



## **Chapter 3.14 – Policy on Eligibility of Persons Sentenced to Imprisonment on Conviction of a Criminal Offence**

June 2015

**International Paralympic Committee**

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Approval Authority:	IPC Governing Board
Responsible Office or Department:	Executive Office
Approval Date:	5 June 2015
Related Policies:	IPC Bylaws on Rights and Obligations of IPC Members. IPC Hearing and Appeal Rules - Rules Governing the Procedures for dealing with complaints on alleged breaches of the Code of Ethics.

## 1 Policy Statement

The IPC believes that it is incompatible with its vision and with the Preamble and Articles 1.1, 1.5 and 1.7 of the IPC Code of Ethics to permit athletes to compete in IPC Competitions while they are serving a prison sentence as a result of a criminal offence even if an element of that sentence is being served outside of a prison environment 'on parole' or 'on licence'.

## 2 Application

- 2.1 No one is eligible to participate in the Paralympic Games or in competitions for those sports that are governed by the IPC as an International Federation (referred to as 'IPC Competitions' in this Policy), if they have been sanctioned to a term of imprisonment and that term has not yet fully expired. This applies where a person has been released from prison prior to the end of the prison term whether on parole, on licence, or some other supervisory regime imposed by the relevant authorities.
- 2.2 This IPC Policy applies to all athletes wishing to participate in IPC Competitions as well as to any athlete competition partner (e.g. guides, pilots, coxswains) for those sports where such assistance is allowed and where the competition partner also receives a medal.
- 2.3 'Imprisonment' refers to the incarceration of an individual following a due legal process, and the term 'prison' includes 'jail'.



### 3 Principles

- 3.1 The eligibility restriction applies during the term of a prison sentence or where more than one term of imprisonment has been imposed for the total period of imprisonment taken together whether on a consecutive or concurrent basis as the court has determined.
- 3.2 The sentence must be imposed by a 'court of competent jurisdiction' that was duly empowered to impose the sentence(s) according to the applicable national, state or local law, has operated according to the applicable law in imposing the sentence, and has followed a process whereby the accused was given the right to effectively defend him/herself and to be legally represented before a Judge or panel of Judges that were unbiased and non-political.
- 3.3 The 'crime' for which the sentence has been imposed must have been adopted as an exercise of legitimate social control and must not be motivated for political reasons to protect a particular government from criticism or to quash peaceful political speech and campaigning. The 'crime' must accord to the norms of the majority of the IPC membership, or not be so far from those norms that the IPC cannot in good conscience support the concept of a criminal sanction in the relevant circumstances.

### 4 Procedures

- 4.1 NPC's should carry out reasonable checks to ensure that they do not select for any team for any IPC Competition a person rendered ineligible under this Policy.
- 4.2 The IPC CEO shall have the delegated authority of the IPC Governing Board to confirm that a person is to be considered ineligible under this Policy, but where the IPC CEO feels that the conviction and sentence should not be recognised under this Policy as a result of 3.3 above he shall refer the matter to the IPC Governing Board.



- 4.3 The IPC Governing Board shall be entitled to require that before any person that has been rendered ineligible under this Policy is permitted to compete in any IPC Competition (at the end of their term of imprisonment), and where they have a concern for the safety of competitors and others, he or she provide additional evidence confirming their rehabilitation (which may include a psychiatric report).
- 4.4 The IPC CEO may consult with the IPC Legal and Ethics Committee with regard to any matter concerning the application of this Policy.

## 5 Appeals

- 5.1 Any person denied eligibility under this Policy will have the right of appeal following the procedure for appeals laid out in the Rules Governing the Procedures for dealing with complaints on alleged breaches of the Code of Ethics (to be read and construed '*mutatis mutandis*', i.e., with the necessary changes to fit with the objective of this Policy) (see Appendix A to Chapter 1.1 of the IPC Handbook).
- 5.2 The grounds of any appeal will be limited to an allegation that the terms of this Policy have not been properly applied OR that for some other reason that amounts to an exceptional circumstance the interests of justice require that any decision on ineligibility under this Policy be set aside.