

DEMOCRATIC REPUBLIC OF EAST TIMOR

DECREE LAW

25/2011

ORGANIC STRUCTURE OF THE OFFICE OF THE PROVIDOR FOR HUMAN RIGHTS AND JUSTICE

The approved organic structure, staff and statutes of the Secretariat for Human Rights and Justice establish the regulations required for achieving its goals, bearing in mind the nature of its highly specialized technical services in the areas of human rights and sound governance.

The Secretariat for Human Rights and Justice is responsible for providing the technical and administrative support needed for implementing the role played by the Minister for Human Rights and Justice, specifically the control of administrative affairs and the power to recommend to the government actions designed to redress illegal acts and injustices.

Based on the organic structure used by other institutions of a public nature in East Timor, the organic structure of the Secretariat for Human Rights and Justice ensures that its entities effectively carry out their duties and services, taking into account the specific features of its role in strengthening the rule of law in East Timor.

As regards the statutes governing the officials of the Secretariat for Human Rights and Justice, the organic structure founded on the guidelines established in the statutes of the Secretary for Human Rights and Justice, establishes within the general regime of public service, specific practices for recruiting, appointing and governing the behavior of its officials while recognizing at the same time the specialized role of the central department of the public administration with competencies in this area and ensuring the independence of the Secretary and of the Secretariat for Human Rights and Justice protected under the Constitution.

Its regulations ensure the establishment of a strong institution capable of earning the trust of the population and of the government through efficient organization with expertise in the areas assigned within the constitutional mandate of the Secretary for Human Rights and Justice.

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 Secretariat consists of the following members:

- a) Secretary;
- b) Assistant Secretaries;
- c) General Director;
- d) Human Rights Director;

- e) Sound Governance Director;
- f) Public Assistance Director;
- g) Administrative and Finance Director;
- h) Inspector's Office;
- i) Legal Assistance Office.

Article 6 Collegiate Bodies

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

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

CHAPTER IV SERVICES, ENTITIES, ADVISORY BODIES AND TERRITORIAL DELEGATIONS

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

Article 7 General Director

1. The duty of the General Director is to provide general guidance on all services pertaining to the Secretary for Human Rights and Justice.
2. The General Director 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 Secretary;
 - 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 Secretary 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 Secretary;
 - 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 Secretary;

- 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 Secretary's responsibility;
- p) To prepare the correspondence and other documents for the Secretary for 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) Any other duties assigned by the law or by the Secretary for Human Rights and Justice.

Article 8 Human Rights Division

1. The Human Rights Division is the Secretariat's specialized technical service in promoting and protecting human rights throughout the country.
2. The Human Rights Division is in charge of the following duties:
 - a) Carrying out investigations in accordance with applicable internal rules and the powers delegated by the Secretary;
 - b) Keeping and updating the data base on investigations in the human rights area;
 - c) Preparing reports on the investigations pursued in the human rights area;
 - d) Cooperating in the implementation of complaint reconciliation and mediation measures, when applicable, in accordance with the law;

- e) Developing and carrying out activities designed to monitor the government's performance in accordance with the strategy identified in its area of expertise;
- f) Conducting studies and analyses on the implementation of national and international human rights standards;
- g) Preparing opinions on the compatibility of public laws and policies with national and international human rights standards;
- h) 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 policies;
- i) Coordinating the publication of reports in the human rights area and submitting them to international human rights organizations;
- j) Developing and running public campaigns pertaining to its sphere of activity;
- k) Promoting in-depth knowledge of the population and the relevant public services in the human rights field;
- l) Proposing and participating in the preparation of opinions concerning legislation, submitting these to the courts within its field of specialization;
- m) Promoting cooperation with state departments and non-governmental organizations in order for them to perform their duties better;
- n) Proposing the preparation of memoranda of understanding between the Secretariat and public and private bodies or entities in their duty-related areas;
- o) Cooperating with the appropriate entities for which its activities are intended;
- p) Cooperating with entities comprising the international human rights system;
- q) Ensuring the contribution of the civil society to the performance of the activities involving its sphere of action;
- r) Representing the Secretariat in national and international forums in its field of expertise;
- s) Drafting internal rules regarding the performance of its duties;
- t) Participating in the preparation of the annual action plan and the reports on its implementation;
- u) Contributing to the preparation of the Secretariat's annual report;
- v) Collaborating in the deployment of the Secretariat's internal monitoring and evaluation system;
- w) Coordinating, guiding and implementing activities for the professional training of the Secretariat's officials in matters of human rights ;
- x) Any other duties assigned to it by law or by the Secretary for Human Rights and Justice.

3. The Human Rights Division shall be supervised by a director who for all legal purposes enjoys the same status as a national director.

Article 9 Sound Governance Division

1. The Sound Governance Division is the Secretariat's specialized technical service for preventing malpractice and strengthening sound governance nationwide.

