

PROTECTION FOR INFORMANTS AND WITNESSES

POLÍTICA PARTICULAR

PREPARED BY: Office
of Collaborative
Intelligence

REVIEWED BY:
Executive Team

APPROVED BY:
Executive Director

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Our Mission

"Operating from the global south, we foster collaborative processes to drive systemic changes for human dignity and planetary care.."

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1. DOCUMENT TYPE

DOCUMENT TYPE: Internal policy based on ETI - PG Code of Ethics and Supplemented in ETI – PR – Grievance Prevention and Management

2. BACKGROUND

Fundación Avina operations are guided by the institutional values outlined in its **Code of Ethics**, a general framework on the behavior expected of individuals that are directly or indirectly involved with the organization.

At Fundación Avina, we act on the principle of **zero tolerance for any form of violence, discrimination, inequality, inequity or retaliation** against individuals we engage with in any of the processes we carry out or accompany, with an emphasis on a cross-cutting gender approach that promotes care, safety and non-revictimization in the process of investigation.

Against this backdrop, Fundación Avina defines the **whistleblower and witness protection** framework that allows them to file complaints regarding alleged prohibited or inappropriate conduct that may arise and involve Fundación Avina, sure that they will receive due protection and support as per each case.

3. OBJECTIVE

In this policy, Fundación Avina establishes the criteria to safeguard and ensure the safety, confidentiality and protection of anyone who needs to inform or testify about prohibited or inappropriate conduct they detected inside the organization or outside, in the different areas we are directly engaged in- or are involved in, with no fear of retaliation, in safety, particularly those cases that have to do with discrimination or gender-based violence; to be heard free from moral judgment and to call for action in all cases.

4. SCOPE

This policy applies to all those directly or indirectly involved with Fundación Avina, whether as employees, consultants, interns, volunteers, suppliers, allies, co-investors and any others who have to do with the organization—even third parties—who decide to file a complaint with the organization in light of prohibited or inappropriate conduct that need to be looked in to, including those that have to do with a conflict of interest, affecting the transparency and uprightness enforced in the organization.

If any situation involves individuals linked to organizations we engage with in a particular process, Fundación Avina will respect these organization's internal protocols, as long as they do not go against Fundación Avina's criteria as reflected in its [Code of Ethics](#) and in this policy, and deal adequately with the process of analyzing and solving the claim. In the absence of such a process, these organizations may apply the guidelines established by Fundación Avina.

These guidelines are supplemented with other policies, protocols and procedures for **Gender equality and diversity, Prevent Money Laundering, Terrorist Financing and Corruption, Respect and Protection of Individuals, Conflict of interest Prevention and Management, Grievance Prevention and Management** and other related regulations published in the section on **policies and protocols** on our website.

5. DEFINITIONS AND ABBREVIATIONS

Prohibited or inappropriate conduct: any and all behaviors that are **not** aligned with organizational values and principles. This category covers specific situations that are contrary to what is set down in Fundación Avina's policies, including corruption, fraud, coercion, collusion and obstruction, as well as harassment and retaliation against whistleblowers and witnesses, money laundering and financing terrorism. The [Code of Ethics](#) is the overall framework for expected and unacceptable behavior for individuals involved with Fundación Avina.

Committees: team of individuals who, given their knowledge, training and experience, bring significant and valuable contributions to the awareness, prevention, analysis, response and resolution to specific matters they are called upon to address. Fundación Avina committees most closely related to this procedure, as follows: Ethics Committee, Gender and Diversity Committee, and Risk Committee.

Conflict of interest: a situation in which an individual's judgment regarding a primary interest and actions may be unduly influenced by a secondary interest, which is often economic, political or personal.. See [Internal Policy on Conflict of Interest Prevention and Management](#).

Ill-intentioned Claim: Communication Based on an Error That May Discredit Individuals and Institutions on the Basis of Falsehoods, and Clearly Hearsay.

Whistleblower and Witness: an Individual or Group Submitting a Claim or Attesting to Alleged Prohibited or Inappropriate Conduct (Including Related Events That Have Not yet Occurred, but Have the Potential to Come About).

Fundación Avina Ecosystem: organizations comprising the set of agencies related to Fundación Avina (organization with headquarters in Panama) with structural ties and that carry out activities that are in line with the institutional mission and vision.

Evidence: information that substantiates the occurrence of aa prohibited or inappropriate conduct that is the basis for raising a grievance. Evidence has to be clear and convincing to be considered.

