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Conference of Parties to the International Convention against Doping in Sport

5CP

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Item 8.3 of the agenda

REPORT ON THE REDESIGN OF ANTI-DOPING LOGIC SYSTEM AND QUESTIONNAIRE

SUMMARY

Background:

Initiated in 2009, the *Anti-Doping Logic* system (ADLogic) and its online Questionnaire aims at enabling the Conference of Parties to monitor national reports of States Parties on measures taken by them to comply with the provisions of the Convention. There have been significant transformations and developments of the anti-doping environment and framework, which call for the adaptation of the ADLogic Questionnaire to the new context and reality. The adjustments of the Questionnaire contained in this report also embrace a better articulation of the scope of the provisions of the Convention and the World Anti-Doping Code, 1 January 2015 (the Code). The report has been prepared for UNESCO by a consultant familiar with ADLogic, the environment of the Convention and the Code. Key partners were consulted by the Secretariat with feedback received from the World Anti-Doping Agency (WADA) and INTERPOL.

At the same time, the *Anti-Doping Logic* system needs technical refinement, which is also outlined in this document.

The proposed changes are submitted to the Conference of Parties to decide upon the reform necessary and its financial implications.

The full report concerning the revision of the *ADLogic* Questionnaire is available only online in English and French.

Decision required: Paragraph 8

Introductory note and financial implications

- 1. In light of resolution 1CP/6¹, and taking into consideration the background document ICDS/1CP/Doc.10², the Secretariat, in cooperation with an international consultant³ prepared the present document for the purpose of redesigning the ADLogic system.
- 2. At its meeting held at Headquarters on 30 April 2014, the Bureau of the Conference of Parties was briefed on the current status and upgrading needed for the ADLogic system⁴ to respond to the system's technical obsolescence and to the inaccuracy of the questionnaire in light of doping challenges and developments since the adoption of the Convention in 2005.
- 3. The proposed changes of the *ADLogic* system have financial implications. Should the Conference of Parties endorse the changes, it also must identify resources for their implementation.
- 4. Below are the proposed, estimated costs for overall changes, adjustments and technical refinement. There are two interdependent costs:

Table 1: Changes of the ADLogic Questionnaire, the weighting and benchmarking

Item	Cost
Questionnaire development and translation	\$15,000
Printing costs	\$6,000
Translation of responses	\$20,000
Temporary staff	\$30,000
Report Translation	\$14,000
Report Printing	\$15,000
Total	\$100,000

¹ http://unesdoc.unesco.org/images/0014/001494/149485e.pdf

² http://unesdoc.unesco.org/images/0015/001584/158472e.pdf

³ Paul Marriot-Lloyd served as Secretary of the Anti-Doping Convention for several years and managed the initiation, conception, development and operationalization of ADLogic up to 2011.

⁴ See report of 1st session of the Bureau of COP

Table 2: Web-Based System Development and Implementation

5. Since its inception, the ADLogic System has been managed by an individual expert based in Canada who has been responsible for the development, maintenance and technical assistance. From 2016, the system needed to migrate towards a web-based system, in order to render it more flexible and user-friendly for States Parties. The proposed new developments are deemed irreversible, since the current system will no longer be operational due to the termination of the license agreements.

Technical development	Algorithm configuration	Total budget needs
\$30,000	\$20,000	Total: \$50,000

Table 3: Total budget of table 1 and 2:

Total budget:	\$150,000

- 6. Annex 1 contains the proposed new questionnaire and the implication on the ADLogic system.
- The overall estimated financial needs are reflected in the draft Resolution below. The Conference of Parties may wish to explore the ways and means to allocate the funding requested for its support.

DRAFT RESOLUTION 5CP/11

- 8. The Conference of Parties may wish to adopt the following resolution,
 - 1. Having examined document ICDS/5CP/Doc.11,
 - 2. Notes with satisfaction the information provided concerning changes to the Anti-Doping Logic Questionnaire,
 - Welcomes the proposed amendments aimed at improving the scope and normative value of national reports, taking into account the growing challenges of the fight against-doping,
 - 4. Welcomes the well-based development of the Anti-Doping Logic system, which will improve the monitoring of States Parties in compliance with the provisions of the International Convention against Doping in Sport,
 - Endorses the proposed new Anti-Doping Logic questionnaire and assessment tool as outlined in this report, and requests the Secretariat to proceed with the adjustment of the Anti-Doping Logic system,
 - 6. Adopts the provisions included in the Anti-Doping Logic system allowing for voluntary reporting against the five questions that relate to the involvement of Governments in the fight against doping in sport under the World Anti-Doping Code.
 - 7. Adopts the overall changes and new framework of the Anti-Doping Logic system as proposed by the Secretariat,
 - 8. Approves the budget of 150.000 USD to support the overall changes and new framework of the Anti-Doping Logic system and decides that 70.000 USD be allocated from the International Fund against Doping in Sport and requests the Director-General to seek additional funds to cover the complementary 80.000 USD,
 - 9. *Invites* States Parties to provide voluntary additional financial and technical assistance for this purpose.

Annex 1

Revised Questionnaire

- 1. The revised questionnaire has **21 principal questions** and **17 supplementary questions**, which reflect the obligations set forth in the Convention. There is also a **voluntary reporting** section, which includes a hyperlink to the Anti-Doping Database as well as four questions (plus a supplementary question) relating to the Code (2015).
- 2. Several additional explanatory notes have been included alongside the relevant question. These notes provide useful background information to help respondents answer a particular question.





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- Describe the principal measure taken to abide by the obligations contained in the Convention:
- Enacted specific anti-doping legislation, Ministerial resolutions or inter-Ministerial decrees
- Developed specific anti-doping regulations
- Developed specific anti-doping policies or administrative practices
- Amended existing legislation or regulations (such as those covering medicines, pharmaceuticals or illicit/recreational drugs)
- Utilized existing legislation or regulations in related fields (such as those covering illicit/ recreational drugs, medicines, pharmaceuticals, public health or sports)
- Actions currently underway, but yet to be implemented
- Other
- Do not know

Convention Reference

Article 5: In abiding by the obligations contained in this Convention, each State Party undertakes to adopt appropriate measures. Such measures may include legislation, regulation, policies or administrative practices.

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2. To what extent have measures been adopted to restrict the availability of prohibited substances and methods as set forth in the Prohibited List (Annex I of the Convention)?

- Extensively
- Substantially
- Partially
- None as yet
- Do not know

Convention Reference

Article 8.1: States Parties shall, where appropriate, adopt measures to restrict the availability of prohibited substances and methods in order to restrict their use in sport by athletes...

Article 8.3: No measures taken pursuant to this Convention will impede the availability for legitimate purposes of substances and methods otherwise prohibited or controlled in sport.

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- 3. To what extent have measures been adopted to prevent the trafficking of prohibited substances, as set forth in the Prohibited List (Annex I of the Convention), to athletes and athlete support personnel?
- Extensively
- Substantially
- Partially
- None as yet
- Do not know

Convention Reference

Article 8.1: States Parties shall, where appropriate, adopt measures... These include measures against trafficking to athletes and, to this end, measures to control production, movement, importation, distribution and sale.

Athlete support personnel means any coach, trainer, manager, agent, team staff, official, medical or paramedical personnel working with or treating athletes participating in or preparing for sports competition.

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3.1 Which prohibited substances, as set forth in the Prohibited List (Annex I of the Convention), do these measures against trafficking specially target?

Multiple responses are permitted

- Section 0 Non Approved Substances
- Section 1 Anabolic Agents
- Section 2 Peptide Hormones, Growth Factors and Related Substances
- Section 3 Beta-2 Agonists
- Section 4 Hormone and Metabolic Modulators
- Section 5 Diuretics and Other Masking Agents
- Section 7 Narcotics
- Section 8 Cannabinoids
- Section 9 Glucocorticosteroids

Convention Reference

Article 8.1: States Parties shall, where appropriate, adopt measures... These include measures against trafficking to athletes and, to this end, measures to control production, movement, importation, distribution and sale.

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3.2 What is the purpose of these measures against trafficking?

Multiple responses are permitted

To control, restrict or prohibit:

- Production
- Movement
- Importation
- DistributionSale

Convention Reference

Article 8.1: States Parties shall, where appropriate, adopt measures... These include measures against trafficking to athletes and, to this end, measures to control production, movement, importation, distribution and sale.

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3.3 What are the penalties or sanctions for the production, movement, importation, distribution and sale of prohibited substances?

