

## ***Declaration of Guiding Principles for the Future of Anti-Doping.***

### **Guiding Principles for the Future of Anti-Doping**

The “Spirit of Sport” is embedded in the World Anti-Doping Code (the Code), based on values such as excellence, fair play, honesty, teamwork, solidarity and joy, and creates the bedrock of sport as a universal institution which has the potential to create unity across borders and shape future generations and societies. Threats to the integrity of sport are constantly evolving, as exemplified by occurrences of National Anti-Doping Organisations (NADOs), governments and the sports movement undermining their own integrity policies, therefore a continuous improvement of the anti-doping system is crucial. In this light, NADOs, other Code Signatories<sup>1</sup>, the World Anti-Doping Agency (WADA), and other stakeholders to anti-doping<sup>2</sup> must ensure quality and leadership in the movement for doping-free sport.

Anti-doping is a complex field, with specialized legal, scientific, medical, investigative, behavioural, and sporting expertise playing significant roles. This helps to protect sport, but creates, at the same time, a vulnerable position for athletes and other persons, who bear the burden of potential failures within the anti-doping system. Therefore, all actors in the anti-doping community have an obligation to create, uphold, and maintain the highest standards in the protection of the spirit of sport and the right of the individual athlete and other persons.

Athletes and other persons should enjoy the same rights and freedoms in sport as in society at large, so it is imperative that their rights are safeguarded in the anti-doping context. Given the intrusive nature of anti-doping,<sup>3</sup> the rule and standard setting organisations of anti-doping should undergo the same level of scrutiny as public bodies in democratic countries. Compliance should be used as a tool to ensure and improve quality – impartially, equally and with full transparency across the entire antidoping community.

WADA is the global solution for strong and effective anti-doping policies. A strong and independent WADA is a prerequisite for an efficient pursuit of a doping-free sport and a level playing-field globally. Since the establishment of WADA, the collaborative worldwide movement for doping-free sport has made considerable advances. All actors must continuously strive to improve themselves and their work in light of honest evaluations of effectiveness and in light of Human Rights, Democracy, Rule of Law and Good Governance<sup>4</sup>. Similar to an athlete’s mentality, continuous improvement should be a daily goal for all anti-doping professionals. With aligned and collaborative efforts, the world-wide movement for doping-free sport should be strengthened in many aspects to be better prepared for the future.

As Code Signatories, we commit ourselves to the following guiding principles, which we will also promote and reinforce in future revisions of the Code and in future reforms in connection with anti-doping:

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<sup>1</sup> Including the International Olympic Committee (IOC), the International Paralympic Committee (IPC), International Federations (IFs), National Olympic Committees and National Paralympic Committees (NOCs and NPCs), National Anti-Doping Organisations (NADOs) and Major Event Organisations (MEOs).

<sup>2</sup> Including inter alia Laboratories, the Court of Arbitration for Sport (CAS), the International Council of Arbitration for Sport (ICAS) and third-party service providers, such as the International Testing Agency (ITA).

<sup>3</sup> E.g., in terms of whereabouts, sample and intelligence collection, and conduct of investigations.

<sup>4</sup> Such as transparency, democratic processes, internal accountability and control mechanisms, independence, societal responsibility and responsibility towards the broader antidoping community. See for example various tools developed by Play the Game, incl. Sports Governance Observer (2015, 2018), National Sports Governance Observer (2018) and National Anti-Doping Governance Observer (2021).

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**1<sup>st</sup> Guiding Principle:** Anti-doping focuses on protecting the rights, careers, health and safety of athletes, who are the main focus of anti-doping – the athletes’ voice should therefore be given a prominent position in anti-doping reflecting their importance and demonstrating respect for the burden of responsibilities they bear in the name of clean sport.

