

THE DANISH
INSTITUTE FOR
HUMAN RIGHTS

ANTI-
CORRUPTION
POLICY

CHAPTER 1

INTRODUCTION

ZERO TOLERANCE TOWARDS CORRUPTION

The anti-corruption policy provides guidance for how Institute employees must react when faced with corruption and corrupt behaviour. The policy also lays down guidelines on work to prevent, report and penalise corruption.

WHAT IS CORRUPTION?

Corruption is defined as the abuse of entrusted power for private gain. Corruption is classified as bribery, fraud, embezzlement or extortion. However, corruption does not necessarily need to involve money changing hands; corruption can also be the execution of services to gain an advantage such as preferential treatment, special protection, extra service or shorter case-processing times.

ANTI-CORRUPTION: RULES OF CONDUCT

All employees and partners¹ of the Institute who receive funds from the Danish Institute for Human Rights must respect and promote the principles mentioned below. The principles are based on the definition of corruption.

1. Conflicts of interest

Conflicts of interest arise in situations where an employee has a private interest that may potentially affect or seem to affect the impartial and objective performance of the employee's official duties. Private interests cover personal gain and gains or benefits for family, relatives, friends and persons or organisations to whom there is or has been a commercial or political affiliation.

The employees of the Institute must avoid conflicts - real or potential - between personal interests and the interests of the Institute.

¹Partners include organisations which receive assistance (traditional partnerships such as NGOs and government institutions with which capacity is built up and human rights are implemented), and the Institute's suppliers of goods and services.

2. Bribery

Bribery is the act of offering, giving (active bribery), receiving, soliciting or accepting (passive bribery) any item of value to influence the actions of an employee in charge of a public or legal duty. Bribery is punishable under the Danish Criminal Code.

The Danish Institute for Human Rights will not give or accept bribery in any form.

3. Extortion

Extortion occurs when an employee unlawfully demands or receives money or property through intimidation. Extortion may include threats of harm to a person or his/her property, threats to accuse him/her of a crime/illegal act, or threats to reveal embarrassing information. Extortion is punishable under the Danish Criminal Code.

Employees of the Institute must not seek to influence any person or body by using their official position or by using force or threats.

4. Fraudulent behaviour

Fraudulent behaviour is the use of deception with the intention of obtaining a gain (financial or otherwise), avoiding an obligation or causing loss to others. This involves deliberately being dishonest or misleading, engaging in deceitful behaviour, practicing trickery or acting under false pretences. Fraudulent behaviour is punishable under the Danish Criminal Code.

Employees at the Institute must not use deception, trickery or breach of confidence to gain an unfair or dishonest advantage.

5. Embezzlement

Embezzlement is the misappropriation or other diversion of property or funds legally entrusted to someone by virtue of his or her position. Embezzlement is punishable under the Danish Criminal Code.

Employees of the Institute must not misappropriate or otherwise divert property or funds entrusted to them.

6. Gifts

In the context of corruption, a gift is a financial or other benefit, offered, given, solicited or received in the expectation of receiving a benefit in return. Gifts and hospitality may be in themselves a manifestation of corrupt behaviour. They may be used to facilitate corruption, or may give the appearance of corruption. Gifts may include cash or assets given as gifts. Hospitality may include meals, hotels, flights, entertainment or sporting events.

As a general rule, employees should not receive gifts or other benefits in connection with their work.

However, smaller gifts may be accepted in some cases. These could be in connection with events of a personal nature such as birthdays, anniversaries, resignations or similar. Situations may arise where the receipt of a gift may seem impolite or contrary to local customs or conventions. On the other hand, it may be customary in connection with visits from or at foreign partners.

Gestures which may be considered remuneration for a task performed, such as a couple of bottles of wine for doing a presentation, are not considered gifts. Neither are benefits granted internally at the workplace, such as donations for a staff party, small gifts during the holiday season and events of a personal nature.

Employees at the Institute must not give, solicit or receive directly or indirectly any gift or other favour that may be seen to influence the exercise of their function, performance of duties or judgement.