Multiple responses are permitted

- Criminal penalties, including imprisonment
- Financial penalties
- Administrative or civil sanctions
- Sport sanctions or disciplinary actions consistent with the World Anti-Doping Code
- Do not know

Convention Reference

Article 8.1: States Parties shall, where appropriate, adopt measures... These include measures against trafficking to athletes and, to this end, measures to control production, movement, importation, distribution and sale.

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3.4 To what extent are these measures against trafficking utilized by law enforcement agencies and/or the National Anti-Doping Organization?

- Extensively
- Substantially
- Partially
- Never
- Do not know

Convention Reference

Article 8.1: States Parties shall, where appropriate, adopt measures... These include measures against trafficking to athletes and, to this end, measures to control production, movement, importation, distribution and sale.

Explanatory note: This includes the investigation and prosecution of cases involving the trafficking of prohibited substances.

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4. To what extent have measures been adopted to prevent and restrict the use and possession of prohibited substances and methods, as set forth in the Prohibited List (Annex I of the Convention), by athletes, unless the use is based upon a therapeutic use exemption, and by athlete support personnel?

- Extensively
- Substantially
- Partially
- None as yet
- Do not know

Convention Reference

Article 8.2: States Parties shall adopt, or encourage, where appropriate, the relevant entities within their jurisdictions to adopt measures to prevent and to restrict the use and possession of prohibited substances and methods by athletes in sport, unless the use is based upon a therapeutic use exemption.

Athlete support personnel means any coach, trainer, manager, agent, team staff, official, medical or paramedical personnel working with or treating athletes participating in or preparing for sports competition.

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5. To what extent have measures been taken to allow the National Anti-Doping Organization to sanction athlete support personnel as a consequence of an anti-doping rule violation under the World Anti-Doping Code?

- Extensively
- Substantially
- Partially
- None as yet
- Do not know

Convention Reference

Article 9: States Parties shall themselves take measures or encourage sports organizations and anti-doping organizations to adopt measures, including sanctions or penalties, aimed at athlete support personnel who commit an anti-doping rule violation or other offence connected with doping in sport.

Athlete support personnel means any coach, trainer, manager, agent, team staff, official, medical or paramedical personnel working with or treating athletes participating in or preparing for sports competition.

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6. What additional or alternate measures are used to sanction athlete support personnel involved in doping in sport?

Multiple responses are permitted

- Oriminal penalties, including imprisonment
- Financial penalties, including fines
- Administrative or civil sanctions, including deregistration or removal of licenses
- None as yet
- Do not know

Convention Reference

Article 9: States Parties shall themselves take measures or encourage sports organizations and anti-doping organizations to adopt measures, including sanctions or penalties, aimed at athlete support personnel who commit an anti-doping rule violation or other offence connected with doping in sport.

Explanatory note: This includes measures in addition to, or instead of, sanctions imposed by the National Anti-Doping Organization.

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7. To what extent have measures been introduced to ensure that nutritional supplements do not contain prohibited substances, as set forth in the Prohibited List (Annex I of the Convention)?

- Extensively
- Substantially
- Partially
- None as yet
- Do not know

Convention Reference

Article 10: States Parties, where appropriate, shall encourage producers and distributors of nutritional supplements to establish best practices in the marketing and distribution of nutritional supplements, including information regarding their analytic composition and quality assurance.

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7.1 Has specific legislation, Ministerial resolutions, inter-Ministerial decrees or regulations, been enacted covering nutritional supplements?

Multiple responses are permitted

In particular to:

- Restrict availability and/or distribution
- Control production (including requiring utilization of Good Manufacturing Practice and periodic audits by competent national authorities)
- Require comprehensive labeling of all constituents
- Restrict marketing, advertising or promotion
- Other

Convention Reference

Article 10: States Parties, where appropriate, shall encourage producers and distributors of nutritional supplements to establish best practices in the marketing and distribution of nutritional supplements, including information regarding their analytic composition and quality assurance.

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National Anti-Doping Activities

8. Is annual government funding or support provided for a national testing programme?

- Yes
- No
- Not yet
- Do not know

Convention Reference

Article 11: States Parties shall, where appropriate:

(a) provide funding within their respective budgets to support a national testing programme across all sports or assist sports organizations and anti-doping organizations in financing doping controls either by direct subsidies or grants, or by recognizing the costs of such controls when determining the overall subsidies or grants to be awarded to those organizations.

Explanatory note: This includes direct or indirect funding by a public authority (government ministry or agency).

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National Anti-Doping Activities

- 8.1 Which organization has overall responsibility for the national testing programme?
- A public authority (government ministry or agency)
- The National Anti-Doping Organization
- The National Olympic Committee
- Other

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8.2 What types of doping controls are undertaken as part of the national testing programme?

Multiple responses are permitted

- No-advance notice testing
- In-competition testing
- Out-of-competition testing

Convention Reference

Article 12: States Parties shall, where appropriate:

(a) encourage and facilitate the implementation by sports organizations and anti-doping organizations within their jurisdiction of doping controls in a manner consistent with the Code, including no-advance notice, out-of-competition and incompetition testing.

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8.3 In which sports are doping controls undertaken as part of the national testing programme?

- All sports that are subject to anti-doping policies and rules that are in compliance with the World Anti-Doping Code
- Most sports that are subject to antidoping policies and rules that are in compliance with the World Anti-Doping Code
- Only for some sports that are subject to anti-doping policies and rules that are in compliance with the World Anti-Doping Code
- None as yet
- Do not know

Explanatory note: International Federations, as signatories of the World Anti-Doping Code are required to adopt anti-doping policies and rules that conform to the World Anti-Doping Code. They require, as a condition of membership, that the policies, rules and programs of their National Federations and other members are in compliance with the World Anti-Doping Code.

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8.4 What proportion of doping control samples collected as part of the national testing programme are analyzed in a WADA accredited laboratory (or WADA approved laboratory)?

- All
- Most
- Some
- None
- Do not know

Convention Reference

Article 12: States Parties shall, where appropriate:

(c) undertake to assist the sports organizations and anti-doping organizations within their jurisdiction in gaining access to an accredited doping control laboratory for the purposes of doping control analysis.

Explanatory note: WADA approved laboratories may be used to conduct blood analyses in support of the hematological module of Athlete Biological Passport

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National Anti-Doping Activities

9. Is there any legislation, regulations, Ministerial resolutions, inter-Ministerial decrees, policies or administrative practices (other than entry visa requirements and border controls) which prevent your international-level athletes being subject to doping controls by duly authorized doping control teams from WADA or other anti-doping organizations?

Yes

No

Do not know

Convention Reference

Article 16:...States Parties shall, where appropriate and in accordance with domestic law and procedures:

 (b) facilitate the timely movement of duly authorized doping control teams across borders when conducting doping control activities.

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- 10. Is sport-related financial assistance provided by government withheld from banned athletes or banned athlete support personnel during the period of their ineligibility (as a consequence of an anti-doping rule violation under the World Anti-Doping Code)?
- All funding is withheld
- A limited amount of funding is withheld
- No funding is withheld
- Not applicable (no sport-related financial assistance is provided by public authorities to athletes or athlete support personnel)
- Do not know

Convention Reference

Article 11: States Parties shall, where appropriate:

(b) take steps to withhold sportsrelated financial support to individual athletes or athlete support personnel who have been suspended following an anti-doping rule violation, during the period of their suspension.

Explanatory note: This includes any direct or indirect sport-related financial assistance provided by a public authority (government ministry or agency).

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National Anti-Doping Activities

- 11. Is financial assistance or support provided by government withheld from sports or anti-doping organizations that do not comply with the World Anti-Doping Code?
- All funding is withheld
- A limited amount of funding is withheld
- No funding is withheld
- Not applicable (no sport-related financial assistance is provided by public authorities to athletes or athlete support personnel)
- Do not know

Convention Reference

Article 11: States Parties shall, where appropriate:

(c) withhold some or all financial or other sport-related support from any sports organization or antidoping organization not in compliance with the Code or applicable anti-doping rules adopted pursuant to the Code.

Explanatory note: This includes any direct or indirect sport-related financial assistance provided by a public authority (government ministry or agency).

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International Cooperation

12. What level of cooperation exists between your public authorities, National Anti-Doping Organization and their international counterparts?

- Extensive
- Substantial
- Partial
- None as yet
- Do not know

Convention Reference

Article 13: States Parties shall encourage cooperation between anti-doping organizations, public authorities and sports organizations within their jurisdiction and those within the jurisdiction of other States Parties in order to achieve, at the international level, the purpose of this Convention.

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International Convention against Doping in Sport

International Cooperation

12.1 In what areas do your public authorities or National Anti-Doping Organization cooperate with their international counterparts?

