



UNODC

United Nations Office on Drugs and Crime



GLOBAL REPORT ON CORRUPTION IN SPORT

UNDERSTANDING THE MANIPULATION OF SPORTS COMPETITIONS

8





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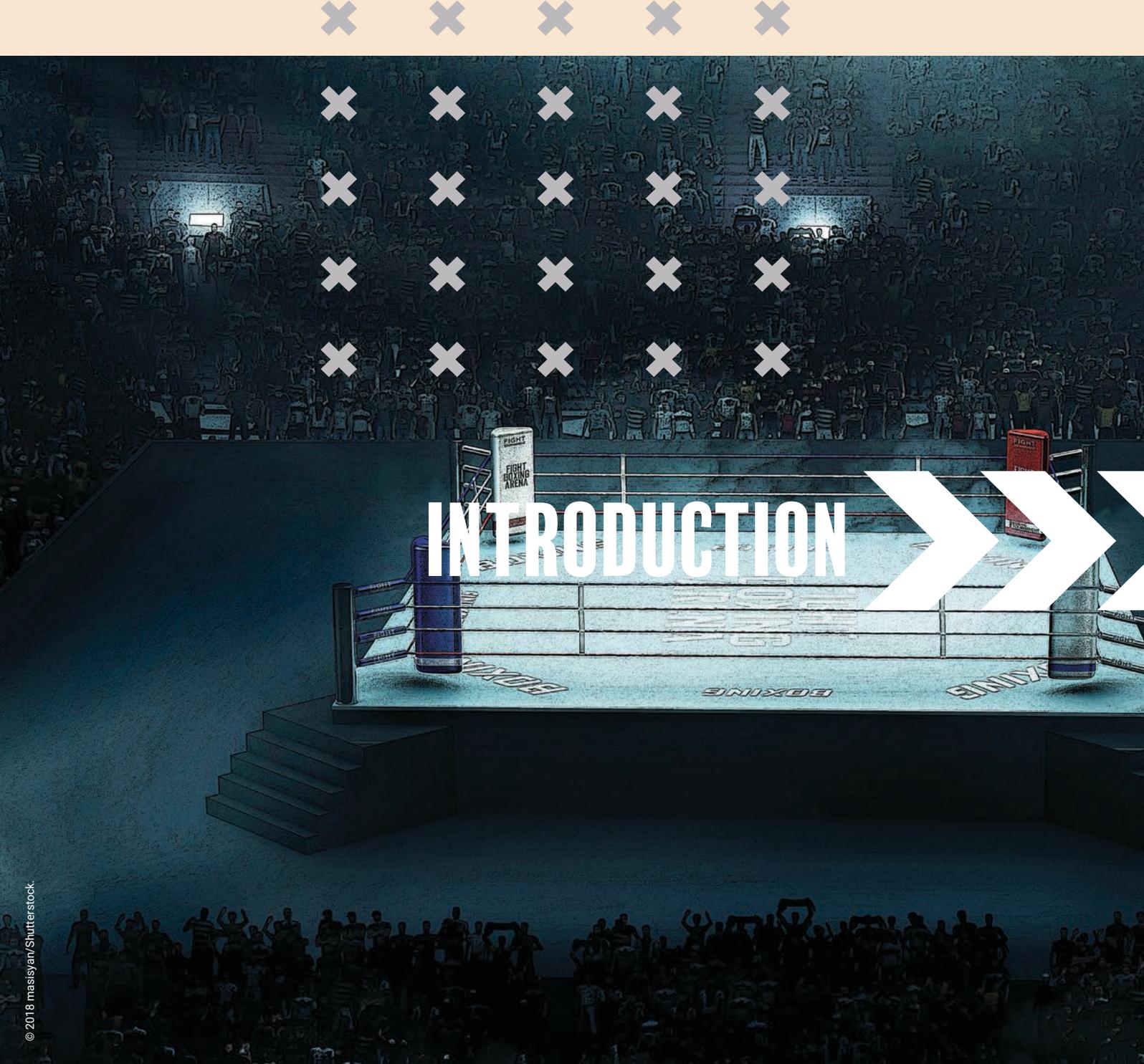
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INTRODUCTION

Competition manipulation has long been seen by sport organizations as a fundamental threat to the integrity of sport, on a par with doping, and as a cause of significant reputational damage to partner organizations and sponsors.

It has also increasingly been recognized by Governments, through the establishment of international standards,¹ the adoption of national laws and the allocation of resources, as an issue requiring the attention of law enforcement and criminal justice authorities.

The Council of Europe Convention on the Manipulation of Sports Competitions defines manipulation of sports competitions as “an intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the aforementioned sports competition with a view to obtaining an undue advantage for oneself or for others.”²

Competition manipulation can be committed for sporting- or betting-related purposes. The former is where the manipulation is perpetrated to provide a sporting advantage, for example, to protect against relegation or to ensure a perceived advantageous competition draw. The latter is where the manipulation is perpetrated to ensure a predetermined course or outcome, on which a bet is placed, resulting in an undue advantage. For example, when a match is manipulated to guarantee that a certain team loses or that a set number of goals are scored.

Where adequate regulations exist, sports organizations can sanction those that fall within their regulatory jurisdiction. These actors may include athletes, referees, coaches and other officials, and in certain specific instances, persons who would not be ordinarily under their jurisdictions, such as known perpetrators banned from stadia during practices and events. For example, the 2011–12 Calciopoli competition manipulation case in Italian football involved a host of actors, including players, managers, referees and administrators, while cricket has witnessed competition manipulation involving grounds staff and former players.³

However, the often transnational nature of offences means that actors can operate in a jurisdiction different from where the manipulation takes place, often facilitated through the use of modern communication technologies. Notably, individuals and organized criminal groups who work outside of relevant sports disciplinary frameworks can often continue their activities given that few jurisdictions explicitly criminalize the problem. For such individuals and groups, low rates of investigation and prosecution mean that the activity is considered a low-risk high-reward activity.

¹ www.unodc.org/documents/treaties/UNCAC/COSP/session8/V2001911e.pdf.

² <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016801cdd7e> (article 3).

³ Decision of the International Cricket Council in the matter of proceedings brought under the ICC Anti-Corruption Code between ICC and Jayananda Warnaweera, 19 January 2016.

In sport, competition manipulation has many forms, including:

- » Where the result is manipulated
- » Where the result is not affected, but the winning margin is purposefully held below a certain limit
- » Where a player or team purposefully underperforms. This can be done during qualifying to manipulate the competition seeding or to influence the betting odds
- » Where specific events during the run of play are manipulated, but do not necessarily have a direct impact on the result (for example, bowling a no-ball, feigning an injury or kicking a ball out of play)
- » Where side events, which have no impact on the competition, are manipulated; for example, whether a player will wear a cap at a certain time during the match (this demonstrates the control an individual or organized groups can have on the field of play)
- » Where competitions are not organized in the format that is advertised or when a team plays under a false name, in order to give the appearance of an official competition, on which bets can be placed
- » Where final outcomes are published incorrectly to fraudulently secure a gambling advantage
- » Where bookmakers or gamblers seek advance knowledge of playing conditions or certain confidential aspects, such as starting line-ups, planned substitutions or batting orders, to obtain an unfair advantage
- » Where gamblers exploit a delay in the relaying of results to place last-minute bets when they already know the outcome of an event

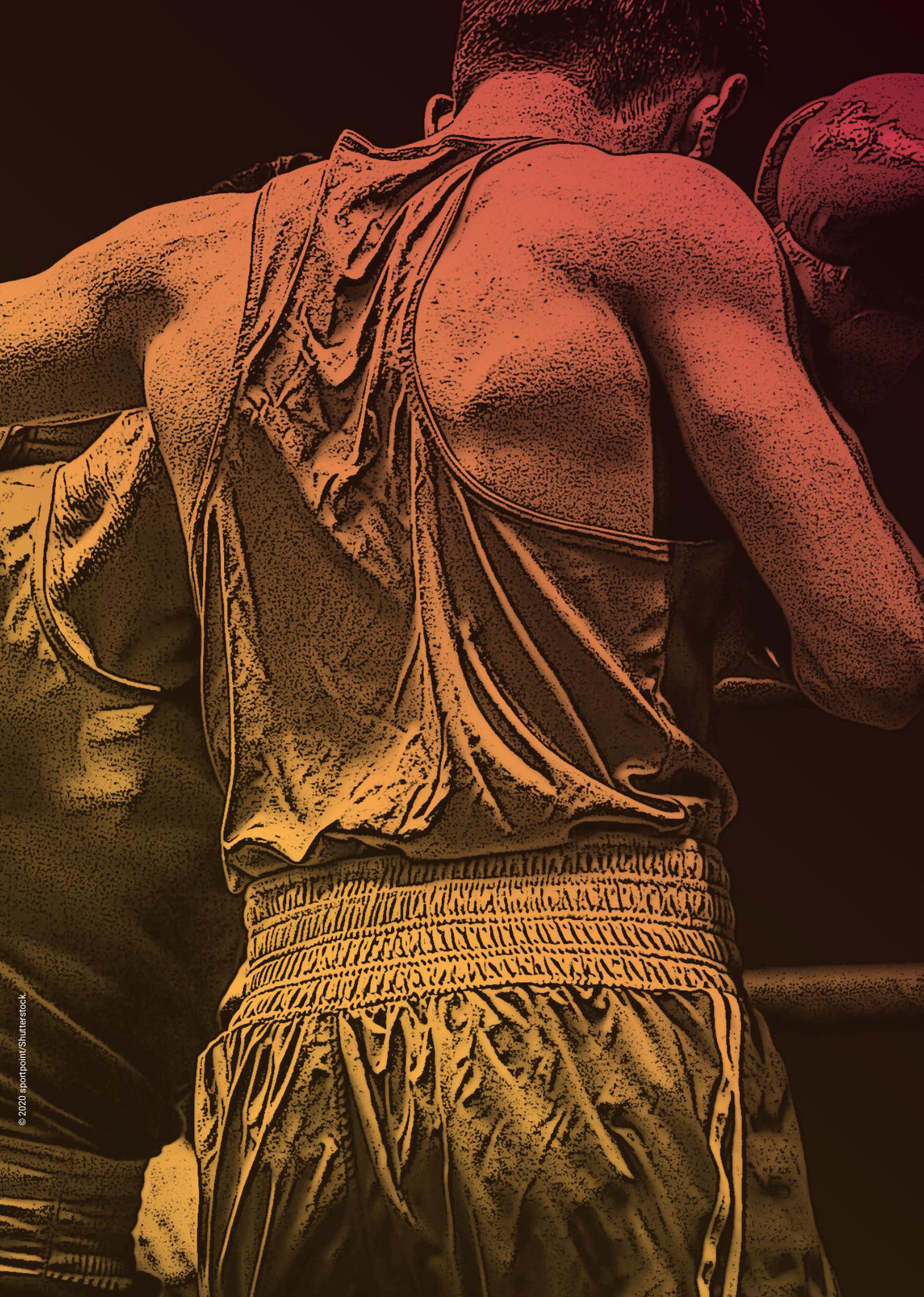
Significant resources have been deployed by sports organizations to tackle the problem, including by the International Olympic Committee (IOC), with the creation of the Olympic Movement Unit on Prevention of Manipulation of Competitions; by the Fédération Internationale de Football Association (FIFA); by the International Cricket Council (ICC), through the creation of the ICC Anti-Corruption Unit; and with the creation of the International Tennis Integrity Agency (ITIA).

