

**DEMOCRATIC REPUBLIC OF TIMOR-LESTE**

**IV CONSTITUTIONAL GOVERNMENT**

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**DECREE No. 10/2008**

**ORGANISATIONAL STRUCTURE OF THE MINISTRY OF SOCIAL  
SOLIDARITY**

Decree-Law No. 7/2007, of 5 September, establishing the Organisational Structure of the IV Constitutional Government of the Democratic Republic of Timor-Leste provides, in its article 37, for the preparation of draft organic laws for the Ministries and Offices of Secretaries of State under the Prime Minister.

The Ministry of Social Solidarity, as a Government's main body, must, in support of the policies developed within the scope of its competences, develop and implement policies approved by the Council of Ministers in the areas of social security, social assistance, disaster management, and National Liberation Combatants.

The Organisational Structure of the Ministry of Social Solidarity setting forth the responsibilities and the structure required for its operations is approved by this statute.

Thus:

Pursuant to article 115(3) of the Constitution and article 37 of Decree-Law No. 7/2007, of 5 September, the Government enacts the following to have the force of law:

**CHAPTER I  
NATURE AND RESPONSIBILITIES**

**Article 1  
Nature**

The Ministry of Social Security, referred to as MSS for short, is the Government's main body charged with designing, executing, coordinating and assessing the policy defined and approved by the Council of Ministers in the areas of Social Security, Social Assistance, Disaster Management, and National Liberation Combatants.

## **Article 2 Responsibilities**

In pursuit of its mission, it is incumbent upon MSS:

- a) To propose and develop public social security policies for workers and other citizens;
- b) To propose and develop policies related to social services, with particular emphasis on vulnerable citizens;
- c) To support and stimulate the promotion of active policies in the area of social solidarity by fostering the establishment of decentralised activities and ensuring its integrated development;
- d) To propose and develop disaster risk management policies and strategies;
- e) To develop and implement disaster risk management programmes, namely in disaster prevention, mitigation, emergency response, and post-disaster recovery;
- f) To ensure the development of programmes for the reintegration of National Liberation Combatants into community active life;
- g) To promote demobilisation programmes and implement pension schemes and other benefits for National Liberation Combatants;
- h) To have responsibility for implementing and executing budgetary appropriations made through the national budget;
- i) To establish mechanisms for collaborating and cooperating with other Government's bodies responsible for related areas;
- j) To propose legislation required to render viable the objectives it pursues;
- k) To perform any other duties as may be assigned to it.

## **CHAPTER II PURVIEW AND OVERSIGHT**

### **Article 3 Purview and Oversight**

MSS is within the purview of the Minister who oversees it and is accountable for it to the Prime Ministry.

## **CHAPTER III ORGANISATIONAL STRUCTURE**

### **Article 4 Overall Structure**

1. MSS fulfils its responsibilities through direct state administration and advisory bodies.
2. MSS territorial branches may be established by a well-founded ministerial statute of the Cabinet members responsible for Social Solidarity; Finance; and Public Administration.

### **Article 5 Direct State Administration**

Direct state administration services of MSS are as follows:

- a) The Director-General;
- b) The National Directorate for Administration and Finance;
- c) The National Directorate for National Liberation Combatants' Affairs;
- d) The National Directorate for Social Assistance;
- e) The National Directorate for Social Reintegration;
- f) The National Directorate for Disaster Management;
- g) The National Directorate for Social Security;
- h) The Office of Inspection and Auditing.

**Article 6  
Advisory Board**

The Advisory Board is the corporate advisory body of MSS.

**CHAPTER IV  
SERVICES, BODIES, ADVSORY BODIES AND TERRITORIAL BRANCHES**

**SECTION I  
DIRECT ADMINISTRATION SERVICES**

**Article 7  
Director-General**

1. The Director-General is responsible for ensuring the overall orientation of all MSS services.
2. It is incumbent upon the Director-General:
  - a) To ensure the overall orientation of the services in accordance with the Government's programme and directives issued by the Minister of Social Solidarity;
  - b) To propose to the Minister the most suitable measures to fulfil the responsibilities referred to in the previous subparagraph;
  - c) To take part in the development of policies and regulations relating to its focal area;
  - d) To coordinate the preparation of MSS draft laws and regulations;
  - e) To ensure the overall internal management of the Ministry and its services, in accordance with MSS annual and multi-annual programmes;
  - f) To plan public investment measures, prepare the draft budget and execute the approved budget;
  - g) To control the execution of MSS operating budget;
  - h) To follow up the execution of international cooperation programmes and projects and assess them internally, without prejudice to the

existence of specific assessment mechanisms, in coordination with the Ministries of Foreign Affairs; and Finance;

