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The need to combat match-fixing

Report¹

Committee on Culture, Science, Education and Media

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Summary

Manipulation of sports results has taken on worrying proportions. The considerable sums of money involved in sports betting have encouraged the development of new forms of corruption, providing criminal organisations with a source of illicit profits and a means of laundering money from other illegal activities. As a result, this phenomenon not only taints the values of sport and harms the interests of the sports movement and betting operators, but is also a threat to public order and the rule of law.

If match-fixing is to be successfully combated, States, sports organisations – and in particular the International Olympic Committee (IOC) – and betting operators must co-ordinate their efforts more effectively. A range of preventive and punitive measures need to be implemented as a matter of urgency, including: awareness-raising programmes for young sportspeople; prohibition of betting on the competitions most vulnerable to attempted corruption; harmonisation of laws and adoption of dissuasive penalties; and stepping up of co-operation between the judicial authorities and the police.

Furthermore, all Council of Europe member States should support the work being done by the Enlarged Partial Agreement on Sport (EPAS) on the drafting of a convention aimed at establishing a general legislative framework and a stable co-operation platform to preserve the integrity of sport and the rule of law.

1. Reference to committee: [Doc 12406](#), Reference 3732 of 24 January 2011.

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A. Draft resolution²

1. Sport provides a fundamental way of expressing culture and is a factor which helps to structure our democratic societies. Healthy and regular exercise helps to keep people in good physical condition, prevent certain diseases and improve mental balance. Spectator sport and sport as a leisure activity both have a very significant fun dimension, for people of all ages. Thus sport contributes to the well-being of both individuals and society. It is of significant economic importance, for not only do sports events generate ever-increasing turnover (ticket sales, television broadcasting rights, advertising, sponsorship, merchandising), but the world of sport also creates jobs and invests in the development of facilities.
2. Nevertheless, greater commercialisation of sport and the lure of financial gain have brought the development of new forms of corruption. The considerable sums of money spent on sports betting are of growing interest to criminal groups. The Parliamentary Assembly is concerned about the present scale of match-fixing. This problem and the illicit profits from sports betting are jeopardising public order and the rule of law; they are tainting sport's values and the reputation of sportsmen and women, the sports movement, international sport organisations and betting operators. Therefore, match-fixing must not be regarded as a minor offence.
3. In [Resolution 1602 \(2008\)](#) on the need to preserve the European Sports Model, the Assembly emphasised that "recent scandals in several European countries, involving illegal betting and manipulation of results, have seriously damaged the image of sport in Europe. A number of mutually-reinforcing mechanisms are needed to reduce the risk of match-fixing, illegal betting or other forms of corruption".
4. Four years on, the situation has got worse. Only 10 countries in the world have passed legislation sanctioning sports frauds as such; States should adapt their legislative frameworks and ensure their harmonisation. At international level, greater efforts need to be made to bring to a rapid conclusion the work on introducing measures enabling match-fixing to be combated successfully, including – ultimately – the introduction of a binding international legal instrument and of a stable co-operation platform to preserve sport's integrity and values.
5. The United Nations Conventions against Transnational Organised Crime (Resolution 55/25 of the General Assembly of 15 November 2000) and against Corruption (Resolution 58/4 of the General Assembly of 31 October 2003) should cover in clear terms cases of manipulation of sport results and corruption among sportspeople and match officials.
6. The Assembly therefore asks the member States of the Council of Europe to:
 - 6.1. apply without delay the measures recommended in the appendix to Recommendation CM/Rec(2011)10 on the promotion of the integrity of sport against manipulation of results, notably match-fixing and to take due account of the recommendations by international and European organisations such as the International Olympic Committee and SportAccord;
 - 6.2. if they have not already done so, accede to the Council of Europe's Enlarged Partial Agreement on Sport (EPAS);
 - 6.3. if they have not already done so, ratify the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198) and ensure that, in their respective legal systems, the mechanisms for which this Convention provides are applicable to illegal betting and to the profits from manipulation of sports results;
 - 6.4. ensure that training and awareness-raising programmes for young amateur and professional sportspeople (in accordance with the kind of programmes developed by the Union of European Football Associations (UEFA) for the under-17 and under-19 age groups or SportAccord education programme) are introduced, and that these effectively teach those sportsmen and women about the risks of accepting money in return for altering their performance;
 - 6.5. prohibit betting on those competitions most vulnerable to attempted corruption, namely: specific youth competitions (for sportspeople aged under 18), amateur competitions and, for some sports such as football, lower-division professional competitions;

