

The UNODC/IOC study on “Criminalization approaches to combat match-fixing and illegal/irregular betting: a global perspective”



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The phenomenon of match-fixing:

Unprecedented increase over the last years
in the number of match-fixing cases
(commercialization of sport events;
increase in online gambling offer;
transnationality through the use of Internet)

A public interest issue requiring
criminal law responses as well

Links to corruption, money-laundering
and organized crime



UNODC

United Nations Office on Drugs and Crime

UNODC and IOC

Memorandum of Understanding between the IOC and the UNODC signed in May 2011



**Participation of UNODC
in the IOC Working Group
on the
Fight against illegal/irregular
Betting in sport**

Education

**Monitoring, Intelligence
and analysis**

**Legislation and
Regulations**



Basic recommendations of IOC Working Group – 16 November 2011 Legislation and Regulations

- 1. In this fight, sports organizations need to have effective rules and be capable of acting in support of these. However, they cannot operate alone but require the support of the national prosecution authorities (justice/police/gambling regulators), international organizations and betting operators.**
- 2. The appropriate national legislative framework is essential to regulate the activity and permit all forms of action against irregular and illegal betting in sport.**
- 3. National betting regulators seem to represent the best solution for enabling effective cooperation between the various stakeholders, the sports movement, sports betting operators and public authorities, at both national and international level.**
- 4. A national statute creating a criminal offence of sports manipulation linked to betting is needed in order for the national prosecution authorities to act, together with international agreements. It would be preferable if the statute creating the offence included certain guidelines in order to facilitate international cooperation.**
- 5. Interpol and UNODC must play a central role in facilitating this international cooperation, particularly with regard to enabling the flows of information and Intelligence between the investigating agencies, and to establishing guidelines allowing for meaningful cooperation, based on their practical experience.**



Mapping the criminalization approaches worldwide:
need for a global study

- ✓ Building on existing mapping exercises

(EU study; Council of Europe compilation of information)

- ✓ But also focus on other geographical regions

- ✓ 19 countries from all regional groups

- ✓ Including countries with different legal systems
and traditions (civil/common law)



With the support of IOC, UNODC worked together with, and supervised the work of, Mr. Drago Kos, former Chairman of GRECO and Chair of the OECD Working Group on Bribery from 2014.

- ✓ Compilation of information through individual experts and validation requests transmitted to national authorities through PMs
- ✓ Expert Group Meeting in Lausanne (IOC Headquarters) on 7-8 March 2013.



- ✓ **“Match-fixing”** shall mean the arrangement on an irregular alteration of the course or the result of a sporting competition or any of its particular events (e.g. matches, races,...) in order to remove all or part of the uncertainty normally associated with the results of a competition.
- ✓ **“Illegal betting”** shall mean all types of betting that are not allowed on a specific territory or jurisdiction.
- ✓ **“Irregular betting”** shall mean all types of betting based on match-fixing.

Substantive focus of the study:

- ✓ Criminalization approaches
- ✓ “Supportive” measures of criminal justice: jurisdiction, liability of legal persons, protection of whistle-blowers, money-laundering, confiscation, special investigative techniques



Four main clusters of criminal offences:

- ✓ special criminal offences of match-fixing,
 - ✓ criminal offences of fraud,
 - ✓ criminal offences of bribery and
- ✓ criminal offences of illegal/irregular gambling.

- ✓ Lack of comprehensive national legal frameworks to fight match-fixing
- ✓ Only 4 countries out of 19 have criminalized match-fixing in a form of special criminal offences



Divergent national approaches and scope of criminal offences:

- ✓ Not cover the same range of sports competitions,
- ✓ Bribery is still considered as the most common criminal
- ✓ Lists of possible perpetrators are quite different,
- ✓ The goal of incriminated match-fixing is not clearly defined
- ✓ Use of different forms of incriminations of fraud to deal with match-fixing.

- Bribery offences in 19 analyzed jurisdictions cover public and private sector corruption.
- Match-fixing in the majority of cases is committed in the private sector.
- Private sector corruption is an optional offence in UNCAC: potential obstacle in States parties that have not criminalized it.



Analysis of the relevant provisions of the UNTOC and the UNCAC

UNCAC and UNTOC are the only global instruments that can be used, taking into account existing limitations as to whether they fully and adequately cover match-fixing



Need to introduce new solutions in a way which would also ensure full compliance with relevant international conventions (UNTOC and UNCAC)

Introduction of a separate and special offence of match-fixing:

- ✓ fixing of a match as an individual action,
- ✓ agreement on fixing the match,
- ✓ fixing the match with the goal to bet on it at the legal betting market
- ✓ fixing the match with the goal to bet on it at the illegal betting market
- ✓ fixing of match based on bribery



Introduction of a clear definition of criminal offences related to two forms of criminal betting:

- ✓ criminal offence of illegal betting,
- ✓ criminal offence of irregular betting, including legal betting on fixed match with knowledge that it has been fixed.

- ✓ Application of proper jurisdictional principles;
- ✓ Appropriate definition of participatory acts and acts of intermediaries in the conduct of the match-fixing offence;
- ✓ Introduction of liability of legal persons;
- ✓ Introduction of an obligation to protect whistle-blowers and other participants in criminal proceedings;
- ✓ Introduction of comprehensive anti-money-laundering measures;
- ✓ Introduction and use of special investigative techniques



The study can be found at the following link on the UNODC website:

http://www.unodc.org/documents/corruption/Publications/2013/Criminalization_approaches_to_combat_match-fixing.pdf

The study was also saved in the memory sticks circulated during COSP-5



Follow-up to the study



Assisting Member States and supporting legal interventions and criminal justice responses

- ✓ Manual on match-fixing and illegal betting for investigative and law enforcement authorities;
 - ✓ Modular material on the links between match-fixing and other criminal activities;
 - ✓ Joint organization of awareness seminars or training programmes;
 - ✓ Provision of ad hoc specialist advice
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- ✓ Collaboration with other stakeholders in the field



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