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A close-up photograph of a person's muscular arm and hand gripping a wooden ring, likely a piece of gym equipment. The background is dark and out of focus.

LEGAL APPROACHES
TO TACKLING THE
MANIPULATION
OF SPORTS
COMPETITIONS

A RESOURCE GUIDE

UNITED NATIONS OFFICE ON DRUGS AND CRIME

Legal Approaches to Tackling the Manipulation of Sports Competitions: A Resource Guide



UNITED NATIONS
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INTRODUCTION

The manipulation of sports competitions is a complex and multi-faceted threat to the integrity of sport and has been called, in some jurisdictions, a “serious matter of national importance”.¹ The effective use of legislation by Governments is an effective way to help combat this complex and transnational problem.

To this end, it is helpful to provide insights into trends and evolution regarding the use of legislation to tackle the manipulation of sports competitions.

The manipulation of sports competitions is 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 that competition with a view to obtaining an undue advantage for oneself or for others.²

OBJECTIVES AND AUDIENCE

The overall aim of this resource guide is to provide lawmakers, policymakers, prosecutors and other relevant officials with practical approaches, good practices and guidance to help tackle the threat posed to sport and to society by the manipulation of sports competitions and to enhance the credibility and transparency of sport.

Specifically, it is aimed at supporting States parties to the United Nations Convention against Corruption in the implementation of paragraph 15 of resolution 8/4,³ 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 that paragraph, 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.

The present resource guide builds on the content of previous UNODC/IOC publications entitled *Criminalization Approaches to Combat Match-Fixing and Illegal/Irregular Betting: A Global Perspective* and “Model criminal law provisions for the prosecution of competition manipulation: UNODC IOC booklet for legislators”.

¹ India, Andhra Pradesh High Court, *Mohammed Azharuddin v. The Board of Control for Cricket in India*, Case No. C.C.C.A. No. 408 of 2003, Judgment, 8 November 2012.

² As provided for in article 3 of the Council of Europe Convention on the Manipulation of Sports Competitions. The definition inherently includes matches, sporting events and other sporting competitions.

³ www.unodc.org/documents/Safeguardingsport/Documents/UNCAC_-_resolution_8-4.pdf.

METHODOLOGY

The preparation of the resource guide involved an in-depth mapping and analysis of jurisdictions that have specific legislation criminalizing the manipulation of sports competitions and those that have used general criminal law provisions to tackle the problem.

Information used in the resource guide was provided in response to a questionnaire issued by UNODC to 187 States parties to the United Nations Convention against Corruption in June 2020. The information was supplemented by using open-source materials, including legislation, judicial decisions, jurisprudence, academic journals, articles, studies and research.

The resource guide approaches the topic from the perspective of the relevant provisions of the Convention.

A black and white photograph of several cyclists in a race, wearing helmets and cycling gear. The focus is on the lower half of the cyclists, showing their legs, feet on pedals, and the front wheels of their bicycles. A semi-transparent blue rectangular overlay is positioned in the center-right of the image, containing white text. The background is slightly blurred, suggesting motion.

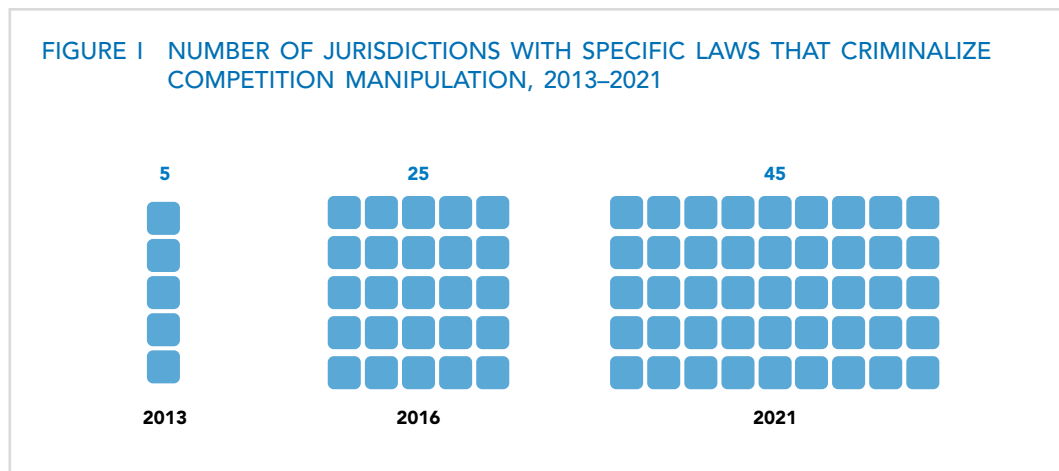
PART 1

GLOBAL ANALYSIS OF RELEVANT LAWS

Building on the research undertaken for the joint UNODC/IOC publications entitled *Criminalization Approaches to Combat Match-Fixing and Illegal/Irregular Betting: A Global Perspective* and “Model criminal law provisions for the prosecution of competition manipulation: UNODC IOC booklet for legislators”, part 1 of this resource guide presents the findings of a mapping exercise involving jurisdictions that have developed or used legislation to tackle the manipulation of sports competitions. An overview of the main findings of that exercise is presented below.

1.1 SIGNIFICANT INCREASE IN THE CRIMINALIZATION OF COMPETITION MANIPULATION

Analysis identified 45 jurisdictions that specifically criminalize the manipulation of sports competitions. This represents a significant increase over the five jurisdictions recorded in 2013.



In 2013, UNODC and IOC, in the publication entitled *Criminalization Approaches to Combat Match-Fixing and Illegal/Irregular Betting: A Global Perspective*, identified five jurisdictions that specifically criminalized the manipulation of sports competitions. In 2016, in the UNODC/IOC publication entitled “Model law provisions for the prosecution of competition manipulation: UNODC IOC booklet for legislators”, 25 such jurisdictions were identified.

The 45 jurisdictions that criminalize this act, as identified in the course of the research carried out for the present publication, are as follows: Albania, Algeria, Argentina, Armenia, Australia,⁴ Azerbaijan, Brazil, Bulgaria, China, Cyprus, Denmark, El Salvador, France, Georgia, Germany, Greece, Hungary, Israel, Italy, Japan, Kyrgyzstan, Latvia, Lithuania, Malta, Namibia, New Zealand, North Macedonia, Paraguay, Philippines, Poland, Portugal, Republic of Korea, Republic of

⁴ Australian Capital Territory, New South Wales, Northern Territory, South Australia and Victoria.

Moldova, Russian Federation, San Marino, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Turkey, Ukraine, United States of America⁵ and Uruguay.

UNITED STATES OF AMERICA

Sports betting is legal in the District of Columbia and 23 states: Arkansas, Colorado, Delaware, Illinois, Indiana, Iowa, Michigan, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New York, New Mexico, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Virginia, Washington and West Virginia. Another 24 States have proposed legislation to regulate it. However, only West Virginia has a criminal provision in its sports gambling statute that directly concerns game integrity, as opposed to betting integrity.

The Sports Wagering Act^a of West Virginia, in terms similar to the state's current sports bribery statute, makes it a criminal offence when someone "offers, promises, or gives anything of value to anyone for the purpose of influencing the outcome of a sporting event."

The existence of specific offences relating to the manipulation of sports competitions can be a valuable tool in the prevention, investigation, prosecution and sanctioning of the manipulation of sports competitions and for international cooperation in cross-border cases. The value of this approach in helping to tackle this problem is borne out by the positive trend seen in the jurisdictions criminalizing competition manipulation.

^aUnited States, West Virginia Code, chap. 61, § 61-10-22 (Bribery of participants in professional or amateur games and horse racing; penalty).

1.2 TYPES OF LAWS USED TO PROSECUTE THE MANIPULATION OF SPORTS COMPETITIONS

In jurisdictions that do not have specific legislation in place to combat the manipulation of sports competitions, general law provisions have been used to tackle the problem.

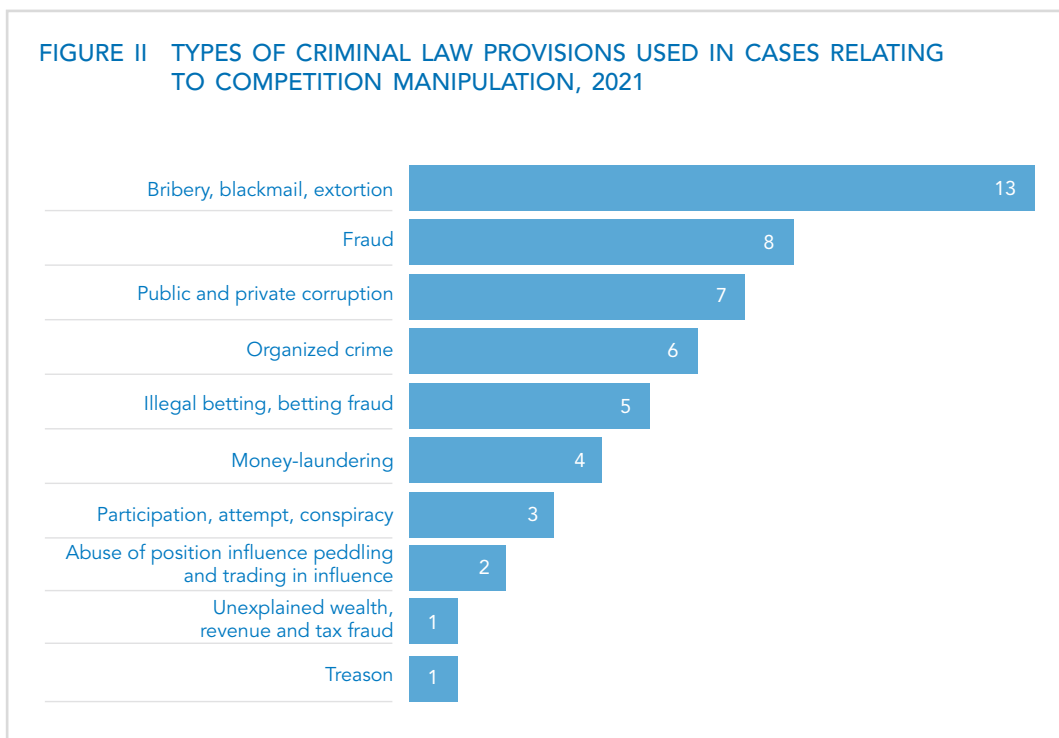
The analysis shows that in jurisdictions with no specific legal provision relating to the manipulation of sports competitions, laws relating to the following areas were used in cases relating to competition manipulation:

- Bribery (13 jurisdictions)
- Fraud (8 jurisdictions)
- Public and private corruption (7 jurisdictions)
- Organized crime (6 jurisdictions)
- Illegal betting and betting fraud (5 jurisdictions)

⁵While federal laws to combat corruption are routinely enforced, it is important to note the vast majority of sports regulation in the United States is inherently the responsibility of individual states. Individual states develop and enforce their own legislative frameworks, which can vary from federal statutes.

- Money-laundering (4 jurisdictions)
- Participation, attempt and conspiracy (3 jurisdictions)
- Abuse of functions/office/authority, influence-peddling and trading in influence (2 jurisdictions)⁶
- Unexplained wealth, revenue and tax fraud (1 jurisdiction)⁷
- Treason (1 jurisdiction)⁸

In several cases, various offences have been applied in the same case (e.g., in the United Kingdom of Great Britain and Northern Ireland, under bribery and illegal betting).



⁶Romania and Kosovo (all references to Kosovo in the present publication shall be understood to be in the context of Security Council resolution 1244 (1999)).

⁷United Kingdom of Great Britain and Northern Ireland.

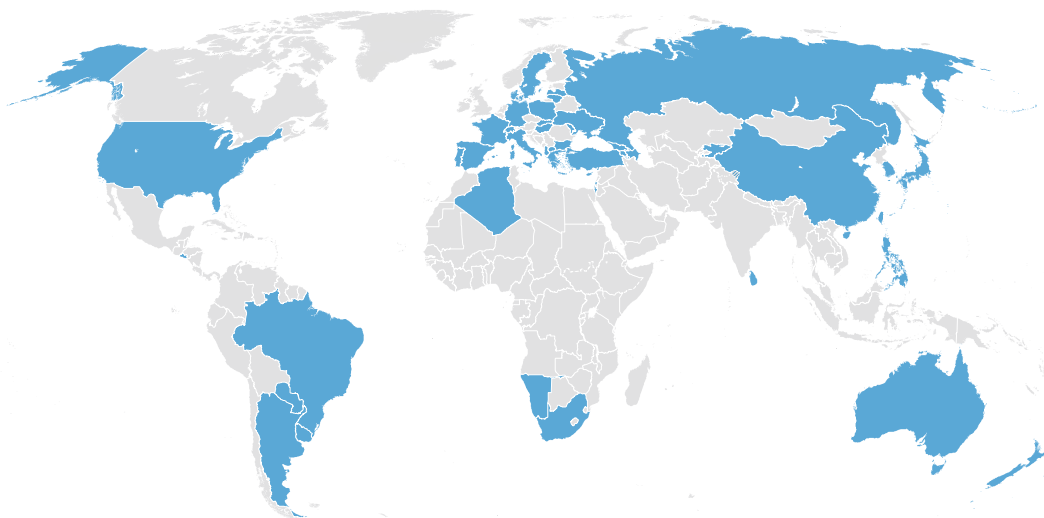
⁸Nepal.

1.3 REGIONAL TRENDS IN THE DEVELOPMENT OF LEGISLATION

The 45 jurisdictions that have developed specific legislation to criminalize the manipulation of sports competitions are as follows:

- **North Africa:** Algeria
- **Southern Africa:** Namibia, South Africa
- **Central America:** El Salvador
- **North America:** United States
- **South America:** Argentina, Brazil, Paraguay, Uruguay
- **Central Asia:** Kyrgyzstan
- **East Asia:** China, Republic of Korea, Japan
- **South-East Asia:** Philippines, Sri Lanka
- **West Asia:** Armenia, Azerbaijan, Cyprus, Georgia, Israel, Turkey
- **Eastern Europe:** Bulgaria, Hungary, Poland, Republic of Moldova, Russian Federation, Slovakia, Ukraine
- **Northern Europe:** Denmark, Latvia, Lithuania, Sweden
- **Southern Europe:** Albania, Italy, Greece, Malta, North Macedonia, Portugal, San Marino, Spain
- **Western Europe:** France, Germany, Switzerland
- **Oceania:** Australia, New Zealand

MAP 1 REGIONAL TRENDS IN THE DEVELOPMENT OF LEGISLATION TO CRIMINALIZE COMPETITION MANIPULATION



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

* Dotted line represents approximately the Line of Control in Jammu and Kashmir agreed upon by India and Pakistan. The final status of Jammu and Kashmir has not yet been agreed upon by the Parties.

** Final boundary between the Republic of Sudan and the Republic of South Sudan has not yet been determined.



PART 2

CRIMINALIZING
THE MANIPULATION
OF SPORTS
COMPETITIONS

2.1 MODEL CRIMINAL LAW PROVISIONS

The objective of this section, on model criminal law provisions, and the following section, on the drafting of specific legislation, is to assist lawmakers, policymakers, prosecutors and other relevant officials in developing effective legislation to prosecute those involved in the manipulation of sports competitions.

The proposed text draws on the content of the UNODC/IOC publication entitled *Criminal Law Provisions for the Prosecution of Competition Manipulation*, a summary of the results of 169 country reviews completed as part of the first cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption,⁹ and additional research, analysis and review.

2.2 PROPOSED TEXT

Any natural or legal person who, directly or indirectly, promises, offers or gives an undue advantage (material or otherwise) to another person, or attempts to obtain for himself, herself or for others, or otherwise coerces another with the aim of intentionally altering the result or the course of a sports competition, shall be sanctioned by _____.

Any natural or legal person who, directly or indirectly, solicits or accepts an undue advantage (material or otherwise) or the promise, offer or attempt thereof, for himself, herself or for others, with the aim of intentionally altering the result or the course of a sports competition, shall be sanctioned by _____.

Any natural or legal person who, directly or indirectly, improperly engages in conduct, or attempts, coerces, facilitates, discloses, uses, or conceals information or an agreement about conduct, that corrupts a betting outcome of a sports competition with the intent of obtaining or causing an undue advantage in relation to any betting on that competition, shall be sanctioned by _____.

