



Euro-Mediterranean Foundation of Support to Human Rights Defenders

Code of Ethics and Good Conduct

Adopted in November 2022

The Euro-Mediterranean Foundation of Support to Human Rights Defenders (EMHRF) is a regional foundation, whose purposes are to support human rights in the Euro-Mediterranean region with strategic financial assistance, and to provide financial support to regional, national, and local human rights NGOs and institutes as well as individuals who promote, support, protect and monitor the observance of human rights in the Euro-Mediterranean region.

The core mission and work of EMHRF is based on and guided by universal human rights standards and norms, and EMHRF is managed according to governing principles based on good governance, independence, transparency and accountability, collaboration, solidarity, non-discrimination and non-violence.

Through this code of ethics and good conduct, EMHRF acknowledges that it has ethical responsibilities that flow from its mission and in turn from international human rights law. Thus, this Code defines the professional standards of EMHRF in the exercise of its responsibilities and the realisation of its mission, in accordance with international human rights principles and norms.

1. Introduction

EMHRF is committed to operating with integrity and respect for people, both internally and in all its activities. This requires high standards, a balance between short- and long-term objectives, and consideration of the legitimate interests of the Foundation's applicants, grantees, partners, and donors with whom EMHRF works and of the rights and obligations of its Board members, staff, consultants and interns. All representatives of EMHRF shall act with respect and integrity, as provided for and prescribed in this Code of Ethics and Good Conduct.

This Code of Ethics and Good Conduct will guide the development of EMHRF's policies and procedures on good conduct and practices, which must also be consistent with the provisions of national laws governing EMHRF and international human rights law. Other policies and codes of conduct dealing with specific issues may be adopted in addition to the present code to reinforce the good conduct and practices of EMHRF.

2. Values and principles, and their scope

Board members, staff, consultants, and interns of EMHRF are expected to show respect and cultural sensitivity to any person (including colleagues, applicants, grantees, partners, and donors), in line with

EMHRF values and principles and considering that trust, solidarity and collaboration are essential to its mission and objectives.

Good Conduct according to EMHRF values and principles is defined as follows:

- EMHRF representatives will treat all persons **without discrimination and show respect for all**, regardless of gender, religion or belief, race, colour, ethnic origin, marital status or civil partnership, pregnancy and maternity, nationality, social position or class, economic position, political opinion, disability, age, sex, sexual orientation or gender identity or reassignment.
- EMHRF representatives will demonstrate **integrity** in all their activities and communications with stakeholders and partners. They commit to being independent, equitable and inclusive, responsive, efficient, transparent, and accountable in their activities and management, while placing the dignity and safety of their partners including human rights defenders at the centre of all decisions, activities and communications.
- EMHRF representatives will contribute to a **safe and healthy** working environment, communicating and working with each other in a respectful, non-violent, and nonaggressive manner.
- EMHRF representatives uphold sustainability values in their work and their day-to-day activities. EMHRF thus upholds the respect for **social and economic rights** i.e. equal employment opportunities, equitable compensation, equal learning and development opportunities. EMHRF also upholds **environmental values** i.e. mitigating the office footprint in water and energy usage, and carbon emissions by flight, sustainable printing practices, and stimulating the use of public transport.

This Code applies to all EMHRF representatives which are:

- Members of the Board.
- Employees working for EMHRF encompassing the headquarters and sub-offices – with a labour contract.
- Consultants working within EMHRF – with a fixed-term contract in which the consultant is not part of EMHRF's employed staff but does perform activities in its programmes, administration, finances, and/or management. Excluded are consultants and partners working for EMHRF but not representing EMHRF. For those parties, specific dispositions can be included in a contract that addresses non-disclosure of information and anti-corruption, among others.
- Interns.

This Code is applicable when EMHRF representative is on duty at the office or when business trips are made in country or abroad or in any situation in which a person is representing EMHRF or speaking and/or acting on its behalf in written, oral, or video form. In case of a business trip, this code applies during the whole trip, from departure to return arrival.

In a broader sense, it is applicable all the time, on and off duty, when attitude or behaviour from an EMHRF representative could reflect positively or negatively on EMHRF.

EMHRF representatives have to comply with local laws and regulations provided they are consistent with international law, including international human rights norms. Where this code establishes a stricter standard than local laws, this code will prevail.

