

**WORLD CONFERENCE
ON DOPING IN SPORT**
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SESSION 13

Anti-Doping Charter of Athlete Rights

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Why a Charter of Athlete Rights?



RESPONSE TO ATHLETE
PETITIONS, STATEMENTS
AND ACTIONS



UK Clean
Athletics



World Cup
Athlete
letter to IBU



Clean Sport
Collective



DOSB Athlete
Commission



FIS Letter



British
Athletes
Commission

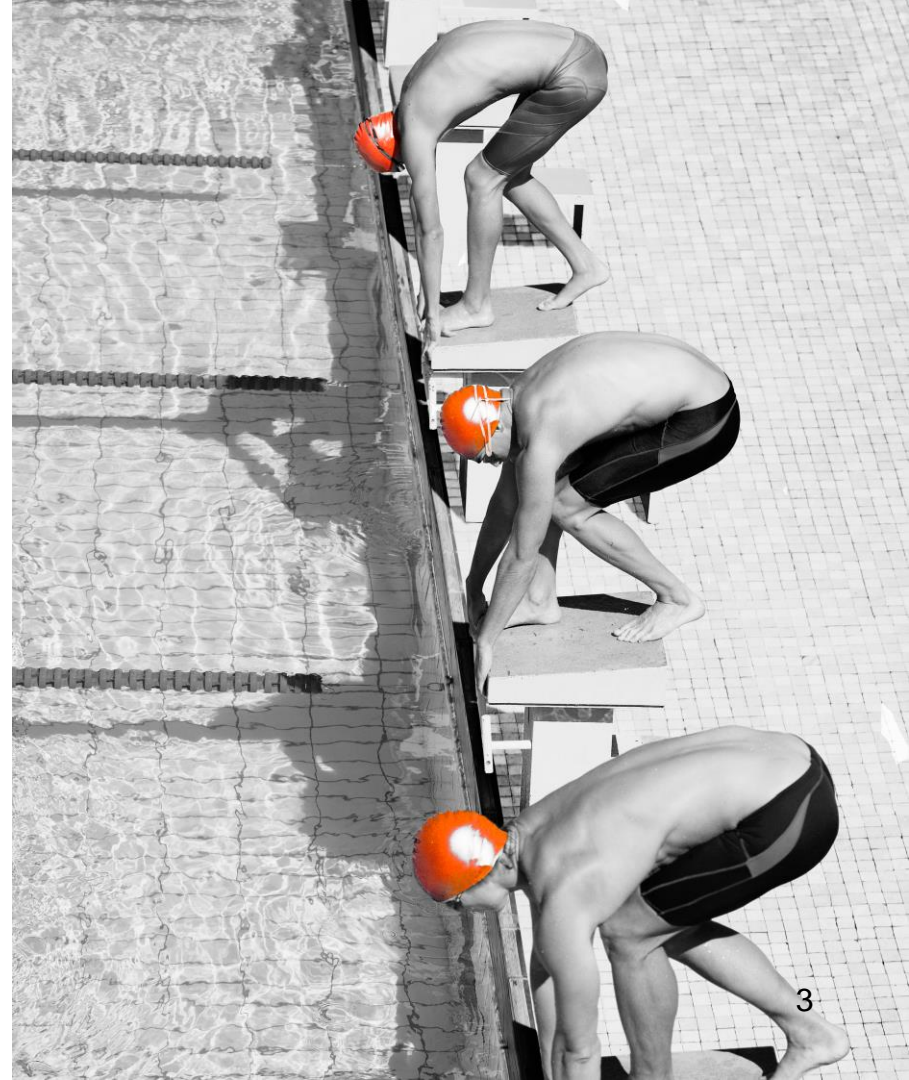
In the beginning

2017

- WADA Athlete Committee (AC) presented the concept of a Charter of Athlete Rights at the WADA Annual Symposium to a broad stakeholder group
- Feedback from stakeholders overwhelmingly positive and supportive
- Working Group created and development of survey commenced
- Survey was created and disseminated – over 2,000 respondents

2018

- First draft presented at 2018 WADA Annual Symposium



Anti-Doping Charter of Athlete Rights



Charter of
Athletes'
Rights

- Single document for **athletes to access the rights that exist for them in anti-doping.**
- Based on **broad stakeholder** consultation.
- **Inclusive** of all signatories.
- **Aspirational** as well as concrete



