
Appendix 5: HI Good Business Regulation

These Good Business Regulations are the ground for a professional working relationship between HI and the Service Providers.

They are general regulations valid unless others particular conditions are mentioned in the contract. In case of conflicting terms within documents, the conditions of the contract or tender dossier will prevail on these Good Business Regulations.

I - Principles of the procurement procedures

HI has transparent procedures to award markets. Essential principles are

- *Transparency* in the procurement process
- *Proportionality* between the procedures followed for awarding contracts and the value of the markets
- *Equal treatment* of potential Service Providers

Usual criteria to select a Service Provider are:

- Authorisation to perform the market
- Financial capacities
- Economic capacities
- Technical expertise
- Professional capacities

Usual criteria to award markets are:

- Automatic award (the cheapest offer complying with all requirements)
- Best value for money (price/quality ratio)

II - Misbehaviour, ineligibility and exclusion

HI considers the following misbehaviour as a valid ground for a systematic exclusion of an awarding market procedure and for the termination of all working relationship and contracts:

- **Fraud** defined as any intentional act or omission relating to:
 - The use or presentation of false, incorrect or incomplete statements or documents, which has as its effect the misappropriation or wrongful retention of HI or institutional donor's funds
 - Non-disclosure of information, with the same effect
 - The misapplication of such funds for purposes other than those for which they were originally granted
- **Active corruption:** to deliberately promise or give an advantage to an official for him/her to act or refrain from acting in accordance with his duty in a way which damages or is likely to damage HI or institutional donor's financial interests
- **Collusion:** the co-ordination of firm's competitive behaviour, with the likely result that prices rise, output is restricted and the profits of the colluding companies are higher than they would otherwise be. Collusive behaviour does not always rely on the existence of explicit agreements between firms, but can also be tacit.
- **Coercive practice:** harming or threatening to harm, directly or indirectly, persons, or their property to influence their participation in a procurement process, or affect the execution of a contract.
- **Bribery:** to offer HI employees monetary or in kind gifts in order to gain additional markets or to continue a contract

- **Involvement in a criminal organisation** or any other **illegal activity** established by a judgement, by the US Government, the European Union, the United Nations or any donor funding HI.
- **Immoral Human Resources practices:** exploitation of child labour and the non-respect of basic social rights and working conditions of employees or sub-contractors

HI will exclude from a procurement procedure any candidate or tenderer falling into one of the following cases:

- To be **bankrupt** or to be wound up, to have affairs administered by the courts, to have entered into an arrangement with creditors, to have suspended business activities, to be the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations
- To have been **convicted of an offence** concerning professional conduct by a judgement that has the force of *res judicata*
- To have been **guilty of grave professional misconduct** proven by any means that HI can justify
- To have not fulfilled obligations relating to the payment of **social security contributions** or the **payment of taxes** in accordance with the legal provisions of the country in which they are established or with those of the country where HI mission is operating or those of the country where the contract is to be performed
- They have been the **subject of a judgement** for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests
- To have been declared to be in **serious breach of contract** for failure to comply with their contractual obligations in another previous procurement procedure

HI will not award contracts to candidates or tenderers who, during the procurement procedure:

- Are subject to a conflict of interest
- Are guilty of misrepresentation in supplying the information required HI as a condition of participation in the contract procedure or fail to supply this information

III - Administrative and financial sanctions

In the event a Service Provider, candidate or tenderer is engaged in corrupt, fraudulent, collusive or coercive practices HI will impose:

- **Administrative sanctions:**

Administrative sanctions are the official notification of the misconduct to the relevant civil or commercial authorities and the immediate termination of all existing working relationships.

- **Financial sanctions:**

HI will request the reimbursement of the cost linked directly and directly to the conduct of a new tendering process or market award. If any, the tender or performance guarantee will be kept by HI.

IV - Information of the Donors

HI will inform immediately the Institutional Donors and will provide all the relevant information in the event a Service Provider, candidate or tenderer is engaged in corrupt, fraudulent, collusive or coercive practices.

V - Provision for institutional donors

The contractors agree to guarantee a right of access to their financial and accounting documents to the representatives of HI's institutional donors for the purposes of checks and audits.