In terms of the scale of the problem, it can be instructive to examine an overview of suspicious activity generated by specialized entities:

- » The International Betting Integrity Association (IBIA) generated 986 alerts globally in different sports between 2017 and 2020
- » The Global Lottery Monitoring System (GLMS) reported 126 matches to its partners in 2002, sending a total of 162 alerts
- » The Sportradar Integrity Services fraud detection system has flagged up over 5,500 matches as suspicious since 2008, including 691 suspicious matches in 2020
- » Starlizard identified 456 suspicious football matches in 2019

A number of these alerts, when they have been investigated, have proven to be an indicator of competition manipulation. However, it is important to note that these alerts are only indications of suspicious activity and do not prove that competitions have been manipulated.

This section aims to provide an overview of key issues in relation to the development of this multifaceted and increasingly widespread problem. It also looks to identify existing frameworks, initiatives and trends relating to the criminalization, prevention, detection and investigation of competition manipulation, accompanied by case studies where available. It concludes by setting out a conclusion and policy considerations for Governments, sports organizations and other relevant stakeholders to help address the threat posed by competition manipulation to the integrity of sport.



1. >>>>>

KEY ISSUES RELATED TO THE MANIPULATION OF SPORTS COMPETITIONS

Competition manipulation is not a recent phenomenon in sport. The first recorded case was at the 388 BC Olympic Games, when Eupolos from Thessalia bribed his competitors in order to allow him to win a fist combat tournament.⁴ There are reports of fixed cricket matches in London from the eighteenth century⁵ and the 1919 Black Sox Scandal rocked the sport of baseball in the United States of America. More recently, in the late twentieth and early twenty-first centuries, it has become clear that no sport is immune to the risk. However, football, cricket and tennis have been the most affected sports.

Nonetheless, current trends, including those linked to the growth of betting, the rise of e-sports and virtual gaming and other technological advancements, are increasingly seen as issues that Governments, sports organizations and the private sector need to be aware of when considering how best to address the threat posed to sport by competition manipulation.

1.1. GROWTH OF BETTING

While attitudes to betting differ from society to society and culture to culture, it has always been a part of sport. A detailed overview of betting is provided in the chapter on illegal betting and sport.⁶ While the activity is criminalized in many countries, in others where it is legalized, it helps finance sports activities through public lotteries, where a portion of the profits generated are channelled to sports

organizations.⁷ For example, the lottery in Morocco finances the national sports agency, contributing 50 million euros in 2019.⁸

A key feature of contemporary sports betting is the ability to bet not only on the outcome of a competition, but also on the probability of events happening during it (e.g. on the number of yellow cards in a football match). Furthermore, the use of online betting platforms has also greatly expanded the reach of the industry and the ease with which bets can be made. Combined, these two elements have been key drivers behind the growth in the popularity of betting.

THE INTERNATIONAL TENNIS INTEGRITY AGENCY (PREVIOUSLY THE TENNIS INTEGRITY UNIT) OUTLINED THE FOLLOWING REASONS FOR THE GROWTH OF BETTING:

- » Economic growth and an increase in disposable income, especially in developing countries
- » An increase in live sport broadcasts, on terrestrial, satellite and cable television channels and via the Internet
- » Proliferation of the use of smartphones
- » Proliferation of Internet and mobile banking, which facilitates the mass-market adoption of online gambling
- » A significant increase in the advertising of gambling, especially around sporting events
- » An improvement in data feeds and its impact on the demand for live betting and the availability of in-play betting



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⁴ Wolfgang Maennig, "Corruption in International Sports and Sport Management: Forms, Tendencies, Extent and Countermeasures", *European Sport Management Quarterly*, vol. 5, No. 2 (2005), pp.187-225.

⁵ Derek Birley, *A Social History of English Cricket* (Aurum Press, 1999).

⁶ Recommendations for the IOC seminar, "Sports betting: A challenge to be faced", 24 June 2010.

⁷ Jean-Loup Chappellet and Pim Verschuuren, "International Sports and Match Fixing" in *The Business and Culture of Sports: Society, Politics, Economy, Environment*, Joseph Maguire, Mark Faloutsos and Katie Liston, eds (Farmington Hills, Michigan, Macmillan Reference USA, 2019).

⁸ La Marocaine Des Jeux et des Sports, « Faire gagner le sport ». <https://mdjs.ma/faire-gagner-le-sport/>.

Against this background, competition manipulation can be an attractive prospect. Those involved in manipulating a competition can take advantage of certain aspects of online betting, such as the liquidity offered, and the lack of uniformity in sports betting laws and regulatory frameworks around the world. It is possible for a person from one country where betting is illegal to place a bet using a betting platform from a second country on a match or event taking place in a third country. For example, between 2017 and 2020, IBIA reported that 92 per cent of basketball alerts and 84 per cent of football alerts were based on suspicious betting patterns generated in markets in jurisdictions foreign to where the competitions took place.⁹

1.2 CORONAVIRUS DISEASE AND COMPETITION MANIPULATION

The impact of the coronavirus disease (COVID-19) has exacerbated the risk factors that lead to competition manipulation. In response to COVID-19, countries have taken a broad range of measures to contain and mitigate the spread of the virus. This has had a dramatic impact on global economic activity, which has not spared sport. The temporary absence or scaled back nature of local, national, regional, international and mega sport events has shown that sports integrity issues, including the manipulation of competitions, is still prevalent, and has reduced or diverted resources from integrity measures towards other more immediate needs.

At the same time, the economic impact of COVID-19 has left many athletes and officials facing lower pay scales and fewer opportunities for participation, and has left many sports organizations facing reduced investment in sport. This has made sports actors more vulnerable to being approached by individuals involved in sporting- and betting-related competition manipulation. Given the difficulty in approaching players and officials in person because of social distancing measures, a growing trend is the use of social media platforms to facilitate contact with players and officials. There are examples of players being approached via such platforms in tennis,¹⁰ cricket¹¹ and darts.¹²

COVID-19 has also seen an increase in the number of so called “ghost” and fake games¹³ across the world to fill the

⁹ International Betting Integrity Association (IBIA), *An Optimum Betting Market: A Regulatory, Fiscal & Integrity Assessment*, p. 60, available at <https://ibia.net/wp-content/uploads/2021/08/IBIA-An-Optimum-Betting-Market.pdf/>.

¹⁰ Independent Review of Integrity in Tennis (2018), chapter 13, page 5.

¹¹ www.espn.com/story/corrupters-using-social-media-to-get-to-players-during-lockdown-icc-1221240.

¹² BBC, “Kyle McKinstry: NI darts player given eight-year ban for match-fixing and failing to produce phone bill”, 26 November 2020.

¹³ A ghost game being one which does not exist in the form that is supposed/prettended to be, while a fake game being one where a team plays but is not the real team that is supposed to play – INTERPOL’s Purple Notice, April 23, 2020.

void created by the lack of official sports events. This has exacerbated the risk of competition manipulation. According to media sources, a cricket tournament held in Punjab, India claimed to be a match held in Sri Lanka as part of the UVA T20 League.¹⁴

1.3 VULNERABILITY OF YOUTH, WOMEN’S, LOWER LEAGUE, EXHIBITION AND FRIENDLY MATCHES AND COMPETITIONS

Among those who are particularly at risk of being approached are referees, given their disproportionate ability to affect competitions. Their role calls for the provision of greater security to prevent approaches and to safeguard the referee selection process for matches and, where feasible, for the use of analytics to evaluate their conduct.¹⁵

However, a growing trend is for people engaged in competition manipulation to increasingly target youth, women’s and lower tier competitions. While most international events and the top tiers of national competitions are closely monitored for signs of competition manipulation, this is rarely the case for mid-to-lower tiers of competitions at the local and national levels. Therefore, the lack of resources for preventing and detecting competition manipulation in these competitions could pose a significant risk and hamper efforts to tackle the phenomenon.

For example, based on information provided by Sportradar, in 2019, 33 per cent of suspicious domestic matches were from the third tier or lower, including youth football. In comparison, top tier matches accounted for 21 per cent of suspicious matches, whereas second tier matches saw the most suspicious activity, accounting for 46 per cent of suspicious matches in total.¹⁶ Though most betting across lower leagues remains monitored through fraud detection systems, an estimated \$110 billion (93 billion euros) is wagered through all regulated betting operators globally on football matches outside of the so called “top seven competitions”,¹⁷ equating to around 75 per cent of all betting on football. The lack of resources given to preventing and detecting competition manipulation in lower tier competitions means new, amateur and youth competitions are vulnerable to those looking to manipulate competitions.

¹⁴ Andy Bull, “The T20 tournament that wasn’t: how fixers fabricated the UvaT20 League”, *The Guardian*, 12 May 2021.

¹⁵ Walter Distaso, et al., *Corruption and Referee Bias in Football: The case of Calciopoli*, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2004385.

¹⁶ Data received from Sportradar.

¹⁷ IBIA, *An Optimum Betting Market*, p. 61. According to IBIA, the top seven football competitions are the domestic football leagues of England, Spain, Germany, Italy and France, in addition to the UEFA Champions League and the UEFA Europa League.

ROLE OF DATA SCOUTS IN LOWER LEAGUE COMPETITIONS

Data scouts are employed to transmit live data (usually from lower-tier sporting events, as elite level events generally have official data contracts in place), which is then used to create a betting market on the event. If it was not for these data scouts, in many cases, a betting market would not exist on these events.

It is often lower-tier sporting events that are at greater risk of competition manipulation. As such, there should be much greater scrutiny of the involvement of data scouts at such events and of the wider ramifications of this activity.



