

## **Report to the INAS-FID membership on athletes with intellectual disability and the 2008 Beijing Paralympic Games**

It has appeared that there is a need among the membership for a résumé and for updated information on the actions taken by INAS-FID for the inclusion of athletes with intellectual disability in 2008 Beijing. This report begins in November 2004 when the IPC General Assembly assigned IPC the task to actively direct a process by which mutually (for IPC and INAS-FID) acceptable eligibility and verification systems are developed. The report does not include the actions taken from 2001 to 2004 which led to the inclusion of a small number of athletes in 2004 Athens, on a demonstration basis. However, at some places reference is made to occurrences from before 2004.

INAS-FID member organisations should feel free to forward this report to whoever they think appropriate.

The report includes:

Fact sheet July 2006 (distributed to membership last August)  
pages 2 through 5

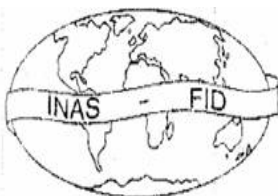
Report of a meeting IPC/INAS-FID 23 August 2006  
pages 6 through 10

INAS-FID presentation before IPC Governing Board 25 November 2006  
pages 11 through 15

Letter IPC 27 November 2006  
page 15

Next steps  
page 15

Jos Mulder  
President  
January 2007



### Fact sheet

on the systems for determining eligibility of athletes with intellectual disability to participate in the 2008 Beijing Paralympics and on the IPC Governing Board decision of 24 June 2006.

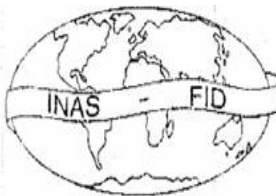
1. November 2004 the IPC membership decided that the IPC should actively direct a process by which mutually (for IPC and INAS-FID) acceptable eligibility and verification systems are developed.
2. For that, and in the beginning of 2005, a so called General Group was formed, made up of the Chairman of the IPC Sport Science Committee, the IPC Medical and Scientific Director, the INAS-FID Eligibility Adviser and the Director of SUH (where the INAS-FID Secretariat is located). Later, an expert from the Leuven University (Belgium) joined the Group.
3. April 2005 the IPC Governing Board decided to include in the Beijing programme slots for the participation of athletes with intellectual disability in the sports of Athletics, Swimming and Table Tennis, pending the development of mutually acceptable eligibility and verification systems.
4. November 2005 the IPC membership stressed the need for the involvement of the IPC Sports concerned in the process. The membership further decided that access to full medal events in Beijing should be granted in case the first part of the process is completed, that is the establishment of mutually acceptable “general eligibility criteria”. The membership agreed that the second part of the process, that is the establishment of “sport specific eligibility criteria”, is moved until after Beijing.

The “general eligibility criteria” are for determining whether an athlete meets the criteria for intellectual disability (following the standards developed by international scientific and professional organisations) and for identifying the impact of intellectual disability on sport (following the Sport Information and Consequences Questionnaire, SIC-Q).

The “sport specific eligibility criteria” are for indicating whether there should be additional and varying requirements per sport.

5. June 2006 the General Group presented its report to the IPC Governing Board. The report included a Research Report (50 pages printed on neutral paper) and a Summary Report (11 pages printed on paper with the IPC name and logo). The Summary Report indicates that the first part of the process has been completed, the second part not. The relevant lines in the paragraph Executive Summary read:

The accompanying Research Report provides sufficient evidence to suggest that INAS-FID has developed a general eligibility process, as follows:



<b>Criteria</b>	<b>Met</b>
Impact of Intellectual Disability on Sport Performance	Yes
Determination of 'Minimum Handicap'	Yes
Protest Procedures	Yes
Sport Specific Criteria	No

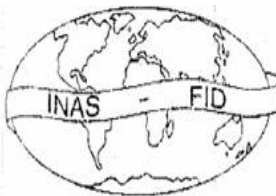
6. With regard to the involvement of the IPC Sports concerned a line in the paragraph Sport Involvement reads:

The below Sports have been included in the research project at varying levels since January 2005 and have provided direction as to how sport specific criteria may be developed in the future.

