

# Anti-Doping Charter of Athlete Rights - First consultation phase

Showing: All (92 Comments)

## ANTI-DOPING CHARTER OF ATHLETE RIGHTS (General Comments) (14)

### ANOCA

Kadidiatou Tounkara Kanouté, WADA AC Member (France)  
Sport - Athlete

SUBMITTED

Great charter, congratulation to the drafting team and WADA AC.

### USA JUDO

L.A. SMITH, JUDOKA (USA)  
Sport - Athlete

SUBMITTED

As a athlete I really hope the comments from the athletes are really taken under consideration.

### Badminton World Federaton BWF

Richard PEROT, Chair of Athletes Commission (France)  
Sport - Athlete

SUBMITTED

Could this be merged with Athletes 365 Athletes' Rights and Responsibilities Declaration ? or any IPC similar charter ?

### Santillana Paddocks

María Pinedo, Athlete (España)  
Sport - Athlete

SUBMITTED

As an athlete related to the olimpic discipline of equestrianism, I am very grateful to have such a Charter adressed to the Athlete's rights in such an issue as Doping.

Doping has been a horrible issue for a long time in our sport. Not only horses suffered from it, but also riders did not follow the rules as established in the WADA Code and take medication during competitions without the corresponding authorisation. Therefore, taking my long experience -as a professional rider of the national team- into account, I must say that I have big concerns regarding Doping. I have witnessed how riders came into the stables to dope their horses during the night and no one helped me to bring such infringement of fairplay to the corresponding authorities. I also suffered often big pressions from my team members and national sports authorities to dope my horses to such point I had to close my stables with special lockers, having a person controlling the welfare of my horse 24 hours a day.

Given the above, I truly believe in the preservation of fair play and in the defense of antidoping conducts. I have always done it, always protected my health and the health of my horses, always fought against misleading conducts and always said no when I was told to take nonallowed medication. This has brought me usually to a small and weak position in the team, got no voice in the group and felt like an idiot, but my ethic was save and me and my horses were sound and competed happily. It comes out that, in the end, I am the one having horses with the longest and greatest sports carrers, which, at the highest level, is only possible if you take care of their health and wellbeing. However, I must say that our discipline is far away from a doping-free scenario and the antidoping culture is far behind as in many other sports, wich are more popular or visible. In that sense, I think it is very important to increase controlling and standarisation of processes related to doping in minority or less visible sports, where the sports family is smaller and bounds are tighter (and therefore, preassures bigger).

I will try to put some comments to the Chart (Spanish version) in order to make it adjustable to our discipline and vision.

Thanks a lot for your proposal and initiative.

### AC

H Schreuder, advisor (Nederland)  
Sport - Athlete

SUBMITTED

## **Dutch comments for Athletes`Rights Charter consultation with deadline March 4th 2019**

Amsterdam, 1st of March 2019 (Final 1.0)

Dear Sir/Madam,

Hereby we send you our submission concerning the consultation for the Athletes` Rights Charter.

As usual for the Dutch contribution, these comments have been collated from the remarks made by the four Dutch stakeholders, being the Ministry (Health, Welfare and Sports), the NOC (NOC\*NSF), the NADO (Dopingautoriteit) and the Athlete`s Commission. This time NL Sporter also joined the process for the Dutch comments.

We support the mission to properly guarantee the rights of athletes and implementing The Charter of Athletes` Rights, by making it an integral part of the Code. This Charter is a first step to get more attention towards those rights which we applaud.

Our comments consist out of general remarks considering the Athletes`Rights Charter, followed by specific remarks considering the articles.

### **GENERAL REMARKS ON THE ATHLETES` RIGHTS CHARTER**

#### **- Concreteness of these rights**

Generally we think that it is important that athletes rights are made more open and specific. Actual rights should be defined SMART: specific, measurable, achievable, realistic and time-bound. Most of the actual rights defined are vague, not measurable and/or realistic in our opinion. Some have the character of an aspirational right, but when defined more detailed (SMART) some of the vagueness could be elucidated.

#### **- Enforcability of these rights**

We also wonder how athletes can claim these rights. What is the legal status of this charter and who controls it? In other words, who is accountable for making sure that these athlete rights are respected worldwide? If it is the intention that these are enforceable rights, then that would mean that they will be adopted and processed in the Code. This then should lead to at least a 12th doping violation; 'The deprivation of rights to athletes'. This is not foreseen in the second Concept of the Code. How does the connection between Code and Charter look like?

#### **- Distinction between aspirational and actual rights and form of the Charter**

This distinction between the two types of rights is very arbitrary. On the one hand it is stated that the Actual Rights (1-10) are already anchored in the Code of Standards. But the Ombudsperson is as far as we know not yet anchored in regulations. An ombudsperson seems a very good idea to us, but he / she can only be effective if there is a link to the Code.

On the other hand, we do not see why Corruption-free sport (article 11) would be less an 'Actual right' than, for example, Equality of opportunity (Article 1). On the contrary: Corruption-free sport is easier to operationalize than Equality of opportunity.

We are inclined to think that the Charter should be classified in a different way. For example, by first formulating the (non-enforceable) Universal Rights of the Athlete, and then appointing the Concrete Rights (enforceable through the Code). It will always have to be clear how these Concrete Rights can be enforced.

#### **- Position of the athlete**

For us, there also should be more attention on the position of athletes within the organizations of relevant stakeholders. The athletes are by far the most relevant stakeholders, but they often don't have the position as most relevant stakeholder. That should be changed, starting with a better position within WADA, giving the chair of the WADA AC a position in the WADA Executive Committee.

#### **- Athletes rights when tested**

Another issue is the fact that it should be more clear what the rights of athletes are when they are tested. Testing should be proportional, with respect to general human rights, and performed by doping control officers (DCO's) that are professionals. Guidelines for those DCO's should be rules with specific rights for athletes.

### US Olympic Committee

SUBMITTED

Sara Pflipsen, Senior Legal Counsel (United States)  
Sport - National Olympic Committee

The USOC, in consultation with its Athletes Advisory Council, applaud the initiative and effort undertaken by the WADA Athlete Committee to create this document outlining protections for clean athletes, not only on the field of play but before, during, and after.

The document lays out "Actual Rights" and "Aspirational Rights." However, some of the Actual Rights appear more aspirational in nature and are so general that it's hard to determine what affect they will have. Although every athlete should be afforded with protections, the USOC notes that it may be difficult to enforce compliance with some of the rights outlined in the document, especially because of their vague nature.