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Exhibition and friendly matches can be high profile games involving major sponsors. They can be held for marketing purposes, as warm-up events, linked to key competitions or a means to try out young players.¹⁸ Notably, in most of these matches, performance is not often a central factor. The organizers of these events can be from various sectors, from clubs and federations to private companies, and access to these matches is usually by invitation only.¹⁹ Such games are particularly vulnerable as these competitions are organized in often very complex circumstances with a lack of clarity about who is ultimately responsible for organizing them, especially if the matches are organized with the involvement of different federations and associations in third countries. By way of example of the prevalence of the potential for the manipulation of such matches, 29 suspicious friendly football matches were flagged in 2019.²⁰

¹⁸ Asser Institute, *The Odds of Match-Fixing: Facts and Figures on the Integrity Risk of Certain Sport Bets* (Brussels, 2015).

¹⁹ *Independent Review of Integrity in Tennis* (2018).

²⁰ As per data received from Starlizard Integrity Services. Starlizard focuses on identifying suspicious games and betting patterns, especially in the area of football. See www.starlizard.com/integrity-services/.

If not managed through the increased monitoring and regulation of stakeholders involved in the organization of such events, the risk of betting-related competition manipulation will remain high.

1.4 GROWTH OF E-SPORTS AND VIRTUAL GAMING

E-sports and virtual gaming has grown markedly in recent years. COVID-19 and the disruption to traditional sports have had a notable impact on the sector, raising its profile and attracting new fans.²¹ Sector revenue is expected to reach \$1.1 billion for 2021, compared to \$947.1 million in 2020.²² At the same time, betting on e-sports and virtual gaming has also grown. As with traditional sports, this growth has exposed e-sports and virtual gaming to betting-related competition manipulation. Further, it brings the unique challenge of the absence of a single governing entity to implement regulation and monitor compliance.

COMPETITION MANIPULATION IN E-SPORT IN THE REPUBLIC OF KOREA

In 2016, in the Republic of Korea, an investigation by the Changwon Regional Prosecution Service into competition manipulation related to the StarCraft 2 e-sports competition resulted in the arrest of eight people. The investigation uncovered the identity of the programmers engaged in competition manipulation and the network of brokers and financial backers behind them.

Sources: TL.net, "StarCraft 2 Match-Fixing Investigation Result: 8 indicated and arrested, including a top-class programmer", 21 April 2016; TL.net, "StarCraft 2 Match-Fixing Investigation Result: 12 identified, 9 indicted and arrested, 2 indicted (not arrested), 1 wanted", 19 October 2015.

Notably, IOC and the Global Association of International Sports Federations have announced the formation of an Esports and Gaming Liaison Group to promote Olympic sports and Olympic values in e-sports and virtual gaming.²³ Furthermore, e-sports and virtual gaming has been included in the Olympic Agenda 2020+5. Other international federations, such as FIFA, the International Basketball Federation, the Union Cycliste Internationale and the International Ice

²¹ Deloitte Insights, *Let's Play! 2020: The European esports market (2020)*.

²² Newzoo, "Viewership Engagement Continues to Skyrocket Across Games and Esports: The Global Live Streaming Audience Will Pass 700 Million This Year", 9 March 2021.

²³ Olympic World Library, "Zoom In: Esports and Gaming", https://library.olympics.com/default/esports-and-gaming.aspx?_lg=en-GB.

Hockey Federation, and sports organizations around the world have developed various e-sports and virtual gaming competitions.

Although the methods of cheating vary in e-sports and virtual gaming, competition manipulation is a common means of corruption.²⁴ Notably, there have been several high-profile cases of betting-related competition manipulation in e-sports and virtual gaming. As noted in the section on evolutions in sport related to corruption, e-sports are particularly vulnerable to two types of corruption. First, the competitive setting of e-sports tournaments and stakes attract similar forms of cheating as seen in other sporting contexts, including doping and competition manipulation.²⁵ Second, the virtual nature of the medium allows for structural manipulation that can affect the essence of the game. Digital cheating (also called digital doping or e-doping or technological cheating/hacking) helps competitors manipulate data, as was detected in several e-cycling competitions in 2019,²⁶ or to manipulate the playing platform and the software itself.

While betting-related competition manipulation in e-sports is a new phenomenon and it faces challenges relating to governance and regulation, it is important to safeguard the integrity of e-sports and the integrity of betting on e-sports. The launch of the Esport Integrity Commission (ESIC) in 2016 highlights the growing awareness of the industry to threats posed to e-sport, including competition manipulation. In a recent case of competition manipulation, ESIC issued bans to 35 people involved in e-sports match-fixing.²⁷ It has also assisted Victoria Police's Sporting Integrity Intelligence Unit with regard to such activity in the past.²⁸

²⁴ Ian Smith, "PTG2017 - Integrity of esports", Esport Integrity Coalition, 2016.

²⁵ John T. Holden, Ryan M. Rodenberg and Anastasios Kaburakis, "Esports corruption: gambling, doping, and global governance", *Maryland Journal of International Law*, vol. 32, No. 1 (2017), pp. 236–272.

²⁶ Liam Morgan, "Zwift bans two riders from cycling esports events for manipulating race data", *Insidethegames*, 23 November 2020.

²⁷ The fines, which mostly pertain to suspension from competitive play, range from 12 to 60 months and have been handed down based on a specific algorithm the organization uses to assess the severity of each issue. The bans have been handed across a number of high-tier competitions, including BLAST, DreamHack, ESL, WePlay, 247 Leagues, and other entities – see Gambling News, "35 Australians involved in Esports Match Fixing", available at www.gamblingnews.com/news/esic-issues-bans-to-35-australians-involved-in-esports-match-fixing/ (January 22, 2021).

²⁸ "Six people arrested in esports investigation", ESIC Press Release, 22 August 2019, <https://esic.gg/press-release/esic-collaborate-with-victoria-police-resulting-in-the-rest-of-six-individuals/>.

1.5 OTHER NOTEWORTHY ISSUES

I. AVOIDING DETECTION USING TECHNOLOGY

The use of technology, including the darknet,²⁹ is a notable development in the evolution of factors that affects the modus operandi of those involved in the manipulation of sports competitions where offers to manipulate outcomes and events of games have been made. The anonymity and the perceived safety from law enforcement provided by the darknet³⁰ further adds to the difficulty in detecting and investigating these activities.

Further to this, there is an increasing trend in the use of modern money transfer and payment methods, such as e-wallets and emerging digital currencies. Though not widely accepted by betting regulators and unavailable on well-regulated betting markets, they have been used as forms of payment to those involved in the manipulation of sports competitions. Their use also facilitates the anonymity of those involved. For example, digital currencies were used in relation to a major competition manipulation case involving cricket games played in South Africa.³¹ It is also important to highlight the possibility that prepaid cards for mobile voice and data services or other prepaid cards could be used as forms of payment and to facilitate money-laundering.³²

II. APPROACHES BY CORRUPTORS

Athletes, coaches, officials and other actors are particularly vulnerable to approaches from individuals engaged in competition manipulation at sports venues and places of residence, such as hotels where they stay for the course of events or matches.

For example, in 2021, three unlicensed and unregulated persons were arrested during the Indian Premier League cricket tournament for trying to approach players participating in the competition that were staying in the same hotel.³³ In another instance, according to media sources a coach was approached by a businessman outside a hotel where his team was staying in order to influence him to manipulate a FIFA World Cup qualification match.³⁴

²⁹ Alice Raven, "Case Study: Match Fixing on the Dark Web", in *Dark Web Investigation*, Babak Akhgar and others, eds. (Cham, Springer Nature, 2021), pp. 237–247.

³⁰ Ibid.

³¹ Decision pursuant to article 5.1.12 of the ICC Anti-Corruption Code in the matter of proceedings between ICC and Heath Streak, 28 March 2021.

³² Financial Action Task Force, *Money Laundering Using New Payment Methods* (Paris, 2021).

³³ Shubham Birwadkar, "BCCI's ACU Arrests 3 Bookies For Allegedly Trying to Fix Matches From RR's Mumbai Hotel", *RepublicWorld*, 6 May 2021.

³⁴ <https://digitalhub.fifa.com/m/5e121e54357f197e/original/b69sjccudevzc0v37u4-pdf> (August 4, 2021).

2. >>>>>

MEASURES TO TACKLE COMPETITION MANIPULATION

2.1. RELEVANT LEGAL AND REGULATORY FRAMEWORKS

2.1.1 INTERNATIONAL INSTRUMENTS

Competition manipulation often has an international dimension, which makes combating the activity more complex. This requires intergovernmental coordination and action, in particular with regard to criminal justice authorities.

There are two international instruments that provide relevant tools for tackling competition manipulation, namely the United Nations Convention against Transnational Organized Crime and Protocol Thereto and the United Nations Convention against Corruption. The Council of Europe Convention on the Manipulation of Sports Competitions is the only convention that specifically addresses this problem.

APPLICABILITY OF THE UNITED NATIONS CONVENTION AGAINST CORRUPTION TO COMPETITION MANIPULATION

The Convention against Corruption is the only legally binding universal anti-corruption instrument. At the time of writing, it has 188 parties.

The Convention does not specifically refer to the problem of competition manipulation. However, the Conference of the States Parties to the United Nations Convention against Corruption does refer to the problem in two resolutions, namely:

- » Resolution 8/4, on safeguarding sport from corruption, adopted by the Conference at its eighth session, held in Abu Dhabi, from 16 to 20 December 2019
- » Resolution 7/8, on corruption in sport, adopted by the Conference at its seventh session, held in Vienna, from 6 to 10 November 2017

These resolutions set out the key issues that need to be addressed to tackle the problem of corruption in sport and outline the actions that States parties have committed to taking in order to do so, including in relation to the manipulation of sports competitions.

