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LEGAL APPROACHES TO TACKLING BRIBERY IN SPORT



Advanced Version

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Objective and audience of the document

The overall objective of this publication is to provide lawmakers, policymakers, prosecutors and other relevant officials with practical approaches, good practices and guidance to help tackle the threat posed by bribery to sport and society, and to help them enhance the credibility and transparency of sport.

This guide provides insights into trends in and the evolution of the use of national legislation to tackle bribery in sport and recommends good practices.

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 on safeguarding sport from corruption, adopted by the Conference of the States Parties to the United Nations Convention against Corruption (UNCAC) 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.

This guide has also been prepared with a view to implementing point ii of task A of Task Force Four of the International Partnership against Corruption in Sport, namely to identify “possible “good practices” used in relevant jurisdictions on the application of international anti-bribery standards and legislation that could be applicable to the activities of sports organizations.”

Methodology

The preparation of this publication involved the analysis of jurisdictions that have specific legislation criminalizing bribery in sports contexts and those that use general criminal law provisions to tackle the problem.

It should be noted from the outset that when relevant laws from specific jurisdictions are referred to in the body of the document, the full text of those laws can be found in Annex III.

The guide used as a basis the content of the IPACS publication entitled *Tackling Bribery in Sport: An Overview of Relevant Laws and Standards* and approaches the topic from the perspective of the relevant provisions of the UNCAC.

It also builds on several relevant guidance documents, including:

- UNODC's *Global Report on Corruption in Sport, Legal Approaches to Tackling the Manipulation of Sports Competitions and Crime, Corruption and Wrongdoing in the Transfer of Football Players and Other Athletes*
- The IOC report, *Procurement of Major International Sport-Events-Related Infrastructure and Services – Good practices and guidelines for the Olympic movement*, which was developed as complementary work to IPACS Task Force 1 and with the expertise of the Organisation for Economic Co-operation and Development (OECD), and
- The G20 *Anti-Corruption Working Group Anti-Corruption Accountability Report*, which is focused on tackling corruption in customs and sports, and which implements the “G20 High-Level Principles on Tackling Corruption in Sport”. Principle 2 is aimed at strengthening legal and regulatory frameworks to address corruption in sport more effectively.

Data on legislation in approximately 180 jurisdictions were gathered for this guide, using the Tools and Resources for Anti-Corruption Knowledge (TRACK) portal and information made available through the Implementation Review Mechanism of the UNCAC.

The data have been supplemented by open-source materials, including legislation, judicial decisions, jurisprudence, academic journals, articles, studies and research.

¹ The analysis presented in this guide is based on the collection of laws collated in the IPACS report on tackling bribery in sport. Therefore, the survey of and commentary on good practices rely on the material collected and presented in that document.

EXECUTIVE SUMMARY

The rapid evolution of sport in the twenty-first century has had a profound effect on corruption in sport, including bribery. The development of international initiatives aimed at combating corruption in sport in recent years, in particular in relation to the UNCAC, is a response to how the landscape has altered.

Against this backdrop of change and the opportunities and challenges it presents, this guide provides lawmakers, policymakers, prosecutors and other relevant officials with good practices and recommendations that can help them strengthen the fight against bribery in sport and minimize the risk that this illegal activity poses to the credibility and transparency of sport and to society at large.

One of the key characteristics of the fight against bribery in sport, as outlined in this guide, is the range of legal approaches used at the national level to define, prosecute and sanction this illegal activity. For example, while only a few States currently have in place specific sport-related bribery, there are some that use criminal legislation to tackle specific bribery-in-sport offences. Other States use general anti-bribery and anti-fraud laws to tackle bribery in sport, while in some, laws related to the bribery of health-care providers are used, which is noteworthy given the increasing medicalization of sport.

The use of different legal criteria and frameworks is evident in how jurisdictions approach different types of bribery in sport, in terms of active and passive bribery, bribery in the public and private sectors, and bribery at the national and international levels, with the definition of a public official particularly important to the application of legislation.

The examination of international initiatives and laws at the national level forms a key part of this guide, along with the identification of good practices and the presentation of recommendations relevant to the development of legislation. The information provided is based on the study of legal approaches used in approximately 180 jurisdictions. An overview of other matters relevant to tackling bribery in sport, such as reporting standards, corporate liability and statutes of limitations, is also included in the guide.

Strengthening legislative and regulatory frameworks relating to bribery in sport is an important step in helping to meet the new challenges that sport and societies face in the twenty-first century. The good practices presented for consideration in this guide are aimed at helping to achieve this goal, with the implementation of the UNCAC the reference point for this forward-looking analysis.

Key areas of development on which the good practices are focused include the expansion of the scope of bribery-in-sport offences, avoiding reference to specific forms of impact in relation to bribery in sport and the wider establishment of active and passive bribery in the public and private sectors, including in relation to public officials, foreign public officials and employees of national and international sports organizations. Other recommended development themes are the clear identification of persons involved in sports who can be considered public officials and the extension of the application of offences to include athletes, referees and judges.

INTRODUCTION

The sports sector has undergone significant changes in recent decades, an evolution considered in detail in the UNODC publication, *Global Report on Corruption in Sport*. Globalization, the huge influx of money at the top level of professional sports, the impact of technology on betting and on the development of e-sports, and the growing popularity of the hybrid public-private governance model have all notably changed the way sport is performed and enjoyed. These factors have also had a major impact on corruption in sport, including bribery, both in terms of its scale and its forms.

Bribery and corruption in sport have existed for hundreds if not thousands of years and the nature and forms of these acts have evolved throughout the centuries as professionalization, commercialization, politicization and medicalization have changed the face of sport. In 2022, the global sport market industry was worth more than \$486 billion and its value is expected to grow. Sport has intricate ties to public and private interests and, according to scholars, "bribery and corruption in international sport are rife, systemic, widespread, and linked to stakeholders from athletes to sponsors."

Typically, bribery in sport manifests itself in, but is not limited to, three main types: bribery linked to the manipulation of sports competitions, bribery linked to the concealment of the existence of prohibited substances (doping) and institutional bribery, often linked to the organization and management of major sporting events. These, in common with all forms of bribery, can have a social impact, ranging from relatively minor consequences to serious ramifications when involving transnational organized crime groups.

The widespread vulnerability to bribery of athletes, administrators, officials, support personnel, public officials and others involved in sport calls for effective action at the local, national, regional and international levels. The complexity and relevance of the phenomenon requires governmental action and coordination with sports organizations to hold those responsible to account.

To this end, this guide provides insights into the use of national legislation to tackle bribery in sport and recommends good practices for consideration. It is aimed at supporting States parties in the implementation of the resolutions relevant to the field adopted in recent years by the Conference of the States Parties to the UNCAC and by the General Assembly.

² <https://www.unodc.org/unodc/en/safeguardingsport/grcs/index.html>

³ Lisa A. Kihl, *Corruption in sport: Causes, consequences and reforms* (London/New York, Routledge, 2018).

⁴ Letizia Paoli and Alessandro Donati, *The Sports Doping Market: Understanding Supply and Demand, and the Challenges of Their Control* (New York, Springer, 2014).

⁵ The Business Research Company, *Sports Global Market Report 2023* (2023).

⁶ Christina Philippou and Tony Hines, "Anti-bribery and Corruption Policies in International Sports Governing Bodies", *Frontiers in Sports Active Living*, vol. 3 (May 2021).

⁷ International Partnership Against Corruption in Sport (IPACS), *Tackling Bribery in Sport: an Overview of Relevant Laws and Standards* (2021). The high risk of corruption and bribery in organizing sport mega-events is addressed by Christina Philippou in "Anti-bribery and corruption in sport mega-events: stakeholder perspectives", *Sport in Society*, vol. 25, No.4 (2022), pp.819-836. For a detailed statistics-based overview of corruption in sport, see Wolfgang Maennig, "Corruption in international sports and how it may be combatted", *International Association of Sports Economists Working Papers*, No. 08-13 (2008).

⁸ In article 2 (9) of the Olympic Charter (2021), it is stated that the role of the International Olympic Committee is, among other things, to "protect clean athletes and the integrity of sport, by leading the fight against doping, and by taking action against all forms of manipulation of competitions and related corruption."

⁹ The analysis presented in this guide is based on the collection of laws collated in the IPACS report on tackling bribery in sport. Therefore, the survey of and commentary on good practices rely on the material collected and presented in that document.



3. Overview of the types of laws used at the national level to tackle bribery in sport

The analysis carried out for this guide revealed a range of legal approaches to tackling bribery in sport.

3.1 States that have adopted specific sport-related anti-bribery offences

Seven States parties have adopted measures that specify sport-related bribery offences in the implementation of the UNCAC. These are Armenia, France, Namibia, North Macedonia, the Republic of Moldova, the Russian Federation and Spain. Full details of these laws can be found in annex III.

3.2 States that include offences of bribery in sport

One State party, the United States, has legal measures in place that punish bribery in sport competitions that pre-date the approval of the UNCAC. An example is section 224 on bribery in sporting contests of the United States Code, which has been law since 1964. Full details of this legislation can be found in annex III.

