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INTERNATIONAL OLYMPIC CHARTER AGAINST DOPING IN SPORT

ANNEX 6
RIGHTS AND RESPONSIBILITIES OF SPORTS ORGANISATIONS,
ATHLETES AND THEIR ENTOURAGE

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Forty years
Council of Europe
Quarante ans
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INTERNATIONAL OLYMPIC CHARTER AGAINST DOPING IN SPORT

ANNEX 6

RIGHTS AND RESPONSIBILITIES OF SPORTS ORGANISATIONS, ATHLETES
AND THEIR ENTOURAGE

1. THE RESPONSIBILITIES OF SPORTS ORGANISATIONS :
 - 1.1 to take all the appropriate steps to organise fair competitions and, in particular in this context, free from doping and to protect athletes and competitors who compete in a fair and equal manner and to exclude those who attempt to benefit from undue use of banned doping classes or methods;
 - 1.2 to have clear regulations, to conduct competition and out-of-competition controls fairly and equally and to use IOC accredited laboratories;
 - 1.3 to ensure that their leaders are well acquainted with the doping regulations and their possible consequences;
 - 1.4 to inform all members and officials of the doping regulations in a practical and assimilable form;
 - 1.5 to require all potential and national level athletes and affiliated officials and preferably any other people involved in that sport, to sign a declaration showing that they are informed of the anti-doping regulations and that they agree to abide by them, that they will take part in any doping control activity organized by an appropriate body, including any authorized or official dope control at any time, and that they are aware of the possible consequences of any infraction. In the case of athletes below the legal age of consent, it is recommended that parental consent be obtained.
 - 1.6 to protect the rights of suspected persons:
 - these regulations should be adequate and sufficient;
 - they will include the right of suspected persons to a fair examination and a hearing;
 - they should be framed in such a way to give effect to the fundamental points set out in Sections 4, 5, 6, and 7 below;
 - they should include a published list of penalties which are applicable and appropriate (bans, suspensions, disqualifications, fines, loss of eligibility, etc).
 - they should contain provisions for assessing mitigating or aggravating factors and circumstances;
 - 1.7 to recognise the penalties imposed by other sports organisations;
 - 1.8 to provide affiliated doctors, coaches and other personnel with appropriate information and education on doping issues and help in countering the use of doping classes and methods;
 - 1.9 to provide potential national level athletes with experience of and training in doping controls and procedures;

- 1.10 to provide athletes with advice on coaching matters and coaches with appropriate support;
- 1.11 to investigate fully the circumstances surrounding a positive doping infraction.

2. THE RESPONSIBILITIES OF ATHLETES :

- 2.1 Athletes have a responsibility to know and abide by the rules governing their sport including the anti-doping regulations;
- 2.2 Athletes seeking medical advice have a responsibility to inform the doctors they consult that they are practising sportsmen or women and thus bound by certain regulations (notably, anti-doping regulations), and that certain treatments would render them ineligible under international rules.
- 2.3 Athletes should discuss fully with doctors the possible sporting consequences of treatments prescribed for them;
- 2.4 If the prescribed treatment would render them ineligible, and if they wish to remain eligible they have the responsibility to ask for an alternative treatment;
- 2.5 Athletes have the responsibility of assuming the consequences of their contacts with their coaches and other advisers.

3. THE RESPONSIBILITIES OF OTHERS INVOLVED

- 3.1 Coaches and other officials have a responsibility to know and abide by the rules, including the anti-doping regulations of their sport and how they apply to the athletes they look after and to offer advice and help to them which is consistent with these regulations.
- 3.2 Sports doctors and other para-medical personnel should know and observe the ethical, medical and anti-doping regulations of the sports organisations to which they are affiliated when treating patients who are members of that organisation;
- 3.3 They should know of treatments for ailments which do not contravene doping regulations;
- 3.4 Officially appointed national team doctors have the responsibility to advise the team management of possible infringements of the doping regulations of which they are aware;