⁹The set of non-binding recommendations and conclusions is based on resolution 6/1, in which the Conference of the States Parties to the Convention requested the Implementation Review Group to analyse the information on successes, good practices, challenges, observations and technical assistance needs emanating from the country reviews of the first review cycle, and to submit a set of non-binding recommendations and conclusions based on lessons learned regarding the implementation of chapters III and IV of the Convention to the Conference for its consideration and approval. At its eighth session, held in 2019, the Conference endorsed the set of non-binding recommendations and conclusions, as reviewed by the Implementation Review Group.



PART 3

COMMENTARY
ON THE DRAFTING
OF SPECIFIC
LEGISLATION

The mapping exercise carried out as part of the development of this resource guide resulted in the identification of 45 jurisdictions that have in place specific legislation criminalizing the manipulation of sports competitions.

Based on an analysis of objective (*actus reus*) and subjective (*mens rea*) elements of that legislation, a series of good practices are presented in the resource guide. These good practices have been developed after a review by leading experts and were drafted following an in-depth analysis of relevant cases and examples identified as part of the review of legislation. The examples identified as part of the development of this publication can be found in annex B.

The presentation of these good practices is aimed at helping users of this resource guide to decide how best to tackle the problem of the manipulation of sports competitions in a way that facilitates and enhances an effective criminal justice response. Given the increasingly international nature of sport, it is also hoped that a more harmonized legislative approach to the issue will lead to enhanced opportunities for information exchange and investigative cooperation.

3.1 DEFINITION OF THE OFFENCE

Overview

Developing a clear definition of any given offence is key to drafting legislation designed to tackle it. As sport evolves in different jurisdictions, in line with cultural, economic, social and technological developments, so does the risk of the manipulation of sports competitions. Against this backdrop, the use of a broad and flexible definition, and one that has already been subjected to extensive scrutiny and review, is particularly helpful.

The Council of Europe Convention on the Manipulation of Sports Competitions, which entered into force on 1 September 2019, includes a definition that was negotiated by its 47 member States.

Good practice (see annex B.I):

A good practice is to use the definition of the manipulation of sports competitions as contained in article 3.4 of the Convention on the Manipulation of Sports Competitions. It states that the manipulation of sports competitions is:

An intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition with a view to obtaining an undue advantage for oneself or for others.

3.2 UNDUE ADVANTAGE

Overview

Under various bribery laws, a broad definition of the concept of undue advantage may be used, covering both material and non-material gains.

It is also referred to as any advantage obtained by the receiver or the person nominated by him or her for this aim, or known and accepted by him or her, whatever the name or kind thereof may be and whether pecuniary or not, deemed to be a promise or a donation.¹⁰

It is noted that even the smallest amount of money or other objects could be considered gifts and would be sufficient to be considered constituent elements of the criminal offence.¹¹

Under article 1.1. of the Olympic Movement Code on the Prevention of the Manipulation of Competitions, undue advantage is referred to as a “benefit” and understood as the direct or indirect receipt or provision of money or the equivalent.

Relevant international legal provisions

Various articles of the Convention against Corruption are relevant with regard to the inclusion of manipulation for material and non-material gain, and undue advantage in the offence of competition manipulation:

- Article 15, relating to the bribery of national public officials
- Article 16, relating to the bribery of foreign public officials and officials of public international organizations

While the definition of undue advantage is not explicitly stated in the Convention, it may be interpreted as undertaking to provide or holding out something tangible or intangible, whether pecuniary or non-pecuniary.¹²

The term “advantage” is intended to apply as broadly as possible and to cover instances where intangible items and non-material or non-pecuniary benefits (such as honorary positions and titles, preferential treatment or sexual favours) are offered, to the extent that they create or may create a sense of obligation on the side of the recipient towards the giver.

Good practice (see annex B.II)

Regarding the jurisdictions studied for this resource guide, 40 of the 45 jurisdictions that criminalize the manipulation of sports competitions do so if it involves any undue advantage, whether it is material (a gift, a present, a consideration, an allotment, or a material, pecuniary or financial advantage) or non-material (any other undue advantage or benefit).

In the definition of undue advantage, a good practice is to ensure that the benefits of both a material and a non-material nature are included. This may be achieved through the use of expansive definitions or broad interpretations, such as considering a gratification, gift, consideration or appointment as conferring an undue advantage.

¹⁰United Nations Office on Drugs and Crime (UNODC), *State of Implementation of the United Nations Convention against Corruption: Criminalization, Law Enforcement and International Cooperation* (Vienna, 2017).

¹¹ Ibid.

¹²UNODC, *Legislative Guide for the Implementation of the United Nations Convention against Corruption*, 2nd ed. (Vienna, 2012), para. 196.

3.3 RESULT AND COURSE OF THE COMPETITION

Overview

During the course of a sports competition, certain elements may be attractive to people who engage in match-fixing because these elements may be easy to manipulate without necessarily affecting the result (such as the number of corners or yellow cards, the half-time result or the team that scores the next goal) and bets may be placed on these elements.

Bets on a specific subset of a game (commonly referred to as spot-fixing) pose a substantial risk to the integrity of sport because an individual can more easily manipulate these elements, given the limited number of variables to control (such as bribing a referee to issue a red card), and the breach of integrity can be difficult to prove.¹³ It is therefore recommended that offences relating to the manipulation of sports competitions allow for the sanctioning of any alteration of the competition's result or course, including side events that may have a direct or indirect impact on the result or course of the competition.

Good practices (see annex B.III)

A good practice regarding combating spot-fixing is for jurisdictions to criminalize the manipulation of both the result and the course of a sports competition.

3.4 APPLICATION TO ALL SPORTS AND COMPETITIONS

Overview

With no sport or jurisdiction immune to the risk of competition manipulation, and the expansion of online sports betting markets to offer betting on an increasingly extensive range of sports, the application of the offence of the manipulation of sport competitions to all sports and competitions is preferable.

Relevant international legal provisions and codes

Article 1, paragraph 1.2, of the Olympic Movement Code on the Prevention of the Manipulation of Competitions provides that:

“Competition” means any sports competition, tournament, match or event, organised in accordance with the rules of a Sports Organisation or its affiliated organisations, or, where appropriate, in accordance with the rules of any other competent sports organization.

¹³ Ben Van Rompuy, “The odds of match fixing: facts and figures on the integrity risk of certain sports bets” (The Hague, Asser Institute, 2015).

Good practices (see annex B.IV)

Most jurisdictions reviewed for this resource guide ensured that relevant legislation was not restricted to covering only certain types of sports or competitions. However, several jurisdictions specifically restricted the types of sports and competitions to which the offence applies, with an identified limitation of the legislation being that cases may fall outside the remit of the legislation.

Given the possibility of the emergence of new sports, such as e-sports, and the opportunities for new sports betting offerings and competition manipulation that can be created, a good practice is to ensure that the competition manipulation offence applies to all sports, not just one or a number thereof.

Furthermore, consideration should be given to sports-related events and transactions, including but not limited to award voting, player transfers and signings, and the hiring of coaches and managers, which may also be at risk of manipulation.

3.5 ACTIVE AND PASSIVE PARTICIPANTS

Overview

In most jurisdictions that have specific legislation relating to the manipulation of sports competitions, both active and passive manipulation were identified as objective elements of the offence.

The manipulation of sports competitions typically involves at least two persons: one who plays an active role and one who plays a passive role. In a bribery case in sport, the person who plays an active role (e.g., the bribe-giver) may directly, or through an intermediary, bribe the person who plays a passive role (the bribe-taker), who is usually a direct or indirect participant in the competition (e.g., a player, referee or trainer).¹⁴ However, it may occur that an individual acts as a “lone wolf” in the decision to manipulate a competition.¹⁵

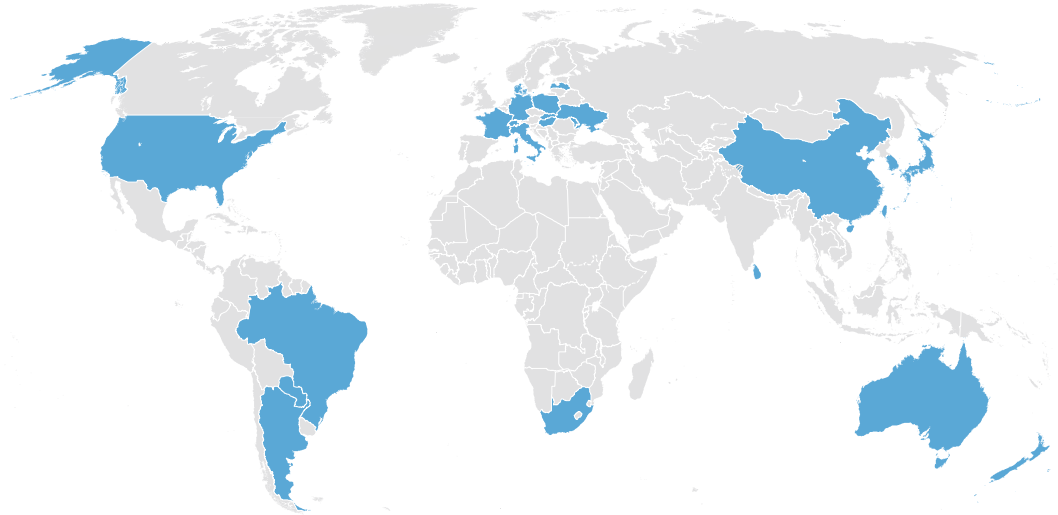
In 25 of the jurisdictions that criminalize the act,¹⁶ participants in the manipulation of sports competitions are identified in general terms. Typically, this is set out as any person who gives or promises an undue advantage, directly or through intermediaries, to the corrupted person.

¹⁴International Olympic Committee (IOC) and UNODC, *Criminal Law Provisions for the Prosecution of Competition Manipulation*: UNODC-IOC Study (2016).

¹⁵John T. Holden and Ryan M. Rodenberg, “Lone-wolf match-fixing: global policy considerations”, *International Journal of Sport Policy and Politics*, vol. 9, No. 1 (2017), pp. 137–151.

¹⁶Argentina, Australia, Brazil, China, Denmark, France, Germany, Hungary, Italy, Japan, Latvia, Malta, New Zealand, Paraguay, Philippines, Poland, Republic of Korea, Republic of Moldova, Slovakia, South Africa, Sri Lanka, Switzerland, Ukraine, United Kingdom and United States.

MAP 2 JURISDICTIONS THAT REFER TO UNDUE ADVANTAGE IN GENERAL TERMS IN THEIR LEGISLATION TO TACKLE COMPETITION MANIPULATION



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** Final boundary between the Republic of Sudan and the Republic of South Sudan has not yet been determined.

However, in eight jurisdictions,¹⁷ the active participant's position or qualifications are set out in more specific terms. Notably, these jurisdictions distinguish between direct participants in the competition (such as players and referees) and their professional entourage.

Relevant international legal provisions

Articles 15 and 16 of the Convention against Corruption provide for the criminalization of bribery, both active and passive, of national and foreign public officials. Article 21 of the Convention provides for the criminalization of active and passive bribery in the private sector.

Article 15. Bribery of national public officials

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally: (a) The promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties; (b) The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.

Article 16. Bribery of foreign public officials and officials of public international organizations

Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the promise, offering or giving

¹⁷ Armenia, Bulgaria, El Salvador, Greece, Russian Federation, Portugal, Spain and Turkey.

to a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties, in order to obtain or retain business or other undue advantage in relation to the conduct of international business.

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 solicitation or acceptance by a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.

Article 21. Bribery in the private sector

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic, financial or commercial activities: (a) The promise, offering or giving, directly or indirectly, of an undue advantage to any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting; (b) The solicitation or acceptance, directly or indirectly, of an undue advantage by any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting.

In addition, it is stated in article 27, paragraph 1, of the Convention, on participation and attempt, that:

Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, participation in any capacity such as an accomplice, assistant or instigator in an offence established in accordance with the Convention.

Regarding the role of intermediaries, article 5, paragraph 1, of the United Nations Convention on Transnational Organized Crime requires States parties to criminalize participation in an organized criminal group. Such participation is defined as:

Conduct by a person who, with knowledge of either the aim and general criminal activity of an organized criminal group or its intention to commit the crimes in question, takes an active part in criminal activities of the organized criminal group or other activities of the organized criminal group in the knowledge that his or her participation will contribute to the achievement of the above-described criminal aim.

Good practices (see annex B.V)

To ensure criminal liability, a good practice is to establish both active and passive manipulation of a sports competition as objective elements by ensuring that legislation refers to all categories of persons listed in article 2 of the Convention against Corruption, as well as all direct and indirect acts.

If not already covered under general criminal law provisions, it should be ensured that coercive acts beyond bribery, such as blackmail, extortion, duress, violence, intimidation and lone-wolf schemes, are covered in the legislation.

Furthermore, all elements of the articles of the Convention should be clearly delineated to ensure that all modalities of the commission of an offence are included:

- In an active role: any person who promises, offers, gives, assists in the giving of, solicits, asks for a promise of, encourages or incites the offering of, conspires for, demands, conceals, attempts to conceal or encourages another to conceal an undue advantage, directly or through intermediaries
- In a passive role: any person who solicits, receives or accepts an undue advantage or the promise thereof, directly or through intermediaries, to manipulate a sports competition¹⁸
- Any person who gives an undue advantage, as well as third-party beneficiaries and indirect acts

3.6 LIABILITY OF LEGAL PERSONS

Overview

The establishment of liability (criminal, civil or administrative) of any natural or legal person assures a wide scope of application. Legal persons may be understood to be either a group of individuals, a company or another entity that has similar legal rights and responsibilities to those of a natural person and is subject to obligations.

While not all jurisdictions have legal provisions that provide for criminal liability of legal entities,¹⁹ the mapping exercise carried out for this resource guide found provisions that relate to the liability of legal persons under the offences on competition manipulation, for example, in Lithuania and Switzerland.

Relevant international legal provisions

It is stated in article 26, paragraph 1, of the Convention against Corruption, on the liability of legal persons, that:

Each State Party shall adopt such measures as may be necessary, consistent with its legal principles, to establish the liability of legal persons for participation in the offences established in accordance with the Convention.

It is further stated in article 26, paragraph 2, that:

Subject to the legal principles of the State Party, the liability of legal persons may be criminal, civil, or administrative.

Articles 15 to 17 of the Convention refer to offences committed for their benefit by any natural person, acting either individually or as a member of an organ of the legal person, who has a leading position within the legal person, based on a power of representation of the legal person, the authority to take decisions on behalf of the legal person, and the authority to exercise control within the legal person.

¹⁸ IOC and UNODC, *Criminal Law Provisions for the Prosecution of Competition Manipulation*.

¹⁹ Council of Europe, *Liability of Legal Persons for Corruption Offences* (May 2020) and Organisation for Economic Co-operation and Development, Anti-Corruption Network for Eastern and Central Asia, *Liability of Legal Persons for Corruption in Eastern Europe and Central Asia* (2015).

It is also stated that, subject to the legal principles of the State party, the liability of a legal person may be criminal, civil or administrative.

Good practices (see annex B.VI)

It is a good practice to explicitly establish the liability (criminal, civil or administrative) of legal persons.

Furthermore, a wide scope of application of legislation to national and foreign public officials, to officials of public international organizations and to the private sector can make the legislation more comprehensive.

Under civil law, jurisdictions may consider imposing objective liability as an effective tool for holding legal persons liable, irrespective of their fault or negligence.

3.7 BETTING FRAUD

Overview

The manipulation of sports competitions on which a bet is possible, also known as betting fraud, implies a focus on altering the outcome or outcomes of a bet, an action that is to be distinguished from illegal betting.

While the manipulation of sports competitions is frequently linked with betting on the competition that has been manipulated, the offence of competition manipulation is, in most jurisdictions (34 out of 45 identified), dissociated from the betting outcome.

Regarding the judicial decisions analysed for the purposes of this resource guide, the majority involved references to economic gain sought or obtained through betting on a sports event that was manipulated.

