

ANTI-DOPING ACT, 2025

No. 23



of 2025

ARRANGEMENT OF SECTIONS

PART 1 — *Preliminary*

1. Short title and commencement
2. Interpretation
3. Application of Convention
4. Act binds State
5. Application

PART II — *Establishment and Functions of Botswana National Anti-Doping Organisation*

6. Establishment of Botswana National Anti-Doping Organisation
7. Appointment of Director-General
8. Conditions of service of Organisation
9. Functions of Organisation

PART III — *Board of Directors*

10. Board of Directors
11. Membership of Board
12. Powers and functions of Board
13. Tenure of office
14. Disqualification, suspension and removal from membership of Board
15. Vacation of office
16. Filling of vacancy
17. Remuneration of members

PART IV — *Meetings and Proceedings of Board*

18. Proceedings of Board
19. Disclosure of interest by member
20. Confidentiality

PART V — *Committees of Board*

21. Committees of Board

PART VI — *Offences*

22. Anti-doping rule violation
23. Penalties

PART VII — *Anti-Doping Activities*

24. Therapeutic use exemption
25. Report of violation
26. Powers of entry, search and seizure
27. Powers to test
28. WADA Accredited laboratories
29. Result management process

PART VIII — *General Provisions*

30. Indemnity
31. Offences
32. Appeals
33. Establishment of Anti-Doping Appeals Panel
34. Co-option of experts
35. Proceedings before Appeals Panel
36. Leave to appeal to Court of Arbitration for Sport
37. Regulations

SCHEDULE

An Act to domesticate the United Nations Educational, Scientific and Cultural Organization (UNESCO) International Convention against Doping in Sport, to provide for the powers, duties and functions of the Botswana National Anti-Doping Organisation in line with the UNESCO International Convention Against Doping in Sport, in order to provide a fair and equitable playing environment for all athletes, and to provide for matters connected or incidental thereto.

Date of Assent: 05.11.2025

Date of Commencement: ON NOTICE

ENACTED by the Parliament of Botswana.

PART I — *Preliminary*

Short title and commencement

1. This Act may be cited as the Anti-Doping Act, 2025, and shall come into operation on such a date as the Minister may, by Order published in the *Gazette*, appoint.

Interpretation

2. In this Act, unless the context otherwise requires —
“accredited laboratory” means a World Anti-Doping Agency-accredited laboratory applying test methods and processes to provide evidentiary data for the detection or identification of prohibited substances or prohibited methods on the prohibited list, and if applicable, quantification of a threshold substance in samples of urine and other biological matrices in the context of doping control activities;

- “anti-doping activities” means anti-doping education and information test distribution planning, maintenance of a registered testing pool, managing athlete biological passports, conducting testing, organising analysis of samples, gathering of intelligence and conducting of investigations, processing of therapeutic use exemption applications, result management, monitoring and enforcing compliance with any consequences imposed, and all other activities related to anti-doping to be carried out by or on behalf of an anti-doping organisation, as set out in the Code or in the international standards;
- “anti-doping rule violation” means the act, circumstances or conduct which results in violation of anti-doping rules as laid down under the Code;
- “athlete” means any person who competes in any sport —
- (a) at the international level, as defined by an international federation;
 - (b) at the national level as defined by a national anti-doping organisation; or
 - (c) participates in any competition or event to which this Act applies;
- “athlete biological passport” means the program and methods of gathering and collating data as described in the international standard for testing and investigations and international standard for laboratories;
- “athlete support personnel” means any coach, trainer, manager, agent, team staff, official, medical or paramedical personnel, parent or any other person working with, treating or assisting an athlete participating in, or preparing for sport competition;
- “Board” means the board of directors appointed in terms of section 9;
- “Code” means the World Anti-Doping Code as adopted by the World Anti-Doping Agency;
- “competition” means a single race, match, game or singular sport contest, and for stage races and other sport contests where prizes are awarded on a daily or other interim basis, the distinction between a competition and an event will be provided in the rules of the applicable international federation;
- “Convention” means the UNESCO International Convention Against Doping in Sport, as set out in the Schedule;
- “delegated third party” means a person to which an anti-doping organisation delegates any aspect of doping control or anti-doping education programs including, but not limited to third parties or other anti-doping organisations that conduct sample collection or other doping control services or anti-doping educational programs for the anti-doping organisation, or individuals serving as independent contractors who perform doping control services for the anti-doping organisation, e.g. non-employee doping control officers or chaperones, this does not include the Court of Arbitration for Sport;

- “doping”** means the occurrence of one or more of the anti-doping rule violations set out in Article 2.1 through Article 2.11 of the Code;
- “doping control”** includes all steps and processes from test distribution planning through to ultimate disposal of any appeal and enforcement of consequences, including all steps and processes in between, including but not limited to, testing, investigation, whereabouts, therapeutic use exemptions, sample collection and handling, laboratory analysis, results management, and investigations and proceedings relating to violations of Article 10.14 of the Code;
- “education”** means the process of learning to instill values and develop behaviours that foster and protect the spirit of sport, and to prevent intentional and unintentional doping;
- “event”** means a series of individual competitions conducted together under one ruling body;
- “international event”** means an event or competition where the international Olympic committee, the international Paralympic committee, an international federation, a major event organisation, or another international sport organisation, is the ruling body for the event, or appoints the technical officials for the event;
- “international-level athlete”** means an athlete who competes in sport at the international level, as defined by each international sport federation, consistent with the international standard for testing and investigations;
- “international sport federation”** means an international non-governmental organisation which is responsible for —
- (a) governing a given sport globally; and
 - (b) establishing, applying and enforcing rules concerning the practice of a given sport;
- “international standard”** means a standard adopted by the World Anti-Doping Agency in support of the Code, compliance with an international standard, as opposed to another alternative standard, practice or procedure, which shall be sufficient to conclude that the procedures addressed by the international standard were performed properly;
- “major event organisation”** means the continental associations of national Olympic committees and other international multi-sport organisations that function as the ruling body for any continental, regional or other international event;
- “marker”** means a compound, group of compounds or biological variable that indicates the use of a prohibited substance or prohibited methods;
- “metabolite”** means any substance produced by a biotransformation process;
- “minor”** means a natural person who has not reached the age of 18 years;

- “national anti-doping organisation”** means the entity designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collecting of samples, manage test results and conduct result management at the national level. If this designation has not been made by the competent public authority, the entity shall be the country’s National Olympic Committee or its designee;
- “national event”** means a sport event or competition involving international or national-level athletes that is not an international event;
- “national-level athlete”** means an athlete who competes in sport at the national level, as defined by each national anti-doping organisation, consistent with the international standard for testing and investigations;
- “National Olympic Committee”** means an organisation recognised by the International Olympic Committee;
- “operational independence”** means that —
- (a) Board members, staff members, commission members, consultants and officials of the Anti-Doping Organisation with responsibility for Results Management or its affiliates (e.g. member federation or confederation), as well as any person involved in the investigation and pre-adjudication of the matter cannot be appointed as members or clerks (to the extent that such clerk is involved in the deliberation process or drafting of any decision) of hearing panels of that Anti-Doping Organisation with responsibility for result management; and
 - (b) hearing panels shall be in a position to conduct the hearing and decision-making process without interference from the Anti-Doping Organisation or any third party. The objective is to ensure that members of the hearing panel or individuals otherwise involved in the decision of the hearing panel are not involved in the investigation of, or decisions to proceed with the case;
- “Organisation”** means the Botswana National Anti-Doping Organisation established under section 6;
- “prohibited list”** means the list set out in the Convention identifying the prohibited substances and prohibited methods, and includes any amended list as may be published by the World Anti-Doping Agency from time to time;
- “prohibited method”** means any method described on the prohibited list;
- “prohibited substance”** means any substance or class of substances described on the prohibited list;

