

# Guideline on preventing and combating the abuse of power



## Preamble

In accordance with its mission statement, Fastenaktion is committed, as a Catholic aid agency, to a world in which “life in all its fullness” becomes a reality for all. In this spirit, Fastenaktion calls upon the world to share with the poor, wants to change unjust structures, helps people to help themselves, and is part of the network of solidarity. Fastenaktion works to achieve the foundation’s goals in a targeted manner and with the greatest possible effect through the efficient and effective use of the funds entrusted to it.

Abuse of power in all its forms (all types of sexual assault, exploitation, corrupt behaviour, misappropriation, nepotism, discrimination etc.) endangers Fastenaktion’s work and harms the weakest and poorest people, instead of benefitting them. Abuse of power is a worldwide phenomenon, so that awareness-raising, prevention and combating it must take place both in the North and the South. Combating the abuse of power, in particular sexual assault and corruption, helps to reduce social injustice and exploitation.

Fastenaktion undertakes to uphold the principles set out below and to continuously develop their application, in the interest of an ongoing process of improvement. Everyone has the right to be protected from the practices and effects of abuse of power.

The scope of application is described in article 3. para. (1).

## Article 1: Definitions

### (1) Abuse of power:

“Abuse of power” means the abuse of a position of power in order to harm other people, to bully them or place them at a disadvantage, or in order to procure personal advantages for oneself or one’s favourites.

This includes corruption and sexual assault, but also all other forms of exploitation, acceptance of advantages, preferential treatment, discrimination and unethical conduct. Henceforth, the term “abuse” is used in this sense.

#### (a) Corruption

“Corruption” is defined as “the abuse of entrusted power for private gain” (see definition by Transparency International).

This includes, amongst other things, misappropriation, misuse of entrusted goods, patronage, bribery, coercion/abuse of power and nepotism. In concrete terms, corruption can take the form of giving, offering, demanding or accepting gifts, rewards, commissions or other benefits. These acts are intended to induce the corrupted person to engage in dishonest or illegal conduct or in a breach of trust.

#### (b) Sexual assault

“Sexual assault” refers to any threatened, attempted or enacted abuse of a position of vulnerability, power or trust for sexual purposes. This includes both sexual abuse (physical acts that are accompanied by violence, coercion or power imbalance) as well as sexual harassment (unwelcome advances, approaches, sexual or sexualised behaviour that can be verbal, non-verbal or physical) as perceived by the harassed person or group.

#### (c) Discrimination

“Discrimination” is any form of unjustified disadvantage or unequal treatment of individuals or groups based on various perceivable (for example age, gender, ethnicity or disability) as well as not directly perceivable (for example ideology, religion or sexual orientation) characteristics.

## Article 2: Risks for Fastenaktion in relation to abuse of power

- (1) As an organisation active in development cooperation, Fastenaktion is exposed to risks of abuse of power in its programmes. These can include the following:
  - (a) Sexual assault
  - (b) Conflicts of interest in job recruitment or the award of contracts
  - (c) Calling in of all types of favours for job recruitments, project activities or other things.



- (d) Bribery: passive/active bribery, bribes or kickbacks
- (e) Manipulated inspections: inaccurate audits (internal/external) or other manipulations
- (f) Misappropriation of funds: Theft or fraudulent expenditure in the accounts, in salary schemes or in the payment of expenses
- (g) Misappropriation of cashless assets: Misuse or purchase/receipt of goods/services
- (2) At Fastenaktion in Switzerland, risks exist especially in the following areas:
  - (a) When commissioning external consultants, in recruitment or participation in projects and campaigns in Switzerland. The procurement process is set out in Fastenaktion's procurement regulations and mandate agreements must contain a passage on dealing with abuse of power or refer to this guideline.
  - (b) In asymmetric relationships of power, e.g. the employment of interns, dependencies etc. The practices required by Fastenaktion are set out in the cooperation and leadership principles.