These cases typically involved one or more of the following scenarios:

- Infiltration of a sports organization
- Misuse of inside information
- Bribing of a player or players
- Manipulation of a part or the result of a sports competition
- Soliciting a bribe
- Betting on the manipulated competition

The analysis conducted for this resource guide established that:

- Of the 45 jurisdictions with a specific competition manipulation offence, in 10, the offence of competition manipulation is limited to competitions on which bets are proposed
- Sports betting manipulation is established as a separate offence in six jurisdictions: China, Republic of Moldova, Slovakia, South Africa, Sri Lanka and United States
- In a further six jurisdictions,²⁰ manipulation of a betting outcome is an aggravating factor regarding the competition manipulation offence

²⁰ Bulgaria, Greece, Italy, Poland, Spain and Turkey.

Good practices (see annex B.VII)

While illegal betting and manipulation of the betting market are frequently considered crimes in and of themselves, in over 75 per cent of the jurisdictions studied, the offence of betting fraud is dissociated from the offence of manipulation of a sports competition.

A good practice is for the criminal offence of manipulation of sports competitions to be separate from any betting-related offences.

However, this would not preclude legislators and lawmakers from adapting the offence of manipulation of sports competitions to include betting fraud (i.e., to criminalize all forms of manipulation of sports competitions and those aimed at altering the result of a bet) or to provide for a separate offence related to betting fraud.²¹

It should be noted that under the Olympic Movement Code on the Prevention of the Manipulation of Competitions, it is a disciplinary offence for a sportsperson to bet on their own sport. Also, compliance with the Code is compulsory for all involved with the Olympic Movement.²²

3.8 USE OF INSIDE INFORMATION

Overview

The disclosure and/or use of inside information is potentially a serious threat to the integrity of sport. It is important to note that the use of inside information is considered a disciplinary offence by sport governing bodies (e.g., under article 2.4 of the Olympic Movement Code on the Prevention of the Manipulation of Competitions and under the FIFA Code of Ethics). The use of inside information to enhance a betting outcome may be criminalized if a person receives inside information about the upcoming competition, places a bet and wins. Such privileged information may include advance notice of a manipulated match, player injury and health information, team lineups, team strategy, player suspensions and disciplinary cases. However, if they have not been actively or passively involved in the manipulation, through act or omission, and if there is no duty to report or disclose, under the jurisdiction's legislation, they may not be liable.

In jurisdictions that have inside information offences (i.e., certain states in Australia), these offences are summary offences that carry a maximum of two years' imprisonment (compared with offences involving the manipulation of sports competitions that carry a sanction of up to 10 years' imprisonment in some jurisdictions). This has posed challenges during investigations in which telecommunication interception was unavailable and during proceedings that did not allow sufficient time for what can be lengthy or complex investigations.²³

Relevant code

Article 1.3 of the Olympic Movement Code on the Prevention of the Manipulation of Competitions²⁴ defines inside information as “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

²¹ As identified in the UNODC-IOC study *Criminal Law Provisions for the Prosecution of Competition Manipulation*.

²² Art. 2, para. 2.1, of the Olympic Movement Code on the Prevention of the Manipulation of Competitions; as an example, see art. 26 of the FIFA Code of Ethics: 2019 edition.

²³ Australia, *Report of the Review of Australia's Sports Integrity Arrangements*, No. 12074 (2018).

²⁴ Similar wording to art. 3, para. 7, of the Council of Europe Convention on the Manipulation of Sports Competitions.

the public or disclosed in accordance with the rules and regulations governing the relevant Competition.”

Good practices (see annex B.VIII)

A good step to take is to ensure that the definition of inside information relates to any information about a sports competition that a person possesses by virtue of their position in relation to a sport or a 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 sport or competition.

A good practice is for jurisdictions to consider the establishment of a criminal offence related to disclosing and using inside information for betting purposes, particularly where there is systematic or consistent releasing or abusing of inside information, including by those employed by betting operators, regulators or related entities.

However, caution is required to ensure that athletes are not charged with inside information offences in circumstances where information may have been passed to a friend or a relative without knowledge that it would be used for betting purposes and hence there was no criminal intent. However, if the athlete intentionally discloses privileged information to a friend or a relative and it can be established that the athlete knew such information would be used for betting purposes, the athlete could be held criminally liable.

3.9 INTENT

Overview and relevant international legal provisions

Regarding subjective elements of a competition manipulation offence, articles 15 to 23 of the Convention against Corruption refer to the need to establish criminal offences when committed intentionally.

In addition, as stated in article 28 of the Convention:

Knowledge, intent or purpose, required as an element of an offence established in accordance with the Convention, may be inferred from objective factual circumstances.

Good practices (see annex B.IX)

In civil law systems, a good practice is for legislation to include reference to the intentional or reckless nature of the perpetrator’s action or omission.

In common law systems, courts may presume mens rea on proof of actus reus completed with intent or recklessly.

With respect to bribery in the private sector (art. 21 of the Convention), a non-mandatory offence, which is of considerable relevance to sport, the establishment of an offence that applies to any person who directs or works in any capacity for a private sector entity should be considered.

3.10 ATTEMPT, ENCOURAGING OR ASSISTING, INCITEMENT AND CONSPIRACY

Overview

In many common law systems, inchoate offences cover attempt, encouraging or assisting, incitement²⁵ and conspiracy. This refers to situations where an individual has taken steps to commit an offence, or has encouraged or persuaded others to do so, although a substantial offence has not been committed. A required element of an inchoate offence is intent or recklessness (i.e., *mens rea*).

Because of the unpredictability of sport, attempts to manipulate, even if not successful, still threaten the integrity of sport, and hence they should be included in any competition manipulation offence.

While nearly all jurisdictions studied for the purposes of this resource guide refer to the intention of the criminal offence (to obtain pecuniary gain, to corrupt betting), few specifically include reference to the intentional or reckless nature of the perpetrator's action or omission. This may be taken as a reflection that specification of the mental elements of the competition manipulation offence may not be necessary because they are either implicitly addressed, provided elsewhere in the penal codes or provided in the case law applying to such offences.

The exceptions are Australia, where the law specifically covers both intentional and reckless behaviour; Spain, where the law explicitly requires deliberate behaviour; and Switzerland, where the Swiss Criminal Code refers to the intention of the author (i.e., consciousness and willingness²⁶) and therefore arguably captures all those whose intention was to induce an erroneous belief by false pretences or concealment of the truth to cause that person to act to the prejudice of his, her or another's financial interests.²⁷

It is particularly difficult to prove the intent of an athlete or an official to underperform and profit from match-fixing, short of the type of operation that uncovered spot-fixing by three Pakistani cricketers in 2010, which led to custodial sentences and playing bans.²⁸

International legal provisions

Regarding inchoate or incomplete offences, including attempt, encouraging or assisting and conspiracy, it is stated in article 27 of the Convention against Corruption, on participation and attempt, that:

Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, participation in any capacity such as an accomplice, assistant or instigator in an offence established in accordance with this Convention.

Each State Party may adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, any attempt to commit an offence established in accordance with the Convention.

²⁵ Abolished under the United Kingdom Serious Crimes Act 2007.

²⁶ Switzerland, Swiss Criminal Code, art. 25.a.1 and 2.

²⁷ Switzerland, Swiss Criminal Code, art. 146.

²⁸ Tom Serby, "Sports corruption: sporting autonomy, *Lex Sportiva* and the rule of law", *Entertainment and Sports Law Journal*, vol. 15, No. 1 (2017), pp. 1–9.

It is also stated that each State party may adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, the preparation for an offence established in accordance with the Convention.

Good practices (see annex B.X)

A good practice with regard to inchoate offences is for jurisdictions to ensure that inchoate and incomplete crimes, including attempt, encouragement or assisting, incitement and conspiracy, are covered under general criminal provisions, and, if not, that inchoate and incomplete crimes relating to the manipulation of sports competitions are covered in the competition manipulation offence, to ensure that unsuccessful manipulation attempts are covered by the legislation.

In studies carried out by UNODC in relation to other types of crime under the Convention against Corruption, good practice is recognized as States' specifically addressing an offence committed negligently, with gross negligence or wilful blindness, or recklessly.²⁹ Specifically, the offence of laundering of proceeds of crime is criminalized not only when the alleged offender had actual knowledge, but also when they ought reasonably to have known, that the assets laundered resulted from a crime, or when they acted on the basis of a duty to know, a rational assumption or an inexcusable ignorance of such fact.

²⁹UNODC, *State of Implementation of the United Nations Convention against Corruption*.

An aerial, black and white photograph of a rowing team in a long, narrow boat on a body of water. The rowers are seen from above, each with their oars dipping into the water. The boat is long and narrow, with a white stripe along its length. The water is dark with some white foam from the oars. A dark blue semi-transparent rectangular box is overlaid on the right side of the image, containing white text.

PART 4

APPLICATION OF CRIMINAL LAW

Overview

In the absence of specific provisions criminalizing the manipulation of sports competitions, States Members of the United Nations have applied general criminal law provisions. This resource guide has identified 27 jurisdictions³⁰ that have applied general criminal law provisions in the prosecution of cases involving the manipulation of sports competitions.

The most commonly applied provisions in cases involving the manipulation of sports competitions are those relating to bribery (applied in 13 jurisdictions), followed by provisions relating to fraud (8 jurisdictions), public and private corruption (7 jurisdictions), organized crime (6 jurisdictions), money-laundering (4 jurisdictions) and participation, attempt and conspiracy (3 jurisdictions), with only two jurisdictions applying abuse of functions, office or authority, influence-peddling and trading in influence,³¹ one jurisdiction applying unexplained wealth, revenue and tax fraud³² and one applying treason provisions.³³ Provisions related to illegal betting and betting fraud have been applied in five jurisdictions. In several instances, various offences have been applied in the same case (e.g., in the United Kingdom under bribery and illegal betting provisions).

While the application of general criminal law provisions may be sufficient to prosecute active and passive participants, this is not always the case.³⁴ The inability to prosecute may be linked to such factors as the following:

- The act is considered to be misconduct and not a crime
- Corruption legislation is applicable to public officials and not to the private sector
- There are challenges relating to identifying the harm caused, be it to the sport, betting operator, bettor, sponsor, fan or another stakeholder involved
- The standard of proof required for proving the offence of organized crime, typically requiring members to systematically use unlawful means to carry out unlawful activity for economic gains, may be difficult to attain
- Proving underperformance of an athlete is difficult; this is a requirement for cheating or deception-related laws

³⁰ Australia (Victoria, Tasmania and Western Australia), Austria, Belgium, Bulgaria, Czechia, El Salvador, Finland, Georgia, India, Indonesia, Luxembourg, Malaysia, Montenegro, Netherlands, Nepal, Norway, Panama, Romania, Singapore, Slovenia, Sweden, Switzerland (pre-2019 law), United Kingdom, United States and Viet Nam, as well as Hong Kong, China, and Kosovo.

³¹ Romania and Kosovo.

³² United Kingdom.

³³ Nepal.

³⁴ Swiss Federal Criminal Court, Case No. SK.2011.33, Judgment, 13 November 2012.

4.1 APPLICATION OF GENERAL CRIMINAL LAW PROVISIONS TO COMPETITION MANIPULATION

Relevant international legal provisions

The Convention against Corruption covers five principal areas: preventive measures; criminalization and law enforcement; international cooperation; asset recovery; and technical assistance and information exchange.

The illegal actions defined by the Convention that may be of relevance to competition manipulation include:

- Bribery in the public and private sectors (arts. 15, 16 and 21)
- Embezzlement in the public and private sectors (arts. 17 and 22)
- Trading in influence (art. 18)
- Abuse of functions (art. 19)
- Illicit enrichment (art. 20)
- Money-laundering (art. 23)
- Concealment (art. 24)
- Obstruction of justice (art. 25) related to the offences listed above

4.1.1 Corruption (public and private)³⁵

Overview

In the application of corruption provisions, many jurisdictions analysed for the resource guide distinguish between active and passive corruption in the public sector on the one hand and active and passive corruption in the private sector on the other.

The following is an example of “private corruption”: a person who bribes a player to manipulate a competition could be guilty of active private corruption, while a player who accepts a bribe for that manipulation and then manipulates the competition could be guilty of active and passive private corruption.

In order for cases to be considered “public corruption”, they need to involve individuals recognized as public officials as defined in article 2 of the Convention and national legislation. However, it is important to note that in most jurisdictions, officials such as referees and umpires are not considered public officials.

The review identified eight jurisdictions that have applied public and private corruption provisions to cases related to the manipulation of sports competitions, namely Czechia, India, Indonesia, Luxembourg, Norway, Singapore, Switzerland and the United States.

Good practices (see annex B.XI)

A good practice is to apply corruption provisions to acts relating to the manipulation of sports competitions. Developing legislation that seeks to sanction active and passive corruption, in line with articles 15 and 16 of the Convention against Corruption, is also identified as a good practice

³⁵The notions of public and private corruption are not established by the Convention. They are used for the purposes of the present resource guide to describe and exemplify forms of corruption that can be found in sports.

relating to competition manipulation. Another good practice is for the notion of private corruption to be applied to the sports sector. A further good practice is to apply sanctions to public corruption involving the use of public funds by all sports officials.

4.1.2. Abuse of functions

Overview

Abuse of functions, also referred to as abuse of position, office and authority, and as influence-peddling, is defined in article 19 of the Convention against Corruption as “the performance of or failure to perform an act, in violation of laws, by a public official in the discharge of his or her functions, for the purpose of obtaining an undue advantage for himself or herself or for another person or entity.”

The review identified one jurisdiction, Romania, which has applied laws related to tackling the abuse of functions in a case linked to the manipulation of sports competitions.

Relevant international legal provisions

It is stated in article 19 of the Convention against Corruption, on abuse of functions, 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.

Good practices (see annex B.XIII)

A good practice is the establishment as a criminal offence, when committed intentionally, the abuse of position in the performance of or failure to perform an act, by a natural or legal person in the discharge of his or her functions, for the purpose of obtaining an undue advantage for himself or herself or for another person or entity.

4.1.3. Bribery

Overview

Bribery is defined in article 15 of the Convention against Corruption as the promise, offering or giving, directly or indirectly, of an undue advantage, for himself or herself or another person or entity, in order that an official act or refrain from acting in the exercise of his or her duties.

In 10 jurisdictions, bribery or blackmail have been identified as the principal offence in judicial proceedings relating to the manipulation of sports competitions, including in Belgium, Finland, Malaysia, the Netherlands, Romania, Sweden, the United Kingdom, the United States and Viet Nam.

However, because of the hidden and secret nature of bribery, prosecution and conviction are particularly difficult.

Relevant international legal provisions

Regarding bribery, blackmail and extortion, the following articles of the Convention against Corruption apply:

- Article 15: Bribery of national public officials
- Article 16: Bribery of foreign public officials and officials of public international organizations
- Article 21: Bribery in the private sector

In its resolution 8/4, the Conference of the States Parties to the Convention urged States parties to enforce their national legislation criminalizing bribery and other forms of corruption by preventing, investigating and prosecuting corrupt acts involving sports, bearing in mind articles 12, 15 and 21 of the Convention and without prejudice to article 4 of the Convention.

Good practices (see annex B.XIV)

A good practice that has been identified is for the active offence of bribery not to be reliant on the agreement of the passive party (bribe-taker). The offer of a bribe should suffice for criminal liability. Furthermore, legislation and judicial decisions demonstrate that there is no need to prove the existence of a corrupt agreement between the person who offers and the person who accepts a bribe.

4.1.4 Fraud

Overview

Fraud³⁶ 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. Revenue and taxation fraud³⁷ and unexplained wealth laws could potentially be used in cases relating to the manipulation of sports competitions.³⁸

In most jurisdictions, the offence of fraud is provided for in criminal law, with eight jurisdictions considering offences relating to the manipulation of sports competitions as falling under the offence of fraud, including Australia (Western Australia and Tasmania), Austria, Canada, Finland (if the betting operator is deceived), Indonesia and Norway.

In common law jurisdictions, fraud takes different forms, including forgery, theft by false pretence and bank fraud. However, it can be extremely difficult to prove all the elements of a fraud offence. For example, theft by false pretence, one of the most general forms of criminal fraud, requires the intentional deception of a victim by false representation or pretence with the intent of persuading the victim to part with property and with the victim parting with property in reliance on the representation or pretence and with the perpetrator intending to keep the property from the victim.³⁹

³⁶ST/IC/2016/25, annex.

