do not involve new construction or development and are beyond the scope of the discussion in this chapter, which is exclusively focused on major sports events that have that community development potential.

1. >>>>

OVERVIEW OF KEY ISSUES RELEVANT TO CORRUPTION IN MAJOR SPORTS EVENTS

Four distinct stages can be identified in relation to the planning and delivery of a major sports event:²

- » Conceptualization
- » Planning and implementation
- » Legacy ownership transfer (that takes place immediately after the major sports event) and
- » Post-event operations and governance

These stages require a wide range of expertise and resources to address the complex, geographically diverse and long-range factors relating to major sports events, including:

- » The processes through which potential host cities and countries bid for and are awarded hosting rights of major sports events
- » The internal governance systems of the bidding authority and the delivery authority of a major sports event
- » The external relations of the event delivery authority in connection with the management of its procurement practices with third-party suppliers of goods and services (including the construction of event-related infrastructure) in relation to the organization of a major sports event

Common themes of good governance relating to these stages include:

- » The level of transparency and accountability of the various stakeholders involved in a major sports event, including those who are acting in relation to internal financial management, accounting and reporting and audit systems
- » The extent of external monitoring that is needed at all stages of the life cycle of a major sports event, including the post-event disposal of assets and the transfer of ownership of venues

² Becca Leopkey and Milena M. Parent "The governance of Olympic legacy: process, actors and mechanisms", *Leisure Studies*, vol. 36, No. 3 (2017), pp. 438–451.

1.1 BIDDING AND SELECTION PROCESSES

In recent years, leading international sport organizations have significantly reformed the bidding, bid evaluation and selection processes for major sports events. Reforms have been adopted to simplify the bidding and host selection processes and to provide for a more open, transparent and collaborative bidding process.

The bidding for and the awarding of a major sports event presents unique corruption risks, both for the bidding cities and countries and for the international sport organizations that select the hosts. The key risks relating to the various stages of the bidding and selection processes are outlined below and are reproduced from the IPACS publication entitled *Stocktaking Report on Managing Conflicts of Interest relating to the Voting for the Selection of Hosts for Major Sports Events*.

KEY CORRUPTION RISKS IN THE BIDDING AND SELECTION PROCESSES FOR PROSPECTIVE HOST CITIES AND COUNTRIES AND INTERNATIONAL SPORTS ORGANIZATIONS

Development of written rules and procedures for the selection process

RISKS INCLUDE:

- » Opaque or unclear bidding procedures and regulations, in particular related to required documentation and campaigning
- » Lack of genuine equality in the bidding process, so that the processes favour a particular bidder in an unreasonable way

Bidding and evaluation phase

RISKS INCLUDE:

- » Lack of transparency in evaluation and decision-making processes
- » The possibility of corrupt practices or improper influence affecting key decisions

Voting phase

RISKS INCLUDE:

- » Lack of integrity, including covert practices, corruption and conflicts of interest
- » Conflicted officials involved in the voting
- » A small number of voters, so that the result could be affected if only one or a handful of voters are subject to improper influence
- » A large number of voters who have little direct stake in the decision and will not be held accountable for the decision; therefore, they may be vulnerable to improper influence (for example, if there are many voters from countries that will not participate in the major sports event)

1.2 CONFLICTS-OF-INTEREST POLICIES

Conflict-of-interest policies are relevant not only to decisions during the host selection process but to decisions throughout the life cycle of major sports events. A robust conflict-of-interest policy and enforcement mechanism is essential to safeguarding the integrity of decisions made within the governance systems of sports federations.

The conflict-of-interest policies of international sports organizations apply to several areas of corruption-related risk. For example, the Fédération Internationale de Football Association (FIFA),³ the International Olympic Committee (IOC) and the International Federation for Equestrian Sport⁴ have developed specific procedures and policies on managing conflicts of interest.

The conflict-of-interest policies of sport organizations include clear terms of reference that spell out which stakeholders are covered under the conflicts-of-interest policies and the duty that these stakeholders have to stopping these conflicts from tainting the decision-making of the organizations. FIFA has begun publishing the relevant provisions from its conflict-of-interest policy separately in its bid documentation, an approach used to enhance communication and clarity among all parties involved in the selection process.

³ Fédération Internationale de Football Association (FIFA), Conflict of Interest Directives (Zurich, 2018).

⁴ International Federation for Equestrian Sport (FEI), Internal Regulations of the FEI (Lausanne, 2018).

CASE STUDY: INDEPENDENT MONITORING

The use of an independent monitor by the Asia Football Confederation (AFC) to oversee the tendering and awarding of major commercial contracts provides a useful example of how a major sports federation can mitigate the risk of predictable conflicts of interest jeopardizing the integrity of decision-making in a major commercial setting.

With regard to sporting events taking place between 2020 and 2028, an AFC ethics commission was formed with its members proposed by the member national associations involved with the sporting events. AFC issued a tender for the commercial rights to the sporting events between 2020 and 2028; a small tender-management team of AFC administrators was tasked with managing the tendering process. A major auditing company acted as the independent tender process observer, externally monitoring the tender process. Internally, AFC employed an independent monitoring group, comprised of representatives of the finance, audit and marketing committees.

Both of these internal and external monitoring bodies produced reports on bidders. These reports were presented to the AFC executive board (the names of the bidders were not shared, only a summary of the bids). The executive board then voted and selected the winning bid, awarding the commercial rights for their events.

1.3 CREATION, ADOPTION AND PUBLICATION OF CLEAR SELECTION CRITERIA

Some international sports organizations, such as FIFA and World Rugby, make public the reports used to evaluate bids. This enhanced transparency increases the overall understanding of how bids are complying with selection criteria. This trend for publishing bid evaluations is valuable as a guidance tool for both winning and unsuccessful bidders, and for cities and countries that might be interested in bidding for the right to host major sports events in the future.



CASE STUDY: 2026 FIFA WORLD CUP HOSTING RIGHTS SELECTION PROCESS

In the aftermath of criticisms expressed about the awarding of hosting rights to the 2018 FIFA World Cup (Russia) and the 2022 FIFA World Cup (Qatar), FIFA revised its process for evaluating bids and awarding hosting rights for the 2026 FIFA World Cup.

The key enhancements relating to the process for the 2026 competition included the following actions based on the highlighted guiding principles:

- » **Objectivity:** The introduction of a clear and objective evaluation model, including a precise scoring system relating to nine key criteria (stadiums, media and marketing revenue, ticketing and hospitality, organizing costs, FIFA Fan Fest, invitations to tender, international broadcast centre, transport and accommodation), as part of the technical evaluation that is performed by a specialized bid evaluation task force consisting of five members drawn from FIFA internal technical committees
- » **Participation:** For the first time in 50 years, the decision to award hosting rights is now made by all 211 members associations represented on the FIFA Congress
- » **Transparency:** Every step in the bidding process is open to the public and the information is publicly available, from the bidding regulations, the guide to the bidding process, the hosting requirements, all bid books, the technical evaluation scoring system and the bid evaluation report to the voting procedures and results (including the shortlisting

of bids votes by the FIFA Council) and the independent auditor's report

- » **Commitment to human rights and sustainability:** FIFA has pledged to follow accepted global standards of sustainable event management (ISO 20121) and human rights (United Nations Guiding Principles on Business and Human Rights), which will also apply to member associations and suppliers of goods and services

Each of the stakeholders in the bid process (including the FIFA administration, the decision-making bodies and the member associations) are bound by the FIFA Bid Rules of Conduct that stipulate the obligation to always apply core ethical principles, the prohibition of inappropriate gifts and the prohibition of any form of unethical collaboration or collusion among member associations.

