

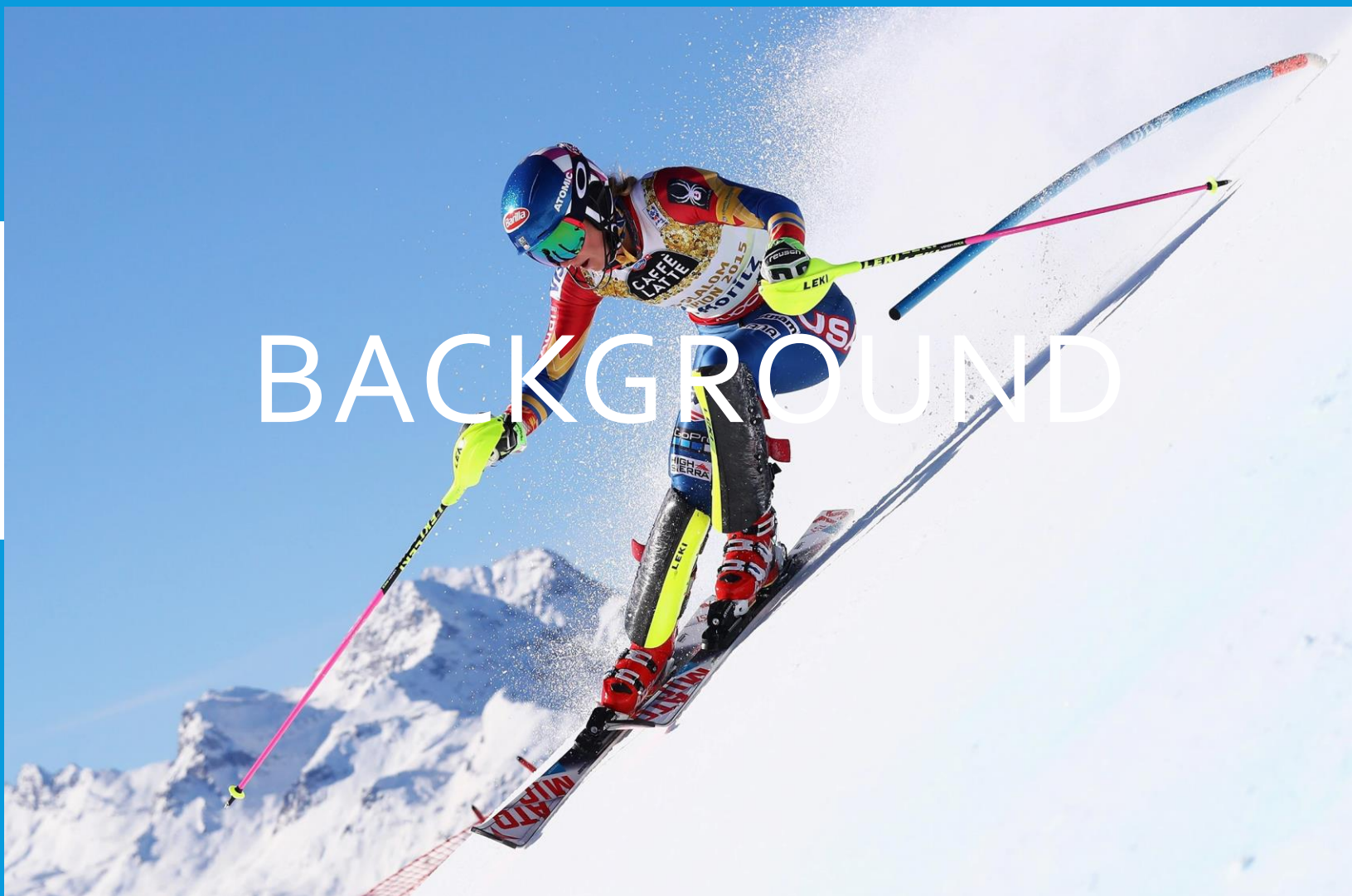
# Athletes' Anti-Doping OMBUDS

- *Athletes' Due Process*

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# ATHLETES' DUE PROCESS



BACKGROUND

# Ombuds Origins



- ▶ Athletes Anti-Doping Rights Act - Athlete Committee
- ▶ Who is there to assure the athletes' rights? Where do athletes get help when they don't feel like they can go to their ADO?
- ▶ There is a demonstrable need for an Ombuds service which can be mutually beneficial for both Athletes, WADA, and the anti-doping system at large
- ▶ WADA seeking to become more athlete centred organization and that requires a means for athletes to feel they can be heard by a neutral and well-informed organ
- ▶ Working Group convened to explore feasibility of Ombuds office with a mission to establish Terms of Reference & Scope