- i) To verify the legality of expenditure incurred and effect the payment thereof once it has been authorised by the Minister;
- j) To coordinate human resources;
- k) To promote vocational training and development of staff of MSS bodies and services;
- l) To coordinate the preparation of activities of the Advisory Board;
- m) To coordinate the preparation of information intended for the public, the media and other governmental bodies;
- n) To prepare, in conjunction with the National Directorates, the annual progress report of the Ministry;
- o) To submit annual progress reports;
- p) To perform any other duties as may be assigned to it by law.

### **Article 8** **National Directorate for Administration and Finance**

1. The National Directorate for Administration and Finance, referred to as DNAF for short, is charged with ensuring technical and administrative support for the Minister, the Offices of the Secretaries of State, the Director-General, and the other services of the Ministry, in the fields of general management, human resources, documentation and filing systems, and property management.
2. DNAF fulfils the following responsibilities:
  - a) To provide technical and administrative support to the Minister, the Secretaries of State, the Director-General, and the other directorates of the Ministry;
  - b) To ensure inventories of State-owned property and the maintenance, preservation and management thereof, as well as ensure an inventory of contracts for the supply of goods and services to the Ministry;

- c) To coordinate, execute and control the allocation of materials to all directorates of the Ministry;
- d) To ensure an internal communication procedure system which is common to the bodies and services of the Ministry;
- e) In collaboration with all the services of the Ministry and in accordance with directives issued at a higher level, to prepare the Annual Work Plan and the draft Sectoral Investment Programme of the Ministry;
- f) To take part in the preparation of sectoral plans with the various services of the Ministry;
- g) To prepare, in collaboration with other competent entities, the draft annual budget of the Ministry;
- h) To coordinate the execution of budgetary appropriations earmarked to the various services of the Ministry, without prejudice to the existence of other control and assessment means used by other competent entities;
- i) To coordinate and harmonise the execution of annual and multi-annual plans based on requirements defined at a higher level;
- j) To effect the procurement of supplies for the Ministry;
- k) To comply with and enforce laws, regulations, and other legal provisions of an administrative and/or financial nature;
- l) To promote the recruitment, hiring, monitoring, appraisal, promotion, and retirement of staff;
- m) To process payrolls;
- n) To ensure the collection, custody, conservation and processing of documentation of the Ministry, namely the storage of personal files of staff members;
- o) To comply with and enforce legislation applicable to civil servants by proposing, at a higher level, the conduct of inquiries and disciplinary proceedings, and initiate investigations determined at a higher level in connection with such inquiries and disciplinary proceedings;

- p) To issue opinions and other information with a view to proposing, at a higher level, administrative measures to improve human resources management;
- q) To undertake actions required to meet environmental standards in the area of occupational hygiene and safety;
- r) To maintain a system to store and process statistical data on the Ministry and an updated computerised system on the property held by the Ministry;
- s) To undertake actions required to ensure the maintenance of internal and external communication networks, as well as the smooth running and use of computer resources;
- t) To submit annual progress reports;
- u) To carry out such other tasks as may be assigned to it by law.

### **Article 9**

#### **National Directorate for National Liberation Combatants' Affairs**

1. The National Directorate for National Liberation Combatants, referred to as DNAL for short, is charged with promoting services intended for National Liberation Combatants, in accordance with the law, including through the promotion of programmes designed to reintegrate them into active life.
2. DNAL fulfils the following responsibilities:
  - a) To coordinate and implement the Government's policies within the scope of the issues related to National Liberation Combatants;
  - b) To propose to the Minister legislative measures and the adoption of policies related to the granting of benefits to National Liberation Combatants;
  - c) To register National Liberation Combatants in accordance with the law;
  - d) To validate registration data gathered by other committees and issue an identification card to National Liberation Combatants and their families;

