

**MONITORING GROUP (T-DO)**

ANTI-DOPING CONVENTION

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 17 December 2020

T-DO (2020) 27rev

**Terms of reference for the  
Ad Hoc Group of experts on ensuring whistleblowers'  
protection (T-DO-WP)**

**Adopted at the 52<sup>nd</sup> meeting of the Monitoring Group**

**AD HOC GROUP OF EXPERTS ON ENSURING WHISTLE-BLOWERS' PROTECTION (T-DO-WP)**

*Set up by the Monitoring Group to the Anti-Doping Convention (T-DO) under Article 11.2 of the Convention and Article 17 of the T-DO Rules of Procedure.*

**Type of committee:** Ad hoc group of experts

Terms of reference valid from 1 January 2021 until 1 May **2022**

**TASKS OF THE AD HOC GROUP OF EXPERTS**

Under the authority of the Monitoring Group of the Anti-Doping Convention (T-DO), drawing on the analysis of existing national and international practice, the Ad hoc group of experts on ensuring whistle-blower protection (T-DO-WP) will:

- Prepare a draft recommendation on the measures to be adopted by the states' parties to the Council of Europe Anti-Doping Convention with a view to according adequate and effective protection to whistle-blowers that should apply in the context of the fight against doping in sport at domestic and international levels;
- In drafting this recommendation to focus, particularly, on
  - (1) clarifying the definition of a whistle-blower;
  - (2) determining the level of protection required for different situations and types of whistleblowing;
  - (3) differentiating between the roles to be played by the public authorities (including law-enforcement authorities), national anti-doping organisations (NADOs) and sport organisations (both at national and international levels);
  - (4) proposing mechanisms of co-operation between different actors involved;
  - (5) linking the provisions of the Anti-doping Convention to other relevant legal instruments that exists at national, regional or international level.
- Engage in co-operation with GRECO and other relevant Council of Europe's organs and sectors with a view to ensuring that the provisions of the draft recommendation are effectively integrated into other wider initiatives to protect whistle-blowers;
- Present the results of its work to the Monitoring Group for approval;
- Formulate recommendation on the most appropriate mechanisms of the implementation of the recommendation and, for that purpose, practical co-operation with relevant bodies within the Council of Europe and external partners.

**COMPOSITION****Members:**

The Monitoring Group (T-DO) will appoint ten (10) members representing national delegations (preferably with legal background and/or good knowledge of anti-doping issues). The members will elect the Chair and Vice-Chair during the first meeting of the group.

In addition, the following Council of Europe bodies and sectors will be invited to designate representatives:

- European Court for Human Rights (ECtHR);

- European Committee on Legal Co-operation (CDCJ)
- Group of States against Corruption (GRECO)

The Monitoring Group (T-DO) may decide, in the future and upon the recommendation of the T-DO Co-ordination Group, to appoint additional members of the Ad hoc group or to invite other Council of Europe bodies or external organisations.

**Observers:**

The following may send representatives, without the right to vote:

- European Union;
- IOC;
- UNESCO;
- World Anti-Doping Agency (WADA);
- EU Athletes.

**WORKING METHODS**

The ad hoc group will carry out its work through regular meetings and online communication between the meetings.

The ad hoc group may decide to hold consultations or hearings with the representatives of stakeholders not included in the group.

The ad hoc group will report regularly to the T-DO Co-ordination Group and to the Monitoring Group. If needed, the ad hoc group may be assisted by a consultant.

The work of the ad hoc group will be supported by the T-DO Secretariat.