

# CORDAID'S FRAUD POLICY

DOCUMENT MANAGER: MANAGER FINANCE & CONTROL

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## 1. INTRODUCTION

Due to the nature of Cordaid's operations and working in fragile context, Cordaid acknowledges that it faces an elevated risk of fraud and corruption. The impact of fraud and corruption on Cordaid's work can be significantly higher than the financial loss related to it. Fraud and corruption harms trust, the reputation of Cordaid, the development aid sector in general and the stakeholders such as staff, beneficiaries, partner organisations, donor organisations, government bodies and the public.

Considering this context, Cordaid has a zero – tolerance stance on all forms of fraud and corruption and takes all suspicions of fraudulent activities seriously. Cordaid commits to respond to all reported incidences of fraud and corruption and administer sanctions as needed.

## 2. PURPOSE AND SCOPE

The purpose of this policy is to communicate Cordaid's commitment to prevent, detect, report, and respond to fraud and corruption incidences that can occur in the course of its work as well as lay out the responsibilities of Cordaid representatives in mitigating the risk of fraud and corruption.

This policy applies to suspected or alleged fraud and corruption incidences, involving employees, consultants, vendors, implementing partners, sub-contractors and/or any other parties contractually engaging with Cordaid.

This policy applies to all Cordaid's **staff members, volunteers** and **consultants** commissioned by Cordaid, in the Netherlands and abroad. Furthermore, the policy also applies to all **implementing partners** and **suppliers** who are contracted for the purpose of reaching Cordaid's objectives.

## 3. RELATED POLICIES

This policy should be read in connection with the following Cordaid policies:

- Code of conduct
- Integrity framework
- Integrity Standard Operating Procedures
- Safeguarding Policy for Children, Young People and Adults
- Conflict-of-interest Policy
- Anti-terrorism and anti-money laundering policy
- Complaints procedure

## 4. DISSEMINATION

The Fraud Policy is openly available on Cordaid's external and internal (Intranet) websites. All updates will be directly communicated to all Cordaid staff by Cordaid Integrity Committee (CIC). New staff will receive the Fraud Policy as part of the onboarding programme.

The Fraud Policy is mentioned in all funding agreements for partner organisations including a link to the full document.

The consultants commissioned by Cordaid, and the suppliers will receive the Fraud Policy as part of their introduction to Cordaid.

## 5. DEFINITIONS OF PROHIBITED CONDUCT

The following prohibited practices can cause a serious risk to the reputation, credibility, and ethical principles of Cordaid's staff and activities. They are defined as follows:

**Fraud**<sup>1</sup> is any intentional act or omission designed to deceive others, resulting in the victim suffering a loss and/or the perpetrator achieving a gain. Examples of fraud include embezzlement, asset misappropriation, forgery of accounting records, falsely claiming travel expenses, and intentional misstatement of donor financial reports.

**Corruption**<sup>2</sup> is the abuse of entrusted power for private gain. Examples of corrupt practices include acts such as bribery, nepotism, and illegal gratuities.

**Theft**<sup>3</sup> is taking any property that belongs in whole or in part to another individual or an entity, and with intention to unlawfully appropriate it. Examples include stealing Cordaid resources such as cash, project equipment, and supplies, not returning a laptop or any Cordaid property after leaving Cordaid.

**Collusion**<sup>4</sup> is a secret agreement or cooperation between two or more parties for an illegal or deceitful purpose. An example is procurement staff colluding with vendors and suppliers during procurement process to ensure they are selected.

**Extortion**<sup>5</sup> is a criminal offence of obtaining money, property, or services from a person or an entity by use of actual or threatened force, violence, or intimidation.

**Terrorism**<sup>6</sup> financing involves the solicitation, collection, or provision of funds either from legal or illegal sources with the intention that they may be used or in the knowledge that they are to be used to support in full or in part terrorist acts or organisations.

