

DECREE-LAW No. 12/2009

Of February 18th

CAPACITATION REGIME OF HUMAN RESOURCES IN THE PUBLIC SERVICE

The grant of scholarships for public servants is one of the Public Administration's solutions to one of the main problems of the Public Service: the lack of specialized professionals in areas of interest of the State.

The Government wants to advance in the construction of a qualified Public Administration, by means of the adoption of a Human Resources Capacitating policy with the intention of capacitating Public Service professionals with an appropriate qualification, more technical and efficient, in order to constitute a qualitatively uniform professional body capable of responding to the needs of the citizens, to be implemented by the granting of scholarships to employees depending on their commitment to return to the Public Service for the application of the knowledge acquired.

Thus, the Government decrees, under the shelter of the provisions in paragraph o) of No. 1 and of article 115 and paragraph d) of article 116 of the Constitution of the Republic, to have force of law, the following:

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Scope of application**

The present document defines the conditions of attribution and the regime applicable to the granting of scholarships in order to obtain a diploma, licentiate degree or master's degree in a university abroad granted to public servants by the State of the Democratic Republic of East Timor.

**Article 2
Object**

The present document covers the scholarships intended to finance:

- a) Attendance to college courses with the intention of obtaining a diploma, a licentiate degree and a master's degree;
- b) Training programs and courses with the intention of professional improvement of the Public Servant.

**Article 3
Scholarship**

The granting of scholarships conveys to the attribution of financial support under the conditions described in the

respective scholarship contract, under the terms of the regime provided for in the present document.

**CHAPTER II
SCHOLARSHIP REGIME**

**Article 4
Grantee Statute**

The grant of a scholarship, under the terms of the present document, confers the respective beneficiary the statute of grantee of the State.

**Article 5
Exclusivity**

1. As a grantee, the public servant continues in service and maintains his/her rights and obligations inherent to his/her functions, especially the regime of exclusive dedication, being not allowed the exercise of any other remunerated function or activity, either public or private, including the practice of a liberal professional, except for the provision of the present article.
2. However, the perception of remunerations derived from the following is considered to be compatible with the regime of exclusive dedication:
 - a) Intellectual property;
 - b) Conference and lecture engagements, short-term professional courses and other analogue activities;
 - c) Participation in juries and evaluation committees and issuing of opinions when requested by national or foreign organisms;
3. It is also considered to be compatible with the regime of exclusive dedication, the performance of activities outside the teaching institution of attendance, albeit remunerated, as long as it is directly related with the schedule of activities subjacent to the scholarship and performed without any permanent character, as well as the exercise of teaching functions.
4. The grantees cannot benefit simultaneously of any other scholarship, except in the case of co-financing and in the hypothesis of an agreement between the respective financing entities.
5. Each grantee can only receive the same type of scholarship once, except in exceptional cases of a different nature and object.

**Article 6
Scholarship contracts**

1. The scholarship contract obligatorily contains:
 - a) The identification of obligors;
 - b) The identification of the teaching institution;
 - c) The subordination to the rules in the present document;

- d) The schedule of activities to be developed by the grantee, in the case of graduation programs;
 - e) The indication of the duration and date of the beginning of the scholarship;
 - f) The commitment by the grantee of returning to the Public Service.
2. The scholarship contracts are set forth in writing, being up to the competent entity for the area of formation of Public Administration to elaborate a national registration of grantees.
 3. The grantee statute derives from the signing of the contract and reports to the date of the beginning of the scholarship.

CHAPTER III GRANTEE RIGHTS AND DUTIES

Article 7 Grantee rights

1. The grantee rights covered by the present document are as follows:
 - a) Receive in the due time the loan to which the grantee is entitled due to the grant of the scholarship;
 - b) Suspend the activities financed by the scholarship, namely by maternity, paternity and family assistance reasons, when it is required in the general law applicable to Public Administration employees of the countries where they study or develop a scientific investigation;
 - c) Suspend the activities financed by the scholarship because of illness of the grantee, justified by a medical certificate or declaration of illness provided by a hospital;
 - d) Benefit from health and accident insurance;
 - e) Receive from the entity that has granted the scholarship and from the teaching institution all clarifications requested about their statute;
 - f) All other rights that derive from the present document or of the scholarship contract.
2. The grantees also have the right to the leave provided for in paragraph f) of article 53 of Law No. 8/2004 of June 16th.
3. The suspension referred to in No. 1 occurs without harm to the maintenance of the scholarship payment for the corresponding time, restarting the count on the grantee's first business day of activity after the interruption.