VI - Documents to be a Service Provider

Hereafter is the minimal documentation a contractor working with HI will have to provide:

- Personnel national ID document of the Service Provider/company representative
- Status and registration of the company
- Mission order or power of attorney authorising the representative to contact

Important note: Additional documentation may be required for a particular market.

In addition, the contractor must have the capacity to issue invoices, receipts and waybills (or delivery notes), to provide a tax clearance certificate and certify documents with an official stamp.

Appendix E: HI Child Protection Policy

Disabled children have the same rights as all children. However, they can be all the most vulnerable because they are often invisible, isolated, discriminated against and abused in a variety of ways. They lack power, respect and life prospects all over the world.

Handicap International promotes the rights of disabled children to develop their potential, get an education, have a say, and take part in mainstream society. Handicap International believes that disabled children have the rights to protection, to live and prosper in their own family and community.

Everyone working with children has a basic duty of attention toward them. Handicap International, its staff and its partners must recognize the risks to children and the responsibilities to keep them safe. If children are to be protected from abuse and exploitation Handicap International, its staff and its partners must conduct themselves with the highest levels of professionalism and integrity at all times.

The present policy aims at protecting children from intentional and non-intentional harm or abuse. It applies both to Handicap international, as an organization, and individuals (local and expatriates) associated with Handicap International towards children in their care. Handicap International will also pay a specific attention to the conduct of its partners regarding child dignity.

Broader child protection concerns outside the organization should be dealt with programme and project activities.

I. POLICY STATEMENT: PREVENTING ABUSES

1.1 General principles

At Handicap International we are committed to a set of principles that derive from the UN Convention on the Rights of a Child:

- All children have equal rights to protection from abuse and exploitation
- Everyone has a responsibility to support the care and protection of children
- Organisations have a duty of attention to children and their representatives' work close to. They have to do their best to provide the children receive the care and support they need.
- Children are actors in their own protection and development, which does not exempt parents and educators from their responsibilities.

Handicap International is committed to the rights of children and will not tolerate or accept any form of child abuse. Our Internal regulations state that:

“The employee must show respect and consideration towards his/her contacts (beneficiaries, partners, colleagues...), with particular attention for people in vulnerable situations. In no circumstances should he/she commit an act or adopt behaviour liable to injure one of his/her contacts either physically or psychologically, or cause him/her harm of any sort.

The employee should respect and promote respect for the fundamental principles contained in:

- The international conventions concerning child labour, prostitution and people trafficking, and also the traffic of drugs or psychotropic substances. The child protection policy implemented by the association, including in particular that owning or consulting child pornographic materials is strictly forbidden.*

If he/she observes any breach in these principles or behaviour liable to contribute towards any of the crimes cited above, he/she should inform the Field Program Director immediately so that appropriate sanctions may be applied.

As an employee of a humanitarian organisation, he/she is also required to guard against any abuse of authority. In no circumstances should he/she profit from his/her situation in order to divert assistance from its final destination or obtain favours of any nature (notably sexual).”

Handicap International encourages the creation of dedicated spaces to allow children in the program to raise issues regarding their safety.

1.2 Awareness

Handicap International is committed to raising awareness amongst its staff and its partners so they understand the principles, policy, reporting, and monitoring framework of the Child Protection Policy.

Staffs at Handicap International are informed about the Child Protection Policy and if there is a breach of policy, staff are aware of the disciplinary procedures that would follow.

Staffs at Handicap International are informed that owning or consulting child pornographic materials is strictly forbidden.

Staffs at Handicap International are informed about the UN Convention of the Rights of the Child and this forms the basis for our staff policy regarding the issue of child protection.

Staffs at Handicap International are informed that gender sensitiveness is essential when addressing child protection issue.

Staffs at Handicap International are aware that all disabled children have equal rights to be treated with dignity, respect, sensitivity and fairness. Staffs are also aware that community programs strongly emphasize the commitment we make to ensuring all disabled children attend school, that they are not forced into child labour and that they have an opportunity to be heard.

Handicap International ensures that its implementing partners are informed about that policy.

1.3 Prevention

To minimize the risks to children, Handicap International is committed to include in all awareness raising programs, including communication towards partners, regular discussion on preventive measures with a specific attention to disabled children because of their vulnerable situation.

1.4 Reporting

Handicap International is committed to ensuring staff are clear about the reporting procedures included in this document.

1.5 Responding

Handicap International is committed to ensuring correct actions are taken to support and protect children in accordance with this policy.