“registered testing pool” means a pool of highest priority athletes established separately at the international level by international Federations and at the national level by national anti-doping organisations, who are subject to focused in-competition and out-of-competition testing as part of that international Federation or national anti-doping organisation’s test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.5 of the Code and the international standard for testing and investigations;

“result management” means the process encompassing the timeframe between notification under Article 5 of the international standard for results management, or in certain cases such as atypical finding, athlete biological passport, whereabouts failure, such pre-notification steps expressly provided for under Article 5 of the international standard for results management, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal, where an appeal was lodged;

“sample or specimen” means any biological material collected from an athlete for the purpose of doping control under this Act;

“testing” means the parts of the doping control process involving test distribution planning, sample collection, sample handling and sample transport to the laboratory;

“therapeutic use exemption (TUE)” means an exemption that allows an athlete with a medical condition to use a prohibited substance or prohibited method, but only if the conditions set out in Article 4.4 of the Code and the international standard for therapeutic use exemption are met;

“UNESCO” means the United Nations Education Scientific and Cultural Organisation;

“UNESCO Convention” means the International Convention Against Doping in Sport adopted by the 33rd session of the UNESCO General Conference on 19th October, 2005, including any and all amendments adopted by the states parties to the convention and the conference of parties to the International Convention Against Doping in Sport; and

“World Anti-Doping Agency” means the foundation as set out under Article 2 of the Convention.

Application of Convention

3. The International Convention Against Doping in Sport, 2005, as set out in the Schedule to this Act, including any amendments thereto, shall have force of law in Botswana.

Act binds State

4. This Act binds the State.

Application

5. This Act applies to —

(a) athletes who participate in such capacity in events, competitions and other activities organised, convened, authorised or recognised by the Botswana National Sport Commission, or any affiliate organisation, including any sports clubs, teams, associations or leagues, wherever they are held;

- (b) athlete support personnel who participate in such capacity in events, competitions and other activities organised, convened, authorised or recognised by the Botswana National Sport Commission, or by any affiliate organisation, including any sports clubs, teams, associations or leagues, wherever they are held;
- (c) the Botswana National Anti-Doping Organisation;
- (d) the Botswana National Anti-Doping Organisation Board members;
- (e) national federations;
- (f) manufacturers, importers, stockists, distributors and sellers of products containing prohibited substances or methods; and
- (g) directors, officers and specified employees and delegated third parties and their employees, who are involved in any aspect of doping control.

PART II — Establishment and Functions of Botswana National Anti-Doping Organisation

6. (1) There is hereby established a body to be known as the Botswana National Anti-Doping Organisation.

Establishment of Botswana National Anti-Doping Organisation

(2) The Organisation shall consist of a Director-General and such other officers of the Organisation, as may be necessary for the proper performance of the functions of the Organisation.

(3) The Organisation shall be a public office, and accordingly the provisions of the Public Service Act shall apply with necessary modification to the Organisation and the officers thereof in accordance with the Code.

(4) Subject to the provisions of this Act, the Organisation shall not, in the performance of its functions, be subject to the direction or control of any other person or authority in accordance with the Code.

7. (1) The Minister shall, on the recommendation of the Board, appoint the Director-General of the Organisation on such terms and conditions as it may be specified in the instrument of appointment.

Appointment of the Director-General

(2) A person appointed as a Director-General shall hold office for a five-year renewable term or until he or she attains the age of 60 years, whichever is the earlier.

(3) A person holding the office of the Director-General may be removed from office for —

- (a) inability to perform the functions of his or her office, arising from infirmity of body, mind or any other cause;
- (b) incompetence; or
- (c) gross misconduct.

(4) The Director-General shall be responsible for the operational functions of the organisation.

- (5) The Director-General shall —
- (a) subject to such directions on matters of policy as may be given by the Board, be responsible for the —
- (i) efficient administration and day-to-day management of the affairs of the Organisation, including but not limited to —
 - (aa) education and awareness,
 - (bb) research,
 - (cc) testing,
 - (dd) investigations,
 - (ee) result management,
 - (ff) providing administrative support to Board Committees, and
 - (gg) facilitate processing of therapeutic use exemption applications,
 - (ii) organisation and management of the employees of the Organisation,
 - (iii) management of the funds, assets, liabilities and business of the Organisation, and
 - (iv) execution of the decisions of the Board; and
- (b) report directly to the Board.

Conditions
of service of
Organisation

8. (1) The Director-General may, in consultation with the Board, determine such conditions of service of the Organisation, setting out the terms and conditions for the appointment of officers and support staff.

(2) The conditions of service determined under subsection (1) may provide for —

- (a) the designation and grades of officers and support staff;
- (b) the scale of salaries and allowances of officers and support staff; and
- (c) the promotions, resignations and termination of appointments of officers and support staff.

Functions of
Organisation

9. The function of the Organisation shall be to —

- (a) provide expert advice to Government on issues relating to anti-doping;
- (b) develop procedures and processes to implement its mandate;
- (c) plan, coordinate, implement, monitor and advocate for improvements in doping control;
- (d) cooperate with other relevant national organisations, agencies and other anti-doping organisations from other countries;
- (e) encourage reciprocal testing between national anti-doping organisations;
- (f) conduct results management of anti-doping rule violation;
- (g) ensure maintenance of a registered testing pool;
- (h) manage athlete biological passports;
- (i) promote anti-doping research;
- (j) carry out investigation, organise analysis of samples;
- (k) facilitate processing of therapeutic use exemption applications;
- (l) enforce anti-doping rules by exercising authority over athletes, athlete support personnel and other persons, including national sporting associations or federations and other sport organisations that fall under the authority of the Organisation;

- (m) where funding is provided, recommend to withhold funding from an athlete, an athlete support personnel, team or other person where the athlete, athlete support personnel, team or other person is ineligible to compete as a result of a violation of anti-doping rules;
- (n) pursue all potential anti-doping rule violations within the organisation's authority including investigation into whether athlete support personnel or other persons may have been involved in each case of doping and to ensure proper enforcement of consequences;
- (o) plan, implement and monitor anti-doping information and education programs;
- (p) ensure that there is compliance with the requirements of the world anti-doping code and the International Convention Against Doping in sport; and
- (q) prepare periodic reports to UNESCO and WADA on decisions and activities relating to anti-doping.

PART III — *Board of Directors*

10. There shall be a Board of Directors for the Organisation which shall be the oversight body of the Organisation.

Board of
Directors

11. (1) The Board shall consist of seven members appointed by the Minister and shall represent a wide spectrum of knowledge and stakeholders with interest in integrity in sport.

