

**GOVERNMENT RESOLUTION No. 12 /2019
of 13 March 2019**

**APPROVES THE CODE OF CONDUCT FOR
MEMBERS OF THE GOVERNMENT**

Whereas the exercise of public office, particularly of a political nature, must be guided, in particular, by criteria of honesty, probity, integrity and dedication to public service.

Whereas the conduct of holders of public office is reflected in the credibility of the political institutions of the Republic and in the solidity of our democratic political system. Whereas, from the outset, the Government has worked to ensure political stability and to strengthen the credibility of the institutions with the citizens.

Whereas it is important to objectively define a set of principles and rules of conduct that standardize the conduct of all members of the Government so that the action of this sovereign body is coherent and uniform.

Considering that the approval of a Code of Conduct for the members of the Government will allow the establishment of objective criteria for their evaluation and accountability, not only of each one before the others, but also of the Executive before the citizens.

The Government resolves, under the terms of subparagraph l) of paragraph 1 of Article 115 of the Constitution of the Democratic Republic of Timor-Leste, as follows:

1. To approve the Code of Conduct for the Members of Government contained in the document attached to this Government Resolution and of which it forms part for all legal purposes;
2. To determine that this Government Resolution shall enter into force on the day following its publication.

Approved by the Council of Ministers on 20th, February, 2019.

Be it published.

The Prime Minister,

Taur Matan Ruak

ANNEX
CODE OF CONDUCT FOR
MEMBERS OF THE GOVERNMENT

Article 1

Object

- 1 - This Code of Conduct is an instrument of self-regulation that provides clear guidance on the behavior of the members of the VIII Constitutional Government.
- 2 - The provisions of this Code of Conduct do not preclude compliance with any legal obligation or instructions from the Prime Minister.

Article 2

Scope of Application

- 1 - The Code of Conduct shall apply to the members of the VIII Constitutional Government.
- 2 - Members of the VIII Constitutional Government are understood to include Ministers, Deputy Ministers and Secretaries of State.

Article 3

Principles of conduct

In the exercise of their functions, the members of the VIII Constitutional Government shall observe the following principles of conduct:

a) **Public Interest**

The members of the Government shall direct all their actions and decisions, within the scope of their competence, to the needs and interests of the State and the Nation, above private and group interests, in order to achieve collective well-being.

b) **Legality**

In the exercise of their duties, the members of the Government shall know, comply with and respect the Constitution of the Republic of Timor-Leste, the laws, rules and regulations, and the applicable policies that determine the ethical profile and level of responsibility of each member.

c) **Transparency**

The members of the Government must guarantee the constitutional right of access to public information in a clear, truthful, and timely manner, allowing citizens to be informed about the actions and results of their Ministry or Secretary of State.

d) **Impartiality and Equality**

Members of the Government shall perform their duties objectively and shall place citizens at the center of their attention, as well as treat fairly and impartially all those with whom they come into contact, without discrimination on the basis of color, race, marital status, gender, ethnic origin, language, social position or economic situation, political or ideological beliefs, religion, education or physical or mental condition, in accordance with Article 16(2) of the Constitution of the Republic of Timor-Leste.

e) **Integrity**

The members of the Government shall conduct themselves in scrupulous compliance with the law and in accordance with the highest ethical standards, demonstrating honesty and a sense of justice in all their actions, in order to respond to the supreme interests of the Timorese People.

f) Honesty

The members of the Government shall have a commitment to act with integrity, probity and truthfulness, as well as to foster a culture of trust in society by acting with diligence, sense of honor, justice and transparency to strengthen the confidence of citizens in State Institutions in general, and in ministries and secretaries of State in particular.

g) Politeness

The members of the Government shall adopt a dignified and proper behavior in the exercise of their functions, in accordance with the good customs of the Nation, and shall treat citizens with respect, diligence and humility, demanding equal treatment and taking care of reciprocal obligations and duties.

h) Inter-Institutional Respect

The members of the Government shall commit themselves to loyal, supportive and transparent cooperation with the other organs of sovereignty - the National Parliament, the President of the Republic and the Courts - in order to achieve the common goal of making Timor-Leste a country with development, progress and economic growth, as well as to provide its citizens with higher levels of welfare, security and prosperity.

i) Guarantee of Confidentiality

The members of the Government shall have the obligation to maintain strict confidentiality in relation to confidential matters of which they become aware in the exercise of their functions and which are classified as confidential, in accordance with the law.

j) Prudence

The members of the Government shall be prudent in ensuring that their conduct, attitudes and decisions are the result of rationally justified judgment, after studying, reflecting upon and evaluating available arguments and counter-arguments, in light of the Constitution of the Republic, the laws, the rules, the regulations and the applicable policies.