After that, the Sports of Athletics, Swimming, Table Tennis and Rowing are listed and names of those who have acted as contact persons.

7. Some further quotes from the Summary Report:

- a. Much of the progress made to date has been due to the commitment and dedication of members of the General Group and others integrally involved in the process, including the Sports. This has contributed to a collaborative approach to the issues and has taken research in the field of classification to a new level (quote from Executive Summary).
- b. As the IPC Governing Board considers the question at hand it is important to remember that the research that has been conducted is extensive and that the model implemented can have significant benefits to other sports on the Paralympic programme. It is also worth noting that when evaluating one sport or disability group it should be conducted while acknowledging the current classification environment and the scientific merits of the classification systems of all sports (quote from Executive Summary).
- c. Recalling that most athletes included in the research had intensively been involved in their sport for 7 or more years, these findings point to the enduring implication of applying sport skills in their sport that are inherent when someone has an intellectual disability (quote from paragraph Impact of Intellectual Disability on Sport Performance).
- d. It is worth noting that IQ scores are inadequate for fully understanding the dynamic relationship between the various factors that determine sports proficiency in relation to intellectual disability. Interestingly, research demonstrates that when investigating whether top athletes – based on their sport performance – would have higher IQs than those who are not ranked ..... no significant differences were found between ranked and unranked athletes on IQ scores (quote from paragraph Determination of Minimum Handicap).
- e. The verification of athlete registration information and the resolution of Protests at competitions are managed by the INAS-FID Accreditation Committee. Appendix 1 details the role of the INAS-FID Accreditation Committee ..... This procedure is comparable to those in other sports on the Paralympic programme,



allowing an athlete the right to both Protest and Appeal any decision made, while enabling Protests to be managed on-site at the competition (quote from the paragraph Protest Procedures).

- f. Throughout the research period considerable progress has been made in developing and understanding of the implications of intellectual disability across a number of sports (particularly in Athletics, Swimming, Table Tennis and Basketball). However, the development of sport specific criteria is an ongoing process. While fully appreciating the desire for closure and an end to this process as soon as possible, fixed timelines for developing a sport-focused system of classification raise several concerns from a method and process perspective. The scientific process is one of inherent uncertainty as it cannot be pre-judged where the data might lead (full quote of the paragraph Sport Specific Criteria).

8. A quote from the chapter Status of the Report in the Research Report reads:

Second, it should be clear that this report is about eligibility to enter a competition with an open class. Consistent with the eligibility criteria and the underlying basis of the impairment, there is no provision in the general eligibility requirements for dividing athletes with intellectual disability into more than one class (i.e. there is no sub-classification or segmentation of athletes within the intellectual disability group).

This statement is then followed by a reasoning in relation to the over 500 different forms of cognitively based impairments and in relation to the concept of elite sport.

9. A quote from the chapter Conclusions of the Research Report reads:

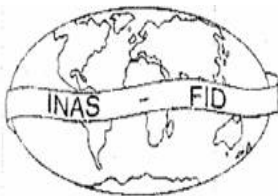
From this evidence it is clear that athletes with intellectual disability are unable to engage in equitable competition with non-disabled athletes and this holds independent of, for example, level of intellectual impairment and years in training.

10. In spite of this positive report the IPC Governing Board, on 24 June 2006, decided that athletes with intellectual disability may not participate in Beijing.

11. On 26 June 2006 the IPC wrote to INAS-FID, giving reasons for the decision. On 30 June 2006 INAS-FID wrote to the IPC, asking for further clarification and information. On 11 July 2006 the IPC wrote to INAS-FID in reply.

12. In its letters the IPC gives as reasons for the decision that

- a. sport specific eligibility criteria still must be developed;
- b. the general eligibility system does not achieve required standards;
- c. the SIC-Q is open to subjectivity (coaches involvement);
- d. the on-site verification is an administrative process only;
- e. the opinions of the Sports are negative;
- f. the cutoff score for IQ should be 70, not 75.



