

RED CARD FOR CORRUPTION IN SPORTS

WHY
WE NEED
WACA



THE GREENS/EFA
in the European Parliament

WHAT WE HAVE NOW



The 2014 Sochi Games weren't just a self-enrichment party for the Kremlin's oligarchs, but the International Olympic Committee also delivered a boost for Putin's popularity and provided him with a springboard for the annexation of Crimea. F.l.t.r.: Russian Prime Minister Dmitry Medvedev, IOC President Thomas Bach, Russian President Vladimir Putin.

With the 2022 World Cup in Qatar, FIFA and its President Gianni Infantino are doing their best to perpetuate the narrative of a country that is first and foremost open to the world and not a monarchy that lives off the exploitation of tens of tens of thousands of migrant workers. Left: Gianni Infantino, right: Hassan Al Thawadi, Secretary General of the World Cup organizing committee.



In the last decade, elite sport has lost much of its appeal and educational value. The sports system is no longer primarily associated with its central promise of bringing people together to compete on a level playing field, but perceived as a rather toxic field where all sorts of corruption can thrive: bribery and embezzlement, money laundering, ticket fraud, vote buying, vote rigging, abuse of power, and abuse of (child-)athletes or match-fixing.

None of this is new, but a shift in public awareness has taken place: Rather than to push blame onto individuals (such as athletes caught in a doping test) the crises are now being attributed to the top-administration, and the way it runs sport. Elite athletes increasingly join the criticism, banding together in independent associations, because they feel exploited in an opaque system of which they are supposedly the heart.

Frequently enough, sports officials give rise to the assumption, that they are eyeing the market, worth around €350+ billion in 2021 globally, much more than they care about fair scores, let alone universal human rights.

Sports officials have associated themselves with autocrats around the globe, seen as a mutually beneficial business, and acted as enablers for what is called “grand corruption” by Transparency International.

Corruption in sport is found where individuals act immorally, illegally or unethically with the aim of political influence, financial or other personal gain thus deliberately distorting sporting events or competitions. This is possible in sport as unlike in all other spheres, safe for the church, a sort of parallel society with its own structures and lack of rule of law exists.

Corruption in sport can thrive because sport effortlessly crosses borders, as do its criminals, with all the detriments to law enforcement when it comes to transnational jurisdiction. Even the dedicated US prosecutors in the FIFA corruption scandal have yet to uncover who exactly from Russia and Qatar paid the millions for them becoming hosts of FIFA World Cups in 2018 and 2022.

But even more sports corruption thrives on the way officials are allowed to operate: They are accountable to no one. They are entitled to completely regulate their sports (while promoting them as businesses to earn billions), on the basis of an accepted autonomy. That is, without oversight. And they hold an almost mystical sway over policymakers around the globe, because they control an area so many people care about.

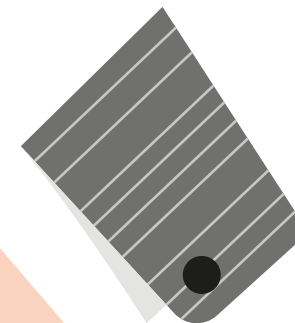
Turkish President Recep Tayyip Erdogan and Emine Erdogan, Sylviane Hickey and EOC President Patrick Hickey, President of Azerbaijan Ilham Aliyev and Mehriban Aliyeva, IOC President Thomas Bach and Russian President Vladimir Putin at the opening ceremony of the 2015 European Games in Baku.



Clearly, self-regulation does not work. Rather, the interest in maximising revenues wins out. Corrupt practices are not followed up within sports even if they are exposed. The lack of enforcement is evident in all types of sports corruption:

€ 120 MILLION

was the estimated amount of annual profit for organised crime groups for betting-related match-fixing in 2020.



**CA. 12 % OF
IOC MEMBERS**

have been the subject of criminal probes over the last 10 years.



**2 OUT OF 3
PRESIDENTS**

in 40 Olympic sports federations ran unopposed in the last election. Just one time the incumbent was dethroned.

**3 OUT OF 4
ATHLETES**

questioned in a survey among 10.000 athletes have had at least one experience of abuse as minors, 20 % of those with sexual violence.