Two States parties, Bulgaria and Cyprus, have specific offences of bribery in sport. As outlined by KEA European Affairs in its study, *Match-fixing in sport: A mapping of criminal law provisions in EU 27*, Bulgaria and Cyprus are jurisdictions with specific offences of bribery in sport. The Bulgarian law is also analysed in the UNODC and IOC publication entitled *Criminal Law Provisions for the Prosecution of Competition Manipulation*. Details of the legislation in these jurisdictions can be found in annex III.

3.3 States that use general anti-bribery laws in sport

In jurisdictions that do not have specific legislation in place to combat bribery in sport, general law provisions have been used to tackle the problem. The analysis shows that States use existing general criminal legislation to tackle specific sport-related bribery offences, such as the manipulation of sports competitions where bribery is a principal offence. In the UNODC and International Olympic Committee guide on Legal Approaches to Tackling Competition Manipulation, 13 jurisdictions were found to have used anti-bribery legislation in the context of cases involving competition manipulation. Examples include Finland, where non-betting-related competition manipulation offences are prosecuted as bribery in business, and Sweden, where the attempted bribery law is used. In Saudi Arabia, the provisions of the Anti-Bribery Law and the Penal Code for Forgery Offences apply to all employees of sports clubs and federations. More details can be found in annex III.

Moreover, in the Group of 20 (G20) *Anti-Corruption Working Group Anti-Corruption Accountability Report*, it is illustrated that in several jurisdictions, even in the absence of specific legal provisions related to the varying corrupt practices in sport, general anti-corruption provisions, anti-bribery laws and anti-fraud legislation can be applied to cases involving corruption in sport.¹⁰

3.4 States that punish bribery of health-care providers

In general terms, the progressive medicalization of sport can be attributed to the increasingly close relationship between medicine, sport and health, which is relevant to both professional and non-professional athletes. The positive and negative effects of the phenomenon have been widely addressed: on the one hand, it is contributing to better management of athletic careers and performance, but on the other, it is resulting in practices aimed at illicitly improving athletic performance (doping).¹¹

With regard to the latter trend, bribery and corruption can play a part in schemes aimed at covering up doping practices.¹² Hence, laws specific to the medical profession that address bribery are relevant to sport.

The guide has identified nine States parties (Central African Republic, Comoros, Congo, Gabon, Guinea, Mali, Morocco, Niger and Senegal) which have laws relating to the bribery of health-care providers which are particularly relevant to sport. In these jurisdictions, the bribery of doctors, surgeons, dentists and midwives in relation to such acts as falsely certifying or concealing the existence of illnesses, infirmities and pregnancy, and providing false indications on the origin of illnesses, infirmities and cause of death are criminalized.¹³ The laws cover active and passive bribery in the public and private sectors.

¹⁰ The States are Australia, Brazil, China, France, Germany, Indonesia, Italy, Japan, Mexico, Netherlands (Kingdom of the), the Russian Federation, Spain, Saudi Arabia, South Africa, Türkiye and the United Kingdom of Great Britain and Northern Ireland. An example of using general anti-bribery and anti-fraud law is provided by Brazil, where, in 2021, the former head of the National Olympic Committee of Brazil, Carlos Arthur Nuzman, was found guilty of corruption, criminal organization, money-laundering and tax evasion for having secured the 2016 Summer Olympic Games for Brazil. As a result, Mr Nuzman was sentenced to more than 30 years in prison. See Tariq Panja, "Olympic Official Who Delivered Rio Games Sentenced to 30 Years for Bribery", *The New York Times*, 26 November 2021. It should also be noted that, given the global dimension of sport, new forms of corruption and bribery involve the participation of organized criminal groups. Hence, in several cases, general laws have been used to prosecute and punish criminal organizations in sport-related cases. An example is provided by Italy, where in 2006, the "Calciopoli" scandal, concerning competition manipulation, led prosecutors to accuse several club owners, managers, players, referees and league officials of corruption and links to organized crime. See Shamon Hafez, "The scandal that rocked Italy and left Juventus in Serie B", BBC Sport, 5 October 2019.

¹¹ See Dominic Malcolm, "Sport, Medicine and Health. The medicalization of sport?" (Abingdon, Routledge, 2017).

¹² An example is the case involving the former chief of the International Association of Athletics Federations (now World Athletics), Lamine Diack, who was sentenced by a French criminal court to four years in prison and fined €500,000 for covering up doping cases involving Russian athletes in exchange for bribes. Five others were also found guilty and sanctioned by the court. See Sean Ingle, "Lamine Diack found guilty of corruption and sentenced to two years in prison", *The Guardian*, 16 September 2020. On the evolution of doping in sport, see Paoli and Donati, *The Sports Doping Market*. On the ways to counter the risks of doping and corruption in sport, see Daniel Binette, "Doping and Corruption in Sports: Why We Should Care, and What We Should Do," *The Global Anti-Corruption Blog*, 8 February 2016.

¹³ It should also be noted that article 14 of the Penal Code for Forgery Offences in Saudi Arabia states that "Any person who, within his power, forges or knowingly issues a false medical report or certificate shall be punished by imprisonment for a term not exceeding one year and a fine not exceeding 100,000 riyals, or by either penalty."



4. Review of legal approaches to tackling bribery in sport

The mapping exercise carried out as part of the development of this guide resulted in the identification of seven (7) jurisdictions that have in place specific legislation criminalizing bribery in sport-related contexts.

Based on an analysis 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 presentation of these good practices is aimed at helping users of this resource guide to decide how best to tackle the problem of the bribery in sport 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.

However, data also shows that many jurisdictions apply existing and general anti-bribery legislation in sporting cases. Based on an analysis of the legislation in these jurisdictions, a series of good practices and recommendations relating to the application of anti-bribery legislation to sport-related contexts is also presented in this section. The aim is to provide lawmakers, policymakers, prosecutors and other relevant officials with practical approaches and guidance to help specifically tackle bribery in sport, as well as the threat posed to sport and society by corruption in sport in general.

4.1 The public sector and bribery in sport

4.1.1 Overview

Regarding bribery in the public sector, officials of sports organizations, coaches, athletes, referees and other members of the sports movement are not ordinarily classified as public officials. In some cases, this makes it difficult to apply public-sector bribery offences, embezzlement and abuse of office and functions to sport. This is particularly relevant in relation to specific categories of people operating in sport – e.g., judges, referees and administrators and management of sports organizations.

However, at the same time, it is important to note that States parties use different criteria and frameworks to

define a public official in legislation, as per article 2 of the UNCAC.¹⁴

In most States, legislation includes an explicit definition of the criteria used with regard to offences related to the exercise of official duties, with no specific description of acts related to corruption. Usually, this definition is grounded on a functional approach because it covers any person performing a public function, carrying out a public duty, entrusted with a public task or holding a responsible official position, or to whom public functions have been assigned, regardless of whether the person has been elected or appointed, is paid or unpaid and is appointed on a permanent or a temporary basis.

Another approach adopted by States is the use of a comprehensive list of the various types of office holders that are considered to be a “civil servant” or a “public official,” or of the public bodies for which a person has to work in order to be considered a public official. It should be noted that some States parties combine these approaches.

A third approach adopted by States is the use of a uniform concept, in which no distinction is made between public officials and private employees for the purposes of corruption offences, with legislation instead focusing on the commission of a wide range of general activities.

The use of different criteria, definitions and approaches, which can encompass a wide range of persons and functions, highlights the potential for considering persons operating in a sports context as public officials.¹⁵ In particular, the use of a functional approach, by disregarding formal qualification and relying on the function performed, allows the inclusion of persons operating in sport (e.g. judges, referees and executives and administrators of sports organizations) in the scope of the application of public bribery categories.

It is relatively straightforward to apply legislation linked to tackling bribery in the public sector to cases where government agencies are directly responsible for sports and when state-owned enterprises are involved in the implementation of sport-related projects, such as the

¹⁴ UNODC, *State of Implementation of the United Convention Against Corruption*, pp. 8-10.

¹⁵ The possibility of applying the OECD Anti-Bribery Convention to major international sporting organizations, based on the consideration that their officials perform a public function and therefore can be considered foreign public officials, has been discussed for many years. Recently, it has been brought to the attention of the OECD Working Group on Bribery in International Business Transactions. See Nicola Bonucci, Drago Kos and Andy Spalding, “OECD Working Group: Use the Anti-Bribery Convention to prosecute corruption in megasports”, *The FCPA Blog*, 6 March 2023, and Andrew Spalding, *A New Megasport Legacy: Host-Country Human Rights and Anti-Corruption Reforms* (Oxford, Oxford University Press, 2022).

construction of sports infrastructure.¹⁶ In many States, both the leadership/management and employees of state-owned enterprises are considered public officials.¹⁷

Moreover, in some jurisdictions, sports organizations are state-owned enterprises. Consequently, the management or employees of such organizations may be subject to anti-corruption regulations, including criminal ones that apply to public office holders, civil servants and other public officials. An example is legislation in the Russian Federation, where people who are in a position of authority or organizational responsibility and carry out regulative, administrative and economic functions in state institutions are recognized by article 285 of the Criminal Code as public officials. Accordingly, they are subject to criminal liability for bribery and other corruption offences.¹⁸

Notably, such provisions can be applied in cases involving bribe-giving through sports, which is relevant from a criminological standpoint. For example, when undue payments are made to a public official in the form of free or discounted tickets to sporting events or, more significantly, in the form of sponsorship of or investment in a sports club by a public official.¹⁹ Moreover, where public bribery offences are not applicable, other ones, such as embezzlement and abuse of office or functions, could be more easily applied.