³⁷Australian Crime Commission, *Organised Crime in Australia 2011* (Canberra, 2011).

³⁸Tom Serby, "Follow the money: confiscation of unexplained wealth laws and sport's fixing crisis", *Sweet & Maxwell International Sports Law Review*, vol. 13, No. 1 (2013), pp. 2–8.

³⁹Judicial Council of California, *Criminal Jury Instructions, Theft by False Pretense* (Pen. Code § 484), CALCRIM No. 1804, 2020 edition.

Relevant international legal provisions

While neither the Convention against Corruption nor the United Nations Convention against Transnational Organized Crime specifically defines fraud, article 21 of the Convention against Corruption, on bribery in the private sector, can be viewed as a provision relevant to the topic:

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic, financial or commercial activities: (a) The promise, offering or giving, directly or indirectly, of an undue advantage to any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting; (b) The solicitation or acceptance, directly or indirectly, of an undue advantage by any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting.

Good practices (see annex B.XV)

A good practice is to consider the application of fraud provisions to cases of competition manipulation, such that the wrongful or criminal deception intended to result in financial or personal gain is penalized. This may include betting fraud (see sect. 4.3) or wrongful deception by those on the field of play, including referees and athletes who have obtained financial or personal gain for their deception (manipulation).

A further good practice is for jurisdictions to consider the application of laws related to unexplained wealth, revenue and tax fraud in cases relating to the manipulation of sports competitions.

4.1.5 Money-laundering

Overview

The review identified four jurisdictions (El Salvador, Finland, Panama and Switzerland) that have applied laws related to tackling money-laundering as part of cases related to the manipulation of sports competitions.

One jurisdiction (United Kingdom) was found to have applied laws related to unexplained wealth and revenue and tax fraud as part of cases related to the manipulation of sports competitions.

The link between the manipulation of sports competitions and money-laundering has been the subject of several publications and initiatives. 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.⁴⁰

The characteristics of sports betting platforms that make them a unique conduit for laundering the proceeds of crime, such that they emerge as legitimate business revenue, include the following:

⁴⁰ European Union Agency for Law Enforcement Cooperation (Europol), “The involvement of organised crime in sports corruption: situation report” (August 2020), p. 19.

- They involve anonymity and high liquidity
- Cash flow is fluid, often online and easily transferred across jurisdictions
- Offline betting often deals with large cash sums and is partially anonymous, with physical betting retailers often connected to online websites, which creates direct money-laundering possibilities⁴¹
- There is a diversity of sports betting laws and regulatory frameworks, with many regulated and unregulated bookmakers available to process bets
- Betting winnings are tax free and/or can be easily diverted offshore in some jurisdictions
- Payout percentage is high relative to investment returns available in other financial services industries⁴²
- The application of weaker sanctions or no sanctions for competition manipulation makes money-laundering through sports betting particularly attractive to criminal organizations, representing a lower-risk investment when compared to other types of crime that are more severely sanctioned

Relevant international legal provisions

From a legislative perspective, the issue of money-laundering is considered under article 14 of the Convention against Corruption, on measures to prevent money-laundering, and under article 23, on laundering of proceeds of crime.

It is stated in article 14, paragraph 1, of the Convention, on measures to prevent money-laundering, that each State party shall:

(a) Institute a comprehensive domestic regulatory and supervisory regime for banks and non-bank financial institutions, including natural or legal persons that provide formal or informal services for the transmission of money or value and, where appropriate, other bodies particularly susceptible to money-laundering, within its competence, in order to deter and detect all forms of money-laundering, which regime shall emphasize requirements for customer and, where appropriate, beneficial owner identification, record-keeping and the reporting of suspicious transactions;

(b) Without prejudice to article 46 of this Convention, ensure that administrative, regulatory, law enforcement and other authorities dedicated to combating money-laundering (including, where appropriate under domestic law, judicial authorities) have the ability to cooperate and exchange information at the national and international levels within the conditions prescribed by its domestic law and, to that end, shall consider the establishment of a financial intelligence unit to serve as a national centre for the collection, analysis and dissemination of information regarding potential money-laundering.

Further to article 14, paragraph 1, it is stated in article 23, paragraph 1, of the Convention, on laundering of proceeds of crime, that each State party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

⁴¹ European Commission and French Institute for International and Strategic Affairs, *Preventing Criminal Risks Linked to the Sports Betting Market* (June 2017).

⁴² Ingo Fiedler, "Online gambling as a game changer to money laundering?" (May 2013).

(a) (i) The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action;

(ii) The concealment or disguise of the true nature, source, location, disposition, movement, or ownership of or rights with respect to property, knowing that such property is the proceeds of crime.

(b) Subject to the basic concepts of its legal system:

(i) The acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of crime;

(ii) Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article.

Good practices (see annex B.XVI)

The recognition of competition manipulation as a form of economic or financial crime is considered good practice because of the financial gains that can be made, notably on the sports betting market.

The criminal offence of money-laundering connected to the manipulation of sports competitions should also criminalize the “should-have-known” principle or self-laundering, whereby the proceeds of competition manipulation have been laundered by the perpetrators themselves.

A good practice is to implement relevant measures so that all banks, betting operators and businesses through which potential profits of crime may be laundered closely monitor movements of money and report all suspicions to the appropriate authorities.

It is also good practice to include requirements for customer identification and, where appropriate, beneficial owner identification, record-keeping and the reporting of suspicious transactions.

Safe harbour provisions to protect the reporting institution and its employees from civil, administrative and criminal liabilities when reporting in good faith and on reasonable grounds should be considered.

Protection from intimidation by those about whom reports are made is also important. Therefore, it may be necessary to allow for the protection of the identity of the reporting official. Other incentives may be more related to practical issues, such as providing an adequate time frame and the use of non-burdensome methods (such as easy-to-fill-in forms and an encrypted online reporting system) to facilitate the gatekeepers’ function.

4.2 APPLICATION OF PROVISIONS RELATED TO ORGANIZED CRIME

Overview

The review identified seven jurisdictions (Austria, Belgium, Bulgaria, Finland, India, Montenegro and Slovenia) that have applied laws related to organized crime to address cases related to the manipulation of sports competitions.

In 2020, Europol highlighted the threat posed to sport by the involvement of organized crime.⁴³ This built on the Europol Serious and Organized Crime Threat Assessment (SOCTA) of 2017, which identified sports corruption as one of the 12 main organized crime activities within the European Union.⁴⁴ SOCTA 2021 again identifies competition manipulation and betting-related scams, including e-sport manipulation, as one of these activities within the European Union.⁴⁵

Given that the jurisdictions that have specifically criminalized the manipulation of sports competitions do so with a sanction of, on average, seven years' imprisonment,⁴⁶ the offence of the manipulation of sports competitions may be considered a serious crime as provided for in article 2 (b) of the Organized Crime Convention. Furthermore, with most situations relating to competition manipulation involving a group of three or more persons acting for that purpose, the offence may allow prosecution and cooperation by States within the framework of article 2 (a) of the Convention.

Relevant international legal provisions

Article 2 of the Organized Crime Convention provides definitions of several terms that are key when considering the issue of organized crime within the context of the manipulation of sports competition. While the term “transnational organized crime” is not defined, article 2 of the Convention explains what is considered an “organized criminal group”, a “serious crime” and the “proceeds of crime”, among other key terms.

According to the definition in article 2 (a), an organized criminal group consists of the following main elements:

- A structure of three or more persons
- Existing for a period and acting in concert
- With the aim of committing one or more serious crimes or offences (established in accordance with the Convention)
- And with the purpose of obtaining, directly or indirectly, financial, or other material benefit

A serious crime, as stated in article 2 (b) of the Organized Crime Convention, means “conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty.”

⁴³ Europol, “The involvement of organised crime in sports corruption”.

⁴⁴ Europol, *SOCTA 2017: European Union Serious and Organised Crime Threat Assessment 2017–Crime in the Age of Technology* (The Hague, 2017).

⁴⁵ Europol, *European Union Serious and Organised Crime Threat Assessment: A Corrupting Influence–The Infiltration and Undermining of Europe’s Economy and Society by Organised Crime* (Luxembourg, Publications Office of the European Union, 2021).

⁴⁶ IOC and UNODC, *Criminal Law Provisions for the Prosecution of Competition Manipulation*.

The Convention adopts a flexible approach to what can be considered a serious crime, which focuses on the seriousness of the offence, based on the amount of criminal penalty associated with it, rather than limiting itself to a rigid, predetermined list of offences. This therefore widens the scope of the term “serious crime”, enabling it to cover several types of crime, such as crimes against life and limb or drug-related crimes. Furthermore, in 2010, at the fifth session of the Conference of the Parties to the Convention against Transnational Organized Crime, an expert consultation on the use of the Convention in combating emerging forms of crime was held. The outcome of the meeting was that the wide scope of the term can encompass traditional, emerging and future forms of crime.

Regarding the criminalization of participation in an organized criminal group, it is stated in article 5 of the Convention that each State party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally, either or both of the following as criminal offences distinct from those involving the attempt or completion of the criminal activity:

- Agreeing with one or more other persons to commit a serious crime for a purpose relating directly or indirectly to the obtaining of a financial or other material benefit and, where required by domestic law, involving an act undertaken by one of the participants in furtherance of the agreement or involving an organized criminal group
- Conduct by a person who, with knowledge of either the aim and general criminal activity of an organized criminal group or its intention to commit the crimes in question, takes an active part in criminal activities of the organized criminal group and other activities of the organized criminal group in the knowledge that his or her participation will contribute to the achievement of the above-described criminal aim

When it comes to article 6 of the Convention, on the criminalization of the laundering of proceeds of crime (one of the four criminal offences established in the Convention), it is important to understand the term “proceeds of crime”. As defined in article 2 (e) of the Convention, proceeds of crime means “any property derived from or obtained, directly or indirectly, through the commission of an offence.”

Article 3 sets the scope of application of the Convention, according to which the Convention applies to the prevention, investigation and prosecution of the offences established in accordance with articles 5, 6, 8 and 23 (a more detailed explanation of those four offences follows below) and to serious crime, as defined in article 2.

Good practices (see annex B.XVII)

A good practice is for jurisdictions to consider cases relating to the manipulation of sports competitions within the context of the application of offences linked to organized crime.

4.3 APPLICATION OF BETTING-RELATED LEGISLATION

Overview

The existence of legislation in relation to, and the regulation of, the sports betting market increases capacity for the monitoring and identification of suspicious betting potentially linked to competition manipulation.

Over the last 30 years, the sports betting landscape has changed vastly. In 1990, betting was offered on a limited number of sports. However, at the time of writing, numerous betting operators offer bets on more than 50 different sports, with the availability of a wide variety of types of betting, including live in-play betting. Football now represents less than 65 per cent of the betting market.⁴⁷

A common strategy is the use of mules or runners who bet smaller amounts with different betting operators. For example, a criminal organization ensures that a match is manipulated and makes a €200,000 bet on the team arranged to win by hiring at least 50 runners to place bets of around €4,000 each.⁴⁸

The review identified six jurisdictions that have applied laws related to tackling sports betting and betting fraud as part of cases related to the manipulation of sports competitions, including Australia (state of Victoria), India, the United Kingdom and Hong Kong Special Administrative Region of China.

An analysis of judicial decisions relating to the manipulation of sports competitions demonstrates that most cases involve criminals who seek to profit from sports betting through the manipulation of a sports competition.

Relevant international legal provisions

In its resolution 8/4, the Conference of the States Parties to the Convention against Corruption encouraged States parties to tackle the problems of competition manipulation, illegal betting and related money-laundering activities. That is in line with various articles of the Convention, including articles 15, 16, 19, 21 and 23. The Conference also encouraged States parties to enhance international cooperation on tackling illegal betting, given its cross-border dimension.

Good practices (see annex B.XVIII)

To limit the risk of criminal activity related to sports betting, the following model provision is proposed:

Any natural or legal person who, directly or indirectly, improperly engages in conduct, or attempts, coerces, facilitates, discloses, uses or conceals information or an agreement about conduct, that corrupts a betting outcome of a sports competition with the intent of obtaining or causing an undue advantage in relation to any betting on that competition, shall be sanctioned by _____.

⁴⁷ European Commission and French Institute for International and Strategic Affairs, *Preventing Criminal Risks*.

⁴⁸ *Ibid.*

The need for player identification is also crucial in relation to compliance with sport organizations' regulations and, notably, the prohibition of betting by sportspersons on their sport. Although this is not a criminal offence, such an act is a disciplinary breach and once established should be accompanied by disciplinary sanctions, in line with the competent sport organization's regulations.

A black and white photograph of a high jumper in mid-air, performing a Fosbury Flop over a bar. The athlete is wearing a dark singlet and light-colored athletic shoes. The background is a blurred stadium. A semi-transparent blue rectangular overlay is positioned over the right side of the image, containing white text.

ANNEX A

RELEVANT LEGAL
AND POLICY
FRAMEWORKS
AND BODIES

Prosecuting the manipulation of sports competitions requires the consideration of a broad range of possible legal provisions and frameworks, including due regard for the interjurisdictional nature of the phenomenon.

Given this international dimension, it is important for legislators, regulators, policymakers and prosecutors to be aware of the various international legal instruments that have helped to create the international legal basis upon which the manipulation of sports can be addressed.

A.I UNITED NATIONS CONVENTION AGAINST CORRUPTION

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. With 188 parties, the Convention has almost reached universal adherence.

The Convention covers five principal areas: preventive measures; criminalization and law enforcement; international cooperation; asset recovery; and technical assistance and information exchange.

The illegal actions defined by the Convention as corruption offences include:

- Bribery in the public and private sectors (arts. 15, 16 and 21)
- Embezzlement in the public and private sectors (arts. 17 and 22)
- Trading in influence (art. 18)
- Abuse of functions (art. 19)
- Illicit enrichment (art. 20)
- Money-laundering (art. 23)
- Concealment (art. 24) and obstruction of justice (art. 25) related to the offences listed above

The Conference of the States Parties is the main policymaking body of the Convention against Corruption. It supports parties in their implementation of the Convention and gives policy guidance to UNODC for the development and implementation of 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 has identified the tackling of corruption in sport as a priority issue through the adoption of two resolutions:

- Resolution 7/8, on corruption in sport, adopted by the Conference at its seventh session, held in Vienna from 6 to 10 November 2017
- 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

Those resolutions represent a major and significant commitment by States parties to preventing and tackling corruption in sport and have added to an emerging global framework for enhancing the contribution of sport to development and peace. They cover a range of different issues with a view to promoting integrity, transparency and accountability and preventing corruption in sport.

The need to tackle the manipulation of sports competitions also features prominently in resolution 8/4, where the problem is either referred to directly or linked to tackling overarching issues. In that resolution the Conference:

- Urges States parties to enforce their national legislation criminalizing bribery and other forms of corruption by preventing, investigating and prosecuting corrupt acts involved in sports, bearing in mind, in particular, articles 12, 15 and 21 of the Convention and without prejudice to article 4 of the Convention (para. 4)
- Encourages States parties to enhance cooperation between their law enforcement authorities and sports organizations in order to effectively prevent, detect in a timely manner and counter corruption crimes in sport, as well as to facilitate the exchange of expertise and the dissemination of information, and to raise awareness within sports organizations and the sports community of the gravity of corruption offences (para. 5)
- 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 UNODC and IOC, 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 UNODC (para. 15)

In its resolution 7/8, the Conference had invited States parties, when reviewing their national legislation, to consider the problems and issues of illegal betting, competition manipulation and other offences related to sport when associated with corruption, and in that regard took note with appreciation of the joint publication by UNODC and IOC of the booklet and study (para. 10).

A.II UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME

As has been reiterated by the General Assembly on numerous occasions, transnational organized crime has a negative impact on development, peace, stability and security, and human rights, and States are becoming increasingly vulnerable to such crime and the greater penetration of economies by criminal organizations. It 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 socioeconomic conditions and through strengthened international cooperation, based on the principles of shared responsibility and in accordance with international law.⁴⁹

⁴⁹ See, for example, General Assembly resolution 74/177, entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity”.

