

## 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. The 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 the Charter are made by recommendation to the WADA Executive Committee from the WADA Athlete Committee.

The 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 Standards 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 equality of 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 Personal*, 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)

## **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 and operationally and institutionally independent hearing panel, the right to be represented by counsel at the *Athletes* own expense and a timely, written, reasoned decision. (Code Articles 8 and 13.2.2, 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*.

*Athletes* have the right to report in good faith alleged doping or non-compliance through a whistleblower mechanism and not be subjected to threats or intimidation designed to discourage them from reporting. (Code Article 2.11)

## **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 demand its deletion once it no longer serves any legitimate anti-doping purpose. (Code Articles 5.6 and 14.6 and International Standard for the Protection of Private 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 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 Article 10.9 with comment)

Any prize money that has been recovered by an *Anti-Doping Organization* from a sanctioned *Athlete* shall be redistributed to *Athletes* who would have been entitled to it had the forfeiting *Athlete* not competed. (Code Article 10.10)

### **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 that mandatory *Public Disclosure* shall not be required. (Code Article 14.3.7)

### **Article 11 – Rights during Doping Control**

When subject to *Doping Control*, 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 hydrate if required, 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* to request that their B *Sample* is tested and that within defined time limits, 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 or a video link of the opening made available to the *Athlete*.

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 7.4)

### **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.

### **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**

*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 the *Anti-Doping Organizations* that they are subject to.

### **Article 17 – Persons subject to the Code**

*Persons* that deal with *Athletes* or are part of, or act on behalf of an *Anti-Doping Organization* in any way, should be subject to the Code and face *Consequences* comparable to those an *Athlete* would receive if they were to be sanctioned for such conduct.

### **Article 18 - 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.