

The Sorbonne-ICSS

# Guiding Principles for Protecting the Integrity of Sports Competitions



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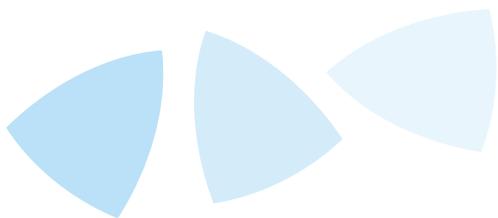
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## PART A. INTRODUCTION

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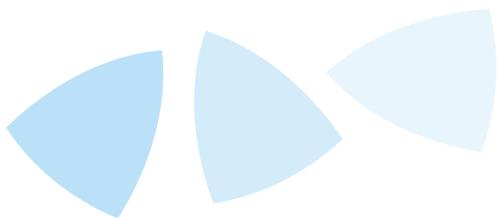
The Sorbonne-ICSS Guiding Principles on Sports Integrity have been drafted as a result of the Sorbonne-ICSS Research Project published in 2014, an extensive international research work addressing the economic, ethical, criminal, sports disciplinary and betting elements of match-fixing.

Match-fixing, or the manipulation of sports competitions, poses a serious threat to the integrity of sporting competitions as well as menacing its economic impact, its ethical, social and cultural values. Globally, sport is confronted with a phenomenon that destroys its very essence, that of its unpredictability. Sport must be based

on open, fair and equal competition and requires unethical practices and behaviour to be assessed, prevented and, if need be, forcefully and effectively countered.

It is recognised that the development of sports betting activities, including illegal sports betting, both online and through off-street systems, increases the challenge of combating match-fixing as does the involvement of transnational crime.

Due to the complex nature of match-fixing and its link in some cases to (illegal) sports betting, cooperation between governmental authorities and sport bodies is necessary.



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## PART B. OBJECTIVES, APPLICATION AND SCOPE

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The main objectives of the Sorbonne-ICSS Guiding Principles are to provide a framework to protect the integrity of sport for various stakeholder groups including government (legislation, law enforcement, taxation, anti-corruption and regulation authorities), sport, associated sport industries and betting operators, whilst respecting the principle of the responsible autonomy of sport. The Principles provide practical yet comprehensive guidance to the legal, law enforcement and regulatory frameworks needed to help combat match-fixing and safeguard sports integrity and are intended to be used and adapted by government authorities, international and national sports federations, clubs, associations, athletes, the betting industry and all those determined to safeguard sport's integrity.

These Guiding Principles seek to contribute to greater harmonisation of the legal and regulatory frameworks by outlining recommendations in relation to the prevention, investigation, detection, prosecution, and/or sanctioning of the national and transnational manipulation of sports competitions globally.

As well as Principles on how to promote national and international cooperation against the manipulation of sports competitions between the public authorities concerned, as well as with sports organisations and sports betting operators.

These model provisions and guidelines aim to garner strong support from responsible stakeholders (sports organisations, public authorities including betting regulatory authorities and betting operators) willing to get concrete results in the fight for sports integrity. It remains up to each stakeholder to ratify its commitment to these Guiding Principles.

Some of these Guiding Principles borrow from existing good practices, legislation, regulations or codes of conduct already in force by some stakeholders; some coincide with the provisions of the draft Convention of the Enlarged Partial Agreement on Sport (EPAS) of the Council of Europe Against the Manipulation of Sports Competitions; some are new. The Sorbonne/ICSS deems it necessary to highlight Key Innovative Recommendations in Part C that have emerged from the detailed Guiding Principles that are elaborated in Part D.<sup>1</sup>

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<sup>1</sup> The Principles draw from existing examples of sports, economic, ethical, criminal, civil and betting regulations and legislation including but not limited to the draft Convention of the Council of Europe Against the Manipulation of Sports Competitions, IOC Recommendations, Model Rules on Sports Integrity in Relation to Sports Betting of SportAccord, the Association of Summer Olympic International Federations ("ASOIF") Betting and Anti-Corruption Model Rules for International Federations and specific national and international sporting regulations and state legislative measures.

## PART C. KEY INNOVATIVE RECOMMENDATIONS

- As mentioned below (Part D I.1), Sorbonne/ICSS strongly supports the EPAS Draft Convention Against the Manipulation of Sports Competitions which addresses the key issues to fight against the manipulation of sports competitions. The EPAS Draft Convention is therefore considered as the primary instrument aimed at safeguarding sports integrity (level 1 in the diagram below). Many points presented in these Guiding Principles reflect EPAS recommendations.

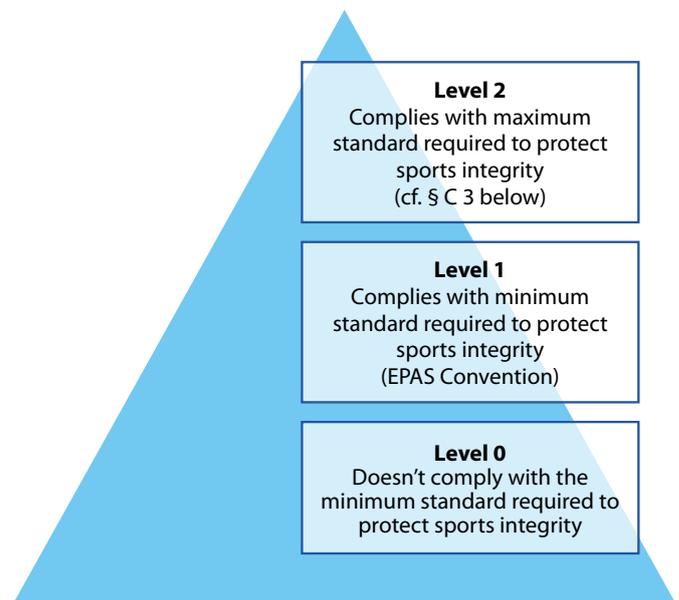
Therefore, Sorbonne/ICSS recommends all stakeholders to comply with EPAS requirements without delay. States all over the world are encouraged to support, sign and ratify the Convention, while sports organisations and betting operators are invited to anticipate and implement operational measures proposed by the Convention.

- Moreover, regarding the increasing level of risk that sport has to face, Sorbonne/ICSS suggests that the most proactive stakeholders jointly set up a second level of measures achieving the highest standard in the fight against the manipulation of sports competitions.

For each stakeholder (States, sports organisations, betting operators), it would then be possible to check its level of compliance.

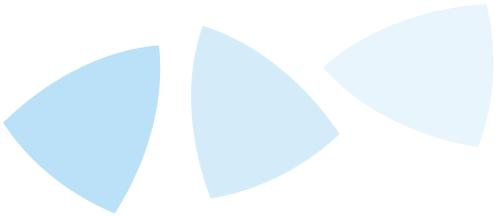
- Level 2 consists of 19 key recommendations detailed as follows:

3.1 General recommendations for all stakeholders (cf. Part D I.4): Beyond the identification of national platforms mentioned in the EPAS Draft Convention (article 13), Sorbonne/ICSS advocates the creation of an international integrity platform tackling all important issues regarding the manipulation of sports competitions.



3.2 Recommendations for public authorities, including betting regulatory authorities:

- Effective investigation procedures (cf. Part D II.12): Sorbonne/ICSS suggests that public authorities allocate a sufficient level of human and financial resources to services in charge of investigations related to sports manipulations. This means that the issue of sports integrity has to be considered by States with an appropriate level of priority (cf. b, below).
- Financial support to safeguard sports integrity (cf. Part D II.15): Sorbonne/ICSS economists consider the setting up of a sports betting tax (intellectual property or not) as important. Moreover, it is essential that a significant part of this tax (at least 60%) be directly allocated to sports integrity, especially to the funding of investigation procedures (cf. a, above),



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and that public authorities control how the funds are used by recipients.

- c. Centralisation of all national information regarding sports betting (cf. Part D IV. a.1): Sorbonne/ICSS recommends that each national regulatory authority centralises the data regarding all betting operations undertaken by betting operators licensed within the jurisdiction.
- d. Limitation of bets (cf. Part D IV. a.7 and b.3): Sorbonne/ICSS proposes that each national regulatory authority takes into account the conclusions of the risk assessments conducted by international sports organisations (or, if not, by national sports organisations) on items easy to influence (e.g. competitions for minors). The objective is to authorise national licensed betting operators to offer bets only with due respect to the precautionary principle.
- e. Adoption of technical measures (cf. Part D. IV. a.2): National regulatory authorities should adopt the following powers or means: injunctions addressed to illegal sites; drawing up a black list of illegal operators; blocking illegal websites (via Internet Service Providers); blocking the payment of winnings made through an illegal provider; prohibiting advertising for illegal operators; applying the principle of mutual exclusion (the public authorities in charge of regulating bets should be empowered to decide not to grant a national licence to an operator that does not comply with the rules established in another State; they may also decide to revoke an operator's licence if the operator commits illegal acts in another country).
- f. Transnational cooperation in the detection and fight against illegal, irregular, and suspicious sports betting (when proved to be illegal or irregular) (cf. Part D IV.2): Sorbonne/ICSS recommends the widest transnational cooperation between betting regulatory authorities to fight against illegal betting. In particular, it is suggested that betting authorities only award national licences to operators acting legally in the countries in which they offer bets (be it under a licence or by virtue of an agreement).
- g. Report of irregular/suspicious betting by betting

operators (cf. Part D IV.4): Sorbonne/ICSS strongly suggests that each state adopts legislative or other measures to oblige sports betting operators to report irregular or suspicious betting, in a timely manner, to the betting regulatory authority or other relevant authority or authorities. States should also encourage betting operators to report the illegal offer of bets to the relevant national authorities.

It is important that regulatory authorities determine clear methodological rules so that betting operators know the thresholds of the obligation to report and have to apply standardised procedures. Sorbonne/ICSS suggests a focus on three indicators:

- Volume of sales by sports event or by bet with a standard deviation of more than 100% vs. an average level (e.g. average sales of a second division German handball game=€20,000. Observed sales=€130,000);
- Difference between the odds and the players' distribution exceeding 50% (e.g. a betting operator offers odds on a team based on a 70% chance of winning, which means 1.28, i.e.  $1/70\% \times 90\%$  (pay-out), but only 20% of the players bet on this team);
- Strong concentration of bets (e.g. in a geographical area). If more than 90% of bets are concentrated on less than 5% of players (Internet) or 5% of points of sales (land based betting), an alert should be generated.