2. Draft resolution adopted unanimously by the committee on 6 March 2012.

- 6.6. establish a national betting-regulatory authority in every country and consider setting up in each country an “integrity of sport” monitoring centre and a “sports betting” working group, the activity of which should be co-ordinated by the national regulatory authority, with a view to Europe-wide networking of information;
 - 6.7. develop, in co-operation with sports institutions, appropriate rules and mechanisms to ensure that any disciplinary penalties imposed by federations' committees and any criminal law penalties for corruption are sufficiently deterrent and effectively applied;
 - 6.8. promote mutual recognition of criminal, administrative, disciplinary and sports penalties by States and sports federations;
 - 6.9. ensure co-operation between judicial authorities and national and international police, particularly Interpol, Europol and Eurojust, to enhance the effectiveness of investigations into and prosecution of match-fixing cases;
 - 6.10. work with national and international betting operators to introduce effective procedures for detecting suspicious betting;
 - 6.11. call for an extension to match-fixing of the United Nations Conventions against Transnational Organised Crime and against Corruption (Resolutions 55/25 of the General Assembly of 15 November 2000 and 58/4 of the General Assembly of 31 October 2003), with a view to encouraging the reforms needed to enable this problem to be effectively combated worldwide.
7. Furthermore, the Assembly calls on international sports federations to:
- 7.1. act together in a co-ordinated manner to combat match-fixing, while defining the expected contributions and specific role of each international federation, of SportAccord and of the International Olympic Committee (IOC), which should continue to co-ordinate actions;
 - 7.2. adopt a code of ethics drawing on the IOC Code of Ethics and on the “Basic Universal Principles of Good Governance of the Olympic and Sports Movement”;
 - 7.3. draw up guidelines to ensure that sportsmen and women undergo awareness-raising and training, with particular attention being paid to young sportspeople;
 - 7.4. set up a supervisory body within each sports federation, with proper powers and means;
 - 7.5. co-operate actively with government agencies, facilitate the access of the competent national authorities to disciplinary files and report to them any suspicious operations;
 - 7.6. develop a set of progressive, but deterrent, penalties and apply these unhesitatingly when offences are proven;
 - 7.7. ensure harmonisation of disciplinary and sports sanctions;
 - 7.8. prohibit sportspeople and officials from betting on competitions in which they are involved.
8. The Assembly also calls on national sports federations to:
- 8.1. conduct a regular examination of the decisions taken by match officials and judges;
 - 8.2. appoint persons responsible for matters relating to “sports betting and sport’s integrity” (a kind of Ombudsperson) and establish links with outside companies which monitor sports betting;
 - 8.3. set up a telephone assistance service for sportspeople subjected to pressure or blackmail.
9. Finally, the Assembly recommends that sports betting operators:
- 9.1. co-operate with public authorities, sports authorities and bodies by systematically reporting any suspicious operations;
 - 9.2. refrain from offering opportunities to place bets regarded as “very risky”, with high initial stakes and long odds, and limit those bets already regarded as “risky”;
 - 9.3. clarify any situations of conflict of interests in which they may find themselves, and adopt a common position on this subject;

9.4. contribute a proportion of their profits towards financing the setting up and operation of supervisory bodies responsible for ensuring the integrity of sport and the prevention of manipulation of sports results.

B. Draft recommendation³

1. Referring to its Resolution ... (2012) on the need to combat match-fixing, the Parliamentary Assembly wishes to draw the attention of the Committee of Ministers to this issue of organised crime, which raises a genuine problem for the entire sports movement.
2. The Assembly considers the Council of Europe to be the best placed Organisation to deal effectively with the question of the preservation of European sport as an expression of democracy, fundamental rights and social cohesion. Furthermore, a pan-European, or even global, approach is needed in order to combat effectively both bribery of people involved in sport and match-fixing.
3. The Council of Europe, together with the International Olympic Committee (IOC), should continue to perform a leading role in the search for effective ways of combating this problem and should advocate constructive dialogue between the stakeholders in order to achieve the desired result together.
4. The Council of Europe's Criminal Law Convention on Corruption (ETS No. 173) and the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198) should be used as major standard-setting reference points in the definition of the mechanisms and legal means needed to combat the criminal organisations which bribe persons involved in sport to manipulate sports results, and thereby use sports betting as a means of laundering money and as a source of finance for their activities.
5. Consequently, the Assembly invites the Committee of Ministers to:
 - 5.1. support the work being done by the members of the Enlarged Partial Agreement on Sport (EPAS) on the drafting of a European convention on match-fixing, based on Committee of Ministers Recommendation CM/Rec(2011)10; this convention, which should be prepared as a matter of urgency, should aim at establishing an appropriate general legislative framework, taking into account the findings of the feasibility study presented in February 2012;
 - 5.2. stipulate that the Additional Protocol to the Criminal Law Convention on Corruption also applies to national and foreign match officials in accordance with the idea set out in Assembly Opinion 241 (2002);
 - 5.3. create an ad hoc committee responsible for:
 - 5.3.1. identifying the good practices and legal tools needed to prevent and combat corruption in sport and match-fixing, on the basis of the methods, experience and expertise of the Group of States against Corruption (GRECO) and of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL);
 - 5.3.2. studying the possibility of harmonisation of European legislation on sports betting, taking account of the legislation and prerogatives of the European Union, and thus drawing up guidelines in this respect;
 - 5.3.3. studying the possibility of extending the field of application of the Criminal Law Convention on Corruption in order to include in it in clear terms cases of bribery of persons involved in sport;
 - 5.3.4. defining a minimum framework in order to establish sports fraud as a criminal offence in different countries;
 - 5.4. promote effective co-ordination at international level of the fight against match-fixing.

3. Draft recommendation adopted unanimously by the committee on 6 March 2012.

C. Explanatory memorandum by Ms Brasseur, rapporteur

1. Introduction

1. On 22 September 2010, the Parliamentary Assembly participated in the 18th Council of Europe Informal Conference of Ministers responsible for Sport, held in Baku (Azerbaijan). The ministers discussed, *inter alia*, the manipulation of the results of sporting events (match-fixing) as a significant threat to the integrity of sport, and adopted a resolution on the subject,⁴ prompting Ms Cecilia Keaveney (Ireland, ALDE), who represented the Assembly at the conference, to table a motion for a recommendation on the need to combat match-fixing. The Assembly subsequently referred it to the Committee on Culture, Science and Education⁵ in January 2011, which appointed Ms Keaveney as rapporteur.

