

Mülteci
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Refugee
Rights
Turkey

Refugee Rights Turkey

Anti-Corruption and Conflict of Interest Policy

Approver: Ethics and Compliance Manager - Deputy Director

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MÜLTECİ HAKLARI MERKEZİ – REFUGEE RIGHTS TURKEY

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RRT Anti-Corruption and Conflict of Interest Policy

1. Introduction

This document should be read in conjunction with:

1. Refugee Rights Turkey's (RRT) statute, laying down its work and activities and workplace internal directives,
2. RRT's Code of Conduct,
3. RRT's Feedback and Complaints Policy,
4. RRT's Child Safeguarding Policy,
5. RRT's Prevention of Sexual Exploitation and Abuse Policy,
6. RRT's Personal Data Protection and Processing Policy,
7. RRT's Internal Complaints Policy,
8. RRT's Guideline for the Investigation of Reports of Suspected Misconducts.

Refugee Rights Turkey is committed to high ethical standards and transparency in all its work and to remain accountable to all internal and external stakeholders, including beneficiaries, donors, employees, volunteers, partners, contractors, and RRT's Board. RRT has zero tolerance for corruption. Corruption undermines the respect for and protection of human rights. As such, corruption runs counter to the core of our work. Corruption poses a direct threat to RRT's values and its ability to work according to a rights-based approach, humanitarian principles, and its commitment to "do no harm". Therefore, we work to combat corruption directly and indirectly, and we will avoid conflict of interest in all our work and undertakings.

Compliance with this policy is mandatory for staff, implementing partners, contractors and related Third Parties. Failure to do so will result in disciplinary action up to and including the possibility of termination of employment or termination of the violating party's contract and/or business relationship with RRT. RRT furthermore reserves the right, without prejudice to any other right or remedy available to it, to take such additional action, civil and/or criminal, as may be appropriate.

2. Definitions, Scope, and General Principles

2.1. Definitions

Bribery: the offering, promising, giving, accepting, or soliciting of money, gifts, or other advantage as an inducement to do something that is a breach of trust in the course of carrying out an organization's activities.

Corruption: "The abuse of entrusted power for private gain." RRT's definition of corruption includes all forms of fraud and constitutes serious misconduct in accordance with RRT's Code of Conduct. The abuse of entrusted power for private gain. Examples of forms that corruption takes include but are not limited to facilitation payments, bribery, gifts constituting an undue influence, kickbacks, favoritism, cronyism, nepotism, extortion, embezzlement, misuse of confidential information, theft, and various forms of fraud, such as forgery or falsification of documents, and financial or procurement fraud.

Conflict of Interest: a "conflict of interest" occurs when an employee's private interests improperly influence the performance of the employee's official duties and responsibilities. Private interests can include the interests of your immediate family and friends.

Feedback and Complaints Mechanism: Feedback and Complaints Mechanism is a specifically designated body entrusted with a mandate to receive all feedback, positive or negative, relating to our work or activities, and receive and handle complaints involving a breach of our Code of Conduct.

Internal Complaints Mechanism: The Internal Complaints Mechanism at Refugee Rights Turkey (RRT) serves as a robust mechanism to address concerns and grievances within the organization. It provides a structured and confidential platform for employees to raise issues related to misconduct and unethical practices. The mechanism is designed to foster transparency, accountability, and fairness, encouraging staff to come forward with genuine concerns without fear of retaliation. The Internal Complaints Policy ensures that all reported matters are thoroughly investigated and appropriately resolved, promoting a safe and inclusive environment where everyone's voice is heard and respected.

Gifts and hospitality: These can range from small gifts to expensive hospitality (tickets for major events, holidays etc.). Extravagant gifts and hospitality may be used to disguise bribes that are intended to induce improper behavior.

Persons of concern: Asylum seekers, refugees, vulnerable migrants, and other persons of concern.

Kick-back: To give back (a portion of money received as pay, commission, etc.), often as a result of coercion or a previous understanding.

2.2. Scope of Application

These principles and behavior patterns are applicable to all entities that are part of RRT and will be mandatory for all its directors, senior managers, and staff in all the activities they perform on behalf of RRT. In addition, its scope of application may be extended to individuals or entities outside RRT in circumstances where there is a commercial or professional link between them and RRT or its activities and when their performance entails a risk or gives rise to liability on the part of RRT or might directly or indirectly affect its reputation.

