SHARE MERCY

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**INVIDUAL CODE OF ETHIC AND CODE OF CONDUCT (Draft)**

**1. Overview**

SM, Along with other NGOs, expects good behaviour and attitude of its workers and members, on the basis of personal commitment, humanistic ideals, human rights and humanitarian international laws as well as a general attitude characterized by neutrality, impartiality, non-discrimination and non-retaliation. As an individual working for SM, you are representing the organization, and as such your behaviour influences the way the organization is perceived. Your statements as well as your conduct can be interpreted as an expression of SM’s point of view. It is therefore essential that the following codes are adhered to:

**2. CODE OF ETHIC**

2.1. Conflict of Interest

2.1.1 Definition of Conflict of Interest

Essentially, a conflict of interest means a reference to the existence or perception of divided loyalties. A conflict of interest exists when it is likely that a member, volunteer, staff member or director could be influenced, or could be perceived to be influenced, by a personal interest in carrying out their duties as a staff member or director.

2.1.2 Responsibilities of Members, Volunteers, Directors and Staff

Share Mercy’s members, volunteers, staff and directors must not use their position to obtain private gain or advantage for himself or herself, a related person, or an entity in which they have a current or potential financial interest.

2.1.3 What constitutes an interest?

It is difficult if not impossible to define exhaustively all situations in which there is an interest that may conflict with the responsibilities of a staff member. Further, the appearance of a conflict of interest is as important to Share Mercy as any actual conflict of interest.

There are generally three types of interest (which in many cases overlap) and they provide a useful guide for consideration of staff members.

Meaning of “interest”

“Interest” can include: both direct and indirect pecuniary (financial) and non-pecuniary interests.

An example of a direct pecuniary interest is a directorship of, or shareholdings in a company that may benefit from a decision of the Organization to which the director or officer contributes.

An example of an indirect pecuniary interest is an application for a consultancy or grant by a director’s or officer’s partner or relative, a close personal friend or a close professional colleague.

An example of a non-pecuniary interest is where a director or officer has a relationship, whether professional or personal, with a person who may benefit from a decision of the Institute to which the director or officer contributes.

2.1.4 Managing a Conflict of Interest

A conflict of interest, or the appearance of a conflict, is likely to undermine the credibility of a project, process or decision. More importantly, that may in turn undermine the status and damage the reputation of the Share Mercy.

Managing conflicts of interest in a vigorous, consistent and transparent fashion is essential. The two primary mechanisms used to manage situations of conflict are disclosure and exclusion.

2.1.5 Declaration of interest

Where a staff member or director considers that they have a possible conflict of interest in relation to a particular matter (or if they consider that others might perceive there to be a conflict) they must declare their “interest”.

Where uncertainty exists as to existence of conflict

Where the director or officer is uncertain as to whether a conflict exists or ought to be disclosed, they should seek appropriate advice as follows:

Directors should seek advice from the President;

Officers should seek advice from their manager.

The disclosure obligation is a continuous one; it arises when the relationship starts with the Share Mercy, and lasts throughout the relationship.

Consequences of disclosure of actual or perceived conflict

Where the actual or perceived conflict is disclosed by the Director or officer, that person should not be in attendance when the Share Mercy considers the matter.

Consequences of non-disclosure of actual or perceived conflicts that should have been notified

The failure to notify an actual or perceived conflict of interest may result in disciplinary action being taken by the Hub or Head Office or Secretariat, or the Board of the Organization. Serious breaches may result in legal proceedings being taken by the Organization.

2.2. Fraud and Corruption

2.2.1 Policy

Share Mercy maintains zero tolerance to fraud and corruption. A thorough investigation will be undertaken in cases of suspected fraud, corruption or collusion. Suspect members, volunteers, staff will be suspended without loss of entitlements during the investigation. Staff members in question will be given every opportunity to clarify his/her behaviour and actions. If found guilty of corruption and/or collusion, members, volunteers and employees will be terminated in line with local labour laws and procedures.

2.2.2 Definition of Fraud

Dishonest activity causing actual or potential financial loss to any person or entity for which Share Mercy has responsibility, including theft of moneys or other property by employees or persons external to the entity and whether or not deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position.

2.2.3 Definition of Corruption:

Dishonest activity in which a member, volunteer, director, executive, manager, employee or contractor of Share Mercy acts contrary to the interests of the organization and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity.