In addition, all stakeholders are bound by the FIFA Code of Ethics. All promotional activities, including any meetings with any FIFA decision-making bodies, must be comprehensively reported. All bidding member associations must also appoint independent compliance and ethics officers to support their obligation to abide by the FIFA Bid Rules of Conduct.

FIFA engaged BDO, an independent audit company, to monitor the entire 2026 bid process, including the compliance of FIFA with the FIFA Bid Rules of Conduct. The auditors provided interim reports to the FIFA Council and the FIFA Congress regarding the ongoing conduct of the bid process and a final report to the FIFA Congress one month after the vote by the Congress on the 2026 host. All auditor reports were made public.

1.4 USE AND IMPLEMENTATION OF CODES OF ETHICS AND CONDUCT

A code of ethics identifies the core ethical values, principles and ideals of an organization. This code provides the foundation for a code of conduct, which is a broader set of rules and regulations that can be applied to all relevant individuals and organizations involved in the bidding and selection processes to host a major sports event and in the other stages in the organization and operation of the major-sports-event life cycle.

Such codes outline policies and standards related to conduct by all participants in the ecosystem of a major sports event to safeguard the overall integrity of the event. For example, the code of conduct may set out specific rules applying to gift-giving and other forms of hospitality provided by bidding cities and countries to hosting rights voters as part of their promotional activity.



EXAMPLES OF CODES OF ETHICS AND CODES OF CONDUCT AT INTERNATIONAL SPORTS ORGANIZATIONS

Badminton World Federation

The Code of Ethics of the Badminton World Federation (BWF) includes sections on integrity, gifts, accountability and conflicts of interest. Regarding conflicts of interest, the Code identifies the differences between actual, potential and perceived conflicts of interest. BWF statutes also include a Code of Conduct for Bidding Organizations (statute 2.2.3).

World Athletics

In January 2021, World Athletics adopted new event bid rules designed to:

- » Establish a transparent, objective, honest, simple, feasible and fair bidding procedure for all relevant member federations and candidate cities
- » Identify the actions, timescales, criteria and the application and decision-making processes and procedures for selecting a host for a World Athletics event
- » Ensure that persons and entities involved in the bidding and selection process for all international competitions, including World Athletics events, comply with the applicable provisions of the Integrity Code of Conduct

This new regime requires that candidate cities conduct themselves in accordance with the integrity standards of the Integrity Code of Conduct, paying specific attention to, without limitation, the rules and standards on honesty, disclosure of interests, minimal gifts and benefits, fair bidding and protecting reputation.

Members of the World Athletics Council are not permitted to vote and must recuse themselves from the voting process for selecting hosts where the council member is from the country in which the candidate city bidding to host a World Athletics event is located.

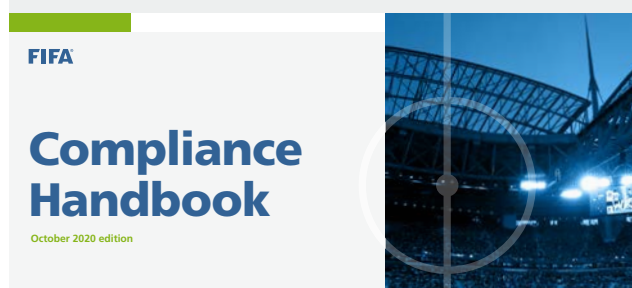
Any breach of these rules amounts to a breach of the Integrity Code of Conduct and will accordingly be subject to investigation and prosecution by the Athletics Integrity Unit under the athletics integrity unit reporting, investigation and prosecution rules (non-doping) and possible proceedings under the disciplinary tribunal rules. The Council, the chair of a bid evaluation panel or the Ethical Compliance Officer shall refer any potential breach of these rules for investigation by the Athletics Integrity Unit, and possible proceedings for breach may be held pursuant to the disciplinary tribunal rules.

There is a growing trend for international sports organizations to actively support relevant stakeholders in their sport ecosystem to ensure compliance with stated ethical principles of behaviour and ethical norms, rules and regulations. IOC, World Athletics, FIFA and the Olympic Council of Asia have established and resourced ethics commissions or have engaged an independent private oversight body (such as an external audit company) or work with a government monitoring agency to supervise and enforce the terms of a code of ethics and/or a code of conduct. This helps ensure the compliance of stakeholders involved in bidding and selection processes in the awarding of hosting rights for major sports events and in the ongoing work of the major-sports-event delivery authority.

An ethics commission can play a proactive and supervisory role for international sports organizations by conducting background checks on the various stakeholders involved in the major-sports-event selection process. This helps safeguard against any undeclared conflicts of interest unduly influencing voting and awarding processes. In addition, an ethics commission may further help strengthen stakeholder engagement through the organization of targeted awareness and public education initiatives in avoiding unethical conduct. Finally, an ethics commission can also play an active enforcement role by receiving complaints and reports by reporting persons, conducting investigations and, where appropriate, recommending penalties for or levying sanctions against offenders.

FIFA COMPLIANCE HANDBOOK

In October 2020, FIFA published the new FIFA Compliance Handbook. It is a practical, interactive and easy-to-use document for member associations and other sports stakeholders that outlines the basic principles and benefits of implementing compliance guidelines within their organizations. Stakeholders can develop their individual compliance programmes by extracting the parts they need from the handbook, depending on where they are on their compliance journey. The FIFA Compliance Handbook is available at www.fifa.com.



1.5 GOVERNANCE OF DELIVERY AUTHORITIES AND RELATED STAKEHOLDERS

The failure to put in place governance measures to mitigate the risks of corruption linked to the delivery of a major sports event may also lead to political instability and economic damage. In addition, the higher level of media attention associated with major sports events may cause lasting damage to the reputations of event stakeholders (host organizations, sponsors, sport federations, etc.).

This part of the chapter focuses on four major areas that are associated with the management of finances in the organization and delivery of major sports events, namely:

- » Budgeting and planning
- » Internal audits
- » External audits
- » Financial transparency

1.5.1 BUDGETING AND PLANNING

Major sports events pose unique budgeting and planning challenges for organizers. Changes in political, social, financial and environmental circumstances can result in significant changes to the budgets and plans of major sports events, with a higher risk of cost overruns and, at times, in the creation of underused legacy infrastructure (or “white elephants”).



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To avoid these outcomes, major-sports-event organizers should involve a wide range of relevant stakeholders at an early stage of event budgeting and planning. The collaborative efforts of political, social, financial and environmental stakeholders involved in the broader major-sports-event ecosystem can help to ensure that budgets and plans are more realistic, thorough and reliable. In turn, this reduces the need for unplanned and expensive changes, thereby reducing the risk of delays and cost overruns.

Throughout the life cycle of a major sports event, periodic reviews of budgets, cost estimates and revenue forecasts should be conducted. Financial audits should be conducted in an open and transparent manner by independent external reviewers. Transparency at all stages of the budgetary process, encompassing review, adjustment and approval, is essential to preserving the integrity of the process and to maintaining its credibility in the eyes of the public.

1.5.2 INTERNAL AND EXTERNAL AUDITS

The use of internal control systems by delivery authorities provides ongoing assurance of the effectiveness of the design and implementation of major sports events. These periodic audits are conducted by experts who can identify suspicious transactions, bribes, potential fraud and conflicts of interest in the decision-making processes of delivery authorities.

The results of these audits must be made available in a timely manner to senior management of delivery authorities. To promote transparency and collaboration, these audit results should also be made available to all relevant stakeholders in the major-sports-event ecosystem. If these inclusive procedures are followed, then delivery authorities are in an advantageous position to ensure that any irregularities or miscommunications involving major-sports-event stakeholders are avoided, which will increase the effectiveness of the financial control mechanisms.