The Process: 2017 - 2019

2017

- **March 2017** – Idea
- **March 2017** – Idea presented at WADA AC meeting in Lausanne
- **March/April 2017** – Workshop at WADA Symposium held to "enhance the athlete voice", turned into a session working on the Charter
- **April 2017** – Idea presented at Oceania Athlete Forum in Fiji
- **March-September 2017** – Debate on scope of the Charter
- **October-November 2017** – Charter survey, over 2,200 responses



2018



- **January-March 2018** – Feedback from survey reviewed
- **March 2018** – First draft of Charter completed
- **March 2018** – Charter presented at WADA Annual Symposium
- **April 2018** – Charter discussed at Council of Europe meeting in Strasbourg
- **April 2018** – Discussions with the Code Drafting Team on the Charter and how it could sit with the Code
- **June 2018** – Charter presented and workshop held at WADA Global Athlete Forum; over 100 athletes participated in review, direction and content of Charter
- **June 2018** – Charter presented at the 15th Asia-Oceania Region Intergovernmental Ministerial Meeting on Anti-Doping in Sport (Sri Lanka)
- **June-July 2018** – Second draft completed
- **October 2018** – Charter presented at the WADA Global Education Conference (China)
- **October 2018** – Charter presented at the Panam Sports Athlete Forum (USA)
- **November 2018** – Second draft presented at WADA AC, ExCo and Foundation Board meetings
- **November 2018-March 2019** – Open consultation via WADA Connect platform
- **December 2018** – Attendance at the Sporting Chance Forum, Paris; discussions on athlete rights and access to rights
- **December 2018** – Charter presented at the Asia-Oceania International Anti-Doping Symposium (Japan)