Grievance: a written or oral expression of dissatisfaction regarding any prohibited or inappropriate conduct that has a bearing on processes implemented Fundación Avina.

Retaliation: An action that is directly or indirectly harmful, constituting a threat against a whistleblower or witness, or against anyone associated with a whistleblower or witness, for having submitted a complaint for alleged prohibited or inappropriate conduct, or for having cooperated in its investigation.

6. DEVELOPMENT

6.1. GENERAL PRINCIPLES

For the purposes of this policy, the institution expresses its commitment to enforce these regulations by defining the general principles that govern it, namely:

- **Viability:** any individual or group may raise a grievance as it relates to a situation that they may consider irregular.

- **Accessibility:** any and all tools and conditions that enable a whistleblower or witness to have access to the grievance mechanism established by Fundación Avina.
- **Objectivity:** any situation will be subjected to objective analysis, taking into account the criteria and evidence that help to understand the case and so find elements that support and prove the reliability of the information.
- **Respect:** the legitimate predisposition that those assessing each situation show those who are raising the grievance. Respect reinforces trust in the processes, the freedom to express concerns, fairness toward all individuals presenting a grievance, the organization's responsibility to expedite its response to each situation and taking care to act accordingly.
- **Anonymity:** any individual or group has the right to anonymity as long as they can justify such condition or there are strong indications of risk to personal integrity and of potential retaliation.
- **Confidentiality:** any information that is submitted will be handled with the highest level of confidentiality and care, and the grievance prevention and management mechanism, as well as the committees involved, will be directly responsible.
- **Due process:** the organization will see to it that the established procedures are applied at all times, ensuring impartiality in the final decisions.
- **No risk of reprisal:** total freedom to raise a grievance without fear of reprisal from any level of the organization.

6.2. GENERAL WHISTLEBLOWER AND WITNESS PROTECTION MEASURES

In order to ensure whistleblower and witness protection, safeguarding the right to security that they are entitled to once they have submitted a grievance, Fundación Avina establishes the following measures, without prejudice to what is applicable in section 6.1 of the general principles:

- Immediate response when a complaint is submitted.
- Immediate contact with those submitting the complaint, having first established and assessed the level of security and protection each case requires.
- Mobilization of the appropriate committees and the executive team to define, activate and implement an immediate contingency plan.
- Allocation of human and financial resources to handle the case, subject to availability. In case there is reasonable concern that a whistleblower or witness may be subject to retaliation, the

committees must recommend the Executive Director respond immediately and bring about conditions appropriate to the case.

- External help is to be sought if necessary, in order to accompany the implementation of security measures that may cover digital environments, organizational spaces, territories and communities, and so on.
- Apply transparent process, duly agreed to with the whistleblowers.
- Safeguard and protect information; it is to be received solely and exclusively by those directly responsible for addressing the complaint. Information is not to be shared with third parties in any circumstance, unless the whistleblower or witness approves and then only in order to reinforce the process that is underway and its appropriate resolution.
- Provide support as needed and according to Fundación Avina's capabilities. In these cases, priority will be given to support from pro-bono groups in possible legal, psychological or other relevant issues.
- Monitoring on an ongoing basis throughout the whole process to ensure no situations arise that might affect the wellbeing of whistleblowers or witnesses at any time during the process.

In the case of employees, consultants, interns, volunteers or suppliers that engage with Fundación Avina, we will generally apply the contractual protection ensured during the process of responding to the grievance and after it is terminated, with strict adherence to the final resolution and the corresponding responsibilities.

None of the protection measures indicated in this section will apply if the whistleblower or witness presents a complaint with ill intent whose only intention is to harm, injure or manipulate a situation based on what is unmistakably misconceptions or hearsay. Any ill-intended complaint may lead to administrative or legal consequences for those involved in said action.

6.3. ZERO TOLERANCE FOR REPRISALS

In compliance with this policy, Fundación Avina ensures the safety and wellbeing of individuals who act as whistleblowers or witnesses, without fear of reprisal of any kind, as they are exercising their right and responsibility to inform and call for action in view of situations that warrant investigation. Any

grievance involving reprisal must be verified immediately and the guidelines set forth in this policy will also apply.

In the cases that are investigated and where evidence of reprisal has been established, in addition to the corresponding sanctions, adequate and timely reparations measures are to be applied for the whistleblowers or witnesses. These actions will be evaluated and adjusted in each case.

