



Equality Myanmar

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Anti-Corruption Policy

I. Policy Statement

The EQMM Anti-Corruption Policy is a living document that reinforces EQMM human rights based principles and values. This document is a work in progress, bearing in mind EQMM's practice of consultations, meetings and one-on-one engagement with the staff from different levels of the organizational structure. This policy has been strongly informed by an interactive process involving staff members participating in defining and discussing corruption, cultural understanding, tolerance and effective remedies. The purpose of this policy is to outline our three pronged approach to addressing corruption through awareness, prevention and solutions, creating a culture of transparency and accountability.

The citizens of Myanmar deal with corruption on a regular basis in Myanmar regardless of whether they want to engage in this practice. Corruption has become widespread and commonplace in Myanmar, but is not in line with the core values and principles of Myanmar culture. We believe that corruption is an act of dishonesty, and is not a good practice for the promotion and protection of human rights. Corruption actively undermines the legitimacy of many components of society necessary to ensure a genuine democracy, such as a fair legal system, accountable armed forces, and a transparent private sector. As a result corruption contributes to destroying people's trust, participation and perception of the social and political arena in Myanmar. At the organizational level, we believe that corruption is unethical because it violates rules and principles of the organization for personal benefit. Bad practices in an organisation feed corruption, and as it grows it becomes more difficult to handle and address. We are aware that it can be difficult to classify acts of corruption and believe that having a clear anti-corruption policy is important for the promotion of best practices in the organization.

We EQMM employees adhere to the United Nations Convention Against Corruption.¹ Affirming our commitment to reinforce the EQMM Code of Ethics, "A living document that represents values, which are deeply, rooted in human rights principles..." as follows:

Article 4, "*We will be honest about how we use EQMM resources and we will not misuse its funds.*"

Article 13, "*We will avoid and disclosed any potential conflict of interest that might influence personal action or judgement e.g. abuse of power, favouritism, and nepotism.*"

¹ Human Resources Management Policy, Introduction "all international human rights system into all aspect of our work and our organization."

Recalling our position to the principles of Accountability in our Code of Ethics:

“EQMM will maintain a strong governance structure that promotes and ensures a high level of accountability, ensuring transparency and responsibility at all levels of our organization with our financial management and with our donor organizations and rights holders. To ensure accountability to our stakeholders.”

II. Defining Corruption

EQMM, through an inclusive consultative process, has chosen to adopt Transparency International’s definition of corruption, namely that corruption is; “the abuse of entrusted power for private gain”.² Corruption occurs in many forms. Our organization has created policies and SOPs designed to prevent and combat the most common forms of corruption including:

- Bribery: When someone provides goods or services against some form of improper compensation, for example facilitation payments*.
- Kickback: A form of bribery, where someone involved in a purchasing process is getting a reward from the supplier for placing an order of goods or services.
- Embezzlement: Theft of resources for one’s own use.
- Evidence destruction: Irregular destruction, removal or abuse of records.
- Extortion: The act of obtaining something by force, threats or undue demands.
- Favouritism: The unfair favouring of one person or a group at the expense of others (includes nepotism which is favouritism shown to relatives).
- Knowingly omitting to report corrupt acts: Deliberately omitting or refusing to report or act upon reports of any such irregular or dishonest conduct.
- Maladministration: Maladministration or financial misconduct in handling or reporting of money, financial transactions or other assets

***Facilitation Payments:**

In the process of collecting input for this Anti-corruption policy, it has come to EQMM’s attention that one issue of particular concern is the use of facilitation payments in Myanmar. For this reason we feel that it is important to clarify and define this act.

Facilitation Payment Definition: an informal payment made to someone to gain authorization, approval or to speed up a process; the service or action provided in return for a facilitation payment is one that does not officially or legally require payment (i.e. it is the person’s job/ double compensation).

In Myanmar, this commonly occurs when trying to secure permission from local authorities to hold events, training, workshops etc. While the size of this problem is not fully understood, EQMM recognizes that this is a common practice in many different sectors in Myanmar which can assist in speeding up the often lengthy process of securing authorization. EQMM wants to emphasize that this is still a form of corruption that requires greater understanding, and that we will work to mitigate.

