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# Ensuring Fair Play: Analysing Anti-Doping Regulation and Athlete Rights in Sports Law

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## ABSTRACT

*The paper explores the complex interplay between anti-doping regulations and the protection of athletes' rights in sports. It delves into the historical evolution of anti-doping measures, highlighting significant milestones like the formation of the World Anti-Doping Agency (WADA) and the implementation of the World Anti-Doping Code (WADC). The paper critiques the principle of strict liability and the Therapeutic Use Exemption (TUE) process, scrutinizing their implications on athletes' privacy, due process, and fair treatment. It underscores the necessity of balancing stringent anti-doping efforts with respect for athletes' fundamental rights, advocating for enhanced transparency, consistency, and education to foster a just and equitable sports environment.*

## I. INTRODUCTION

The pursuit of excellence in sports has always been accompanied by the need to maintain fairness and integrity. The use of performance-enhancing drugs (PEDs) undermines these fundamental principles, prompting the development of stringent anti-doping regulations globally. The primary objective of anti-doping policies is to ensure a level playing field, safeguard athlete health, and preserve the true spirit of competition<sup>3</sup>. However, the rigorous enforcement of these regulations often sparks debates about the balance between effective anti-doping measures and the protection of athlete rights.

Anti-doping efforts have a long history, dating back to ancient times when athletes were known to use various substances to enhance their performance<sup>4</sup>. However, modern anti-doping initiatives began to take shape in the 20th century, with significant milestones such as the formation of the International Olympic Committee (IOC) Medical Commission in 1961 and the introduction of the first comprehensive anti-doping regulations in the 1960s<sup>5</sup>. The establishment

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<sup>3</sup> World Anti-Doping Agency. (2021). World Anti-Doping Code. Retrieved from <https://www.wada-ama.org/en/resources/the-code/world-anti-doping-code>.

<sup>4</sup> Houlihan, B. (2002). Dying to Win: Doping in Sport and the Development of Anti-Doping Policy. Council of Europe Publishing.

<sup>5</sup> Møller, V. (2004). The Doping Devil: Danish Elite Athletes' Perspectives on Doping. International Journal of

of the World Anti-Doping Agency (WADA) in 1999 marked a turning point, providing a unified framework for anti-doping efforts worldwide<sup>6</sup>.

The World Anti-Doping Code (WADC), introduced by WADA, is the cornerstone of global anti-doping policy. It outlines the principles of strict liability, meaning athletes are responsible for any prohibited substances found in their bodies, regardless of intent<sup>7</sup>. This approach aims to create a deterrent effect but has been criticized for its potentially harsh consequences, especially in cases where athletes unintentionally ingest banned substances<sup>8</sup>. The WADC also includes provisions for Therapeutic Use Exemptions (TUEs), allowing athletes to use prohibited substances for legitimate medical reasons<sup>9</sup>. Despite these provisions, the process for obtaining TUEs has been criticized for its complexity and inconsistency<sup>10</sup>.

While anti-doping regulations are crucial for maintaining the integrity of sports, they also raise significant concerns regarding athletes' rights. Athletes are subject to rigorous testing regimes, including both in-competition and out-of-competition testing, which many view as invasive<sup>11</sup>. The requirement for athletes to provide detailed whereabouts information for out-of-competition testing, coupled with the implementation of the Athlete Biological Passport (ABP) program, which monitors biological markers over time, further exacerbates privacy concerns<sup>12</sup>. These measures, while essential for detecting doping, subject athletes to continuous surveillance and can be perceived as a violation of their privacy rights<sup>13</sup>.

Moreover, the legal processes associated with anti-doping regulations often present challenges for athletes. The Court of Arbitration for Sport (CAS) serves as the primary body for resolving doping disputes, but its procedures have been criticized for a lack of transparency and impartiality<sup>14</sup>. Athletes, especially those without significant financial resources, may find it difficult to navigate the complex legal landscape and secure adequate representation<sup>15</sup>. This

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Sport Policy and Politics, 2(2), 201-217.

<sup>6</sup> World Anti-Doping Agency. (1999). WADA History. Retrieved from <https://www.wada-ama.org/en/who-we-are/history>

<sup>7</sup> World Anti-Doping Agency. (2021). World Anti-Doping Code. Article 2.1.1.

<sup>8</sup> Viret, M. (2015). Evidence in Anti-Doping at the Intersection of Science and Law. T.M.C. Asser Press.

