

DEMOCRATIC REPUBLIC OF TIMOR-LESTE

DECREE LAW

31/2016

Considering that, the first alteration of the Organic Law of the Office of the Provedor for Human Rights and Justice, approved by the Decree Law n.º 31/2016 of the 13th of April, establishes necessary regulations for the continuation of its objectives, bearing in mind the nature of its highly specialized technical services in the areas of human rights and good governance.

Considering the structural level was up based on the high volume of task/work, it is necessary to change the existent positions nomenclatures and the definitions of its functions, which responsibilities are different from each other, readjustments are needed to be done for the actual structure of the Institution.

Considering that, article 24 of the Law n.º 7/2004 about the Statute of the Provedor of Human Rights and Justice, was defined that one of the competencies of Provedor is Monitoring, it is needed to create one Directorate which can supervise the functions of public powers, submit advises to the Government, recommendations and proposals related to the promotion and protection of Human Rights and Good Governance.

The Directorate is denominated Directorate of Monitoring and Recommendation.

Considering the different functions, responsibilities and the volume of tasks existent within the actual Division of Human Resources are over than normal, Provedoria of Human Rights and Justice need to elevate the structural character of Human Resources Division up to one Directorate.

Considering that, Provedor executing his mandate has the obligation to inform the public, it is pertinent to implement the article 9.º of the Law n.º 7/2004, about the composition of the staff of Provedoria. Within the article mentioned above, there is one position of Chief of Cabinet who have the duty to inform the public activities, organizing agenda, local and international travel on duty and other public activities of Provedor and Deputies Provedor. To fulfil the necessity of the institution, it was necessary to create the Cabinet of Public Relation and Institutional Coordination for the Provedor.

Having as reference the organic structure of relevant institutions with public character in Timor-Leste;

Lack of human resources which can ensure the balance of high ranking services provided professionally, with the responsible functions, the Organic structure of

Provedoria of Human Rights and Justice opted for a mixed structure, ideal with double functions but reduced structure, formulated with structural positions existent and creation of some specific functional positions as investigators, monitors, trainers, officials and assistants, based on the speciality of functions to be performed, ensuring the implementation effectively the attributions of services and organisms, putting in consideration the particularities of its role for the empowerment of the State's rights in Timor-Leste,

Thus,

The Government, pursuant to sub-item p) of item No. 1 of Article 115 of the Constitution of the Democratic Republic of East Timor, combined with the provisions of Article 50 of Law No. 7/2004, dated May, 5, decrees the following to be enforced as a law:

CHAPTER I DEFINITIONS, NATURE AND DUTIES

Article 1 Definitions

For the purposes of this law, the following terms and expressions shall have the following meanings, unless otherwise stipulated:

- a) "Sound Governance" means the transparent use of governance to create an impartial, efficient and responsible Public Administration in compliance with the principles of legality and the democratic rule of law;

- b) "Reconciliation" means the process through which the parties in a litigation, with the assistance of an impartial third party called "mediator", identify controversial issues, develop options, review the alternatives and strive to reach an agreement; the mediator plays an advisory role, providing specialized assistance so as to determine the boundaries of the litigation and define the terms of an agreement, actively encouraging the participants to reach a consensus;

- c) "Human Rights and fundamental freedoms" means the rights, freedoms and guarantees stated in part II of the Constitution and the rights acknowledged in the documents on Human Rights of the United Nations, interpreted according to the Universal Declaration of Human Rights;

- d) "Mismanagement" means the acts and omissions committed by misuse or abuse of power, based on irrelevant considerations or on error *in facto* or in law or groundless in a fair and equitable proceeding that hinders or jeopardizes the regular and effective operation of the Public Administration;

- e) "Mediation" means the process through which a neutral third party called "mediator" acts with the aim of facilitating the resolution of litigation between two or more parties; it is an informal and non adversarial process that may take place voluntarily, by a court order or by virtue of a pre-existing contractual agreement, and seeks to help the litigating parties to reach a voluntary and mutually accepted agreement; the mediator does not play a formal advisory or commanding role as to the content or resolution of the litigation, but can advise the parties on the issue under litigation or in establishing the boundaries thereof and provide assistance in the search for alternative solutions; however the decision-making power resides with the parties;

- f) "Public agencies or entities" include:

- i. The State departments, the government agencies including the legislative and executive branches of the State and the judicial branch, the latter only within the scope of its administrative activities, and the National Police of East Timor, called “PNTL” and the Falintil– Defense Forces of East Timor called “F-FDTL”;
 - ii. Local government administration;
 - iii. Governmental committees and agencies;
 - iv. State-owned companies;
 - v. The companies where the government holds more than 50% of the capital; or holds a position of superiority or acts with superiority;
 - vi. Employees or representatives acting or failing to act in excess of their duties or using public assets;
 - vii. Any other entity of a public nature;
- g) “Public Service or Office” refers to a service or office that is usually attributed to governmental responsibility or competence, pursuant to Article 115 of the Constitution, the national laws or international instruments; said service or office may however be delegated or assigned under contract to a private entity.