- e) To develop and implement a pension programme and grant other financial benefits to National Liberation Combatants and their families;
- f) To develop, in coordination with the Ministry of Health and other competent entities, specialised response mechanisms and facilitate the access by National Liberation Combatants to physical and mental health rehabilitation facilities, in conjunction with the Ministry of Health and other competent entities;
- g) To carry out national awareness campaigns on legislation, policies, and programmes related to National Liberation Combatants and their families;
- h) To promote, in coordination with the Office of the President of the Republic, the holding of ceremonies designed to publicly acknowledge the merit of National Liberation Combatants, notably through the awarding of official decorations, construction of memorials to martyrs, and other relevant actions;
- i) To promote and plan social reintegration programmes and any other programmes aimed at assisting National Liberation Combatants, namely in the areas of education and vocational training, employment, access to credit and income-generating activities;
- j) To maintain a research, archive and dissemination service related to the national liberation struggle history;
- k) To maintain a registration, processing and supervision database in order to support the respective activities;
- l) To maintain a public service oriented towards National Liberation Combatants and their families;
- m) To perform any other duties assigned to it by law.

**Article 10**  
**National Directorate for Social Assistance**

1. The National Directorate for Social Assistance, referred to as DNAS for short, is charged with developing social assistance policies by acting within the community and stimulating its participation in the programmes of the Ministry.



2. DNAS fulfils the following responsibilities:
  - a) To develop and implement programmes aimed at promoting the rights of disabled people;
  - b) To develop and implement programmes with a view to promoting the rights of the elderly;
  - c) To provide humanitarian assistance;
  - d) To ensure the stock management of the Ministry's warehouses;
  - e) To strengthen relations and cooperation with other governmental and non-governmental bodies in the implementation of social services;
  - f) To put a funerary service at the disposal of the community;
  - g) To perform any other duties as may be assigned to it.

**Article 11**  
**National Directorate for Social Reintegration**

1. The National Directorate for Social Reintegration, referred to as DNRS for short, is charged with developing social reintegration policies by acting within the community and stimulating its participation in the programmes of the Ministry.
2. DNRS fulfils the following responsibilities:
  - a) To develop and implement policies and programmes geared towards people in vulnerable circumstances;
  - b) To develop and implement programmes oriented towards shelters;
  - c) To develop and implement programmes aimed at promoting and protecting women's rights, in coordination with the Office of the Secretary of State for the Promotion of Gender Equality;
  - d) To develop and implement programmes aimed at promoting and protecting the rights of the child;
  - e) To promote the reintegration of inmates into society, in coordination with the Ministry of Justice and other relevant entities in this area;

- f) To strengthen relations and cooperation with other governmental and non-governmental bodies in the implementation of social reintegration services;
- g) To perform any other duties as may be assigned to it.

**Article 12**  
**National Directorate for Disaster Management**

1. The National Directorate for Disaster Management, referred to as DNGD for short, is charged with coordinating and executing policies and actions in disaster situations.
2. DNGD fulfils the following responsibilities:
  - a) To develop and propose disaster management policies;
  - b) To develop and implement programmes and activities aimed at reducing disaster risks;
  - c) To provide information to society with a view to raise awareness of disaster risks;
  - d) To maintain a National Disaster Management Information System;
  - e) To meet regularly with relevant partners to monitor and disseminate information on disaster risks;
  - f) Keep in good condition the equipment required for a rapid and effective response in case of disaster;
  - g) To establish and maintain, in coordination with the competent defence and security services, a service for the study, preparedness and response in case of disaster, which entail a concerted action by these two departments;
  - h) To perform any other duties as may be assigned to it.

**Article 13**  
**National Directorate for Social Security**

1. The National Directorate of Social Security, referred to as DNSS for short, is charged with developing policies related to contributory and non-contributory social security schemes by acting within the

community and stimulating its participation in the programmes of the Ministry.