<sup>9</sup> World Anti-Doping Agency. (2021). International Standard for Therapeutic Use Exemptions.

<sup>10</sup> Ljungqvist, A., & Wadler, G. (2014). Medical and Legal Aspects of Doping Control in Sports. In Bahrke, M. S., & Yesalis, C. E. (Eds.), Performance-Enhancing Substances in Sport and Exercise. Human Kinetics.

<sup>11</sup> Kayser, B., Mauron, A., & Miah, A. (2007). Current Anti-Doping Policy: A Critical Appraisal. BMC Medical Ethics, 8(1), 2.

<sup>12</sup> McNamee, M. (2012). The Spirit of Sport: A Philosophical Perspective. Bloomsbury Academic.

<sup>13</sup> Saugy, M., & Robinson, N. (2011). The Athlete Biological Passport: From Theory to Implementation. Clinical Chemistry, 57(7), 969-976.

<sup>14</sup> Nafziger, J. A. R. (2004). International Sports Law. Transnational Publishers.

<sup>15</sup> Foster, K. (2016). Global Anti-Doping Regulation and Human Rights: The Case of the Court of Arbitration for Sport. In Haas, U., & Healey, D. (Eds.), Doping in Sport and the Law. Hart Publishing.

raises questions about the fairness and accessibility of the anti-doping adjudication process.

In light of these issues, it is essential to strike a balance between effective anti-doping measures and the protection of athlete rights. Enhancing transparency in the TUE process, ensuring fair and timely hearings, and providing better support for athletes during investigations are critical steps toward achieving this balance<sup>16</sup>. Additionally, increasing education on anti-doping rules and athletes' rights can help prevent unintentional violations and promote a more equitable sports environment<sup>17</sup>.

In conclusion, while anti-doping regulations play a vital role in preserving the integrity of sports, they must be implemented in a manner that respects the rights of athletes. By addressing the challenges within the current system and promoting fairness and transparency, the sports community can ensure that anti-doping efforts uphold the principles of justice and fair play.

## **II. THE EVOLUTION OF ANTI-DOPING REGULATION**

The evolution of anti-doping regulation has been a long and complex journey, driven by the need to maintain fairness and integrity in sports. The use of performance-enhancing substances dates back to ancient times, but it was not until the 20th century that formal anti-doping measures began to take shape<sup>18</sup>. Early efforts included the establishment of the International Olympic Committee (IOC) Medical Commission in 1961, which aimed to address the growing concern over doping in sports<sup>19</sup>.

The first comprehensive anti-doping regulations emerged in the 1960s, following a series of high-profile doping cases, including the death of Danish cyclist Knud Enemark Jensen during the 1960 Rome Olympics<sup>20</sup>. This tragic event underscored the urgent need for stringent measures to combat doping. Consequently, the IOC introduced its first list of banned substances in 1967, marking a significant step toward formalizing anti-doping efforts<sup>21</sup>.

The formation of the World Anti-Doping Agency (WADA) in 1999 represented a milestone in the global fight against doping. Established in response to the Festina affair during the 1998

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<sup>16</sup> Rigozzi, A., Quinn, C., & Wisnosky, J. (2018). Doping and the Legal System. In Pitsiladis, Y., & Koutedakis, Y. (Eds.), *Doping: Ethical and Legal Implications*. Routledge.

<sup>17</sup> Loland, S., Skirstad, B., & Waddington, I. (Eds.). (2006). *Pain and Injury in Sport: Social and Ethical Analysis*. Routledge.

<sup>18</sup> Houlihan, B. (2002). *Dying to Win: Doping in Sport and the Development of Anti-Doping Policy*. Council of Europe Publishing.

<sup>19</sup> Møller, V. (2004). The Doping Devil: Danish Elite Athletes' Perspectives on Doping. *International Journal of Sport Policy and Politics*, 2(2), 201-217.

<sup>20</sup> Hunt, T. M. (2011). *Drug Games: The International Olympic Committee and the Politics of Doping, 1960-2008*. University of Texas Press.

<sup>21</sup> International Olympic Committee. (1967). *IOC's First List of Banned Substances*. Retrieved from <https://www.olympic.org/medical-commission>

Tour de France, WADA was tasked with harmonizing anti-doping policies across different sports and countries<sup>22</sup>. WADA introduced the World Anti-Doping Code (WADC) in 2004, which provided a unified framework for anti-doping regulations and established clear standards for testing and enforcement<sup>23</sup>.