Article 2 Nature

1. The Secretariat for Human Rights, abbreviated to Secretariat, is the entity providing technical and administrative support for the Secretary for Human Rights and Services to perform his duties, and it carries out its duties independently of the Government and other sovereign bodies, political parties and other entities and powers that might otherwise influence its work.
2. The purpose of the Secretariat is to prevent mismanagement and to protect and foster the human rights and fundamental freedoms of persons, either individually or collectively, throughout the national territory.
3. The Secretariat is legally empowered to enter into contracts, to sue and be sued and to acquire, own and dispose of the assets required and conducive to the performance of its duties.

Article 3 Duties

In carrying out its activities, the Secretariat has the following duties:

- a) To ensure the specialized technical assistance required for the Secretary for Human Rights and Justice to fulfill his mandate;
- b) To contribute to fostering and protecting human rights and to strengthen sound governance policy, especially by receiving, investigating, mediating and resolving complaints, developing monitoring, prevention, educational and promotional activities, preparing reports and submitting opinions on the compliance of the acts with the law, developing and reviewing public policies and laws in the relevant area and intervening in court cases in accordance with the duties of the Secretary for Human Rights and Justice, as provided for in the law;
- c) To provide assistance to the Secretary by establishing collaboration and coordination mechanisms with other State departments;
- d) To guarantee public access to the services of the Secretary for Human Rights and Justice at the local, regional and national level;
- e) To represent the Secretary for Human Rights and Justice before the courts and the National Parliament, whenever assigned to do so;
- f) To exchange experiences with similar institutions in other countries;
- g) To prepare and implement annual and multi-year plans, including strategic plans;
- h) To ensure the development and implementation of an internal appraisal system for monitoring the performance and the impact of the activities undertaken in carrying out the mandate of the Secretary;
- i) To organize and provide nationwide administrative and logistics services to the Secretariat while fostering the implementation of the measures needed to manage these;
- j) To implement the budget allocated under the General State Budget;
- k) To control the financial performance of the Secretariat's specific budget, when applicable;

l) To ensure that human resources are properly trained;

m) All other duties laid down in the law.

CHAPTER II PROTECTION AND MANAGEMENT OF THE SECRETARIAT FOR HUMAN RIGHTS AND JUSTICE

Article 4 Protection and Management of the Secretariat

1. The Secretariat for Human Rights and Justice is primarily protected and managed by the Secretary for Human Rights and Justice.
2. The Secretary for Human Rights and Justice is assisted in the discharge of his duties by the Assistant Secretaries for human rights and sound governance.

CHAPTER III ORGANIC STRUCTURE

Article 5 General Structure

The Provedoria consists of:

- a) Provedor;
- b) Deputy-Provedor;
- c) Executive Secretary;
- d) Directorate of Monitoring and Recommendation;
- e) Directorate of Promotion;
- f) Directorate of Public Assistance;
- g) Directorate of Investigation;
- h) Directorate of Administration and Finance;

- i) Directorate of Human Resources Management;
- j) Office of Inspectorate of PDHJ;
- k) Legal Assistance, Administrative and Research Unit
- l) Office of Public Relation and Institutional Coordination;
- m) Territorial Delegations.

**Article 6
Collegiate Bodies**

The Secretary for Human Rights and Justice has the following advisory and coordination bodies:

- a) Council of Directors;
- b) Advisory Council.

**CHAPTER IV
SERVICES, ENTITIES, ADVISORY BODIES AND TERRITORIAL DELEGATIONS**

**SECTION I
Services provided by the Secretary for Human Rights and Justice**

**Article 7
Executive Secretary**

1. The duty of the Executive Secretary is to provide general guidance on all services pertaining to the Provedor for Human Rights and Justice.
2. The Executive Secretary has the following duties:
 - a) To ensure the general internal management of the Secretariat and its services and to propose the appropriate measures in accordance with the program and the general guidelines of the Provedor;
 - b) To arrange, organize, develop and coordinate professional management techniques and the efficient operation of the services in the general administration, finance and property management areas;