Membership
of Board

(2) In appointing the members of the Board, the Minister shall select persons who have experience of not less than ten years in one or more of the following skills or professions, and must be independent from government and sporting bodies —

- (a) law;
- (b) sport management;
- (c) sports administration and participation;
- (d) intelligence and investigation;
- (e) law enforcement;
- (f) ethics and integrity;
- (g) complementary therapy or traditional medicine;
- (h) doping control;
- (i) high performance sport;
- (j) healthcare professions;
- (k) sport science and medicine;
- (l) anti-doping;
- (m) education and learning;
- (n) research;
- (o) policy development
- (p) public administration;
- (q) arbitration, mediation or other dispute resolution; or
- (r) finance or accounts.

(3) The Director-General shall be an *ex-officio* member and shall not vote.

(4) The Minister shall appoint the Chairperson of the Board from amongst the members.

Powers and
functions of
Board

(5) The Vice Chairperson of the Board shall be elected by the members from amongst their number.

(6) The Minister shall, within 30 days of the appointments made under this section, by notice in the *Gazette*, publish the appointment of members, specifying the dates of their appointment and the period for which they are appointed to the Board.

(7) A person who has been appointed as a member of the Board shall not accept, either during his or her term of office or for a period of one year from the date on which he or she ceases to hold office, any employment, in any capacity whatsoever, with any international sports federation or any national sporting association, or with any organisation, body or entity whose matter has been dealt with, directly or indirectly by the Board.

(8) The Minister shall not appoint to the Board, any person who has directly and indirectly, within the previous six years, engaged in conduct which would have constituted an anti-doping rule violation.

12. (1) The Board is responsible for strategic oversight of the Organisation and may request for such information and reports from the Organisation as may be required for ensuring compliance with the provisions of the Act, Convention, Code, and international standards including reports on —

- (a) the activities of the Organisation towards ensuring compliance with the anti-doping rules and standards set out by the World Anti-Doping Agency;
- (b) matters of anti-doping in sports;
- (c) implementation of the adopted anti-doping measures or policies;
- (d) strategic planning of forthcoming anti-doping activities; and
- (e) any other matter which the Board may deem necessary for ensuring the elimination of doping in sport:

Provided that, the Board shall not be involved in the operations of the Organisation in any other manner.

(2) The Board —

- (a) shall provide expert advice to Government on issues relating to doping control;
- (b) may where necessary, create structures to provide expert advice to the Board on anti-doping matters;
- (c) may issue such directions to the Organisation as may be necessary for the effective implementation of the Act, Convention and Code within the scope of their role as an oversight body; and
- (d) shall publish a general statistical report of their doping control activities and also provide a copy of the report to the World Anti-Doping Agency.

Tenure of
office

13. (1) The Minister shall appoint a member of the Board for a period of four years on such terms and conditions as may be specified in his or her instrument of appointment:

Provided that —

- (a) they continue to meet all relevant eligibility criteria; and
- (b) the appointments shall not expire on the same date.

(2) A member of the Board may be considered for re-appointment for a further term not exceeding four years.

14. (1) A person shall not qualify for appointment as a member or continue to hold office, if he or she —

Disqualification,
suspension and
removal from
membership of
Board

- (a) is at the time of appointment, a member of the National Assembly, councillor or a member of *Ntlo ya Dikgosi*;
- (b) is at the time of appointment, or within a period of a year preceding the appointment was a member of any international sports federation or national sporting association or any organisation, body or entity dealing with sports;
- (c) does not satisfy the operational independence requirements found in Article 20.5.1 of the Code, as may be amended from time to time;
- (d) has in terms of any law in force in any country —
 - (i) been adjudged or otherwise declared bankrupt or insolvent and has not been rehabilitated or discharged, or
 - (ii) made an assignment to, or arrangement or composition with, his or her creditors, which has not been rescinded or set aside;
- (e) has, within a period of six years immediately preceding the date of his or her proposed appointment, been convicted of a criminal offence —
 - (i) in Botswana, or
 - (ii) outside Botswana, which if committed in Botswana, would have been an offence,
and sentenced to at least six months imprisonment without the option of a fine, and has not received a free pardon irrespective of whether the sentence has been suspended; or
- (f) has within a period of 10 years immediately preceding the date of his or her appointment, been disqualified or suspended by a competent authority from practicing a profession on the grounds of misconduct or negligence.

(2) The Minister may, in writing, suspend from office, a member against whom criminal proceedings are instituted for an offence in respect of which a sentence of imprisonment without an option of a fine may be imposed, and while the member is so suspended, such member shall not carry out any functions under this Act or be entitled to any remuneration or allowances.

15. A member shall vacate his or her office or a member's office shall become vacant —

Vacation of
office

- (a) if he or she is removed from office by the Minister, under section 14;
- (b) upon the expiry of the time as the Minister may specify in writing, notifying the member of his or her removal from office by the Minister;
- (c) upon the expiry of 30 days' notice in writing to the Minister of his or her intention to resign from office;
- (d) if he or she becomes physically or mentally incapable of performing his or her duties efficiently and a medical doctor has issued a medical certificate to that effect;

- (e) if he or she is convicted of an offence under this Act or any other Act for which he or she is sentenced to imprisonment for a term of six months or more without an option of a fine;
- (f) upon becoming a member of an international sport federation or national sporting association or any organisation, body or entity dealing with sports;
- (g) if he or she no longer satisfies the operational independence requirements found in Article 20.5.1 of the Code, as may be amended from time to time; or
- (h) upon his or her death;

Filling of
vacancy

16. (1) Where the office of a member becomes vacant before the expiry of the member's term of office due to the member's death, resignation or removal from office, the Minister may within four months from the date the vacancy occurred, in accordance with section 12, appoint another person to be a member in place of the member who has vacated office.

(2) Subsection (1) shall not apply where the remaining period in office for the member vacating office is less than six months.

(3) A person appointed under subsection (1) shall hold office for the remainder of the term of office of the member in whose place he or she was appointed and shall be eligible for re-appointment.

Remuneration
of members

17. A member shall be paid such remuneration and allowances as the Minister may determine.

PART IV — Meetings and Proceedings of Board

Proceedings
of Board

18. (1) Subject to the provisions of this Act, the Board shall regulate its own proceedings.

(2) The Board shall meet as often as is necessary or expedient for the discharge of its functions, at least four ordinary meetings shall be held in each year, and such meetings shall be held at such place, time and day as the Chairperson may determine.

(3) The Board shall, at its first meeting, elect the Vice Chairperson.

(4) Upon giving notice in writing, of not less than 14 days, the Chairperson shall convene a meeting of the Board, provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon giving a shorter notice.

(5) There shall preside at any meeting of the Board —

- (a) the Chairperson;
- (b) in the absence of the Chairperson, the Vice Chairperson; or
- (c) in the absence of the Chairperson and the Vice Chairperson, such member as the members present may elect from among themselves for the purpose of that meeting.

(6) A quorum at any meeting of the Board shall be five members.