Multiple responses are permitted

- Undertaking reciprocal testing or contract testing
- Sharing information useful in the fight against doping in sport
- Sharing information or expertise about effective anti-doping programmes
- Sharing anti-doping or sports science research

Convention Reference

Article 13: States Parties shall encourage cooperation between anti-doping organizations, public authorities and sports organizations within their jurisdiction and those within the jurisdiction of other States Parties in order to achieve, at the international level, the purpose of this Convention.

Article 16: ...States Parties shall, where appropriate and in accordance with domestic law and procedures:

 (f) encourage and support reciprocal testing arrangements between designated antidoping organizations, in conformity with the

Article 23: States Parties shall co-operate mutually and with the relevant organizations to share, where appropriate, information, expertise and experience on effective antidoping programmes.

Article 26: Subject to compliance with applicable national and international law, States Parties shall, where appropriate, share the results of available anti-doping research with other States Parties and the World Anti-

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International Cooperation

13. Do your public authorities recognize the doping control procedures and test results of WADA or other anti-doping organizations if they are undertaken in a manner consistent with the World Anti-Doping Code?

Yes

Partially

No

Do not know

Convention Reference

Article 16:...States Parties shall, where appropriate and in accordance with domestic law and procedures:

(g) mutually recognize the doping control procedures...of any antidoping organization that are consistent with the Code.

Next >>

65%



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International Cooperation

13.1 Do your public authorities or anti-doping organizations enforce the sanctions applied by other anti-doping organizations which are consistent with the World Anti-Doping Code?

Yes

Yes, to a limited extent

No

Do not know

Convention Reference

Article 16:...States Parties shall, where appropriate and in accordance with domestic law and procedures:

(g) mutually recognize the...test results management, including the sport sanctions thereof, of any anti-doping organization that are consistent with the Code.

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International Convention against Doping in Sport

Education and Training

14. Is the sporting community provided with upto-date and accurate information about the harm caused by doping and the health consequences of doping?

- O Yes
- Yes, to a limited extent
- Not yet
- No
- Do not know

Convention Reference

Article 19.1: States Parties shall undertake, within their means, to support, devise or implement education and training programmes on anti-doping. For the sporting community in general, these programmes should aim to provide updated and accurate information on:

- (a) the harm of doping to the ethical values of sport;
- (b) the health consequences of doping.

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70%



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International Convention against Doping in Sport

Education and Training

15. Which groups are the targets of information, education and training programmes?

Multiple responses are permitted

- International-level athletes
- National-level athletes
- Athletes amongst the general population
- Young athletes
- Athlete support personnel
- Medical professionals
- Pharmacists
- Other groups

Convention Reference

Article 22: States Parties shall encourage sports organizations and anti-doping organizations to implement ongoing education and training programmes for all athletes and athlete support personnel on the subjects identified in Article 19.

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International Convention against Doping in Sport

Education and Training

15.1 What is the focus of these information, education or training programmes?

Multiple responses are permitted

- Prohibited substances and methods
- Anti-doping rule violations
- Consequences of doping, including sanctions, health and social consequences
- Doping control procedures
 - Athletes' rights and responsibilities under the World Anti-Doping Code
- The process to obtain a Therapeutic Use
- Exemption
- Managing the risk posed by nutritional supplements
- Harm of doping to the spirit of sport
- Applicable whereabouts requirements

Convention Reference

Article 19.1: States Parties shall undertake, within their means, to support, devise or implement education and training programmes on anti-doping. For the sporting community in general, these programmes should aim to provide updated and accurate information on: (a) the harm of doping to the ethical values of sport;

(b) the health consequences of doping

Article 19.2. For athletes and athlete support personnel, in particular in their initial training, education and training programmes should, in addition to the above, aim to provide updated and accurate information on:

- (a) doping control procedures;
- (b) athletes' rights and responsibilities in regard to anti-doping, including information about the Code and the anti-doping policies of the relevant sports and anti-doping organizations. Such information shall include the consequences of committing an anti-doping rule violation;
- (c) the list of prohibited substances and methods and therapeutic use exemptions; (d) nutritional supplements.

Next >>

75%



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International Convention against Doping in Sport

Education and Training

15.2 Are athletes and athlete support personnel involved in, or consulted on, the development of anti-doping information, education of training programmes?

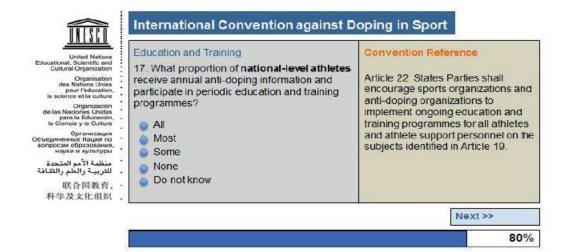
- Almost always
- Sometimes
- Do not know

Convention Reference

Article 21: States Parties shall promote and, within their means, support active participation by athletes and athlete support personnel in all facets of the antidoping work of sports and other relevant organizations and encourage sports organizations within their jurisdiction to do likewise.

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Education and Training

18. What proportion of athlete support personnel receive annual anti-doping information and participate in periodic education and training programmes?

- All
- Most
- Some
- None
- Do not know

Convention Reference

Article 22: States Parties shall encourage sports organizations and anti-doping organizations to implement ongoing education and training programmes for all athletes and athlete support personnel on the subjects identified in Article 19.

Athlete support personnel means any coach, trainer, manager, agent, team staff, official, medical or paramedical personnel working with or treating athletes participating in or preparing for sports competition.

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80%



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International Convention against Doping in Sport

Education and Training

19. Have your professional associations and institutions developed anti-doping codes of conduct, best practice guidelines or ethical standards?

- O Voi
- Yes, to a limited extent
- Not yet
- No
- Do not know

Convention Reference

Article 20: States Parties shall encourage relevant competent professional associations and institutions to develop and implement appropriate codes of conduct, good practice and ethics related to anti-doping in sport that are consistent with the Code.

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International Convention against Doping in Sport

Education and Training

19.1 Who do these anti-doping codes of conduct, best practice guidelines or ethical standards apply to?

Multiple responses are permitted

- Athletes
- Athlete support personnel
- Other sports coaches and trainers (for example, those involved in school sports or working with young athletes)
- Sports administrators and officials
- Medical professionals
- Pharmacists
- Other groups

Convention Reference

Article 20: States Parties shall encourage relevant competent professional associations and institutions to develop and implement appropriate codes of conduct, good practice and ethics related to anti-doping in sport that are consistent with the Code.

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85%



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International Convention against Doping in Sport

Research

20. Have your public authorities funded or supported any anti-doping research?

Yes

Not yet

No

Do not know

Convention Reference

Article 24: States Parties undertake, within their means, to encourage and promote anti-doping research in cooperation with sports and other relevant organizations...

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International Convention against Doping in Sport

Research

20.1 What was the main focus of the research?

Multiple responses are permitted

- Doping prevention
- Detection methods
- Behavioral and social aspects of doping
- Health consequences of doping
- Physiological and psychological training programmes
- Emerging substances or methods

Convention Reference

Article 24: States Parties undertake, within their means, to encourage and promote anti-doping research in cooperation with sports and other relevant organizations on:

- (a) prevention, detection methods, behavioural and social aspects, and the health consequences of doping;
- (b) ways and means of devising scientifically-based physiological and psychological training programmes respectful of the integrity of the person;
- (c) the use of all emerging substances and methods resulting from scientific developments.

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90%



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International Convention against Doping in Sport

Research

20.2 Did the research comply with internationally recognized ethical practices and was it undertaken with adequate precautions in place to prevent the results being misused and applied for doping?

Yes

No

O TVC

Do not know

Convention Reference

Article 25: When promoting antidoping research, as set out in Article 24, States Parties shall ensure that such research will:

- (a) comply with internationally recognized ethical practices
- (c) be undertaken only with adequate precautions in place to prevent the results of anti-doping research being misused and applied for doping.

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International Convention against Doping in Sport

Recearch

20.3 Did the research avoid the administration of prohibited substances and methods to athletes?

- Yes
- No
- Do not know

Convention Reference

Article 25: When promoting antidoping research, as set out in Article 24, States Parties shall ensure that such research will:

(b) avoid the administration to athletes of prohibited substances and methods

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90%



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International Convention against Doping in Sport

Research

21. Have any measures been taken to ensure that sport science research by sports organizations and its application are consistent with the principles of the World Anti-Doping

- Yes
- Yes, to a limited extent
- Not yet
- No
- Do not know

Convention Reference

Article 27: States Parties shall encourage:

- (a) members of the scientific and medical communities to carry out sport science research in accordance with the principles of the Code;
- (b) sports organizations and athlete support personnel within their jurisdiction to implement sport science research that is consistent with the principles of the Code.