External audits by independent audit firms should be conducted on a regular basis throughout the budgeting, planning and delivery life cycle of major sports events as a means of detecting and deterring corrupt practices.

1.5.3 FINANCIAL TRANSPARENCY

Financial transparency is crucial to ensuring the integrity of the budgeting, planning and delivery of major sports events. Delivery authorities should strive to ensure that audits, reports and all other financial information are made available as quickly as possible to all stakeholders in the major-sports-event ecosystem. Furthermore, where appropriate, this information should also be made publicly available, increasing public engagement and confidence in the integrity of the major sports event. Overall, this transparency ensures increased accountability on the part of delivery authorities and their partners, creating a culture of integrity and compliance.

The higher the level of transparent, timely and accessible public reporting of external audits, the greater the likelihood of sustained public confidence in the accountability, competency and efficiency of delivery authorities in relation to their management of major sports events, and in particular, in their ability to safeguard public and private financial investment in major sports events. This confidence could help to generate a higher level of community engagement with and support for events. For these reasons, the implementation of financial transparency initiatives by delivery authorities is a crucial step in gaining and maintaining public confidence in the integrity of major sports events.

Financial transparency is also crucial in the post-event context. Sporting venues, hospitality infrastructure and transportation infrastructure may all have been constructed or updated as part of the event hosting project to serve as a long-term legacy for host communities. The external auditing and reporting should be conducted at the conclusion of an event and when the post-event disposal and/or the transfer of ownership of assets and venue management responsibility are completed.

This level of external scrutiny and public reporting also contributes to greater awareness and understanding of the complexity of managing such an event. The knowledge and good practices developed from managing a major sports event are a valuable legacy and can be shared with others. Such accumulated and archived information relating to the management of major sports events, in the form of accurate and accessible data, can help inform external research on safeguarding the integrity of major sports events.

CASE STUDY: 2024 OLYMPIC AND PARALYMPIC SUMMER GAMES IN PARIS

The 2024 Olympic and Paralympic Summer Games in Paris are being prepared with an enhanced emphasis on the IOC Agenda 2020, which includes focusing on the protection of human rights and compliance with global standards of anti-corruption that are now embedded in the IOC Host City Contract.

Recent legislation passed in France gives the French Anti-Corruption Agency (AFA),⁵ alongside the French Court of Auditors and the General Economic and Financial Audit Department, a specific role in the supervision of the corruption-risk control systems implemented by the entities involved in the preparation, organization, scheduling and management of the Games. AFA is conducting audits of the entities involved in the Olympic Games, among other duties.

AFA has developed a specific audit plan to ensure that the entities and businesses involved deploy appropriate and effective anti-corruption programmes. These entities and companies have different risk profiles, depending on their role in the decision-making, financing and execution of the operations. The risks also concern the entities managing the projects, financing the operations and awarding the contracts.

Two types of audits are conducted in this context:

- » Audits of public sector entities and businesses initiated by AFA to assess the existence, quality and deployment of effective corruption prevention and detection programmes
- » “In itinere” audits initiated by AFA, not only to assess anti-corruption programmes, but also to guide certain entities in the design, validation and deployment of measures and procedures that still need to be implemented, following procedures inspired by compliance remediation programmes set out in deferred prosecution agreements

After the initial audit of such entities, they are asked to produce plans of action. AFA provides them with guidance⁶ by ensuring that their plans are appropriate and that they are implemented effectively and efficiently.

As of 31 December 2020, AFA had initiated two “in itinere” audits, three audits of local governments that are managing projects related to the Games and 12 audits of the leading companies in the construction sector. AFA will continue to audit the anti-corruption programmes of the entities involved in the Paris Olympic Games until 2024. Its audit findings and recommendations will help guide the design, validation, deployment and supervision of these programmes.



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⁵ Under the joint authority of the Minister of Justice and the Minister of the Budget, the French Anti-Corruption Agency (AFA) functions as a nationwide service with a mission to help public and private actors in detecting and preventing corruption and related offences against integrity. To this end, AFA provides guidance to both government and business entities and monitors the effectiveness of anti-corruption compliance programmes implemented by these entities.

⁶ In June 2020, AFA and the Department for Public Procurement published a guide on how to manage corruption risks in the public procurement cycle, entitled *Public Procurement Guide: Managing Corruption Risk in the Public Procurement Cycle*. The guide combines the inputs of both ethics and procurement practitioners and is available in English (www.economie.gouv.fr/files/files/directions_services/dae/doc/Guide_Risque_Corruption-English.pdf).

1.6 PUBLIC PROCUREMENT AND THE CONSTRUCTION OF MAJOR INFRASTRUCTURE

The hosting of a major sports event requires the procurement of goods and services at a considerable scale. It may also require other large-scale infrastructure and construction projects to support the event. In the time-sensitive context of planning, organizing and hosting a major sports event, there is a heightened risk of corruption in relation to procurement and construction, particularly concerning the construction of complex, large-scale event-related infrastructure. In the past, relationships between delivery authorities and third-party suppliers of goods and services, particularly in relation to the construction of event-related infrastructure, such as competition venues, have given rise to allegations of corruption and misconduct.

In the context of major sports events, there are two institutional models of the delivery of these events. In the case of the 2010 Olympic and Paralympic Winter Games in Vancouver, the Vancouver Olympic Organizing Committee performed the role of organizing the event and overseeing the construction of event-related competition venues and athlete villages. In the case of the 2000 Olympic and Paralympic Summer Games in Sydney and the 2012 Olympic and Paralympic Summer Games in London, the two organizational roles were separated, with the Organizing Committee for the Olympic Games focused exclusively on the organization of the event itself, while the domestic Government set up an Olympic Delivery Authority for the purpose of overseeing the construction of competition venues and athlete villages. This model is in place for the 2024 Olympic and Paralympic Summer Games in Paris. For the following discussion, these two roles are merged and the organization that performs both these functions is referred to as the “delivery authority”.

Based on the recent experiences of host cities and countries, this section of the section briefly analyses the critical stages in the procurement process that are vulnerable to corruption and sets out good practices in minimizing these corruption-related risks.

1.6.1 PRE-TENDERING PHASE

The pre-tendering phase in a major sports event is critically important because this is when delivery authorities begin to create project designs, draw up budget estimates and carry out assessments of market capabilities. A lack of adequate planning and preparation by delivery authorities at this early stage typically leads to changes later. In the time-sensitive

context of a major sports event, such changes can lead to an increased risk of corruption, in particular with regard to risks associated with inadequate planning and preparation and cronyism.

In 2003, the budget for the 2010 Commonwealth Games was estimated at \$200 million. Over the next seven years, several allegations of corruption, collusion and ineffective procurement practices were made against the delivery authority of the Games. The High-Level Committee for the Commonwealth Games⁷ investigated the allegations and reported evidence of favouritism and possible connivance in the contractor selection processes for many of the sport-venue projects. Such evidence ranged from manipulation of the pre-qualification procedures (to restrict competition) to the awarding of contracts to unqualified and/or ineligible suppliers. By the time of the opening ceremony in October of 2010, the budget for the Games was an estimated \$2.9 billion, almost 15 times the original estimate made in 2003.

The events and allegations surrounding the 2010 Commonwealth Games provide a valuable lesson in the importance of implementing thorough planning and preparation control measures in the pre-tendering phase of the major-sports-event life cycle. The lack of adequate research and planning and a failure to implement anti-corruption control measures in the pre-tendering stage exposed the Games to corruption. These shortcomings caused significant cost overruns and a delay in the delivery of event-related infrastructure for the Games, which resulted in substantial amounts of public funds being spent either inappropriately and/or inefficiently.

