



**African Population and
Health Research Center**

**Anti-Bribery
&
Anti-Fraud Policy**

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1 Policy Statement

The African Population and Health Research Center is committed to conducting business ethically and in compliance with all applicable laws and regulations. The Center takes a zero-tolerance approach to fraud, bribery and corruption and is committed to acting professionally, fairly and with integrity in all relationships and business dealings wherever we operate and to implementing and enforcing effective systems to counter bribery, fraud, and corrupt practices.

Losses due to fraud, bribery and all other corrupt business practices can be more than just financial in nature and may include damage to the organization's reputation. Reputational damage is particularly costly for organizations that largely depend on donor funds.

In the USA where the Center is registered, the U.S. Foreign Corrupt Practices Act (FCPA) has imposed severe penalties for violating the Act requirements. The FCPA prohibition applies to improper payments made by a "U.S. person" anywhere in the world, whether or not there is any other connection to the United States. The term U.S. person includes both U.S. companies and individuals who are citizens or permanent residents of the United States. Foreign nationals also may be prosecuted for causing, directly or through a third person, any act in the U.S. in furtherance of a corrupt payment. For a company, potential sanctions range from multi-million dollar fines and "disgorgement" of any business profits from an improper payment to loss of export privileges or eligibility to compete for U.S. government contracts. These sanctions are in addition to potential reputational damage and investigation and defense costs, which may arise even without formal government prosecution. The penalties for individuals can be even more severe, including substantial fines and imprisonment.

This document describes APHRC's Policy prohibiting bribery and other improper payments in the conduct of APHRC business operations and employee responsibilities for ensuring implementation of the Policy. Questions about the Policy or its applicability to particular circumstances should be directed to the Director of Operations.

1.1 Scope

This policy applies to all staff working at the Center, including directors (whether permanent, fixed-term or temporary), consultants, contractors, trainees, seconded staff, casual workers and agency staff, volunteers, interns, or any other person associated with the Center, wherever located (collectively referred to as staff in this policy).

1.2 Policy

The purpose of this policy is to set out the responsibilities of the Center in observing and upholding the Center's position on fraud, bribery and other corrupt business practices.

To achieve this commitment, the Center will:

- develop and maintain effective controls to prevent bribery, fraud and other corrupt business practices;

- ensure that any suspected, alleged, attempted or actual instances of bribery, fraud or other corrupt business practices are investigated appropriately and promptly, regardless of the position held or length of service of any individual implicated;
- take appropriate disciplinary action in all cases where investigation has proven attempted or actual instances of bribery, fraud or other corrupt practices. All significant cases shall be reported to the Executive Director who will report them in the appropriate manner;
- make all effort to recover in full any and all losses to the Center related to fraud, bribery or other corrupt practices;
- operate a lessons learnt process to review incidents, systems and procedures to prevent similar instances occurring and embed responsible business behaviors within the Center; and,
- raise awareness of risks of fraudulent, corrupt and/or collusive practices through ongoing training of, and guidance to, staff members.

2 Corruption and Bribery

Corruption is dishonest or fraudulent conduct by those in power, typically involving bribery. Bribery is the most common form of corruption and can be broadly defined as the offering, promising, giving, accepting or soliciting of an advantage as an inducement or reward for an action which is illegal or a breach of trust. Although many people think of bribery as giving someone cash, it can take many other forms including non-cash gifts, lavish entertainment or hospitality or even simply doing someone a favor, e.g. employment of a family member or a friend.

Bribery takes place if someone is given a gift, donation, and discount or cash incentive or is taken out for particularly lavish hospitality with the intention of inducing or rewarding the targeted individual to behave improperly or not to perform their function correctly or in good faith.

Bribery can be direct (e.g. you give a bribe to someone) or indirect (e.g. you get someone else to give a bribe to another person).

The Center strictly prohibits the offering, solicitation or the acceptance of any bribe, whether cash or other inducement (including so-called facilitation payments);

- to or from any person or company, wherever they are located in the world, and whether they are a private person or company or a public official or body;
- by any individual employee, agent or other person or body acting on the Center's behalf;
- to gain any commercial, contractual or regulatory advantage for the Center in a way which is unethical; and
- to gain any personal advantage, financial or otherwise, for the individual or anyone connected with the individual.

