

## **Anti-Doping Awareness in Sports**

**Prof. Ankush Gupta, Prof. Jay Singh, Prof. Anup Krishnan (Retd),**

**Prof. Dobson Dominic**

**Department of Humanities and Social Sciences**

**IIT Madras**

**Lecture -34**

### **Court of Arbitration in Sports**

Good morning friends and welcome to today's lecture on Court of Arbitration in Sports. This is a continuation of week seven lectures, lecture four. I am Professor Dobson Dominic, sports medicine specialist. In week seven, we discussed doping control and the way forward. We also discussed the main strategy adopted by WADA: the Athlete Biological Passport. In the previous lecture, we discussed the newer form of gene doping.

In today's session, we will be exploring the legal implications of doping, which will focus on the Court of Arbitration in Sports. Athletes need to be aware that doping has legal implications. We will discuss the history of CAS, its organizational structure, the principle of strict liability which is especially important for athletes, exceptions such as physician fault, article 10.5, and then we will conclude with some CAS controversies.

The Court of Arbitration for Sport was established by the International Olympic Committee in 1984. It is based in Lausanne, Switzerland. The Court of Arbitration for Sport (CAS) is an independent institution that resolves legal disputes in the field of sport. It is often referred to as the "Supreme Court of Sport" because it serves as the final authority for most sports-related legal matters.

CAS is headed by a President who oversees the institution's operations. CAS has a pool of arbitrators who are independent legal experts and specialists in sports law. The institution is organized into different divisions: Ordinary Arbitration Division, which handles standard disputes; Appeals Arbitration Division, which handles appeals against decisions; and Ad Hoc Divisions, temporary panels created for urgent decisions during major events like the Olympic Games or FIFA World Cup.

CAS has jurisdiction over most international anti-doping disputes. It hears cases involving athletes, sports organizations, and anti-doping agencies. CAS can hear cases at

the first instance or as an appeal from decisions made by national anti-doping bodies and international federations.

There are four main steps in the CAS arbitration process. First, an athlete or organization files a statement of appeal with CAS. This usually follows a decision from a national or international sports authority, such as WADA. Second, CAS appoints a panel of arbitrators to hear the case. The arbitrators are selected based on their expertise and impartiality. Third, a hearing is conducted where both parties present their evidence, call witnesses, and make legal arguments. Finally, the CAS panel deliberates and issues a written decision. This decision includes the reasoning behind the judgment and any sanctions applied or modified.

Ad hoc divisions are temporary panels set up during major sports events to handle urgent disputes. These decisions are often made within 24 hours. For example, if an athlete tests positive during the Olympics and files an appeal, CAS can expedite the process through an ad hoc division to deliver a timely decision.

CAS plays a crucial role in the global anti-doping framework. It ensures that disputes are resolved with expertise and impartiality. CAS handles hundreds of anti-doping cases each year. CAS decisions are binding and enforceable. They provide legal certainty and uphold the integrity of sport. The decisions of CAS are generally final. However, they can be appealed to the Swiss Federal Tribunal, but only under very limited circumstances, such as lack of jurisdiction or violation of due process.

Strict liability is a fundamental principle in anti-doping regulation. Under this principle, athletes are held responsible for any prohibited substances found in their bodies, regardless of intent or knowledge. Even if an athlete did not intend to cheat, the mere presence of a banned substance is enough to constitute a violation. This principle simplifies the enforcement process and reinforces the athlete's responsibility for what enters their body.

Under the WADA Code, athletes are personally accountable for any substance found in their system. They cannot blame coaches, trainers, or medical staff. They must ensure that all medications and supplements are free of banned substances. They must verify treatments and injections. They must stay informed about the WADA prohibited list, which is updated annually. They must consult medical professionals who are knowledgeable about anti-doping rules. They must exercise due diligence at all times.

The WADA Code recognizes that not all violations are intentional. It allows for reduced sanctions if the athlete can prove no significant fault or negligence. A common scenario involves physician fault. This is addressed under article 10.5 of the WADA Code. Article 10.5 allows for reduced sanctions in exceptional cases, such as when a physician is

responsible for the administration of a banned substance. For example, a doctor might prescribe a medication that contains a prohibited ingredient. If the athlete can prove that they had no knowledge of the substance and relied on medical advice, the sanction may be reduced.

The CAS will consider the athlete's conduct, the medical documentation, and the credibility of the explanation. If the panel is convinced that the athlete acted responsibly and the violation was due to the physician's error, a reduced sanction may be granted. However, such exceptions are rare and require strong evidence. Athletes must provide medical records, prescriptions, and witness statements. They must demonstrate that they took reasonable steps to avoid the violation.

To benefit from article 10.5, athletes must meet specific criteria. They must prove that they received medical treatment. They must show that the substance was administered by a licensed physician. They must demonstrate that they were not at fault or negligent. This requires a thorough review of the circumstances surrounding the violation.

Athletes must choose qualified doctors. They must inform their doctors about anti-doping rules. They must verify medications against the WADA list. They must keep records of all treatments. They must question any unfamiliar drugs. They must seek second opinions if unsure. They must act with caution and integrity.

The Court of Arbitration for Sport plays a vital role in maintaining the integrity of sport. It provides a fair and transparent process for resolving disputes. The principle of strict liability emphasizes personal responsibility. Athletes must be vigilant and informed. The exception of physician fault under article 10.5 offers a possible defense in rare cases. However, the burden of proof is high. Athletes must act with diligence and honesty. Understanding CAS and its procedures helps athletes protect their rights and uphold the values of clean sport.

Thank you for listening. Jai Hind.