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Ethics Code of NGOs in Kosovo

Fjollë Nuhiu¹, Dritero Arifi², Ngadhujim Brovina³

Abstract. The aim of this research paper is to elaborate the issue of the ethics code of Non-Governmental Organizations (now and on NGO) in Kosovo. It is very important for any institution or organization to have the ethics code and respect it, but in so many transitional countries such as Kosovo, this and so many other issues still remain unsolved.

This paper first will introduce a brief historical information about the establishment of NGOs in Kosovo, and then elaborate the main topic, trying to give an answer to the question: To what extent have Kosovar NGOs adopted and implemented the Ethics Code? The major finding of this research is giving answer to the question abovementioned, and the answer is: In most cases, not all NGOs in Kosovo have the ethics code, because they don't work according to it and no one monitors them or asks from them responsibility for that.

The qualitative research methodology was used to gather information about this topic. Descriptive and analytical method was used to arrive at the conclusion of this topic. All the data were taken from official websites of NGOs, official websites of governmental institutions such as Ministry of Public Administration, interviews with professional officials of this field and some data from credible portals.

Keywords: Ethics, Code, NGOs, Kosovo

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1. Introduction

Ethics has been discussed over thousands of years in all cultures, religions, countries, states, communities and regions of the world. Endless discussions about what is right and wrong, acceptable or unacceptable behavior in organizations, communities, and society have not banned the need or commitment of mankind to "translate" behavioral norms that are agreed upon in code of ethics.

The fact that 10 years before, Ethics was a non-compulsory subject in Business Schools around the world while today is one of the most studied and compulsory courses in the teaching process, [which] speaks of the importance of this science. There may not be anything new to write about ethics or its absence in Organizations, Institutions, but we can refer to existing concepts. Referring to Ludwig Wittgenstein's commentary "... that problems are solved, not by providing new information but by arranging what we have known long ago." [1]

This paper will discuss about the Ethics Code of NGOs in Kosovo. The first part of the paper contains a brief history of the establishment and the evolution of NGOs in Kosovo, the historical part is an important point since Kosovo is still a country that faces a lot of problems, specifically in the aspect of accountability that relates with our main topic. Next part of the paper talks briefly about the terms and conditions under which NGOs are established in Kosovo according to the law, and other information on how the current state of work and functioning of NGOs stands.

Qualitative research method was used to analyze official documents and interviews with experts of the field and official representatives of NGOs.

The main part of this paper is the discussion of our topic: To what extent have Kosovar NGOs adopted and implemented the Ethics Code? We will try to give an answer to this question/problem, to elaborate the causes of the problem, the consequences and to give recommendations for the future.

2. Brief history of the establishment of NGOs in Kosovo

Kosovar civil society was born in an era of repression and dissent and came into its own simultaneously with the "parallel institutions" created by Kosovo Albanians after Yugoslavia rescinded. [2]

Civil society in the former Yugoslavia, and by default in Kosovo, was part of the same trajectory of development. In the late 1980s, the first civil society organizations began

to appear, mainly organized by young people, especially students, and writers and journalists.[2] A unique element of civil society organizations was their cooperation with the political parallel structures that were emerging at the same time such as Democratic League of Kosovo, due to the common challenges they faced, they formed a united front against the Serbian regime, providing guidance to the rising civil resistance.

One of the first independent organizations created in Kosovo was the Council for the Protection of Human Rights and Freedoms—(Këshilli për Mbrojtjen e të Drejtave dhe Lirive të Njeriut - KMDLNJ). Established in December 1989, this organization played a major role in monitoring and documenting human rights violations and police maltreatment throughout the 1990s.[3] On 10 May 1990, was established Mother Teresa Association (MTS), an independent humanitarian organization that tried to remain above party politics providing medical services and distributing food and other forms of humanitarian aid to all parts of Kosovo, especially rural areas.[4] Indeed, the first NGOs were clearly involved in more than just advocating for civil rights against a repressive state, they were almost quasi-governmental organizations.[5]

After the ground intervention by NATO in 1999, Kosovo was then governed by the United Nations Security Council Resolution 1244,[6] with the United Nations Interim Administration Mission in Kosovo (UNMIK).[7]