¹⁶ State-owned-enterprises are often involved in bribery cases, especially in bribery cases involving foreign individuals or entities. In 2014, the OECD reported that 81 per cent (by value) of the foreign bribery cases investigated between 1999 and 2013 were promised, offered or given to state-owned-enterprise officials. The activity has attracted the attention of the international community, leading to the adoption of several initiatives, such as the release of the OECD publication, "State-Owned Enterprises and Corruption: What are the risks and what can be done?" (2018).

¹⁷ UNODC, *Global Report on Corruption in Sport*, p.65.

¹⁸ *Ibid.*, p.66.

¹⁹ An example is provided by certain enforcement actions of the United States Foreign Corrupt Practices Act. In the case of United States District Court for the Southern District of Texas Houston Division, *United States v. SBM Offshore N.V.*, Case No.17-686 (<https://www.justice.gov/opa/press-release/file/1014801/download>), Deferred Prosecution Agreement, November 2017, SBM Offshore N. V. transferred illegal remuneration in the form of tickets to sporting events. The company and its wholly owned United States subsidiary, SBM Offshore USA Inc., agreed to resolve criminal charges and pay a criminal penalty of \$238 million in connection with schemes involving the bribery of foreign officials. About the case, see: www.reuters.com/article/us-sbm-offshore-corruption-idUSKBN1DT3JV

4.1.2 Examples of relevant laws

Example of criminal liability extending to officials of sports organizations

Laws on the criminal liability of public officials can apply to the employees of any organization, including sports organizations. An example is the Penal Code in Viet Nam, which applies the same penalties for active and passive bribery to an office holder (i.e., a person who is given certain duties and power through appointment, election, contract conclusion or another method) in an enterprise or organization other than a state organization as it applies to office holders in government agencies (paragraph 6, article 354 and paragraph 6, article 364). More examples on such laws are available in Section 2 of the UNODC publication, *Global Report on Corruption in Sport*.

Examples of a law on offering a bribe in sport-related contexts

Three States parties (Namibia, North Macedonia and the Russian Federation) have been identified which have in place specific sport-related bribery offences.

In the case of Namibia, the relevant provision refers to "any other person" who is in a potential position to interfere with play or a sporting event. By enhancing the kind of activity (e.g., the sporting activity) that the bribed person has the power to influence, it is possible to overcome the limitations represented by the narrow scope of application of public bribery offences. At the same time, it should be noted that the legislative techniques adopted can undermine the difference between public and private bribery.

In North Macedonia, the category of public officials includes all persons working for "sports associations, and other legal entities in the field of sports."

In the Russian Federation, legislation covers a broad list of people that can have different roles in sports competitions.

Example of a law regarding the solicitation or acceptance of a bribe in sport-related contexts

In the Russian Federation, article 184 of the Criminal Code punishes the acceptance of a bribe by a broad list of people that can have different roles in sports competitions, including athletes. This inclusion is unusual if it is considered that such a provision falls under the implementation of the public bribery-related offences of

the Convention. In this way, the scope of application of the offence is broad. At the same time, it should be noted that athletes lack the typical powers of public officials.

Example of a law on the solicitation or acceptance of a bribe in sport-related contexts

North Macedonia was the only jurisdiction identified which, in its Criminal Code, specifically includes sporting officials in the implementation of articles 15(a) and 16(2) of the UNCAC. It is particularly relevant as public officials are authorized to represent “associations, foundations, unions and organizational types of foreign organizations, sports associations, and other legal entities in the field of sports.”

Given the frequent international or regional nature of sporting competitions, and the unique role of persons belonging to sport organizations, both the active and passive bribery of foreign officials or officials of public international organizations are important to be taken into consideration.

Figure 1: Offering a bribe in sport-related contexts.

A limited number of States have introduced or have taken steps towards establishing the bribery of foreign public officials and officials of public international organizations as criminal offences, which makes it of limited practical relevance in a sport related context.

However, among these States, a considerable number (more than one quarter) have done so only for active bribery. Given the frequent international nature of sporting competitions and therefore the international dimension when corruption in sport takes place, such action is relevant from a criminal policy perspective. Moreover, the role of people occupying relevant positions in international sport organizations cannot fall within the scope of the application of the national provisions on public officials. Therefore, it is suggested that this scenario be considered.

4.1.3 Good practices

Good practices for Governments to consider in order to strengthen efforts to tackle bribery in sport in the context of the public sector include:

- Ensuring criminal liability, by applying, where possible, offences punishing both active and passive bribery of public officials, foreign public officials and officials of public international organizations in sport competitions, based on articles 15 and 16 of the UNCAC.
- Identifying people with duties in activities related to sport that can be considered as public officials and to apply, where possible, offences to those persons that play relevant roles in sport, such as umpires, referees and judges, as well as to the administrators and management of sport organizations.
- Applying laws to a wide range of roles and responsibilities involving sport related activities. In this regard, the provisions adopted by North Macedonia and the Russian Federation are noteworthy examples. In the case of North Macedonia, the approach taken was to develop a generic catch-all description of what constitutes a public official in a sport setting, namely any “authorized person for representation of sports associations, and other legal entities in the field of sports.” In the case of the Russian Federation, the approach taken was to develop legislation which specifies a list of persons and functions which are covered by the law, including “athletes, sports referees, coaches, team leaders and other participants or organizers of professional sports competitions, as well as organizers or jury members of spectacular commercial competitions”. Here, it should be noted that for this suggested good practice, while athletes are included, they lack the powers typical of public officials.
- Applying and establishing, when possible and where not included, provisions on active and passive bribery of foreign public officials and officials of public international organizations in the sporting context. The provision in North Macedonia for punishing the solicitation or acceptance of a bribe by a foreign public official or an official of an international organization is a good example. Consideration should be given to also extending this approach to cover the offering of a bribe to a foreign public official or an official of a public international organization in the sporting context.

- Extending anti-bribery provisions originally aimed at public officials to cover individuals and private legal entities in the sports domain. The definition of a public official could be interpreted as appropriate to achieve this goal.²⁰

Figure 2: key questions for Governments, sports organizations and other relevant stakeholders to extending anti-bribery provisions aimed at public officials to cover individuals and private legal entities in the sports domain:

- How effective would it be to tackling bribery in sport to consider individuals operating in the sporting context as public officials?
- Is there a different consideration to be applied concerning key actors in sporting contexts (e.g., umpires, referees, jury members, coaches, athletes and agents)?
- Which are the best legal techniques (of those adopted by States) for defining public officials who operate in sporting contexts?

4.2 The private sector and bribery in sport

4.2.1 Overview

Applying laws on bribery in the private sector to a case involving sport can be easier and more effective than in the public sector. Indeed, sport organizations, are often marked by the intersection of public and private functions which, makes these offences more apt to apply in such scenarios. Indeed, in many instances, sports organizations, sports clubs, sports institutes and sports academies are private-sector organizations, albeit performing functions that can impact on society at large. This consideration also enhances the importance of acknowledging corporate criminal liability.²¹

Given the frequent application of a hybrid governance model of sport organizations and the participation in

sporting activities of a wide range of persons who are not usually defined as public officials, offences related to bribery in the private sector play a pivotal role in tackling bribery in sport, where the laws punishing bribery in the public sector are not applicable.

It has been noted that sometimes the language of criminal anti-corruption provisions may limit their applicability. This is particularly the case for certain restrictive clauses that limit the scope or coverage of such provisions, with specific regard to the type of organization, categories of employees and the type of harm.²²

With regard to the categories of employees, it has been highlighted, that it is possible to apply a corruption offence in the private sector to those who perform managerial or other specific functions.²³ However, it can be argued that the roles and responsibilities of certain key actors involved in sport, including athletes, coaches and referees, can be seen as performing such functions. Furthermore, article 21 of the UNCAC is aimed at being applied to “managers and employees at all hierarchical levels of private sector entities, as well as agents and consultants of companies, professionals and sole entrepreneurs, and even nonprofit legal entities or foundations and volunteer and sports organizations”,²⁴ which further reinforces the point made above.

Concerning the type of harm, it has been noted that in a number of examples anti-corruption legislation the forms of impact of the given act are specifically set out (e.g., where the recipient of the a briber performs an act in return with the aim of inflicting damage or a detriment to those whom he or she represents; that it constitutes an act of unfair competition or inadmissible act of preference in favour of a buyer or a recipient of goods or services or other performance; or that it distorts free competition), with the effect of narrowing the scope of the offence.²⁵ Taking this into consideration in the context of sport, it can be problematic in some cases where, for example, it is required to prove the social harm arising from certain bribery acts (e.g., bribing officials of international sports bodies to gain the right to host a major sporting event). In addition, sports organizations may not be involved in specific relationships that are covered by criminal law.²⁶

It has also been noted that a different approach is possible,

²⁰ UNODC, *Global Report on Corruption in Sport*, p.66.

