



SPEAKING OUT ON DOPING

WHILE THE SPORTING WORLD PERSEVERES IN ITS FIGHT AGAINST DOPING, IT IS WIDELY ACKNOWLEDGED THAT CONVENTIONAL URINE AND BLOOD TESTING IS NOT SUFFICIENT TO CATCH CHEATERS.

AS A RESULT, VARIOUS OTHER COMPLEMENTARY MECHANISMS HAVE BEEN PUT IN PLACE THROUGH THE YEARS TO ATTEMPT TO MATCH THE SOPHISTICATION OF CHEATERS AND THOSE WHO ENABLE THEM TO DO SO. THIS INCLUDES OUT OF COMPETITION TESTING, THE ATHLETE BIOLOGICAL PASSPORT, A LONGER AND MORE DETAILED PROHIBITED LIST ETC.

Over and above these practical mechanisms, in an effort to uncover doping violations, the anti-doping movement is now also relying more and more on athletes to report doping and/or suspicious activities.

To this end, the "Substantial Assistance" provisions were added to the World Anti-Doping Code and by reference all Code Signatories' anti-doping rules, to allow athletes who have committed anti-doping rule violations to provide information that could allow an anti-doping organisation to charge other individuals with anti-doping rule violation in exchange for a lesser sanction.

Closely related to the concept of substantial assistance is that of whistleblowing. This is when an athlete reports or becomes an informant on other athletes or coaches about their possible contraventions to the rules.

Whistleblowing is what first exposed the recent Russian doping scandal when Russian athlete Yuliya Stepanova and her husband Vitaliy Stepanov "blew the whistle" on what have now been proven to be wide-spread state sponsored and institutionalized Russian doping practices.

Had these two athletes not come forward, the scandal and all the information that came out of the various investigations undertaken to date into the same never would have been revealed.

As a result, whistleblowing is now perceived as being one of the most powerful tools anti-doping organisations may have to effectively identify cheating athletes and /or coaches.

"REPORT DOPING" HOTLINES

Many national anti-doping organisations (NADOs) and International Federations (IFs) have set up confidential "report doping" telephone hotlines or/on online form submissions through which individuals can share suspicious events or activities related to doping. In all cases, athletes are encouraged to "re-

port doping" by being reminded of their duty to help promote the integrity of sport, protect clean athletes and provide an even playing field and by being applauded for their willingness and courage to protect the clean sport. The following provides excerpts taken from some prominent NADO's websites as to how this seeks to be achieved:

UKAD's Report Doping in Sport program web page reads as follows and then provides a form to fill out or a toll free number to call with information: *"Help us protect the clean athlete and the integrity of sport. Every time someone steps forward with information on doping, we move closer to a clean and fair playing field for all."*

The CCES Report Doping web page reads as follows and provides a list of type of information that could be provided: *"The CCES needs your help to eliminate doping. Together we can protect sport and create a fair and ethical Canadian sport community. You do not have to include your name or contact details. You may provide information anonymously."*

And finally, USADA's Play Clean Tip Center reads as follows: *"In its mission to preserve the integrity of competition, inspire true sport, and protect the rights of athletes, USADA is unwavering in its belief that every athlete has the right to compete on a clean and level playing field, free from the pressures and influences of performance-enhancing drugs. For this reason, USADA makes available a number of ways to report the abuse of performance-enhancing drugs in sport in an effort to protect clean athletes and promote clean competition."*

All these "report doping" website link or hotlines are founded on the same principles of integrity, fairness and courage and provide means and ways by which athletes or other persons can report suspicious activity anonymously.

However, while the opportunity to do has been there for a few years, athletes have not been using these report doping mediums consistently for various reasons, the most important being the desire to truly remain

anonymous. As can be expected, if an athlete is going "to tell" on a fellow athlete, he or she typically will want to make sure that their identity is never revealed, that they are not subject to reprisal and that the information they do divulge is really treated by independent and impartial individuals.

To counter this problem, the International Amateur Athletics Federation (IAAF) created the Athletics Integrity Unit (AIU). According to its webpage, the AIU promises that all information submitted relating to possible doping is received and transmitted via secure networks and access to any information provided is locked down for access by authorized staff only and subject to professional assessment in line with internationally recognised intelligence models.

In so doing the IAAF became the first international sporting federation to delegate complete authority for the management of its integrity programs to an independent body.

Yet, whereas the IAAF is to be commended on its efforts, the simple reality is that most International Federations do not have the means or budget to establish such a system. Therefore, while the work of the AIU will certainly be beneficial for athlete competing in athletics, various other athletes who compete in other sports do not share the same good fortune.

THE WHISTLEBLOWER PROGRAM

The World Anti-Doping Agency has now taken the matter in its own hands. WADA has taken great care in developing, drafting and establishing its Whistleblowing Program Policy and Procedure for Reporting Misconduct. The Program offers clear policies and procedures for reporting doping misconduct and outlines what WADA will provide to all its informants and whistleblowers in terms of support, confidentiality, protection and reward.

The Whistleblowing Program has been put in place to encourage athletes, administrators, and others, from across all sports and all

countries, to raise concerns in good faith and on reasonable grounds of suspected doping. The Policy promotes the disclosure of any information, underlining that any single piece of information can be more helpful than it appears.

As stated in its Introduction, the WADA Whistleblowing Policy outlines how concerns about potential doping violations may be raised in confidence with the WADA Investigation Department, including rights and responsibilities of whistleblowers and procedures for investigations of potential misconduct.

