

Presidency of the Republic

City House

Deputy Chief for Legal Affairs

Decree nº 1.171 of June 22th, 1994

Approves the Professional Code of Ethics for Civil Public Servants of the Federal Executive Branch.

The PRESIDENT OF THE REPUBLIC, exercising the power granted by Article 84, items IV and VI and also considering the provisions of Article 37 of the Constitution, as well as Articles 116 and 117 of Law nº 8.112 of December 11, 1990 and Articles 10, 11 and 12 of Law nº 8.429 of June 2nd, 1994.

Decrees:

**Article 1.** The Professional Code of Ethics for Civil Public Servants of the Federal Executive Branch, which is attached hereto, is hereby approved.

**Article 2.** The bodies and entities of the direct and indirect Federal Public Administration shall implement, within sixty days, the necessary measures to ensure the full enforcement of the Code of Ethics, including the establishment of the respective Ethics Committee, composed of three civil servants or employees holding permanent positions or jobs.

**Sole Paragraph.** The establishment of the Ethics Committee shall be communicated to the Secretariat of Federal Administration of the Presidency of the Republic, indicating the respective regular and alternate members.

**Article 3.** This decree shall enter into force on the date of its publication.

## **ANNEX**

Professional Code of Ethics for Civil Public Servants of the Federal Executive Branch

## **CHAPTER I**

### **Section I**

#### **On Deontological Rules**

I - Dignity, decorum, diligence, efficiency, and awareness of moral principles are paramount virtues that must guide the public servant, whether in the exercise of their position or function, or outside it, since they will reflect the exercise of the vocation of the State's own power. Their acts, behaviors, and attitudes shall be directed towards preserving the honor and tradition of public services.

II - The public servant must never disregard the ethical element of their conduct. Thus, they must decide not only between legal and illegal, just and unjust, convenient and inconvenient, timely and untimely, but mainly between honest and dishonest, according to the rules contained in Article 37, caput, and paragraph 4 of the Federal Constitution.

III - The morality of the Public Administration is not limited to the distinction between good and evil, but must also include the idea that the goal is always the common good. The balance

between legality and purpose in the conduct of the public servant can consolidate the morality of the administrative act.

IV - The remuneration of the public servant is funded by taxes paid directly or indirectly by everyone, including the servant themselves, and therefore it is required, as a counterpart, that administrative morality be integrated into the Law as an inseparable element of its application and purpose, becoming, as a consequence, a factor of legality.

V - The work performed by the public servant before the community must be understood as an addition to their own well-being, since, as a citizen and member of society, the success of this work can be considered their greatest asset.

VI - The public function must be regarded as a professional exercise and, therefore, integrates into the private life of each public servant. Thus, the facts and acts observed in daily conduct in their private life can increase or diminish their good reputation in their functional life.

VII - Except in cases of national security, police investigations, or higher interest of the State and Public Administration, to be preserved in a process previously declared confidential, under the terms of the law, the publicity of any administrative act constitutes a requirement of effectiveness and morality, and its omission constitutes an ethical breach against the common good, attributable to whoever denies it.

VIII - Every person has the right to the truth. The servant cannot omit or falsify it, even if it is contrary to the interests of the person involved or the Public Administration itself. No State can grow or stabilize on the corruptive power of the habit of error, oppression, or lies, which always destroy even human dignity, let alone the dignity of a Nation.

IX - Courtesy, goodwill, care, and time dedicated to public service characterize the effort for discipline. Treating badly a person who pays their taxes directly or indirectly means causing moral damage. Likewise, causing damage to any asset belonging to the public patrimony, deteriorating it by negligence or ill will, is not only an offense to the equipment and facilities or the State, but to all men of goodwill who dedicated their intelligence, time, hopes, and efforts to build them.

X - Leaving any person waiting for a solution that belongs to the sector where the public servant works, allowing the formation of long lines, or any other type of delay in service provision, is not only an unethical attitude or an act of inhumanity but mainly causes serious moral damage to users of public services.

XI - The public servant must pay full attention to the legal orders of their superiors, carefully ensuring their compliance, thus avoiding negligent conduct. Repeated errors, neglect, and accumulation of deviations sometimes become difficult to correct and characterize even recklessness in performing public duties.

XII - Any unjustified absence of the public servant from their workplace is a factor that demoralizes the public service, which almost always leads to disorder in human relations.