Article 8 Grantee Duties

1. The grantees included in the present document are subject to the following duties:

- a) Communicate to the competent entity for the area of Public Administration, any fact that justifies the suspension of the scholarship, under the terms of paragraphs b) and c) of No. 1 of the previous article, and the possible option for its extension for the corresponding period;
 - b) Communicate to the competent entity for the area of Public Administration, the supervening verification of any reason that determines the cessation of the application of the grantee statute;
 - c) Expressly mention, in all papers made by the grantee, that these are financially supported by the State and/or by funds from other Countries or International Organizations, if applicable;
 - d) In the case of scholarships for courses with a duration superior to a semester, the grantee must present a progress report every semester, which in the case of graduate courses will consist in the presentation of a document that certifies the grantee's academic performance;
 - e) Every semester present a certificate of purchase of the mandatory material;
 - f) At the end of the academic part of the course, whenever such a situation is verified, in case it deals with grantees enrolled in master's degrees, present a certified document of the grantee's achievement, or justification document of his/her lack of achievement;
 - g) Present, up to 60 days after the scholarship's term, a final report of the activity that was developed, including the communications and publications that occurred, and whenever applicable, accompanied by the appraisal from the advisor or the person responsible for the respective activity, as well as a copy of the final paper, in the case of a scholarship granted for a master's degree.
 - h) Request authorization for the exercise of remunerated functions foreseen in numbers 2 and 3 of article 5.
2. The non-fulfillment of the duties indicated in the previous number, the abandonment without concluding the course or the conclusion without a good performance, imply in the cancellation of the scholarship and the obligation to compensate the State of all values spent in the respective scholarship.
 3. The grantee that concludes his/her studies with a good performance will still be subject to the compensation of the amounts received through the attribution of the scholarship if he/she does not remain in a Public Function, after its conclusion, for a minimum period of 3 years.

CHAPTER IV Types of scholarships

Article 9

Types

In order to obtain a degree or academic diploma, the Democratic Republic of East Timor attributes the following type of scholarships:

- a) Diploma scholarships I, II, III or IV;
- b) Licentiate degree scholarships;
- c) Master's scholarships – support to the thesis or dissertation.

Article 10 Recipients and purpose

1. The scholarships to be attributed within the scope of the present document have as a goal the specialization of public employees, as to constitute a qualitatively uniform professional body, capable of providing the service necessities, Public Administration technical services and specialized services.
2. The diploma scholarships are directed to high school teaching graduates or the equivalent, and intend to receive a basic academic preparation.
3. Graduate scholarships are directed to those with diplomas or equivalent, who intend to receive a broad academic preparation.
4. The master's and thesis or dissertations scholarships are directed to master's candidates who intend to obtain the academic degree of master, and are directed to high level employees.

Article 11 Duration

1. As a rule, the duration of the scholarship is annual, extendable to the maximum limit established in the initial contract.
2. The renewal of the scholarships considers the respective initial period and is limited by the moment of graduation or passing the respective thesis or dissertation, even if the maximum limits referred to in the contract have not been reached.

CHAPTER V FINANCIAL CONDITIONS OF THE SCHOLARSHIPS

Article 12 Scholarship component

1. The scholarship includes the following components:
 - a) Monthly maintenance subsidy;
 - b) Fees and mandatory study material, up to the annual limit established in the contract;
 - c) Health and accident insurance;
 - d) International round trip transportation, at the beginning and end of the scholarship period in the economic tariff;
 - e) Research subsidy, whenever applicable.

2. Any subsidies that are not expressly foreseen in the present document are not due by any means.
3. The payment of the values corresponding to the mandatory study material is made directly to the grantee, who is the only responsible for its acquisition and application along with the teaching institution.

Article 13 Amounts of the scholarship components

The values of the scholarship components are established annually by the member of the government with the guardianship of the Public Administration, according to the values proposed by the National Institute of Public Administration and with the limits established by the State's budget.

Article 14 Payment

The payments due to the grantees are made monthly and preferably, through a bank transfer.

CHAPTER VI SCHOLARSHIP ATTRIBUTION PROCESS

SECTION I PROCEDURES

Article 15 Process and Requirements for candidacy

1. By July 31st, the ministries must present the competent entity for the area of Public Administration training, a survey of ministry needs regarding the qualification of human resources, taking into account its area of competencies.
2. The opening of public competitions for the attribution of scholarships takes place on a yearly basis during the month of October, and is published through a notification to the ministries and social means of communication.
3. The candidacies for the attribution of scholarships for an academic year, are presented during the month of November, through an application directed to the competent entity for the area of Public Administration training, properly accompanied of the required documents.

