



# TRANSPARENCY INTERNATIONAL RWANDA



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## **POLICY AGAINST SEX ABUSE and EXPLOITATION**

**Operational: Since January 2019**

### **The management:**

**Apollinaire Mupiganyi**

**Executive Director**

**Ingabire Marie Immaculée**

**Chairperson, Board of Directors**

## **0. Introduction**

### **✓ TRANSPARENCY INTERNATIONAL RWANDA MISSION**

Contribute to fighting against corruption and promoting good governance through enhancing integrity in the Rwanda society

### **✓ TRANSPARENCY INTERNATIONAL RWANDA VISION**

Zero tolerance to corruption in the Rwandan society.

### **✓ TRANSPARENCY INTERNATIONAL RWANDA CORE VALUES**

Transparency, Integrity, Participation, Diversity, Equal opportunity, Democracy. Accountability, Justice, Professionalism, Excellency

## **1. Definitions**

### **✓ CORRUPTION**

Corruption is defined as a misuse of entrusted power for private gains. Corruption includes fraud, bribery, cronyism, nepotism, embezzlement, extortion and sexual based favours. The Rwandan law no54/2018 of 13/08/2018 on preventing and fighting corruption defines corruption as:

Any act performed or caused to be performed in public organs, private institutions, Civil societies and international organizations operating or wishing to operate in Rwanda which is aimed at soliciting, receiving or offering an illicit benefit an illicit benefit in order to unlawfully to obtain illicit enrichment or a given favour of sexual nature to unlawful render a service or carry out an activity whether carried out on by himself or herself or through another person. Corruption is reflected in the following acts:

- To solicit, accept or offer illegal benefit
- To solicit, accept or offer sexual favours;
- To make a decision based on favouritism; friendship; hatred; acquaintances or nepotism;

- Influence peddling
- To illicit enrichment
- Embezzlement;
- To use public properties for unintended purposes
- To misuse properties of public interests;
- Illegal exemption;
- To demand or to receive undue or excessive money;
- Abuse of functions
- Appropriation of unlawful favours

✓ **SEXUAL EXPLOITATION AND ABUSE**

Sexual exploitation and abuse (SEA) occurs when people in power exploit or abuse vulnerable populations for sexual purposes. If an aid worker uses their position of authority to solicit sexual favors in exchange for benefits, this constitutes sexual exploitation. If an aid worker uses force or coercion to engage in sexual acts with a beneficiary, including kissing or groping, this constitutes sexual abuse.

According to the U.N. Secretary-General’s Bulletin on Protection from Sexual Exploitation and Abuse, sexual exploitation refers to “any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.” Sexual abuse refers to “actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.”

**In a nutshell:**

**Sexual Exploitation:** Means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

**Sexual Abuse:** Means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

## **2. POLICY STATEMENT**

Transparency International Rwanda (hereinafter TI-RW) is committed to providing a safe environment for all free from sexual exploitation and abuse. *TI-RW will operate a zero tolerance policy for any form of sexual exploitation and abuse in the workplace and in the course of work, treat all incidents seriously and promptly investigate all allegations of sexual exploitation and abuse.*

All complaints of sexual exploitation and abuse will be taken seriously and treated with respect and in confidential manner. No one will be victimised for making such a complaint.

## **3. Scope**

This policy applies to any person working with TI-RW regardless of gender, sexual orientation, position, working relationship with TI-RW, seniority, marital status or any other status. This policy protects employees, interns /fellows, contractors and beneficiaries of TI-RW programmes.

## **4. Commitments**

TRANSPARENCY INTERNATIONAL RWANDA is dedicated to:

- 4.1. Develop organization-specific strategies to prevent and respond to sexual exploitation and abuse including incorporating appropriate job responsibilities (such as staff training, complaints and response mechanisms, and coordinating high-level oversight and progress reports by directors) in specific staff positions to support and ensure effective implementation of organization strategies to prevent and respond to sexual exploitation and abuse.
- 4.2. Undertake risk assessments to identify areas of risks and document steps that are being taken to remove or reduce these risks.
- 4.3. Incorporate the policy on sexual exploitation and abuse in relevant codes of conduct and in induction materials and training courses for TI-RW Employees, members and volunteers.
- 4.4. Ensure that when engaging in partnerships, sub-grant or sub-recipient agreements, these agreements a) incorporate this Policy as an attachment;