Article 4

Duties

In the exercise of their duties, the members of the Government shall:

- a) Refrain from any action or omission that could be construed as the use of the prerogatives of office to benefit, directly or indirectly, their own private interest or the specific interests of persons or groups.
- b) Reject gifts or any of the advantages identified in Articles 9 and 11, in exchange for exercising an action, omission, vote or enjoyment of influence over the making of any public decision that might call into question their impartiality and integrity.
- c) Refrain from using public assets or resources made available for the exercise of duties, outside the limits of reasonableness or social appropriateness.

Article 5

Prevention and fight against corruption

- 1- Members of the Government shall undertake to prevent and combat corruption, especially private corruption, extortion or bribery, and shall be prohibited from:

- a) Offering, accepting or facilitating the payment of a bribe;

- b) Offering or authorizing, directly or indirectly, an undue advantage for any person or public agent involving direct personal gain or that of an intermediary third party.
- 2- Members of the Government shall inform the Public Prosecutor's Office of any acts which may constitute attempts at corruption.

Article 6
Responsibility

- 1 - Non-compliance by members of the Government with the guidelines established by this Code shall imply political accountability to the Prime Minister.
- 2 - The provisions of this Code do not exclude or prejudice other forms of liability, namely criminal, disciplinary or financial, that are provided for by law.

Article 7
Conflict of interests

Members of the Government may not intervene in the assessment or the decision-making process, whenever their personal or private interest in a particular matter interferes, or is likely to interfere, with the interests of the Ministry or the Secretary of State, or of third parties, seriously compromising the impartiality of their conduct.

Article 8
Sanctioning of the conflict of interests

- 1 - Any member of the Government who identifies that he or she is in a situation of conflict of interest, shall withdraw from the procedure in progress, in accordance with the law, and immediately inform the Prime Minister, in the case of Minister, Vice-Minister, or Secretary of State who depends directly on him or her, or the respective Minister, in the case of Vice-Minister or Secretary of State.
- 2 - Any member of the Government facing a conflict of interest shall take the necessary measures to avoid, remedy, or cease the conflict in question, in full compliance with the provisions of this Code and the law.

Article 9
Gifts

- 1- Members of the Government shall not receive any gifts in cash and may only receive gifts of a symbolic value not exceeding USD 250.
- 2- The value of gifts shall be accounted for under a separate heading for all gifts from the same individual or legal entity during a calendar year.
- 3- Members of the Government may receive gifts made between States, covered by paragraph 1 of the present article, the refusal of which may be interpreted as a breach of inter-institutional respect.

Article 10
Duty of delivery, registration and purposes

- 1 - The offers referred to in article 9(3) must be delivered to the respective Directorate-General responsible for administration and finance, with the following data
 - a) Type of offer in question
 - b) Identification of the offeror;
 - c) Moment of the institutional relationship.

- 2 - The precise records of the gifts referred to in paragraph 1 reflect the reputation, integrity and credibility of the members of the Government, and so it is essential to keep a publicly accessible record of them.
- 3 - The gifts referred to in paragraph 3 of article 9 shall be given to institutions pursuing educational or social purposes or given directly, whenever appropriate, to students of basic, secondary, vocational or university education of their own merit, to families or to underprivileged persons who need it most.

Article 11

Invitations or similar benefits

- 1 - The members of the Government shall refrain from accepting invitations from private individuals and legal entities, national or foreign, and from foreign public entities, to attend social, institutional and cultural events that may condition the impartiality and integrity of the exercise of their functions, namely
 - a) Invitations to parties, sporting events or similar benefits;
 - b) Travel or accommodation expenses.
- 2 - For the purposes of this Code, it is understood that there is conditioning of impartiality and integrity of the exercise of functions when there is acceptance of invitations or other similar benefits whose value exceeds USD 250.
- 3 - The situations in which members of the Government accept invitations or similar benefits as a result of official representation, both nationally and internationally, shall be exempt from the provisions of the preceding paragraphs, namely
 - a) In the participation in official ceremonies, conferences, congresses, seminars, fairs or similar events;
 - b) When participating in a summit, ceremony, or formal or informal meeting when the invitations come from other States, international organizations, or other public entities.

Article 12

Sexual harassment

Members of the Government may not engage in acts that may constitute sexual harassment, as defined in the Civil Service Commission Guideline No. 12/ 2017, of August 9, on preventing and combating sexual harassment in the civil service.

Article 13

Final provision

This Code of Conduct shall apply from the date of entry into force of the Government Resolution approving it.