

Strasbourg, 28 February 2002

T-DO (2001) 27

Anti-Doping Convention (T-DO)

Compliance with commitments project

Report of the Consultative visit to Turkey on the implementation of the Convention

Ankara and Istanbul, 22-24 October 2001

1. Introduction

This consultative visit was organised at the request of the Turkish Doping Control Centre and the General Directorate of Youth and Sport (GDYS) working under the State Ministry responsible for Youth and Sport in Turkey. The visit focused on assessing the Turkish anti-doping policy and programme, the national anti-doping structure, doping control system, the laboratory and the Turkish Doping Control Centre's procedures and looked at legal issues.

The programme of the visit appears in the Appendix.

The consultative team was composed of Prof. Klaus MULLER, Dr Karlheinz DEMEL, Mr Rune ANDERSEN and Mr Mesut ÖZYAVUZ.

The visit mainly took place in Ankara from 22 to 24 October. The team also met with authorities from the Turkish National Olympic Committee in Istanbul on 24 October in the afternoon. Mr Rune ANDERSEN was not able to attend this meeting in Istanbul and left Turkey from Ankara.

2. General description

In Turkey, the State Ministry responsible for Youth and Sport is the highest authority for sport policy and for its implementation. The Minister introduces all laws relating to sport to the National Assembly and liaises with other ministers on sports-related subjects. The General Directorate of Youth and Sport (GDYS), working under the State Ministry responsible for Youth and Sport, is the second most important authority.

The constitutive law of the General Directorate of Youth and Sport also provides the legal basis for the anti-doping initiatives in Turkey (Law no. 3289, dated 21 May 1986). Article 2 of this law defines the tasks of the GDYS. According to Article 2.g, it has to take all necessary actions to protect health of sportsmen and women.

Turkey ratified the Anti-Doping Convention in 1993 by the Law no. 3885 (entry into force of the ratification from 1st January 1994). This law provides a further legal basis for the implementation of the anti-doping activities.

3. National anti-doping system

The Turkish Doping Control Centre was founded in 1988 under a protocol between Hacettepe University in Ankara and the GDYS, working under the State Ministry responsible for Youth and Sport. At that time a laboratory was inaugurated at the Faculty of Pharmacy.

On the basis of the Law no. 3289 dated 21 May 1986 and the Law no. 3885 of 1993 (above mentioned), the GDYS adopted a set of national anti-doping regulations in 1993. The regulations define the aim, scope and basis of the anti-doping system. They also set out the duties of independent sampling officials (called “doping controls officers” in this report to avoid confusion with ISO terminology) and sampling procedures.

The regulations also set out the responsibilities of sport federations, the organisation of educational programmes and activities and the adoption of the list of classes of prohibited substances and methods. According to Article 9 of the regulations, the doping control tests are requested by the GDYS. The sports federations concerned cover the costs of tests.

With regard the list of classes of prohibited substances and methods, adopted by the Monitoring Group of the Convention and the International Olympic Committee, the latest version is circulated annually by the GDYS to the relevant institutions (Article 14 of the regulations) after translation by the Turkish Doping Control Centre.

A national doping control programme was introduced in 1995 and independent doping control officers have been trained. The Foundation for the Fight Against Doping is the umbrella structure under which the Anti-Doping laboratory and the independent doping control officers (DCO) work. The laboratory is a central point of the Turkish Doping Control Centre. The Foundation Board has 44 members from GDYS, NOC, the university and the federations. The Executive Committee of the Foundation is composed of 7 members.

The national anti-doping regulations are now being revised. As the new edition of the draft regulations will be issued very soon, the analyses and the recommendations of the consultative team are mainly focused on them.

The draft regulations are also based on the two main laws mentioned earlier. It is planned to create a high level committee for the fight against doping, as a national coordinating body. The draft regulations have the title “Regulations related to the creation, tasks, competences and duties of the High Committee for the fight against doping”. They make provision for three sub-committees – which already exist in practice - namely, tasks and their execution, anti-doping education and doping control officers and define in detail the role, competences, tasks and duties of each body.

With respect to sanctions, the draft regulations make reference to another text “the GDYS’s regulations on sanctions in amateur sports” (see under 5).