### 3.3 Recommendations for sports organisations:

- a. Good governance (cf. Part D III.1, 3 & 4): Sorbonne/ICSS suggests adapting existing sports organisations regulations and procedures to integrity issues, including risk management assessments and standards of accountability. Sports organisations are also invited to ensure the integrity of their leaders.
- b. Harmonisation of disciplinary provisions (cf. Part D III. 9): Sorbonne/ICSS suggests that sports organisations should adhere to an instrument recapitulating their core obligations as to the exercise of their disciplinary power in relation to the fight against the manipulation of sports competitions.
- c. Limited financial risk of sports organisations (cf. Part D III. 2): Sorbonne/ICSS recommends the UEFA financial

fair-play rules as a required basis to ensure financial risk limitations for professional organisations. All sports organisations concerned are therefore invited to implement such measures.

- d. List of operational risk management measures to be implemented by sports organisations (cf. Part D III.5): The Guiding Principles propose a set of measures to be adapted by each sports organisation regarding the level of risk assessed. The level of risk with which each sports organisation has to reckon should be determined by a central entity (e.g. at the international level by the International Olympic Committee, EPAS, a United Nations entity or the International Integrity Platform (cf. Part D I.5); at the national level by the National Olympic Committee and/or Sports Ministry or by the National Sports' Integrity Focal Point (cf. Part D II.1)).
- e. Awareness, education and prevention (cf. Part D III.7): Considered as a key issue by all stakeholders, awareness, education and prevention measures have to become a first priority for all sports organisations. Sorbonne/ICSS recommends that all organisations in charge of professional athletes and referees (or amateur athletes participating in official international championships) set up training sessions at least once every two years for each concerned athlete and referee. They shall also check if all items included in the programmes have been clearly understood (e.g. a written report for each face-to-face session or certification through an e-learning programmes).
- f. Prohibition to bet for sports actors (cf. Part D III.9): Sorbonne/ICSS suggests that national regulatory authorities check that sports actors do not bet on their own competitions (thanks to the centralisation of national information regarding betting – cf. 3.2 c). States and sports bodies should consider the opportunity to set up software enabling sports organisations to update a list of licensed sports actors barred from betting and regulatory authorities to compare the list to that of registered gamblers.
- g. Limitation of bets (cf. Part D III.10): Sorbonne/ICSS suggests that each international sports organisation (or national sports organisation) determines, on an annual basis, what kind of bets might be easy to influence. This

work could ideally be done in coordination with both technical sports and betting experts. The objective is to publish a list of bets (by sport) which present a higher level of risk regarding the precautionary principle (cf. 3.2.d).

- h. Burden and standard of proof (cf. Part D III.13): The standard of proof for match-fixing cases is recommended as that of 'comfortable satisfaction' rather than that of 'beyond reasonable doubt', the standard typically applied in criminal law.
- i. Publication of decisions (cf. Part D III.19): It is recommended that decisions are published in order to exercise a preventative effect, with sports stakeholders seeing that sanctions for match-fixing are imposed, with what motivation and what they consist of. Furthermore, it is recommended that CAS publishes its decisions so that it would be possible to set legal precedents.

#### 3.4 Recommendations for sports betting operators:

- a. Legal betting (cf. Part D IV. b.3): As a key issue, betting operators must only offer bets when this is permissible under the applicable law of the jurisdiction where the consumer is located.
- b. Money laundering requirements (cf. Part D. II.7): Sorbonne/ICSS recommends that all betting operators comply with the latest Financial Action Task Force (FATF) Recommendations (International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation) and with higher standards applicable under the jurisdiction of the state on which territory they offer bets.



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## PART D. GUIDING PRINCIPLES

### I. COMMON GUIDING PRINCIPLES TO FACILITATE DIALOGUE, COOPERATION AND ACTION

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#### **Principle 1: Build up a framework for efficient multi-stakeholder international cooperation**

Dialogue and co-operation amongst sports organisations, competition organisers, public authorities, and sports betting regulators and operators at the national, transnational and international level on the basis of mutual respect and trust is essential in the search for effective common responses to the challenges posed by the problem of the manipulation of sports competitions.

Unlike doping, which is regarded by governments solely as a sports integrity and a public health issue, corruption in sport is an issue where cooperation is essential because it involves the infiltration of transnational organised crime within sport.

In particular, it is recommended that international cooperation should focus on three principal initiatives:

- a. Support to the process of negotiating a Convention Against the Manipulation of Sports Competitions as part of the Enlarged Partial Agreement on Sport (EPAS) of the Council of Europe, which is intended to be opened to European and non-European countries. According to the Sorbonne-ICSS Research Group, the EPAS Draft Convention should be considered as the minimum standard to be signed by States involved in sports integrity protection;
- b. Collaboration with the Financial Action Task Force (FATF), particularly to ensure implementation of Anti-Money Laundering and Combating the Financing of Terrorism (AML/CFT) measures;
- c. Support to intercontinental information exchanges and investigations processes and operations.

#### **Principle 2: Undertake risk assessment and risk management**

The identification, analysis, evaluation, mitigation and

management of the risks associated with match-fixing require cooperation between all stakeholders. In order to assess the risks associated with match-fixing, the following risks should be considered:

- Risks associated with match-fixing in sport (e.g. low level of pay for athletes, failure to pay salaries, lack of a sense of belonging to the sport, lack of monitoring of the sports events, failure to report match-fixing suspicions to the authorities, gambling operators, etc, lack of awareness of match-fixing, unclear ethical rules, lack of codes of conduct, unclear or inadequate regulations regarding match-fixing, choosing referees too early, lack of financial transparency of the sport, events in which players or referees can determine the outcome of the bet without significantly affecting the overall sporting result of the match, poor administration of the sports organisations);
- Risks associated with betting operators (e.g. allowing betting on matches involving minors, in lower-rated leagues, on sports events that do not focus sufficiently on match-fixing, lack of monitoring of the gambling business, failure to report suspicious bets, allowing employees/odds-setters to bet on matches for which they have set the odds, non-registered players, allowing betting on the gambling object where the outcome is by reason of the sport, known as “side bets”, bets where an individual player has complete control over the outcome of the bet); and
- Risks associated with government failure to provide adequate regulation and legislation (e.g. unclear or inadequate legislation on match-fixing, failure to prioritise reported cases of match-fixing, low level of awareness, inadequate interaction amongst authorities, ambiguity concerning the responsibility for anti-match-

fixing action by the authorities, lack of awareness of the match-fixing problem).

In order to mitigate against such risks, measures should be taken to manage the risks that may include certification, monitoring/alert systems, technical and other measures (e.g. establishment of betting limits, age restrictions), the establishment of sports regulations or governmental legislation or other measures.

### Principle 3: Appoint an Integrity Focal Point

It is recommended that each stakeholder appoints an Integrity Focal Point (Officer/Committee/Unit/Platform or similar name) responsible for sports integrity in order to facilitate a coordinated global response to match-fixing.

A focal point should be established within:

- States: at the governmental level, with a correspondent within the national betting regulator;
- International organisations: e.g. Europol, Interpol, Eurojust, Council of Europe, United Nations agencies, etc.;
- Sport: international/regional/national sports organisations/federations/clubs, owners, sponsors, athletes, associations, leagues, agents, supporters, etc.;
- Umbrella organisations of betting regulators (including International Association of Gaming Regulators, Gaming Regulators European Forum, etc.);
- Betting operators (World and European Lotteries' members, Remote Gambling Association and European Gambling and Betting Association members, etc.).

The responsibilities of each Integrity Focal Point are further elaborated below in the Guiding Principles for government, sport bodies and betting regulators and operators. Across all stakeholder groups, however, common responsibilities can be identified, notably that each Integrity Focal Point has the following responsibilities:

- a. to shape policy;
- b. to coordinate intelligence;
- c. to identify links between situations such as whether the same player, coach, agent, club has been involved, suspicious games, a referee being repeatedly involved in suspicious games, etc.

These responsibilities should be discharged with full respect of human rights.

### Principle 4: Enhance intelligence gathering and exchange of information

Intelligence should be exchanged:

- within a sport (e.g. from the international to national levels and vice versa);
- between different sports bodies (e.g. between international sports federations and between national sports federations/clubs);
- between sports bodies and governmental authorities (e.g. between sports bodies and criminal prosecutors);
- between governments and the agencies that are able to properly handle and exchange sensitive gathered intelligence in order to prevent and detect both illegal, suspicious or irregular betting and match-fixing;
- between betting operators/regulators and sports bodies;
- between criminal prosecutors (or relevant law enforcement agencies) and betting operators/regulators;
- between criminal prosecutors and more generally law enforcement agencies.

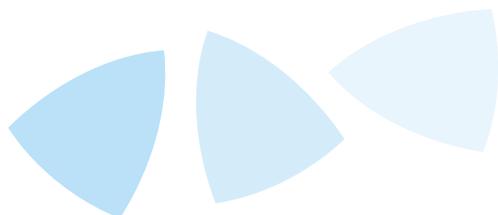
State authorities should fairly consider any request for cooperation and exchange of information emanating from sports bodies with a view to effectively punishing the manipulation of sports competitions through a disciplinary procedure. Sports bodies should defer to any request for cooperation and exchange of information submitted by national prosecuting authorities. Sports bodies should report to the competent national prosecuting authorities any fact that may be an offence under criminal law.

### Principle 5: Establish an International Integrity Platform

Sorbonne/ICSS strongly supports the Convention Follow-up Committee provided for by the EPAS Draft Convention Against the Manipulation of Sports Competitions (articles 30 ff.).

