



HUMAN RIGHTS WATCH Policies and Guidelines on Donations

Approved by the Board of Directors on October 12, 2012

Human Rights Watch has long had a policy restricting certain types of financial contributions that the organization would accept. Our current Fundraising Policy is as follows:

Human Rights Watch reserves the right to refuse donations from individuals or institutions if the organization determines that such funds might undermine Human Rights Watch's credibility, independence, or reputation.

Guidelines:

To put this policy into effect, HRW has developed internal guidelines that the staff and others authorized to fundraise on behalf of the organization are required to follow.

As a general matter, these policies apply to all solicited gifts. Unsolicited gifts of more than \$25,000 or its equivalent in another currency are also reviewed under this policy. In addition, Human Rights Watch reserves the right to review any gift should it implicate HRW's credibility, independence or reputation.

A gift is solicited whenever an HRW representative actively seeks it. A gift is unsolicited when no HRW representative took an active role in obtaining it. Unsolicited gifts include but may not be limited to: gifts that arrive via direct mail, gifts made online, or a gift from a guest at one of HRW's annual dinners who was not invited by the organization but by another invitee.

The Business and Human Rights Director, in consultation with the Deputy Executive Director for Development, is responsible for reviewing actual or prospective donations under the policy and these guidelines. HRW representatives should always request clearance from the Business and Human Rights Director prior to soliciting a gift or if they believe an unsolicited gift may need review. In cases of doubt as to whether an actual or prospective gift complies with this policy and guidelines, the Business and Human Rights Director should be consulted. Non-staff members can obtain such consultation via their city director.

The implementation of these policies and guidelines will be periodically reviewed by an internal working group composed of the Executive Director, the Deputy Executive Director for Development, the Deputy Executive Director for Operations, the Director of Business and Human Rights, and two members of HRW's Board of Directors designated by the HRW Chair. Non-staff members who are unhappy with a ruling by the Director of Business and Human Rights about an actual or prospective gift's compliance with this policy may also appeal his decision to this working group.

At present, the policy is implemented in accordance with HRW's internal Guidelines on Corporate Solicitations and Government Donations. HRW may add or revise these or other guidelines as it deems necessary.

I. Guidelines on Fundraising with Respect to Government Officials and Institutions

HRW does not accept funds from any government. HRW will not solicit and will refuse donations from governments, government foundations, and government officials, whether directly or indirectly. Indirect donations would include those that are or appear to be made on behalf of an official through an immediate family member, another intermediary or a foundation.

- a) "Government officials" for these purposes are individuals who hold prominent official positions or have been entrusted with prominent public functions. They include heads of state or government; senior politicians; senior government, judicial, military, or political---party officials; senior executives of state---owned corporations, and senior officials of public international organization. The definition is not intended to cover lesser---ranking individuals in the foregoing categories unless they are involved in policymaking or activities that present a direct conflict of interest with the work of Human Rights Watch.
- b) Members of a royal family are not considered "government officials" unless they also meet the criteria set out in (a).
- c) "Government foundations" are foundations that are part of a government, derive all of their resources from a government, disburse government funds, or whose grant---making is effectively controlled or overseen by a government or government official. However, HRW will accept private funds from a foundation that also accepts government funds so long as the foundation is independent of any government.

II. Corporate Solicitation Guidelines

HRW will not accept funds from any corporation if (a) the corporation itself is a focus of current Human Rights Watch work, (b) the corporation is a direct competitor of a corporation that is the focus of Human Rights Watch's work, or (c) the solicitation or acceptance of such funds might undermine Human Rights Watch's credibility, independence, or reputation.

For these purposes, HRW considers the corporation to be not only the legal entity itself but also its "major stakeholders," that is, people who are inseparable from the company. HRW understands "major stakeholders" to include but not be limited to:

- a) The owner of a company
- b) Company directors, officers, or beneficial shareholders who own at least 10 percent of the company's stock*
- c) People acting on behalf of someone listed in subsections 1 and 2

For the purposes of these guidelines, a "direct competitor" is a corporation, business, or individual that offers similar products or services and competes in the same markets.

In the case of highly diversified conglomerate or holding companies, Human Rights Watch will look to reasonable perceptions to determine whether a company is a “direct competitor.” For example, one factor might be whether the percentage of revenue derived from the area of direct competition is greater than 5 percent of the total revenue for that company.

**This is a legal definition is derived from Section 12 of the Securities and Exchange Act of 1934. The US Securities and Exchange Commission (SEC) treats these types of individuals as corporate “insiders” and requires them to file public disclosure forms regarding their holdings in the company.*