### **Article 3: Scope and objectives of the present guideline**

- (1) This guideline applies to all Fastenaktion staff in Switzerland as well as to the current members of the Foundation Council. It is an integral part of all work contracts and cooperation agreements, and thus applies to all programme coordination units in the partner countries, as well as to the partner organisations in Switzerland and abroad (see also Art. 5 para. 1 (b) and (c)) and their employees and contractual partners in the project implementation, as well as all other persons who are involved in Fastenaktion's work, at all times both during and outside of working hours.
- (2) The guideline reflects Fastenaktion's philosophy and commitment to act responsibly, with integrity, in accordance with the law, and according to high ethical and moral standards. Its specific goal is:
  - (a) To counter abuse of power, especially corruption and sexual assault, preventively through the medium of awareness-raising activities and in-depth debate.
  - (b) To prevent abuse of power and, if suspected cases occur, to encourage reporting and implement a clear course of action.
  - (c) To strengthen the organisational culture with the aim of preventing and combating abuse of power.

### **Article 4: Principles of the present guideline**

- (1) Fastenaktion condemns the abuse of power in any form, because it harms especially vulnerable persons and prevents effective support of the partner organisations as well as a fair and equal functioning of structures.
- (2) Every person has a right to be protected against the effects and practices of abuse of power. This protection has the highest priority and applies irrespective of gender, skin colour, religion, culture, education, social status and nationality.
- (3) Abuse of power within the meaning of the definition under Art. 1 is not tolerated at Fastenaktion, the programme coordination units or partner organisations.
- (4) Exemption from punishment is generally avoided. If abusive behaviour can be proven with regard to a person or an organisation, then this will be punished, and sanctions will be imposed.
- (5) In the local context corrupt actions can sometimes become unavoidable, despite the fact that this is contrary to the very principles Fastenaktion espouses:
  - (a) In emergency situations, it may be necessary to speed up or enable a bureaucratic process.
  - (b) A categorical rejection of corruption may have disproportionate consequences for the implementation of the key tasks.
  - (c) Small gifts or invitations to a meal can be appropriate as part of a polite response.
 Nevertheless, it is emphasised that corrupt practices should be restricted as much as possible. In each case, the superior must be informed about such cases.
- (6) Violations of this guideline may – while taking the applicable law into consideration – lead to instant dismissal and the termination of employment/cooperation, or also to official prosecution (reporting).
- (7) Every person has the right and the duty to refuse abusive actions. Information concerning a suspicious case is submitted via the reporting hotline and is treated in confidence (see appendix 1: Reporting hotline).

### **Article 5: Measures**

- (1) *General measures*
  - (a) Fastenaktion undertakes, as part of a voluntary commitment, to play an active role in promoting transparency, good governance and the prevention and combating of abuse. To this end, the greatest possible transparency will be ensured with regard to decision-making processes and

the planned and actual use of resources. Whistleblowers and victims are protected and suspected cases of abuse of power are examined and pursued.

- (b) Every Fastenaktion employee will sign this guideline. New employees will be given the guideline as part of their contract of employment (as a supplement).
- (c) The contracts with programme coordination units and partner organisations (for the projects) refer to the present guideline (without appendices). The guideline is discussed in person with each programme coordination unit when a new programme is started. With the partner organisation, it is normally discussed in person. If this is not possible, it is referred to in a written communication.
- (d) In concluding other contracts with third parties in the area of purchases and commissions, the procurement regulations apply and refers to the content of this guideline and the corresponding reporting hotline.
- (e) An email-based reporting hotline is available for reporting suspicious cases. Its exact structure is set out in appendix 1. This reporting hotline is extended to include low-threshold access which also enables contact to be made anonymously.
- (f) The desk officer for Compliance of Projects is responsible for measures to prevent and combat abuse of power, in particular sexual assault and corruption in the North and the South and is available to staff and partners as an adviser in this context. Furthermore, she/he evaluates reported cases and, on this basis, develops possible managerial measures to minimise future risks.
- (g) The desk officer for Compliance of Projects submits regular reports about cases where abuse of power is suspected or abuse of power is proven, and about preventive measures and sanctions. She/he recommends managerial measures to the Head of Department and/or the Management Board.
- (h) Further training measures on preventing and combating abuse in the North and the South are regularly offered.
- (i) Fastenaktion strives to guarantee the necessary transparency in all its actions. The annual accounts, which comply with the ZEW0 (Swiss certification body for charitable and donation-funded organisations) criteria, are published on the Website and can be accessed by the public. This certification guarantees “that the donations will be used economically, effectively and for their designated purpose”, that there is “transparent information and fair financial reporting”, as well as “independent and appropriate control mechanisms”. The annual report supplements the financial information with narrative reporting.
- (j) All Fastenaktion employees must ensure that conflicts and collisions of interest are avoided. This applies in particular to members of the highest governing body. In case of a conflict of interest, the person concerned will reclude him or herself. The Zewo Standards also define the accounting and auditing principles.

