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INTERNATIONAL PARTNERSHIP
AGAINST CORRUPTION IN SPORT



International
Olympic
Committee

TACKLING BRIBERY IN SPORT: AN OVERVIEW OF RELEVANT LAWS AND STANDARDS



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INTRODUCTION

Corruption is one of the most significant threats to the integrity of sport. It is a criminal activity that affects all areas of society, including sport. Corruption, including bribery, negatively impacts not only the social and cultural value of sport but also its economic value. The corruption of sport, in all its many forms, is an increasingly common activity for transnational organized criminal groups, which can earn significant amounts of money while facing minimal risks, thanks in part to a lack of uniformity in legislation around the world.¹ The problem of corruption, including bribery, however, extends beyond sport and therefore, sports organizations cannot deal with this issue on their own. When tackling corruption, sport organizations have only disciplinary measures at their disposal. Therefore, cooperation with law enforcement agencies and criminal justice authorities can only strengthen the fight against corruption.²

An effective fight against corruption in sport requires governmental action and coordination with sports organizations, especially in the field of criminal law.³ The role that law enforcement agencies and criminal justice authorities can play in dealing with cases of corruption and other crime in sport has grown steadily in recent years. No longer seen as an issue affecting only stakeholders involved in sport, it is now widely recognized, at the national, regional, and international levels, that the threat of corruption needs to be addressed in a comprehensive manner. Effective cooperation between law enforcement agencies, criminal justice authorities and sports organizations could pave the way for the systematic exchange of information for the purpose of detecting, investigating, and prosecuting corrupt acts in sport. In addition, with regard to preventing corruption in sport, it is necessary that the key stakeholders involved in the fight against corruption adhere to the principles of good governance. Establishing and implementing principles of good governance create a sense of responsibility among individuals, thereby encouraging ethical behaviour and minimizing the risk of corruption. Also in sport, transparency, accountability, and integrity are considered the cornerstones of good governance.

The complex international dimension to corruption cases means that instruments are required that can enhance cooperation between key stakeholders, promote good governance and set international standards. The United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime and Protocols Thereto form the international legal framework to support the efforts of Governments and sports organizations⁴ in the fight against corruption in sport.

The Convention against Corruption is the only legally binding universal anti-corruption instrument and specifically covers different forms of corruption, including bribery. The Organized Crime Convention is the main legal international instrument to fight organized crime, with States parties committing to taking measures against transnational organized crime, to mutual legal assistance and law enforcement cooperation, and to the promotion of training and technical assistance.

The Convention against Corruption and the Organized Crime Convention represent the global standards used to fight corruption and transnational organized crime and are almost universally supported. States parties have underlined the relevance of the Convention against Corruption as an effective mechanism for promoting good governance in sport and mitigating the risk of corruption that sport faces globally and have further acknowledged the work done by the United Nations Office on Drugs and Crime (UNODC) and the International Olympic Committee (IOC)

¹ United Nations Office on Drugs and Crime and International Olympic Committee, *Model Criminal Law Provisions For The Prosecution of Competition Manipulation* (June 2016).

² International Olympic Committee, *Olympic Charter* (July 2020).

³ Ibid.

⁴ International Olympic Committee, *Ethics* (2020).

in this regard. Added to this is the Council of Europe Convention on the Manipulation of Sports Competitions.

In February 2017, the International Partnership Against Corruption in Sport (IPACS) was launched at the IOC International Forum on Sport Integrity. IPACS is a multi-stakeholder platform with a mission “to bring together international sports organizations, governments, inter-governmental organizations, and other relevant stakeholders to strengthen and support efforts to eliminate corruption and promote a culture of good governance in and around sport.”

Since its first working group meeting in June 2017, interest in IPACS has grown significantly, and its aims and programme of work have been discussed at numerous international events, including the 14th Council of Europe Conference of Ministers responsible for Sport, held in Budapest on 29 November 2016; the 15th Council of Europe Conference of Ministers responsible for Sport, held in Tbilisi on 16 October 2018; the Safeguarding Sport from Corruption Conference, held in Vienna on 3 and 4 September 2019; the 2018 OECD Global Anti-Corruption and Integrity Forum, held in Paris on 27 and 28 March 2018; and the Commonwealth Heads of Government Meeting 2018, held in London and Windsor on 19 and 20 April 2018. In addition, the aims and programme of work of the partnership were mentioned in the G20 Leaders' Declaration following the 2017 Hamburg Summit and corruption in sport and a commitment to support IPACS were included in the G20 2019-2021 Anti-Corruption Action Plan.

In 2019, as a result of the efforts of the steering committee and the IPACS partners, Task Force 4 was established to develop mechanisms to enhance cooperation between law enforcement agencies, criminal justice authorities and sports organizations. IOC and UNODC, as founding partners of IPACS, are playing a key role in Task Force 4, in relation to their respective expertise in integrity in sport and anti-corruption.

This report has been prepared with a view to commencing the foundational work of the IPACS Task Force 4 and thereby contributing to its overall aim to:

- » Develop mechanisms to enhance cooperation between law enforcement agencies, criminal justice authorities and sport organizations
- » Establish a mechanism for effective cooperation between law enforcement agencies, criminal justice authorities and sport organizations
- » Simplify the dissemination, promotion, and distribution of Task Force 4 outputs

The initial tasks of the Task Force will be to implement the recommendations made during the expert group meeting, which were endorsed by the steering committee, including taking stock of existing anti-bribery legislation.

OBJECTIVES

The stocktaking of international bribery legislation is based on an extensive legal analysis of legislative provisions concerned with active and passive bribery in the public sector (articles 15 and 16 of the Convention against Corruption) and active and passive bribery in the private sector (article 21). The hybrid nature of sport requires both sectors to be considered. The stocktaking document draws from more than 180 jurisdictions that have reported details of their national anti-bribery laws to the United Nations. Using this legislation, studies, reports and case examples, the objectives of this report are to:

- i. Map international anti-bribery standards and related national legislation that could be applicable to the activities of sports organizations
- ii. Identify possible good practices used in jurisdictions in relation to the application of international anti-bribery standards and legislation that could be applicable to the activities of sports organizations

Furthermore, the research for this report noted if the incorporation of anti-bribery standards into national laws satisfies the requirements of the Convention against Corruption. The research also noted adherence by jurisdictions to a range of the other instruments (see annex).



Bribery and sport:
what it is and why it happens - a literature review

In 1990, the Independent Commissioner Against Corruption in Australia included in one of their earliest investigative reports the memorable line that “bribery is a well-known English word. Most people know what it means. Only the law has difficulty with it”. In conducting a stocktaking of international bribery standards, the true meaning of the quote becomes clearer, as our understanding of what bribery is becomes more complicated. This report has captured how States parties and signatories to the Convention against Corruption have incorporated the bribery standards laid out in the Convention in their national laws or how they otherwise adhere to them. The responses varied notably: some States parties have legislation directly relevant to preventing or countering bribery in sport, primarily in the context of competition manipulation, while other States parties regard national bribery standards as applicable to sport.