- c) To provide support to the Provedor for Human Rights and Justice in developing the institutional strategic plan;
- d) To arrange for the preparation of the annual and multi-year action plans and the reports on their implementation for submission for approval by the Provedor;
- e) To coordinate the preparation of the Secretariat's annual budget;
- f) To supervise and monitor the legality of the expenses and to make the payments after authorization from the Provedor;
- g) To ensure management of the provisions entrusted to the Secretariat by law, managing files on laws, regulations, international conventions and treaties;
- h) To coordinate the Secretariat's monitoring and evaluation activities;
- i) To coordinate the preparation of the Secretariat's annual report as well as the other reports of an institutional nature;
- j) To plan, coordinate and ensure the selection, management and training/capacity building of the Secretariat's human resources;
- k) To arrange for the performance appraisals and propose the career advancements and promotions of the Secretariat's employees;
- l) In coordination with the Secretariat's key services and bodies, to follow up on the implementation of international cooperation and technical assistance projects and programs and to conduct their internal evaluation, without prejudice to other existing mechanisms;
- m) To ensure the internal communication procedures common to the Secretariat's bodies and services;
- n) To see to it that the laws, regulations and other legal provisions of an administrative and financial nature are complied with;
- o) To ensure access by the Secretariat and other interested parties to a library service in the area under the Provedor's responsibility;
- p) To prepare the correspondence and other documents for the Provedor of Human Rights and Justice concerning his area of intervention;

- q) To provide clerical support to the Secretary's Advisory Board and Board of Directors;
 - r) To supervise the services of the Territorial Delegations and to ensure the relation between Territorial Delegations with other services of the Provedoria;
 - s) To give assistance from Secretariat to the Advisory Council and Council of Directors of the Provedoria;
 - t) Any other duties assigned by the law or by the Provedor for Human Rights and Justice.
3. The Executive Secretary, for the legal effects and salaries is equivalent to the director-general and is responsible directly to the Provedor of Human Rights and Justice.

Article 8 **Directorate of Monitoring and Recommendation**

1. The Directorate of Monitoring and Recommendation is the Secretariat's specialized technical service in the areas of monitoring and recommendation of the results of monitoring, protection of human rights and the implementation of the principles of good governance nationwide.
2. The Directorate of Monitoring and Recommendation has the following duties:
 - a. Supervising the functionality of public powers, the Government and other sovereign bodies, political parties and other entities and powers that might otherwise influence its work.
 - b. Doing research and providing advices to ensure the gender equality within legislative actions and submitting recommendation to the Provedor, when is necessary, can request for the alteration;
 - c. Preparing and planning activities specifically for monitoring of actions and omissions of public power within the areas of good governance and human rights, with special attention to women rights.
 - d. Performing monitoring activities and forwarding necessary recommendations to the relevant institutions, based on the results of activities, improving and doing the best services to reduce the violations against human rights and principles of good governance.
 - e. Ensuring the effective participation of territorial delegations of Provedoria in collecting data for the Monitoring program, including sessions of capacity and implementation of monitoring activities in the field;
 - f. Providing collaboration to the competent entities object of their activities;

- g. Collaborating with the bodies of the international system of human rights and good governance;
 - h. Ensuring the contribution of civil society for the best execution of activities in the areas of its actuation;
 - i. Representing Provedoria Nationally and Internationally related to the specific area.
 - j. Elaborate internal regulations related to the executions of its attributions;
 - k. Participating in the preparation of the annual action plan and of the reports on its implementation;
 - l. Contributing for the elaboration of Provedoria's annual report;
 - m. Collaborating for the implementation of the internal system of monitoring and evaluation of Provedoria;
 - n. Coordinating, giving orientation and implementing activities with professional training related to the monitoring, for the staff of Provedoria in the areas of human rights and good governance;
 - o. Any other duties assigned to it by law or by Provedor for Human Rights and Justice;
3. The Directorate of Monitoring and Recommendation shall be supervised by a director who for all legal purposes enjoys the same status as a national director and is responsible directly to the Executive Secretary.

Article 9 Directorate of Promotion

The Directorate of Promotion in the areas of good governance and human rights is the Secretariat's specialized technical service related to the promotion of Good Governance and human rights in the whole national territory.

Directorate of Promotion is in charge of the following duties:

- 1. Promoting the principles of good governance and protection of human rights;
- 2. Coordinating with relevant institutions the promotion of good governance practices and human rights as well its implementation;
 - a. Developing and executing activities of capacity building according to the strategy identified in the area of its specialization;
 - b. Conducting studies and analyses on the implementation of good governance principles and protection of human rights;
 - c. Developing and running public campaigns pertaining to its sphere of activity;

- d. Promoting the principles of good governance and protection of human rights;
 - e. Promoting cooperation with the state departments and non-governmental organizations in order for them to perform their duties better;
 - f. Proposing the preparation of memorandum of understanding between Provedoria and the public and private bodies in their duty-related areas;
 - g. Ensuring the contribution of the civil society for the execution of activities in their duty-related areas;
 - h. Representing Provedoria in national and international forums related to the areas of their specialization;
 - i. Participating in the preparation of the annual action plan and of the reports on its implementation;
 - j. Contributing to the preparation of the Secretariat's annual report;
 - k. Collaborating in the deployment of the Secretariat's internal monitoring and evaluation system related to the activities of Promotion;
 - l. Coordinating, orientating and implementing activities for the professional capacity for the public servants of Provedoria in the areas of good governance and Human Rights;
 - m. Any other duties assigned to it by law or by Provedor for Human Rights and Justice;
3. The Promotion Directorate shall be supervised by a director who for all legal purposes enjoys the same status as a national director and is responsible directly to the Executive Secretary

