

Overall Score:

**43 - Very Weak**

Legal Framework Score:

**65 - Weak**

Actual Implementation Score:

**22 - Very Weak**

Category 1. Non-Governmental Organizations, Public Information and Media

---

## 1.1. <sup>46</sup>Anti-Corruption Non-Governmental Organizations

---

### 1. Are anti-corruption/good governance NGOs legally protected?

33

01a. In law, citizens have a right to form NGOs focused on anti-corruption or good governance.

Yes

No

**Comments:**

Constitution of Republic of Angola states that all citizens have the right to freely and without any admin authorization's, form associations provided they are organized based on democratic principles in accordance with the law.

It has also in the Law of Associations, that all citizens over 18 years old in the full enjoyment of their civil rights, can freely with the limits of the law form associations.

**References:**

Paragraph 1 of article 48 of the Constitution of Republic of Angola and paragraph 1 of article 7 of the Law of Associations, Law n° 14/91, May 11.  
[www.tribunalconstitucional.ao](http://www.tribunalconstitucional.ao)  
[www.info-angola.ao](http://www.info-angola.ao)

**Yes:** A YES score is earned when freedom to assemble into groups promoting good governance or anti-corruption is protected by law, regardless of political ideology, religion or objectives. Groups with a history of violence or terrorism (within last ten years) may be banned. Groups sympathetic to or related to banned groups must be allowed if they have no history

of violence. Non-governmental organizations (NGOs) are defined here as any organized group that is separate from the state working on issues of governance, transparency, and/or anti-corruption.

**No:** A NO score is earned when any single non-violent group is legally prohibited from organizing to promote good governance or anti-corruption. These groups may include non-violent separatist groups, political parties or religious groups.

01b. In law, anti-corruption/good governance NGOs are free to accept funding from any foreign or domestic sources.

Yes | **No**

**Comments:**

There are no such legal provision.

**References:**

There is no law on this specific issue....

**Yes:** A YES score is earned if anti-corruption/good governance NGOs face no legal or regulatory restrictions to raise or accept funds from any foreign or domestic sources. A YES score may still be earned if funds from groups with a history of violence or terrorism (within last ten years) are banned.

**No:** A NO score is earned if there any formal legal or regulatory bans on foreign or domestic funding sources for NGOs focused on anti-corruption or good governance.

01c. In law, anti-corruption/good governance NGOs are required to disclose their sources of funding.

Yes | **No**

**Comments:**

There is no statutory obligation to disclose the aforementioned organizations publicly disclose their funding sources.

**References:**

There is no statutory obligation

**Yes:** A YES score is earned if anti-corruption/good governance NGOs are required to publicly disclose their sources of funding.

**No:** A NO score is earned if no such public disclosure requirement exists.

---

## 2. Are anti-corruption/good governance NGOs able to operate freely?

02a. In practice, the government does not create barriers to the organization of new anti-corruption/good governance NGOs.

100 | 75 | 50 | 25 | 0

**Comments:**

Yes. The government creates many barriers to the conduct of NGOs including violating the stipulations of law as the rights of freedom of expression, organization and manifestation.

**References:**

Delma Monteiro – Human Right Defender

**100:** NGOs focused on promoting good governance or anti-corruption can freely organize with little to no interaction with the government, other than voluntary registration.

**75:**

**50:** NGOs focused on promoting good governance or anti-corruption must go through formal steps to form, requiring interaction with the state such as licenses or registration. Formation is possible, though there is some burden on the NGO. Some unofficial barriers, such as harassment of minority groups, may occur.

**25:**

**0:** Other than pro-government groups, NGOs focused on promoting good governance or anti-corruption are effectively prohibited, either by official requirements or by unofficial means, such as intimidation or fear.

02b. In practice, anti-corruption/good governance NGOs actively engage in the political and policymaking process.

100 | 75 | 50 | 25 | 0

**Comments:**

No. The participation of NGOs in political processes are always conditional and when permitted by international or media press it is always very limited

**References:**

Delma Monteiro – Human Right Defender

**100:** Non-governmental organizations focused on anti-corruption or good governance are an essential component of the political process. NGOs provide widely valued insights and have political power. Those NGOs play a leading role in shaping public opinion on political matters.

**75:**

**50:** Anti-corruption/good governance NGOs are active, but may not be relevant to political decisions or the policymaking process. Those NGOs are willing to articulate opinions on political matters, but have little access to decision makers. They have some influence over public opinion, but considerably less than political figures.

25:

**0:** Anti-corruption/good governance NGOs are effectively prohibited from engaging in the political process. Those NGOs are unwilling to take positions on political issues. They are not relevant to changes in public opinion.

02c. In practice, no anti-corruption/good governance NGOs have been shut down by the government for their work on corruption-related issues during the study period.

Yes | **No**

**Comments:**

No. There is an attempt to close some NGOs that the process drag on for some years however, the existing legal apparatus has contributed to the maintenance of these NGOs This fact is threatened because the new constitution limits the basic freedoms and the law of associations is being reviewed may order the closure of these organizations. They are SOS-Habitat, Association Justice, Peace and Democracy and the Open Society

**References:**

Delma Monteiro – Human Right Defender

**Yes:** A YES score is earned if there were no NGOs shut down by the government or forced to cease operations because of their work on corruption-related issues during the study period. YES is a positive score.

**No:** A NO score is earned if any NGO has been effectively shut down by the government or forced to cease operations because of its work on corruption-related issues during the study period. The causal relationship between the cessation of operations and the NGO's work may not be explicit, however the burden of proof here is low. If it seems likely that the NGO was forced to cease operations due to its work, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

---

### 3. Are anti-corruption/good governance NGO activists safe when working on corruption issues?

33

03a. In practice, in the past year, no anti-corruption/good governance NGO activists working on corruption issues have been imprisoned.

Yes | **No**

**References:**

Delma Monteiro – Human Right Activist

**Yes:** A YES score is earned if there were no NGO activists imprisoned because of their work covering corruption. YES is a positive score.

**No:** A NO score is earned if any activist was jailed in relation to work covering corruption. The causal relationship between the official charges and the person's work may not be explicit, however the burden of proof here is low. If it seems likely that the person was imprisoned due to his or her work, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes. "Imprisoned" is defined here as detention by the government lasting more than 24 hours.

03b. In practice, in the past year, no anti-corruption/good governance NGO activists working on corruption issues have been physically harmed.

Yes

No

**Comments:**

In Huila province some human rights defenders and journalists were arrested for denouncing the illegal demolition of a popular home for purposes unclear. They were also forbidden to meet with the community for any purpose without permission from the provincial government

**References:**

Delma Monteiro – Human Right Activist

**Yes:** A YES score is earned if there were no documented cases of NGO activists covering corruption being assaulted in the specific study period. A YES score can be earned if there was an attack but it was clearly unrelated to the activist's work. YES is a positive score.

**No:** A NO score is earned if there were any documented cases during the study period of assault to an activist who covers corruption. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

03c. In practice, in the past year, no anti-corruption/good governance NGO activists working on corruption issues have been killed.

Yes

No

**Comments:**

Although there is no conclusive data about the murder of Alberto Chakussanga, journalist of Radio Despetai (belonging to UNITA), occurring in Outrubro 2010, there are rumors that it has been killed by aspects of his work. His death occurred in a period of tensions between the MPLA and UNITA

**References:**

Delma Monteiro – Human Right Defender, Luanda -26/02/11

**Yes:** A YES score is earned if there were no documented cases of NGO activists being killed because of their work covering corruption in the specific study period. YES is a positive score.

**No:** A NO score is earned if there were any documented cases during the study period where a person was killed related to a corruption trial, scandal or investigation. The relationship between a mysterious death and an individual's history may not be clear, however the burden of proof here is low. If it is reasonable that a person was killed in relation to his or her work on corruption issues, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

#### 4. Can citizens organize into trade unions?

75

04a. In law, citizens have a right to organize into trade unions.

Yes

No

**Comments:**

The Constitution of the Republic of Angola, is recognized to workers the freedom to create trade unions to defend their individual and collective interests. Identical wording contained in Trade Union Act.

**References:**

Paragraph 1 of article 50 of the Constitution of the Republic of Angola and paragraph 1 of article 1 of the Trade Union Act, Law nº 21 – D/ 92, August 28.

**Yes:** A YES score is earned when trade unions are allowed by law, regardless of political ideology, religion or objectives. Groups with a history of violence or terrorism (within last ten years) may be banned. Groups sympathetic to or related to banned groups must be allowed if they have no history of violence.

**No:** A NO score is earned when any single non-violent trade union is legally prohibited by the government from organizing.

04b. In practice, citizens are able to organize into trade unions.

100

75

50

25

0

**Comments:**

Yes. A few years ago it was only possible within the state but in recent years, specific areas have been taking place in this sense independent of the citizens are not owned or state institutions. Example: Journalists' Union, Teachers Union and Workers Union

**References:**

Delma Monteiro – Human Right Defender, Luanda -26/02/11

**100:** Trade unions are common and are an important part of the political process and political discourse. Trade union organizers have widely understood rights. Trade unions are free from intimidation or violence.

**75:**

**50:** Trade unions exist, but are not always relevant to politics or policy debates. Barriers to organizing trade unions exist, such as intimidation at work, or retribution firings. Trade union organizers have some rights, but these may not be commonly known, or are difficult to defend.

**25:**

**0:** Trade unions are rare. Significant barriers to organization exist, including direct violence. Rights of union organizers are not widely known, or are ineffective in protecting organizers.

---

## 1.2. Media's Ability to Report on Corruption

---

### 5. Are media and free speech protected?

100

05a. In law, freedom of the media is guaranteed.

Yes

No

**Comments:**

The Constitution of the Republic of Angola states that he is guaranteed the freedom of the press, the latter not being subject to any censorship, especially political, ideological or artistic. It also required the State to ensure pluralism of expression and ensure the difference in ownership and editorial diversity in the media. The State should also ensure the existence and functioning independently and qualitatively competitive with a public service radio and television.

**References:**

In the Angolan Constitution, freedom of the press is addressed in Article 44. [www.tribunalconstitucional.ao](http://www.tribunalconstitucional.ao)

**Yes:** A YES score is earned if freedom of the press is guaranteed in law, including to all political parties, religions, and ideologies.

**No:** A NO score is earned if any specific publication relating to government affairs is legally banned, or any general topic is prohibited from publication. Specific restrictions on media regarding privacy or slander are allowed, but not if these amount to legal censorship of a general topic, such as corruption or defense. A NO score is earned if non-government media is prohibited or restricted.

05b. In law, freedom of speech is guaranteed.

Yes

No

**Comments:**

According to that article, everyone is entitled to express, disseminate and share freely their thoughts, their ideas and opinions by word, image, or any other means, as well as the right and freedom to inform, to inform and be informed without hindrance or discrimination. Also notes that the exercise of the rights and freedoms mentioned can not be prevented or limited by any type or form of censorship.

The Constitution also states that freedom of expression and freedom of information have as limits the rights of all to the good name, honor and reputation, image and privacy of private and family life, protection of children and youth, the state secret, the secrecy, the secrecy of those rights and other guarantees in terms regulated by law.

The Constitution also states that all persons, natural or legal persons, is ensured by law and under conditions of equality and efficiency, the right of reply and rectification and the right to compensation for damage.

**References:**

In Angolan Constitution, the freedom of speech is provision in article 40.

**Yes:** A YES score is earned if freedom of individual speech is guaranteed in law, including to all political parties, religions, and ideologies.

**No:** A NO score is earned if any individual speech is legally prohibited, regardless of topic. Specific exceptions for speech linked with a criminal act, such as a prohibition on death threats, are allowed. However, any non-specific prohibition earns a NO score.

---

## 6. Are citizens able to form print media entities?

56

06a. In practice, the government does not create barriers to form a print media entity.

100 | 75 | **50** | 25 | 0

**Comments:**

Not imposed barriers to the establishment of a body of print media. The legal paperwork for this is that constitute the barrier. Moreover, any person or group of people can open a newspaper provided that he meets the necessary requirements.

**References:**

<http://club-k.net>,  
Tandala Francisco (Luanda -29/02/11)  
Print Journalist  
Director of the newspaper "A Capital"

**100:** Print media entities can freely organize with little to no interaction with the government. This score may still be earned if groups or individuals with a history of political violence or terrorism (within last ten years) are banned from forming media entities.

**75:**

**50:** Formation of print media groups is possible, though there is some burden on the media group including overly complicated registration or licensing requirements. Some unofficial barriers, such as harassment of minority groups, may occur.

**25:**

**0:** Print media groups are effectively prohibited, either by official requirements or by unofficial means, such as intimidation or fear.

06b. In law, where a print media license is necessary, there is an appeals mechanism if a license is denied or revoked.

Yes | No

**Comments:**

According to the Organic Statute of the Ministry of Social Communication, among other duties, this court has jurisdiction to license the business of broadcasting and television, as well as undertake the registration of newspapers and advertising. The Ministry has various support services, one of the Management of National Intelligence, the body responsible for licensing the business of broadcasting and television, as well as for the registration of newspaper companies. It is integrated in the Management of Information Publications Department in charge of advising on applications for registration of publications issued in the country and foreign publications circulating in Angola.

The decision to revoke or not issue a license to print publications is an administrative act and, as such, the legal Angola has a mechanism to challenge administrative acts that is regulated in Law No. 2 / 94, of 14 January . Under this Act, the party can lay claim to the superior court which issued the decision. If the decision is confirmed, the party is free to use the courts to enforce their rights.

**References:**

Law n. 2 / 94 of January 14, Law of the challenge of administrative acts.

**Yes:** A YES score is earned if there is, in law or in accompanying regulations, a formal process to appeal a denied print media license, including through the courts. A YES score is also earned if no print license is necessary.

**No:** A NO score is earned if there is no appeal process for print media licenses.

06c. In practice, where necessary, citizens can obtain a print media license within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

Yes. But with a lot of difficulty. Groups of journalists had been prominent in this area by creating private newspapers. There is currently eight private newspapers.

**References:**

Delma Monteiro – Human Right Defender (Luanda -26/02/11)

Tandala Francisco (Luanda -29/02/11)

Print Journalist

Director of the newspaper “A Capital”

**100:** Licenses are not required or licenses can be obtained within two months.

**75:**

**50:** Licensing is required and takes more than two months. Some groups may be delayed up to six months.

**25:**

**0:** Licensing takes close to or more than one year for most groups.

06d. In practice, where necessary, citizens can obtain a print media license at a reasonable cost.

100 | 75 | **50** | 25 | 0

**Comments:**

The license to open a newspaper obeys the same lawsuit that the creation of a company. Despite being a bureaucratic process, the costs are reasonable. The principle is given a provisional license that can be used to start the activity and after two or three months is given a perpetual license.

Unfortunately in recent years the process has been more complicated.

**References:**

Tandala Francisco

Print Journalist

Director of the newspaper "A Capital"

**100:** Licenses are not required or can be obtained at minimal cost to the organization. Licenses can be obtained on-line or through the mail.

**75:**

**50:** Licenses are required, and impose a financial burden on the organization. Licenses may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Licenses are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

---

## 7. Are citizens able to form broadcast (radio and TV) media entities?

50

07a. In practice, the government does not create barriers to form a broadcast (radio and TV) media entity.

100 | 75 | 50 | **25** | 0

**Comments:**

The government has created many barriers to make way for the opening and expansion of radio stations. A strong example is Radio Ecclesia that for years waiting for authorization to issue in the national frequency

**References:**

Delma Monteiro – Human Right Defender

**100:** Broadcast media entities can freely organize with little to no interaction with the government. Media groups have equal access to broadcast bandwidth through a reasonably fair distribution system. This score may still be earned if groups or individuals with a history of political violence or terrorism (within last ten years) are banned from forming media entities.

**75:**

**50:** Formation of broadcast media groups is possible, though there is some burden on the media group including overly complicated registration or licensing requirements. Some unofficial barriers, such as harassment of minority groups, may occur. Division of broadcast bandwidth is widely viewed to be somewhat unfair.

**25:**

**0:** Broadcast media groups are effectively prohibited, either by official requirements or by unofficial means, such as intimidation or fear. This score is appropriate if the division of broadcast bandwidth is widely viewed to be used as a political tool.

07b. In law, where a broadcast (radio and TV) media license is necessary, there is an appeals mechanism if a license is denied or revoked.

Yes

No

**Comments:**

There is no specific mechanism for such cases. However, as this is an administrative decision, the aggrieved party may complain to the superior court which rendered the decision and, if not satisfied check out his claim, he may appeal to the courts.

**References:**

Law n. 2 / 94 of January 14, Law of the challenge of administrative acts

**Yes:** A YES score is earned if there is, in law or in accompanying regulations, a formal process to appeal a denied broadcast media license, including through the courts. A YES score is also earned if no broadcast license is necessary.

**No:** A NO score is earned if there is no appeal process for broadcast media licenses.

07c. In practice, where necessary, citizens can obtain a broadcast (radio and TV) media license within a reasonable time period.

100

75

50

25

0

**Comments:**

To open a radio station or TV limitations are enormous.

Radio Ecclesia is the second most listened radio in Luanda but for several years is waiting to the approvation to issue on national claim and the reasons presented to justify the refusal is not plausible.

**References:**

[http://www.angonoticias.com/full\\_headlines.php?id=22995](http://www.angonoticias.com/full_headlines.php?id=22995)

Delma Monteiro

**100:** Licenses are not required or licenses can be obtained within two months.

**75:**

**50:** Licensing is required and takes more than two months. Some groups may be delayed up to six months.

**25:**

**0:** Licensing takes close to or more than one year for most groups.

07d. In practice, where necessary, citizens can obtain a broadcast (radio and TV) media license at a reasonable cost.

100 | 75 | **50** | 25 | 0

**Comments:**

Open a radio station or TV is much more complicated than a newspaper that already atiguem different audiences. The high rate of illiteracy in Angola makes the Radio and TV are the most effective means to inform the masses. It is visible in the government's intention to limit the information goes like, will create some barriers to formal and informal character sectors to these organs. These barriers range from the divestiture of non-space issue, inordinate delays in the process, especially in limiting the scope of the issue

**References:**

Tandala Francisco  
Print Journalist  
Director of the newspaper "A Capital"

**100:** Licenses are not required or can be obtained at minimal cost to the organization. Licenses can be obtained on-line or through the mail.

**75:**

**50:** Licenses are required, and impose a financial burden on the organization. Licenses may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Licenses are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

---

## 8. Can citizens freely use the Internet?

75

08a. In practice, the government does not prevent citizens from accessing content published on-line.

100 | 75 | 50 | 25 | 0

**References:**

Delma Monteiro – Human Right Defender

**100:** The government does not prevent Internet users from accessing online content. While some forms of content may be illegal to download or own (such as child pornography), the government does not manipulate networks to prevent access to this information. This indicator addresses direct government intervention in the transfer of information, not indirect deterrents such as intimidation, surveillance or technical difficulties in countries with poor infrastructure.

**75:**

**50:** Internet users are prevented by the government from reaching online content in some cases. Government tactics may include firewalls preventing access to networks in other countries, or manipulating search engine results to exclude politically sensitive topics.

**25:**

**0:** Internet users are routinely prevented from accessing online content. Government restrictions are in place at all times for certain topics. Government tactics may include firewalls preventing access to networks in other countries, or manipulating search engine results to exclude politically sensitive topics.

08b. In practice, the government does not censor citizens creating content on-line.

100 | 75 | 50 | 25 | 0

**References:**

Delma Monteiro – Human Right Defender

**100:** The government never removes online information or disables servers due to their political content. All political speech is protected with limited exceptions, such as legitimate intellectual property restrictions; direct calls to violence; or pornography.

**75:**

**50:** In some cases, the government restricts political speech by its citizens on the Internet. This is accomplished either directly by controlling servers hosting restricted content, or indirectly through threats or intimidation against the persons posting political content.

**25:**

**0:** The government regularly restricts political speech by its citizens on the Internet. This is accomplished either directly by controlling servers hosting the restricted content, or indirectly through threats or intimidation against the persons posting political content.

---

## 9. Are the media able to report on corruption?

09a. In law, it is legal to report accurate news even if it damages the reputation of a public figure.

Yes | **No**

**Comments:**

Neither the Press Law or Angolan Constitution makes reference to ban publication of information that is likely to cause damage to public figures.

Press Law mentions in its article 7 that the exercise of press freedom has limits as to the principles designed to safeguard the objectivity, accuracy and impartiality of information, protection and guarantee of the right to good name, image and word, and the reserve the private life of citizens, protecting the public interest and the democratic order, and also the protection of health and public morality.

**References:**

No provision in the Press Law or Angolan Constitution.

**Yes:** A YES score is earned if it is legal to report accurate information on public figures regardless of damage to their reputations. Public figures are defined broadly, including anyone in a position of responsibility in the government or civil service; any political leader; leaders of civil society groups including religious groups, trade unions, or NGOs; leaders or officers of large businesses. A YES score can still be earned if a reckless disregard for the truth (i.e. slander) is prohibited.

**No:** A NO score is earned if privacy laws protect any public figures (as defined in the YES coding) from accurate information.

09b. In practice, the government or media owners/distribution groups do not encourage self-censorship of corruption-related stories.

100 | 75 | **50** | 25 | 0

**Comments:**

Usually the private media is who report cases of corruption that reach the public. The government bodies, in addition to not addressing the issue have internal ways of fixing this type of initiative when the journalists come from them.

I chose this score because despite all the problems associated with lack of libertadade the press, the dams are not addressed to specific organs but to journalists.

**References:**

Delma Monteiro – Human Right Defender

**100:** The government, its proxies, or media ownership/distribution groups make no attempt to restrict media coverage of corruption-related issues through unofficial means.

**75:**

**50:** The government, its proxies, or media ownership/distribution groups make some attempts to restrict media coverage of corruption-related issues through unofficial means, such as restricting access by disfavored media outlets, or other short-term consequences. Violent reprisals against media outlets are rare.

**25:**

**0:** The government, its proxies, or media ownership/distribution groups actively use illegal methods to restrict reporting of corruption-related issues. This may include harassment, arrests, and threats. Journalists and publishers take a personal risk to report on corruption, and media outlets who commonly report on corruption face long-term consequences or violent reprisals.

09c. In practice, there is no prior government restraint (pre-publication censoring) on publishing corruption-related stories.

100 | 75 | **50** | 25 | 0

**Comments:**

In the State media there is an internal censorship who controls the editorial policy of the program. But the private press has reported cases of corruption and other scandals involving holders of governmental folders. The journalist Rafael Marques, dedicated to investigative journalism, has reported several cases of corruption in recent years

**References:**

Delma Monteiro  
Human Right Defender  
Luanda –

**100:** The government never prevents publication of controversial corruption-related materials.

**75:**

**50:** The government prevents publication of controversial corruption-related material in cases where there is a strong political incentive to suppress the information. This score is appropriate if in countries where illiteracy is high, the government may allow a free print press but censor broadcast media.

**25:**

**0:** The government regularly censors material prior to publication, especially politically sensitive or damaging corruption-related material. This score is appropriate even if the government restricts only politically damaging news while allowing favorable coverage.

---

## 10. Are the media credible sources of information?

65

10a. In law, print media companies are required to publicly disclose their ownership.

**Yes** | No

**Comments:**

Under the title "Transparency of ownership", the article predicts that the actions of media companies that take the form of limited company must all be registered. It is furthermore noted that the ratio of the holders of shares in media companies, their discrimination, as well as details of the publications that belong to those, or other entities with whom you have a group relationship should be sent to the National Council Social Communication for the respect for freedom of competition.

**References:**

Article 26 of the Press Law. [www.mcs.gov.ao](http://www.mcs.gov.ao)

**Yes:** A YES score is earned if print media companies are required by law to publicly disclose all owners of the company.

**No:** A NO score is earned if there is no such requirement or if the requirement is optional, only partially applicable, or exempts certain types of entities or agents from being publicly disclosed.

10b. In law, broadcast (radio and TV) media companies are required to publicly disclose their ownership.

Yes

No

**Comments:**

Article 26 of the Press Law, under the title "Transparency of ownership", predicts that the actions of media companies that take the form of limited company must all be registered. It is furthermore noted that the ratio of the holders of shares in media companies, their discrimination, as well as details of the publications that belong to those, or other entities with whom you have a group relationship should be sent to the National Council Social Communication for the respect for freedom of competition.

**References:**

Article 26 of the Press Law.

**Yes:** A YES score is earned if broadcast media companies are required by law to publicly disclose all owners of the company.

**No:** A NO score is earned if there is no such requirement or if the requirement is optional, only partially applicable, or exempts certain types of entities or agents from being publicly disclosed.

10c. In practice, journalists and editors adhere to strict, professional practices in their reporting.

100

75

50

25

0

**Comments:**

Journalists are aware that the best way to be protected is to work ethically and legally. Who does not pcedede thus may be subject to prosecution at any time.

**References:**

Tandala Francisco  
Print Journalist  
Director of the newspaper "A Capital"  
Luanda -29/02/11

**100:** Editors and journalists at the major media outlets abide by a strict journalistic code of conduct and are unwilling to alter their coverage of a particular issue, event or person in exchange for money, gifts, or other favors or remuneration.

**75:**

**50:** Editors and journalists at the major media outlets generally avoid altering coverage in exchange for favors but some exceptions have been noted. Not all newsrooms abide by a formal journalistic code of conduct.

**25:**

**0:** Editors and journalists are widely known to “sell” favorable or unfavorable coverage in exchange for money, gifts, or other remuneration. The major media outlets do not abide by any formal journalistic code of conduct.

10d. In practice, during the most recent election, political parties or independent candidates received fair media coverage.

100 | 75 | **50** | 25 | 0

**Comments:**

No. It was given equal space in the media for political parties but as the public media are manipulated to partisan during this period, the actions taken by the government in order to be understood as actions of the ruling party. Even government officials appear, in full exercise of their governmental functions-clad political campaign.

**References:**

Delma Monteiro – Human Right Defender

**100:** All political parties and independent candidates have some access to media outlets. Individual media outlets may have biases, but on balance, the national media coverage reflects the interests of the electorate. Media groups generally act as disinterested parties in an election. In places where a government is popular with the public, opposition viewpoints can access the public via media outlets.

**75:**

**50:** Major popular media outlets have a persistent bias regarding some parties or independent candidates. Some major parties may be partially excluded from media coverage, or draw more negative coverage. Media sectors may have distinct biases, such as newspapers favoring one party, while radio favors another.

**25:**

**0:** The mass media, on balance, have clear preferences in election outcomes and coverage is driven to achieve these goals. Some major parties or independent candidates are excluded or consistently negatively portrayed by mass media. Dissenting political opinions are only found on fringe or elite media outlets, such as Web sites.

10e. In practice, political parties and candidates have equitable access to state-owned media outlets.

100 | 75 | 50 | **25** | 0

**Comments:**

The state media are partisan and clearly favored the MPLA during the period of election campaigning through the editorial line of their programs, guests and especially the presence of MPLA in the news.