It recommends all stakeholders to go a step further and create an International Integrity Platform whose principal purposes would be:

- a. to receive and coordinate intelligence from partners



- including Integrity Focal Points and existing organisations with whom agreements would be established in accordance with national and international laws on data protection; to set up an intelligence database of 'alerts' of suspicious betting activities, suspicious sporting events, suspected/convicted match-fixers, etc.;
- b. to support sports bodies, governments and betting operators in the establishment of policy, regulations and legislation to combat match-fixing;
  - c. to facilitate the exchange of best practices in relation to education and prevention measures;
  - d. to support law enforcement agencies and the sports movement in the conduct of investigations across jurisdictions through the deployment, upon request, of specialised match-fixing investigation units made up of agents of national competent authorities and/or sports bodies;
  - e. to set up and update typologies of manipulations of sports competitions and recommend which behaviours should be considered an offence under criminal law and/or disciplinary regulations;
  - f. to identify the best suited mechanisms to deter potential match-fixers, including reducing opportunities for temptation (e.g. restricted access to players and officials, payment of salaries on time), improving detection methods (e.g. partnerships with betting monitoring systems, deployment of sports events 'integrity stewards' who watch over a sports event) and strengthening the moral boundaries through education and awareness raising.

#### **Principle 6: Ensure adherence to international legal norms**

Consideration should be given to international legal instruments within which certain articles are of relevance in the fight against match-fixing while recognising that none of the existing international legal instruments ensure full incrimination and guarantee of criminal procedure for all acts which may occur in relation to match-fixing (see Annex A).

When adopted, the EPAS Draft Convention Against the Manipulation of Sports Competitions is intended to be the first comprehensive instrument to combat match-fixing within the European context, while being open for

signature by non-European states. The Guiding Principles are intended to complement its provisions.

At all times, respect for human rights, legality and proportionality is to be preserved particularly in the investigation and sanctioning of match-fixing offences.

#### **Principle 7: Identify the types of conduct that could constitute an offence**

Identifying the types of conduct that are damaging to the integrity of sport and therefore should be sanctioned should help governments, sports bodies and betting authorities determine the extent of legislative and regulatory reform that is required.

Some behaviour may be considered an offence either within sports disciplinary regulations, state legislation or both and may include:

Firstly:

- a. Fixing a sports competition by players/officials (sports fraud);
- b. Fixing a sports competition as a result of acts of active and passive bribery of players/officials;
- c. Fixing a competition as a result of coercive acts on players/officials;
- d. Fixing a competition in connection with betting (betting fraud).

Secondly, in relation to the manipulation of sports competitions:

- a. Provision of irregular sports betting;
- b. Provision of illegal sports betting;
- c. Disclosure and use of insider information;
- d. Breach of a duty to report;
- e. Active and passive bribery of agents responsible for monitoring the integrity of sporting competitions;
- f. Abuse of functions;
- g. Active trading in influence and liabilities;
- h. Participation in an organised criminal group;
- i. Money Laundering.

Identifying such behaviours and updating the list could be a task for the International Integrity Platform envisaged under Principle 4 above.

# PART D. GUIDING PRINCIPLES

## II. GUIDING PRINCIPLES FOR GOVERNMENTAL AUTHORITIES

Public authorities should demonstrate the strongest determination to engage in the fight against the manipulation of sports competitions by adapting their national normative tools and institutional designs, encouraging and enhancing cooperation with and between other stakeholders and, when necessary, taking coercive measures.

### **Principle 1: Establish a National Sports' Integrity Focal Point**

It is recommended that, taking into account the existing national structures/distribution of administrative functions within the government and in accordance with domestic law, a National Sports Integrity Focal Point (Agency, Committee, Unit, Panel or similar name) is established in order to facilitate coordination and harmonisation of actions across public authorities and with other stakeholders.

The National Sports' Integrity Focal Point could be charged with the following tasks:

- To assist in the implementation of the national policy on match-fixing in sport and support the introduction of match-fixing legislation, conflicts of interest rules for sports betting operators and sports actors, education and prevention initiatives to fight against sports fraud, illegal sports betting and betting addiction;
- To serve as an information and exchange hub, collecting and disseminating information relevant to the fight against match-fixing to the competent organisations and authorities;
- To undertake national coordination of policies and actions amongst public authorities on match-fixing such as between the state police forces, crime investigation departments, enforcement directorates, tax authorities, integrity focal points of the national sports federations amongst others;

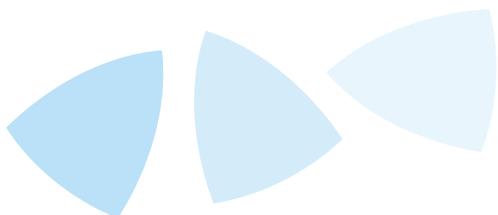
- To transmit information on possible infringements of laws or sports regulations to public authorities and/or sports organisations and/or sports betting regulators and operators;
- To co-operate with all organisations and relevant authorities at the national and international level, including national integrity focal points of other states, Interpol etc.;
- To ensure ongoing funding to sports is made conditional on the implementation of appropriate anti-match fixing and anti-corruption policies and practices such as the adoption of codes of conduct and a sanctions regime;
- To support national participation in international reforms, policy shaping and international integrity platforms that develop and support initiatives that protect the integrity of sport goals globally.

### **Principle 2: Define the boundary between sports regulation and state legislation**

States should define the spectrum of legal interests they seek to protect such as public order in general, the integrity of sport, the economic value of sport or the interests of sport associated industries. The degree of injury or damage suffered should be considered as a determining factor.

States should take due account of the principle of responsible autonomy of sport bodies. When the sole interests of sport are at stake, they should recognise sport bodies the widest margin of appreciation. When competences of states and sport bodies overlap, state authorities and sport authorities should take into consideration the interactions of their respective initiatives.

State authorities and sport bodies should consider cooperation as a basic principle with a view to combating the manipulation of sports competitions.



### **Principle 3: Establish offences relating to the manipulation of sports competitions**

It is recommended that states ensure that domestic laws, in accordance with the international obligations possibly applicable, enable criminal sanctions for the manipulation of sports competitions when it involves either coercive practices, corrupt practices or fraudulent practices, as defined by their domestic law.

The legal definitions of the manipulation of sports competitions should be drafted and interpreted fairly extensively to ensure they cover acts of sports fraud. The challenge being notably in proving the manipulation, the benefit and the damage, the legislation should be drafted to ensure that an individual match-fixer who fixes a match with the intention of getting illicit proceeds through (legal or illegal) betting schemes can be incriminated even though s/he may not gain anything from the betting planned.

The following model legislation should be recommended to countries willing to address situations of passive and active corruption of match-fixers:

- “Any person, who solicits or accepts, promises, offers or gives, directly or indirectly, an undue advantage or its offer or promise for himself or herself or another person or entity in order to alter the course or the result of a sporting competition or any of its particular events in breach of legislation or sports regulations, or accepts a reward for doing so, shall be punished by (...)”<sup>1</sup>

### **Principle 4: Establish offences relating to betting fraud**

Recognising the challenge of establishing a link between a bet and a fix, it is recommended that legislation be drafted to ensure that any individual who knows that s/he is betting in a betting scheme influenced by match-fixing can be incriminated and covers the following offences: cheating at gambling, conspiracy to cheat, and conspiracy to obtain and accept corrupt payments.

Offences may include the following:

- Engaging in conduct that corrupts the betting outcome of an event;
- Facilitating conduct that corrupts the betting outcome of an event;
- Concealing conduct or agreeing over conduct that corrupts the betting outcome of an event;
- Using corrupt conduct information for betting purposes;
- Using inside information for betting purposes.

### **Principle 5: Punish participatory acts, aiding and abetting**

It is recommended that governments adopt legislative and other measures as may be necessary to establish as criminal offences under their domestic law, in accordance with international conventions possibly applicable, the aiding and abetting (e.g. as accomplice, assistant or instigator) of the commission of any of the criminal offences established in relation to match-fixing, when committed intentionally.

### **Principle 6: Fight organised criminal activities**

It is recommended that criminal offences are established in relation to one or more persons agreeing to commit a criminal offence of match-fixing, irregular betting and related offences for a purpose relating directly or indirectly to the gaining of a financial or other material benefit and, where required by domestic law, involving an act undertaken by one of the participants in furtherance of the agreement or involving an organised criminal group.

Furthermore, knowledge of either the aim and general criminal activity of an organised criminal group or its intention to commit criminal offences of manipulation of sports competitions, irregular betting and related offences should be made an offence when the person takes an active part in:

- criminal activities of the organised criminal group;
- other activities of the organised criminal group in the knowledge that his or her participation will contribute to the achievement of the above-described criminal aim;
- organising, directing, aiding, abetting, facilitating or counselling the commission of criminal offences of match-fixing and irregular betting, and related offences involving an organised criminal group.<sup>2</sup>

1. Drawn from UN Office on Drugs and Crime (UNODC)/International Olympic Committee (IOC) Criminalisation approaches to combat match-fixing and illegal/irregular betting: a global perspective, 2013, Annex 2, Model Criminal Law Provisions on Match-Fixing and Irregular Betting, 2. Model Provisions for Criminalisation, pp. 312-313.

2. UNODC/IOC, *ibid.*, p. 315.

Finally, a public black listing of such persons or groups could be established.

### Principle 7: Fight money laundering

Each State should consider including match-fixing in its money laundering prevention framework, in requiring sports betting operators to apply customer due diligence, record keeping and reporting requirements, in accordance with the latest Recommendations of the FATF. States should extend the scope of application of these Recommendations to not-for-profit sports organisations so that they meet the same level of requirements as commercial companies in terms of transparency and anti-money laundering measures.

Each State should enable the competent authorities to identify, trace, freeze, seize or confiscate:

- the proceeds of crime derived from criminal offences of match-fixing, irregular betting and related offences or property up to the value which corresponds to that of such proceeds;
- the property, equipment or other instruments used in or destined for use in criminal offences of match-fixing, irregular betting and related offences.

Furthermore, each State should empower its courts or other competent authorities to order that bank, financial or commercial records be made available or seized without the possibility to be obstructed by obstacles that may arise out of the application of bank secrecy laws.<sup>3</sup>

### Principle 8: Ensure whistleblower and witness protection

Each State should provide effective and appropriate protection for those who, in good faith and on reasonable grounds, report criminal offences of match-fixing, irregular betting and related offences or otherwise co-operate with the investigating or prosecuting authorities.

It is recommended that the National Sports Integrity Focal Point should set up and run a system, possibly in cooperation with an external organisation, which ensures that whistleblowers can provide information safely

and securely. The National Sports Integrity Focal Point should share with law enforcement agencies and sports organisations all relevant information obtained through this system; legislation and/or memorandums of understanding should determine how this information sharing must be established and performed.