There are two things to be addressed before reviewing the existing academic and grey literature on bribery,

and in particular bribery in sport. Firstly, there are many overlapping forms of wrongdoing in sport. Bribery can be an element in complex schemes: bribery to cover up doping; bribery connected to legal or illegal gambling; bribery as part of non-gambling match-fixing; bribery within sports organizations’ management (i.e., election processes). Bribery is a crime, but like all forms of corruption, it is often a facilitative element of wider criminality. As much as is possible, this stocktaking document will focus on bribery, but will add context where necessary.

The second issue to note is that bribery in sport, like all forms of bribery, can have a social impact, ranging from minor consequences to the serious ramifications when involving transnational organized crime. To illustrate, figure I presents Madsen’s model of transnational organized crime.⁵

Figure I.
Model of transnational crime, organized crime, and international law



⁵ Frank G. Madsen, “Transnational organized crime”, *Global Crime*, vol. 11, No.3 (2010).

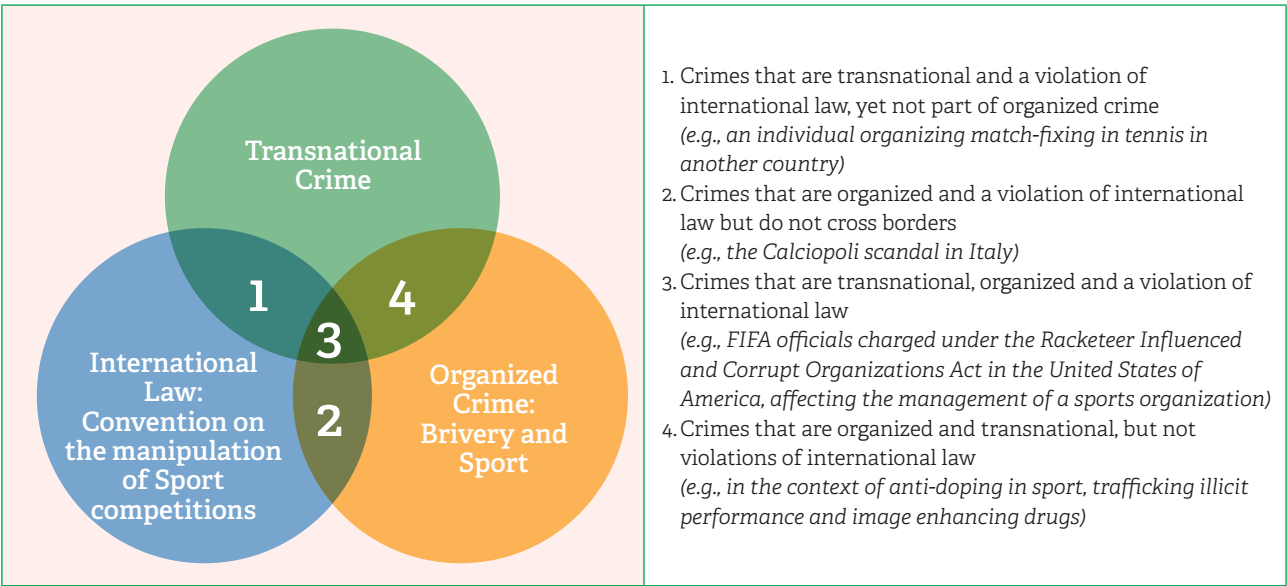
This model can be adapted to show the same range can apply to sport. For example, an individual who bribes a tennis player to fix a match in another country (to lose the match or otherwise manipulate the result) is in breach of international law, in this instance Convention on the Manipulation of Sports Competitions, but their actions do not meet national or international standards to qualify as organized crime.

The Calciopoli scandal in Italy, where football club owners manipulated results and the selection of referees in the Serie A and Serie B football leagues, would breach the Convention on the Manipulation of Sports Competitions today and involved organized crime, but was not transnational.⁶

The arrest and charging of nine officials from the Fédération Internationale de Football Association (FIFA) in 2015 provides a clear example of bribery affecting the management of a sports organization that was transnational, an organized crime, and a breach of international law, in this case the article 21 of the Convention against Corruption regarding private sector bribery.⁷

Finally, it is possible for crimes to be organized and transnational, yet not covered by international law. Madsen cited the case of smuggling licit tobacco from a low-tax jurisdiction to a high-tax jurisdiction.⁸ This activity often involves bribery at one or more borders, which would breach the Convention against Corruption,⁹ however, the core activity of tobacco trafficking is not a breach of international law. This perspective also applies to the trafficking of licit sports medicines from one country to another for the purposes of tax avoidance or to bypass pharmaceutical regulation.¹⁰ This incorporates the use of black markets for illicit goods, white markets for licit goods and grey markets where licit goods are bought and sold in unlawful ways. Figure II provides an overview of this perspective.

Figure II.
Model of transnational crime, organized crime, and international law for sport



6 Alberto Testa and Anna Sergi, *Corruption, Mafia Power, and Italian Soccer* (Abingdon, England; Routledge, 2018)
7 The United States Department of Justice, "Nine FIFA Officials and Five Corporate Executives Indicted for Racketeering Conspiracy and Corruption", 27 May 2015.

8 Frank G. Madsen, "Transnational organized crime".
9 Philip Gounev, Rositsa Dzhekov, and Tihomir Bezlov, *Study on anti-corruption measures in EU border control* (Sofia; Center for the Study of Democracy, 2012).
10 Letizia Paoli and Alessandro Donati, *The Sports Doping Market: Understanding Supply and Demand, and the Challenges of Their Control* (New York, Springer, 2014).



Bribery in sport

Bribery in sport has existed for hundreds if not thousands of years. No sport or level of society has been immune. Brooks and Lavorgna frame the golden age of sport free from corruption as a lost Eden.¹¹ However, their work reflects a reality that such a golden age never existed. The first recorded case of corruption in sport was at the 388BC Olympic Games, where Eupolos of Thessalia bribed his competitors to allow him to win a fist combat tournament.¹² Even the ancient Olympics were not free from corruption. Huggins tells us that the ancient world recorded corrupted sport in Egypt and Greece:¹³ "At Olympia 16 'zane' statues were erected from the fourth century BC onwards, with the money of fines imposed upon bribery-corrupted persons or cities that had been found guilty of corruption in its Olympic Games."

