

Anti-Doping Charter of Athlete Rights

MISSION

~~Clean and fair sport~~

~~To ensure that athletes no matter who they are or where they compete and train have basic human rights (as defined in the UNGP's) and compete in clean, ethical and fair sport and to obtain a binding commitment from their fellow Athletes and all , Athlete Support Personal, Sport Officials, Sport Administrators that doping has no place in sport. In this regard, all Athletes and, Athlete Support Personal, Sport Officials, Sport Administrators agree that results in training and competition must only be obtained on the basis of an Athlete's merit, including their physical abilities, talent and effort, without resort to any means of assistance that constitute a violation of the World Anti-Doping Code (WADC).~~

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

PREAMBLE

- ~~1. —Whereas one~~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;
- ~~2. —Whereas all Athletes, Athlete Support Personal, Sport Officials, Sport Administrators, and Anti-Doping Organizations share the interest of and responsibility to protect the integrity of sport by ensuring that it is doping free;~~
- ~~3. —Whereas protecting the Athletes' right to participate in doping free sport must be considered as one of the highest priority sporting interests;~~
- ~~4. —Whereas it is recognized that protecting Athletes' rights is in the interest of preserving the social institution of sport, as well as its popularity and viability; and~~
- ~~5. —Whereas the clean Athletes of the world seek to further protect their rights by obtaining a strengthened and universal commitment from their fellow Athletes, Athlete Support Personal, Sport Officials, Sport Administrators and Anti-Doping Organizations.~~

~~It is agreed by all Athletes, Athlete Support Personal, Sport Officials, Sport Administrators, Anti-Doping Organizations and other sport organizations that every Athlete has the right:~~

Actual

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

~~Actual~~The rights set out in Part 1 of this Charter are rights that ~~are set down in~~Athletes have by way of the World Anti-doping Code (WADC), and International Standards or other applicable documents.

Article 1 – Equality of opportunity

~~To equal~~Athletes have the right to equality of opportunity in their pursuit of sport to perform at the highest ~~potential~~ level in both training and competition, free of participation by other Athletes who dope, or Athlete Support Personal, ~~Sport Officials, Sport Administrators, or other Persons~~ or Anti-Doping Organizations that otherwise violate anti-doping rules and requirements. (~~WADC and Code, International Standards~~)

Article 2 – Equitable and fair ~~testing~~ Testing programs

~~To be subject to testing~~Athletes have the right to equitable and fair Testing programs ~~worldwide that are~~ implemented in a manner that ensures that all ~~athletes~~Athletes in all countries are tested in compliance with the ~~World Anti-Doping Code~~ and International Standards. (~~WADC Code, International Standard for Testing and Investigations, international~~International Standard for Code Compliance by Signatories)

Article 3 – ~~Protection~~ Medical treatment and protection of health rights

~~To be free from any pressure by any other Athlete, Athlete Support Personal or other persons, that would jeopardize their physical or emotional well-being through doping. When receiving medical treatment, Athletes have the right to not be prescribed, provided or administered any Prohibited Substance or Method in the course of medical treatment or otherwise by any Participant or Person unless the athlete has been granted an approved Therapeutic Use Exemption. Medical service providers shall not provide treatment to any athlete outside the applicable standard of care for the purpose of enhancing an athlete's performance. Athletes shall be responsible for advising medical personal that~~

~~they are bound to comply with Anti-Doping rules set forth in the WADC and international standards. (Fundamental Rational for the WADC)~~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

~~To~~Athletes have the right to justice, including the right to be heard, the right to a fair ~~and timely hearing before an~~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 ~~obtain a decision in a timely manner as well as the fair, consistent and transparent enforcement of applicable Anti-Doping Rules in a harmonized manner in compliance with the WADC and International Standards~~be represented by counsel at the Athletes own expense and a timely, written, reasoned decision. (ArticleCode Articles 8 WADCand 13.2.2, International Standard for Result Management and Hearings)

Article 5 – Right to accountability

~~To be subject to~~

Athletes have the authority of right that any ~~Anti-Doping Organizations and relevant stakeholders that are ethical and comply with the WADC and applicable International Standards and are free of doping, corruption or illicit conduct and are held accountable in the case of any form of proven corruption, cover-up, conspiracy, complicity or manipulation related to 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. (WADC and Code, International Standard for Code Compliance by Signatories)

Article 6 – ~~Whistleblowers and Substantial Assistance~~ Whistleblower rights

~~To be provided with~~Athletes have the right to access an anonymous or confidential ~~and independent~~ mechanism to report any potential doping behavior by ~~applicable Athletes, Athlete Support Personnel, Sport Officials, Sport Administrators, and Anti-Doping Organizations. (Article 2.11 WADC)~~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

~~To Athletes have the right to receive Anti-Doping Education anti-doping education and information from Anti-Doping Organizations that satisfy the principles and requirements in Article 18 of the Code. (Code Article 18 WADC, International standard Standard for education Education)~~

Article 8 – Right to data protection

~~To the collection, transfer, storage, publication and confidentiality of their anti-doping related data in accordance with the relevant and applicable International Standard, as well as applicable data privacy laws. (Article 14.6 WADC and GDPR)~~

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 – ~~Compensation~~ Rights to compensation

~~To compensation from an athlete/s or organization that has committed an ADRV and that any~~

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 awarded to recovered by an Anti-Doping Organization from a sanctioned athlete/s is returned to the rightful athlete/s. (Article 10.9 with comment, and Athlete shall be redistributed to Athletes who would have been entitled to it had the forfeiting Athlete not competed. (Code Article 10.10 WADC)

Article 10 – ~~Anti-Doping Athlete Ombudsperson~~ Protected Persons Rights

~~To have an independent WADA appointed Athlete Ombudsperson that shall have the power to advise, report and make recommendations so as to protect Athletes and their rights in relation to this Charter and all anti-doping matters. These services shall be free, confidential, independent and a mechanism will be put in place to allow such communication. The ombudsperson shall report to the WADA Athlete Committee. The structure, reporting, powers, limitations and rules of the office shall be defined in the relevant Terms of Reference.~~

~~(Independent WADA Anti-Doping Athlete Ombudsperson Terms of Reference)~~

Aspirational Rights

~~Aspirational Rights are the following rights that are endorsed by athletes, they are not rights that are enforceable unless adopted by an organization so as to ensure best practice and to expand on the above Actual 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 ~~11~~15 – ~~Corruption~~ Right to corruption-free sport

~~To~~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 ~~12 – Freedom of expression~~

~~To freedom to express opinions with respect to anti-doping without fear of retribution.~~

Article ~~13~~16 – Right to participate

~~To~~Athletes have the right to participate in the creation and modification of the ~~Anti-Doping Rules~~anti-doping rules to which they must comply, and ~~that~~ it is fair and right that ~~athletes~~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 ~~14~~17 – ~~Mutual respect of rights~~ Persons subject to the Code

~~To the extent not already explicitly provided, to have the rights described in this Charter respected by their fellow Athletes, Athlete Support Personnel, Sport Officials, Sport Administrators, Anti-Doping Organizations, or any other Person/s.~~

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.