While many of the provisions of the Convention can be applied to the context of competition manipulation, a global mapping of national legislation on competition manipulation commissioned by the United Nations Office on Drugs and Crime (UNODC) and IOC in 2021 identified the following provisions in relation to adjudicated cases involving competition manipulation:

- » Bribery in the public and private sectors (articles 15, 16 and 21)
- » Embezzlement in the public and private sectors (articles 17 and 22)
- » Abuse of functions (article 19)
- » Money-laundering (article 23)

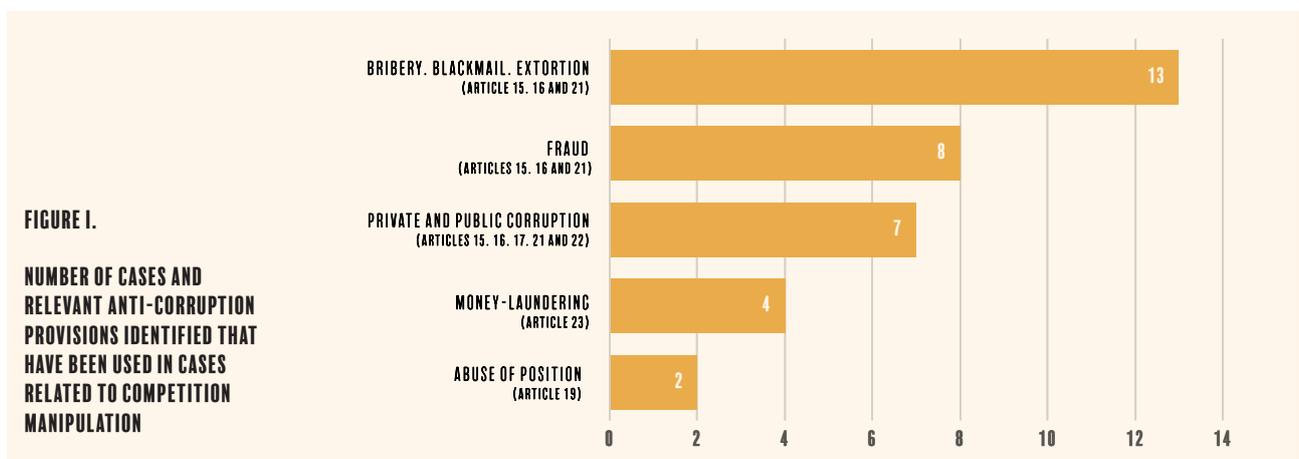


FIGURE I.
NUMBER OF CASES AND RELEVANT ANTI-CORRUPTION PROVISIONS IDENTIFIED THAT HAVE BEEN USED IN CASES RELATED TO COMPETITION MANIPULATION

Note: The figures used in this graph are taken from the UNODC-IOC publication *Legal Approaches to Tackling the Manipulation of Sports Competitions: A Resource Guide based on the United Nations Convention against Corruption*. The notions of public and private corruption are not established by the Convention against Corruption. They are used for the purposes of this publication to describe and exemplify forms of corruption that can be found in sports.

APPLICABILITY OF THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME AND THE PROTOCOLS THERETO TO COMPETITION MANIPULATION

It has been reiterated by the General Assembly that transnational organized crime has a negative impact on development, peace, stability, security and human rights. It has also been highlighted that society is becoming increasingly vulnerable to such crime and that there is a growing degree of penetration of activities of criminal organizations and their financial and economic resources into the legitimate economy.³⁵

On the occasion of the adoption of the Organized Crime Convention in 2000, Secretary-General Kofi Annan stated that this instrument represented “a new tool to address the scourge of crime as a global problem” and that “if crime crosses all borders so must law enforcement. If the rule of law is undermined not only in one country, but in many, then those who defend it cannot limit themselves to purely national means.”³⁶ A total of 190 jurisdictions are parties to the Organized Crime Convention. A detailed overview of the Convention and organized crime in sport is contained in section 6.

In the context of sport, the measures laid out in the Convention can be applied to competition manipulation when offenders are a part of an organized criminal group, bribe public officials and are involved in the laundering of proceeds of a crime they have committed. They can also be applied to any serious crime prescribed by the Convention.

EXTRADITION IN RELATION TO A COMPETITION MANIPULATION OFFENCE

In February 2019, in the first extradition of its kind under the extradition treaty between the United Kingdom of Great Britain and Northern Ireland and India, an Indian businessman accused of attempting to manipulate cricket matches in India during a tour by the South Africa cricket team in 2000 was extradited from the United Kingdom to India.

Sources: Casemine, “Chawla V the Government of India”; and Hindustan Times, “Sanjeev Chawla, accused in the 2000 cricket match-fixing racket, extradited from UK to India”, 15 September 2020.

³⁵ See, for instance, General Assembly resolution 74/177 of 18 December 2019, entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity”.

³⁶ UNODC, Address by the Secretary-General, Mr. Kofi Annan, at the opening of the signing conference for the United Nations Convention against Transnational Organized Crime and Protocols Thereto, Palermo, 12 December 2000.

Notably, the Convention can be used to expand the scope of bilateral treaties regarding offences for which those involved can be extradited. Most States parties appear conscious of the obligation to include corruption-related offences in this remit. Paragraph 5 of article 44 provides that States parties can make extradition conditional on the existence of a treaty to use the Convention in this sense. It is also indirectly aimed at reducing the need for the often time-consuming process of negotiating new extradition agreements.³⁷

INTERNATIONAL COOPERATION IN COMPETITION MANIPULATION CASE LEADS TO THE RECOVERY OF ASSETS IN BELGIUM

In 2018, law enforcement in Belgium searched 44 buildings across the country, including the headquarters of a football club and residences linked to suspects in a competition manipulation case, and seized contracts and other documents, empty luxury watch boxes, jewels, luxury watches and cash.

A total of 184 police officers from Belgium and 36 police officers from other jurisdictions participated in the searches. In addition, three examining magistrates were working concurrently to process those arrested, which is a rare occurrence in Belgium, where the appointment of multiple examining magistrates to a single investigation usually only occurs in relation to terrorism cases.

Source: VRT, “Police raid Club Brugge and Anderlecht as part of wider match-fixing and money laundering investigation”, 10 October 2018.

COUNCIL OF EUROPE CONVENTION ON THE MANIPULATION OF SPORTS COMPETITIONS

Adopted by the Council of Europe Committee of Ministers on 9 July 2014, the Council of Europe Convention on the Manipulation of Sports Competitions was opened for signature on 18 September 2014. The Convention entered into force on 1 September 2019 and as of September 2021 has 32 signatories and 7 ratifications.

The aim of the Convention is to pave the way for the more systematic application of the measures adopted by sports organizations, sports betting operators and public authorities to enable them to jointly identify and prevent the manipulation of sports competitions and to ensure better cooperation between these stakeholders.

³⁷ United Nations Office on Drugs and Crime, *State of implementation of the United Nations Convention against Corruption* (Vienna 2017).

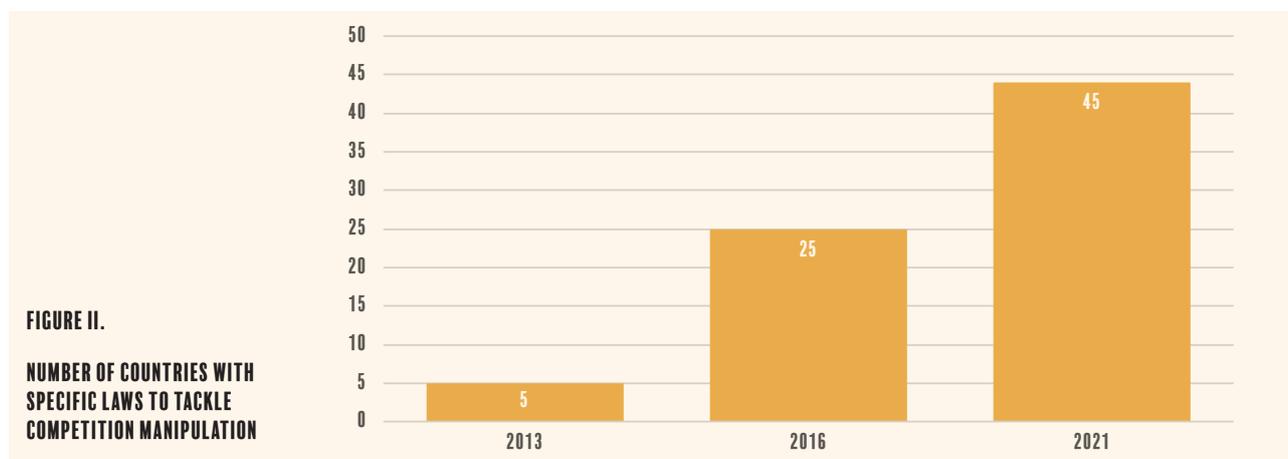
Article 13 of the Convention also provides for the introduction of a mechanism to exchange information between countries through the establishment of a national platform. With regard to public authorities, the Convention encourages them to adopt the necessary legislation or other measures, including financial ones, to support any initiatives taken by other stakeholders and to combat illegal sports betting, but also to identify the authorities responsible for implementing the legal framework for the regulation of their sports betting market.

2.1.2 NATIONAL DEVELOPMENTS RELATED TO CRIMINALIZING COMPETITION MANIPULATION

Increasingly, Governments are looking to criminalize competition manipulation. A global mapping of national legislation on competition manipulation conducted by UNODC and the IOC in 2021 found that 45 jurisdictions³⁸ specifically criminalize competition manipulation. This represents a significant increase compared to the numbers recorded for 2016 and 2013.

Awareness of specific offences relating to competition manipulation is important for the prevention, investigation, prosecution and sanctioning of such activity. Furthermore, the linking of these offences to activities such as corruption, money-laundering, bribery, fraud, aiding and abetting, influence peddling and the abuse of power, can make the work of law enforcement and criminal justice authorities more effective.

In some jurisdictions, the offence of competition manipulation is limited to competitions on which bets are proposed.³⁹ In these jurisdictions, the offence of competition manipulation is intrinsically linked to the risk associated with the manipulation of a betting outcome. In addition, elsewhere, non-betting-related competition manipulation cannot be prosecuted under specific competition manipulation laws and may only be prosecuted under general criminal provisions on corruption, bribery, fraud, etc.



³⁸ Albania, Algeria, Argentina, Armenia, Australia, Azerbaijan, Brazil, Bulgaria, China, Cyprus, Denmark, El Salvador, France, Georgia, Germany, Greece, Hungary, Israel, Italy, Japan, Latvia, Lithuania, Malta, Namibia, New Zealand, North Macedonia, Paraguay, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Russian Federation, San Marino, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Türkiye, Ukraine, United States of America and Uruguay.

³⁹ Australia, France, New Zealand, Republic of Korea, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland.

**EXAMPLES OF THE USE OF GENERAL CRIMINAL LAW PROVISIONS
IN CASES LINKED TO COMPETITION MANIPULATION IN ARMENIA,
CZECHIA AND INDONESIA**

In Armenia, a criminal investigation revealed that a football referee and his second assistant were bribed to manipulate the result of game in July 2013 for betting purposes. The case was prosecuted under article 201 of the Criminal Code related to the bribery of the participants and organizers of professional and commercial sports competitions or shows.

In Czechia, the Criminal Code includes provisions regulating the possibility of imposing sanctions for fraud, corruption and bribery. These provisions have

been applied by the Supreme Court in the case of the manipulation of sports competitions.

In Indonesia, in the first criminal conviction for the manipulation of sports competitions, in 2019, the Banjarnegara district court in Java found six people, including a former referee and members of the national football association, guilty of fraud. They were sentenced to up to three years in prison and given fines.