1.6.2 TRANSPARENT, COLLABORATIVE AND EFFICIENT PLANNING AND BUDGETING

The planning and budgeting work that is performed by delivery authorities must be done in a transparent, objective, collaborative and efficient manner. Poor budgeting and planning may lead to the procurement of goods, services and infrastructure that are not aligned with the overall goals and needs of the host city or country. Changes in planning and budgeting, particularly within the time-sensitive context of the hosting of a major sports event, may lead to large cost overruns and/or an increased risk of failing to comply with ethical business practices.

⁷ International Partnership Against Corruption in Sport (IPACS), *Mapping of Procurement Standards and Risk Management Activities in the Construction of Infrastructure for Sporting Events*, Task Force 1 Report (2018).

1.6.3 OBJECTIVE AND PUBLIC-INTEREST-FOCUSED PROCUREMENT CRITERIA

The selection criteria that apply to the tendering initiatives undertaken by delivery authorities must be fair and objective, with the public interest at the forefront of all decision-making. Procurement tendering selection criteria must be predetermined, easily understood and publicly available, and must not be tailored so that the criteria can only be met by specific suppliers. The use of non-objective, tailored selection criteria may be considered a means of rigging the process to the advantage of a narrow set of “qualified” suppliers.

In addition, tendering specification requirements must not be so onerous as to exclude interested parties from submitting bids. For example, in the 2010 Commonwealth Games, favouritism and possible connivance in the contractor selection processes may have restricted competition in the tendering phase, resulting in unqualified and/or ineligible suppliers being awarded procurement contracts. This led to budget overruns and the late delivery of projects, including a failure to deliver some venues by the time of the Games to the detriment of the event and to the economy and reputation of the host city.

1.6.4 TENDERING PHASE

Delivery authorities must ensure that requests for tenders are widely communicated. Requests for tenders should be made in the public domain, preferably as open data, thereby allowing potential suppliers and the taxpaying public, whose funds are supporting the major sports event, easy access to essential information about the design and operation of procurement tendering processes. Public notices should also include details about the evaluation process and selection criteria relating to the tender. This will help to ensure a fair, transparent, competitive and efficient tendering process.

Delivery authorities should be able to mix both quality and price in award criteria, reducing the predictability of the procurement outcome, thereby reducing the risk of corruption and collusion.

The use of e-procurement digital technology is the current global standard in ensuring enhanced transparency and fairness in the tendering process. Through the use of e-procurement, the procurement selection criteria and all other procurement information can be easily and effectively communicated to all bidders. The transparent nature of such practices may decrease the likelihood of collusive or

non-compliant conduct in tendering.⁸ The Engineers Against Poverty publication entitled “Changing the Game: A critical analysis of large-scale corruption in Mega-Sport Event infrastructure projects” provides insights about and the following recommendations on using e-procurement systems and open-data disclosure mechanisms:

- » Major sports events are particularly vulnerable to cost overruns, poor documentation and low monitoring levels throughout the procurement cycle. Open-contracting data standards for infrastructure, such as the Open Contracting for Infrastructure Data Standard, should be combined with modern digital analytical tools, such as e-procurement technologies. E-procurement systems disclose which entities are competing for contracts, the nature of their proposals, the evaluations of these proposals and the reasons for contract awards. This reduces the likelihood of contracts being awarded on an arbitrary basis or based on favoritism and leads to cost savings and better value for money in relation to public investment. The open-contracting approach would also facilitate a more robust procurement system enabling prompt identification of “red flags” that may signal ethical breaches, irresponsible business practices or irregularities, allowing for a quick and effective response from event project management and project oversight entities.
- » Increased data collection alone is not sufficient to tackle corruption in major sports events. The information must be analysed and understood to produce positive results in terms of social action. Greater collaboration between international sports organizations, major-sports-event delivery authorities, Governments and civil society is needed so that information gained from major sports events can be the subject of comprehensive data analysis, thereby producing actionable information for future cities and countries that host major sports events. This kind of collaborative procurement system approach also allows for more efficient collection and publication of data in relation to major sports events. Such an open system would produce comparable data over time, thereby building a knowledge repository that could be used for reference class forecasting in relation to future major sports events.

The procurement bid evaluation process must involve targeted measures to ensure integrity in relation to the selection of the winning bid. Any conflicts of interest that may exist, involving bidders and/or bid evaluators, must be disclosed and published. Objective and thorough bid assessments and an evaluation report should be prepared for each bid and

⁸ More can be found on the benefits of e-procurement in *ibid.* p. 28.



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distributed to all relevant stakeholders. These measures will help to enable all bidders (winners and losers) and other interested parties (e.g. government agencies, the private sector and academia) to understand why the winning bid was selected and why it was superior to the other bids. Proper due diligence of individuals, corporate bidders and/or contractors should be implemented before the delivery authority enters contractual arrangements. This could potentially lead to excluding bidders who have previously been debarred by other sports organizations from working with their respective events.

Delivery authorities should also have a consultation and complaint mechanism in place to enable the relevant stakeholders to communicate concerns regarding the tendering process (see the section on detecting and reporting corruption in sport). This will further help delivery authorities to identify potential wrongful conduct in the tendering process. Delivery authorities should ensure that this mechanism guarantees the anonymity of those using it, of those who might be questioning the fairness of the process and of those who are reporting alleged wrongdoing concerning the tendering process. All reports of alleged wrongful conduct should be followed up, investigated and responded to by delivery authorities or by an oversight entity, which should be an external monitor contracted for this purpose. The use of such peer-to-peer enforcement mechanisms, external monitoring systems and meaningful sanctioning mechanisms may uncover and address flaws, mistakes and wrongdoing in the tendering process, thereby enhancing the reputation of delivery authorities regarding their competence and integrity and increasing public trust in the procurement process.

1.6.5 POST-TENDERING PHASE

After delivery authorities have awarded procurement contracts, they must ensure that there is ongoing monitoring and rigorous enforcement of the terms of contracts, as they are applied to both contractors and subcontractors. The complex design and delivery of a unique large-scale sport venue for a major sports event creates an additional risk of corruption. In the past, this complexity, both in terms of the original parameters of the project and in relation to any changes that may need to be made, has led to significant additional costs and subpar performance regarding contracts by construction companies or subcontractors that have lacked experience in this type of construction project.

This risk further highlights the importance of detailed planning in the pre-tendering phase to help ensure that contracting parties are informed and resourced to efficiently address

changes that need to be made without significant delays and/or unwarranted cost overruns.

The rare, time-constrained context of major-sports-event venue construction means there is a need for consistent, reliable and timely monitoring and ongoing reporting of performance metrics relating to the terms of procurement contracts. Such monitoring and reporting are necessary to achieving compliance with the terms of procurement contracts throughout the supply chain and for the life cycle of procurement contracts.

Notably, if there are deficiencies in financial transparency and performance-reporting systems relating to major-sports-event projects, this may lead to costly budget overruns, false accounting and inefficient and unwarranted spending by delivery authorities. External monitoring by a competent and trustworthy third party is important at this stage of the organization of a major sports event to protect both public and private investment. Independent third-party monitoring and reporting can be an effective tool to safeguard all parties against corruption-related risks, which may take the form of internal corruption (within delivery authorities) and external corruption (involving the interactions between the delivering authority and suppliers). The 2012 Summer Olympic Games in London provide an example of how the strategic use of external oversight may lead to positive outcomes for major sports events.