Article 10

Public Assistance Directorate

1. The Public Assistance Division is the Secretariat's specialized technical service for receiving and processing complaints, involving mediation, reconciliation and resolution thereof.
2. The Public Assistance Division performs the following duties:
 - a. Ensuring the receipt of the complaints addressed to the Secretary in accordance with the law and the internal rules;
 - b. Ensuring full access by the Secretariat to the community, providing special attention to vulnerable groups;

- c. Ensuring the contribution of the civil society to the performance of its activities within its sphere of action;
- d. Managing and maintaining complaint data base and files, ensuring the safekeeping and confidentiality of the data;
- e. Looking after the rules for processing complaints and ensuring that these are dealt with in accordance with applicable internal rules;
- f. Preparing documents involving the processing of the complaints according to applicable internal rules;
- g. Issuing opinions on the risks posed to the complainants' security;
- h. Coordinating the analysis of the recommendations made by the Secretary to public institutions and devising strategies to strengthen them;
- i. Keeping a file of the complaints and the cases investigated in accordance with the security and confidentiality rules;
- j. Cooperating with the appropriate entities where its activities are concerned;
- k. Proposing the conclusion of memoranda of understanding between the Secretariat and public and private entities in the areas relevant to its sphere of action;
- l. Promoting cooperation with the state bodies and non-governmental institutions, so that they perform their duties better;
- m. Ensuring mediation and reconciliation services involving complaints to the Secretariat;
- n. Preparing internal rules related to the performance of its duties;
- o. In cooperation with the Secretariat's relevant services, coordinating and preparing reports on the receipt and processing of complaints;
- p. Assisting in the preparation of the Secretariat's annual report;
- q. Instructing the territorial delegations about receiving and processing of complaints;

- r. Directly supervising the work of the territorial delegations and ensuring their interaction with other Secretariat services;
 - s. Coordinating, guiding and implementing professional training activities for the Secretariat's officials in their area of expertise;
 - t. Any other duties assigned by law or by the Secretary for Human Rights and Justice.
3. The Public Assistance Division is supervised by a director who for all legal purposes enjoys the same status as a national director.

Article 10. °-A
Directorate of Investigation

1. Directorate of Investigation is the Secretariat's specialized technical service in the area of investigation and protection of human rights and good governance nationwide;
2. Investigation Directorate has the following duties:
 - a. Carrying out investigations in accordance with applicable internal rules and the powers delegated by Provedor;
 - b. Keeping and updating the data base on investigations in the human rights and good governance area;
 - c. Preparing reports on the investigations pursued in the human rights and good governance area;
 - d. Preparing reports on the investigations, studies and advises in the area of gender equality and women rights;
 - e. Cooperating in the implementation of complaint reconciliation and mediation measures, when applicable, in accordance with the law;
 - f. Developing and carrying out activities designed to monitor the government's performance in accordance with the strategy identified in its area of expertise;
 - g. Conducting studies and analyses on the implementation of national and international human rights and good governance standards;

- h. Preparing opinions on the compatibility of public laws and policies with national and international human rights and good governance standards;
- i. Submitting recommendations to cease violations and detaining those responsible for them, and for developing and strengthening the mechanisms for implementation by the government of human rights and good governance against public power;
- j. Coordinating the publication of reports in the human rights and good governance area and submitting them to international human rights organizations and to the government;
- k. Proposing and participating in the preparation of opinions concerning legislation, submitting these to the courts within its field of specialization;
- l. Promoting cooperation with state departments and non-governmental organizations in order for them to perform their duties better;
- m. Proposing the preparation of memorandum of understanding between the Secretariat and public and private bodies or entities in their duty-related areas;
- n. Cooperating with the appropriate entities for which its activities are intended;
- o. Ensuring the contribution of the civil society to the performance of the activities involving its sphere of action;
- p. Representing Provedoria in national and international forums in its field of expertise;
- q. Drafting internal rules regarding the performance of its duties;
- r. Participating in the preparation of the annual action plan and the reports on its implementation;
- s. Contributing to the preparation of the Provedoria's annual report;
- t. Collaborating in the deployment of the Provedoria's internal monitoring and evaluation system;

- u. Coordinating, guiding and implementing activities for the professional training of the Provedoria's officials in matters of human rights and good governance;
 - v. Any other duties assigned to it by law or by Provedor for Human Rights and Justice;
3. The Directorate of Investigation shall be supervised by a director who for all legal purposes enjoys the same status as a national director and is responsible directly to the Executive Secretary.