First Kosovo NGO forum met in Prishtina in December 2000 co-sponsored by OSCE Mission in Kosovo and the Kosovo Civil Society Foundation, participating over 120 NGOs representatives with the main purpose for the forum to highlight the role of civil society and to enhance self-empowerment of the NGO community.[8]

The first few years after 1999 were prosperous times for the so-called NGO boom, so On 15 November 1999, UNMIK promulgated Regulation 1999/22, On the Registration and Operation of Non- Governmental Organizations in Kosovo.[2] Section 8 of this regulation emphasized and stated that, “NGOs may not engage in fundraising or campaigning to support political parties or candidates for political offices, nor may propose, register or in any way endorse candidates for public offices.[9]

Kosovo’s civil society experienced massive expansion during approximately the first five years after the conflict of 1999, fueled by numerous international donor organizations and involvement by international NGOs with civil society concerns. It has been clearly a winnowing-out of NGOs in recent years as overall available resources have been reduced, perhaps because most significantly, with very few exceptions civil society organizations tend

not to be characterized by strong strategic planning or what types of CSO activities they may refer to.[8]

After the declaration of independence in 2008, different donors are more interested in giving funds to the government and less to civil society. Thus, the environments in which civil society organizations (CSOs) must operate, and the challenges they face, are changing once again, demanding new skills and new attitudes.[10] CSOs have begun the process of transformation in a number of ways, from creating codes of conduct to searching for ways to work better with each other and with the government but they still have their work cut out for them such as internal tensions born out of competition for foreign funding, ethnic divisions that have only partially healed, public mistrust, and a lack of focus that has left all too many organizations willing to reshape themselves to donor priorities.

3. The current state of functioning of NGOs

Freedom of association is guaranteed by the Constitution of the Republic of Kosovo, Section 44: *“The freedom of association is guaranteed. The freedom of association includes the right of everyone to establish an organization without obtaining any permission, to be or not to be a member of any organization and to participate in the activities of an organization”*. [11]

Kosovo recognizes two legal forms for domestic NGOs: Associations and Foundations, both forms may be established for any lawful public or mutual benefit Purpose.[12] The Department for NGO Registration and Liaison is responsible for registering civil society organizations, and it maintains a register of 9556 local and 542 international organizations.[13]

Foreign NGOs may conduct activities in the territory of Kosovo, provided that they register and substantially meet specified requirements imposed on domestic NGOs. NGOs may apply to register online via the Ministry of Public Administration website[14], the authorities must respond to a registration application within 60 days after receiving it, in particular cases authorities may deny registration of NGOs that promote inequality of any.[15]

According to the Administrative Instruction GRK - no. 02/2014, Article 5 and 6, on registration and functioning of nongovernmental organizations, the association or foundation shall be established by providing these documents:[16]

- 1. Signed Founding Act,**

2. Statute for Associations,
3. Statute for Foundations,
4. The decision on the appointment of the authorized representative and a copy of ID card of the Authorized Representative,
5. A list of members of the NGO assembly (the board for foundations), name, surname, ID number, signature, at least 5 members,
6. Copy of ID cards of the founders,
7. The symbol of the NGO.

Each NGO shall have the statute, which represents the main governing document of the NGO and is provided a model statute by the Department of NGOs.[17] Regarding the Code of Ethics, neither the law nor the administrative instruction has any article obliging NGOs to have the code of ethics. Also in the statute model is not defined in any article that the NGO should have the Code of Ethics. So, after the registration of NGOs and the start of their work, it remains for NGOs to decide whether or not to have the Code of Ethics, but even if they have it, it is not defined in any of the articles of the Law that the code should be respected and that they will be monitored by a higher instance in case of code violation. So now we come to the question of whether the NGOs in Kosovo have an Ethics Code, or to what extent have they adopted and implemented the Ethics Code and do they respect it?