(7) A decision of the Board on any question shall be by the majority of the members present and voting at the meeting and, in the event of an equality of votes, the Chairperson shall have a casting vote in addition to the Chairperson's deliberative vote.

(8) The Secretary of the Board shall cause proper minutes of the meetings of the Board to be taken and recorded, and such minutes shall be kept and confirmed by a subsequent meeting of the Board.

(9) The Organisation shall provide secretarial services to the Board.

19. (1) A member of the Board or committee, or any person attending a meeting of the Board or committee shall, immediately upon commencement of the meeting at which any matter in which the member or the members' immediate family member or close business associate is directly or indirectly affected, is the subject of consideration, disclose such interest and shall not take part in any consideration or discussion of or vote on any question concerning the matter unless the Board otherwise directs.

Disclosure
of interest by
member

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it was made.

(3) Where a member fails to disclose his or her interest in accordance with subsection (1), and a decision by the Board is made benefiting such member, such decision shall be null and void to the extent that it benefits such member.

(4) A person who contravenes the provisions of this section commits an offence and is liable to a fine not exceeding P10 000 or to a term of imprisonment not exceeding 12 months, or to both.

(5) For purposes of this section "immediate family member" means the spouse, son, daughter, sibling or parent of a person subject to this Act.

20. (1) A member and any other person assisting the Board or committee shall observe and preserve the confidentiality of all matters coming before the Board or committee, and such confidentiality shall subsist even after the termination of their term of office or their mandates.

Confidentiality

(2) Any member or any person to whom confidential information is revealed through working with the Board or committee shall not disclose that information to any other person unless he or she is required to do so in terms of any written law or for purposes of any judicial proceedings.

(3) Any member or any other person who contravenes the provisions of this section commits an offence and is liable to a fine not exceeding P10 000, or to imprisonment for a term not exceeding 12 months, or to both.

PART V — *Committees of Board*

21. (1) The Board may, for the purpose of performing its functions, establish such committees as it considers appropriate, and may delegate, to any such committees, such of its functions as it considers necessary.

Committees of
Board

(2) The meetings of a committee shall be held at such times and places as the committee may determine, or as the Board may direct.

(3) The Board may appoint, to committees established under subsection (1), such number of members of the Board and such number of persons with specialised skills, not being members of the Board, as it considers appropriate, and the members of such committee shall hold office for such period as the Board may determine.

(4) The members of the committee who are members of the Board may take part in the proceedings of the committee, but shall not have the right to vote.

(5) Subject to the directions of the Board, a committee established under this section may regulate its own procedure.

(6) Unless in appointing any such committee the Board has appointed a Chairperson, the committee shall elect one of its members as a Chairperson of the committee.

(7) The Board may revoke or amend any delegation made under the provisions of subsection (1) and may attach conditions to such delegation, including general or particular directions, as to the manner in which any delegated power is to be exercised.

PART VI — *Offences*

Anti-doping
rule violation

22. An athlete or any other person who is to participate, or has participated in any sport event in Botswana or outside Botswana may be found to have committed an anti-doping rule violation if it is established that he or she has committed one or more of the violations for doping in sport set out in the Code.

Penalties

23. An athlete or any other person who is to participate or has participated in any sport event in Botswana or outside Botswana, who commits an anti-doping rule violation as may be prescribed in the Code may —

- (a) have his or her results disqualified with all consequences, including forfeiture of medals, points and prizes, in such a manner as may be prescribed in the Code;
- (b) be ineligible to participate in any competition, event, or other activity or funding, for such period and in such a manner as may be prescribed in the Code;
- (c) receive provisional suspension from participating in any competition or activity prior to a final decision being taken in a hearing; or
- (d) be subject to any other consequence prescribed in the Code.

PART VII — *Anti-Doping Activities*

Therapeutic
use exemption

24. (1) Where any substance or method is included in the prohibited list and such prohibited substance or prohibited method is required for use by an athlete for therapeutic reasons, such athlete may apply in such form as may be determined in the anti-doping rules, the Code and the International Standard for Therapeutic Use Exemptions (ISTUE), to the Organisation, for granting therapeutic use exemption in respect of such prohibited substance or prohibited method.

(2) An application under subsection (1) shall be made —

- (a) as soon as reasonably possible after the athlete becomes aware that the use of a prohibited substance or prohibited method is required; and

(b) subject to any circumstance of emergency or exceptional situation, no later than 30 days prior to the participation of the athlete in any competition or event.

(3) The Organisation may consider the application received by it under subsection (1) in such a manner and after taking into consideration such criteria and procedure as it shall be determined in the anti-doping rules, the Code and the international standard for therapeutic use exemption.

(4) The Organisation shall, either grant or refuse to grant therapeutic use exemption with regards to an application received under subsection (1), in such a manner as shall be determined in the Code and the international standard for therapeutic use exemptions.

25. A person may report any information suggesting or relating to an anti-doping rule violation by an athlete or athlete support personnel or any other person to the Director-General.

Report of violation

26. (1) Where the Organisation has reason to believe that an athlete or athlete support personnel or any other person to whom this Act applies has committed an anti-doping rule violation, the Organisation may authorise the entry and search of the athlete, athlete support personnel or any other person's premises by an inspector appointed in writing by the Organisation to —

Powers of entry, search and seizure

- (a) enter into a place, with such assistance as may be considered necessary, for the purpose of inspecting, examining and determining if any anti-doping rule violation has been committed or is being committed;
 - (b) search any premises in which the inspector has reason to believe that any anti-doping rule violation has been, or is being, or is about to be committed; and
 - (c) seize any equipment, device, substance, record, register, document or other material object, if such inspector believes that it may furnish evidence of such anti-doping rule violation or that seizure is necessary to prevent or mitigate any anti-doping rule violation.
- (2) An authorised inspector may be accompanied by a police officer in the conduct of his or her duties under subsection (1).

27. As part of routing doping control, the Organisation shall require athletes to submit to testing, in such a manner and procedure as may be prescribed under the Code and international standard for testing and investigations.

Powers to test

28. (1) The Organisation shall cause a sample taken from an athlete to be analysed at an accredited laboratory or a laboratory approved by the World Anti-Doping Agency to detect presence of prohibited substances or its metabolites and markers in an athlete's sample or the use of a prohibited method.

WADA Accredited laboratories

(2) A sample, related analytical data or doping control information shall be analysed —

- (a) to detect prohibited substances and prohibited methods identified on the prohibited list and other substances as may be directed by the World Anti-Doping Agency;

Result
management
process

- (b) to assist the Organisation in profiling relevant parameters of an athlete's sample, including for deoxyribonucleic acid or genomic profiling; or
 - (c) for any other legitimate anti-doping purpose.
- (3) The results of all tests sample analysis shall be submitted to the Organisation.

29. (1) The Organisation shall, after receiving a report from the World Anti-Doping Agency accredited or approved laboratory indicating the presence of any prohibited substance or its metabolites or markers in the sample of an athlete, carry out initial examination of the report in such a manner as may be determined in the Code or in the applicable international standards.

(2) Where the Organisation identifies the presence of a prohibited substance or its metabolites or markers, or the use of a prohibited method in the sample of an athlete, it shall determine whether or not therapeutic use exemption has been granted to such athlete in respect of such substance.