**Money laundering**<sup>7</sup> is the process by which proceeds from a criminal activity are disguised and channelled through the financial system in an effort to conceal their illicit origin. Money laundering may involve any of the following:

- The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action;
- The concealment or disguise of the true nature, source, location, disposition, movement, or ownership of or rights with respect to property, knowing that such property is the proceeds of crime; and,
- The acquisition, possession, or use of property, knowing, at the time of receipt, that such property is the proceeds of crime.

*Further details on prevention, detection, monitoring and reporting terrorism financing and anti-money laundering are outlined in the anti-terrorism and anti-money laundering policy.*

**Payments under duress** are payments made in response to demands accompanied by threats to life, limb, or liberty. It is permissible for these payments to be made in the rare and exceptional circumstances where it is believed necessary to protect against loss of life, limb, or liberty (except in the case of lawful detention). If possible, the circumstances and proposed payment should be discussed in advance with a line manager. In all such cases an incident report must be submitted to Cordaid.

**Bribery**<sup>8</sup> is the offering, giving, promising, receiving, or soliciting, directly or indirectly, or attempt to do so, of anything of value to improperly influence the actions of another party. Bribery includes kickbacks, personal favours, secret commissions, gifts, and hospitality whose intention is to influence actions/decisions of a person, and payments under duress.

Bribes may come in several forms as below:

<sup>1</sup> Obtained Association of Certified Fraud Examiners (ACFE)

<sup>2</sup> Definition obtained from Transparency International

<sup>3</sup> [https://wetten.overheid.nl/BWBR0001854/2012-11-01/#BoekTweede\\_TiteldeelXXII\\_Artikel310](https://wetten.overheid.nl/BWBR0001854/2012-11-01/#BoekTweede_TiteldeelXXII_Artikel310)

<sup>4</sup> Definition obtained from OECD

<sup>5</sup> Definition obtained from Transparency International

<sup>6</sup> Definition obtained from United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted in December 1988 in Vienna

<sup>7</sup> Definition obtained from United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted in December 1988 in Vienna

<sup>8</sup> Definition obtained from Transparency International

- Kickback is a payment or in-kind bribe given in return for facilitating a commercial transaction such as a contract.
- Facilitation payments is a small bribe, also called a 'speed' or 'grease' payment; made to secure or expedite the performance of a routine or necessary action to which the payer (person or company) has legal or other entitlement.
- Personal favour is an act of kindness, or a friendly regard often done beyond what is due which is made with the intention to influence a decision or actions of another party.
- Secret commission is a payment in money or in kind which will or is intended to cause a person to act in a way that is contrary to the interests of his or her principal or employer.
- Gifts and hospitality
  - Gifts refers to money, goods, services, or loans given ostensibly as a mark of friendship or appreciation. A gift is professionally given without expectation of consideration or value in return. A gift may be used to express a common purpose and the hope of future business success and prosperity.
  - Hospitality refers to entertaining including meals, receptions, tickets to entertainment, social or sports events, participation in sporting events, such activities being given or received to initiate, develop, or strengthen relationships.
  - Gift and hospitality can amount to bribery when they are given/received with an intention to influence a decision or to obtain an undue advantage. We refer to Cordaid's Conflict of Interest policy for further directions in this regard.
  - At Cordaid monetary gifts offered as a result of being representatives of Cordaid are not acceptable. This includes items that are used in a similar way as money (e.g., vouchers) or items that can easily be converted to money. This includes gifts and hospitality that may result to potential, perceived or actual conflict of interest. Giving and acceptance of small token gifts and hospitality may be allowed provided such gifts do not exceed the locally specified monetary limit or a value of € 25 (whichever is lower) and are one- off or irregular in nature. Gifts that exceed the specified monetary value are politely declined. However, in instances where declining such gifts is considered insensitive, they must be declared in the gift registry and then hand them over to Cordaid.

The above practices will generally be referred to as "fraud and corruption" or "fraud" in this policy.