²¹ A recent case from Japan shows the clear link between public and private dimensions in sport, specifically with regard to the organization of sporting events. In February 2023, the largest advertising agency and five other companies in Japan were indicted for allegedly violating an anti-monopoly law in a corruption scandal involving allegations of bid-rigging during the Tokyo 2020 Summer Olympics. See: The Guardian, “Japan’s top ad agency indicted over Olympics bid-rigging scandal,” 28 February 2023.

²² UNODC, *Global Report on Corruption in Sport*, p.66.

²³ UNODC, *Global Report on Corruption in Sport*, p.65.

²⁴ UNODC, *State of Implementation of the United Convention Against Corruption*, p.61.

²⁵ UNODC, *State of Implementation of the United Convention Against Corruption*, p.63.

²⁶ UNODC, *Global Report on Corruption in Sport*, pp.65-66.

as in the case of Moldova, which extends provisions relating to private-sector bribery to certain sports actors.

4.2.2. Relevant examples

Examples of offering a bribe to a person working for a private sector entity in sport-related contexts

Five States parties (Armenia, France, Namibia, Moldova, Spain) have in place legislation which specify sport-related bribery offences.

In Armenia, while the applies to athletes, coaches and all the other participants in sporting events, it only refers to persons who perform managerial or other specific functions (“organisers of professional sporting events, as well as organisers of commercial competition shows and members of award commissions”). Hence, the middle-level employees of private organizations involved in sporting events – who could have the power to affect the result of a sporting event or competition, given their role within the organizations – are excluded.²⁷ At the same time, it should be noted that no restrictive clause referring to the harm caused by the bribery activity is present.

In France, the relevant provision has a twofold nature. On one hand, it has a broad scope of application as it refers to any “actor of a sporting event.” On the other, its scope of application is narrow because it requires an effective modification of the normal and fair course of the event or race.²⁸

In Namibia, the relevant provision generally refers to “a person.” However, it has a narrow scope of application because it only applies to acts aimed at influencing or consisting of influencing “the run of play or the outcome of a sporting event.”

In Moldova, the relevant provision generally applies to people that participate in a sporting event. Moreover, the final clause (“or in a sport event or a betting event”) significantly expands the scope of application of the provision.

In Spain, the relevant provision applies to a broad range of people, including employees of sporting organizations

(independently of their legal form) and athletes, umpires and judges. At the same time, its scope of application is narrow concerning the harm caused by the bribery act. On one hand, the provision only applies when the conduct is aimed at altering or alters the result of a sporting event. On the other hand, it only applies to sporting events of special economic or sporting relevance, although in the first case it is sufficient that participants “receive any type of remuneration”.

Furthermore, the example of the United States of America, where bribery in sport was criminalized before the UNCAC came into force, should be taken into account. The relevant provision only applies to activities representing schemes in commerce.

At the same time, this provision provides a definition of “sporting contest.” Although the legislative choice to clarify this notion can be appreciated, the sporting contest is limited to individuals or team contestants (albeit the definition expands the scope of application of the provision to amateur activity).

Examples of solicitation of a bribe by a person in a private sector entity in sport-related contexts

Five States parties (Armenia, France, Namibia, Moldova, and Spain) have been identified which have sport-related offences for passive bribery in the private sector.

Consequently, the same considerations made before also apply in these cases although it is noteworthy that in Armenia, slightly more severe sanctions for passive bribery than for active ones apply. Alongside the deprivation of the right to hold certain positions or engage in certain activities for a maximum term of three years, sanctions include imprisonment for a maximum of two years.

4.2.3. Good practices

Good practices for Governments to consider in order to strengthen efforts to tackle bribery in sport in the context of the private sector include:

- Effectively implementing the UNCAC, and in particular establishing both active and passive bribery in the private sector based on article 21
- Expanding the application of offences to employees of sporting organizations (independently of their legal form), including the administrators and

²⁷ Literature on corporate crime shows that crimes are committed by middle-level management. For example, see Marshall B. Clinard, *Corporate Ethics and Crime: The Role of Middle Management* (London, SAGE Publishing, 1983).

²⁸ In France, the national anti-corruption agency has paid particular attention to corruption in sport by publishing two guides that are aimed at enhancing the integrity of sport federations (*Guide sur la prévention des atteintes à la probité à destination des fédérations sportives*) and the Ministry of Sports and the Olympic and Paralympic Games (*Guide sur la prévention des atteintes à la probité à destination des opérateurs du ministère des Sports et des Jeux Olympiques et Paralympiques*).

management, based on the unusual characteristics of people participating in sports events and employees of private sports organizations

- Including athletes, umpires and judges in the scope of the application of the offences in order to avoid a lack of criminal liability in relation to these persons, who have a pivotal role in the sporting context, where this is not already punished under the auspices of public corruption
- Expanding the scope of application of the offences. Examples include that which is used in the United States whereby a general reference to a “sporting contest” is used and in Spain where legislation refers to sporting events of special economic relevance, which are those where participants “receive any type of remuneration”
- Avoiding referring to specific forms of the impact of the act of bribery because this adds a further constituent element in the description of the offence that narrows its scope, which is a deviation from the provisions of the Convention²⁹

²⁹ UNODC, *State of Implementation of the United Convention Against Corruption*, p.63.



5. Sanctions and tackling bribery in sport

In addition to reviewing the application of anti-bribery laws in public and private sector contexts, it is also important to consider additional and important issues with legal implications to tackling bribery in sport. These include considerations related to sanctions, which include fines, suspension of rights and imprisonment.

5.1 Overview

Having highlighted good practices in the criminalization of specific sport-related bribery offences, it is also important to consider and analyse the sanctions connected to these acts.

It is widely known and accepted that the perceived likelihood of detection and punishment, and not the severity of the sanctions imposed, has the most significant impact on the behaviour of those involved in illicit activities.³⁰ For this reason, disciplinary measures play a decisive role in tackling bribery. The sporting sector, populated by a range of organizations, represents an ideal area for this kind of measure.³¹

At the same time, the gravity of bribery in sport needs to be addressed by criminal law and, in particular, criminal sanctions. To this end, the following analysis takes into account the solutions adopted by national jurisdictions in relation to bribery offences in general.

However, the range of applicable sanctions depends on the nature of the offence and on the overall characteristics of the criminal justice system of each State party. A relevant point concerns the internal consistency and coherence of the national sanctions system. Article 30 of the UNCAC obliges Parties to the Convention to make corruption offences subject to penalties that take into account the gravity of the offence means that the sanctions available for corruption offences should not diverge from the sanctions for comparable crimes (e.g., economic crimes or offences in the exercise of public power). States parties should differentiate appropriately between the relevant offences and eliminate potential discrepancies.³² Different kinds of sanctions can be applied for bribery: fines, imprisonment, forfeiture of the bribe and other assets, suspension, debarment, removal or other limitations of rights.

5.1.1. Fines and the (punitive) forfeiture of the bribe

A common sanction for soliciting or offering bribes is a monetary fine. While several studies have scaled back the idea that fines have a high-deterrence capacity in combating economic crimes,³³ in recent years, new criteria for calculating the level of monetary fines have been developed, with larger fines considered more effective from a deterrence perspective. These fines are more calibrated to specific circumstances (primarily financial) of offenders.³⁴

As a result, fines can be determined in several ways. Some States have legislation that provides for statutory minimum and maximum fines. Fines can be minor and dealt with summarily or, in serious cases, they can amount to hundreds of millions of dollars for corporations. Fines can be calculated according to individual or societal parameters.

Time is also used as a factor in the calculation of fines. The concept of time as a factor in calculating the consequences of wrongdoing is a familiar one to sport. The rules of many sports incorporate the concept of time, from a timeout for on-field rule infractions to the suspension of athletes, coaches, officials, administrators and elected officials for more serious infractions, including bribery and competition manipulation. This reflects what is a national standard for legal action in the case of bribery.

It should be noted that among the States that provide for specific sport-related bribery offences, Armenia and the Russian Federation adopt, respectively, as a factor in calculating fines the minimum salary of the convicted person, which can be multiplied between three-hundredfold and five-hundredfold, and the wage and other income of the convicted person.

The forfeiture of the bribe or gift, or the application of fines equivalent to the value of the bribe or gift are other typical sanctions relating to bribery. In many cases, the value of the bribe or gift can be subject to multiplying factors to add a punitive element.

Most of the jurisdictions choose to double or triple the value of the bribe or gift. However, there are exceptions. In some cases, the law enables fines to be lowered to 50 per cent of the value of the bribe, while in others, fines can be

³⁰ Tom R. Tyler, *Why People Obey the Law* (Princeton, New Jersey, Princeton University Press, 2006).

³¹ UNODC, *Global Report on Corruption in Sport*, p.243.

³² UNODC, *State of Implementation of the United Convention Against Corruption*, p.103.

³³ Eugene Soltes, *Why They Do It: Inside the Mind of the White-Collar Criminal* (New York, Public Affairs, October 2016).

