Council of Europe Convention on the Manipulation of Sports Competitions

What does it mean for you? and are you ready?

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Council of Europe
Conseil de l’Europe
What do you know about us?

Pop Quiz

• The Council of Europe is the leading human rights organisation, established in 1949 following the two world wars.

• **Council of Europe**: an international organization that parallels the European Union. It **focuses on democracy, human rights and cultural exchange**, and is best known for the European Convention on Human Rights. It has its own institutions, including a Committee of Ministers and a Parliamentary Assembly, and, of course, the European Court of Human Rights. The Council of Europe has **47 member States**, including, for example, Azerbaijan, Russia, Turkey and Ukraine. The Council of Europe is headquartered in Strasbourg, France. See [http://www.coe.int/en](http://www.coe.int/en)
• Over 211 Treaties
• Many of them international
• A number of monitoring bodies: anti-corruption, anti-money laundering, anti-racism and discrimination.
• A number of relevant Conventions:
  • Anti-doping convention
  • Safety, security and services at major football and other sporting events
  • Manipulations of sports competitions
  • Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data
  • Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism
  • Trafficking in human beings
  • Anti-corruption
  • Extradition, etc.
EPAS – EUROPEAN PARTIAL AGREEMENT FOR SPORT

- Fresh momentum to pan-European sports co-operation, address the current challenges facing sport in Europe
- EPAS provides a platform for intergovernmental sports co-operation between the public authorities of its member states and sports federations & NGOs.
- Developing and monitoring policies and standards and helping with capacity-building and the exchange of good practices.
- It uses Council of Europe sports standards such as the European Sports Charter, the Code of Sports Ethics and CoE Conventions

http://www.coe.int/t/dg4/epas/about/Factsheet_en.asp

SPORT CONVENTIONS

- Monitoring and standard setting in a number of policy areas, based on the adoption and entry into force of a number of conventions
- EPAS uses the Sport Conventions as the basis for drawing up its own strategies.

http://www.coe.int/t/dg4/sport/default_en.asp

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Conventions on the Manipulation of Sports Competitions

Committees

✓ 1989 Monitoring Group of the Anti-Doping Convention (T-DO)
✓ 2014 Convention of the Council of Europe on the Manipulation of Sports Competitions (CETS No 215) – Follow up Committee
✓ 1985/2016 Convention: Standing Committee of the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches (T-RV) / Integrated safety, security and service approach at football matches and other sports events
✓ EPAS Governing Board

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A global phenomenon that crosses all continents and all sports

The only way to tackle the phenomenon is via a coordinated approach.

A common global framework is needed for the development of sport, based on democracy, rule of law, human rights and sport ethics.

Protecting the integrity of sport means protecting it against sports manipulations, which not only affects the very soul of sport, but also allows sport to be used as a vector for illicit activities and financial corruption.
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- First legal international text of its kind in this domain
- Provides a legal support for the prevention, detection, investigation and sanction of sports manipulations
- Promotes and facilitates the national and international cooperation between public and private entities (Chapter II)
- Open to countries from all around the world
- Pioneering definitions of terms, notably manipulation of sports competitions.
- Criminal legal framework for sport; organised crime; cross-border crime; abuse of position of power, etc.
- Facilitate risk management on both levels: public ordre and social order
- Flexible (i.e. caters to all types of betting regimes)

- Places a positive obligation on States to facilitate protection of sport integrity
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Drafting process including countries and international organisations from around the world;
Innovative concept produced by the Convention: (national platforms, encouraging an integrated multi stakeholder and multi sectoral approach

UK
- Participated in drafting
- Will sign in 2018
- Will join 31 other countries that have signed
- 3 additional countries have already ratified
- 2 more countries will ratify by March 2019

Understand the EU deadlock
Centralising the entire 41 article Convention – a place where a national policy plan should be devised with all relevant stakeholders

A national forum to unite all relevant stakeholders concerned by this question to exchange key information (actors from private and public sectors working together):

Ministries, sport movement, (player representatives, etc), law enforcement, justice, gambling regulatory authorities, betting operators, sport organisations, A single platform for exchange of information between these actors in order to better tackle and fight the manipulation of sport competitions

A centralised point of contact for exchange at multinational and international level

Not just about detection: prevention plans, how to exchange information, how to collect and store data, how to facilitate investigations and prosecutions, how to determine development of cases, etc.
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Whistleblowers (art 21)

✓ Protection for those that report – positive obligation on the State

A criminal framework (art.15 et al)

✓ Corruption, financial fraud, money laundering, organised crime, conspiracy

Data protection (art. 14)

Ensuring that States are still covered by data protection principles

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What is data protection?
- not the protection of data, but the protection of persons – art. 8 ECHR. This is why the Charter on Fundamental rights has 2 separate provisions – 1 on right to privacy and another on the right to data protection. An autonomous right.