### Council of the European Union

SUBMITTED

Lucian Constantin Mircescu, Chairman Working Party on Sport (Romania)  
Public Authorities

While the draft proposal for a Charter of Athletes is appreciated, there is a need to also include, in the enforceable "*rights*" section, issues pertaining to the protection minors.

At the same time, albeit relevant and necessary content-wise, there is a need for clarity with regard to the "aspirational rights" section. Such clarity can only be obtained by moving those points into a comprehensive rights section, since there is little reason for them to be perceived as controversial, in light of their universality and the internationally agreed treaties they are mentioned in.

Finally, the charter should be integrated in the Code, for instance in the form of an annex and not be left as a separate document.

### Gouvernement du Canada

SUBMITTED

Francois Allaire, Agent Principal de Programme (Canada)  
Public Authorities - Government

### Anti-Doping Charter of Athlete Rights

The Government of Canada is encouraged by the Athlete Committee's initiative to develop the Anti-Doping Charter of AthleteRights which, as it stands, provides guidance to recognize the vital role that athletes can and should play in the anti-doping movement to protect the integrity of sport. The Government of Canada is also very supportive of Article 10 under this Charter to have an independent WADA-appointed Athlete Ombudsperson who shall have the power to provide advice, report and make recommendations to WADA management to protect athletes and their rights in relation to this Charter and all anti-doping matters.

### Norwegian Ministry of Culture

SUBMITTED

Eva Cathinka Bruusgaard, Senior adviser (Norway)  
Public Authorities - Government

### Regarding the Anti-Doping Charter of Athlete Rights

The Norwegian Ministry of Culture supports the athlete charter and how this charter describes the fundamental rights of the athlete. It is of vital importance that the Anti-Doping Charter of Athlete Rights' definitions are in line with WADC art 8.1 on fair hearings and independent and impartial hearing panels (see Norway's submission above), and the UN Declaration on Human rights and the European Convention of Human Rights principles.

## Council of Europe

SUBMITTED

Council of Europe, Sport Convention Division (France)

Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

### Athletes Charter

#### The Athletes/persons rights pursuant to allegation of rule violation

- fully support the athlete charter as this charter describes fundamental rights of an athlete.

- any person alleged to have committed a rule violation should be presented with his/her rights pursuant to an allegation of rule violation.

These rights could be defined in the Athletes Charter and, as a minimum, be based on the rights of the **UN Human rights article 10 and European Convention of Human Rights, especially article 6 and 8.**

Include:

- The right to ensure an objective and thorough investigation.
- The right to a clear separation between the executive (testing/prosecution) branch and the judicial branch (hearing and appeal panel)
- The right to a fair and public hearing
- The right to be heard by an independent and impartial hearing body and an independent and impartial appeal panel
- The right to freely provide an explanation of the charges against him/her
- The right to obtain a decision in a timely manner in compliance with the WADC and International Standards (art.8 WADC, IRM)

While the draft proposal for a Charter of Athletes is appreciated, there is a need to also include, in the enforceable “*rights*” section, issues pertaining to the protection of minors.

At the same time, albeit relevant and necessary content-wise, there is a need for clarity with regard to the “aspirational rights” section. Such clarity can only be obtained by moving those points into a comprehensive rights section, since there is little reason for them to be perceived as controversial, in light of their universality and the internationally agreed treaties they are mentioned in.

Finally, the charter should be integrated in the Code, for instance in the form of an annex and not be left as a separate document.

## Japan Anti-Doping Agency

SUBMITTED

YaYa Yamamoto, Senior Manager (Japan)

NADO - NADO

- The JADA Athlete Committee members have welcomed this Charter to be incorporated in the Code. They have recommended to communicate well/better to the athletes worldwide in advance of Tokyo2020 Games or utilising

the Games-time opportunity. For non-English natives, some rights may sometimes difficult to understand. Still unclear how this Charter is placed/ applied in relation to the Code/ IS. How does this Charter is related to the athletes' behaviour on-off the field of play? What is it the athletes can do and when? A snap shot of explanations is very important to have the athletes as well as ADO's understanding.

- Overall, the Athletes seem placed as "passive" rather than "proactive". It can be advised to reconsider the sentences from the view of Athlete wishing to be engaged or engage in a clean sport movement.
- In light of the new ISE, the Athlete role as "Educator" "Ambassador" can be mentioned. - Some terminologies/sentences are inconsistent with what are used in the Code or ISE - eg. Athlete Support Personal (should be Personnel).

### **Anti-Doping Norway**

SUBMITTED

Anne Cappelen, Director Systems and Results Management (Norway)  
NADO - NADO

### **Athletes/persons rights pursuant to allegation of rule violation**

ADNO fully support the athlete charter as this charter describes fundamental rights of an athlete.

We suggest that any person alleged to have committed a rule violation should be presented with his/her rights pursuant to an allegation of rule violation. These rights could be defined in the Athletes Charter and, as a minimum, be based on the rights of the UN Human rights article 10.

### **Institute of National Anti-Doping Organisations**

SUBMITTED

Graeme Steel, Chief Executive (Germany)  
Other - Other (ex. Media, University, etc.)

The Charter should be part of the WADC and at the WADC's level of status in the World Anti-Doping Program. It should not be positioned at a subsidiary level, such as the International Standards or WADA Guidelines.  
? The Charter should be annexed to the WADC and should be explicitly mentioned in the Purpose, Scope and Organization provisions, and in the interpretative provisions (Article 24), of the WADC.? Where relevant, the Comments to WADC Articles should refer to Charter rights. For example, WADC Article 8 should refer to the Charter right to justice.? Each International Standard in its introductory provisions should (a) refer to the Charter and (a) state that that compliance with the InternationalStandard is to be judged in light of meeting Charter commitments.? The International Standard for Code Compliance by Signatories should provide explicit processes for assessing Charter compliance, processes for dealing with Charter breaches, and consequences/remedies for those breaches.

### **FairSport**

SUBMITTED

Joseph de Pencier, Board Member (Canada)  
Other - Other (ex. Media, University, etc.)

The most fundamental or strategic issues raised by this draft are:

- Exactly how is the Charter to be embedded in the WADC?
- How will it be enforced? By what process(es)?
- What are the consequences of breach of Charter rights, both for individuals and organizations?

The document itself is silent on these basis matters. FairSport strongly urges that:

- The Charter be part of the WADC and at the WADC's level of status in the World Anti-Doping Program. The Charter should not be positioned at a subsidiary level, such as the International Standards or WADA Guidelines.
- The Charter should be annexed to the WADC and should be explicitly mentioned in the Purpose, Scope and Organization provisions, and in the interpretative provisions (Article 24), of the WADC.