³⁴ Note by the Secretariat entitled "Effective action against bribery: criminalization and enforcement of national and transnational bribery offences under the United Nations Convention against Corruption" (CAC/COSP/IRG/2020/CRP.16).

up to 100 times the original bribe. In other cases, fines are structured to recoup one per cent of the damage caused by the act of corruption.

The jurisdictions that use multiples of the value of a bribe or a gift as a multiplying factor of the fine are as follows:

Jurisdictions that use multiples of the value of a bribe or a gift and the multiplying factors applied	
<ul style="list-style-type: none"> • Afghanistan (x2) • Andorra (x3) • Australia (x3) • Burkina Faso (x2) • Burundi (x2) • Comoros (x2) • Democratic Republic of the Congo (x2) • Dominican Republic (x2) • Guatemala (x2 for corporations) • Haiti (x2) • Israel (x5 for individuals and x10 for corporations) 	<ul style="list-style-type: none"> • Kuwait (x2) • Lao People's Democratic Republic (x1 or 1) • Lebanon (x2) • Saudi Arabia (benefits or funds gained added to the fine; legal person x10) • Syrian Arab Republic (x3) • Russian Federation (x15 to x90) • Venezuela (Bolivarian Republic of) (x0.5 to x0.6) • Viet Nam (x1 to x5) • Zimbabwe (x3)

5.1.2. Suspension, debarment, removal or other limitations of rights in relation to bribery offences

Many States parties have adopted measures on the suspension, removal from office and reassignment or disqualification of public officials accused of corruption offences with a view to facilitating investigations and preventing tampering with evidence or the commission of new crimes.³⁵

Similar sanctions apply to private-sector corruption. The suspension, removal or limiting of rights of individuals or legal entities is also a feature of anti-bribery laws in the sector. This can include the removal of political or voting rights, the right to enter into contracts, the right to hold public or private office, the right of freedom of movement and the right to practice a profession. The removal of rights is usually for a fixed period.

Restriction of rights as a result of conviction for bribery

Limitation of freedom of movement*

- Liechtenstein (restriction of liberty)
- Poland (deprivation of liberty)
- Russian Federation (deprivation of liberty)
- Tajikistan (deprivation of liberty)
- Ukraine (restriction of liberty)

Banishment

- Maldives
- Palau

Barred from contracts

- Ethiopia
- Guyana
- Nicaragua (banned from a trade, a profession or an area of commerce)
- Philippines
- Spain (disqualification from obtaining subsidies and public support, from contracting with bodies, agencies or bodies that make up part of the public sector, and from enjoying fiscal and social security incentives or benefits)

Removal of political rights

- Central African Republic (for between 5 and 10 years when another offence is involved)
- Colombia
- Democratic Republic of the Congo (for 5 years)
- Mozambique (for up to 3 years)
- Sao Tomé and Príncipe (for up to 2 years)

Barred from public and/or private office

- Andorra
- Argentina (can be permanent)
- Armenia
- Azerbaijan
- Belize (for 7 years)
- Colombia
- Czechia
- Ecuador (banned from legal practice if a lawyer)
- El Salvador
- Finland
- Gabon
- Georgia
- Honduras
- Latvia (for up to 8 years)
- Mexico (for up to 14 years)
- Micronesia (Federated States of) (disqualified from office)
- Nauru (for up to 7 years)
- Qatar (for between 3 and 10 years on imprisonment)
- Nicaragua (for the period of the jail sentence)
- Peru (professional disqualification)
- Philippines (professional disqualification)
- Poland (deprivation of public rights or a ban on holding a position or taking up a profession)
- Republic of Korea (for up to 10 years)
- Republic of Moldova (for up to 5 years)
- Romania
- Saudi Arabia (dismissed and prevented from assuming any public position or performing any acts that are the responsibility of public servants)
- Tajikistan
- Ukraine

* The term deprivation of liberty may refer to imprisonment or to the restriction of movement. The term is often used in conjunction with a specific reference to imprisonment for a different period.

5.1.3. *Imprisonment*

The length of prison sentences for bribery ranges from very short periods to life imprisonment.

Only a few States parties have the penalty of life imprisonment for bribery offences. This punishment applies to the most serious offences, such as where bribery undermines national security or national institutions.

The jurisdictions with life imprisonment for bribery are Egypt, Indonesia, the Lao People's Democratic Republic, Palau, the Philippines, the Republic of Korea, the United States and Viet Nam, as well as the State of Palestine.³⁶

Haiti has a law that allows a corrupted juror or judge to be sentenced for the term that corresponds to the seriousness of the corrupted judicial case. Technically, this could include life sentences for bribery offences.

³⁶ In the case of the State of Palestine, the applicable law appears to be from statutes inherited when it was under the mandate of the United Kingdom of Great Britain and Northern Ireland (1919-1948). Therefore, the life sentence may not accurately reflect current social attitudes.



6. Important additional considerations to tackling bribery in sport

6.1 Reporting mechanisms

The crucial role played by detection and reporting mechanisms in tackling corruption is widely acknowledged by legal scholars³⁷ and international organizations.³⁸

Notably, while the UNCAC contains a dedicated (non-mandatory) provision for the protection of reporting persons,³⁹ more than two-thirds of States parties have not established comprehensive whistle-blower protection measures or were found to be only partially in compliance with the provision under review (although the legislation was pending in a significant number of cases). Accordingly, numerous recommendations were issued either to pursue or prioritize the adoption of such legislation, covering all offences established under with the Convention or to take further steps toward protecting whistle-blowers, following the spirit of the Convention.⁴⁰

The issue is particularly relevant in sport-related bribery offences. In the UNODC *Global Report on Corruption in Sport*, it is highlighted how effective detection and reporting mechanisms can help develop a better understanding of the nature and scale of corruption in sport.⁴¹ Further to this, UNODC and IOC have developed a joint publication on *Reporting Mechanisms in Sport: A practical guide for development and implementation*.⁴²

A crucial feature of anti-bribery legislation is the waiver of punishment for payers of bribes who report the crime before it is discovered. This protects individuals and corporations from extortive practices by public and private sector officials. This standard is in place in the following jurisdictions:

Jurisdictions that waive bribery-related penalties for self-reporting		
<ul style="list-style-type: none"> • Belarus • Bosnia and Herzegovina • Croatia • Egypt • Guatemala • Italy • Jordan 	<ul style="list-style-type: none"> • Kazakhstan • Lebanon • Lithuania • Montenegro • North Macedonia • Oman • Pakistan 	<ul style="list-style-type: none"> • Poland • Russian Federation • Saudi Arabia • Uzbekistan • Viet Nam • Yemen • State of Palestine

Another tool is the establishment of a mechanism that requires officials to report attempted bribery. For example, in Papua New Guinea, it is an offence for a police officer not to report attempted bribery. Mandatory reporting removes any illusion of discretionary action when wrongdoing or corrupt behaviour is observed.

6.2 Corporate liability

Corporate criminal liability is a relevant tool in tackling economic crime, corruption and bribery in particular.⁴³

Such a consideration applies in sport-related contexts given the pivotal role corporations and sporting organizations play in this sector. Moreover, the hybrid governance model used by many sports organizations and the frequent presence of state-owned enterprises involved in sport-related activities underline the necessity of this assumption.

At the same time, it should be noted that in relation to bribery in the private sector, the mapping activity on which this guide relies was limited. It is possible to identify only a few good practices for penalties for private-sector bribery based on the data made available by the States parties.⁴⁴

With regard to the type of liability, corporate entities are generally responsible for the actions of their officers or agents, although officers can be solely liable for their own actions.⁴⁵

37 Adan Nieto, "Internal Investigations, Whistle-Blowing, and Cooperation: The Struggle for Information in the Criminal Process", in *Preventing Corporate Corruption: The Anti-Bribery Compliance Model*, Gabrio Forti, Francesco Centonze and Stefano Manacorda, eds. (Milan, Springer, 2015), pp.69-90.

38 OECD, *Committing to Effective Whistleblower Protection* (Paris, 2016).

39 Article 33 of the United Nations Convention against Corruption on protection of reporting persons.

40 UNODC, *State of Implementation of the United Convention Against Corruption*, p.152 and Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law.

41 UNODC, *Global Report on Corruption in Sport*, p.113.

42 https://www.unodc.org/documents/corruption/Publications/2019/19-09580_Reporting_Mechanisms_in_Sport_ebook.pdf

43 See Gabrio Forti, Francesco Centonze and Stefano Manacorda, *Preventing Corporate Corruption: The Anti-Bribery Compliance Model* (Milan, Springer, 2015) and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, in particular article 2 on responsibility of legal persons, in which it is stated that "each Party shall take such measures as may be necessary, in accordance with its legal principles, to establish the liability of legal persons for the bribery of a foreign public official."

44 The small amount of information provided by the State parties on the issue is also underlined by in the UNODC publication, *State of Implementation of the United Convention Against Corruption*, p.225.

45 On the different modes of corporate liability, see Brent Fisse and John Braithwaite, *Corporations, Crime and Accountability* (Cambridge, Cambridge University Press, 1994).

Regarding fines, similar to what has been observed when offenders are natural persons, there is a range of approaches to issuing fines to legal persons. Usually, the provisions for legal persons reflect the ones for natural persons.