**References:**

Fernando Macedo  
PhD Political Science  
Course Director of Law, University Lusíada  
Luanda – 28/02/11

**100:** The government ensures that equal access and fair treatment of election contestants is provided by all state-owned media outlets, including all electronic and print media. This obligation extends to news reports, editorial comment, and all other content. All parties and candidates are offered consistent and equivalent rates for campaign advertising on state-owned media outlets.

**75:**

**50:** The government generally ensures equal access and fair treatment of all candidates and parties by state-owned media outlets but some exceptions exist. State-owned media may occasionally discriminate against particular parties or candidates and advertising rates may be confusing or non-transparent.

**25:**

**0:** The government uses state-owned media to routinely discriminate against opposition candidates and parties. Advertising space may be denied to opposition candidates and parties or higher rates may be charged.

---

## 11. Are journalists safe when investigating corruption?

0

11a. In practice, in the past year, no journalists investigating corruption have been imprisoned.

Yes

**No**

**Comments:**

Press freedom in Angola is only checked at a formal level. Continue the persecution and torture against journalists bolder. To be safe denouncing cases of corruption is necessary absence from the country. The journalist Rafael Marques is one example.

**References:**

Cristóvão Godinho  
Law Student  
Luanda -29/02/11  
Tandala Francisco  
Director of the newspaper "A Capital"  
Luanda – 29/02/11

**Yes:** A YES score is earned if there were no journalists imprisoned related to work covering corruption during the study period. A YES score is positive.

**No:** A NO score is earned if any journalist was jailed because of his/her work covering corruption during the study period. The causal relationship between the official charges and the journalist's work may not be explicit, however the burden of proof here is low. If it seems likely that the journalist was imprisoned due to his or her work, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes. "Imprisoned" is defined here as detention by the government lasting more than 24 hours.

11b. In practice, in the past year, no journalists investigating corruption have been physically harmed.

Yes | **No**

**Comments:**

The website discusses the arrest of journalist and his equipment National Police. Title of the story is: "National Police keeps equipment working journalists in the province of Huila."

**References:**

<http://deortegasepalanga.blogspot.com/2010/10/policia-apreende-equipamento-de.html>

**Yes:** A YES score is earned if there were no documented cases of journalists being assaulted during the specific study period for their work covering corruption issues. A YES score is positive.

**No:** A NO score is earned if there were any documented cases of assault to a journalist covering corruption during the study period. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

11c. In practice, in the past year, no journalists investigating corruption have been killed.

Yes | **No**

**Comments:**

No. The state media are partisan private universe barrier including a few faces the threat Will Be removed to permit Issuance. Freedom of Journalist with critical radio station gunned down in his home Reporters Without Borders is shocked by the death of Alberto Chakusanga, the host of a programme on a radio station critical of the government. He was found dead in the kitchen of his home in the Luanda district of Viana at dawn on 5 September 2010. Chakusanga was shot in the back with a gun equipped with a silencer.

**References:**

<http://pt.globalvoicesonline.org/2010/10/21/angola-jornalista-assassinado-repressao-ou-violencia-urbana/>

**Yes:** A YES score is earned if there were no documented cases of journalists being killed because of their work covering corruption-related issues during the study period. A YES score is positive.

**No:** A NO score is earned if there were any documented cases where a journalist was killed in relation to his or her work covering corruption-related issues in the study period. The relationship between a mysterious death and an individual's work may not be clear, however the burden of proof here is low. If it is a reasonable guess that a person was killed in relation to his or her work on corruption issues, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

---

## 12. Do citizens have a legal right to request information?

67

12a. In law, citizens have a right to request government information and basic government records.

Yes

No

### Comments:

The Constitution established the right and freedom to inform, to inform and be informed without hindrance or discrimination.

### References:

Angolan Constitution, article 40. [www.tribunalconstitucional.ao](http://www.tribunalconstitucional.ao)

**Yes:** A YES score is earned if there is a formal right to request government documents, including constitutional guarantees. Exceptions can be made for national security reasons or individual privacy, but they should be limited in scope. All other government documents should be available upon a public request.

**No:** A NO score is earned if there is no such right.

12b. In law, citizens have a right of appeal if a request for a basic government record is denied.

Yes

No

### Comments:

According that law, it is possible to challenge an act from the public body that refuse access to information by citizens. If the victim does not feel satisfied is free to go to court.

### References:

Law n. 2/94 of January 14, Law of Challenge Administrative Acts.

**Yes:** A YES score is earned if there is a formal process of appeal for rejected information requests. A YES score can still be earned if the appeals process involves redress through the courts rather than administrative appeal.

**No:** A NO score is earned if there is no such formal process.

12c. In law, there is an established institutional mechanism through which citizens can request government records.

Yes | **No**

**Comments:**

There is no specific mechanism for citizens to request information to the government.

**References:**

There is no such formal mechanism or institution.

**Yes:** A YES score is earned if there is a formal government mechanism/institution through which citizens can access government records available under freedom of information laws. This mechanism could be a government office (or offices within agencies or ministries) or an electronic request system.

**No:** A NO score is earned if there is no such formal mechanism or institution.

---

### 13. Is the right to information requests effective?

17

13a. In practice, citizens receive responses to information requests within a reasonable time period.

100 | 75 | 50 | 25 | **0**

**Comments:**

No. Very rarely any citizen who requests a report to the government, regardless of the organ, has been successful.

**References:**

Delma Monteiro – Human Right Defender, Luanda – 26/02/11

**100:** Records are available on-line, or records can be obtained within two weeks. Records are uniformly available; there are no delays for politically sensitive information. Legitimate exceptions are allowed for sensitive national security-related information.

**75:**

**50:** Records take around one to two months to obtain. Some additional delays may be experienced. Politically-sensitive information may be withheld without sufficient justification.

**25:**

**0:** Records take more than four months to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records. National security exemptions may be abused to avoid disclosure of government information.

13b. In practice, citizens can use the information request mechanism at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

Although there is no law requiring the state to provide information to the citizens when it makes available, is usually free.

**References:**

Delma Monteiro  
Human Right Defender  
Luanda -26/02/11

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or NGOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or NGOs trying to access this information.

13c. In practice, responses to information requests are of high quality.

100 | 75 | 50 | 25 | 0

**Comments:**

When citizens requesting information and receiving a positive response, usually not of great quality and often do not answer the expectations of citizens.

**References:**

Delma Monteiro  
Human Right Defender  
Luanda 26/02/11

**100:** Responses to information requests typically address the requestor's questions in full and are not redacted or edited to remove sensitive information.

**75:**

**50:** Information requests are sometimes met with sufficient responses, but responses to information requests may be vague or overly general when sensitive information is sought.

**25:**

**0:** The government rarely or never replies to information requests with meaningful responses. If and when responses are issued, they are so overly general or heavily redacted as to render them useless.

13d. In practice, citizens can resolve appeals to information requests within a reasonable time period.

100 | 75 | **50** | 25 | 0

**References:**

Cristóvão Godinho  
Law Student  
Luanda 29/02/11

**100:** The agency/entity acts on appeals quickly. While some backlog is expected and inevitable, appeals are acknowledged promptly and cases move steadily towards resolution.

**75:**

**50:** The agency/entity acts on appeals quickly but with some exceptions. Some appeals may not be acknowledged, and simple issues may take more than two months to resolve.

**25:**

**0:** The agency/entity does not resolve appeals in a timely fashion quickly. Appeals may be unacknowledged for many months and simple issues may take more than three months to resolve.

13e. In practice, citizens can resolve appeals to information requests at a reasonable cost.

100 | 75 | **50** | 25 | 0

**Comments:**

The requested information is not always available but when courtesy is usually free

**References:**

Cristóvão Godinho  
Law Student  
Luanda 29/02/11

**100:** In most cases, the appeals mechanism is an affordable option to middle class citizens seeking to challenge an access to information determination.

**75:**

**50:** In some cases, the appeals mechanism is not an affordable option to middle class citizens seeking to challenge an access to information determination.

**25:**

**0:** The prohibitive cost of utilizing the access to information appeals mechanism prevents middle class citizens from challenging access to information determinations.

13f. In practice, the government gives reasons for denying an information request.

100 | 75 | 50 | 25 | 0

**Comments:**

I moved the score to 0. Normally when the government denies he just said that information from a confidential nature or that is not available to the public.

**References:**

Delma Monteiro  
Human Right Defender  
Program Officer for Transparency and Good Governance  
Association Justice, Peace and Democracy  
Luanda 26/02/11

**100:** The government always discloses to the requestor the specific, formal reasons for denying information requests.

**75:**

**50:** The government usually discloses reasons for denying an information request to the requestor, with some exceptions. The reasons may be vague or difficult to obtain.

**25:**

**0:** The government does not regularly give reasons for denying an information request to the requestor.

---

Category 2. Elections

---

## 2.1. <sup>51</sup>Voting and Party Formation

---

14. Is there a legal framework guaranteeing the right to vote?

100

14a. In law, universal and equal adult suffrage is guaranteed to all citizens.

Yes

No

**Comments:**

In accordance with the Constitution of the Republic of Angola, every citizen, over 18 years is entitled to vote and be elected to any national elective state body and local government.

**References:**

Paragraph 1 of article 54, Angolan Constitution. [www.tribunalconstitucional.ao](http://www.tribunalconstitucional.ao)

**Yes:** A YES score is earned if the right to vote is guaranteed to all citizens of the country (basic age limitations are allowed). A YES score can still be earned if voting procedures are, in practice, inconvenient or unfair.

**No:** A NO score is earned if suffrage is denied by law to any group of adult citizens for any reason. Citizen is defined broadly, to include all ethnicities, or anyone born in the country. A NO score is earned if homeless or impoverished people are legally prohibited from voting.

14b. In law, there is a legal framework requiring that elections be held at regular intervals.

Yes

No

**Comments:**

According to the Angolan Constitution, paragraph 2 of article 143, members are elected under proportional representation system for a mandate five years.

In this system, adopted about a year, with the approval of the Constitution, the President is the holder of the executive branch and is elected for president the head of the national list by the circle of the party or coalition of political parties voted more in the context of general elections – cf. article 109 of the Angolan Constitution.

The first Angola election was held in 1992 and the last one was in 2008.

The first general elections in Angola occurred in 1992, never having completed the second round of presidential elections and the last was in 2008, only legislative elections.

**References:**

Paragraph 2, article 143, Angolan Constitution.

**Yes:** A YES score is earned if there is a statutory or other framework enshrined in law that mandates elections at reasonable intervals.

**No:** A NO score is earned if no such framework exists.

---

## 15. Can all citizens exercise their right to vote?

67

15a. In practice, all adult citizens can vote.

100 | 75 | 50 | 25 | 0

**Comments:**

Yes. Any citizen over 18 years and is in full exercise of political rights. In Angola, the citizens who are in a situation of convicts can not exercise the right to vote

**References:**

Delma Monteiro  
Human Right Defender  
Program Officer for Transparency and Good Governance  
Association Justice, Peace and Democracy  
Luanda 26/02/11

**100:** Voting is open to all citizens regardless of race, gender, prior political affiliations, physical disability, or other traditional barriers.

**75:**

**50:** Voting is often open to all citizens regardless of race, gender, prior political affiliations, physical disability, or other traditional barriers, with some exceptions.

**25:**

**0:** Voting is not available to some demographics through some form of official or unofficial pressure. Voting may be too dangerous, expensive, or difficult for many people.

15b. In practice, ballots are secret or equivalently protected.

100 | 75 | 50 | 25 | 0

**Comments:**

The vote is secret. No one enters the cabin to see who voted and is the voter who deposits the ballot. There are many problems with the polls. They are raped, its transportation is not monitored, after opening the nullity of the votes is unclear.

**References:**

Delma Monteiro  
Human Right Defender  
Luanda 26/02/11

**100:** Ballots are secret, or there is a functional equivalent protection, in all cases.

**75:**

**50:** Ballots are secret, or there is a functional equivalent protection, in most cases. Some exceptions to this practice have occurred. Ballots may be subject to tampering during transport or counting.

**25:**

**0:** Ballot preferences are not secret. Ballots are routinely tampered with during transport and counting.

15c. In practice, elections are held according to a regular schedule.

100 | 75 | 50 | 25 | **0**

**Comments:**

No. Since the country adopted the system of democratic governance, and joined a multiparty system in 1990 occurred only two election cycles, both incomplete. The first in 1992 missed the second round in presidential elections. And in the second cycle only the legislative elections were held, that in 2008

**References:**

Delma Monteiro  
Programme Officer  
Transparency, Good Governance and Sustainable Development  
Association for Justice, Peace and Deomocracia  
Luanda 26/02/11

**100:** Elections are always held according to a regular schedule, or there is a formal democratic process for calling a new election, with deadlines for mandatory elections.

**75:**

**50:** Elections are normally held according to a regular schedule, but there have been recent exceptions. The formal process for calling a new election may be flawed or abused.

**25:**

**0:** Elections are called arbitrarily by the government. There is no functioning schedule or deadline for new elections.

---

## 16. Are citizens able to participate equally in the political process?

75

16a. In law, all citizens have a right to form political parties.

**Yes** | No

**Comments:**

The Angolan Constitution provides for freedom of establishment of political associations and political parties, and also envisaged that every citizen has the right to participate in political associations and political parties.

**References:**

Angolan Constitution, article 55. [www.tribunalconstitucional.ao](http://www.tribunalconstitucional.ao)

**Yes:** A YES score is earned if citizens have the right to form political parties without interference from government. A YES score may still be earned if groups or individuals with a history of violence or terrorism (within last ten years) are banned from forming political parties. Non-discriminatory minimal criteria (e.g. minimum age) are also allowed.

**No:** A NO score is earned if there are any legal or regulatory restrictions or prohibitions barring any types of political parties from being formed.

16b. In law, all citizens have a right to run for political office.

Yes | No

**Comments:**

Angolan Constitution provides that every citizen over 18 is entitled to vote and be elected to any elective body of the state and local government.

**References:**

Paragraph 1, article 54, Angolan Constitution.

**Yes:** A YES score is earned if all citizens (citizen is defined broadly, to include all ethnicities, or anyone born in the country) have the right under law to run for political office. A YES score may still be earned if individuals with a history of violence, terrorism, or criminality are banned from running for office.

**No:** A NO score is earned if there are any legal restrictions barring certain individuals or groups from running for political office.

16c. In practice, all citizens are able to form political parties.

100 | 75 | 50 | 25 | 0

**Comments:**

In practice all citizens are able to form political parties.

**References:**

Justino Pinto de Andrade,  
Chairman of the Democratic Bloc  
Political party without a seat in Parliament  
Director of Faculty of Economics, Catholic University

**100:** While there is no guarantee of electoral success, political parties can form freely without opposition.

**75:**

**50:** Some barriers to formation are present, such as burdensome registration requirements that may not be fairly applied. Some parties' political viewpoints may draw pressure from the government, such as surveillance or intimidation. Some political parties or organizations may have extra barriers to getting on a ballot.

**25:**

**0:** Some political parties are effectively barred from forming through some manner of official or unofficial pressure. This may include threats, arrest, or violence from competing parties or other groups.

16d. In practice, all citizens can run for political office.

100 | 75 | **50** | 25 | 0

**Comments:**

There is no constraint that prevents citizens from standing for political office, except those resulting from the law.

**References:**

Justino Pinto de Andrade, Professor Universitário

**100:** While there is no guarantee of electoral success, anyone can run for office under transparent and equitable guidelines. There is a formal process for access to the ballot which is fairly applied. The costs of running a campaign are reasonable and do not deter candidates from entering a race.

**75:**

**50:** Some barriers exist to getting on the ballot and bureaucratic or regulatory requirements for doing so may be unfairly applied. The costs of running a political campaign are significant and result in dissuading some candidates from running for office. A system of party lists may discourage or prevent independent candidates from running for office.

**25:**

**0:** Citizens can effectively be barred from the ballot through government abuse of official rules and/or unofficial pressure. The costs of running a campaign are extremely high and result in most average citizens being unable to run an effective campaign for office.

16e. In practice, an opposition party is represented in the legislature.

100 | 75 | 50 | **25** | 0

**References:**

Delma Monteiro  
Human Right Defender

**100:** The opposition party always has some influence on the proceedings of the legislature. The opposition party can introduce legislation or bring pending matters to a vote without the consent of the ruling party.

**75:**

**50:** The opposition party has influence on the proceeding of the legislature, but it is limited in scope. The opposition's ability to force votes or publicly debate certain topics may be limited.

**25:**

**0:** The opposition party has only token participation in the legislature's proceedings and cannot advance legislation or force a debate.

---

## 2.2. Election Integrity

---

17. In law, is there an election monitoring agency or set of election monitoring agencies/entities?

100

17a. In law, is there an election monitoring agency or set of election monitoring agencies/entities?

Yes

No

**Comments:**

According of the Regulation Structure, Organization and Functioning of the National Electoral Commission, it is this agency coordination, implementation, conduct and completion of all activities and operations relating to elections and the oversight of acts of voter registration .

According to the Electoral Observation Law, the National Electoral Commission is the entity responsible for accrediting national and international entities wishing to conduct election observation.

**References:**

Electoral Observation Law, law n. 4/05, 4 July and Regulation of the Structure, Organization and Functioning of National Electoral Commission.

**Yes:** A YES score is earned if there is a domestic agency or set of domestic agencies/entities formally assigned to ensure the integrity of the election process.

**No:** A NO score is earned if no domestic agency or set of domestic agencies/entities exists that monitors elections. A NO score is earned if elections are only monitored by an agency informally, such as poll booth monitoring by the police, only by international observers, or only by NGOs. A NO score is earned if the domestic election agency or set of domestic agencies simply facilitates the process of voting but is not empowered to report violations or abuses.

---

18. Is the election monitoring agency effective?

55

18a. In law, the agency or set of agencies/entities is protected from political interference.

Yes | No

**Comments:**

In accordance with paragraph 2 of article 1 of the Rules of Structure and Organization of the National Electoral Commission, it is governed by the principles of a democratic state and of law, transparency, competence, exemption partisan, consensus and cooperation.

**References:**

[www.cne.ao](http://www.cne.ao)

Regulation of the Structure, Organization and Functioning of National Electoral Commission.

**Yes:** A YES score is earned only if the agency or set of agencies/entities has some formal organizational independence from the bodies contesting in the election. A YES score is still earned even if the entity is legally separate but in practice staffed by partisans.

**No:** A NO score is earned if the election monitoring agency or set of agencies/entities is legally tied to bodies contesting the election (i.e. an executive branch agency such as the Interior Ministry, or a committee of the legislature). A NO score is automatically earned if there is no domestic election monitoring agency.

18b. In practice, agency (or set of agencies/entities) appointments are made that support the independence of the agency.

100 | 75 | 50 | 25 | 0

**Comments:**

Yes There is the National Electoral Commission which brings together representatives of all political party involved in the elections and during the elections committee is working 24/24h.

**References:**

Delma Monteiro

Human Right Defender

Luanda -26/02/11

**100:** Appointments to the agency or set of agencies/entities are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

**75:**

**50:** Appointments are usually based on professional qualifications. However, individuals appointed may have clear party loyalties.

**25:**

**0:** Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

18c. In practice, the agency or set of agencies/entities has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

**Comments:**

In quantitative term and qualifying human resources staff there enough in the Electoral Commission. However conveniences and political influences create barriers to the provision of effective and transparent service.

**References:**

Cristóvão Godinho – Law Student  
Catholic University  
Luanda 29/02/11

**100:** The agency or set of agencies/entities has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The agency or set of agencies/entities has limited staff, or staff without necessary qualifications to fulfill its basic mandate.

**25:**

**0:** The agency or set of agencies/entities has no staff, or such a limited staff that is clearly unqualified to fulfill its mandate.

18d. In practice, the agency or set of agencies/entities makes timely, publicly available reports following an election cycle.

100 | 75 | 50 | 25 | 0

**Comments:**

The deadlines are not met and even after the public presentation of the report the public does not have an easy access to a full copy of report

**References:**

Cristóvão Godinho  
Law Student  
Catholic University  
Luanda 29/02/11

**100:** Reports are released to the public on a predictable schedule, without exceptions.

**75:**

**50:** Reports are released, but may be delayed, difficult to access, or otherwise limited.

**25:**

**0:** The agency or set of agencies/entities makes no public reports, issues reports which are effectively secret, or issues reports of no value.

18e. In practice, when necessary, the agency or set of agencies/entities imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

**Comments:**

What happened in the 2008 elections was that they were provided for 37 000 polling stations and, according to minutes of the tabulation of the national results were accounted for 50,000 polling stations. This was a serious irregularity, since the 37 000 polling stations behaved the capacity to receive the vote of 9 million voters, more than a million voters, only 8 million were registered voters. 12 000 polling stations meant that three million and fifty votes were forged or that the case was not credible. UNITA, a Political Party, brought an action based on this and other arguments, but the CT did not give him reason and presented a series of baseless justifications. It was obligatory for the CT scan of the minutes of the clearance of the national results, cancel the 2008 elections by massive fraud.

**References:**

Dr. Fernando Macedo  
Master in Political Science  
Professor of Political Science and Constitutional Law  
Lusíada University  
Luanda -28/02/11

**100:** When rules violations are discovered, the agency or set of agencies/entities is aggressive in penalizing offenders and/or in cooperating with other agencies in penalizing offenders.

**75:**

**50:** The agency or set of agencies/entities enforces rules, but is limited in its effectiveness. The agency may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other agencies, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency or set of agencies/entities does not effectively penalize offenders and/or cooperate with other agencies in penalizing offenders. The agency may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency may be partisan in its application of power.

---

## 19. Are elections systems transparent and effective?

42

19a. In practice, there is a clear and transparent system of voter registration.

**Comments:**

Procedures are formally established. In practice the laws are not respected, there is even politicization of the process related to voter registration and the electoral process and a clear lack of transparency.

**References:**

Fernando Macedo  
Master in Political Science  
Professor of Political Science and Constitucional Law  
Lusiada University  
Luanda 28/02/11

**100:** There is a transparent system of voter registration that provides voters with sufficient time to understand their rights, check the accuracy of their registration, and ensure that errors are corrected before they vote.

**75:**

**50:** There is a transparent voter registration system that provides voters with sufficient time to understand their rights, check the accuracy of their registration, and ensure that errors are corrected before they vote but there are some problems. Voters may have not access to registration lists with sufficient time to correct errors before voting or registration lists may at times be inaccessible.

**25:**

**0:** The system of voter registration is incomplete or does not exist. Government may routinely falsify registration lists to affect voting patterns and limit access to the polls. Double voting and “ghost” voting by non-existent voters is common.

19b. In law, election results can be contested through the judicial system.

Yes | No

**Comments:**

It is for the Constitutional Court to exercise jurisdiction over all matters of nature trial, which are included actions contesting elections.

**References:**

Angolan Constitution, c), paragraph 2, article 180 and Law No. 2 / 2008 of June 17, Organic Law of the Constitutional Court, j), article 16.

**Yes:** A YES score is earned if citizens or political parties can challenge allegedly fraudulent election results through the courts or other judicial mechanisms.

**No:** A NO score is earned if there is no legal right for citizens or political parties to challenge allegedly fraudulent election results in the courts or other judicial mechanisms.

19c. In practice, election results can be effectively appealed through the judicial system.

100 | 75 | 50 | 25 | 0

**Comments:**

What happened in the 2008 elections was that they were provided for 37 000 polling stations and, according to minutes of the tabulation of the national results were accounted for 50,000 polling stations. This was a serious irregularity, since the 37 000 polling stations behaved the capacity to receive the vote of 9 million voters, more than a million voters, only 8 million were registered voters. 12 000 polling stations meant that three million and fifty votes were forged or that the case was not credible. UNITA, a political party, brought an action based on other arguments, but the CT did not give him reason and presented a series of baseless justifications. It was obligatory for the CT scan of the minutes of the clearance of the national results, cancel the 2008 elections by massive fraud.

**References:**

Dr. Fernando Macedo  
Master in Political Science  
Professor of Political Science and Law Constitucional  
Lusiada University  
Luanda 28/02/11

**100:** The electoral appeals mechanism takes cases from both candidates complaining of flaws in the electoral process as well as citizens bringing complaints related to denial of suffrage or registration errors. There is an expedited process for resolving such complaints to avoid delaying a timely announcement of electoral results.

**75:**

**50:** The electoral appeals mechanism takes complaints from both candidates and voters but may not always act on complaints promptly. The appeals mechanism may be abused at times by parties or candidates seeking to delay the announcement of electoral results.

**25:**

**0:** The electoral appeals mechanism rarely or never acts on complaints brought by candidates or citizens. Citizens may not be able to bring complaints related to denial of suffrage or voter registration errors.

19d. In practice, the military and security forces remain neutral during elections.

100 | 75 | 50 | 25 | 0

**Comments:**

In 2008, there were reports that the military leaders guided the direction of votes by FAA soldiers.

**References:**

Fernando Macedo  
Master in Political Science  
Professor of Political Science and Constitucional Law  
Lusiada University  
Luanda 28/02/11

**100:** The military, military officers, and other security forces refrain from overtly supporting or opposing political candidates or commenting on elections. The military or security forces refrain from physically interfering with political campaigns, rallies, or

voting.

**75:**

**50:** The military, military officers, and security forces may be known to unofficially support or oppose particular candidates or parties. The military or security forces generally refrain from the use of force to support or oppose particular candidates or parties but there are exceptions.

**25:**

**0:** The military or other security forces are an active and explicit player in politics and overly support or oppose particular candidates or parties. The military or security forces routinely exercise the use of force to support or oppose parties or candidates.

19e. In law, domestic and international election observers are allowed to monitor elections.

Yes

No

**Comments:**

According to the Electoral Observation Law, Law No. 4 / 05, 4 July, the National Electoral Commission is the entity Responsible for national and international entities Accrediting Wishing to Conduct election observation – cfr. Article 2 and 3.

**References:**

Electoral Observation Law, law n. 4/05, 4 July. [www.tribunalconstitucional.ao](http://www.tribunalconstitucional.ao)

**Yes:** A YES score is earned if domestic and international election observers are allowed to monitor the electoral process.

**No:** A NO score is earned if there are any legal or regulatory prohibitions on the monitoring of the electoral process by domestic or international election observers.

19f. In practice, election observers are able to effectively monitor elections.

100

75

50

25

0

**Comments:**

In 2008, the National Electoral Commission hindered the process of accreditation of observers, not to disparege even threaten people with legal process which it said had presented false identification data. The truth is that we still do not know the sentence of one process in which only one has been convicted person for having forged documents in the accreditation process as an election observer.

OuvirLer foneticamente

**References:**

Fernando Macedo  
Master in Political Science  
Professor of Political Science and Constitucional Law  
Lusiada University  
Luanda – 28/02/11

**100:** Election observers have unfettered access to polling sites, counting stations, and voters themselves. The government does not interfere with the observers' activities.

**75:**

**50:** Election observers generally have access to polling sites, counting stations, and voters but encounter restrictions in certain areas. The government may impose burdensome regulatory or bureaucratic requirements on observers to discourage their involvement.

