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# **RNGOF on HIV/AIDS & HP: ANTI-FRAUD POLICY**

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**Rwanda NGOs Forum on HIV/AIDS & Health Promotion (RNGOF on HIV/AIDS & HP)  
Anti-Fraud Policy**

**PREAMBLE**

RNGOF on HIV/AIDS & HP Anti-Fraud Policy represents its commitment to attain good operation through preventing and fighting all forms of fraud. It is based on the Board of Directors', employees' and staff's commitment to building a culture of justice and fairness. RNGOF on HIV/AIDS & HP is establishing an environment where integrity is valued and fraud and its related offences are abhorred and rejected.

RNGOF on HIV/AIDS & HP as a civil society organization stands as an important stakeholder and a key player in the fight against fraud. It continues to assist in monitoring the compliance of regulations and imposition of sanctions against corrupt employees, interns, volunteers and member organizations.

RNGOF on HIV/AIDS & HP has in place mechanisms relating to public awareness and reporting in order to curb fraud practices that affect their activities and structures. Publicity is essential to raising public expectations and public awareness on corruption practices and to cause ethical pressure to take measures against corruption. It is imperative to disseminate and closely work through media and agencies such as Transparency International- Rwanda all information on how to investigate and report cases of fraud.

The Anti-Fraud Policy aims at supporting national development by inculcating right morals into young vulnerable people, young women , young girls and children that are under the service of RNGOF on HIV/AIDS & HP, who are the agents of change in society. RNGOF on HIV/AIDS & HP will build a string base of ethical future leaders who will be able to sustain a better quality of life for the people of Rwanda and establish a strong , effective and efficient state that is fraud-free.

RNGOF on HIV/AIDS & HP will demonstrate justice and fairness in and through the work of its interns, volunteers, employees ,staff , member and partner organizations and those who engage in corrupt practices will not have a place in the organization . RNGOF on HIV/AIDS & HP Anti-Fraud Policy will contribute to the achievement of a public service that embraces integrity, upholds transparency and accountability , and ensures full compliance with regulatory and legal frameworks in Rwanda.

## **1. BACKGROUND OF RNGOF on HIV/AIDS & Health Promotion.**

Rwanda NGO Forum on HIV/AIDS and Health Promotion (RNGOF on HIV/AIDS & HP) is an umbrella/network of local, national NGOs committed directly or indirectly to fighting against HIV/AIDS in Rwanda. It was created in 1999 and gathers more than 100 national NGOs members whose activities in fighting against HIV/AIDS and the promotion of health in Rwanda are coordinated, monitored and evaluated. The Forum is a network of National NGOs decentralized up to district level. It is also a member of the Rwanda Civil Society Platform (RCSP) at National level, the Eastern Africa National Network on AIDS Service Organization (EANNASO) at the regional Level, African Council on AIDS Service organization (AFRICASO) and International Council on AIDS Service Organization (ICASO) at international level. In its day-to-day activities, RNGOF on HIV/AIDS & HP deals with coordination, capacity building, advocacy, funds mobilization and Monitoring and Evaluation of activities of its members in collaboration with key partners in particular , Rwanda Bio Medical Center (RBC).

### **1.1. RNGOF on HIV/AIDS&HP Structure**

The RNGOF on HIV/AIDS&HP is a network of NGO (Local, National and International NGOs) decentralized up to district level, which are interested in and committed directly or indirectly to fighting against HIV/AIDS in Rwanda.

Its organizational structure is composed of a General Assembly chaired by the President of the Board of Directors. The second body is the Board of Directors, elected by the General Assembly from member NGOs. The third body is the Conflict resolution organ composed of 3 persons elected by the General Assembly based on their integrity.

The daily management of the RNGOF on HIV/AIDS&HP is vested in an Executive Secretariat headed by a Coordinator recruited transparently by the Board of Directors by virtue of competence. The Executive Secretariat is composed of 2 Departments, one in charge of Programs and the other for Administration and Finance. Finally a Coordination committee composed of three members at the level of each District is elected by member NGOs operating at the District level.