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International Convention against Doping in Sport

Thank you for completing the ADLogic questionnaire

You can save and submit or print and review your response to the questionnaire

States Parties are invited to upload copies of any relevant legislation, Ministerial resolutions, inter-Ministerial decrees, regulations, policies or administrative to UNESCO Anti-Doping Database

http://www.unesco.org/new/en/social-and-human-sciences/themes/anti-doping/addbase/access/

States Parties are also invited to provide voluntary responses to the following four questions, which relate to the involvement of Governments in the fight against doping in sport under the **World Anti-Doping Code**.

None of the answers that you provide to these questions will be used to determine your government's compliance with the International Convention against Doping in Sport.

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100%



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World Anti-Doping Code

Involvement of Governments

- To what extent have measures been taken to ensure cooperation and the sharing of information with anti-doping organizations and sharing data among anti-doping organizations in accordance with the World Anti-Doping Code?
- Extensively
- Substantially
- Partially
- None as yet
- O Do not know

Code Reference

Article 22.2: Each government to put in place legislation, regulation, policies or administrative practices for cooperation and sharing of information with Anti-Doping Organizations and sharing of data among Anti-Doping Organizations as provided for in the Code.

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World Anti-Doping Code

Involvement of Governments

- 2. To what extent have measures been taken encourage cooperation between public authorities, law enforcement agencies and antidoping organizations and the timely sharing of information with anti-doping organizations in support of the fight against doping in sport?
- Extensively
- Substantially
- Partially
- None as yetDo not know

Code Reference

Article 22.3: Each government will encourage cooperation between all of its public services or agencies and Anti-Doping Organizations to timely share information with Anti-Doping Organizations which would be useful in the fight against doping and where to do so would not otherwise be legally prohibited.

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World Anti-Doping Code

Involvement of Governments

- 3. Is arbitration the preferred means of resolving doping-related disputes?
- O Yes
- O No
- O Not yet
- O Do not know

Code Reference

Article 22.4: Each government will respect arbitration as the preferred means of resolving doping related disputes, subject to human and fundamental rights and applicable national law.

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World Anti-Doping Code Involvement of Governments Code Reference United Nations nal, Scientific and ural Organization 4.1 To what extent have specific measures Article 22.6: Each government will respect the autonomy of a National been put in place to ensure the autonomy and Organisation des Nations Unies pour l'éducation, cience et la culture operational independence of the National Anti-Anti-Doping Organization in its Doping Organization? country and not interfere in its Organización e las Naciones Unidas para la Educación, la Ciencia y la Cultura operational decisions and activities. Extensively Substantially Организация иненных Наций по осам образования, наухи и культуры Partially منظمة الأمم المتحدة للتربية والعلم والثقافة None as yet O Do not know 联合国教育、· 科学及文化组织 . Next >>



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World Anti-Doping Code

Thank you for completing theses voluntary questions

You can <u>save and submit</u> or <u>print and review</u> your voluntary responses to the questions, which relate to the involvement of Governments in the fight against doping in sport under the **World Anti-Doping Code**.

Weighting

- 3. The application of weightings for each question is a key feature of the ADLogic system. The purpose of these weightings is to rank the ADLogic questions in order of importance. It allows the UNESCO Secretariat to give priority to the articles in the Convention, and the questions that correspond to them, that are deemed to be fundamental in the fight against doping in sport.
- 4. The weighting values vary from one (the lowest priority) to five (the highest priority).
- 5. Ideally, there should be a relatively even distribution of weightings, except for the highest one. A weighting of five should be reserved for only one or two questions, which are deemed to be of paramount importance. As discussed below, the impact of these high weightings can be pronounced on the overall compliance of a State Party.

Weighting levels

- 5 principal questions have a weighting of 1
- 5 principal questions have a weighting of 2
- 5 principal questions have a weighting of 3
- 5 principal questions have a weighting of 4
- 1 principal question has a weighting of 5.

Table 2: ADlogic Questionnaire Weightings

Question	Weighting	Question	Weighting
1	4	12	3
2	4	13	3
3	5	14	1
4	4	15	2
5	2	16	3
6	2	17	2
7	4	18	2
8	4	19	1
9	1	20	1
10	3	21	1
11	3		1

- 6. The supplementary questions are not weighted.
- 7. It is proposed that question 3, which elicits information from States Parties about the measures they have adopted to prevent the trafficking of prohibited substances, is the only one given a weighting of five. The rationale for this approach is that measures to

counteract the production, movement, importation, distribution and supply of performance enhancing drugs are fundamental to the fight against doping in sport. This is one area within the remit of Governments where they can have a pronounced impact. Moreover, previous responses of States Parties to the *ADLogic* questionnaire show that this is an area that has been afforded a high degree of priority.

- 8. The introduction of measures to ensure that nutritional supplements do not contain prohibited substances (question 7) has been prioritized with a weighting of four. Restricting the availability and use in sport of prohibited substances and methods (questions 2 and 4) and Government funding of a national testing programme (question 8) have the same weighting.
- 9. The ADLogic system places less emphasis on undertaking anti-doping research (question 20). While research is important in expanding the evidence-base underpinning the fight against doping in sport, it is not critical to international efforts at this stage. Moreover, the ability to undertake such research may reflect the financial resources at the disposal of individual States Parties rather than their commitment to anti-doping.
- 10. A low weighting is proposed for question 9, which seeks to identify if there are any measures that prevent international-level athletes being subject to doping controls by WADA or other duly authorized anti-doping organizations. While this is an important provision, a weighting of one is justified on the basis that only eight percent of States Parties reported at the last Conference of Parties as having strict immigration arrangements. The limited numbers suggest that this issue could be better managed on an exceptional basis that the UNESCO Secretariat and WADA work with the relevant States Parties to remove any impediments.
- 11. The following articles of the Convention, and the questions that correspond to them, also have low weightings:
 - Article 19.1 education and training of the sporting community (question 14)
 - Article 20 professional codes of conduct (question 19)
 - Article 27 sport science research (question 21).

Benchmarks

- 12. The *ADLogic* system allows the UNESCO Secretariat to set separate benchmarks for each question. The purpose of these benchmarks is to specify a minimum standard or threshold that a State Party is expected to meet in order to achieve compliance with the relevant article of the Convention.
- 13. These benchmarks are values from zero to 10 and are presented as a numerical range. For example, it is proposed that the standard benchmark is 5.8 to 6.8. Any score within this range, or above, is deemed to represent compliance with the relevant article of the Convention.
- 14. The proposed standard benchmark should be challenging, yet achievable. It should recognize good practice in the fight against doping in sport, whilst ensuring that any State Party can meet the benchmark (regardless of the financial resources at their disposal).
- 15. Setting the benchmark too low, making it easy for a State Party to achieve compliance with the Convention, would not help to advance the fight against doping in sport. It would also be open to criticism from the Sports Movement. Compliance monitoring of Government should be comparable to the compliance monitoring of signatories to the Code. Any difference in standards could undermine the partnership between the Sports Movement and Governments, which is fundamental to international anti-doping efforts.
- 16. Setting the benchmark too high, resulting in a small number of States Parties achieving compliance with the Convention, could also have negative consequences. Only States Parties with sophisticated, and potentially long-term, anti-doping programmes might achieve compliance. This would represent a backwards step. It would be akin to the situation prior to the development of the Convention, where developed counties (predominantly those from Western Europe) were the main protagonists in the fight against doping in sport.
- 17. Moreover, failure to achieve compliance could dissuade some States Parties from engaging in anti-doping activities and from submitting reports to the Conference of Parties in accordance with Article 31 of the Convention.

