



United Nations  
Educational, Scientific and  
Cultural Organization



Anti-doping  
Convention

# **Operational Guidelines and Framework of Consequences for non-compliance**

## **First meeting of the Taskforce**

ICDS/2020/TF/Doc.2  
16 October 2020  
Original: English

1 October 2020, 12.00 p.m. – 2.00 p.m. Paris time

Virtual meeting

## **Final Report**

### **Summary**

The Taskforce established under the supervision of the Bureau of the seventh session of the Conference of Parties (COP7) to the International Convention against Doping in Sport, pursuant to Resolution 7CP/6, in order to further develop the draft Operational Guidelines and the Framework of Consequences for non-compliance, held its first virtual formal meeting on 1 October 2020. The meeting agenda focused on the COP7 outcomes relevant to the work of the Taskforce, main discussion points and adjustments regarding the existing texts, as well as the working agenda of the Taskforce. This report presents an overview of the discussions of the Taskforce.

## **Opening of the meeting**

1. The Taskforce established under the supervision of the Bureau of the seventh session of the Conference of Parties (COP7) to the International Convention against Doping in Sport (“the Convention”), pursuant to Resolution 7CP/6, in order to further develop the draft Operational Guidelines and the Framework of Consequences for non-compliance, held its first virtual formal meeting on 1 October 2020. The following States Parties were in attendance: Brazil, Bulgaria, China, Grenada, Morocco, Netherlands, Norway, Panama, Russian Federation, United Arab Emirates, and Zambia<sup>1</sup>.
2. The meeting was opened by Ms Gabriela Ramos, UNESCO Assistant Director-General for Social and Human Sciences (ADG/SHS), and by Mr Marcos Diaz, Chairperson of the COP7 Bureau.
3. ADG/SHS noted that the meeting marked an essential step forward in defending the integrity of sport by guiding decision-makers in the implementation of their obligations under the Convention. It was emphasized that international norms needed to adapt to new contexts and challenges to ensure their relevance and credibility. In this regard, the two documents are key for strengthening States Parties’ ownership and capacity to apply their obligations on the ground. ADG/SHS stressed that integrity must be at the core of sport post-COVID-19.
4. The COP7 Chairperson welcomed the innovative, virtual format of the discussion, in light of the COVID-19 restrictions. He also highlighted the regional balance in the composition of the Taskforce, including the expertise, experience and perspectives of members of the Bureau and of the Approval Committee of the Anti-Doping Fund in a collective, cooperative spirit. The COP7 Chairperson reiterated the Bureau’s commitment and expressed his appreciation for the inclusive, participatory approach of the Taskforce, in line with the principles of dialogue, solidarity and international cooperation enshrined in the Convention.
5. The Chairperson of the Taskforce, Mr Bram van Houten, thanked the COP7 Bureau and the Secretariat for their on-going support and noted that the final products of the Taskforce would be available by February 2021.
6. The Taskforce then proceeded with the unanimous election of Mr Martin Holmlund Lauesen, representing Norway, as Rapporteur.

## **Summary of preliminary introductory meeting (21 September 2020)**

7. The Chairperson of the Taskforce provided a summary of the preliminary discussions held virtually on 21 September 2020, which focused on the working methods and timeline of the Taskforce. Reference was made to the key points of the preliminary meeting, circulated in advance to the Taskforce members.
8. Following the proposal of the Russian Federation to provide support in a Vice-Chairperson position, considering the size of the Taskforce and noting that this change in the structure of the Taskforce would require appointing Vice-Chairpersons from each regional group, it was agreed that the Chairperson would monitor the situation in case additional support would be necessary in the future.

## **Important outcomes of COP7**

9. Concerning important outcomes of COP7 related to the work of the Taskforce, the Russian Federation indicated that the two instruments should be balanced in supporting the implementation of the Convention, taking into account the interests of

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<sup>1</sup> Please refer to the Annex for the full list of participants.

all States Parties. Norway reiterated the importance of communicating and reaching out to States Parties prior to COP.