4. PROCEDURES DURING TESTING AND ANALYSIS

- 4.1 Sampling officers and laboratory personnel have a duty to respect confidentiality at all stages in the conduct of their tasks.
- 4.2. If ^{Mura facit} sample A proves analytically positive, this is to be considered as evidence of doping infraction, and the following measures will be taken:
 - 4.2.1. The laboratory should take every step to ensure that only the authorized persons are informed of the result; such authorized persons must not inform unauthorized persons.
 - 4.2.2. The sports organisation will make every effort to have sample B analysed as quickly as possible, particularly at competition.
 - 4.2.3. The sports organisation of the athlete will be given a report of the findings and documentation.
 - 4.2.4. The athlete will be notified by the sports organization concerned and given a document describing the procedures that will be followed and his/her rights during these procedures, the minimum penalties, and information on the procedures for appeals.
 - 4.2.5. If at a competition the sports organization responsible for the event may suspend the person concerned from competition until the B sample is analysed and/or disciplinary proceedings are initiated.
 - 4.2.6. The athlete or his/her N.G.B. has the right to explain his or her case and can insist that the second sample (sample B) is analysed.
 - 4.2.7. The athlete has the right to be present or to be represented during the analysis of the B sample.

5. DISCIPLINARY PROCEDURES

- 5.1. The decision to initiate disciplinary proceedings against an athlete because of a possible breach of the anti-doping regulations - including a refusal to submit to an official control - should be taken by a properly constituted body with the authority to take that decision.
- 5.2. The name of the athlete should not be released until a decision is taken. (Suspension from competition, penalty imposed by the disciplinary body.)
- 5.3. The disciplinary body may impose such penalties as are appropriate for the case. (See section 1). If the athlete appeals against the conviction and penalties, the latter including any suspension, should remain in force until the appeal body overturns them; appeals, therefore, should be organized with due expedition to avoid potential incorrect suspension.

6. FAIR HEARING

The main elements and criteria for a fair hearing whether at a national or international level, are :

- 6.1. The persons bringing the case and those who may impose penalties should be separate and distinct;

- 6.2. The athlete should be informed of the case against him or her in writing; the charge, and all other relevant documentary evidence and material which form the basis of the charge should be communicated to the athlete beforehand;
- 6.3. The athlete should be informed of the proceedings and given a reasonable time to prepare the defence;
- 6.4. The athlete should have the right to present evidence within a reasonable time limit, to comment on the accusation, to defend him/herself, and to be represented by a person with the same rights; * regulations may require the athlete to submit a written statement on the alleged infraction;
- 6.5. The proceedings should be thorough and impartial; they need not, however, be modelled on civil court procedures;
- 6.6. The athlete should enjoy the benefit of any doubt;
- 6.7. The athlete should be informed of the decision reached, together with the reasons for the decision, in writing;

(* In the case of proceedings at national level, the athlete should have the right to be present in person, to present oral evidence and to be heard. In the case of proceedings at international level, the same rights may be difficult to carry out in practice. Every effort should therefore be made to allow for them to be exercised (e.g. in the choice of place of proceedings) and to enable for proper and acceptable representation. Particular care should be taken when the National Federation of the athlete is also one of the parties in the case.)

NOTE : Sports using animals should make clear the rules covering doping of them in competition. In some countries the animals are regarded as being part of the athlete.

7. PROCEDURES FOR APPEALS WITHIN THE SPORTS SYSTEM

- 7.1. An appeal against disciplinary proceedings should be conducted before a duly constituted body with that authority. Sports bodies are strongly advised to consider the desirability of referring appeals to a neutral body appointed by them for the purpose of hearing appeals (one such body at national level, another at international level).
This body should ensure that the athlete has a fair hearing and examination, in accordance with the principles of natural justice ("due process"). The Chairman and members of this body should be independent of any involvement in the processes described in this appendix. It is advisable that he or she be conversant with legal procedures.
- 7.2. An athlete found guilty should be informed of his/her right of appeal to the body empowered to hear such appeals, and the method for lodging such an appeal.
- 7.3. The sports organization has the right to appeal against what it considers to be an inappropriate penalty.
- 7.4. The principles of a fair hearing outlined at 6.1 to 6.7. above should also apply to the proceedings within the appeal body.

The workshop requests the IOC to pay attention to possible future threats to the integrity of sport and sportsmen and women, such as bio-genetics.