Proposed benchmarks

- 18. As discussed above, it is proposed that the standard benchmark for the revised ADLogic questionnaire is 5.8 to 6.8. However, there are several questions where lower or higher benchmarks could be considered. The following benchmarks are recommended for the revised questionnaire:
 - For question 1 the benchmark is 6.0 to 7.0

- For question 3 the benchmark is 6.5 to 7.8
- For question 8 the benchmark is 6.0 to 7.0
- For question 16 the benchmark is 6.5 to 7.8
- For question 20 the benchmark is 1.5 to 2.5
- For question 21 the benchmark is 4.0 to 5.0
- 19. Question 3 is given a moderate to high benchmark (6.5 to 7.8) because of the importance placed on measures against the trafficking of prohibited substances.
- 20. It is proposed that question 8 is given a benchmark of 6.0 to 7.0. This benchmark seeks to recognize the importance of Government funding of a national testing programme.
- 21. A benchmark of 6.5 to 7.8 is proposed for question 16. This question concerns the provision of anti-doping information to, and the development of education and training programmes for, international-level athletes. At a minimum, international level-athletes should be provided with annual information about (any changes to) the Prohibited List and participate in periodic education and training programmes which inform them of their rights and obligations under the Code and as well as doping control procedures. Most States Parties provide this type of education to all or almost of their international-level athletes. Moreover, 70 per cent report doing so annually at the Fourth Session of the Conference of Parties.
- 22. The rationale for proposing a low benchmark for question 20 is that anti-doping research is not critical to the fight against doping in sport at this stage, and that few States Parties are undertaking such research. Moreover, research questions in the current *ADLogic* questionnaire have received comparable treatment since the inception of the monitoring framework.
- 23. The proposed benchmark for question 21 is 4.0 to 5.0. While Article 27 of the Convention is important, the benchmark is justified on the basis that sports science research is conducted on a relatively small-scale. However, the UNESCO Secretariat may wish to monitor, and potentially revisit benchmark for this question, if there was further evidence of the misapplication of sport science to facilitate doping in sport.⁵

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⁵ In 2013, a sport scientist and Director of the Medical Rejuvenation Clinic was the subject of an investigation by the Australian Crime Commission, and subsequently the Australian Sports and Anti-Doping Authority, into the sale and supply of 'peptides' to international and national-level athletes.

Combined Impact of Benchmarks and Weightings

24. While there is no direct relationship between the benchmark and the weighting applied to a particular question, the combination of these assessment tools can impact on the overall compliance level of a State Party. The three basic scenarios are outlined below, with practical examples from the revised questionnaire, and the expected impact on overall compliance.

Low weighting and low benchmark

- 25. It is proposed that questions 20 and 21 in the revised questionnaire are given low weightings and a lower compliance threshold (1.5 to 2.5 and 4.0 to 5.0 respectively) than the standard benchmark.
- 26. Question 20 seeks to ascertain whether a State Party has funded any anti-doping research. Question 21 elicits information from States Parties about the measures they have adopted to ensure that any sport science research conducted by sports organizations, and the subsequent application of this sport science, is consistent with the principles of the Code.
- 27. The combined effect of the low weightings and benchmarks is that a State Party can easily fulfill the benchmark requirements for these questions, however, if they fail to do so there will be little impact on their overall compliance with the Convention.

Moderate weighting and moderate to high benchmark

- 28. It is proposed that question 16 is given a weighting of three and a moderate to high benchmark (6.5 to 7.8). This question seeks information about the proportion of international-level athletes that receive annual anti-doping information and participate in periodic education and training programmes.
- 29. The effect of the moderate weighting and moderate to high benchmark is that a State Party may find it relatively challenging to fulfill the benchmark requirements for this question. However, if a State Party fails to meet the benchmark for this question, it will not have an overly adverse impact on their overall compliance with the Convention.
- 30. It is expected that the vast majority of States Parties will be able to meet the proposed benchmark. The report drafted by the UNESCO Secretariat for the Fourth Session of the Conference of Parties on the measures taken by States Parties for the purposes of complying with the Convention, indicated that 89 percent of States Parties have provide anti-doping education and training programmes to international-level athletes.

Moreover, 70 per cent of States Parties provide these anti-doping education and training programmes on an annual basis.

High weighting and moderate to high benchmark

- 31. It is proposed that question 3, which elicits information from States Parties about the measures they have adopted to prevent the trafficking of prohibited substances, is given the highest weighting (five) and also a moderate to high benchmark (6.5 to 7.8).
- 32. The combined effect of the weighting and benchmark is that a State Party may find it more difficult fulfill the benchmark requirements for this question, and if they fail to do so it will negatively impact on their overall compliance with the Convention.
- 33. This situation is expected to impact on a limited number of States Parties. The report drafted by the UNESCO Secretariat for the Fourth Session of the Conference of Parties on the measures taken by States Parties for the purposes of complying with the Convention, indicated that 20 States Parties have yet to introduce appropriate measures to combat trafficking. It is feasible these States Parties will have taken steps to address this problem and that this number will have diminished in the intervening two years between sessions of the Conference of Parties.

Compilation of National Compliance Reports

- 34. One of the defining features of the *ADLogic* system is its ability to generate automated reports in the six official languages of UNESCO. The following section explains how these reports can be compiled utilizing the revised questionnaire.
- 35. Table 3 (below) outlines the relationship between the various articles of the Convention and each of the questions in the revised questionnaire. As with the current *ADLogic* questionnaire, the majority of questions can be grouped under one of the four thematic areas contained in the Convention:
 - · national anti-doping activities
 - international cooperation
 - · education and training
 - research.

Table 3: Compilation of National Compliance Reports

National anti-doping activities

Convention Article	ADLogic questions
Article 8	2, 3, 3.1, 3.2, 3.3, 3.4 and 4
Article 9	5 and 6
Article 10	7 and 7.1
Article 11	8, 10 and 11
Article 12	8.1, 8.2 and 8.3

International cooperation

Convention Article	ADLogic questions
Article 13	12 and 12.1 [Score for "Sharing information useful in the fight against doping in sport"]
Article 16	9, 12.1 [Score for "Undertaking reciprocal testing or contract testing"], 13 and 1631

Education and training

Article	ADLogic questions
Article 19	14, 15 and 15.1
Article 20	19 and 19.1
Article 21	15.2
Article 22	15, 16, 17 and 18
Article 23	12.1 [Score for "Sharing information or expertise about effective anti-doping programmes"]

Research

Article	ADLogic questions
Article 24	20 and 20.1
Article 25	20.2 and 20.3
Article 26	12.1 [Score for "Sharing research or sports science"]
Article 27	21

Overall compliance

	ADLogic questions
Overall compliance	1

36. Responses to the supplementary questions also have an important role to play in determining compliance with the Convention. These can be complied as outlined above.

Report Format

- 37. It is recommended that the UNESCO Secretariat retain the same report format currently used to present States Parties' compliance with the Convention.
- 38. The report format presents the level of compliance of a State Party with respect to each of the operative articles of the Convention. Compliance is measured along a continuum ranging from limited to high.
- 39. The national compliance report contains two figures. A pie chart (Figure 1) is used to present a summary of responses, indicating the number of questions where the relevant State Party was deemed to be "Fully Compliant", "Partly Compliant", or "Non-compliant." Non-responses are also recorded.
- 40. The second figure presents an overall measure of the compliance of a State Party with the Convention. This is determined by a series of mathematical logarithms which aggregate the scores from each of the questions in the *ADLogic* questionnaire and the weightings attached to these questions. The figure consists of a performance bar where the overall compliance level of a State Party is plotted against the UNESCO benchmark. A yellow bar indicates that the government has achieved the UNESCO benchmark, whereas a red bar indicates that it is outside of the desired range. This figure also plots the results from the Second, Third and Fourth Sessions of the Conference of Parties.
- 41. While it is recommended that the UNESCO Secretariat make significant amendments to the *ADLogic* questionnaire, this will impact on the comparability of *ADLogic* data. State Party compliance determined utilizing the revised questionnaire would not be comparable to the results from previous sessions of the Conference of Parties.
- 42. If the proposed changes to the *ADLogic* questionnaire are implemented, Figure 2 of the national compliance reports should be reset. In other words, the results from the Second, Third and Fourth Sessions of the Conference of Parties should be removed. There would be limited explanatory value in presenting these results alongside data generated using the revised questionnaire. The proposed changes to the questions and weightings would render any comparison meaningless.
- 43. Previous results for each of the operative articles of the Convention, grouped under the four thematic areas, should also be reset on the same basis.

Annex 2

Full report available online in English and French

Executive Summary

- 1. The Expert was commissioned by the UNESCO Secretariat to assess and review the Anti-Doping Logic ("ADLogic") system which is used to monitor the compliance of States Parties with the International Convention against Doping in Sport ("the Convention").
- 2. We were asked to examine a range of documents, research materials and data provided by the UNESCO Secretariat in order to assess the relevance of the current ADLogic questionnaire. This included an impact analysis and the identification of any gaps or inconsistencies in the monitoring framework. In completing this task, Politique has concluded that the current ADLogic questionnaire is outdated and wholesale amendments are required.
- 3. There have been a number of significant developments in the fight against doping in sport since the Convention, and current *ADLogic* questionnaire, were drafted. In particular, the *World Anti-Doping Code* ("the Code") has been amended on two occasions since the Convention was adopted by the UNESCO General Conference in 2005, and entered into force in 2007. The fight against doping in sport has also developed and progressed since that time. Ongoing monitoring of compliance with the Convention, and additional research into the implementation of key obligations, has shed further light on anti-doping activities undertaken by States Parties. As a result of these developments, some aspects of the *ADLogic* questionnaire are no longer relevant, or refinements are needed to reflect current anti-doping practice.
- 4. The second component of this project was to propose relevant amendments to the *ADLogic* questionnaire based on the above findings. In fulfilling this requirement, *Politique* has submitted a revised questionnaire with 21 principal questions, and 17 supplementary questions. These questions better reflect the obligations set forth in the Convention. They also account for good practice in the fight against doping in sport.
- 5. Changes to the ADLogic system, including new weightings and benchmarks, are proposed to support the revised questionnaire. These amendments can be readily incorporated into the ADLogic system, whilst retaining the current national compliance report format. However, State Party compliance, determined utilizing the revised questionnaire, would not be comparable to the results from previous sessions of the Conference of Parties.