Bribery in sport evolved throughout the twentieth century, fuelled by four social phenomena: professionalization, commercialization, politicization, and medicalization. Paoli and Donati attributed these social phenomena to the expansion of doping in sport, which has also been a problem since ancient times.¹⁴ The first two phenomena, professionalization and commercialization, framed sport in economic terms. The competitiveness of sport, married to the competitiveness of market competition to be the best or to support or own the best team, accelerated bribery in sport. Politicization drove the market around doping in sport, which in turn created another form of off-field bribery, that to ensure that national interests and the prestige of Governments were less likely to be damaged through the chance of competition.

With the development and growth of international sport, so the world has witnessed the evolution of bribery in sport. This evolution has had three main components: bribery linked with the manipulation of sports competitions, bribery linked with the concealment of the existence of prohibited substances (doping) and institutional bribery linked with the organization and management of major sporting events.

With regard to the manipulation of sports competitions, at the beginning of twentieth century, sport was shocked by the case involving Chicago White Sox baseball team.

In 2015, Regarding the concealment of the existence of

prohibited substances, an independent investigation report by the World Anti-Doping Agency (WADA) into the activity of the Russian Anti-Doping Authority found that bribes were paid to top officials at the International Association of Athletics Federations (IAAF) to falsify results and cover up systemic doping.¹⁵ The bribery case against the former head of IAAF in France led to the imposition of a four-year prison sentence, half of which was suspended, and a fine of 500,000 euros. The former head was found guilty of accepting bribes in return for covering up doping cases involving athletes from the Russian Federation. Five others were also found guilty and sanctioned by the court. The judgment is subject to appeal.¹⁶

The case of bribery related to covering up doping also connects medicalization to bribery in sport, although it is worth noting that it is not a unique case. While these issues are of serious concern, the ongoing problem relates to bribery in sport and competition manipulation for the purposes of removing the element of chance in sport.¹⁷

With regard to institutional bribery linked with the organization and management of major sporting events, in 1998, officials of the International Olympic Committee (IOC) were bribed to secure votes for Salt Lake City as the host of the 2002 Olympic Winter Games. The case involved various means of bribery, including the payment of scholarships to friends and relatives of IOC members, the payment of cash to IOC members and the giving of expensive gifts to IOC members.

Despite the long history of bribery in sport, academic interest and governmental concern in the matter is a twenty-first century phenomenon. Simultaneously, only a few countries have taken criminalization of cheating at gambling activities seriously, any form of bribery in sport that affects the element of chance presents a threat to this legitimate activity, the sporting sector and associated revenue. According to media sources, corruption in football in Malaysia has led to fans losing interest in the sport.¹⁸ Similarly, fans have walked away from corrupted football leagues in China, Germany, and other countries.¹⁹

15 World Anti-Doping Agency, *Independent Commission Report #1 - Final Report* (November 2015); World Anti-Doping Agency, *Independent Commission Report #2 - Final Report* (January 2016).

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

17 Letizia Paoli and Alessandro Donati, *The Sports Doping Market*.

18 Eric Samuel, "FAM lift ban on 84 involved in 1994 match-fixing scandal", *The Star*, 9 May 2016.

19 David Forrest, "The Threat to Football from Betting-Related Corruption", *International Journal of Sport Finance*, vol.7, No.2 (2012), p.99-116; David Forrest, "Match Fixing: An Economic Perspective", in *Match Fixing in International Sports: Existing Processes, Law Enforcement and Prevention Strategies*, Maria. R. Haberfeld and Dale Sheehan, eds. (New York, Springer; 2013).

11 Graham Brooks and Anita Lavorgna, "Lost Eden: The Corruption of Sport", in *Corruption in Sport: Causes, Consequences and Reform*, Lisa Kihl, ed. (London, England; Routledge, 2018).

12 Wolfgang Maennig, "Corruption in International Sports and Sport Management: Forms, Tendencies, Extent and Countermeasures", *European Sport Management Quarterly*, vol. 5, No. 2 (September 2006), p.187-225.

13 Mike Huggins, "Match-Fixing: A Historical Perspective", *International Journal of the History of Sport*, vol. 35, No. 2-3 (May 2018), p. 123-140.

14 Letizia Paoli and Alessandro Donati, *The Sports Doping Market*.

In 2013, the International Criminal Police Organization (INTERPOL) and FIFA were instrumental in the creation of the publication entitled *Match Fixing in International Sport: Existing Processes, Law Enforcement and Prevention Strategies*. This publication brought together academics and practitioners from around the world to consider the problem of competition manipulation, much of which involves the use of bribery to change results and influence legal and illegal betting markets. The publication went beyond football to include cricket,²⁰ tennis and other sports,²¹ and to examine the influence of competition manipulation in the lower levels of sporting competitions.²²

Most cases of gambling-related bribery in sport go either undetected or unnoted. While precise figures remain unknown, what is known is concerning. INTERPOL coordinated a series of operations under Operation SOGA between 2007 and 2016.²³ These operations resulted in thousands of arrests, the seizure of tens of millions of dollars and gave an insight into the scale of illegal sports gambling (see table 1). The former head of the Hong Kong Jockey Club estimated that the value of the worldwide sports gambling market to be between \$1.3 and \$4.0 trillion, with the illegal sports gambling market representing about 90% of the total. This dwarfs the sports market, estimated at \$145 billion (including income from sponsorship, gate receipts, media rights and merchandizing).²⁴

Table 1:
INTERPOL Operation SOGA 2007-2016²⁵

Operation (year)	Arrests	Money seized (\$ million)	Money gambled (\$ million, est.)
SOGA (2007)	423	0.7	680.0
SOGA II (2008)	1,300	16.0	1,500.0
SOGA III (2010)	5,000	10.0	155.0
SOGA IV (2012)	300	1.0	85.0
SOGA V (2014)	1,400	12.0	2,200.0
SOGA VI (2016)	4,100	13.6	649.0
TOTAL	12,500	53.3	5,269.0

The proliferation of sports gambling provides a powerful motivation to shift the odds in favour of gamblers, particularly when in-play or sports betting is an option on legal markets. Bribery can achieve this goal without deeply impacting an athlete's desire to win. For example, point shaving in basketball can influence the spread (i.e., the margin between the teams' scores at the end of a game) without severely affecting the values that athletes associate with their performance, desire to win and team culture.²⁶ For an athlete that is involved in point shaving, their team still wins but by a smaller margin or still loses against a better team as expected but by a larger margin.²⁷ Similarly, a no-ball in test cricket has little influence on the result of a five-day match but it can reap large rewards for gamblers.²⁸ Tennis has proven extremely vulnerable to bribery-related competition manipulation, with lower-ranked players being a particular target.²⁹ The 2020 annual report of the Tennis Integrity Unit revealed that only two of the 26 players subject to disciplinary action in 2019 had ever broken into the top 100 and that none had been in the top 50.³⁰ Without an integrity programme, even the best players in the world can be vulnerable to gambling-

20 Hanif Qureshi and Arvind Verma, "It Is Just Not Cricket", in *Match-Fixing in International Sports: Existing Processes, Law Enforcement, and Prevention Strategies*, Maria. R. Haberfeld and Dale Sheehan, eds. (New York, Springer; 2013).