SUMMER OLYMPIC GAMES IN LONDON

In accordance with the bid for the 2012 Summer Olympic Games, an independent body, the Commission for a Sustainable London 2012, was created in order to monitor and publicly report on the sustainability performance of the 2012 Summer Olympic and Paralympic Games in London. The Commission monitored the sustainability plans and objectives of the delivery authority and published reports on the progress of the authority.

The important role played by the Commission in supplying independent external monitoring of the sustainability performance of the delivery authority provides an example of how a delivery authority can design and resource external oversight mechanisms that could be applied to other activities of a delivery authority. For example, financial management and procurement process delivery could be monitored in the same way by an independent external commission, which has a mandate that includes publishing periodic reports that are readily available to the public.

This kind of governance oversight would certainly enhance transparency in relation to major sports events and help to improve integrity-related compliance in the procurement supply chain throughout the life cycle of major sports events. Ultimately, the application of this kind of rigorous oversight was a good strategy for the London 2012 delivery authority because several integrity-based procurement gains resulted from the investment. These gains improved public confidence in public investment related to the event. In addition, the detailed performance reports provided by the Commission offered very useful information on and analysis of integrity management at the event.

This analysis has informed focused research on good practices in anti-corruption risk management. Indeed, the granular analysis of integrity management at the event provided by the IPACS Task Force 1 is a positive legacy of the external monitoring strategy used in relation to the 2012 Summer Olympic Games in London.

1.7 LEGACIES OF MAJOR SPORTS EVENTS

Legacies of major sports events became a particularly prominent area of focus in the 1990s because of concerns about the economic, environmental and social sustainability and impact of such events on host communities.

As a result, several initiatives were developed to address the issue, including:

- » **Legacy Strategic Approach:** Moving Forward,⁹ which covers the several ways in which IOC further encourages, supports, monitors and promotes legacy in partnership with its stakeholders
- » **Host City Contract** (now agreed by IOC, the host community and the Organizing Committee of the Olympic Games)
- » **The Olympic Games Impact Study**, which seeks to measure the economic, environmental and social impacts of the Games through a set of common indicators, culminating in four reports over a period of 12 years, published both before and after the Games¹⁰

The 2010 Winter Olympic Games in Vancouver saw the creation of 2010 Legacies Now, a specific entity outside the Organizing Committee of the Olympic Games that was mandated to work with the host community to “enshrine positive social legacy outcomes” (in education, health and fitness, and with regard to previously underserved communities). 2010 Legacies Now endeavoured to spread the heritage of the 2010 Games beyond the venue cities to areas throughout the province of British Columbia, embed such heritage in these communities and provide benefits long after the 2010 Games.

The London bid for the 2012 Summer Olympic Games envisioned that the Games would provide inspiration for increased sports participation among all societal cohorts across the country, thereby improving quality-of-life outcomes for communities by promoting engagement in physical activity.

Today, major-sports-events legacies have become significantly more holistic in scope and may include:

- » Hard assets and their disposal, sale and/or transfer
- » Competition venues, both new and upgraded, as well as other event-related hosting infrastructure

- » Event-influenced/catalysed transportation and hospitality infrastructure
- » Human capital, such as major-sports-event management expertise and a trained, experienced volunteer workforce
- » Knowledge of the delivery authority, including best practices in planning, building, procuring, hosting and leveraging the event ethically and sustainably¹¹
- » Social capital in the host community, achieved by leveraging the major sports event and the spirit of volunteerism. Social capital is enhanced by increasing cohesiveness and working relationships between the various organizations involved in the major-sports-event ecosystem.¹² Good practices in multi-party collaborative governance acquired from major-sports-event delivery may also be applied in responding to other non-event-related challenges, such as climate change adaptation and other issues in sustainable development

In the case of the 2010 Winter Olympic Games in Vancouver, the organizing committee was charged with the responsibility to oversee the construction of new and updated competition venues and to transfer the use of these venues to community use post Games. In the 2012 Summer Olympic Games in London, the United Kingdom Olympic Delivery Authority was formed by national legislation as a non-government body within the Department for Digital, Culture, Media and Sport to manage both the procurement of services required for the Games and the building, transition to legacy use and transfer of assets built for the Games. The delivery authority, after extensive consultations, developed its own procurement policy and guidelines for a procurement code for use by the procurement personnel of the Games. This knowledge relating to the management of ethical and sustainable procurement is itself a “soft legacy” of the major sports event, one that is valuable to Governments, sports organizations and the wider private sector. The post-2012 Games Report of the National Audit Office indicated that the public sector had gained practical experience in project risk management and that the Government would be able to use these skills to fill gaps in government competencies in the deployment of staff where needed.¹³

⁹ International Olympic Committee (IOC), “Legacy strategic approach: moving forward”, as of 5 December 2017, Lausanne, 2017.

¹⁰ For a discussion of these developments, see Vassil Girginov, “London 2012 Olympics and Paralympics Resource Guide: social legacy of the Olympic Games”, Learning Legacies, Oxford Brookes University, pp. 2–4 (<https://paperzz.com/doc/6820485/social-legacy-of-the-olympic-games>).

¹¹ This know-how can become a valuable “knowledge transfer legacy” for future use by international sports organizations and host communities worldwide.

¹² Including Governments, private sector stakeholders (such as sponsors and businesses in the major-sports-event supply chain), civil society organizations, community groups and local residents in the host community.

¹³ IPACS, *Mapping of Procurement Standards*, Task Force 1 Report, p. 35.



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EXAMPLES OF INITIATIVES TO TACKLE CORRUPTION IN MAJOR SPORTS EVENTS

In 2020, the Secretariat of the Conference of the United Nations Convention against Corruption invited Governments to provide information on initiatives and practices to address corruption in sport and to support the implementation resolution 8/4, on safeguarding sports from corruption. In addition to the responses received that related to tackling corruption in major sports events, the section also uses data from official sources and from academic journals, studies and articles.

2.1 AFRICAN STATES

ALGERIA

The Ministry of Youth and Sport in Algeria has introduced a policy that limits the ability of a person to hold executive functions in the Government if they also hold administrative responsibilities in a sports organization. Restrictions were also put in place to prevent a president of a national sports federation from also occupying a senior position in a corporation supplying goods or services to that national federation or to affiliated clubs and leagues.

MAURITIUS

A risk-based self-assessment mechanism to improve the organizational integrity of public bodies is used in Mauritius. The mechanism was developed by the Ministry of Youth and Sports and has led to the creation of the Anti-Corruption Committee at the ministry, the adoption of anti-corruption policies and the introduction of robust corruption risk-assessment tools. Also, workshops are held regularly for managers of national sport federations; the workshops are helping to raise standards of integrity in relation to the administration and delivery of sport.

2.2 ASIA-PACIFIC STATES

CHINA

In China, disciplinary inspection committees oversee the organization of sports events. The committees are responsible for the supervision, correction, deterrence, coordination and settlement of sports events, and must publish their reports. In addition, committees are responsible for the supervision of hotlines, emails, contacts, etc. through which they collect reports of wrongdoing, for conducting investigations and for ensuring that every report of wrongdoing is processed and answered with an official response.

Organizational committees also form part of the administration framework for national sport events. The committees perform key oversight functions and are responsible for the leadership, supervision, correction and support of events and the selection and appointment of personnel related to events. In addition, a strong commitment to education and guidance and to increasing awareness of compliance in sport organizations is reported in China. Athletes, coaches and referees are provided with targeted training in the rules and regulations of sports events that is aimed at reinforcing a culture of integrity in relation to events.

