



Anti-Corruption and Gift Policy

POLICY NO.

012

| Centre de Recherche sur l'Anti-Corruption (CERC)

| CERC policies and procedures

Zero tolerance of corruption



The Centre de Recherche sur l'Anti-Corruption (CERC) is an organisation operating in several territories of the Democratic Republic of the Congo. We work for the interests and values of the Congolese people. Employees are in contact with many different public bodies, citizens, businesses, NGOs and other partners around the world.

CERC actively supports the fight against corruption at national level and offers its partner organisations and communities advice aimed at preventing corruption.

CERC is determined to uphold the strictest standards of integrity and workplace ethics among its employees and across all its areas of activity. We have therefore adopted a **zero tolerance** policy towards corruption in all its forms.

This anti-corruption policy and its Code of Conduct apply to all staff working for CERC in Uvira and posted to its offices in the provinces. The purpose of the anti-corruption policy is to ensure and encourage conduct and workplace ethics that meet the strictest standards of personal and organisational integrity, both internally within the organisation and externally with its many different partners.

This anti-corruption policy guides CERC employees on how to behave when faced with corruption and corrupt practices, and also sets out the guidelines to be followed in order to prevent corruption.

What is corruption?

Corruption means the abuse of entrusted power for private gain. Corruption harms everyone whose life, livelihood or happiness depends on the integrity of those in positions of authority. It threatens the stability and security of societies and undermines democratic institutions and values.

This definition corresponds to the notion of corruption defined in the Congolese Criminal Code and in the international anti-corruption conventions, and it covers both receiving and giving bribes as well as other forms of active or passive corruption.

The terms most often used to describe corruption are influence peddling, fraud, embezzlement and extortion. But corruption is not only about money changing hands; it can also take the form of services rendered to obtain advantages such as preferential treatment, special protection, extra services or shorter waiting times.

Anti-corruption: Code of Conduct

All CERC staff undertake to respect and promote the principles set out in the Code of Conduct below.

1 Conflict of interest

We will avoid any conflict – actual or potential – between our personal interests and those of CERC.

A conflict of interest arises from a situation in which a CERC employee has a personal interest that influences or appears to influence the impartial and objective performance of their duties. Personal interest includes any advantage for themselves or for their family, relatives, friends, or persons or organisations with whom they have or have had professional relations. In the event of a potential or actual conflict of interest, employees must inform their line manager immediately.

2 Bribery

We will not engage in or accept any form of bribery.

Bribery means offering or giving (active bribery), or receiving, soliciting or accepting (passive bribery), anything of value in order to influence the actions of a public official in the performance of their duties. Bribery is a criminal offence in the Democratic Republic of the Congo.

3 Extortion

We will not seek to influence any person or body for private gain by using our official position or by using force or threats.

Extortion occurs when an official unlawfully solicits or obtains money or material goods through intimidation. Extortion is carried out by means of threats of physical or material violence, threats of a personal accusation of an offence, or threats to disclose compromising information.

4

Fraud

We will refrain from deception, trickery or breach of trust to obtain an unfair or dishonest advantage.

Fraud consists in deceiving a person in order to obtain advantages (financial or otherwise), to evade an obligation, or in a way that causes a loss to another. Fraud involves deliberately dishonest, deceptive or fraudulent conduct, fraudulent practices or acting under false pretences. Fraud is a criminal offence in the Democratic Republic of the Congo.

5

Embezzlement

We will not unlawfully appropriate or divert property or funds entrusted to us.

Embezzlement is the unlawful appropriation or diversion of property or funds lawfully entrusted to a person in their official capacity as an agent. Embezzlement is a criminal offence in the Democratic Republic of the Congo.

6

Gifts

We will not make, request or receive, directly or indirectly, any gift or favour likely to influence our judgement, the performance of our duties or the accomplishment of our mission. This does not include customary hospitality or gifts of low value.

Examples of corruption include cases where a gift or other financial advantage is offered, granted, solicited or accepted in exchange for a service sought. Gifts and hospitality may in themselves amount to corrupt conduct, and they may be used to promote corruption or be perceived as corruption. Such gifts may take the form of cash payments or of assets offered as gifts or as political or charitable donations. Hospitality covers meals, hotel costs, air tickets and entertainment or sporting events.

As a general rule, employees must not receive gifts or other advantages in connection with their work. However, gifts of low value may be accepted.

7

Nepotism and favouritism

We will not favour our friends, members of our family or other close personal relations in recruitment, contracting, aid activities or other situations.

Nepotism is favouritism towards family and friends without regard to merit. Family and friends are favoured because of close personal relations rather than on the basis of a professional and objective assessment of their skills or abilities.

8

Reporting corruption

We will report any suspected or actual breach of this Code of Conduct.

All employees must familiarise themselves with the Code of Conduct and respect its principles. They must report any suspected or actual breach of the rules to their line manager.

Openness and transparency are the rule

Maximum openness and transparency is the key to fighting corruption, and information on the management and administration of CERC is in principle available to the public.

CERC ensures openness and transparency towards the public and its partners through its own website. Internally, CERC makes sure that all employees have familiarised themselves with the anti-corruption policy.

Where and how to report corruption

In line with the zero tolerance approach to corruption, an employee must immediately report to their line manager any specific case of suspected or actual corruption involving other employees or partners in programmes or projects.

In the event of suspected or actual corruption, such as influence peddling, CERC will decide, on the basis of the information available, whether to inform the Congolese authorities and, where appropriate, to refer the case to the police.

Implementing the Code of Conduct

CERC staff will take part regularly in appropriate anti-corruption training.

The Code of Conduct will be supplemented by existing or, where needed, new guidelines and instructions focused on specific areas of activity.

Anti-corruption Code of Conduct

1. We will avoid any conflict – actual or potential – between our personal interests and those of CERC.
2. We will not engage in or accept any form of bribery.
3. We will not seek to influence any person or body for private gain by using our position or by using force or threats.
4. We will refrain from deception, trickery or breach of trust to obtain an unfair or dishonest advantage.
5. We will not unlawfully appropriate or divert property or funds entrusted to us.
6. We will not make, request or receive, directly or indirectly, any gift or favour likely to influence our judgement, the performance of our duties or the accomplishment of our mission. This does not include customary hospitality or gifts of low value.
7. We will not favour our friends, members of our family or other close personal relations in recruitment, contracting, aid activities or other situations.
8. We will report any suspected or actual breach of this Code of Conduct.



CENTRE DE RECHERCHE SUR L'ANTI-CORRUPTION

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 [cerccongo](https://www.linkedin.com/company/cerccongo)

 [cerccongo](https://www.instagram.com/cerccongo)

www.cerc.cd

32, Avenue CPA, Quartier CPA Mushi, Commune de Mont-Ngafula, Kinshasa, DRC

info@cerc.cd · +243 977 757 227

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CERC holds Special Consultative Status with the United Nations Economic and Social Council (ECOSOC).