

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED
BY SLOVAKIA**

***PROMOTING GOOD GOVERNANCE IN SPORT AND MITIGATING
THE RISK OF CORRUPTION***

SLOVAKIA (SEVENTH MEETING)

II. Promoting good governance in sport and mitigating the risk of corruption that sport faces globally.

2. Steps and measures taken to ensure the detection, investigation and prosecution of criminal offences linked to sport integrity.

Within last three years, the Office of Special Prosecution at the General Prosecutor's Office of the Slovak Republic has dealt with several criminal cases of corruption or the so-called match-fixing linked to undue influence of the course or result of sport competitions.

The most serious one was the case of the convict I.Z. and accomplices, where ten persons were charged with accusation for influencing more than 20 football matches in the top level competitions in both the Czech and the Slovak Republic. Within the scope of this criminal case, the JIT was established (inter alia) involving members of the law enforcement bodies of both countries. As result of the JIT operation, in addition to several persons charged with accusation in Slovakia, 20 individuals were charged with accusation in the Czech Republic as well. Meanwhile, criminal proceedings of all accused in Slovakia have been terminated upon valid and final judgment (except 2 individuals). As a rule, offenders were imposed suspended sentences of deprivation of liberty, with probation supervision in some cases including several prohibitions or restrictions (prohibition to meet one another, prohibition to attend football matches within competitions organized by Slovak Football Union. In addition to these sentences they were imposed also financial penalties of EURO 3000 up to EURO 16000.

Currently, the Office of Special Prosecution is dealing with two criminal cases linked to sport.

In the first case, three persons were charged with accusation for accepting bribe in order to change a registration of a hockey club player. Offenders fully admitted commission of the criminal act and they concluded agreement on guilt and punishment imposing suspended sentence of imprisonment and financial penalty of EUR 500 and 1000.

In the second case, three persons were charged with accusation for giving bribe as well in order to influence results of junior hockey match. Preparatory proceedings were closed and motion to submit the indictment was submitted to the Office of Special Prosecution. No decision has still been made in relation to the motion.

It is necessary to state in general that until the 31 December 2015, any proceedings linked to illegal influencing of the course or result of sport competitions were assessed pursuant to general provisions on corruption in the Criminal Code i.e. giving/accepting bribe. As result of practical experience in the field of investigation and evidence proceedings related to this category of crime, some modifications of the legislation were made the last year and new body of crime “sport corruption” was included in the Criminal Code (Section 336 b, effective since the 1st January 2016). The intent of a sponsor of the bill and the grounds for adoption of such modification was primarily the need to improve efficiency of sanctioning of offenders and increase severity of sentences imposed on officials supposed to protect the integrity of sport competitions e.g. referees, delegates or functionaries of a sport organization.

As regards prevention mechanisms it is necessary to inform that “Monitoring Committee for Countering Sport Competitions Manipulations in the Slovak Republic” was established in 2015 on the basis of a decision of the Minister of Education, Science, Research and Sport of the Slovak Republic. Members of the Committee are representatives of the Office of Special Prosecution GPO SK, representatives of the said Ministry, members of the Police forces, SK Ministry of Finance and representatives of the most popular sport organizations e.g. Slovak Football Union, Slovak Ice Hockey Union, Slovak Tennis Union and representatives of the betting companies. The purpose of the Committee is to improve exchange of information between mentioned bodies, ensure implementation of the CE Convention on Fight against Manipulation of Sport Competitions and also to monitor how the legislation is observed in practice. Members of the Committee meet regularly and in case f need they communicate on informal level.

There is not a formal need for specialization of the Public Prosecution Service in the field. There has been one prosecutor appointed to deal with the issue at the Office of Special Prosecution. He also actively participates in the activities of the UEFA Working Group against Influencing Sport Competitions the members of which are representatives of judicial authorities and police bodies from selected EU Member States, Europol and representatives of several international sport organizations.

3. Actions to promote good governance in sport and mitigate the risk of corruption; specific challenges in this respect.

The National Council/Parliament of the Slovak Republic adopted Act No. 440/2015 Coll. on Sport as amended, effective since the 1st January 2016 including regulation of institutes of manipulation of results of sport competitions and integrity of competition. Both themes are closely linked to corruption in sport.

Act 440/2015 Coll. on Sport includes the regulations as follows:

- Section 3 j). Integrity of sport means principles that guarantee natural uncertainty and unpredictability of the course and result of a competition and equal rules and conditions for all participants in the competition prior to start and in the course of the competition.