The 2008 Summer Olympic Games in Beijing and the 2010 Shanghai World Expo both utilized post-event supervision in the management of funds and materials to prevent asset loss. Following the conclusion of the 2008 Games, the Beijing Organizing Committee for the Olympic Games categorized and disposed of all the assets using a variety of processes, such as public auction, paid utilization by venues, recovery by suppliers, discounted transfer and, where appropriate, donation.¹⁴ A material and fund disposal group was established that brought together members of the committee's logistics department, financial department, legal affairs department and supervision and audit department, along with other management representatives. Material disposal was entrusted to a third party (the Beijing Equity Exchange) because of this organization's specific expertise in areas such as appraisal, auction and renewable resource recycling. The entire process of asset disposal was supervised by the committee's audit and supervision department.

REPUBLIC OF KOREA

The Kim Young-ran Act was passed by the Government of the Republic of Korea in 2015. The act prohibits gift-giving to public officials beyond an exceptionally low monetary

¹⁴ In circumstances where prior usage in relation to major sports events meant that a market-priced transaction was not feasible.

threshold and defines "public official" more broadly to include journalists and teachers. It also creates corporate liability, both under administrative and criminal law, for bribery committed by employees in connection with the business of the corporation.

Companies can shield themselves from corporate criminal liability by showing that they undertook reasonable actions to prevent these kinds of anti-corruption law violations by their employees. Companies are thereby incentivized to adopt robust codes of conduct that prohibit this kind of gift-giving and hospitality gestures, create comprehensive internal compliance programmes, establish dedicated compliance departments, deliver training to employees, implement supervision systems and take disciplinary action against employees for violating these laws.

2.3 EASTERN EUROPEAN STATES, WESTERN EUROPEAN AND OTHER STATES

ARMENIA

In Armenia, sport-related crimes are investigated by the Department against Corruption and Economic Crimes, a department that operates within the administrative structure of the Ministry of Finance. Specifically, the audit division of the Department against Corruption and Economic Crimes conducts inspections of the finances of national sports federations.

CANADA

In the case of the 2010 Winter Olympics in Vancouver, the process of managing asset disposal was conducted by personnel within the Organizing Committee for the 2010 Olympic and Paralympic Winter Games. They managed the distribution of non-market items, such as used beds in athletes villages. These were delivered to community groups across Canada through a national sponsor that had originally supplied new beds for the Games. The sponsor used existing channels routinely used for such disposal to dispose of the used beds. Many other items that were not appropriate for sale were donated to community service groups in the Games' host communities. Other hard assets with some market value (office and sports equipment, etc.) were sold at auction, with the net proceeds of these sales going to the government of British Columbia. Celebratory street banners

were auctioned, with the net proceeds of these sales going to various charities in competition venue cities.

Potentially the most innovative asset transfer programme of the 2010 Winter Olympic Games in Vancouver involved removing temporary modular housing for athletes, coaches and other administrative support staff in the athletes village at Whistler. This legacy housing asset exceeded the predicted amount of affordable housing needed by the local workforce. However, there was the possibility that this accommodation asset could be used elsewhere in the province for long-term assisted living for senior citizens and other populations who could benefit from social housing. As such, the province of British Columbia worked closely with the organizing committee, municipal-level and local indigenous governments and official sponsors and suppliers of the 2010 Games to plan, design, build, remove and relocate 156 highly energy-efficient temporary athlete accommodation units to six communities where they were reconstructed as permanent living quarters.

FRANCE

The 2024 Summer Olympic and Paralympic Games in Paris will be the first Games in which there is a contractual obligation under the IOC Host City Contract for the host city (and other related lead organizations for the Games) to adopt anti-corruption and human rights compliance measures. Clause 13.2. (c) of the contract requires the host city, the national Olympic committee and the organizing committee for the Olympic Games to “refrain from any act involving fraud or corruption, in a manner consistent with any international agreements, laws and regulations applicable in the Host Country and all internationally recognised anti-corruption standards applicable in the Host Country, including by establishing and maintaining effective reporting and compliance.”

The National Multi-Year Plan to Fight Corruption (2020–2022) was adopted by the Government of France in January 2020. The plan, among other priorities, designates the promotion of integrity in sports organizations and in relation to events. To achieve this goal, the Government has emphasized the necessity of preventing corruption risks in the upcoming major sports events in France and of strengthening the integrity of the stakeholders in sport. Corruption prevention and detection is a main focus in legislation governing the organization of major sports events and authorities supervising or participating in event organization. AFA audits these authorities and all stakeholders. The development of guidelines on integrity in sports for all public and private

stakeholders and of non-binding recommendations for sport organizations for the development of compliance programmes are outlined as other priorities.

In January 2021, AFA released guidelines that provide a detailed manual to help public and private sector entities develop compliance programmes to prevent and detect corrupt practices that are now required under French law (Loi Sapin II). Although these guidelines do not specifically deal with the 2024 Olympics Games and 2023 Rugby World Cup, they outline main corruption risks in public procurement and offer examples of preventing and mitigating measures that might be adopted. They also provide instructions on risk mapping and management, including the development of codes of conduct, delivering awareness and training programmes for company employees, conducting due diligence, establishing internal whistle-blowers systems, performing monitoring and evaluation, and bringing corrective actions.

AFA conducts oversight with regard to the implementation of compliance programmes, including in relation to entities involved in the organization and delivery of the 2024 Summer Olympic and Paralympic Games and the 2023 Rugby World Cup. AFA representatives are present on both the ethics committee of the Organizing Committee of the Olympic Games and the SOLIDEO ethics committee, and the organization has a seat on the ethics committee for the 2023 Rugby World Cup.



GREECE

In Greece, the Audit Council of the General Secretariat of Sport performs audits and takes other steps aimed at ensuring the compliance of associations, unions and federations with recommended managerial and accounting policies and practices. Furthermore, the Council issues advisory reports on State subsidies provided to the private sector. In this context, the Professional Sports Committee, a non-judicial, independent authority overseen by the Minister of Culture and Tourism, monitors management of the sports sector. The Committee conducts compliance audits, monitors sport associations with respect to their funding, reports violations and/or imposes fines where appropriate, and prepares annual reports on its activities.

SWITZERLAND

In 2015, the Government of Switzerland and Swiss Olympic, the national Olympic committee, collaborated to produce the Charter for Ethics in Sport. The Charter applies to sports governance organizations in Switzerland, such as national sport federations, and is the “highest basic principle for Swiss sport”. Compliance with the Charter is monitored by Swiss Olympic and is a prerequisite for sport stakeholders to receive State subsidies.

It is important to note the merits of using the legal mechanism of contract compliance to encourage adherence to the Charter of Ethics in Sport as a precondition of receiving government funding for ongoing operations. A sports organization must show the Government how it is adhering to ethical principles and codes of conduct.

2.4 LATIN AMERICAN AND CARIBBEAN STATES

BRAZIL

In the years prior to the 2014 FIFA World Cup and 2016 Olympic Games in Rio, Brazil enacted extensive legislation to address key anti-corruption risk areas in procurement and corporate governance and to strengthen public access to information. The four important statutes, known as “the four pillars of anti-corruption legislation”, fundamentally reshaped the legal landscape of Brazil and enabled the creation of new anti-corruption institutions.

- » **Procurement reform.** In 2011, procurement reform was undertaken in Brazil through the enacting of the Regime Diferenciado de Contratações. In addition, two mechanisms were adopted to allow for public

oversight of procurement: the Responsibility Matrix and the Transparency Portal. The former provides the public with information on the projects the Government has committed to completing and the roles of various government offices in their implementation. The latter provides information on the allocation of funds by the Federal Executive Branch, which helps track government expenditures, resource transfers to states and municipalities, agreements with individuals, corporations and government entities, forecasting and revenue collection.

