



**HRW Policies and Guidelines on Donations
December 2020**

Human Rights Watch (HRW) reserves the right to refuse, return, or forego donations from individuals or institutions if we determine that such funds might undermine HRW’s credibility, independence, or reputation.

To put this policy into effect, HRW has developed policies and internal guidelines that the staff and others authorized to fundraise on behalf of the organization are required to follow. These policies apply throughout the donor cultivation process and the lifecycle of the gift and/or donor relationship.

As a general matter, these policies and guidelines 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. Human Rights Watch also reserves the right to return any gift if we learn that it has or may have violated the organization’s fundraising policies, or for any other reason that may 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 an HRW event who was not invited by the organization but by another invitee.

Policy on Donor Intent

HRW is grateful for donor support that allows us to undertake our mission independently and effectively.

In general, we solicit gifts for both unrestricted support that a donor has authorized HRW to spend at its discretion and for “restricted” support that a donor has allocated for particular parts of the organization or particular projects that align with our institutional objectives. In all of these cases, these donations must be in line with our fundraising policies and organizational values.

In that context, we are committed to fully respecting any donor’s intent when we receive a gift. If donors do not agree with some portion of our work, they are free to

designate their donation to activities, expenses, projects or programs that they do support, and the funds will be utilized accordingly.

The organization will not accept donations with conditions that exclude particular social groups or fundamental rights issues. HRW will also refuse funds if it appears that such support would compromise the organization's effectiveness or independence or would impose conditions that are or could be perceived as inconsistent with our mission, values or policies.

Implementation of the Policies

The Business and Human Rights Director, in consultation with the Chief Development Officer, is responsible for reviewing and determining whether actual or prospective donations are compliant with these policies. HRW representatives should always request clearance from the Business and Human Rights Director or his/her delegate prior to soliciting a gift or if they believe an existing solicited or 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 or other senior fundraising or executive staff. Failure of staff to comply with these policies will result in disciplinary action, up to and including termination.

Review and Appeals

These policies and guidelines may be periodically reviewed by an internal working group (IWG) composed of the Executive Director, the Chief Operating Officer, Chief Program Officer, Chief Development Officer, General Counsel, and two members of HRW's Board of Directors as appointed by the Board.

The IWG will also be the body to hear appeals of the Business and Human Rights Director's decisions involving:

- prospective or actual leadership gifts, or leadership prospects; [11](#) or
- fundraising by board members or fundraising by other non-staff fundraisers.

Any member of the IWG must recuse themselves from a specific appeal if they have been involved in soliciting that gift or cultivating that donor under appeal. The Business and Human Rights Director cannot sit in appeal over their own decisions.

If a staff member wishes to appeal a decision made by the Business and Human Rights Director, they can submit their appeal to a body composed of the Chief Operating Officer, Chief Program Officer, and General Counsel who must reach consensus to overturn a decision.

The Business and Human Rights Director may also contact a designated board member or members to raise any issues or concerns that may arise in relation to the implementation of these policies.

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

HRW does not solicit or accept donations by governments, directly or indirectly. This includes governments, government foundations, and government officials. Indirect donations include those that are, or appear to be, made on behalf of a government or government 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 organizations. 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. Individual and 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:

- 1.) The owner of a company.
- 2.) Company directors, officers, or beneficial shareholders who own at least 10 percent of the company's stock.*

3.) 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.

In case that a company, its major stakeholders, or an individual is a subject of HRW’s research or advocacy, they cannot be solicited or invited to HRW events for a minimum of three years after that work has ended. After that period has ended, they will be subject to review and approval under these policies to determine whether they can be invited to HRW events or solicited for a gift.

Complaints Procedure

If staff have any concerns about the implementation of this policy including fundraising prospects, potential or actual conflicts-of-interest, vetting, or reputational risk, they can raise their concern with the Business and Human Rights Director. If staff are supervised by the Business and Human Rights Director or the issue relates to how they implement the policies, then staff may contact anyone who is part of the internal working group about their concern.

*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.