2. On her departure from the Assembly in June 2011, the committee handed over the responsibility for continuation of the report to me, which I accepted. The present explanatory memorandum draws extensively on Ms Keaveney's groundwork and I thank her for the energy and dedication with which she carried out the preparatory stages.

3. Was well as the Ministerial Conference in Baku in 2010, Ms Keaveney attended several key meetings in 2011, including the European Sports Journalist's Conference in (Budapest, 22 February), two seminars of the International Olympic Committee (IOC) on Illegal and Irregular Betting (Lausanne, 1 March and 15 June) and a seminar organised by the Enlarged Partial Agreement on Sport (EPAS) (Strasbourg, 3 May). She organised a hearing at the meeting of the committee on 23 June 2011, with the participation of Council of Europe Deputy Secretary General Maud de Boer-Buquicchio, Dr Declan Hill, investigative journalist,⁶ Mr David Howman, President of the World Anti-Doping Agency (WADA), Mr Pierre Cornu, Chief Legal Counsel for Integrity and Regulatory Affairs of the Union of European Football Associations (UEFA), and Mr David Lyman, an observer representing the Remote Gambling Association.

4. Continuing as rapporteur, I attended a seminar on match-fixing organised on 8 September 2011 in Brussels by the Institut de relations internationales et stratégiques (IRIS), which has recently published a white paper on "Sports betting and corruption".⁷ This publication analyses in detail the phenomenon of sports corruption and its connection with sports betting, and formulates interesting recommendations aimed at fighting against sports corruption and fraud more effectively. I subsequently had three meetings, one on 18 November 2011 in Brussels with the European Sports Security Association (ESSA); another on 2 December 2011 with the Bochum public prosecutor, Mr Andreas Bachmann, who is in charge of the investigation into match-fixing in Germany (the Robert Hoyzer affair) and who explained to me how the criminals who seek to manipulate sports events operate and organise themselves; and the third on 5 December 2011 in Paris with the director of CK Consulting, Mr Christian Kalb,⁸ who is familiar with the viewpoint of both sports federations and public and private sports betting operators. Telephone conversations took place in late December 2011 with Mr André-Noël Chaker, of the Finnish National Lottery, and in early January 2012 with Mr Thomas Bach, Vice-President of the IOC, Mr Christophe De Kepper, Director General of the IOC, and Ms Pâquerette Girard-Zappelli, Secretary to the IOC Ethics Commission. These exchanges of views gave me an awareness of the future challenges facing the Olympic movement.

5. The aim of the present report is to promote measures of prevention, detection and penalty required to combat effectively this phenomenon, which is linked with corruption, money-laundering and huge illicit profits for criminal organisations. It is linked to another report prepared by Mr François Rochebloine (France, EPP/CD) on "Good governance and ethics in sport" (Doc. 12889), covering the broader aspects of governance and of the fight against corruption in the sports world. It is about defending the rule of law and fighting against organised crime.

4. 18th Council of Europe Informal Conference of Ministers responsible for Sport (Baku, 22 September 2010), Resolution No. 1 on Promotion of the integrity of sport against the manipulation of results (match-fixing).

5. Since January 2012, the Committee on Culture, Science, Education and Media.

6. Author of an internationally best-selling book on match-fixing entitled "The Fix".

7. Pascal Boniface, Sarah Lacarrière, Pim Verschuuren, Paris sportifs et corruption – Comment préserver l'intégrité du sport, IRIS éditions, 2012.

8. He is also one of the co-writers, with Frédéric Bolotny, of the study entitled "Quels outils pour préserver l'intégrité du sport français" [How to preserve the integrity of French sport], CK Consulting, April 2011.

2. Background to the report

2.1. The “European Sports Model” in danger

6. From time immemorial, sport has been a positive factor in society, often symbolising peaceful reconciliation, and good mental and physical health. Certain sports have become major economic factors with considerable financial implications. Sport for leisure and entertainment are also important considerations. The champions of sport are incarnations of such “noble” values as bravery, honour, self-respect, respect for others and playing by the rules. Team sports, in particular, have provided examples of opposing sides in situations of conflict being brought together. It has long served as a means of teaching children and young people to channel their energy and potentially aggressive behaviour into physical effort, exerted according to rules relying heavily on “sportsmanship” and “fair play”. Sport is a tool for teaching basic social skills and can favour social cohesion as an inclusive activity accessible to all, regardless of nationality, age, social status, religion or even physical condition.

7. Because of this central role, any interference with the correct functioning of the organisation of sport has an impact on society as a whole. The risk of such interference has been multiplied over the past years by the extremely lucrative nature of certain sports and of sport-related betting. As the Assembly’s Resolution 1602 (2008) on the need to preserve the European Sports Model⁹ states: “The preservation of the European sports model is the best means of safeguarding the interests of sport and the benefits that sport delivers to society. ... There is no doubt that the professional level of sport has become more and more of a business and this negative trend has become particularly marked in the last two decades. We have witnessed the internationalisation of sport and, above all, the unprecedented development of the economic dimension of sport, driven in particular by the value of television rights.”

8. This report seeks to provide an overview of areas which should be addressed in order to prevent and sanction the manipulation of sports results and to explore national and international initiatives taken. Several match-fixing scandals in different sports will illustrate the current situation and the seriousness of the threat and of its consequences.