3. Types of misconduct

EMHRF representatives must refrain from any acts of misconduct. This code refers to the following types of misconduct:

- **Discrimination:** Discrimination encompasses making a distinction between people and treating them differently based on their gender, religion or belief, race, colour, ethnic origin, marital status or civil partnership, pregnancy and maternity, nationality, social position or class, economic position, political opinion, disability, age, sex, sexual orientation or gender identity or reassignment.
- **Physical abuse:** Physical abuse is often the most easily recognised form of abuse. Physical abuse can be any kind of hitting, shaking, burning, pinching, biting, choking, throwing, beating, or any other action that causes physical injury, leaves marks, or causes pain.
- **Sexual harassment, exploitation, and abuse (SHEA):** Sexual harassment is any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another. Such conduct will also be considered sexual harassment when it interferes with work, is made a condition of employment, an employment benefit or any financial or non-financial benefit, or creates an intimidating, hostile or offensive work environment. While typically involving a pattern of behaviour, it can take the form of a single incident. Sexual abuse is the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions, including forced marriage, sexual slavery, and sexual activity with a child. Sexual exploitation is any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another. As stated in EMHRF policy to protect from, address and prevent sexual harassment, exploitation, and abuse, EMHRF recognises that the terms sexual abuse and exploitation represent a wide spectrum of behaviours and is not limited to the act of sexual intercourse. Sexual harassment, exploitation or abuse may occur between persons of the opposite or same sex or gender. Females, males, intersex, transgender, or non-binary persons can be either the victims or the offenders.
- **Verbal abuse, bullying and moral harassment:** Verbal abuse is described as a negative statement made to or about a person. It is a set of words, remarks, comments or social media posts that emotionally and mentally isolate a person in the workplace or professional environment or intentionally offend them. Examples of verbal abuse include threats, name-calling, and public humiliation, among others. Bullying and harassment are behaviours that make a person feel intimidated or offended. Examples of bullying or harassing behaviour include unfair and silent treatment, spreading malicious rumours, picking on or regularly undermining someone, denying someone's training or promotion opportunities with no legitimate or reasonable justification. Harassment arises where one or more individuals grossly (or repeatedly) subject a colleague to conduct which the colleague considers harming his/her/their rights, dignity, physical or psychological health or professional career.
- **Inappropriate use of e-mail/internet/social networking:** Inappropriate use of e-mail/social networking entails any use which is not in support of day-to-day activities. This includes accessing provocative communication channels, abusive and/or offensive language in work-related e-mail correspondence and/or social networking conversations.
- **Fraud:** As stated in EMHRF anti-corruption code of conduct, 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.

- **Bribery:** As stated in EMHRF anti-corruption code of conduct, a 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, her or their duties, or to overcome hurdles. Gifts and hospitality may be in themselves a manifestation of corrupt behaviour when someone expects receiving a benefit in return. In observing and respecting local hospitality conventions, accepting or giving a gift or gratuity with a value of up to 50 Euros is permitted, according to EMHRF anti-corruption code of conduct.
- **Theft and embezzlement:** As stated in EMHRF anti-corruption code of conduct, theft and embezzlement are the misappropriation or other diversion of property or funds legally entrusted to someone by virtue of his, her or their position. It encompasses burglary, larceny and/or robbery of tangible and intangible assets belonging to EMHRF, including but not only limited to office equipment and financial resources.
- **Abuse of power and extortion:** As stated in EMHRF anti-corruption code of conduct, 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.
- **Inappropriate use of assets:** Inappropriate use of assets either tangible or intangible is their utilisation for any purpose other than that required to perform day-to-day activities. Computer systems are not to be used for illegal or other improper purposes. In addition, pre-determined measures must be taken to prevent information therein from leakage or from outsiders gaining access to the computer systems.
- **Conflict of interest:** As stated in EMHRF anti-corruption code of conduct, a conflict of interest arises from situations in which a person 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:** As stated in EMHRF anti-corruption code of conduct, 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.
- **Breach of confidentiality:** Confidentiality may be breached in cases where a non-disclosure agreement or confidentiality clause is explicitly applicable or where it is clear that confidentiality is deemed appropriate, such as in the case of strategy and planning documents, accounting systems, grant data and personal data that may expose Board members, staff, consultants, interns, applicants, grantees, partners or their staff/representatives, and donors to safety risks. Where confidentiality is deemed appropriate, measures should be taken and safeguarded to ensure that confidentiality is not breached. EMHRF representatives must comply with policies and protocols that guide the collection, storage, use, transmission, and disclosure of information as stated in EMHRF privacy policy. Information about criminal practices is never subject to confidentiality.