- Where relevant, the Comments to WADC Articles should refer to Charter rights. For example, WADC Article 8 should refer to the Charter right to justice.
- Each International Standard in its introductory provisions should (a) refer to the Charter and (a) state that that compliance with the International Standard is to be judged in light of meeting Charter commitments.
- The International Standard for Code Compliance by Signatories should provide explicit processes for assessing Charter compliance, processes for dealing with Charter breaches, and consequences / remedies for those breaches.

## MISSION (12)

### USA JUDO

L.A. SMITH, JUDOKA (USA)

Sport - Athlete

SUBMITTED

to get an better understanding of medication I take because I am a asthmatic

### Badminton World Federaton BWF

Richard PEROT, Chair of Athletes Commission (France)

Sport - Athlete

SUBMITTED

I think we must add to the "training and competition" period the period when athlete recover from injuries, surgeries and similar  
 In this regard, all Athletes and, Athlete Support Personal, Sport Officials, Sport Administrators agree that results in training, recovering from injuries or surgeries and competition must only be obtained on the basis of an Athlete's merit,

### Santillana Paddocks

María Pinedo, Athlete (España)

Sport - Athlete

SUBMITTED

[...] En este sentido, todos los deportistas, el personal de apoyo y los funcionarios y administradores del deporte, están de acuerdo con que los resultados en entrenamiento y ~~competencia~~-competición sólo deben obtenerse en base al mérito deportivo de un deportista, lo que incluye su capacidad física, habilidades, talento y esfuerzo, sin recurrir a ningún medio de asistencia que constituya una violación al Código Mundial Antidopaje.

### N/a

Brionna Thomas, Professional Athlete (USA)

Sport - Athlete

SUBMITTED

The mission is stated very well. Easy to understand and straight to the point. I stand behind everything WADA represents. It is only fair that we compete in a clean sport. Therefore, everything WADA is doing to ensure that, I respect.

### Anti Doping Denmark

Jesper Frigast LARSEN, Legal Manager (Denmark)

NADO - NADO

SUBMITTED

We propose to add a separate section named Athletes' Responsibilities and that the responsibilities stated below comply with the responsibilities outlined in The Athletes' Declaration for athletes within the Olympic Movement.

1. *“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)”*. (Moved from **Article 3 – Protection of health**).

2. Repeat the integrity of sport and compete as a clean athlete by not doping.

3. Act in accordance with the WADC and be encouraged to report unethical behavior including instances of doping.

4. Comply with applicable national laws and the rules of the specific sport.

5. Act as a role model including clean sport.

6. Inform themselves and be aware of their responsibilities.

We believe the above recommendations for responsibilities are as fundamental as the athletes' rights.

### Japan Anti-Doping Agency

YaYa Yamamoto, Senior Manager (Japan)  
NADO - NADO

SUBMITTED

- As per current draft for the 2021Code and the ISE mention about fostering "a clean sport environment", it would be a good idea to mention this in Mission and how the Athlete wishes for, and can work themselves for, this.

### Antidoping Switzerland

Ernst König, CEO (Switzerland)  
NADO - NADO

SUBMITTED

This consultation was elaborated in collaboration with the Swiss Olympic Athlete Association.

Open question:

How is the intention to implement the charter and to increase awareness within the athlete community?

### NADA

Regine Reiser, Result Management (Deutschland)  
NADO - NADO

SUBMITTED

NADA Germany welcomes and strongly supports the introduction of the Athletes Charter in the major structure of the WADC and the International Standards.

Athletes rights for clean sports are the fundamental principles and should guide the Anti-Doping rules and regulations.

### Conseil supérieur des sports

Matheo TRIKI, Sportif Rugby (Espagne)  
WADA - Others

SUBMITTED

Por un deporte limpio y justo

El dopaje no tiene cabida en el deporte.



Todos los deportistas, el personal de apoyo, funcionarios y administradores del deporte, están de acuerdo con que los resultados en entrenamiento y competencia sólo deben obtenerse en base al mérito de un deportista, lo que incluye su capacidad física, habilidades, talento y esfuerzo, sin recurrir a ningún medio de asistencia que constituya una violación al I Código Mundial Antidopaje.

### Transparency International Germany

Sylvia Schenk, Chair Working Group Sport (Germany)  
Other - Other (ex. Media, University, etc.)

SUBMITTED

It is not to ensure that athletes "have" human rights (this is assumed anyway) but that these rights are protected and respected!

As far as I know there are no human rights "defined" in the UNGP - the UNGP are an instrument to ensure protection of/respect for human rights enshrined in several UN conventions (declaration of human rights etc.)

In the list of persons concerned(sentence starting with "In this regard,...") I would expressively list doctors to underline the importance of this group for guaranteeing doping-free sport.

### FairSport

Joseph de Pencier, Board Member (Canada)  
Other - Other (ex. Media, University, etc.)

SUBMITTED

1. It is not clear that the Charter's terms (such as "athlete") share or rely on WADC definitions. This should be specified, and additional definitions added as required.

2. The second line of the Mission seems to refer to the United Nations Guiding Principles on Business and Human Rights ([https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)).

If so, there should be a reference to the document, or to whatever other source is being referred. If the reference is to the Guiding Principles, then there should also be a brief explanation of its three underlying "general principles," its application to governments and businesses, its "foundational" and operational" principles, to "access to remedies," and to the definitions of basic human rights the document contains.

3. The second and third lines of the Mission refer to a "binding commitment." What is the nature of the commitment, how is it made binding and how is it enforced? This to FairSport is a fundamental set of issues with this document, aside from content of the "rights" and associated definitions.

4. The Mission refers to "Athlete Support Personnel," "Sport Officials" and "Sport Administrators." According to the WADC, "Sport Officials" and "Sport Administrators" are supposed to be included in the definition of "Athlete Support Personnel": "Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other Person working with, treating or assisting an Athlete participating in or preparing for sports Competition."

So to use these additional terms in this document, they will have to be defined. In doing so, it should be clear that government sport administrators (and their political masters) are captured by the Charter.

4. According to the Mission, all those to be bound by the Charter are individuals. Corporate persons, i.e., ADOs including IFs, MEOs (IOC and IPC, for example), WADA, NADOs, etc., are not included. Yet at the of the Preamble, ADOs are meant to agree. Therefore, this first paragraph must be adjusted to include ADOs in making the "binding commitment."

### US Olympians and Paralympians

Carol Brown, Vice President (United States)  
Other - Other (ex. Media, University, etc.)