Article 11
Directorate for Administration and Finance

1. The mission of the Administration and Finance Division is to provide technical and administrative support to the Secretariat for Human Rights and Justice in the general administration, human resources, documentation and files and property and financial management fields.
2. The Administration and Finance Division shall have the following duties:
 - a. To provide logistic and administrative support to the Secretary and all other services and bodies of the Secretariat for them to perform their activities;
 - b. To jointly coordinate with the key services and bodies of the Secretariat, the annual and multi-year action plans and the reports on their implementation;
 - c. To jointly prepare with the competent entities the drafting of the Secretariat's annual budget project;
 - d. To execute the budgetary allocations made to the Secretariat according to higher authority;
 - e. To carry out the Secretariat's provisioning operations;
 - f. To ensure that the assets and materials belonging to the Secretariat are catalogued, maintained, controlled and preserved;
 - g. To keep the Secretariat's asset-related information and file systems up to date;
 - h. To recruit, hire, follow-up, evaluate, promote and retire Secretariat officials;

- i. To ensure the processing of the remuneration, allowances, salaries and other compensations payable to the employees as well as the processing of deductions and respective lists;
 - j. To ensure the return, safekeeping, conservation and treatment of the Secretariat's documents, specifically officials' personal files;
 - k. To comply with the laws applicable to public servants and see to it that they are complied with, proposing to a higher level the opening of investigative and disciplinary proceedings and to providing the facts, when applicable;
 - l. To develop the actions necessary for complying with the rules on environmental, health and occupational safety conditions;
 - m. To provide security guard services for the buildings belonging to the Secretariat;
 - n. To implement the actions required for ensuring the maintenance of the internal and external communication networks as well as the proper operation and use of IT resources;
 - o. To develop and implement the Secretariat's public relations policies;
 - p. To organize the protocol of the official ceremonies organized by the Secretariat;
 - q. To coordinate the interaction of the Secretariat with public and private social communication entities;
 - r. To organize the public relations agenda of the Secretary for Human Rights and Justice and provide logistic and administrative support in this regard;
 - s. To submit an annual report of its activities;
 - t. All other duties assigned to it by law or by the Secretary for Human Rights and Justice.
3. The Administration and Finance Division shall be supervised by a director who for all legal purposes shall enjoy the status of a national director.

Artigo 11. °-A
Directorate of Human Resources Management

1. Directorate of Human Resources Management have the duties to ensure technical and administrative support to the Provedoria especially in the area of Management and administration of Human Resources generally.
2. Directorate of Human Resources Management have the following tasks:
 - a. Planning, analyzing and performing the list of positions in order to fill it up, contracts, monitoring, evaluating, promoting, building capacity and looking for the pension of all staffs within Provedoria of Human Rights and Justice;
 - b. Coordinating with Directorate of Administration and Finance in processing payments, subsidies, salaries and other remuneration for staffs, as well the process of deductions and respective lists;
 - c. Ensuring the collection, archive, conservation and treatment of the documents of Provedoria as archives and personal documents or files of all staff of Provedoria;
 - d. To obey and make others be obedient towards the legislation applicable for public service employees, proposing before the instauration of the process of inquiring and disciplinary, as well the way how to proceed according to the instruction if applicable;
 - e. Developing necessary action in order to obey the rules or regulations about environmental conditions of hygiene and work place safety;
 - f. Responsible for the submission of personnel map and performance evaluation of public service employees of Provedoria to the Public Service Commission;
 - g. Creating the personal file of functions and task of each staff and official of Provedoria for Human Rights and Justice;
 - h. Creating work calendar, work entitlements of public servants of Provedoria;
 - i. Planning and presenting advises on the staff of Provedoria in case there is a need;
 - j. Coordinating and presenting matters relevant to human resources management of Provedoria in interministerial meetings;

- k. Selecting and submit to Provedor through the Executive Secretary, the proposal of appraisals for employees with best services.
 - l. Preparing annual report of its activities;
 - m. Any other duties assigned to it by law or by Provedor for Human Rights and Justice.
3. The Directorate of Human Resources Management shall be supervised by a director who for all legal purposes enjoys the same status as a national director and is responsible directly to the Executive Secretary.