4. NGOs Ethics Code in Kosovo

The Code of Ethics and Conduct for NGOs is a set of fundamental principles and operational principles and standards developed by the World Association of Non-Governmental Organizations (WANGO) to help guide nonprofit and non-governmental organizations worldwide to ethically and transparently govern their operations.[18]

It was mentioned above that in Kosovo are registered 9556 NGOs. According to The Kosovar Civil Society Index 2018 (KCSI) the number of active CSOs in Kosovo is around 1,000, the most consolidated organizations claim that they are well regulated in terms of internal documents and procedures, although similarly to the past, not all of them have presented these documents when asked to do so, like in our case asking if they have the Ethics Code, and if they do to let us see and analyze it.[19] About 38% of the organizations taking part in survey stated that they did not have financial regulation, rules of procedure (24%), or code of conduct (39%), a large number of CSOs continue to have no websites or account at social networks, only 27% stated that they had web pages, while a slightly larger

number said they own a social network account (39.6%). Since so many of them do not have a web site, we cannot see online if they have the Ethics Code and it is not easy to contact them and ask them if they have it. [19]

More active NGOs have web pages (Mother Teresa Association MTS, Institute for Development Policy-INDEP, Democracy for Development-D4D, KIPRED, INPO, HANDIKOS, DEVELOP, INTEGRA, Institute for Development Research-(RIINVEST) and everyone can see their official documents, such as the Statute, but it seems that the Statute is the only official governing document, that can be easily found by visiting their official websites.

CiviKos Platform is a voluntary union of civil society organizations, committed to the development of a favorable environment for cooperation between Civil Society and Public Authorities, and currently has a membership of 207 organizations and this number is constantly growing.[20] CiviKos also has well established Rules of Procedure for the implementation of activities, CiviKos Strategy, Code of Conduct, and other documents that are relevant to the mission and work of the Platform.[21] Some of CiviKos members, more active NGOs, have adapted the Ethics Code of Conduct of CiviKos, some of them did not, some of them have their own Code, but some of them declared that they have an internal document called Work Regulation that according to them is like a substitution of the Ethics Code of Conduct. Mother Teresa Association-MTS, Institute for Development Policy-INDEP, Democracy for Development-D4D, KIPRED, INPO, HANDIKOS, DEVELOP, INTEGRA, Institute for Development Research-RIINVEST, etc., in their web site don't have Ethics Code published. Contacted by their official email and phone some of them declared that they have only an internal document that regulates these issues related to the code of conduct and cannot be published out of their institution, but some of them did not answer at all neither by email nor by phone.

Kosovar Civil Society Foundation-KCSF is one of the largest NGOs in Kosovo and has the Ethics Code of Conduct published in their web page. According to the interview with Dren Puka, Program Director for Research and Advocacy[22], KCSF as a member of CiviKos has adapted the Ethics Code of Conduct from CiviKos platform. He stated that they regulate the code of conduct according to the Ethics Code of CiviKos Platform and they perform all their work according to the regulations of every article of this Code, but in any case that an Article of this Code becomes mandatory, they add it to their Statute following their rules of amendment of their Statute.

Kosova Democratic Institute-KDI has their own Code of Conduct approved by the Assembly and Board of Organization, published in their web pages.[23]

Organization for Democracy, Anti-Corruption and Dignity, ÇOHU, have their own Regulation of Work, published in their web page.[24] We conducted an interview by phone with the public relation officer of this organizations, and he stated that even that they are a member of CiviKos, they have their own Regulation of Work and they use it in stead of the Ethics Code.[25]

5. CiviKos Ethics Code-KCSF Ethics Code

KCSF Ethics Code as stated above is the Civikos Ethics Code, it has 11 pages in total, starting with the Preamble with informations about Civikos Platform, Mision and Objectives. Further, are elaborated guiding principles as follows: Responsibility and Public Service, Effective Cooperation, Human Rights and Equal Opportunities, Transparency and Accountability, Truthfulness and Legitimacy. Further follows the description of the Code of Ethics with this content: Purpose, Scope, Nature of the Code.[26]

At the part of the Scope it is stated as follows:

- *This code applies to reports between CiviKos member organizations, reports of member organizations with CiviKos, and reports of member organizations with non-member organizations and third parties.*
- *The code does not apply to internal reports between CiviKos secretarial staff and internal reports that relate to the domestic governance and autonomy of member organizations.*
- *Nothing in the content of this Code should be understood as an interference or tendency to interfere with the autonomy and independence of member organizations in defining and implementing certain policies or practices of their internal governance, as long as those policies or practices do not conflict with the guiding principles of CiviKos and / or the fundamental human rights and freedoms foreseen by local and international law.*

At the part of the Nature of the Code it is stated that:

- *The Code will not contain sanctioning provisions and mechanisms for a period of three (3) years from its entry into force. During this CiviKos will assist and coordinate the efforts of member organizations and other parties to build the capacity of member organizations in a fair understanding of the harmonization of*

documents, policies and practices in such a way that they are consistent with this code.