(3) Where the Organisation is satisfied that no therapeutic use exemption has been granted to the athlete, and that no departure from any international standard caused the presence of the prohibited substance or its metabolites or markers in the athlete's sample, it shall take such actions and, in such manner, as may be determined by the Code and relevant and applicable international standards.

PART VIII — *General Provisions*

Indemnity

30. No matter or thing done by a member of the Board, a member of staff of the Organisation or any person authorised by the Board or the Organisation shall, if the matter or thing is done *bona fide* in the course of the operations of the Organisation, render the member, member of staff or authorised person, personally liable to an action, claim or demand.

Offences

31. (1) A person who —

- (a) fails to comply with any lawful order or direction of the Organisation;
- (b) presents to the Organisation a false document or makes a false statement with the intent to deceive or mislead an investigating officer or inspector; or
- (c) willfully obstructs or hinders any person acting in the performance of any function or exercise of powers conferred by this Act, commits an offence and is liable to a fine not exceeding P100 000 or to imprisonment for a term not exceeding five years, or to both.

(2) A health practitioner or a person registered under a recognised health professions regulatory body, or any other health related professional who —

- (a) prescribes or dispenses prohibited substances or methods to an athlete with the intent of doping;
- (b) without justification, administers prohibited substances or methods to an athlete;

- (c) without justification, acquires, stores or is found in unlawful possession of prohibited substances; or
- (d) aids, abets, or in any way encourages the unlawful use of prohibited substances in sport,

commits an offence and is liable to a fine not exceeding P100 000, or to imprisonment for a term not exceeding five years, or to both.

32. (1) A person who is aggrieved by a decision of the Organisation given under this Act may, within 21 days from the date of the notification or communication of the decision to him or her, appeal against the decision to the Anti-Doping Appeals Panel established under section 33:

Appeals

Provided that the appeals period and the requirement to appeal before the Anti-Doping Appeals Panel shall not apply to the World Anti-Doping Agency, whose appeal period shall be indicated in the Code.

(2) Notwithstanding the provisions of subsection (1), any appeals arising from participation in an international event or in cases involving international-level athletes, may be appealed exclusively to the Court of Arbitration for Sport in accordance with Article 13.2.1 and 13.2.3 of the Code.

33. (1) There is hereby established a panel to be known as the Anti-Doping Appeals Panel, in this Act referred to as the "Appeals Panel".

Establishment of Anti-Doping Appeals Panel

(2) The Appeals Panel shall satisfy the requirements found in the definitions of operational and institutional independence under the Code.

(3) The Anti-Doping Appeals Panel shall consist of five members appointed by the Minister on an *ad hoc* basis.

(4) The Appeals Panel established under subsection (1) shall consist of —

- (a) a Chairperson, who shall be a legal practitioner admitted to practice law in the courts of Botswana in accordance with the Legal Practitioners Act, with not less than ten years' experience in sport arbitration;
- (b) a Vice-Chairperson, who shall be a legal practitioner admitted to practice law in the courts of Botswana in accordance with the Legal Practitioners Act, with not less than ten years' experience in sport arbitration;
- (c) two members who are registered medical practitioners in accordance with the Botswana Health Professions Act, having not less than ten years' experience in the medical field; and
- (d) one member, who is, or have been, retired athletes or sports administrators for not less than ten years.

Cap. 61:01

Cap. 61:02

(5) The members of the Appeals Panel shall be appointed for a term of three years, and shall be eligible for re-appointment for a further term of three years.

(6) The members of the Appeals Panel shall be paid such allowances and remuneration as shall be determined by the Minister.

(7) The provisions of sections 19 and 20 shall, with the necessary modifications, apply to members of the Appeals Panel.

34. The Appeals Panel may invite any suitably qualified person to attend the proceedings of the Appeals Panel or otherwise assist it with its deliberations, but any such person shall have no voting right.

Co-option of experts

Proceedings
before Appeals
Panel

35. (1) The Appeals Panel shall meet as and when necessary, and at such time and place as the Chairperson may determine.

(2) The Appeals Panel shall determine its own procedure for hearing appeals:

Provided that such procedure complies with the Code and international standard for results management.

(3) For purposes of hearing appeals, a quorum of the Appeals Panel shall be a simple majority of the members, and in the event of an equality of votes, the Chairperson shall have a casting vote.

(4) Notwithstanding WADA's deadline to appeal as provided for under the Code, an appeal to the Appeals Panel shall be lodged, by hand or by registered mail, within 21 days from the date of notification of the decision appealed against and shall be accompanied by such fee as may be prescribed.

(5) The appellant shall at the time of lodging his or her appeal also serve copies of the documents of the appeal, by registered mail, on the person who is a party to the proceedings being appealed against and on the Chairperson.

(6) The secretary of the Appeals Panel shall, within seven days of receiving all documents and information in connection with the appeal under subsection (3), forward sufficient copies of the appeal documents and the relevant information to the members of the Appeals Panel.

(7) The Appeals Panel shall, after receiving the appeal documents and information, set a date for the hearing of the appeal and cause a notice of the hearing to be served upon the appellant and the respondent.

(8) On the day fixed or any other day to which the Appeals Panel may adjourn the hearing, the appellant shall be heard in support of his or her appeal but shall not be heard in support of any ground of appeal not set forth in the appeal papers or documents except by leave of the Appeals Panel.

(9) The Appeals Panel shall afford the parties to an appeal an opportunity to be heard either in person or by a legal representative.

(10) The Appeals Panel shall, if it does not dismiss the appeal summarily, hear the appellant and the respondent shall be entitled to reply.

(11) The Appeals Panel may, after hearing the appeal, confirm, set aside or vary the decision of the Organisation.

(12) The decision of the Appeals Panel, including the reasons for the decision shall be in writing, and a copy thereof shall be availed to the appellant within 14 days of the decision.

Leave to appeal
to Court of
Arbitration for
Sport
Regulations

36. Appeals against the Appeals Panel's decision to the Court of Arbitration for Sport (CAS) shall be as provided for in Article 13.2.3.2 of the Code, as amended from time to time.

37. The Minister may make regulations prescribing anything under this Act which is to be prescribed or which is necessary to be prescribed for the better carrying out of the objects and purposes of this Act, or to give force and effect to its provision in accordance with the Code.