21 Ashutosh Misra, Jack Anderson and Jason Saunders, "Safeguarding Sports Integrity Against Crime and Corruption: An Australian Perspective", in *Match-Fixing in International Sports: Existing Processes, Law Enforcement, and Prevention Strategies*, Maria. R. Haberfeld and Dale Sheehan, eds. (New York, Springer; 2013).

22 Mulema Mukasa Richard, "Impact of Sports Betting and Corruption: Reflections from Uganda", in *Match-Fixing in International Sports: Existing Processes, Law Enforcement, and Prevention Strategies*, Maria. R. Haberfeld and Dale Sheehan, eds. (New York, Springer; 2013).

23 INTERPOL, "Police across Asia break up illegal soccer gambling networks in INTERPOL-led operation", 10 July 2008; INTERPOL, "Thousands arrested in INTERPOL-led operation against illegal soccer gambling networks across Asia", 16 July 2010; INTERPOL, "Arrests across Asia in INTERPOL-led operation targeting illegal soccer gambling networks", 18 July 2012; INTERPOL, "Illegal gambling networks across Asia targeted in INTERPOL-led operation" 18 July 2014; INTERPOL, "More than 4,100 arrests in INTERPOL-led operation targeting Asian illegal gambling networks", 18 July 2016; INTERPOL, "Police across Asia break up illegal soccer gambling networks in INTERPOL-led operation", 10 July 2008.

24 PWC, *Changing the game: Outlook for the global sports market to 2015* (December 2011).

25 <https://www.interpol.int/Search-Page?search=SOGA>

26 Rodney J. Paul, and Andrew P. Weinbach, "Investigating Allegations of Pointshaving in NCAA Basketball Using Actual Sportsbook Betting Percentages", *Journal of Sports Economics*, vol. 12, No. 4 (October 2010), p.432-447.

27 Jason P. Berkowitz, Craig A. Depken, C. A. and John M. Gandar, "Market evidence against widespread point shaving in college basketball", *Journal of Economic Behavior & Organization*, vol.153 (2018), p.283-292.

28 Ashutosh Misra, Jack Anderson and Jason Saunders, "Safeguarding Sports Integrity Against Crime and Corruption: An Australian Perspective".

29 Diarmaid Harkin, "Game, set and match-fix: what more can be done to stop corruption in tennis?", *The Conversation*, 15 January 2017.

30 Tennis Integrity Unit, *Tennis Integrity Unit Annual Review 2019* (2020).

related bribery. For example, in 2000, the captain of the South African cricket team, Hansie Cronje, and members of the Australian cricket team accepted money from people engaged in match-fixing.³¹ All the examples detailed in this section demonstrate the widespread vulnerability to bribery of athletes, administrators, officials, support personnel, public officials and others involved in sport.

2.1 Methodology for the stocktaking of bribery standards

An assessment of the stocktaking task – compiling data on criminal and civil bribery laws at the national level – indicated that the process could provide added value. Rather than preparing a static document, it was decided to create a database that would provide the foundation for related work in the future. This could include an interactive database for the purposes of comparative analysis or an academic analysis of regional or cultural responses to bribery. Details of the data captured are included below.

The stocktaking data are presented in a series of tables for each region (Asia, Africa, Europe, Latin America and the Caribbean, North America, and Oceania). The contents of the tables are based on information drawn from the database. The regional breakdown, while not reflecting the five regional groups of Member States before the General Assembly, align with United Nations standards.³²

There are two reasons for the regional mapping. The first is the prevalence of inter-regional games and sporting competitions, and the second is that it creates a user-friendly tool for law enforcement agencies, criminal justice authorities and sport organizations. For example, law enforcement agencies can see the anti-bribery laws in place in neighbouring jurisdictions.

List of regions used in the tables by region

Tables are attached for the following regions:

- » Africa
- » Asia
- » Europe
- » Latin America and the Caribbean
- » North America
- » Oceania

2.2 Stocktaking of bribery standards data

UNODC maintains the Tools and Resources for Anti-Corruption Knowledge (TRACK) portal³³, which features an anti-corruption legal library. The portal includes information on how jurisdictions have implemented the articles of the Convention against Corruption in their legislation and in court. The data have been provided by the relevant jurisdiction also under the Implementation Review Mechanism³⁴ of the Convention.

Results for each jurisdiction were collated in individual spreadsheets. Each spreadsheet contains information on the chapter, article and paragraph of the Convention and the relevant national law or laws. This provided information on legislation relating to the criminalization of offences of corruption. Data concerning articles 15, 16 and 21 of the Convention, which criminalize active and passive bribery of or by public officials, foreign officials and within the private sector, were combined in a single table. Wherever possible, the text of the laws included the minimum and maximum penalties for natural and legal persons (e.g., corporations) for acts of bribery in terms of imprisonment and/or fines.

This information was then further organized into tables by region to show for each country the range of penalties, stipulated by their national laws, that are applicable to offences committed under the broad aspects of articles 15(a) offering a bribe to a public official; 15(b) solicitation of a bribe by a public official; 16(1) offering a bribe to an foreign public official or official of an international organisation; 16(2) solicitation of a bribe by a foreign public official or official of an international organisation; 21(a) offering a bribe to a person in a private sector entity; and 21(b) solicitation of a bribe by a person in a private sector entity.

The report has been prepared in English only. Therefore, national laws in other languages were translated using on-line translation tools. Where these translations are unclear, they have been referred to specialists within UNODC for clarification.

31 Hanif Qureshi and Arvind Verma, "It Is Just Not Cricket", in *Match-Fixing in International Sports: Existing Processes, Law Enforcement, and Prevention Strategies*.

32 For the purpose of regional breakdown and analysis in the present document the United Nations standard country or area codes for statistical use (M49) were used as a basis <https://unstats.un.org/unsd/methodology/m49/>

33 At the time of writing the present document, the TRACK portal is temporarily offline. UNODC is in the process of upgrading it and the portal will be reinstated soon.

34 UNODC, "Implementation Review Mechanism" <https://www.unodc.org/unodc/en/corruption/implementation-review-mechanism.html>

2.3 Contents of the tables by region

Each table has been developed using spreadsheets to enable conversion to .csv files for sharing on other proprietary software and for uploading to databases or other analytical software at a future date. The tables list data in the following columns:

Column 1 lists States parties in the region in alphabetical order.

Column 2 includes detailed information on the national legal system (i.e., civil law, common law, customary law, religious law, or hybrid systems). This maps the broad standards under which subsequent information on anti-bribery legislation lies. The data is drawn from the CIA World Factbook.