WADA pledges to “listen to all Whistleblower concerns; to give them advice; to keep them informed of its investigations; and support, protect, and reward them as appropriate along the way.” (See p. 2 WADA Whistleblowing Program at www.wada-ama.org).

The WADA Whistleblowing Policy additionally outlines the measures WADA has taken to respect and uphold the privacy rights of informants and whistleblowers.

WADA promises to process all information received in accordance with the detailed privacy requirements outlined in the International Standard for the Protection of Privacy and Personal Information and explains that a disclosure of an alleged misconduct can easily be made through any of WADA’s various outlined reporting channels if the Informant so wishes. Of particular relevance is that the WADA Whistleblowing Program also offers the possibility for the Informant to make a Disclosure to WADA in various languages through a secure and encrypted website: <https://speakup.wada-ama.org>.

SPEAK UP!

By launching “Speak Up” WADA’s seeks to actively engage the athlete community in reporting doping. WADA, like all NADO’s and IF’s that have established a way for individuals to report doping, understands that for an athlete or other person to decide to come forward with sensitive information is a big decision – one that an athlete would not enter into lightly. Therefore, logically, WADA has sought to make its program user-friendly and easy to understand. WADA has also taken great care to establish security and privacy safeguards to certify that submitted information remains confidential.

When now visiting the WADA website at www.wada-ama.org, the Speak up logo is prominently displayed on the top right corner for easy access. Once on the Speak up page, the program is simply explained as follows:

First, the courage and conviction required to raise concerns about cheating is applauded. The web page then explains that anyone can report a doping misconduct. Athletes or other persons may report any alleged Anti-Doping Rule Violation, any alleged World Anti-Doping Code (Code) non-compliance violation, or any act or omission that could undermine the fight against doping. And, anyone who has detected, identified, witnessed, know of, or have reasonable grounds for suspecting that cheating has occurred, is encouraged to let WADA know via Speak up.

Because confidentiality is rightly of utmost concern to WADA’s Intelligence and Investigations Team all legal and technical privacy safeguards are explained in detail on the webpage, as they are in the Whistleblower Program. The Speak Up page also expressly reads: *You have chosen to put your trust in us and we take this very seriously. This website is a secure way for you to report activity that you think goes against anti-doping rules. Whether you decide to open a secure mailbox, or provide us with your contact information, everything you tell us is strictly confidential. In other words, all individuals who provide information on possible misconduct are granted various rights and protected by well established privacy legislation.*

In short, WADA has sought to ensure that any person who wishes to report doping on Speak Up can do so without fear or reprisal.



WHAT IS THE PROCESS?

WADA’s Whistleblowing Policy and Procedure documents explain that WADA has set up an Investigation Department solely for the purposes of running the Whistleblowing Program. This team of investigators is responsible for carefully looking at and scrutinizing all submitted information. Once they decide that it is actionable, they will proceed in accordance with their protocol and established criteria.

More specifically, Appendix 1 of the Policy outlines this assessment process. Article 1.2.1 of Appendix 1 provides that all information and/or evidence(s) provided by the Informants will be assessed by the Investigation Department to determine its degree of veracity and whether it falls or not within the scope of application of the Code.

Then, depending on the allegation, the Investigation Department will use various internal and external intelligence platforms to assess the case. E.g. ADAMS, Athlete Biological Passport, open source, and intelligence already possessed by WADA.

The Investigation Department has full discretion as to how the investigation is conducted and may also engage in its own fact-finding process in addition to its communications with the Informant. It ensures that the confidentiality of the Informant is safeguarded throughout the process.

Further to the Investigator developing a trustful relationship with the Informant, an in-person meeting takes place, likely resulting in additional investigations to allow WADA to obtain and gather additional information, physical evidence, testimonies etc. in support of the whistleblower’s information.

In the end a final report is submitted to the WADA Director General including recommendations and references. The disclosure of alleged misconduct is then forwarded to the applicable Anti-Doping Organization for prosecution and adjudication of the matter.

Worth noting is that WADA may, if appropriate, refer the case to law enforcement authorities, professional bodies and other relevant parties.

LOOKING AHEAD

It is fair to say that doping in sport has not decreased since the inception of the World Anti-Doping Code; it has just become more sophisticated. And, as stated by WADA director’s General Olivier Niggli, *with the integrity of sport at a crossroads, quietly accepting doping is not a viable way forward.*

Time will tell the extent to which WADA’s Whistleblowing Program as well as those of relevant NADOs and IF’s will be successful. In the meantime, athletes can find solace in knowing that there is always someone out there willing to listen, confidentially, if they have information to share and are courageous enough to come forward in the interest of sport and fair play.

It has been proven by Yuliya Stepanova as well as other athletes’ courage that one of the most powerful ways to create and maintain a zero-tolerance culture for doping across sports and countries is for clean athletes and others to speak up and raise concerns in good faith when they have reason to believe that an athlete is doping. Accordingly, we should all hope that that these various platforms through which athletes can report doping will continue to yield actionable results.

Speaking out exemplifies the kind of leadership, courage, and character consistent with the spirit of sportsmanship and fair play. ISSF reminds each of you that you have an inherent role to play in the fight against doping in sport but even more pointedly in the fight against doping in shooting sport.

If you wish to report suspicious doping activity you are encouraged to go to the WADA Website, click on the “Speak Up” link and follow the steps outlined (www.wada-ama.org).

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