- Section 8, par. 6 a). Sport organization has the obligation to ensure, within the scope of its operation, that the rules of the World Anti-Doping Program are observed; it has also the obligation to take measures to prevent from manipulation of the course and result of competitions and any negative phenomena in sport in line with the international rules and decisions.
- Section 5, par. 6. Any natural person or legal entity is not allowed to control or influence two or more sport clubs where teams of adults or individual adults are in the same competition. Especially, such person is not allowed to perform parallel function of an associate, a function in an organ or have a right of vote in the organs of such sport clubs, even by means of controlling or controlled person neither by means of a holding company or a related party pursuant to separate rules.
- Section 17, par. 2 b). Any national sport union has the obligation to insert in their rules also the rules of the World Anti-doping program, measures against manipulation of the course and results of the competitions as well as any further rules and measures to prevent from negative phenomena in sport as results from international rules and decisions.
- Section 42, par. 1. Any manipulation of the course or result of a competition, any failure to report such manipulation to a sport organization (as a rule, to respective national union) charged to manage the competition, or to the Police or to law enforcement bodies, is the grounds for immediate termination of the professional performance of a sport.
- Section 94 (see below):

Section 94

Measures to Prevent from Manipulation of a Competition

1. In order to protect integrity of sport, everybody has the obligation to inform national sport union of any suspected manipulation of the course or results of a competition or of any indication thereof.
2. Manipulation of a competition means any intentional illicit influencing of the course or results of a competition including attempted manipulation committed with the aim to obtain undue advantage for the offender or any other person as well as partial or full removal of uncertainty linked to the course or result of a competition.
3. Natural person may not/is not allowed to place a bet directly or by means of a third person within competitions where he/she is participant as a sportsman, sport expert or as any other person involved in the competition through their position or activity.

4. In order to prevent from jeopardizing integrity of competition, any natural person is not allowed to misuse or disseminate confidential information regarding sport organization and their sport activities.
 5. For the purposes of disciplinary proceedings, a National Sport Union has authority to request law enforcement bodies and courts for information regarding criminal proceedings.
 6. A sport organization has the obligation to suspend sport activity to their member charged with sport corruption, until criminal proceedings are closed.
 7. A sport organization has the obligation to prohibit sport activity to a their member convict of sport corruption, the prohibition has to last at least two years; if a person was convict repeatedly, the prohibition to perform sport activity shall be for life.
- Section 95, par. 1 c): Failure to observe sport organization's obligation to ensure observance of all measures taken with the aim to prevent from manipulation of the course/results of competition within their competence, is considered administrative delict and may be punished by financial penalty from EURO 300 up to 30 000.
 - Section 95, par. 1 n): Any sport organization which failed to fulfill their obligation to suspend sport activity to their member charged with sport corruption until criminal proceedings are closed, commits administrative delict punishable by financial penalty from EURO 300 up to 30 000.
 - Section 95, par. 1 o): Failure of a sport organization to prohibit sport activity at least for two years to their member convict of sport corruption, or to prohibit sport activity for life to their member repeatedly convict of the said crime, is considered to be administrative delict and punished by financial penalty from EURO 300 up to 30 000.
 - Section 95, par. 2 b): Failure to observe national sport union's obligation to insert measures to prevent from manipulation of the course/results of sport competition into the rules of a national sport union, is administrative delict punishable by financial penalty from EURO 300 up to 30 000.
 - Section 95, par. 3 e): Any sport expert who is also natural person businessman and who fails to observe the prohibition to place bets directly or by means of a third person within competitions where he is involved in his position of sport expert, commits administrative delict punishable by financial penalty from EURO 100 up to 10 000.

- Section 95, par. 4 d): Any natural person businessman or legal entity that fails to inform a national sport union of any suspicion/finding that the course/results of a sport competition are manipulated, commits administrative delict punishable by financial penalty from EURO 100 up to 10 000.
- Section 96, par. 2 e): Failure by any sport expert (not businessman) to observe prohibition to place bets directly or by means of a third person within competitions where he is involved in his position of a sport expert is minor offence punishable by financial penalty from EURO 500 up to 10 000 or by prohibition of activity for the term of maximum five years.
- Section 96, par. 3 j): Failure by a natural person (not businessman) to inform national sport union of any suspicion/finding that the course/results of a sport competition are manipulated, is minor offence punishable by financial penalty from EURO 500 up to 10 000 or prohibition of activity for the maximum term five years.
- Section 97, par. 6: The Ministry of Education may impose on a sport organization the preliminary prohibition to apply for financial support from public funds if they committed administrative delict pursuant to Section 95, par. 1, b), c), f) to j), n), and o), Section 95 par. 2 d), Section 95, par. 3 c) to e), Section 95, par. 4 c) to g).
- Section 97, par. 10): The Ministry of Education may impose on a sport organization the prohibition to apply for financial support from public funds for the maximum term of five years, if they committed administrative delict pursuant to Section 95, par. 1, b), c), f) to j), n) and o), Section 95, par. 2 d), Section 95, par. 3 c) to e), Section 95, par. c) to g).
- Section 98, par. 1: Any from among above described administrative delicts and minor offences is considered serious breach of obligation pursuant to the Act on Sport and a punishment is connected with disqualification of a beneficiary of public funds for 6 months – please see Section 66, par. 2 a) and/or par. 3 c) of the Act on Sport.
- Section 66, par. 2 a): It is presumed that any natural person has capacity to become beneficiary of public funds given that data regarding him/her in the Registry of Natural Persons are inserted in the extent pursuant to Section 81 unless he/she was imposed penalty for serious breach of obligation pursuant to Section 98, par. 1 within six months before submission of the application for support from public funds.
- Section 66, par. 3 c): Any sport organization is presumed to have capacity to become beneficiary of public funds given that in the Registry of legal Entities, data regarding it are inserted in the extent pursuant to Section 81 unless it was imposed penalty for serious breach of obligation pursuant to Section 98, par. 1

within six months before submission of the application for support from public funds.