

Athletes' Anti-Doping Rights Act

PURPOSE

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 Act has been drafted after extensive consultation with *Athletes* from around the world and it describes those rights that *Athletes* have identified as particularly important to them. It does not articulate all *Athlete* rights. However, this Act is not a legal document; *Athletes'* legal rights in the context of anti-doping are only those rights that are set forth in the *Code* and *International Standards* regardless of how they are described in this Act. In case of conflicting interpretations, the provisions of the *Code* and *International Standards* shall prevail in all cases.

This Act is approved by the WADA Executive Committee upon the recommendation of the WADA *Athlete* Committee. Changes to this Act may be made by recommendation to the WADA Executive Committee from the WADA *Athlete* Committee.

This Act 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 Act are rights that *Athletes* have by way of the *Code* and *International Standards*.

1.0 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*)

2.0 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*)

3.0 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)

4.0 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 Results Management*)

5.0 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*)

6.0 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)

7.0 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*)

8.0 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*)

9.0 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 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*)

10.0 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 assessment of their *Fault*, and mandatory *Public Disclosure* shall not be required. (*Code Article 14.3.7*)

11.0 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*)

12.0 Right to B Sample analysis

An *Athlete* has the right, when analysis of their A *Sample* results in an *Adverse Analytical Finding*, to request analysis of their B *Sample* as provided in the *Code* and *International Standards*. (*Code Articles 2.1.2, 6.7 and 7.2, International Standard for Results 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*)

13.0 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 Act or is included only in part.

14.0 Application and standing

Nothing in this Act 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 recommended *Athlete* rights in Part 2 do not exist universally within anti-doping, and are not rights under the *Code* or *International Standards*. 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.

15.0 Right to an anti-doping system free from corruption

Athletes should 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.

16.0 Right to participate in governance and decision-making

Athletes should be consulted 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.

17.0 Right to legal aid

Athletes should have the right to access legal aid for hearings and appeal process in doping cases.