10. Brazil reminded the Taskforce of the discussions around possible changes in the ADLogic questionnaire and the current minimum 60% compliance threshold. In addition, China noted that several countries were unable to log into the ADLogic questionnaire, or lacked resources (budgetary and human resources, expertise) that led to a non-compliance status.
11. Several members of the Taskforce (Brazil, China, Grenada, Panama, Zambia) underlined that the Framework of consequences should first provide support and assistance to States Parties facing challenges in the implementation of the Convention, and that sanctions should only be the last resort.
12. Brazil also noted that honesty in filling in the ADLogic questionnaire is crucial, and the Framework of consequences would need to encourage and reflect this. Grenada indicated that Small Island Developing States might have different challenges (structure, human resources, etc.) that also need to be carefully considered. Panama referred to the consequences under the auspices of the World Anti-Doping Agency (WADA), particularly Article 22.8/22.10 of the World Anti-Doping Code (“Code”).
13. Zambia referred to the Convention’s purpose of strengthening sport integrity and the clean sport environment for the global anti-doping community. In this regard, the Operational Guidelines and the Framework of consequences should help States Parties to grow in a similar way and at a similar pace, paying attention to different capabilities, shortfalls and challenges – i.e. States Parties having independent National Anti-Doping Organizations (NADOs) and doping control laboratories compared to countries where NADOs act under National Olympic Committees (NOCs).
14. Morocco stressed that the two documents were designed as a guidance manual/tool for States Parties, to help them comply with the Convention. The Taskforce should find solutions, in a consensual manner, for those points that still need adjustment/improvement so that the documents could be approved at COP8.
15. The United Arab Emirates emphasized the need to work closely together to further refine the work done and ensure that all perspectives are well illustrated and included in the final documents.
16. The Chairperson concluded that the documents aimed at being a supportive instrument helping States Parties reach higher levels of compliance with the Convention, assistance in this sense being key and consequences the last resort. He highlighted that the approach needed to comprehend a vast variety of capabilities. The Chairperson encouraged the members of the Taskforce to communicate and reach out to other States Parties to make sure that all countries are aware of this work and of the possibility to provide feedback – creating a platform for all States Parties to contribute to the documents.

### **Discussion points for the Taskforce and minor adjustments in the text**

17. With respect to the Operational Guidelines, the United Arab Emirates mentioned the need to focus on the structure – e.g. rearranging the items under chapter 4 on the Anti-Doping Fund – and to reword some points (e.g. financial commitment instead of voluntary contributions, as discussed by the Fund’s Approval Committee; percentages for the three priority areas of the Fund; important to highlight that contributions to the Fund cannot be subject to any political or other conditions). It would also be useful to list existing grant mechanisms through Regional Anti-Doping Organizations. Some of the charts/diagrams would need to be improved for better understanding. In addition, the document should include the empowerment and

strengthening the role of NADOs. Concerning ADLogic, in the future it may be useful to consider a joint system with WADA's Code Compliance Questionnaire. Consequences for non-compliance should be weighted and linked with existing criteria (no response or below the minimum 60% threshold) and the four main areas of the Convention (national anti-doping activities, international cooperation, education and training, research). As such, consequences should have different levels – similar to anti-doping rules violations by athletes. The representative of the United Arab Emirates also noted that references to nutritional supplements might be problematic, as the industry is not regulated. Prohibited substances may be used in the treatment of other population groups – hence, the wording would need to be adjusted.

18. Morocco indicated that minor editing changes would be necessary, notably with respect to the French translation.
19. Zambia highlighted that the minimum compliance threshold needed to be revisited and proposed maintaining it at 60% for States Parties with well-established NADOs but lowering it for other situations.
20. China and Panama mentioned various consequences under the Code, as a non-binding appendix, compared to consequences directly related to the Convention. Attention should be paid to States Parties in difficult contexts. In this regard, Grenada mentioned the relation between the Code and the Convention and underlined that the work of the Taskforce was to help States Parties to follow their requirements under the Convention.
21. Brazil seconded Grenada's point, reiterating that the Framework of consequences should only refer to the scope of the Convention, independently of the Code. Moreover, States Parties should have the possibility to fill in the ADLogic questionnaire once again with help from the Secretariat, based on an improved ADLogic user manual (e.g. how to fill it in, how it will be scored, policies or measures that could be implemented by countries). In the Framework of consequences, potential ineligibility of non-compliant States Parties might be counterproductive, as they may feel disengaged.
22. The Russian Federation indicated that the COVID-19 pandemic had severely impacted the sport world and anti-doping activities, as testing stopped for several months and athletes were deprived of the opportunity to attend sport competitions. Cooperation, solidarity and assistance need to be the foundations of the Operational Guidelines and the Framework of consequences. It was noted that almost a third of States Parties were non-compliant for 2018-2019 and that many States Parties lacked anti-doping legislation. The following proposals were presented:
  - Replace the concept of "compliance/non-compliance" with "States Parties facing difficulties in implementing the provisions of the Convention";
  - Move away from the 60% threshold in favour of identifying specific areas of national anti-doping policy that need to be improved (based on ADLogic weightings);
  - Strengthen the role of the Anti-Doping Fund through targeted funding of projects for those countries that have reported difficulties in implementing the Convention;
  - Prepare a model project to improve national anti-doping policies for such States to facilitate the process of obtaining financial and advisory assistance for the implementation of the provisions of the Convention;
  - Remove sanctions, including consequences under the auspices of WADA, the International Olympic Committee (IOC), International Federations, Major Event Organizers.