Columns 3 to 8 include data on the status of the jurisdictions in relation to the following international instruments. This status indicates whether States parties are members of the organizations listed, are signatories to the instruments listed and have adhered to them.

- » United Nations Convention against Corruption
- » United Nations Convention against Transnational Organized Crime and Protocols Thereto
- » Organization for Economic Cooperation and Development Convention on Combating Bribery of Foreign Public Officials in Business Transactions
- » The International Criminal Police Organization
- » International Institute for the Unification of Private Law
- » Council of Europe Convention on the Manipulation of Sports Competitions

Data in columns 3 to 8 add value to the overall project. For example, if private sector bribery in country A is not considered under criminal law, cooperation through INTERPOL or via established treaties on mutual legal assistance in criminal matters may not be possible where dual criminality is a requirement for the execution of the request.

Columns 9 and 10 provide the applicable article of the Convention against Corruption and list the national criminal laws that regulate bribery, including the specific legal instrument. The texts of the laws are not incorporated into the tables but are compiled in the accompanying spreadsheet. The text of the various laws has been analysed to identify the standards relating to bribery.

Sub-national anti-bribery laws have not been mapped because they are beyond the scope of this task. Examples of sub-national laws are state-level laws in federal States laws of provinces regions and cities of unitary States. It is surmised that sub-national standards would be reflective of the national ones.

Columns 11 to 14 include details of the applicable penalty for natural persons under the law (monetary fine, imprisonment or both) and the range of these penalties.

Columns 15 and 16 include details of the applicable penalty for corporate entities under the law (monetary fine).



Stocktaking of international bribery standards

The use of the word “standard” implies a common way of understanding or doing things. However, while the analysis of the data collected as part of Implementation Review Mechanism³⁵ 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,³⁶ different cultural norms regarding the giving and receiving of gifts³⁷ and varied economic circumstances.

Similarities in bribery standards can be attributed to several broad phenomena. For example, legislation may not have been revised or updated by States parties to reflect a change in circumstances. This was evident in some cases where fines were still measured in old units of currency, rather than in the currency unit currently in use.

The system of civil law is most prevalent among States parties, with 119 basing their legal systems either wholly (89) or partially (30) in civil law. Common law legal systems are used in 52 States parties, with half of these jurisdictions basing their legal systems wholly in common law, 23 basing their legal systems in a mix of common law and customary law, and 3 basing their legal systems in a mix of common law and religious law. A blended model of civil and customary law applies in 19 jurisdictions, 10 of which also use customary law and two of which incorporate religious law. Only two States parties base their legal systems wholly in religious law, while two States parties base their legal systems wholly in customary law.³⁸

3.1 Standards impacting sport

3.1 (i) Sport-related bribery offences

For the stocktaking document, the extensive legal analysis undertaken focused on articles 15, 16 (public sector) and 21 (private sector) of the Convention against Corruption. The text of the articles is provided for reference.

³⁵ UNODC, Mechanism for the Review of Implementation of the United Nations Convention against Corruption – Basic Documents (New York, 2011).

³⁶ Baz Dreisinger, *Incarceration Nations: A Journey to Justice in Prisons Around the World* (New York: Other Press, 2017).

³⁷ Emile Kolthoff, *Ethics and New Public Management: Empirical Research into the Effects of Business like Government on Ethics and Integrity* (The Hague: BJu Legal Publishers, 2007); Terry Lamboo, Karin Lasthuizen and Leo W.J.C. Huberts, “How to encourage ethical behaviour: The Impact of police leadership on police officers taking gratuities”, in *Ethics and Integrity of Governance*, Leo W.J.C. Huberts, Jeroen Maesschalck and Carole L. Jurkiewicz, eds. (Cheltenham: Edward Elgar, 2008).

³⁸ Central Intelligence Agency World Fact Book, “Field Listing – Legal System”.

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.

In the responses to the information requests for this stocktaking document and in the reviews of how they have incorporated the anti-bribery measures laid out in articles 15, 16 and 21 of the Convention, only a few States parties indicated that they 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 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 (article 201 of the Criminal Code of the Republic of Armenia).

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 (article 445-1-1, chapter V of the French Penal Code).
- » 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 (article 445-2-1, chapter V of the French Penal Code).

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

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

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

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. Note. 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.” (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).

Spain has the following law as part of its reported implementation of article 21(b):

- » With the same penalties (imprisonment for six months to four years, special disqualification from the exercise of trade or commerce for a period of one to six years and a fine of up to three times the value of the benefit or advantage.)
- » 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 trial, meet or sporting competition (article 286 (2-4) of the Penal Code)

Lack of legislation explicitly addressing bribery in sport is not unusual, given the relatively recent attention to this form of bribery. States parties may not have seen the addition of sport-specific legislation as a necessary part of their response. Others have chosen a different approach. For example, title 18 of the United States Code §224 on bribery in sporting contests has been law since 1964. The title 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.

Research by KEA European Affairs indicates that existing anti-bribery and anti-fraud legislation is extensively used in sporting cases.³⁹ Furthermore, KEA research notes that Bulgaria and Cyprus are jurisdictions with specific offences of bribery in sport. The laws in Bulgaria were analysed in the joint UNODC and IOC publication entitled *Study on Criminal Law Provisions for the Prosecution of Competition Manipulation*.

The study indicates that in Bulgaria, chapter eight “A” of the Bulgarian Criminal Code (amended in 2011) 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. Article 307e provides the possibility to order deprivation of rights and confiscation.⁴⁰

³⁹ KEA European Affairs, *Match-fixing in sport: A mapping of the criminal law provisions in EU 27* (March 2012).

⁴⁰ UNODC and IOC, *Criminal Law Provisions for the Prosecution of Competition Manipulation* (2017).

Research from KEA European Affairs shows that in Cyprus, active and passive corruption in sport is criminalized under article 24 of Law 41/69 on Sport Organisation. In relation to 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. Therefore, one can conclude that the subjective scope of the provision is wide in comparison with applicable provisions in other jurisdictions in Europe. The opposite can be said in relation to objective elements, which cover only manipulation to achieve more favourable results for a club and against its competitors, and manipulations at any other phase of a game are beyond the scope of the provision. Penalties are up to two years' imprisonment, three if the act affects the object.⁴¹

Other States parties use available criminal legislation to tackle specific sport-related offences, such as the manipulation of sports competitions where bribery is a principal offence. Examples include:

In Finland, non-betting-related competition manipulation offences are prosecuted as bribery in business (chapter 30, section 1-4 of the Criminal Code of Finland). To date, bribes have involved cash payments and the targets have been principally players (both Finnish and foreign). Jurisprudence is unclear if the offence of bribery in business also applies to a referee.⁴² Examples of case law are provided here:⁴³

- » District Court, Case No. R11/900: the defendants said that the temptation to accept the bribes offered was great because they considered their salaries low
- » District Court, Case No. R12/400: the manipulation took place by placing 'trusted' (i.e., bribed) players in the clubs. The bribes had been distributed using different kinds of sponsor agreements

- » With no High Court Decisions, lower court judges have had to interpret the wording and meaning of the sections of bribery in business within the limit imposed by the legality principle (*nullum crimen, nulla poena sine lege*).⁴⁴
- » Court of Appeal R08/1275: Veikkaus was deceived, mere offer of a bribe materializes the essential elements of bribery in business. Coach and friend of coach found guilty of bribery even though offer of bribe not accepted. Jurisdiction: found player was 'in service of a business', necessary for the bribery offence to apply.
- » Court of Appeal R 11/900 and R 11/734: for offence of bribery in business, not required that any actual damage occur.