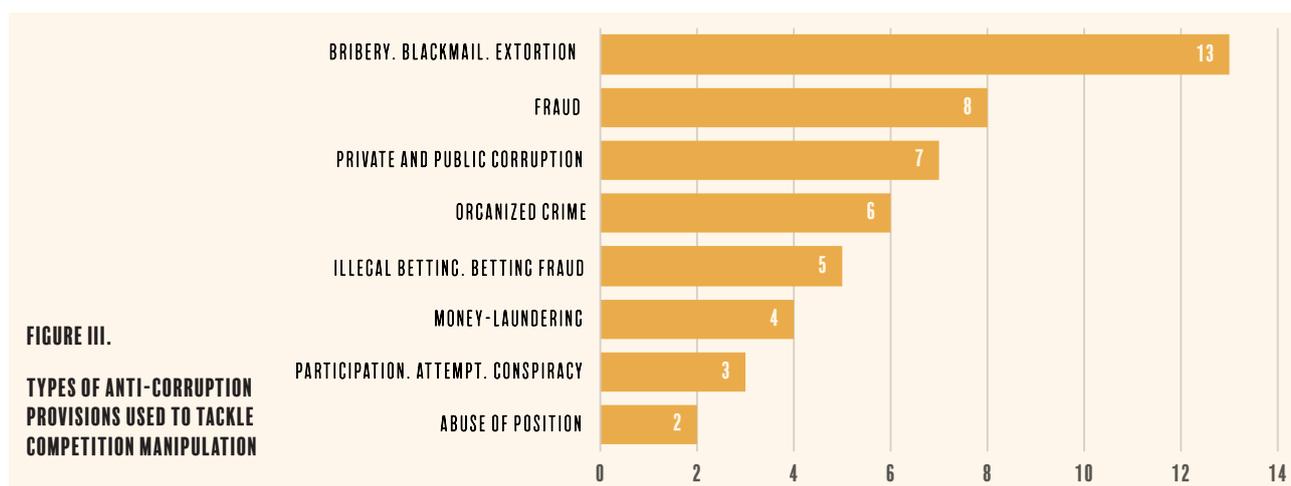
Sources: Czechia, Criminal Code, Act No. 40/2009, sections 209, 331, 332 and 333; Bronislava Coufalová and Jan Pinkava, "Corruption in Sports Environment", *International and Comparative Law Review*, vol. 13., No. 2 (2013), p. 97-110; KEA European Affairs, Match-fixing in sport: A mapping of criminal law provisions in EU 27 (2012); and Reuters, "Soccer-Indonesia court jails six in first trial over match fixing", July 2019.

While there is a growing trend to specifically criminalize competition manipulation, general criminal law provisions are also being successfully applied by jurisdictions to competition manipulation cases.

The above-mentioned mapping also found that 26 jurisdictions have used general criminal law provisions for this purpose.⁴⁰ It also revealed that in jurisdictions with no specific legal provisions relating to competition manipulation, the most applied legal provisions are those relating to bribery, fraud and organized crime.



© 2015 Maxisport/Shutterstock.



⁴⁰ Australia (Victoria, Tasmania and Western Australia), Austria, Belgium, Czechia, El Salvador, Finland, Georgia, India, Indonesia, Luxembourg, Malaysia, Montenegro, Netherlands, Nepal, Norway, Panama, Romania, Singapore, Slovenia, Sweden, Switzerland, United Kingdom, United States of America and Viet Nam, as well as Hong Kong, China, and Kosovo, under SCR 1244.

2.1.3 RELEVANT SPORTS REGULATIONS

International sports bodies' regulations are a valuable tool in the fight against competition manipulation. One of the most high-profile examples is the Olympic Movement Code on the Prevention of the Manipulation of Competitions, which was developed by IOC and relates to the conduct and disciplinary proceedings of sports organizations. Under the Olympic Charter it is mandatory for the all bodies within the Olympic Movement to be compliant with the charter. Furthermore, the recognition of international federations is dependent on the implementation of the Olympic Movement Code.

Notably, the regulations of most international sports federations maintain the jurisdiction of the organizations over their own events, allowing an exception for major-event regulations and for provisions for the mutual recognition of sanctions.⁴¹ With regard to major-event regulations, they are based on the Olympic Movement Code on the Prevention of the Manipulation of Competitions and apply during international events over which event regulations have jurisdiction, such as the Olympic Games. Based on this benchmark, it is interesting to note that out of the total 41 summer and winter Olympic federations,⁴² 30 have their own specific rules, 7 have adopted IOC rules and only 4 have no dedicated regulations addressing competition manipulation.⁴³

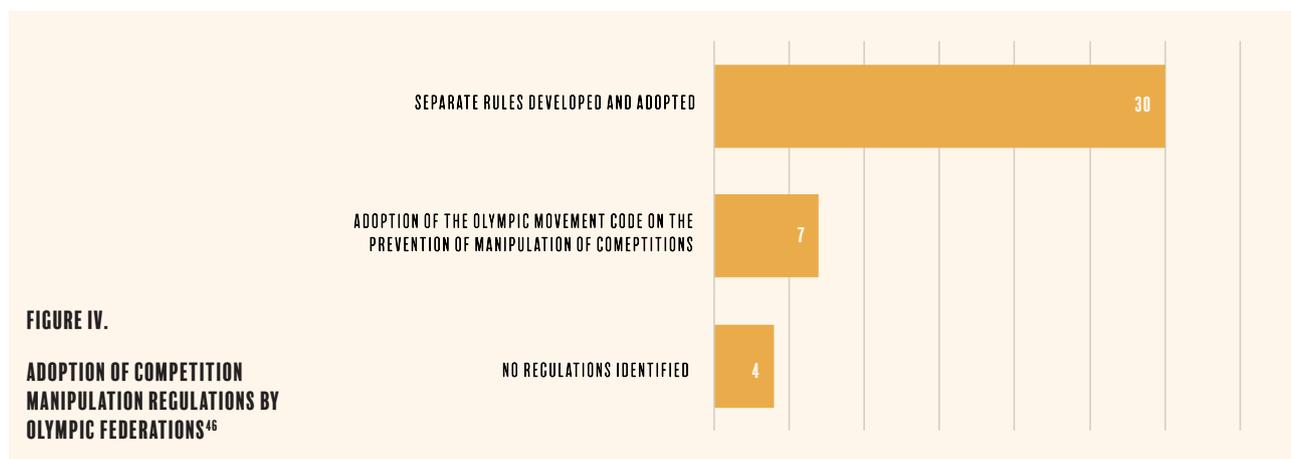


FIGURE IV.
**ADOPTION OF COMPETITION
MANIPULATION REGULATIONS BY
OLYMPIC FEDERATIONS⁴⁶**



⁴¹ For example, rule 11.2 of International Ski Federation, *FIS Rules on the Prevention of Manipulation of Competitions* (Oberhofen, 2016).

⁴² The Scope of the study is limited to international federations that have disciplines that are part of the summer or winter games. Summer – International Swimming Federation, World Archery Federation, World Athletics (until June 2019: International Amateur Athletics Federation), Badminton World Federation, International Basketball Federation, International Boxing Association (AIBA), International.

⁴³ These are: International Bobsleigh Federation, Federation Internationale de Luge, World Dance Sport Federation, the International Federation for Sport Climbing and World Baseball-Softball Confederation.

⁴⁴ Note: The federations are Canoe Federation, Union Cycliste Internationale, Fédération Équestre Internationale, Fédération Internationale d'Escrime, Fédération Internationale de Football Associations, International Golf Federation, Fédération Internationale de Gymnastique, International Handball Federation, Fédération Internationale de Hockey, International Judo Federation, Union Internationale de Pentathlon Moderne, Fédération Internationale des Sociétés d'Aviron, World Rugby, World Sailing (until December 2015, International Sailing Federation), International Shooting Sport Federation, International Table Tennis Federation, World Taekwondo, International Tennis Federation, International Triathlon Union, Fédération Internationale de Volleyball, International Weightlifting Federation, United World Wrestling, World Dance Sport Federation, International Surfing Association, International Federation of Sport Climbing, World Karate Federation, World Skate, World Baseball and Softball Confederation; Winter – International Biathlon Union, International Bobsleigh and Skeleton Federation, World Curling Federation, International Ice Hockey Federation, International Skating Union, Fédération Internationale de Luge de Course and Fédération Internationale du Ski.

FIFA REGULATORY FRAMEWORK RELATING TO COMPETITION MANIPULATION

The following integrity-related provisions, taken from the FIFA Statutes (May 2021 edition), the FIFA Disciplinary Code (2019 edition) and the FIFA Code of Ethics (2020 edition), focus on the substantive law related to competition manipulation and integrity.

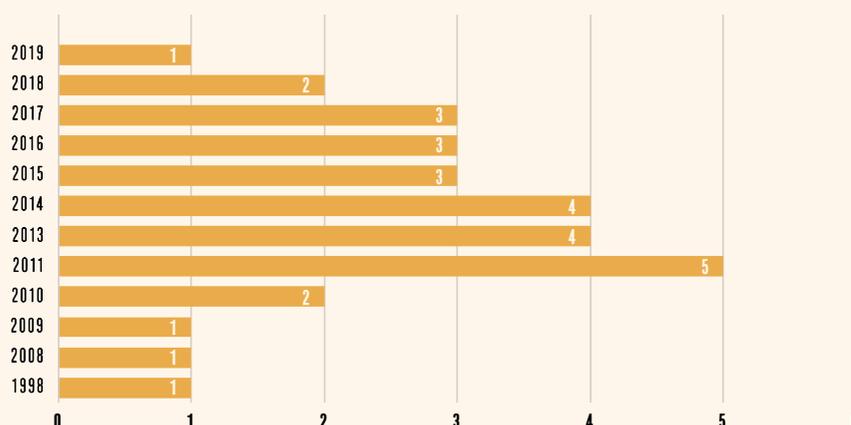
Article 2 of the FIFA Statutes, on objectives, states that one of the objectives of the organization is “to promote integrity, ethics and fair play with a view to preventing all methods or practices, such as corruption, doping or match, which might jeopardise the integrity of matches, competitions, players, officials and member associations or give rise to abuse of association football.”

The main provisions on integrity include the following articles of the FIFA Disciplinary Code: article 18 on the manipulation of football matches and competitions, article 19 on duty to report and article 20 on duty to collaborate, and the following articles of the FIFA Code of Ethics: article 29 on manipulation of football matches and competitions, article 17 on duty to report, article 18 on duty to cooperate and article 26 on involvement with betting, gambling or similar activities.