**25:**

**0:** Election observers' movements are significantly limited by the government and many polling and counting sites are restricted or barred from observers. The government imposes so many bureaucratic or regulatory burdens on the observers that their mission is rendered ineffective.

---

## 66 2.3. Political Financing Transparency

---

### 20. Are there regulations governing the financing of political parties?

17

20a. In law, there are limits on individual donations to political parties.

Yes

**No**

**Comments:**

The law of financing of political parties, Law No. 3 / 2007 of March 13, provides no limit donations from individuals to political parties.

**References:**

Law n. 3/2007, 13 March. [www.info-angola.ao](http://www.info-angola.ao)

**Yes:** A YES score is earned if there are any limits in size on individual contributions to political parties. A YES score is also earned if individual contributions are prohibited.

**No:** A NO score is earned if there are no limits on contributions from individuals. A NO score is also earned if limits are applied by the government on opposition parties in a discriminatory manner.

20b. In law, there are limits on corporate donations to political parties.

Yes | **No**

**Comments:**

The law of financing of political parties, Law No. 3 / 2007 of March 13, no provides any limits on corporate donations to political parties.

**References:**

Law n. 3/2007, 13 March.

**Yes:** A YES score is earned if there are any limits in size on corporate contributions to political parties. A YES score is earned if corporate contributions are prohibited.

**No:** A NO score is earned if there are no limits on corporate contributions to political parties. A NO score is also earned if limits are applied by the government on opposition parties in a discriminatory manner.

20c. In law, there are limits on total political party expenditures.

Yes | **No**

**Comments:**

The law of financing of political parties, Law No. 3 / 2007 of March 13, no provides any limits on total political party expenditures.

**References:**

Law n. 3/2007, 13 March. [www.info-angola.ao](http://www.info-angola.ao)

**Yes:** A YES score is earned if there are any limits in size on political party expenditures during the course of an election.

**No:** A NO score is earned if there are no limits on political party expenditures during an election. A NO score is also earned if limits are applied by the government on opposition parties in a discriminatory manner.

20d. In law, there are requirements for the disclosure of donations to political parties.

**Yes** | No

**Comments:**

The law of financing of political parties provides that the annual contributions of economic and monetary value from persons or bodies as well as from foreign parties, are declared to the President of the National Assembly, by specifying their origin within 30 days – cf. n 2 and 3 of Article 4.

**References:**

Law of Financing of Political Parties, n. 2 and 3, article 4. [www.info-angola.ao](http://www.info-angola.ao)

**Yes:** A YES score is earned if there are any requirements mandating the disclosure of financial contributions to political parties.

**No:** A NO score is earned if there are no requirements mandating the disclosure of contributions to political parties, existing regulations do not require a donor's name or amount given, or the regulations allow for anonymous donations. Systems where only certain donation amounts are required to be made public (above a non-trivial amount) also earn a NO score.

20e. In law, there are requirements for the independent auditing of the finances and expenditures of political parties when financial irregularities are uncovered.

Yes | **No**

**Comments:**

There are no legal or regulatory requirements for the independent auditing of the finances and expenditures of political parties when financial irregularities are uncovered.

**References:**

Law of Financing of Political Parties. [www.info-angola.ao](http://www.info-angola.ao)

**Yes:** A YES score is earned if there is a legal or regulatory requirement for the independent auditing of party finances and expenditures when irregularities are uncovered. The auditing is performed by an impartial third-party.

**No:** A NO score is earned if there are no legal or regulatory requirements for the independent auditing of political parties' finances and expenditures when financial irregularities are uncovered. A NO score is also earned if such requirements exist but allow for parties to self-audit.

20f. In law, there is an agency or entity that monitors the financing of political parties.

Yes | **No**

**Comments:**

There is no such agency or entity.

**References:**

Law of Financing of Political Parties. [www.info-angola.ao](http://www.info-angola.ao)

**Yes:** A YES score is earned if there is a domestic agency or set of domestic agencies/entities formally assigned to monitor and enforce laws and regulations around the financing of political parties. A YES score is earned even if the agency/entity is ineffective in practice.

**No:** A NO score is earned if there is no such agency or entity. A NO score is also earned if this monitoring is solely carried out by the media and non-governmental organizations.

---

## 21. Are there regulations governing the financing of individual political candidates?

0

21a. In law, there are limits on individual donations to political candidates.

Yes | **No**

**Comments:**

There is no legislation about financing individual political candidates.

**References:**

There is no legislation about financing individual political candidates.

**Yes:** A YES score is earned if there are any limits in size on individual contributions to political candidates. A YES score is also earned if individual contributions are prohibited.

**No:** A NO score is earned if there are no limits on contributions from individuals. A NO score is also earned if limits are applied by the government on opposition candidates in a discriminatory manner.

21b. In law, there are limits on corporate donations to individual political candidates.

Yes | **No**

**Comments:**

There is no legislation about financing of individual political candidates.

**References:**

There is no legislation about financing of individual political candidates.

**Yes:** A YES score is earned if there are any limits in size on corporate contributions to individual political candidates. A YES score is earned if corporate contributions are prohibited.

**No:** A NO score is earned if there are no limits on corporate contributions to individual political candidates. A NO score is also earned if limits are applied by the government on opposition candidates in a discriminatory manner.

21c. In law, there are requirements for the disclosure of donations to individual political candidates.

Yes | **No**

**Comments:**

There is no legislation for financing individual political candidates.

**References:**

There is no legislation for financing individual political candidates.

**Yes:** A YES score is earned if there are any requirements mandating the disclosure of financial contributions to individual political candidates.

**No:** A NO score is earned if there are no requirements mandating the disclosure of contributions to individual political candidates, existing regulations do not require a donor's name or amount given, or the regulations allow for anonymous donations. Systems where only certain donation amounts are required to be made public (above a non-trivial amount) also earn a NO score.

21d. In law, there are requirements for the independent auditing of the campaign finances of individual political candidates when irregularities are uncovered.

Yes | **No**

**Comments:**

There is no legislation for financing individual political candidates.

**References:**

There is no legislation for financing individual political candidates.

**Yes:** A YES score is earned if there is a legal or regulatory requirement for the independent auditing of an individual candidate's campaign finances and expenditures when financial irregularities are uncovered. The auditing is performed by an impartial third-party.

**No:** A NO score is earned if there are no legal or regulatory requirements for the independent auditing of an individual candidate's campaign finances and expenditures when financial irregularities are uncovered. A NO score is also earned if such requirements exist but allow for candidates to self-audit.

21e. In law, there is an agency or entity that monitors the financing of individual political candidates' campaigns.

Yes | **No**

**Comments:**

There is no legislation for financing individual political candidates.

**References:**

There is no legislation for financing individual political candidates.

**Yes:** A YES score is earned if there is a domestic agency or set of domestic agencies/entities formally assigned to monitor and enforce laws and regulations around the financing of individual political candidates' campaigns. A YES score is earned even if the agency/entity is ineffective in practice.

**No:** A NO score is earned if there is no such agency or entity. A NO score is also earned if this monitoring is solely carried out by the media and non-governmental organizations.

---

## 22. Are the regulations governing the political financing of parties effective?

21

22a. In practice, the limits on individual donations to political parties are effective in regulating an individual's ability to financially support a political party.

100 | 75 | 50 | 25 | **0**

**References:**

Fernando Macedo  
Master in Political Science  
Professor of Political Science and Constitucional Law  
Lusiada University  
Luanda -28/02/11

**100:** Existing limits represent the full extent to which an individual can directly or indirectly financially support a political party. Limits are reasonably low enough in the context of the total costs of running a campaign.

**75:**

**50:** Existing limits generally represent the full extent to which an individual can directly or indirectly financially support a political party. However, exceptions and loopholes exist through which individuals can indirectly support political parties above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular party; unregulated loans to parties (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

**25:**

**0:** Existing limits are routinely bypassed or willfully ignored. The vast majority of individual contributions to a political party are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

22b. In practice, the limits on corporate donations to political parties are effective in regulating a company's ability to financially support a political party.

100 | 75 | 50 | 25 | 0

**References:**

Fernando Macedo  
Master in Political Science  
Professor of Political Science and Constitucional Law  
Lusiada University  
Luanda 28/02/11

**100:** Existing limits represent the full extent to which a company can directly or indirectly financially support a political party. Limits are reasonably low enough in the context of the total costs of running a campaign to be meaningful.

**75:**

**50:** Existing limits generally represent the full extent to which a company can directly or indirectly financially support a political party. However, exceptions and loopholes exist through which companies can indirectly support political parties above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular party; unregulated loans to parties (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

**25:**

**0:** Existing limits are routinely bypassed or willfully ignored. The majority of corporate contributions to political parties are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

22c. In practice, the limits on total party expenditures are effective in regulating a political party's ability to fund campaigns or politically-related activities.

100 | 75 | 50 | 25 | 0

**References:**

Cristóvão Godinho – Law Student  
Catholic University  
Luanda 29/02/11

**100:** Existing limits represent the full extent to which political parties are able to finance their activities. Limits are reasonably low enough in the context of the total costs of running a party to be meaningful.

**75:**

**50:** Existing limits generally represent the full extent to which a political party can finance its activities. However, exceptions and loopholes exist through which parties can generate revenue or finance their activities beyond the scope of existing regulations. Such loopholes could include taking loans that are outside of the scope of regulations covering direct donations; links to revenue-generating business activities that are beyond the scope of electoral or campaign-related regulations; or accepting in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a party.

**25:**

**0:** Existing limits are routinely bypassed or willfully ignored. The majority of expenditures are made outside of the formal limitation system. Limits are so high that they are meaningless in the context of the overall costs of running a party.

22d. In practice, when necessary, an agency or entity monitoring the financing of political parties independently initiates investigations.

100 | 75 | 50 | 25 | 0

**Comments:**

During the election period the UNITA party said the Angolan Development Bank – BDA (This Bank is a state initiative to support Angolan investors) had provided a significant amount for the MPLA campaign. UNITA presented a DBA document that authorized the removal of that sum. The MPLA said that the document was false and that would render the UNITA however, nobody has been prosecuted and no one has investigated why this party received beyond the official rate to finance the election campaign, an extra BDA.

**References:**

Cristóvão Godinho  
Law Student  
Catholic University

**100:** The agency or entity aggressively starts investigations into allegations of wrong doing with respect to the financing of political parties, or cooperates well with other agencies that do. The agency is fair in its application of this power.

**75:**

**50:** The agency or entity will start investigations, but often relies on external pressure to set priorities, has limited effectiveness when investigating, or is reluctant to cooperate with other agencies in politically sensitive cases. The agency, though limited in effectiveness, is still fair in its application of power.

**25:**

**0:** The agency or entity rarely investigates on its own, is uncooperative with other agencies, or the agency or entity is partisan in its application of this power.

22e. In practice, when necessary, an agency or entity monitoring the financing of political parties imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

**Comments:**

The authority to impose sanctions on political parties with no accountability, provided that funds are public funds, is the Court of Auditors.

The sanction or action depends on who committed the offense. If the offender is the MPLA probably nothing will be done.

**References:**

Justino Pinto de Andrade, Professor Universitário.

**100:** When rules violations are discovered, the agency or entity is aggressive in penalizing offenders or cooperates well with other agencies that impose penalties.

**75:**

**50:** The agency or entity enforces rules, but is limited in its effectiveness. The agency or entity may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other agencies, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency or entity does not effectively penalize offenders. The agency or entity may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency or entity may be partisan in its application of power and may refuse cooperation with other agencies.

22f. In practice, contributions to political parties are audited.

100 | 75 | 50 | 25 | 0

**Comments:**

Responsibilities were required by the Court to the political parties who saw their election campaign financed by the state.

However, what is public domain, until now, only the Front for Democracy (FPD) presented the report of funds received to finance the election campaign. Despite the lack of reporting by the other parties did not suffer any sanction from the court of accounts.

**References:**

Justino Pinto de Andrade,  
Chairman of the Democratic Bloc  
Political party without a seat in Parliament  
Director of Faculty of Economics, Catholic University  
Luanda 26/02/11

**100:** Political party finances are regularly audited using generally accepted auditing practices. The auditing may be regular and comprehensive or only initiated after an initial review reveals irregularities. Auditing includes the auditing of nominally independent financial organizations that act as financial extensions of the party.

**75:**

**50:** Political party finances (as defined) are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed contributions. Contributions to the political party may be sufficiently audited, but the auditing of nominally independent extensions of the party may not be.

**25:**

**0:** Party finances are not audited, or the audits performed have no value in tracking contributions. Audits may be performed by entities known to be partisan or biased in their practices.

## 23. Are the regulations governing the political financing of individual candidates effective?

0

23a. In practice, the limits on individual donations to political candidates are effective in regulating an individual's ability to financially support a particular candidate.

100 | 75 | 50 | 25 | 0

### Comments:

In light of the new constitution can not exist independent candidates. These can only run for president of the republic as part of the list of a political party.

### References:

Fernando Macedo  
Master in Political Science  
Professor of Political Science and Constitucional Law  
Lusiada University

**100:** Existing limits represent the full extent to which an individual can directly or indirectly financially support a political candidate. Limits are reasonably low enough in the context of the total costs of running a campaign.

**75:**

**50:** Existing limits generally represent the full extent to which an individual can directly or indirectly financially support a particular candidate. However, exceptions and loopholes exist through which individuals can indirectly support particular political candidates above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular candidate; unregulated loans to candidates (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

**25:**

**0:** Existing limits are routinely bypassed or willfully ignored. The vast majority of individual contributions to a particular political candidate are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

23b. In practice, the limits on corporate donations to individual candidates are effective in regulating a company's ability to financially support a candidate.

100 | 75 | 50 | 25 | 0

### Comments:

In light of the new constitution can not exist independent candidates? These can only run for president of the republic as part of the list of a political party

**References:**

Fernando Macedo  
Master in Political Science  
Professor of Political Science and Constitucional Law  
Lusiada University

**100:** Existing limits represent the full extent to which a company can directly or indirectly financially support an individual candidate. Limits are reasonably low enough in the context of the total costs of running a campaign to be meaningful.

**75:**

**50:** Existing limits generally represent the full extent to which a company can directly or indirectly financially support an individual candidate. However, exceptions and loopholes exist through which companies can indirectly support individual candidates above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular candidate; unregulated loans to candidates (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

**25:**

**0:** Existing limits are routinely bypassed or willfully ignored. The majority of corporate contributions to individual candidates are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

23c. In practice, when necessary, an agency or entity monitoring the financing of individual candidates' campaigns independently initiates investigations.

100 | 75 | 50 | 25 | 0

**Comments:**

In light of the new constitution can not exist independent candidates? These can only run for president of the republic as part of the list of a political party

**References:**

Fernando Macedo  
Master in Political Science  
Professor of Political Science and Constitucional Law  
Lusiada University

**100:** The agency or entity aggressively starts investigations into allegations of wrong doing with respect to the financing of individual candidates' campaigns, or cooperates well with other agencies that do. The agency is fair in its application of this power.

**75:**

**50:** The agency or entity will start investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The agency, though limited in effectiveness, is still fair in its application of power. It may be reluctant to cooperate with other investigatory agencies.

**25:**

**0:** The agency or entity rarely investigates on its own, or the agency or entity is partisan in its application of this power. It does not cooperate well with other investigatory agencies.

23d. In practice, when necessary, an agency or entity monitoring the financing of individual candidates' campaigns imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

**Comments:**

In light of the new constitution can not exist independent candidates. These can only run for president of the republic as part of the list of a political party.

**References:**

Fernando Macedo  
Master in Political Science  
Professor of Political Science and Constitucional Law  
Lusiada University

**100:** When rules violations are discovered, the agency or entity is aggressive in penalizing offenders or in cooperating with other agencies that do.

**75:**

**50:** The agency or entity enforces rules, but is limited in its effectiveness. The agency or entity may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other agencies, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency or entity does not effectively penalize offenders. The agency or entity may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency or entity may be partisan in its application of power or may refuse to cooperate with other agencies.

23e. In practice, the finances of individual candidates' campaigns are audited.

100 | 75 | 50 | 25 | 0

**Comments:**

In light of the new constitution can not exist independent candidates. These can only run for president of the republic as part of the list of a political party.

**References:**

Fernando Macedo  
Master in Political Science  
Professor of Political Science and Constitucional Law  
Lusiada University

**100:** The finances of individual candidates' campaigns are regularly audited using generally accepted auditing practices. The auditing may be regular and comprehensive or only initiated after an initial review reveals irregularities.

**75:**

**50:** The finances of individual candidates' campaigns are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed contributions.

**25:**

**0:** The finances of individual candidates' campaigns are not audited, or the audits performed have no value in tracking contributions. Audits may be performed by entities known to be partisan or biased in their practices.

---

## 24. Can citizens access records related to the financing of political parties?

6

24a. In practice, political parties disclose data relating to financial support and expenditures within a reasonable time period.

100 | 75 | 50 | 25 | 0

### References:

Justino Pinto de Andrade,  
Chairman of the Democratic Bloc  
Political party without a seat in Parliament  
Director of Faculty of Economics, Catholic University  
Luanda 26/02/11

**100:** Political parties disclose their sources of funding and expenditures at least every quarter.

**75:**

**50:** Political parties disclose their sources of funding and expenditures only one or two times per year. Delays may occur when sensitive political information is involved.

**25:**

**0:** Political parties never publish their sources of funding or expenditures or publish that information only rarely with more than a year in between publication. Politically sensitive information is regular withheld from public disclosure.

24b. In practice, citizens can access the financial records of political parties within a reasonable time period.

100 | 75 | 50 | 25 | 0

### Comments:

The political party other than FPD did not present the financial reports of their campaign accounts and the court had no authority to punish the press because the MPLA, the party may also not submitted its report.

**References:**

Justino Pinto de Andrade,  
Chairman of the Democratic Bloc  
Political party without a seat in Parliament  
Director of Faculty of Economics, Catholic University  
Luanda 26/02/11

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take two to four weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. There may be persistent delays in obtaining politically sensitive records.

24c. In practice, citizens can access the financial records of political parties at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

Rarely do political parties account for the funds received. When they do, only the court of Auditors has access to it.

**References:**

Cristovão Godinho  
Law Student  
Catholic University  
Luanda- 29/02/11

Justino Pinto de Andrade,  
Chairman of the Democratic Bloc  
Political party without a seat in Parliament  
Director of Faculty of Economics, Catholic University  
Luanda 26/02/11

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or NGOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or NGOs trying to access this information.

24d. In practice, the publicly available records of political parties' finances are of high quality.

100 | 75 | 50 | 25 | 0

**References:**

Fernando Macedo  
Master in Political Science  
Professor of Political Science and Constitutional Law  
Lusiada University  
Luanda 28/02/11

**100:** Publicly available records of political parties' finances are complete and detailed, itemizing all significant sources of income and expenditures.

**75:**

**50:** Publicly available records of political parties' finances are available but are often lacking in important details, are overly general, or are otherwise incomplete.

**25:**

**0:** Publicly available records of political parties' finances, when available, are so incomplete or overly general as to render them useless in understanding a party's sources of income and its expenditures.

---

## 25. Can citizens access records related to the financing of individual candidates' campaigns?

0

25a. In practice, individual political candidates disclose data relating to financial support and expenditures within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

In light of the new constitution can not exist independent candidates? These can only run for president of the republic as part of the list of a political party.

**References:**

Fernando Macedo  
Master in Political Science  
Professor of Political Science and Constitutional Law  
Lusiada University  
Luanda 28/02/11

**100:** Individual candidates disclose their sources of funding and expenditures at least every quarter.

**75:**

**50:** Individual candidates disclose their sources of funding and expenditures only one or two times per year. Delays may occur when sensitive political information is involved.

**25:**

**0:** Individual candidates never publish their sources of funding or expenditures or publish that information only rarely with more than a year in between publication. Politically sensitive information is regular withheld from public disclosure.

25b. In practice, citizens can access the financial records of individual candidates (their campaign revenues and expenditures) within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

in light of the new constitution can not exist independent candidates? These can only run for president of the republic as part of the list of a political party

**References:**

Fernando Macedo  
Master in Political Science  
Professor of Political Science and Constitutional Law  
Lusiada University  
Luanda 28/02/11

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take two to four weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. There may be persistent delays in obtaining politically sensitive records.

25c. In practice, citizens can access the financial records of individual candidates (their campaign revenues and expenditures) at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

in light of the new constitution can not exist independent candidates. These can only run for president of the republic as part of the list of a political party

**References:**

Fernando Macedo  
Master in Political Science

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or NGOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or NGOs trying to access this information.

25d. In practice, the publicly available records of political candidates' campaign finances are of high quality.

100 | 75 | 50 | 25 | 0

**References:**

Fernando Macedo  
Master in Political Science  
Professor of Political Science and Constitutional Law  
Lusiada University  
Luanda 28/02/11

**100:** Publicly available records of political candidates' campaign finances are complete and detailed, itemizing all significant sources of income and expenditures.

**75:**

**50:** Publicly available records of political candidates' campaign finances are available but are often lacking in important details, are overly general, or are otherwise incomplete.

**25:**

**0:** Publicly available records of political candidates' campaign finances, when available, are so incomplete or overly general as to render them useless in understanding a candidate's sources of income and expenditures.

---

### 3.1. Conflicts of Interest Safeguards & Checks and Balances: Executive Branch

---

26. In law, can citizens sue the government for infringement of their civil rights?

100

26a. In law, can citizens sue the government for infringement of their civil rights?

Yes

No

**Comments:**

The Angolan Constitution provides in paragraph 1 of Article 29 that is guaranteed to all citizens access to the law and the courts to defend their rights and legally protected interests of justice can not be denied for lack of economic resources.

**References:**

Angola Constitution, paragraph 1, article 29.

**Yes:** A YES score is earned if all citizens (citizen is defined broadly, to include all ethnicities, or anyone born in the country) can receive compensation or redress through the courts for civil rights violations committed by the government, such as failure to follow due process of law when detaining suspected criminals.

**No:** A NO score is earned if any group of citizens is excluded from the right to sue the government, or no such mechanism exists.

---

27. Can the chief executive be held accountable for his/her actions?

25

27a. In practice, the chief executive gives reasons for his/her policy decisions.

100

75

50

25

0

**Comments:**

Unfortunately there is no culture of accountability for the acts of the government members.

**References:**

Fernando Macedo  
Master in Political Science  
Professor of Political Science and Constitutional Law

**100:** The chief executive and/or cabinet ministers give formal explanations of all policy matters. The chief executive regularly takes critical questions from journalists or an opposition party, usually at least once a month. There is no censoring of such sessions.

**75:**

**50:** The chief executive and/or cabinet ministers give explanations of policy, but not always in a timely or complete way. The chief executive occasionally takes critical questions from journalists or an opposition party, but not in a regular or formalized process. Particular issues of political sensitivity may be censored by government broadcasters.

**25:**

**0:** The chief executive and/or cabinet ministers do not give substantial justifications for policy. Public appearances by the chief executive offer no exposure to critical questions. The government and government-run media routinely censor such sessions.

27b. In law, the judiciary can review the actions of the executive.

Yes

No

**Comments:**

According to that article, the Constitutional Court is responsible, in general, to administer justice in matters of legal and constitutional nature, and Constituição under the law. Constitutional Court shall also assess the constitutionality of any rules and other acts of state.

**References:**

Angola Constitution, article 180, n 1 and 2, a).

**Yes:** A YES score is earned if there is a formal process by which the judiciary can pass judgments on the legality or constitutionality of actions taken by the executive.

**No:** A NO score is earned if no such mechanism exists. A NO score is earned if judicial review is vaguely established in law or regulation without formal procedures. A NO score is earned if general exemptions exist with respect to executive actions that are reviewable (a national security exemption, for example).

27c. In practice, when necessary, the judiciary reviews the actions of the executive.

100

75

50

25

0

**Comments:**

Corruption is criminalized since the emergence in the Republic of Angola. And always there are laws providing for the suppression of corruption. Approved the Law of Public Probity, which together with the Penal Code, the law of the High Authority against corruption and other existing laws are sufficient to combat corruption. However, there is the political will and the criminal investigation police and judiciary have not been grassroots.

**References:**

Fernando Macedo  
Master in Political Science  
Professor of Political Science and Constitutional Law  
Lusiada University  
Luanda 28/02/11

**100:** When constitutional or legal questions or possible violations are raised, the judiciary is aggressive in reviewing executive actions and can void illegal or unconstitutional actions. The judiciary is fair and nonpartisan in its application of this power. It does not need to rely upon the executive to initiate a constitutional or legal review.

**75:**

**50:** The judiciary will review executive actions, but is limited in its effectiveness. The judiciary may be slow to act, unwilling to take on politically sensitive issues, or occasionally unable to enforce its judgments.

**25:**

**0:** The judiciary does not effectively review executive policy. The judiciary may make judgments but not enforce them, or may fail to pass judgments on executive abuses. The judiciary may be partisan in its application of power. It must rely on instructions from the executive in order to initiate a legal or constitutional review.

27d. In practice, the chief executive limits the use of executive orders for establishing new regulations, policies, or government practices.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** The chief executive utilizes executive orders only when there is no constitutional or legal requirement for official legislative action or approval. Executive orders are limited in number and narrow in scope.

**75:**

**50:** The chief executive sometimes relies on executive orders to implement policies and regulations opposed by the legislature. Some executive orders are overly broad in scope and are designed to circumvent constitutional or legal requirements for legislative action or approval.

**25:**

**0:** The chief executive routinely abuses executive orders to render the legislature practically useless. Executive orders are the norm, not the exception, and directly contravene constitutional or legal requirements for legislative action or approval.

---

28. Is the executive leadership subject to criminal proceedings?

28a. In law, the heads of state and government can be prosecuted for crimes they commit.

Yes | **No**

**Comments:**

According to these articles, the President is not responsible for acts done in performance of their duties, except in cases of bribery, treason and crimes defined in the Constitution as inalienable and not subject to amnesty. Conviction shall result in dismissal from office and disqualification of candidacy for another term. For crimes not committed to their duties, the President is answerable to the Supreme Court five years after term of office.

According to b) of paragraph 1, Article 129 of the President may be removed from office for crimes of bribery, embezzlement and corruption.

**References:**

Angola Constitution, article 127, n. 1, 2 and 3, as well article 129.

**Yes:** A YES score is earned if the heads of state and government can be investigated, charged or prosecuted for criminal allegations. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

**No:** A NO score is earned if either the head of state or government cannot be investigated, charged or prosecuted for criminal allegations or the executive branch controls whether investigative or prosecutorial immunity can be lifted on the heads of state or government.

28b. In law, ministerial-level officials can be prosecuted for crimes they commit.

**Yes** | No

**Comments:**

This article said that the Ministers of State, Ministers, State Secretaries and Deputy Ministers are accountable to the Supreme Court for crimes committed either in the performance of their duties or outside them. The State Ministers, Ministers, State Secretaries and Deputy Ministers can only be charged when arrested after the offense is punishable by imprisonment exceeding two years.

**References:**

Angola Constitution, article 140, n 1 and 2.

**Yes:** A YES score is earned if ministerial-level officials, or their equivalents, can all be investigated, charged or prosecuted for criminal allegations.