In Sweden, in December 2019, the Court of Appeal found former Nigerian international Dickson Etuhu guilty of attempted match-fixing under the charge of attempted bribery (under section 5 of the Criminal Code).⁴⁵ Mr. Etuhu received a fine and was ordered to serve a period of probation.⁴⁶

3.1 (ii) Bribery of health care providers

A law related to the bribery of health care providers used in several jurisdictions in Africa is particularly relevant to sport. In these jurisdictions, the bribery of doctors, surgeons, dentists, and midwives to falsely certify or conceal the existence of illnesses or infirmity or a state of pregnancy or provide false indications on the origin of an illness or infirmity or the cause of a death has been criminalized. With the broad medicalization of sport,⁴⁷ laws specific to the medical profession that address bribery are an important consideration. Jurisdictions with this type of law are the Central Africa Republic, Comoros, Congo, Gabon, Guinea, Mali, Morocco, Niger, and Senegal. The laws cover active and passive bribery in the public and private sectors.

3.2 Fines for bribery-related offences

A common consequence for soliciting or offering bribes is a monetary fine. Fines are determined in several ways.

⁴¹ KEA European Affairs, *Match-fixing in sport: A mapping of the criminal law provisions in EU 27*.

⁴² For a detailed analysis, see Johanna Peurala, "Match-manipulation in football - the challenges faced in Finland", in *The International Sports Law Journal*, vol. 13 (2013), pp. 268-286.

⁴³ Springer, "Table 1 Court cases of match-manipulation in Finland pre-2013", <https://link.springer.com/article/10.1007/s40318-013-0027-z/tables/1>

⁴⁴ Peurala, J., October 2013, "Match-manipulation in football - the challenges faced in Finland," *The International Sports Law Journal* volume 13, pp. 268-286, available at: <https://link.springer.com/article/10.1007/s40318-013-0027-z#Fn41>.

⁴⁵ Simon Reeves, "Dickson Etuhu: Ex-Nigeria player's sentence appealed", BBC News, 14 November 2019.

⁴⁶ Andy Brown, "Dickson Etuhu & Alban Jusufi banned for five years for match-fixing", The Sports Integrity Initiative, 16 April 2020.

⁴⁷ Letizia Paoli and Alessandro Donati, *The Sports Doping Market*.

Some States parties have legislation that provides for statutory minimum and maximum fines. Fines can be minor and dealt with summarily, or in serious cases, can equate to hundreds of millions of dollars for corporations (e.g., the foreign bribery case involving Siemens AG).⁴⁸

The lack of data in the regional table reflects what has been reported in terms of implementation of measures in the Convention against Corruption. Cited laws do not necessarily detail terms of fines that can be imposed for bribery offences.

3.2 (i) Factors used to calculate fines or punitive measures

Monetary fines can be calculated according to individual or societal parameters. Time is often used in these calculations. 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. The table below provides examples of the factors used to calculate fines and/or other penalties.

Table 2.
Factors used to calculate penalties for bribery

Time used to calculate penalty	Forfeiture of a bribe or a gift	Other factors
Days <ul style="list-style-type: none"> Angola Bolivia (Plurinational State of) Cabo Verde Guinea-Bissau Mexico Nicaragua Peru Portugal Months <ul style="list-style-type: none"> Colombia Kazakhstan Kyrgyzstan Turkmenistan Years <ul style="list-style-type: none"> Sao Tome and Principe 	<ul style="list-style-type: none"> Angola Armenia Azerbaijan Bosnia and Herzegovina Cambodia China Japan Nepal Oman Slovenia State of Palestine 	<ul style="list-style-type: none"> Armenia (<i>minimum wage</i>) Australia (<i>penalty units</i>) Fiji (<i>penalty units</i>) Cuba (<i>instalments</i>) Latvia (<i>minimum wage</i>) Liechtenstein (<i>daily rate</i>) Mexico (<i>salary</i>) Mongolia (<i>minimum salary</i>) Ukraine (<i>tax-free minimum wage</i>) Uzbekistan (<i>minimum wage</i>)

The forfeiture of a bribe or a gift, including fines equivalent to the value of the bribe or the gift, can be subject to multiplying factors. Many jurisdictions choose to double or triple the value of a bribe or a gift to add a punitive element. Again, there are a range of exceptions. The law in Venezuela (Bolivarian Republic of) enables fines to be lowered to 50 per cent of the value of the bribe (article 63 of the Anti-Corruption Law, no. 5.637 (2003)), while in the Russian Federation, fines can be of a value up to 100 times the original bribe (article 290 of the Criminal Code). Corporate offenders in Australia can be subject to a fine equivalent to 10 per cent of the turnover of the business in the 12-month period in which the offence occurred (section 141.1 of the Criminal Code Act 1995), while in the Lao People's Democratic Republic, fines are structured to recoup one per cent of the damage caused by the act of corruption (article 174 of the Amended Penal Law (2005)). In Israel, the law applies multiplying factors of five for individuals and ten for corporations. Other countries that use multiples of the value of a bribe or a gift in the same way are listed in the table below.

Table 3.
Multiplying factors based on the value of a bribe or a gift by jurisdiction

<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) Lebanon (x2) 	<ul style="list-style-type: none"> Syrian Arab Republic (x3) Venezuela (<i>Bolivarian Republic of</i>) (x0.5 to x0.6) Viet Nam (x1 to x5) Russian Federation (x15 to x90) Zimbabwe (x3) Israel (x5 for individuals and x10 for corporations) Haiti (x2) Kuwait (x2) Lao People's Democratic Republic (x1 or 1 per cent of the damage)
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Notably, legal standards in the Democratic Republic of the Congo allow for the imposition of fines on estates of deceased persons.

48 <https://www.justice.gov/archive/opa/pr/2008/December/08-crm-1105.html>

3.3 Suspension, removal, or other limitation of rights in relation to bribery offences

The suspension, removal or limiting of rights of individuals or legal entities is a feature of anti-bribery laws. 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.