€ 2.4 TRILLION

is the estimated size of the online sports gambling market, of which 60 % of bets go through non-licensed bookies/websites, with opportunities to launder money.

The testimonies of abused athletes who finally came forward illustrate best what is wrong with sports: Association trumps protection.

Federations often went through shocking lengths to cover up the crimes, to protect the officials, not the athletes. Sport's inherent conflict of interests, not to taint the own product by going after scandals, applies. At least here, the realisation that sport needs independent oversight is gaining ground: In a number of western countries, "safe sport" centres have already been established or planned.

This will not be enough, because the challenges are not western but global. And they are not limited to the abuse of athletes, but touch every scandal that can ruin the reputation of a club or a federation and thus reduce their marketing chances.

Sports organisations operate as patronage networks, a sign of institutionalised corruption that itself encourages corruption – by fostering an environment where perpetrators feel they can act with impunity.

The bedfellow of impunity is a culture of „harmony“ – sports' wording for discretion and obedience to those at the top. Two out of three presidents in 40 Olympic sports federations ran unopposed in the

last election; just one time the incumbent was dethroned. Competition is not welcome in sports governing bodies, and opponents are either marginalised or co-opted through classic cronyism. All too often, there is no complainant, when violations of self-imposed ethics rules occur, and no culprit. Undue influence is widely tolerated in sports. Russian oligarchs, for example, have "bought" into the presidency of international federations with financial promises, normalising their country's undemocratic form of government. Global sport, used by powerful players from authoritarian states, can serve as a part of transnational kleptocracy.

The pillow of impunity is the lack of independence of sports' own judiciary.

From ethics commissions in sports federations up to the top, to the Court of Arbitration for Sport (CAS), their composition is determined by sports governing bodies, often by the boards. The attachment can have an impact on the decisions.

Additional factors hinder the fight against corruption: Sports organisations and their disciplinary bodies lack sufficient powers to gather evidence, and often lack resources and expertise to deal with highly complex matters, whether because of a transnational dimension or because of particular challenges such as those posed by abuse cases.

Discussions on good governance in sport have become more prevalent. Governments and transnational organisations have developed guidelines, which could be voluntarily implemented across sports. However, when independent observers use indicators that are good standard for non-profits elsewhere in society to measure the level of internal democracy, transparency and accountability in sports organisations, they still come up with discouraging results.

Good governance will not achieve its goal if the best rules are not enforced and violations are covered up.

There is little reason to believe that corruption is less damaging to the integrity of global sport than doping. And corruption is no less rooted in the specifics of the sports system than doping. Yet there are two agencies to fight doping, but none to fight corruption.

The World Anti-Doping Agency (WADA) and the International Testing Agency (ITA) both operate on the basis of the legally binding World Anti-Doping Code, can enforce its provisions before the CAS, can cooperate with law enforcement, and command investigative capacities.

At WADA, the expansion of the Intelligence & Investigations Department has led to good results and comprehensive reports related to doping cover-ups: „Some investigations reveal not only doping infractions but also conduct constituting corruption in the broader sense. It is necessary to think about what to do with these files requiring follow-up, given that this is not within WADA's purview. Should a supranational body responsible for this issue be created? Who would do it?“

Just as governments once helped to build an alliance against doping, now an alliance against corruption in sport is needed. In the eyes of many European citizens, only a certain level of integrity will justify the public funds that governments invest into sports organisations, whether to promote elite sport or to organise international competitions.



Patrick Hickey, IOC member and President of the European Olympic Committees (EOC), was arrested in Rio de Janeiro during the 2016 Olympic Games as part of an investigation into illegal resale of tickets.

WHAT WE NEED INSTEAD



WM-Qualifikation, March 2021: The German national soccer team stands together against human rights violations in connection with the 2022 World Cup in Qatar.

Among the many politicians speaking out against human rights violations surrounding the 2022 Beijing Olympics: German Greens Parliamentarian and Federal Government Commissioner for Culture and the Media Claudia Roth.



A World Anti-Corruption Agency.