SUBMITTED



General comments: this document overall raises as many questions as it addresses. The US Olympians and Paralympians cannot support it as currently written. Any document that addresses "rights" must be applicable and enforceable in a universal and consistent manner ....and that can be adjudicated in a fair and timely manner.....

## PREAMBLE (4)

### USA JUDO

L.A. SMITH, JUDOKA (USA)

Sport - Athlete

SUBMITTED

seems to cover the athlete.

### Japan Anti-Doping Agency

YaYa Yamamoto, Senior Manager (Japan)

NADO - NADO

SUBMITTED

- "equal opportunity" sometimes bring some debate (like what does "equal" actually mean) - it might be better to include an indication like an "equal opportunity to access to Education." (as alluded in the ISE) or this can be mentioned in Article 1.

### Conseil supérieur des sports

Matheo TRIKI, Sportif Rugby (Espagne)

WADA - Others

SUBMITTED

1.

protect the Athletes' fundamental right to participate in doping-free sport and thus promote health, fairness and equal opportunity

2.

share the interest of and responsibility to protect the integrity of sport

3.

doping-free sport must be considered as one of the highest priority sporting interests

4.

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.

### Transparency International Germany

Sylvia Schenk, Chair Working Group Sport (Germany)

Other - Other (ex. Media, University, etc.)

SUBMITTED

In 2. I again recommend to list doctors.

In 4. it should be added as first point that protecting Athletes' rights is in the interest of Athletes' health (wide

WHO definition, i.e. mentally, physically, psychologically) - athletes have to come first, not the social institution of sport, its popularity and viability! The draft version instrumentalizes athletes for the sake of sport organizations.

In 5. I oppose the expression "clean athletes" - there are so many athletes having been clean for years and then a re-analysis shows the opposite. Clean athletes doesn't say anything. And the "fellow athletes" - are these clean, too, or dirty or both? And of course even the rights of "dirty athletes" have to be protected! So this phrase has to be reworded. And please list again doctors in 5. and in the last sentence of the preamble.

Good to read that in the last sentence it just says: "...that every athlete has the right" - whether clean or not.

## ACTUAL RIGHTS (7)

### AC

H Schreuder, advisor (Nederland)  
Sport - Athlete

SUBMITTED

### FEI

Catherine Bollon, Coordinator Athlete Legal Services and Human Anti-Doping  
(Switzerland)  
Sport - IF – Summer Olympic

SUBMITTED

Formatting: in "Actual rights that are set down in the World Anti-doping Code (WADC), International Standards or other applicable documents" the term "doping" needs to be capitalized.

### Czech Anti-doping Committee

Tomáš Vávra, Coordinator (Czech Republic)  
NADO - NADO

SUBMITTED

The Czech Anti-Doping Committee - Athletes' Commission is highly recommended to add a new right:

Anti-Doping Athletes' Commission - To have an independent national Athletes' Commission that has the power to advise, report and make recommendations so as to protect Athletes and their rights. Athlete has a right to refer to this commission with any problem that occurs within a process of doping control, in case of positive doping finding or with any other complication. This commission serves as supportive body to athletes who are subjects of doping control.

### Conseil supérieur des sports

Matheo TRIKI, Sportif Rugby (Espagne)  
WADA - Others

SUBMITTED

Article 1 – Equality of opportunity: To equal opportunity in their pursuit of sport

Article 2 – Equitable and fair testing programs: To be subject to testing programs worldwide that are implemented

Article 3 – Protection of health: To be free from any pressure

Article 4 – Right to justice: including the right to be heard, the right to a fair and timely hearing before an impartial hearing panel, the right to obtain a decision in a timely manner as well as the fair,

Article 5 – Right to accountability: To be subject to the authority of Anti-Doping Organizations and relevant stakeholders that are ethical and comply

Article 6 – Whistleblowers and Substantial Assistance: To be provided with an anonymous or confidential and independent mechanism to report any potential doping behavior Article 7 – Right to education

To receive Anti-Doping Education and information from Anti-Doping Organizations

Article 8 – Right to data protection: To the collection, transfer, storage, publication and confidentiality of their anti-doping related data

Article 9 - Compensation: from an athlete/s or organization that has committed an ADRV

Article 10 – Anti-Doping Athlete Ombudsperson: 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.

### Transparency International Germany

SUBMITTED

Sylvia Schenk, Chair Working Group Sport (Germany)  
Other - Other (ex. Media, University, etc.)

I would start with Art 3. - protection of health is the main issue. Not mix it with TUE - that is technical. You should list fundamental rights and then follow up with the implementation.

Then Art 5 should follow (in second place) as this is fundamental to have a reliable system in place. Please add conflict of interest/political interference ("... free of doping, corruption, conflict of interest or illicit..."). Additionally, in nr 5 please delete "...related to anti-doping" at the end - in all cases of corruption, cover-up etc., not just related to doping, these organizations have to be hold accountable.

It is somehow disturbing to write in Art 2 that athletes have a right "to be subject to testing programs" - that is an obligation. If this is forced on athletes then in addition they must be sure that the testing is in compliance - this needs rewording.

Art 6 needs to amended - reporting mechanisms are only one step, more important is independent investigation. Additionally, a clear commitment on whistleblower protection is needed.

The requirements in Article 18 of the Code are not at all sufficient. They focus on athletes - but prevention has to be addressed to all persons/sport organizations. Then there is no prevention with regard to structure (pressure from officials/states/sponsors etc. - Art. 3 here (on health) is just on pressure to dope - but quite often it is more sophisticated.

The whole list of rights here is repeating what the WADA-Code already states, just transferring sport organizations' obligations into "athletes' rights", and/or putting the whole burden onto athletes. That is not the right approach. It is to put Athletes First and really transfer fundamental human rights to the anti-doping system in line with the UNGP - that has not been done yet.

### US Olympians and Paralympians

SUBMITTED

Carol Brown, Vice President (United States)  
Other - Other (ex. Media, University, etc.)

This whole section needs to be cleaned up and needs specificity to be effective. References are not consistent (WADC and "the Code" for example).The references to other documents are not clear- citations need to say where in a document each right is found. (can't just say WADS and International Standards".....needs Section

references, article and paragraph etc. Reader needs to be able to easily find the original documents where the rights are defined.

## FairSport

Joseph de Pencier, Board Member (Canada)  
Other - Other (ex. Media, University, etc.)