Purpose

6. The purpose of this report is to assess and review the *ADLogic* system which is used to monitor the compliance of States Parties with the Convention.

Background

- 7. The *ADLogic* system is the primary tool to monitor compliance with the Convention. It has two principal components: (1) an online interface which contains the *ADLogic* questionnaire; and (2) a purpose-built assessment tool which analyses the data provided by States Parties utilizing a series of mathematical logarithms and fuzzy logic.
- 8. The questionnaire seeks to elicit information from States Parties concerning the actions they have taken to comply with the obligations set forth in the Convention. The competent national authorities of a State Party are requested to complete this online questionnaire every two years in one of the official languages of UNESCO.
- 9. The ADLogic assessment tool produces a national compliance report for each State Party that submits a complete questionnaire.⁶ These reports, available in each of the six official languages of UNESCO, are presented to the Conference of Parties to the International Convention against Doping in Sport ("the Conference of Parties") through the UNESCO Secretariat.
- 10. Accordingly, the *ADLogic* system provides the means by which States Parties forward to the UNESCO Secretariat all relevant information concerning the measures taken by them for the purpose of complying with the provisions of the Convention as required by its Article 31.⁷

Scope

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- 11. The Expert was commissioned by UNESCO to review a range of documents, research materials and data in order to assess and review the *ADLogic* system. The Terms of Reference developed by UNESCO for this project were to:
 - Review and assess the *ADLogic* system used in the monitoring of the Convention: since its implementation. What are the gaps and inconsistencies to be addressed?
 - Provide an impact assessment on compliance obligation of States Parties, in particular with key focus on (a) nutritional supplements; (b) trafficking; and (c) Governments' measures adopted and the type of nature of national monitoring put in place to address nutritional supplements and trafficking challenges against the provisions of the Convention.
 - Propose changes for inclusion of questionnaire, taking into account the results of

⁶ Territories of States Parties are strongly encouraged to complete the *ADLogic* questionnaire, however, these results are not included in the final results of the parent State Party.

⁷ States Parties may provide additional information in the form of written reports and documents to supplement their responses, however, the provision of such information does not obviate the need to complete the questionnaire.

- the above, and key provisions of the new WADA Code (2015) emphasizing intelligence, investigation and data sharing.
- Draft consequently the complete set of the questionnaire in line with the abovementioned requirements and propose to UNESCO the final finding, prototype of the questionnaire, its architecture, weighting and benchmark to be articulated in the algorithm of the ADLogic system.

Limitations

- 12. The Expert was not required, and nor have we attempted, to undertake any additional quantitative or qualitative research to inform the analysis and assessment of the *ADLogic* system. We have drawn on a range of documents, research materials and data provided by the UNESCO Secretariat. This analysis is, therefore, constrained by available information, which is limited in a number of significant respects.
- 13. Ideally, a comprehensive assessment and review would involve the triangulation of results through an extensive review of the background documents, discussions with relevant stakeholders and interviews with a small sample of competent national authorities.
- 14. Interviews with representatives of competent national authorities and National Anti-Doping Organizations (NADOs) would provide useful information about the relevance of the ADLogic questionnaire. Given the subjective nature of the question and answer format, it may have been useful to test how respondents interpret each question, and the range of possible answers, to ensure that the intended meaning is clear and understood by a sample of stakeholders.
- 15. The Expert was also not required, and nor have we attempted, to enter into discussions with the World Anti-Doping Agency (WADA). This private organization is responsible for devising and implementing a monitoring system to measure compliance with the World Anti-Doping Code ("the Code"). It is recommended that the UNESCO Secretariat shares the revised *ADLogic* questionnaire with WADA so as to identify any synergies or potential overlaps between the *ADLogic* and *WADALogic* compliance monitoring systems.

Assessment

- 16. The first component of this project was to assess the ADLogic system. There were two key aspects to this assessment: (1) the identification of any gaps or inconsistencies in the monitoring framework; and (2) an impact analysis of the measures adopted by Governments to address nutritional supplements and the trafficking of performance enhancing drugs in particular.
- 17. The current *ADLogic* questionnaire was introduced in 2009 to allow States Parties to report to the Second Session of the Conference of Parties on the measures taken by them to comply with the Convention. However, there have been a number of significant developments in the fight against doping in sport since that time. In particular, the Code

has been amended on two occasions. These changes have the potential to create inconsistencies or gaps in the *ADLogic* questionnaire. The fight against doping in sport has also developed and progressed. Anti-doping practices and priorities have changed as new issues emerged and others have been effectively resolved.

- 18. Contamination of nutritional supplements with performance enhancing drugs is a problem that has magnified since the Convention was drafted and entered into force in 2007. To some extend this was anticipated by Governments. One of the key differences between the Convention and the *Anti- Doping Convention 1989* developed by the Council of Europe, was the attention given to nutritional supplements. This was in recognition of the growing number of anti-doping rule violations under the Code resulting from athletes taking supplements that contain prohibited substances. Several studies have shown that common supplements available in a number of countries contain prohibited substances, including stimulants, hormones, pro- hormones and anabolic androgenic steroids. It is estimated that 10-20 per cent of these products may be contaminated (Schanzer 2002, Geyer et. al. 2004).
- 19. Since the Convention was adopted a number of countries have taken steps to make the trafficking of performance enhancing drugs an offence. Despite these legal prohibitions, the BALCO and Operation Puerto cases emphasized the need for further action. Revisions to the Code, which entered into force in 2009, significantly broadened the scope of the fight against doping in sport to encompass efforts to curtail the production, movement, importation and distribution and supply of performance enhancing drugs. It also drew attention to the compliance of Government with Article 10 of the Convention. Monitoring the enforcement actions of States Parties to address the trafficking of performance enhancing drugs has assumed greater importance.

Compliance of States Parties

20. In assessing the impact and effectiveness of the *ADLogic* questionnaire it is important to consider the response rates of States Parties as well as the results.

- 21. Completion of the *ADLogic* questionnaire by States Parties remains satisfactory. A total of 105 States Parties had completed the questionnaire by July 2013, allowing their responses to be analyzed and submitted to the Fourth Session of the Conference of Parties. This represented a response rate of approximately 60 per cent.
- 22. Ideally, a higher response rate is desired, however, the percentage of States Parties completing ADLogic questionnaire has risen at each session of the Conference of Parties. Moreover, steps have been taken to increase the response rate. At its Third Session, the Conference of Parties resolved that States Parties would be ineligible to receive assistance under the Fund for the Elimination of Doping in Sport if they had failed complete the ADLogic questionnaire for the previous biennium. The Fifth Session

⁸ Schanzer, W. (2002). *Analysis of Non-Hormonal Nutritional Supplements for Anabolic-Androgenic Steroids - An International Study* and Geyer, H et. al. (2004) 'Analysis of non-hormonal nutritional supplements for anabolic-androgenic steroids – Results of an international study, *International Journal of Sport Medicine*, 2004, no. 25: pp. 124-129.

of the Conference of Parties, subject to the response rate, could consider further measures.