## 6. FRAUD PREVENTION AND DETECTION

The following elements comprise Cordaid's systems and processes for preventing and mitigating the risk of fraud.

### 6.1 Quality Management System with three lines of defence

Fraud prevention is embedded in Cordaid's regular internal control system through a three lines of defence model.

Cordaid operates a **Quality Management System**, whereby the following elements are important:

- First line of defence: Cordaid's Quality Management System describes the most essential business procedures including process controls and segregation of duties. The Quality Management System consists of different project processes, protocols, and policies. Line management is responsible for compliance with the quality system in the day-to-day operations;
- Second line of defence: The Integrity, Compliance & QMS department and the Finance & Control department are responsible for the design of the Quality Management System and monitor its effectiveness; and,
- Third line of defence: The Internal Audit department performs regular internal audits at Global Office and Country Offices to provide assurance on the effectiveness of the Cordaid Quality System;

- An external audit on the consolidated financial statements and frequent external project audits (according to pre-defined guidelines and requiring qualified external auditors).

Cordaid's staff members, volunteers and consultants commissioned by Cordaid shall respect Dutch legislation as well as the legislation of the countries in which they work and must be familiar with all processes and policies that are part of the Quality Management System. In the event that there is any perceived difference between the requirements of this Policy and any legal requirement, Cordaid representatives should always act in accordance with the highest applicable standard.

## **6.2 Tone at the top**

The Supervisory Board and the Board of Directors are responsible for setting the tone at the top that Cordaid has zero-tolerance policy on fraud and corruption by: overseeing implementation of adequate internal controls; displaying appropriate attitude and behaviour in matter concerning fraud and corruption; and demonstrating through actions they decide to take when incidences of fraud and corruption occur.

## **6.3 Adherence to the Code of Conduct and other related policies**

All staff working at Cordaid's Global Office and Country/cluster offices are expected to fully familiarise themselves with the Code of Conduct for staff before starting their employment. The Code of Conduct addresses corruption and misappropriation of assets as wrongful behaviour. In addition, Cordaid's Conflict of Interest policy must be signed by all staff members. Cordaid staff are also required to familiarise themselves with other policies specified in section 3 of this policy (Related policies).

## **6.4 Training and awareness**

During induction, all Cordaid representative will be familiarised on Cordaid's mission and vision and trained to all applicable integrity policies and procedures including the fraud policy. Third parties will be informed of the expectations laid out in this policy, which will all form part of the contractual conditions. Refresher courses on Integrity policies, procedures and guidelines will also be offered.

## **6.5 Integrity Due Diligence**

Cordaid conducts due diligence on staff and third parties such as service providers, consultants, and partners before onboarding them. The extent of due diligence will depend on the nature of the relationship and should be in line with Cordaid's Risk Management protocols and safe recruitment guidelines.

## **6.6 Integrating fraud and corruption risk management into project design and in operations**

When designing new projects, Project leaders will be responsible for ensuring fraud and corruption risks are fully considered in the project design and processes. The measures to mitigate the identified risks will be embedded in the project design. Managers will also be responsible for carrying out regular fraud risk assessments in order to identify and evaluate the areas of programme, operational and support activities that are most susceptible to fraud and corruption.

# **7. REPORTING SUSPECTED FRAUD**

## **7.1 Reporting fraud**

All allegations of fraud and corruption whether anonymous or not, will be taken seriously, treated confidentially, and followed up as outlined in the Integrity SOP's. Representatives of Cordaid and persons outside Cordaid who have reasonably held suspicions of fraud and corruption are mandated to report.

Cordaid representatives should report any suspicion of fraud and corruption using the following avenues.