SUBMITTED

1. The title "Actual Rights," and the accompanying text, indicates that the listed rights already exist full-formed and are nothing new. Is that really the case? Are the 10 "rights" and their supporting documents appropriate as they stand or do they require review and revision each and every one? There is also the issue that some rights depend on documents not yet in place: see Article 7 below regarding education, and Article 10 regarding the ombudsperson. These matters must be clarified.
2. The introduction below to the "Aspirational Rights" says that they are not enforceable simply by recital in the Charter. Therefore, it should be made clear in the introduction to the "Actual Rights" that they are fully enforceable.

## Article 1 - Equality of Opportunity (5)

### Badminton World Federaton BWF

Richard PEROT, Chair of Athletes Commission (France)  
Sport - Athlete

SUBMITTED

I think we must add to the "training and competition" period the period when athlete recover from injuries, surgeries and similar

### Santillana Paddocks

María Pinedo, Athlete (España)  
Sport - Athlete

SUBMITTED

[...]sin la participación de deportistas que se dopen

[MP1] o dopen a sus compañeros de deporte, para el supuesto de deporte junto a animales -hípica- y

deportes asistidos -paralímpicos-. En este último caso sería una incitación o coacción al dopaje, mientras que en el caso de animales hay ausencia de voluntad y el dopaje depende exclusivamente de la persona que la suministre, ya sea el jinete deportista, veterinario, personal de apoyo, funcionario o administrador del deporte en cada caso.

**AC**

H Schreuder, advisor (Nederland)  
Sport - Athlete

### - Article 1 – Equality of opportunity

"Equal opportunity" in terms of physical abilities, financial support, equipment will never be reached. If we believe that it is possible to reach this equality this is utopian. Maybe rephrase in: "closing the gap" and/or "to pursuit equal opportunity" e.g. or define what equal opportunity means and how it can be secured by an athlete.

**FEI**

Catherine Bollon, Coordinator Athlete Legal Services and Human Anti-Doping  
(Switzerland)  
Sport - IF – Summer Olympic

We suggest to replace "Athletes who dope" by "Athletes who violate anti-doping rules and requirements". We do not see it necessary to use different terminology for Athletes and Athlete Support Personal, Sport Officials, Sport Administrators, or Anti-Doping Organizations.

**Japan Anti-Doping Agency**

YaYa Yamamoto, Senior Manager (Japan)  
NADO - NADO

- Equality of opportunity for accessing Education can be mentioned (as per ISE).

### Article 2 - Equitable and fair testing programs (3)

**AC**

H Schreuder, advisor (Nederland)  
Sport - Athlete

### - Article 2 – Equitable and fair testing programs

This should be way more specific. When is testing equitable and fair? Fair would mean that worldwide testing takes place with relative the same intensity and quality. And how can an athlete secure this right? The problem is also that a big part of the international NADO's, and therefor WADA as well, does not give specific and timely information about their testing results. For this article to even slightly work, there should be a monitoring system, open to the public, with frequent updates to check if NADO's meet their testing obligations.

We feel that this can only be reached when taking into account independence of an external auditor. Independence provides and requires the integrity we are after and an objective measurable approach of the testing process.

**Institute of National Anti-Doping Organisations**

Graeme Steel, Chief Executive (Germany)  
Other - Other (ex. Media, University, etc.)

Equitable and fair testing programs. To be subject to testing programs worldwide that are implemented in a manner that ensures that all athletes in all countries are tested in compliance with the World Anti-Doping Code and International Standards.

It is unclear why this is restricted to "testing". More appropriate wording would be: Equitable and fair testing and investigation programs

To be subject to the full scrutiny of anti-doping programs worldwide (including testing) that are implemented in a manner that ensures that all athletes in all countries are tested, and, as appropriate, investigated in

compliance with the World Anti-Doping Code and International Standards. (

### FairSport

SUBMITTED

Joseph de Pencier, Board Member (Canada)  
Other - Other (ex. Media, University, etc.)

There really are not existing standards for ensuring minimum or comparable levels of testing from sport to sport or country to country. For example, minimum numbers of athletes in an RTP, and minimum numbers of in- and out-of-competition testing for each athlete. Based on general or athlete populations, or GDP, or historic national medal performance, or numbers of sport participants at whatever level, or other objective measures. Without such quantified and measurable minimum standards, equitable and fair testing programs will be ghost. Therefore, there need to be associated and detailed proposals for the ISTI to address such matters for this right to have meaning.

### Article 3 - Protection of health (7)

### ANOCA

SUBMITTED

Kadidiatou Tounkara Kanouté, WADA AC Member (France)  
Sport - Athlete

"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."

in this Section i believe consideration should be given that an athlete who have not received an anti-doping education cannot and should not be "responsible" for advising an medical personal on any anti-doping related matters.. so this can sated differently " Elite Athletes ( when confirmed that they have received anti-doping education ) shall be responsible for advising medical personal that they are bound to compl with Anti-Doping rules set forth in the WADC and international standards".

Therefore, my general comment on the charter will be to ensure that anti-doping education should be embedded with the curricula and rules of any major or olympic sports to ensure that all athletes subject to testing have received an appropriate anti-doping education.

### Badminton World Federaton BWF

SUBMITTED

Richard PEROT, Chair of Athletes Commission (France)  
Sport - Athlete

I think we shoulkd include PSYCHOLOGICAL in the wording  
"that wouldjeopardize their physical their psychological or emotional well-being through doping"

### Santillana Paddocks

SUBMITTED

María Pinedo, Athlete (España)  
Sport - Athlete

Artículo 3 – Protección de la salud del deportista

1.- Importante en este caso, señalar la relevancia de este punto para el supuesto de deportes con animales (hípica y pentatlón, entre otros), donde éstos también son considerados deportistas y la protección debe ser

extensible a los mismos, siendo el responsable directo de dicha protección los jinetes o amazonas deportistas correspondientes.  
El derecho a estar libres de cualquier presión por parte de cualquier otro deportista, personas de apoyo u

otras personas que pueda poner en peligro su bienestar físico o emocional a través del dopaje.

2.- Referencia al Código “Welfare of the Horse” para el supuesto anteriormente comentado relativo a deportes olímpicos que incluyan animales, tales como la hípica.

**AC**

H Schreuder, advisor (Nederland)  
Sport - Athlete

SUBMITTED

### **· Article 3 – Protection of health**

When using the word pressure, how do we measure this? How do athletes proof (in doping cases) peer pressure? “Other persons” is extremely vague too. What if we take the governmental subsidized doping programs (e.g. other legal bodies) into account?

*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)*

This last sentence is not a right but an obligation which should not be in this section of the document. Furthermore the word “advising” should be changed in “informing”

**Anti Doping Denmark**

Jesper Frigast LARSEN, Legal Manager (Denmark)  
NADO - NADO

SUBMITTED

The Charter is named Anti-Doping Charter of Athlete Rights. In **Article 3 – Protection of health** it is stated that... *“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)”*. This paragraph refers to athletes’ responsibilities.