It is time to change the rules of engagement, to put the autonomy of sport on a new footing, and reorganise it around accountability and transparency. There is clearly a need for an independent watchdog organisation with transnational reach and the power to act in cases of corruption: The World Anti-Corruption Agency for Sport (WACA), as proposed here, would be free of the conflicting interests that allow sports corrup-

tion to flourish and obstruct the fight against it. WACA would be a sister institution of the World Anti-Doping Agency (WADA) – without repeating the mistakes that plagues the efficiency of the latter since its inception.

WACA would signal to would-be perpetrators that they will be held accountable and send a powerful message to the public that lawmakers care about safeguarding the integrity of sport.

WACA

MAIN GOALS



01 Work on the basis of an anti-corruption code adopted across sports and with the mandate to monitor compliance and impose disciplinary sanctions.

02 Be a focal point for athletes and whistle-blowers to report on corruption and create a safe environment for them.

03 Provide independent intelligence and investigations, which international federations often claim not to have the financial and human resources for.

04 Alleviate a problem that is typical in the fight against transnational corruption in sports: obtaining evidence. This is often difficult as government officials can also be sports officials.

05 Oblige members of sports organisations to follow the anti-corruption code and to cooperate with WACA, which would allow for disciplinary sanctions/bans if disclosure is refused.

06 Serve as a liaison between sports organisations and law enforcement agencies, and empower the latter to prosecute transnational sports corruption more effectively.

U.S. shot-putter Raven Saunders, silver medal winner at the 2020 Tokyo Olympic Games, protests against the oppression of minorities during the medal ceremony, forming an „X“ with her arms.

HOW TO SET UP WACA

MANDATE

WACA's mandate covers all types of corruption in sport, including match-fixing and abuse. It does not cover doping violations. The agency ensures compliance with the Code-to-develop (including monitoring). It has a broad mandate to detect, investigate and sanction violations, and to liaise with law enforcement agencies to facilitate prosecution of criminal offences. WACA shall handle alleged/reported violations of the Anti-Corruption Code as well as having the mandate to proceed upon becoming aware of any information that may constitute a violation any other way.

ESSENTIALS

- Operating a confidential whistleblower-platform/hotline for reporting.
- Investigating/evidence gathering: having the mandate to fully investigate alleged/suspected cases of corruption, including the right to search sports offices etc. without prior notice.
- Enforcement: having the mandate to issue disciplinary bans against individuals or groups who violate the Code and suspend those who are under investigation,

either by WACA or by law enforcement agencies; bans which could then be appealed at the CAS.

- Cooperation with law enforcement: having the mandate to cooperate with law enforcement, either to bring cases to national/international police agencies and/or state prosecutors and/or to investigate on behalf of law enforcement agencies.

- Monitoring that the Code is respected.

LEGAL FORM

To ensure independence and to open up avenues for funding, WACA (like WADA) should be set up as a foundation. Depending on the location of the headquarters, the requirements for the organisational structure may vary.

COMPOSITION AND INDEPENDENCE

WADA's inherent lack of independence, as evident in the composition of the Foundation Board and the Executive Committee, is criticised (not only) by athletes. The Foundation Board is composed equally of representatives from the Olympic movement and public authorities/governments. Both are dominating the Executive Committee as well. Ensuing conflicts of interest have undermined WADA's work and have been exposed for example in the poor handling of the Russian doping scandal. WACA, with

a focus on fighting corruption, would probably target more sports officials than WADA ever has. Therefore, WACA should not be controlled or run by personalities from sports organisations.

EXECUTIVE LEVEL

Possibly at the top people with experience in law enforcement; a past in sport can be an asset, however, current ties to sports organisations should be an exclusion criterion.

BOARD (OF NON-EXECUTIVE MEMBERS)

Not involved in the day-to-day management of WACA but monitoring the executive activity and contributing to the development strategy. The members appoint the Chief Executive.

The Executive is accountable to the Board. Sports organisations should not delegate more than a third of the members. These could be composed of:

- Representatives of governments and transnational governmental organisations like the EU, Council of Europe and the United Nations.
- Representatives of (independent) athlete organisations and unions, sponsors, fan organisations (football).
- Representatives of the International Olympic Committee, the International

Sports Federations, and Association of National Olympic Committees (ANOC), preferably with the right to propose independent personalities to the board.

- Possible: Europol, Interpol, OECD (anti-bribery task-force), civil society: Transparency International and others.