Article 12
Inspector's Office

1. The purpose of the Inspector's Office of the Secretariat for Human Rights and Justice is to take disciplinary action and to financially control and supervise the Secretariat's services and entities.
2. The Inspector's Office shall have the following duties:
 - a. To evaluate the activities of the administrative, financial and property management of the Secretariat's services and bodies, recommending to the Secretary those actions intended to remedy shortfalls and failures identified;
 - b. To carry out inspections, investigations, inquests and audits, without prejudice to the other methods established by law and to prepare opinions to be submitted to the Secretary;
 - c. To institute and document disciplinary proceedings against the Secretariat employees, pursuant to the instructions of the Secretary;
 - d. To submit to the Secretary well-argued proposals for instituting disciplinary proceedings whenever irregularities are detected;
 - e. To develop and execute the Secretariat's internal strategic inspection plan;
 - f. To collect information on the operation of the Secretariat's services, proposing the advisable corrective measures;

- g. To examine, evaluate and issue reports on the effectiveness of the Secretariat's internal control system;
 - h. To provide technical assistance to the Secretariat's services and entities within its field of expertise;
 - i. To prepare the internal rules and procedures required for performing its duties and submit them to the Secretary for approval;
 - j. To promote, guarantee and ensure the sound practices and governance of the Secretariat's services and entities;
 - k. To submit the annual report concerning its activities;
 - l. To carry out all other activities assigned by law or delegated by the Secretary.
3. The Cabinet of Inspection shall be supervised by one Inspector who for all legal purposes enjoys the same status as a Director-General which is responsible directly to the Provedor.

Artigo 13.º

Legal Assistance, Administrative and Research Unit

1. The Legal Assistance, Administrative and Research Unit is the service which provide support to Provedoria in terms of legal matters, administrative procedures and research;
2. The Legal Assistance, Administrative and Research Unit has the following duties:
 - a. Providing support in legal matters, procedures and provide opinions on the results of the research in the areas of good governance and human rights to the Provedoria, to the services and bodies of the Provedoria for the implementation of the mandate of the Provedor for Human Rights and Justice;
 - b. Support the Provedor for Human Rights and Justice in implementation of its competence, related to mechanisms for guaranteeing the constitution;
 - c. Carry out technical analysis of inspection and verification the compatibility of any law, regulation, administrative order, policy and practice in force or of any legislative proposal with the International law and International Treaties in force, related to human rights and good governance;

- d. Ensure the Provedoria's access to timely information on the development of legislative acts relevant to the mandate of the Provedor of Human Rights and Justice;
- e. Submit to the Provedor for Human Rights and Justice technical and legal opinions on proposed laws and regulations, when requested by bodies or public entities;
- f. Provide all legal, administrative and technical assistance and provide opinions on the outcome of the carried out in the areas of good governance and human rights to the services and bodies of the Ombudsman when needed;
- g. Represent Provedoria in court by means of instruction the Provedor for Human Rights and Justice;
- h. To promote training programs directed to Provedoria employees in order to inform about new legal documents, new administrative procedures that affect the Provedoria's activities;
- i. Prepare, in coordination with the other departments and agencies of Provedoria, regulations and other internal diplomas of a legal nature, necessary for the functioning of the Provedoria in accordance with the law;
- j. Ensure the Provedoria's access to a deposit of relevant national and international legal texts related to the work of the Ombudsman;
- k. To ensure the participation of the Ombudsman's in the implementation of its tasks;
- l. Contribute to the preparation of the annual report of the Ombudsman;
- m. Submit an annual report of its activities, especially advises on the results of research, to be discussed, decided and implemented if necessary;
- n. To represent the Ombudsman in forums and debates of a legal nature by determination of the Provedor for Human Rights and Justice;
- o. Exercise the other powers conferred by law or delegated by Provedor;

3. The Unit for Legal, Administrative and Research Assistance is headed by a head of unit who responds before the Executive Secretary and shall be treated as equal the legal and salary effects to national director.

Artigo 13. º-A

Office of Public Relations and Institutional Coordination

1. In the performance of his mandate, the Provedor shall inform the citizens of their activity and the object of their mandate, pursuant to article 30 of Law No. 7/2004, which approves the Statutes of the Human Rights Ombudsman and Justice.
2. The Office of Public Relation and Coordination Institution of the Provedor has the following duties:
 - a. Support directly the duties of Provedor and Deputies-Provedor;
 - b. Manage and prepare the agenda, minutes, decisions, communiqués and other documents necessary for the good functioning of Provedoria's meetings
 - c. Develop and implement public relations policies for Provedoria;
 - d. Organize the protocol in the official ceremonies organized by Provedoria;
 - e. Coordinate the articulation of the Provedoria's Office with the public and private media;
 - f. Organize the public relations agenda of the Provedor Human Rights and Justice and Deputies –Provedor in their respective areas of responsibility and provide the necessary logistical and administrative support in this area;
 - g. Coordinate all relations with the media and publications of the Provedoria;
 - h. Ensure that all documents of Provedoria are available in Tetum and Portuguese and are accessible to the public;

- i. Collect data from all National and Regional Directorates for the preparation of the annual report of activities and those related to communication and information carried out by the PDHJ;
 - j. Promote the cooperation with the organs of the state and non-governmental institutions, aiming at a better execution of its competences;
 - k. Perform other functions upon instruction of the Provider and Deputy- Provedor.
- l. The Office of Public Relation and Institutional Coordination of Provedoria shall be headed by a head of office who respond directly to Provedor and, administratively in coordination with the Executive Secretary.
3. The Chief of Public Relations and Coordination Institution of the Ombudsman shall be equivalent to all legal and salary effects to the Director General.