13. INAS-FID's position on these subjects is that

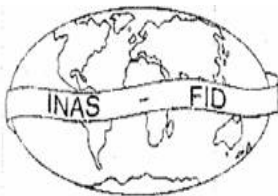
- a. it was agreed that the issue of sport specific criteria was moved until after Beijing;
- b. the IPC has not made clear in which way the INAS-FID systems are of a lower standard than systems for other disability categories; this is the reverse of what the Summary Report of the General Group says (see 7 b above);
- c. the IPC is re-opening discussions that were concluded in April 2005 when the SIC-Q was accepted as an integral part of the Athlete Registration Package, at which time no reservations on its reliability were made, just the reservation of later refinements if deriving from research findings. With regard to the risk of subjectivity because of the involvement of the coach it should be noted that the SIC-Q came into being following a meeting with the IPC Medical Officer and the IPC Technical Officer late 2002 in Bonn, the IPC Technical Officer stressing the importance of the views of the coach;
- d. the IPC starts again repeating its wish for the on-site assessment of an athlete's eligibility in case of a protest, whereas this is in conflict with the internationally recognized requirements for the assessment of intellectual disability which are that such assessment can only be made by a national expert, in the country of the athlete, in the social, cultural and linguistic environment the athlete is used to. An athlete cannot be re-assessed at a competition venue;
- e. INAS-FID has asked for copies of the Sports letters. This was refused. The negative opinions of the Sports are surprising. They are in conflict with statements in the Summary Report of the General Group (see 6 above).
- f. Also on the IQ cutoff score it looks as if the IPC wishes to escape from agreements made in April 2005 with new reasonings that, from documents exchanged at the time (letters General Group, INAS-FID, IPC), clearly appear to be false.

14. The overarching problem is that the IPC has difficulties in understanding the specific nature of the concept of intellectual disability. In the case of an athlete with a physical disability the IPC relies on the judgement of a medical or para-medical officer, and in the case of an athlete with a visual impairment on the judgement of an ophthalmologist. However, in the case of an athlete with intellectual disability the IPC is not prepared to rely on experts in the field but prefers to follow its own, non-expert, opinions. Moreover, the advices of the General Group are ignored.

15. In the foregoing INAS-FID could not do anything else but refer to "the IPC".

However, we are aware that there are many individuals within the IPC circle who have a good understanding of the specificness of the concept of intellectual disability and who are prepared to follow the advices of experts in the field. Towards them we apologize for our general way of speaking.

July 2006  
 Jos Mulder  
 President INAS-FID



**Meeting held on 23rd August 2006 at the Hilton Hotel, Manchester (UK) Airport, from 11.00 to 13.15 hrs.**

Present:

- Sir Philip Craven, IPC President
- Xavier Gonzalez, IPC CEO
- Graham Arthur, lawyer employed by IPC
- Jos Mulder, President INAS-FID
- Bernard Atha, President INAS-FID Europe

### **SUMMARY**

The meeting was friendly but to the point.

After much debate INAS-FID accepted an offer from the IPC President to make a presentation to persuade the IPC Governing Board to reverse its decision of 24 June 2006. This will be at the next IPC Governing Board meeting, 23 to 26 November 2006 in Kuala Lumpur.

If (and it was agreed to underline the word if) the decision is reversed, previously made agreements on numbers of athletes and “tailored qualification systems” will be honoured.

This gives every supporter of athletes with intellectual disability time to write to the IPC Governing Board Members, to their Members of Parliament, to their Ministers of Sport, to well known sports people, and make them aware how unfair the ban is. Please send us copies of your letters.

Remember that some of the IPC Governing Board members will have voted in favour of athletes with intellectual disability. We do not know who voted for or against. It may have been a secret vote. We simply do not know.

A full report of the meeting is given below.

24 August 2006

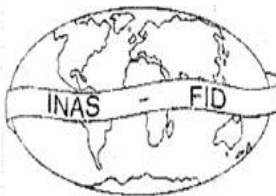
Jos Mulder, President INAS-FID

Bernard Atha, President INAS-FID Europe

### **FULL REPORT**

Phil Craven welcomed all to the meeting and invited INAS-FID to lead the discussion.