XIII - The servant who works in harmony with the organizational structure, respecting their colleagues and every fellow citizen, collaborates and can receive collaboration from everyone, since their public activity is a great opportunity for the growth and greatness of the Nation.

## **Section II**

### **On the Main Duties of the Public Servant**

XIV – The fundamental duties of the public servant are:

- a) To perform, on time, the responsibilities of the position, function, or public employment they hold;
- b) To carry out their duties with speed, accuracy, and efficiency, putting an end to or prioritizing the resolution of procrastinatory situations, especially in the presence of queues or any other type of delay in the provision of services by the sector where they perform their duties in order to avoid moral damage to the user;
- c) To be honest, upright, loyal and just, demonstrating full integrity of character, always choosing, when faced with two options, the best and most advantageous for the common good;
- d) Never to delay any accounting or accountability, an essential condition for the management of the assets, rights and services of the community under their responsibility;
- e) To treat users of the services carefully, improving communication and contact processes with the public;
- f) To be aware that their work is governed by ethical principles that materialize in the proper delivery of public services;
- g) To be courteous, urbane, available and attentive, respecting the capacities and individual limitations of all public service users, without any form of prejudice or distinction based on race, sex, nationality, color, age, religion, political stance, or social position, thus refraining from causing moral damage;
- h) To respect the hierarchy but without fear of reporting any undue compromise of the structure on which State Power is founded;
- i) To resist all pressures from hierarchical superiors, contractors, interested parties and others who seek to obtain any favors, benefits or undue advantages resulting from immoral, illegal or unethical actions and to report them;
- j) To safeguard, during the exercise of the right to strike, the specific requirements of defending life and collective security;
- k) To be present and punctual at work, knowing that their absence causes damage to orderly work and negatively affects the entire system;
- l) To immediately report to their superiors any act or fact contrary to the public interest, demanding appropriate measures;
- m) To keep the workplace clean and in perfect order, following the most appropriate methods for its organization and distribution
- n) To participate in movements and studies related to improving the exercise of their function aiming for the achievement of the common good;
- o) To present themselves at work wearing clothing appropriate for the exercise of their position or function, as much as possible with judgment, safety and speed, always maintaining good order;
- p) To stay updated on instructions, service standards and relevant legislation for the body in which they perform their duties;
- q) To perform, according to service norms and superior instructions, the task of their position or function, as much as possible with judgment, safety and speed, always maintaining good order;

- r) To facilitate the inspection of all acts or services by authorized persons;
- s) To exercise with strict moderation the functional prerogatives attributed to them refraining from doing so against the legitimate interests of public service users and administrative jurisdiction;
- t) To absolutely refrain from exercising their function, power or authority for purposes, unrelated to the public interest, even if observing legal formalities and not committing any express violation of the law;

### **Section III**

#### **Prohibitions for the Public Servant:**

XV – The public servant is prohibited from:

- a) Using their position, function, conveniences, friendships, time, status and influence to obtain any favor for themselves or others;
- b) Deliberately harming the reputation of other public servants or citizens dependent on them;
- c) Being due to their spirit of solidarity, complicit in errors or violations of this Code of Ethics or the Code of Ethics of their profession;;
- d) Using artificies to delay or hinder the exercise of rights by any person, causing moral or material damage;
- e) Failing to utilize technical and scientific advancements within their reach or knowledge for fulfilling their duties;
- f) Allowing persecutions, sympathies, antipathies, whims, passions or personal interests to interfere in dealings with the public, administrative jurisdiction holders or hierarchical colleagues whether superior or subordinate;
- g) Pleading soliciting, provoking, suggesting or receiving any kind of financial aid, gratification, prize, commission, donation or any kind of advantage for themselves, relatives, or any person;
- h) Altering or misrepresenting the content of documents that they must forward for necessary measures;
- i) Deceiving or attempting to deceive any person who requires public service assistance;
- j) Diverting a public servant to serve a private interest;
- k) Removing from the public office, without legal authorization, any document, book or asset belonging to the public patrimony;
- l) Using privileged information obtained internally in their service for personal benefit or for relatives, friends or third parties;
- m) Habitually appearing intoxicated on duty or outside of it;
- n) Contributing to any institution that attacks morality, honesty or human dignity;
- o) Engaging in unethical professional activity or associating their name with enterprises of dubious nature.