

CODE OF CONDUCT FOR THE BHUTAN NATIONAL LEGAL INSTITUTE



Bhutan National Legal Institute
Supreme Court Complex
Thimphu, Bhutan
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Overview of the Institute

The Bhutan National Legal Institute (BNLI) was established on 25 February 2011 under the visionary leadership of the Hon. President, Her Royal Highness Princess Sonam Dechan Wangchuck. The Institute was established under section 86 of the *Judicial Service Act of Bhutan, 2007* to provide continuing legal and judicial education to the Royal Courts of Justice. It endeavours to provide judicial and continuing legal education, judicial academic research support services, and non-judicial research and academic support.

In line with the Constitution, the Institute seeks to provide a framework for the Judiciary to safeguard, uphold, and administer justice fairly and independently without fear, favour, or undue delay in accordance with the *Rule of Law* to inspire trust and confidence and to enhance access to justice. Further, it seeks to promote the right to information and equal access to justice. The Institute continues to provide research and training services for the benefit of the Judiciary to proliferate legal research and education. The Institute endeavours to promote legal education and enhance effective justice services through capacity building and continuing legal education.

Preliminary

In pursuant to section 35 of the Anti-Corruption Act of Bhutan and the Model Code, the Institute hereby frames and adopts this Code of Conduct as provided hereinunder:

Objectives of the Code of Conduct

- (1) The purpose of this Code of Conduct is to:
 - (a) Spell out the standards of integrity and conduct to be complied with by the officials and staff;
 - (b) Provide support to meet the standards;
 - (c) Provide standards of conduct as a basic national and institutional standard to adopt the principles of integrity and propriety; and
 - (d) Applied it as employment terms and conditions.
- (2) This Code of Conduct shall:
 - (a) Apply to all officials; and
 - (b) Be considered as part of the employment terms and conditions of a public servant and its breach shall result in disciplinary or criminal sanction as appropriate.

Responsibility for the implementation of this Code of Conduct

The Head of the Institute shall be responsible for implementing this Code of Conduct as per the particular requirements and circumstances.

- (3) The Institute shall complement this Code of Conduct, with other policies, rules, and procedures including training and capacity building and dissemination to the officials.

Non-exclusiveness of this Model Code

- (4) This Code of Conduct is not exclusive and shall be complemented by other specific or

professional Codes of Conduct, if any.

Rule of Law

An official shall perform the official duty in accordance with the law of the land.

Serving the Public Interest

- (6) An official shall demonstrate the highest standards of professional competence, fairness, integrity, and selflessness; and uphold the public interest at all times to maintain, sustain, and strengthen the public trust and confidence in the public service.

Loyalty

- (7) An official shall be loyal and faithful to the Tsa-wa-sum at all times.

Professionalism

- (8) An official shall:
- (a) demonstrate the highest degree of competence, skill, knowledge, creativity, self-leadership, resilience, perseverance, resolve, determination, fortitude, grit, adroitness, firmness, decisiveness, trustworthiness, reliability, and aptitude as required by his or her profession, and adhere to the professional codes of conduct;
 - (b) be strategic, dynamic, innovative, astute, and steadfast; and strive to achieve the intended results based on predetermined targets and other performance standards set for the public service delivery;
 - (c) endeavour to optimally use resources including time in achieving the mandates, objectives, targets, or tasks of an Institute; and
 - (d) be mindful, careful, conscientious, thorough, and assiduous in carrying out official duties.

Fairness

- (9) An official shall:
- (a) be fair and impartial in the performance of their functions and in dealing with the public;
 - (b) at no time accord any undue preferential treatment to any group or individual or discriminate based on gender, race, religion, disability, region, ethnic background, politics or other status; and
 - (c) not act arbitrarily and/or prejudicially against the rights of their client and staff.

Transparency

- (10) An official shall be transparent in his or her decisions and actions unless otherwise required to maintain confidentiality and secrecy.

Discipline

- (11) An official shall be courteous and behave in conformity with the *Driglam Namzhag*, law,

standard and the respective code of conduct for public service.

Conduct of private affairs

- (12) Even in their conduct of private affairs, an official shall comport himself or herself in a manner expected and becoming of a public servant to sustain public trust and confidence.

Conflict of interest

- (13) An official shall not allow the official position to conflict with or advance his or her private or personal interest or that of his or her family, relative, or associate, in any way.
- (14) An official shall not take part in or influence any decision or decision-making proceeding or process of a public agency when he or she, his or her family, relative, or associate has a private or personal interest.
- (15) An official shall:
- (a) declare any actual, perceived, or potential conflict of interest; and
 - (b) manage the conflict of interest in accordance with the Model Guideline on Managing Conflicts of Interest in the Public Service in vogue.

Outside interests

- (16) Notwithstanding the requirement under law, an official shall not engage in any activity or transaction, acquire any position or function whether paid or unpaid, or have any pecuniary or non-pecuniary, commercial, or other comparable interest that is incompatible with their office, function, and duty or the discharge thereof or detract from the proper performance of his or her official duty.
- (17) An official shall comply and declare membership of, or association with, an organization outside his or her official position.

Declaration of assets and liabilities

- (18) An official shall, as required by law, comply with the requirement to declare his or her assets, income, and liability, as well as, those of his or her spouses and/or dependants.