The General Assembly is the highest governing body, whose decisions and instructions always outweigh those of other organs of the organization. It comprises all effective members.

Under the General Assembly body, the second principal governing body is the Board of Directors which exercises ongoing governance functions such as setting the organization's policies and strategies or safeguarding and promoting the organization's mission. The conflict resolution organ promotes mediation and strives to find solutions to complaints from member NGOs of the Forum.

The Executive Secretariat on the other hand coordinates or manages day to day operations of the umbrella Secretariat including the coordination of the different activities undertaken at the District level. The District Coordination Committee assures the effective representation of the RNGOF on AIDS&HP at the District level. The following organizational chart shows the flow of authority from the general Assembly through the Executive Secretary to the staff.

## **2. RNGOF ON HIV/AIDS & HP VISION**

### **Together for a healthy society**

Eradication of all barriers that could compromise the behavior change of Rwandan population by way of which men, women and children are protected from HIV/AIDS and PLWHA are able to partake in the same rights as all citizens.

## **3. RNGOF ON HIV/AIDS & HP MISSION:**

To promote, coordinate, monitor and evaluate activities of NGOs engaged in the fight against HIV/AIDS in Rwanda, Networking and advocacy for civil society involvement in all HIV/AIDS program and policy development in order to improve the living conditions of the affected communities

## **4. RNGOF ON HIV/AIDS & HP CORE VALUES:**

- Solidarity and collective actions in HIV response and health promotion programs implementation;
- Active participation and involvement of members, government institutions, DPs and other stakeholders;
- Ensuring and maintaining credibility, reliability, integrity, accountability and transparency in all operations;
- Ensure gender mainstreaming and human rights in all activities;
- Greater Involvement of people living with HIV& AIDS (GIPA);
- Use of rights, evidences and results based approaches in all HIV/AIDS and health promotion programs.

## **5. PURPOSE OF THE POLICY**

**RNGOF ON HIV/AIDS & HP** is committed to conducting its activities fairly, honestly and openly, to the highest standards of integrity, and in accordance with all national legal requirements. The purpose of this policy is:

- To provide a clear statement that **RNGOF ON HIV/AIDS & HP** will not tolerate any form of fraud and other related offences;
- To emphasize the organization's commitment to prevent employees, staff, interns, volunteers, member and partner organizations or other persons associated with it from engaging in fraud and other related offences and to deal with this should it occur;
- To adopt strategies of preventing fraud and related offences in **RNGOF ON HIV/AIDS & HP**;
- To set out review and monitoring procedures to ensure compliance with this policy.

## **6. POLICY STATEMENT**

This policy is a determination of RNGOF ON HIV/AIDS & HP management's commitment to zero tolerance for fraud. Furthermore, RNGOF ON HIV/AIDS & HP is committed to creating a work environment free from any form of discrimination, dehumanization, intolerance and genocide ideology which are other forms of fraud.

Recognizing the benefits of fighting corruption, the organization management accepts the responsibility of spearheading the fight in a decisive, sustainable and all-inclusive manner and with the involvement of all stakeholders. All RNGOF ON HIV/AIDS & HP's activities will be guided by the organization's Anti-Fraud Policy.

## **7. LEGAL FRAMEWORK**

RNGOF ON HIV/AIDS & HP Anti-Fraud Policy is governed by the following legal texts:

- Constitution of the Republic of Rwanda
- Organic law instituting the penal code
- Organic law on leadership code of conduct
- Law on prevention, suppression and punishment of corrupt and related offences
- Law on the protection of whistle-blowers
- Law of public procurement
- Law on State Finances and property
- Law establishing the General Statutes for Civil Society Organizations
- Presidential order determining modalities of imposing disciplinary sanctions to private and public servants

- Presidential Order establishing the code of professional ethics for private and public servants

## **8. SCOPE /APPLICABILITY**

This policy applies to RNGOF ON HIV/AIDS & HP leadership, employees, staff, interns, volunteers, and member and partner organizations.