Corporate sanctions can vary in type, including debarment from public contracts or other restrictions on their ability to trade and the use of court or government-appointed administrators to, in the most serious cases, carry out corporate dissolution.

Finally, it should be noted that out-of-court settlements as a means of resolution in corporate crime cases are acknowledged by different jurisdictions. International organizations are encouraging this type of solution for pragmatic reasons.⁴⁶

Indeed, through such tools, corporations are encouraged to report illicit conduct and are subject to a broad range of obligations. These envisage the payment of monetary fines, damages and restorations, the restitution of the proceeds of the crime, the adoption of restorative measures and the implementation of new compliance programmes.⁴⁷

⁴⁶ OECD, *Guidelines for Multinational Enterprises* (2011), in particular principle 10: "The use of appropriate international dispute settlement mechanisms, including arbitration, is encouraged as a means of facilitating the resolution of legal problems arising between enterprises and host country governments." and UNODC, *State of Implementation of the United Convention Against Corruption*, p.111.

⁴⁷ Tina Søreide and Abiola Makinwa, eds., *Negotiated Settlements in Bribery Cases: A Principled Approach* (Cheltenham, Edward Elgar, 2020).

ANNEXS



ANNEX I

Summary of the IPACS report on tackling bribery in sport

Regarding national jurisdictions, the following analysis is based on the IPACS report on tackling bribery in sport.

The IPACS report draws on information on national anti-bribery laws submitted by approximately 180 jurisdictions. Furthermore, the research also notes if the incorporation of anti-bribery standards into national laws satisfies the requirements of the Convention against Corruption.

As part of the IPACS report, an interactive database was created that can be used as a foundation for future works. Data for each jurisdiction is collated into spreadsheets and each spreadsheet contains information on the chapter, article and paragraph of the Convention against Corruption and the relevant national laws.

In particular, the information is organized for each jurisdiction to show the range of penalties, stipulated by their national laws, that apply to natural and legal persons concerning offences committed under the broad aspects of article 15(a) on offering a bribe to a public official; 15(b) on solicitation of a bribe by a public official; article 16(1) on offering a bribe to a foreign public official or an official of a public international organization; article 16(2) on solicitation of a bribe by a foreign public official or an official of a public international organization; article 21(a) on offering a bribe to a person in a private sector entity; and article 21(b) on solicitation of a bribe by a person in a private sector entity.

In addition to the UNCAC, the spreadsheets include data on the status of the jurisdictions concerning the following international instruments. It is indicated if States parties are members of the organizations listed, are signatories to the instruments listed and whether they adhere to them.

- » United Nations Convention against Transnational Organized Crime
- » OECD Convention on Combating Bribery of Foreign Public Officials in Business Transactions
- » International Criminal Police Organization
- » Council of Europe Convention on the Manipulation of Sports Competitions

Data are presented in a series of tables for each region. It should be noted that the regional breakdown (Asia, Africa, Europe, Latin America and the Caribbean, North America, and Oceania) used in the IPACS report does not reflect the five regional groups of Member States before the General Assembly. As such, this publication uses the United Nations classification: African States, Asia Pacific States, Eastern European States, Latin American and Caribbean States, Western European and other States.

There are important reasons for the regional mapping, when focusing on bribery in sport, not least as games and competitions are organized at an inter-country level. Furthermore, such formatting creates a user-friendly tool for law enforcement agencies, criminal justice authorities and sports organizations, and law enforcement agencies can easily research the anti-bribery laws in place in neighbouring jurisdictions.

The aim of the IPACS report is to identify relevant standards among national legislation to tackle bribery in sport. The use of standards is intended to provide for a generally accepted way of conducting activities. However, while the analysis of the data collected as part of the Implementation Review Mechanism indicates multiple commonalities in the way States parties prevent and combat bribery, there is no single standard. This reflects different societal approaches to sanctions (such as imprisonment and other forms of punishment), different cultural norms regarding the giving and receiving of gifts, and varied economic circumstances. The report connects the similarities in bribery standards to several broad phenomena. For example, legislation may not have been revised or updated by States parties to reflect a change in circumstances.

The areas analysed in the IPACS report are bribery offences, fines and punitive sanctions applied to natural and legal persons, reporting activity and statutes of limitations.

ANNEX II

Relevant legal and policy framework and bodies

Prosecuting bribery in sports competitions requires the consideration of a broad range of 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 bribery in sport can be addressed.

1. United Nations Convention against Corruption

The UNCAC 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 189 parties, the Convention has achieved almost universal ratification.

Articles 15, 16 and 21 of the Convention criminalize active and passive bribery of or by public officials, foreign officials and persons in the private sector. Given the hybrid dimension of governance in sport, it is crucial to consider both public and private bribery.

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 (articles 15, 16 and 21)
- » Embezzlement in the public and private sectors (articles 17 and 22)
- » Trading in influence (article 18)
- » Abuse of functions (article 19)
- » Illicit enrichment (article 20)
- » Money-laundering (article 23)
- » Concealment (article 24) and obstruction of justice (article 25) 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

These 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.

In particular, in resolution 7/8, the Conference:

- » [Affirmed] the relevance of the United Nations Convention against Corruption to promoting integrity, transparency and accountability and preventing corruption, also in sport (paragraph 1)
- » [Called] upon States parties 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 States parties to improve cooperation, coordination and exchange of information in accordance with the fundamental principles of their legal systems (paragraph 2)

In resolution 8/4, the Conference:

- » [Urged] 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 (paragraph 4)
- » [Encouraged] 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 (paragraph 5)
- » [Encouraged]s 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*, which are joint publications of UNODC and IOC, as well as 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 (paragraph 15)

2. General Assembly resolutions

In June 2021, the General Assembly special session against corruption adopted a political declaration that addressed, among many other topics, corruption in sport.

Subsequently, the General Assembly, at its seventy-seventh session, adopted a resolution on sport as an enabler of sustainable development. The resolution:

- » [Reaffirmed]s the importance of member States, including those that will host such Games and other sporting events in the future, as well as relevant sport-

related organizations, federations and associations, as appropriate, enhancing measures to address the risks of corruption related to such events, and in this regard welcoming the conferences on safeguarding sport from corruption, held in Vienna in June 2018 and in September 2019. It also notes with appreciation the efforts of UNODC in this regard, in particular the publication of the *Global Report on Corruption in Sport*, and the efforts of IPACS, established in 2017

- » [Called]s 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

Furthermore, the General Assembly, at its seventy-seventh session, adopted a resolution 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 UNCAC. The resolution:

- » [Welcomed]s resolutions 7/8 of 10 November 2017¹⁴ and 8/4 of 20 December 2019¹⁵ of the Conference of the States Parties to the United Nations Convention against Corruption on corruption in sport, which noted with great concern the risk that corruption and economic crime, including money-laundering, pose to sport, as well as resolution 7/5 of 10 November 2017 of the Conference of the States Parties on promoting preventive measures against corruption, which called upon States parties to continue implementing and to reinforce the effective implementation of the preventive measures outlined in chapter II of the Convention and in the resolutions of the Conference of the States Parties
- » [Noted]s with appreciation the efforts of States parties, international and intergovernmental organizations and sport-related organizations, to support efforts to tackle corruption in sport, emphasizing also the role of public-private partnerships and multi-stakeholder approaches, and effectively implement resolutions 7/8 and 8/4 adopted by the Conference of the States Parties to the United Nations Convention against Corruption
- » [Noted] with appreciation the publication and

launch of the *UNODC Global Report on Corruption in Sport* to support the effective implementation of resolutions 7/8 and 8/4 adopted by the Conference of the States Parties to the Convention

- » [Urged] States parties to the Convention to effectively implement all resolutions and decisions of the Conference of the States Parties to the Convention, including resolutions 7/8 on corruption in sport and 8/4 on safeguarding sport from corruption, 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, and urges States parties to the Convention to enhance prevention, detection, investigation, cooperation and the exchange of information and good practices to tackle the different manifestations of corruption in sport including by considering policy recommendations identified in the *UNODC Global Report on Corruption in Sport*, where appropriate

3. United Nations Convention against Transnational Organized Crime

The Organized Crime Convention is the main legal international instrument to fight organized crime. States parties are committed to taking measures against transnational organized crime, to mutual legal assistance and law enforcement cooperation, and to the promotion of training and technical assistance.

In the context of this guide on legislation related to bribery in sport, it is important to note the threat posed by criminal organizations to sport, which is highlighted in the *UNODC Global Report on Corruption in Sport*.⁴⁸ This issue has become particularly serious in the context of the COVID-19 pandemic, which has made the sport more vulnerable to corruption and organized crime.⁴⁹

Organized crime groups use corruption to facilitate their infiltration of sport and make it possible to exploit sport in both its amateur and professional forms at local, national, regional and global levels. These groups exploit

sport through illegal betting, competition manipulation and the trafficking of persons to generate illicit profit. They also use sport as a vehicle to project power and influence in local communities, often with devastating consequences, particularly when their activities have an impact on children, young athletes and vulnerable groups.⁵⁰

The threats posed by organized criminal groups to sport can take various forms. Organized crime groups can exploit sport for illicit gain by direct affiliation to or infiltration of sport (often through internal actors, such as senior officials of sport organizations, coaches, referees, athletes and intermediaries), or by indirect interference in sport, which requires the collaboration of internal actors inside sport to carry out their illicit activities.