2.2. Definitions and main actors

9. According to Recommendation CM/Rec(2011)10 of the Committee of Ministers of the Council of Europe, “match-fixing” may be defined as illegally influencing the course or the result of a sporting competition in order to obtain advantage for oneself or for others. The abolition of borders and the liberalisation of betting markets, along with developments in betting technologies (betting on the Internet or by mobile phone) have created new risks, requiring initiatives to prevent the manipulation of sport results. Fixing sports results may mean either “cheating to win” or “cheating to lose”. The term “spot-fixing” is used to designate an illegal agreement on a specific action during a competition (point won or lost, an injury, etc. – see the case relating to cricket in chapter 3) and is more applicable to some sports than others. “Spread betting” increases the number of bets that can be made on a result, as bets are placed on precise scores or winning ratios, rather than solely on a win or a loss. Match-fixing is usually linked to organised crime and often involves money laundering, for instance.

10. Bets which are defined as “very risky” are those with high initial stakes accompanied by long odds. Some sites, for instance, have no maximum stake per bet, enabling large sums to be staked on something which is highly unlikely to happen. Bets on odd happenings (“fun bets”) are also regarded as “risky”.

11. Besides the actual players and sports participants, other stakeholders may be involved in corruption and match-fixing; frequently associated with it are:

- coaches, who can influence a team’s performance through the choice of players or of game strategies;
- referees or judges, who can alter the outcome of a match or a competition by misapplying the rules of play¹⁰ or arbitrarily rating a sportsperson’s performance;
- sports managers, who make contacts and enter into arrangements “under the table”.

9. See also Doc. 11467, report of the Committee on Culture, Science and Education (rapporteur: Mr José Luís Arnaut).

10. For example, in football this can hinge on issuing a yellow card early in the match (making the penalised player very vulnerable) or awarding a doubtful penalty, or not sanctioning an off-side, etc.

2.3. Match-fixing today: the scale of the problem is difficult to assess

12. Certain recent scandals provide illustrations of the nature and partially of the scale of match-fixing across Europe, and how problems have been addressed to date. Figures, however, are not reliable. At the committee's hearing in June 2011, Pierre Cornu, representing the UEFA, stated that most football matches were not subject to manipulation and that "95% of football events covered by the UEFA were 'clean'". In contrast, Christophe Blanchard-Dignac, President of the French national lottery (*Française des Jeux*) estimates that, currently, the results of one match out of four are being manipulated.

13. The difficulty arises naturally from the illicit nature of the activity and the fact that it is hard to prove; but it would appear that sports federations are somewhat fearful or reluctant to reveal cases of match-fixing because of the negative repercussions they may have, leaving the revelation of scandals to enterprising journalists or international police investigations. More surveillance and transparency within national and international sports federations themselves are necessary in order to effectively combat corruption in sport in general, and match-fixing in particular. The truth of the matter is that numerous sports federations do not have the means necessary to address this scourge.

14. The aggregate value of sports betting remains comparatively low by comparison with the turnover for gaming in general. For example, in 2009, sports betting represented 7% of gaming in Italy and 2% in France. A minority of bettors nevertheless bet significant sums of money. Worldwide, for example, 5% of gamblers place between 60 and 80% of all bets. Christian Kalb told us that, in France, 1% of gamblers accounted for 50% of the sports betting market. Among these highly active gamblers are people who offer bribes, pathological gamblers, and professionals who may be traders or experts in calculating probabilities. The general idea is to move towards making sports betting in Europe less attractive for these three groups. Where illegal betting is concerned, it has been demonstrated that, in France, 75% of the bets placed on the Internet are made on illegal sites. Overall, according to Mr De Kepper, Director General of the IOC, the ratio of legal to illegal betting could be between 1 to 20 and 1 to 10.

15. Moreover, not only financial interests are at stake: the future of sport is being placed in jeopardy, if its integrity and values are impugned. Doubt over the "fair and ethical" nature of competitions and foreseeable results lessens sponsors' interest in financing sport and parents' interest in enrolling their children in a sports club. There is more, however, for uncertainty underlies every sporting contest; if the result is predictable, there is neither true rivalry nor true spectacle, so the event no longer holds any public interest, and sport as a social, cultural, economic and political practice simply no longer has any reason to exist and it loses all its credibility.

2.4. A global problem

16. In some Asian countries, such as Indonesia, China, Korea and Pakistan, 90% of the results of all sports events are believed to be decided in advance. With the progress of modern technology, Asian bettors have expanded their "interest" to sports in countries where winnings are bigger, although less predictable. Thus betting habits have become more global and among them the fixing of results in advance or during competitions. In addition, the phenomenal sums of money involved in some sports (above all in football) through the entry of top sportsmen and women into the "star system" and the popularity of sport broadcasting, have had a significantly negative effect on the integrity of sport in a global community. As a result, any action against match-fixing should take into account the need to go beyond the frontiers of Europe or at least limit the effects of organised crime operating outside Europe.

3. Recent cases of match-fixing

3.1. Match-fixing in football

3.1.1. Robert Hoyzer case (Germany, 2005) and Ante Sapina case (Germany, 2011)

17. In 2005, the Hoyzer case (first part of the "Bochum procedure") implicated 25 people, including football players, referees and stakeholders in the underground economy. Three people were finally convicted: two referees, Robert Hoyzer (2 years 5 months in prison) and Dominik Marks (1 year 6 months in prison) and the presumed ringleader, Ante Sapina (2 years 11 months in prison). The last-named culprit is believed to have won around two million euros by betting on 25 manipulated matches (23 of them in the German second and third divisions) between April and December 2004. Robert Hoyzer's presumed gain was €70 000.