In order to motivate participants of criminal offences, or individuals in general, to report on those offences, i.e. 'whistleblow', three conditions should be fulfilled:

- Potential whistleblowers have to be familiar with the opportunity to whistleblow;
- Mechanisms to enable whistleblowing should be in place to permit witnesses and experts to give testimony in a manner that ensures the safety of such persons, such as: providing evidentiary rules, permitting testimony to be given through the use of communications technology such as video or other adequate means; and
- Effective protection from potential retaliation or intimidation should be provided for whistleblowers, witnesses and experts who give testimonies concerning criminal offences of match-fixing, irregular betting and related offences and, as appropriate, for their relatives and other persons close to them.<sup>4</sup> This may include procedures for physical protection such as, to the extent necessary and feasible, relocating them and permitting, where appropriate, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons.<sup>5</sup>

### Principle 9: Ensure personal data protection

Each State should adopt such legislative or other measures as may be necessary to ensure that all initiatives to fight match-fixing comply with relevant national and international personal data protection standards,<sup>6</sup> particularly in the exchange of information between public authorities and sports and betting organisations.

Such measures should ensure that when personal data is collected, processed and exchanged, irrespective of

4. IOC/UNODC, pp. 268-269.

5. These paragraphs are slightly more developed versions of the related provisions of the UNTOC (Article 24) and the UNCAC (Articles 32 and 33).

6. Including those laid down in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 1981 and in its Additional Protocol of 2001.

3. UNODC/IOC, *ibid.*, p. 317.



the nature of those exchanges, due regard is given to the principles of lawfulness, adequacy, relevance and accuracy, and also to data security and the rights of data subjects.

#### **Principle 10: Establish liability of legal persons**

Each State should establish the liability of legal persons for their participation in the offences of match-fixing, irregular betting and related offences. Established liability may be criminal, civil or administrative, and should not prejudice criminal liability of natural persons who have committed an offence.

The law should cover not only companies and associations of persons under the sporting fraud, but also trusts and cooperative societies, which are the other form of entities which deal with sports.

#### **Principle 11: Identify parties to criminal proceedings**

It is recommended that the legislation enables sports organisations directly involved in a match-fixing case to be named as civil parties or complainants, so as to give them access to the criminal record under the same conditions as for the plaintiffs or complainants.

To avoid potentially compromising the outcome of criminal investigations, it is recommended that the right of access to files may be temporarily restricted in certain situations (e.g. where there are good reasons to suspect that the party may be abusing his/her rights, when secrecy is necessary to ensure the safety of persons or to protect public interest).

#### **Principle 12: Create fair and effective investigative procedures**

Each State should allow, to the extent permitted by the basic principles of its domestic legal system and in accordance with the conditions prescribed by its domestic law and relevant international conventions, for the appropriate use by its competent authorities of the widest possible range of special investigative techniques within its territory. It should consequently allow for the admissibility in court of evidence derived therefrom.

These techniques may include, among others, monitoring of communications, seizing of material, covert and electronic surveillance, hidden cameras, monitoring of

bank accounts and other financial investigations, controlled deliveries, fictitious business operations, and similar.

These methods have to be applied in accordance with human rights rules and the general principle of proportionality.

Recognising the importance of effectively investigating and prosecuting without undue delay any offence of manipulation of sports competitions, it is recommended that national authorities and sports bodies cooperate, when appropriate and according to Principle D I.4.

#### **Principle 13: Establish appropriate sanctions**

Sanctions envisaged should be effective, proportionate, and dissuasive criminal or non-criminal sanctions, including pecuniary or non-pecuniary sanctions.

#### **Principle 14: Establish funding parameters**

Public funding to sports should be made conditional on the implementation by sports organisations of appropriate anti-match fixing, good governance and anti-corruption policies and practices. This may include external audits, transparent accounting etc.

When deciding upon funding allocation, states should also take due account of cases of match-fixing in which a sport organisation has been directly and indirectly (e.g. through its athletes or coaches) involved.

#### **Principle 15: Ensure financial support to safeguard sports integrity**

States should consider the creation of a 'Sports Betting Tax'. A significant proportion of the revenues raised should be set aside to assist in the fight against match-fixing.

A certain percentage of the tax should be applied back to sports organisations to strengthen their integrity efforts and a significant part of the revenues raised by the tax should be invested by government agencies involved in sporting integrity (National Integrity Focal Point, anti corruption law enforcement agencies) and/or in the International Integrity Platform. Monitoring procedures should be set up so as to ensure that the revenues from the sports betting tax are properly allocated to the fight against match fixing.

## PART D. GUIDING PRINCIPLES

### III. GUIDING PRINCIPLES FOR SPORTS ORGANISATIONS

It is acknowledged that in accordance with the principle of the responsible autonomy of sport, the sports movement has self-regulatory and disciplinary responsibilities in the fight against match-fixing. It is, however, recognised that sports organisations generally do not have the powers and sophisticated tools to investigate match-fixing allegations thoroughly as they cannot, for example, undertake telephone tapping.

The design and drafting of anti-match-fixing rules and related disciplinary frameworks must be achieved in such a way as to facilitate investigation and enforcement in a manner that is operationally effective and cost-efficient. The following Guiding Principles aim to assist the sports movement to comprehensively protect their sports' integrity.

#### **Principle 1: Adhere to good governance principles**

Consistent application of the principles of good governance and ethics in sport should be considered a significant factor in helping to prevent and eradicate corruption, match-fixing and other kinds of malpractice in sport while ensuring the responsible and accountable autonomy of the sports movement.

Accountability, transparency and participation are the three principal requirements of good governance. Special attention should also be paid to the prevention and, where appropriate, sanctioning of conflicts of interest at all levels.

#### **Principle 2: Limit the financial risk of sports organisations**

It is recommended that financial management is applied from international to national level with appropriate sanctions to minimise the risk of match-fixing devastating a sport. Particular recommendations include:

- fair, transparent and timely payment of salaries;

- financial stability including the presentation of multi-annual budgets that take into account future liabilities of the organisation;
- consideration of possible case-by-case assessment for each sport and country to regulate the economic competition between clubs (competition organisers should be aware that severe economic imbalance may heighten the risk of match-fixing);
- limitations on the interactions between the sports labour market and the sports betting market.

#### **Principle 3: Ensure the integrity of sports leaders**

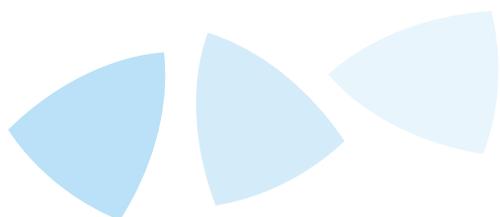
Regardless of the legal form of the sports organisation (i.e. non-profit organisation, private company etc.), measures should be established to ensure the integrity of sports leaders including:

- provision of clear ineligibility measures and sanctions in case of ethical breaches;
- adoption of measures similar to those explained in the Draft Fourth European Anti-Money Laundering Directive (expected in late 2014) to sports in order to know the identity of sport's owners, be they non-profit or commercial companies;
- determination of rules on conflicts of interest.

#### **Principle 4: Undertake risk assessment and risk management for each sport**

In furtherance to Principle 1.2 above, it is recommended that each sports organisation maps the risks to its integrity as part of a long-term vision and implements measures for managing and mitigating those risks. Such measures could include:

- identification of an individual or committee responsible for integrity (see below);
- communication of risks and match-fixing incidents in



### Tools to be adopted depending on the level of risk to which sports institutions are exposed

Tools	Level of risk			
	Highest level of risk	Fairly high level of risk	Moderate level of risk	Very low level of risk
Elected "Ethics/integrity" expert	Priority 1	Priority 2	Priority 3	Priority 3
Operational manager in charge of integrity	Priority 1	Priority 1	Priority 2	Priority 3
Unit dedicated to integrity	Priority 1	Priority 2 (one person at least)	Priority 3	Priority 3
Integrity "awareness" for directors	Priority 1	Priority 1	Priority 2	Priority 2
Integrity "awareness" for athletes and officials	Priority 1	Priority 1	Priority 2	Priority 2 (education)
Acquiring competencies with respect to sports bets	Priority 1	Priority 2	Priority 2	Priority 3
Acquiring knowledge concerning organised crime	Priority 1	Priority 2	Priority 3	Priority 3
Prohibiting participants from betting	Priority 1	Priority 1	Priority 1	Priority 2
Prohibiting the communication of sensitive information	Priority 1	Priority 1	Priority 2	Priority 2
Obligation to report any approach / corruption	Priority 1	Priority 1	Priority 1	Priority 1
Strong sanctions for cases of manipulation	Priority 1	Priority 1	Priority 1	Priority 1
Policy for choosing and monitoring referees	Priority 1	Priority 2	Priority 2	Priority 3
Controlling access to competitions and means of communication	Priority 1	Priority 2	Priority 3	Priority 3
Cooperating with the sports betting industry	Priority 1	Priority 2	Priority 3	Priority 3
Monitoring sports betting markets	Priority 2	Priority 2 (only major events)	Priority 3	Priority 3
Intelligence and internal investigations unit	Priority 1	Priority 3	Priority 3	Priority 3
Anonymous and confidential reporting mechanism	Priority 2	Priority 2	Priority 3	Priority 3

an open and transparent manner with all internal and external stakeholders (this implies having previously created a network with people clearly identified who could bring their expertise and support in times of crisis);

- determination, in advance, of a process of crisis management (e.g. creation of a reduced cell, definition of appropriate means of communication, establishment of information exchange agreements with external stakeholders: government, police, justice etc.);
- appointment of a spokesperson to speak on behalf of the organisation in the event of a crisis.

#### **Principle 5: Establish a set of suitable risk management tools**

Recognising that different sports have different risks with regards to match-fixing, the following table outlines some measures that may be established according to the level of risk from match-fixing. Such measures are likely to vary according to three criteria: the sport, the country and time (organised crime continually modifies its behavior and targets).

All of these measures are a priority on the following scale:

- Priority 1: adoption of the tool is a necessity.
- Priority 2: adoption of the tool is advisable.
- Priority 3: adoption of the tool is of lesser importance.