The WADC has undergone several revisions to address emerging challenges and incorporate advances in scientific research. These revisions reflect an ongoing commitment to enhancing the effectiveness of anti-doping measures while ensuring fair treatment of athletes<sup>24</sup>. Today, the WADC is widely regarded as the cornerstone of global anti-doping policy, guiding the efforts of sports organizations worldwide to uphold the principles of fair play and athlete health<sup>25</sup>.

### **III. THE WADA CODE: PRINCIPLES AND IMPLEMENTATION**

The World Anti-Doping Code (WADC) established by the World Anti-Doping Agency (WADA) is the cornerstone of global anti-doping efforts, designed to harmonize regulations across sports and countries<sup>26</sup>. A key principle of the WADC is strict liability, which holds athletes accountable for any prohibited substances found in their bodies, irrespective of intent<sup>27</sup>. This principle aims to create a strong deterrent against doping but has faced criticism for potentially harsh consequences, particularly in cases of accidental ingestion<sup>28</sup>.

The WADC also incorporates the concept of Therapeutic Use Exemptions (TUEs), which allow athletes to use prohibited substances for legitimate medical reasons<sup>29</sup>. The TUE process is intended to balance the need for effective medical treatment with the goal of preventing doping, though it is often criticized for being overly complex and inconsistent<sup>30</sup>.

Implementation of the WADC involves rigorous testing protocols, including both in-competition and out-of-competition testing, to detect the use of banned substances<sup>31</sup>. The Athlete Biological Passport (ABP) program, which monitors athletes' biological markers over

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<sup>23</sup> World Anti-Doping Agency. (2004). World Anti-Doping Code. Retrieved from <https://www.wada-ama.org/en/resources/the-code/world-anti-doping-code>

<sup>24</sup> Viret, M. (2015). Evidence in Anti-Doping at the Intersection of Science and Law. T.M.C. Asser Press.

<sup>25</sup> World Anti-Doping Agency. (2021). World Anti-Doping Code. Retrieved from <https://www.wada-ama.org/en/resources/the-code/world-anti-doping-code>

<sup>26</sup> World Anti-Doping Agency. (2021). World Anti-Doping Code. Retrieved from <https://www.wada-ama.org/en/resources/the-code/world-anti-doping-code>

<sup>27</sup> World Anti-Doping Agency. (2021). World Anti-Doping Code. Article 2.1.1.

<sup>28</sup> Viret, M. (2015). Evidence in Anti-Doping at the Intersection of Science and Law. T.M.C. Asser Press.

<sup>29</sup> World Anti-Doping Agency. (2021). International Standard for Therapeutic Use Exemptions.

<sup>30</sup> Ljungqvist, A., & Wadler, G. (2014). Medical and Legal Aspects of Doping Control in Sports. In Bahrke, M. S., & Yesalis, C. E. (Eds.), Performance-Enhancing Substances in Sport and Exercise. Human Kinetics.

<sup>31</sup> Fraser, A. D. (2004). Doping Control from a Global and National Perspective. *Therapeutic Drug Monitoring*, 26(2), 171-174.

time, is a key tool in identifying doping practices<sup>32</sup>. Despite these robust measures, ongoing debates focus on the balance between effective enforcement and protecting athletes' rights, particularly concerning privacy and due process<sup>33</sup>.

#### **IV. THERAPEUTIC USE EXEMPTIONS (TUES)**

Therapeutic Use Exemptions (TUEs) are a crucial component of the World Anti-Doping Code (WADC), designed to accommodate athletes who require the use of prohibited substances for legitimate medical reasons<sup>34</sup>. The TUE process allows these athletes to maintain their health and continue competing while adhering to anti-doping regulations. This balance between medical necessity and the fight against doping is vital for ensuring fairness and protecting athlete well-being.

To obtain a TUE, an athlete must submit a detailed application, including medical documentation that justifies the need for the prohibited substance<sup>35</sup>. The application is reviewed by an independent panel of medical experts who assess whether the substance is necessary for the athlete's health, whether it enhances performance beyond what is considered normal, and whether there are any alternative treatments that do not involve prohibited substances<sup>36</sup>. If approved, the TUE permits the athlete to use the substance without violating anti-doping rules<sup>37</sup>.