**No:** A NO score is earned if any ministerial-level official, or equivalent official, cannot be investigated, charged or prosecuted for criminal allegations or the executive branch controls whether investigative or prosecutorial immunity can be lifted on ministerial-level officials.

## 29. Are there regulations governing conflicts of interest by the executive branch?

41

29a. In law, the heads of state and government are required to file a regular asset disclosure form.

Yes

No

### Comments:

Law No. 3 / 10 to March 29, Law on Public Probity, states in Article 3 that are covered by the law as a public servant. The definition of public official is given by Article 15 of the same law, which it says that the public official is a person who performs office, position, job or role in public entity, by virtue of election, appointment, contract or any other form of endowment or bond, albeit a transitory or without pay. Point a) of paragraph 2 states that are members of the executive officials.

It also refers to Article 27 of this law that the exercise of public functions are subject to declaration of income, bonds, shares or any other kind of goods and assets located in Brazil or abroad, which are property of holders of political positions filled by election or by appointment.

### References:

Law n. 3/10, March 29, Law on Public Probity.

**Yes:** A YES score is earned if the heads of state and government are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form need not be publicly available to score a YES. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

**No:** A NO score is earned if either the head of state or government is not required to disclose assets.

29b. In law, ministerial-level officials are required to file a regular asset disclosure form.

Yes

No

### Comments:

Law No. 3 / 10 to March 29, Law on Public Probity, states in Article 3 that are covered by the law as a public servant. The definition of public official is given by Article 15 of the same law, which it says that the public official is a person who performs office, position, job or role in public entity, by virtue of election, appointment, contract or any other form of endowment or bond, albeit a transitory or without pay. Point a)of paragraph 2 states that are members of the executive officials.

It also refers to Article 27 of this law that the exercise of public functions are subject to declaration of income, bonds, shares or any other kind of goods and assets located in the country or abroad, which are property of holders of political positions filled by election or by appointment.

### References:

Law n. 3/10, March 29, Law on Public Probity.

**Yes:** A YES score is earned if ministerial-level officials, or their equivalents, are all required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets.

**No:** A NO score is earned if ministers are not required to disclose assets. A NO score is earned if some ministers must disclose assets, but other ministers are not required.

29c. In law, there are regulations governing gifts and hospitality offered to members of the executive branch.

Yes | No

**Comments:**

Law No. 3 / 10 to March 29, Law on Public Probity, provides in paragraph 1 of Article 18 that the public officer shall not, by the exercise of their functions, benefit, directly or through an intermediary, offers from entities natural or legal persons, Angolan and foreign.

In the aforementioned article also makes reference to situations where public officials are allowed to receive offers, provided that the goods are immediately integrated into the State's assets, the deal fit in practice or protocol are given by the occasion of festivities .

**References:**

Law n. 3/10, March 29, Law on Public Probity.

**Yes:** A YES score is earned if there are formal guidelines regulating gifts and hospitality offered to members of the executive branch of government.

**No:** A NO score is earned if there are no guidelines or regulations with respect to gifts and hospitality offered to members of the executive branch. A NO score is earned if the guidelines are overly general and do not specify what is and is not appropriate.

29d. In law, there are requirements for the independent auditing of the executive branch asset disclosure forms (defined here as ministers and heads of state and government).

Yes | No

**Comments:**

There are no legal or regulatory requirements for the independent auditing.

**References:**

There are no legal or regulatory requirements for the independent auditing.

**Yes:** A YES score is earned if there is a legal or regulatory requirement for independent auditing of executive branch asset disclosures. The auditing is performed by an impartial third-party. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

**No:** A NO score is earned if there are no legal or regulatory requirements for the independent auditing of executive branch asset disclosures or if such requirements exist but allow for self-auditing.

29e. In law, there are restrictions on heads of state and government and ministers entering the private sector after leaving the government.

Yes | **No**

**Comments:**

No such restrictions exist.

**References:**

No such restrictions exist.

**Yes:** A YES score is earned if there are regulations restricting the ability of heads of state/government and ministers to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

**No:** A NO score is earned if no such restrictions exist.

29f. In practice, the regulations restricting post-government private sector employment for heads of state and government and ministers are effective.

100 | 75 | 50 | 25 | **0**

**Comments:**

There is nothing about it regulated and many cabinet members are in parallel their government positions, businessmen

**References:**

Delma Monteiro  
Human Right Defender

**100:** The regulations restricting post-government private sector employment for heads of state/government and ministers are uniformly enforced. There are no cases or few cases of those officials taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate "cooling off" period.

**75:**

**50:** The regulations are generally enforced though some exceptions exist. In certain sectors, heads of state/government or ministers are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

**25:**

**0:** The regulations are rarely or never enforced. Heads of state/government or ministers routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced. A zero score is also earned if heads of state and government or minister are allowed to hold private sector jobs while in office.

29g. In practice, the regulations governing gifts and hospitality offered to members of the executive branch are effective.

100 | 75 | 50 | 25 | 0

**Comments:**

The law governing these acts, Law 3 / 10 – Public Probity – is very recent, came into force on 29 June 2010 and not yet proven its effectiveness or not.

**References:**

Delma Monteiro  
Human Right Defender

**100:** The regulations governing gifts and hospitality to members of the executive branch are regularly enforced. Members of the executive branch never or rarely accept gifts or hospitality above what is allowed.

**75:**

**50:** The regulations governing gifts and hospitality to members of the executive branch are generally applied though exceptions exist. Some ministers in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

**25:**

**0:** The regulations governing gifts and hospitality to members of the executive branch are routinely ignored and unenforced. Ministers and other members of the executive branch routinely accept significant amounts of gifts and hospitality from outside interest groups and actors seeking to influence their decisions.

29h. In practice, executive branch asset disclosures (defined here as ministers and above) are audited.

100 | 75 | 50 | 25 | 0

**Comments:**

The law governing these acts, Law 3 / 10 – Public Probity – is very recent, came into force on 29 June 2010 and not yet proven its effectiveness or not.

**References:**

Delma Monteiro  
Human Right Defender

**100:** Executive branch asset disclosures are regularly audited using generally accepted auditing practices.

75:

50: Executive branch asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

25:

0: Executive branch asset disclosures are not audited, or the audits performed have no value. Audits may be performed by entities known to be partisan or biased in their practices.

---

### 30. Can citizens access the asset disclosure records of the heads of state and government?

0

30a. In law, citizens can access the asset disclosure records of the heads of state and government.

Yes | **No**

**Comments:**

The declaration of assets is presented in sealed envelope and is then referred to the Attorney General, who is the faithful custodian of the declaration, which only allowed access by court order – see paragraph 5 and 6 of Article 27.

The information contained in the declaration of assets are seen as a sub judge – cfr. Paragraph 7 of Article 27.

**References:**

Law of Public Probity, law n. 3/10, March 2.

**Yes:** A YES score is earned if the heads of state and government file an asset disclosure form that is, in law, accessible to the public (individuals, civil society groups or journalists).

**No:** A NO score is earned if there is no asset disclosure for either the head of state or government. A NO score is earned if the form is filed, but not available to the public.

30b. In practice, citizens can access the asset disclosure records of the heads of state and government within a reasonable time period.

100 | 75 | 50 | 25 | **0**

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take around two weeks to obtain. Some additional delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

30c. In practice, citizens can access the asset disclosure records of the heads of state and government at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or NGOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or NGOs trying to access this information.

30d. In practice, the asset disclosure records of the heads of state and government are of high quality.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** The asset disclosure records of the heads of state and government are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

**75:**

**50:** The asset disclosure records of the heads of state and government contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

**25:**

**0:** The asset disclosure records of the heads of state and government are overly general, lack any meaningful detail, and do not provide a clear accounting of the individuals' sources of income, investments, and other financial assets.

---

### 31. In practice, official government functions are kept separate and distinct from the functions of the ruling political party.

0

31a. In practice, official government functions are kept separate and distinct from the functions of the ruling political party.

100 | 75 | 50 | 25 | 0

**Comments:**

Government officials are conducting their own program according to the parties interests and government action never are separated of political affiliation.

**References:**

Cristóvão Godinho  
Law Student

**100:** Clear rules are followed distinguishing state functions from party activities. Government funds are never used for party activities. The civil service is completely distinct from party bureaucracy.

**75:**

**50:** The ruling party is, in principal, separate from the state, but exceptions to this standard sometimes occur. Examples may be the use of civil servants to organize political rallies, use of government vehicles on campaign trips, or use of government funds for party purposes.

**25:**

**0:** The government bureaucracy is an extension of the ruling party. There are few boundaries between government and party activities. Government funds, equipment and personnel are regularly used to support party activities.

## 3.2. Conflicts of Interest Safeguards & Checks and Balances: Legislative Branch

### 32. Can members of the legislature be held accountable for their actions?

42

32a. In law, the judiciary can review laws passed by the legislature.

Yes

No

#### Comments:

It is for the Constitutional Court considered the constitutionality of any rules and other acts of the state and review of the constitutionality of the laws of parliament.

#### References:

Angola Constitution point a) and b) paragraph 2, article 180.

**Yes:** A YES score is earned if there is a formal process by which the judiciary or constitutional courts can pass judgments on the legality or constitutionality of laws passed by the legislature.

**No:** A NO score is earned if no such mechanism exists. A NO score is earned if judicial review is vaguely established in law or regulation without formal procedures. A NO score is earned if general exceptions exist exempting certain legislative actions from being reviewed (a national security exemption, for example).

32b. In practice, when necessary, the judiciary reviews laws passed by the legislature.

100

75

50

25

0

#### Comments:

It is very rare for the judiciary to revise a law already approved.

It has been some requests for review of a law approved but is usually a civil society initiative.

In his time this ongoing review process of laws. I believe it is a sign that the government, particularly the judicial power, is concerned in improving laws existente mainly to adjust them to the princes of the new constitution.

#### References:

Dra. Sónia Duarte  
Judge of the Provincial Court of Lobito  
Angola – Benguela  
Benguela 29/02/11

**100:** When constitutional or legal questions or possible violations are raised, the judiciary is aggressive in reviewing laws passed and can void illegal or unconstitutional actions. The judiciary is fair and nonpartisan in its application of this power.

**75:**

**50:** The judiciary will review laws passed, but is limited in its effectiveness. The judiciary may be slow to act, unwilling to take on politically sensitive issues, or occasionally unable to enforce its judgments.

**25:**

**0:** The judiciary does not effectively review laws passed. The judiciary may make judgments but not enforce them, or may fail to pass judgments on executive abuses. The judiciary may be partisan in its application of power.

32c. In law, are members of the national legislature subject to criminal proceedings?

Yes

**No**

**Comments:**

According to paragraph 2 of Article 150 of the Angolan Constitution, Members may not be detained or arrested without authorization by the National Assembly to be granted except in the act a felony punishable by imprisonment exceeding two years.

Paragraph 3 of that article states that after initiation of criminal proceedings against a Member of National Legislature and once accused by indictment or equivalent, except in flagrante delicto, a felony punishable by imprisonment exceeding two years, the Plenary of the National Assembly shall discuss the suspension of Member of National Legislature and removal of immunity for the purpose of continuing the process.

**References:**

Angolan Constitution paragraph 2 and 3, article 150.

**Yes:** A YES score is earned if all members of the legislature can, in law, be investigated and prosecuted for criminal allegations.

**No:** A NO score is earned if any member of the legislature cannot, in law, be investigated and prosecuted for criminal proceedings. A NO score is also earned if the legislative branch itself controls whether investigative or prosecutorial immunity can be lifted on members of the legislature.

---

33. Are there regulations governing conflicts of interest by members of the national legislature?

43

33a. In law, members of the national legislature are required to file an asset disclosure form.

**Yes**

No

**Comments:**

Law No. 3 / 10 to March 29, Law on Public Probity, referred in a) of paragraph 2 of Article 15 that the National Assembly are public servants and are therefore under the provisions of subparagraph a) Paragraph 1 of Article 27 subject to declaration of income, bonds, shares or any other kind of property and values, located in Angola or abroad.

**References:**

Law n. 3/10, March 29, Law on Public Probity.

**Yes:** A YES score is earned if all members of the legislature are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form does not need to be publicly available to score a YES.

**No:** A NO score is earned if any member of the legislature is not required to disclose assets.

33b. In law, there are restrictions for national legislators entering the private sector after leaving the government.

Yes | **No**

**Comments:**

No such restrictions exist.

**References:**

No such restrictions exist.

**Yes:** A YES score is earned if there are regulations restricting national legislators' ability to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues.

**No:** A NO score is earned if no such restrictions exist.

33c. In law, there are regulations governing gifts and hospitality offered to members of the national legislature.

**Yes** | No

**Comments:**

Law No. 3 / 10 to March 29, Law on Public Probity, provides in paragraph 1 of Article 18 that the public officer shall not, by the exercise of their functions, benefit, directly or through an intermediary, offers from entities natural or legal persons, Angolan and foreign.

**References:**

Law n. 3/10, March 29, Law on Public Probity.

**Yes:** A YES score is earned if there are formal guidelines regulating gifts and hospitality for members of the legislature.

**No:** A NO score is earned if there are no guidelines or regulations with respect to gifts or hospitality offered to members of the legislature. A NO score is earned if the guidelines are general and do not specify what is and is not appropriate.

33d. In law, there are requirements for the independent auditing of the asset disclosure forms of members of the national legislature.

Yes | **No**

**Comments:**

There are no legal or regulatory requirements for the independent auditing.

**References:**

There are no legal or regulatory requirements for the independent auditing.

**Yes:** A YES score is earned if there is a legal or regulatory requirement for independent auditing of legislative branch asset disclosures. The auditing is performed by an impartial third-party.

**No:** A NO score is earned if there are no legal or regulatory requirements for the independent auditing of legislative branch asset disclosures or if such requirements exist but allow for self-auditing.

33e. In practice, the regulations restricting post-government private sector employment for national legislators are effective.

100 | **75** | 50 | 25 | 0

**Comments:**

Are not effective and still happen cases of incompatibility of the various roles that members of government play in different organs.

**References:**

Dra. Sónia Duarte  
Judge of the Provincial Court of Lobito  
Benguela -28/02/11

**100:** The regulations restricting post-government private sector employment for national legislators are uniformly enforced. There are no cases or few cases of legislators taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate “cooling off” period.

**75:**

**50:** The regulations are generally enforced though some exceptions exist. In certain sectors, legislators are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

**25:**

**0:** The regulations are rarely or never enforced. Legislators routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced. A zero score is also earned if legislators are allowed to hold private sector positions while in office.

33f. In practice, the regulations governing gifts and hospitality offered to national legislators are effective.

100 | 75 | 50 | 25 | 0

**Comments:**

No. inducements happen and unfortunately are common.  
But the magistrate must remain intact and do their job solely driven by laws and common sense.

**References:**

Sónia Duarte  
Judge of the Provincial Lobito Court  
Benguela – Lobito  
Benguela 28/02/11

**100:** The regulations governing gifts and hospitality to national legislators are regularly enforced. Legislators never or rarely accept gifts or hospitality above what is allowed.

**75:**

**50:** The regulations governing gifts and hospitality to national legislators are generally applied though exceptions exist. Some legislators in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

**25:**

**0:** The regulations are rarely or never enforced. Legislators routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

33g. In practice, national legislative branch asset disclosures are audited.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Legislative branch asset disclosures are regularly audited using generally accepted auditing practices.

**75:**

**50:** Legislative branch asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

**25:**

**0:** The regulations are rarely or never enforced. Legislators routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

---

### 34. Can citizens access the asset disclosure records of members of the national legislature?

13

34a. In law, citizens can access the asset disclosure records of members of the national legislature.

Yes

**No**

**Comments:**

The declaration of assets is presented in a sealed envelope and addressed to the Attorney General. We only have access to the declaration of assets by judicial mandate.

**References:**

Paragraph 5 and 6, article 27, Law on Public Probity.

**Yes:** A YES score is earned if members of the national legislature file an asset disclosure form that is, in law, accessible to the public (individuals, non-governmental groups or journalists).

**No:** A NO score is earned if there is no asset disclosure for members of the national legislature. A NO score is earned if the form is filed, but not available to the public.

34b. In practice, citizens can access legislative asset disclosure records within a reasonable time period.

100

75

50

25

**0**

**Comments:**

No. The declaration of assets is not public. It is delivered in a sealed envelope to the prosecutor of the republic and should only be opened if there is a charge of false statements against the declarant.

**References:**

Delma Monteiro

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

34c. In practice, citizens can access legislative asset disclosure records at a reasonable cost.

100 | 75 | **50** | 25 | 0

**Comments:**

No. The declaration of assets is not public. It is delivered in a sealed envelope to the prosecutor of the republic and should only be opened if there is a charge of false statements against the declarant.

**References:**

Delma Monteiro  
Human Right Defender  
Program Officer for Transparency and Good Governance  
Association Justice, Peace and Democracy  
Luanda 26/02/11

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or NGOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or NGOs trying to access this information.

34d. In practice, the asset disclosure records of members of the national legislature are of high quality.

**Comments:**

No. The declaration of assets is not public. It is delivered in a sealed envelope to the prosecutor of the republic and should only be opened if there is a charge of false statements against the declarant.

**References:**

Delma Monteiro  
Human Right Defender  
Program Officer for Transparency and Good Governance  
Association Justice, Peace and Democracy  
Luanda 26/02/11

**100:** The asset disclosure records of members of the national legislature are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

**75:**

**50:** The asset disclosure records of the members of the national legislature contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

**25:**

**0:** The asset disclosure records of the members of the national legislature are overly general, lack any meaningful detail, and do not provide clear accounting of the individuals' sources of income, investments, and other financial assets.

---

## 35. Can citizens access legislative processes and documents?

8

35a. In law, citizens can access records of legislative processes and documents.

Yes | **No**

**Comments:**

There is no general right to access documents recording legislative proceedings.

**References:**

There is no general right to access documents recording legislative proceedings.

**Yes:** A YES score is earned if there is a general legal right to access records of legislative proceedings including voting records. A YES score can still be given if there are formal rules for specific exemptions to the right to disclosure (special secret sessions related to national security).

**No:** A NO score is earned if there is no general right to access documents recording legislative proceedings. A NO score is earned if there are exemptions to the general right that are not clearly defined by formal rules.

35b. In practice, citizens can access records of legislative processes and documents within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

In some cases, yes. Calls to the parliament on the ongoing legislative procedures and even offers. The speed of response depends largely on what kind of process it is and who is the requestor.

**References:**

Delma Monteiro  
Human Right Defender  
Program Officer for Transparency and Good Governance  
Association Justice, Peace and Democracy  
Luanda 26/02/11

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

35c. In practice, citizens can access records of legislative processes and documents at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or NGOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or NGOs trying to access this information.

---

26  
3.3. Conflicts of Interest Safeguards & Checks and Balances:  
Judicial Branch

---

36. Are judges appointed fairly?

25

36a. In law, there is a transparent procedure for selecting national-level judges.

Yes

No

**Comments:**

The Superior Courts of the Republic of Angola are the Constitutional Court, the Supreme Court, the Court and the Supreme Military Court.

The Constitutional Court is composed of 11 judges of appeal, and four judges appointed by the President of the Republic, including President of the Court, four others elected by the National Assembly by a majority of two thirds of the members of parliament in office, including Vice-President, two judges elected by the Supreme Judicial Council and a judge selected by public tender curriculum.

Regarding the Supreme Court, the Judges shall be nominated by the President on the proposal of the Supreme Judicial Council, after competitive examination from among Judges, Prosecutors and lawyers of merit. The Chief Justice and Vice President are appointed by the President from among three candidates selected by 2 / 3 Board of Judges in office.

The President, the Vice-President and other judges of the Court of Auditors are appointed by the President from among magistrates and judges not.

Finally, the presiding judge, Judge Vice President and other judges of the Supreme Military Court are appointed by the President from among military judges.

**References:**

Angolan Constitution, paragraph 1, article 176; Point a), b) and c), Paragraph 3, article 180; Paragraph 2 and 3, article 181; Paragraph 2, article 182; and paragraph 2, article 183.

**Yes:** A YES score is earned if there is a formal process for selecting national level justices. This process should be public in the debating and confirmation stages. National-level judges are defined as judges who have powers that derive from a national law or constitution; are nominated/appointed by a national governmental body (head of state/government or national legislature); and/or are elected nationally.

**No:** A NO score is given if there is no formal process of selection or the process is conducted without public oversight. National-level judges are defined as judges who have powers that derive from a national law or constitution; are nominated/appointed by a national governmental body (head of state/government or national legislature); and/or are elected nationally.

36b. In practice, professional criteria are followed in selecting national-level judges.

100 | 75 | 50 | 25 | 0

**Comments:**

In recent years there has been more rigorous in the appointment of judges. Even with some violations but in most cases meritocracy prevails.

**References:**

Sónia Duarte  
Judge of the Provincial Lobito Court  
Benguela – Lobito  
Benguela-28/02/11

**100:** National-level judges selected have relevant professional qualifications such as formal legal training, experience as a lower court judge or a career as a litigator.

**75:**

**50:** Most national-level judges selected meet these qualifications, with some exceptions.

**25:**

**0:** National-level judges are often unqualified due to lack of training or experience.

36c. In law, there is a confirmation process for national-level judges (i.e. conducted by the legislature or an independent body).

Yes | No

**Comments:**

There is no formal review.

**References:**

There is no formal review.

**Yes:** A YES score is earned if there is a formal process establishing a review of national-level judicial nominees by an agency or entity independent from the body appointing the judges.

**No:** A NO score is earned if there is no formal review. A NO score is earned if the review is conducted by the same body that appoints the judges (such as the Prime Minister approving judicial nominees put forward by the Minister of Justice, both of whom are part of the executive).

---

37. Can members of the judiciary be held accountable for their actions?

37a. In law, members of the national-level judiciary are obliged to give reasons for their decisions.

Yes | No

**Comments:**

The law stipulates that decisions should be based, and is even cause for revocation of the decision to be unfounded in fact and law to justify the decision.

**References:**

Decree-Law no. 44129 of December 28, Angolan Civil Code, paragraph 2 of article 659 and point b), paragraph 1, article 668, applicable in alternative to criminal proceedings.

**Yes:** A YES score is earned if there is a formal and mandatory process for judges to explain their decisions.

**No:** A NO score is earned if justices are not required to explain decisions. A NO score is earned if there is a general exemption from explaining some decisions (such as national security).

37b. In practice, members of the national-level judiciary give reasons for their decisions.

100 | 75 | 50 | 25 | 0

**Comments:**

Judges are required to work ethically and rigorously to enforce the law. This requires you to make a record of each trial is in court records, which are attached to the evidence, the arguments of the defense and prosecution in order to be consulted if necessary. It's rule and all judges do it. Because of the clutter of files and lack of supervision much has been lost, but the judges have documented cases, with all the details in order to justify the sentence imposed

**References:**

Sónia Duarte  
Judge of the Provincial Lobito Court  
Benguela – Lobito  
Benguela – 26/04/11

**100:** Judges are formally required to explain their judgments in detail, establishing a body of precedent. All judges comply with these requirements.

**75:**

**50:** Judges are compelled to give substantial reasons for their decisions, but some exceptions exist. These may include special courts, such as military courts or tribunals.

**25:**

**0:** Judges commonly issue decisions without formal explanations.

37c. In law, there is a disciplinary agency (or equivalent mechanism) for the national-level judicial system.

Yes | No

**Comments:**

The entity responsible for management and discipline of the judiciary is the Supreme Council of Judiciary. The Superior Council of the Judiciary as functions assess professional and take disciplinary action on judges order investigations, inspections and investigations into the legal services and propose the necessary measures for its efficiency and aperfeiçoamento; appoint the judges of the Constitutional Court; propose the appointment of judges of the Supreme Court, appoint, assign, transfer and promote judges, and achieve the competitive examination for appointment of Judges of the Court of Auditors.

**References:**

Angolan Constitution paragraph 1, article 184.

**Yes:** A YES score is earned if there is a disciplinary agency (or equivalent mechanism) for the judicial system. A disciplinary agency is defined here as an agency or mechanism specifically mandated to investigate breaches of procedure, abuses of power or other failures of the judiciary. A YES score can still be earned if the judicial disciplinary agency (or mechanism) is internal to the judiciary.

**No:** A NO score is earned if no agency or mechanism is specifically mandated to act as a disciplinary mechanism for the national-level judiciary.

37d. In law, the judicial disciplinary agency (or equivalent mechanism) is protected from political interference.

Yes | No

**Comments:**

Is currently under discussion in the National Assembly the Organic Law of the Supreme Council for the Judiciary.

**References:**

There are no formal rules establishing the independence of Supreme Council for the Judiciary.

**Yes:** A YES score is earned if there are formal rules establishing that the judicial disciplinary agency (or equivalent mechanism) is protected from political interference by the executive and legislative branches.

**No:** A NO score is earned if there are no formal rules establishing the independence of the judicial disciplinary agency (or equivalent mechanism). A NO score is given if the judicial disciplinary agency or equivalent mechanism function is carried out by an executive ministry or legislative committee.

37e. In practice, when necessary, the judicial disciplinary agency (or equivalent mechanism) initiates investigations.

100 | 75 | 50 | 25 | 0

**Comments:**

The judiciary is dependent on the executive. Even the president of the Court of Auditors, which must supervise the executive is appointed by the President. The judiciary acts in constrained through its financial dependency on the Ministry of Justice.

**References:**

Dra. Sónia Duarte  
Judge of the Provincial Court of Lobito  
Benguela -28/02/11

**100:** The judicial disciplinary agency (or equivalent mechanism) aggressively starts investigations — or participates fully with cooperating agencies' investigations — into judicial misconduct. The judicial disciplinary agency (or equivalent mechanism) is fair in its application of this power.

**75:**

**50:** The judicial disciplinary agency (or equivalent mechanism) will start or cooperate in investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The judicial disciplinary agency (or equivalent mechanism), though limited in effectiveness, is still fair in its application of power.

**25:**

**0:** The judicial disciplinary agency (or equivalent mechanism) rarely investigates on its own or cooperates in other agencies' investigations, or the judicial disciplinary agency (or equivalent mechanism) is partisan in its application of this power.

37f. In practice, when necessary, the judicial disciplinary agency (or equivalent mechanism) imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** When rules violations are discovered, the judicial disciplinary agency (or equivalent mechanism) is aggressive in penalizing offenders or in cooperating with other agencies who penalize offenders.

**75:**

**50:** The judicial disciplinary agency (or equivalent mechanism) enforces rules, but is limited in its effectiveness. The judicial disciplinary agency (or equivalent mechanism) may be slow to act, unwilling to take on politically powerful offenders, resistant to cooperating with other agencies, or occasionally unable to enforce its judgments.

**25:**

**0:** The judicial disciplinary agency (or equivalent mechanism) does not effectively penalize offenders. The judicial disciplinary agency (or equivalent mechanism) may make judgments but not enforce them, does not cooperate with other agencies in enforcing penalties, or may fail to make reasonable judgments against offenders. The judicial disciplinary agency (or equivalent mechanism) may be partisan in its application of power.