1. Directly to the Anti-corruption and Anti-fraud Officer via [integrity@cordaid.org](mailto:integrity@cordaid.org).
2. By filing the reporting form and sending it to the Anti-Corruption and Anti-fraud Officer via [integrity@cordaid.org](mailto:integrity@cordaid.org).
3. To the immediate or higher supervisor who will then submit the report to the Anti-Corruption and Anti-fraud Officer. In case of a partner, consultant, or supplier - to the manager in charge of their contract. Persons who have formed suspicions may also report to higher supervisors where the immediate supervisors are implicated, or they feel the immediate supervisor will not take the report seriously.
4. Online via [www.cordaid.org/en/reporting-integrity-concerns-and-security-incidents/](http://www.cordaid.org/en/reporting-integrity-concerns-and-security-incidents/)

Staff who are unable to report to their line manager or directly to the Anti-corruption and Anti-fraud Officer may also use the external whistleblowing service to report. Reports of fraud and corruption can also be sent through the following external channels:

1. An external Whistle-blower Service via +31 (0)88 1331 030, via email to [advies@huisvoorklokkenluiders.nl](mailto:advies@huisvoorklokkenluiders.nl), or directly online (Dutch). To report (suspected) misconduct via the House of Whistle-blowers, the wrongdoing must be of public interest and as well as based on reasonable suspicions.
2. Make use of the whistle-blower service at the secretariat of [ACT Alliance](http://ACT Alliance) (of which Cordaid is member of) by sending an email via [complaintsbox@actalliance.org](mailto:complaintsbox@actalliance.org) or make use of the whistle-blower service at the Caritas Internationalis directly to Caritas Internationalis Secretary General (of which Cordaid is member of) .( If the complaint is against the Secretary General, then the Complaint Handling Officer will report to the President.)

Cordaid representatives and any other external parties who make reports of fraud and corruption allegations are encouraged to exhaust the internal reporting channels first unless in the instances where they believe the allegations raised will not be taken seriously.

## 7.2 What to report

The person making the report should include as much details as they can possibly recall. The details should include:

- A description of the suspected or alleged fraud case;
- Specific details about the contract, grant, etc. (including project number);
- The name of the person(s), country/cluster office or partner organisation involved;
- The period in which the alleged fraud/integrity case took place;
- The amount (if known) likely to be lost or impacted by the alleged fraud;
- The date of the report;
- The name and signature of the person reporting alleged/concrete fraud;
- Any actions taken after receipt of the allegation or after forming the suspicion.

## 7.3 Dealing with fraud reports

Cordaid will treat anonymous reports as any other report provided sufficient information is available to process the complaint.

All allegations of misconduct will be taken seriously, treated confidentially, and followed up as outlined in the Integrity SOP's which is part of the Cordaid Integrity Framework which describes in detail all the steps which are needed to be taken. See: [Cordaid's Integrity and Code of Conduct](#).

Investigations will be conducted by a competent fraud team which will either be constituted by Cordaid staff or by external investigators. Investigations will be conducted in accordance with the principles of impartiality, confidentiality, transparency, independence, timeliness, and will be evidence-based.

## 7.4 Prohibition for retaliation

A report of (suspected or alleged) fraud must never have negative effect on the person reporting the allegation. The staff reporting the allegations of fraud must be protected by the Management Team and direct supervisor against any reprisal. Cordaid does not condone retaliation against a person who either reports suspected fraud or corruption, or who cooperates in investigation process.

Any form of retaliation or deterring anyone from reporting suspicions of fraud or corruption will be treated as a misconduct and may be subject to disciplinary measures.

### **7.5 False and malicious reporting**

Reports of allegations of fraud and corruption must be made in good faith. Intentionally submitting false report(s) shall constitute misconduct for which disciplinary measures will be imposed. Disciplinary measures will not be taken against an individual who reports a misconduct in good faith even if the allegations are not substantiated after an investigation or review is conducted.