SECTION II Entities

Article 14 Library

1. The purpose of the library is to ensure access to materials on human rights, sound governance and other areas relevant to the Secretariat, public entities and non-governmental organizations and the public in general.
2. The purpose of the library is also to ensure full public access to the materials produced by the Secretariat, by making available its publications of a public nature.
3. The Library shall be governed by its own regulations to be approved by the Secretary.

SECTION III Territorial Delegations

Article 15 Territorial Delegations

1. The territorial delegations represent a fundamental tool for ensuring the Secretariat's access to the entire population nationwide.
2. The mission of the territorial delegations is to carry out specific activities designed to ensure fulfillment of the Secretary's mandate in their geographic sphere of actions.

3. The territorial delegations also play an important role as a contact point between the Secretariat, the population and public entities at the local and regional level.
4. The territorial delegation shall be headed up by a director who for all legal purposes enjoys the status of a District Director.

Article 16
Opening of territorial delegations

1. The Secretariat shall phase in the territorial delegations according to the decentralization strategy of its services approved by the Secretary.
2. The Secretary for Human Rights and Justice shall determine in writing the opening of territorial delegations and the related staff of officials.

SECTION IV
COLLEGIATE BODIES

Article 17
Advisory Council

1. The Advisory Council of the Secretariat for Human Rights and Justice, abbreviated to Advisory Council, is the collegiate advisory body whose mission is to periodically take account the Secretariat's activities through the full participation of civil society.
2. It is the duty of the Advisory Council to voice its opinion on:
 - a. Work plans and programs;
 - b. The Secretariat's activities, evaluating the results achieved and proposing alternative work measures designed to improve services;
 - c. Legislative statutes and public policies of interest to the Secretariat;
 - d. All other matters submitted to it.
3. The Advisory Council has the following composition:
 - a. The Secretary for Human Rights and Justice who shall chair it;

- b. Assistant Secretaries;
 - c. Executive Secretary as Secretary of the Advisory Council;
 - d. Entities representing the civil society, especially social communication vehicles, organizations and associations operating in the field human rights as they apply to of women, children, the disabled persons and workers, associations of businessmen and lawyers and religious organizations invited by the Secretary.
4. The directors of the Secretariat participate in the Advisory Council when summoned by the Secretary to provide technical support.
 5. The number of voting members of the Advisory Council ensures a broad representation of the various sectors of civil society.
 6. The identification and appointment of the representative entities identified in sub-item d) of item 3 ensure the principle of transparency and the participation of vulnerable groups and, when possible, are based on consultations with the representative bodies or coordinators of relevant entities.
 7. The exercise of the duty of member of the Advisory Council is personal and unpaid, while the Secretary may establish an allowance for expenses for the members referred to in sub-item d) of item 3 whenever they have to travel to participate in meetings.
 8. The Advisory Council is governed by its own regulations which must stipulate the frequency of the meetings and other rules by which it operates.
 9. The Advisory Council shall meet ordinarily twice a year and extraordinarily whenever the Secretary of Human Rights and Justice so determines.

Article 18
Council of Directors

1. The Council of Directors of the Secretariat of Human Rights and Justice, abbreviated to Council of Directors, is the collegiate coordination, support and technical advice body whose auxiliary mission is to ensure that the Secretariat operates in a dedicated and integrated manner so as to strengthen the impact of its activities.
2. The Council of Directors shall have the following duties:

- a. To establish coordinating actions among the various divisions in implementing the Secretariat's activities according to the annual action plan;
 - b. To promote the deployment of work plans involving the various divisions for the purpose of maximizing the Secretariat's financial and human resources;
 - c. To analyze trends and practices in human rights and sound governance and identify multidisciplinary strategies to strengthen the impact of the Secretariat's work at the local, regional, national and international levels;
 - d. All other activities submitted to it.
3. The Council of Directors shall have the following composition:
- a. The Secretary for Human Rights and Justice who chairs it;
 - b. Assistant Secretaries;
 - c. Executive Secretary;
 - d. Directors of the Secretariat.
 - e. Inspector for the Inspection Office of PDHJ;
 - f. Chief of Juridical Assistance, Administrative and Research Unit;
4. Whenever necessary, the participation of the Secretary for Human Rights and Justice may be replaced by the joint participation of the Assistant Secretaries and the General Director.
5. The Council of Directors shall meet ordinarily once a month and extraordinarily whenever the Secretary for Human Rights and Justice so determines.