---

### 38. Are there regulations governing conflicts of interest for the national-level judiciary?

32

38a. In law, members of the national-level judiciary are required to file an asset disclosure form.

Yes

No

**Comments:**

The submission of the declaration of assets pursuant to the Law of Public Probity is extended to judges and prosecutors.

**References:**

Law of Public Probity, point b), paragraph 1, article 27.

**Yes:** A YES score is earned if all members of the national-level judiciary are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form does not need to be publicly available to score a YES.

**No:** A NO score is earned if any member of the national-level judiciary is not required to publicly disclose assets.

38b. In law, there are regulations governing gifts and hospitality offered to members of the national-level judiciary.

Yes

No

**Comments:**

According to the Law of Public Probity, the judges and prosecutors are considered public and as such is applicable to these provisions on the receipt of offers.

**References:**

Law of Public Probity, point c), paragraph 2, article 15 and article 18.

**Yes:** A YES score is earned if there are formal guidelines regulating gifts and hospitality for members of the national-level judiciary.

**No:** A NO score is earned if there are no guidelines or regulations with respect to gifts or hospitality offered to members of the national-level judiciary. A NO score is earned if the guidelines are general and do not specify what is and is not appropriate.

38c. In law, there are requirements for the independent auditing of the asset disclosure forms of members of the national-level judiciary.

Yes | **No**

**Comments:**

Although the law does not refer to an independent entity to evaluate the declaration of assets of the members of the judiciary, the article 32 of the Law on Public Probity provides that any person or entity may contribute to the prosecutor or entity administratively, facts revealing misconduct, that is instituted its investigation.

**References:**

There are no legal or regulatory requirements for the independent auditing of national/level judiciary asset disclosures.

**Yes:** A YES score is earned if there is a legal or regulatory requirement for independent auditing of national-level judiciary asset disclosures. The auditing is performed by an impartial third-party.

**No:** A NO score is earned if there are no legal or regulatory requirements for the independent auditing of national-level judiciary asset disclosures or if such requirements exist but allow for self-auditing.

38d. In law, there are restrictions for national-level judges entering the private sector after leaving the government.

Yes | **No**

**Comments:**

No such restrictions exist.

**References:**

No such restrictions exist.

**Yes:** A YES score is earned if there are regulations restricting national-level judges' ability to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues.

**No:** A NO score is earned if no such restrictions exist.

38e. In practice, the regulations restricting post-government private sector employment for national-level judges are effective.

100 | 75 | 50 | 25 | **0**

**Comments:**

There is no legal impediment to this practice and cause that if happens is not being news.

**References:**

Cristóvão Godinho  
Law Student  
Luanda – 29/02/11

**100:** The regulations restricting post-government private sector employment for national-level judges are uniformly enforced. There are no cases or few cases of judges taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate “cooling off” period.

**75:**

**50:** The regulations are generally enforced though some exceptions exist. In certain cases, judges are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

**25:**

**0:** The regulations are rarely or never enforced. Judges routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced. A zero score is also earned if judges are allowed to hold private sector jobs while serving on the bench.

38f. In practice, the regulations governing gifts and hospitality offered to members of the national-level judiciary are effective.

100 | 75 | 50 | 25 | 0

**Comments:**

Unaware of any case of offerings that could be construed as corruption

**References:**

Sónia Duarte  
Judge of the Provincial Lobito Court  
Benguela – Lobito  
Benguela – 28/02/11

**100:** The regulations governing gifts and hospitality to members of the national-level judiciary are regularly enforced. Judges never or rarely accept gifts or hospitality above what is allowed.

**75:**

**50:** The regulations governing gifts and hospitality to members of the national-level judiciary are generally applied though exceptions exist. Some judges are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

**25:**

**0:** The regulations are rarely or never enforced. Judges routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

38g. In practice, national-level judiciary asset disclosures are audited.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** National-level judiciary asset disclosures are regularly audited using generally accepted auditing practices.

**75:**

**50:** National-level judiciary asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

**25:**

**0:** The regulations are rarely or never enforced. Judges routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

---

### 39. Can citizens access the asset disclosure records of members of the national-level judiciary?

0

39a. In law, citizens can access the asset disclosure records of members of the national-level judiciary.

Yes | No

**Comments:**

The declaration of assets is presented in a sealed envelope and remnetida the Attorney General's Office. Only being allowed access to the declaration of assets by issuing an injunction.

**References:**

The form is not available to the public.

**Yes:** A YES score is earned if members of the national-level judiciary file an asset disclosure form that is, in law, accessible to the public (individuals, civil society groups or journalists).

**No:** A NO score is earned if there is no asset disclosure for members of the national-level judiciary. A NO score is earned if the form is filed, but not available to the public.

39b. In practice, citizens can access judicial asset disclosure records within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

39c. In practice, citizens can access judicial asset disclosure records at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or NGOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or NGOs trying to access this information.

39d. In practice, the asset disclosure records of the national-level judiciary are of high quality.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** The asset disclosure records of the national-level judiciary are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

**75:**

**50:** The asset disclosure records of the national-level judiciary contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

**25:**

**0:** The asset disclosure records of the national-level judiciary are overly general, lack any meaningful detail, and do not provide a clear accounting of the individuals' sources of income, investments, and other financial assets.

---

### 3.4. Budget Process Oversight & Transparency

---

40. Can the legislature provide input to the national budget?

33

40a. In law, the legislature can amend the budget.

Yes | No

**Comments:**

According to Law 15/10, of May 27, the Framework Law of the State Budget, the National Assembly may propose amendments and reject the National Government Budget.

**References:**

Law 15/10, May 27.

**Yes:** A YES score is earned if the legislature has the power to add or remove items to the national government budget.

**No:** A NO score is earned if the legislature can only approve but not change details of the budget. A NO score is earned if the legislature has no input into the budget process.

40b. In practice, significant public expenditures require legislative approval.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** All significant government expenditures (defined as any project costing more than 1% of the total national budget), must be approved by the legislature. This includes defense and secret programs, which may be debated in closed hearings.

**75:**

**50:** Most significant government expenditures (as defined) are approved by the legislature, but some exceptions to this rule exist. This may include defense programs, an executive's personal budget, or other expenses.

**25:**

**0:** The legislature does not have the power to approve or disapprove large portions of the government budget, or the legislature does not exercise this power in a meaningful way.

40c. In practice, the legislature has sufficient capacity to monitor the budget process and provide input or changes.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Legislators benefit from a sufficient and qualified staff as well as adequate financial and physical resources. Lack of capacity is never a reason why legislators cannot carry out their duties effectively.

**75:**

**50:** Legislators have some staff and financial resources but are limited by a shortfall of resources to adequately perform all of their budgetary oversight functions. Legislators are occasionally overwhelmed by the volume of work to be performed.

**25:**

**0:** Legislators have little to no staff and virtually no financial resources with which to perform their budgetary oversight role. Lack of resources is a regular and systemic problem that cripples the performance of the legislature.

---

## 41. Can citizens access the national budgetary process?

17

41a. In practice, the national budgetary process is conducted in a transparent manner in the debating stage (i.e. before final approval).

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Budget debates are public and records of these proceedings are easily accessible. Authors of individual budget items can easily be identified. Nearly all budget negotiations are conducted in these official proceedings.

**75:**

**50:** There is a formal, transparent process for budget debate, but major budget modifications may be negotiated in separate, closed sessions. Some items, such as non-secret defense projects, may be negotiated in closed sessions. Authors of individual line items may be difficult to identify.

**25:**

**0:** Budget negotiations are effectively closed to the public. There may be a formal, transparent process, but most real discussion and debate happens in other, closed settings.

41b. In practice, citizens provide input at budget hearings.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Citizens, usually acting through NGOs, can provide information or commentary to the budget debate through a formal process. This information is essential to the process of evaluating budget priorities.

**75:**

**50:** Citizens or NGOs can provide input, but this information is often not relevant to budget decisions.

**25:**

**0:** Citizens or NGOs have no formal access to provide input to the budget debate.

41c. In practice, citizens can access itemized budget allocations.

100 | 75 | **50** | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

From peer reviewer two.

**100:** Citizens, journalists and NGOs can access itemized lists of budget allocations. This information is easily available and up to date.

**75:**

**50:** Citizens, journalists and NGOs can access itemized lists of budget allocations but this information may be difficult to access, incomplete or out of date.

**25:**

**0:** Citizens cannot access an itemized list of budget allocations, due to secrecy, prohibitive barriers or government inefficiency.

---

42. In law, is there a separate legislative committee which provides oversight of public funds?

0

42a. In law, is there a separate legislative committee which provides oversight of public funds?

Yes

No

**Comments:**

According to the Angolan constitution and the law, to review the legality of public finances and accounts of the trial is for the Court of Auditors. They are part of the powers of the Court of Auditors to issue an opinion on the General State Accounts; proactively monitor the legality of acts and contracts generating expenses or financial responsibility of representing entities that are under their jurisdiction, conduct their own initiative or the National Assembly, surveys surveys and audits of an accounting or financial assets; to supervise the application of funds donated to the state by national and international entities.

**References:**

Angola Constitution, paragraph 1, article 182 and article 1 and paragraph 1, article 6 of the Statute of the Court of Auditors, Law n° 13/10.

**Yes:** A YES score is earned if there is a dedicated legislative committee (or equivalent group located in the legislature) that oversees the expenditure of public funds.

**No:** A NO score is earned if no such body exists within the legislature. A NO score is earned if there is a body executing this function but it is not part of the legislature (such as a separate supreme audit institution).

---

### 43. Is the legislative committee overseeing the expenditure of public funds effective?

0

43a. In practice, department heads regularly submit reports to this committee.

100

75

50

25

0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Heads of ministry- or cabinet-level agencies submit regular, formal reports of expenses to a budget oversight committee.

**75:**

**50:** Agency heads submit reports to a budget oversight committee, but these reports are flawed in some way. The reports may be inconsistently delivered, or lacking important details.

**25:**

**0:** There is no budget oversight committee or equivalent, or heads of agencies do not submit meaningful reports to the agency.

43b. In practice, the committee acts in a non-partisan manner with members of opposition parties serving on the committee in an equitable fashion.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** The committee is comprised of legislators from both the ruling party (or parties) and opposition parties in a roughly equitable distribution. All members of the committee — including opposition party members — are able to fully participate in the activities of the committee and influence the committee's work to roughly the same extent as any other member of the committee.

**75:**

**50:** The committee is comprised of legislators from both the ruling party (or parties) and opposition parties although the ruling party has a disproportionate share of committee seats. The chairperson of the committee may be overly influential and curb other members' ability to shape the committee's activities.

**25:**

**0:** The committee is dominated by legislators of the ruling party and/or the committee chairperson. Opposition legislators serving on the committee have in practice no way to influence the work of the committee.

43c. In practice, when necessary, this committee initiates independent investigations into financial irregularities.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** When irregularities are discovered, the committee is aggressive in investigating the government.

**75:**

**50:** The committee starts investigations, but is limited in its effectiveness. The committee may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

**25:**

**0:** The committee does not effectively investigate financial irregularities. The committee may start investigations but not complete them, or may fail to detect offenders. The committee may be partisan in its application of power.

---

## Category 4. Public Administration and Professionalism

---

### 4.1. <sup>34</sup>Civil Service: Conflicts of Interest Safeguards and Political Independence

---

44. Are there national regulations for the civil service encompassing, at least, the managerial and professional staff?

25

44a. In law, there are regulations requiring an impartial, independent and fairly managed civil service.

Yes

**No**

**Comments:**

However, the Law of Public Probity in its Article 8 stipulates that the public official should treat fairly the people with whom enters into a relationship, always observing, with fairness, consideration and respect the principle of legal equality of all citizens.

**References:**

There are no formal rules establishing as independent civil services of the political interference.

**Yes:** A YES score is earned if there are specific formal rules establishing that the civil service carry out its duties independent of political interference.

**No:** A NO score is earned if there are no formal rules establishing an independent civil service.

44b. In law, there are regulations to prevent nepotism, cronyism, and patronage within the civil service.

Yes

**No**

**Comments:**

Although there is no specific regulation that prohibits nepotism, cronyism and favoritism, the public officer must base its actions on objective considerations action, oriented towards the common interest, without regard to any other factor favoring positions or expressing personal, family, corporate or any others that conflict with the public interest – cf. paragraph 2, article 19, law of public probity.

**References:**

No such specific regulations exist.

**Yes:** A YES score is earned if there are specific formal rules prohibiting nepotism, cronyism, and patronage in the civil service. These should include competitive recruitment and promotion procedures as well as safeguards against arbitrary disciplinary actions and dismissal.

**No:** A NO score is earned if no such regulations exist.

44c. In law, there is an independent redress mechanism for the civil service.

Yes

No

**Comments:**

Citizens who feel aggrieved in their rights and interests may appeal to the Ombudsman. The Ombudsman is an independent public body that relates to the rights, freedoms and guarantees of citizens ensuring by informal means the justice and legality of public administration activities.

**References:**

Angolan Constitution, paragraph 1, article 192.

**Yes:** A YES score is earned if there is a mechanism to which civil servants and applicants for the civil service can take grievances regarding civil service management actions. The mechanism should be independent of their supervisors but can still be located within the government agency or entity (such as a special commission or board). Civil servants are able to appeal the mechanism's decisions to the judiciary.

**No:** A NO score is earned if no such mechanism exists, or if the only recourse civil servants have is directly through the courts.

44d. In law, civil servants convicted of corruption are prohibited from future government employment.

Yes

No

**Comments:**

The law of public probity in Article 31 establishes the penalties for public officials involved in corruption. However, none of which prohibits civil servants from the final contract with the government. The ban runs from 3 to 10 years, depending on the offense.

**References:**

Law of Public Probity, article 31.

**Yes:** A YES score is earned if there are specific rules prohibiting continued government employment following a corruption conviction.

**No:** A NO score is earned if no such rules exist or if the ban is not a lifetime ban.

---

## 45. Is the law governing the administration and civil service effective?

31

45a. In practice, civil servants are protected from political interference.

100 | 75 | 50 | 25 | 0

**Comments:**

The score is because there are still many public servants who are easily coerced to act in accordance with a particular interest and also on the other hand are often corrupt.

**References:**

Delma Monteiro  
Human Right Defender  
Program Officer for Transparency and Good Governance  
Association Justice, Peace and Democracy  
Luanda 26/02/11

**100:** Civil servants operate independently of the political process, without incentive or pressure to render favorable treatment or policy decisions on politically sensitive issues. Civil servants rarely comment on political debates. Individual judgments are rarely praised or criticized by political figures. Civil servants can bring a case to the courts challenging politically-motivated firings.

**75:**

**50:** Civil servants are typically independent, yet are sometimes influenced in their judgments by negative or positive political or personal incentives. This may include favorable or unfavorable treatment by superiors, public criticism or praise by the government, or other forms of influence. Civil servants may bring a case to the judicial system challenging politically-motivated firings but the case may encounter delays or bureaucratic hurdles.

**25:**

**0:** Civil servants are commonly influenced by political or personal matters. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. Civil servants are unable to find a remedy in the courts for unjustified or politically-motivated firings.

45b. In practice, civil servants are appointed and evaluated according to professional criteria.

100 | 75 | 50 | 25 | 0

**Comments:**

No. Although there are still tender held in state institutions a strong sponsorship of candidates and in most cases the professional and intellectual capacity does not supplant the traffic of influence.

**References:**

Delma Monteiro  
Human Right Defender  
Program Officer for Transparency and Good Governance  
Association Justice, Peace and Democracy  
Luanda 26/02/11

**100:** Appointments to the civil service and their professional evaluations are made based on professional qualifications. Individuals appointed are free of conflicts of interest arising from personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

**75:**

**50:** Appointments and professional assessments are usually based on professional qualifications. Individuals appointed may have clear party loyalties, however.

**25:**

**0:** Appointments and professional assessments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

45c. In practice, civil service management actions (e.g. hiring, firing, promotions) are not based on nepotism, cronyism, or patronage.

100 | 75 | 50 | 25 | 0

**Comments:**

Invast majority institutions of the state management of the public is completely corrupt by practices unclear and favoritism that clashes with the law. There is a strong patronage and influence peddling.

**References:**

Fernando Macedo  
Master in Political Science  
Professor of Political Science and Constitucional Law  
Lusiada University  
Luanda 28/02/11

**100:** Nepotism (favorable treatment of family members), cronyism (favorable treatment of friends and colleagues), and patronage (favorable treatment of those who reward their superiors) are actively discouraged at all levels of the civil service. Hirings, firings, and promotions are based on merit and performance.

**75:**

**50:** Nepotism, cronyism, and patronage are discouraged, but exceptions exist. Political leaders or senior officials sometimes appoint family member or friends to favorable positions in the civil service, or lend other favorable treatment.

**25:**

**0:** Nepotism, cronyism, and patronage are commonly accepted principles in hiring, firing and promotions of civil servants.

45d. In practice, civil servants have clear job descriptions.

100 | 75 | 50 | **25** | 0

**Comments:**

But many of the employees have never had access to a description of the task and therefore work on what they “think” is their task and it is also one of the reasons for poor service delivery in the civil service, and conflicts between employees

**References:**

Delma Monteiro  
Human Right Defender  
Program Officer for Transparency and Good Governance  
Association Justice, Peace and Democracy  
Luanda 26/02/11

**100:** Civil servants almost always have formal job descriptions establishing levels of seniority, assigned functions, and compensation. Job descriptions are a reliable representation of positions in terms of a person’s authority, responsibility and base pay.

**75:**

**50:** Civil servants often have formal job descriptions, but exceptions exist. Some civil servants may not be part of the formal assignment of duties and compensations. Some job descriptions may not map clearly to pay or responsibilities in some cases.

**25:**

**0:** Civil servants do not have formal roles or job descriptions. If they do, such job descriptions have little or nothing to do with the position’s responsibilities, authority, or pay.

45e. In practice, civil servant bonuses constitute only a small fraction of total pay.

100 | 75 | **50** | 25 | 0

**References:**

Justino Pinto de Andrade,  
Chairman of the Democratic Bloc  
Political party without a seat in Parliament  
Director of Faculty of Economics, Catholic University  
Luanda 26/02/11

**100:** Civil servant bonuses constitute no more than 10% of total pay and do not represent a major element of take-home pay.

**75:**

**50:** Civil servant bonuses are generally a small percentage of total take-home pay for most civil servants though exceptions exist where some civil servants' bonuses represent a significant part of total pay.

**25:**

**0:** Most civil servants receive bonuses that represent a significant amount of total take-home pay. In some cases bonuses represent the majority of total pay to civil servants.

45f. In practice, the government publishes the number of authorized civil service positions along with the number of positions actually filled.

100 | 75 | 50 | 25 | 0

**References:**

Justino Pinto de Andrade,  
Chairman of the Democratic Bloc  
Political party without a seat in Parliament  
Director of Faculty of Economics, Catholic University  
Luanda 26/02/11

**100:** The government publishes such a list on a regular basis.

**75:**

**50:** The government publishes such a list but it is often delayed or incomplete. There may be multiple years in between each successive publication.

**25:**

**0:** The government rarely or never publishes such a list, or when it does it is wholly incomplete.

45g. In practice, the independent redress mechanism for the civil service is effective.

100 | 75 | 50 | 25 | 0

**References:**

Delma Monteiro  
Human Right Defender  
Program Officer for Transparency and Good Governance  
Association Justice, Peace and Democracy  
Luanda 26/02/11

**100:** The independent redress mechanism for the civil service can control the timing and pace of its investigations without any input from the bodies that manage civil servants on a day-to-day basis.

**75:**

**50:** The independent civil service redress mechanism can generally decide what to investigate and when but is sometimes subject to pressure from the executive or the bodies that manage civil servants on a day-to-day basis on politically sensitive issues.

**25:**

**0:** The civil service redress mechanism must rely on approval from the executive or the bodies that manage civil servants on a day-to-day basis before initiating investigations. Politically sensitive investigations are almost impossible to move forward on.

45h. In practice, in the past year, the government has paid civil servants on time.

100 | 75 | 50 | **25** | 0

**Comments:**

I gave 50% to score because, some civil servants have been paid late.

**References:**

[http://jornaldeangola.sapo.ao/14/16/governo\\_esclarece\\_atrasos\\_nos\\_salarios\\_dos\\_professores;](http://jornaldeangola.sapo.ao/14/16/governo_esclarece_atrasos_nos_salarios_dos_professores;)  
[http://www.angonoticias.com/full\\_headlines\\_.php?id=26890](http://www.angonoticias.com/full_headlines_.php?id=26890)  
[http://www.rr.pt/informacao\\_detalhe.aspx?fid=93&did=95191](http://www.rr.pt/informacao_detalhe.aspx?fid=93&did=95191)  
[http://jornaldeangola.sapo.ao/18/0/professores\\_paralisam\\_aulas\\_devido\\_ao\\_atraso\\_de\\_salarios](http://jornaldeangola.sapo.ao/18/0/professores_paralisam_aulas_devido_ao_atraso_de_salarios)

**100:** In the past year, no civil servants have been paid late.

**75:**

**50:** In the past year, some civil servants have been paid late.

**25:**

**0:** In the past year, civil servants have frequently been denied due pay.

45i. In practice, civil servants convicted of corruption are prohibited from future government employment.

100 | 75 | 50 | **25** | 0

**Comments:**

It is not publicly known the existence of a blacklist system.

The public employees dismissed for failure, corruption, embezzlement or any other offense are, in most cases, placed in another sector on the same order that dismisses.

**References:**

Delma Monteiro  
Human Right Defender  
Program Officer for Transparency and Good Governance  
Association Justice, Peace and Democracy  
Luanda 26/02/11

**100:** A system of formal blacklists and cooling off periods is in place for civil servants convicted of corruption. All civil servants are subject to this system.

**75:**

**50:** A system of formal blacklists and cooling off periods is in place, but the system has flaws. Some civil servants may not be affected by the system, or the prohibitions are sometimes not effective. Some bans are only temporary.

**25:**

**0:** There is no such system, or the system is consistently ineffective in prohibiting future employment of convicted civil servants.

---

#### 46. Are there regulations addressing conflicts of interest for civil servants?

39

46a. In law, senior members of the civil service are required to file an asset disclosure form.

Yes

No

**Comments:**

The law extends the obligation to submit a statement of assets to senior members from central and local administration of the state.

**References:**

Law of Public Probity, point c), paragraph 1.

**Yes:** A YES score is earned if senior members of the civil service are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form does not need to be publicly available to score a YES.

**No:** A NO score is earned if any senior member of the civil service is not required to disclose assets.

46b. In law, there are requirements for civil servants to recuse themselves from policy decisions where their personal interests may be affected.

Yes | No

**Comments:**

The civil servants are barred from intervening in the preparation, decision and execution of deeds and contracts:  
when it has a direct interest or as a representative of another person;  
when by itself or as representative of another person having an interest in your spouse or relative or in a straight line to the second degree colateral line, as well as those who live in communion table and housing;  
when pursuing private activities, including a professional or voluntary, which relate directly to the organ or entidad deo which they serve;  
when, by itself or through a third person or entity engaged in an occupation advisory services under the responsibility of private entities in matters where there should intervene or intervened by reason of its status as a public servant;  
when in any type of contract issues, operation or activity, take advantage of this occasion to prepare or facilitate any form of participation, directly or through intermediaries.

**References:**

Law of Public Probity, article 28.

**Yes:** A YES score is earned if there are requirements for civil servants to recuse themselves from policy decisions where their personal interests, including personal financial interests as well as those of their family and friends, are affected.

**No:** A NO score exists if no such requirements exist in regulation or law.

46c. In law, there are restrictions for civil servants entering the private sector after leaving the government.

Yes | No

**Comments:**

No such restrictions exist.

**References:**

No such restrictions exist.

**Yes:** A YES score is earned if there are regulations restricting civil servants' ability to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues.

**No:** A NO score is earned if no such restrictions exist.

46d. In law, there are regulations governing gifts and hospitality offered to civil servants.

Yes | No

**Comments:**

The provisions of the Law on Public Probity about receiving offers are extended to civil servants.

**References:**

Law of Public Probity, article 5 and article 18.

**Yes:** A YES score is earned if there are formal guidelines regarding gifts and hospitality given to civil servants.

**No:** A NO score is earned if there are no such guidelines or regulations.

46e. In law, there are requirements for the independent auditing of the asset disclosure forms of senior members of the civil service.

Yes | **No**

**References:**

There are no regulatory requirements for the independent auditing of civil service asset disclosures....

**Yes:** A YES score is earned if there is a legal or regulatory requirement for independent auditing of civil service asset disclosures. The auditing is performed by an impartial third-party.

**No:** A NO score is earned if there are no legal or regulatory requirements for the independent auditing of civil service asset disclosures or if such requirements exist but allow for self-auditing.

46f. In practice, the regulations restricting post-government private sector employment for civil servants are effective.

100 | 75 | 50 | 25 | **0**

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** The regulations restricting post-government private sector employment for civil servants are uniformly enforced. There are no cases or few cases of civil servants taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate "cooling off" period.

**75:**

**50:** The regulations are generally enforced though some exceptions exist. In certain sectors, civil servants are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

**25:**

**0:** The regulations are rarely or never enforced. Civil servants routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

46g. In practice, the regulations governing gifts and hospitality offered to civil servants are effective.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** The regulations governing gifts and hospitality to civil servants are regularly enforced. Civil servants never or rarely accept gifts or hospitality above what is allowed.

**75:**

**50:** The regulations governing gifts and hospitality to civil servants are generally applied though exceptions exist. Some civil servants in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

**25:**

**0:** The regulations governing gifts and hospitality to the civil service are routinely ignored and unenforced. Civil servants routinely accept significant amounts of gifts and hospitality from outside interest groups and actors seeking to influence their decisions.

46h. In practice, the requirements for civil service recusal from policy decisions affecting personal interests are effective.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** The requirements that civil servants recuse themselves from policy decisions where their personal interests are affected are routinely followed by most or all civil servants.

**75:**

**50:** The requirements that civil servants recuse themselves from policy decisions where their personal interests are affected are followed by most civil servants though exceptions exist. In certain sectors, civil servants are known to routinely participate in policy decisions where their personal interests are affected.

**25:**

**0:** Most civil servants routinely ignore recusal requirements and continue to participate in policy decisions where their personal interests are affected.

46i. In practice, civil service asset disclosures are audited.

100 | 75 | **50** | 25 | 0

**References:**

Cristóvão Godinho  
Law Student  
Luanda – 28/02/11

**100:** Civil service asset disclosures are regularly audited using generally accepted auditing practices.

**75:**

**50:** Civil service asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

**25:**

**0:** Civil service asset disclosures are not audited, or the audits performed have no value. Audits may be performed by entities known to be partisan or biased in their practices.

---

#### 47. Can citizens access the asset disclosure records of senior civil servants?

0

47a. In law, citizens can access the asset disclosure records of senior civil servants.