2.2.4 Definition of Collusion:

Collusion is an illegal agreement or cooperation between two or more people, for a fraudulent or deceitful purpose.

2.2.5 Investigation:

In cases where the accusation of fraud and/or corruption has the potential for serious financial and or reputation consequences to Share Mercy, the issue will be forwarded to the respective Share Mercy Executive Committee for resolution. The respective body shall make sure further investigation, by commissioning if required, and suitable actions in line with Labour Laws and customary laws of host country and SM’s own regulations has been taken. The respective body will also be responsible for documenting, record keeping and informing the Secretariat and Head Offices which will in turn inform the Board of Trustees.

2.2.6 What constitutes Fraud/Corruption?

The following are examples of fraudulent or corrupt practices and all members, volunteers, staff are prohibited from involvement in any of these practices:

Stealing:

Taking office items for personal gain or using Program/Project funds for self-interest or personal use.

Commission:

Taking of commissions from agents, suppliers, partners, individuals or service providers whilst undertaking work for the Programme/Project.

Bonus/Gifts:

Accepting inappropriate gifts or money from agents, suppliers, partners, individuals or service providers as a result of help with any decision, contract, promise, request or any other relationship connected with Programme/Project activities. All inappropriate bonuses or gifts received must be immediately returned to the giver or should become the joint property of the Programme/Project office. Any bonus or gift given is meant for, not corruption, social ties and did not expect for further benefits from organization and all the team for a particular programme is agreed with the approval of superior can be an excuse.

Discounts:

Accepting/negotiating discounts on the price of any goods bought on behalf of the Programme/Project and then pocketing the difference. Discounts may only be accepted if the discount is passed on to the Programme/Project. The discount must be accompanied by written proof by way of quotations and receipts.

Percentages:

Accepting money from a second party (service provider, supplier, NGO, individual etc) for Programme/Project work which has resulted from an agreed percentage of funds because of help by way of a decision, working together, contract, promise, request and other relationships connected with Programme/Project activities. All percentages which are given must be immediately returned to the second party \_ or put it to Share Mercy’s Core Fund.

Honorarium:

Accepting money given by agents, suppliers, partners, individuals or service providers to Programme/Project staff workers because of help given or work done in connection with Programme/Project activities. For example, transport money given for attending a workshop being given by a partner, appearance fees for being a presenter or facilitator etc. All honorariums connected with Programme/Project activities must be disbursed to the Organizational Core Fund if you were the full paid staff and paid for every cost incurred for this by organization.

2.2.7 Manager’s Responsibility for Prevention of Fraud and Corruption:

1. All Share Mercy managers share responsibility for the prevention and detection of fraud and for the adherence to the policies. It is the responsibility of all managers to ensure that mechanisms are in place in their area of responsibility to:
2. Promote employee awareness of ethical principles subscribed to by Share Mercy;
3. Display a positive, appropriate attitude towards compliance with laws, rules and regulations;
4. Are aware of common indicators/symptoms of fraudulent or other wrongful acts and respond to those indicators as appropriate;
5. Establish and maintain proper internal controls to provide for the security and accountability over Share Mercy resources and prevent/reduce the opportunity for fraud, including but not limited to:
6. Segregation of duties;
7. Share Mercy recruitment procedures;
8. Internal checking;
9. Security (including physical and computer security);
10. Documentation of procedures;
11. Approvals in accordance with delegated authority;
12. Budget control;
13. Regular review of management reports;
14. Reconciliations; and
15. Consideration of risk.

6) Facilitate the reporting of suspected fraud; and

7) Respond to all allegations or indications of fraudulent, corrupt or improper conduct.

2.2.8 Employee’s responsibility for fraud and corruption prevention:

1. All members, volunteers, employees have the responsibility to report suspected fraudulent, corrupt or improper conduct. Any employee who suspects this type of activity must immediately notify their manager or may contact the Head of Hub, Head Office or the Secretariat in the case where the respective person or body is the subject of the allegation.

**3. Code of Conduct**

**3.1. SM members and employees behave in a manner which demonstrates:** It implies that SM's members, volunteers and employees both during as outside work hours, within and outside mission boundaries:

3.1.1 It is the responsibility of all SM's members and staff to emphasize the Red Cross and Red Crescent NGO codes of conduct and the Humanitarian Charter of the Sphere Project. (For detail please see in the Annex)

3.1.2 Whilst employed by SM, SM employee represents SM and this includes time outside working hours. It is important to be aware of local customs/practices, law, rules, and regulations to behave accordingly. SM expects each of its staff members to treat everyone with respect.