The Organized Crime Convention contains no specific definition of “organized crime” or a list of crimes that might be considered as such. To enable a wide scope of application of the Convention, including as regards new and emerging forms of crime, while capturing the complexity of the phenomenon of organized crime, a precise definition was omitted from the Convention.⁵⁰ The Convention does include, however, a definition of “organized criminal group” and explains the “transnational nature” of an offence, among other key concepts, such as that of “serious crime”. The implied definition of “transnational organized crime” encompasses virtually all serious profit-motivated criminal actions of an international nature where more than one country is involved.⁵¹

Transnational organized crime as defined in the United Nations Convention against Transnational Organized Crime

Article 2: use of terms

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

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
- (d) It is committed in one State but has substantial effects in another State

The ways in which transnational organized criminal groups generate profits are becoming more creative. As organized criminal groups join ever more complex networks spanning the globe, with an increasing use of online technology, the crimes are becoming increasingly transnational and the types of crime they can commit are becoming diversified, as are their *modi operandi*.

The Organized Crime Convention is the main international instrument in the fight against transnational organized crime. On the occasion of the adoption of the Convention in 2000, Secretary-General Kofi Annan stated that it 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.”⁵²

⁵⁰ See, for example, *Travaux Préparatoires of the Negotiations for the Elaboration of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto* (United Nations publication, 2006), p. xxi.

⁵¹ UNODC, “Transnational organized crime: the globalized illegal economy”, Factsheet. Available at www.unodc.org.

⁵² Kofi Annan, then-Secretary-General of the United Nations, “Address at the opening of the signing conference for the United Nations Convention against Transnational Organized Crime”, Palermo, 12 December 2000.

In its resolution 74/177, the General Assembly also reaffirmed that the Organized Crime Convention represents “The most important tool of the international community for fighting transnational organized crime, including cybercrime”, and noted with appreciation “that the number of States parties has reached 190, which is a significant indication of the commitment shown by the international community to combating transnational organized crime”.

Indeed, as stated in article 1 of the Convention, its purpose is to “promote cooperation to prevent and combat transnational organized crime more effectively”. With such a purpose, and given the transnational nature of organized crime, the effectiveness of the Convention depends on the extent of its ratification and implementation by States parties.

The Convention is composed of 41 articles, of which four describe conduct that States parties must criminalize under their national law, accompanied by appropriate sanctions. In addition, numerous articles refer to a series of supportive measures for criminal justice and law enforcement responses, either of a substantive or procedural nature, such as articles 10, 12, 15 and 24. Others focus on international cooperation in criminal matters, such as with regard to extradition and mutual legal assistance.

A.III RELEVANT GENERAL ASSEMBLY RESOLUTIONS

In its resolution 73/24, on sport as an enabler of sustainable development, the General Assembly specifically references the threat to sport posed by corruption. In paragraph 16 of that resolution, the Assembly:

Calls upon Member States to enhance their efforts to prevent and fight corruption in sport and, in this regard, stresses the importance of robust legislative and law enforcement measures, and also calls upon Member States to improve cooperation and the coordination and exchange of information in accordance with the fundamental principles of their legal systems.

Further to this, in paragraph 34 of its 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, the Assembly urges States parties to:

Effectively implement all resolutions and decisions of the Conference of the States parties to the Convention, including resolution 7/8 on corruption in sport, inter alia, through taking robust legislative and law enforcement measures, supporting technical assistance and promoting capacity-building initiatives, as appropriate, and promoting cooperation between law enforcement agencies and relevant sport-related organizations and stakeholders, as well as resolution 7/5 on promoting preventive measures against corruption.

A.IV MINISTERS AND SENIOR OFFICIALS RESPONSIBLE FOR PHYSICAL EDUCATIONAL AND SPORT

In addition to international legal frameworks, it is important for lawmakers, policymakers and relevant officials to be aware of the various action plans and policies available to tackle the manipulation of sports competitions.

The Kazan Action Plan was adopted on 15 July 2017 at the sixth International Conference of Ministers and Senior Officials Responsible for Physical Educational and Sport of the United Nations Education, Scientific and Cultural Organization.

One priority area is integrity, and a key objective of the Kazan Action Plan is to unify and further develop international standards supporting sport ministers' interventions in the field of the integrity of sport. This includes strengthening measures against the manipulation of sports competitions.

A.V. COUNCIL OF EUROPE CONVENTION ON THE MANIPULATION OF SPORTS COMPETITIONS

The Convention on the Manipulation of Sports Competitions was opened for signature on 18 September 2014 and entered into force on 1 September 2019. As of December 2020, it had 31 signatories, and seven jurisdictions had ratified the Convention.

The Convention is aimed at paving 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.

The Convention also provides for the introduction of a mechanism to exchange information between jurisdictions through the establishment of a national platform. With regard to public authorities, the Convention encourages them to adopt the necessary legislative 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.

Chapter IV of the Convention provides for substantive criminal law and cooperation with regard to enforcement. In article 15, it is stated that each State party shall ensure that its domestic laws enables criminal sanctioning of the manipulation of sports competitions when it involves coercive, corrupt or fraudulent practices, as defined by its domestic law.

A.VI SPORT DISCIPLINARY POLICIES AND BODIES

Sports organizations, domestic and international, have a distinct responsibility for ensuring that their competitions are conducted free of manipulation and that participants (athletes, referees and officials) involved in manipulation are sanctioned. Many sports organizations have established clear regulations, education and prevention campaigns, and event monitoring systems, some of which are described below. While sport may have a lower standard of proof than the criminal standard of proof, the jurisdictional remit of sport is limited, notably requiring legislation to cover those natural and legal persons corrupting sports participants and gaining illegal profits.

A.VI.1 Sport disciplinary policies

While public authorities may apply civil, administrative, or criminal legal mechanisms and sanctions to address the problem of the manipulation of sports competitions, it is important that national and international sports organizations adopt their own regulations and enforce them through internal sanctions systems.

In December 2015, the Executive Board of the International Olympic Committee approved the Olympic Movement Code on the Prevention of the Manipulation of Competitions. The Code provides sports organizations with harmonized regulations to protect all competitions from the risk of manipulation. All National Olympic Committees, international federations and their members at the regional and national levels, as well as IOC-recognized organizations, are called upon to take all appropriate measures within their power to implement the Code by reference, or to implement similar or more stringent regulations than the Code.

In article 25 of the Olympic Charter, it is stated that international federations must ensure that their statutes, practice and activities conform with the Olympic Charter, including the adoption and implementation of the Olympic Movement Code on the Prevention of Manipulation of Competitions. In article 43 of the Olympic Charter, it is stated that during the Olympic Games, compliance with the Olympic Movement Code on the Prevention of Manipulation of Competitions is mandatory for the whole Olympic Movement.

It should also be noted that National Olympic Committees are in the process of adopting rules in line with the Olympic Movement Code on the Prevention of the Manipulation of Competitions, with the scope of covered persons provided in their respective regulations.

A.VI.2 Relevant sport disciplinary bodies

It is important to highlight the disciplinary bodies created by sport organizations that are responsible for settling disputes, mediating and guaranteeing the correct interpretation of sporting rules and regulations, including those related to the manipulation of sports competitions.

The highest appeal body for international sports is the Court of Arbitration for Sport (CAS), 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.

CAS has made it clear that “disciplinary sanctions imposed by sports organizations are subject to civil law and must clearly be distinguished from criminal penalties”,⁵³ although disciplinary and criminal sanctions may be complementary.⁵⁴

Provided that they are applied in line with legal constraints, the disciplinary powers of sports organizations constitute a fast and efficient coercive tool in the fight against the manipulation of sports competitions in relation to the athletes and officials they regulate.

⁵³ *Johannes Eder v. Ski Austria*, CAS award 2006/A/1102 of 13 November 2006, para. 52.

⁵⁴ See, for example, *AEK Athens and Slavia Prague v. UEFA*, CAS award 98/2000, 20 August 1999.

A black and white photograph of a swimmer in a starting block, with a blue semi-transparent overlay containing text. The swimmer is in a starting position, leaning forward with hands on the block. The background is blurred, showing other swimmers in the pool.

ANNEX B

RELEVANT
EXAMPLES

B.I TYPES OF MANIPULATION OF A SPORTS COMPETITION

Australia: in the states of Victoria⁵⁵ and South Australia,⁵⁶ conduct in relation to competition manipulation means an act or omission to do an act.

Brazil: the manipulation of sports competitions is referred to as any act or omission meant to alter or distort the results of a sports competition.⁵⁷

France: national legislation criminalizes the offering of any advantages to a participant in a sports competition giving rise to bets for that participant to alter, by act or omission, the normal and equitable development of the sports competition.⁵⁸

Malta: national legislation provides that a player, official or organizer who does or omits to do any act the doing or omission of which is against the interests of the side for which he or she plays, or those of the person or club by whom or by which he or she is engaged or whom or which he represents, commits an offence.⁵⁹

New Zealand: the description of deception includes any act or omission that is done with intent to influence a betting outcome by manipulating the overall result of the activity or any event within the activity.⁶⁰

B.II UNDUE ADVANTAGE

Argentina, Georgia, Malta, Republic of Korea and Turkey: these jurisdictions limit the scope of their respective competition manipulation offences to manipulation perpetrated in exchange for receiving a material gain (i.e., identified limitation of the legislation, as cases may fall outside the remit of the legislation).

Brazil: the advantage or promise of advantage can be of a pecuniary or non-pecuniary nature. Actual enrichment is not necessary.

Italy: the offence of competition manipulation is deemed to have been committed even if the undue advantage has not been obtained.

Portugal: the legal regime of criminal liability for conduct likely to affect the truth, fairness and correctness of the competition and its outcome in sporting activity refers only, in the crimes of active and passive corruption, to the undue material or non-material advantage. The wording allows for a broad interpretation of the concept of advantage.

⁵⁵ Australia, Victoria, Crimes Amendment (Integrity in Sports) Act 2013, inserted in Part I of the Crimes Act 1958, Division 2B.

⁵⁶ Australia, South Australia, Criminal Law Consolidation Act 1935, part 5B, art. 144G.

⁵⁷ Brazil, Law No. 10.671 of 15 May 2003 (as amended by Law No. 13.155 of 4 August 2015), art. 41-C.

⁵⁸ France, French Criminal Code, art. 445-1-1.

⁵⁹ Malta, Prevention of Corruption (Players) Act XIX of 1976, as amended by Acts XIII of 1983 and XXIV of 2001 and Legal Notice No. 423 of 2007, chap. 263, art. 3.

⁶⁰ New Zealand, Crimes Act 1961, sect. 240A.

Republic of Korea: if the value of goods or profits on property obtained from the manipulation of sports competitions exceeds 500 million won, punishment may be imprisonment with labour.⁶¹ Furthermore, in relation to a sport discipline covered by Sports Toto,⁶² if a person has threatened a player who is involved in competition manipulation in regard to that player's involvement in the manipulation and that person receives or gains financial benefits and property interests in return for keeping the information confidential, then that person may be guilty of extortion under the amended Punishment of Violence Act.⁶³

Singapore: there is no specific offence relating to the manipulation of sports competitions, but the Prevention of Corruption Act defines gratification very broadly to include many forms, including money, gifts, loans, rewards and commissions, as well as any service, favour or advantage.⁶⁴ In the case *Ding Si Yang v. Public Prosecutor* and another appeal, gratification in the form of sexual favours was used to bribe players to fix a match, with the case involving high levels of sophistication and premeditation to avoid detection.⁶⁵

Spain: the specific offence of competition manipulation takes place even if the attempt to alter the result is not successful, or the fixer does not obtain a benefit or advantage.

B.III RESULT AND COURSE OF THE COMPETITION

Greece: national legislation refers to intervening through illegitimate actions with the intention of influencing the evolution, the form or the result of a game of any team or individual sport.⁶⁶

Israel: national legislation provides that a person is liable if they gave a bribe with the intention of influencing the conduct, progress or outcome of a sports contest or of some other contest.⁶⁷

Portugal: the law refers to conduct that could affect the truth, fairness and correctness of the competition and its outcome in any sports activity.

Switzerland: the competition manipulation offence applies to the course of the competition.⁶⁸

United Kingdom: national legislation states that cheating at gambling may consist of actual or attempted deception or interference in connection with (a) the process by which gambling is conducted or (b) a real or virtual game, race or other event or process to which gambling relates.⁶⁹

⁶¹ Republic of Korea, National Sports Promotion Act (2007), art. 47 and Act on the Aggravated Punishment, etc. of Specific Economic Crimes (Act No. 3693 (31 December 1983)), arts. 3 (1) and 3 (2).

⁶² Sports Toto is where bettors analyse and predict the results of the sports upon which they bet, with payouts then issued according to the game results.

⁶³ Republic of Korea, Act No. 12896 (30 December 2014).

⁶⁴ Singapore, Prevention of Corruption Act, chap. 241, sect. 2.

⁶⁵ High Court of Singapore, *Ding Si Yang v. Public Prosecutor and another appeal*, Case No. 158, Judgment, 16 January 2015.

⁶⁶ Greece, Law No. 2725/1999 (amended by Law No. 3057/2002 and replaced in 2012 by article 13 of Law No. 4049/2012), art. 132.

⁶⁷ Israel, Penal Law No. 5737-1977, chap. 9, art. 5, para. 292.

⁶⁸ Switzerland, Federal Act on the Promotion of Sport and Exercise (Sport Promotion Act) (17 June 2011), sect. 3, art. 25a.

⁶⁹ United Kingdom of Great Britain and Northern Ireland, Gambling Act 2005, sect. 42, para. 3.

B.IV APPLICATION TO ALL SPORTS AND COMPETITIONS

Portugal: the law applies to any sports activity and all competitions.

Examples where the law is limited and hence there is an identified limitation of the legislation

Italy: the offence of competition manipulation is limited to the manipulation, or purported manipulation, of professional competitions organized by any association recognized by the Italian National Olympic Committee, the Italian Horse Breeding Union or any State-recognized sports body and its member associations.⁷⁰

Japan: national legislation limits the scope of the competition manipulation offence to football games as defined in article 24.⁷¹

Russian Federation: the competition manipulation offence is limited to official sports competitions.⁷²

B.V ACTIVE AND PASSIVE PARTICIPANTS

Australia: agreements to engage in the manipulation of sports competitions are criminalized, potentially rendering guilty players who enter into such arrangements but then decide not to go through with the manipulation.

Bulgaria: criminal sanctions are aggravated if the perpetrator is a member of the management or control body of a sports organization, a referee, a delegate or anyone acting while discharging their duties or function.⁷³

El Salvador: the perpetrator's qualification as the country's representative (national selection) in individual or collective sports leads to aggravated sanctions of imprisonment from four to six years and special prohibition of rights for the same period.⁷⁴

France: the competition manipulation offence applies to any sporting actor.⁷⁵

Greece: national legislation distinguishes between an athlete's professional entourage (trainer, referee or administrator) and any other person associated in any way with the athlete, the referee, the club, the sports incorporated company or the Department of Paid Athletes.⁷⁶

Italy: the competition manipulation offence applies to any participant in the competition.

Malta: the competition manipulation offence⁷⁷ applies to any player, official or organizer and is deemed to have been committed the moment a person accepts or obtains, or agrees to accept or obtain, or attempts to obtain, or gives, or agrees to give, or offers or proposes a benefit.

⁷⁰ Italy, Law No. 401, as amended by Law Decree No. 119 of 22 August 2014, art. 1, para. 1.

⁷¹ Japan, Sports Promotion Lottery Law (1998).

⁷² Russian Federation, Criminal Code of the Russian Federation No. 63-FZ of 13 June 1996, art. 184.

⁷³ Bulgaria, Criminal Code 1968, art. 307d.

⁷⁴ El Salvador, Criminal Code, art. 218A.

⁷⁵ France, French Criminal Code, sect. 445-1-11.

⁷⁶ Greece, Law No. 4049/2012.

⁷⁷ Malta, Prevention of Corruption (Players) Act XIX of 1976, as amended by Acts XIII of 1983 and XXIV of 2001 and Legal Notice No. 423 of 2007, art. 3.

New Zealand: while no criminal law case has been prosecuted, specific legislation relating to the manipulation of sports competition was adopted to address concerns that corruption and bribery of an official⁷⁸ (i.e., a member or employee of any local body or public authority) would not cover a sports organization as a public body or that some of those involved in manipulation would not be connected to a sports organization and therefore would not be covered by the provisions⁷⁹ (i.e., identified weakness of the legislation).

