



Euro-Mediterranean Foundation of Support to Human Rights Defenders

Anti-Corruption Code of Conduct

Adopted in October 2018

The Euro-Mediterranean Foundation of Support to Human Rights Defenders (EMHRF) is a regional foundation, registered in Denmark and governed by Danish laws, with offices located in Copenhagen, Paris and Tunis. It allocates grants to individual human rights defenders and non-governmental organisations (NGOs) that protect, promote and defend respect for human rights in the South-Mediterranean region.

The EMHRF core mission and work is based on universal human rights standards, and as such preventing and combatting corruption in all its forms falls directly within its core values and mandate.

The present code of conduct has been drafted taking into consideration anti-corruption rules prescribed by international law and the laws of Denmark and following comprehensive discussions within the Board and the staff of the EMHRF in 2018.

1. Definitions

According to the [United Nations Convention against Corruption](#), adopted by the UN General Assembly on 31 October 2003, the [United Nations Sustainable Development Goals](#) and EU Member states' policies, corruption is defined as the misuse of entrusted power for private gain. It affects everyone whose life, livelihood or happiness depends on the integrity of people in a position of authority; it threatens peace, stability and security of societies, and it undermines the rule of law and has serious implications for democratic values.

Corruption is best known in the form of bribery, fraud, embezzlement or extortion. However, corruption does not exclusively involve money changing hands; it may also include using one's position of power or providing services to gain advantages, such as favourable treatment, special protection, extra services or quicker case processing, etc. Corruption can include both criminal acts and inappropriate behaviour. The different forms of corruption identified include:

- **Bribery** is the act of offering, giving (active bribery), receiving, soliciting or accepting (passive bribery) money or something of value with the purpose of influencing the action of Board or staff member in the performance of his or her duties, or to overcome hurdles. Bribery is a criminal offence according to Danish laws.
- **Fraud** is defined as a deliberate act of deception intended for personal gain or to cause a loss to another party. This involves being deliberately dishonest, misleading, engaging in deceitful behaviour, practising trickery or acting under false pretences. Fraud is a criminal offence according to Danish laws.
- **Theft and embezzlement** are the misappropriation or other diversion of property or funds legally entrusted to someone by virtue of his or her position. Theft and embezzlement are criminal offences according to Danish laws.

- **Abuse of power and extortion** are the acts of using one's position of power in an abusive way, including through force or threats. This can take many forms, such as taking advantage of someone, gaining money or access to information that shouldn't be accessible, or simply manipulating someone with the ability to punish them if they don't comply. Some forms of threat are occasionally singled out for separate statutory treatment under the designation "blackmail." Extortion is a criminal offence according to Danish laws.
- **Conflicts of interest** arise from situations in which a member of staff or Board has a private interest that could potentially influence, or appear to influence, impartial and objective professional performance. Private interests include any advantage to oneself or one's family, friends and persons or organisations with which one has or has had strong ties.
- **Nepotism** is favouritism shown to relatives or friends without regard to merit. Relatives or friends are treated favourably based on the close personal relationship alone rather than on a professional and objective assessment of their skills and qualifications.
- **Gifts and hospitality** may be in themselves a manifestation of corrupt behaviour. A gift is a financial or other benefit, offered, given, solicited or received in the expectation of receiving a benefit in return. Gifts may include cash or assets given as presents, and political or charitable donations. Hospitality may include meals, hotels, flights, or entertainment.

The anti-corruption portal www.business-anti-corruption.com contains information on corruption risks in more than 100 countries throughout the world.

2. Code of Conduct

The EMHRF is determined to maintain the highest standards of integrity and work ethics among its Board and staff, and across all areas of activity. It therefore maintains a policy of zero tolerance towards corruption in all its forms; it works toward preventing and combatting corruption internally and in grant allocation and supports local human rights defenders and civil society initiatives aimed at preventing and combatting corruption in the South-Mediterranean region.

EMHRF is governed according to fundamental principles including integrity, equality and non-discrimination, independence, transparency and accountability that can generally be said to be the most important prerequisites for preventing and combatting corruption.

In view of the standards governing EMHRF mission and work, and the different forms of corruption identified, the EMHRF Board and staff respect and promote the general and specific rules and practices of the Code of Conduct presented below.

2.1. General rules and practices

General operating and financial rules have been adopted to promote the highest standards of work ethics in the implementation of the activities of the EMHRF. These include:

- EMHRF ensures transparency about its operations towards the general public through publishing a yearly activity and financial report on its website. Although these reports do not reveal the names of the grant beneficiaries to avoid potential risks to their safety, EMHRF donors receive full disclosure of the identities of the recipients and follow-up on the grants, when confidentiality of the information is ensured.
- The EMHRF Board members are not remunerated to fulfil their functions but they have their travel and accommodation expenses reimbursed or directly covered by EMHRF.
- The EMHRF Treasurer oversees the financial developments and expenditure of the EMHRF, and approvals for payments must comply with EMHRF financial procedures. The Board approves all grants at its bi-annual meetings or during e-consultations, and no-one from the staff has full control of any single financial operation.