3.1.3 An SM employee will often be working in teams made up of many different nationalities, tribes, background, beliefs and cultures. In exceptional cases wherein Hub Manager, with approval of Head Office, deems it practical to provide accommodation for its field staff, each SM employee may be working and living together harmoniously.

3.1.4 Solidarity with populations in danger in the humanitarian sense of the word.

3.1.5 Respect towards the target population and populations of the country in general.

3.1.6 A spirit of equality and mutual respect amongst themselves and counterparts of SM.

3.1.7 Show respect for the opinions, knowledge, living style, religion, beliefs and attitudes of beneficiaries, and all staff.

3.1.8 SM will endeavour to maintain cordial work relationships with authorities and communities and strive to achieve transparency and a consultative approach in dealings with communities and authorities.

3.1.9 Observe the strictest political, religious and racial impartiality at all times whilst on a mission and abide by local and national laws as well as international humanitarian law (in so far as these do not contradict the humanitarian principles of SM).

3.1.10 Act, behave or voice opinions in line with the mission, objective and spirit of SM.

3.1.11 Strive to be conscious and aware of possible, even unintended consequences of behaviour and take these into account in their specific behaviour, speech and actions.

3.2 RELATIONSHIPS

.1 All Volunteers and Staff should be aware of the varying cultural acceptability of relationships and must act appropriately at all times. Any relationship should be conducted discreetly without any interference to the team's work or to the exclusion of the other team members.

.2 If team dynamics, the programme or security is negatively affected by these relationships, the Hub/Country Representative would be expected to intervene and take appropriate action.

.3 The use of commercial sex workers is **NOT** condoned by SM **BUT** would result in immediate termination of an employee’s contract.

3.3.1 Objects to the exploitation of people's personal (economic and sexual including prostitution and trafficking) vulnerability in the broadest possible sense.

3.3.2 Objects to the wilful abuse, physical or otherwise, of persons and any conduct which degrades the human dignity of individuals.

3.3.3 Objects to open disrespect of cultural habits and customs.

3.3.4 Objects to smoking, chewing betel in SM's office and vehicles, the use of recreational drugs and abuse of stimulants (alcohol).

3.3.5 Under no circumstances offer or accept financial incentives, salary or other person favours from other parties during the period of the agreement.

3.3.6 The use of SM's flag, logos, and seals, Identity Cards, stickers and or material carrying logos is restricted to project implementation or security purposes only.

3.3.7 Outside project and or security purposes all SM staff should refrain from unnecessary display of SM identification.

3.3.8 It requires that SM's premises, assets and properties are used with a sense of responsibility.

**4. Sanction against breaking laws, ethics and code of conduct**

One who breaks any statement mentioned in 2 or other laws or rules mentioned in constitution and the government of mission country must be called for trial and according to the severity of disciplinary acts, he/she must get verdict committed by Accountability Committee which is formed with board member, hub/HO/HQ management, head of accountability unit, and monitoring staff as secretary.

**5. Appeal to the sanction**

5.1 If the sanction is neither fair nor constitutional that the Hub member meeting decided, the person can submit the appeal to HO Accountability Committee and similarly, to HQ Accountability Committee. The decision of HQ accountability is final and no more appeal.

5.2 Hub and Country (project) specific regulations cannot overrule nor nullify any of the above mentioned points.

Name: Place:

Signature: Date:

**Annex**

**The Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief**

**1 The humanitarian imperative comes first**

The right to receive humanitarian assistance, and to offer it, is a fundamental humanitarian principle which should be enjoyed by all citizens of all countries. As members of the international community, we recognize our obligation to provide humanitarian assistance wherever it is needed. Hence the need for unimpeded access to affected populations is of fundamental importance in exercising that responsibility. The prime motivation of our response to disaster is to alleviate human suffering amongst those least able to withstand the stress caused by disaster. When we give humanitarian aid it is not a partisan or political act and should not be viewed as such.