2019

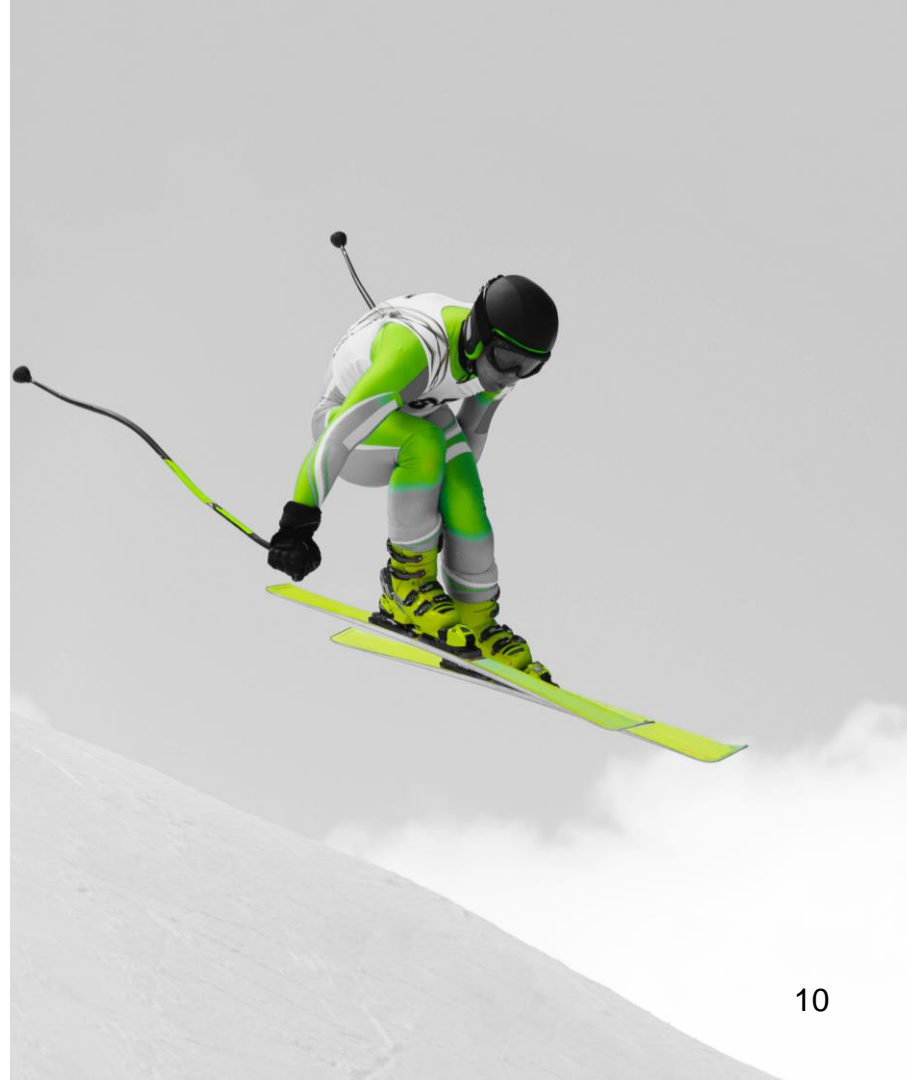


- **March 2019** – Open consultation feedback received and reviewed.
- **March 2019** – Charter discussed further in Code review to ensure alignment
- **March 2019** – Charter presented at WADA Annual Symposium and WADA Athlete Session; over 70 athletes participated in wording session on Charter, content, application and intent
- **March 2019** – Further discussions with Code Drafting Team
- **April 2019** – Third draft of Charter completed
- **April 2019** – Third draft of Charter presented at IOC International Athlete Forum
- **May 2019** – Speech on Charter at ASADA Integrity in Sport Conference in Canberra, Australia
- **May 2019** – Charter presented at WADA ExCo and Foundation Board meetings
- **September 2019** – Charter presented at WADA ExCo meeting and further feedback received
- **October 2019** – Final review and alignment with Code and International Standards
- **November 2019** – World Conference on Doping in Sport, Poland



The Anti-Doping Charter of Athlete Rights

- **Charter and 2021 World Anti-Doping Code**
- **Rights – 14 articles**
- **Recommended athlete rights – 3 articles**



Anti-Doping Charter of *Athlete* Rights



MISSION

To ensure that *Athlete* rights within anti-doping are clearly set out, accessible, and universally applicable.

PREAMBLE

- One of the purposes of the World Anti-Doping Code (*Code*) and the World Anti-Doping Program is to protect the *Athletes'* fundamental right to participate in doping-free sport and thus promote and protect health, fairness and equal opportunity for *Athletes* worldwide.
- Making sure that *Athletes* have rights, that *Athletes* are aware of those rights, and can exercise those rights is vital to the success of clean sport. *Athlete* rights exist throughout the *Code* and *International Standards*.
- This Charter does not articulate all *Athlete* rights. This Charter has been drafted after extensive consultation with *Athletes* from around the world and it sets out rights that *Athletes* have identified as being of importance to them.
- This Charter is approved by the *WADA* Executive Committee upon the recommendation of the *WADA Athlete* Committee. Changes to this Charter are made by recommendation to the *WADA* Executive Committee from the *WADA Athlete* Committee.
- This Charter is made up of two parts. Part 1 sets out rights that are found in the *Code* and *International Standards*. Part 2 sets out recommended *Athlete* rights. These are not found in the *Code* or *International Standard* but are rights that *Athletes* recommend that *Anti-Doping Organizations* adopt for best practice.

PART 1 - Rights



The rights set out in Part 1 of this Charter are rights that *Athletes* have by way of the Code and International Standards.

- **Article 1 – Equality of opportunity**

Athletes have the right to equal opportunity in their pursuit of sport to perform at the highest level in both training and *Competition*, free of participation by other *Athletes* who dope, or *Athlete Support Personnel*, or other *Persons* or *Anti-Doping Organizations* that otherwise violate anti-doping rules and requirements. (*Code, International Standards*)

- **Article 2 – Equitable and fair *Testing* programs**

Athletes have the right to equitable and fair *Testing* programs implemented in a manner that ensures that all *Athletes* in all countries are tested in compliance with the *Code* and *International Standards*. (*Code, International Standard for Testing and Investigations, International Standard for Code Compliance by Signatories*)

- **Article 3 – Medical treatment and protection of health rights**

Athletes have the right to be free from any pressure that jeopardizes their health, be that physical or emotional, through doping.