## (2) *Internal measures*

- (a) The Statutes describe the executive bodies of Fastenaktion. They define their respective composition, responsibilities and authority and guarantee that they are monitored by the Business Auditing Committee and the statutory auditors.
- (b) The desk officer for Compliance makes the employees aware of the importance of this guideline (see Art. 5 para. (b)).
- (c) Members of the investment committee as well as the persons dealing with investments each year sign a loyalty declaration “in connection with the investment, management and consultancy of Fastenaktion” regarding investments.
- (d) All obligations entered into by Fastenaktion require a joint signature of two, in accordance with article 13 para.1 of the Internal Regulations.
- (e) Subsidiary activities by the employees must be approved by the direct superior, according to article 34 para. 4 of the Personnel Regulations, if these are being carried out during working hours. Mandates that are carried out outside of working hours must be reported to the direct superior and must not be contrary to the interests of Fastenaktion.

## (3) *Measures with regard to projects*

- (a) Partner organisations, and where possible also the target population, are informed about the ethical standards and the reporting mechanism.
- (b) Partner organisations wishing to cooperate with Fastenaktion must be transparent about their sponsoring body as well as their overall funding (see Project Application).

- (c) The project funding agreements entered into by Fastenaktion place an obligation of incorruptibility and of preventing and combating abuse of power on the partner organisations (see for example art. 12 para. 4 of project funding agreements).
- (d) According to article 6 of the project funding agreements, the partner organisations shall present Fastenaktion with a project financial report and a statement of account no later than three months after the end of the semester. Each project funding agreement includes a budget as well as a global budget of the respective partner organisation.
- (e) On request, Fastenaktion has the right to inspect the accounts or to order an extraordinary external audit (see articles 6 and 7 Project Funding Agreement). For projects where the Fastenaktion contribution equals or exceeds CHF 50,000.00, an external audit is carried out. For all other projects, spot-check audits can be performed.
- (f) Fastenaktion makes every effort to ensure that the target groups of projects are informed about the goals, budgets and the results. In Switzerland, Fastenaktion reports comprehensively about the allocation of funds and their use.
- (g) Article 11 of the coordination guidelines places an obligation of incorruptibility on the programme coordination units and, in the event of a serious violation or failure to comply with the provisions of the agreement, provides for termination with immediate effect under article 4 para. 3.
- (h) The coordination guidelines include a duty of care and loyalty in article 9. Conflicts of interest that are irreconcilable with the coordination agreement shall be examined and excluded.

### **Article 6: Communications strategy**

- (1) For Fastenaktion, transparency and ethical conduct are important concerns in order to protect the credibility of its work.
- (2) Protecting the information source (particularly the whistleblower) and the victims is always the top priority when initiating external communications.
- (3) If a substantiated case of abuse of power occurs, the Swiss Agency for Development and Cooperation (SDC) will always be informed about the available facts. Other donors (parishes, foundations and other institutional or private donors) will be informed by the respective partners in the Communication or International Cooperation Department in appropriate form, as soon as, or in so far as, the Management Board considers this to be appropriate. The Head of the Communication Department decides about the content of the information given to the public.
- (4) The detailed procedure is set out in "Appendix 2: Internal and external communication in cases of abuse of power and their investigation" of this guideline.

### **Article 7: Fastenaktion's organisational culture**

- (1) Fastenaktion states clearly and openly that it condemns all types of abuse and acts accordingly, if such cases are uncovered.
- (2) Fastenaktion continuously addresses the abuse of power in its different forms (including, but not only: corruption, sexual assault, discrimination) in the South as well as in the North and publicises the measures taken.
- (3) Fastenaktion acknowledges the difficulty of local contexts and engages in an open dialogue with its partners about the risks of abuse of power and the associated obstacles for the day-to-day project work.
- (4) Cases of abuse are systematically documented:
  - (a) All serious cases received via the reporting system and via the country programmes are documented, evaluated and stored.
  - (b) Twice a year, the desk officer for Compliance of Projects produces an anonymised internal report about the investigated cases, the use of the reporting system, the process and results of the investigations and the recommendations made, for the attention of the management. Fastenaktion employees, the SDC and the Foundation Council receive this report once a year.
  - (c) This report is included in a shortened version in the annual report and is thus made publicly available.