Yes | **No**

**Comments:**

The declaration of assets is presented in a sealed envelope.

**References:**

Law of Public Probity, paragraph 5, 6 and 7, article 27.

**Yes:** A YES score is earned if laws or regulations guarantee that citizens can access the asset records of senior civil servants.

**No:** A NO score is earned if senior civil servants do not file an asset disclosure. A NO score is earned if senior civil servants file an asset disclosure, but it is not available to the public.

47b. In practice, citizens can access the asset disclosure records of senior civil servants within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

47c. In practice, citizens can access the asset disclosure records of senior civil servants at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or NGOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records' costs are prohibitive to most citizens, journalists, or NGOs trying to access this information.

47d. In practice, the asset disclosure records of senior civil servants are of high quality.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** The asset disclosure records of senior civil servants are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

**75:**

**50:** The asset disclosure records of senior civil servants contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

**25:**

**0:** The asset disclosure records of senior civil servants are overly general, lack any meaningful detail, and do not provide a clear accounting of the individuals' sources of income, investments, and other financial assets.

---

## 4.2. Whistle-blowing Protections

---

48. Are employees protected from recrimination or other negative consequences when reporting corruption (i.e. whistle-blowing)?

48a. In law, civil servants who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

Yes | **No**

**References:**

There are no legal protections for public-sector whistleblowers.

**Yes:** A YES score is earned if there are specific laws against recrimination against public sector whistleblowers. This may include prohibitions on termination, transfer, harassment or other consequences.

**No:** A NO score is earned if there are no legal protections for public-sector whistleblowers.

48b. In practice, civil servants who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

100 | 75 | 50 | 25 | **0**

**Comments:**

The public sector wages, for low and intermediate levels are very small and the staff are forced to take advantage of their position within the state apparatus, so that complaints coming from the civil servants themselves are little known publicly

**References:**

Fernando Macedo  
Master in Political Science  
Professor of Political Science and Constitucional Law  
Lusiada University  
Luanda 28/02/11

**100:** Public sector whistleblowers can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers or may be due to a culture that encourages disclosure and accountability.

**75:**

**50:** Public sector whistleblowers are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, either through official or unofficial means.

**25:**

**0:** Public sector whistleblowers often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

48c. In law, private sector employees who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

Yes | **No**

**References:**

There are no legal protections for private-sector whistleblowers.

**Yes:** A YES score is earned if there are specific laws against recrimination against private sector whistleblowers. This may include prohibitions on termination, transfer, harassment or other consequences.

**No:** A NO score is earned if there are no legal protections for private-sector whistleblowers.

48d. In practice, private sector employees who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

100 | 75 | 50 | 25 | **0**

**Comments:**

Complaints are rare precisely because there is fear of serious reprisals. In the private sector complaints are more related to the abuse of power and the business has a strong power of influence so vast majority of complaints end up without effect.

**References:**

Delma Monteiro  
Human Right Defender  
Program Officer for Transparency and Good Governance  
Association Justice, Peace and Democracy  
Luanda 26/02/11

**100:** Private sector whistleblowers can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers or may be due to a culture that encourages disclosure and accountability.

**75:**

**50:** Private sector whistleblowers are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, either through official or unofficial means.

**25:**

**0:** Private sector whistleblowers often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

---

49. In law, is there an internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption?

100

49a. In law, is there an internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption?

Yes | No

**Comments:**

The Law of Public Probity provides that any person or entity may contribute to the public prosecutor or administrative authority, facts showing misconduct, to be introduced their research ..

**References:**

Law of Public Probity, article 32.

**Yes:** A YES score is earned if there is a mechanism, or multiple mechanisms for multiple national government agencies, through which civil servants can report cases of graft, misuse of public funds, or corruption.

**No:** A NO score is earned if no such mechanism (or equivalent series of mechanisms) exists.

---

50. In practice, is the internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption effective?

0

50a. In practice, the internal reporting mechanism for public sector corruption has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

**Comments:**

There is no mechanism (telephone line) where employees can report corrupt practices in the public sector.

**References:**

Delma Monteiro  
Human Right Defender  
Program Officer for Transparency and Good Governance  
Association Justice, Peace and Democracy  
Luanda 26/02/11

**100:** The agency/entity has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The agency/entity has limited staff, a fact that hinders its ability to fulfill its basic mandate.

**25:**

**0:** The agency/entity has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

50b. In practice, the internal reporting mechanism for public sector corruption receives regular funding.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** The agency/entity has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

**75:**

**50:** The agency/entity has a regular source of funding but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

**25:**

**0:** Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

50c. In practice, the internal reporting mechanism for public sector corruption acts on complaints within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** The agency/entity acts on complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

**75:**

**50:** The agency/entity acts on complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

**25:**

**0:** The agency/entity cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take more than three months to resolve. Serious abuses are not investigated with any urgency.

50d. In practice, when necessary, the internal reporting mechanism for public sector corruption initiates investigations.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** When irregularities are discovered, the agency/entity is aggressive in investigating the government or in cooperating with other agencies' investigations.

**75:**

**50:** The agency/entity starts investigations, but is limited in its effectiveness. The agency/entity may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other investigative agencies, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency/entity does not effectively investigate. The agency/entity may start investigations but not complete them, may refuse to cooperate with other investigative agencies, or may fail to detect offenders. The agency/entity may be partisan in its application of power.

---

33

### 4.3. Government Procurement: Transparency, Fairness, and Conflicts of Interest Safeguards

---

#### 51. Is the public procurement process effective?

50

51a. In law, there are regulations addressing conflicts of interest for public procurement officials.

Yes | No

**Comments:**

The mentioned article describes a number of situations in which public officials are unable to intervene because they represent conflicts of interest.

**References:**

Law of Public Probity, article 28.

**Yes:** A YES score is earned if there are specific formal regulations defining and regulating conflicts of interest between official public duty and private interests for public procurement officials. A YES score is earned if such regulations cover all civil servants, including procurement officials.

**No:** A NO score is earned if no such rules exist.

51b. In law, there is mandatory professional training for public procurement officials.

Yes | No

**References:**

There is no regular required training of public procurement officials in this matter.

**Yes:** A YES score is earned if public procurement officials receive regular mandatory training to ensure professional standards in supervising the tendering process. A YES score is earned if such training is mandated for portions of the broader civil service, to include procurement officials.

**No:** A NO score is earned if there is no regular required training of public procurement officials or if training is sporadic, inconsistent, unrelated to procurement processes, or voluntary.

51c. In practice, the conflicts of interest regulations for public procurement officials are enforced.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Regulations regarding conflicts of interest for procurement officials are aggressively enforced.

**75:**

**50:** Conflict-of-interest regulations exist, but are flawed. Some violations may not be enforced, or some officials may be exempt from regulations.

**25:**

**0:** Conflict-of-interest regulations do not exist, or are consistently ineffective.

51d. In law, there is a mechanism that monitors the assets, incomes and spending habits of public procurement officials.

Yes | **No**

**References:**

No such mandate exist.

**Yes:** A YES score is earned if there is a formal mandate to some agency to monitor the assets, incomes and spending habits of public procurement officials, such as an inspector general, or ombudsman.

**No:** A NO score is earned if no such mandate exists.

51e. In law, major procurements require competitive bidding.

**Yes** | No

**Comments:**

Since 2010 is in force the Law of Public Procurement, Law No. 20/10 of 7 September. This law aims to ensure that procurement complies with the principles of competitiveness, economy, efficiency and effectiveness. It also seeks to ensure the principles of equality, competition, impartiality, transparency and probity within the public procurement procedures.

The aforementioned Law establishes its Article 22 four forms of procurement, a) public tender; b) restricted by pre-qualification, c) no restricted proposals d) the negotiation procedure.

The law also states that the choice of procedure to follow depends on the estimated contract value.

**References:**

Law n. 20/10 of 7 September.

**Yes:** A YES score is earned if all major procurements (defined as those greater than 0.5% of GDP) require competitive bidding.

**No:** A NO score is earned if competitive bidding is not required by law or regulation for major procurement (greater than 0.5% OF GDP).

51f. In law, strict formal requirements limit the extent of sole sourcing.

Yes | **No**

**Comments:**

The are no s.pacific prohibition of sole sourcing

**References:**

Law n° 20/10 of September 7.

**Yes:** A YES score is earned if sole sourcing is limited to specific, tightly defined conditions, such as when a supplier is the only source of a skill or technology.

**No:** A NO score is earned if there are no prohibitions on sole sourcing. A NO score is earned if the prohibitions on sole sourcing are general and unspecific.

51g. In law, unsuccessful bidders can instigate an official review of procurement decisions.

**Yes** | No

**Comments:**

The law regulates in articles 13 and following the administrative head of the mechanism for challenging decisions of the Evaluation Committee. Decisions can be challenged through a complaint or appeal hierarchical. It is also provided to the concerned judicial review of the decision it deems unfavorable.

**References:**

Law n° 20/10, September 7.

**Yes:** A YES score is earned if there is a formal appeal process for unsuccessful bidders.

**No:** A NO score is earned if no such process exists.

51h. In law, unsuccessful bidders can challenge procurement decisions in a court of law.

Yes | No

**Comments:**

Article 21 provides for judicial appeal of decisions from the Office of the Director of Public Procurement, and also the procedure of the final decision taken by the contracting authority.

**References:**

Law n° 20/10, September 7.

**Yes:** A YES score is earned if unsuccessful bidders can use the courts to appeal a procurement decision.

**No:** A NO score is earned if no such process exists.

51i. In law, companies guilty of major violations of procurement regulations (i.e. bribery) are prohibited from participating in future procurement bids.

Yes | No

**Comments:**

Point e) of article 8, which are prevented from participating in the hiring process of persons or companies whose members or directors, managers or other officials have been coden by final sentence for any offense concerning their professional conduct included, among others, corruption or have been administratively sanctioned for misconduct in professional matters, however, there has been no rehabilitation.

**References:**

Law n° 20/10, September 7.

**Yes:** A YES score is earned if there are formal procurement blacklists, designed to prevent convicted companies from doing business with the government.

**No:** A NO score is earned if no such process exists.

51j. In practice, companies guilty of major violations of procurement regulations (i.e. bribery) are prohibited from participating in future procurement bids.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** A system of formal blacklists and cooling off periods is in place for companies convicted of corruption. All companies are subject to this system.

**75:**

**50:** A system of formal blacklists and cooling off periods is in place, but the system has flaws. Some procurements or companies may not be affected by the system, or the prohibitions are sometimes not effective.

**25:**

**0:** There is no such system, or the system is consistently ineffective in prohibiting future hiring of blacklisted companies.

---

## 52. Can citizens access the public procurement process?

17

52a. In law, citizens can access public procurement regulations.

Yes

**No**

**Comments:**

There are no procurement rules.

**References:**

Law n° 20/10, September 7.

**Yes:** A YES score is earned if procurement rules are, by law, open to the public. These regulations are defined here as the rules governing the competitive procurement process.

**No:** A NO score is earned if procurement rules are officially secret for any reason or if there are no procurement rules.

52b. In law, the government is required to publicly announce the results of procurement decisions.

**Yes**

No

**Comments:**

Article 102 states that awards resulting from proposals worth more than ninety million kwanza shall be communicated by the competent organ for the decision to hire the Office of Procurement for the purpose of publicity on the website of Public Procurement. This information shall indicate the contracting public entity, the service concerned, the contractor and price.

**References:**

Law n° 20/10, September 7.

**Yes:** A YES score is earned if the government is required to publicly post or announce the results of the public procurement process. This can be done through major media outlets or on a publicly-accessible government register or log.

**No:** A NO score is earned if there is no requirement for the government to publicly announce the results of the public procurement process.

52c. In practice, citizens can access public procurement regulations within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information. These records are defined here as the rules governing the competitive procurement process.

**75:**

**50:** Records take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

52d. In practice, citizens can access public procurement regulations at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line. These records are defined here as the rules governing the competitive procurement process.

**75:**

**50:** Records impose a financial burden on citizens, journalists or NGOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or NGOs trying to access this information.

52e. In practice, major public procurements are effectively advertised.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** There is a formal process of advertising public procurements. This may include a government website, newspaper advertising, or other official announcements. All major procurements are advertised in this way. Sufficient time is allowed for bidders to respond to advertisements.

**75:**

**50:** There is a formal process of advertisement but it is flawed. Some major procurements may not be advertised, or the advertising process may not be effective. The time between advertisements and bidding may be too short to allow full participation.

**25:**

**0:** There is no formal process of advertising major public procurements or the process is superficial and ineffective.

52f. In practice, citizens can access the results of major public procurement bids.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Records of public procurement results are publicly available through a formal process.

**75:**

**50:** Records of public procurements are available, but there are exceptions to this practice. Some information may not be available, or some citizens may not be able to access information.

**25:**

**0:** This information is not available to the public through an official process.

---

#### 4.4. Privatization of Public Administrative Functions: Transparency, Fairness, and Conflicts of Interest Safeguards

---

##### 53. Is the privatization process effective?

67

53a. In law, all businesses are eligible to compete for privatized state assets.

Yes

No

**Comments:**

The privatization law sets no limitation in this respect.

**References:**

Law n° 10/94, August 31, 2008.

**Yes:** A YES score is earned if all businesses are equally eligible to compete for privatized assets. A YES score is still earned if the government did not privatize any state-owned assets during the study period.

**No:** A NO score is earned if any group of businesses (other than those blacklisted due to corruption charges) is excluded by law.

53b. In law, there are regulations addressing conflicts of interest for government officials involved in privatization.

Yes | No

**Comments:**

The Privatization Law provides in Article 11 may not acquire shares in companies, shareholdings and other assets of the state to privatize the case of private treaty or of a restricted, members of the government in office and all employees directly involved in conducting the proceedings.

**References:**

Law n° 10/94, August 31, 2008.

**Yes:** A YES score is earned if there are specific formal regulations defining and regulating conflicts of interest between official public duty and private interests for privatization officials. A YES score is earned if such regulations cover all civil servants, including privatization officials.

**No:** A NO score is earned if there are no such formal regulations.

53c. In practice, conflicts of interest regulations for government officials involved in privatization are enforced.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Regulations regarding conflicts of interest for privatization officials are aggressively enforced.

**75:**

**50:** Conflict-of-interest regulations exist, but are flawed. Some violations may not be enforced, or some officials may be exempt from the regulations.

**25:**

**0:** Conflict of interest regulations do not exist, or are consistently ineffective.

---

## 54. Can citizens access the terms and conditions of privatization bids?

25

54a. In law, citizens can access privatization regulations.

Yes | No

**Comments:**

The Privatization Law mentioned in subparagraph d) of article 2 that the objective of privatization is to allow a wide participation of Angolan citizens in the ownership of enterprises, giving particular attention to workers in the enterprises and small investors.

**References:**

Law n° 10/94, August 31, 2008.

**Yes:** A YES score is earned if privatization rules (defined here as the rules governing the competitive privatization process) are, by law, open to the public. Even if privatization is infrequent or rare, the most recent privatization should be used as the basis for scoring this indicator.

**No:** A NO score is earned if privatization rules are officially secret for any reason or if there are no privatization rules.

54b. In practice, privatizations are effectively advertised.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** There is a formal process of advertising privatizations. This may include a government website, newspaper advertising, or other official announcements. All major procurements are advertised in this way. Sufficient time is allowed for bidders to respond to advertisements.

**75:**

**50:** There is a formal process of advertisement but it is flawed. Some privatizations may not be advertised, or the advertising process may not be effective. The time between advertisements and bidding may be too short to allow full participation.

**25:**

**0:** There is no formal process of advertising privatizations or the process is superficial and ineffective.

54c. In law, the government is required to publicly announce the results of privatization decisions.

Yes | No

**Comments:**

Although the law does not expressly say that the Government is obliged to announce publicly the result of privatization, the Law, Article 18 provides that the proceeds of privatization and its implementation will have expression in the State Budget each year.

**References:**

Law n° 1/94, August 31, 2008.

**Yes:** A YES score is earned if the government is required to publicly post or announce the results of the privatization process. This can be done through major media outlets or on a publicly-accessible government register or log.

**No:** A NO score is earned if there is no requirement for the government to publicly announce the results of the privatization process.

54d. In practice, citizens can access privatization regulations within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Records (defined here as the rules governing the competitive privatization process) are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

54e. In practice, citizens can access privatization regulations at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Records (defined here as the rules governing the competitive privatization process) are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or NGOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or NGOs trying to access this information.

---

## Category 5. Government Oversight and Controls

---

### 5.1. <sup>40</sup>National Ombudsman

---

55. In law, is there a national ombudsman, public protector or equivalent agency (or collection of agencies) covering the entire public sector?

100

55a. In law, is there a national ombudsman, public protector or equivalent agency (or collection of agencies) covering the entire public sector?

Yes

No

**Comments:**

The Ombudsman is a public, independent, which concerns the rights, freedoms and guarantees of citizens ensuring by informal means, justice and legality of the Public Administration.

**References:**

Angolan Constitution, article 192; Organic regulation of the Ombudsman, Law n. 5/06, Abril 28; Ombudsman Statute, Law n. 4/06, April 28. Information about the laws in [www.minjus.gov.ao](http://www.minjus.gov.ao)

**Yes:** A YES score is earned if there is a specific agency or set of agencies whose primary mandate is to investigate the actions of government on the behalf of common citizens. This agency or set of agencies should be specifically charged with seeking out and documenting abuses of power.

**No:** A NO score is earned if no such agency or set of agencies exists, or that function is a secondary concern of a larger body, such as the legislature.

## 56. Is the national ombudsman effective?

20

56a. In law, the ombudsman is protected from political interference.

Yes

No

### Comments:

The Ombudsman is a public and independent entitie and is elected by the National Parliament.

### References:

Angolan Constitution, article 192.

**Yes:** A YES score is earned only if the agency (or set of agencies) has some formal organizational independence from the government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

**No:** A NO score is earned if the agency is a subordinate part of any government ministry or agency, such as the Department of Interior or the Justice Department.

56b. In practice, the ombudsman is protected from political interference.

100

75

50

25

0

### Comments:

In practice does not feel the existence of that body. He has the obligation to submit a public annual report. Since taking office unti now no aware that the Ombudsman has made a single annual report on the status of respect for the rights of citizens in their relationship with government.

### References:

Fernando Macedo  
Master in Political Science  
Professor of Political Science and Constitucional Law  
Lusiada University  
Luanda 28/02/11

**100:** This agency (or set of agencies) operates independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Investigations can operate without hindrance from the government, including access to politically sensitive information.

**75:**

**50:** This agency (or set of agencies) is typically independent, yet is sometimes influenced in its work by negative or positive political incentives. This may include public criticism or praise by the government. The ombudsman may not be provided with some information needed to carry out its investigations.

**25:**

**0:** This agency (or set of agencies) is commonly influenced by political or personal incentives. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. The ombudsman cannot compel the government to reveal sensitive information.

56c. In practice, the head of the ombudsman agency/entity is protected from removal without relevant justification.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** The director of the ombudsman (or directors of multiple agencies) serves a defined term and cannot be removed without a significant justification through a formal process, such as impeachment for abuse of power.

**75:**

**50:** The director of the ombudsman (or directors of multiple agencies) serves a defined term, but can in some cases be removed through a combination of official or unofficial pressure.

**25:**

**0:** The director of the ombudsman (or directors of multiple agencies) can be removed at the will of political leadership.

56d. In practice, the ombudsman agency (or agencies) has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

**Comments:**

In the aforementioned interview, the Provider acknowledges that the working conditions of the Ombudsman are precarious, with regard to facilities and human resources. The Ombudsman has a team of 39 people to cover the whole country. In addition to Luanda, the Ombudsman only has offices in Huambo and Cunene.

**References:**

[www.gazetadeluanda.com](http://www.gazetadeluanda.com)

Paulo Tjopilica  
Ombudsman Angolan

**100:** The ombudsman agency (or agencies) has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The ombudsman agency (or agencies) has limited staff that hinders its ability to fulfill its basic mandate.

**25:**

**0:** The ombudsman agency (or agencies) has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

56e. In practice, agency appointments support the independence of the ombudsman agency (or agencies).

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Appointments to the agency (or agencies) are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

**75:**

**50:** Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties.

**25:**

**0:** Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

56f. In practice, the ombudsman agency (or agencies) receives regular funding.

100 | 75 | 50 | 25 | 0

**References:**

Cristóvão Godinho  
Law Student  
Luanda – 28/02/11

**100:** The agency (or agencies) has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

**75:**

**50:** The agency (or agencies) has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

**25:**

**0:** Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency functions.

56g. In practice, the ombudsman agency (or agencies) makes publicly available reports.

100 | 75 | 50 | **25** | 0

**Comments:**

The law does not specify that the Ombudsman's reports are made public only requires that they be sent within certain deadlines for the National Assembly.

The Journal assesses the parents of 4-year term by the Ombudsman and there is said that according to some sources the performance of the Ombudsman is far from expected and that neither the reports sent to the National Assembly were made according the time limits stipulated by law.

**References:**

Information published on the site angonoticias and that references a matter of the weekly "newspaper O Pais".

[www.angonoticias.com](http://www.angonoticias.com)

**100:** The agency (or agencies) makes regular, publicly available, substantial reports either to the legislature or directly to the public outlining the full scope of its work.

**75:**

**50:** The agency (or agencies) makes publicly available reports to the legislature and/or directly to the public that are sometimes delayed or incomplete.

**25:**

**0:** The agency (or agencies) makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

56h. In practice, when necessary, the national ombudsman (or equivalent agency or agencies) initiates investigations.

100 | 75 | 50 | **25** | 0

**References:**

Delma Monteiro  
Human Right Defender  
Program Officer for Transparency and Good Governance  
Association Justice, Peace and Democracy  
Luanda 26/02/11

**100:** The agency aggressively starts investigations — or participates fully with cooperating agencies' investigations — into judicial misconduct. The agency is fair in its application of this power.

**75:**

**50:** The agency will start or cooperate in investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The agency, though limited in effectiveness, is still fair in its application of power.

**25:**

**0:** The agency rarely investigates on its own or cooperates in other agencies' investigations, or the agency is partisan in its application of this power.

56i. In practice, when necessary, the national ombudsman (or equivalent agency or agencies) imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

**Comments:**

"All the work of the Ombudsman, as is public knowledge, has no decision making ..." (Paul Tchopilica interview, the Ombudsman, the Jornal de Angola, during a meeting of Ombudsmen and Mediators Africans. April 12, 2010)

**References:**

Delma Monteiro  
Human Right Defender  
Program Officer for Transparency and Good Governance  
Association Justice, Peace and Democracy  
Luanda 26/02/11

2. <http://www.gazetadeluanda.com/ultimas-hora-noticias/entrevista-com-provedor-angolano-de-justica-paulo-tchipilica-1229.html>

**100:** When rules violations are discovered, the agency is aggressive in penalizing offenders or in cooperating with other agencies who penalize offenders.

**75:**

**50:** The agency enforces rules, but is limited in its effectiveness. The agency may be slow to act, unwilling to take on politically powerful offenders, resistant to cooperating with other agencies, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency does not effectively penalize offenders. The agency may make judgments but not enforce them, does not cooperate with other agencies in enforcing penalties, or may fail to make reasonable judgments against offenders. The agency may be partisan in its application of power.

56j. In practice, the government acts on the findings of the ombudsman agency (or agencies).

100 | 75 | 50 | 25 | 0

**Comments:**

The reports and the ombudsman positions are not known publicly because of that there is no way of knowing if any of its guidelines were accepted by the government. The fact of belonging to the opposition party also weakens its action since it has no effective support of the state apparatus to perform its functions.

**References:**

Fernando Macedo  
Master in Political Science  
Professor of Political Science and Constitucional Law  
Lusiada University  
Luanda – 28/02/11

**100:** Ombudsman's reports are taken seriously, with negative findings drawing prompt corrective action.

**75:**

**50:** In most cases, ombudsman's reports are acted on, though some exceptions may occur for politically sensitive issues, or particularly resistant agencies.

**25:**

**0:** Ombudsman's reports are often ignored, or given superficial attention. Ombudsman's reports do not lead to policy changes.

56k. In practice, the ombudsman agency (or agencies) acts on citizen complaints within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

No. The Ombudsman has a very poor performance on the complaints of citizens and has the support of other organ to respond to these complaints.

**References:**

Delma Monteiro  
Human Right Defender  
Program Officer for Transparency and Good Governance  
Association Justice, Peace and Democracy  
Luanda 26/02/11

**100:** The agency (or agencies) acts on complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

**75:**

**50:** The agency (or agencies) acts on complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

**25:**

**0:** The agency (or agencies) cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take more than three months to resolve. Serious abuses are not investigated with any urgency.

---

## 57. Can citizens access the reports of the ombudsman?

25

57a. In law, citizens can access reports of the ombudsman(s).

Yes | **No**

### Comments:

According to the Constitution and the Law of the Statute of the Ombudsman, the Ombudsman sends every six months, the National Assembly a report of its activities, which should contain the initiatives, the complaints received, made and diligence results. However, nothing in the law tells us that the report can or should be accessible to the public.

The Ombudsman shall also send to the National Assembly an annual report which must include accountability.

### References:

Angolan Constitution, paragraph 7, article 192 and article 21, Law n 4/06, April 28, Law of the Statute of the Ombudsman.

**Yes:** A YES score is earned if all ombudsman reports are publicly available.

**No:** A NO score is earned if any ombudsman reports are not publicly available. This may include reports made exclusively to the legislature or the executive, which those bodies may choose not to distribute the reports.

57b. In practice, citizens can access the reports of the ombudsman(s) within a reasonable time period.

100 | 75 | 50 | 25 | **0**

### Comments:

The ombudsman only submit to parliament a report of activity. For citizens there is no mechanism to access this report

### References:

Delma Monteiro  
Human Right Defender

**100:** Reports are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Reports take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Reports take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

57c. In practice, citizens can access the reports of the ombudsman(s) at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

Usually these reports are transferred for free.

**References:**

Delma Monteiro  
Human Right Defender  
Program Officer for Transparency and Good Governance  
Association Justice, Peace and Democracy  
Luanda 26/02/11

**100:** Reports are free to all citizens, or available for the cost of photocopying. Reports can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Reports impose a financial burden on citizens, journalists or NGOs. Retrieving reports may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving reports imposes a major financial burden on citizens. Reports costs are prohibitive to most citizens, journalists, or NGOs trying to access this information.

---

## 5.2. Supreme Audit Institution

---

58. In law, is there a national supreme audit institution, auditor general or equivalent agency covering the entire public sector?

100

58a. In law, is there a national supreme audit institution, auditor general or equivalent agency covering the entire public sector?

Yes

No

**Comments:**

Responsibility for oversight of public finances is assigned by the Constitution and the Law of Court of Accounts.

Last year, the Parliament passed a new organic law of the Court of Accounts but has not yet entered into force.

**References:**

Angolan Constitution, paragraph 1, article 182 and Organic Law of Court of Accounts, law n. 5/96, April 12.

