



Deutscher Bundestag  
Sports Committee  
The Chairwoman

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**Statement Helsinki Commission Hearing “The State of Play:  
Globalized Corruption, State-Run Doping, and International  
Sport”**

Dear Chairman Michael Burgess,  
Distinguished Commissioners,  
Ladies and Gentleman,

Thank you for inviting me to Washington this afternoon. It is my utmost pleasure to be part of this exclusive circle of guests, who were asked to testify in a hearing, which focuses on strategic and legal approaches to fight globalized corruption and doping in international sport.

My presentation is based on my personal and professional perspectives and experience, gained as MP in the German Parliament, as longstanding vice-president of the German Athletics Federation and member of the Supervisory Board of Germany’s National Anti-Doping Agency.

The reputation of international sports organizations is simply disastrous. Doping, bribery, manipulation – all this massively damages the integrity of sports and undermines the values it is actually supposed to represent. In simple words: We must stand up to international rule-breaking. I am fully convinced, that this systematic rule breaking can only be combatted successfully with systematic counterstrikes and – not to be underestimated – international co-operation. As we witness global sport bodies failing to protect the sports they represent, we as politicians have to set up an effective framework regulated by law and by doing so take the lead to fight the various threats in sport.

Sport and sports organizations are unable to protect themselves. And – this should not go unmentioned – in most cases they are recognizably unwilling to do what they could do. Moreover: We have to face the fact that some sports organizations protect or



even blackmail cheating athletes. One of the worst examples was former President Lamine Diack in his term of office in the International Association of Athletics Federation (IAAF). When the Russian doping system was uncovered, the International Olympic Committee (IOC) showed a significant lack of leadership and violation of the rights of clean athletes. The reintegration of Russia into the so-called Olympic Family at a much too early point – where not nearly all of the World Anti-Doping Agency’s requirements have been accomplished – is not only a mistake, it is a severe attack on the integrity of sports and their credibility.

But even those organizations that are willing to take every step necessary to fight doping and corruption in sport, at some point have to realize that their means are limited. Not only resources – for example the number, intensity and intelligence of doping tests – may be limited. They simply don’t have the tools state prosecutors and police bodies have. In the case of suspected doping offences, police and public prosecutors can conduct more intensive investigations than any sports organization. Searching premises, confiscating possession or tracking financial irregularities can be conducted by official authorities only.

To make it clear: to root out doping and corruption in sport, not only international co-operation, but also national laws are useful and necessary.

Just to name some examples:

Referring to the doping cases of Marion Jones or Lance Armstrong, USADA and the US law enforcement agencies have done a great job uncovering the network behind the athletes. It was a great success, as existing US laws allow close cooperation between authorities and USADA. US legal authorities used the “Racketeer Influenced and Corrupt Organizations (RICO) Act” to uncover FIFA’s various corruption cases.

For several reasons I also support the proposed bill, the “Rodchenkov Anti-Doping Act”.

It broadens the focus and targets doping fraud violations at major international competitions. From my point of view, the Rodchenkov Anti-Doping Act is a major step forward in the international fight against doping. Let me point out two important aspects:

Section 7 “Statute of Limitation” defines that no civil suit may be brought unless brought within 10 years after the offense was completed. As urine or blood samples are frozen and stored for



up to ten years and may be re-analyzed by accredited labs, it is consistent that the limitation period does not go below. Should the IOC, WADA or whatever organization extend that period, it might be useful to mirror that progress in the law.

I also recognize, that retaliation shall be unlawful. We all know about individuals who were put under pressure and forced to keep secrets. Some of those who resisted and testified became outlaws in the world of sports. We have to protect whistleblowers and penalize individuals, who threaten or retaliate.

But let me also mention that I suggest to supplement the definition of a doping fraud. Section 3 defines, that doping fraud means the use of any performance-enhancing drug. In my understanding it does not include manipulation of blood and blood components, chemical and physical manipulation or gene doping named as M1, M2 and M3 in the WADA's listing of prohibited methods. Section 3 also defines, that the list of performance-enhancing drugs shall be specified by the Secretary of Health and Human Services on the basis of scientific and international sports standards. From my point of view, it might be useful to refer to the World Anti-Doping Code and the prohibited list.

Fighting doping, manipulation, bribery eg. in sport is a global challenge and can only be effectively counteracted by implementing and executing legislation. I am pretty sure that athletes would think twice about doping if they would risk going to prison because of it. Compared to a temporary ban from sport events, being imprisoned is really worrying. In some countries anti-doping regimes are far more vigorous than in others. Though the discussion is truly not new, we are still facing a worldwide discrepancy in anti-doping legislation. We also have to globally promote coordinated anti-doping legislation as a response to counter the threat of cheating.

There is a variety of regional or even international declarations and resolutions targeting the protection of integrity in sports.

In 2013 Berlin hosted the 5<sup>th</sup> International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport MINEPS V.

In the "Berlin Declaration" the ministers committed to "consider the introduction of criminal sanctions which would act as a deterrent against the manipulation of sport competitions, and against doping in sport".



In late 2016 the Council of Europe's Conference of Ministers responsible for Sport addressed the role of governments in the fight against doping and stressed the need to revise their policy where necessary.

Just recently the Parliamentary Assembly of the Council of Europe adopted the Resolution 2199 "Towards a framework for modern sports governance" and called for action to foster good governance of sports.

With introducing the Rodchenkov Anti-Doping Act the U.S. Helsinki Commission accepts these recommendations and takes an important step in the fight against doping. I am fully convinced, that anti-doping legislation is a crucial tool to root out doping in sports. The Rodchenkov Anti-Doping Act and today's hearing will support our joint efforts to serve the clean athletes and protect the integrity of sports.

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