



**United Republic of Tanzania
Prime Minister's Office**

Tanzania National Coordinating Mechanism (TNCM)

Code of Ethical Conduct

July 2019

Table of Contents

List of Abbreviations Used	iii
1. Background and Rationale	4
1.1 Introduction	4
1.2 Rationale	4
1.3 Duties of TNCM in Implementing the CEC	4
2. Duty of Care	4
3. Accountability	4
3.1 Transparency.....	5
3.2 Preparation and Active Participation.....	5
3.3 Responsible Use of TNCM Assets and Information Management.....	5
3.3.1. Responsible Use of TNCM Assets	5
3.3.2 Responsible Information Management.....	5
4. Integrity.....	5
4.1 Impartiality and Avoiding COI	6
4.2 Truthfulness and Accuracy	6
4.3 Fairness and Consistency	6
4.5 Honesty	6
5. Dignity and Respect	7
5.1 Ensuring Respect for Human Rights, Including Non-Discrimination	7
5.2 Ensuring an Atmosphere of Mutual Respect	7
6. Speaking Out.....	7
6.1 Meaning of Speak Out.....	7
6.2 Importance of Speaking Out	7
6.3 Duties of TNCM Members to Report.....	8
6.4 Reporting Mechanism.....	8
7. CEC Enforcement.....	9
8. Monitoring implementation of TNCM CEC.....	9
9. Dissemination and Review of the TNCM CEC	9
9.1 Dissemination of the TNCM CEC	9
9.2 Review of the TNCM CEC	9

List of Abbreviations Used

AIDS	Acquired Immunodeficiency Syndrome
CCM	Country Coordinating Mechanism
CEC	Code of Ethical Conduct
COI	Conflict of Interest
HIV	Human Immunodeficiency Virus
KVP	Key and Vulnerable Populations
NGO	Non - Governmental Organisations
OIG	Office of Inspector General
PEPFAR	President's Emergency Plan for AIDS Relief
RSSH	Resilient and Sustainable Systems for Health
TB	Tuberculosis
TNCM	Tanzania National Coordinating Mechanism

1. Background and Rationale

1.1 Introduction

TNCM is mandated to oversee resource mobilisation and implementation of programmes to fight against HIV/AIDS, Tuberculosis (TB), and Malaria, as well as building Resilient and Sustainable Systems for Health (RSSH) from various donors specifically the Global Fund, President's Emergency Plan for AIDS Relief (PEPFAR) and other donors in Tanzania.

In undertaking its functions, TNCM shall adhere to the principles of multi-sectoral participation, transparency, responsibility, accountability, fairness, collaborative partnerships, representation of constituencies, management of Conflict of Interest (COI), adherence to the Code of Ethical Conduct (CEC), inclusive participation, democratic and consensual decision-making, cost-effective operations and a balanced perspective between the three diseases addressed as well as building of the RSSH in Tanzania.

1.2 Rationale

The rationale for the CEC is to ensure, ethical, transparent and responsible decision-making by the TNCM to ensure successful implementation of various programmes coordinated by TNCM in Tanzania. This is also to ensure compliance various donors ethical values for instance the Global Fund which include:

- Duty of Care
- Accountability
- Integrity
- Dignity and Respect

1.3 Duties of TNCM in Implementing the CEC

TNCM Members and Alternates: TNCM CEC requires all members and their alternates to act constitutively with duty of care, act accountably, act with integrity, act with dignity and dignity, and speak out. In doing so TNCM members and alternates are required to:

- Read, be familiar and comply with this Code;
- Act in line with this Code in their roles as TNCM Members and certify the same for instance upon request by the donors such as the Global Fund;
- Act ethically and as positive role models in the context of their membership on the TNCM;
- Support anyone who raises concerns about violations of this Code or the TNCM Guidelines;
- Raise questions and concerns if they become aware of possible violations of TNCM Guidelines, Policies, this Code, or any integrity-related laws.

TNCM Secretariat: TNCM staff are required to provide timely, professional, and transparent support to all TNCM members, including responsible management of information, budgets, and TNCM meeting minutes.

2. Duty of Care

TNCM members' duty of care is first and foremost to people living with, affected, or at risk of contracting HIV, Malaria, and Tuberculosis. TNCM members' obligations towards their constituency and stakeholders are expected to support, not undermine, this broader public health interest to end the epidemics. TNCM members are expected to ensure that Global Fund and other donors resources are used efficiently and wisely to achieve maximum impact by:

- Submitting funding requests that are designed to propose the most effective mix of interventions, including most effectively targeting Key and Vulnerable Populations (KVP), as aligned with the National Strategic Plan/Investment Case;
- Ensuring that implementers and systems are capable of implementing the grant effectively;
- Overseeing effective and timely implementation of grants with careful and appropriate use of resources in order to attain or surpass anticipated results;
- Speaking out if the above activities are not happening.