All the rest of the code is the substantial part named as GENERAL ETHICAL AND PROFESSIONAL PRINCIPLES divided into subsections, elaborating each of them as follows:

- ❖ **Professional integrity**- respecting the law; respect for social diversity and basic principles of democracy; respect for human rights and freedoms; respecting and promoting the integrity of this Code.
- ❖ **Non-for-profit commitment**- CiviKos members are established, exist and operate exclusively and for non-for-profit purposes only, according to the law on association freedom.
- ❖ **Political impartiality and operational independence** - members are politically impartial, not legally or factually controlled by the government or any other state institution, are autonomous in determining the procedures, policies, governance practices and selection of their internal staff.
- ❖ **Public Trust** - Members are committed to maximizing public trust in the community, social groups, the municipality, region or state in which they operate, applying transparency and public accountability
- ❖ **Volunteering** - act on the principle of volunteering to push public interest or concern, create the necessary conditions, and encourage the involvement of as many volunteers as possible. Nothing in the content of this principle should be implied that CiviKos member organizations can not compensate staff members or volunteers for certain work and expenses, nor that volunteers can be used beyond the legal constraints foreseen by applicable legislation in Kosovo.
- ❖ **Non-discrimination** - members commit and respect basic principles against discrimination, cannot discriminate against any person or group of persons based on age, race, nationality or ethnicity, religious affiliation, gender, education, financial, social or other status, sexual orientation or ability limited.
- ❖ **Preventing Sexual Harassment** – Members commit to respect the basic principles that prevent sexual harassment, compile and implement written policies to address such actions.
- ❖ **Comprehensiveness** - Members are committed to base their work on the inclusion of a larger group of people, members, beneficiaries and affected groups, inclusion of

Platform members in the design, implementation, evaluating and reviewing programs, strategies, policies and other platform documents.

- ❖ **Transparency from member organizations and CiviKos** - CiviKos members respect the principle of transparency in their mutual relations with each other and in relation to the CiviKos platform. The code suggests creating internal mechanisms that will enable members of the organization to report anonymously about potential financial misuses within the organization. As far as financial accountability is concerned, the Code:
 - Members who have managed with an annual budget over 100,000 Euros undertake external financial audit, whereas for those under 100,000 CiviKos engages financial experts or helps you prepare or publish annual financial reports
 - CiviKos, if it has managed with an annual budget of over 50,000 Euro, undertake external financial audit.
- ❖ **Fundraising** - members and CiviKos are independent in raising funds that they receive exclusively and only for the purpose of covering activities in fulfillment of the mission, exclude compromising, double funding of the same project, fund allocation outside the defined goals project, take care not to hurt the opportunities of member organizations to raise funds from the same sources.
- ❖ **Access to Information and Internal Documents of CiviKos** members have the right of full access to internal documents of the organization, as long as this is not prohibited by other acts of CiviKos or by a decision of the Assembly of Members.
- ❖ **Privacy and Confidentiality** - are obliged to preserve the privacy and confidentiality of the documents or information received as part of CiviKos, not to distribute to third parties without the prior written consent of CiviKos.
- ❖ **Representation and Presentation on the Name of CiviKos** - members, unless otherwise authorized, cannot represent, speak on behalf of, or be represented as CiviKos representatives.
- ❖ **The Human Resources of member organizations and CiviKos**- Members and CiviKos respect the applicable labor law in Kosovo, the principles envisaged by this Code with staff, volunteers and other stakeholders. Members and CiviKos notify their staff members of the content and obligations arising from this Code.
- ❖ **Conflict of Interest** - Set goals and interests to a platform before individual interest, Representatives of CiviKos member organizations, when deciding on a Board, a

Member Assembly or other decision-making procedure, do not take part in making decisions on issues in which it or he, or a member of his or her family or organization that he or she represents, has a personal or economic interest.