Jos Mulder thanked the IPC President for agreeing to the meeting. He said that the aim of INAS-FID is to have the decision of the IPC Governing Board to continue the ban on athletes with intellectual disability reversed. As the IPC President is very influential he has the power to persuade the IPC Governing Board to change its decision. It was not known to INAS-FID whether the vote in the IPC Governing Board was unanimous or the decision was by a majority. INAS-FID would like to think it was a narrow majority. Jos Mulder then presented a document with the following text



Quote

### **Claim to participation Beijing**

WHEREAS

- a system for the registration of athletes with intellectual disability who meet the criteria for participation in the 2008 Beijing Summer Paralympic Games is in place
- the system has been approved by a group of experts appointed by IPC and INAS-FID
- the system forms an integral part of the Athlete Registration Application Form version April 2005

INAS-FID CLAIMS THAT

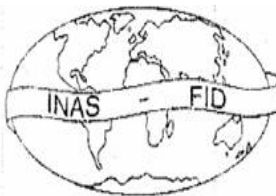
1. athletes with intellectual disability who are registered for eligibility with INAS-FID on the basis of the Athlete Registration Application Form version April 2005, have the right to qualify for full medal events in the 2008 Beijing Summer Paralympic Games
2. the IPC shall allocate slots for the participation of qualified athletes in class 20 for Athletics, class 14 for Swimming and class 11 for Table Tennis
3. the number of slots shall be as decided by the IPC Governing Board at its meeting of April 2005 (“pending eligibility to compete”) whereof the number of Swimming slots shall be the number as in Sydney, as suggested by the IPC CEO in a meeting of him with the IPC Medical and Scientific Director and the INAS-FID President immediately after the IPC Governing Board meeting
4. for qualifying for Beijing athletes with intellectual disability as meant in paragraph 1 shall have the right to participate in IPC qualifying competitions
5. in addition to the arrangement as in paragraph 4, and as far as necessary, tailored qualification systems are established as per the e-mail message of 17 January 2006 from the IPC Medical and Scientific Director.

23 August 2006

Unquote

Phil Craven said he could only persuade his colleagues if he was sure the INAS-FID case was right. He felt the IPC Governing Board would need new evidence if it were to change its decision.

The IPC letter of 26 June 2006, in which the reasons for the IPC Governing Board decision are given, was discussed.



### IQ cutoff score

INAS-FID said that in bringing under discussion again the IQ cutoff score, IPC deviates from its agreement of April 2005. Xavi Gonzalez said that the agreement had a preliminary nature and was meant as a basis for further research. Jos Mulder replied that the letter of 20 April 2005 with which the General Group presented its findings to IPC, and IPC's response of 28 April 2005 clearly indicate that the IQ cutoff score was not subject to further research but was a definitive agreement. Xavi Gonzalez advised that, although there was some discussion on it in the IPC Governing Board meeting, the IQ cutoff score was not an issue on which the Board's decision was based. Instead, he said, the decision was based on three other main reasons:

- the possible subjectivity of the SIC-Q because of the involvement of the coach
- the protest procedure
- the advices of the Sports.

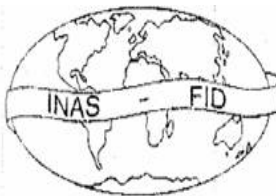
### SIC-Q

Jos Mulder clarified how the SIC-Q came into being. This was at a meeting of IPC and INAS-FID officers late 2002 in Bonn after the closing of an IPC Executive Committee meeting. It was agreed there to establish a questionnaire (later named Sports Information and Consequences Questionnaire, SIC-Q). At the time the IPC Technical Officer stressed the importance of including the views of the coach. Bernard Atha said that possible subjectivity does play a role in many classification issues within the Paralympic movement. It may not be a reason for rejecting the SIC-Q.

### Protest procedure

INAS-FID has stated in its letter of 30 June 2006, which was a response to IPC's letter of 26 June 2006, that it cannot meet IPC's wishes for an on-site assessment of an athlete in the case of a protest against the athlete's eligibility. According to the international standards for the assessment whether an individual meets the criteria of intellectual disability, an assessment can only be made by a national professional (eg psychologist) and in the social, cultural and linguistic circumstances the individual is used to. This is not possible at an event. Bernard Atha said that if the procedures presented by INAS-FID (ie a review of the documents of the nationally made assessment) does not satisfy IPC, any challenge based on eligibility could be treated like a drug test. If a challenge is made against an athlete with intellectual disability, another national test could be undertaken at the expense of the party in the wrong. Results could be reported and medal consequences dealt with the same way as in the case of a drug test outcome, which is post the event.