3. Accountability

TNCM members are accountable to the people they represent, and as a group, the TNCM is also accountable to the mission of ending the epidemics within Tanzania. TNCM members are therefore expected to:

- Be transparent^(SEP)
- Prepare and actively participate in the TNCM
- Be responsible stewards of TNCM assets

- Manage information responsibly

3.1 Transparency

Since the TNCM is a public body representing public health and stakeholder interests, TNCM members need to be open with the public, especially with those they represent, and to represent their constituents' views at the TNCM. TNCM members are therefore required to:

- Share received information with constituents early enough and with enough detail to enable constructive feedback in time to influence a decision;
- Collect and reflect constituents' views and concerns at TNCM meetings, while retaining the duty of care to the broader public health interest;
- Update constituents on TNCM decisions, in particular when constituents provided input.

3.2 Preparation and Active Participation

TNCM members are expected to take their role on the TNCM seriously:

- Regularly attend TNCM meetings on time;
- Prepare for meetings by reading background material and by fulfilling commitments made in prior meetings;
- Ensure TNCM decisions are properly documented;
- Cooperate fully with the implementers, the Global Fund and other donors.

TNCM members are required to actively hold implementers accountable by engaging in grant oversight, including by:

- Proactively making field visits (taking personal safety into consideration) and attending disease-related meetings;
- Contributing feedback from constituencies on access, quality, and equity of grant sponsored services
- Participating in analysis of grant results and investigation of problems through dialogue with the implementers;
- Contributing to efforts to solve problems which surpass the authority or capacity of the implementers;
- Proactively identifying ways to improve the TNCM's work.

3.3 Responsible Use of TNCM Assets and Information Management

3.3.1. Responsible Use of TNCM Assets

The funds, office space, equipment, and transport owned/ offered to the TNCM is intended to ensure that the TNCM is fully functional. TNCM members are stewards of these assets, so they are required to:

- Not to use TNCM assets for personal or needs unrelated to TNCM activities;
- Ensure the assets are not damaged, misused, or lost;
- Speak out if they are concerned that assets are being inappropriately used.

3.3.2 Responsible Information Management

TNCM members are expected to balance transparency with confidentiality. They do this by:

- Not sharing information that the TNM, Global Fund, PEPFAR or other donors formally determine is confidential;
- When information is not confidential, ensuring that it is made available to constituencies and the public in a timely manner;
- Ensuring other TNCM members know and follow the rules on confidentiality;
- Responsibly using and protecting computer IDs and passwords;
- Remaining vigilant against cyber- attacks and scams and reporting them immediately to TNCM leadership.

4. Integrity

TNCM members are expected to act with:

- Impartiality;
- Truthfulness and accuracy;
- Fairness and consistency; and
- Honesty.

TNCM members make decisions, they are expected to prioritize the best interests of the populations affected by the three diseases.

4.1 Impartiality and Avoiding COI

TNCM members have important connections outside of their role on the TNCM, such as:

- Other roles in other organisations;
- Responsibilities towards friends and family;
- Membership in a political party or government;
- Owning a company or Non - Governmental Organisation (NGO), or sitting on boards of directors.

TNCM members also may be offered or seek to offer gifts, including benefits, travel costs and honours outside of their roles as a TNCM Members. These connections or gifts could create the impression of influence on TNCM members in:

- Making decisions that are not in the best interest of public health needs;
- Inappropriately using TNCM time or resources;
- Sharing confidential TNCM information;
- Violating policies or integrity- related laws (such as anti-fraud or corruption laws).

TNCM Members are expected to avoid perceived, potential, and real conflict of interest of this kind, TNCM Members are **required** to comply with their COI Policy. In line with this policy, TNCM members **must**:

- Immediately disclose to the TNCM any potential or actual COI;
- Periodically declare COI affecting anyone on the TNCM;
- Not accept or give gifts in connection with their TNCM member role.

In the case of a conflict or the perception of one, TNCM members are required to follow the TNCM COI Policy, including by:

- Recusing themselves from discussions, decisions, and voting where there is a conflict of interest, including decisions related to oversight and selecting or financing of implementers;
- Speaking out if they are worried that a TNCM colleague has connections and is not disclosing them or managing them properly.

4.2 Truthfulness and Accuracy

Important public health investment decisions are made on the basis of information and data such as:

- The nature and size of the disease burden
- The nature and scale of impact of interventions
- The nature and type of barriers to accessing health services for most affected and marginalized populations
- The pace and quality of program implementation
- The costs of interventions
- The reliability and quality of public health systems
- The reliability and quality of implementers

Therefore, TNCM members are expected to ensure that this information is accurately and completely reported and used. TNCM members are also **required** to speak out if they have concerns that data or information is influenced by unintentional or intentional errors such as manipulation, inflation, miscounting, incomplete, or incorrect statements.