- 23. The compliance levels of States Parties have also increased at each session of the Conference of Parties. In 2011, at the Third Session, 47 per cent of States Parties were deemed to be in compliance with the Convention. At the Fourth Session in 2013, this number had increased to 67 per cent. Significant gains were made across the six regional groupings. Both of these results represented considerable improvement and they provide evidence of Government commitment to anti-doping.
- 24. This data also suggests that the *ADlogic* system is working effectively. In particular, that overall compliance benchmark has been set at an appropriate level. Ideally, this benchmark should be challenging, requiring concerted effort by States Parties, yet achievable. The growing levels of compliance over the years may indicate that this balance has been struck.
- 25. There are areas of the Convention where Governments have been particularly active. For example, approximately 81 per cent of States Parties that submitted reports for the Fourth Session of the Conference of Parties have introduced measure to combat the trafficking of prohibited substances. International cooperation in the fight against doping in sport was also high, with 87 per cent of States Parties reporting extensive or substantial cooperation between jurisdictions and anti-doping organizations.
- 26. International harmonization, one of the overarching objectives of both the Convention and the Code, has largely been achieved in key areas. Approximately 98 per cent of States Parties recognize the test results of other anti-doping organizations and 95 per cent recognize any sanctions imposed for anti-doping rule violations. This represents a significant advance in the fight against doping in sport.
- 27. A number of Governments have also delivered on their commitment to educate international-level athletes about the harm associated with doping in sport. Approximately 48 per cent of States Parties provide education and training programmes for all their international-level athletes. A further 41 per cent do so for "almost all" of this cohort. For 70 per cent of States Parties, this commitment is carried out annually. However, not all topics of relevance to international-level athletes are covered. Only 60 per cent of States Parties provide information about nutritional supplements.
- 28. These results suggest that the UNESCO Secretariat could consider raising the benchmark for any questions relating to the provision of information, education and training programmes for international-level athletes. A higher benchmark might encourage States Parties to do more, without having a significant impact on compliance rates.
- 29. Education of the wider sporting community is limited. Only seven per cent of States Parties that submitted reports for the Fourth Session of the Conference of Parties had developed education and training programmes directed at general sporting population.
- 30. Anti-doping research is another area that has been afforded a lower priority by States Parties. Approximately 58 per cent of States Parties have undertaken, or provided

- support for, research. The main focus of these activities has been on behavioral or social aspects of doping in sport and prevention.
- 31. The limited scale of anti-doping research suggests that the weighting and benchmark in the *ADLogic* questionnaire should remain low. Education of the wider sporting community could also be afforded similar treatment.

Gaps and Inconsistencies

- 32. Review of the *ADLogic* questionnaire has identified several gaps or inconsistencies between the monitoring framework and current anti-doping practice. Several questions focused on issues that are within the purview of NADOs rather than Governments *per* se. It was also apparent that the questionnaire had not been amended to take into account changes made to the Code in 2009.
- 33. Article 2 of the Code was amended in 2009 to extend a number of anti-doping rule violations to athlete support personnel alongside athletes. The current *ADLogic* questionnaire was drafted prior to, and it was not amended after, this to change. Therefore, it is proposed that the *ADLogic* questionnaire is revised to include references to "athlete support personnel." This applies specifically to measures to prevent the trafficking of prohibited substances to, as well as those to prevent and restrict the use and possession of prohibited substances and methods by, athlete support personnel.
- 34. Part of question 10 of the current *ADLogic* questionnaire seeks to ascertain whether sports organizations undertake doping controls consistent with the Code. Due to developments in the fight against doping in sport this question is now inaccurate. Undertaking doping controls is a function that is now restricted to NADOs and other signatories to the Code. Monitoring of NADOs compliance with the Code rests with WADA.
- 35. Question 12 of the current *ADLogic* questionnaire, concerning access to a WADA accredited laboratory, is less relevant now than when the Convention was drafted. At that time there were a limited number of WADA accredited laboratories and the majority of these were located in Western Europe. There are now 32 WADA accredited laboratories located in most parts of the world and several other laboratories have expressed interest in entering the WADA accreditation process.⁹
- 36. Moreover, this question places emphasis on sports organizations having access to WADA accredited laboratories for the analysis of doping control samples. The phrasing of this question is now inaccurate following amendment of the Code. WADA accredited laboratories can only accept doping control samples from signatories of the Code. Accordingly, it is recommended that question 12 is removed from the *ADLogic* questionnaire.

⁹ Group V (b) is the only region (based on UNESCO's six electoral regions) currently without a WADA accredited laboratory, however, there is a WADA approved laboratory in Qatar.

- 37. Question 15 of the current ADLogic questionnaire elicits information about the measures taken by States Parties to facilitate the timely shipping of doping control samples and to ensure their integrity during shipping. This question appears less relevant than when the Convention was being drafted. Increased access to WADA accredited laboratories might have solved some of the shipping issues. Moreover, the phrasing of this question implies that the shipping of doping controls should take precedence over restrictions on the handling of biohazards or security measures. However, doping control samples should be treated in a manner consistent with accepted good practice for the handling of biological samples.
- 38. On occasion, WADA has encountered difficulties with the movement of Doping Control Officers and the transportation of doping control samples they have collected. These events are exceptional in nature and should be viewed as a deliberate attempt to undermine the integrity of the doping control process. Accordingly, they warrant detailed investigation. Tampering or attempted tampering with any part of the doping control process is an anti-doping rule violation under Article 2.5 of the Code. Moreover, WADA's powers to establish an independent commission to carry out investigations are the most effective mechanism to deal with these issues.
- 39. The current ADLogic questionnaire includes a question (16) about the coordination of international doping controls and a supplementary question (16.1) about the use of the ADAMS system developed by WADA. It is recommended that these questions are removed from the ADLogic questionnaire because the coordination of international doping controls is the responsibility of NADOs and other signatories to the Code. Use of ADAMS to facilitate these doping controls and to share other information between anti-doping organizations is within the purview of WADA.

Trafficking of Prohibited Substances

- 40. A number of States Parties report having adopted extensive or substantial measure to tackle the trafficking of performance enhancing drugs. However, until recently there was limited information on the effectiveness of these provisions. Moreover, data on any enforcement actions taken was either not collected, or shared with international agencies. The absence of this data made it difficult to determine the priority afforded by law enforcement agencies to tackling this problem. It also made it difficult to quantify the scale of international trafficking of performance enhancing drugs.
- 41. UNESCO and WADA commissioned research to address this particular information deficit. Research undertaken by Loughborough University provided detailed information about how a number of States Parties have implemented measures to prevent the trafficking of prohibited substances. This is considered to be one of the most important obligations set forth by the Convention. Several amendments to the *ADLogic* questionnaire are proposed based on the findings of the research.
- 42. The Loughborough University study found that many States Parties rely on powers from existing legislation, including for example, general drugs or customs legislation, to tackle the trafficking of prohibited substances. Moreover, law enforcement agencies in States Parties that relied on these legal frameworks tended to give a lower operational priority to performance enhancing drugs. Illicit drugs, such as narcotics, stimulants and cannabis, were their primary focus.

- 43. States Parties that had enacted specific anti-doping legislation, targeted at performance enhancing drugs, were more active in tackling trafficking. In a number of jurisdictions responsibility was split between NADOs to launch an initial investigation and traditional law enforcement agencies. However, it was typically police that made the final decision as to whether or not to take a prosecution.
- 44. Based on this finding it is feasible that reliance on existing legislative frameworks (for example, those covering illicit/recreational drugs, medicines, pharmaceuticals, public health or sports) remains the principal mechanism taken by some State Parties to abide by the obligations contained in the Convention. Accordingly, it is proposed that this option is listed as a possible response to question 1. Selection of this option could be interpreted to mean that a State Party has failed to take significant steps to comply with its Convention obligations.
- 45. The Loughborough study found that coverage of the Prohibited List (Annex I of the Convention) was incomplete in a number of countries. Again those States Parties that had specific anti-doping legislation had a comprehensive approach. Those States Parties that drew upon illicit or recreational drugs legislation could only address the trafficking of cannabis, narcotics or simulants.
- 46. Therefore, a supplementary question (3.1) is proposed to identify which substances are the targets of measures against trafficking. Respondents are asked to tick boxes that correspond to the 10 sections of the Prohibited List. Based on the responses provided, substances that are not covered by measures against trafficking could be deemed to indicate limited compliance with the Convention.
- 47. Problems with the implementation of measures against trafficking were also identified by a number of respondents to the Loughborough University research questionnaire. Therefore, a supplementary question (3.4) is proposed, which seeks to identify the extent to which measure against trafficking are utilized by law enforcement agencies and/or the National Anti-Doping Organization.
- 48. Finally, the study found that there was wide variation in the types and descriptions of anti-doping legislation.

"The term 'legislation' varies and the extent of direct equivalence in terms of legal basis is not always clear. For example, some laws are passed by Legislatures while others are referred to as Ministerial resolutions (for example, Cuba), regulations (for example, China) or inter-Ministerial decrees (for example, the Democratic Republic of the Congo), but appear to have similar force in law..." (Houlihan & Garcia, 2012).

49. For the sake of clarity and relevance, it is proposed that the *ADLogic* questionnaire reflects the range of applicable terminology. Several questions have been amended to refer to Ministerial resolutions, regulations or inter-Ministerial decrees.