Because fundamental rights go hand in hand with fundamental responsibilities, we recommend this paragraph is moved to a separate section named Athletes Responsibilities.

### Institute of National Anti-Doping Organisations

SUBMITTED

Graeme Steel, Chief Executive (Germany)  
Other - Other (ex. Media, University, etc.)

unless the athlete has been granted an approved Therapeutic Use Exemption.  
This should read - "unless the athlete has met the requirements of the International Standard for Therapeutic Use Exemptions" Not all athletes need a TUE in advance.

### FairSport

SUBMITTED

Joseph de Pencier, Board Member (Canada)  
Other - Other (ex. Media, University, etc.)

Does this right refer just to "Athlete Support Personnel" or other medical professionals such as an athlete's family doctor? The introduction here of general language ("medical service providers") raises doubt. This right illustrates the need for a good "legal scrub" to ensure consistency of terminology. We have in this paragraph undefined "medical service providers" and "medical personnel," in addition to the the WADC-defined "Athlete Support Personnel."

## Article 4 - Right to justice (4)

### AC

SUBMITTED

H Schreuder, advisor (Nederland)  
Sport - Athlete

#### · Article 4 – Right to justice

This article should be called “the right to a fair trial/hearing” and should be defined like it is defined in the Universal Declaration of Human Rights. We should consider the imbalance in the system for complex legal procedures and their costs (e.g. reimbursement in case of acquittal etc.). It is important that this also should state that trials/hearings and appeals should be made financially affordable for athletes. Could you also concretize *harmonized*? How is enforcement being harmonized, for example? Does it mean that enforcement will take place with minimum public damage done to the athlete?

### Japan Anti-Doping Agency

SUBMITTED

YaYa Yamamoto, Senior Manager (Japan)  
NADO - NADO

- To give some clarifications, it is better to refer to when this Article is applicable, ie. for those committed an anti-doping rule violation.

### Anti-Doping Norway

SUBMITTED

Anne Cappelen, Director Systems and Results Management (Norway)  
NADO - NADO

ADNO suggest including the following:

Article 4

· The right to an objective and thorough investigation.

- The right to a clear separation between the executive/reporting (testing/prosecution) branch and the disciplinary/judicial branch (hearing and appeal panel)
- The right to a fair and public hearing
- The right to heard by an independent and impartial hearing body and an independent and impartial appeal body
- The right to freely provide an explanation of the charges against him/her (present arguments)
- Access to the relevant documents and evidences.
- The right to be assisted or represented by a legal adviser and be assisted by an interpreter.
- The right to obtain a decision in a timely manner in compliance with the WADC and International Standards (art.8 WADC, IRM)

### Antidoping Switzerland

Ernst König, CEO (Switzerland)

NADO - NADO

SUBMITTED

Rather than “right to justice”, the header should be “fair hearing”. In addition, it should be discussed if there is a way to provide free legal advice for athletes.

### Article 5 - Right to accountability (4)

#### Santillana Paddocks

María Pinedo, Athlete (España)

Sport - Athlete

SUBMITTED

#### Artículo 5 – Obligación de responsabilidad y derecho a una protección institucional

La obligación de adoptar una actitud responsable frente a la lucha contra el dopaje otorga el derecho a estar sujeto a la autoridad de organizaciones antidopaje y otras partes interesadas de probada ética y conformes al Código y a los Estándares Internacionales aplicables, y libres de dopaje, corrupción o conducta ilícita y consideradas responsables en caso de cualquier forma de corrupción probada, encubrimiento, conspiración, complicidad o manipulación relacionada con el antidopaje. (*Código Mundial Antidopaje y Estándar Internacional para el Cumplimiento del Código*)

1.- La conducta antidopaje no es un derecho, es una obligación si, como deportista, se quiere formar parte de un programa competitivo sujeto a unas normas que no contemplan, sino más bien recriminan, el dopaje.

AC

H Schreuder, advisor (Nederland)  
Sport - Athlete

SUBMITTED

### - Article 5 – Right to accountability

NADO's already have those obligations as they are mentioned in the WADC as well as by law. What does this article add to that? Also, if it is decided to make this an athletes right, then how do we make it possible that athletes can take specific steps against those relevant stakeholders. For example, when a NADO is corrupt, give them the right to complain within WADA and to get tested by another NADO.

### Japan Anti-Doping Agency

YaYa Yamamoto, Senior Manager (Japan)  
NADO - NADO

SUBMITTED

- The Athletes may have an accountability and right to self-claim what they are claimed for AAFs and ADRVs?

### FairSport

Joseph de Pencier, Board Member (Canada)  
Other - Other (ex. Media, University, etc.)

SUBMITTED

For this right to have meaning, it will require some sort of corporate governance standards for ADOs to be included in the World Anti-Doping Program. Governance standards with enforceable consequences under the ISCCS.

## Article 6 - Whistleblowers and Substantial Assistance (3)

### Santillana Paddocks

María Pinedo, Athlete (España)  
Sport - Athlete

SUBMITTED

El derecho a disponer de un mecanismo anónimo o confidencial e independiente para informar cualquier conducta actual o potencial ~~potencial~~ de dopaje por parte de los deportistas

AC

H Schreuder, advisor (Nederland)  
Sport - Athlete

SUBMITTED

### - Article 6 – Whistleblowers and Substantial Assistance

*To be provided with an anonymous or confidential and independent mechanism...*

à Replace OR with AND? This would change the sentence tremendously.

It also states "*potential doping behaviour*".

à Replace with "potential Anti- Doping rule violation"

### Japan Anti-Doping Agency

YaYa Yamamoto, Senior Manager (Japan)  
NADO - NADO

SUBMITTED

- Unclear how the right can be protected - by whom (including the police/ public enforcement authority?) for whom?

## Article 7 - Right to education (6)

### **ANOCA**

Kadidiatou Tounkara Kanouté, WADA AC Member (France)  
Sport - Athlete

SUBMITTED

my suggestion would be for the right to education to be ranked as the Article 2.  
Education on anti-doping should be compulsory for every Elite athlete and embedded to the rules of every olympic sport.  
To Raise this education high on the charter will give more meaning to the following rights and articles...such as-equitable and fair testing-accountability ...

### **Santillana Paddocks**

María Pinedo, Athlete (España)  
Sport - Athlete

SUBMITTED

El derecho a recibir de por parte de las organizaciones antidopaje educación e información en materia de antidopaje que satisfaga los principios y requisitos del artículo 18 del Código.