4.3 Fairness and Consistency

TNCM members are required to abide by and apply various Global Fund¹ or/ and other donor guidelines, TNCM rules, codes or polices fairly and consistently. If a TNCM Member has concerns that TNCM rules, guidelines, codes or polices are not being followed, s/he has a duty to speak out.

4.5 Honesty

TNCM members must guard against misuse of resources, fraud and corruption. They must not tolerate or take part in any arrangements to divert, falsely report, or use TNCM coordinated programmes, assets, or data for

¹ Select Global Fund guidelines include: Guidelines and Requirements for Country Coordinating Mechanisms (CCMs); The Code of Conduct for Recipients; The Policy on Ethics and COI; The Whistle- Blowing Policy and Procedures; CCM Funding Policy

anything other than the intended purpose, especially not for personal, criminal or political purposes. TNCM members are required to support efforts that:

- **Prevent corruption:** Make sure funds from different sources such as the Global Fund, PEPFAR and/or other donors coordinated by TNCM are used properly;
- **Detect corruption:** Actively condemn if others engage in corruption;

Select restricted practices include the following:

- **Corrupt Practices:** Bribes, kickbacks, and influencing decisions in exchange for favors;
- **Fraudulent Practices:** Lying about use of funds or information used to make funding decisions
- **Coercive Practices:** Intimidating or threatening someone to improperly influence them
- **Collusive Practices:** Whenever two or more collaborate to carry out Prohibited Practices;
- **Abusive Practices:** Theft, embezzlement, or intentional waste;
- **Obstructive Practices:** Failing to report Prohibited Practices for instance to the donor such as the Global Fund despite suspicion or knowledge, or blocking donor/ any authority from finding evidence of Prohibited Practices;
- **Retaliation:** Harming or seeking to harm anyone who either refuses to engage in Prohibited Practices or in good faith reports it;
- **Money Laundering:** Managing or moving funds that are connected to criminal activity;
- **Financing of Terrorism:** Managing or moving funds that are intended to finance terrorism.

5. Dignity and Respect

Members of the TNCM treat people with dignity and respect by:

- Upholding the dignity of beneficiaries, and
- Respecting colleagues.

5.1 Ensuring Respect for Human Rights, Including Non-Discrimination

TNCM members are required to ensure that programs financed by the Global Fund, PEPFAR and other donors coordinated by TNCM are designed to promote dignity, respect and empowerment of people and communities affected by HIV/AIDS, Tuberculosis and Malaria, as well as KVP, especially as they face stigma or marginalisation.

5.2 Ensuring an Atmosphere of Mutual Respect

In interactions with fellow TCM members, implementers, and donors, TNCM members are expected to maintain an enabling environment guided by mutual respect.

TCM members are therefore expected to practice and promote respectful deliberations, decision-making, and social interactions in all TNCM-related settings. They are expected to treat colleagues with courtesy and respect, without harassment, or physical or verbal abuse, and not exert undue influence on their activities. They are expected to ensure that the debates reserve sufficient time for all to speak, and that decisions are made after thorough consideration of the views expressed by all TNCM members.

TNCM Members are **required** to abstain from all forms of bullying, harassment (including sexual harassment) and discrimination.

6. Speaking Out

6.1 Meaning of Speak Out

Speak out entails to raise questions, concerns, or share knowledge of situations where this Code or other policies are not being adequately upheld. TNCM members are encouraged to support one another and hold one another accountable by proactively discussing whether their decision-making and behavior are consistent with this Code. If initial efforts yield insufficient change, TCM Members are required to raise their concerns more formally within the TCM governance structure as well as the donors for instance the Global Fund, PEPFAR or other donors.

6.2 Importance of Speaking Out

By speaking out, TCM Members give others the chance to take action and to support them:

- **Asking for clarifications or advice** increases a member's chances of doing the right thing;
- **Pointing out** behaviour that is inconsistent with this Code may influence the behaviour of colleagues;
- **Raising the matter formally** to the TNCM allows the TNCM to respond appropriately and to strengthen the ethical culture of the TNCM;

- **Escalating** the matter to the donors for example, the Global Fund allows for:
 - Receiving confidential advice from the Ethics Officer or the OIG
 - Protection of the speaker's identity
 - Global Fund intervention at an operational level
 - A fact-finding exercise to be undertaken
 - If appropriate, penalties to be initiated
 - If appropriate, law enforcement to be informed