To ensure that the risk assessed is effectively reduced, a mitigation plan should be published and an Audit and Risk Assessment Committee could endorse the measures that lower the identified risk under International Standards Organisation (ISO) standards (ISO 31000:2009, Risk Management – Principles and Guidelines).

#### **Principle 6: Establish a Sports Integrity Committee**

Based on the level of risk, an international, continental, regional or national sports federation, association, league or other sports organisation should establish an Integrity Committee (Focal Point/Officer/Committee/Unit/Platform or similar name) to safeguard the integrity of the sport.

The principal objective of the Integrity Committee should be to ensure that corruption issues, in particular match-fixing, will be tackled in an appropriate way within the organisation.

#### **Responsibilities**

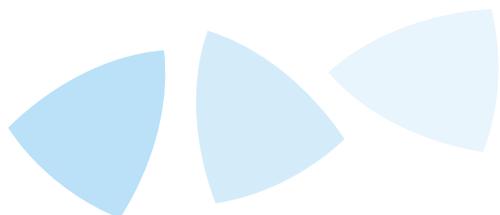
The Integrity Committee should have the following responsibilities:

- Contribution to the development of regulations and disciplinary measures to tackle match-fixing;
- Development of prevention programs and coordination of their implementation;
- Establishment of or collaboration with a monitoring system of match-fixing and corruption;
- Selection of matches for monitoring;
- Review of monitoring reports;
- Network with other Integrity Committees to coordinate actions and share good practices;
- Contribution to academic research on the issue;
- Development of other specific tools and measures.

#### **Structure**

It is recommended that an Integrity Committee (IC) be created as a small standing committee in each sports organisation. Its independence must be guaranteed by statutes and regulations and by practical measures. In particular:

- The regulations should contain specific provisions stating the independence of the IC, the fact that its members are bound by the law and the organisation's statutes and regulations, the prohibition of undue influence and conflicts of interest;
- The IC members should be elected by the general assembly rather than by the executive committee and decisions should be made collectively;
- They should be elected for a sufficient period of time, accordingly develop a long term strategy and meet regularly (e.g. once a month);
- They should be chosen with a view of their standing in society, high ethical standards and expertise;
- They should not be members of any other organ or committee of the organisation or of its management (e.g. IC support staff should be employed in a specific unit; the IC's budget should not be limited but a verification of the proper use of the funds should be possible);
- They should not hold active positions in clubs;
- Their system of remuneration, if any, should be set by clear rules and be transparent;



- They should be held accountable in the fulfilment of their objectives to the Governing Board of the sporting organisation.

### Members

The IC members should be outstanding members of society reflecting diverse professional backgrounds in order to maximise the knowledge within the IC and could possibly include former players, coaches, club officials, former or acting referees, former or acting representatives of the players' union, persons with or without background in sport, but specialists in the field of corruption (law enforcement, representatives of anti-corruption organisations, etc.), persons with specific knowledge of sports betting issues.

At least some of the members should be lawyers to ensure that proper procedures are applied and the IC suggests proper regulatory provisions.

One of the members at least should have "integrity/betting skills".

The respective roles of volunteers and sport bodies' employees should be clarified.

### Relations with disciplinary bodies

The IC and the disciplinary bodies should be separate entities composed of different members and have different supporting staff. The IC may or may not be an investigatory body and therefore, when its monitoring system, inspectors or delegates reports, whistleblowing or other intelligence provide evidence of match-fixing or indicate suspicions strong enough to justify disciplinary proceedings, the IC should refer the case to the competent disciplinary body with the complete file.

After referring a case to the disciplinary body, the IC should not interfere with disciplinary proceedings but remain informed of the disciplinary body's final decisions and may request to see the disciplinary body's closed files for educational purposes or active files if the IC needs information for its purposes.

The IC and the disciplinary bodies should retain regular contact to ensure they share the same vision and ensure open discussion regarding matters such as:

- Suggestions regarding statutes and regulations (new rules and amendments to existing rules, based on

practical experiences);

- Presentation of the files by the IC to the disciplinary bodies including what the file should contain;
- Suggestions by the disciplinary bodies to enhance and improve the monitoring system, education programs, etc.

### Principle 7: Undertake measures for raising awareness, education, prevention, etc.

Sports organisations should encourage awareness-raising, education, training, dissemination of information and research to strengthen the fight against match-fixing.

Such programmes should ensure full comprehension of the potential consequences of unethical and illegal conduct and should aim at raising awareness about match-fixing issues for all the individuals involved in the game (players, coaches, team staff members, referees and their assistants, association/league and club officials, partners, etc.).

The various stakeholders should be kept informed about regulatory provisions, particularly the list of prohibited types of conduct, as an essential element of prevention and deterrence. Measures taken may be preventative and not solely in reaction to a match-fixing scandal.

Varied and often complementary initiatives may include:

- e-learning programmes specifically developed for the organisation;
- presentations that target various stakeholder groups such as club officials, youth, referees, coaches, etc.; such presentations should be short, followed by discussions and may be part of training courses addressing broader integrity/security issues;
- train-the-trainers seminars for match officials and delegates (questions relating to match-fixing should be dealt in detail with them, particularly with regard to the procedures that should be followed when suspicions arise; guidelines should also be made available to them);
- distribution or presentation of relevant documents/information to public authorities, media, sports leaders, etc.;
- publication of articles/interactions in newspapers, magazines, social media sites aimed at the various stakeholder groups, e.g. fans, players, officials, general public, etc.;

- activities run by players' and coaches' associations, peer education and pressure being an important influence in discouraging improper behaviour.

The following recommendations intend to optimise the implementation of prevention and education measures related to sports integrity:

- at the national level, establish the conditions for cooperation between public authorities, the sports movement and betting operators;
- at the national and international level, facilitate the sharing of best practices and the harmonisation of ethical rules and match-fixing regulations;
- educate sports leaders so that they can anticipate risks to the integrity of their sport;
- for each sports organisation, determine a process to ensure all athletes are educated about sports integrity;
- for each sports organisation, define the set of targets to train, tailor the content of education programs and identify the best way to convey messages;
- establish a mechanism for evaluating the results obtained from education programmes;
- communicate to the media and general public about education and preventive actions taken and their results.

### Principle 8: Adopt a Code of Conduct for Athletes and Sports Officials

Sports bodies should adopt a Code of Conduct or Code of Ethics which addresses the responsibility of each athlete to protect sports' integrity and provides a set of consistent guidelines for an acceptable and ethical standard of conduct for all those involved in the sport.

The Code should distinguish itself from disciplinary rules by focusing on the ethical elements of a participants' behaviour without going into details regarding matters such as the disciplinary process, sanctions, etc.

It is recommended that such a Code would cover the following elements:

- Be True: Always do your best, never fix an event.
- Be Safe: Never bet on your sport or competition.
- Be Careful: Never share information that could be used for betting purposes.

- Be Open: If you are approached to cheat, speak out.<sup>7</sup>

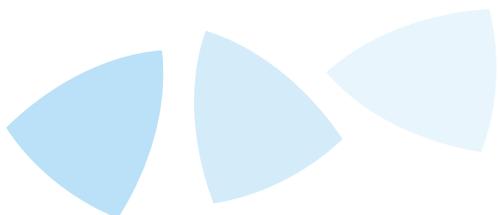
### Principle 9: Adopt and enforce harmonised regulations to combat match-fixing

Sports organisations should adopt and enforce regulations to combat match-fixing and ensure they are kept up to date and harmonised. The interests of other stakeholders should be taken into consideration, if necessary after consultative procedures.

Sports regulations should:

- strive for clear, consistent rules ideally harmonised from the international to national levels and across sports;
- be published (e.g. on the website);
- ensure the detail and practical application of rules proscribing match-fixing are clearly understood by athletes and officials and reflect values to which they can and do subscribe while having a deterrent effect (e.g. through education programmes);
- address all active or passive actions and activities which could jeopardise the integrity of sport both on the sports field and off;
- emphasise the importance of integrity for all categories of stakeholders including professional and amateur athletes, fans, sponsors etc.;
- recognise that fixing may be related or unrelated to betting, related or unrelated to criminal offences, and that it should be tackled in all cases;
- provide for appropriate sanctions against offenders;
- allow for fast and efficient disciplinary proceedings including investigations, respecting individual rights to ensure avoidance of decisions being rejected by courts because of non-respect of these rights;
- ensure compliance by sports organisations and their affiliated members with all their contractual or other obligations towards athletes;
- ensure appointment of referees, judges and other officials of sports competition at the latest possible stage;
- establish specific provisions to facilitate the gaining of evidence of match-fixing related facts such as an

7. IOC Code of Conduct "Protect your sport" - available in 10 languages.



obligation to report and denounce, reduction or renunciation of sanctions in case of special cooperation, plea bargaining, anonymous witnesses, amnesty, etc.;

- consider ethical dimensions in the designation of countries or cities responsible for organising major events (e.g. territories where sufficient measures to fight match-fixing have been taken should be privileged).

Considering more specifically the offence of the manipulation of sports competitions, the regulations should be drafted so as to:

#### a. Contain catch-all provisions

Regulations should encapsulate provisions allowing disciplinary bodies to punish any form of corruption in sport, thereby avoiding loopholes in the disciplinary repression of the manipulation of sports competitions.

Nonetheless, specific rules related to behaviours likely to favour or be an element of the manipulation of sports competitions are needed so that persons under the jurisdiction of a sports body are properly informed of what is permitted or not and behaviours sanctioned are treated the same by all disciplinary bodies (see below, b. and c.).

#### b. Create specific offences related to match-fixing

Given the diversity in sports, regulations should take into account tactical decisions that fall outside the parameters of fixing and are not considered contrary to the ethics of the sport.

Manipulation of sports competitions refers to the 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 sports competition and to obtain an undue advantage for oneself or for others.