SCHEDULE
(sections 2 and 3)

INTERNATIONAL CONVENTION AGAINST DOPING IN SPORT

The General Conference of the United Nations Educational, Scientific and Cultural Organization, hereinafter referred to as “UNESCO”, meeting in Paris, from 3 to 21 October 2005, at its 33rd session,

Considering that the aim of UNESCO is to contribute to peace and security by promoting collaboration among nations through education, science and culture,

Referring to existing international instruments relating to human rights,

Aware of resolution 58/5 adopted by the General Assembly of the United Nations on 3 November 2003, concerning sport as a means to promote education, health, development and peace, notably its paragraph 7,

Conscious that sport should play an important role in the protection of health, in moral, cultural and physical education and in promoting international understanding and peace,

Noting the need to encourage and coordinate international cooperation towards the elimination of doping in sport,

Concerned by the use of doping by athletes in sport and the consequences thereof for their health, the principle of fair play, the elimination of cheating and the future of sport,

Mindful that doping puts at risk the ethical principles and educational values embodied in the International Charter of Physical Education and Sport of UNESCO and in the Olympic Charter,

Recalling that the Anti-Doping Convention and its Additional Protocol adopted within the framework of the Council of Europe are the public international law tools which are at the origin of national anti-doping policies and of intergovernmental cooperation,

Recalling the recommendations on doping adopted by the second, third and fourth International Conferences of Ministers and Senior Officials Responsible for Physical Education and Sport organized by UNESCO at Moscow (1988), Punta del Este (1999) and Athens (2004) and 32 C/Resolution 9 adopted by the General Conference of UNESCO at its 32nd session (2003),

Bearing in mind the World Anti-Doping Code adopted by the World Anti-Doping Agency at the World Conference on Doping in Sport, Copenhagen, 5 March 2003, and the Copenhagen Declaration on Anti-Doping in Sport,

Mindful also of the influence that elite athletes have on youth,

Aware of the ongoing need to conduct and promote research with the objectives of improving detection of doping and better understanding of the factors affecting use in order for prevention strategies to be most effective,

Aware also of the importance of ongoing education of athletes, athlete support personnel and the community at large in preventing doping,

Mindful of the need to build the capacity of States Parties to implement anti-doping programmes,

Aware that public authorities and the organizations responsible for sport have complementary responsibilities to prevent and combat doping in sport, notably to ensure the proper conduct, on the basis of the principle of fair play, of sports events and to protect the health of those that take part in them,

Recognizing that these authorities and organizations must work together for these purposes, ensuring the highest degree of independence and transparency at all appropriate levels,

Determined to take further and stronger cooperative action aimed at the elimination of doping in sport,

Recognizing that the elimination of doping in sport is dependent in part upon progressive harmonization of anti-doping standards and practices in sport and cooperation at the national and global levels,

Adopts this Convention on this nineteenth day of October, 2005.

I. Scope

Article 1 – Purpose of the Convention

The purpose of this Convention, within the framework of the strategy and programme of activities of UNESCO in the area of physical education and sport, is to promote the prevention of and the fight against doping in sport, with a view to its elimination.

Article 2 – Definitions

These definitions are to be understood within the context of the World Anti-Doping Code. However, in case of conflict the provisions of the Convention will prevail.

For the purposes of this Convention:

1. “Accredited doping control laboratories” means laboratories accredited by the World Anti-Doping Agency.
2. “Anti-doping organization” means an entity that is responsible for adopting rules for initiating, implementing or enforcing any part of the doping control process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other major event organizations that conduct testing at their events, the World Anti-Doping Agency, international federations and national anti-doping organizations.
3. “Anti-doping rule violation” in sport means one or more of the following:
 - (a) the presence of a prohibited substance or its metabolites or markers in an athlete’s bodily specimen;
 - (b) use or attempted use of a prohibited substance or a prohibited method;
 - (c) refusing, or failing without compelling justification, to submit to sample collection after notification as authorized in applicable anti-doping rules or otherwise evading sample collection;
 - (d) violation of applicable requirements regarding athlete availability for out-of-competition testing, including failure to provide required whereabouts information and missed tests which are declared based on reasonable rules;
 - (e) tampering, or attempting to tamper, with any part of doping control;
 - (f) possession of prohibited substances or methods;
 - (g) trafficking in any prohibited substance or prohibited method;

- (h) administration or attempted administration of a prohibited substance or prohibited method to any athlete, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any attempted violation.
4. "Athlete" means, for the purposes of doping control, any person who participates in sport at the international or national level as defined by each national anti-doping organization and accepted by States Parties and any additional person who participates in a sport or event at a lower level accepted by States Parties. For the purposes of education and training programmes, "athlete" means any person who participates in sport under the authority of a sports organization.
 5. "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.
 6. "Code" means the World Anti-Doping Code adopted by the World Anti-Doping Agency on 5 March 2003 at Copenhagen which is attached as Appendix 1 to this Convention.
 7. "Competition" means a single race, match, game or singular athletic contest.
 8. "Doping control" means the process including test distribution planning, sample collection and handling, laboratory analysis, results management, hearings and appeals.
 9. "Doping in sport" means the occurrence of an anti-doping rule violation.
 10. "Duly authorized doping control teams" means doping control teams operating under the authority of international or national anti-doping organizations.
 11. "In-competition" testing means, for purposes of differentiating between in-competition and out-of-competition testing, unless provided otherwise in the rules of an international federation or other relevant anti-doping organization, a test where an athlete is selected for testing in connection with a specific competition.
 12. "International Standard for Laboratories" means the standard which is attached as Appendix 2 to this Convention.
 13. "International Standard for Testing" means the standard which is attached as Appendix 3 to this Convention.
 14. "No advance notice" means a doping control which takes place with no advance warning to the athlete and where the athlete is continuously chaperoned from the moment of notification through sample provision.
 15. "Olympic Movement" means all those who agree to be guided by the Olympic Charter and who recognize the authority of the International Olympic Committee, namely the international federations of sports on the programme of the Olympic Games, the National Olympic Committees, the Organizing Committees of the Olympic Games, athletes, judges and referees, associations and clubs, as well as all the organizations and institutions recognized by the International Olympic Committee.
 16. "Out-of-competition" doping control means any doping control which is not conducted in competition.
 17. "Prohibited List" means the list which appears in Annex I to this Convention identifying the prohibited substances and prohibited methods.

18. "Prohibited method" means any method so described on the Prohibited List, which appears in Annex I to this Convention.
19. "Prohibited substance" means any substance so described on the Prohibited List, which appears in Annex I to this Convention.
20. "Sports organization" means any organization that serves as the ruling body for an event for one or several sports.
21. "Standards for Granting Therapeutic Use Exemptions" means those standards that appear in Annex II to this Convention.
22. "Testing" means the parts of the doping control process involving test distribution planning, sample collection, sample handling and sample transport to the laboratory.
23. "Therapeutic use exemption" means an exemption granted in accordance with Standards for Granting Therapeutic Use Exemptions.
24. "Use" means the application, ingestion, injection or consumption by any means whatsoever of any prohibited substance or prohibited method.
25. "World Anti-Doping Agency" (WADA) means the foundation so named established under Swiss law on 10 November 1999.

Article 3 – Means to achieve the purpose of the Convention

In order to achieve the purpose of the Convention, States Parties undertake to:

- (a) adopt appropriate measures at the national and international levels which are consistent with the principles of the Code;
- (b) encourage all forms of international cooperation aimed at protecting athletes and ethics in sport and at sharing the results of research;
- (c) foster international cooperation between States Parties and leading organizations in the fight against doping in sport, in particular with the World Anti-Doping Agency.

Article 4 – Relationship of the Convention to the Code

1. In order to coordinate the implementation, at the national and international levels, of the fight against doping in sport, States Parties commit themselves to the principles of the Code as the basis for the measures provided for in Article 5 of this Convention. Nothing in this Convention prevents States Parties from adopting additional measures complementary to the Code.
2. The Code and the most current version of Appendices 2 and 3 are reproduced for information purposes and are not an integral part of this Convention. The Appendices as such do not create any binding obligations under international law for States Parties.
3. The Annexes are an integral part of this Convention.