Acceptance of gifts and hospitality

- (19) An official shall not, directly or indirectly, solicit or accept gift, favour, hospitality, or other benefit of any kind either for himself or herself, or his or her family, relative and friend, or person or organization with which he or she has or had business or relation except as otherwise permitted by law.
- (20) An official shall report any offer, promise, or giving of undue advantage either to himself or herself or another public servant to his or her immediate supervisor or directly to the Anti-Corruption Commission of Bhutan.
- (21) An official shall declare any receipt of gift or hospitality in accordance with the Gift Rule in vogue.

Susceptibility to influence by others

- (22) An official shall not permit himself or herself to be put, or seen to be put, in a position of

obligation to return a favour to any person or body.

- (23) An official shall not make his or her conduct whether in their official capacity or his or her private life susceptible to the improper influence of others.

Abuse of official position

- (24) An official shall not take advantage of his or her official position for the improper advancement of his or her personal, pecuniary, or non-pecuniary interest or purposes of his or her family, relatives, and associates.
- (25) An official shall not seek to influence any person or body, including other public servants, for his or her benefit or benefit of his or her family, relative, or associate, by using his or her official position or by offering them a personal advantage.

Public and official resources

- (26) An official shall at all times ensure that public property, facility, service, and financial resources with which they are entrusted to manage are used judiciously for intended or official purposes.
- (27) The patent right and copyright for any invention, discovery, innovation or intellectual work of a public servant that has resulted from the employment in, or use of public resources or supervision of the Institute shall be vested with a relevant public agency.

Disclosure of information

- (28) An official shall maintain confidentiality and secrecy of any matter, document, report, and other information relating to the official function that becomes known to him or her or comes into his or her possession or under their control.
- (29) An official shall:
- (a) take appropriate steps to ensure the security and confidentiality of information or document for which he or she is responsible or of which he or she becomes aware or come to his or her possession and use only for the intended purpose; and
 - (b) not access to information or document that is not appropriate for him or her to do so.
- (30) An official shall not disclose official information unless authorized to do so.
- (31) An official shall:
- (a) take appropriate steps to ensure the security and confidentiality of information or document for which he or she is responsible or of which he or she becomes aware or come to his or her possession and use only for the intended purpose; and
 - (b) not access to information or document that is not appropriate for him or her to do so.

Integrity Vetting

- (32) The official responsible for the selection, recruitment, promotion, and appointment of a person in the office and award of a public contract or entering into a public contractual relationship shall ensure integrity vetting in accordance with the Integrity Vetting Rules of the Anti-Corruption Commission of Bhutan.

Political engagement

- (33) An official shall remain apolitical at all times and not stand for election under the electoral laws of the Kingdom.
- (34) Any communication relayed by an official in support of a political party shall be treated as a violation of the code of conduct and, if so alleged and proven.

Post-public service restrictions

- (35) An official shall:
 - (a) not take advantage of his or her official position to obtain opportunity for future employment; and
 - (b) forthwith disclose to his or her supervisor, management, or relevant authority any offer of employment received.

Risk assessment of posts or activities vulnerable to corruption

- (36) The Institute shall carry out a corruption risk assessment of post or activity, and put in preventive and mitigating measures.

Protection of the public servant's privacy

- (37) The Institute shall take all necessary steps to ensure that the public servant's privacy is respected and declaration required by this Code of Conduct is kept confidential unless otherwise provided for by law.

Procedures for raising and handling complaints

- (38) An official who believes he or she is being required to act in an unlawful, improper, or unethical way shall file a complaint in accordance with the Grievance Redressal Mechanism instituted by the Institute as per the Code of Conduct.
- (39) An official shall file a complaint with the relevant authority if he or she becomes aware of a breach of the code of conduct by another public servant, including pressure or undue influence applied to him or her by a supervisor, colleague or another.
- (40) The Institute shall ensure that the complaint or information contained therein is treated confidentially and the complainant is not victimized.
- (41) The Institute shall ensure the due process of law and protect the rights of a person while conducting an administrative inquiry on a complaint.
- (42) The Institute shall impose an appropriate disciplinary sanction for a breach of the code of conduct as established by the administrative inquiry.

Disciplinary Sanctions

- (43) An official shall be liable for major or minor disciplinary sanction for the breach of the code of conduct which shall include but not be limited to the following:
 - (a) Major disciplinary sanctions
 - (i) Termination; or

- (ii) Compulsory retirement.
- (b) Minor disciplinary sanction
 - (i) Suspension;
 - (ii) Withholding of promotion;
 - (iii) Demotion;
 - (iv) Re-assignment of duties;
 - (v) Withholding of annual salary increment;
 - (vi) Reduction in salary;
 - (vii) Deductions from salary, by way of fine;
 - (viii) A reprimand; or
 - (ix) Any other sanction.
- (44) The foregoing disciplinary sanctions shall not preclude the application of any civil or criminal sanctions if the breach of the code of conduct constitutes a criminal or statutory offence and is punishable under any other relevant law.

Accountability

- (45) An official holds the office in public trust and shall be held personally accountable and liable for any unlawful or inappropriate action, inaction or decisions.

Supervisory Accountability

- (46) The Head of the Institute shall be accountable for failure to adopt and implement the agency-specific Code of Conduct in line with the policies and purposes of the Institute.

Rules of Construction

- (47) Unless the context indicates otherwise, singular shall include plural and masculine shall include feminine and vice-versa.

Adopted in consultation with the staff on November 24, 2023.

(Pema Needup)