A significant number of federations explicitly mention both acts and omissions. Furthermore, most mention active and passive forms of manipulation, partial/course manipulation in addition to the result, whether or not the act is for financial benefit, beneficiaries and third parties, sports and betting events. Appeals relating to internal federation adjudication on disciplinary matters, contingent on their disciplinary regulations, usually end up in arbitration before the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland, with further appeal permitted on limited grounds to the Swiss Federal Tribunal.⁴⁵

CAS has heard more than 30 cases related to the manipulation of sports competitions, none of which have been appealed to the Swiss Federal Tribunal on the main grounds of manipulation (only incidental procedural issues have been raised so far). The number of cases seen annually peaked between 2011 and 2014, a period that witnessed a number of major European football competition manipulation cases, and has declined since. As June 2021, five sports have seen cases involving competition manipulation brought before CAS:⁴⁶ football (20), tennis (3), cricket (2), skiing (1) and bridge (1). However, these cases represent only the “tip of the iceberg”, as the vast majority of manipulation-related disciplinary cases are not taken all the way to CAS. Out of these cases, 24 involved parties from Europe, 9 from Asia, and 1 from Africa (with some having parties from both Europe and Asia).^{47,48}

FIGURE V.
NUMBER OF MANIPULATION-RELATED AWARDS ISSUED BY THE COURT OF ARBITRATION FOR SPORT PER YEAR, 1998 AND 2008–2019⁴⁸



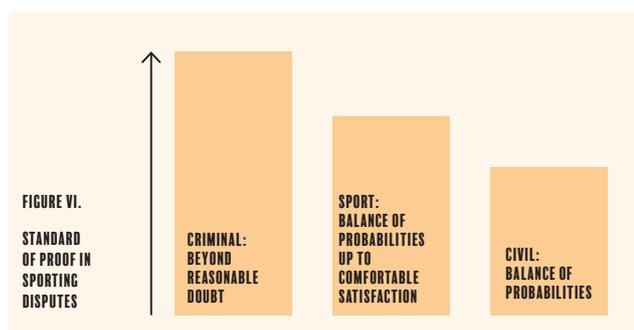
⁴⁵ See Rule 47 of the CAS Procedural Rules (2017), www.tas-cas.org/en/arbitration/code-procedural-rules.html (March 12, 2021).

⁴⁶ Madalina Diaconu, Surbhi Kuwelkar and André Kuhn, “The court of arbitration for sport jurisprudence on match-fixing: a legal update”, *International Sports Law Journal*, vol. 21, No. 1 (2021), pp. 27–46.

⁴⁷ Ibid.

⁴⁸ Source: *ibid.*

CAS jurisprudence also highlights several issues⁴⁹ that are common to international federation regulations. These include issues on what evidence is admissible and consequently what the standard of proof is,⁵⁰ given the investigative ability of sports federations in comparison to that of law enforcement and criminal justice authorities.



⁴⁹ For a legal analysis, see Diaconu M., Kuwelkar S. and Kuhn A. (2021). The CAS has held the standard of proof to be comfortable satisfaction (in between the usual criminal and civil standards), save for where applicable regulations say otherwise (it has been noted to be a balance of probability in certain federation regulations, but never raised beyond comfortable satisfaction); see also IOC *Guidelines for the for Sports Organizations for the Sanctioning of Competition Manipulation* at p. 7 (footnote 8).

⁵⁰ The burden of proof is distinct from the standard of proof. The standard of proof is the level of certainty and the degree of evidence necessary to establish and prove a case. In general, the standard of proof for criminal cases is beyond reasonable doubt. For sporting disciplinary proceedings, it is the balance of probabilities or to the comfortable satisfaction of a panel.

2.2 EXAMPLES OF INTERNATIONAL INITIATIVES TO TACKLE COMPETITION MANIPULATION

Efforts to raise awareness and build capacity are integral to implementing effective policies and processes to manage risks relating to competition manipulation. Taking this action at all levels is crucial to mobilizing all the main actors involved in tackling this type of corruption in sport. The examples below give a non-exhaustive overview of relevant initiatives to tackle competition manipulation.

In 2017, UNODC launched the Programme on Safeguarding Sport from Corruption and Crime, which includes a strong focus on supporting Governments and sports organizations in their efforts to tackle competition manipulation. Since its launch, the Programme has delivered over 150 activities (including awareness-raising, capacity-building and other forms of technical assistance) to over 7,500 direct beneficiaries from over 130 countries. A key feature of the Programme is to enhance cooperation and partnerships with relevant sport entities and to this end, UNODC has signed several memorandums of understanding, including with the IOC in 2011, the International Centre for Sport Security in 2015, the Asian Football Confederation (AFC) in 2018, the Supreme Committee for Delivery and Legacy in 2019 and FIFA in 2020.

In 2018, the IOC and UNODC signed an agreement to implement a project on preventing corruption and competition manipulation in sport. The overall aim of the project was for sports organizations and other relevant stakeholders to be assisted in identifying and preventing competition manipulation and related corruption in sport. Over the course of the project, and in partnership with the IOC, UNODC organized, co-organized or supported 13 multi-stakeholder national and regional workshops and partnership development meetings for law enforcement officials, criminal justice authorities and sport organizations from over 50 countries.⁵¹ The partnership also resulted in the development and launch of the joint UNODC-IOC publication entitled *Reporting Mechanisms in Sport: A Practical Guide for Development and Implementation* available in Arabic, English, French, Spanish and Russian) and the development and launch of the joint publication from UNODC, the IOC and the International Criminal Police Organization (INTERPOL) entitled "Preventing Corruption in

⁵¹ Albania, Argentina, Australia, Belarus, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, China, Colombia, Cook Islands, Croatia, Cyprus, Egypt, Estonia, Fiji, Ghana, Greece, Indonesia, Israel, Italy, Japan, Kiribati, Latvia, Lithuania, Malaysia, Malta, Mexico, Micronesia (Federated States of), Moldova (Republic of), Montenegro, Nauru, New Zealand, Nigeria, North Macedonia, Palau, Papua New Guinea, Paraguay, Peru, Qatar, Romania, Samoa, Serbia, Singapore, Slovenia, Solomon Islands, Tonga, Tuvalu, Ukraine, United States of America and Vanuatu, as well as and Kosovo, under SCR 1244.

Sport and Manipulation of Competitions: Ensuring that Integrity is at the Core of Sport's Response to the Pandemic".

The INTERPOL Match-Fixing Task Force brings together law enforcement agencies from around the world to tackle match-fixing and corruption in sport. It currently has 98 member units from jurisdictions in five continents, with more than 151 national points of contact worldwide. This network allows the task force to act as a platform for cross-border investigations and international case coordination, with meetings held regularly. The task force supports member countries in investigations and operations in all sports and maintains a global network of investigators that share information, intelligence and good practices. INTERPOL-developed tools dedicated to data collection on corruption in sport (Ethical Issues of Emerging ICT Applications project) and financial crimes analysis (FINCAF) are available to law enforcement agencies worldwide.

The Council of Europe Network of National Platforms (known as the Group of Copenhagen) was established in 2016 and brings together 33 countries, which are represented by coordinators.⁵² The Network has laid the groundwork for transnational cooperation, enabling the exchange of information, experience and expertise essential to combating the manipulation of sports competitions.

The Network's priorities are:

- » Identifying and highlighting good practices
- » Providing practical support to existing National Platforms to help consolidate and improve their systems
- » Supporting countries in the creation of their National Platforms
- » Strengthening the institutional and professional capacities of national and international actors

In recent years, cooperation frameworks have also been established in cooperation with INTERPOL and IOC to protect major sports events from criminal exploitation. Europol has its own manipulation-targeted programme: the Analysis Project Corruption. The organization also has agreements with other bodies, such as a memorandum of understanding with the Union of European Football Associations (UEFA)

⁵² The requirement for national platforms stems from article 13 of the Convention on the Manipulation of Sports Competitions.

regarding measures to combat competition manipulation. In terms of event-specific entities, the FIFA Women's World Cup 2019 Integrity Task Force was a joint exercise between the Group of Copenhagen, Sportradar, GLMS and INTERPOL to monitor any tournament-related suspicious activity.

ATHLETICS INTEGRITY UNIT, WORLD ATHLETICS AND THE TOKYO 2020 OLYMPIC GAMES

Also of note is the Athletics Integrity Unit, which works independently of World Athletics. The board of the Athletics Integrity Unit has been delegated full authority to oversee the sport's integrity issues.

Most recently, 17 referred cases of suspected manipulation of competition in order to seek qualification for the Tokyo 2020 Olympic Games were investigated in close cooperation with World Athletics. The cases came from 16 countries and involved 31 athletes, and were related to unreliable photo-finish pictures, the short measuring of courses, the illegal use of pacers, the use of unauthorized field instruments and incorrect timing). Of the 17 cases, eight of the qualifying performances were not recognized, with events being investigated further.

Source: Athletics Integrity Unit, "Competition manipulation is a threat to sport integrity: AIU identifies multiple illegitimate qualifying performances for the Tokyo 2020 Olympic Games", 21 July 2021.



In December 2015, the IOC Executive Board approved the Olympic Movement Code on the Prevention of the Manipulation of Competitions. This Code aims to provide sports organizations with harmonized regulations to protect all competitions from the risk of manipulation. In 2017, on the recommendation of the International Forum for Sport Integrity, IOC created the Olympic Movement Unit on the Prevention of the Manipulation of Competitions. The Unit's work is based on a three-pillar strategy: (a) regulation and legislation; (b) awareness-raising and capacity-building; and (c) intelligence and investigations. The Unit has established model rules for national Olympic committees, national federations, international federations and multi-sport event organizers (in line with the Olympic Movement Code), as well as a robust awareness-raising campaign (the "Believe in Sport" campaign) and the IOC Integrity Betting Intelligence System for the entire Olympic Movement. The Unit supports international sports federations, national Olympic committees, multi-sports event organizers and other sports organizations in their efforts to protect the integrity of sport and develop relevant activities. It has also entered numerous partnerships with relevant stakeholders and supports various initiatives of intergovernmental organizations.

In early 2021, FIFA launched the FIFA Global Integrity Programme in collaboration with UNODC. The Programme is aimed at providing integrity officers at FIFA member associations with an in-depth understanding of competition manipulation and measures to tackle it.⁵³ At the time of writing, the Programme has delivered training to AFC and the South American Football Association. FIFA also introduced a new disciplinary code in 2019 and has developed specific measures through a dedicated integrity department aimed at addressing competition manipulation.⁵⁴ Notably, football witnesses a disproportionately high number of irregular betting alerts⁵⁵ and lifetime bans for corruption.