1.6 Definitions of child abuse and neglect

Child abuse is a general term and made up of all forms of physical and or/emotional ill treatment, sexual assault, neglect or negligent treatment or exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.

- Physical abuse

The actual or likely physical injury to a child, or failure to prevent physical injury or suffering to a child. This may include, burning, hitting, punching, shaking, kicking, or beating a child. The worker may not have intended to hurt the child; however the injury is not an accident. It may have been the result of over-discipline or physical punishment that is inappropriate to the child's age.

- Emotional abuse

Also known as: verbal abuse, mental abuse, discrimination, forlornness and psychological maltreatment. This refers to the actual or likely adverse effect on the emotional and behavioural development of children caused by persistent or severe emotional ill treatment or rejection. This can include health providers/rehabilitation workers using extreme and or bizarre forms of punishment, such as confinement in a dark room or being tied to a chair for long periods of time or threatening or terrorizing a child or the tremendous promises beyond capacity. Less severe behaviour, but just as harmful is mocking, using insulting names for a child, or blaming.

- Sexual abuse

This refers to inappropriate sexual behaviour between a child and an adult who is in a relationship of responsibility, trust or power. It includes fondling a child's genitals, making the child fondle the adult's genitals, intercourse, rape, sodomy, exhibitionism, sexual exploitation, child prostitution and pornography.

- Child labour

Child labour includes full-time work done by children under 15 years of age that prevents them from going to school (getting an education), or that is dangerous to their health (*International Labour Organization, Convention 138*). Child labour is permitted from 15 years old, except for activities that could in any way undermine health or morals of the child. Handicap International will be very cautious concerning this limit of age, and, in full respect of national legislations, will nevertheless urge its staff to contract with people over 18.

- Child work

Children's participation in economic activity - that does not negatively affect their health and development or interfere with education. No economic activity is allowed for children under 12 (*International Labour Organization, Convention 138*).

II. PROVISIONS

2.1 Recruitment, selection, induction

All new staff employed on a permanent/part time/temporary contract at Handicap International will be made aware of this policy during the briefing/training period, and/or at any other appropriate occasion. Internal regulations of Handicap international contain a statement concerning their respect of children's rights to protection from abuse.

The job contract will contain a clause requiring the staff member to agree not to get involved in any form of child abuse and to protect children from abuse throughout the course of their work.

2.2 Procedure in case of breach of the policy

When concerns or an allegation of abuse or neglect are raised by a child, parents, family members, caregivers, staff, volunteers or consultants, the following procedure is required.

- The staff member who initially was made aware of the abuse must report this directly to its immediate manager/team leader/supervisor. This immediate supervisor will then discuss with the Field Program Director who will inform the headquarters, in order the issue is addressed. If the staff member's immediate manager is undertaking the abuse, the staff member must take their concerns to the Field Program Director (or the Desk Officer if the FPD is undertaking the abuse).
- The accused can be immediately suspended to allow time for an investigation and decisions on appropriate actions. Following investigations, a written statement concerning the decisions and a justification will be issued by the Field Program Director to the accused. According to the gravity of the offence, the staff member will be punished by: warning followed by professional counselling; or strong written statement followed by a period of close supervision; or dismissal. In the most serious cases, the Executive Director's Office will set up a sanction commission devoted to determine the appropriate sanction and possibly explore the relevant possibility of seeking the advice of any relevant person or specialized organization.
- Handicap International will not, in any way, obstruct legislation, and will join forces to ensure a fair process in case one of its staffs, whether local or international, would be accused.
- Any intentional false accusation made against a staff member to damage her/his reputation will be subject to investigation and disciplinary action.

2.3 Confidentiality

In all matters relating to this policy, it is essential to respect the duty of confidentiality. This means no information offered by children and / or other individuals about any form of child abuse should be made public without their prior approval and only through the Field Program Director.

At all times we will ensure that the children (and their families) are kept fully informed of the process involved for managing this incident and the outcomes.

Concerns, allegations or disclosure will be recorded in writing. Recordings will be as precise as possible, giving an exact account of what happened, how it happened etc. This will also include the sequence of events and all subsequent actions taken. All records will be securely locked and access will be restricted by the Field Program director, under the control of the Headquarters (Desk officer and Human Resources Direction). At all times the transfer of information (either verbally or electronically) must be done in such a way that confidentiality is maintained.