The sports' regulations should notably make it an offence:

- to fix matches including 'spot-fixing' or to conspire to fix including all forms of participation (instigation, action, complicity and co-action);
- to seriously violate the fair competition principle;
- to offer, attempt to offer, receive, seek or attempt to receive a bribe in order to fix or contrive a result or the progress of a match, race or other event or competition in which he or his club participates in;

- to improperly deal on the result such as where officials and employees, referees or players would conspire and engage in match-fixing conduct for betting purposes without bribery being involved;
- to deliberately underperform where there is a sufficient connection between the underperformance and the eventual obtaining of economic or other advantages or benefits;
- to use or disseminate 'inside information';
- to participate through instigation, aiding and abetting, etc. in any of the conduct referred to above;
- to commit conduct that is prejudicial to the interests of the sport or which brings him or her or the sport into disrepute.

#### c. Create specific offences related to betting

It is recommended that each sport defines which persons within the entourage of athletes and officials (including e.g. team owners) may bet or not.

These Guiding Principles advocate a strict limitation on betting activities while recognising that such a strict limitation on any forms of sports bets is unfeasible in some jurisdictions. It is recommended that sports' regulations should make it an offence:

- to bet on or induce or encourage any other person to bet on any event connected with the relevant sport including multi-sports events in which the individual participates;
- to participate, directly or indirectly, in any form of activity related to an operator of sports bets;
- to promote, directly or indirectly, any form of sports bets;
- to use particular telecommunications tools before, during and after an event that could be used for the purposes of betting (in particular live betting);
- to participate through instigation, aiding and abetting, etc. in any of the conduct referred to above.

#### d. Create rules related to sponsorship

It is recommended that rules are established to avoid conflicts of interest with regards to the sponsorship of sports teams and events by betting operators.

This may include a prohibition to hold shares in a sports betting operator or to own such an organisation.

A Code of Conduct for sponsors to adhere to should mention the relevant principles.

### **Principle 10: Limit the types of betting available on a sports event**

Every sports organisation should determine on an annual basis a list of betting types, competitions and bets, that could be easy to influence and that should be restricted by national betting regulatory authorities. Bets where there is a particular risk that they are linked to match-fixing include handicap, live betting, betting exchange and spread betting.

Furthermore, it is recommended that betting is prohibited on those sports events which are designed for under 18 year olds or where the organisational conditions and/or stakes in sporting terms are inadequate.

### **Principle 11: Establish or strengthen a reporting mechanism**

Sports organisations should establish effective mechanisms to facilitate the reporting of any information concerning potential or actual cases of match-fixing.

The reporting system and related regulations to facilitate the handling of disclosure of information should allow confidentiality, anonymity when necessary. Such a reporting mechanism may consist of a 'hotline', a dedicated email or telephone application and/or creation of an Ombudsman position.

Recognising that the establishment and management of such a reporting mechanism incurs costs, it is recommended that there is a pooling of resources and the use of external organisations.

### **Principle 12: Establish an obligation to report**

The sports' regulations should make it an offence for any person covered by the regulations:

- to fail to promptly disclose to the sporting organisation any knowledge or reasonable suspicion of others engaging in any suspicious activity or incident, incentive or any approach which could be considered an infringement of the rules against match-fixing;
- to fail to disclose an approach from another person to engage in any proscribed conduct including actual or implied threats;

- to fail to disclose the receipt of a gift made by an unknown person or organisation or without any apparent reason.

Such obligations should be clearly communicated e.g. on the organisation's website. The sports organisation should establish arrangements to immediately inform the relevant public authorities of instances of suspicious activity linked to match-fixing that may breach the legislation.

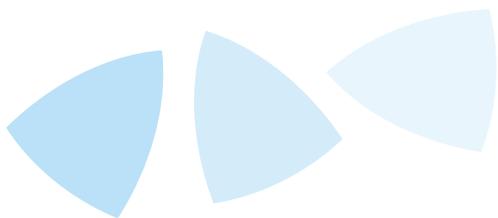
### **Principle 13: Establish the burden and standard of proof**

Considering that in corruption cases, the allegations are often of very serious wrongdoings, the standard of proof is of critical importance as the evidence may consist principally of reports of conversations between the accused and those he has, allegedly, tried to corrupt.

The following principles are therefore proposed:

- The burden of proving that an offence has been committed should be on the governing body and not on the accused. However, in some situations it may be that once basic facts are proved, there is a presumption of an offence unless the defendant disproves it (e.g. proof that a player has been transferred money).
- Procedural rules should enable sports organisations to recognise any useful evidence, whatever its nature so long as it is not irrelevant or undermines human dignity.
- The sports' disciplinary body should have the discretion to accept any facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction as irrefutable evidence against the participant to whom the decision pertained of those facts, unless the participant establishes that the decision violated principles of natural justice.<sup>8</sup>
- The rules of procedure should provide for the anonymity of witnesses when testimony entails serious risks for the person concerned or his/her family. Disciplinary bodies should have the possibility of making local visits and using sound recordings and images, even secretly recorded. It is recommended that lie detectors are not

8. e.g. art. 3.2.1 ICC Anti-Corruption Code; ch. 4.4 of the Association of Summer Olympic International Federations (ASOIF) Model Rules.



used or if they are, that a negative result should never be considered as evidence of innocence.

- Disciplinary bodies should be able to obtain monitoring reports of bets and other relevant betting information.
- Sometimes, a rule may waive the disciplinary body from proving certain facts by providing that if there is evidence proving a participant's lack of efforts or poor performance during an event that support allegations of an offence, the absence of such evidence shall not necessarily preclude a participant from being sanctioned for an offence.<sup>9</sup> However, the use of presumptions must be proportionate to the aim pursued and must not violate the principle of a fair trial.
- The standard of proof for match-fixing cases is recommended as that of 'comfortable satisfaction' rather than that of 'beyond reasonable doubt', the standard typically applied in criminal law. The standard of 'comfortable satisfaction' is greater than the mere balance of probability but less than proof beyond a reasonable doubt and should be applied unless the local law allows the use of the preponderance of evidence. In the absence of contrary provisions in the regulations of the relevant sports federation, the standard of comfortable satisfaction is the standard applied by the Court of Arbitration for Sport (CAS).

#### **Principle 14: Identify competence**

Sports organisations should ensure they have a system of accreditation and/or licences in place to determine those subject to the jurisdiction of the sport.

A priori, disciplinary sanctions should be imposed only against people who are subject to the disciplinary jurisdiction of the sports organisation concerned and may extend to athletes, officials and the entourage as well as clubs and associations. The regulations should ensure that it is possible to sanction an individual who has committed an offence from the moment they are subject to the sport's disciplinary regulations and for those who are no longer contractually bound or affiliated to a particular sports organisation. Some cases may justify a sports organisation

waiving further disciplinary action with regards to someone who has left the organisation. A provision should therefore be adopted enabling the closure of the case without further action for reasons of expediency.

#### **Principle 15: Undertake correct disciplinary proceedings**

- a. Ensure cooperation between criminal and sports disciplinary proceedings  
The fact that a criminal prosecution is underway should not prevent a simultaneous disciplinary proceeding. The suspension of disciplinary proceedings pending the outcome of criminal proceedings should be the exception rather than the rule. Sports organisations should be obliged to deliver to police any information received that may be of relevance to the criminal proceedings. Such an obligation may be through a formal or informal exchange of information.
- b. Create an obligation to cooperate  
The rules should include an obligation to collaborate in the disciplinary proceedings including an obligation to inform the disciplinary body of any relevant facts and the provision of all relevant documents (e.g. telephone and bank statements) in accordance with proportionality while providing enough flexibility to allow effective prosecution.
- c. Create clear procedural rules  
While procedural rules may differ from one sport to another or within sports e.g. in relation to evidence, hearings, summons, etc., they should not prejudice the repression of sporting fraud and should allow the quick and efficient conduct of proceedings. Sports organisations should ensure that their disciplinary bodies have a certain latitude in interpreting the rules to avoid excessive formalism.
- d. Establish correct investigative procedures  
In order to avoid the risk that investigations for sporting fraud may be prevented by the inaction of third parties who have a monopoly on the disciplinary action, it is proposed that disciplinary bodies may initiate investigations into sports fraud based on their own assessment and free from interference, political or other.

9. e.g. art. X.E ch. 3 of the Uniform Tennis Anti-Corruption Program.

Recognising that sports organisations have limitations with regards to their powers of investigation, it is therefore recommended that an obligation be created to provide telephone records and bank statements that may be deemed sufficient evidence to presume fixing (cf. D. III. 15. 3).

Within some sports, dedicated Integrity Units play a role in investigations; however, it is recommended that prosecution is undertaken by an independent disciplinary body.

#### **Principle 16: Guarantee rights for the alleged offender in match-fixing cases**

The rules should be framed in such a way as to ease the path of investigations and decision making while safeguarding the rights of those under investigation. The disciplinary process should provide the alleged offender with:

- the right to be informed of the charges or of the alleged facts;
- the right to be assisted by counsel, unless the defendant renounces being represented;
- the right to inspect the complete file;
- the right to present evidence, and to call and question witnesses according to the time and manner provided in the rules of procedure, unless the disciplinary body deems it not relevant in the case;
- the right to participate in inquiry operations although this right may be restricted in certain cases;
- the right to present its position in writing;
- the right to a timely, fair and impartial hearing which may be restricted to cases where the allegation is denied and/or the sanctions to be imposed for violation are disputed, in which case the matter shall be referred to a hearing before a hearing panel;
- the right to the assistance of an interpreter at the hearing;
- the right to a pleading, unless waived or the procedure is exclusively written;
- the right to a reasoned decision, unless the parties accept a non-reasoned decision and waive their right to a reasoned decision;
- the right to confidentiality of the proceedings, in particular non-public documents, unless the rules provide for a public hearing.

The right to be heard and other rights could be limited, however, when required by special circumstances.

#### **Principle 17: Enable plea bargaining**

The cooperation of suspects is acquired more easily if negotiated agreements or ‘plea bargaining’ between the prosecution and the defence can be made. Rules to encourage the active cooperation of persons subject to disciplinary investigations may consist of:

- an obligation on the suspect to admit the facts alleged against him;
- the commitment of the suspect to reveal everything he knows about the criminal activity, even for events that do not concern him personally;
- the commitment of the suspect to testify before the competent disciplinary body;
- the guarantee that certain evidence will not be used;
- an agreement on the reduction of the sentence to be served or the waiving or dropping of charges;
- possibly a review by the adjudicating disciplinary body;
- the intervention of a third party in the negotiations (e.g. Ombudsman, lawyer).