Portugal: the competition manipulation offence applies to any sport agent (definition that includes a broad range of persons, including players, sports managers, club directors, coaches, doctors, physiotherapists, sports entrepreneurs, referees, legal persons and sports legal persons).⁸⁰ Criminal sanctions are aggravated if the perpetrator is a sports director, a referee, a sports agent or a sports legal person.⁸¹

Republic of Korea: the competition manipulation offence applies to players, coaches, and umpires⁸² and people other than players. In 2017, a betting broker involved in a manipulation scheme received a one-year prison sentence, suspended for two years, plus 100 hours of community service for offering former baseball pitcher Lee Sung-min cash in exchange for deliberately issuing a first-inning walk.⁸³

Republic of Moldova: manipulation by a member of sports management leadership is considered an aggravating factor.⁸⁴

Russian Federation: a passive perpetrator may be any athlete, coach or team manager or any other participant in an official professional sports competition, or any participant in a competition held for entertainment and profit.⁸⁵

Singapore: there is no specific legislation relating to the manipulation of sports competitions, but an offence of corruption is created by the corrupt offer of, or the acceptance of, gratification by an agent in relation to the performance of the principal's affairs or for the purposes of misleading that principal.⁸⁶

Spain: national legislation distinguishes between the directors, administrators, employees and collaborators of a sporting entity (including coaches) on the one hand, and the sportspeople, referees or judges on the other hand.⁸⁷

Turkey: criminal sanctions are considered aggravated for agents or representatives of clubs or athletes, technical or administrative managers or presidents or members of general assemblies or boards of directors of sports clubs or legal entities that are operating in the field of sport, as well as federations.⁸⁸ The offering of a benefit for a fixed result constitutes the offence of competition manipulation, irrespective of whether the attempt was successful.

⁷⁸ New Zealand, Crimes Act 1961, sect. 105.

⁷⁹ Sport New Zealand, "Factsheet: Match-fixing criminal offences", 1 June 2014.

⁸⁰ Portugal, Law No. 50/2007 of 31 August 2007, revoking Decree Law No. 390/91 of 10 October, except art. 5, art. 3.

⁸¹ Ibid., art. 12.

⁸² Republic of Korea, National Sports Promotion Act (2007), arts. 48, para. 4, and 26 (3).

⁸³ Yonhap, "Ex-pitcher gets suspended jail terms for match-fixing", The Korea Herald, 24 November 2017.

⁸⁴ Republic of Moldova, Criminal Code of the Republic of Moldova, art. 242.1 (2), and Gheorghe Reniță, "Social values impaired by the manipulation of sports and betting events: the case of the Republic of Moldova", *Eastern Journal of European Studies*, vol. 10, No. 1 (June 2019).

⁸⁵ Russian Federation, Criminal Code of the Russian Federation, art. 184.

⁸⁶ Singapore, Prevention of Corruption Act, sect. 6.

⁸⁷ Spain, Criminal Code, art. 286 bis, para. 4.

⁸⁸ Turkey, Law No. 6222/2011 as amended, art. 11, para. 4b.

B.VI LIABILITY OF LEGAL PERSONS

Lithuania: the Criminal Code provides for the liability of a legal entity that unlawfully affects the fair progress or outcome of a professional sports competition.⁸⁹

Paraguay: the criminal court intervenes only in cases of sports fraud where third parties outside of the sports industry have been affected (i.e., identified limitation of the legislation, as cases may fall outside the remit of the legislation).⁹⁰

Portugal: the legislation foresees the criminal liability of legal persons and similar entities, including sports legal persons.

Switzerland: criminal liability applies to corporations. If competition manipulation includes an act of corruption, the perpetrators (individuals and corporations)⁹¹ can be sanctioned in accordance with article 322.8 and article 322.9 of the Swiss Criminal Code.

B.VII DISTINGUISHING BETWEEN COMPETITION MANIPULATION AND BETTING FRAUD

Jurisdictions where the offence is limited to competitions on which bets are offered

Australia:⁹² the competition manipulation offence criminalizes:

- Engaging in conduct that corrupts the betting outcome of an event (Australian Capital Territory, New South Wales, Northern Territory, South Australia and Victoria)
- Facilitating conduct that corrupts the betting outcome of an event (New South Wales, Northern Territory, South Australia and Victoria)
- Concealing or encouraging another person to conceal conduct, or an agreement in respect of conduct, that corrupts the betting outcome of an event (New South Wales, Northern Territory, South Australia and Victoria)
- For betting purposes, the use and disclosure of corrupt information, i.e., knowledge that the competition is corrupted, compared with inside information where the result remains uncertain (Australian Capital Territory, New South Wales, Northern Territory, Queensland, South Australia and Victoria)

France: the competition manipulation offence excludes competitions that do not give rise to sports bets and requires proof that a modification of the outcome of the bets (as opposed to the fair and normal course of the competition) was intended. The lack of prosecutions under section 445 of the Criminal Code highlights the difficulties of proving that an athlete has not performed to the best of his or her ability.⁹³

⁸⁹ Lithuania, Criminal Code, art. 182.

⁹⁰ Paraguay, Law No. 980, and Kirstin Hallmann and others, *Match-Fixing and Legal Systems: An Analysis of Selected Legal Systems in Europe and Worldwide with Special Emphasis on Disciplinary and Criminal Consequences for Corruption in Sport and Match-Fixing* (Cologne, Germany, Deutsche Sporthochschule Köln, Institut für Sportökonomie und Sportmanagement, 2019).

⁹¹ Switzerland, Swiss Criminal Code, art. 102.

⁹² Commonwealth of Australia as represented by the Department of Health, *Report of the Review of Australia's Sports Integrity Arrangements*, 2018.

⁹³ European Commission, "EU work plan for sport 2014–2017", presented at the European Union Sport Forum, held in The Hague on 9 and 10 March 2016.

New Zealand: the competition manipulation offence must be linked to a betting outcome despite the manipulation of a competition.⁹⁴

Jurisdictions where the offence is not limited to competitions on which bets are offered or where sports betting manipulation is established as a separate offence

Australia: in the state of Queensland, it is sufficient that such an act is committed for the purpose of obtaining a pecuniary benefit or causing pecuniary detriment to another.⁹⁵

Germany: new sections were added to the German Criminal Code to distinguish between manipulation of a sports event for reasons other than betting fraud and sports betting fraud (i.e., manipulation of a bet). The new sections came into force on 19 April 2017, with the aim of protecting the credibility and authenticity of sports competitions and the financial and economic interests of clubs, athletes, bettors and betting providers.

India: the Justice Lodha Committee⁹⁶ established good practices for a separate treatment of match-fixing and spot-fixing on the one hand and betting on the other, by criminalizing the manipulation of sports competitions and regulating betting.⁹⁷

Israel: the competition manipulation offence is linked to sports contests or other contests, the conduct or outcome of which the public has an interest in.⁹⁸

Italy: according to national legislation, if the result of a competition is influenced to benefit organized betting or gambling, the sanction of imprisonment shall be augmented by half and a fine of between €10,000 and €100,000 imposed.⁹⁹ The use of bet-fixing is exemplified in the case of a fixed Serie A football match, where criminals earned several million euros (Calcioscommesse cases from 2011 to 2015).

Portugal: the law foresees a separate sports betting fraud offence that relates to the persons foreseen in article 2 of the law (players, sports managers, club directors, coaches, doctors, physiotherapists, sports entrepreneurs, referees, legal persons and sports legal persons) who bet, or for their own benefit order a sports bet, online or on a territorial basis, on the course or the outcome of any sports events, trials or sports competitions in which they participate or are involved.

Republic of Moldova: the event manipulation offence is dissociated from the act of betting on a sport event or another event that is fixed.¹⁰⁰

Slovakia: under the sports law,¹⁰¹ a person may not bet directly or by means of a third person on competitions in which they participate as an athlete, as a sports expert or as any other person involved in the competition through their position or activity.

South Africa: there is one offence linked to the manipulation of a sports event and another offence linked to manipulation of a bet.¹⁰²

⁹⁴ New Zealand, Crimes Act 1961, section 240A.

⁹⁵ Australia, Queensland, Criminal Code Act 1899, chap. 43, sect. 443A.

⁹⁶ India, Bombay High Court, *Board of Cricket Control in India v. Cricket Assn of Bihar*, Public Interest Litigation Petition No. 55 of 2013, 30 July 2013.

⁹⁷ India, *Fixing It: Tackling Match Manipulation* (Bengaluru, India, Sports Law and Policy Centre, 2020).

⁹⁸ Israel, Penal Law No. 5737-1977, chap. 9, art. 5, art. 292.

⁹⁹ Italy, Law No. 401 of 13 December 1989 (sporting fraud), as amended by Law Decree No. 119 of 22 August 2014, para. 3.

¹⁰⁰ Republic of Moldova, Criminal Code of the Republic of Moldova, art. 242.

¹⁰¹ Slovakia, Act No. 440 of 26 November 2015, on sport and on the amendment of certain acts, sect. 94 (3).

¹⁰² South Africa, Prevention and Combating of Corrupt Activities Act No. 12 of 2004, sect. 16.

B.VIII USE OF INSIDE INFORMATION

Australia:

- In October 2013, the Victoria Police Sporting Integrity Intelligence Unit received betting-related information from the Tennis Integrity Unit and Tennis Australia. As a result, the Victoria Police Sporting Integrity Intelligence Unit launched Operation Outshouts, an investigation into competition manipulation and betting corruption at futures- and challenger-level tennis tournaments. The key associate of the player involved was charged with using corrupt information for betting purposes.¹⁰³
- The disclosure and use of inside information for betting purposes and the encouraging of a person to bet in a particular way based on inside information is criminalized in the Australian Capital Territory, New South Wales, the Northern Territory, Queensland and South Australia.

Slovakia: article 94.4 of the sports law provides that the misuse or dissemination of confidential information regarding a sports organization and its activities is prohibited.¹⁰⁴

Sri Lanka: the Prevention of Offences Relating to Sports Act 2019 criminalizes the provision of inside information by any person to any person, including a betting operator, other than in connection with bona fide media interviews or the use of inside information to place a bet.

United Kingdom: section 42 of the Gambling Act 2005 covers any form of interference in connection with a competition, including the passing on of inside information. However, the section does not place an obligation on a party aware of cheating (such as a player) to provide information with respect to the same, although since 2007, gambling licences have required operators to provide the Gambling Commission with information on suspicious criminal activity.

B.IX INTENT

Under the law of the United Kingdom, the principle of *actus non facit reum nisi mens sit rea* (an act does not make a person guilty unless their mind is also guilty) implies that the general test of guilt requires proof of fault, culpability or blameworthiness both in thought and in action. In most common law legal systems, mens rea is not regulated by statute but is left to the courts' objective judgment and hence is formulated through case law and judicial precedent. In such jurisdictions, to facilitate proof of the offence, the courts may presume mens rea (e.g., the intention of obtaining an undue advantage) on proof of actus reus (e.g., the giving or offering of an undue advantage).¹⁰⁵

Mens rea produces criminal liability in the following common law legal systems: Australia, Canada, Ghana, India, Ireland, Israel, Kenya, New Zealand, Nigeria, Pakistan, Philippines, South Africa, United Kingdom and United States.

Under civil law, mens rea is included in written codes and not judicial opinions, hence limiting the role of judges to interpreting the law, as they are bound by the written provision.

¹⁰³ In December 2014, a Victoria court convicted the player and fined him AU\$3,500. The player pleaded guilty in Burwood Local Court, New South Wales, and was fined AU\$1,000 in April 2016.

¹⁰⁴ Slovakia, Act No. 440 of 26 November 2015.

¹⁰⁵ UNODC, *State of Implementation of the United Nations Convention against Corruption*.

Australia: the law in the state of New South Wales does not limit the requisite mens rea of competition manipulation offences to intention but includes recklessness as to whether the conduct corrupts a betting outcome of the event. Intention to obtain a financial advantage or cause a financial disadvantage is still required.

Finland: while there is no specific competition manipulation offence, the intentional weakening or limitation of a players' performance has been found to satisfy the essential elements of bribery in business (e.g., throwing or drawing a competition or limiting the number of goals or allowing the opposing club to score), although it is recognized that it is difficult to obtain evidence that players or referees did not play or officiate as well as they normally do. A district court found a person guilty of bribery for the act of accepting a bribe to get a red card and to give away a penalty in order to try to lose the match, even though the result was only a yellow card. The court admitted that it was difficult to conclude what behaviour in football is intentional or not.¹⁰⁶

Portugal: the law requires the intention to alter or distort the result of a sports competition.

Singapore: while there is no specific competition manipulation offence, a high court decision¹⁰⁷ noted that the intention of the fixer did not relate merely to fixing a single match. His intention was to corrupt the match officials so that they would compromise future games at his bidding. An intention to groom the targets to fix numerous future matches is significantly more serious than an intention to fix only a single match, which is a one-off offence.

Spain: the criminal code refers only to the intention to alter results. It is not clear if this can be applied to actions intended to alter the development of an event that can have no impact on the results. A criminal offence will be committed through the mere intent of competition manipulation. Therefore, it is not required that the effective benefit or advantage intended occurs.

Switzerland: the Swiss Criminal Code refers to the intention of the author (i.e., consciousness and willingness¹⁰⁸) and therefore arguably captures all those whose intention was to induce an erroneous belief by false pretences or concealment of the truth to cause that person to act to the prejudice of his, her or another's financial interests.¹⁰⁹ It also covers the case of manipulation of a machine to obtain an inaccurate result leading to a transfer of assets.¹¹⁰

United Kingdom: the first English professional cricketer to be jailed for competition manipulation was Mervyn Westfield, convicted in 2011 of deliberately underperforming (bowling in a manner calculated and intended to allow the scoring of runs). He was charged with alleged conspiracy to give corrupt payments, contrary to section 1 (1) of the Criminal Law Act 1977, and conspiracy to cheat at gambling, contrary to section 42 of the Gambling Act 2005.¹¹¹

United States: following intentional action by American football players for the purpose of point shaving, players were indicted for lying to a federal grand jury in 1998, when they testified that they had not placed wagers on their own games in 1994.¹¹²

¹⁰⁶ Finland, District Court, Case No. R 11/900.

¹⁰⁷ High Court of Singapore, *Ding Si Yang v. Public Prosecutor and another appeal*.

¹⁰⁸ Switzerland, Swiss Criminal Code, art. 25.a.1 and 2.

¹⁰⁹ Switzerland, Swiss Criminal Code, art. 146.

¹¹⁰ Switzerland, Swiss Criminal Code, art. 147, and Madalina Diaconu and André Kuhn, "Match-fixing, the Macolin Convention and Swiss law: an overview", *Jusletter*, No. 16 (2019).

¹¹¹ England and Wales Court of Appeal, Criminal Division, *Majeed & Westfield v. R*, Case No. EWCA Crim 1186, 31 May 2012.

¹¹² Bill Dedman, "College football: 4 are indicted in Northwestern football scandal", *The New York Times*, 4 December 1998.

B.X INCHOATE OFFENCES

Australia: legislation in the state of Queensland criminalizes encouraging another person not to disclose conduct relating to competition manipulation or an arrangement of competition manipulation.

India: in 2001, an investigation by the Central Bureau of Investigation into competition manipulation in cricket found that section 120 of the penal code, dealing with criminal conspiracy, and section 415, dealing with cheating, could not be applied. The then-Solicitor General of India noted the nebulous position of the law and the improbability of the investigating agency being able to obtain sufficient legal evidence in the case.¹¹³

Regarding an incident of sport-fixing in the Indian Premier League in 2013, in parallel to charges under the Maharashtra Control of Organized Crime Act 1999, the prosecution also charged players under sections 419, 420 and 120B of the Indian Penal Code, which concern cheating and conspiracy to commit a crime.¹¹⁴ The court stated that section 120B required common intention to commit a criminal conspiracy, which was not established from any of the material on record. The court added that while corruption in the Indian Premier League was apparent pursuant to the investigation undertaken by the police in this case, it could not convict, in view of the lack of jurisprudence in this regard.¹¹⁵ Although the Supreme Court of India has set aside the order of the Board of Cricket Control in India disciplinary committee to impose a life ban on a player, the verdict will not have any effect on the ongoing criminal proceedings before the Delhi High Court challenging the decision of the district court in the Indian Premier League spot-fixing case.¹¹⁶

Namibia: attempts and conspiracy are covered in a separate legal provision, framed to also cover section 44 of the Anti-Corruption Act in relation to corruption at sporting events.¹¹⁷

New Zealand: liability may be incurred for an inchoate attempt, but not if an attempt to fix a match did not result in actual manipulation¹¹⁸ (i.e., identified weakness of the legislation).