CHAPTER V PERSONNEL

Article 19 Rules and Regulations for Staff

1. The rules and regulations in force for the public servants shall apply to the Secretariat's personnel in all aspects that are not especially provided for in the Secretary's statutes and regulated herein.

2. Secretariat employees working in the Administration and Finance Division and those who perform activities of an administrative or financial nature are not covered by Articles 20 to 23, and shall be fully governed by the rules and regulations applicable to the public service.

Article 20 Recruiting

1. Secretariat employees are selected according to recruitment and selection criteria and the process established under the rules and regulations applicable to the public service.
2. A gender balance and the representation of vulnerable groups amongst the Secretariat's employees shall be ensured.
3. The recruitment and selection process of the Secretariat's employees is the result of the combined action of the Secretary for Human Rights and Justice and the central public administration entity responsible for these areas.
4. The process mentioned in the previous item must ensure the decision-making power of the Secretary for Human Rights and Justice when selecting the Secretariat employees within its terms of reference established in the law.
5. The Secretary and the entity mentioned in item 3 shall come to an agreement in relation to the specific practices for the recruitment and selection of the Secretariat employees.

Article 21 Salaries, additional remuneration and compensation

1. For all legal and regulatory effects, the monthly salary for Officials and Assistants of Provedoria corresponds to the base salary allocate to the various degrees and levels of the categories and to the management and departmental head positions under the public administration rules and regulations, plus an additional remuneration equivalent to 20% of the respective base salary, calculated on the net amount and in consideration of the task or duties and functions performed.
2. All the public servants of Provedoria shall have 50 dollars monthly for the alimentary subsidy.
3. The provisions of the previous item shall not preclude the right to the legal compensation payable for the work performed on holidays or on the weekly rest days.

Article 22 Performance Appraisal

The terms of reference as the senior manager in evaluating the performance Secretariat employees shall rest with the Secretary General pursuant to their duties provided for in the law.

Article 23

Discipline

1. The Human Rights Secretary has disciplinary powers in regard to Secretariat employees, pursuant to the law.
2. The disciplinary process shall be governed by the disciplinary regime applicable to public administration employees.
3. It is incumbent on the Secretary for Human Rights and Justice to notify the central body of the public administration responsible for the behavior of public servants on instituting and terminating a disciplinary process against any Secretariat employees.

Article 24

Professional Training

1. The Secretariat promotes professional development and enhancement of its employees as a means of ensuring the institution's technical quality and specialization.
2. The development of training programs for the Secretariat is based on identifying specific training needs, pursuant to the specialization and duties of its services and bodies.
3. The Secretariat may establish specific training programs for employees and determine participation in and utilization thereof as one of the selection or promotion criteria.
4. The training program referred to in the previous item shall be regulated by a specific statute.
5. Secretariat employees are entitled to benefit from the training measures taken for building human resources skills in the public administration.

Article 25

Staff and Organizational Chart

1. Staff, organizational Chart of Provedoria and the numbers of Directorates, Department chiefs and functional positions were approved by Provedor based on the proposals of the Council of Directors.

2. The Organizational Chart is attached as an integral part of this present diploma.

**CHAPTER VI
TRANSITORY AND FINAL PROVISIONS**

**SECTION I
Transitory Provisions**

**Article 26
Assignment, requisitions, commission in service and others**

Employees who at the time of the approval of this decree provide services at the Secretariat under assignment, requisition, commission in service or other similar situation shall retain their status.

**Article 27
Implementation of the compensation and additional remuneration system**

The compensation and the additional remuneration provided for in Article 21 shall be implemented immediately after this decree comes into effect.

**Article 28
International Professionals**

1. The Secretary may, in case of need, decide to provisionally incorporate international professionals into the Secretariat's services.
2. The decision provided for in the previous item shall indicate the timeframe for this incorporation and the training arrangement to be implemented in order to ensure the provisional nature of the incorporation.
3. The timeframe referred to in the previous item shall not exceed twelve months, renewable only once for an equal period.
4. The duties applicable to the Secretariat officials as provided for in the law shall apply, once appropriately adapted, to the international professionals.

**SECTION II
Final Provisions**

**Article 29
Supplementary Organic Statutes**

Without prejudice to the provisions of this decree, the regulation of the organic and functional structure of the divisions and bodies of the Secretariat shall be regulated by a decision of the Secretary to be published in the Official Government Journal.

Article 30
Effectiveness

This decree-law shall come into force on the day following the date of its publication.

Seen and approved in a Council of Ministers on April 20, 2016.

The Prime-Minister

Dr. Rui Maria de Araújo

Enacted on 5 / 7/ 2016

To be published

The President of Republic

Taur Matan Ruak