**Yes:** A YES score is earned if there is a specific agency whose primary mandate is to audit and track the movement of money through the government. This agency should be specifically charged to investigate and document the misuse of funds. A system of agencies located in each department is equivalent.

**No:** A NO score is earned if no such agency exists, or that function is a secondary concern of a larger body, such as the executive.

---

59. Is the supreme audit institution effective?

19

59a. In law, the supreme audit institution is protected from political interference.

Yes

No

**Comments:**

According to the Constitution of the Republic of Angola, in paragraph 1 of Article 182, the Court of Auditors is the supreme body of judicial review of public finances and accounts of the trial that the law subject to its jurisdiction.

Court as it is, and also in accordance with Article 175 of the Constitution of the Republic of Angola, in the exercise of judicial function, the Courts are independent and impartial and subject only to the Constitution and the law.

**References:**

Paragraph 1 of article 175 and paragraph 1 of article 182 both Constitution of the Republic of Angola. See also article 3 of

**Yes:** A YES score is earned only if the agency has some formal organizational independence from the government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

**No:** A NO score is earned if the agency is a subordinate part of any government ministry or agency, such as the Department of Interior or the Justice Department.

59b. In practice, the head of the audit agency is protected from removal without relevant justification.

100 | 75 | 50 | 25 | 0

**Comments:**

1. The fact that they are appointed and sworn by the president of the republic has an influence on their actions. Furthermore Law No. 5 / 96, in Article 8, number 4. a) say they are not made subject to preventive review the nominations made by the president.

2. Note, for example, that a few years ago the Court made it clear that the presidency had not complied with certain formalities in relation to accountability. The answer given by senior officials of the Presidency of the Republic of Angola has reached the dignity of that body of sovereignty

**References:**

1. Delma Monteiro  
Human Right Defender  
Program Officer for Transparency and Good Governance  
Association Justice, Peace and Democracy  
Luanda 26/02/11

2. Fernando Macedo  
Master in Political Science  
Professor of Political Science and Constitucional Law  
Lusiada University  
Luanda 28/02/11

**100:** The director of the agency serves a defined term and cannot be removed without a significant justification through a formal process, such as impeachment for abuse of power.

**75:**

**50:** The director of the agency serves a defined term, but can in some cases be removed through a combination of official or unofficial pressure.

**25:**

**0:** The director of the agency can be removed at the will of political leadership.

59c. In practice, the audit agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

**Comments:**

Despite working full time the team is not skilled enough technically to do the job effectively.

**References:**

Sónia Duarte  
Judge of the Provincial Lobito Court  
Benguela – Lobito  
Benguela -28/02/11

**100:** The agency has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The agency has limited staff that hinders its ability to fulfill its basic mandate.

**25:**

**0:** The agency has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

59d. In practice, audit agency appointments support the independence of the agency.

100 | 75 | 50 | 25 | 0

**Comments:**

The appointments are mostly on the basis of partisan and personal interests. So much has happened incompatibility of functions and conflicts of interest.

**References:**

Delma Monteiro  
Human Right Defender  
Program Officer for Transparency and Good Governance  
Association Justice, Peace and Democracy  
Luanda 26/02/11

**100:** Appointments to the agency are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

**75:**

**50:** Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties.

**25:**

**0:** Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

59e. In practice, the audit agency receives regular funding.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** The agency has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

**75:**

**50:** The agency has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

**25:**

**0:** Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

59f. In practice, the audit agency makes regular public reports.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** The agency makes regular, publicly available, substantial reports to the legislature and/or to the public directly outlining the full scope of its work.

**75:**

**50:** The agency makes publicly available reports to the legislature and/or to the public directly that are sometimes delayed or incomplete.

**25:**

**0:** The agency makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

59g. In practice, the government acts on the findings of the audit agency.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Audit agency reports are taken seriously, with negative findings drawing prompt corrective action.

**75:**

**50:** In most cases, audit agency reports are acted on, though some exceptions may occur for politically sensitive issues, or particularly resistant agencies.

**25:**

**0:** Audit reports are often ignored, or given superficial attention. Audit reports do not lead to policy changes.

59h. In practice, the audit agency is able to initiate its own investigations.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** The supreme audit institution can control the timing and pace of its investigations without any input from the executive or legislature.

**75:**

**50:** The supreme audit institution can generally decide what to investigate, and when, but is subject to pressure from the executive or legislature on politically sensitive issues.

**25:**

**0:** The supreme audit institution must rely on approval from the executive or legislature before initiating investigations. Politically sensitive investigations are almost impossible to move forward on.

## 60. Can citizens access reports of the supreme audit institution?

0

60a. In law, citizens can access reports of the audit agency.

Yes | **No**

### References:

There is no statutory provision providing for access by the Court of Auditors reports to individuals

**Yes:** A YES score is earned if all supreme auditor reports are available to the general public.

**No:** A NO score is earned if any auditor reports are not publicly available. This may include reports made exclusively to the legislature or the executive, which those bodies may choose not to distribute.

60b. In practice, citizens can access audit reports within a reasonable time period.

100 | 75 | 50 | 25 | **0**

### Comments:

Could not get any practice information about this issue in this period.

### References:

Could not get any practice information about this issue in this period.

**100:** Reports are available on-line, or records can be obtained within two days. Reports are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Reports take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Reports take more than a month to acquire. In some cases, most reports may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

60c. In practice, citizens can access the audit reports at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Reports are free to all citizens, or available for the cost of photocopying. Reports can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Reports impose a financial burden on citizens, journalists or NGOs. Retrieving reports may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving reports imposes a major financial burden on citizens. Report costs are prohibitive to most citizens, journalists, or NGOs trying to access this information.

---

40  
5.3. Taxes and Customs: Fairness and Capacity

---

61. In law, is there a national tax collection agency?

100

61a. In law, is there a national tax collection agency?

Yes | No

**Comments:**

The national tax collection agency is the National Tax Management that is responsible for proposing and implementing state tax policy and monitoring compliance.

**References:**

Presidential Decree n. 93/10, June 7, Organic Statute of the Ministry of Finance.

**Yes:** A YES score is earned if there is a national agency formally mandated to collect taxes.

**No:** A NO score is earned if that function is spread over several agencies, or does not exist. A NO score is earned if national government ministries can collect taxes independently.

---

## 62. Is the tax collection agency effective?

63

62a. In practice, the tax collection agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

**Comments:**

The tax collection agency of the State, called the Fiscal Quarter, have teams of professionals who work full time and are distributed throughout several counties. Unfortunately there is a big tax evasion and tax contributions are reduced

**References:**

Quengue Sacala  
Economics  
Luanda – 01/03/11

**100:** The agency has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The agency has limited staff that hinders its ability to fulfill its basic mandate.

**25:**

**0:** The agency has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

62b. In practice, the tax agency receives regular funding.

100 | 75 | 50 | 25 | 0

**Comments:**

Administratively, they report to the Ministry of Finance and as such benefit from the State budget. Moreover, contributions from citizens, public and private companies, filed in the fiscal quarters come to the state coffers and are then redistributed in the form of services. However this process is not transparent

**References:**

Quengue Sacala  
Economics

**100:** The agency has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

**75:**

**50:** The agency has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

**25:**

**0:** Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

---

### 63. In practice, are tax laws enforced uniformly and without discrimination?

0

63a. In practice, are tax laws enforced uniformly and without discrimination?

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Tax laws (which may be economically unfair as written) are enforced consistently for all citizens. No general group of citizens is more or less likely to evade tax law than another.

**75:**

**50:** Tax laws are generally enforced consistently, but some exceptions exist. For example, some groups may occasionally evade tax law. Some arbitrary and discriminatory tax rules exist.

**25:**

**0:** Tax law is unequally applied. Some groups of citizens are consistently more or less likely to evade tax law than others. Tax regulations are, as a rule, written to be discriminatory and/or arbitrary.

---

### 64. In law, is there a national customs and excise agency?

100

64a. In law, is there a national customs and excise agency?

Yes | No

**Comments:**

The National Customs Service is a department under the Ministry of Finance, who is responsible, under supervision of the Minister of Finance to propose and implement policy measures, legislation and customs procedures and ensure their effective implementation.

**References:**

Presidential Decree number 93/10 of 7 June, Organic Statute of the Ministry of Finance

**Yes:** A YES score is earned if there is an agency formally mandated to collect excises and inspect customs.

**No:** A NO score is earned if that function is spread over several agencies, or does not exist.

---

65. Is the customs and excise agency effective?

0

65a. In practice, the customs and excise agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** The agency has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The agency has limited staff that hinders its ability to fulfill its basic mandate.

**25:**

**0:** The agency has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

65b. In practice, the customs and excise agency receives regular funding.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** The agency has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

**75:**

**50:** The agency has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

**25:**

**0:** Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

---

66. In practice, are customs and excise laws enforced uniformly and without discrimination?

0

66a. In practice, are customs and excise laws enforced uniformly and without discrimination?

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Customs and excise laws (which may be economically unfair as written) are enforced consistently for all citizens. No general group of citizens is more or less likely to evade customs than another.

**75:**

**50:** Customs and excise laws are generally enforced consistently, but some exceptions exist. For example, some groups may occasionally evade customs requirements.

**25:**

**0:** Customs and excise laws are unequally applied. Some groups of citizens are consistently more or less likely to evade customs and excise laws than others.

---

## 5.4. Oversight of State-Owned Enterprises

---

67. In law, is there an agency, series of agencies, or equivalent mechanism overseeing state-owned companies?

100

67a. In law, is there an agency, series of agencies, or equivalent mechanism overseeing state-owned companies?

Yes | No

**Comments:**

The supervision of state enterprises is the responsibility of the Ministry of Economy

**References:**

Organic Statute of Ministry of Economy.

**Yes:** A YES score is earned if there is an agency, series of agencies, or equivalent mechanism tasked with overseeing the conduct and performance of state-owned companies on behalf of the public. A YES score can be earned if several government agencies or ministries oversee different state-owned enterprises. State-owned companies are defined as companies owned in whole or in part by the government.

**No:** A NO score is earned if this function does not exist, or if some state-owned companies are free from government oversight.

---

68. Is the agency, series of agencies, or equivalent mechanism overseeing state-owned companies effective?

0

68a. In law, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies is protected from political interference.

Yes | No

**Comments:**

The Ministry of economy is a government ministry.

**References:**

The Ministry of economy is a government ministry.

**Yes:** A YES score is earned only if the agency, series of agencies, or equivalent mechanism has some formal operational independence from the government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

**No:** A NO score is earned if the agency, series of agencies, or equivalent mechanism is a subordinate part of any government ministry or agency.

68b. In practice, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** The agency, series of agencies, or equivalent mechanism has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The agency, series of agencies, or equivalent mechanism has limited staff that hinders its ability to fulfill its basic mandate.

**25:**

**0:** The agency, series of agencies, or equivalent mechanism has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

68c. In practice, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies receives regular funding.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** The agency, series of agencies, or equivalent mechanism has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

**75:**

**50:** The agency, series of agencies, or equivalent mechanism has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

**25:**

**0:** Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency functions.

68d. In practice, when necessary, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies independently initiates investigations.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** When irregularities are discovered, the agency, series of agencies, or equivalent mechanism is aggressive in investigating and/or in cooperating with other investigative bodies.

**75:**

**50:** The agency, series of agencies, or equivalent mechanism starts investigations, but is limited in its effectiveness or in its cooperation with other investigative agencies. The agency, series of agencies, or equivalent mechanism may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency, series of agencies, or equivalent mechanism does not effectively investigate financial irregularities or cooperate with other investigative agencies. The agency, series of agencies, or equivalent mechanism may start investigations but not complete them, or may fail to detect offenders. The agency may be partisan in its application of power.

68e. In practice, when necessary, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** When rules violations are discovered, the agency, series of agencies, or equivalent mechanism is aggressive in penalizing offenders and/or in cooperating with other agencies that impose penalties.

**75:**

**50:** The agency, series of agencies, or equivalent mechanism enforces rules, but is limited in its effectiveness or reluctant to cooperate with other agencies. The agency, series of agencies, or equivalent mechanism may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency, series of agencies, or equivalent mechanism does not effectively penalize offenders or refuses to cooperate with other agencies that enforce penalties. The agency, series of agencies, or equivalent mechanism may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency, series of agencies, or equivalent mechanism may be partisan in its application of power.

---

## 69. Can citizens access the financial records of state-owned companies?

0

69a. In law, citizens can access the financial records of state-owned companies.

Yes

**No**

**References:**

No such rules exist.

**Yes:** A YES score is earned if the financial information of all state-owned companies is required by law to be public. State-owned companies are defined as companies owned in whole or in part by the government.

**No:** A NO score is earned if any category of state-owned company is exempt from this rule, or no such rules exist.

69b. In practice, the financial records of state-owned companies are regularly updated.

100

75

50

25

**0**

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** State-owned companies always publicly disclose financial data, which is generally accurate and up to date.

**75:**

**50:** State-owned companies disclose financial data, but it is flawed. Some companies may misstate financial data, file the information behind schedule, or not publicly disclose certain data.

**25:**

**0:** Financial data is not publicly available, or is consistently superficial or otherwise of no value.

69c. In practice, the financial records of state-owned companies are audited according to international accounting standards.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Financial records of all state-owned companies are regularly audited by a trained third party auditor using accepted international standards.

**75:**

**50:** Financial records of state-owned companies are regularly audited, but exceptions may exist. Some companies may use flawed or deceptive accounting procedures, or some companies may be exempted from this requirement.

**25:**

**0:** State-owned companies are not audited, or the audits have no functional value. The auditors may collude with the companies in providing misleading or false information to the public.

69d. In practice, citizens can access the financial records of state-owned companies within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

69e. In practice, citizens can access the financial records of state-owned companies at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or NGOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or NGOs trying to access this information.

---

## 70. Are business licenses available to all citizens?

75

70a. In law, anyone may apply for a business license.

Yes

No

### Comments:

The law does not discriminate in access to commercial activity, indicating that it may exercise commercial activity, any person or entity, domestic or foreign (with legal residence and residence in Angola), which is capable civilly, has the financial capacity and commercial holds premises as owner or tenant.

### References:

Law No. 1 / 2007 of May 14, Commercial Activities Law.

**Yes:** A YES score is earned if no particular group or category of citizens is excluded from applying for a business license, when required. A YES score is also earned if basic business licenses are not required.

**No:** A NO score is earned if any group of citizens are categorically excluded from applying for a business license, when required.

70b. In law, a complaint mechanism exists if a business license request is denied.

Yes

No

### Comments:

The refusal to issue a business license is an administrative act. Thus, those who feel harmed by this decision may challenge the act through hierarchical claim or appeal within 30 days.

### References:

Law No. 2 / 94 of January 14, Law on Administrative Impugnment of Acts.

**Yes:** A YES score is earned if there is a formal process for appealing a rejected license.

**No:** A NO score is earned if no such mechanism exists.

70c. In practice, citizens can obtain any necessary business license (i.e. for a small import business) within a reasonable time period.

100 | 75 | **50** | 25 | 0

**References:**

Delma Monteiro  
Human Right Defender  
Program Officer for Transparency and Good Governance  
Association Justice, Peace and Democracy  
Luanda 26/02/11

**100:** Licenses are not required, or licenses can be obtained within roughly one week.

**75:**

**50:** Licensing is required and takes around one month. Some groups may be delayed up to a three months

**25:**

**0:** Licensing takes more than three months for most groups. Some groups may wait six months to one year to get necessary licenses.

70d. In practice, citizens can obtain any necessary business license (i.e. for a small import business) at a reasonable cost.

100 | 75 | **50** | 25 | 0

**References:**

Quengue Sacala  
Economics  
Luanda 26/02/11

**100:** Licenses are not required, or licenses are free. Licenses can be obtained at little cost to the organization, such as by mail, or on-line.

**75:**

**50:** Licenses are required, and impose a financial burden on the organization. Licenses may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Licenses are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

---

71. Are there transparent business regulatory requirements for basic health, environmental, and safety standards?

71a. In law, basic business regulatory requirements for meeting public health standards are transparent and publicly available.

Yes | **No**

**Comments:**

The site of the National Management of Commerce has information on this matter.

**References:**

We have not identified any law that specifically addresses this issue. But the site of the National Management of Commerce for information on this subject ([www.dnci.net](http://www.dnci.net)).

**Yes:** A YES score is earned if basic regulatory requirements for meeting public health standards are publicly accessible and transparent.

**No:** A NO score is earned if such requirements are not made public or are otherwise not transparent.

71b. In law, basic business regulatory requirements for meeting public environmental standards are transparent and publicly available.

**Yes** | No

**References:**

Decree No. 59/07 of July 13, Decree on Environmental Licensing.

Decree No. 51/04 of July 23, Decree on Environmental Impact Assessment.

**Yes:** A YES score is earned if basic regulatory requirements for meeting public environmental standards are publicly accessible and transparent.

**No:** A NO score is earned if such requirements are not made public or are otherwise not transparent.

71c. In law, basic business regulatory requirements for meeting public safety standards are transparent and publicly available.

Yes | **No**

**References:**

We have not identified any law that specifically addresses this issue.

**Yes:** A YES score is earned if basic regulatory requirements for meeting public safety standards are publicly accessible and transparent.

**No:** A NO score is earned if such requirements are not made public or are otherwise not transparent.

---

## 72. Does government effectively enforce basic health, environmental, and safety standards on businesses?

0

72a. In practice, business inspections by government officials to ensure public health standards are being met and are carried out in a uniform and even-handed manner.

100 | 75 | 50 | 25 | **0**

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Business inspections by the government to ensure that public health standards are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements.

**75:**

**50:** Business inspections by the government to ensure public health standards are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

**25:**

**0:** Business inspections to ensure that public health standards are met are routinely carried out by government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment.

72b. In practice, business inspections by government officials to ensure public environmental standards are being met are carried out in a uniform and even-handed manner.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Business inspections by the government to ensure that public environmental standards are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements.

**75:**

**50:** Business inspections by the government to ensure public environmental standards are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

**25:**

**0:** Business inspections to ensure that public environmental standards are met are routinely carried out by government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment.

72c. In practice, business inspections by government officials to ensure public safety standards are being met are carried out in a uniform and even-handed manner.

100 | 75 | 50 | 25 | 0

**Comments:**

Could not get any practice information about this issue in this period.

**References:**

Could not get any practice information about this issue in this period.

**100:** Business inspections by the government to ensure that public safety standards are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements.

**75:**

**50:** Business inspections by the government to ensure public safety standards are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

**25:**

**0:** Business inspections to ensure that public safety standards are met are routinely carried out by government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment.

---

Category 6. Anti-Corruption Legal Framework, Judicial Impartiality, and Law Enforcement Professionalism

---

6.1. <sup>60</sup>Anti-Corruption Law

---

73. Is there legislation criminalizing corruption?

67

73a. In law, attempted corruption is illegal.

Yes | No

**Comments:**

In that laws, the Law of Public Probity (statute that describes a set of measures capable of punishment), or the Law of the High Authority Against Corruption (law establishing that body which operates within the National Assembly), states that the attempted corruption is illegal.

**References:**

The Law number 3/10 , March 29, Law of Public Probity and Law n. 3/96 de April 5, Law of High Authority Against Corruption.

**Yes:** A YES score is earned if corruption laws include attempted acts.

**No:** A NO score is earned if this is not illegal.

73b. In law, extortion is illegal.

Yes | No

**Comments:**

In the Probity Law does not make any mention of extortion.

**References:**

Law 3/10, March 29, Law about Public Probity.

**Yes:** A YES score is earned if corruption laws include extortion. Extortion is defined as demanding favorable treatment (such as a bribe) to withhold a punishment.

**No:** A NO score is earned if this is not illegal.

73c. In law, offering a bribe (i.e. active corruption) is illegal.

Yes | **No**

**Comments:**

While prohibiting the receipt of offers, the Act on Public Probity does not prohibit the offering.

**References:**

Law n° 3/10, March 29, Law of Public Probity.

**Yes:** A YES score is earned if offering a bribe is illegal.

**No:** A NO score is earned if this is not illegal.

73d. In law, receiving a bribe (i.e. passive corruption) is illegal.

**Yes** | No

**Comments:**

The receipt of offers is forbidden and are only accepted if they are immediately incorporated into the State's assets, if they result from the practice protocol and are given on the occasion of festivities.

**References:**

Law n° 3/10, March 29, Law about Public Probity, article 5°, 18°, 25° and 26°.

**Yes:** A YES score is earned if receiving a bribe is illegal.

**No:** A NO score is earned if this is not illegal.

73e. In law, bribing a foreign official is illegal.

Yes | **No**

**Comments:**

In the Law of Public Probity we don't have any provision about the illegality of bribing a foreign official.

**References:**

Law n° 3/10, March 29, Law of Public Probity.

**Yes:** A YES score is earned if bribing a foreign official is illegal.

**No:** A NO score is earned if this is not illegal.

73f. In law, using public resources for private gain is illegal.

**Yes** | No

**Comments:**

It is illegal:

The use in particular work or service, vehicles, machinery, equipment or material of any kind of property or the provision of public authority, as well as the work of public servants, employees or contractors by a public entity;

Integrate, in its heritage, unlawfully, property, income, money or valuables, belonging to the estate of public authority;

Use for its own goods, rents, monies, or securities, members of the public gathered estate entity.

**References:**

Law n. 3/10, March 29, Law of Public Probity, article

**Yes:** A YES score is earned if using public resources for private gain is illegal.

**No:** A NO score is earned if this is not illegal.

73g. In law, using confidential state information for private gain is illegal.

**Yes** | No

**Comments:**

It is illegal to disclose or permit to come to the attention of the third, before their official release, content of the policy or economic policy can affect the price of merchandise, goods or services or to affect political or social.

**References:**

Law n. 3/10, March 29, article 24° g), Law of Public Probity.

**Yes:** A YES score is earned if using confidential state information for private gain is illegal.

**No:** A NO score is earned if this is not illegal.

73h. In law, money laundering is illegal.

Yes

No

**Comments:**

Establishes measures of a preventive and repressive anti-money benefits of illicit origin and to combat terrorism.

**References:**

Law n 12/10, July 9, Law of Money Laundering.

**Yes:** A YES score is earned if money laundering is illegal. Money laundering is defined as concealing the origin of funds to hide wrongdoing or avoid confiscation.

**No:** A NO score is earned if this is not illegal.

73i. In law, conspiracy to commit a crime (i.e. organized crime) is illegal.

Yes

No

**Comments:**

The law on combating money laundering and terrorist financing considers vantagens of illicit origin derived from those who practice any form of participation, typical of the unlawful acts of pimping, child abuse, extortion, trafficking in narcotics and psychotropic substances, trafficking in arms, trafficking in human organs or tissues, trafficking in protected species, tax fraud, trafficking in influence and corruption.

The said law also says that those who convert, transfer, assist or facilitates any conversion or transfer of benefits obtained by you or any third party, directly or indirectly, with the purpose of disguising its illicit origin or to prevent the author or participant in the offense is criminally prosecuted or subjected to a reaction criminal is punishable with imprisonment.

**References:**

Law of Combating Money Laundering and Terrorist Financing, Law n. 12/10, July 9.  
[www.bna.ao](http://www.bna.ao)

**Yes:** A YES score is earned if organized crime is illegal.

**No:** A NO score is earned if this is not illegal.

---

## 6.2. Anti-Corruption Agency or Equivalent Mechanisms

---

74. In law, is there an agency (or group of agencies) with a legal mandate to address corruption?

100

74a. In law, is there an agency (or group of agencies) with a legal mandate to address corruption?

Yes

No

**Comments:**

According to the Law of Public Probity, the competent authority to initiate an investigation for acts of corruption is the public prosecutor. Also according to this law, the prosecutor may give notice to the Court of Auditors of the existence of the investigation process, the Court Auditors may appoint a representative to follow the proceedings before the public prosecutor.

There is however one other body empowered to investigate actions of corruption that is the High Authority Against Corruption, an independent body which operates within the National Assembly. In fact, since its inception in 1996, was never made public any report of that body.

**References:**

The Law n. 3/10, March 29, article 32° and Law n. 3/96, April 5.

**Yes:** A YES score is earned if an agency is specifically mandated to address corruption. A YES score is earned if there are several agencies or entities with specific roles in fighting corruption, including special prosecutorial entities.

**No:** A NO score is earned if no agency (or group of agencies/entities) is specifically mandated to prevent or prosecute corruption.

---

75. Is the anti-corruption agency effective?

28

75a. In law, the anti-corruption agency (or agencies) is protected from political interference.

Yes

No

**Comments:**

According to the law, the High Authority Against Corruption is an independent and enjoys administrative autonomy. The election of President and Vice-President of this body is made by the National Assembly, upon proposal of any parliamentary group from citizens of recognized merit, fairness and impartiality. Here it is possible to identify the absence of political interference within this organ. However, we have the other side of the prosecutor, who is an organ of the Attorney General's Office, and the Prosecutors charge and hierarchically subordinate.

The Attorney General's Office is an agency of the State, with the function of representing the state in criminal prosecution.

**References:**

Angola Constitution, article 185°, paragraph 1, 2 and 3 and Law of the High Authority Against Corruption.

**Yes:** A YES score is earned only if the agency (or agencies) has some formal organizational or operational independence from the government. A YES score is earned even if the agency/agencies is legally separate but in practice staffed by partisans.

**No:** A NO score is earned if the agency (or agencies) is a subordinate part of any government ministry or agency, such as the Department of Interior or the Justice Department, in such a way that limits its operational independence.

75b. In practice, the anti-corruption agency (or agencies) is protected from political interference.

100 | 75 | **50** | 25 | 0

**Comments:**

Importantly, the High Authority Against Corruption only exists in the law and not in practice. The entity that currently can trigger investigations is the prosecutor, who is an organ of the Attorney General's Office which, in turn, is an entity of the state. Around here you can see the possibility of political interference.

**References:**

Albertina Delgado, Economic Justice and Transparency PO, Open Society Foundation Angola.

The interview take place in February 10, in Open Society Office.

**100:** This agency (or agencies) operates independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Investigations can operate without hindrance from the government, including access to politically sensitive information.

**75:**

**50:** This agency (or agencies) is typically independent, yet is sometimes influenced in its work by negative or positive political incentives. This may include favorable or unfavorable public criticism by the government, political appointments, or other forms of influence. The agency (or agencies) may not be provided with some information needed to carry out its investigations.

**25:**

**0:** This agency (or agencies) is commonly influenced by political or personal incentives. These may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. The agency (or agencies) cannot compel the government to reveal sensitive information.

75c. In practice, the head of the anti-corruption agency (or agencies) is protected from removal without relevant justification.

100 | 75 | 50 | 25 | 0

**Comments:**

The High Authority Against Corruption Law states only and was never created, therefore, have no basis to support your answer. But he believes that one day, if the body will work, there are serious possibilities happen.

She gave examples of what happened to the private newspapers that published information from research conducted by journalist Rafael Marques and were all purchased.

**References:**

Albertina Delgado, Economic Justice and Transparency PO, Open Society Foundation Angola.

The interview take place in February 10, in Open Society Office.