18. Six years later, within the framework of the second part of the Bochum procedure, Ante Sapina was again sentenced by a German court, this time to five years and six months in prison, for manipulating the outcomes of 51 matches between club and national teams, including Champions League matches and 2010 World Cup qualifying fixtures with ramifications in 19 countries. With the assistance of a highly sophisticated criminal network, around €12 million were paid to referees, players, coaches and officials of sports federations in order to influence the results of the targeted matches. The match-fixers placed over 6 000 bets in Asia totalling tens of millions of euros (including €32.5 million from one single punter), making a profit of approximately €7.7 million. On the whole, 270 manipulated matches were considered by the first two parts of the Bochum procedure.¹¹

3.1.2. Calciopoli (Italy, 2006)

19. In this case with high media exposure, which rocked the world of Italian football because of the importance of the teams and personalities implicated, certain Italian clubs had set up a real system to influence the designation of referees for fixtures concerning their teams. They then contrived to have the referees give them the benefit of contentious actions. The prime mover of this scandal was the director general of Juventus Turin, Luciano Moggi. The club lost its title as champion and was relegated to the second division. Other clubs received penalty points during the next sports season.

3.1.3. Debrecen case (Hungary, 2009)

20. A criminal organisation manipulated the outcome of a Champions League match, and two Hungarian players were convicted of rigging the result of a match in which they played. Subsequently, one of the two convictions was set aside by the Sport Arbitration Tribunal in 2010.

3.1.4. Present cases of match-fixing (pending at the beginning of 2012)

21. In Germany, the third part of the Bochum procedure is pending. In Greece, 83 persons are suspected of corruption, money laundering, illegal betting and match-fixing, involving players, managers and police officers. In Turkey, 60 suspects, including managers of major clubs in the Turkish first division, were arrested over a case of matches fixed to allow online bettors to win. In Italy, a new case of match-fixing has just come to light; suspicions hang over third, second and first division matches.

22. In Turkey, Law No. 6222 on the prevention of violence and disorder at sports events laid down a penalty of between five and twelve years' imprisonment for match-fixing (without specifying whether this sanction applies only to gamblers or to footballers as well). The Turkish Parliament has twice voted – the Head of State having vetoed the law following the first vote – virtually unanimously (284 votes in favour, six against and one abstention) for the penalty to be reduced to between one and three years' imprisonment. This relaxation can only give rise to strong reservations and increase suspicions that this law protects the illicit financial interests of a powerful lobby.

3.2. Match-fixing in tennis

23. For players, “fixing” or “rigging” the outcome of a tennis match is comparatively easy because of the very high degree of technicality, speed and precision of the movement required for every hit. Professional tennis players can make their shots less effective (hence more easily played by the opponent), and hit the ball out of play or into the net “accidentally” almost at will. The path of the ball or the angle, effect or power of the hit need simply be altered. An intentional minor fault is virtually impossible to detect (that is, to distinguish it from an involuntary fault) even by viewing the video of it. Moreover, a tennis professional knows which points are crucial in a match. Creating the illusion of giving one's utmost to (almost) every ball, but losing a few important points, readily allows the final result of a match to be distorted.

11. The IRIS white paper on “Sports betting and corruption” (see footnote 6) gives the geographical distribution of these matches: Austria, 12; Belgium, 9; Bosnia and Herzegovina, 8; Croatia, 15; Germany, 53; Hungary, 14; Slovenia, 7; Switzerland, 35; Turkey, 74; international matches, 33.

24. The players themselves admit it. In 2007, British player Andy Murray, one of the best in the world, told the BBC that the frequency of rigged matches was common knowledge; players simply needed to try their best at the start of the set, make a few mistakes then incidentally serve a double-fault. Michael Llodra, a French professional player, added the same year that if he felt like losing 6-3, 6-3 the next day, he was certain that nobody would notice if he did it on purpose.

25. In fact there is only one way to detect a rigged match: inordinate wagers. The media often pass on the information that the first rigged match in tennis dates from 2007 when Nikolay Davydenko met Martin Vassallo Arguello at a tournament in Poland, but this practice may go back much further. The Russian player Nikolay Davydenko who started as clear favourite finally yielded to his Argentine opponent. He justified his defeat by declaring that he was suffering from a fatigue fracture (quite a frequent injury in tennis) nevertheless known only to himself and his wife. But that does not account for the unusually high stakes placed on the match; these, furthermore, surprisingly favoured a victory for the Argentine player, even though Davydenko had just won the first set.

26. According to disclosures to the newspapers by the International Tennis Federation, 45 tennis matches were potentially fixed in the last few years, in minor tournaments but also in Grand Slam tournaments. Moreover, several statements by prominent tennis players report attempts to bribe them. For example, in September 2007, Novak Djokovic, the present world number one, said he had been approached about losing a match in a tournament in Russia. In October 2007, Michael Llodra and Arnaud Clément made similar statements. Again, in November 2007, Younes El Aynaoui, a former Moroccan tennis great, told *Le Monde* newspaper that he had been offered €25 000 (four or five times the prize money for the winner of that tournament) to let his opponent win. He had been told that it was common in tennis circles and this was a case of attempted match-fixing in connection with betting on the Internet. More recently, on 31 May 2011, the Austrian player Daniel Koellerer was banned for life by the TIU (Tennis Integrity Unit) for rigging three matches between 2009 and 2010.

3.3. A very recent example: cricket

27. On 3 November 2011, a 19-year-old cricketer with the Pakistan national team, Mohammad Amir, was sentenced to six months' imprisonment for his involvement (when aged 18) in a spot-fixing scandal. Fellow players Salman Butt, Mohammad Asif and their agent Mazhar Majeed were sentenced respectively to 30, 12 and 32 months. The three sportsmen and agent were found guilty of conspiracy to cheat at gambling and of accepting corrupt payments in relation to an agreement to intentionally deliver two no-balls at Lord's cricket ground in London in 2010.