Athletes have the right to obtain a *Therapeutic Use Exemption* (allowing *Athletes* with a medical condition to use a *Prohibited Substance* or *Prohibited Method*) in accordance with the *Code* and *International Standard for Therapeutic Use Exemptions*. (*Code Article 4.4*)

PART 1 – Rights (Cont'd)



- **Article 4 – Right to justice**

Athletes have the right to justice, including the right to be heard, the right to a fair hearing within a reasonable time by a fair, impartial and *operationally independent* hearing panel, with a timely reasoned decision specifically including an explanation of the reasons of the decision.

On appeal an *Athlete* has a right to a fair, impartial, *operationally* and institutionally independent hearing panel, the right to be represented by counsel at the *Athlete's* own expense and a timely, written, reasoned decision. (Code Articles 8 and 13, *International Standard for Result Management*)

- **Article 5 – Right to accountability**

Athletes have the right that any *Anti-Doping Organization* that has jurisdiction over them will be accountable for its actions or omissions through the applicable compliance systems, and an *Athlete* shall have the ability to report any compliance issue that they believe exists to relevant personnel or to an *Anti-Doping Organization*. (Code, *International Standard for Code Compliance by Signatories*)

- **Article 6 – Whistleblower rights**

Athletes have the right to access an anonymous or confidential mechanism to report any potential doping behavior by *Athletes*, *Athlete Support Personnel*, and other *Persons*, or any non-compliance by *Anti-Doping Organizations*.

Athletes have the right to report potential Anti-Doping Rule Violations or non-compliance through a whistleblower mechanism and not be subjected to threats or intimidation designed to discourage them from reporting in good faith, and they have the right not to be retaliated against for providing such evidence or information in good faith. (Code Article 2.11)

PART 1 – Rights (Cont'd)



- **Article 7 – Right to *Education***

Athletes have the right to receive anti-doping *Education* and information from *Anti-Doping Organizations*. (Code Article 18, *International Standard for Education*)

- **Article 8 – Right to data protection**

Athletes have the right to the fair, lawful, and secure handling of their personal information by *Anti-Doping Organizations* that collect, use and share it, including the right to be kept informed about its processing, to access a copy of it and to request its deletion once it no longer serves an anti-doping purpose. (Code Articles 5.5 and 14.6 and *International Standard for the Protection of Privacy and Personal Information*)

- **Article 9 – Rights to compensation**

An *Athlete* has the right to pursue damages from another *Athlete* or other *Person* whose actions have caused them damaged that *Athlete* by the commission of an anti-doping rule violation. The pursuit of damages shall be in accordance with any laws or regulations in their country outside of the *Code*. (Code Comment to Article 10.10)

Any prize money that has been recovered by an *Anti-Doping Organization* from a sanctioned *Athlete* shall, subject to the reasonable efforts of the *Anti-Doping Organization*, be redistributed to *Athletes* who would have been entitled to it had the forfeiting *Athlete* not competed. (Code Article 10.11)

- **Article 10 - *Protected Persons* Rights**

Athletes that are defined as *Protected Persons* under the *Code* shall have further protections because of their age or lack of legal capacity, including in the assesment of their *Fault*, and mandatory *Public Disclosure* shall not be required. (Code Article 14.3.7)

PART 1 – Rights (Cont'd)



- **Article 11 – Rights during a *Sample* Collection Session**

When subject to a *Sample* Collection Session, *an Athlete* has the right to see the identification of the *Doping Control Officer*, the right to ask for additional information about the *Sample* collection process, the right to be informed of the authority under which the *Sample* collection is to be conducted, the type of *Sample* collection and any conditions that need to be adhered to prior to the *Sample* collection, the right to hydrate (unless they have provided a *Sample* that does not meet the requirement for Suitable Specific Gravity for Analysis), the right to be accompanied by a representative, the right to delay reporting to the *Doping Control Station* for valid reasons, the right to be informed of their rights and responsibilities, the right to document any concerns about the process, and the right to receive a copy of the records of the *Sample* Collection Session. (*International Standard for Testing and Investigations*)

- **Article 12 - Right to B *Sample* analysis**

An Athlete has the right, when their A *Sample* tests positive for a *Prohibited Substance* or a *Prohibited Method* to request that their B *Sample* is tested within defined time limits and that they are present at the opening of their B *Sample*, or a representative is present on their behalf, or if they cannot attend, that it should be witnessed by an independent *Person*. (*International Standard for Result Management, International Standard for Laboratories*)