- ❖ **Gifts-** members and CiviKos pay special attention to accepting gifts from any party, not affecting operational independence and decision-making within and in relation to the CiviKos platform.
- ❖ **Partnership and Networking** - Members, Civikos and third parties are committed to professional, ethical, understanding and respect principles in any collaboration. In cases of different attitudes, they do not harm each other, but engage in finding a consensus in accordance with their missions and Civikos Platform.
- ❖ **Preserving the Environment and Promoting Environmental Responsibility** - Members are committed to paying maximum attention to the environment while promoting the environment and promoting environmental responsibility to others.
- ❖ **Social Responsibility** - Members pay special attention and promote social responsibility to communities or societies by ensuring respect for human dignity and fundamental human rights, without causing irreparable damage, respecting and non-violating the cultural, social or other identity of a certain social group, community or society.
- ❖ **Positive obligations of members for the implementation of the Code of Ethics-** members and CiviKos have a principled obligation to undertake affirmative steps that enable the preservation of the integrity of this Code within the work and activity of each member organization or CiviKos.
- ❖ **Annual Evaluation** - The CiviKos Secretariat makes an annual assessment of the fulfillment and fulfillment of the obligations arising from this code. Each member organization signs in good faith every year a statement confirming that it is respecting the code, or the reasons for the failure to implement fully and the difficulties encountered during the efforts to enforce the obligations.
- ❖ **Amendment** - The CiviKos Assembly may at any time amend its code by a decision which has been voted on by 2/3 of the members present and voting.
- ❖ **Entry into force** - This Code enters into force one day after approval by the Assembly of Members.

6. Kosova Democratic Institute KDI Ethics Code

The code of conduct of Kosova Democratic Institute (KDI) is based on principles set forth by the laws and Constitution of Kosovo and guiding principles and values set in the Umbrella Statement of the Transparency International Secretariat. This code different from KCSF's or CiviKos's Code has only 3 pages, one of them contains General Principles of Transparency International, and two of them contains eight (8) following principles:[27]

- ✓ **Respect moral values and integrity in the workplace;** This principle suggests elimination of any negative behaviour, good work for the benefit of the organization and each other as individuals, work with precision, clarity, kindness and assuring gender equality
- ✓ **Transparency for all operations and activities;** Staff should not put themselves under any financial or other obligation, reject any negative influence, hold responsible for informing the management office and, if necessary, the Board, on any success story failure, carry out their activities with honesty and dignity for the benefit of the organization and civil society.
- ✓ **Services to the community and other social groups;** Staff should work beyond project concerns, reflect on how to strengthen the confidence of the organization, their skills are of great value, they ought to be open and transparent in the decision-making for public to be informed.
- ✓ **Correctness in communicating with all stakeholders;** Objectivity should be a prime measure, all staff should be objective and impartial using any procedure, implementing any contract, or even recruiting additional staff, suggesting that favoritism is strictly prohibited.
- ✓ **Constant influence in policy making and delivery;** Staff should care how to get engaged and influence policymaking at both local and central level. It is mandatory that all laws are respected. In any case of discrepancy, it is the responsibility of staff to raise issues of concern and advocate for positive change that will benefit both individuals within the organization and overall the public interest.
- ✓ **Avoid any risk and conflict of interest;** Staff members should avoid any conflict of interest that goes against the law and guiding principles set in the Umbrella Statement of TI-s. They should make their income and any other investment public to avoid any risk of conflict of interest.

- ✓ **Do not engage in bribery or any other illegal doing;** Any act of bribery and nepotism is strictly prohibited in the organization. Staff should not seek or receive any monetary reward, be aware of legal penalties and administration costs as the prime objective of the organization is to fight corruption, the management office is prohibited to abuse their position in recruiting and promoting staff based on family or relatives ties, not on merit based.
- ✓ **Promote the act of reporting violations;** Staff is encouraged to report any case of corruption inside or outside the organization to the management office and Board and potentially to responsible legal institutions. Immediate measures must be taken to address any violation of rules and regulations.

7. **ÇOHU, Organization for Democracy, Anti-Corruption and Dignity, Regulation of Work**[24]

Organization for Democracy, Anti-Corruption and Dignity ÇOHU, as stated above, uses their own intern Regulation of work instead of an Ethics Code of Conduct. This 18-page document is originally composed of a table of contents showing all the points reviewed below. Starts with Entrance, and beyond with the Vision and Mission of the Organization, Organogram, Employment, Working Hours, Overtime, Job Attendance, Holidays, Vacations (Annual, Medical, Family, No Payment, Schooling, , Age of Workers, Secondary Engagement during Working Hours, Personal File, Conflict of Interest, Termination of Contract, Employee Obligations, Disciplinary Violations, Disclosure of Violations of Law and Regulations, Disciplinary Procedure, Disciplinary Measures, Official Travel, Salary, Communication Official, Documentation and Data, Seal, Media Communication, Behavior at Work, Procurement of Goods and Services, Payment Execution.

