

Athleten Deutschland e.V.
Friedbergstraße 19
14057 Berlin
E-mail: presse@athleten-deutschland.org
www.athleten-deutschland.org

Statement on the ARD documentary "Doping Top Secret: GUILTY"

Berlin, July 20, 2021. The principle of strict liability is a core and important component of an effective fight against doping. [The documentary](#) and the experiment by the ARD doping editorial team and the Institute of Forensic Medicine at the University Hospital of Cologne have impressively illustrated the negative effects this principle can have on athletes who have a positive doping result through no fault of their own. It has now been shown experimentally how doping attacks can be carried out unnoticed and effectively. Positive doping tests were detected after a short time as well as over a longer period in a large number of cases.

Unnoticed doping attacks make it almost impossible for affected athletes to prove their innocence. Destroyed careers, immense psychological suffering and irreparable damage to personal reputation can be the consequences.

There are undoubtedly both valid and important reasons for the principle of strict liability to make the fight against doping as effective as possible. This principle shifts the burden on the athletes who must convincingly prove their innocence after a positive doping test. At the same time, we must be aware that adherence to strict liability accepts sanctioning innocent athletes as collateral damage. The findings of the documentary make it glaringly clear that the anti-doping regime can be in conflict with the presumption of innocence enshrined in human rights law. For some time now, we [have been calling with other athlete groups](#) for the WADA Code to be subjected to a human rights impact assessment.

There is no doubt that a debate on the principle of strict liability in the anti-doping fight is necessary after the latest revelations. It should be conducted in a nuanced and objective manner. Ultimately, it must be clarified whether and if so, what kind of adjustments could be made to safeguard the fundamental rights of athletes and at the same time not to jeopardize the effectiveness of the anti-doping system. We welcome NADA's announcement that the results of the experiment will be taken into account in the results management and in disciplinary proceedings and that analytics will be more focused on the unintentional ingestion of substances. We join NADA in requesting an immediate and appropriate response from WADA as the central rule maker.

In the future, it must be made easier for athletes to prove their innocence. For example, they could receive increased assistance in proving their innocence and enhanced legal aid. Those who are innocent should receive redress for the harm inflicted and the suffering they have endured. In addition, the investigative and analytical capacities of anti-doping organizations must continue to be strengthened.

About Athleten Deutschland e.V.:

Athleten Deutschland was founded in 2017 to give Germany's elite athletes a real say for the first time. The association is committed to fundamentally change the German and international sporting system. Our focus is to represent, protect and empower our members.

We fight for working conditions which allow our members to fulfil their full potential as athletes and human beings alike. We stand for fair and clean sport, free from abuse and violence, manipulation and mismanagement. To fulfill our mission, we collaborate with various stakeholders from politics, business, science and civil society, as well as like-minded partners in Europe and around the world.

Athletes Germany is funded by the Federal Ministry of the Interior, Building and Community based on a resolution of the German Bundestag.