Where the B *Sample* analysis does not confirm the A *Sample* finding, the *Athlete* who was *Provisionally Suspended* is allowed, where circumstances permit, to participate in subsequent *Competitions* during the *Event*, and depending upon the relevant rules of the International Federation in a *Team Sport*, if the team is still in *Competition*, the *Athlete* may be able to take part in future *Competitions*. (*Code Article 7.2 and 7.4.5 and International Standard for Results Management*)

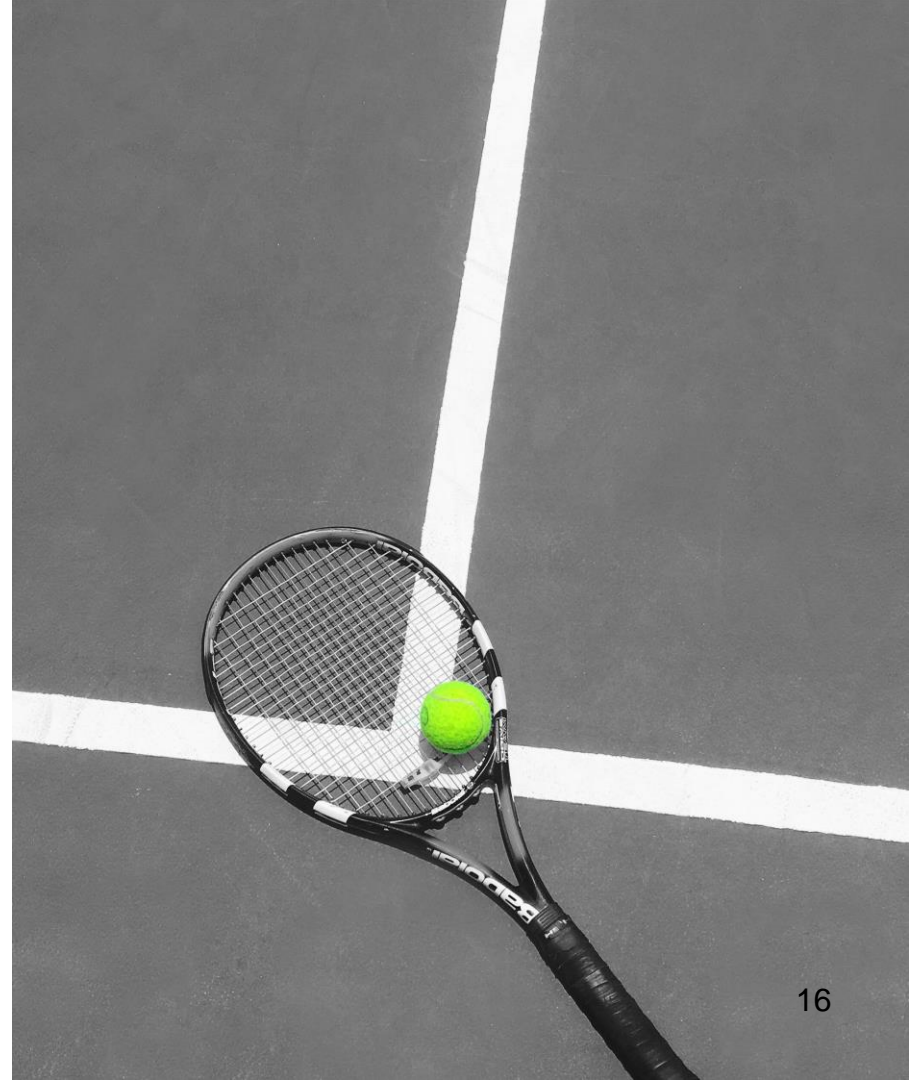
PART 1 – Rights (Cont'd)

- **Article 13 - Other rights and freedoms not affected**

An existing right or freedom shall not be held to be abrogated or restricted by reason only that the right or freedom is not included in this Charter or is included only in part.