**100:** The director(s) cannot be removed without a significant justification through a formal process, such as impeachment for abuse of power.

**75:**

**50:** The director(s) can in some cases be removed through a combination of official or unofficial pressure.

**25:**

**0:** The director(s) can be removed at the will of political leadership.

75d. In practice, appointments to the anti-corruption agency (or agencies) are based on professional criteria.

100 | 75 | 50 | 25 | 0

**Comments:**

The entity specifically created for this never worked. But the entity that currently occupies this kind of material, which is the prosecutor, has a recruitment process based on individual qualifications.

**References:**

Justino Pinto de Andrade, Economist and University Professor, of Catholic University. The interview was in February 14.

**100:** Appointments to the agency (or agencies) are made based on professional qualifications. Individuals appointed are free of conflicts of interest arising from personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

**75:**

**50:** Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties, however.

**25:**

**0:** Appointments are often based on political considerations. Individuals appointed often have conflicts of interest arising from personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

75e. In practice, the anti-corruption agency (or agencies) has a professional, full-time staff.

100 | 75 | **50** | 25 | 0

**Comments:**

The High Authority Against Corruption has never worked, is just only in the Law. The prosecution has staff working full time.

**References:**

Justino Pinto de Andrade, University Professor, Catholic University. The interview was in February 14.

**100:** The agency (or agencies) has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The agency (or agencies) has limited staff, or staff without necessary qualifications to fulfill its basic mandate.

**25:**

**0:** The agency (or agencies) has no staff, or a limited staff, that is clearly unqualified to fulfill its mandate.

75f. In practice, the anti-corruption agency (or agencies) receives regular funding.

100 | 75 | 50 | 25 | **0**

**Comments:**

The agency never works.

**References:**

Justino Pinto de Andrade, University Professor, Catholic University, February 14

**100:** The agency (or agencies) has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

**75:**

**50:** The agency (or agencies) has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

**25:**

**0:** The agency's funding sources are unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

75g. In practice, the anti-corruption agency (or agencies) makes regular public reports.

100 | 75 | 50 | 25 | 0

**Comments:**

The agency never works.

**References:**

Justino Pinto de Andrade, University Professor, Catholic University, February 14.

**100:** The agency (or agencies) makes regular, publicly available, substantial reports to the legislature and/or to the public directly outlining the full scope of its work.

**75:**

**50:** The agency (or agencies) makes publicly available reports to the legislature that are sometimes delayed or incomplete.

**25:**

**0:** The agency (or agencies) makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

75h. In practice, the anti-corruption agency (or agencies) has sufficient powers to carry out its mandate.

100 | 75 | 50 | 25 | 0

**Comments:**

The High Authority Against Corruption was established in 1996 and to date no steps have been taken for its implementation.

Having never worked, it is impossible to do this type of evaluation.

**References:**

Information published in the Club-K, for about a debate held by the Association for Justice Peace and Democracy (AJPD), the Law on Public Probity and the Fight against Corruption.

<http://club-k.net>

Justino Pinto de Andrade, University Professor, Catholic University, February 14.

**100:** The agency (or agencies) has powers to gather information, including politically sensitive information. The agency (or agencies) can question suspects, order arrests and bring suspects to trial (or rely on related agencies or law enforcement authorities to perform such functions).

**75:**

**50:** The agency (or agencies) has most of the powers needed to carry out its mandate with some exceptions.

**25:**

**0:** The agency (or agencies) lacks significant powers which limit its effectiveness.

75i. In practice, when necessary, the anti-corruption agency (or agencies) independently initiates investigations.

100 | 75 | 50 | 25 | 0

**Comments:**

Having never worked, it is impossible to do this type of evaluation. However, the prosecutors are assigned by law to initiate proceedings powers of investigation.

**References:**

Justino Pinto de Andrade, University Professor, Catholic University, February 14.

**100:** When irregularities are discovered, the agency (or agencies) is aggressive in investigating the government or in cooperating with other investigative agencies.

**75:**

**50:** The agency (or agencies) starts investigations, but is limited in its effectiveness or is reluctant to cooperate with other investigative agencies. The agency (or agencies) may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency (or agencies) does not effectively investigate or does not cooperate with other investigative agencies. The agency (or agencies) may start investigations but not complete them, or may fail to detect offenders. The agency (or agencies) may be partisan in its application of power.

---

## 76. Can citizens access the anti-corruption agency?

0

76a. In practice, the anti-corruption agency (or agencies) acts on complaints within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

In general authorities are slow to respond to situations.

**References:**

Justino Pinto de Andrade, University Professor, Catholic University, February 14.

**100:** The agency (or agencies) acts on complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

**75:**

**50:** The agency (or agencies) acts on complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

**25:**

**0:** The agency (or agencies) cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take more than three months to resolve. Serious abuses are not investigated with any urgency.

76b. In practice, citizens can complain to the anti-corruption agency (or agencies) without fear of recrimination.

100 | 75 | 50 | 25 | 0

**Comments:**

Cases of corruption are evident, we have many cases of people with resources but of dubious provenance. The hardest part is to prove the origin of certain goods come from acts of corruption. For this reason, people are afraid to report and be punished for not presenting evidence.

**References:**

Justino Pinto de Andrade, University Professor, Catholic University, February 14

**100:** Whistleblowers can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers, or may be due to a culture that encourages disclosure and accountability.

**75:**

**50:** Whistleblowers are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, either through official or unofficial means.

**25:**

**0:** Whistleblowers often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

---

77. Is there an appeals mechanism for challenging criminal judgments?

33

77a. In law, there is a general right of appeal.

Yes | No

**Comments:**

In accordance with the Code of Criminal Procedure, Article 645, is allowed to appeal decisions of any court.

**References:**

Code of Criminal Procedure, Decree No. 19271 of January 24, 1931, article 645.

**Yes:** A YES score is earned if there is a formal process of appeal for challenging criminal judgments.

**No:** A NO score is earned if there is no such process.

77b. In practice, appeals are resolved within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

The decisions in the appeals take a long time. What is damaging to the parties.

**References:**

Paula Lopes, Lawyer, in Law Firm, February 14.

**100:** Appeals are acted upon quickly. While some backlog is expected and inevitable, appeals are acknowledged promptly and cases move steadily towards resolution.

**75:**

**50:** Appeals are generally acted upon quickly but with some exceptions. Some appeals may not be acknowledged, and simple cases may take years to resolve.

**25:**

**0:** Most appeals are not resolved in a timely fashion. Appeals may go unacknowledged for months or years and simple cases may never be resolved.

77c. In practice, citizens can use the appeals mechanism at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

The fees are heavy and constitute a significant barrier for most citizens. When a crime is processed easier because, at the time the process demand, will have a public defender. But in civil proceedings where you need a lawyer from the outset is much more complicated. However there is the possibility of legal representation.

**References:**

Sónia Duarte  
Judge of the Provincial Lobito Court  
Benguela – Lobito  
Benguela -28/02/11

**100:** In most cases, the appeals mechanism is an affordable option to middle class citizens seeking to challenge criminal judgments. Attorney fees are not a barrier to appeals.

**75:**

**50:** In some cases, the appeals mechanism is not an affordable option to middle class citizens seeking to challenge criminal judgments. Attorney fees present somewhat of a barrier to pursuing appeal.

**25:**

**0:** The prohibitive cost of utilizing the appeals mechanism prevents middle class citizens from challenging criminal judgments. Attorney fees greatly discourage the use of the appeals process.

---

78. In practice, do judgments in the criminal system follow written law?

75

78a. In practice, do judgments in the criminal system follow written law?

100 | 75 | 50 | 25 | 0

**References:**

Sónia Duarte  
Judge of the Provincial Lobito Court  
Benguela – Lobito  
Benguela -28/02/11

**100:** Judgments in the criminal system are made according to established legal code and conduct. There are no exceptional cases in which individuals are treated by a separate process. Political interference, bribery, cronyism or other flaws are rarely factors in judicial outcomes.

**75:**

**50:** Judgments in the criminal system usually follow the protocols of written law. There are sometimes exceptions when political concerns, corruption or other flaws in the system decide outcomes.

**25:**

**0:** Judgments in the criminal system are often decided by factors other than written law. Bribery and corruption in the criminal judicial process are common elements affecting decisions.

---

## 79. In practice, are judicial decisions enforced by the state?

75

79a. In practice, are judicial decisions enforced by the state?

100 | 75 | 50 | 25 | 0

### Comments:

Over the years I've been on the bench I am not aware of any case where the state has imposed a final decision. What often happens is the influence of judges and grooming by someone connected to political power. The vast majority of judges have proven their integrity and commitment to the wavelenght of the law expire in making the judgments required by law and common sense.

### References:

Sónia Duarte  
Judge of the Provincial Lobito Court  
Benguela – Lobito  
Benguela 28/02/11

**100:** Judicial decisions are enforced quickly regardless of what is being decided or who is appearing before the court. Failure to comply brings penalties enforced by the state.

**75:**

**50:** Judicial decisions are generally enforced by the state, with some exceptions. Certain areas of law may be ignored, or certain parties appearing before the courts may evade or delay enforcement.

**25:**

**0:** Judicial decisions are often ignored. The state lacks the will or capacity to consistently enforce these decisions.

---

## 80. Is the judiciary able to act independently?

88

80a. In law, the independence of the judiciary is guaranteed.

Yes | No

**Comments:**

The Constitution provides that in exercising the judicial function, the Courts are independent and impartial and subject only to the Constitution and the law.

**References:**

Angolan Constitution, article 175.

**Yes:** A YES score is earned if there are formal rules establishing that the judiciary is independent from political interference by the executive and legislative branches. Independence includes financial issues (drafting, allocation, and managing the budget of the courts).

**No:** A NO score is earned if there are no formal rules establishing an independent judiciary.

80b. In practice, national-level judges are protected from political interference.

100 | 75 | 50 | 25 | 0

**Comments:**

1. The judges are not protected from political influence and fear retaliation but there has been much effort on their part to enforce the law and the common sense.

2. There are rules and practices, such as dependence on the Ministry of Justice, nipping the independence of judges. There is a strong conviction in many Angolans, and judges are no exception, the existence of reprisals for those who do not align with the established political power, this belief has conditioned the conduct of many judges.

**References:**

1. Sónia Duarte  
Judge of the Provincial Lobito Court  
Benguela – Lobito  
Benguela -28/02/11

2. Fernando Macedo  
Master in Political Science  
Professor of Political Science and Constitucional Law  
Lusiada University  
Luanda 28/02/11

**100:** National-level judges operate independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Judges never comment on political debates. Individual judgments are rarely praised or criticized by political figures.

**75:**

**50:** National-level judges are typically independent, yet are sometimes influenced in their judgments by negative or positive political incentives. This may include favorable or unfavorable treatment by the government or public criticism. Some judges may be demoted or relocated in retaliation for unfavorable decisions.

**25:**

**0:** National-level judges are commonly influenced by politics and personal biases or incentives. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include demotion, pay cuts, relocation, threats or harassment.

80c. In law, there is a transparent and objective system for distributing cases to national-level judges.

Yes | No

**Comments:**

In order to ensure transparency and equality in the distribution of lawsuits, the distribution is made by drawing numbered balls into.

**References:**

Civil Procedure Code, Decree Law No. 44129 of 28 December 1961, articles 209 et seq.

**Yes:** A YES score is earned if there is an objective system that is transparent to the public that equitably or randomly assigns cases to individual judges. The executive branch does not control this process.

**No:** A NO score is earned if the case assignment system is non-transparent or subjective where judges themselves have influence over which cases they adjudicate. A NO score is also earned if the executive branch controls this process.

80d. In law, national-level judges are protected from removal without relevant justification.

Yes | No

**Comments:**

The Constitution provides that judges are irremovable and may not be transferred, promoted, suspended, retired or dismissed under the Constitution and the law.

You are currently in discussion of the Law Council of Judiciary, a body tasked to pursue disciplinary action on judges.

**References:**

Angolan Constitution, article 179.

**Yes:** A YES score is earned if there are specific, formal rules for removal of a justice. Removal must be related to abuse of power or other offenses related to job performance.

**No:** A NO score is earned if justices can be removed without justification, or for purely political reasons. A NO score is earned if the removal process is not transparent, or not based on written rules.

---

## 81. Are judges safe when adjudicating corruption cases?

100

81a. In practice, in the last year, no judges have been physically harmed because of adjudicating corruption cases.

Yes

No

### References:

Sónia Duarte  
Judge of the Provincial Lobito Court  
Benguela – Lobito  
Benguela – 28/02/11

**Yes:** A YES score is earned if there were no documented cases of judges being assaulted because of their involvement in a corruption case during the specific study period. YES is a positive score.

**No:** A NO score is earned if there were any documented cases of assault to a judge related to his/her participation in a corruption trial. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

81b. In practice, in the last year, no judges have been killed because of adjudicating corruption cases.

Yes

No

### References:

Sónia Duarte  
Judge of the Provincial Lobito Court  
Benguela – Lobito  
Benguela – 28/02/11

**Yes:** A YES score is earned if there were no documented cases of judges being killed related to their involvement in a corruption case during the study period. YES is a positive score.

**No:** A NO score is earned if there were any documented cases where a judge was killed because of his/her participation in a corruption trial. The relationship between a mysterious death and a judge's involvement in a case may not be clear, however the burden of proof here is low. If it is a reasonable assumption that a judge was killed in relation to his or her work on corruption issues, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

---

## 82. Do citizens have equal access to the justice system?

82a. In practice, judicial decisions are not affected by racial or ethnic bias.

100 | 75 | 50 | 25 | 0

**Comments:**

It has not happened sentences where racial and ethical aspects influence the final decision of judge

**References:**

Sónia Duarte  
Judge of the Provincial Lobito Court  
Benguela – Lobito  
Benguela – 28/02/11

**100:** Judicial decisions are not affected by racial or ethnic bias.

**75:**

**50:** Judicial decisions are generally not affected by racial or ethnic bias, with some exceptions. Some groups may be occasionally discriminated against, or some groups may occasionally receive favorable treatment.

**25:**

**0:** Judicial decisions are regularly distorted by racial or ethnic bias. Some groups consistently receive favorable or unfavorable treatment by the courts.

82b. In practice, women have full access to the judicial system.

100 | 75 | 50 | 25 | 0

**Comments:**

Access to the justice system is not discriminatory. Gender inequality cause that have more men accessing the justice system. The costs imposed by the Base Unit Tax Correction to some process is high and many women still have enough economic power threshold.

**References:**

Sónia Duarte  
Judge of the Provincial Lobito Court  
Benguela – Lobito  
Benguela – 28/02/11

**100:** Women enjoy full and equal status in the eyes of the courts. There are no exceptions or practices in which women are treated differently by the judicial system. For this indicator, discrimination against women should reflect specific biases that confront women in the justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

**75:**

**50:** Women generally have use of the judicial system, with some exceptions. In some cases, women may be limited in their access to courts, or gender biases may affect court outcomes. For this indicator, discrimination against women should reflect specific biases that confront women in the justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

**25:**

**0:** Women generally have less access to the courts than men. Court decisions are commonly distorted by gender bias. Women may have to go through intermediaries to interact with the court, or are unable to present evidence. For this indicator, discrimination against women should reflect specific biases that confront women in the justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

82c. In law, the state provides legal counsel for defendants in criminal cases who cannot afford it.

Yes | No

**Comments:**

The Angolan Constitution provides that access to justice can not be denied for insufficient economic means. It also establishes, that the state ensures people with insufficient financial means mechanisms public advocacy for the legal assistance and legal representation unofficial.

**References:**

Angolan Constitution, articles 29 and 196.

[www.tribunalconstitucional.ao](http://www.tribunalconstitucional.ao)

**Yes:** A YES score is earned if the government is required by law to provide impoverished defendants with legal counsel to defend themselves against criminal charges.

**No:** A NO score is earned if there is no legal requirement for the government to provide impoverished defendants with legal counsel to defend themselves against criminal charges.

82d. In practice, the state provides adequate legal counsel for defendants in criminal cases who cannot afford it.

100 | 75 | 50 | 25 | 0

**Comments:**

The state provides legal assistance to citizens who have no possibilities to pay off a defender but there is an inefficient monitoring and lawyers involved because they do not receive fees on that cases.

**References:**

Sónia Duarte  
Judge of the Provincial Lobito Court

**100:** State-provided legal aid is basic, but well-trained and effective in representing the rights of impoverished defendants.

**75:**

**50:** State-provided legal aid is available, but flawed. Legal aid may be unavailable to some impoverished defendants. Legal aid/public defenders may be sometimes unable or unwilling to competently represent all defendants.

**25:**

**0:** State-provided legal aid is unavailable to most impoverished defendants. State legal aid/public defenders may be consistently incompetent or unwilling to fairly represent all defendants.

82e. In practice, citizens earning the median yearly income can afford to bring a legal suit.

100 | 75 | 50 | 25 | 0

**Comments:**

Taking a case to court has a considerable cost that is not supported by most citizens. For the middle class is a decision that should be taken after many equations as financial, benefits that are expected to reach to the process can be less than its cost. The upper middle class and higher can do it since we are mostly or successful businessmen and government officials and their families who have a distinct financial power.

**References:**

Sónia Duarte  
Judge of the Provincial Lobito Court  
Benguela – Lobito  
Benguela -28/02/11

**100:** In most cases, the legal system is an affordable option to middle class citizens seeking to redress a grievance. Attorney fees do not represent a major cost to citizens.

**75:**

**50:** In some cases, the legal system is an affordable option to middle class citizens seeking to redress a grievance. In other cases, the cost is prohibitive. Attorney fees are a significant consideration in whether to bring a case.

**25:**

**0:** The cost of engaging the legal system prevents middle class citizens from filing suits. Attorney fees are high enough to discourage most citizens from bringing a case.

82f. In practice, a typical small retail business can afford to bring a legal suit.

100 | 75 | 50 | 25 | 0

**Comments:**

It's heavy for a small dealer bear the costs of a lawsuit. And this situation is similar for most people especially if you look at salaries. The way around this is to the legal advice that is given based on a declaration of poverty. Unfortunately, many lawyers do not have the commitment required to work in this mode because it has no counterpart remunerative and longer apply in those cases in which they receive fees.

**References:**

Sónia Duarte  
Judge of the Provincial Lobito Court  
Benguela – Lobito  
Benguela – 28/02/11

**100:** In most cases, the legal system is an affordable option to a small retail business seeking to redress a grievance. Attorneys fees do not represent a major cost to small businesses.

**75:**

**50:** In some cases, the legal system is an affordable option to a small retail business seeking to redress a grievance. In other cases, the cost is prohibitive. Attorney fees are a significant consideration in whether to bring a case.

**25:**

**0:** The cost of engaging the legal system prevents small businesses from filing suits. Attorney fees are high enough to discourage most small businesses from bringing a case.

82g. In practice, all citizens have access to a court of law, regardless of geographic location.

100 | 75 | 50 | **25** | 0

**Comments:**

There are no courts in all municipalities in the country. In Benguela Province the Bacoio and Balongo municipalities have no court and the cases were tried in Lobito. Many cases have dragged on because the people involved had no way to get to Lobito. To solve this problem the court of Lobito has moved once a week to these cities and made there their sessions in a room of the municipal administration or police.

**References:**

Sónia Duarte  
Judge of the Provincial Lobito Court  
Benguela – Lobito  
Benguela – 28/02/11

**100:** Courtrooms are always accessible to citizens at low cost, either through rural courthouses or through a system of traveling magistrates.

**75:**

**50:** Courts are available to most citizens. Some citizens may be unable to reach a courtroom at low cost due to location.

**25:**

**0:** Courts are unavailable to some regions without significant travel on the part of citizens.

---

## 6.4. Law Enforcement: Conflicts of Interest Safeguards and Professionalism

---

83. Is the law enforcement agency (i.e. the police) effective?

50

83a. In practice, appointments to the law enforcement agency (or agencies) are made according to professional criteria.

100 | 75 | 50 | 25 | 0

**Comments:**

Yes. Appointments are made according to the curriculum and the professional experience of the candidates, but are often influenced by political choices, family relationships and interests of political power.

**References:**

Sónia Duarte  
Judge of the Provincial Lobito Court  
Benguela – Lobito  
Benguela – 28/02/11

**100:** Appointments to the agency (or agencies) are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

**75:**

**50:** Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties, however.

**25:**

**0:** Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

83b. In practice, the law enforcement agency (or agencies) has a budget sufficient to carry out its mandate.

100 | 75 | 50 | 25 | 0

**Comments:**

No. The available budget is insufficient and depends on the Ministry of Justice. The fact that there are still considerably lower wages, leaves open the possibility of grooming easy, dams and fear of job loss.

**References:**

Sónia Duarte  
Judge of the Provincial Lobito Court  
Benguela – Lobito  
Benguela- 28/02/11

**100:** The agency (or agencies) has a budget sufficient to fulfill its basic mandate.

**75:**

**50:** The agency (or agencies) has limited budget, generally considered somewhat insufficient to fulfill its basic mandate.

**25:**

**0:** The agency (or agencies) has no budget or an obviously insufficient budget that hinders the agency's ability to fulfill its mandate.

83c. In practice, the law enforcement agency is protected from political interference.

100 | 75 | **50** | 25 | 0

**Comments:**

That kind of process is often influenced by political choices, family relationships and interests of political power.

**References:**

Sónia Duarte  
Judge of the Provincial Lobito Court  
Benguela – Lobito  
Benguela – 29/02/11

**100:** The agency (or agencies) operates independently of the political process and has operational independence from the government. All laws can be enforced regardless of the status of suspects or the sensitivity of the investigation.

**75:**

**50:** The agency (or agencies) is typically independent, yet is sometimes influenced in its investigations or enforcement actions by negative or positive political incentives. This may include favorable or unfavorable public criticism by the government or other forms of influence. The agency (or agencies) may not be provided with some information needed to carry out its investigations.

**25:**

**0:** The investigative and enforcement work of the agency (or agencies) is commonly influenced by political actors or the government. These may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power by the government.

## 84. Can law enforcement officials be held accountable for their actions?

71

84a. In law, there is an independent mechanism for citizens to complain about police action.

Yes

No

### Comments:

The Ombudsman is a public, independent, which concerns the rights, freedoms and guarantees of citizens ensuring by informal means, justice and legality of the Public Administration.

### References:

Angolan Constitution, article 192; Organic regulation of the Ombudsman, Law n. 5/06, Abril 28; Ombudsman Statute, Law n. 4/06, April 28. Information about the laws in [www.minjus.gov.ao](http://www.minjus.gov.ao)

**Yes:** A YES score is earned if there is a formal process or mechanism by which citizens can complain about police actions. A YES score is earned if a broader mechanism such as the national ombudsman, human rights commission, or anti-corruption agency has jurisdiction over the police.

**No:** A NO score is earned if there is no such mechanism

84b. In practice, the independent law enforcement complaint reporting mechanism responds to citizen's complaints within a reasonable time period.

100

75

50

25

0

### Comments:

No. The legal consciousness of citizens has grown a lot and it also increased the number of complaints but the response process still very precarious.

### References:

Lúcia da Silveira  
Penal Reform Program Coordinator  
Association Justice, Peace and Democracy  
Luanda 29/02/11

**100:** The agency/entity responds to complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

**75:**

**50:** The agency/entity responds to complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency/entity cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take three to six months to resolve. Serious abuses are not investigated with any urgency.

84c. In law, there is an agency/entity to investigate and prosecute corruption committed by law enforcement officials.

Yes

No

**Comments:**

The only entities with the power to investigate acts of corruption are the High Authority Against Corruption and the Prosecutor.

**References:**

Law of the High Authority Against Corruption and the Law of Public Probity.  
[www.minea.gv.ao](http://www.minea.gv.ao) (Law of Public Probity)

No web link to Law about High Authority Against Corruption.

**Yes:** A YES score is earned if there is an agency/entity specifically mandated to investigate corruption-related activity within law enforcement. This agency/entity may be internal to the police department (provided it has a degree of independence, such as an internal affairs unit) or part of a broader national mechanism such as the national ombudsman, human rights commission, or anti-corruption agency.

**No:** A NO score is earned if no such agency/entity exists.

84d. In practice, when necessary, the agency/entity independently initiates investigations into allegations of corruption by law enforcement officials.

100

75

50

25

0

**Comments:**

Do not have a mechanism that treats separately the cases of corruption.

Any case involving police officers are given the treatment meted out by the Police Regulation and in accordance with the offense may be suspended, demoted, expelled or even respond to a lawsuit. But this requires the existence of a criminal complaint under which the process will unfold. And the criminal investigation police and prosecutors should investigate and monitor the process. ... But these have been little grassroots

**References:**

Lúcia da Silveira  
Penal Reform Program Coordinator  
Association Justice, Peace and Democracy  
Luanda 29/02/11

**100:** When irregularities are discovered, the agency/entity is aggressive in investigating government law enforcement officials or in cooperating with other investigative agencies.

**75:**

**50:** The agency/entity starts investigations, but is limited in its effectiveness or is reluctant to cooperate with other investigative agencies. The agency/entity may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency/entity does not effectively investigate or does not cooperate with other investigative agencies. The agency may start investigations but not complete them, or may fail to detect offenders. The agency may be partisan in its application of power.

84e. In law, law enforcement officials are not immune from criminal proceedings.

Yes | No

**Comments:**

The Angolan constitution provides that all citizens are equal before the law, or police officers are not immune from criminal proceedings.

Regarding the official commissioners, the highest rank in the hierarchy, enjoy immunities and can only be arrested after being charged. In this case, they are removed first immunity.

Without that immunity be lifted, can only be arrested if caught in the act a felony punishable by imprisonment or any term of imprisonment exceeding two years.

**References:**

Angolan Constitution, paragraph 1, article 23 and Law of Arrest, Law No. 18 – A/92 of 17 July.

[www.tribunalconstitucional.ao](http://www.tribunalconstitucional.ao)

For the Law of Arrest, no web link.

**Yes:** A YES score is earned if law enforcement officers are fully accountable for their actions under the law and can be investigated and prosecuted for their actions.

**No:** A NO score is earned if law enforcement enjoys any special protection from criminal investigation or prosecution.

84f. In practice, law enforcement officials are not immune from criminal proceedings.

100 | 75 | **50** | 25 | 0

**Comments:**

No. They are subject to criminal prosecution and even when this happens can be punished in light of the regulation of the corporation. During the year 2010 at least 100 policemen were dismissed from their posts. How this information is not public citizen remains little confidence in the police action.

**References:**

Lúcia da Silveira  
Penal Reform Program Coordinator  
Association Justice, Peace and Democracy  
Luanda 29/02/11

**100:** Law enforcement officers are subject to criminal investigation for official misconduct. No crimes are exempt from prosecution.

**75:**

**50:** Law enforcement is generally subject to criminal investigation but exceptions may exist where criminal actions are overlooked by the police or prosecutors. Some crimes may be exempt from prosecution, such as actions taken in the line of duty.

**25:**

**0:** Law enforcement enjoys a general protection from most criminal investigation. This may be due to a formal immunity or an informal understanding that the law enforcement community protects itself.

---