3. Principles

3.1. Conflict of Interest

3.1.1. RRT staff perform official duties and conduct private affairs in a manner that avoids conflict of interest, thereby preserving and enhancing public confidence in RRT.

3.1.2. RRT staff work to serve the mandate, objectives, and values of RRT and ensure that personal views, behavior, and beliefs, including political and religious convictions, do not adversely affect their duties or activities performed on behalf of RRT.

3.1.3. RRT staff's actions are free of any consideration of personal gain, and they resist any undue political pressure in decision-making. Staff neither seek nor accept instructions regarding the performance of their duties from any government or from any authority external to RRT.¹

¹ This does not apply to staff contacts at the appropriate level with government officials, donor organizations, and other partner organizations which is necessary for the course of carrying out an organization's activities, that will promote good relations and will contribute to trust and confidence in RRT.

3.1.4. Any potential conflict of interest (such as personal relationships²) with a beneficiary, supplier, service provider, or partner must be reported to a senior manager or Ethics and Compliance Manager of RRT.

3.1.5. All RRT's legal information products, legal information, assistance, and representation services are completely free of charge, including online and in-person capacity building seminars and group counseling activities. In order to avoid any perceptions to the contrary or misunderstanding staff will not accept nor give any gifts, other artefacts of monetary value, any personal favors, honor, remuneration, or bribe to / from any beneficiary; nor to / from any other source external to RRT. It is, however, allowed to accept food brought to the office for immediate consumption as a token of appreciation that is exchanged in accordance with local practice provided that it cannot compromise the integrity RRT.

3.1.6. RRT staff do not engage in any outside occupation or employment without prior authorization.

3.1.7. RRT staff do not participate in certain political activities such as standing for or holding public office without prior authorization.

3.1.8. RRT never participates in activities related to procurement of goods or services, or in human resource activities, where a conflict of interests may arise.

3.1.9. RRT strictly prohibits the promising, offering, giving, seeking, or accepting of representation, hospitality and gifts for staff involved in the procurement process. It is not permitted to improperly favor other entities or individuals with whom RRT maintains, or may maintain, contractual relationships.

3.1.10. Engaging personal, financial, or employment-related relationships with employees and current or former beneficiaries is not appropriate; because these kinds of relationships are likely to create power inequalities open to abuse, and these relationships may obscure the framework of the professional relationship, hinder the impartiality of the services provided, and also damage the reputation of the Organization. In this context, if RRT staff have a personal, financial, or employment-related relationship with its current or former beneficiaries to whom it provides support or who come with this request, they are obliged to report in writing on the nature and conditions of this relationship to any senior manager or Ethics and Compliance Manager.

3.1.11. Good judgment, diligence and caution must be exercised in any dealings with public employees or authorities, especially if such employees or authorities adopt, or have power to adopt, resolutions and decisions that directly or indirectly affect RRT.

² Personal relationships may include, but are not limited to:

- relationships with family members, including wife, husband, former wife or husband, intimate partner/s, father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, uncle, aunt, nephew, niece, and equivalent in-laws.
- friendships with personal links outside of the workplace (may include social connections with clubs, religious groups, sporting teams),
- relationships where one person is financially linked with or dependent on the other,
- incidental contacts with a client such as at a social function.

**Some examples of matters that would be conflicts of interest
if you are involved in any decision or action about them**

If there is a personal, financial, or other relationship between the employee and the beneficiary that would affect the employee's impartial judgment of the event or RRT's appearance of competence in the course carrying out its activities.

Any personal relationship² between the employee and the beneficiary.

Taking part in assessing a tender application where you have, or have had, a personal relationship with a person, or organization that has submitted a tender application.

3.2. Reporting any kind of conflict of interest:

If an employee of RRT has an interest, whether pecuniary or otherwise, that could conflict or appear to conflict with the proper performance of their duties, they are required to disclose such interest to their supervisor or the Ethics and Compliance Manager as soon as possible after becoming aware of the relevant facts. Additionally, staff members are encouraged to utilize the internal complaints mechanism for reporting any conflict of interest according to the Internal Complaints Policy.