SCOPE OF APPLICATION OF THE CODE (INTERNATIONAL LEVEL AND NATIONAL TOP-LEVEL)

- IOC members (including members of IOC commissions), administration and affiliates of the IOC, continental Olympic federations.
- International federations and administration, their continental affiliates, their boards and commissions.
- NOCs + boards of national federations in cases with transnational dimension.
- Athletes, coaches and support personnel, referees, agents.
- Sponsors and rights holders.
- Members of bidding and organising committees of international competitions and event organisers.
- Cities and their officials taking part in any type of candidature procedures for hosting a competition.

FUNDING

To guarantee permanent funding, a model close to WADA is recommended, for which governments and sports equally pay annual contributions.

Alternatively, the idea of requiring the IOC, sports federations and NOCs to contribute a certain percentage of revenues should be pursued. However, top Olympic sponsors and other sponsors (from the betting industry, among others) should be more involved in the funding than they are at WADA. The tasks of WACA to safeguard the integrity of sport should be in the interest of sponsors (at least those from democratic countries) who currently have to deal with an ecosystem that poses risks to reduce the brand loyalty rather than lifting it through fan (customer)-identification with sports.

Sports organisations can reduce their own investigative bodies and save the expenses for private companies, which are often hired to investigate the big corruption cases. That could partially pay for WACA. Such companies can then be hired by WACA, if necessary.



LOCATION

Not in Switzerland, home of the Olympic family & CAS, but WACA should be located close, i.e., in a European country with a robust justice system and traditions of respect for the rule of law, strong law enforcement and a culture of accountability, where WACA would have the political support from its host nation to proceed according to its broad mandate.

Since cooperation with Europol and Interpol is likely in some cases, The Hague in the Netherlands offers an ideal location, with France providing additional options.

BENEFITS OF WACA

The benefits of an independent watchdog against sports corruption are evident. Just to name a few examples:

Sports organisations: The commitment to an anti-corruption code and monitoring of compliance by an independent institution would help end the era of impunity for officials. With a Code that includes mandatory reporting of suspected violations and the power of WACA to file formal complaints, disciplinary sanctions should be easier to enforce, as fellow sports officials are often unwilling to incriminate other members of the sports family.

Sports judiciary: Enquiries and investigations into corruption and integrity matters carried out by WACA would be more likely to result in evidence (or exoneration) that would stand up in the Court of Arbitration for Sport (CAS). The agency, as the main independent investigative body for global sport and with a mandate to bring cases not pursued or adjudicated questionably by federations to the CAS, would

also help individual sports officials (as well as athletes) who often lack the financial means to appeal decisions made by their federations' disciplinary bodies.

Abuse of athletes: The establishment of WACA would follow the path that only a few countries have taken so far against the widespread abuse of children and athletes in sport. WACA would provide a single point of contact for victims of abuse and conduct assessments and investigations to establish details and facts of a complaint with suitable qualified staff for the special challenge these cases often pose.

Match-fixing: While individual sports organisations, including the big federations, certainly are not equipped to take on organised crime groups, WACA could contribute coping with that challenge by establishing a safe hotline for whistleblowers that is independent of the betting industry as well as sports organisations, by monitoring existing alert mechanisms and coordinating them, by coordinating the efforts not only of different actors, of sports, betting companies and law enforcement, but also between sports organisations.



October 2017: People in Rio de Janeiro protest outside the headquarters of the Brazil Olympic Committee during an extraordinary session regarding its president Carlos Nuzman, who was arrested for his involvement into a vote-buying scheme to win the rights to host the 2016 Olympics.

THE WACA CODE

An anti-corruption code that is binding throughout global sport and for stakeholders (sponsors, host cities and their Organising Committees for competitions) with harmonised sanctions is a prerequisite for the work of WACA.

The obligation to report violations of the Code and the obligation to cooperate with WACA would have to be included to effectively implement the Code.

The Code would not only provide reliable standards for appropriate conduct with specific anti-corruption regulations as well as regulations regarding good governance, but also significantly increase the accountability of actors in sports federations by including sanctions for offenders.