28. The scandal was revealed when the agent, Mazhar Majeed, predicted to an undercover journalist from the *News of the World* exactly when the corrupt no-balls would be delivered. The journalist paid £150 000 (€174 500) to Majeed for the information in marked and thus distinguishable notes, before publishing the resulting story, which led to the spot-fixing trial.

29. Significantly, the young cricket player Amir blamed the Pakistan Cricket Board for not educating players enough, stating that the Pakistani Cricket Board did not give him enough information about the anti-corruption code and that he had not realised the seriousness of the risks he was taking. He also stated that he had been the victim of threats to himself and his family which stopped him from speaking freely in public. The judge at the trial confirmed the reality of the threats "and the strength of the underworld influences who control unlawful betting abroad", shown by the supporting evidence which included materials from the Anti Corruption and Security Unit of the International Cricket Council (ICC).

4. Need for co-operation of all stakeholders

30. As the problem has become global, the various political, sporting and economic stakeholders would be well advised to band together to successfully combat a phenomenon of constantly growing proportions.

4.1. European Union

31. Since 2007, the European Union has taken an active interest in the problems posed by sports betting.¹² The European Commission (2007 and 2011¹³) and the European Parliament (2008¹⁴ and 2011¹⁵) have taken initiatives referring to several aspects of the question.

32. Within the European Union, the discussions at a meeting in the European Parliament in Strasbourg in July 2011 emphasised the need for co-operation between the Council of Europe and the European Union on the prevention of match-fixing. Each institution should concentrate on its preferential fields, and the Council of Europe has an important role to perform given the phenomenon's pan-European, even international, character, while the European Union will have its own importance in the financial regulation of sports betting.

4.2. International Olympic Committee

33. The International Olympic Committee (IOC) acts as co-ordinator between the different sports federations in the search for ways of curbing the scourge of match-fixing. It took preventive measures as early as 2007, international sports federations not being in a position to do so. Monitoring mechanisms and disciplinary procedures have been put in place. However, these measures are insufficient against serious crime.

34. Together with these partners, the IOC has dropped the idea of setting up a body like the World Anti-Doping Agency, which would be awkward to manage. It considers that States should nevertheless regulate the betting market worldwide, and co-operation between the sports movement and public authorities is vital. The IOC should take the lead in co-ordinating the different stakeholders.

35. On 1 March 2011, the IOC organised a meeting on "Fighting irregular and illegal sports betting", which involved public authorities, agencies of the sports movement and online betting operators. It transpired that co-ordination at the international level was imperative to combat this phenomenon and that all stakeholders present for this debate should contribute. A working group was set up, composed of three groups of experts each being assigned a different aspect of the match-fixing problem. It put forward a set of recommendations on 2 February 2012. Previous IOC recommendations exist since 2010,¹⁶ drawn up during the seminar on "Sports betting: a challenge to be faced".

36. According to Mr Bach, Vice-President of the IOC, it would be desirable for every country to have legislation providing for both preventive measures, particularly the monitoring of betting, and punitive measures. Agreement should be reached on which bets to prohibit, and anything untoward should be detected. National legislation should also take account of spot-fixing; in many countries, the placing of bets on specific actions is not prohibited. The difficulty lies in the fact that manipulation has to be proven, which is even more difficult in the case of spot-fixing.

4.3. FIFA/UEFA

37. Co-operation with the football bodies can be a good way of turning to account the systems of surveillance of sports betting developed by the Fédération Internationale de Football Association (FIFA) and UEFA.

38. FIFA has realised the danger posed by corruption in sport and match-fixing. Since 2004 it has entrusted a private company (*Early Warning System GmbH*) with the task of preserving the integrity of football. This company emphasises prevention and a system of analysis of the sports betting market which enables it to alert FIFA quickly in case of suspicion. In particular, it monitored the last two soccer World Cups in Germany in 2006 and in South Africa in 2010, and is regularly consulted on surveillance of other sports.

12. White Paper on Sport, COM(2007)391 final.

13. European Commission, Green Paper on online gambling in the Internal Market (2011), document SEC(2011)321 final.

14. European Parliament, Report on the integrity of online gambling (2008), Rapporteur: Ms Christel Schaldemose (Denmark, SOC).

15. European Parliament, Draft report on the European dimension in sport (2011), Rapporteur: Mr Santiago Fisas Ayxela (Spain, EPP).

16. Recommendations for the IOC seminar "Sports betting: a challenge to be faced", 24 June 2010, Lausanne: www.olympic.org/Documents/Conferences_Forum_and_Events/2010-06-24_Final_Recommendations_IOC_Seminar_Eng.pdf. See also "Model rules on sports integrity in relation to sports betting for all international sports federations and organisations", available at: www.sportaccord.com/multimedia/docs/2011/08/Model_Rules_on_Sports_Integrity_in_Relation_to_Sports_Betting.pdf.

39. FIFA has signed an agreement with Interpol for a term of ten years. It will finance, for a total of 20 million euros, a training programme for combating corruption and illegal sports betting. In addition, it announced on 10 January 2012 a raft of measures to combat match-fixing. It plans to set up, this very year, a warning system to detect risks of match-fixing in advance. Interpol and national police forces will be asked to play their part, and FIFA plans to deploy its own investigators in Asia, the Americas and the Middle East. Other recommended measures are an amnesty, a protection programme for sources of information about match-fixing, a dedicated phone line enabling people to report match-fixing anonymously, and a rehabilitation programme for players, officials and administrators caught up in this kind of case.