23. Bulgaria agreed that some of the consequences would need to be removed and not go beyond the scope of the Convention nor fall under the auspices of other entities. Bulgaria also mentioned that the ADLogic questionnaire should be improved. References to e-resources/links should be included in the Operational Guidelines and the Framework of Consequences.
24. Norway highlighted that many of the issues raised had also been discussed by the Working Group in 2018-2019, such as the focus on assistance and capacity-building. Norway had read the consequences under WADA or the IOC as a point of information regarding other regulative frameworks that are interconnected.
25. The Chairperson mentioned that it was important to be mindful of the mandate of the Taskforce and that the Operational Guidelines should describe the existing mechanisms and processes under the Convention. Concerning the ADLogic questionnaire, while reviewing it is not part of the current mandate, the Taskforce may submit recommendations to the Bureau, who may decide to present them to COP8. The Secretary of the Convention noted that the proposal made by Zambia could be further developed in this sense.

### **Closure of the meeting**

26. The Chairperson highlighted three areas of focus:
  - Support: there was widespread agreement that the purpose of the Operational Guidelines is to support States Parties in reaching, or maintaining compliance with the Convention. This should be clearly reflected in the texts.
  - Develop the Framework of consequences: its purpose is also to support States Parties in regaining compliance, not to punish. Consequences should be a last resort, and should always be preceded by a process or instruments intended to support States Parties in regaining compliance. This should be clearly reflected in the text, and to this end the range of possible consequences should be expanded and further developed, to make sure they are proportionate and serve this purpose.
  - ADLogic: there is room for improvement with regards to the questionnaire and possibly concerning the current compliance threshold (60%). Recommendations may be submitted by the Taskforce to the COP7 Bureau.
27. It was agreed that the Taskforce would hold its second meeting on 26 October 2020. Grenada suggested allocating more time for discussion.
28. The Chairperson thanked the Taskforce members for their active participation and inputs.

**Annex**  
**List of participants**

**Bureau of the seventh session of the Conference of Parties (COP7)**

Chairperson of the COP7 Bureau

Mr Marcos Diaz

Dominican Republic

Rapporteur of the COP7 Bureau

Mr Hitesh Patel

United Kingdom of Great Britain and Northern Ireland

**Taskforce**

**Chairperson**

**Netherlands**

Mr Bram van Houten, Senior Policy Officer, Directorate Sport, Ministry of Health, Welfare and Sport

**Rapporteur**

**Norway**

Mr Martin Holmlund Lauesen, Director – International Relations and Medical, Anti-Doping Norway

**Brazil**

Ms Luisa Parente, National Secretary, Autoridade Brasileira de Controle de Dopagem (ABCD)

Mr Anthony Moreira, Executive Director, Autoridade Brasileira de Controle de Dopagem (ABCD)

Ms Mayra Tiemi Yonashiro Saito, Second Secretary, Permanent Delegation of Brazil to UNESCO

**Bulgaria**

Ms Sylvia Mindova, Chief Legal Advisor, Anti-Doping Centre of Bulgaria

**China**

Ms Yan Qingping, Deputy Director of Operation and Management Department, CHINADA

**Grenada**

Mr Joel Johnson, Chairman, Grenada Anti-Doping Organization

Ms Chafica Haddad, Deputy Permanent Delegate of Grenada to UNESCO

**Morocco**

Ms Hayat El Bacha, Chief of Legal Affairs Service, Ministry of Youth and Sports

**Panama**

Mr Manuel Villalobos, Executive Manager, National Anti-Doping Organization of Panama

**Russian Federation**

Ms Ksenia Mashkova, Vice-Minister of Sport

Mr Kirill Kozhevnikov, Deputy Director of the Legal Department, Ministry of Sport

**United Arab Emirates**

Ms Reema Alhosani, President, UAE National Anti-Doping Committee

**Zambia**

Mr Raphael Mulenga, National Anti-Doping Desk Officer, Ministry of Youth, Sport and Child Development

Mr Hendrix Kapaipi, First Secretary, Permanent Delegation of Zambia to UNESCO

**Observers**

Mr Graham Arthur, Rapporteur of the 2019 High-Level Panel of Legal Experts

United Kingdom of Great Britain and Northern Ireland

**UNESCO**

Ms Gabriela Ramos, Assistant Director-General for Social and Human Sciences

Ms Ângela Melo, Director of Policies and Programmes, Social and Human Sciences Sector

Mr Marcellin Dally, Secretary of the International Convention against Doping in Sport

Ms Elena Licheri, Project Assistant, Youth and Sport Section

Ms Raluca Petre-Sandor, Assistant Project Officer, Youth and Sport Section

Ms Rinrada Yothaparn, Project Assistant, Youth and Sport Section