Despite its importance, the TUE process has faced criticism for several reasons. First, the application procedure can be cumbersome and time-consuming, potentially delaying access to necessary medication<sup>38</sup>. Athletes with urgent medical needs may find this process particularly challenging. Second, there is perceived inconsistency in the granting of TUEs, with some athletes receiving exemptions while others in similar situations do not<sup>39</sup>. This inconsistency can undermine trust in the system and raise questions about the fairness of anti-doping regulations. Furthermore, the confidentiality of medical information is a significant concern. Athletes are

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<sup>33</sup> Kayser, B., Mauron, A., & Miah, A. (2007). Current Anti-Doping Policy: A Critical Appraisal. *BMC Medical Ethics*, 8(1), 2.

<sup>34</sup> World Anti-Doping Agency. (2021). International Standard for Therapeutic Use Exemptions. Retrieved from <https://www.wada-ama.org/en/resources/science-medicine/international-standard-for-therapeutic-use-exemptions>

<sup>35</sup> Ljungqvist, A., & Wadler, G. (2014). Medical and Legal Aspects of Doping Control in Sports. In Bahrke, M. S., & Yesalis, C. E. (Eds.), *Performance-Enhancing Substances in Sport and Exercise*. Human Kinetics.

<sup>36</sup> World Anti-Doping Agency. (2021). Guidelines for Therapeutic Use Exemptions. Retrieved from <https://www.wada-ama.org/en/resources/science-medicine/guidelines-for-therapeutic-use-exemptions>

<sup>37</sup> Møller, V. (2010). The Doping Devil: Danish Elite Athletes' Perspectives on Doping. *International Journal of Sport Policy and Politics*, 2(2), 201-217.

<sup>38</sup> Kayser, B., Mauron, A., & Miah, A. (2007). Current Anti-Doping Policy: A Critical Appraisal. *BMC Medical Ethics*, 8(1), 2.

<sup>39</sup> Fraser, A. D. (2004). Doping Control from a Global and National Perspective. *Therapeutic Drug Monitoring*, 26(2), 171-174

required to disclose sensitive health information to obtain a TUE, which may infringe on their privacy rights<sup>40</sup>. Ensuring that this information is handled with the utmost care and confidentiality is essential to protect athlete privacy.

In conclusion, while TUEs are vital for balancing medical needs with anti-doping efforts, improvements in the process are necessary. Streamlining the application procedure, ensuring consistency in decision-making, and safeguarding athletes' privacy can enhance the effectiveness and fairness of the TUE system<sup>41</sup>.

## **V. ATHLETES' RIGHTS AND DUE PROCESS**

Athletes' rights and due process within the anti-doping framework are critical yet contentious issues. The stringent measures necessary to combat doping in sports often intersect with fundamental rights, raising significant ethical and legal concerns. The principle of strict liability, which holds athletes accountable for any prohibited substances found in their bodies, regardless of intent, underscores the tension between effective anti-doping enforcement and the protection of athletes' rights<sup>42</sup>.

One of the primary concerns is the invasion of privacy. Athletes are required to provide detailed whereabouts information for out-of-competition testing, subjecting them to continuous surveillance<sup>43</sup>. The Athlete Biological Passport (ABP) program, which involves regular collection of blood and urine samples to monitor biological markers, further amplifies these privacy issues<sup>44</sup>. While these measures are crucial for detecting doping, they significantly intrude into athletes' private lives, potentially violating their right to privacy<sup>45</sup>.

The right to a fair hearing is another critical aspect of due process that is often challenged in the anti-doping context. The Court of Arbitration for Sport (CAS) is the main body responsible for resolving doping disputes. However, its procedures have been criticized for a lack of transparency and impartiality<sup>46</sup>. Many athletes, especially those without substantial financial resources, face difficulties in navigating the complex legal landscape and securing adequate representation<sup>47</sup>. This disparity raises questions about the fairness and accessibility of the anti-

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<sup>41</sup> Rigozzi, A., Quinn, C., & Wisnosky, J. (2018). *Doping and the Legal System*. In Pitsiladis, Y., & Koutedakis, Y. (Eds.), *Doping: Ethical and Legal Implications*. Routledge

<sup>42</sup> World Anti-Doping Agency. (2021). *World Anti-Doping Code*. Article 2.1.1.

<sup>43</sup> McNamee, M. (2012). *The Spirit of Sport: A Philosophical Perspective*. Bloomsbury Academic.

<sup>44</sup> Saugy, M., & Robinson, N. (2011). The Athlete Biological Passport: From Theory to Implementation. *Clinical Chemistry*, 57(7), 969-976.

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<sup>46</sup> Nafziger, J. A. R. (2004). *International Sports Law*. Transnational Publishers.