40. For its part, UEFA has established two types of measure:

- The first is an education programme aimed at young footballers, in agreement with the 53 UEFA member federations. Two age groups have been alerted to the problem since 2010, the under-17s and the under-19s. The seminars focused on prevention and risks, as well as on the disciplinary penalties which players incur for cheating.
- The second is the UEFA Betting Fraud Detection System, effective for all first and second division fixtures of the 53 member associations as well as for the UEFA fixtures such as the matches of the UEFA Champion's League, that is some 29 000 matches according to UEFA.

4.4. International Tennis Federation

41. In 2008, the International Tennis Federation and the organisers of the main professional men's and women's tennis tournaments got together to set up the Tennis Integrity Unit. This independent body works hard to protect the integrity of tennis competitions worldwide, through programmes such as the Tennis Integrity Protection Programme and the Uniform Tennis Anti-Corruption Programme, which not only inform players about corrupt practices, in order to prevent these, but also make it possible to investigate and punish violations of the rules against corruption and match-fixing.

4.5. National sports federations

42. Organised crime in sport has attained such dimensions that no single sporting federation, organisation or club can hope to combat it alone. There is a need for co-operation in educating sportspeople, enhancing detection and in the enforcement of regulations and severe sanctions. Sports federations need solid frameworks for financing and operating such education and training programmes, with the assistance of their national authorities and perhaps that of the large money-makers in sport who are sponsors and betting operators. A systematic return of a percentage of the proceeds from matches to the sports movement, along the principle of "fair returns", would be a way of ensuring more equality and fairness in sport at all levels.

4.6. Online betting operators

43. For an online betting operator, the integrity of sports competitions forms the foundation of his economic activity. Confidence in the system is crucial, and customers will not risk their money unless they are sure of being on a par with all the other bettors. That is why certain operators cancel the bets as soon as a match appears suspect to them, and supply all the information needed to conduct an inquiry. This practice should be extended to all operators. Memoranda of agreement with private operators and the European lottery associations are also to be encouraged and developed. The main turnover does not come from sports activities but from poker. In many countries, operators are sponsors of teams or events for marketing purposes. In these cases, it is clear that conflict of interest must be avoided. Lotteries and betting are not negligible sources of revenue for the sports movement as in many countries a percentage of the profits goes back to sport.

4.7. National and international police co-operation

44. Judging by the way football has fared of late, co-operation with the police authorities is absolutely essential. In fact, the police have means at their disposal which sports authorities do not have. This is the case, for example, with a search, recourse to phone-tapping, or effecting arrests of criminals. Profits linked with illegal sports betting are distinctive in that they are used to fund other criminal activities. The police and the national public authorities, but also the international ones where the criminals are based in another country or another continent, thus have a rightful place among the players to be enlisted in the fight against match-fixing.

5. Need for an international convention open to non-European States

45. The motion for a recommendation proposes that the Committee of Ministers be called on “to start consultations on establishing a committee to identify best practices against manipulation of sports results, measures the Council of Europe could take to reduce risks of manipulation, including a convention, and the form of a possible international mechanism to co-ordinate the fight against manipulation of sports results”.

46. An international convention would serve to establish standards and commonly agreed principles for the prevention of the manipulation of sports results. The Council of Europe’s standard-setting role and pan-European nature would make the Organisation the ideal forum for developing such a tool; an enlarged convention would allow better control over an issue with global ramifications, and could also enable adhesion by the European Union.

47. Since the motion was tabled, the Council of Europe’s Enlarged Partial Agreement on Sport¹⁷ has brought the work on a convention forward and prepared, for adoption by the Committee of Ministers, Recommendation CM/Rec(2011)10 on promotion of the integrity of sport against manipulation of results, notably match-fixing, which asked the EPAS to conduct a feasibility study on an international convention. This study was presented to the Conference of European Ministers of Sport in Belgrade on 15 March 2012.

48. The involvement of sports movements in the convention as observers should also be considered. Attention will also be given to effective monitoring mechanisms, in particular the possibility of generalising a “return on benefits” mechanisms which provide for payment by private betting operators of a percentage of their benefits towards financing on one hand measures to combat match-fixing and on the other European sports movements.

49. An international mechanism for the co-ordination and monitoring of the implementation of legal measures would serve both as a means of monitoring the rules for the prevention of match-fixing and as a platform for developing and implementing new policies between all stakeholders. However, the existence of several international bodies which already have the potential means of creating together a solid framework for prevention, as well as the need to further define and establish precisely the necessary provisions to be implemented, means that a possible monitoring mechanism or supervisory organism requires further discussion among stakeholders. Furthermore, another possibility would be for States to incorporate the future convention directly in their legislation, thus ensuring the best possible implementation of its provisions at national level.

50. Existing international structures may well provide the appropriate tools for international co-operation on this basis. In this respect, the experience and expertise of Council of Europe bodies such as the Group of States against Corruption (GRECO), the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) and the Conference of the Parties to the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and the Financing of Terrorism (ETS No. 141) will be useful. In this respect, it is worth noting that Assembly Opinion 241 (2002) on the draft additional protocol to the Criminal Law Convention on Corruption recommended that the protocol apply to domestic and foreign referees and other sports officials: “The Assembly notes, however, that the definition of the term ‘arbitrator’ given in Article 1 of the draft protocol does not indicate the area in which the individuals concerned operate. It believes that it would be wise for referees and other sports officials with similar functions to be covered by the draft protocol, in view of the financial or other implications that their decisions can have, as demonstrated by recent event”, but that was not followed up by the Committee of Ministers at the time.

