

Anti-Doping Charter of Athlete Rights

MISSION

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

PREAMBLE

One of the purposes of the World Anti-Doping Code (*Code*) and the World Anti-Doping Program is to protect the *Athletes'* fundamental right to participate in doping-free sport and thus promote and protect health, fairness and equal opportunity for *Athletes* worldwide.

Making sure that *Athletes* have rights, that *Athletes* are aware of those rights, and can exercise those rights is vital to the success of clean sport. *Athlete* rights exist throughout the *Code* and *International Standards*.

This Charter does not articulate all *Athlete* rights. This Charter has been drafted after extensive consultation with *Athletes* from around the world and it sets out rights that *Athletes* have identified as being of importance to them.

This Charter is approved by the *WADA* Executive Committee upon the recommendation of the *WADA Athlete* Committee. Changes to this Charter are made by recommendation to the *WADA* Executive Committee from the *WADA Athlete* Committee.

This Charter is made up of two parts. Part 1 sets out rights that are found in the *Code* and *International Standards*. Part 2 sets out recommended *Athlete* rights. These are not found in the *Code* or *International 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 equal opportunity in their pursuit of sport to perform at the highest level in both training and *Competition*, free of participation by other *Athletes* who dope, or *Athlete Support Personnel*, or other *Persons* or *Anti-Doping Organizations* that otherwise violate anti-doping rules and requirements. (*Code, International Standards*)

Article 2 – Equitable and fair *Testing* programs

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

Article 3 – Medical treatment and protection of health rights

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

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

Article 4 – Right to justice

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

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

Article 5 – Right to accountability

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

Article 6 – Whistleblower rights

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

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

Article 7 – Right to Education

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

Article 8 – Right to data protection

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

Article 9 – Rights to compensation

An *Athlete* has the right to pursue damages from another *Athlete* or other *Person* whose actions have caused them damaged that *Athlete* by the commission of an anti-doping rule violation. The pursuit of

damages shall be in accordance with any laws or regulations in their country outside of the *Code*. (*Code* Comment to Article 10.10)

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

Article 10 - Protected Persons Rights

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

Article 11 – Rights during a Sample Collection Session

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

Article 12 - Right to B Sample analysis

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

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

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 in governance and decision-making

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

Article 17 – Right to affordable justice

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