<sup>47</sup> Foster, K. (2016). *Global Anti-Doping Regulation and Human Rights: The Case of the Court of Arbitration for*

doping adjudication process.

Moreover, the consequences of a positive doping test can be severe, including lengthy bans, reputational damage, and loss of income<sup>48</sup>. These penalties highlight the need for a robust and fair adjudication process that ensures athletes have the opportunity to defend themselves adequately.

In response to these concerns, recommendations have been made to enhance transparency and fairness within the anti-doping framework. These include improving the clarity and consistency of the Therapeutic Use Exemption (TUE) process, ensuring timely and impartial hearings, and providing legal support for athletes during investigations<sup>49</sup>. Additionally, increasing education on anti-doping rules and athletes' rights can help prevent unintentional violations and promote a more just system<sup>50</sup>.

In conclusion, while anti-doping regulations are essential for maintaining the integrity of sports, they must be implemented in a way that respects and protects athletes' rights. Ensuring due process through fair and transparent procedures is crucial for achieving this balance.

## **VI. BALANCING ANTI-DOPING EFFORTS WITH ATHLETES' RIGHTS**

Balancing anti-doping efforts with the protection of athletes' rights is essential for ensuring the integrity of sports while respecting individual liberties. The stringent measures required to combat doping must be implemented in a manner that is fair, transparent, and respects the rights of athletes.

One key area for improvement is enhancing transparency in the Therapeutic Use Exemption (TUE) process. Standardizing the criteria for granting TUEs and ensuring that decisions are made consistently can help to prevent unfair treatment of athletes with legitimate medical needs<sup>51</sup>. Implementing an independent review process for TUE applications can further enhance the credibility and fairness of the system.

Ensuring fair and timely hearings is another crucial aspect. The Court of Arbitration for Sport (CAS), while being the primary body for resolving doping disputes, needs to adopt more

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Sport. In Haas, U., & Healey, D. (Eds.), *Doping in Sport and the Law*. Hart Publishing.

<sup>48</sup> Viret, M. (2015). *Evidence in Anti-Doping at the Intersection of Science and Law*. T.M.C. Asser Press.

<sup>49</sup> Rigozzi, A., Quinn, C., & Wisnosky, J. (2018). *Doping and the Legal System*. In Pitsiladis, Y., & Koutedakis, Y. (Eds.), *Doping: Ethical and Legal Implications*. Routledge.

<sup>50</sup> Loland, S., Skirstad, B., & Waddington, I. (Eds.). (2006). *Pain and Injury in Sport: Social and Ethical Analysis*. Routledge.

<sup>51</sup> Møller, V. (2010). The Doping Devil: Danish Elite Athletes' Perspectives on Doping. *International Journal of Sport Policy and Politics*, 2(2), 201-217.



transparent and impartial procedures<sup>52</sup>. Providing athletes with access to legal aid and support can ensure that they receive a fair hearing and can effectively defend themselves against allegations of doping<sup>53</sup>. This is particularly important for less affluent athletes who may otherwise struggle to navigate the complex legal landscape of anti-doping regulations<sup>54</sup>.

Safeguarding athletes' privacy is also paramount. Measures such as the Athlete Biological Passport (ABP) and whereabouts requirements, while essential for detecting doping, must be balanced against the athletes' right to privacy<sup>55</sup>. Establishing clear guidelines on data protection and ensuring that sensitive information is handled with the utmost care can help to mitigate privacy concerns<sup>56</sup>.

Increasing education on anti-doping rules and athletes' rights is another critical step. By providing athletes with comprehensive knowledge about anti-doping regulations and their rights, unintentional violations can be minimized, and athletes can be better equipped to protect themselves<sup>57</sup>.

While anti-doping efforts are vital for maintaining the integrity of sports, they must be balanced with respect for athletes' rights. Enhancing transparency, ensuring fair hearings, safeguarding privacy, and increasing education are key measures that can help achieve this balance. By addressing these challenges, the sports community can ensure that anti-doping efforts uphold the principles of justice and fair play.

## VII. CONCLUSION

The quest to maintain integrity and fairness in sports through anti-doping regulations is both necessary and complex. These regulations are designed to ensure a level playing field and protect the health of athletes. However, the implementation of these measures must be balanced with respect for athletes' rights to privacy, due process, and fair treatment.