RRT staff must avoid conflicts of interest in the course of their duties. Conflicts of interest, including any potential or perceived conflict, should always be and a decision should then be made on whether further action is necessary. This is to ensure that the community perceives RRT services as impartial, effective, fair, and accountable. In this context, by declaring and managing personal relationships, RRT staff must avoid conflicts of interest and maintain their professional boundaries.

Actions will vary according to the nature and circumstances of the relationship and the context within which the relationship occurs. Options may include, but are not limited to:

- the employee with the conflict of interest of a personal relationship may be removed from the process which resulted in the conflict,
- employees between whom there is a close personal relationship may be moved to different work areas,
- the beneficiary whom there is a close personal relationship can be referred to a different partner organization.

3.3. Proper Use of Financial, Material and Human Resources

3.3.1. RRT staff should conduct all official duties with integrity, free from any taint of dishonesty or corruption, including not engaging in any act of favoritism, nepotism, or bribery. This includes not accepting from any external source (including beneficiaries, governments, corporations, or others) any honor, decoration, gift, remuneration, favor or economic benefit.

3.3.2. Staff should not use offices, RRT property or knowledge gained from functions with RRT for private gain, financial or otherwise, or for the private gain of any third party, including family or friends. Examples of misuse of office assets include the use of RRT's vehicles for private purposes without authorization, carry out (excessive) private matters during working time, use of office equipment for private purposes, or have staff and/or contractors provide unremunerated private services.

3.3.3. Staff should protect, manage, and utilize RRT's human, financial and material resources efficiently and effectively, bearing in mind that these resources have been placed at RRT's disposal for the benefit of refugees and other persons of concern.

3.3.4. RRT does not have any links to any third person or organizations which may falsely claim to 'facilitate' or 'put in touch' beneficiaries with RRT services in return for fees or other favors. RRT asks beneficiaries and referral actors to disregard any such ill-intentioned and fraudulent claims and false promises by any third persons or parties.

3.3.5. RRT works to prevent or mitigate the risk of intentional and/or reckless diversion of RRT funds and assets to armed groups (and in particular those groups or individuals designated as terrorist by the UN Security Council).

3.3.6. RRT keeps a suitable system of accounting records of all transactions, expenses, and income, without omitting, concealing, or altering any data or information, so that the accounting and operational records provide a true and fair view of the activities of RRT.

3.3.7. RRT does not participate in or facilitate any activities that constitute a crime under Turkish and international law. To refrain from any involvement in criminal activities, RRT neither supports nor takes part in any form of illegal, exploitative, or abusive activities, including, for example, child labor, and trafficking of human beings and commodities.

3.3.8. RRT expects suppliers and contractors not to participate in or facilitate any activities that constitute a crime under Turkish and international law; or any involvement in criminal activities, activities that contravene human rights, or activities that compromise the image and interests of RRT.

3.3.9. RRT holds the well-being, health, and safety of its staff members to be of paramount importance. In situations of duress when health and safety are in imminent danger, for example, staff should not endanger their lives or the lives of others due to strict adherence to RRT's Anti-Corruption Policy. RRT will strive to prevent staff members from falling victim to such situations. Should they occur, however, then such incidents must be reported to RRT management as soon as it is safe and possible to do so.

Some examples of corrupt practices include, but not limited to:

- To accept honor, decoration, gift, remuneration, favor, or economic benefit from the beneficiaries in return for any service provided,
- Directing beneficiaries to third parties in return for any kind of benefit,
- Third persons or parties requesting any benefit in exchange for any fraudulent claims and false promises such as assisting beneficiaries to facilitate their access to RRT services,
- Kickbacks offered or demanded to facilitate the purchase of products by vendors,
- Bid rigging to improperly steer contracts to unqualified bidders, again in exchange for kickbacks,
- Kickbacks in exchange for hiring for staff positions,
- Fictitious vendors,
- Declaring private telecommunications charges to be official,
- Improperly assisting a person external to the Organization to secure RRT employment in exchange for money or other favours,
- Improperly assisting a vendor in a procurement process,

- Manipulating a procurement or recruitment process to ensure a certain outcome,
- Misusing RRT resources to benefit oneself or a third party,
- Revealing internal confidential information in order to obtain a benefit for oneself or a third party,
- Participating in the recruitment process of a family member or a person with respect to whom one has an undisclosed conflict of interest,
- Participating in a procurement and/or contract management process involving a person or entity with whom/which one has an undisclosed conflict of interest,
- Taking property of RRT without authorization.