Table 4.

Restriction of rights as a result of conviction for bribery

Limitation of freedom of movement*	Barred from public and/or private office
<ul style="list-style-type: none"> • Liechtenstein (<i>restriction of liberty</i>) • Poland (<i>deprivation of liberty</i>) • Russian Federation (<i>deprivation of liberty</i>) • Tajikistan (<i>deprivation of liberty</i>) • Ukraine (<i>restriction of liberty</i>) • Banishment • Maldives • Palau • Barred from contracts • Ethiopia • Guyana • Nicaragua (<i>banned from a trade, a profession, or an area of commerce</i>) • Philippines • Spain (<i>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</i>) • Removal of political rights • Central African Republic (<i>for between 5 and 10 years when another offence is involved</i>) • Colombia • Democratic Republic of the Congo (<i>for 5 years</i>) • Mozambique (<i>for up to 3 years</i>) • Sao Tomé and Príncipe (<i>for up to 2 years</i>) 	<ul style="list-style-type: none"> • Andorra • Argentina (<i>can be permanent</i>) • Armenia • Azerbaijan • Belize (<i>for 7 years</i>) • Colombia • Czechia • Ecuador (<i>banned from legal practice if a lawyer</i>) • El Salvador • Finland • Gabon • Georgia • Honduras • Latvia (<i>for up to 8 years</i>) • Mexico (<i>for up to 14 years</i>) • Micronesia (<i>Federated States of</i>) (<i>disqualified from office</i>) • Nauru (<i>for up to 7 years</i>) • Qatar (<i>for between 3 and 10 years on imprisonment</i>) • Nicaragua (<i>for the period of the jail sentence</i>) • Peru (<i>professional disqualification</i>) • Philippines (<i>professional disqualification</i>) • Republic of Korea (<i>for up to 10 years</i>) • Republic of Moldova (<i>for up to 5 years</i>) • Romania • 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.

3.4 The imposition of prison sentences in relation to bribery offences

The length of prison sentences handed down for bribery range from a minimum of effectively no time in prison, with a fine or other punishment imposed for summary offences, to life imprisonment. There is no standard that could be described as universal. Imprisonment for bribery is not always a practical response. In economic terms, the costs of adequate judicial processes and incarceration are not warranted. A range of alternative punishments exist.

In common with fines, the lack of any data in the regional tables reflects what has been reported in terms of implementation of measures in the Convention against Corruption at the national level. Cited laws do not necessarily detail terms of imprisonment that can be imposed for bribery offences.

3.4 (i) Life imprisonment

Only a few States parties have a penalty of life imprisonment for bribery offences. This punishment is handed down for the most serious of offences: 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, Republic of Korea, United States of America and Viet Nam, and the State of Palestine. In the case of the State of Palestine, the applicable law appears to be from statutes inherited from 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. 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.

3.5 Factors that can increase penalties

Bribes are often part of more complex criminal activities, such as the activities of organized criminal groups or the corruption of the police or the judiciary to undermine the rule of law. To combat this activity, penalties (whether fines, imprisonment, or other actions) can be increased.

1.5.5 (i) Increased penalties when other crimes are involved

- » Ecuador (specific mention of organized crime)
- » Kyrgyzstan (specific mention of organized crime)
- » Mongolia (specific mention of organized crime)
- » Senegal
- » Singapore
- » Tajikistan (specific mention of organized crime)
- » Turkmenistan (specific mention of organized crime)

1.5.5 (ii) Increased penalties for police, judicial or legal officers

Bangladesh (in cases of bribery to screen a person from legal proceedings, the penalty is equivalent to a quarter of the sentence for the offence being screened)

- » Belgium
- » Cabo Verde
- » Cook Islands (increased penalties for government ministers)
- » Djibouti
- » France
- » Guatemala (increased penalty if a bribe is induced by a public official)
- » Haiti (if a corrupted judicial decision results in wrongful imprisonment, the corrupted juror or judge will be imprisoned for that term, up to life)
- » Papua New Guinea (extended penalties for judicial officers)
- » Tunisia
- » Senegal

3.6 Reporting standards

3.6 (i) Waiver for self-reporting

An important 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:

Table 5.
 Jurisdictions that waive bribery-related penalties for self-reporting

Belarus	Kazakhstan	Poland
Bosnia and Herzegovina	Lebanon	Russian Federation
Croatia	Lithuania	Uzbekistan
Egypt	Montenegro	Viet Nam
Guatemala	North Macedonia	Yemen
Italy	Oman	State of Palestine
Jordan	Pakistan	

3.6 (ii) Mandatory reporting

A mirror tool is the requirement for officials to report attempted bribery. In Papua New Guinea, it is an offence for a police officer to not report attempted bribery. Mandatory reporting removes any illusion of discretionary action when wrongdoing or corrupt behaviour is observed.

3.7 Corporate standards

The mapping of anti-bribery standards includes the identification of penalties applicable to natural and legal persons (e.g., corporate entities). Given the limitations of the available data related to private sector bribery, specific corporate standards could not be mapped to the attached tables. From the data made available by a few Member States of the United Nations on penalties for private sector bribery, it is possible to identify the following measures relating to private sector bribery:

- » Corporate entities are responsible for the actions of their officers or agents
- » Officers can be solely liable for their own actions
- » Fines: there is a range of approaches to issuing fines to legal persons. National laws for legal persons often reflect national laws for natural persons
- » Dissolution: in serious cases of bribery, States parties can dissolve corporate entities
- » Appointment of court-appointed administrators for corporate entities
- » Court or Government monitoring or supervision of corporate entities
- » Legal entities can be barred from public contracts or have other restrictions imposed on their ability to trade
- » Extra-territoriality provisions allow States parties in which transnational corporations operate or are administered to prosecute offences committed in other States parties (article 16 of the Convention against Corruption)

Examples of the measures include:

- » Australia: fines can be equivalent to 10 per cent of the turnover of the corporation during the 12-month period in which the offence occurred
- » Estonia: dissolution of legal entities engaged in bribery
- » Guatemala: the maximum fine for legal persons is double the benefit
- » Lebanon: legal persons are criminally responsible for the actions of their officers
- » Lithuania: legal persons are subject to restrictions to liberty
- » Mexico: suspension or dissolution of legal persons



Significance of a statute of limitations

A statute of limitations is the period during which legal proceedings for an offence must be commenced after a crime has been committed.

The purpose of a statute of limitations in criminal cases is to ensure the effectiveness of the administration of justice, and in particular to protect the accused from the burden of having defend themselves against long completed charges of misconduct.⁴⁹

The determinant factor of the period (limitation period) under which the action could be brought against the subject for the offence committed is the relativeness of crime involved.⁵⁰ The period of limitation does not apply to offences of severe nature such as crime against humanity, irrespective of the date of their commission.⁵¹ A shorter period of limitation could cause concern when it is used as leverage against merit-based acquittal. Therefore, in most instances, the prosecution cannot commence proceedings against an individual if he or she argues and shows that the proceedings were not commenced during the period afforded by law.