The provisions should be minimum standards that take into account both the specifics of individual sports and the existing Codes of international sports organisations. Alignment with already accepted standards (and prevailing social norms) should include aligning the WACA

Code with the relevant UN, OECD, and Council of Europe conventions. This in itself would already increase the range of anti-corruption measures in sport.

Relevant international conventions include:

— The UN Convention against Corruption (UNCAC) and the UN Convention against Transnational Crime (UNTOC).

— The OECD Convention on Combating Bribery of Foreign Public Officials in International Business and the Guidelines for multinational enterprises.

— The Council of Europe Convention on the Manipulation of Sports Competitions.

— Universal Code of Conduct to Prevent and Address Maltreatment in Sport.

The Code also can benefit from various Codes of Ethics and/or Conduct of sports organisations, such as the IOC Code of Ethics. Worth mentioning, among others, is the set of rules developed by World Athletics and the Athletics Integrity Unit – an Integrity Code of Conduct, Manipulation of Sports Competition Rules, and Reporting, Investigation and Prosecution Rules (non-doping). Other federations (FIFA, IWF) have developed similarly elaborated Codes. WACA should adopt the best provisions.

Benchmarking tools for measuring governance in sports organisations like Play the Game's Sports Governance Observer (for international federations) and the National Sports Governance Observer also provide valuable clues to develop binding regulations with regard to required internal standards of transparency, democratic processes, accountability and control mechanisms.

The World Players Association launched a Universal Declaration of Player Rights in 2017. The WACA Code can benefit from the Declaration and similar documents issued by independent athletes organisations by including provisions protecting athlete rights.

Some of the specific issues that need to be addressed with the Code (match-fixing and safe sport not included):

— Prohibitions, restrictions and obligations – regarding open tenders for broadcasting and marketing rights and (by the hosts) in preparation of competitions, election of hosts, acceptance of gifts and hospitality, distribution of tickets and merchandise.

— General obligations for federations regarding financial transparency.

— Conflict-of-interest regulations for Board members in sports organisations as well as, for example, members of Host-City-Organizing Committees with: declaration of assets, income, liabilities and interests, prohibition or restriction of certain activities.

July 2022, Women's Euro Semi Final: England's Lucy Bronze celebrates scoring their second goal against Sweden with teammates.



RECOGNISING THE VICTIMS OF CORRUPTION

Corruption causes damage, both directly and indirectly, to individuals, teams, organisations, and to societies. To align the WACA Code with the UNCAC would include asset-recovery (stated to be a fundamental principle of the Convention) and compensation to the victims of corruption.

However, recognition goes beyond material aspects. For sports organisations, it is rather typical that there is no remedy:

regular grievance mechanisms do not exist. Access to effective remedy remains the “forgotten pillar”, as the World Players Association put it in a paper that focused on human rights violations in and through sport.

The WACA Code should address the issue how to enable and facilitate the participation of victims in proceedings and the reparation of both individual and collective harm caused by corruption.

September 2021: U. S. gymnasts Simone Biles, McKayla Maroney, Aly Raisman and Maggie Nichols testify in the investigation of Larry Nassar, who was charged with sexual abuse under the guise of medical treatment when he worked for USA Gymnastics. He is now serving decades in prison after hundreds of girls and women testified. The FBI delayed the proceedings for 17 months, which allowed abuse to continue.



Viola von Cramon was elected to the European Parliament in 2019 and is part of the Greens/EFA group. She is a member of the Committee on Foreign Affairs (AFET) and serves as a substitute in the Committees on Industry, Research and Energy (ITRE), on Budgetary Control (CONT) and the Committee on Culture and Education (CULT), which is also responsible for sports policy. Since July 2020, she has also been a member of the Special Committee on Foreign Influence on all Democratic Processes in the EU, including Disinformation (INGE).

Sports policy and especially the fight for integrity and fairness in sports have been among her great political passions, alongside foreign policy, since her time in the German Bundestag (2009 to 2013). In the EP she is actively involved as a board member in the cross-factional EP Sports Group on a wide range of sports policy issues and has launched several broadly supported initiatives, e.g. against the awarding of international sporting events to totalitarian regimes and the political misuse of sport by them.

The Greens/EFA in the European Parliament

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Design

www.studiopook.de

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First edition

September 2022

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