Examples of relevant articles related to the applicability of the Organized Crime Convention to sport, involving corruption, include:

- » Article 8, which requires, among other things, the establishment as criminal offences the promise, offering or giving to a public official, as well as the solicitation or acceptance by a public official, of an undue advantage
- » Article 9, which contains separate specific measures against the corruption of public officials

The impact that organized criminal groups can have on bribery and corruption in sport is an issue that has also been addressed by the “G20 High-Level Principles on Tackling Corruption in Sport”. Principle 5 on tackling corruption in sport related to organized crime is particularly relevant, in which it is stated that “the infiltration of organized crime can exacerbate corruption in sport.”

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

⁴⁸ UNODC, *Global Report on Corruption in Sport* (Vienna, 2021), p.169.

⁴⁹ EUROPOL, *Beyond the pandemic: how COVID-19 will shape the serious and organised crime landscape in the EU* (April 2020).

⁵⁰ UNODC, *Global Report on Corruption in Sport and EUROPOL*, The involvement of organised crime groups in sports corruption (December 2021).

of shared responsibility and in accordance with international law.

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.

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.

Article 2. Use of terms

“Organized criminal group” means 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 the Organized Crime 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

However, the Organized Crime Convention takes into account acts of corruption by organized groups that are particularly relevant in this context.

Article 8. Criminalization of corruption

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:
 - b. 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
 - c. 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
2. Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences conduct referred to in paragraph 1 of this article involving a foreign public official or international civil servant. Likewise, each State Party shall consider establishing as criminal offences other forms of corruption.
3. Each State Party shall also adopt such measures as may be necessary to establish as a criminal offence participation as an accomplice in an offence established in accordance with this article.
4. For the purposes of paragraph 1 of this article and article 9 of this Convention, “public official” shall mean a public official or a person who provides a public service as defined in the domestic law and as applied in the criminal law of the State Party in which the person in question performs that function.

Article 9. Measures against corruption

1. In addition to the measures set forth in article 8 of this Convention, each State Party shall, to the extent appropriate and consistent with its legal system, adopt legislative, administrative or other effective measures to promote integrity and to prevent, detect and punish the corruption of public officials.
2. Each State Party shall take measures to ensure effective action by its authorities in the prevention, detection and punishment of the corruption of public officials, including providing such authorities with adequate independence to deter the exertion of inappropriate influence on their actions.

4. Council of Europe Convention on the Manipulation of Sports Competitions

The Convention on the Manipulation of Sports Competitions is aimed at preventing and combating competition manipulation in sport and therefore, protecting the integrity of sport. The Convention provides a common legal framework for international cooperation in response to this global threat. It is open any country in the world. As of January 2023, it has 34 signatories and eight jurisdictions have ratified the Convention.

The Convention facilitates 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 stakeholders (at the national level) and jurisdictions (at the international level) 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 enable criminal sanctioning of the manipulation of sports competitions when it involves coercive, corrupt or fraudulent practices, as defined by its domestic law.

5. OECD Convention on Combating Bribery of Foreign Public Officials in Business Transactions

The OECD Anti-Bribery Convention establishes legally binding standards to criminalize bribery of foreign public officials in international business transactions and provides for a host of related measures that make this effective.

It is the first and only international anti-corruption instrument focused on the “supply side” of the bribery transaction.

It provides for the definition of the offence of bribery of foreign public officials and for the responsibility of legal persons.

Article 1. The Offence of Bribery of Foreign Public Officials

1. Each Party shall take such measures as may be necessary to establish that it is a criminal offence under its law for any person intentionally to offer, promise or give any undue pecuniary or other advantage, whether directly or through intermediaries, to a foreign public official, for that official or for a third party, in order that the official act or refrain from acting in relation to the performance of official duties, in order to obtain or retain business or other improper advantage in the conduct of international business.
2. Each Party shall take any measures necessary to establish that complicity in, including incitement, aiding and abetting, or authorisation of an act of bribery of a foreign public official shall be a criminal offence. Attempt and conspiracy to bribe a foreign public official shall be criminal offences to the same extent as attempt and conspiracy to bribe a public official of that Party.
3. The offences set out in paragraphs 1 and 2 above are hereinafter referred to as “bribery of a foreign public official”.
4. For the purpose of this Convention:
 - a. “foreign public official” means any person holding a legislative, administrative or judicial office of a foreign country, whether appointed or elected; any person exercising a public function for a foreign country, including for a public agency or public enterprise; and any official or agent of a public international organisation;
 - b. “foreign country” includes all levels and subdivisions of government, from national to local;

- c. “act or refrain from acting in relation to the performance of official duties” includes any use of the public official’s position, whether or not within the official’s authorised competence.

Article 2. Responsibility of Legal Persons

Each Party shall take such measures as may be necessary, in accordance with its legal principles, to establish the liability of legal persons for the bribery of a foreign public official.

6. International Criminal Police Organization

The International Criminal Police Organization (INTERPOL) is an inter-governmental organization. It has 195 member countries and it helps local police forces by enabling them to share and have access to data on crimes, and by offering a range of technical and operational support.

In particular, INTERPOL provides investigative support, such as forensics, analysis and assistance in locating fugitives around the world. Training is a relevant part of its activity.

INTERPOL has a specific focus on corruption in sport. The Match-Fixing Task Force forms the focus of the operational response of INTERPOL in this area. It brings together law enforcement agencies around the world to tackle match-fixing and corruption in sport.

The Task Force supports member countries in criminal investigations and joint operations in all sports, and maintains a global network of investigators that share information, intelligence and best practices.

Specific tools developed by INTERPOL dedicated to data collection on sport corruption (project ETICA) and financial crimes analysis (FINCAF) are available to law enforcement agencies worldwide.

7. International Institute for the Unification of Private Law

The International Institute for the Unification of Private Law is an independent intergovernmental organization based in Rome. Its purpose is to study needs and methods for modernizing, harmonizing and coordinating private and commercial law in and across States and groups of States, and to formulate uniform law instruments, principles and rules to achieve these objectives.

ANNEX III

Details of specific international and national legislation relating to bribery in sport

1. United Nations Convention against Corruption

Articles 15, 16 and 21 of the Convention criminalize active and passive bribery of or by public officials, foreign officials and within 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

1. 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 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.
2. 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 during 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.

2. Jurisdictions that have specific sport-related bribery offences

Seven States parties have adopted measures that specify sport-related bribery offences. These are Armenia, France, Namibia, North Macedonia, the Republic of Moldova, the Russian Federation and Spain.

Armenia

Armenia has the following laws as part of its reported implementation of articles 21(a) and 21(b):

1. Giving a bribe to sportspersons, referees, coaches, team captains or other participants and organisers of professional sporting events, as well as organisers of commercial competition shows and members of award commissions, i.e., illegally promising or offering or giving money, property, right over a property, securities or any other advantage to those persons – in person or through an intermediary – for themselves or for any other person, for the purpose of affecting the results of such sporting events or competitions – shall be punished by a fine in the amount of two-hundred-fold to five-hundred-fold of the minimum salary, or by detention for a term of maximum two months.
2. The same acts committed by a group of persons acting in conspiracy or by an organized group shall be punished by imprisonment for a term of maximum five years.

3. Receiving a bribe by sportspersons, referees, coaches, team captains or other participants and organisers of professional sporting events, as well as organisers of commercial competition shows and members of award commissions, i.e., receiving money, property, right over a property, securities or any other advantage by those persons – in person or through an intermediary – for themselves or for another person – shall be punished by a fine in the amount of three-hundred-fold to five-hundred-fold of the minimum salary, or by deprivation of the right to hold certain positions or to engage in certain activities for a term of maximum three years, or by detention for a term of two to three months, or by imprisonment for a term of maximum two years.⁵¹

France

France has the following laws as part of its reported implementation of articles 21(a) and 21(b):

Sports-related bribery is punished by five years' imprisonment and a fine of €500,000, the amount of which can be doubled the proceeds of the offense, the fact, by anyone, of proposing, without right, at any time, directly or indirectly, to an actor of a sporting event or a horse race giving rise to bets, offers, promises, presents, gifts or any advantages, for himself or for others, so that this actor, by an act or an abstention, modifies the normal and fair course of this event or this race or because this actor, by an act or an abstention, has modified the normal and fair course of this event or this race.⁵²

Sports-related bribery is punished by five years' imprisonment and a fine of €500,000, the amount of which can be doubled the proceeds of the offense, the fact, by an actor in a sporting event or a race horse racing giving rise to bets, to solicit or approve of anyone, without right, at any time, directly or indirectly, offers, promises, presents, gifts or any advantages, for himself or for others, to modify or to have modified, by an act or an abstention, the normal and fair conduct of this event or this race.