² <https://www.transparency.org/what-is-corruption/>

Facilitation Payment Procedure: After successfully implementing a 9-month pilot procedure regarding facilitation payments, EQMM will now enforce a zero tolerance policy regarding all future facilitation payments, in accordance with the Internal Complaint Mechanism procedure.

III. Prevention and Enforcement

Anti-corruption initiatives undertaken by EQMM that focus on prevention include:

A. Training and Awareness Raising

Including annual in-house anti-corruption trainings and workshops.

B. Policies and Procedures

Equality Myanmar has created a variety of policies and procedures that contain important elements of anti-corruption prevention including transparency, segregation of duties and automation.

Existing Systems, policies and procedure designed to minimize corruption are:

1. Code of Ethics
2. Procurement policy
3. Human Resources policies, procedures and forms
4. Child Protection Policy
5. Financial policies, procedures and forms
6. Program implementation plans to ensure donor funds are not misappropriated including work plans, reporting guidelines, and M&E plans

C. Alerting, reporting and investigation

Confidentiality: The name and identity of the whistle blower (person bringing the complaint forward) will be kept strictly confidential between the complainant and the person receiving the complaint.

Any employee who feels they have witnessed an act of corruption, or have information related to an act of corruption should use the following procedures:

Internal complaint mechanisms:

1. Report the case to the immediate supervisor verbally or in writing. If the case involves alleged misconduct by the immediate supervisor, the case should be brought to the line manager. If it is a verbal complaint the person receiving the complaint will assist and ensure that the complaint is documented in writing in the proper form.
2. The person receiving the complaint will fill out an incident report.
3. The incident report will be forwarded to the M-COM.
4. An Anti- corruption committee with a minimum of three people including the Operations Manager, the direct supervisor of the accused, and one or two other Management Committee members will be established. If it is a complaint brought against the ED, then a Member of the Board will be asked to sit on the committee.
 - a. An Anti-corruption committee will be established no later than one week after receiving the formal incident report

5. HR will facilitate an investigation with the support of the relevant committee members according to the incident report and suggest the level of disciplinary action to be given if found guilty of the act. During the investigation the accused will be consulted and will have the opportunity to explain him/herself.
 - a. The investigation will take no longer than a maximum of two weeks to be completed.
6. Presentation of the case will be made to the Anti-corruption committee in a special session. The committee will deliberate and vote on the response of action deemed necessary. If the allegation is determined to be credible, immediate and effective measures will be taken within the same day as the decision is made, informed by EQMM's Human Resources Policy & Procedures Manual under Section IV, Disciplinary Action.
7. Communication with the accused if found guilty or not guilty of the act will be facilitated by HR.
8. Human Resources Management will facilitate closure of the case through relevant action.
9. Documents will be kept in a confidential manner by HR.

External Complaint Mechanism

Information regarding how to file a corruption complaint about Equality Myanmar or its staff will be made available on EQMM's Facebook page and website. Additionally, this information will be actively shared with all beneficiaries and stakeholders involved in all areas of Equality Myanmar's work.

After an external complaint is received by Equality Myanmar, a signed corruption incident report form will be made available to the complainant. This form will then go to EQMM's Human Resources department. From this point, the process will follow the steps found in the internal complaint mechanism process.

As an EQMM employee, I am obligated to follow this anti-corruption policy and report breaches of the policy. I will not engage in acts of corruption including, but not limited to bribery, kickbacks, embezzlement, favoritism, failure to report, evidence destruction, maladministration and extortion. All corruption incidents must be reported through the complaint mechanism. The complaint will be handled confidentially and with great respect for the complainant and the persons/ organizations the complaint is directed at. I understand that any breach of the Anti-Corruption Policy is a violation of my obligations and may lead to disciplinary action up to and including dismissal, legal action, and/or criminal investigation and prosecution.

Signature:	
Date:	
Name:	
Position:	

**ANNEX 1:
Corruption Incident Report Form**

Internal Report: **External Report:**

Report Completed By: _____ **Date:** _____

Organisation: _____ **Position:** _____

Incident Details

Date of Incident: _____ **Location:** _____ **Time:** _____

Description of Incident (Please describe place, date, causes, what happened, who were involved and the consequences as detailed as possible)

**If more space is needed please continue on the back*

I hereby declare that the above statement is true to the best of my knowledge and belief:

Signature: _____ **Date:** _____

Report Received By

Name: _____ **Position:** _____

Signature: _____ **Date:** _____