- Grant allocation and procurement comply with EMHRF criteria and grant-making methodology as well as the financial procedures.
- EMHRF activities seldom include large procurements and EMHRF requires reasonable assurance that value for money is obtained.
- Staff members work in teams of two persons minimum allowing delegation of responsibility and maintaining knowledge of and follow-up on the activity at all time.
- A funding agreement is always signed by EMHRF and the recipient, and it prescribes and clearly enumerates periodic reporting obligations. Furthermore, grants allocated are small and often made in several instalments, which constitutes an important limit on any possibility of misuse.
- Regular monitoring of the grant recipient's activities and their use of the disbursed funds is carried out by EMHRF staff, through regular contacts and/or on-site visits, and the assessment of midterm / final narrative and financial reports. The Board is informed of problematic follow-up cases at its bi-annual meetings.
- EMHRF bookkeeping and financial records are reviewed periodically by an independent auditor, according to international standards set by the IFAC or the INTOSAI or a national standard deemed equivalent. The auditor certifies that EMHRF is operating legally and according to generally accepted accounting standards.
- Staff employment, consultancy contracts and grant agreements include anti-corruption clauses.
- EMHRF financial procedures reserve the right to suspend funding or to ask for the reimbursement of funds, particularly in any case where EMHRF determines that an egregious policy violation has occurred, that there has been a sustained pattern of violating the policy, or insufficient remedial measures were implemented. If the EMHRF determines that the terms have been violated, this will result in immediate termination of the contract in addition to possible proceedings. Moreover, the EMHRF shares its assessment with other partners, including donors, whenever asked or required. A 'list of problematic follow-up cases' and the actions undertaken by the Board has been established and is regularly updated.

2.2. Specific rules and practices

Moreover, specific rules and practices have also been applied to prevent and combat different forms of corruption identified. These include:

- The Board and staff do not give or accept bribery in any form. In addition, applicants and other partners are informed that EMHRF cannot cover bribes and "grease money." It further performs thorough due diligence reviews on the applications it receives and assesses grantees' reports to avoid any potential bribery. In case of doubt, the staff member immediately informs and seek guidance from his/her supervisors and the Board.
- The Board and staff do not use deception, trickery or breach of confidence to gain an unfair or dishonest advantage (financial or others). In addition, should there be any evidence or suspicion of applicants' or grantees' dishonest behaviour in managing funds, the staff member immediately informs his/her supervisors. In the case of an applicant, this results in immediate rejection of the application. In the case of a grantee, thorough investigation - including by possibly resorting to an external audit - is to be made by the staff and communicated to the Board.
- The Board and staff do not misappropriate or otherwise divert equipment or funds entrusted to the EMHRF. In addition, should there be any evidence or suspicion of grantees' embezzlement, the staff perform thorough reviews on the reporting material received and immediately inform his/her supervisors, and the Board.
- The Board and staff do not seek personal favours or services, or to influence any person or institution by using his/her official position or by using force or threats for personal purposes. EMHRF's facilities, services and financial resources are also not used for purposes other than

those defined by its statutes and mission. Lastly, contacts with suppliers are not used to gain commodities and/or services for personal benefit.

- The Board and staff must conduct EMHRF affairs in the best interests of the EMHRF. They must avoid conflicts of interest, or the appearance of conflicts of interest, between their personal interests or the interests of any NGOs or other institutions they represent/work for and those of the EMHRF. If a Board member has an interest with respect to a grant/contract being considered for approval, the member in question shall disclose the interest in writing or at meetings during which the grant/contract is being discussed to the rest of the Board. Board and staff members' relatives and NGOs are not allowed to receive a grant, unless life or survival is at stake. Moreover, if there is an institutional link between an applicant and an NGO/institution that a Board member represents/works for, the Board member in question cannot take part in the decision-making process and all related discussions, unless being asked to provide necessary information regarding the applicant.
- The Board and staff do not favour friends, family or other close personal relations in recruitment and procurement. If a Board member has any family link to a potential employee or consultant, he/she cannot take part in the recruitment/selection/decision-making process. EMHRF is committed to equality of opportunity in recruitment. Interviews are held by at least two persons to minimise possibility of discrimination on the grounds of a person's gender, marital status, race, religion, colour, age, disability or sexual orientation. Furthermore, EMHRF follows salary scales to ensure a fair and equal treatment between staff members.
- Funds and donations are accepted when they are intended to cover the operations of the EMHRF and do not hinder its independence. In all cases, the Board decides whether to accept or reject donations. The Board and staff do not accept large gifts or other advantages. However, in observing and respecting local hospitality conventions, small gifts of up to EUR 50 in value may be accepted.

3. Application and Reporting

This Anti-Corruption Code of Conduct is applicable to the Board and staff members at EMHRF and towards all grantees. Its purpose is to ensure, and support behaviour and work ethics characterised by the highest standards of personal and organisational integrity, both internally and externally. It further provides guidance to staff on their required conduct when confronted with corruption, corrupt practices or corrupt propositions, and when working to prevent corruption.

Zero tolerance on corruption also entails that Board and staff members upon awareness of suspicion or evidence of corruption cases involving other members, grantees, and partners with whom they cooperate, are obliged to notify the Board. In case the behaviour of a Board member is in question, report should be made to the President and the Treasurer in the first instance, or to one of them and another member should the allegation relate to the Treasurer or the President, or to two other Board members should the allegation relate to the Treasurer and the President.

Claims of corruption sent to the Board need to contain a minimum of detailed information or documentation, and not simply rely on vague allegations. An employee who provides a detailed account of suspected corruption internally will not be subjected to retaliation or harassment. Corruption claims will be dealt promptly and confidentially by the Board, who may decide to set up an investigation committee. No anonymous claim will be accepted.

Upon evidence of Board, staff or grantees corruption, the decision to report the case to the relevant authorities or to take any legal action is taken by the Board. This applies to cases in Denmark as well as abroad, regardless of how the information came into the Board's possession. In all cases, EMHRF donor(s) is informed of cases under investigation, the follow-up actions undertaken and the conclusions.