- **Misrepresentation of the organisation or another staff member:** This concerns misrepresentation and/or impersonation of another staff member, or a false representation of EMHRF which could damage its reputation or integrity.
- **(Mis)using alcohol:** The use of alcohol, at the workplace or anywhere else during work hours, is prohibited. Exceptions can only be made with explicit approval by the Board or management of EMHRF. Misusing alcohol on such occasions is prohibited.
- **Use of drugs:** Drugs, not including medication, are prohibited. Possession and use of drugs at the workplace are prohibited.
- **Other unprofessional conduct:** Unprofessional conduct refers to any type of attitude, decision making or behaviour, not mentioned above, which may potentially damage the reputation or good name of the organisation and/or bring the organisation into disrepute.

4. Consequences

A conduct that breaches any of the standards of this code is grounds for disciplinary action up to and including dismissal. Where a criminal offence has been committed, it will be reported to the competent local authorities. This applies to cases in Denmark where the foundation is incorporated as well as abroad, regardless of how the information came into EMHRF possession.

In addition, disciplinary action, up to and including dismissal, will be taken against EMHRF staff or representatives in the following situations: 1) for failing to act on a report of misconduct; 2) for retaliating against a colleague who reports concerns or cooperates with an investigation; 3) for maliciously and falsely reporting misconduct; and 4) for failing to fully cooperate with an investigation.

No action of any sort including disciplinary actions will be taken against an EMHRF staff or representative reporting concerns in good faith. An EMHRF staff or representative reporting concerns in good faith is to be protected from any direct or indirect negative consequences (such as intimidation, harassment, violence, retaliation, discharge, etc.).

4.1. Reporting procedure

When this code is breached or a concern is raised, EMHRF staff member or representatives may report it themselves to the management (i.e. the Programme Director and/or Finance Director) or, in the case the management is involved in the misconduct, to the Board, or in case of a Board member's involvement in misconduct, to at least two other Board members including the President and/or the Vice-President and/or the Treasurer.

Specific reporting and complaint procedures apply to corruption and SHEA in accordance with EMHRF anti-corruption code of conduct and anti-SHEA policy. In case of misconduct by an EMHRF staff member or representative towards one or more external stakeholders, including applicants, grantees, partners and donors, a complaint may be filed in accordance with EMHRF External Complaint Reporting Mechanism.

Reporting must be done immediately or as soon as possible without endangering yourself, co-workers, witnesses or victims. Reporting within one year after alleged misconduct has taken place will always be considered. It is up to the discretion of the management or the Board to consider misconduct reported more than one year after the alleged misconduct has taken place.

Reporting under the present code must be in writing, non-anonymous and must address (when known): 1) Type of misconduct; and concrete description; 2) Staff member(s) or representative(s) of EMHRF involved; 3) Date and period of breach of the Code of Ethics and Good Conduct; 4) with all available evidence in the form of documents/testimonies/relevant actors/grounds in support of the breach of conduct reported.

If the misconduct occurrence constitutes or is likely to constitute a criminal offense, the Board and/or the management will always inform official competent authorities after discussing the matter with the victim.

4.2. Investigation

Management receiving a report of concern for misconduct will inform the Board, who will decide who will investigate the raised concerns. Board members who receive a report of alleged misconduct by a member of the Board will inform the rest of the Board members, who will decide who will investigate the raised concerns.

The Board may decide to set up a committee comprising at least two Board members to investigate the raised concerns. Depending on the circumstances of the misconduct one or two external independent investigators may be added by the Board to the committee.

The person(s) who reported the concern of misconduct will be contacted by the investigators for further clarification and to support their concerns with evidence. The victim of a misconduct may request the assistance of a colleague or a third person during the investigation process.

The person(s) accused of misconduct will be interviewed by the investigators and will be allowed to defend themselves against the accusation. A copy of the written complaint against him/her/them must be made available to the accused person(s) at least 24 hours before the interview. The person accused of a misconduct may request the assistance of a colleague or a third person during the investigation process. The identity of the person(s) making the report will not be disclosed to the accused person(s).

Where possible and available, relevant actors will be interviewed by the investigators in support of accusation or in defence of person(s) accused.

The investigators will conclude if and to what extent the present code has been breached. They will report on findings and conclusions back to the Board, who will decide and follow up on disciplinary actions. Board members accused of the reported misconduct will not participate in Board deliberation regarding the investigation of such misconduct. If the code has not been breached, this will be reported back to the reporter. In the event that there is reason to fear malicious and false reporting of misconduct, an investigation procedure as described above will be initiated to assess the nature of the misconduct.

Following the conclusion of an investigation, Board and/or staff will be informed of the concerns, findings, conclusion and, if the code has been breached, of the disciplinary action taken. Where the code has not been breached, the permission of the accused person(s) is required for disclosure. Such permission is not required where the code has been breached.

At no time, during the investigation procedure, the identity of the person who made the report must be made known to anyone other than the person(s) who received the initial report and the investigators responsible for investigating an alleged misconduct.