**2 Aid is given regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind. Aid priorities are calculated on the basis of need alone**

Wherever possible, we will base the provision of relief aid upon a thorough assessment of the needs of the disaster victims and the local capacities already in place to meet those needs. Within the entirety of our programmes, we will reflect considerations of proportionality. Human suffering must be alleviated whenever it is found; life is as precious in one part of a country as another. Thus, our provision of aid will reflect the degree of suffering it seeks to alleviate. In implementing this approach, we recognize the crucial role played by women in disaster-prone communities and will ensure that this role is supported, not diminished, by our aid programmes. The implementation of such a universal, impartial and independent policy can only be effective if we and our partners have access to the necessary resources to provide for such equitable relief, and have equal access to all disaster victims.

**3 Aid will not be used to further a particular political or religious standpoint**

Humanitarian aid will be given according to the need of individuals, families and communities. Notwithstanding the right of NGHAs to espouse particular political or religious opinions, we affirm that assistance will not be dependent on the adherence of the recipients to those opinions. We will not tie the promise, delivery or distribution of assistance to the embracing or acceptance of a particular political or religious creed.

**4 We shall endeavour not to act as instruments of government foreign policy**

NGHAs are agencies which act independently from governments. We therefore formulate our own policies and implementation strategies and do not seek to implement the policy of any government, except in so far as it coincides with our own independent policy. We will not ever knowingly – or through negligence – allow ourselves, or our employees, to be used to gather information of a political, military or economically sensitive nature for governments or other bodies that may serve purposes other than those which are strictly humanitarian, nor will we act as instruments of foreign policy of donor governments. We will use the assistance we receive to respond to needs and this assistance should not be driven by the need to dispose of donor commodity surpluses, nor by the political interest of any particular donor. We value and promote the voluntary giving of labour and finances by concerned individuals to support our work and recognize the independence of action promoted by such voluntary motivation. In order to protect our independence we will seek to avoid dependence upon a single funding source.

**5 We shall respect culture and custom**

We will endeavour to respect the culture, structures and customs of the communities and countries we are working in.

**6 We shall attempt to build disaster response on local capacities**

All people and communities – even in disaster – possess capacities as well as vulnerabilities. Where possible, we will strengthen these capacities by employing local staff, purchasing local materials and trading with local companies. Where possible, we will work through local NGHAs as partners in planning and implementation, and cooperate with local government structures where appropriate. We will place a high priority on the proper co-ordination of our emergency responses. This is best done within the countries concerned by those most directly involved in the relief operations, and should include representatives of the relevant UN bodies.

**7 Ways shall be found to involve programme beneficiaries in the management of relief aid**

Disaster response assistance should never be imposed upon the beneficiaries. Effective relief and lasting rehabilitation can best be achieved where the intended beneficiaries are involved in the design, management and implementation of the assistance programme. We will strive to achieve full community participation in our relief and rehabilitation programmes.

**8 Relief aid must strive to reduce future vulnerabilities to disaster as well as meeting basic needs**

All relief actions affect the prospects for long-term development, either in a positive or a negative fashion. Recognizing this, we will strive to implement relief programmes which actively reduce the beneficiaries’ vulnerability to future disasters and help create sustainable lifestyles. We will pay particular attention to environmental concerns in the design and management of relief programmes. We will also endeavor to minimize the negative impact of humanitarian assistance, seeking to avoid long-term beneficiary dependence upon external aid.

**9 We hold ourselves accountable to both those we seek to assist and those from whom we accept resources**

We often act as an institutional link in the partnership between those who wish to assist and those who need assistance during disasters. We therefore hold ourselves accountable to both constituencies. All our dealings with donors and beneficiaries shall reflect an attitude of openness and transparency. We recognize the need to report on our activities, both from a financial perspective and the perspective of effectiveness. We recognise the obligation to ensure appropriate monitoring of aid distributions and to carry out regular assessments of the impact of disaster assistance. We will also seek to report, in an open fashion, upon the impact of our work, and the factors limiting or enhancing that impact. Our programmes will be based upon high standards of professionalism and expertise in order to minimize the wasting of valuable resources.

**10 In our information, publicity and advertising activities, we shall recognize disaster victims as dignified humans, not hopeless objects**

Respect for the disaster victim as an equal partner in action should never be lost. In our public information we shall portray an objective image of the disaster situation where the capacities and aspirations of disaster victims are highlighted, and not just their vulnerabilities and fears. While we will cooperate with the media in order to enhance public response, we will not allow external or internal demands for publicity to take precedence over the principle of maximizing overall relief assistance. We will avoid competing with other disaster response agencies for media coverage in situations where such coverage may be to the detriment of the service provided to the beneficiaries or to the security of our staff or the beneficiaries.