- » **Access to information.** The Freedom of Information Law of 2011 was passed to end secrecy surrounding government documents and introduce broad transparency.
- » **Addressing corporate participation in public corruption.** In response to the Mensalão scandal and public protests, the Clean Companies Act of 2013 introduced measures to enhance corporate liability and accountability and to incentivize the growth of a corporate compliance culture. The law expanded the definition of bribery (by criminalizing solicitation and offer), outlawed several forms of corporate corruption concerning public tenders, shell companies and the obstruction of public investigations of companies, and introduced strict corporate liability of a company for the acts of its employees performed in the interest or for the benefit of the company.
- » Other provisions of the Clean Companies Act were designed to strengthen enforcement of anti-corruption laws. To realize this goal, an enforcement system was designed to increase cooperation between companies and authorities. The Act encourages companies to conduct internal investigations of corruption allegations, to voluntarily disclose investigation findings and to settle cases as an alternative to criminal prosecution. The Act empowers enforcement agencies to enter “leniency agreements”.
- » **Addressing organized crime.** The Brazilian Organized Crime Law of 2013 increased penalties for the obstruction of justice, effectively equating such penalties to criminal sanctions brought against individuals who create and/or finance criminal organizations. Further, the rules surrounding plea bargaining were expanded in instances where a defendant has voluntarily cooperated with the investigation.

2.5 EXAMPLES OF UNITED NATIONS INITIATIVES AND INITIATIVES OF OTHER ORGANIZATIONS

UNITED NATIONS OFFICE ON DRUGS AND CRIME

The United Nations Convention against Corruption constitutes a comprehensive framework for designing and implementing anti-corruption safeguards in the high-risk environment created by the organization of a major sports event.

States parties to the Convention are expected, as per article 5(3), to “endeavour to periodically evaluate relevant administrative measures with a view to determining their adequacy to prevent and fight corruption.” The parties may find it useful to consider, particularly if they are contemplating hosting major international events, whether their existing legal framework and administrative procedures are sufficient to control the complex activities and public disbursements typically involved in such undertakings.

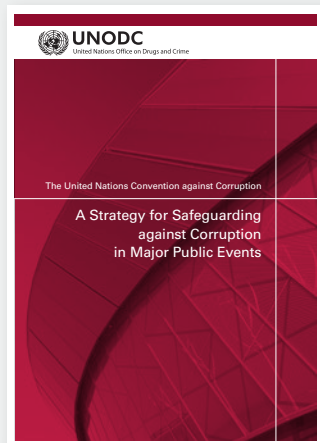
UNODC has developed a handbook, entitled *A Strategy for Safeguarding against Corruption in Major Public Events*, to support States considering organizing a major international event. The handbook refers to the relevant provisions of the Convention against Corruption and identifies good prevention and risk management practices. The practical measures begin with a recommendation that organizers of major public events undertake a comprehensive, strategic risk assessment in the planning phase, using the corruption prevention checklist developed by UNODC as a starting point. The handbook is complemented by a training package.

INTERNATIONAL OLYMPIC COMMITTEE

IOC has developed a multifaceted and well-resourced system aimed at safeguarding the integrity of major sports events and the Olympic Movement from corruption.

The IOC Ethics Commission, comprised of independent members, and the IOC Ethics and Compliance Officer share responsibility for oversight and the promotion of compliance with the Basic Universal Principles of Good Governance of the Olympic and the Sports Movement and the IOC rules of conduct that apply to IOC and its affiliate organizations.

IOC and the Organisation for Economic Co-operation and Development have developed a document on good practices and guidelines for the Olympic Movement, entitled *Procurement of Major International Sport-Events-Related Infrastructure and Services*.



INTERNATIONAL PARTNERSHIP AGAINST CORRUPTION IN SPORT

Launched in 2017, IPACS is a multi-stakeholder platform with the mission “to bring together international sports organisations, governments, inter-governmental organisations, and other relevant stakeholders to strengthen and support efforts to eliminate corruption and promote a culture of good governance in and around sport.”

With a view to reducing the risk of corruption in procurement relating to sporting events and infrastructure, IPACS has created a dedicated task force (IPACS Task Force 1) with the objective of mapping procurement standards to the specific context of sport and developing actionable guidelines and targeted tools aimed at managing procurement risks, including corruption risk in the public procurement of sporting events. The full report of the task force is entitled *Mapping of procurement standards and risk management activities in the construction of infrastructure for sporting events*.

The key findings of the task force¹⁵ include:

- » Data collected for the development of the report highlighted that the failure to properly record and store information on the procurement of sports-related infrastructure resulted in the loss of institutional memory, which undermines the development of informed procurement risk management strategies.
- » Risks facing procurement processes in general mostly stem from public and private interactions but increase significantly in the case of the procurement of sports infrastructure.
- » As a means to mitigate corruption and collusion risks, strategies to foster genuine competition in the procurement of sports-related infrastructure should be systematically applied. Such strategies include early engagement with suppliers in advance of publishing tender-related information or advance publication notices of upcoming tenders. If managed strategically, these practices could foster competition in subsequent tenders.
- » Reducing predictability in the outcomes of tender processes could also be a powerful strategy to minimize risks of corruption or collusion. Price and quality award criteria, tailored to the scale and complexity of sports space infrastructure, not only adapt award mechanisms to the nature of these projects, but they can also contribute to reducing the degree of certainty on tenders’ outcomes by mixing quality and price assessments. However, in 76 per cent

¹⁵ IPACS, “IPACS Task Force 1 Draft Executive Summary: Reducing the risk of corruption in procurement relating to sporting events and infrastructure” (2018).

of procurement processes where information was found, award criteria focused on the lowest price. To identify proposals offering the best value for money and reduce the predictability of competition outcomes, implementing agencies could consider using award criteria with both quality and price components.

- » Construction contracts are prone to renegotiation, which, if not transparently and effectively managed, could introduce additional fraud or corruption risks. These risks are higher in sports-related infrastructure because of the pressure to deliver projects on time.
- » Risks affecting the procurement of sporting events and related infrastructure are multifaceted and evolve as construction develops. Proactively managing these risks requires a coordinated governance structure and sometimes necessitates implementing innovative management strategies.

With a view to ensuring integrity in the selection of major sports events, with an initial focus on managing conflict of interest, IPACS also created a dedicated task force with the objective of building on existing standards and expertise to encourage the implementation of conflict-of-interest mechanisms and facilitating a collective understanding among sports organizations, Governments and international organizations about what the risks are and how to manage them.

The first report of IPACS Task Force 2¹⁶ considers the conflicts of interest that may arise in international sports organizations when a vote takes place to award the hosting rights for a major sports event and proposes appropriate measures to manage them based on international standards and good practices.

Based on the findings of the report, Task Force 2 developed recommendations¹⁷ to strengthen the procedures and practices of international sports organizations for managing conflicts of interest relating to the voting for the selection of hosts for major sports events.

¹⁶ IPACS Task Force 2, “Good practice examples for managing conflicts of interest in sport organisations” (2020).

¹⁷ IPACS Task Force 2, “IPACS Task Force 2 Draft Executive Summary: managing conflicts of interest relating to the voting for the selection of hosts for major sports events” (2019).

CONCLUSION AND POLICY CONSIDERATIONS



CONCLUSION

Large-scale corruption cases involving major sports events and the focus on their negative social, financial and environmental impact have resulted in extensive efforts to revise the concept of organizing and delivering these events and the approaches to doing so.