### **FEI**

Catherine Bollon, Coordinator Athlete Legal Services and Human Anti-Doping  
(Switzerland)  
Sport - IF – Summer Olympic

SUBMITTED

Education is a vast area that requires a significant investment by IFs, not only in terms of human resources but also financial. Moreover, education of athletes should be consistent, robust and harmonized to avoid gaps between sports. For this reason, a centralized education service shall be considered to be done by either WADA or by NOCs (who ultimately are closer to the reality of their athletes).

### **Japan Anti-Doping Agency**

YaYa Yamamoto, Senior Manager (Japan)  
NADO - NADO

SUBMITTED

- The definitions made in ISE should be referred. "Education" is composed of: Awareness, Information, Anti-Doping Education and Values-Based Education (as of current ISE draft), hence this sentence should be replaced as: "To receive Education at any age from Anti-Doping Organizations..."

- How do we ensure the Athletes are educated? Athletes may also have a right to be proved for being educated. - Athlete as "influencer" for clean sport messenger / as champion could be referred from ISE, 5.9.

### **Antidoping Switzerland**

Ernst König, CEO (Switzerland)  
NADO - NADO

SUBMITTED

The "right to education and information" it should also be extended to the athlete support personnel. In addition, it is suggested that also the joint responsibility of the athlete support personnel (e.g. doctors) should be mentioned (i.e. that the athlete support personnel is also sanctioned in case of wrongdoing).

### **FairSport**

Joseph de Pencier, Board Member (Canada)  
Other - Other (ex. Media, University, etc.)

SUBMITTED

Of course, until the IS for Education is completed and adopted by WADA, it is impossible to say that this right is adequate and appropriate. Therefore, that new IS will have to speak to Charter Article 7 and ensure adequate substantive and enforceable content for Article 7.

## Article 8 - Right to data protection (1)

### Santillana Paddocks

María Pinedo, Athlete (España)  
Sport - Athlete

SUBMITTED

Este artículo es lógico y lineal respecto a la normativa general de protección de datos, que habría que respetar.

No obstante, resulta interesante el efecto disuasorio que produce la publicación de los infractores de las normas antidopaje. En este sentido, dicho efecto no sería posible si se incluye un artículo con esta redacción. Podría adoptarse un escenario intermedio donde los datos serían preservados hasta la declaración efectiva de la infracción de una norma antidopaje una vez cumplido el procedimiento establecido. En ese caso, la preservación de los datos como confidenciales ya no sería un derecho, sino que sería obligación de la autoridad competente publicar los mismos a los efectos señalados, es decir, formaría parte de la sanción por dopaje el hecho de que los hechos que causaron la infracción.

## Article 9 - Compensation (5)

### AC

H Schreuder, advisor (Nederland)  
Sport - Athlete

SUBMITTED

### Article 9 – Compensation

What about compensation for damage done if wrongfully accused?

### FEI

Catherine Bollon, Coordinator Athlete Legal Services and Human Anti-Doping  
(Switzerland)  
Sport - IF – Summer Olympic

SUBMITTED

Medals and trophies should be mentioned after "prize money".

### Anti Doping Denmark

Jesper Frigast LARSEN, Legal Manager (Denmark)  
NADO - NADO

SUBMITTED

In the current version it is stated that: "To compensation from an athlete/s or organization that has committed an ADRV and that any prize money that has been awarded to a sanctioned athlete/s is returned to the rightful athlete/s. (Article 10.9 with comment, and Article 10.10 WADC).

The challenge can be to determine the "rightful" athlete/s. Would that necessarily be no. 9 in a competition where the top 8 has been disqualified for doping, either at the time of the competition or by retesting their samples years after the event? We suggest that any prize money that has been awarded to a sanctioned athlete/s is returned to a fund for athletes who has been cheated or who speak up as whistleblowers, etc. This fund should be set up and administered by WADA.

### Japan Anti-Doping Agency

YaYa Yamamoto, Senior Manager (Japan)  
NADO - NADO

SUBMITTED

- Though we support "Compensation" to be stated as right, the practical processes may be difficult. Who ensures these processes - The Major Event Organisers / IFs/ Testing Authorities? What happens if the "Compensation" is not met?  
--> It is advisable to mention WHO is responsible for ensuring this right to be met or WHAT kind of structure IF/NF/NADO/MEO should prepare.

- It says Article 10.9 with comments, and Article 10.10 of WADC. However, it is not clear how this right is mentioned/referred in these articles. if "Forfeited Prize Money" (Art 10.11) is referred, what it says in this "Compensation" and Article 10.11 have some discrepancies.

### FairSport

Joseph de Pencier, Board Member (Canada)  
Other - Other (ex. Media, University, etc.)

SUBMITTED

Note that as it currently stands, WADC 10.9 still makes payment of CAS costs a priority over financial compensation of athletes. This will have to be changed for Article 9 to have real meaning and enforceable effect.

### Article 10 - Anti-Doping Athlete Ombudsperson (6)

#### AC

H Schreuder, advisor (Nederland)  
Sport - Athlete

SUBMITTED

#### - Article 10 – Anti-Doping Athlete Ombudsperson

The Ombudsperson should be appointed by the WADA AC. Furthermore we would like to see that the president of the WADA AC is an official member of the WADA ExCo.

#### Japan Anti-Doping Agency

YaYa Yamamoto, Senior Manager (Japan)  
NADO - NADO

SUBMITTED

- Practically, how will this Ombudsperson be made available and how it will be accessible by Athletes and communicated by the ADOs?

#### Anti-Doping Norway

Anne Cappelen, Director Systems and Results Management (Norway)  
NADO - NADO

SUBMITTED

ADNO supports an athlete Ombudsperson.

#### Antidoping Switzerland

Ernst König, CEO (Switzerland)  
NADO - NADO

SUBMITTED

Who is this Ombudsperson and when is it going to be implemented? How can this Ombudsperson be contacted and in what languages?

### FairSport

Joseph de Pencier, Board Member (Canada)  
Other - Other (ex. Media, University, etc.)

SUBMITTED

1. For a new Ombudsperson to have only the power to make recommendations (as opposed to binding decisions of breaches of rights and necessary remedial actions) indicates that the Charter is not to be a binding document at all. No other provision in this current text touches on breach or rights and remedy for breach of rights. Either the Ombudsperson provisions must establish authority for that office consistent with

the Charter setting out binding commitments, or some other mechanism must be established within the World Anti-Doping Program for the investigation and remedy of Charter breach.