### **7.6 External reporting**

In the instances when it is established that the reported allegations are credible, an external report will be made to:

1. The donor(s) whose funds may be impacted by the alleged fraud or when the contractual obligation between Cordaid and the donor requires a report to be made. The project owner will be responsible for reporting to the donor(s) about the alleged fraud.
2. The local police or any other authority where necessary and in line with the local laws. The case manager will be responsible for ensuring the local authority is informed where necessary.
3. The CBF and MOFA officials following their specific procedures and only via the CEO.

### **7.7 Overall reporting on fraud incidents**

The Anti-corruption and Anti-fraud officer administratively maintain the fraud register. The integrity register will contain the list of all reported incidences, their resolution and sanctions or recommendations made. The Integrity Committee will receive quarterly reports which will encompass trends, top line case information, and significant risks identified in the management and response to fraud incidences. The redacted incidences of significant risks will be presented to the Audit Committee on a half year basis and when deemed necessary by the CFO and/or the Audit Committee directly to the Supervisory Board. The integrity register is also regularly examined by the external auditor.

### **7.8 Confidentiality**

Cordaid respects confidentiality and has a responsibility to protect sensitive personal data in line with General Data Protection Regulation (GDPR) and Cordaid's Data Protection Policy. All reported allegations of fraud will be kept confidential to the greatest extent possible and will only be shared and handled on a need-to-know basis, that is, access to the information must be necessary for the conduct of one's official duties. Only individuals who have legitimate reasons to access the information are allowed to receive it. Breach of confidentiality will be treated as a misconduct and may be subject to disciplinary measures.

## **8. FRAUD AND CORRUPTION IN SUPPLIERS AND PARTNERS**

Partners and suppliers must take appropriate steps to ensure robust policies and procedures are available to combat fraud and corrupt practices.

Partners must ensure that these measures are applied to programmes that receive funding from Cordaid. The partners have the duty to ensure that Cordaid resources are safeguarded and used for their intended purposes, as authorised by Cordaid.

The suppliers have the duty to interact honestly and with integrity in the provision of goods and services to Cordaid.

Both the partners and the suppliers will be required to promptly report to Cordaid any reasonably suspected cases of fraud and corruption that relate to Cordaid funds. If the allegations are assessed and determined credible, Cordaid may:

1. conduct the investigations or
2. engage an external investigator on its behalf or
3. request the partner or supplier to conduct an independent investigation.

The partners and the suppliers are required to fully cooperate in any investigation undertaken by Cordaid including by allowing Cordaid to access and inspect its premises as well as any records, documents, and any other information. Cordaid will have access to the investigation reports done on investigations that impact their funding.



## 9. SANCTIONS

Sanctions will be taken where there is evidence that shows that a fraudulent act may have occurred. Sanctions are imposed for two purposes:

- Disciplinary reasons: Demonstrating that corruption is not tolerated and has consequences. Sanctions support prevention, enforce compliance with signed agreements, and
- Mitigation: Reduce the effects of non-compliance regarding the implementation of the programme in question and other programmes (with respect to financing, reputation, and security).

Cordaid shall always take into consideration the interests of the beneficiaries of the programme when sanctions are imposed.

### 9.1 Sanctions on a supplier/partner organisation

The following actions shall be taken where allegations of fraud and corruption have been substantiated.

- In the case of the supplier, the agreement with Cordaid may be terminated and the supplier may also be blacklisted in the Cordaid database of suppliers.
- In the case of the partner organisation, Cordaid will make every effort to recover the funds and terminate the partnership agreement where necessary. The partner may be contracted again in future by Cordaid but on condition that there are noticeable improvements in the internal control systems and processes.

### 9.2 Fraud committed by consultant

In the event of fraud committed by a consultant, Cordaid may cancel all payments and seek annulment of the contract. Furthermore, the consultant will be block listed by the project leader in Cordaid's database for consultants and/or the CRM system to prevent him or her from being assigned to any missions in the future. Legal action will be taken if appropriate.

### 9.3 Fraud committed by staff

In the event of fraud committed by Cordaid's staff members, the Country/Cluster Director/GO manager or Board of Directors decides on the actions to be taken in consultation with the line manager and HR manager in line with the disciplinary procedures.