- Convention on Data Protection and revised Convention (T-PD) 2018
- Prepared in line with GDPR
- GDPR concerns you even with Brexit because as soon as you have to exchange with an EU member States, you will have to meet adequacy criteria.

- What is adequacy criteria?
  - Legal framework
  - Example of canada

NOT about preventing exchange but rather a tool for facilitating the exchange of information in a protected environment an ensuring a minimum standard across the board.
Data Protection Convention

➢ 53 member states of the original Convention
➢ Over 20 including UK have already signed the revised convention
➢ Absolutely compatible with all other EU and Council of Europe legislation
➢ A recital of a previous Directive, 108 was directly cited and it was noted that the GDPR amplifies Convention 108 has two main objectives: to deal with challenges resulting from the use of new information and communication technologies and to strengthen the Convention’s effective implementation.

A Tool to facilitate flow of information – you commit to a level of protection.
Guide on exchanging information with the police

➢ General set of principles to be applied to ensure the respect for the right to private life and data protection as provided for by Article 8 of the European Convention on Human rights and by the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (“Convention 108”).

• The collection and use of personal data for law enforcement purposes constitutes an interference with the right to private life and data protection as provided for by Article 8 of the European Convention on Human rights and by Convention 108 and, as such, it must be based on law (clear, foreseeable and accessible), pursue a legitimate aim and be limited to what is necessary and proportionate to achieve that legitimate aim.
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Why ratify

✓ Specific legislation (required in data protection and processing)
✓ Participation in the Convention Follow-up Committee
✓ Provides a specific Legal framework for tackling issues in the field cross sector and cross border
✓ Facilitates and legitimises cross sector exchange, collection and storage of information and data and regulates the use of this data - National platforms
✓ All stakeholders and States will be subject to the same minimum standards, fostering trust and equality.
✓ Convention Follow-up Committee (article 31)
✓ : Draft Rules of procedures
✓ : Draft List of Sports

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Relevance and added value of the Macolin Convention?

- Boosts potential for adequacy
- Ensures specific protection in the area of exchange of information on the topic of manipulations of sports competitions
- Ensures core protection even when outside the EU

Example: All data processing has to comply with the necessity, proportionality and purpose limitation principles. This implies that personal data processing within the police should be based on predefined, clear and legitimate purposes set out in the law; it should be necessary and proportionate to these legitimate purposes and should not be processed in a way incompatible with those purposes. Data processing should be carried out lawfully, fairly and in a transparent manner. Personal data within the police should furthermore be adequate, relevant and non-excessive in relation to the purposes. Finally they should be accurate and up-to-date to ensure the highest data quality possible.

- Exceptions – validated by specific legislation.
- Processing of sensitive data – only when specifically prescribed by law
- Communication with private bodies – based in law for investigation, interest of subject, humanitarian reasons, prevention of serious and imminent risk to public order or security
- Limited to police bodies – exception of NPs – if legal, follow same standards, follow 108

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• **Networks of the Council of Europe**
  - Regulatory authorities
  - Prosecutors
  - Group of Copenhagen
  Plus: collaboration with other networks:
  – ESSA, IOC, EU Athletes, Interpol, specific sport federations

Technical assistance
  KCOOS+ 2018-2020

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Macolin Convention – updated Concept 2018

➢ Working group of the Group of Copenhagen on clarifying types of manipulations
  • Clarifying the confusion between manipulations and match-fixing
The Convention was previous referred to as the ‘Match-fixing convention’ – BUT its scope in fact covers a considerable number of areas and types of offences. This is why the Convention refers to a number of other Conventions Articles 15-17, chapter IV, CETS n°215
  • Undue advantage
In the spirit of Macolin Convention, all types of manipulations are committed to acquire an “undue advantage”, and always result in an eventual direct or indirect financial benefit, (intentionally or consequentially). This financial benefit could be attained directly (e.g. accepting bribes) or indirectly (e.g. personal favours).
  • Understanding the nature
Who is cheating (offenders), why they cheat (aim) and how they may be doing so (modus operandi
- Principally a sporting or a non sporting advantage
- Executors and instigators
- Etc.
Technical assistance: National platforms, legislation, exchange of information, Raising awareness

Developing the KCOOS Guidebook

Regional seminars, technical activities on specific topics, national action plans, partnerships with other projects, such as Perfintegrity and Integrisport

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