In the draft regulations, Article 4 defines the terms. In this Article, the definition of doping is linked to the prohibited list appended to the Olympic Movement’s Anti-Doping Code, while

the regulations are based on the law ratifying the Convention. This law, made the Anti-Doping Convention part of the national legislation. *The new regulations should also refer to the list adopted by the Monitoring Group and in future by the World Anti-Doping Agency (WADA).*

It is planned that the high level Committee shall have 23 members. *This number is certainly too many to enable the Committee to work efficiently. Nine or eleven members would be sufficient.* Most of the members are either from or else nominated by state and governmental bodies or semi-public organisations. This will not guarantee the independence of the national anti-doping body. In the current situation of the draft regulations, *the high level Committee seems very close to the GDYS, which is in charge of sport in general, including the promotion of high-level sport. The high level Committee should include more representatives from sport organisations, including the National Olympic Committee and the Turkish Football Federation. Also the professional qualifications of the members should be well balanced. It would be prudent, for example, to have one-third from medical field, one-third with legal competence and one third with competence and experience in the sports world.*

In Article 9d of the draft regulations, it is stated that the high level Committee will be in charge of the realisation of the tests requested by the competent international sport organisations. *This limits the power of control of the Committee. It should have full authority for the planning, coordinating, carrying out and monitoring of doping controls.*

In several places, the draft regulations refer to the rules of international sport organisations. *But there are no provisions if the latter do not carry out the doping controls efficiently and respect the anti-doping rules and sanctions.*

The consultative team recommends that Turkish authorities should consider reviewing the draft regulations in the light of this report for the composition, tasks and responsibilities of the high level Committee in the fight against doping.

4. Doping control process

The Directorate of the Doping Control Officers (DDCO) is in charge of taking samples both in competition and out-of-competition sport. The DCOs are trained every two years. 120 DCOs have been trained, but only about 60 of them are operational. There is no accreditation system for the DCOs yet. The DDCO is planning to apply for accreditation soon.

There seems to be the lack of a systematic approach to a planned structure on how to organise the planning of doping controls. This is carried out according to direct orders from National Sports Federations (NF) and not in accordance with an overall plan for all sports in Turkey. The number of tests in 2000 was 267, for all sports except for football and 103 others samples realised abroad. For the year 2001 the number seems to have increased a lot to around 600. The consultative team was told that the number of tests would be increased, following the full accreditation of the laboratory in Ankara.

With respect to the selection and notification of athletes for doping controls there does not seem to be a system in place that systematically updates the contact information on elite athletes.

There is a system in place for the preparation and conduct of doping controls. The team did not have the possibility of seeing the actual procedure for sample collection, but were told that it is done according to international standards.

A system has also been established for handling samples. A positive result is sent by the Head of Laboratory to the Director General of the GDYS who sends it to the President of the sports federation concerned. The latter informs the athlete. If the athlete requests it, the B sample is analysed. However, there is no review panel overseeing the analytical results and procedures being carried out, in order to ascertain whether a doping infraction has occurred.

The consultative team recommends that:

- ***a policy be established on planning test distribution for overall testing in Turkey;***
- ***a certification system for DCOs be set up. The guidelines for DCOs should also be improved to conform to the latest standards (for example, declarations on medications taken by sportsmen/women regarding the last 7 days instead of 3 days);***
- ***the number of tests be increased to between 2000-3000, for example in 2002;***
- ***a system be set up for the continuous updating of athletes' contact information and event details;***
- ***the standards in the International Standard for Doping Control (ISDC) on follow up on handling of samples, etc. should be followed closely : Turkey is invited to apply to the World Anti Doping Agency (WADA) for inclusion in the IPT team for having the ISO/PAS 18873 (see the Declaration adopted by the Monitoring Group at its 11th meeting in March 2000);***
- ***a panel of juridical and medical expertise be established to oversee a positive analytical finding and/or a failure to comply.***

5. Legal issues

The draft regulations also refer to another text namely “the GDYS’s Regulations on sanctions in amateur sports”. These regulations deal not only with the doping sanctions, but also with all disciplinary matters in sport. So the different disciplinary bodies are in charge of the whole disciplinary field in sport. There are two levels of panels for doping cases: a first instance disciplinary panel and then an appeal body. The members of these panels are nominated from independent lawyers and experts. However, the list of candidates is proposed by the Director General of the GDYS and approved by the Minister. Therefore the distinction between the judicial and executive power is not totally respected.

As all disciplinary questions are dealt with together and by the same regulations, the distinction with respect to doping sanctions does not seem to be clear enough. Moreover there are no clear provisions for penalties to punish the entourage of the athlete, nor any specific provisions in the case of a minor, involved in a doping case.

The same lack of legislative measures is observed concerning the traffic of doping agents, save for the provisions of the Penal Code concerning the use and trafficking of drugs in general.

It is suggested that the disciplinary system be reviewed in such a way that it ensures optimal respect for the principles of fair and impartial justice, particularly by making a clear separation between the judicial and the executive power and prosecuting authority, and hence the independence of bodies concerned (see the Article 7.2.d of the Convention and the Recommendation No. 2/98 of the Monitoring Group).

Appropriate sanctions should also be provided to punish the members of the athlete's entourage involved in doping offences, such as officials, doctors, veterinary surgeons, coaches, physiotherapists and other officials or accessories associated with infringing the anti-doping regulations (see Recommendation No. 1/97 on disciplinary measures to be taken with regard to members of the athlete's entourage and protection of minors, in application of Article 7.2.e of the Convention).