2. The Sound Governance Division is in charge of the following duties:

- a) Carrying out investigations in accordance with the applicable internal rules and the powers delegated by the Secretary;
- b) Keeping and updating the data base on investigations in the human rights area;
- c) Preparing reports on the investigations pursued in the human rights area;
- d) Cooperating in the implementation of complaint reconciliation and mediation measures, when applicable, in accordance with the law;
- e) Developing and carrying out activities designed to monitor the government's performance in accordance with the strategy identified in its area of expertise;
- f) Conducting studies and analyses on the implementation of sound governance principles;
- g) Preparing opinions on the legality of government actions;
- h) Submitting recommendations to cease malpractices and detaining those responsible for them while developing and strengthening the mechanisms for ensuring sound governance at government level;
- i) Developing and running public campaigns pertaining to its sphere of activity;
- j) Promoting in-depth knowledge of the population and the relevant public services in the field of sound governance;
- 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 the state departments and non-governmental organizations in order for them to perform their duties better;
- m) Proposing the preparation of memoranda of understanding between the Secretariat and the public and private bodies in their duty-related areas;
- n) Cooperating with the appropriate entities for which its activities are intended;
- o) Ensuring the contribution of civil society to the performance of the activities involving its sphere of action;
- p) Representing the Secretariat 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 of the reports on its implementation;
 - s) Contributing to the preparation of the Secretariat's annual report;
 - t) Collaborating in the deployment of the Secretariat's internal monitoring and evaluation system;
 - u) Coordinating, guiding and implementing activities for the professional training of the Secretariat's officials in matters of sound governance;
 - v) Any other duties assigned to it by law or by the Secretary for Human Rights and Justice.
3. The Sound Governance Division shall be supervised by a director who for all legal purposes enjoys the same status as a national director.

Article 10 Public Assistance Division

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 11 Administration and Finance Division

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.

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 Inspector's Office shall be supervised by an official who for all legal purposes enjoys the same status as a departmental head.

Article 13 Legal Counsel Office

1. The Legal Counsel Office is a unit that provides support to the Secretariat on legal matters.
2. The Legal Counsel Office shall have the following duties:
 - a) To provide support in legal matters to the Secretary and the Secretariat's services and entities so that the Secretary for Human Rights and Justice may fulfill his mandate;
 - b) To support the Secretary for Human Rights and Justice in the performance of his duties where the mechanisms for safeguarding the Constitution are concerned;
 - c) To conduct technical analysis for monitoring and verifying the compatibility of any law,

regulation, administrative decision, policy in force or any legislative proposal with customary International Law and the international human rights treaties in force;

d) To ensure the Secretariat's access to specific information on the development of legislative statutes involving the mandate of the Secretary for Human Rights and Justice;

e) To submit to the Secretary for Human Rights and Justice technical and legal opinions concerning bills of law and regulations when so requested by the public bodies or entities;

f) To provide all technical and legal assistance to the Secretariat's services and bodies whenever necessary;

g) To represent the Secretariat in court, according to the instructions and when so mandated by the Secretary for Human Rights and Justice;

h) Undertake training programs for the Secretariat employees, so as to apprise them of the new legal statutes affecting the Secretariat's activities;

i) To further cooperation with state agencies and non-governmental institutions, so as to perform its duties better;

j) To jointly draft with the Secretariat's other services and entities regulations and other internal statutes of a legal nature required for the Secretariat, to operate to the full according to the law;

k) To ensure access by the Secretariat to a repository of national and international legal statutes relevant to the its work;

l) To ensure the participation of the Secretariat's entities in the performance of its duties;

m) To contribute to the preparation of the Secretariat's annual report;

n) To submit an annual report of its activities;

o) To perform all other duties assigned by law or delegated by the Secretary.

3. The Legal Council Office is supervised by an official who for all legal purposes enjoys the same status as a departmental head.

SECTION II Entities

Article 14 Library

1. The purpose of the Secretariat 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 Secretariat 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 Board 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) General Director, as the secretary to the Advisory Board;
 - 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

Board of Directors

1. The Board of Directors of the Secretariat of Human Rights and Justice, abbreviated to Board 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 Board 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 Board of Directors shall have the following composition:

a) The Secretary for Human Rights and Justice who chairs it;

b) Assistant Secretaries;

c) General Director;

d) Directors of the Secretariat.

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 Board 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

Compensation and additional remuneration

1. The monthly compensation of Secretariat employees 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.
2. For all legal and regulatory effects, the total compensation of Secretariat employees consists of the total sum of the amounts corresponding to the base salary plus any additional remuneration.
3. The additional amount provided for in item 1 takes into account the need to regularly work overtime outside regular public services working hours, as well as considerations of risk and deployment to local levels.
4. The provisions of the previous item of this resolution 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 General Director 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

The Secretariat staff and organizational chart and the number of management and departmental head positions are shown in the charts attached to this law, which are an integral part hereof.

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 shall come into force on the day following the date of its publication.

Seen and approved in a Council of Ministers on April 13, 2011.

The First Minister,

Kay Rala Xanana Gusmão

The Minister of Finance,

Emília Pires

Enacted on May 31, 2011

To be published.

The President of the Republic,

José Ramos-Horta