Namibia

Namibia has the following law as part of its reported implementation of articles 15(a), 21(a) and 21(b):

A person commits an offence when, directly or indirectly, corruptly offers or gives or agrees to give to any other person any gratification as an inducement to influence or

as a reward for influencing or having influenced the run of play or the outcome of a sporting event.⁵³

North Macedonia

North Macedonia specifically includes sporting officials and legal entities in the Criminal Code as part of its implementation of articles 15(a) and 16(2):

(4) An official person, when designated as an offender of a crime, shall be considered:

c) an authorized person within a legal entity which by law or by some other enacted regulation based on a law is entrusted with performing public duties, when the duty is performed within the framework of those authorities, as well as an authorized person for representation of associations, foundations, unions and organizational types of foreign organizations, sports associations, and other legal entities in the field of sports.

(6) A legal entity shall refer to: the Republic of North Macedonia, units of the local self-government, political parties, public enterprises, trade companies, institutions, associations, foundations, unions and organizational types of foreign organizations, sports associations, and other legal entities in the field of sports.⁵⁴

Republic of Moldova

The Republic of Moldova has the following laws as part of its reported implementation of articles 21(a) and 21(b):

Promising, offering or giving a bribe, directly or through an intermediary, to a participant in a sport event or a betting event of goods, services, privileges, or advantages of any kind to which he or she is not entitled, for himself or herself or for anyone else, with a view to having him or her perform or refrain from performing an act, delay or facilitate the performance of an act, in the exercise of his or her duties or contrary thereto, or in a sport event or a betting event (article 334(1) of the Criminal Code of the Republic of Moldova).

Requesting, accepting or receiving, directly or through an intermediary, by [...] participant to a sport event or a betting event of goods, services, privileges or advantages of any kind to which he or she is not entitled, for himself or herself or for anyone else, or accepting an offer or

⁵¹ Article 201 of the Criminal Code of the Republic of Armenia.

⁵² Article 445-1-1 and Article 445-2-1 of chapter V of the French Penal Code.

⁵³ Section 44 (1)(b) of the Anti-Corruption Act of 2003.

⁵⁴ Articles 122(4) and (6) of the Criminal Code of the Republic of North Macedonia.

promise thereof, in order to perform or refrain from performing an act, or delay or facilitate the performance of an act, in the exercise of his or her duties or contrary thereto, or in a sport event or a betting event.⁵⁵

Russian Federation

The Russian Federation provides a detailed legislative response to articles 15(a) and 15(b):

1. Bribing athletes, sports referees, coaches, team leaders and other participants or organizers of professional sports competitions, as well as organizers or jury members of spectacular commercial competitions in order to influence the results of these competitions or competitions shall be punished by a fine in the amount of up to two hundred thousand rubles or in the amount of wages or other income of the convicted person for a period of up to eighteen months, or by compulsory work for a period of one hundred twenty to one hundred eighty hours, either by corrective labor for a term of up to one year, or by arrest for a term of up to three months.
2. The same act committed by an organized group is punishable by a fine in the amount of one hundred thousand to three hundred thousand rubles, or in the amount of the wage or other income of the convicted person for a period of one year to two years, or by imprisonment for up to five years.
3. Illegal receipt by athletes of money, securities or other property transferred to them in order to influence the results of these competitions, as well as illegal use by athletes of property services provided to them for the same purposes, shall be punishable by a fine in the amount of up to three hundred thousand rubles or in the amount of the convict's salary or other income for a period of up to two years, either by deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years, or by arrest on ok up to six months.
4. Illegal receipt of money, securities or other property, illegal use of property-related services by sports judges, coaches, team leaders and other participants or organizers of professional sports competitions, as well as organizers or jury members of spectacular commercial competitions for the purposes specified in part three of this Articles, shall be punishable by a fine in the amount of one hundred thousand to

three hundred thousand rubles or in the amount of the wage or other income of the convicted person for a period of one year up to two years or by imprisonment for a term of up to two years with the deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years.

A person who committed an act provided for in paragraphs one or two of this Article shall be exempted from criminal liability if extortion has occurred in relation to him or if this person voluntarily reported a bribe to the body that has the right to institute criminal proceedings.⁵⁶

Spain

Spain has the following law as part of its reported implementation of article 21(a) and

What is provided in this article will be applicable, in its respective cases, to the directors, administrators, employees or collaborators of a sporting agency, whatever its legal form, as well as the athletes, umpires or judges, regarding conduct which has the aim of predetermining or altering in a deliberate or fraudulent manner the result of a professional sporting event, meeting or competition of a special economic or sporting relevance.

For these purposes, a sports competition of special economic relevance shall be considered to be that in which most of the participants in the same receive any type of remuneration, compensation or economic income for their participation in the activity; and a sports competition of special sporting relevance shall be that which is classified in the annual sports calendar approved by the corresponding sports federation as an official competition of the highest category of the modality, specialty or discipline in question.⁵⁷

⁵⁵ Article 333(i) of the Criminal Code of the Republic of Moldova.

⁵⁶ Article 184, on illegal influence on the results of the results of sports or spectacular commercial competitions, of the Criminal Code of the Russian Federation.

⁵⁷ Article 286bis (2-4) of the Penal Code.

3. States that include reference to offences of bribery in sport

Three States parties include references to the offence of bribery in sport, namely Bulgaria, Cyprus and the United States in relevant legislation.

United States of America

Legislation which refers to offences of bribery in sport in the United States pre-dates the approval of the Convention against Corruption. Section 224 on bribery in sporting contests of the United States Code has been law since 1964. It states that:

- a. Whoever carries into effect, attempts to carry into effect, or conspires with any other person to carry into effect any scheme in commerce to influence, in any way, by bribery any sporting contest, with knowledge that the purpose of such scheme is to influence by bribery that contest, shall be fined under this title, or imprisoned not more than 5 years, or both.
- b. This section shall not be construed as indicating an intent on the part of Congress to occupy the field in which this section operates to the exclusion of a law of any State, territory, Commonwealth, or possession of the United States, and no law of any State, territory, Commonwealth, or possession of the United States, which would be valid in the absence of the section shall be declared invalid, and no local authorities shall be deprived of any jurisdiction over any offense over which they would have jurisdiction in the absence of this section.
- c. As used in this section:
 1. The term "scheme in commerce" means any scheme effectuated in whole or in part through the use in interstate or foreign commerce of any facility for transportation or communication;
 2. The term "sporting contest" means any contest in any sport, between individual contestants or teams of contestants (without regard to the amateur or professional status of the contestants therein), the occurrence of which is publicly announced before its occurrence;
 3. The term "person" means any individual and any partnership, corporation, association, or other entity.

Bulgaria

In Bulgaria, chapter 8 "A" of the Bulgarian Criminal Code provides for crimes against sports:

Article 307b incriminates the use of force, fraud, threat or of another unlawful way for persuading another person to influence the development or outcome of a sports competition administered by a sports organization with a penalty of one to six years of imprisonment and a fine.

Article 307c provides that anyone who promises, offers, or grants any undue advantage to another to influence, or for having influenced the development or outcome of a sports competition administered by a sports organization, shall be punished by one to six years of imprisonment and a fine. The same sanction shall apply to anyone who requests or accepts the undue advantage or accepts the offer or promise of such advantage. Intermediaries also incur criminal liability.

Article 307d provides for aggravating circumstances and article 307e provides the possibility to order deprivation of rights and confiscation.

Cyprus

In Cyprus, active and passive corruption in sport is criminalized under article 24 of Law 41/69 on Sport Organisation.

Concerning active corruption, the law punishes the offer, giving or promise, to an athlete, friend or relative of his or to a club or its Council, or a member of that club or Council, of achieving more favourable results for his or her club against its competitors.

According to the definition provided in the article, an athlete is any person involved in sports activities regardless of whether he or she is a member of a club, and club includes any club or organization established legally in the jurisdiction with the aim of promoting physical education and sport outside schools, including gymnastic clubs.

4. States that use anti-bribery and anti-fraud legislation in sport

Three States parties apply existing criminal legislation is used to tackle specific sport-related offences, such as the manipulation of sports competitions where bribery is a principal offence, namely Finland, Saudi Arabia and Sweden.

Finland

In Finland, the relevant piece of legislation is chapter 30, section 1-4 of the Criminal Code. To date, bribes have involved cash payments and the targets have been principally football players (both Finnish and foreign). Jurisprudence is unclear if the offence of bribery in business also applies to a referee.

Saudi Arabia

In Saudi Arabia, provisions of the Anti-Bribery Law and the Penal Code for Forgery Offenses are applied to all employees of sports clubs and federations. The Saudi Arabian Football Federation also applies its Discipline and Ethics Regulation to its employees.

Notably, the Discipline and Ethics Regulation of Saudi Arabian Football Federation, which was adopted in 2012, includes provisions related to bribery offences in football. If an instance of bribery or forgery of results or documents, whether in relation to a sports club or a federation, is detected by the Ministry of Sports, it refers the crimes to the competent authorities to implement the provisions of the Anti-Bribery Law and the Penal Code for Forgery Offenses.

Sweden

In Sweden, in December 2019, the Court of Appeal found former Nigerian international football player Dickson Etuhu guilty of attempted match-fixing under the charge of attempted bribery (under section 5 of the Criminal Code). Mr Etuhu received a fine and was ordered to serve a period of probation.

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