In 2021, ITIA was established as an independent body by the international governing bodies of tennis to promote, encourage, enhance and safeguard the integrity of tennis worldwide. ITIA is funded by the sport's seven major stakeholders: the International Tennis Federation, the Association of Tennis Professionals, the Women's Tennis Association, the

Australian Open, Roland-Garros, the Wimbledon Championships and the United States Open Tennis Championships. ITIA uses an overarching single definition of competition manipulation offences, which includes the mention of corruption, betting, bribery, insider information, lack of reporting and cooperation, and aiding and abetting.

In cricket, participants in ICC competitions must adhere to the ICC Anti-Corruption Code, which defines offences specific to the sport. The ICC Anti-Corruption Unit has the power to investigate incidents of corruption proactively and thoroughly. Notably, ICC encourages its member national federations to have their own systems in place to deal with incidents related to corruption.

2.3 DETECTING, REPORTING, MONITORING AND INVESTIGATING COMPETITION MANIPULATION

2.3.1 DETECTING AND REPORTING COMPETITION MANIPULATION

Detecting corrupt behaviour in sports is a major challenge and is discussed in greater detail in the section on detecting and reporting corruption in sport. Competition manipulation, like other acts of corruption, is no exception. As such, robust detection measures and the identification of the various types of behaviours that can be classified as manipulation (as highlighted previously), which could trigger investigations, are needed. These measures can help provide evidence that could be used before courts of law or sporting tribunals.

Creating awareness of what constitutes manipulation and the efforts to tackle it, and establishing reporting mechanisms, are a crucial part of the fight against competition manipulation, both in terms of detection and as a deterrent. Reporting mechanisms are an important means of detecting corruption, often providing compelling evidence in the investigation of wrongdoing,⁵⁶ and function as a way in which athletes and other actors can take action to safeguard the integrity of their sport, which sends the message that corruption in sport will not be tolerated.⁵⁷

⁵³ UNODC, "Launch of FIFA and UNODC Global Integrity Programme to tackle match manipulation", 16 March 2021.

⁵⁴ FIFA.com, "FIFA develops new and enhanced integrity resources for member associations and federations", 16 January 2020. These resources include an integrity handbook, an e-learning tutorial and an integrity officer community platform.

⁵⁵ Niji Narayan, "GLMS reports 41% year-on-year increase in suspicious betting alerts for 2020", 5 January 2021, <https://igamingradio.com/glms-reports-41-year-on-year-increase-in-suspicious-betting-alerts-for-2020/>.

⁵⁶ See Association of Certified Fraud Examiners, *Report to the Nations on Occupational Fraud and Abuse* (Austin, Texas, United States of America, 2018); Ethics and Compliance Initiative, *Global Business Ethics Survey: Measuring Risk and Promoting Workplace Integrity* (Arlington, Virginia, United States, 2016); and A. J. Brown and S. Lawrence, "Strength of organizational whistleblowing processes: analysis from Australia" (Griffith University, Brisbane, Australia, 2017).

⁵⁷ Pim Verschuuren, "Whistle: Implementation of whistleblowing policies by the sports organizations in the EU", Sport Whistle, 2019.

FÉDÉRATION INTERNATIONALE DE NATATION AND THE MANIPULATION OF SWIMMING COMPETITIONS IN UZBEKISTAN

In July 2021, the Court of Arbitration for Sport confirmed the decision of the Fédération Internationale de Natation (FINA) to annul certain results from the Uzbekistan Open Swimming Cup, which was held in November 2020, and the Uzbekistan Open Swimming Championships, which was held between 13 and 17 April 2021.

The FINA decision was taken after a report on attempts to manipulate the results of the competitions. The report helped an investigation establish that certain results from the two events had been manipulated by the Uzbekistan Swimming Federation in an attempt to qualify Uzbek swimmers for the 2020 Summer Olympic Games in Tokyo. FINA thanked the reporting person for the courage shown to come forward.

FINA is the world governing body for the six aquatic disciplines: swimming, diving, water polo, synchronized swimming, open water swimming and high diving.

Sources: FINA, "FINA Media Statement – CAS award on UZB results", 7 July 2021.



Reporting mechanisms are fundamentally important because they allow individuals involved in sport in any capacity to raise concerns regarding actual or potential wrongdoing, danger or risk that affects them or others. Notably, reporting mechanisms help close the gap between athletes and officials and top-level management.⁵⁸ These mechanisms, such as the IOC Integrity and Compliance Hotline, help to facilitate effective and protected reporting. An integrity hotline is used by various sport bodies. Failure to report is, both within the Olympic Code and most federation regulations, listed as a code violation.

⁵⁸ Ibid.

EXAMPLES OF THE USE OF REPORTING MECHANISMS AT THE NATIONAL AND INTERNATIONAL LEVELS

In 2014, a whistle-blower protection law was established in Romania and was adapted to cover reporting in sport. To bring its practices in line with the new law, the Romanian Football Federation established a multi-actor platform entitled Clean Football to allow staff, athletes and match officials to report corrupt acts using institutional channels.

In 2018, an Argentinian tennis player reported a corrupt approach from a third party to the Tennis Integrity Unit (now the International Tennis Integrity Agency). Subsequently, he acted as a witness in the prosecution of three Argentinian tennis players, who were later sanctioned for various breaches of the Tennis Anti-Corruption Programme.

Sources: Tennis Integrity Unit, "The Tennis Integrity Unit and Marco Trungelliti", 1 May 2019; Vasilica Grigore and others, "Promoting Ethics and Integrity in Sport: the Romanian Experience in Whistleblowing", *Romanian Journal for Multidimensional Education*, vol.10, No. 1 (2018).

The use of technology in sport to support the detection of competition manipulation is a notable anti-corruption feature of this sector.

In their fight against competition manipulation, sport organizations are supported by bodies such as GLMS, which specializes in detecting irregular betting patterns and analysing suspicious betting activity, and shares information with relevant sport organizations and public authorities. Similarly, IBIA supports sport organizations through its monitoring and alert platform, which detects and reports suspicious activities in sports competitions.

Data and artificial intelligence-focused companies, such as Genius Sport, Sportradar, Stats Perform and Starlizard Integrity Services have partnered with several international sports organizations, including the Fédération Internationale de l'Automobile,⁵⁹ FIFA, UEFA and AFC, as well as with a number of national sports organizations, such as the Board of Control for Cricket in India. Such companies also provide information that is being used by betting operators and governing bodies.⁶⁰ These arrangements are usually made by concluding monitoring agreements with sports organizations.

⁵⁹ Sportradar, "FIA expands partnership with Sportradar Integrity Services", 26 April 2019.

⁶⁰ iGB, "Genius Sports to support German FA with Integrity efforts" 20 July 2019.

Furthermore, monitoring tools developed by other stakeholders are proving effective in tackling competition manipulation, including in relation to the gathering of intelligence, data and evidence. For example, in a case heard by CAS, the combined analysis of betting data and video footage of a player's performance was considered a sufficient legal basis to conclude that competition manipulation took place.⁶¹ In another example, involving a football club in North Macedonia, CAS relied primarily on the report of a betting expert in order to conclude that games had been manipulated.⁶² In a criminal case, such intelligence is typically used as circumstantial evidence.

GLOBAL COMPETITION-MANIPULATION INFORMATION-SHARING PLATFORM ESTABLISHED BY THE FÉDÉRATION INTERNATIONALE DE FOOTBALL ASSOCIATION

The Fédération Internationale de Football Association (FIFA) has established the FIFA Integrity Officers Community Platform with a view to bringing together a global network of integrity officers to share experience and knowledge and to exchange good practices related to preventing and fighting competition manipulation and to promoting integrity in sport.

2.3.2 MONITORING FOR COMPETITION MANIPULATION

A range of integrity measures are readily available and employed by various regulatory authorities. They include information-sharing, voiding suspicious bets and the suspension of betting markets. An effective means of protecting a market is through monitoring and the most efficient and widely used approach is to require licensed operators to use market and customer oversight to identify and report suspicious betting.

This requirement to report suspicious betting is evident in many European gambling licensing frameworks, such as those in Denmark, France, Italy, Malta, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. In the United States, the states of New Jersey and Nevada also enforce integrity reporting requirements, as does Australia. In addition to individual operator monitoring and reporting, it is also increasingly recognized that there is clear value from

operators being part of a wider international alert and monitoring system, which also feeds data to the appropriate authorities.

Germany uses an early warning system⁶³ and legislation in the Netherlands requires operators to be a member of a monitoring system.⁶⁴ These support the findings of the European Commission-funded Betmonialert report that strongly recommends that public authorities should oblige all operators to be "part of a betting monitoring system".⁶⁵ This report and the remote gambling law in the Netherlands specifically refer to IBIA as a best practice example. *The Review of Australia's Sports Integrity Arrangements* similarly recognizes IBIA and recommends that betting operators "participate in 'detect and disrupt' real-time monitoring and analysis of suspicious wagering activity", anticipating a model similar to IBIA's platform.⁶⁶

2.3.3 INVESTIGATING CASES OF COMPETITION MANIPULATION

Investigations are an important tool in the fight against competition manipulation, whether carried out by sports organizations or law enforcement authorities. The investigation of competition manipulation has two broad forms. Sports organizations carry out a disciplinary investigation for any actual or potential breach of sporting rules or regulations, whereas, where there is involvement of any criminal element, law enforcement authorities carry out a criminal investigation. Their ability to share information and collaborate increases the likelihood of reports of wrongdoing being successfully investigated. The more thorough and effective the investigations, the more people engaged in competition manipulation are identified and punished, which acts as a deterrent to those contemplating such acts. Furthermore, the failure to investigate allegations of competition manipulation, or to do so to a satisfactory degree, and to conclude that cases are proven or not, represent significant risks to efforts aimed at tackling the problem.

⁶¹ Court of Arbitration for Sport, *Vsl Pakruojo FK et al. v. LFF*, Case No. CAS2015/A/4351, 13 July 2016.

⁶² Court of Arbitration for Sport, *FK Pobeda, Aleksandar Zabrcanec, Nikolce Zdravski v UEFA*, CAS 2009/A/1920, Arbitral Award, 15 April 2010.

⁶³ www.im.nrw/sites/default/files/media/document/file/160129II_Leitlinien%20Sportwetten.pdf.

⁶⁴ [https://kansspelautoriteit.nl/nieuws/nieuwsberichten/2020/maart/voortgang-wet/Article 4.7](https://kansspelautoriteit.nl/nieuws/nieuwsberichten/2020/maart/voortgang-wet/Article%204.7) and related sections in the Explanatory Memorandum (Translated to English).