17. The EPAS provides a platform for intergovernmental sports co-operation between the public authorities of member States of the agreement. It also encourages dialogue between public authorities, sports federations and NGOs. This contributes to better governance, with the aim of making sport healthier and fairer and ensuring that it conforms to high ethical standards. The EPAS develops policies and standards, monitors them and helps with capacity building and the exchange of good practice. It uses Council of Europe sports standards such as the European Sports Charter, the Code of Sports Ethics, the European Convention on Spectator Violence and the Anti-Doping Convention as the basis for drawing up its own strategies. A fact sheet on the EPAS is published at: http://www.coe.int/t/dg4/epas/about/factsheet_EN.asp.

6. Conclusions

51. In the course of the preparation of this report, I realised the scale on which match-fixing and bribery of sportsmen and women, referees and officials take place within the sports movement as a whole. While this is a recent development, it is nevertheless a priority not just for sports federations, but also for States, first and foremost those of the European Union, as shown by the priorities of the Polish Presidency in respect of sport.

52. Manipulation of the results of sports events enables criminal organisations to launder dirty money and finance their illegal activities through betting, particularly online. The organisations make quick profits without taking too many risks: prosecutions are few and far between, and penalties not very severe. Sanctions for match-fixing which act as a deterrent have thus become necessary to the effective combating of organised crime in Europe. Regrettably, not all European States include this offence in their legislation, and it is highly surprising that, in some of the countries where match-fixing is an offence, efforts are being made to reduce the applicable penalty, as is currently the case in Turkey.

53. The uncertainty of the outcome underlies sporting competition and public interest in it. If sportsmen and women, referees or officials are bribed so that the results of sports events are arranged in advance, the principle of the uncertainty of results is undermined and European sport as a whole is in jeopardy. Thus the debate centres on the continuation of sport, its future. A strong political signal needs to be sent out to European citizens in this context, showing that corruption in sport is no less serious than corruption in other parts of the social sphere.

54. The sports movement is the main actor in the fight against corruption and match-fixing. The principle of the independence of the sports movement is part of the "European Sports Model" and a cornerstone of the organisation of the movement. Nevertheless, if self-regulation proves inadequate and a major problem is beyond the capacity of sport's authorities, as in this case, national or supranational intervention is necessary.

55. Some European States have banned private sports betting, while others have introduced a "right to sports betting". Approaches and legal situations thus differ in Europe – and across the world – making it difficult to find common solutions.

56. These difficulties must be overcome and joint efforts made, for no solutions will be effective unless they are accepted and implemented by all. In order to achieve tangible results, four things seem to me to be particularly important.

57. Firstly, there is a need to step up information and prevention activities directed at all concerned to a greater or lesser extent by sports betting, particularly sportspeople, the coaches they employ to improve their sporting performance and those who draw up the rules of sports.

58. Secondly, the sports movement needs practical support in the fight against corruption in sport and match-fixing. Sport is a source of high income for certain private operators, including betting operators. This is not something which should be criticised in itself, but it does seem appropriate to ask them to make a bigger contribution to the funding of the machinery needed to preserve the integrity of sport and its image. Some of the profits from sports betting (calculated on the basis of gross betting yield) could be ploughed back into sport for the benefit of sports organisations. It is, of course, essential for this financing to be done in a transparent manner.

59. Thirdly, sports betting should be monitored worldwide. There are no borders for corruption and organised crime, and concerted action at global level is required in order to make the system for combating corruption and criminal organisations effective. Discussions on the tightening up and harmonisation of criminal law relating to sports betting should start now, in an effort to overcome the difficulties deriving from the differences in legislation in European countries and the sometimes conflicting interests of the various stakeholders. At the very least, all existing mechanisms should be co-ordinated, with account being taken of the advantages and limitations of each of the fraud detection systems used, which, unfortunately, are not infallible.

60. This brings me to a fourth point: information flows and synergies between the parties concerned need to be improved. Information needs to circulate among all stakeholders in the sports betting sphere, and all sports federations should act to safeguard the integrity of their sport, drawing in each case on the best practices developed by the others.

61. I hope that this report will help to draw decision-makers' attention to the importance of the match-fixing problem and to the danger that it represents for the future of sport in Europe, as well as persuading them that immediate and concerted action by three groups of stakeholders is necessary.

62. European governments should consult each other and co-operate, at both legal and judicial levels, when a case involves two or more European States. The prohibition of illegal Internet sites and unlicensed bookmakers is another issue which must be taken seriously at every level, for no country in isolation could deal with this.

63. Sports federations, for their part, should move closer to the structures and systems adopted by those federations which have progressed furthest in the fight against corruption and match-fixing, and should co-operate with governments and allow them to intervene at points where the rules of sport have reached their limits; this applies particularly to the introduction of deterrent criminal law sanctions and to police and judicial investigations.

64. Public and private sports betting operators also need to make efforts in a number of areas, particularly on high-risk bets, which should be limited as far as is possible, or even prohibited. The reporting of suspicious bets to federations and to the relevant public authorities should become both systematic and rapid. Finally, a number of conflicts of interest need to be clarified and a common position found with all operators.

65. It is with these objectives in mind that I have prepared the proposals in the draft resolution and recommendation which complete this report, although I am aware that this is a complex and complicated issue and there is no simple solution to overcoming this scourge which is seriously jeopardising the integrity of sports.