The consultative team recommends that the Turkish authorities should, in the future, consider the adoption of an anti-doping law to give a stronger and broader legal basis for the fight against doping. Such a law should include all possible aspects of the fight against doping from the creation and responsibility of the national anti-doping body and national sport governing bodies to the description of the disciplinary processes and instances, including the appeal system.

With regard to the supply, administration and trafficking of doping substances and methods, new legislative/regulatory measures should be introduced in the light of the recommendation No. 2/94 of the Monitoring Group and the Recommendation (2000)16 of the Committee of Ministers of the Council of Europe.

6. Laboratory

The Anti-Doping Centre laboratory of Turkey is situated on the campus of the Pharmaceutical Faculty of Hacettepe University in the centre of Ankara. Headed by Prof. Dr. Aytekin TEMIZER, an analytical Chemist, and with a staff of 20, the laboratory is already equipped according to the specifications for accreditation demanded by the IOC Medical Commission. In October 2001, the laboratory expected IOC Accreditation in the near future, after having successfully performed the first pre-accreditation test series. It has also successfully carried out the final accreditation test series in the presence of the delegate, Dr. Moutian Wu (Beijing Anti-Doping Laboratory) of the IOC Medical Commission. *[In December 2001 before this report was finalised the Turkish authorities confirmed that the laboratory had received accreditation from the IOC.]*

The deputy head of the laboratory, Ms Assoc. Prof. Nursabah E. BASCI is the Quality Management Officer of the laboratory and has co-ordinated procedures for the additional accreditation according to ISO 17025. Since 2000, this is a precondition for obtaining the IOC (in the future WADA) laboratory accreditation.

The laboratory already uses all the analytical techniques and possesses the machinery necessary for the current routine (urine) analyses in doping controls. Additional instruments –

for example, the Isotope Ratio Mass Spectrometry, not yet compulsory for accredited laboratories – planned to be ordered in 2002.

In addition, the laboratory performs toxicological analyses, other than doping control procedures for the Medical Faculty (e.g. suspected poisonings of unconscious patients, questionable exposures to heavy metals like lead, mercury).

The Centre will soon be moved to a new multi storey building with about 1000 m² space, including optimal conditions for staff and equipment and the necessary security precautions. These facilities will be superior to those in most existing laboratories. The move will take place as soon as the financial means are available.

This will mean, an even greater analytical capacity for the laboratory to the extent of more than 5000 samples per year. *But even now, the capacity of the lab is greater than needed, as only some 500 urine samples were expected for testing in 2001.* However, the Head of the laboratory expects 5000 samples annually for analysis after gaining the full IOC accreditation.

The consultative team supports the ongoing work undertaken for the accreditation of the Ankara laboratory according to ISO 17025. It encourages the Turkish authorities to seek cooperation with relevant laboratories for introducing the new detection methods for erythropoietin (EPO).

7. Conclusion

Until now the Turkish authorities have focused resources and attention on the accreditation of the laboratory. A lot of effort and money has been spent for this objective.

It was understood that, following the accreditation of the laboratory, more attention will be paid to other aspects and processes of doping control and that more financial resources should also be available for this. These concerns cover the questions addressed in this report, on the preventive measures, education and information strategies, the research programme on aspects other than scientific and detection methods in the laboratory. There are also the social aspects and consequences of doping and the means of prevention of doping in sportspeople to be explored.

The consultative team thought that Turkey could also play an active role in the regional and international cooperation in the fight against doping. The team noted with satisfaction the initiatives and cooperation developed by the Turkish Doping Centre with some Balkan, Caucasian and Arab countries, particularly in training doping experts.

The consultative team was very encouraged by hearing of and observing the political willingness and commitment to eradicate doping in sport shown by the senior authorities, particularly Mr Fikret ÜNLÜ, the State Minister responsible for Youth and Sport, Mr Kemal MUTLU, the Director General of GDYS and Mr Sinan ERDEM, the president of the Turkish NOC.

The consultative team thanks their Turkish hosts for the fine organisation of this visit and for the very warm hospitality shown to them.

Appendix

Programme of the visit to Turkey Ankara, Istanbul, 22-24 October 2001

Monday, 22 October 2001

- . Welcome and introductions in Ankara

Tuesday, 23 October 2001

- . Meeting with the Turkish Doping Control Centre and national governing bodies of the Sport
- . Meeting with the Health Department of the General Directorate of Youth and Sport
- . Meeting with the Director of the General Directorate of Youth and Sport
- . Meeting with the State Minister responsible for Youth and Sport

Wednesday, 24 October 2001

- . Meeting with the Health Department of the General Directorate of Youth and Sport and the Turkish Doping Control Centre, to evaluate the visit to Ankara
- . Press conference in Ankara
- . Transfer to Istanbul by airplane
- . Meeting with the Turkish National Olympic Committee in Istanbul

Useful Internet addresses:

GDYS : www.sporum.gov.tr

Turkish Doping Control Centre: www.tdkm.hacettepe.edu.tr