2. As with education, Article 7 above, without this office being in place and properly authorized, it is impossible to judge if this "right" is adequate. This would be an entirely new position and authority. It should be created and authorized in the WADC, and not in some lower-level document (such as an International Standard) subject to change with fewer protections to WADA stakeholders.

### US Olympians and Paralympians

Carol Brown, Vice President (United States)

Other - Other (ex. Media, University, etc.)

SUBMITTED

It is not clear how the ombudsman would have any independent power to pursue actual legal remedies for clean athletes by advising them on their "cases"?

## ASPIRATIONAL RIGHTS (6)

### Santillana Paddocks

María Pinedo, Athlete (España)

Sport - Athlete

SUBMITTED

Estos derechos deberían ser adoptados por todas las organizaciones relacionadas con el deporte o, al menos, existir la obligación de incluirlos bajo el formato de una carta de intenciones. La infracción de dichos derechos debería sumarse como condición agravante a la sanción por una infracción de los derechos reales, pues están íntimamente relacionados.

### Japan Anti-Doping Agency

YaYa Yamamoto, Senior Manager (Japan)

NADO - NADO

SUBMITTED

Not sure how these "Aspirational Rights" can be claimed by the Athletes, particularly the fact that these are not minding rights.

### Conseil supérieur des sports

Matheo TRIKI, Sportif Rugby (Espagne)

WADA - Others

SUBMITTED

Article 11 – Corruption-free sport: To have the right to participate in training and competitions that are free from doping-related corruption o

Article 12 – Freedom of expression: To freedom to express opinions with respect to anti-doping without fear of retribution.

Article 13 – Right to participate: n the creation and modification of the Anti-Doping Rules to which they must comply

Article 14 – Mutual respect of rights: To the extent not already explicitly provided, to have the rights described in this Charter respected

### Transparency International Germany

Sylvia Schenk, Chair Working Group Sport (Germany)

Other - Other (ex. Media, University, etc.)

SUBMITTED

I don't understand this approach: Athletes - like all human beings under the UN Declaration on Human Rights - have the right on Freedom of Expression (Art. 12). That includes anti-doping - so this is no "aspirational" right



that has to be adopted first by any sport organization.

The same with regard to Art. 13 - under the UNGP stakeholder involvement is key. It cannot depend on any adoption - it must clearly be noted as a right. Otherwise this declaration has nothing to do with the UNGP.

I strongly recommend to redraft the Anti-Doping Charter by really working along the UNGP.

### FairSport

SUBMITTED

Joseph de Pencier, Board Member (Canada)  
Other - Other (ex. Media, University, etc.)

Who will advocate for organizations to adopt these rights into their rules? Who will judge whether organizations do so effectively? Who will provide model rules to achieve these rights? Global Athlete? FairSport? WADA? For these rights to be more than decoration, the Charter must at establish expectations of organizations (ADOs and public authorities), as well as set out WADA's own role in promoting them.

### US Olympians and Paralympians

SUBMITTED

Carol Brown, Vice President (United States)  
Other - Other (ex. Media, University, etc.)

These are "rights" that are not enforceable and should not be called "rights" .....perhaps consider calling this section a "pledge"....each person signing this charter should pledge to act in a way that preserves the integrity of sport, to allow others to express opinions without fear of retribution, to encourage athlete input in the creation of anti-doping regulation, and to respect the aforementioned rights of athletes.

"Rights" and "responsibilities" are legal terms and carry consequences. If not defined and properly conceived and implemented can create confusion and yield exact opposite of desired results. Rights can and should be enforceable. Responsibilities can be enforced against a person.

If WADA creates this charter then it must also determine who can make claims of enforcement, against whom, and what are the remedies. Who could bring a claim - Olympians, international level athletes, any athlete? Who and in what country or jurisdiction would claims be adjudicated?

These questions MUST be addressed before anyone can be asked to adopt or sign any charter.

Also - the loophole "that they are not rights unless adopted by an organization" reconfirms that these are not "rights" at all and are unenforceable. There is concern that this charter could further widen the gap between countries who have voluntary compliance and those who don't....

As the IOC works for international consistency and uniformity in the anti doping oversight and reporting arena there could be a far simpler and more effective Charter of Rights tied to a country's participation in the Olympic Games.

## Article 12 - Freedom of expression (2)

### Santillana Paddocks

SUBMITTED

María Pinedo, Athlete (España)  
Sport - Athlete

Derecho a participar de forma efectiva y ser oídos con respeto y ánimo colaborativo

### FairSport

SUBMITTED

Joseph de Pencier, Board Member (Canada)  
Other - Other (ex. Media, University, etc.)

Concerning protection from retribution, is this just with respect to anti-doping or with respect to all of the rights set out in the Charter? FairSport believes it should be the latter, and that this be made explicit in the Charter.

## Article 13 - Right to participate (1)

**FairSport**

Joseph de Pencier, Board Member (Canada)  
Other - Other (ex. Media, University, etc.)

To be meaningful, this right requires some minimum standards. For example, within WADA, to ensure that Athletes participate in the WADC drafting group and in ExCo and FB decision-making. For example, for all ADOs, a minimum percentage of governing board members are current or former athletes (however defined). Maybe there should be a staffing standard that states that x % of an ADO's staff should be former athletes (however defined).

**Article 14 - Mutual respect of rights (2)****Santillana Paddocks**

María Pinedo, Athlete (España)  
Sport - Athlete

Artículo 14 – Obligación del conocimiento de la normativa y demás responsabilidades establecidas contra el

dopaje y respeto mutuo a la protección de los derechos recogidos en la presente Carta.

Se establece de forma explícita el derecho a que los derechos descritos en esta Carta sean respetados por todos los compañeros deportistas, personas de apoyo, funcionarios y administradores del deporte, organizaciones antidopaje u otras personas

1.- Resulta importante recordar esta obligación establecida por WADA, dado que en muchos casos y, sobre todo, en deportes minoritarios, los deportistas no conocen sus derechos, pero tampoco sus obligaciones. En definitiva, no conocen el reglamento que se les aplica como deportistas ni al cual están sujetos en calidad de tal.

**FairSport**

Joseph de Pencier, Board Member (Canada)  
Other - Other (ex. Media, University, etc.)

This Article 14 is puzzling given that the initial paragraph of the Charter "Mission" speaks of "a binding commitment." Article 14, if it is needed, must reinforce the "binding commitment" by using stronger language than "respected." It would be better to simply restate that those individuals and organizations subject to the Charter are bound to its commitments and are subject to consequences if they fail to abide by the Charter.