# SCOPE & DUTIES



# Terms of Reference

*The Athletes' Anti-Doping Ombuds provides athletes with cost free, neutral, impartial, fair, advice and assistance in relation to the World Anti-Doping Program and the entities that play a role within it.*

- ▶ Principles of *independence, impartiality, confidentiality, and informality*

## Scope

- ▶ Any Athlete subject to the World Anti-Doping Code
- ▶ Any anti-doping related issues



# Ombuds Role

- ▶ Offer cost-free, confidential, independent advice to Athletes
- ▶ Recommendation on best practice
- ▶ Listen and understand issues while remaining neutral
- ▶ Assist with disputes and concerns, as an advisory function
- ▶ Inform and ensure on Athlete Rights and Responsibilities
- ▶ Guide, direct and refer individuals to other parties, resources and processes, to deal with and resolve issue
- ▶ Advocate for fair and transparent policies and processes
- ▶ Identify new issues opportunities and trends
- ▶ Aim for that issues will be resolved quicker, at reduced costs, and with increased satisfaction of all parties

# The Role





# In short

- ▶ Ombuds operates independently from WADA
- ▶ The Ombuds will work with and refer to other sport-related Ombuds that could assist athletes at a local level (referral and coordination)
- ▶ The Ombuds may refer athletes to ADOs or to WADA's compliance unit or I&I department as relevant
- ▶ The Ombuds holds no formal authority nor is capable of rendering adjudication or give sanctions
- ▶ No advocacy for any party
- ▶ No notice for WADA
- ▶ Use of the Ombuds is entirely voluntary



ATHLETES'

DUE

PROCESS



WHICH SAFEGUARDS ARE IN PLACE  
TO ENSURE DUE PROCESS?



# ECHR- ARTICLE 6 -Right to a fair trial

- ▶ 1. *In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.*
- ▶ 2. *Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.*

# 1) Which safeguards are in place to ensure due process?

- ▶ Right to a fair hearing before an independent tribunal
  - *Assure no conflict of interest!*
- ▶ Public hearing
  - *Not by default*
- ▶ Publication vs Confidentiality
  - *Fine balance*

HOW CAN DUE PROCESS BE  
STRENGTHENED WITHIN THE  
CURRENT CODE?



## 2) How can due process be strengthened within the current Code?

### ▶ Legal Aid

- Each ADO should provide legal aid
- At the time of the notification

### ▶ Provide assistance to the Athlete

- In investigating alternative explanations
- Share your internal knowledge on similar cases, substances and a proportionate range of sanctions

### ▶ Separation of powers

- ADOs often act on all functions



A female athlete is captured in a dynamic running pose on a blue athletic track. She is wearing a black and white patterned sports top, black shorts, and purple running shoes. Her hair is tied back, and she is looking forward with a focused expression. The track has white lane markings, and a green grassy field is visible in the background. The entire scene is set against a solid blue background.

HOW CAN DUE PROCESS  
BE STRENGTHENED IN  
FUTURE CODE REVISION?

### 3) How can due process be strengthened in the future Code revision?

- ▶ Not necessarily need for a change of the rules, rather ensure better application and implementation of the already existing rules
- ▶ Increase transparency is key
- ▶ Publication of case-law to ensure equal treatment
- ▶ Redact personal and/or sensitive/medical information of case law
- ▶ Assist and guide the Athletes

A top-down view of a swimmer in a pool, wearing a black swimsuit and goggles, swimming between lane lines. The water is clear blue, and the lane lines are dark with yellow and green segments. The swimmer is in the center of the frame, moving towards the top. The background is a solid blue color with white horizontal bars on the left and right sides.

THANK YOU!

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