Phil Craven said this was the first time this position has been put to the IPC. It is a new factor that has to be considered. He also said that it is a fundamental principle in IPC that national classifications can be verified internationally. Jos Mulder said that he was surprised of this comment. INAS-FID has always stressed that an assessment on intellectual disability cannot be done on-site. He referred to INAS-FID's previous reports to the IPC Executive Committee.



Bernard Atha added to this that if the IPC would wish to keep athletes with intellectual disability out of Paralympic Games all they need to do is insist on a protest procedure on eligibility at the event. Such a procedure is impossible and would therefore automatically exclude athletes with intellectual disability.

#### Advices of the Sports

Xavi Gonzalez informed that also the Sports did not believe that athletes with intellectual disability should be entitled to compete in IPC sanctioned events. INAS-FID responded that the report of the General Group (made up of experts appointed by IPC and INAS-FID) came to an opposite conclusion, namely that the previously agreed conditions for participation in Beijing are met. Before INAS-FID could have a view on the advices of the Sports it would have to see their letters.

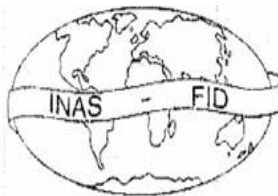
#### JEVC

During the discussion on IPC's letter of 26 June Bernard Atha mentioned the possibility of establishing again an IPC/INAS-FID Joint Eligibility Verification Committee for the verification of the eligibility of athletes with intellectual disability to Beijing. Such JEVC has worked well in the case of athletes with intellectual disability to Athens. This idea was not elaborated further.

Jos Mulder said that a reverse of the IPC Governing Board decision is a matter of urgency, mainly because 2007 is a year of qualifying competitions for Beijing and entries for such competitions are to be made well in advance. He asked for a decision within a few weeks. Phil Craven responded that there was no way in which he could agree to that request. Such a decision has to be made by the IPC Governing Board at a formal meeting. Its next meeting is from 23 to 26 November 2006 in Kuala Lumpur. If INAS-FID would wish that, he would be prepared to put the INAS-FID appeal on the agenda for that meeting. He felt however that new information would be required to achieve a change. He also said that the numbers of athletes and the timely qualification cannot be a reason for an urgent decision. If (and it was agreed to underline the word if) the IPC Governing Board decision is reversed the previous made agreements on the numbers of athletes and on "tailored qualification systems" shall revive and be honoured. This was put by Xavi Gonzalez in words like (not verbatim): "this will never be an issue".

Jos Mulder and Bernard Atha then conferred and on their return to the meeting it was agreed that INAS-FID would make an appeal to the IPC Governing Board at its November meeting on the understanding that if the decision is reversed the numbers of athletes and the "tailored qualification systems" as detailed above in paragraph 3 and 5 of INAS-FID's claim, are retained. On advice of Xavi Gonzalez it was accepted by INAS-FID that numbers depend on NPCs choosing to include athletes with intellectual disability in their delegation.

Note for the INAS-FID membership, not discussed in the meeting: In agreeing with an appeal Jos Mulder and Bernard Atha took into account the advices of lawyers that all internal opportunities for appeal must be used before INAS-FID can refer itself to a German Court or can request that IPC and INAS-FID refer themselves to the CAS (Court of Arbitration in Sport).



With regard to a copy of the draft minutes of the IPC Governing Board meeting of 24 June 2006 and to a copy of the letters of the Sports, Phil Craven said that he would see what he could do. He stressed that for the letters of the Sports he would need the approval of the Sports since the letters were submitted to the IPC Governing Board in a confidential manner. When Jos Mulder expressed surprise of the confidentiality of the letters Xavi Gonzalez indicated that their critical content, in essence, was on the SIC-Q and the protest procedure, as discussed in this meeting.