This policy is not meant to prohibit the following practices provided they are customary in a particular market, are proportionate and are properly recorded;

- normal and appropriate hospitality;
- the giving of a ceremonial gift on a festival or at another special time; and
- the use of any recognized fast-track process which is available to all on payment of a fee.

2.1 Charitable Contributions

Any charitable contributions made or offered on behalf of the Center must;

- not be related to, dependent on, or made in order to win or influence, a business deal or decision;
- be given directly to the relevant charity or cause and not to an individual; and
- only be given with the prior consent of the Executive Director or his designee.

2.2 Political Donations

The Center does not make any contributions to government officials or agents, politicians or political parties. Staffs must not make or offer any political contributions or donations on behalf of the Center. If undertaking any such activity, all staff will be deemed to be acting in their personal capacity and not on behalf of the Center.

2.3 Record-Keeping

- The Center must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties.
- Staff must declare and keep a written record of all hospitality or gifts accepted or offered, which will be subject to managerial review.
- All expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with the Center's expenses policies and specifically recorded also detailing the reason for the expenditure.
- All accounts, invoices, memoranda and other documents and records relating to dealings with third parties, such as clients, suppliers and business contacts, should be prepared and maintained with strict accuracy and completeness. No accounts must be kept "off-book" to facilitate or conceal improper payments.

3 Fraud

There is no one definition of fraud but for practical purposes, fraud may be described as the act of making false representation, or failure to disclose information, or abusing a position of trust, with the intent to make a gain or cause a loss or to expose another to the risk of loss.

Examples of frauds that may be perpetrated against APHRC are, but not limited to the following:

- theft, misuse and misappropriation of the Center's property, equipment, funds, materials, records or any other assets;
- false accounting and/or making fraudulent statements, financial or non-financial, with a view to personal gain or gain of another (e.g. timesheets, expense claims, purchase orders, budgets, regulatory returns); and
- any activity which involves the alteration, destruction, copying or manipulation of data for inappropriate purposes.

Fraud may involve one individual or several people in collusion with each other who could be either from within or external to APHRC.

4 Reporting

Any employee who discovers or suspects bribery or fraudulent activity should raise any such concerns through their line manager. Alternatively, the staff may raise such concerns with any of the Executive Leadership Team members. However, it is recognized that individuals may feel inhibited in certain circumstances. In such cases, staff are encouraged to raise concerns about any instance of malpractice at the earliest possible stage through the confidential and independent whistleblowing channels. Once a matter is reported it will be dealt with in line with APHRC Anti-Bribery and Anti-Fraud Response Plan.

Please refer to the Whistleblowing Policy for further information.

5 Protection

All Center representatives who refuse to accept or offer a bribe, or those who raise concerns or report another's wrongdoing, are sometimes worried about possible repercussions. The Center encourages openness and will support anyone who raises concerns in good faith under this policy, even if they turn out to be mistaken.

The Center is committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith their suspicion that an actual or potential bribery or other corruption offence has taken place, or may take place in the future. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavorable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Internal

Auditor immediately. If the matter is not remedied, and you are an employee, you should raise it formally with the Executive Director.

6 Sanctions

Retaliation in any form against an employee who has, in good faith, reported a violation or possible violation of this Policy is strictly prohibited. Employees who violate this Policy will be subject to disciplinary action, up to and including dismissal. Violations can also result in prosecution by law enforcement authorities and serious criminal and civil penalties.

7 Training, Communication, and Due Diligence

Training on this policy forms part of the induction process for all new employees. All existing employees will receive regular, relevant training on how to implement and adhere to this policy.

The Center's robust approach to bribery and corruption must be communicated to all third parties at the outset of the Center's business relationship with them and as appropriate thereafter. The Center will have a program for doing due diligence in respect of such third parties (e.g. inquiring whether such third parties have their own statement of business principles or code of conduct).

8 Monitoring and Review

The Internal Audit Unit will monitor the implementation of this policy, regularly considering its suitability, adequacy and effectiveness. Any improvements identified will be made as soon as possible. Internal control systems and procedures will be subject to regular audits to provide assurance that they are effective in countering fraud, bribery and corruption.

All Center staff are responsible for the success of this policy and should ensure they use it to disclose any suspected danger or wrongdoing.

9 Supporting Policies/Procedures/Guidelines

- HR Manual
- Procurement Policy.
- Whistleblowing Policy.
- Travel Policy.
- APHRC Authorization Arrangements
- Fraud Response Plan.