#### **Principle 18: Grant amnesty**

Only as an ‘ultima ratio’ or where the penalty would be fixed in advance for those guilty of match-fixing who spontaneously report during a given period should an amnesty be granted that would guarantee impunity.

#### **Principle 19: Establish appropriate sanctions**

Disciplinary rules need to be clear about the power to impose provisional suspensions. Although such measures are imposed in the absence of the accused having been proven guilty, there is a large degree of acceptance that they are justified at least in some circumstances. If a provisional suspension is imposed, the person accused must be provided the right to be promptly heard if s/he wishes.

A strong message of deterrence needs to be established for match-fixing cases and a ‘zero tolerance’ message conveyed. To determine the appropriate sanction, the disciplinary body should consider all the circumstances of the case including the specificities of the sport, the importance of the event that has been manipulated, the impact of the fraud on



third persons, the context and motivations (e.g. the status, origins, family and financial situation of the fixer including whether salaries have been paid in recent months), the degree of culpability, the concrete consequences of the sanction (e.g. the career stage of the athlete/official), and any other relevant personal circumstances.

a. Aggravating and mitigating factors

There may be certain aggravating and/or mitigating factors that should be considered when determining the sanction. For example, mitigating factors may include co-operation by the participant with any investigation or requests for information including with sporting entities, governments and governmental organisations; timely admission of guilt by the participant; the participant's clean disciplinary record; the youth or inexperience of the participant; the violation not having affected or not having the potential to affect the course or result of an event or competition; the participant displaying remorse.

b. Mutual recognition of sanctions

Internationally imposed sanctions should be applied at the national level and vice versa and across sports (i.e. mutual recognition of sanctions). The only exception would be if a decision made at the national or international level is clearly vitiated by serious defects such as lack of respect for the right to be heard, obvious oversights in the finding of facts, or where the sanction imposed is disproportionate to the offence.

The imposition of a criminal sanction should not prevent the disciplinary sanction for the same offence and vice versa. Disciplinary bodies may, however, take account of the criminal sanction already imposed in the overall assessment of the circumstances which govern the setting of the disciplinary sanction.

**Principle 20: Publish decisions**

It is recommended that decisions are systematically publicised in order to exercise a preventative effect, with sport stakeholders seeing that sanctions for match-fixing are made, why they are made and what they consist of.

Furthermore, it is recommended that CAS publishes its

decisions where appropriate in order to provide athletes and their lawyers access to jurisprudence that would avoid unnecessary procedures

**Principle 21: Allow a right of appeal**

Sports organisation should have one, or potentially two decision-making bodies within the organisation.

It is proposed that sports organisations should consider submitting their appeals to the jurisdiction of the Court of Arbitration for Sport (CAS) which has many advantages (speed, simplicity of the procedure, discretion, knowledge of the sport by the arbitrators, cohesion in jurisprudence, comprehension of the needs of federations in the field of sports fraud, etc.).

**Principle 22: Establish an extensive statute of limitations**

Given the difficulty of establishing facts in relation to sports fraud and the time that may elapse between commission of an offence and prosecution, it is recommended that any statute of limitation should be sufficiently long to enable investigation and retroactive sanctioning if necessary. In order to assure expediency, the disciplinary body may, where appropriate, waive facts that are too old and of no current interest, or impose sanctions taking into account the time that has elapsed.

**Principle 23: Collaborate with or create a monitoring, information/intelligence sharing system**

a. Establish a Monitoring System and dedicate resources to analyse intelligence

It is recommended that sport's organisations take necessary steps to ensure that their events are monitored. This may be in the form of a partnership between the sports organisation and a betting monitoring organisation (see further below Part D IV. b. 4). The monitoring system should ensure that, for the sports events on which betting is offered, the odds are monitored in order to detect suspicious betting patterns as well as the volumes of bets placed. Through a formal information sharing arrangement, the firm or organisation should alert the sports organisation when suspicious betting patterns are detected and deliver

written reports immediately after suspicious games. While monitoring reports do not provide definitive proof that a match has been fixed they do show whether the betting patterns for a particular match were not what would logically be expected in light of pre-match forecasts and how the match unfolded. Sporting organisations also need to deploy resources to consider on-field incidents and match results when matched with betting patterns.

b. Issue match officials' and match delegates' reports

Match officials and delegates should report to the IC all suspicious events which happened during a game. The IC should issue guidelines to ensure that match officials and delegates understand the issues and know what to report and to whom.

c. Select matches to be monitored

The monitoring of betting patterns should ideally cover the odds on all games for which betting is on offer. If this is not possible for financial reasons and considering that monitoring systems only start working with a lot of experience from monitoring systems and high liquidity, the IC should select the matches to be monitored in accordance with the following priorities:

- Professional team's matches (if possible, also friendlies);
- Matches with teams formerly involved in suspicious games;
- Matches with teams involving players previously involved in suspicious games;

- Matches with clubs under financial stress (salaries due to players and staff, etc.);
- Matches with clubs whose games previously attracted heavy betting, even if not suspicious;
- Matches based on a random selection.

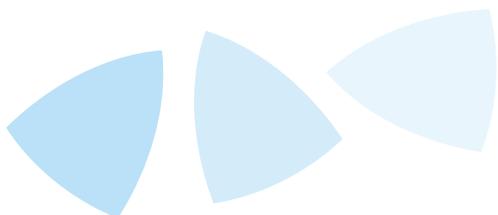
Specific on-site inspections should be organised by the IC according, *mutatis mutandis*, to the same priorities.

d. Review reports

The IC should review all reports received including from the Betting Monitoring system and match officials by evaluating each situation in the light of the other elements it may have knowledge of from various sources including open source, federation/association/league files, comparison with previous reports, continental football association's database etc, and decide:

- to close the case;
- to refer the case for investigation to the federation/association/league's investigating body or disciplinary organ, in case the latter is also in charge of investigations;
- to inform the competent law enforcement agency;
- other measures such as summoning of club officials, coaches, players for discussion, etc.

Any case which has been closed may be reopened when new information is available.



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## PART D. GUIDING PRINCIPLES

### IV. GUIDING PRINCIPLES FOR BETTING REGULATORY AUTHORITIES AND BETTING OPERATORS

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Taking note of the margin of discretion which States enjoy to determine sports betting policies within the framework of applicable law, and while recognising the sophisticated and cross-border nature of sports betting related to match-fixing activities, the following Guiding Principles have been developed for the betting industry and betting regulatory authorities in relation to sports betting.

Each State, irrespective of its position as to sports betting (prohibition, licences...) should adopt a legislative framework enabling the national relevant authorities at least to fight against illegal betting and cooperate with their foreign counterparts.

#### **a. BETTING REGULATORY AUTHORITIES**

##### **Principle 1: Identify the state authority responsible for sports betting regulation**

Each State should identify one or more responsible authorities, which in its legal order are entrusted with the implementation of sports betting regulation and with the application of all relevant measures to combat match-fixing in relation to sports betting. This is regardless of the existing method of betting regulation e.g. monopoly, prohibition, licence or general regime of authorisation.

The principal functions of the state betting regulatory authority should be:

- Licensing (where appropriate);
- Compliance and enforcement (this may include certification e.g. ISO 27001 (Information Security), World Lotteries Association (WLA) Security Control Standard 2012 (lottery-specific standard), WLA Responsible Gaming);
- Investigation and prosecution;
- Fight against illegal betting;
- Information sharing;

- Audit capacity to ensure procedures and policies are adhered to (an international audit standard should be adopted);
- Liaise and develop procedures with internet providers and telecommunications companies on the governance of the internet domain.

The objectives of the state betting regulatory authority should principally be to:

- produce a plan of action that would enable all sports betting operators within the jurisdiction to work more effectively together to combat sports betting fraud. This could include a limitation on the return on bets e.g. a maximum amount of 85%;
- ensure public order (prevent gambling being a source of crime particularly money laundering and fraud);
- ensure gambling is conducted in a fair and honest way;
- consumer protection by protecting children and other vulnerable people;
- prevent gambling addictions;
- undertake research on the risk management practices of betting operators with regards to fixing to enable the dissemination of good practices between regulators and operators;
- collaborate with sport bodies and the National Integrity Focal Point.

##### **Principle 2: Establish the parameters for combating illegal betting**

Whatever the model of regulation and level of taxation chosen by a country, it is recognised that measures are needed to inhibit illegal betting.

Such efforts may include:

- the adoption of such legislative or other measures that

directly or indirectly restrict access to physical and on-line betting operators if necessary (e.g. blocking of financial flows between illegal sports betting operators and consumers, closing them, police action, bringing them to legality, IP blocking, domain name system (DNS) blocking, dereferencing them from search engines, preventing of hosting etc.) while ensuring compliance with international standards on the protection of freedom of expression, data protection and access to information. It is recognised that data protection legislation may pose a limitation on the ability of betting operators to supply information to sports organisations on the activities of individual gamblers;

- education, training and dissemination of information to raise consumers' awareness of the risks associated with illegal sports betting;
- the creation of a 'black list' of known illegal betting operators so that sports betting punters are discouraged from betting with them;
- cooperating with Internet Service Providers (ISPs) and search engines to block names and addresses of illegal websites and to remove illegal links;
- cooperating with financial institutions to block payments related to illegal betting.

Each State should adopt such legislative or other measures as may be necessary to prevent conflicts of interest and misuse of inside information by any natural or legal persons involved in providing sports betting products. The adoption of industry standards/legislation in relation to sports betting to ensure the protection of consumers and defence of public order may include:

- an obligation on betting operators to adopt a code of conduct on sports betting, in order, notably, to prevent and sanction conflicts of interest (see below Part D IV. b.2);
- the establishment of consistent practices in regard to e.g. the capture of cookies and internet protocol addresses of those who place bets, the collection and retention of telephone numbers of customers who place bets via the internet, etc.

### **Principle 3: Ensure compliance and the enforcement of sports betting legislation**

The betting regulatory authority should ensure compliance

with national legislative and regulatory provisions related to sports betting and may:

- issue warnings to licence holders;
- attach additional individual conditions to a licence;
- suspend a licence;
- revoke a licence;
- impose a financial penalty.