United Kingdom: if competition manipulation is committed by two or more persons in agreement with each other, the individuals may be charged with conspiracy, irrespective of whether money has changed hands or the fix has taken place. In a case in 2010 involving Pakistani cricketers Butt, Amir and Asif, the convictions were for conspiracy to accept corrupt payments¹¹⁹ and conspiracy to cheat.¹²⁰

Also in the United Kingdom, in September 2014 a footballer was accused of being a middleman for others, who had already been convicted of the crime, under the charge of conspiracy to commit bribery.¹²¹ An attempt to profit from fixed bets targeted at the lower leagues was found and a prison sentence of two and a half years issued.¹²² The evidence in the case was transcripts of messages.

¹¹³ G. Rajaraman, “Govt cannot let issues relating to unchecked growth of sports leagues fester; urgent need to put match-fixing genie back in bottle”, *Firstpost*, 17 September 2019.

¹¹⁴ India, Indian Penal Code, section 120B (1) and (2).

¹¹⁵ India, New Delhi District Court, Patiala House Courts, *State v. Ashwani Aggarwal alias Tinku Mandi and others*, Case No. 115/13, 25 July 2015.

¹¹⁶ Supreme Court of India, Civil Appellate Jurisdiction, *S. Sreesanth v. The Board of Control for Cricket in India & others*, Civil Appeal No. 2424 of 2019, 15 March 2019.

¹¹⁷ Namibia, Anti-Corruption Act 2003, sect. 46.

¹¹⁸ New Zealand, Crimes Act 1961, sects. 72 and 311 (1).

¹¹⁹ United Kingdom, Prevention of Corruption Act 1906.

¹²⁰ United Kingdom, Gambling Act 2005, sect. 42 and England and Wales Court of Appeal, *R v. Amir & Butt*, Case No. EWCA Crim 2914, 3 November 2011.

¹²¹ BBC News, “Ex-Premier League’s Delroy Facey “was match-fixing middleman””, 13 April 2015.

¹²² BBC News, “Ex-footballer Delroy Facey jailed after match fixing trial”, 29 April 2015.

B.XI GENERAL ANTI-CORRUPTION PROVISIONS

Czechia: the criminal code includes provisions regulating the possibility of imposing sanctions for fraud, corruption or bribery.¹²³ Corruption provisions were applied and confirmed by the Supreme Court in the case of the manipulation of sports competitions, in which it was acknowledged that sport, was a matter of general interest.¹²⁴

India: following an investigation into allegations of underperformance and competition manipulation by several cricket players in 2000, no criminally prosecutable case for corruption could be established.¹²⁵ This was despite suspect behaviour¹²⁶ and the finding that various cricketers had received money and gifts from bookmakers in exchange for fixing matches, provided information on matches and assisted bookmakers by introducing them to other players.¹²⁷

Luxembourg: national legislation applies general provisions on corruption to cases of sports bribery.

Singapore: the general corruption offence is used in cases of the manipulation of sports competitions.¹²⁸ An example is the case involving a football match at the South East Asian Games in 2015, as a result of which the accused was given a prison sentence of almost four years.¹²⁹ Following the detention of the accused for manipulation without trial under chapter 67 of the Criminal Law (Temporary Provisions) Act, in the interests of public safety, peace and good order, the Court of Appeal freed the accused, noting that while the alleged acts of manipulation were reprehensible, the acts all took place outside of Singapore.¹³⁰

B.XII PUBLIC AND PRIVATE CORRUPTION

Switzerland: following amendments to the Criminal Code in 2016, corruption offences committed in the private sector during professional or commercial activities are now punishable, irrespective of whether they influence a competition.¹³¹

United States: the manipulation of sports competitions and other breaches of integrity are punishable under various laws addressing private corruption, such as those prohibiting mail and wire fraud.

¹²³ Czechia, Criminal Code, Act N. 40/2009, sects. 209, 331, 332 and 333. Also, Bronislava Coufalová and Jan Pinkava, "Corruption in sports environment", *International and Comparative Law Review*, vol. 13, No. 2 (December 2013), pp. 97–110.

¹²⁴ European Commission, Directorate-General for Education, Youth, Sport and Culture, *Match-Fixing in Sport: A Mapping of Criminal Law Provisions in EU 27* (March 2012).

¹²⁵ India, Andhra Pradesh High Court, *Mohammed Azharuddin v. The Board of Control for Cricket in India*.

¹²⁶ Hindustan Times, "Madhavan report on cricket match-fixing", 1 July 2002.

¹²⁷ India, Central Bureau of Investigation, "CBI's Report on Cricket Match Fixing and Related Malpractices" (New Delhi, 2000).

¹²⁸ Singapore, Prevention of Corruption Act, chap. 241, sect. 5.

¹²⁹ Ramesh Selvaraj and others, "Singapore", 2nd ed., in *The Sports Law Review*, András Gurovits (London, Law Business Research, 2016), p. 184.

¹³⁰ Selina Lum, "Alleged global match-fixing kingpin Dan Tan freed by Court of Appeal", *The Straits Times* (Singapore), 19 January 2016.

¹³¹ Swiss Federal Office of Sport, "Corruption in sport", collection of information prior to the seventh meeting of the Open-ended Intergovernmental Working Group on the Prevention of Corruption, held in Vienna from 22 to 24 August 2016.

B.XIII ABUSE OF FUNCTIONS

Romania: the High Court of Cassation and Justice and the Bucharest Court of Appeal have made numerous decisions on abuse of office and complicity in abuse of office. Following a football-related investigation in 2011, the Bucharest Court of Appeal stated that the temporary exclusion of a football club by a person performing a management duty within a legal non-profit entity in order to obtain for himself money, goods and unfair advantage, was a “manifest abuse of power”, and by its implementation, irremediable consequences had been produced concerning material and sport activities.¹³²

B.XIV BRIBERY

Finland: non-betting-related offences relating to the manipulation of sports competitions are prosecuted as bribery in business (chap. 30, sects. 1-4 of the Finnish Criminal Code). To date, bribes have been monetary, with the targets being principally football players (both Finnish and foreign). Jurisprudence is unclear on whether the offence of bribery in business would also apply to a referee.¹³³ At the district court level there have been cases in which:

- The defendants said that the temptation to accept the bribes offered was great because they considered their salaries low
- The manipulation was facilitated by recruiting corrupted players to the relevant clubs. Attempts to hide the bribes were made through the use of various kinds of sponsor agreements

With no high court decisions available, lower court judges have had to interpret the wording and meaning of the sections of bribery in business within the limit imposed by the legality principle (*nullum crimen, nulla poena sine lege*).¹³⁴

- Court of Appeal example one: Veikkaus, the national betting agency, was deceived, and the case relates to the fact that the mere offer of a bribe materializes the essential elements of the bribery-in-business charge. A coach and a friend of the coach were found guilty of bribery even though the offer of the bribe was not accepted. It was found that the player involved was in the service of a business, which is necessary for the bribery offence to apply
- Court of Appeal example two: for the offence of bribery in business to apply, it is not required that any actual damage occur

Malaysia: the first case involving a football coach charged with corruption in football was brought in 2011. Charges were issued under section 17.b.A (offence of giving or accepting gratification by agent) of the Malaysian Anti-Corruption Commission Act 2009. The accused and two bookmakers were accused of bribing players.

Republic of Moldova: bribery of a participant in a sports event with a view to having him or her perform or refrain from performing an act, or delay or facilitate the performance of an

¹³²Romania, Ministry of Justice, “Romania’s experience in implementing articles 9, 10 and 13 of the United Nations Convention against Corruption”, p. 18.

¹³³Johanna Peurala, “Match-manipulation in football: the challenges faced in Finland”, *The International Sports Journal*, vol. 13, Nos. 3 and 4 (October 2013), pp. 268–286.

¹³⁴Ibid.

act, in the exercise of his or her duties or contrary thereto, or in a sport event or a betting event, is specifically criminalized.¹³⁵

Romania: in a case of bribe-taking by a referee and complicity in bribe-taking, the High Court of Cassation and Justice issued a three-year suspended prison sentence for bribe-offering to a former main shareholder of a football club; a two-year suspended prison sentence for bribe-taking to a former referee of the Romanian Football Federation; and a two-year suspended prison sentence for complicity in bribe-giving to the former director of a commercial company. A further bribery case in 2011 saw the High Court of Cassation and Justice sentence the chairperson of the Referees Central Commission of the Romanian Football Federation to three years' imprisonment for bribe-taking.

Sweden: in December 2019, the Court of Appeal found a former Nigerian international football player guilty of attempted competition manipulation under the charge of attempted bribery (section 5 of the Swedish Criminal Code). He received a fine and was ordered to serve a period of probation, as the Court of Appeal did not view the crime as serious enough to warrant a custodial sentence.¹³⁶

Switzerland: in 2012, a Federal Criminal Court found that existing bribery and fraud provisions were unsuitable to convict an accused person of competition manipulation, leading to an acquittal even though the manipulation had been proved (and even admitted by one of the players).¹³⁷

In 2016, the Swiss Criminal Code was revised to provide for active and passive bribery by and of private persons¹³⁸ and fraud.¹³⁹ At the time of writing, these offences have yet to be tested before the Swiss courts in cases of competition manipulation. However, they may be considered suitable when the external fixer (often part of an organized criminal group) bribes an internal fixer (such as a player or an official) in order to alter the result or course of a sports competition, irrespective of whether bets are proposed on such competition.¹⁴⁰ In cases of betting-related competition manipulation, new criminal law provisions came into force in 2019, in the Sport Promotion Act (article 25a) and the Federal Act on Money Games, complementing articles 146, 147 and 322 of the Swiss Criminal Code.

United Kingdom: while the manipulation of sports competitions is not criminalized, charges have been brought under a number of criminal offences that target private corruption, including conspiracy to commit bribery, conspiracy to accept bribes,¹⁴¹ failure of a commercial organization to prevent bribery and accepting or obtaining corrupt payments.¹⁴² In different cases heard by courts (Boateng, football; Facey, football;¹⁴³ Westfield, cricket; and Majeed, Butt, Amir and Asif, cricket¹⁴⁴), all of which involved spot-fixing and accepting money for underperforming, the criminal convictions comprised conspiracy to accept bribes, conspiracy to accept corrupt payments and conspiracy to cheat at gambling.¹⁴⁵

¹³⁵ Republic of Moldova, Criminal Code of the Republic of Moldova, art. 333 (1).

¹³⁶ Taiye Taiwo, "Etuhu: former Manchester City and Fulham midfielder banned for match-fixing", 17 April 2020, and Andy Brown, "Dickson Etuhu & Alban Jusufi banned for five years for match-fixing", The Sports Integrity Initiative, 16 April 2020.

¹³⁷ Swiss Federal Criminal Court, Case No. SK.2011.33.

¹³⁸ Switzerland, Swiss Criminal Code, art. 322.

¹³⁹ *Ibid.*, arts. 146 and 147.

¹⁴⁰ Diaconu and Kuhn, "Match-fixing, the Macolin Convention and Swiss law".

¹⁴¹ United Kingdom, Bribery Act 2010, sects. 1–2.

¹⁴² United Kingdom, Prevention of Corruption Act 1906, sect. 1 (1).

¹⁴³ BBC News, "Ex-Premier League's Delroy Facey "was match-fixing middleman"", and BBC, "Ex-footballer Delroy Facey jailed after match fixing trial".

¹⁴⁴ England and Wales Court of Appeal, *R v. Amir & Butt*.

¹⁴⁵ United Kingdom, Gambling Act 2005.

United States: convictions were upheld in 1948 for bribery to fix the 1946 National Football League championship game between the New York Giants and the Chicago Bears.¹⁴⁶

Viet Nam: bribery elements have been found in several football manipulation cases,¹⁴⁷ with players and coaches receiving money to manipulate matches. While bribery was found at the beginning of the investigation, insufficient evidence was found to convict and the lesser offence of misuse of office was applied.¹⁴⁸

B.XV FRAUD

Australia: while several states have criminalized the manipulation of sports competitions, Western Australia and Tasmania have not and consider the existing general fraud provisions sufficient to deal with instances of competition manipulation and related corruption. The Tasmania Police have noted that section 253A of the Australian Criminal Code provides a broad ambit in respect of fraud and associated offences. This charge would appear to be sufficient to address an activity such as match-fixing. However, it should be noted that there has not been a prosecution of such in Tasmania and the legislation is untested in this regard.¹⁴⁹

Austria: the manipulation of sports competitions is dealt with under the offences of fraud or major fraud (offences with damages of more than €5,000).¹⁵⁰ It must be shown that financial losses by betting operators are attributable to the use of inside information or corrupt athletes.¹⁵¹ In the case of a former Austrian football player accused of fixing matches, the player was found guilty of fraud and sentenced to three years' imprisonment.

Canada: the Criminal Code provides for the offence of fraud (section 380), while the offence of cheating at play covers those involved in defrauding others through cheating while playing a game or holding the stakes for a game (section 209). However, there has been no prosecution to date using either section 380 or section 209¹⁵² in relation to the manipulation of sports competitions. The opinion has been expressed that it is unlikely that this provision (section 209) could be used to prosecute the cheating players because sporting events likely do not fall under the definition of a game, as they do not involve the requisite level of chance.¹⁵³

Finland: in the instance of the jurisdiction-owned betting operator (Veikkaus) being deceived, the provision of fraud¹⁵⁴ is applied. In a case heard by the Court of Appeals in 2001 relating to Finnish *pesäpallo*, which involved allegations of betting-related competition manipulation, a total of 20 people were sentenced for fraud. It was found that Veikkaus was deceived.¹⁵⁵

Germany: before the law was changed in 2017, in several cases the crime of fraud was applied to offences relating to the manipulation of sports competitions (section 263 of the German Criminal Code), with the key element of fraud being patrimonial detriment. These cases included:

¹⁴⁶ Endicott Daily Bulletin, "Football bribe convictions are upheld", 24 November 1948, p. 9.

¹⁴⁷ Viet Nam, People's Court of Hanoi, Judgment No. 215/2007/HSST.

¹⁴⁸ Dao Le Thu, "Bribery offences under Vietnamese criminal law in comparison with Swedish and Australian criminal law", Doctoral thesis, Lund University, Sweden, 2011.

¹⁴⁹ Australia, *Report of the Review of Australia's Sports Integrity Arrangements*.

¹⁵⁰ Austria, Austrian Criminal Code, sects. 146–147.

¹⁵¹ Hallmann and others, *Match-Fixing and Legal Systems*.

¹⁵² Vivian Wilson, "Match-fixing: a crime worthy of a life sentence?", *The Sports Law Canary*, 18 December 2015.

¹⁵³ McLaren Global Sport Solutions and Canadian Centre for Ethics in Sport, "Match manipulation and gambling: a growing threat to Canadian sport integrity" (October 2019).

¹⁵⁴ Finland, Finnish Criminal Code, chap. 36, sects. 1–2.

¹⁵⁵ Peurala, "Match-manipulation in football".

- Bundesliga case (1970-1971): the offence of fraud was considered in relation to competition manipulation, with a federal court acquitting all accused because it was considered that there was no monetary loss to the detriment of the football federation (essential for the fraud offence).¹⁵⁶ It has been argued that the offence of lying under oath might have been used to deny involvement in the manipulation.¹⁵⁷
- German Referee case (2000): The Federal Supreme Court of Justice sentenced a referee to two years and five months in prison for aiding fraud in six cases in exchange for financial rewards. The court developed a specific category of detriment caused by a shift of odds¹⁵⁸ relating specifically to monetary loss in sports betting.
- Flankengott case (2009-2013): an investigation led by the Bochum criminal investigations division investigated conspiracies to fix football matches for the purpose of committing betting fraud by two Croatian brothers, who were arrested and held responsible for fraud. The Bochum regional court convicted numerous individuals of fraud committed on a commercial (e.g., betting office operator)¹⁵⁹ or gang basis. Following numerous court cases, the District Court of Bochum sentenced one of the brothers to five years' imprisonment.¹⁶⁰

In both the second and third German cases above, it was proved that the perpetrator misled the betting operators and that the players and referee were found to have committed fraud as part of a gang.