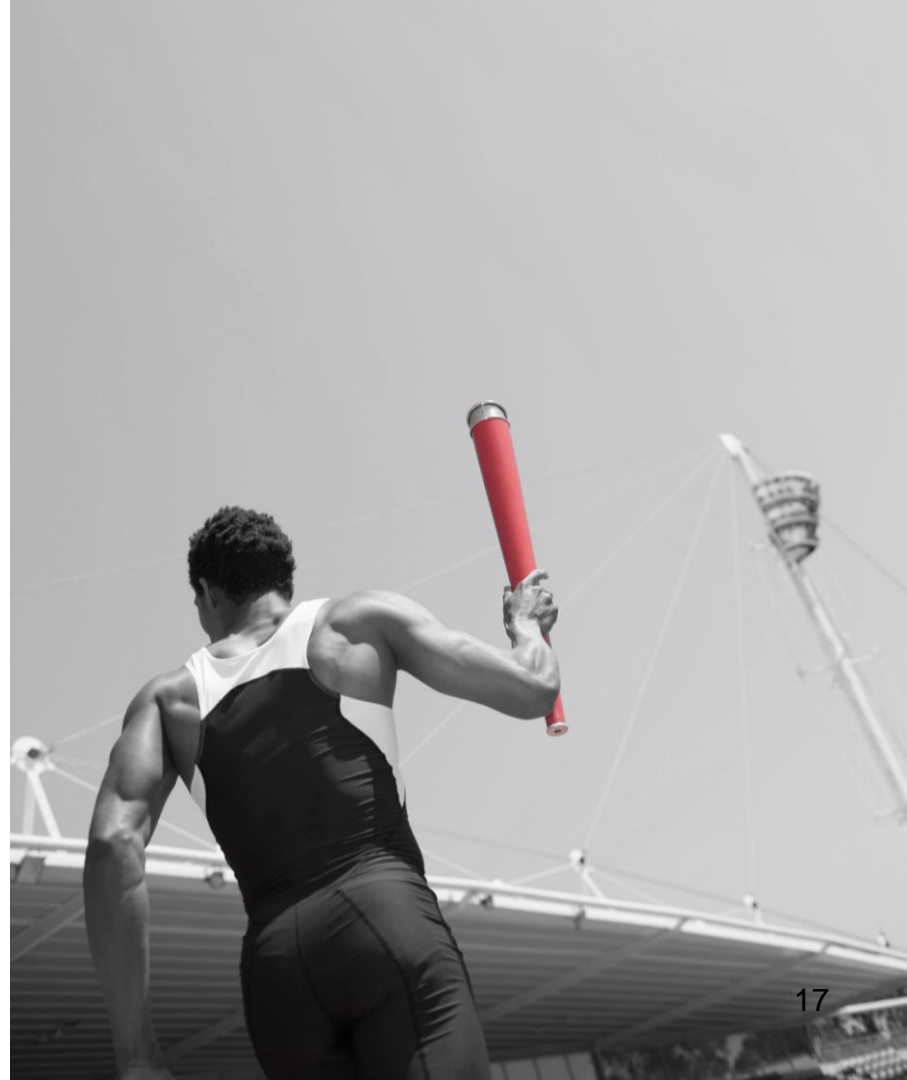
- **Article 14 - Application and standing**

Nothing in this Charter shall change in any way the application of the *Code* or *International Standards*, or the standing of *Athletes* under those documents.



PART 2 – Recommended Athlete Rights

The rights in Part 2 do not exist universally within anti-doping. However, they are rights that *Athletes* encourage *Anti-Doping Organizations* to adopt and implement within their own organizational structures to further enhance the fight against doping, the integrity of the system, and *Athlete* rights within that system.



PART 2 – Recommended Athlete Rights



- **Article 15 – Right to corruption-free sport**

Athletes have the right to participate in training and *Competitions* that are free from doping-related corruption or any other form of doping-related manipulation that could affect the outcome on the field of play or in training.

- **Article 16 – Right to participate in governance and decision-making**

Athletes have the right to participate in the creation and modification of the anti-doping rules to which they must comply, and it is fair and right that *Athletes* shall also have a voice and the right to participate in the governance of any *Anti-Doping Organizations* that they are subject to.

- **Article 17 - Right to affordable justice**

Athletes have the right to access an affordable (preferably free) hearing and appeal process where they also have access to affordable (preferably free) independent legal advice and equality of arms.



play true