2. DNSS fulfils the following responsibilities:
  - a) To develop a policy and programmes related to contributory and non-contributory social security schemes in conjunction with employer businesses, institutions and organisations, as well as with trade unions representative of workers;
  - b) To develop a policy and programmes related to contributory and non-contributory social security schemes in conjunction with relevant partners in this area;
  - c) To propose a pension fund made up of employers' and workers' contributions
  - d) To propose the establishment of a national social security fund;
  - e) To propose the establishment of a National Social Security Institute;
  - f) To present budgetary calculations to fund the implementation of programmes;
  - g) To promote awareness and socialisation programmes on social security standards;
  - h) To maintain a public information and registration service;
  - i) To maintain a general archive service covering the scope of its responsibilities;
  - j) To monitor and, in cooperation with other governmental bodies, propose measures required to apply social security rules;
  - k) To publish periodic reports to keep society informed;
  - l) To perform any other duties as may be assigned to it.

**Article 14**  
**Office of Inspection and Auditing**

1. The Office of Inspection and Auditing is charged with disciplining and auditing MSS services.
2. It is incumbent upon the Office of Inspection and Auditing, namely:
  - a) To monitor key aspects related to the legality, regularity and quality of the operations of the services;
  - b) To carry out management audits;
  - c) To gather information on the operations of the services, and propose corrective measures deemed advisable;
  - d) To initiate investigations, inquiries and disciplinary proceedings as and when determined by the competent entities for the purposes of prosecution and the appointment of an investigating officer;
  - e) To initiate inquiries as determined by the Minister;
  - f) To provide support to MSS services by working in collaboration with the management thereof in the exercise of disciplinary powers.
3. The director of the Office of Inspection and Auditing holds a rank equivalent, for all legal intents and purposes, to that of Director-General.

**SECTION II**  
**ADVISORY BOARD**

**Article 15**  
**Composition of the Advisory Board**

1. The Advisory Board of the Ministry of Social Solidarity, referred to as the Advisory Board, is the corporate advisory and coordinating body charged with periodically reviewing progress in the implementation of MSS activities.
2. It is incumbent upon the Advisory Board to give its opinion about:
  - a) MSS decisions with a view to implementing them;
  - b) Work programmes and plans;

- c) The review of the implementation of MSS activities by assessing the results achieved and proposing new goals;
  - d) The sharing of experiences and information between all MSS services and bodies and between their respective managers;
  - e) Statutes which are of interest to MSS and any other documents from its services or bodies;
  - f) To perform any other duties as may be assigned to it.
3. The Advisory Board is composed as follows:
- a) The Minister, who presides over it;
  - b) The Secretary of State;
  - c) The Director-General;
  - d) The National Directors;
  - e) The Regional Coordinators.

### **SUBSECTION III TERRITORIAL BRANCHES**

#### **Article 16 Territorial Branches**

Territorial branches are charged with executing MSS activities and gathering data for developing local sectoral policy measures at the regional level.

### **CHAPTER IV FINAL AND TRANSITORY PROVISIONS**

#### **Article 17 Modus operandi of the services**

1. MSS services must function on the basis of objectives set forth in annual and multi-annual plans as approved by the Minister.
2. The services referred to in the preceding subparagraph must collaborate with one another and articulate their activities in such a

manner that will promote a uniform and integrated implementation of MSS policies.

**Article 18**  
**Complementary legislation**

1. Without prejudice to the provisions of this statute, it is incumbent upon the Minister of Social Solidarity to approve by a ministerial statute the regulatory procedures for the organisational and operating structure of the national directorates and services of MSS.

**Article 19**  
**Staffing table**

The staffing table and the number of managerial and leadership positions are approved by a ministerial statute of the Cabinet members responsible for Social Solidarity; Finance; and Public Administration.

**Article 20**  
**Revocation**

All legal and regulatory provisions that are contrary to this statute, particularly the provisions of UNTAET Regulation No. 5/2002 (Labour Code) as regards the structure of the Office of the Secretary of State for Labour and Solidarity, are hereby revoked.

**Article 21**  
**Entry into force**

This statute comes into force on the day following the date of its publication.

Seen and approved in Council of Ministers on 23 January 2008.

The Prime Minister

[Signed]

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Kay Rala Xanana Gusmão

The Minister of Social Solidarity

[Signed]

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Maria Domingas Fernandes Alves

Promulgated on 16/04/2008

To be published.

The President of the Republic, ad interim

[Signed]

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Fernando La sama de Araújo