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The Humanitarian Charter of SPHERE Handbook

We offer our services as humanitarian agencies on the basis of the principle of humanity and the humanitarian imperative, recognizing the rights of all people affected by disaster or conflict – women and men, boys and girls. These include the rights to protection and assistance reflected in the provisions of international humanitarian law, human rights and refugee law. For the purposes of this Charter, we summarise these rights as follows:

1. the righttolifewithdignity
2. therighttoreceivehumanitarianassistance  
3. therighttoprotectionandsecurity.  

While these rights are not formulated in such terms in international law, they encapsulate a range of established legal rights and give fuller substance to the humanitarian imperative.

I. The right to life with dignity is reflected in the provisions of international law, and specifically the human rights measures concerning the right to life, to an adequate standard of living and to freedom from torture or cruel, inhuman, or degrading treatment or punishment. The right to life entails the duty to preserve life where it is threatened. Implicit in this is the duty not to withhold or frustrate the provision of life-saving assistance. Dignity entails more than physical well-being; it demands respect for the whole person, including the values and beliefs of individuals and affected communities, and respect for their human rights, including liberty, freedom of conscience and religious observance.

II. The right to receive humanitarian assistance is a necessary element of the right to life with dignity. This encompasses the right to an adequate standard of living, including adequate food, water, clothing, shelter and the requirements for good health, which are expressly guaranteed in international law. The Sphere Core Standards and minimum standards reflect these rights and give practical expression to them, specifically in relation to the provision of assistance to those affected by disaster or conflict. Where the state or non-state actors are not providing such assistance themselves, we believe they must allow others to help do so. Any such assistance must be provided according to the principle of impartiality, which requires that it be provided solely on the basis of need and in proportion to need. This reflects the wider principle of non-discrimination: that no one should be discriminated against on any grounds of status, including age, gender, race, colour, ethnicity, sexual orientation, language, religion, disability, health status, political or other opinion, national or social origin.

III. The right to protection and security is rooted in the provisions of international law, in resolutions of the United Nations and other intergovernmental organization, and in the sovereign responsibility of states to protect all those within their jurisdiction. The safety and security of people in situations of disaster or conflict are of particular humanitarian concern, including the protection of refugees and internally displaced persons. As the law recognizes, some people may be particularly vulnerable to abuse and adverse discrimination due to their status such as age, gender or race, and may require special measures of protection and assistance. To the extent that a state lacks the capacity to protect people in these circumstances, we believe it must seek international assistance to do so.

The law relating to the protection of civilians and displaced people demands particular attention here:

(i) During armed conflict as defined in international humanitarian law, specific legal provision is made for protection and assistance to be given to those not engaged in the conflict. In particular, the 1949 Geneva Conventions and the Additional Protocols of 1977 impose obligations on the parties to both international and non-international armed conflicts. We stress the general immunity of the civilian population from attack and reprisals, and in particular the importance of the principle of distinction between civilian and combatants, and between civilian objects and military objectives; the principles of proportionality in the use of force and precaution in attack; the duty to refrain from the use of weapons which are indiscriminate or which, by their nature, cause superfluous injury or unnecessary suffering; and the duty to permit impartial relief to be provided. Much of the avoidable suffering caused to civilians in armed conflicts stems from a failure to observe these basic principles.

(ii) The right to seek asylum or sanctuary remains vital to the protection of those facing persecution or violence. Those affected by disaster or conflict are often forced to fee their homes in search of security and the means of subsistence. The provisions of the 1951 Convention Relating to the Status of Refugees (as amended) and other international and regional treaties provide fundamental safeguards for those unable to secure protection from the state of their nationality or residence who are forced to seek safety in another country. Chief among these is the principle of non-refoulement: the principle that no one shall be sent back to a country where their life, freedom or physical security would be threatened or where they are likely to face torture or other cruel, inhuman or degrading treatment or punishment. The same principle applies by extension to internally displaced persons, as reflected in international human rights law and elaborated in the 1998 Guiding Principles on Internal Displacement and related regional and national law.