Andrew Spalding, Professor of Law at the University of Richmond, provided the following comments on this reform:¹⁸

- » These new measures will surely help the Games become better governed, but so too can they achieve something more. In mega-sport circles, there has long been talk of the various potential legacies of sport: the lasting economic, cultural, or environmental benefits (or harms) of hosting the Games. But with the new IOC contractual provisions, as applied in France, we see a new kind of legacy emerging. Let's call it a governance legacy: a series of laws, practices, standards, or norms promoting integrity, transparency, accountability, and the protection of human rights, which have application beyond sport and will remain in place after the Games are gone.
- » The long-term impact of these reforms will reach well beyond France. Los Angeles, the host of the 2028 Summer Olympics, has signed a contract with identical anti-corruption and human rights provisions; the U.S. will have no choice but to follow France's example. So too are these provisions included in the draft contract for the 2024 Winter Olympics, now set to be awarded either to Stockholm or Milan. Should the Olympics produce governance legacies in each of these countries, they may begin to shed their reputation as an unmitigated source of corruption and human rights abuse. Having long been part of a worldwide problem, they may now become part of the solution.

¹⁸ See Andy Spalding, "The governance legacy of mega-sporting events: a golden opportunity to promote Human rights", Institute for Human Rights and Business, December 7, 2018.

POLICY CONSIDERATIONS

The following policy considerations are based on the outcomes of the review process of this chapter, relevant articles of the Convention against Corruption, the UNODC publication *A Strategy for Safeguarding Against Corruption in Major Public Events* and from the recommendations contained in reports of the aforementioned IPACS Task Forces.

Governments can strengthen efforts to tackle corruption in major sports events by:

- » Identifying and mapping the roles and responsibilities of stakeholders in the delivery of sports infrastructure, including implementing agencies and construction suppliers, and other private stakeholders in the procurement cycle, such as architects or project managers
- » Putting in place governance mechanisms to ensure amendments to contracts benefit from strong oversight
- » Using procurement award criteria that incorporate both quality and price components tailored to the scale and complexity of the sports infrastructure to identify the best value for money
- » Developing strategies aimed at centralizing information pertaining to the development of sports-related infrastructure
- » Ensuring that during the planning and implementation stage, the entity responsible for the eventual disposal of assets, transfer of ownership and post-event operations is actively engaged with the host community about the readiness of the community for the eventual use of the facilities
- » Promoting and facilitating fair competition among bidding parties during the tendering phase of a procurement process linked to the organization of a major sports event. If a sole-source, non-competitive tendering process is used, delivery authorities should acknowledge and justify the use of such non-competitive tendering



- » Conducting thorough and accurate needs assessments in the planning stages of hosting a major sports event, and maintaining the integrity of such assessments by ensuring that no external (or inappropriate internal) stakeholders influence the results
- » Identifying positions and functions within and around the delivery authority, and within its partner organizations, that are most vulnerable or susceptible to corruption
- » Developing a coordinated and efficient governance system applicable to all stakeholders, both public and private, within the major-sports-event ecosystem (including international sports organizations, the public bodies of host cities or countries, sponsors, suppliers of goods and services, sports federations and other sport-related organizations).
- » Developing and implementing a code of conduct to guide the behaviour of the various stakeholders involved in the delivery of a major sports event to assist them in adhering to the principles of efficiency, transparency and objectivity
- » Implementing article 9 of the United Nations Convention against Corruption, which calls for State parties to implement procedures and policies to promote transparency and accountability in the management of public finances. *A Strategy for Safeguarding Against Corruption in Major Public Events* includes a discussion of how financial management, internal and external audits and external (public) reporting systems that are set out in articles 9(2) and 9(3) of the Convention can be applied by State parties that are involved in the funding and/or oversight of the hosting of a major sports event
- » Ensuring that delivery authorities put objectivity, transparency and efficiency at the forefront of the design and implementation of processes at the pre-tendering phase of the procurement cycle

Sports organizations can strengthen efforts to tackle corruption in major sports events by:

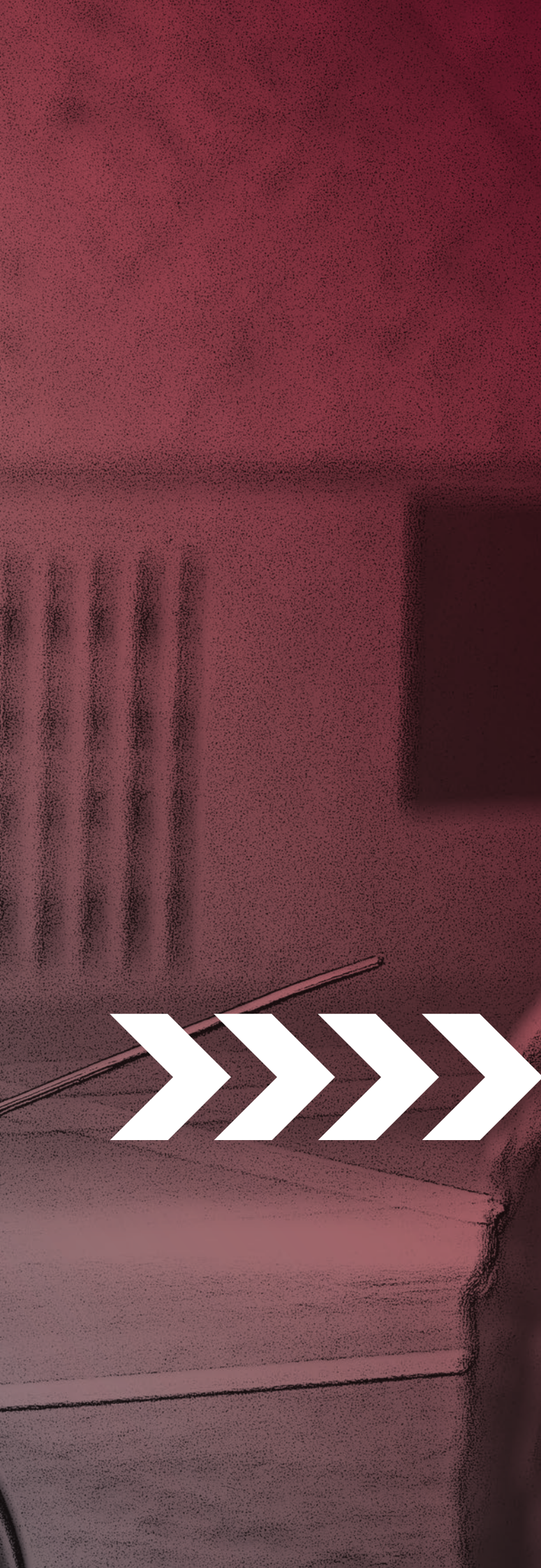
- » Preventing conflicts of interest from tainting their decision-making in the selection process for awarding hosting rights for major sports events, by developing, publishing and enforcing a clear conflict-of-interest policy
- » Regulating the use of commission-based payment systems involving stakeholders related to major sports events and ensuring that codes of conduct govern the conduct of delivery authority personnel and consultants involved in procuring goods and services from third-party suppliers
- » Developing strategies aimed at centralizing information pertaining to the development of sports-related infrastructure
- » Adopting and publishing a clear set of criteria that guides both bidding parties in the preparation of bids and the voting members of international sports organizations in their selection of which bidders are awarded a major sports event
- » Applying equally and fairly the rules relating to selection criteria and the decision-making process that apply to any city or country that is bidding to host a major sports event, and ensuring that the rules are straightforward, easy to follow, fair and transparent
- » Developing rules of competition in relation to major sports events that are clear and fairly applied to all contestants
- » Publishing bid evaluations and making them easily accessible to all stakeholders, including the public
- » Establishing ethics commissions that can conduct background checks on the various stakeholders involved in the major-sports-event selection process



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