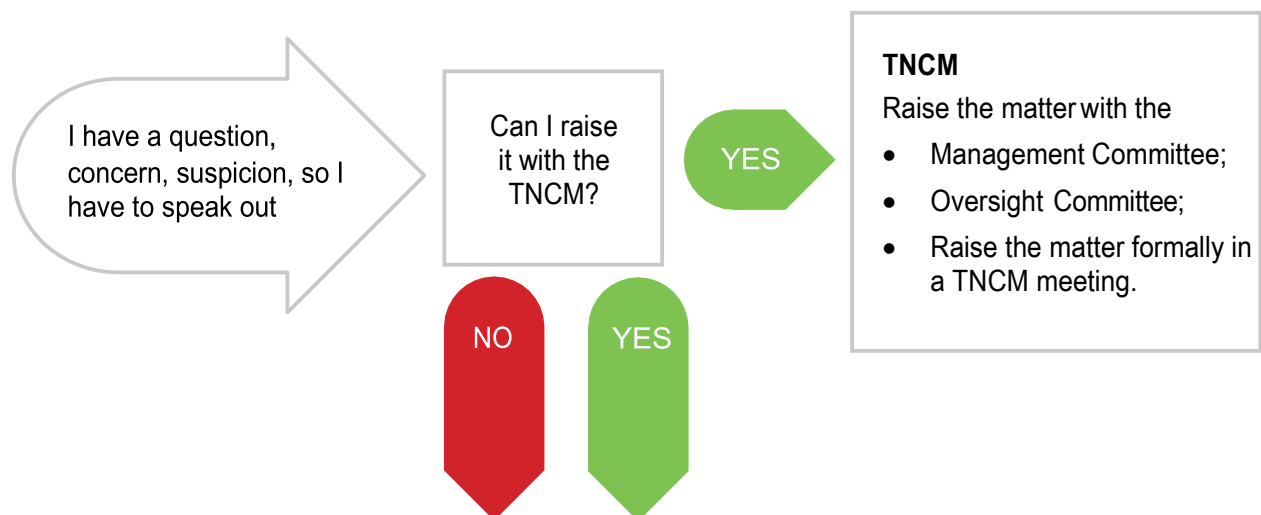
6.3 Duties of TNCM Members to Report

The TNCM as a body is required to immediately report suspicion or knowledge of all forms of fraud and corruption (defined as Prohibited Practices) to the TNCM appropriate structures or directly to donors such as the Global Fund. Therefore, if a TCM Member has suspicion or knowledge of Prohibited Practices TNCM coordinated programmes such as the in Global Fund activities, s/he also has a duty to report this information, either through formal TCM channels, or directly to the donor like the Global Fund. **Note that failure to report suspicion or knowledge of prohibited practices is itself the prohibited practice of “obstruction.”**

Donors such as the Global Fund has made confidential and/or anonymous reporting and advisory services available to TNCM Members through the channels described in the schematic below. Under the Global Fund's Whistleblowing Policy, those reporting any wrongdoing to the OIG may do so anonymously or confidentially and the Global Fund maintains processes to prevent, detect, and respond to any retaliation against reporting.

6.4 Reporting Mechanism

Figure 6.1 below indicates reporting mechanism on select issues relating to overall ethics and code of conduct



For the Global Fund

For General Advice:

CCM Hub: ccm@theglobalfund.org

For Confidential Advice:

Ethics Officer: ethics@theglobalfund.org

To Report Wrongdoing:

Confidential OIG hotline:

www.ispeakoutnow.org

+1 704 541 6918 (free service)



7. CEC Enforcement

The TNCM is required to enforce individual member compliance with this Code, while ensuring fairness and due process. Consequences should be proportional and may include removal from decisions, leadership roles, or the TCM.

8. Monitoring implementation of TNCM CEC

The Global Fund incorporated CEC by as a component of Eligibility Requirement 6 of the Guidelines and Requirements for CCM as such, the Global Fund monitors its enforcement as a condition for access to Global Fund financing, and TCM members' adherence to the expectations set in this Code will inform the Global Fund's appraisal of overall CCM performance.

Therefore, effective implementation of the TNCM CEC is important as part of good governance practices. On the other hand, its implementation may also be considered by other donors as a funding pre-condition.

9. Dissemination and Review of the TNCM CEC

9.1 Dissemination of the TNCM CEC

The TNCM Secretariat shall distribute a copy of this CEC to all TNCM members annually, or at time for instance during meetings if need be.

9.2 Review of the TNCM CEC

This TNCM CEC shall be reviewed every three years however, through TNCM Chair, the TNCM may initiate a CEC review and amendment process at any time in advance of the review schedule if it is necessary to do so. All amendments to this CEC must be approved by two third (2/3) of TNCM voting members.