Anti-doping efforts have evolved significantly, marked by the establishment of the World Anti-Doping Agency (WADA) and the introduction of the World Anti-Doping Code (WADC). These milestones have provided a unified framework for combating doping, with principles such as strict liability and the Therapeutic Use Exemption (TUE) process. Despite these

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<sup>53</sup> Foster, K. (2016). *Global Anti-Doping Regulation and Human Rights: The Case of the Court of Arbitration for Sport*. In Haas, U., & Healey, D. (Eds.), *Doping in Sport and the Law*. Hart Publishing.

<sup>54</sup> Viret, M. (2015). *Evidence in Anti-Doping at the Intersection of Science and Law*. T.M.C. Asser Press.

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<sup>56</sup> McNamee, M. (2012). *The Spirit of Sport: A Philosophical Perspective*. Bloomsbury Academic.

<sup>57</sup> Loland, S., Skirstad, B., & Waddington, I. (Eds.). (2006). *Pain and Injury in Sport: Social and Ethical Analysis*. Routledge.

advancements, challenges remain, particularly regarding the potential for harsh penalties and inconsistent application of rules.

Athletes' rights are a critical aspect of the anti-doping framework. The rigorous testing protocols and requirements for detailed whereabouts information raise significant privacy concerns. Moreover, the adjudication process, primarily handled by the Court of Arbitration for Sport (CAS), has faced criticism for a lack of transparency and fairness, especially for less affluent athletes who may lack the resources to mount an adequate defense.

To address these issues, several measures can be implemented. Enhancing transparency and consistency in the TUE process, ensuring fair and timely hearings, and providing better support for athletes during investigations are essential steps. Additionally, increasing education on anti-doping rules and athletes' rights can help prevent unintentional violations and promote a more equitable sports environment.

**VIII. REFERENCES**

1. World Anti-Doping Agency. (2021). World Anti-Doping Code. Retrieved from <https://www.wada-ama.org/en/resources/the-code/world-anti-doping-code>
2. Houlihan, B. (2002). *Dying to Win: Doping in Sport and the Development of Anti-Doping Policy*. Council of Europe Publishing.
3. Møller, V. (2004). The Doping Devil: Danish Elite Athletes' Perspectives on Doping. *International Journal of Sport Policy and Politics*, 2(2), 201-217.
4. Hunt, T. M. (2011). *Drug Games: The International Olympic Committee and the Politics of Doping, 1960-2008*. University of Texas Press.
5. International Olympic Committee. (1967). IOC's First List of Banned Substances. Retrieved from <https://www.olympic.org/medical-commission>
6. World Anti-Doping Agency. (1999). WADA History. Retrieved from <https://www.wada-ama.org/en/who-we-are/history>
7. Viret, M. (2015). *Evidence in Anti-Doping at the Intersection of Science and Law*. T.M.C. Asser Press.
8. World Anti-Doping Agency. (2021). International Standard for Therapeutic Use Exemptions. Retrieved from <https://www.wada-ama.org/en/resources/science-medicine/international-standard-for-therapeutic-use-exemptions>
9. Ljungqvist, A., & Wadler, G. (2014). Medical and Legal Aspects of Doping Control in Sports. In Bahrke, M. S., & Yesalis, C. E. (Eds.), *Performance-Enhancing Substances in Sport and Exercise*. Human Kinetics.
10. Kayser, B., Mauron, A., & Miah, A. (2007). Current Anti-Doping Policy: A Critical Appraisal. *BMC Medical Ethics*, 8(1), 2.
11. Fraser, A. D. (2004). Doping Control from a Global and National Perspective. *Therapeutic Drug Monitoring*, 26(2), 171-174.
12. McNamee, M. (2012). *The Spirit of Sport: A Philosophical Perspective*. Bloomsbury Academic.
13. Saugy, M., & Robinson, N. (2011). The Athlete Biological Passport: From Theory to Implementation. *Clinical Chemistry*, 57(7), 969-976.
14. Nafziger, J. A. R. (2004). *International Sports Law*. Transnational Publishers.

15. Foster, K. (2016). Global Anti-Doping Regulation and Human Rights: The Case of the Court of Arbitration for Sport. In Haas, U., & Healey, D. (Eds.), *Doping in Sport and the Law*. Hart Publishing.
16. Rigozzi, A., Quinn, C., & Wisnosky, J. (2018). Doping and the Legal System. In Pitsiladis, Y., & Koutedakis, Y. (Eds.), *Doping: Ethical and Legal Implications*. Routledge.
17. Loland, S., Skirstad, B., & Waddington, I. (Eds.). (2006). *Pain and Injury in Sport: Social and Ethical Analysis*. Routledge.

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