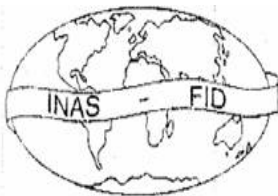
Jos Mulder informed of the name of the law firm advising INAS-FID and of the name of the solicitor in its The Hague office and its Düsseldorf office, the latter being a CAS arbitrator himself. He wondered whether it would be useful if an INAS-FID lawyer and an IPC lawyer sit together and evaluate legal aspects. This idea was not taken up by IPC.

Graham Arthur asked that the appeal to the IPC Governing Board be not called an appeal which has legal meanings including matters like due process and discovery of documents. It could open the door to legalistic issues. Bernard Atha responded that INAS-FID is happy to call it a presentation to persuade the IPC Governing Board to reverse its decision of 24 June 2006.

It was agreed that IPC and INAS-FID would each inform their membership about this meeting as they think appropriate.

After mutual thanks for the way discussions were held the meeting was concluded.

A copy of this report has been sent to the IPC CEO.



## **INAS-FID presentation before IPC GB, 25 November 2006, Kuala Lumpur**

### **Handout**

In this handout numbers and headings are similar to those on the power point slides. Texts are in most cases more elaborated.

#### **2. Thanks**

Thank you, Mister President, for the opportunity given to me to address the IPC Governing Board at this meeting.

#### **3. Sydney**

At the 2000 Sydney Paralympic Games able bodied athletes posed to have an intellectual disability and participated in the Games. The administrative systems in INAS-FID were not in order. Athletes with intellectual disability were banned from IPC sport events and INAS-FID was required to bring its administrative systems in order.

#### **4. Criteria**

The INAS-FID eligibility criteria in effect for Sydney were well described in the IPC Media Release of 27 November 2000: "Only athletes whose IQ was tested to be approximately 70 to 75 or below, who have limitations in two or more adaptive skill areas such as communication, self-care, home-living or functional academics, and who acquired their condition before the age of 18, are eligible to compete in Paralympic events for athletes with an intellectual disability".

#### **5. IPC Report 2001 on Sydney**

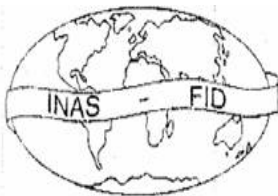
In the 2001 "Report of IPC on INAS Evaluation Matrix" the assessment details of each athlete with intellectual disability who participated in Sydney were listed. Those who did not meet the criteria described in the previous slide were required to be re-tested. Those who met the criteria were not required to be re-tested. It is worthwhile mentioning that the IPC applied the IQ 70-75 bandwidth.

#### **6. General Group 2005**

In the beginning of 2005 a so called General Group was formed, made up of IPC and INAS-FID experts. On 20 April 2005 the Group reported to IPC and INAS-FID. The Group proposed to definitively replace the bandwidth of 70-75 by a clear cutoff score of 75 as only a first step in the assessment process. It also proposed to approve the SIC-Q as the current system for identifying the impact of intellectual disability on sport, subject to later further improvement based on research outcomes. The Group's proposals were put into a revised Athlete Eligibility Application Form. The form was approved by INAS-FID and IPC in their letters of 22 April and 28 April 2005.

#### **7, 8 and 9. Letter IPC 28 April 2005**

The relevant parts in the IPC letter of 28 April 2005 read:



“Please be advised that the IPC approves the revised form with the following comments:

1. It is agreed that the revisions to this form are an interim step towards a mutually agreed eligibility and verification system. Any findings from the forthcoming research regarding the impact of intellectual disability on sport performance will be included at a later date in the Athlete Eligibility Application Form, if appropriate.
2. Consideration is given to creating a ‘closed list’ of internationally recognised and professionally administered IQ tests to ensure the reliability of the information provided in the initial phase of establishing eligibility”.

### **10. Closed list**

At its meeting of 29 August 2005 the General Group investigated the possibility of creating a ‘closed list’. The Group concluded that a ‘closed list’ does not meet the requirement of taking into account cultural context. In different places in the world different tests are validated, but always against the same internationally recognised requirements.

### **11. Consequently**

As a consequence there was

- a definitive agreement on using an IQ cutoff score of 75 as a first step in the assessment process, not subject to further research and
- an agreement on using the SIC-Q as the current system for identifying the impact of intellectual disability on sport, subject to later further improvement based on research outcomes.