Article 5 – Measures to achieve the objectives of the Convention

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.

Article 6 – Relationship to other international instruments

This Convention shall not alter the rights and obligations of States Parties which arise from other agreements previously concluded and consistent with the object and purpose of this Convention. This does not affect the enjoyment by other States Parties of their rights or the performance of their obligations under this Convention.

II. Anti-doping activities at the national level

Article 7 – Domestic coordination

States Parties shall ensure the application of the present Convention, notably through domestic coordination. To meet their obligations under this Convention, States Parties may rely on anti-doping organizations as well as sports authorities and organizations.

Article 8 – Restricting the availability and use in sport of prohibited substances and methods

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, unless the use is based upon a therapeutic use exemption. These include measures against trafficking to athletes and, to this end, measures to control production, movement, importation, distribution and sale.
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.
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.

Article 9 – Measures against athlete support personnel

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.

Article 10 – Nutritional supplements

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.

Article 11 – Financial measures

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

Article 12 – Measures to facilitate doping control

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 in-competition testing;
- (b) encourage and facilitate the negotiation by sports organizations and anti-doping organizations of agreements permitting their members to be tested by duly authorized doping control teams from other countries;
- (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.

III. International cooperation

Article 13 – Cooperation between anti-doping organizations and sports organizations

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 14 – Supporting the mission of the World Anti-Doping Agency

States Parties undertake to support the important mission of the World Anti-Doping Agency in the international fight against doping.

Article 15 – Equal funding of the World Anti-Doping Agency

States Parties support the principle of equal funding of the World Anti-Doping Agency's approved annual core budget by public authorities and the Olympic Movement.

Article 16 – International cooperation in doping control

Recognizing that the fight against doping in sport can only be effective when athletes can be tested with no advance notice and samples can be transported in a timely manner to laboratories for analysis, States Parties shall, where appropriate and in accordance with domestic law and procedures:

- (a) facilitate the task of the World Anti-Doping Agency and anti-doping organizations operating in compliance with the Code, subject to relevant host countries' regulations, of conducting in-or out-of-competition doping controls on their athletes, whether on their territory or elsewhere;
- (b) facilitate the timely movement of duly authorized doping control teams across borders when conducting doping control activities;
- (c) cooperate to expedite the timely shipping or carrying across borders of samples in such a way as to maintain their security and integrity;
- (d) assist in the international coordination of doping controls by various anti-doping organizations, and cooperate to this end with the World Anti-Doping Agency;
- (e) promote cooperation between doping control laboratories within their jurisdiction and those within the jurisdiction of other States Parties. In particular, States Parties with accredited doping control laboratories should encourage laboratories within their jurisdiction to assist other States Parties in enabling them to acquire the experience, skills and techniques necessary to establish their own laboratories should they wish to do so;
- (f) encourage and support reciprocal testing arrangements between designated anti-doping organizations, in conformity with the Code;
- (g) mutually recognize the doping control procedures and test results management, including the sport sanctions thereof, of any anti-doping organization that are consistent with the Code.

Article 17 – Voluntary Fund

1. A "Fund for the Elimination of Doping in Sport", hereinafter referred to as "the Voluntary Fund", is hereby established. The Voluntary Fund shall consist of funds-in-trust established in accordance with the Financial Regulations of UNESCO. All contributions by States Parties and other actors shall be voluntary.
2. The resources of the Voluntary Fund shall consist of:
 - (a) contributions made by States Parties;
 - (b) contributions, gifts or bequests which may be made by:
 - (i) other States;
 - (ii) organizations and programmes of the United Nations system, particularly the United Nations Development Programme, as well as other international organizations;
 - (iii) public or private bodies or individuals;

- (c) any interest due on the resources of the Voluntary Fund;
 - (d) funds raised through collections, and receipts from events organized for the benefit of the Voluntary Fund;
 - (e) any other resources authorized by the Voluntary Fund's regulations, to be drawn up by the Conference of Parties.
3. Contributions into the Voluntary Fund by States Parties shall not be considered to be a replacement for States Parties' commitment to pay their share of the World Anti-Doping Agency's annual budget.

Article 18 — Use and governance of the Voluntary Fund

Resources in the Voluntary Fund shall be allocated by the Conference of Parties for the financing of activities approved by it, notably to assist States Parties in developing and implementing anti-doping programmes, in accordance with the provisions of this Convention, taking into consideration the goals of the World Anti-Doping Agency, and may serve to cover functioning costs of this Convention. No political, economic or other conditions may be attached to contributions made to the Voluntary Fund.

IV. Education and training

Article 19 — General education and training principles

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.
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.

Article 20 — Professional codes of conduct

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.

Article 21 – Involvement of athletes and athlete support personnel

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

Article 22 – Sports organizations and ongoing education and training on anti-doping

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.

Article 23 – Cooperation in education and training

States Parties shall cooperate mutually and with the relevant organizations to share, where appropriate, information, expertise and experience on effective anti-doping programmes.

V. Research

Article 24 – Promotion of research in anti-doping

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.

Article 25 – Nature of anti-doping research

When promoting anti-doping research, as set out in Article 24, States Parties shall ensure that such research will:

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

Article 26 – Sharing the results of anti-doping research

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-Doping Agency.

Article 27 – Sport science research

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.

VI. Monitoring of the Convention

Article 28 – Conference of Parties

1. A Conference of Parties is hereby established. The Conference of Parties shall be the sovereign body of this Convention.
2. The Conference of Parties shall meet in ordinary session in principle every two years. It may meet in extraordinary session if it so decides or at the request of at least one third of the States Parties.
3. Each State Party shall have one vote at the Conference of Parties.
4. The Conference of Parties shall adopt its own Rules of Procedure.

*Article 29 – Advisory organization and observers
to the Conference of Parties*

The World Anti-Doping Agency shall be invited as an advisory organization to the Conference of Parties. The International Olympic Committee, the International Paralympic Committee, the Council of Europe and the Intergovernmental Committee for Physical Education and Sport (CIGEPS) shall be invited as observers. The Conference of Parties may decide to invite other relevant organizations as observers.

Article 30 – Functions of the Conference of Parties

1. Besides those set forth in other provisions of this Convention, the functions of the Conference of Parties shall be to:
 - (a) promote the purpose of this Convention;
 - (b) discuss the relationship with the World Anti-Doping Agency and study the mechanisms of funding of the Agency's annual core budget. States non-Parties may be invited to the discussion;
 - (c) adopt a plan for the use of the resources of the Voluntary Fund, in accordance with Article 18;
 - (d) examine the reports submitted by States Parties in accordance with Article 31;
 - (e) examine, on an ongoing basis, the monitoring of compliance with this Convention in response to the development of anti-doping systems, in accordance with Article 31. Any monitoring mechanism or measure that goes beyond Article 31 shall be funded through the Voluntary Fund established under Article 17;

- (f) examine draft amendments to this Convention for adoption;
 - (g) examine for approval, in accordance with Article 34 of the Convention, modifications to the Prohibited List and to the Standards for Granting Therapeutic Use Exemptions adopted by the World Anti-Doping Agency;
 - (h) define and implement cooperation between States Parties and the World Anti-Doping Agency within the framework of this Convention;
 - (i) request a report from the World Anti-Doping Agency on the implementation of the Code to each of its sessions for examination.
2. The Conference of Parties, in fulfilling its functions, may cooperate with other intergovernmental bodies.