This document with this content in some points resembles more with an Employment Contract, and in some other points with the Code of Ethics. For example here are the point that makes it look like an Ethics Code:

- The part “Conflict of interest” has two articles like in an Ethics Code:
 - Article 42 each employee is obliged to declare a conflict of interest when it comes to a matter that may bring personal or financial gain to the employee himself or to any member of the family or to any natural or legal person with which the worker is in close private.

- Article 43 In case of declaration of conflict of interest the employee is excluded from any discussion and decision on the matter for which the conflict of interest is declared.
- The part Disciplinary Violations only these point declare as disciplinary violation like in an Ethics Code:
 - f) Discrimination of other persons based on national, racial, religious, social origin, political, gender, age and family statute.
 - g) Non-declaration or false declaration regarding the conflict of interest
- The part “Disclosure of Violations of Law and Regulations” is almost the same as in two above mentioned Codes.
- The part “Disciplinary Procedures” contains four articles describing the procedures during the decision-making process as a disciplinary measure in case of violations of the Law and this Regulation.
- The part “Behavior at Work” contains suggestions almost same as in two other Codes, but also contains suggestions about dressing code and some prohibitions about smoking, drinking alcohol and narcotics inside the work place.

8. Conclusion

Establishing an Ethics Code of Conduct doesn't take much time and expenses, it is all about commitment to right functioning of an institution, either it is a government institution or an NGO, or a business company.

To what extent have Kosovar NGOs adopted and implemented the Ethics Code? In most cases, not all NGOs in Kosovo have the ethics code and no one monitors them or asks from them responsibility for that, so that is why so many of them have just some kind of regulations instead of an Ethics Code, and don't bother to establish or adapt one, example the Ethics Code of CiviKos.

Working on this research, 40 NGOs (all of them members of CiviKos) were contacted by phone. The main questions while contacting each of them, where these:

- a) Do they have the Ethics Code?
- b) If they have it, do they have their own Ethics Code or they adapted CiviKos Code?
- c) If they don't have one, why they do not adapt CiviKos Code since they are members?

Unfortunately their answers were very simple and short. Some of them declared that they have it but they did not publish it and they never sent it to email as agreed. Most of them don't have the Ethics Code neither didn't adapt CiviKos Code since they are members and have the opportunity to adapt it, and asked why they don't adapt it, their answer was as simple as this: It is not very important to have one, we have our own regulations. Among 40 of them, only KCSF declared that they adapted CiviKos Code (that is why CiviKos Code is explained below as KCSF Code too).

Not having Ethics Code, maybe for NGOs seems something irrelevant, not important enough and not necessary. Having their own intern regulations is something better than not having it at all, at least they do have some rules of ethics and conduct. But is it OK? No it is not, it is a lack of responsibility and ethics. If they don't have the Ethics Code, how do they know when they are not acting ethically, and what rules are they breaking? So it means that they don't care about the issue of ethics, doing something not ethically is just an issue discussed temporary or maybe not discussed at all, and of course not punished by the rules, and most important there is nobody to monitor them, criticize them, or better, advise them in an obligatory way to have the Code of Ethics.

Unfortunately, in the absence of the Code of Ethics, many NGOs do not have a good impression to their public image, as they create doubts that they only work to benefit from

funding rather than to properly carry out a project or to address a certain issue which is a preoccupation of Kosovar society and for which are financed by many international organizations.

Not having Ethics Code is an issue that should be taken in consideration by the Ministry of Public Administration and the Department of NGOs. Among all those rules for registering an NGO, there should be added the rule to have the Ethics Code and Code of Conduct, because it is not something that would be considered as interference or control over the independence of the work and the function of the NGOs, but would be obliged to have the Code of Ethics and to adhere to it.

Generally in Kosovo there is a lot of work to be done in many aspects, but among the many issues it is suggested that to the Administrative Instruction be added as a rule that all NGOs must have the Code of Ethics, and that they should be supervised for the way they respect and conduct according to the Code.

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