The legislator should foresee that the betting regulatory authority could give effect to decisions made by foreign betting regulatory authorities or enable the national betting regulatory authority to conclude agreements with their counterparts to that effect.

### **Principle 4: Provide information, collaborate and support**

The state should adopt legislative or other measures to oblige sports betting operators to report irregular or suspicious betting - clearly defined by each regulator -, including irregular offshore betting patterns and other infringements of regulations, in a timely manner, to the betting regulatory authority or the other responsible authority or authorities. This may include the police, national and/or international regulator or law enforcement agency and relevant sports organisation and competition organiser.

The nature of the exchange of information must take into account the moral hazard that exists given the relationship between the betting operator who effectively controls the amount and nature of the material monitored and the transfer of that information to the receiving party. Clarification of the legal basis of information exchange will help to overcome both real and perceived barriers to that exchange and will assist in the undertaking of risk assessment and in initiating or carrying out investigations or proceedings concerning match-fixing.

The betting regulatory authority should ensure standards with regards to what constitutes 'suspicious' behavior to secure consistency of reporting between operators, e.g. some may collect information in real time. Furthermore, it may be decided that the regulating authority has direct access to all transactions carried out by licensed operators. Such standards should protect betting operators from being unfairly blamed for lack of due diligence.



### **Principle 5: Support investigations and the prosecution of offences related to sports betting**

The betting regulatory authority should provide support to law enforcement authorities (e.g. police) to investigate and prosecute offences under the legislation. They should also provide support to sports organisations in the conduct of their disciplinary procedures in relation to sports betting.

A particular offence of concern is that of money laundering which poses a real threat to certain states because it is directly proportional to the level of domestic criminal activity. With an increased risk of money laundering related to sports bets, particular illegal online bets, states need to ensure close regulation and supervision of betting operators.

### **Principle 6: Monitor individual bets**

The betting regulatory authority should monitor all the individual bets conducted within the country by all licensed betting operators.

### **Principle 7: Determine a list of betting types/competitions/bets easily influenced**

The betting regulatory authority should determine (on an annual basis) a list of betting types/competitions/bets that could be easy to influence (with the support of the relevant sports organisations) (cf. Part D III.10).

### **Principle 8: Adopt rules on conflicts of interest**

The betting regulatory authority should establish rules on conflicts of interest such as: a prohibition to bet for betting operators' employees; prohibition for a betting operator to control a sports organisation, except if it refrains from offering bets on the concerned sport, etc.

## **b. BETTING OPERATORS**

### **Principle 1: Establish a sports betting focal point**

All betting operators are recommended to establish an Integrity Focal Point (Officer/Committee/Unit/Platform or similar name) to assist in the safeguarding of sports integrity. The focal point should collaborate closely with the state authority responsible for sports betting.

### **Principle 2: Develop a Code of Conduct on Sports Betting**

All betting operators are recommended to adopt a Code of Conduct on Sports Betting that outlines the risks associated with sports bets (e.g. addiction) and prohibits:

- any natural or legal person involved in providing sports betting products from betting on their own products;
- the abuse of a position as sponsor or part-owner of a sports organisation or event to facilitate the manipulation of a sports competition or to misuse inside information;
- sponsorship of under 18 year old teams;
- a competition stakeholder from being involved in compiling betting odds for this competition;
- a sports betting operator who controls a company acting as a competition organiser or a competition stakeholder or who is controlled by a competition organiser or a competition stakeholder, from offering bets on the competition;
- advertising for illegal sports betting operators including references to illegal live streaming.

### **Principle 3: Determine the types of bets and restrict or suspend bets**

Regardless of national measures compelling them not to offer certain types of bets or to suspend them when suspicious betting patterns (according to parameters to be defined by the regulatory authority) are detected, betting operators ought to decide by themselves to restrict the types of bets offered and to prevent betting on a sport where, for example, the rules on betting are not adequate. Agreements may be made between sports events organisers and betting operators to minimise the motivations to fix.

The agreement may include:

- the power to approve the types and the object of betting offered on the events particularly for bets where there is a particular risk that they are linked to match-fixing, e.g. handicap, live betting, betting exchange, spread betting;
- mechanisms to prevent competition stakeholders from betting on those sports competitions in which they participate;
- to limit, where appropriate, the supply of sports betting, particularly excluding sports competitions:
  - ▲ which are designed for under 18 year olds; or

- ▲ where the organisational conditions and/or stakes in sporting terms are inadequate.

A betting operator may choose to suspend or remove the opportunity to place bets on a certain event if, e.g., the operator is aware a planned fix is the subject of bets or where a high probability of fixing has been identified because of a 'suspicious movement' of the bets. However, caution needs to be exercised to ensure there is no breach of the freedom to provide services. The principle of proportionality may limit the opportunities for the betting operator to intervene.

#### **Principle 4: Void bets**

The betting operator may have the power to void bets (which would mean that any contract is void and any money paid by way of stake or winnings must be repaid) if it would consider that a bet was 'substantially unfair'. This may be the case if either party supplied false or misleading information or either party believed a race, competition or event would be conducted in contravention of industry rules or either party believed an offence under the legislation had been or was likely to be committed.

It is recommended that betting operators should vary their terms and conditions so that any contravention of a sports organisation's integrity rules could be a breach of the operator's own terms and conditions and enable them to refuse to pay out on such bets.

#### **Principle 5: Establish a Monitoring System**

The creation of a monitoring system, radar or fraud detection system, under the responsibility of national betting regulatory authorities or of an international platform, that monitors unusual changes in the odds during a given sports event and has the capacity to measure the volumes placed, is crucial in the fight against match-fixing. The system should have the capacity to detect and alert when there are

unusually large deviations between calculated odds and odds observed.

In parallel to such a fraud detection system, betting operators should develop their own internal monitoring systems, so that they can integrate information related to the volumes passing through their network into the fraud detection system and hence be the best placed to judge the integrity of bets placed by their own customers. Betting operators have to report all suspicious activities according to parameters set up by the competent regulatory authority.

A system should also be established that monitors the means of payment allowing significant financial flows to be traced, particularly the senders, recipients, amounts and payment account numbers used in cooperation with financial institutions.

#### **Principle 6: Provide information to sporting organisations and public authorities**

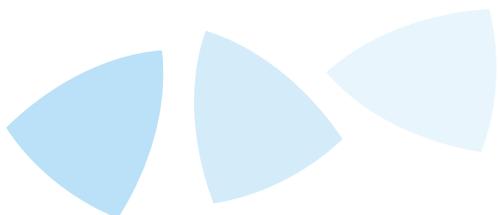
Through agreements with sports organisations, any information gathered in relation to suspect bets should be provided to sports organisations to assist them in responding to suspicious betting patterns and to public authorities as necessary. Betting operators should share all information with due respect to data protection rules.

#### **Principle 7: Offer bets only where explicitly authorised**

Betting operators shall only offer bets to the consumers of the jurisdictions in which they have an explicit authorisation.

#### **Principle 8: Cooperate with sports organisations**

Betting operators should transmit to sports organisations information requested by their Integrity Committee or disciplinary bodies. Memorandums of understanding should be concluded for that purpose.



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## ANNEX A.

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International legal and policy documents of relevance notably include:

Council of Europe:

- Draft Convention of the Enlarged Partial Agreement on Sport (EPAS) of the Council of Europe Against the Manipulation of Sports Competitions (2014);
- Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (ETS No. 198, 2005);
- Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, 1950) and its Protocols;
- Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 1981 and in its Additional Protocol of 2001;
- Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at football matches (ETS No. 120, 1985);
- Criminal Law Convention on Corruption (ETS No. 173, 1999);

- Convention on Cybercrime (ETS No. 185, 2001);<sup>1</sup>
- Recommendations of the Committee of Ministers No. (92) 13 rev on the revised European Sports Charter; CM/Rec (2010) 9 on the revised Code of Sports Ethics;
- Recommendation (2005) 8 on the principles of good governance in sport;
- CM/Recommendation (2011) 10 on promotion of the integrity of sport to fight the manipulation of results, notably match-fixing;
- Resolution 1975 (2012) adopted on 25 April 2012 by the Parliamentary Assembly of the Council of Europe on Good Governance and Ethics in Sport

European Parliament and European Commission:

- Draft Fourth European Anti-Money Laundering Directive (expected in late 2014);
- European Parliament resolution of 23 October 2013 on organised crime, corruption and money laundering: recommendations on action and initiatives to be taken (final report) (2013/2107(INI)).

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1. 'Article 7 – Computer-related forgery: Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the input, alteration, deletion, or suppression of computer data, resulting in inauthentic data with the intent that it be considered or acted upon for legal purposes as if it were authentic, regardless whether or not the data is directly readable and intelligible. A Party may require an intent to defraud, or similar dishonest intent, before criminal liability attaches.

Article 8 – Computer-related fraud: Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the causing of a loss of property to another person by:

a. any input, alteration, deletion or suppression of computer data,  
b. any interference with the functioning of a computer system, with fraudulent or dishonest intent of procuring, without right, an economic benefit for oneself or for another person.'

Financial Action Task Force (FATF):

- FATF Recommendations: International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation (2012).

International Standards Organisation (ISO):

- ISO 31000:2009, Risk Management;
- ISO 27001, Information Security.

United Nations:

- Convention against Transnational Organised Crime and the Protocols thereto (United Nations, Treaty Series, vols. 2237, 2241 and 2326, No. 39574);
- Convention against Corruption (United Nations, Treaty Series, vol. 2349, No. 42146).

World Lotteries Association (WLA):

- WLA Security Control Standard 2012;
- WLA Responsible Gaming.

Consideration should be made of the work and conclusions of the following ministerial conferences:

- the 11th Council of Europe Conference of Ministers responsible for Sport, held in Athens on 11 and 12 December 2008;
- the 18th Council of Europe Informal Conference of Ministers responsible for Sport, held in Baku on 22 September 2010, on promotion of the integrity of sport against the manipulation of results (match-fixing);
- the 12th Council of Europe Conference of Ministers responsible for Sport, held in Belgrade on 15 March 2012, particularly in respect of the drafting of a new international legal instrument against the manipulation of sports results;
- the UNESCO 5th International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport (MINEPS V), held in Berlin on 28, 29 and 30 May 2013 and its outcome document the 'Berlin Declaration'.







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