### **12. IQ**

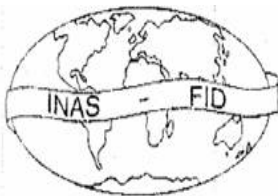
In the previous slides I have given attention to the IQ score discussion. However, it should be noted that experts in the field of intellectual disability would regard this as giving too much attention to IQ. An IQ score is not seen as absolute. IQ testing is not the only instrument for identifying intellectual disability. Over time the assessment of intellectual disability through adaptive behaviour scales has become important as well. This is part of the INAS-FID systems.

### **13. SIC-Q**

The Sports Information and Consequences Questionnaire (SIC-Q) is a tool for identifying the impact of intellectual disability on sport performance. We were informed that the IPC Governing Board has concerns on the reliability of outcomes of the SIC-Q because of the involvement of the coach. However, it should be noted that in IPC’s letter of 28 April 2005 no reservation on the involvement of the coach was made, just the reservation of later further improvement based on research outcomes. It should also be noted that the SIC-Q came into being following a meeting with the IPC Medical Officer and the IPC Technical Officer late 2002 in Bonn, at which time the IPC Technical Officer stressed the importance of including the views of the coach.

### **14 and 15. Protest procedures**

With regard to Protest Procedures the IPC is stating that INAS-FID, in the past, agreed with on-site assessment of athletes. INAS-FID has responded that it has not made such promise. The discussion derives from the decisions of the 7/8 December 2001 IPC General Assembly.



Decisions INAS-FID has promised to comply with. One of the decisions was “That the IPC Protest Procedures for Classification and Eligibility that are applied universally at the Paralympic Games and IPC Championships shall include athletes with intellectual disability”. IPC and INAS-FID have taken the 2001 decision as a decision that, of course, takes into account the specific nature of intellectual disability, the assessment of which may only be made in the country of the athlete concerned and in the cultural, language and social circumstances the athlete is used to. Otherwise outcomes will be not reliable.

### **16. Protest procedures**

INAS-FID consulted in 2002 with the IPC Medical Officer and in 2004 with the IPC Sports of Athletics, Nordic Skiing, Swimming and Table Tennis on Protest Procedures, in all cases based on an on-site review of original assessment documents via online consultation of databases and files. Evidence of what I am saying here is in the IPC Medical Officer’s advice of 5 November 2002 and in the e-mail correspondence with the IPC Sports as included in INAS-FID’s report to the IPC Executive Committee of 2004.

### **17. General Group report 2006**

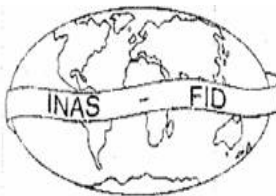
In 2006 the General Group completed its report to the IPC Governing Board. The Group concluded that all conditions for the inclusion of athletes with intellectual disability in Beijing were met. The Group reported, through the IPC Medical and Scientific Director, that the IPC Sports concerned were involved in the process. The Group also reported that the Protest Procedure presented “is comparable to those in other sports on the Paralympic programme .....”. As an overall judgement the General Group gave as its opinion that “the research that has been conducted is extensive and that the model implemented can have significant benefits to other sports on the Paralympic programme”.

### **18. Improvement of systems**

In view of the establishment of sport specific criteria (an “after Beijing” requirement) INAS-FID is collaborating with the Leuven Research Group and the IPC Sport Science Committee. In October the Leuven Research Group conducted a research programme at the INAS-FID World Basketball Championships in Yokohama (Japan). With this, INAS-FID hopes to demonstrate that it is prepared to work on the further improvement of its systems based on outcomes of scientific work and research. However, in the mean time its athletes may not be excluded from Paralympics. After all, within the Paralympic movement it is recognized that for athletes of other disability categories classification systems need to be improved. For that, a project running over several years is on its way. In the mean time the athletes concerned were not excluded from Paralympics.

### **19. Protest procedures again**

At a meeting in Manchester on 23 August 2006 with the IPC President and the IPC CEO INAS-FID offered an additional commitment in an effort to solve the Protest Procedures issue. It proposed, in case the on-site (online) review of original assessment documents and files does not satisfy, that the athlete is re-assessed upon her/his return home and that in case of non-eligibility, procedures as in the case of a doping offence are applied. I herewith put that proposal before the Governing Board.