- 4.5. Expressly state that the failure of those entities or individuals, as appropriate, to take preventive measures against sexual exploitation and abuse, to investigate and report allegations thereof, or to take corrective actions when sexual exploitation or abuse has occurred, shall constitute grounds for TI-Rw to terminate such agreements.
- 4.6. Regularly inform TI-Rw Employees and Related Personnel and communities on measures taken to prevent and respond to sexual exploitation and abuse. Such information should be developed and disseminated in-country in cooperation with other relevant agencies and should include details on complaint mechanisms, the status and outcome of investigations in general terms, feedback on actions taken against perpetrators, and follow-up measures taken as well as assistance available to complainants and survivors.
- 4.7. Any information that is not of a general nature and concerns specific cases must respect confidentiality for all parties involved, including the survivor and family, employee or related personnel, and the ongoing investigation process, particularly where there are legal implications.
- 4.8. Provide support and assistance to complainants of sexual exploitation and abuse .This may include medical treatment, legal assistance and psychosocial support as appropriate and according to the wants and needs of the survivor whilst also taking account of confidentiality, cultural sensitivities and survivor safety.

## **5. Responsibilities**

- 5.1. All TI-Rw Employees and Related Personnel share an obligation to prevent and respond to sexual exploitation and abuse. It is the responsibility of all Employees and Related Personnel to uphold the Core Principles and Commitments of this policy along with the code of conduct for TI-RW Employees and Related Personnel.
- 5.2. All TI-Rw Employees and Related Personnel must sign the policy. TI-Rw Employees and Related Personnel, who work with communities concerned, will also contribute to regular monitoring by seeking feedback from programme participants.

## **6. Senior Managers and Board Members**

Senior Managers and Board members must ensure that all TI-Rw Employees and Related Personnel understand and comply with this policy.

## **7. Preventive measures, monitoring and reporting**

- 7.1. TI-RW shall organize a mandatory training for new Staff, interns or fellows as part of induction.
- 7.2. Each year, TI-RW shall organize at least one refresher training on sexual exploitation and abuse to its employees and related personnel. TI-RW shall also sensitize its employees, interns, fellows and beneficiaries of TI-RW's programmes on the prohibition of sexual exploitation and abuse and existing reporting mechanisms.
- 7.3. TI-RW will prepare a communication strategy to support the dissemination and implementation of this policy and to raise awareness across TI-RW of the issue of SEA and its potential ramifications.

## **8. Availability of this policy on TI-RW Internet website.**

- 8.1. Communication material for raising awareness/ training programme on SEA should be developed and disseminated to all staff across the Organization
- 8.2. To develop and disseminate communication material to inform TI-RW collaborators and partner organizations of this policy, including measures such as introducing a specific clause relating to SEA and the external Integrity Hotline in standard contractual agreements
- 8.3. A disciplinary committee elected among the staff shall be established with the mandate of handling all allegations of sexual exploitation and abuse and advise TI-RW accordingly on other preventive measures.

## **9. Measures in case of violation of this Policy by individual collaborators**

9.1. In the case of SEA involving individual collaborators, TI-RW will take measures on a case-by-case basis to respond to SEA. Where SEA is found to have occurred, TI-RW management shall be entitled to take the following measures:

- ✓ Immediate termination of contractual relationship (non staff or other collaboration agreement).
- ✓ In case the offence falls under the law on preventing and fighting corruption described above, constitute a criminal case to be submitted to relevant authorities for further investigation, prosecution and courts judgement.
- ✓ Note in TI-Rw records with a view to excluding individuals found to have engaged in, encouraged in acts of SEA from participating in future tenders and entering into future contractual relationships with TI-Rw.

## **Conclusion**

TI-RW Policy on Sexual abuse and exploitation complements other TI-RW governance instruments which include TI-RW status, TI-RW internal rules and regulations, TI-RW administrative and financial procedures, TI-RW code of conduct and TI-RW anti-corruption policy; all of them are connected and aiming to be used to fill any possible loopholes that may open a window of breaching the implementation of TI-RW mission and vision.

The management is responsible of the implementation of this policy. The management is also responsible of integrating the policy M&E components in Transparency International Rwanda annual M&E plan for all the organization activities.

Provisions none stated in the present policy but described in other governing instruments, are applicable as longer as they contribute to a sound implementation of Transparency International Rwanda Sexual Abuse and Exploitation Policy.