In case the allegation regards a staff from another organization, Handicap International Field Program Director will decide how to raise the issue with the organization involved before considering reporting to a third part.

2.4 Relations with partners

Handicap International will not contract in any partnership with organizations which staff or members may commit abuses on children, as described in § 1.6. Established information revealing such practices would lead Handicap International to interrupt the partnership unless a radical change in behaviour is ensured and recorded.

III. MONITORING

Policy and practices are monitored permanently.

The Field Program Director is responsible for information about policy and practice, and for monitoring all matters relating to abuse within the organization and reporting to the Headquarters (Desk officer and Human Resources Direction).

Appendix F: HI Protection of Beneficiaries from Sexual Exploitation & Abuse

1. Objectives of the Protection from Sexual Exploitation and Abuse (PSEA) policy

Through this policy, Handicap International expresses its determination to combat the sexual exploitation and abuse of aid beneficiaries by humanitarian workers. It is therefore implementing a series of measures intended to reduce risks on its programmes, whatever the context.

Handicap International also encourages its staff to think about their actions and the potential consequences of these actions.

2. Definitions

Handicap International has based the following definitions on those of the United Nations:

Sexual abuse:

- Actual or threatened physical intrusion
- of a sexual nature
- whether by force or under unequal or coercive conditions

This means that the use of actual force is not necessary to constitute sexual abuse. Sexual abuse can also occur in situations of inequality or under coercive conditions.

Sexual exploitation:

- 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.

This means that any individual acting as an intermediary in the organisation of abuse is equally guilty of exploitation.

3. Principles

1. Sexual exploitation and sexual abuse perpetrated against beneficiaries constitute serious misconduct and are therefore grounds for disciplinary action.
2. Sexual activity with persons under the age of 18 is prohibited regardless of the age of majority or age of consent locally¹. Mistaken belief in the age of a person is not considered a defence.

3. Exchange of money, employment, goods, services or any type of assistance for sexual favours is prohibited.
4. Sexual relationships between Handicap International staff and aid beneficiaries are strongly discouraged, as they are based on an inherently unequal power relationship and undermine the credibility and integrity of Handicap International's work.
5. Where a Handicap International staff member develops concerns or suspicions with regard to possible sexual exploitation or sexual abuse by a fellow worker, whether the individual works for Handicap International or for another aid organisation, he or she must report such concerns through the line-management channels, or should this be the case, to the programme's PSEA focal point.
In concrete terms, this means reporting concerns or suspicions, including rumours, in good faith, without attempting to investigate the matter personally in order to obtain proof or write a report. Reprisals against any staff member having reported sexual exploitation or abuse is prohibited.
6. Handicap International undertakes to ensure that any allegations remain confidential and that an impartial internal investigation is carried out that will not, however, replace investigations which may be conducted by the competent local authorities. If reported information concerns a partner of Handicap International or any other aid organisation, the Field Programme Director/ Head of Mission will be required to take the appropriate measures.
7. All Handicap International staff members, and managers in particular, whatever their level, are expected to create and maintain an environment that prevents sexual exploitation and sexual abuse.
Preventing a culture of complacency and impunity demands continuous effort. Managers, amongst others, must be familiar with and enforce this policy. They must be proactive in overseeing their teams.
Staff responsible for project implementation, follow-up and evaluation and for fund-raising must be particularly mindful of risks of sexual exploitation or sexual abuse, in accordance with activities and context. Risk reduction strategy must be a matter of constant concern.
8. Handicap International undertakes to provide assistance to any individual who files a complaint with the organisation, and to ensure specific assistance and support for the victims of sexual exploitation or sexual abuse perpetrated by one of its staff members. Victims will be informed that perpetrators of acts of sexual exploitation or sexual abuse hold full responsibility for their actions, irrespective of the nature of the assistance provided by Handicap International.

4. Disciplinary measures

Any staff member failing to comply with the principles or failing to meet the requirements set forth in this protection policy may face disciplinary action.

5. Scope of the policy

The principles set forth in this policy apply:

- To all Handicap International staff, whether expatriates or national, throughout the federal network.
- At all times, i.e. during and outside of office hours and during periods of leave.
- To all people or entities who have signed a contract with Handicap International: consultants, day labourers, Service Providers, partner organisations, etc.