⁶⁵ *The Monitoring Systems of Sports Betting and Warning Mechanisms between Public and Private Actors*, Betmonialert Home/2014/PPXX/AG/SPBX, May 2017, p. 7, http://ethisport.com/wp-content/uploads/2017/06/Betmonialert_Design-NB-DEF-2-06-2017.pdf.

⁶⁶ Commonwealth of Australia, Department of Health, *Report of the Review of Australia's Sports Integrity Arrangements* (Canberra, 2018), p. 91 and footnote 160, https://consultations.health.gov.au/population-health-and-sport-division/review-of-australias-sports-integrity-arrangements/supporting_documents/HEALTH%20RASIA%20Report_Acc.pdf.

Investigations into competition manipulation can be lengthy and complex, not least because of multi-jurisdictional and mutual legal assistance challenges, the different attitudes and approaches of law enforcement authorities, limited resources, a lack of commitment and non-existent or inconsistent legislation on competition manipulation, betting and data protection.

VICTORIA POLICE'S SPORTING INTEGRITY INTELLIGENCE UNIT

Victoria Police established a Sporting Integrity Intelligence Unit (SIIU) in 2013. SIIU attaches significant importance to intelligence collection from a range of domestic and international sources and has established relationships with sporting and racing bodies and wagering operators around the world.

SIIU is responsible for investigating match-fixing and corruption linked to sports betting, preventing illegal betting and disrupting organized criminal networks. SIIU has conducted successful investigations into betting-related corruption in football, tennis, horse racing and e-sports.

Source: Richard Willingham, "Premier orders Victorian sports integrity unit", *The Age*, 7 February 2013.

It has also been the case that, until recently, law enforcement authorities have become involved in competition manipulation cases largely on a reactive rather than proactive basis, with monitoring and intelligence gathering principally carried out by sports organizations and betting entities. Furthermore, another barrier to the successful investigation of competition manipulation is the low number of cases resulting in prosecution and sentencing.

The efficiency and effectiveness of judicial institutions in relation to the carrying out of investigations is also important. Knowing in advance about sentencing powers, procedures and associated issues that will determine when a case will be heard is critical when deciding which jurisdiction should take the lead in any investigation.⁶⁷

If betting is legal and regulated in a given jurisdiction, it can, to some extent, aid and facilitate access to betting data that may be useful for conducting an investigation into competition manipulation for betting purposes. It may also be possible, depending on data protection laws, to obtain information

⁶⁷ UNODC, *Resource Guide on Good Practices in the Investigation of Match-Fixing* (New York, 2016).

from betting operators on people who have placed suspicious bets. However, data protection laws should not be used as an excuse for inaction when it comes to investigating competition manipulation.⁶⁸

It should also be noted that international sports organizations such as IOC, FIFA, ICC and ITIA and regional sports organizations such as UEFA and AFC have created integrity units to protect the integrity of their respective sports. These units have the power to support disciplinary investigations, including the gathering of evidence and the collection of data that can be used before a tribunal or a court to prove competition manipulation.

2.4 SANCTIONS

It has been shown that the perceived likelihood of detection and enforcement, not the severity of the sanctions imposed, has the strongest impact on the behaviour of those involved in illicit activities.⁶⁹ This also applies in the case of competition manipulation.

Criminal sanctions following a criminal investigation can result in fines or even custodial sentences for those who are directly involved in a sport (i.e. a referee or a player), and can be effective in sanctioning those who have no official role in a sport (i.e. are not members or employees of a sports organization).

However, in parallel or independently of any criminal investigation, sports disciplinary frameworks may also be used to impose sanctions. Typically, such frameworks use a lower burden of proof⁷⁰ and can result in very strong sanctions, including a lifetime ban, which can be effective prevention measures for those on which such sanctions can be imposed (e.g. players and members of a sports organization). Such sanctions are typically prescribed within the rules and regulations of sports governing bodies and IOC has issued its "Guidelines for Sports Organization on the Sanctioning of Competition Manipulation".

⁶⁸ Council of Europe, "Convention on the Manipulation of Sports Competitions (Macolin Convention) – Group of Copenhagen: Macolin Convention Data Protection Principles (draft v.2)", 5 June 2020.

⁶⁹ Christine Parker, "Criminal Sanctions and Compliance: The Gap between Rhetoric and Reality in Criminalising Cartels", in *Critical Studies of an International Regulatory Movement*, Caron Beaton-Wells and Ariel Ezrachi, eds. (Hart Publishing, 2011).

⁷⁰ Article 3.3 of the "Olympic Movement Code on the Prevention of the Manipulation of Competitions" stipulates that "the standard of proof in all matters under this Code shall be the balance of probabilities, a standard that implies that on the preponderance of the evidence it is more likely than not that a breach of this Code has occurred." IOC, IOC Code of Ethics and Other Texts (2020), p. 80, <https://stillmedab.olympic.org/media/Document%20Library/OlympicOrg/Documents/Code-of-Ethics/Code-of-Ethics-ENG.pdf>.

CONCLUSION AND POLICY CONSIDERATIONS



CONCLUSION

Any effective approach to tackling competition manipulation requires that law enforcement agencies, criminal justice authorities, corruption prevention authorities and relevant officials in sports organizations acquire appropriate knowledge, receive appropriate technical assistance and have access to cooperation mechanisms.

COVID-19 has increased the vulnerability of sport to competition manipulation, as stakeholders across sport and in related industries have been severely affected by the pandemic. Those engaging in competition manipulation have sought to exploit the economic hardship experienced by athletes, coaches and other actors because of the interruption to competitions and earnings. Therefore, tackling competition manipulation in the post-pandemic world requires extra vigilance.⁷¹

However, it is equally important to develop a comprehensive, evidence-based understanding of the nature, scale and scope of competition manipulation to develop and implement effective measures to tackle this problem, especially at the national level. While sports organizations have acquired a good understanding of the threat it poses to the integrity of sport, the threat it poses to society in general, especially through the interlinkages it has with organized crime, illegal betting and other anti-social behaviours, is less well understood. To understand these types of threats, especially how they impact on young people and vulnerable groups, is key to developing responses and initiatives that can ensure the positive contribution of sport to the Sustainable Development Goals.

Many initiatives and services exist that can help sport organizations tackle the problem. Notably, in terms of technology, the detection and monitoring of this type of

corruption stands out as particularly sophisticated when linked to analysing data connected to betting-related manipulation. However, activities linked to tackling the problem in sporting contexts where there is less monitoring, such as youth, amateur, women's and lower-level competitions, need further development and support.

While prevention-focused activities remain the most important way of tackling the problem, they need to be combined with more stringent efforts on investigation and appropriate sanctions involving the criminal justice system. The number of reports indicating suspicious activity, in particular given the growth of betting, suggest that the risk of competition manipulation to all sports is increasing.

POLICY CONSIDERATIONS

Governments can strengthen efforts to tackle the manipulation of sports competitions by:

- » Implementing the provisions of the United Nations Convention on Transnational Organized Crime and the Protocols Thereto, the United Nations Convention against Corruption and other relevant international treaties
- » Supporting more effective application of existing legislation to the manipulation of sports competitions or, where appropriate, supporting the development of specific legislation to criminalize the manipulation of sports competitions
- » Providing specialized capacity-building activities for sport organizations, law enforcement officials and corruption prevention and criminal justice authorities on preventing, detecting, investigating and prosecuting the manipulation of sports competitions
- » Supporting the development and implementation of reporting mechanisms in sport
- » Continuing and increasing, where possible, the organization of awareness-raising sessions for officials from relevant government entities, sports organizations and related stakeholders on the threat posed by competition manipulation, with a focus on youth, vulnerable groups and women's sports
- » Strengthening coordination and cooperation at the regional, interregional and global levels among and between Governments and sport organizations, both

⁷¹ UNODC, IOC and INTERPOL, "Preventing corruption in sport and manipulation of competitions", 2019.



multilaterally and bilaterally. At the national level, there is need for strong cooperation frameworks with the participation of sport, law enforcement and criminal justice authorities and other relevant State authorities

- » Ensuring the existence of adequate regulatory powers to compel betting operators to have in place robust suspicious-betting monitoring mechanisms and obligations to report such information, or disclose it when demanded, in support of investigations
- » Establishing a national cooperation framework to promote cooperation, coordination and the exchange of information among relevant government entities, in particular law enforcement and criminal justice authorities, and between sports governing bodies and sports betting entities, to help detect, investigate, prosecute and disrupt competition manipulation, while bearing in mind that a law enforcement investigation and a sport disciplinary investigation should, to the extent possible, be run in parallel and in a coordinated manner
- » Conducting assessments and analyses of the role of organized criminal groups in competition manipulation
- » Supporting programmes, projects, task forces, expert groups and existing initiatives that promote and enhance cooperation and the exchange of information and good practices between sport organizations, law enforcement authorities, criminal justice and corruption prevention authorities, lawmakers and policymakers, including through the INTERPOL Match-Fixing Task Force and the UNODC Programme on Safeguarding Sport from Corruption and Crime

Sport organizations can strengthen efforts to tackle the manipulation of sports competitions by:

- » Establishing and implementing rules, standards and regulations on tackling competition manipulation that comply with the Olympic Movement Code on the Prevention of the Manipulation of Competitions
- » Establishing and implementing sustainable and measurable sports integrity programmes for members and relevant stakeholders, including the prioritizing of awareness-raising among sports persons and other personnel, developing and implementing reporting mechanisms in sport, and promoting existing mechanisms among relevant stakeholders

- » Encouraging actions to implement educational and sensitization modules and reporting mechanisms for competition manipulation approaches, aimed at sports administrators, players and referees
- » Strengthening cooperation with Governments and inter-governmental organizations with regard to the exchange of knowledge about competition manipulation, and supporting, where feasible, legislative efforts aimed at tackling competition manipulation
- » Ensuring adequate resources and support is provided to youth, women's, lower-league, exhibition and friendly competitions and games
- » Ensuring strict security measures are employed at sports venues and the hotels used by key actors during matches and competitions to stop approaches by those engaged in competition manipulation
- » Incorporating stricter rules for establishing private leagues and accepting private equity in sport, and applying robust compliance measures, including background checks coordinated with law enforcement on team owners and investors, and setting out team and league ownership norms to prevent one team from exercising any control or influence over a league or another team from internal and external sources, including affected stakeholders

Betting operators and monitoring companies can strengthen efforts to tackle the manipulation of sports competitions by:

- » Supporting sports organizations and government agencies in their fight against competition manipulation using investigation and intelligence tools
- » Establishing and implementing compliance programmes for members and relevant stakeholders, including conflict-of-interest and inside-information provisions
- » Establishing suspicious-betting monitoring mechanisms and reporting such suspicious activity to relevant government authorities



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