*Therefore, athletes should have the right to elect their own representatives to representative bodies and be able to provide their feedback on all new developments in the governance and operational side of anti-doping. The Athletes’ Anti-Doping Rights Act, including the “Recommended Athlete Rights” should be incorporated into the Code and made mandatory for all Code Signatories.*

**2<sup>nd</sup> Guiding Principle:** Everyone in sport is entitled to a right to justice based, as a minimum standard, on the principles in the Universal Declaration of Human Rights and the European Convention on Human Rights<sup>5</sup>.

*Therefore, investigations should be objective with a view to ensure due process and hearings should be sufficiently transparent to ensure access to public scrutiny of the proceedings. Furthermore, transparency should be ensured in relation to publication of case law, selection of arbitrators and hearing panels, as well as to the financing of the proceedings, which should be fully operationally independent from the sports movement and anti-doping organisations. Proportionality should be embedded in all aspects of anti-doping with a view to ensure legitimacy of rules and measures and acceptance by those who are subject to them.*

**3<sup>rd</sup> Guiding Principle:** Maximizing deterrence, targeted programmes, and athlete engagement is key to an effective approach to education and prevention programmes in anti-doping.

*Therefore, we welcome the new International Standard for Education and commit ourselves to ensure sport-specific education tailored to the sport and level of the athlete as part of a holistic approach to anti-doping. Educators delivering anti-doping education should demonstrate appropriate anti-doping knowledge and teaching skills. Anti-doping organizations (ADOs) already have an obligation to ensure coordination and collaboration, and should furthermore ensure support to all relevant Signatories and other sports organisations to achieve successful education and prevention programmes.*

**4<sup>th</sup> Guiding Principle:** Good governance in all Code Signatories, WADA and any other institution or organisation involved in anti-doping is a prerequisite for a reliable and trustworthy anti-doping community.

*Therefore, we welcome WADA’s “Guide for the Operational Independence of National Anti-Doping Organizations (NADOs)”, which should be strengthened and applied to all anti-doping activities. Anti-doping must be protected from undue influence from interests other than the protection of clean and honest sports. In order to avoid distrust and misunderstandings, transparency and broad involvement of perspectives should be ensured in all decision-making processes, where it does not undermine the integrity of anti-doping activities. Conflicts of interests and loyalties should be avoided at all levels, and policies for handling such conflicts*

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<sup>5</sup> See for example Recommendation CM/Rec (2022)14 of the Committee of Ministers to Member States on general principles of fair procedure applicable to anti-doping proceedings in sport, adopted on 20 April 2022

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*must be in place in all Signatories, WADA, and any other institution or organisation involved in anti-doping, with a view to ensure that decisions are in the best interest of anti-doping.*

**5<sup>th</sup> Guiding Principle: All actors in anti-doping must ensure excellence, responsibility, and transparency by implementing the highest standards of quality and innovation in an ambitious pursuit of clean and honest sport.**

*Therefore, Code Signatories and WADA should cooperate with each other and other stakeholders to avoid duplication of efforts within science, research and development. At the same time, Code Signatories and WADA should strive for quality by continuously improving themselves as well as developing, sharing and rapidly embracing new technologies, methods and approaches to anti-doping. Quality is about setting an ambitious lead but at the same time ensuring a level playing field by raising the minimum standard across all organisations involved in anti-doping. Code Signatories should support each other in capacity-building and exchange of best practices.*

**6<sup>th</sup> Guiding Principle: Separation of powers with a clear division of the roles and responsibilities of the legislative, the executive and the judiciary functions, is a prerequisite for accountability between these functions.**

*Therefore, separation of powers through creating a system of internal checks and balances within the anti-doping community must be created, with a broad representative legislative power, as well as both executive and judicial powers which are separate, independent, impartial, apolitical and guarded from being controlled by political interests other than anti-doping and clean sports. At the same time, duplication of functions and double seating between the functions must be avoided.*

***We call upon everyone – Athletes, NADOs, Laboratories, Public Authorities, Sports Organisations, Media, Sponsors, and any other organisation and individual involved in sport and anti-doping – to support, promote and implement these 6 Guiding Principles for the Future of Anti-Doping.***