Although it is admitted that a statute of limitations is not confined to or focused on corruption in most national systems, it could have the serious consequence of offenders going unpunished, resulting in denial of justice.⁵²

Article 29 of the Convention against Corruption states that “each State Party shall, where appropriate, establish under its domestic law a long statute of limitations period in which to commence proceedings for any offence established in accordance with this Convention and establish a longer statute of limitations period or provide for the suspension of the statute of limitations where the alleged offender has evaded the administration of justice.”

The legislative guide for implementation of the Convention against Corruption⁵³ explicitly states that the States parties with a legal system providing for statutes of limitation must ensure that the limitation periods for the offences covered by the Convention are comparatively long. Corruption cases may take a long time to be detected

and it may take even longer for the facts to be established. It is important to consider the relevant aspects of a statute of limitations also with regard to offences related to bribery in sport. The case where three individuals could not be prosecuted for alleged corruption relating to the 2006 FIFA World Cup because of the expiry of applicable limitation period is an example.⁵⁴

Examples of a statute of limitation for bribery are:

Egypt: offences such as bribery, corruption and fraud have a statute of limitations of six years (article 8 of the Criminal Procedure Code). In principle, the limitation period starts from the day of the last act constituting the offence.

As an exception (article 9-1 of the Criminal Procedure Code), if the offence is hidden or concealed, which is very often the case with corruption, the period only starts to run from the day of the appearance of the offence under conditions allowing prosecution to take place (but the limitation period may not exceed 12 years from the day on which the offence was committed).

India: bribery- and corruption-related offences under the Prevention of Corruption Act, 1988 do not have any specified period of limitation. Section 468 of the Code of Criminal Procedure, 1973 prescribes a statute of limitations but only for offences that are punishable with imprisonment and where the maximum period of imprisonment does not exceed three years. Given the serious nature of bribery and corruption offences, a court in India may not dismiss proceedings purely on grounds of the statute of limitations having expired unless there are exceptional circumstances (for instance, mala fides or bad faith on the part of the complainant). Courts have the power to condone delays if justice demands (section 473) and there is precedent in which courts have recognized this.

⁴⁹ “The Statute of Limitations in Criminal Law: A Penetrable Barrier to Prosecution”, *University of Pennsylvania Law Review*, vol. 102 (1954).

⁵⁰ Ibid.

⁵¹ Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity

⁵² UNODC, *Legislative guide for the implementation of the United Nations Convention against Corruption* (New York, 2012).

⁵³ UNODC, *Legislative guide for the implementation of the United Nations Convention against Corruption* (New York, 2012).

⁵⁴ The Straits Times, “Football: Franz Beckenbauer corruption trial ends without verdict”, 29 April 2020.

The Russian Federation: the statute of limitations for individuals (criminal liability) varies depending on the gravity of the offence and can be from two to 15 years (article 78 of the Criminal Code of the Russian Federation):

- » The statute of limitations for crimes of low gravity is two years
- » The statute of limitations for crimes of medium gravity is six years
- » The statute of limitations for grave crimes is 10 years
- » The statute of limitations for especially grave crimes is 15 years

For instance, the statute of limitations for giving a bribe below a significant amount (25,000 roubles) is two years, while the statute of limitations for giving a bribe of an especially substantial amount (more than 1 million roubles) is 15 years. The range of the statute of limitations for bribery in sports is between six and ten years.

Qatar: article 375 of Law no. (23) for 2004 Regarding Promulgating the Criminal Procedure Code states that the sentenced penalty in a crime shall be discontinued after 20 years, except if it is a death sentence, then it will be discontinued after 30 years. The sentenced penalty in a misdemeanor shall be discontinued after five years. The sentenced penalty in a violation shall be discontinued after two years. The period of discontinuance shall commence from the time the judgment becomes conclusive.⁵⁵

South Africa: bribery, corruption and fraud have a 20-year statute of limitations (section 18 of the Criminal Procedure Act 51 of 1977). However, an amendment has been proposed that would remove the 20-year limit with the effect that white-collar crime would no longer have a statute of limitations.

United Arab Emirates: the crimes of bribery and corruption are punishable by either a jail sentence or a fine under the Penal Code (or both, as the case may be). Such crimes are considered misdemeanours under article 26 of the Penal Code. Under article 315 of the Criminal Procedure Law, the limitation period for misdemeanors is seven years from the date the offence was committed.

United States of America: federal criminal bribery, corruption and fraud offenses are covered by title 18 of the United States Code §3282, which states that “no person shall be prosecuted, tried, or punished for any offense, not capital, unless the indictment is found or the information is instituted within five years next after such offense shall have been committed.” Federal civil bribery, corruption and fraud offences are covered by title 18 of the United States Code §2462, which states that “an action, suit or proceeding for the enforcement of any civil fine, penalty, or forfeiture, pecuniary or otherwise, shall not be entertained unless commenced within five years from the date when the claim first accrued if, within the same period, the offender or the property is found within the United States in order that proper service may be made thereon.”

In sport, the statute of limitations needs to be considered also in light of the relatively short time span of athletic careers. A corrupted athlete may have long retired by the time judicial proceedings are undertaken. Therefore, this could affect the ability of sport-based sanctions (e.g., competition bans and fines for professional athletes) to have any significant impact. This reinforces the necessity for judicial action to be a viable option in combatting corruption in sport.

⁵⁵ Data received from Qatar as a result of the meeting of experts held for the purpose of reviewing the stocktaking document.

CONCLUSION

Sports organizations, depending on their legal structure, can be subject to anti-bribery laws that implement or conform articles 15, 16 and 21 of the Convention against Corruption. This stocktaking document illustrates the global framework of anti-bribery standards with which both sport practitioners and sports organizations must comply. Further to this, article 29 of the Convention stresses that State parties to the Convention are encouraged to have a longer period for prosecuting acts such as bribery.

This stocktaking document also demonstrates that a few of States parties have sports-related bribery offence in place. Among these States parties, the law is either focused on tackling competition manipulation (Republic of Moldova and Spain) or corruption related to health care providers (Democratic Republic of the Congo and Morocco). In contrast in North Macedonia, the law covers diverse manifestations of corruption, which includes offences committed by sport associations and other legal entities in the field of sports.

The logo for IPACS features the letters 'IPACS' in a bold, black, sans-serif font. The letter 'I' has a small blue square at its top. The letter 'P' has a small orange square at its top. The letter 'A' has a small green triangle at its top. The letter 'C' has a small red triangle at its top. The letter 'S' has a small red triangle at its top.

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