Article 16 Support documents for the candidacies

1. The candidacy application must be accompanied of the following documentation:
 - a) Document proving that the candidate is a Timorese citizen;

- b) Documents proving that the candidate gathers the required conditions for the respective type of scholarship namely, the certificate that proves the title of the license or the required academic degree for the contest;
- c) A nomination order as an employee of the State of the Democratic Republic of East Timor for at least two years;
- d) Public Employee card;
- e) Passport;
- f) Sworn declaration written by the candidate on how he/she will exercise his/her functions as a grantee under the regime of exclusive dedication;
- g) The candidate's detailed curriculum vitae;
- h) Any other documents that the candidate deems relevant for appreciation;
- i) Medical certificate.

2. According to the type of scholarship to be attributed within the scope of the present document, other additional documentation, relevant for the appreciation of the candidates' merit may be required.

Article 17

Nomination of the evaluation jury

The evaluation jury for the scholarship candidacies is nominated by a member of the government under the guardianship of the Public Administration.

Article 18

Evaluation of the candidacies

1. The process of scholarship attribution includes an evaluation exam with an eliminatory character, and the evaluation of the candidacy documents.
2. The evaluation of the candidacies takes into account the candidate's professional merit.
3. In the evaluation of the candidate's professional merit, fluency in Portuguese or English, according to the case, is obligatorily taken into account, to be evaluated by means of a written exam, where the jury can also proceed with an oral exam if it deems it necessary.
4. The documents not presented in time but whose lack is not considered to be an impediment in the evaluation of the merit of the candidacies, must be handed in by the date that the scholarship contract is signed under the penalty of the scholarship not being granted.

Article 19

Publication of results

1. The evaluation results are published by January 30th of each year.

2. The candidates that were granted with a scholarship will be notified for the effects foreseen in the following article.

Article 20

Time limit for the signature of the contract

1. Within the period of 10 business days to be counted from the notification of the scholarship granting, the candidate must declare, in writing, his/her acceptance.
2. Except when a reasonable justification is presented, the lack of a declaration within the period referred to in the previous number equals to a waiver of the scholarship and impedes the registration in the selective process for the following year.
3. In case of renouncement or waiver by the selected candidate, the immediately better classified candidate will be notified for the effects of the previous numbers.
4. In exceptional and properly justified cases, the suspension of the scholarship for a year can be authorized through an order by a member of the government with the guardianship of the Public Administration.

SECTION II

PROCESS OF SCHOLARSHIP RENEWAL

Article 21

Application

The request for scholarship renewal must be presented as an application directed to the competent entity for the area of Public Administration training, within a period of 30 days before its term.

Article 22

Support documents

The application for the request of scholarship renewal must be accompanied, namely and in terms of the type of scholarship, of the following documents:

- a) Document proving academic performance;
- b) Report of activities carried out;
- c) Copy of the communications and publications resulting from activities developed;
- d) Plan for future work;
- e) Appraisal from the advisor or the person responsible for the grantee's activity.
- f) Sworn declaration, written by the candidate, that he/she exercises his/her functions as a grantee in a regime of exclusive dedication, under the terms of the present document.

**CHAPTER VII
SCHOLARSHIP TERM AND CANCELLATION**

Approved by the Council of Ministers on December 13, 2008

**Article 23
Scholarship cancellation**

The Prime-Minister,

1. The scholarship can be cancelled by means of a justified decision, whenever the following is verified:
 - a) Giving false statements about matters relevant to the grant of the scholarship or for the appreciation of his/her development;
 - b) The culpable non-fulfillment or the violation of the grantee's duties established in the present document.
2. The cancellation of the scholarship does not harm the reposition of the inappropriately received amounts, the payment of the compensations and the application of other sanctions to be decided by the applicable legal scope.

Kay Rala Xanana Gusmão

The Minister of Finances,

Emília Pires

The Minister of State Administration and Territorial Ordering,

**Article 24
Term**

The grantee benefits from the respective statute until one of the following circumstances is verified:

- a) End of the term for which the scholarship is granted;
- b) Communication of supervening verification of motive that determines the cessation of the application of the grantee statute;
- c) Cessation of the scholarship by mutual agreement;
- d) Cancellation of the scholarship under the terms of the previous articles.

Arcângelo Leite

Promulgated on February 11, 2009

To be published

The President of the Republic

José Ramos-Horta

**CHAPTER VIII
FINAL PROVISIONS**

**Article 25
Omitted cases**

The omitted cases are resolved by order of the member of government with guardianship of the Public Administration.

**Article 26
Revocations**

All legal provisions contrary to the present document are revoked.

**Article 27
Coming into force**

The present document comes into force in the day following to its publication.