## **9. DEFINITION OF KEY TERMS**

Fraud/Corruption Means:

- a) Any act of abuse of a position, power or honor one enjoys within a state organ, in a public or private institution , in a foreign company or international organization working in the country m or power conferred by any other function which is used contrary to the law, by giving to oneself, giving to others or requiring an illegal benefit or a service contrary to the law;
- b) Any act leading to the accumulation of property without legal justification;
- c) Using a person with a position, power or honor mentioned under item (a) of this schedule, in order to benefit from an illegal advantage or a service contrary to the law;
- d) Giving agreeing to give a gift in cash or any other illegal benefit, for the provision of a service or act in unlawful giving or agreeing to give a gift in cash or any other illegal benefit , for the provision of a service or act in unlawful way to reward the provider of the service or act rendered, either by the recipient or an intermediary;
- e) Requiring, receiving or accepting to receive a gift in cash or any other illegal benefit for the provision of a service in an unlawful way or to be rewarded once the service is provided or the act is done either by the recipient or an intermediary.

## **10. EXAMPLES OF FRAUD AND RELATED OFFENCES AND RISKY AREAS THAT MAY ARISE AT RNGOF ON HIV/AIDS & HP;**

Fraud and other related offences can arise in day-to-day operations mainly in finance processes, procurement and human resource management. The examples given below are not exhaustive and do not limit the range of fraud activities.

For finance processes , fraud and other related offences may be perpetuated by using organization funds in the form of gifts and hospitality for any unlawful , unethical or improper purpose. The potential areas of fraud and other related offences , in the administration and finance include transgressing rules and procedures, embezzlement , favoritism and nepotism.

As far as procurement is concerned , corruption may arise in appointing preferred suppliers , contractors and agents or in bypassing criteria, falsifying deliveries, fraud in tendering and purchase of unnecessary goods.

Fraud may arise in staff appointment and management; in the appointment and deployment of staff based on favoritism, nepotism, bribes, gifts, falsification of credentials and the use of fake diplomas or in bypassing criteria and standard protocols. In addition , corruption may arise from staff professional misconduct such as discrimination and sexual harassment or exploitation.

There are have been NO cases of Fraud that have occurred within RNGOF and this is particularly due in part to the integrity and team work of leadership and staff over the years.

## **11. STRATEGIES TO PREVENT AND FIGHT FRAUD IN RNGOF on HIV/AIDS & HP**

RNGOF on HIV/AIDS & HP recognizes that fraud and related offences damage the social and institutional fabric of a country , and this is why RNGOF on HIV/AIDS & HP is committed to prevent and fight fraud and any other related offences using the following strategies:

### **a) Training and Awareness**

RNGOF on HIV/AIDS & HP commits itself to continuous training of staff and member organization staff in matters of ethics and integrity. To this end, RNGOF on HIV/AIDS & HP will annually support civic education activities including itorero to embed the culture of integrity. Additionally, RNGOF on HIV/AIDS & HP is committed to invite global , regional and national colleagues to sensitize and share the best practices with RNGOF on HIV/AIDS & HP staff, interns, volunteers, member and partner organization community. RNGOF on HIV/AIDS & HP is also committed to support member organization anti-corruption clubs.

### **b) Criminal and Disciplinary Measures**

Staff members, member organizations, volunteers and interns who violate this policy will face criminal and administrative actions as provided for they relevant applicable laws , rules and regulations and contractual terms as the case may be.

### **c) Protection of Whistle-Blowers**

RNGOF on HIV/AIDS & HP will, in accordance to **LAW N° 35/2012 of 19/09/2012** relating to the protection of whistleblowers, make sure that whistle-blowers who report fraud cases are managed with utmost confidentiality and protection and do not suffer from any disadvantage as a result of reporting culprits.

## **12. STRUCTURES FOR FIGHTING FRAUD**

RNGOF on HIV/AIDS & HP is committed to constitute and empower its staff, interns, volunteers and member organizations .