6.4. COMMITMENT TO COOPERATE

Any and all grievances brought forth by whistleblowers and witnesses must be duly established and analyzed, ensuring the process is transparent, equitable and reliable. In order to carry these processes out, total cooperation is required, not only that of whistleblowers and witnesses, but of any other individuals involved, in order to clarify the case and dictate the corresponding measures.

This commitment includes individuals or entities that are suspected of having incurred in the alleged prohibited or inappropriate conduct, who during the process will have the opportunity to demonstrate that the grievance does not apply, providing the corresponding evidence to demonstrate this.

6.5. CHANNELS TO SUBMIT GRIEVANCES

Along with this policy, Fundación Avina has set up the [Grievance Prevention and Management Procedure](#), that provides guidance for the process, and describes the channels that are available to submit grievances, as well as the actions that apply in case there is a prohibited or inappropriate conduct that calls for diligent and careful response.

Fundación Avina has made a form available on its institutional website that is specifically intended for submitting grievances, either anonymously or not, and contains enough information to follow up on the case. It also offers the possibility of using other channels, according to the whistleblowers and witnesses' level of exposure, safeguarding their identity. This may be done by way of are emails, phone calls, or submitting grievances through a third party, with the condition that enough reliable information be submitted for the corresponding committee to proceed to the stage of analyzing the case of the grievance or complaint, and under the understanding that this policy will be limited to the complainant who prefers not to be identified.

It needs to be emphasized that Fundación Avina is committed to the protection of the whistleblowers and witnesses, and will apply strict confidentiality at all times when sharing situations

through different channels. This extends to the individuals involved and the processes applied. This is to protect the identity of those who raise grievances and lay the groundwork to carry out an appropriate and thorough investigation that yields clear and decisive outcomes based on reliable and accurate data

6.6. CAPACITY-BUILDING, OUTCOME EVALUATION AND UPDATES

The Avina Foundation is committed to reinforcing the knowledge of those we work with, and will facilitate trainings and briefings to ensure the proper understanding of- and compliance with the measures it has established, reinforcing everyone's awareness of the importance and responsibility of protecting informants and witnesses. The guidelines contain key elements such as safeguarding people's identity, means of communication, analyzing case studies, proposals for improvement and a review of legislation and regulations; and, these are the topics covered in the training spaces, in order to reinforce the objectives of this policy.

Accountability is central to ensuring the policy is being applied appropriately and reliability of Fundación Avina management. Part of Fundación Avina's institutional responsibility involves keeping the Board of Directors informed of any and all cases that may arise, the processes followed and the measures taken. Likewise, it will be attentive to constructive criticism to strengthen the whistleblower and witness protection guidelines.

7. RESPONSIBILITIES

Executive Team, Directors and Managers.

- Ensure the teams understand this policy.
- Guide employees in situations that raise doubts.
- Inform the corresponding committees about any situations deemed important or significant enough to require the counsel and support of the different committees.

Ethics Committee, Gender and Diversity Committee, and Risk Committee.

- Accompany the processes initiated by whistleblowers and witnesses, actively participating in the clarification and resolution of each case.
- In the event that whistleblowers and witnesses request protection and anonymity, the committees have to comply with this condition, and in the event that the investigation and procedural outcome call for disclosing the information, they will bring this up with the informing party and reach an agreement.
- Define and propose a set of actions or programs to raise awareness and disseminate the issues and practices associated with the foundation's ethical values, and to prevent any behavior contrary to [Code of Ethics](#) and related policies.
- Analyze the feasibility of addressing the reported incidents, prioritizing gender-based concerns and maintaining a record unresolved issues.
- Analyze situations, engaging anyone who is responsible and those considered necessary in the process of analysis. Take care not to limit or exceed the number of questions in order not to compromise the quality of the research. Take care not to limit or exceed the number of questions in order not to compromise the quality of the research.
- Define the instances and action plan needed to analyze situations in depth.
- Define actions to prevent and repair damages and monitor the implementation of such actions.
- Verify compliance with claimant-requested condition of confidentiality, and legal viability of the outcome, considering the legal implications for the organization and the offenders.
- Prepare and submit report of cases handled, actions implemented, impacts, outcomes and lessons learned.
- Ensure, as confidentiality will allow, knowledge management of the cases, enabling us to take preventive or anticipatory action in the future.