## 20. JEVC

At the meeting in Manchester INAS-FID also expressed understanding for IPC's wish to have "clean" (in the sense of eligibility) Paralympic Games. It therefore proposed a revival of the Joint Eligibility Verification Committee (JEVC). Such JEVC worked well for Athens and it could work again for Beijing. The JEVC should be made up of IPC and INAS-FID representatives and should review the assessment documents of athletes going to Beijing, in addition to the verifications carried out before by the National Eligibility Committees with the endorsement of the NPCs and the verifications by the INAS-FID Secretariat at SUH. I herewith also put this proposal before the Governing Board.

## 21. Request

INAS-FID requests the IPC Governing Board to

- include athletes with intellectual disability in Athletics-, Swimming- and Table Tennis events in Beijing on the basis of the IPC/INAS-FID Athlete Eligibility Application Form as advised by the General Group (i.e. version April 2005)
- accept INAS-FID's offer for a nationally conducted re-assessment of an athlete in case, at the time of a protest, an on-site (online) review of original assessment documents and files does not satisfy
- participate in a Joint Eligibility Verification Committee for an extra review of the assessment documents of athletes going to Beijing.

## 22. Third party

If the involvement of a third party is necessary, IPC and INAS-FID could agree on making the issue subject of a procedure in the Court of Arbitration for Sport (CAS). A last resort for INAS-FID is a procedure before a German Court. However, we would not wish this.

## 23 and 24. German Court

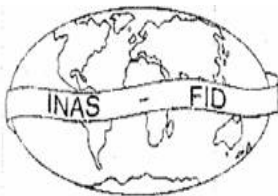
INAS-FID is aware of its membership duties. It does not want to aggravate the dispute unnecessarily and would not like to claim anything groundless. It therefore has asked for the advice of German experts on sports law on a procedure before a German Court. The opinion of these experts is that the INAS-FID case is a good case and that it fulfils all the strict requirements under German law with regard to Admissibility, Jurisdiction, Applicability of German Law, Standing to Sue and Substantive Law. However, we stress this again, we would not wish a procedure before a German Court.

## 25. CAS

If the involvement of a third party appears to be inevitable we propose to agree on a CAS procedure. The CAS is *the* platform for the sports family to solve disputes. One of the advantages of a CAS procedure is that it creates no negative publicity. As you very well know there are several kinds of procedures in the CAS. The applicable kind of procedure to be decided by IPC and INAS-FID.

## 26. Request again

However, we hope that a CAS procedure is not necessary and that the IPC Governing Board is prepared to meet our request as detailed above in paragraph 21.



### **27. Athletes**

The ongoing dispute between IPC and INAS-FID since 2000, seriously affects athletes with intellectual disability who were not involved in any wrong doing themselves. Their Paralympic sports career is interrupted for already six years which is extreme in the world of sports. We ask the IPC Governing Board to take this into account in its decision making.

### **28. In closing**

INAS-FID feels it is running out of time. NPCs are already making preparations for the composition of their squads to Beijing. Therefore, I would appreciate receiving an indication of how the Board would like to respond to my requests before my departure from Kuala Lumpur, which is at 6 PM today.

### **29. Thanks**

Thank you very much for your time and for your attention to this matter.

Jos Mulder  
President INAS-FID

## **Letter IPC 27 November 2006**

In this letter the IPC CEO confirms the decision taken. The relevant part of the letter reads as follows.

Quote

I hereby officially confirm to you that the IPC Governing Board, following your presentation on behalf of INAS-FID, unanimously approved the following statement:

“After receiving the presentation of INAS-FID, the IPC Governing Board noted that no new material and no new information had been provided by Jos Mulder. The IPC Governing Board reconfirms the decision taken at its meeting of June 2006, in Lausanne.”

Unquote

### **Next steps**

INAS-FID is advised by the international law firm Bird & Bird. Its attorneys at law Wouter Pors (The Hague) and Martin Schimke (Düsseldorf) are working for INAS-FID on a pro bono basis. INAS-FID is consulting with them on next steps. The INAS-FID membership will be kept informed.