These criminal proceedings revealed difficulties in applying the fraud provisions of the German Criminal Code to persons initiating betting fraud on the field of play, including referees and athletes.¹⁶¹

Indonesia: in the first criminal conviction for the manipulation of sports competitions, the Banjarnegara district court on the island of Java found six people, including a former referee and members of the national football association, guilty of fraud. They received sentences of up to three years' imprisonment and fines.¹⁶²

Norway: this jurisdiction uses general criminal law provisions in relation to fraud and corruption.¹⁶³ For example, the Oslo Appeals Court sentenced a goalkeeper and another player to 14 months' imprisonment for aggravated corruption and fraud.¹⁶⁴

United Kingdom: The Criminal Finances Act 2017 introduces the concept of unexplained wealth orders, enabling State agencies to apply to the High Court for an order forcing suspects to explain the sources of their wealth if it is the result of corruption. This law could potentially be used in cases relating to the manipulation of sports competitions.

¹⁵⁶ Thomas Feltes, "Match fixing in Western Europe", in *Match-Fixing in International Sports: Existing Processes, Law Enforcement and Prevention Strategies*, M.R. Haberfeld and Dale Sheehan, eds. (Cham, Switzerland, Springer, 2013).

¹⁵⁷ Jochen Fritzweiler and others, *Praxishandbuch Sportrecht* (Munich, C.H. Beck, 2007).

¹⁵⁸ Thomas Rotsch, "Concerning the hypertrophy of law: a plea for the harmonization between theory and practice", *Zeitschrift für Internationale Strafrechtsdogmatik*, vol. 3 (2009), pp.89–96; and Feltes, "Match fixing in Western Europe".

¹⁵⁹ Nordwest Zeitung online, "Hohe Haftstrafen für drei Wettbetrüger", 15 April 2011.

¹⁶⁰ Sport1, "Sapina muss endgültig ins Gefängnis", 6 March 2015.

¹⁶¹ Christian Keidel, "A guide to Germany's new criminal law against betting fraud and match-fixing in sports", LawInSport, 14 September 2017.

¹⁶² Reuters, "Soccer-Indonesia court jails six in first trial over match fixing", 12 July 2019.

¹⁶³ Norway, Penal Code, part II, chap. 30.

¹⁶⁴ AFP, "Norway jails two former players for match-fixing", *The Nation* (e-paper), 16 February 2017.

B.XVI MONEY-LAUNDERING

El Salvador: prior to a change in the law in 2016, 11 football players were exonerated of money-laundering charges for accepting money for competition manipulation in 2015. It was declared that such behaviour did not constitute the crime of money-laundering under the El Salvador Criminal Code.¹⁶⁵

Finland: persons belonging to a football club were prosecuted by a district court for the laundering of money obtained through betting-related manipulation. 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 received by the team from a Singaporean company as part of partnership deal in 2010 and 2011 was obtained through crime, and hence he was convicted.¹⁶⁶

Panama: regarding the Calciocommese football case in Italy, money was laundered through entities in Panama; online betting operator Legendz Sports was convicted by a federal court in the United States of running an illegal betting operation and money-laundering.¹⁶⁷

Switzerland: according to national legislation, people who hold or have held senior positions in international sports federations are considered politically exposed persons within the meaning of the law on money-laundering; therefore, financial institutions are to be particularly cautious when performing certain transactions with such persons. Under the Federal Law on Gambling, in cases where proceeds of at least 10,000 Swiss francs are made (which captures many transactions relating to the manipulation of sports competitions), the specific offence will appear as the preliminary crime of money-laundering. Furthermore, when the proceeds of crime are deposited in Switzerland, banks must report suspicions of money-laundering to the Money Laundering Reporting Office Switzerland. Therefore, bank accounts linked to a suspected manipulation may be scrutinized by the bank.¹⁶⁸

B.XVII ORGANIZED CRIME

Australia: a report by the Australian Criminal Intelligence Commission noted that organized criminals exploit the betting industry to profit from the manipulation of sports competitions through the infiltration of online betting operators, by becoming direct or indirect owners of those operators,¹⁶⁹ and laundering money through unregulated online sports betting sites located outside the jurisdiction.¹⁷⁰

Bulgaria: in 2017, a lawsuit was initiated 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.¹⁷¹

Finland: the Court of Appeal applied chapter 6, section 5 (2) of the Criminal Code (on the methodical nature of a criminal activity) to increase the sentence applied to a football club as

¹⁶⁵ Michael Lohmuller, "Charges against El Salvador soccer players dismissed", InSight Crime, 3 April 2015.

¹⁶⁶ Peurala, "Match-manipulation in football".

¹⁶⁷ Criz Hombrebueno, "Cops split nearly \$10M seized from Legendz Sports", CalvinAyre.com, 27 May 2015.

¹⁶⁸ Philippe Vladimir Boss, "Tackling match-fixing in Switzerland: the new duties on International Sports Federations to monitor & report suspected match manipulations", Law in Sport, 31 July 2019.

¹⁶⁹ Australian Criminal Intelligence Commission, "Organised crime in Australia 2017" (2017).

¹⁷⁰ Australia, *Report of the Review of Australia's Sports Integrity Arrangements*.

¹⁷¹ Hallmann and others, *Match-Fixing and Legal Systems*.

a member of a group organized for serious offences. In a decision by a district court, the briber 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.

India: in 2013, in a spot-fixing incident in the Indian Premier League cricket competition, the accused players and bookmakers were charged under the Maharashtra Control of Organized Crime Act 1999 for participation in organized crime.¹⁷² It was found that the bookmakers had links with a crime syndicate and that the spot-fixing was done at their behest.¹⁷³ However, the standard for proving guilt under the Act is rigorous, including the following requirements: the accused must be members of an organized crime syndicate; they must continually use unlawful means for carrying out unlawful activity for economic gain; 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 10 years; and the court must recognize such an offence.¹⁷⁴ 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 out continual unlawful activity consisting of cognizable offences punishable with imprisonment of three or more years. Therefore, the Delhi District Court acquitted all the players of charges on the grounds of lack of evidence.¹⁷⁵

Montenegro: five players from first- and second-division football clubs were arrested on suspicion of forming a criminal enterprise to arrange the outcome of competitive events.¹⁷⁶

Slovenia: law enforcement authorities realized that an organized criminal group had created websites as part of an online illegal betting platform used to place bets on manipulated sport events that took place in various countries in Europe.¹⁷⁷

B.XVIII APPLICATION OF BETTING-RELATED LEGISLATION

Australia: following the introduction of betting fraud legislation in April 2013, through the amendment of the Crimes Act 1958 in Victoria, law enforcement authorities have applied the new provisions in six investigations, charging 17 individuals.¹⁷⁸

Egypt: betting and gambling are illegal acts and therefore betting-related fraud cannot be prosecuted because fraud cannot be committed in relation to something that is prohibited by the law.

France: a number of French handball players were found guilty on appeal for betting or asking friends to bet on the half-time result of a match in May 2012, which they were deemed to have deliberately lost.¹⁷⁹

Germany: in the Bochum case (2009-2014), a group carried out competition manipulation and money-laundering in parallel with a number of other criminal activities, such as the

¹⁷² India, New Delhi District Court, Patiala House Courts, *State v. Ashwani Aggarwal alias Tinku Mandi and others*.

¹⁷³ BBC News, "India bowler Sreesanth charged over cricket spot-fixing", 30 July 2013.

¹⁷⁴ India, Maharashtra Control of Organised Crime Act, 1999, sect. 2 (1).

¹⁷⁵ India, New Delhi District Court, Court of the Additional District Judge 16, *Ajay Sharma v. The Board of Control for Cricket in India*, Case No.507/14/03, 24 May 2014.

¹⁷⁶ *Times of Malta*, "Five players arrested in Montenegro as part of match-fixing investigation", 19 March 2015.

¹⁷⁷ Regional Anti-Corruption Initiative, "Croatia and Slovenia: 11 arrested in sports corruption hit", *The News & Observer*, 19 December 2017.

¹⁷⁸ Australia, *Report of the Review of Australia's Sports Integrity Arrangements*.

¹⁷⁹ RFI, "French handball star Karabatic found guilty of match-fixing: how a gifted gambler built a European match-fixing empire", 11 July 2015.

operation of prostitution rings and drug trafficking. A method used by the group was to open a Very Important Person account with London-based betting-services provider Samvo, three of whose employees were at the behest of the group, to place bets on the Asian market. Profits of more than €30 million were made through the account.¹⁸⁰

India: in a case of spot-fixing in the Indian Premier League in 2013, in parallel to charges under the Maharashtra Control of Organized Crime Act 1999, the prosecution also charged the players under sections 419, 420 and 120B of the Indian Penal Code. However, the court held that the prosecution was unable to provide proof of underperformance by the players and that the requirements of section 415 of the Indian Penal Code were not fulfilled. The court held that a player concealing the fact that he was receiving money from betters or bookmakers did not cause any wrongful loss to any party, including spectators, and hence such behaviour could not be termed cheating. Moreover, since the section requires the transfer of property from the deceived party, and in the case of competition manipulation there is no such transfer, it ruled that the offence of cheating was not committed.

In the 276th Law Commission of India Report, the Supreme Court of India, after considering the report of the Lodha Committee, referred to the Law Commission of India the examination of the issue of legalizing betting in India and the nexus of competition manipulation and illegal betting.¹⁸¹ The report referenced the fact that one of the advantages of regulating sports betting is that it would lead to the accountability of large amounts of money, which is otherwise transferred and employed through illegal channels for the purposes of competition manipulation, money-laundering and other crimes.¹⁸²

The status of sports betting has yet to be clarified by the Supreme Court of India or a high court of a state, although some states have granted licences to private operators.¹⁸³

Italy: the Calcioscommesse cases, dating from 2011 to 2015, demonstrated substantiated links between criminal organizations illegally offering sports betting and Sicilian organizations (including the Catania Calcio football club).¹⁸⁴ According to the Italian financial police, mafia groups use straw men (brokers) to avoid detection and the anti-mafia corporation rules in Italy.¹⁸⁵ According to the Prosecutor of Cremona in charge of the Calcioscommesse case, fixing a single football game, or even a part of it, may generate profits of over €1 million.¹⁸⁶

Turkey: in 2011, in the case *Şike Davası'/ Fenerbahçe Spor Kulübü*, 31 individuals were imprisoned for match-fixing activities related to the sporting success of their football club, rather than for financial gains through betting.¹⁸⁷

United Kingdom: the manipulation of sports competitions is not specifically criminalized, but section 42 of the Gambling Act 2005 covers betting fraud. Of three different cases ruled on by courts, all of which involved spot-fixing and accepting money for underperforming, none was a sport-specific betting-related fixing offence.

¹⁸⁰ Drake Bennett and Caroline Winter, "European soccer's master of match-fixing", Bloomberg, 21 March 2013.

¹⁸¹ India, Law Commission of India, *Legal Framework: Gambling and Sports Betting including in Cricket in India*, Report No. 276 (July 2018).

¹⁸² India, *Fixing It*.

¹⁸³ The Sikkim Online Gaming (Regulation) Act, 2008 is an example.

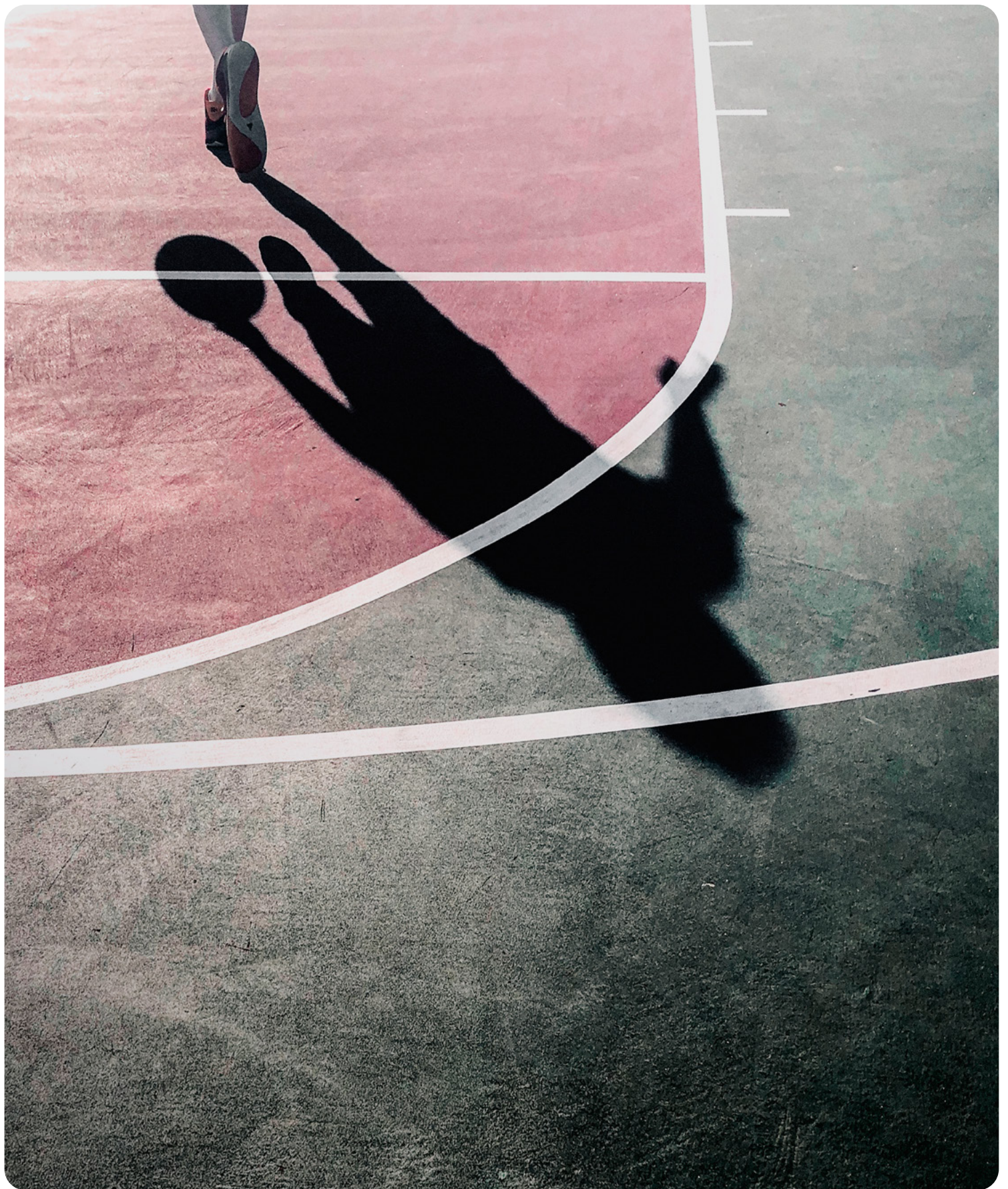
¹⁸⁴ Nicola Tani, "Italian police widen net after operation master bet", *Gambling Compliance*, 19 May 2016.

¹⁸⁵ European Commission and French Institute for International and Strategic Affairs, *Preventing Criminal Risks*.

¹⁸⁶ *Ibid.*

¹⁸⁷ Serhat Yilmaz, Argyro Elisavet Manoli and Georgios A. Antonopoulos, "An anatomy of Turkish football match-fixing", *Trends in Organized Crime*, vol. 22, No. 4 (December 2019).





UNODC
Vienna International Centre
P.O. Box 500, 1400 Vienna
Austria

Email: uncac@un.org
Tel.: (+43-1) 26060-0
www.unodc.org



INTERNATIONAL OLYMPIC COMMITTEE
Maison Olympique
1007 Lausanne
Switzerland

Email: integrityprotection@olympic.org
Tel. (+41-21) 621 61 11
www.olympic.org