Nutritional Supplements

- 50. The safety and efficacy of nutritional supplements, and their use by athletes, remains a significant issue. Under Article 10 of the Convention, governments are obliged to encourage producers and distributors of dietary or nutritional supplements to establish marketing best practices, including information regarding the analytic composition of their products and quality assurance. This provision is intended to deal with problems such as contamination, inaccurate labeling and false marketing.
- 51. The results generated by the *Anti-Doping Logic* system show that governments have made limited progress when it comes to the issue of nutritional supplements. In 2011, almost a quarter of all States Parties had yet to implement any measures in accordance with Article 10 of the Convention. Moreover, question 6 had the lowest rate of compliance in the whole questionnaire. Of the 96 complete questionnaires submitted in 2011, only 11 per cent of States Parties had adopted extensive measures to encourage producers and distributors to establish best practices in the marketing and distribution of nutritional supplements, 32 percent had adopted substantial measures, and 31 percent partial measures. Nevertheless, when this information was compared with the results from 2009, significant progress had been made.
- 52. At the Third Session of the Conference of Parties the UNESCO Secretariat presented a report the outlining the types of measures that States Parties could introduce to address this problem. A range of complementary options were presented, including:
 - Education
 - Self-regulation
 - Testing programmes and controls over the storage and distribution of nutritional supplements
 - Food safety, therapeutic goods, or specific legislation and regulation targeted at nutritional supplements.

The purpose of this advice was to highlight the importance of measures to address nutritional supplements and to prompt further action by States Parties.

- 53. It would, therefore, seem opportune to revise the *ADLogic* to capture the measures put in place by States Parties since 2011. In this regard, question 7 (formerly question 6) has been rephrased so that it elicits information about the measures introduced to ensure that nutritional supplements do not contain prohibited substances. A supplementary question (7.1) seeks further information about whether legislation, Ministerial resolutions, inter-Ministerial decrees or regulations have been adopted to address particular areas of concern. These questions represent a strengthened obligation or compliance standard.
- 54. Given previous difficulties experienced by many States Parties in achieving compliance with this provision, it is recommended that this question is given the standard benchmark (5.8 to 6.8). However, the UNESCO Secretariat may wish to monitor this particular question, with a view to raising the benchmark in the future.

Review

- 55. The second component of this project was to review the *ADLogic* questionnaire and to propose any changes or amendments to address the gaps or inconsistencies outlined above. As part of this exercise, the UNESCO Secretariat called for additional questions to be drafted to take into account the relevant provisions of the revised Code, which entered into force on 1 January 2015. Significant amendments were made by WADA to Article 22 of the Code, which outlines the responsibilities of Governments in the fight against doping in sport.
- 56. In undertaking this review we have endeavored to maintain the overarching structure of the *ADLogic* questionnaire. One feature of the current questionnaire is the inclusion of principal and supplementary questions. These supplementary questions are only asked if respondents respond favorably to the principal question. This was designed to speed up the reporting process and to ensure that the questions are as relevant as possible to individual States Parties. These supplementary questions elicit further information, which allows for a more detailed assessment of compliance, and in some instances may also help to validate the response to the principal question.
- 57. Where possible, we have sought to apply a consistent approach to the phrasing of new or amended questions. Accordingly, a number of questions seek to ascertain the *extent* to which States Parties have adopted particular measures to comply with the obligations set forth by the Convention. This is a linguistic tool which invites respondents to critically reflect on the impact of the measures implemented. The framing of questions in this way also seeks to account for the permissive nature of the Convention.
- 58. Another objective of the review has been to avoid adding to the overall length of the *ADLogic* questionnaire. Previously, some States Parties expressed concerns about the length of time required to complete the questionnaire. However, this has to be balanced against the need to collect all relevant information concerning the measures taken by States Parties for the purpose of complying with the provisions of the Convention as required by Article 31.

New or Amended Questions

- 59. As discussed earlier, research undertaken by Loughborough University found that coverage of the Prohibited List (Annex I of the Convention) was incomplete in a number of countries. Therefore, a supplementary question (3.1) is proposed to identify which substances are the targets of measures against trafficking.
- 60. Respondents are asked to tick boxes that correspond to the 10 different sections of the Prohibited List. Based on the responses provided, substances that are not covered by measures against trafficking could be deemed to indicate limited compliance with the Convention. The proposed scoring of this question emphasizes measures against

performance enhancing drugs versus cannabinoids, narcotics and stimulants which are the target of illicit/recreational drug legislation.

- 61. The Loughborough University study also identified problems with the implementation of measures against trafficking. Another supplementary question (3.4) is proposed, which seeks to identify the extent to which measure against trafficking are utilized by law enforcement agencies and/or the National Anti-Doping Organization.
- 62. It is proposed that two separate questions elicit information about the measures taken to sanction athlete support personnel involved in doping in sport. Question 5 elicits information about the measures taken to allow the National Anti-Doping Organization to sanction athlete support personnel as a consequence of an anti-doping rule violation under the Code. Question 6 is broader, allowing for sanctions to be imposed by another body, such as a professional association or peak body.
- 63. Questions pertaining to Article 10 of the Convention, the marketing and distribution of nutritional supplements, have been significantly strengthened. Question 7 elicits information about the extent to which measures have been introduced to ensure that nutritional supplements do not contain prohibited substances. A supplementary question (7.1) asks whether specific legislation or regulations have been enacted covering nutritional supplements.
- 64. It is proposed that questions around anti-doping information, education and training programmes are condensed. The current questionnaire asks a comparable series of questions for each of the following groups: international-level athletes; national-level athletes; athlete support personnel; and athletes among the general population. This has the potential to create confusion among respondents and adds to the overall length of the questionnaire. State Parties have previously raised issues over the 'duplication' of questions they had not observed the differentiation between athlete groups. Moreover, these questions are more likely to be incomplete impacting on the overall return rate for the compliance questionnaire.
- 65. A number of other questions have been redrafted or changes made to improve the phrasing of the question. The next section presents the revised questionnaire.

Questions to Monitor the Involvement of Governments under Code

66. The latest iteration of the Code, which entered into force on 1 January 2015, contains new provisions regarding the involvement of Governments in the fight against doping in sport. Potentially, the *ADLogic* system could include questions relating to these articles of the Code, so that all facets of Government's engagement in the fight against doping

- in sport are included in the same mechanism. This has the added benefit of reducing repetition by removing an additional layer of compliance reporting.
- 67. However, reporting by States Parties would be strictly voluntary. Governments are not bound by the Code, and under Article 3(a) of the Convention, States Parties undertake to adopt "appropriate measures at the national and international levels which are consistent with the principles of the Code principles of the Code." Further, in accordance with Article 4(2), the Code as an Appendix to the Convention does not create any binding obligations under international law for States Parties.
- 68. Following the completion of the *ADLogic* questionnaire, governments could be invited to provide voluntary information about the actions they have taken in relation to the Article 22 of the Code. Table 1 (below) highlights the relevant articles of the Code that could be incorporated in the revised *ADLogic* system.
- 69. Four voluntary questions (and one supplementary question) have been developed to collect information about the actions taken by Governments in relation to the Article 22 of the Code. However, it is recommended that the Fifth Session of the Conference of Parties Conference of Parties adopt a formal decision on whether the *ADLogic* system should be used for this purpose.

Table 1: Questions to Monitor the Involvement of Governments under the Code

Code Article		ADLogic system
Article 22.2	"Each government to put in place legislation, regulation, policies or administrative practices for cooperation and sharing of information with <i>Anti-Doping Organizations</i> and sharing of data among <i>Anti-Doping Organizations</i> as provided for in the <i>Code.</i> "	Voluntary question 1
Article 22.3	"Each government will encourage cooperation between all of its public services or agencies and Anti-Doping Organizations to timely share information with Anti-Doping Organizations which would be useful in the fight against doping and where to do so would not otherwise be legally prohibited."	Voluntary question 2
Article 22.4	"Each government will respect arbitration as the preferred means of resolving doping- related disputes, subject to human and fundamental rights and applicable national law."	Voluntary question 3
Article 22.5	"Each government that does not have a National Anti-Doping Organization in its	Voluntary question 4

	country will work with its National Olympic Committee to establish one."	
Article 22.6	"Each government will respect the autonomy of a <i>National Anti-Doping Organization</i> in its country and not interfere in its operational decisions and activities."	

Recommendations

- 70. It is recommended that the UNESCO Secretariat make significant amendments to the *ADLogic* questionnaire and assessment tool as outlined in this report.
- 71. It is recommended that the UNESCO Secretariat present the revised *ADLogic* questionnaire to the Fifth Session of the Conference of Parties. Further, it is recommended that the Conference of Parties adopt a formal decision on whether the *ADLogic* system should also allow for voluntary reporting against the five questions that relate to the involvement of Governments in the fight against doping in sport under the World Anti-Doping Code.