Article 31 – National reports to the Conference of Parties

States Parties shall forward every two years to the Conference of Parties through the Secretariat, in one of the official languages of UNESCO, all relevant information concerning measures taken by them for the purpose of complying with the provisions of this Convention.

Article 32 – Secretariat of the Conference of Parties

1. The secretariat of the Conference of Parties shall be provided by the Director-General of UNESCO.
2. At the request of the Conference of Parties, the Director-General of UNESCO shall use to the fullest extent possible the services of the World Anti-Doping Agency on terms agreed upon by the Conference of Parties.
3. Functioning costs related to the Convention will be funded from the regular budget of UNESCO within existing resources at an appropriate level, the Voluntary Fund established under Article 17 or an appropriate combination thereof as determined every two years. The financing for the secretariat from the regular budget shall be done on a strictly minimal basis, it being understood that voluntary funding should also be provided to support the Convention.
4. The secretariat shall prepare the documentation of the Conference of Parties, as well as the draft agenda of its meetings, and shall ensure the implementation of its decisions.

Article 33 – Amendments

1. Each State Party may, by written communication addressed to the Director-General of UNESCO, propose amendments to this Convention. The Director-General shall circulate such communication to all States Parties. If, within six months from the date of the circulation of the communication, at least one half of the States Parties give their consent, the Director-General shall present such proposals to the following session of the Conference of Parties.
2. Amendments shall be adopted by the Conference of Parties with a two-thirds majority of States Parties present and voting.
3. Once adopted, amendments to this Convention shall be submitted for ratification, acceptance, approval or accession to States Parties.

4. With respect to the States Parties that have ratified, accepted, approved or acceded to them, amendments to this Convention shall enter into force three months after the deposit of the instruments referred to in paragraph 3 of this Article by two thirds of the States Parties. Thereafter, for each State Party that ratifies, accepts, approves or accedes to an amendment, the said amendment shall enter into force three months after the date of deposit by that State Party of its instrument of ratification, acceptance, approval or accession.
5. A State that becomes a Party to this Convention after the entry into force of amendments in conformity with paragraph 4 of this Article shall, failing an expression of different intention, be considered:
 - (a) a Party to this Convention as so amended;
 - (b) a Party to the unamended Convention in relation to any State Party not bound by the amendments.

*Article 34 – Specific amendment procedure for
the Annexes to the Convention*

1. If the World Anti-Doping Agency modifies the Prohibited List or the Standards for Granting Therapeutic Use Exemptions, it may, by written communication addressed to the Director-General of UNESCO, inform her/him of those changes. The Director-General shall notify such changes as proposed amendments to the relevant Annexes to this Convention to all States Parties expeditiously. Amendments to the Annexes shall be approved by the Conference of Parties either at one of its sessions or through a written consultation.
2. States Parties have 45 days from the Director-General's notification within which to express their objection to the proposed amendment either in writing, in case of written consultation, to the Director-General or at a session of the Conference of Parties. Unless two thirds of the States Parties express their objection, the proposed amendment shall be deemed to be approved by the Conference of Parties.
3. Amendments approved by the Conference of Parties shall be notified to States Parties by the Director-General. They shall enter into force 45 days after that notification, except for any State Party that has previously notified the Director-General that it does not accept these amendments.
4. A State Party having notified the Director-General that it does not accept an amendment approved according to the preceding paragraphs remains bound by the Annexes as not amended.

VII. Final clauses

Article 35 – Federal or non-unitary constitutional systems

The following provisions shall apply to States Parties that have a federal or non-unitary constitutional system:

- (a) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those States Parties which are not federal States;

- (b) with regard to the provisions of this Convention, the implementation of which comes under the jurisdiction of individual constituent States, counties, provinces or cantons which are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform the competent authorities of such States, counties, provinces or cantons of the said provisions, with its recommendation for their adoption.

Article 36 – Ratification, acceptance, approval or accession

This Convention shall be subject to ratification, acceptance, approval or accession by States Members of UNESCO in accordance with their respective constitutional procedures. The instruments of ratification, acceptance, approval or accession shall be deposited with the Director-General of UNESCO.

Article 37 – Entry into force

1. This Convention shall enter into force on the first day of the month following the expiration of a period of one month after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession.
2. For any State that subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of one month after the date of deposit of its instrument of ratification, acceptance, approval or accession.

Article 38 – Territorial extension of the Convention

1. Any State may, when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories for whose international relations it is responsible and to which this Convention shall apply.
2. Any State Party may, at any later date, by a declaration addressed to UNESCO, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory the Convention shall enter into force on the first day of the month following the expiration of a period of one month after the date of receipt of such declaration by the depositary.
3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to UNESCO. Such withdrawal shall become effective on the first day of the month following the expiration of a period of one month after the date of receipt of such a notification by the depositary.

Article 39 – Denunciation

Any State Party may denounce this Convention. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of UNESCO. The denunciation shall take effect on the first day of the month following the expiration of a period of six months after the receipt of the instrument of denunciation. It shall in no way affect the financial obligations of the State Party concerned until the date on which the withdrawal takes effect.

Article 40 – Depositary

The Director-General of UNESCO shall be the Depositary of this Convention and amendments thereto. As the Depositary, the Director-General of UNESCO shall inform the States Parties to this Convention, as well as the other States Members of the Organization of:

- (a) the deposit of any instrument of ratification, acceptance, approval or accession;
- (b) the date of entry into force of this Convention in accordance with Article 37;
- (c) any report prepared in pursuance of the provisions of Article 31;
- (d) any amendment to the Convention or to the Annexes adopted in accordance with Articles 33 and 34 and the date on which the amendment comes into force;
- (e) any declaration or notification made under the provisions of Article 38;
- (f) any notification made under the provisions of Article 39 and the date on which the denunciation takes effect;
- (g) any other act, notification or communication relating to this Convention.

Article 41 – Registration

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of UNESCO.

Article 42 – Authoritative texts

1. This Convention, including its Annexes, has been drawn up in Arabic, Chinese, English, French, Russian and Spanish, the six texts being equally authoritative.
2. The Appendices to this Convention are provided in Arabic, Chinese, English, French, Russian and Spanish.

Article 43 – Reservations

No reservations that are incompatible with the object and purpose of the present Convention shall be permitted.

Annex I – The Prohibited List – International Standard
Annex II – Standards for Granting Therapeutic Use Exemptions

Appendix 1 – World Anti-Doping Code
Appendix 2 – International Standard for Laboratories
Appendix 3 – International Standard for Testing

PASSED by the National Assembly on this 11th day of August, 2025.

DR. GABRIEL G. G. MALEBANG,
Clerk of the National Assembly.