4. How to report misconduct related to corruption?

4.1. Feedback and Complaints Mechanism

All stakeholders engaged in our institution's activities and interactions are encouraged to utilize our **Feedback and Complaints mechanism** if they encounter or witness any situation that contradicts the principles outlined herein. Reports can be submitted through the communication channels specified in **the RRT Feedback Complaints Policy** and will be assessed in accordance with the procedures detailed in the relevant policy document.

RRT ensures confidentiality of the information as well as the inquisition process about all complaints. We also remind that it will not impact the beneficiary's ability to receive or continue to receive services from RRT. We promote reporting of any suspicion or knowledge of corrupt practices, made in good faith and without fear of retaliation, through this channel.

4.2. Reports of the Staff

All staff members are obligated to report any wrongful acts or suspected wrongful acts in alignment with the **RRT Internal Complaints Policy**. To facilitate the reporting process, the communication channels specified in the policy must be utilized for submitting reports. These reports will be diligently assessed and investigated following the procedures outlined in the "RRT Guideline for the Investigation of Reports of Suspected Misconducts" document.

No-one who reports in good faith any facts or activities through these channels will be the target of reprisals nor will they suffer any other adverse consequence as a result. RRT considers knowingly making a false report to constitute a violation of this policy. Doing so will result in disciplinary action up to and including the possibility of termination of employment or termination of the violating party's contract and/or business relationship with RRT.

5. Compliance with this Policy

RRT is committed to promoting awareness and use of its complaints and reporting mechanisms and to ensuring that all stakeholders, including people of concern, staff,

implementing partners, contractors and related Third Parties, authorities, and public officials, have safe, easy, and trusted access to report suspected corruption in confidence.

RRT is committed to taking all reported suspicions of corruption seriously and assessing, acting upon, investigating, and disciplining all such cases as appropriate and according to professional, transparent, and fair procedures.

RRT is committed to protecting reporting persons' confidentiality and rights and does not tolerate retaliation against reporting persons.

RRT is committed to meeting its obligations to report instances of corruption to relevant donors and to external authorities as appropriate.

RRT will learn from corruption cases, take corrective action, and adjust our culture and practices accordingly in order to better prevent future cases and ensure compliance.

6. Review

RRT will review RRT's Anti-Corruption Policy implementation annually with respect to legal and regulatory developments and to ensure compliance and best practice. This policy document is reviewed each June of the year by Ethics and Compliance Manager and approved by RRT Management. Staff is notified of the changes via e-mail. During the meetings held regularly by the Ethics and Compliance Manager with the staff, information about the policy document is provided and questions about the content are answered. RRT reserves the right to make changes to the document when it deems necessary, without waiting for the annual review.

7. Reference Documents

This policy document is fully in compliance with relevant national legislation as well as key international legislation. RRT was inspired by and benefitted from following key guiding documents, statements, and standards, and make the utmost effort to fully comply with principles set forth. As of the date of review of this policy document, this policy is fully compliant with the following:

- Relevant Turkish laws and policies including Turkish Constitution, Turkish Civil Law (Law No. 4721), Turkish Labor Law (Law No. 4857) and Turkish Penal Code (Law No. 5237).
- Universal Declaration of Human Rights, 1948, available at: <https://www.un.org/en/universal-declaration-human-rights/>
- International Convention on the Elimination of All Forms of Racial Discrimination, 1965, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>
- Sphere, The Sphere Handbook: Humanitarian Charter and Minimum Standards in Humanitarian Response, 2018, available at: <https://handbook.spherestandards.org/en>
- Core Humanitarian Standard (CHS) Alliance, Group URD and the Sphere Project, Core Humanitarian Standard on Quality and Accountability, 2014, available at: <https://corehumanitarianstandard.org/the-standard>

- UNHCR, Strategic Framework for the Prevention of Fraud and Corruption, July 2013, available at: <https://www.refworld.org/pdfid/5433a4e54.pdf>
- United Nations Convention Against Corruption by the UN General Assembly, December 2005, available at: https://www.unodc.org/pdf/crime/convention_corruption/signing/Convention-e.pdf