RNGOF on HIV/AIDS & HP will set up mechanisms to allow its stake holders (mentioned above) to pinpoint fraud and other related cases. To this end, all RNGOF on HIV/AIDS & HP stakeholders who encounter a fraud case will be encouraged to speak out or writ anonymously to

RNGOF on HIV/AIDS & HP Board of Directors and RNGOF on HIV/AIDS & HP leadership as soon as they possibly can.

The RNGOF on HIV/AIDS & HP internal audit team will be at the forefront of fraud prevention through control environment, risk assessment , control of activities , information and communication (free and open communication thought the organization) and monitoring (assessing the quality of the internal control system overtime). The internal auditor's reports on fraud are submitted to the RNGOF on HIV/AIDS & HP Board of Directors and the Executive secretary respectively.

## **13. HOW TO REPORT FRAUD INTERNALLY AND EXTERNALLY**

All forms of communication are encouraged (including but not limited to): the use of telephone, social media, email, suggestion box and verbal communication. Stakeholders can also report anonymously.

To this end RNGOF on HIV/AIDS & HP will avail its office telephone number and email for this purpose. Confidentiality is paramount.

Suggestion box for anonymous reporting will be established at RNGOF on HIV/AIDS & HP offices and will be well managed. Information gathered will be given to the executive secretary and the Board of Directors to be analyzed and appropriate response will be given.

## **14. HANDLING FRAUD CASES**

Prior to taking action in any case of alleged corruption and related offences, RNGOF on HIV/AIDS & HP Executive Secretary and Board of Directors must first gather credible evidence taking into consideration the organization's policies and the laws of the republic of Rwanda . This will avoid victimization of staff members, volunteers, interns, member organization individuals spuriously accused of engaging or being involved in fraud activities.

## **15. MANAGEMENT AND IMPLEMENTATION AUTHORITY**

RNGOF on HIV/AIDS & HP community (staff, volunteers, interns and member organizations) is responsible for the implementation of this policy. Specifically RNGOF on HIV/AIDS & HP leadership will take the lead to ensure the implementation and positive impact of this policy.



## 16. OPERATIONAL PROCEDURES

**Table 1: Strategies to fight Fraud in RNGOF on HIV/AIDS & HP**

<b>Strategy</b>	<b>Action</b>	<b>Key Activities</b>	<b>Responsible</b>
Strengthen capacity of staff , interns and volunteers to resist and report fraud	Increase awareness	-Training-and sensitization of staff - Establish awarding to recognize and encourage exemplary characters - Participate in regular dialogues and conferences - Conduct research and publish articles	RNGOFon HIV/AIDS & HP
Institute a strong legal framework-within RNGOF on HIV/AIDS & HP	Improve-internal control system	-Setting up anti-fraud committee -Elaborate-internal rules and regulations -Adopt.fraud reporting guidelines - Strengthen internal audit	RNGOFon HIV/AIDS & HP
Initiate fraud report mechanisms-and systems	Improve-fraud reporting systems	-Provide a work telephone -Put in place mechanisms for protecting whistle-blowers	RNGOFon HIV/AIDS & HP
Minimizing risks of fraud	Promote electronic systems e.g e-procurement and ensure effective management of staff	Implement e-payment & e-procurement systems effectively	RNGOF on HIV/AIDS & HP

## 17. REVIEW

The policy shall be subject to review by RNGOF on HIV/AIDS & HP Board of Directors every two years (24 months) or more frequently as leadership may deem necessary.

## **18. EFFECTIVE DATE OF IMPLEMENTATION OF THE POLICY**

This policy shall come into effect on the date of its approval by the Board of Directors of RNGOF on HIV/AIDS & HP

1. **Reviewed By: Nooliet KABANYANA** Executive Secretary RNGOF on HIV/AIDS & HP:

Date: January 4<sup>th</sup> 2016

Signature: \_\_\_\_\_

2. **Approved By: Felicite RWEMALIKA** Chairperson Board of Directors RNGOF on HIV/AIDS & HP :

Date: January 4<sup>th</sup> 2016

Signature: \_\_\_\_\_