7. Nepotism and favouritism

Nepotism is incidents where family and friends are favoured and treated advantageously due to close personal relations, rather than on the basis of a professional and objective assessment of their abilities and capabilities.

Employees of the Institute must not favour friends, family or other close relations in recruitment, procurement, supply of financial or technical assistance, or other situations.

IMPLEMENTATION OF THE ANTI-CORRUPTION POLICY

Implementation of the policy rests on four main elements:

1. prevention,
2. follow-up and monitoring,
3. principles of transparency,
4. sanctions.

1. Preventive measures

Partner contracts: All partner contracts include an anti-corruption clause, including that partners are to be familiar with the current anti-corruption policy. The clause also means that partners are obligated to notify the Institute immediately of breach or suspicion of breach of the rules.

Procurement of goods and services: The Danish Institute for Human Rights follows state and EU rules for procurement of goods and services, including tendering rules. These rules are described in the *Instructions regarding the procurement of goods and services*.

Rules of conduct for employees: All employees at the Danish Institute for Human Rights are bound by the rules of conduct, which, among other things impose zero tolerance towards corruption.

Risk analysis: In connection with preparations and drawing up of programmes and projects with collaboration partners, a risk analysis and an assessment of how to counter this risk is always carried out. The analysis describes the risk of corruption.

Employee training: Employees of the Institute are kept up-to-date on the anti-corruption policy, among other things, in the form of the internal project management training programme.

2. Follow-up and monitoring

Reporting corruption: All employees are obligated to notify their superior immediately about any proof or suspicion of breach of one or more anti-corruption principles. This applies regardless of whether the case involves other employees, business partners and partners in programmes or projects.

Similarly, all employees are obligated to notify their superior about potential or current conflicts of interest; this includes giving or receiving gifts that may be construed as an attempt to influence an employee's or partner's performance of

his or her function, duties or judgement. Any type of bribery must be reported to the employee's superior.

Partners at the Danish Institute for Human Rights are obligated to notify their contact person at the Institute immediately under the same circumstances as Institute employees are obligated to notify their superior.

Internal control: There is ongoing supervision of the Institute's management of funds, among other things, according to the *Accounting instructions*, *Budget instructions*, and the *Instructions regarding externally financed activities*.

Auditing and external supervision: The Danish Institute for Human Rights is subject to annual audits carried out by the Auditor General's Office. Furthermore, the Ministry of Foreign Affairs of Denmark makes an inspection visit to the Institute at least once a year. All partners of the Institute are audited annually by audit firms approved by the Institute. The demand for annual partner audits is stated in the partnership contracts.

Programme and project evaluations: The Danish Institute for Human Rights carries out regular evaluations of projects and programmes in accordance with the *Evaluation policy for DIHR international interventions*. The evaluations measure, among other things, results and efficiency compared with indicators and objectives which will reveal excesses or waste possibly attributable to corruption.

3. Transparency and reporting

The Institute submits evidence and reasonable suspicions of corruption to the general public, including the donor and the Ministry of Foreign Affairs of Denmark; the ministry responsible for the Institute.

Reporting: reports are submitted immediately to the donor and the Ministry of Foreign Affairs of Denmark.

The general public is informed. This happens through:

- The Institute website
- The annual report of the Institute.

Most often, publication will be anonymous to protect sources and not expose any innocent suspects.

The senior management of the Institute **assesses** whether there is sufficient evidence and whether the suspicion is reasonably founded.

4. Sanctions

Depending on the concrete assessment, the following sanctions may be imposed if there is proof and reasonable suspicion of corruption:

- Repayments of funds
- Contractual consequences in relation to third parties, including possible discontinuation of contracts
- Disciplinary measures in relation to employees, including possible dismissal or expulsion
- Notification to authorities in other countries
- Police report
- Other legal steps such as instituting civil legal proceedings.

After consultation with the persons and instances relevant in the given situation, the senior management of the Institute will make a decision regarding sanctions and involve, for example, partners, auditors, lawyers, the professional system or other authorities.

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