## 10. ROLES AND RESPONSIBILITIES

### Staff

All Cordaid staff have the responsibility:

- To read, understand and comply with the content of this policy and the related policies.
- To report any suspicions or incidences of fraud and corruption.
- To take part in prevention and detect fraud and corruption.
- Attend the fraud and corruption induction training and any other refresher trainings provided by Cordaid.

### Management

The managers will be responsible for:

- Taking the lead in the necessary action to protect Cordaid funds, assets and stocks and reduce losses by ensuring fraud and corruption risk is regularly assessed and embedded in programmes and operations.
- Ensuring that there are adequate, appropriate and robust internal controls in place.

### Integrity committee

The Integrity committee is responsible for

- Authorising and monitoring the implementation of this policy.
- Ensuring that reasonable steps are taken to prevent fraud and corruption.
- Providing guidance, managerial oversight, and advice on the implementation of this policy.

## Anti-corruption and Anti-fraud Officer

The Anti-corruption and Anti-fraud Officer is responsible for:

- Advising staff and providing technical expertise to Cordaid in managing fraud risk and responses to incidences on fraud.
- Receiving reports of allegations, conducts preliminary assessments, maintaining the fraud register and overseeing the integrity of incidence response.
- Updating this policy and relevant e-Learning trainings.
- Preparing requisite reports to the board and the Integrity committee on how the risk of fraud is being managed by Cordaid

## Chief Financial Officer

The Chief Financial Officer will:

- Be responsible for ensuring that this policy is effectively implemented, provide guidance, and demonstrate how Cordaid will make effort to ensure their resources are safeguarded and that everyone is well equipped and supported to perform their responsibilities.
- Act with integrity, in line with the policy and maintain the right tone at the top that will foster an anti-corruption culture.
- Ensure adequate resources have been provided to manage the risk of fraud in Cordaid.

## Cordaid Supervisory Board

Cordaid Supervisory Board is responsible for providing governance oversight in the implementation of this policy.

## ANNEX 1:

PROCEDURE FOR DEALING WITH SUSPECTED FRAUD	
Steps	Actions
Appointment of a fraud team	A fraud investigation team should be set up by the Anti-corruption and Anti-fraud officer in consultation with the Integrity officer. The team should have a good mix of objectivity and context specific knowledge. This team will be advised by the Anti-corruption and Anti-fraud officer.
Plan of approach	A plan/ approach regarding next steps to be taken. The plan includes: <ul style="list-style-type: none"> <li>- Suspension of staff;</li> <li>- Provision of replacement staff;</li> <li>- Launch of an internal investigation (if possible);</li> <li>- Appointment of an External Forensic Auditor (if necessary) in order to conduct a fraud/ corruption/forensic investigation;</li> <li>- Terms of Reference (TOR) for investigating External Auditor;</li> <li>- Inform the donor;</li> <li>- Decision when to contact other funding partners.</li> </ul>
Investigations	Investigations will be conducted in accordance with the principles of impartiality, confidentiality, transparency, independence, timeliness, and will be evidence-based.
Review	Review of investigation/forensic audit report. Is the report in line with the TOR? Has appropriate action been taken?
Communication	Communication of the outcome of the investigation to the relevant stakeholders.
Evaluation	Evaluation with the fraud team how the process went. Lessons learned and how to utilise these into our present policies.

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## ABOUT CORDAID

Cordaid works to end poverty and exclusion. We do this in the world's most fragile and conflict-affected areas as well as in the Netherlands. We engage communities to rebuild trust and resilience and increase people's self-reliance.

Our professionals provide humanitarian assistance and create opportunities to improve security, healthcare, education and agrifood systems. We are supported by 250,000 private donors in the Netherlands and by a worldwide partner network. Cordaid is a founding member of Caritas Internationalis, CIDSE, and ACT Alliance.

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