



## **This document has been provided by the International Center for Not-for-Profit Law (ICNL).**

ICNL is the leading source for information on the legal environment for civil society and public participation. Since 1992, ICNL has served as a resource to civil society leaders, government officials, and the donor community in over 90 countries.

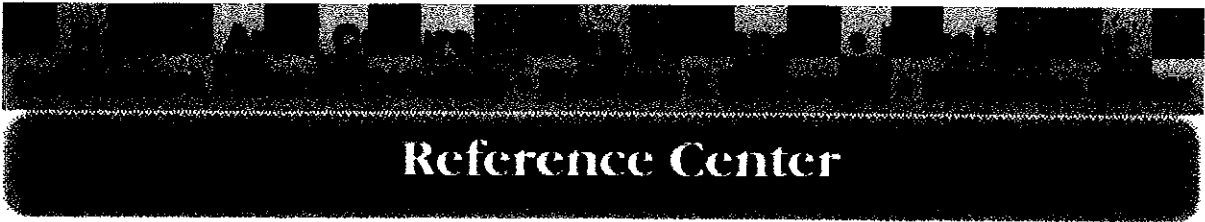
Visit ICNL's **Online Library** at  
<http://www.icnl.org/knowledge/library/index.htm>  
for further resources and research from countries all over the world.

### Disclaimers

**Content.** The information provided herein is for general informational and educational purposes only. It is not intended and should not be construed to constitute legal advice. The information contained herein may not be applicable in all situations and may not, after the date of its presentation, even reflect the most current authority. Nothing contained herein should be relied or acted upon without the benefit of legal advice based upon the particular facts and circumstances presented, and nothing herein should be construed otherwise.

**Translations.** Translations by ICNL of any materials into other languages are intended solely as a convenience. Translation accuracy is not guaranteed nor implied. If any questions arise related to the accuracy of a translation, please refer to the original language official version of the document. Any discrepancies or differences created in the translation are not binding and have no legal effect for compliance or enforcement purposes.

**Warranty and Limitation of Liability.** Although ICNL uses reasonable efforts to include accurate and up-to-date information herein, ICNL makes no warranties or representations of any kind as to its accuracy, currency or completeness. You agree that access to and use of this document and the content thereof is at your own risk. ICNL disclaims all warranties of any kind, express or implied. Neither ICNL nor any party involved in creating, producing or delivering this document shall be liable for any damages whatsoever arising out of access to, use of or inability to use this document, or any errors or omissions in the content thereof.



*excerpts*

# Constitutional Law Of The Republic Of Angola

August 1992



## TABLE OF CONTENTS

Law On The Amendment Of The Constitution

### Part I

Fundamental Principles

### Part II

Fundamental Rights And Duties

### Part III State Bodies

Chapter I -- Principles

Chapter II

Section I -- President Of The Republic

Section II -- Council Of The Republic

Chapter III -- The National Assembly

Chapter IV -- The Government

Chapter V

Section I -- The Courts

Section II -- High Council Of The Judicial Bench

Section III -- Constitutional Court

Section IV -- The Attorney General's Office

Chapter VI -- Judicial Proctorate

Chapter VII -- Local Government

**Part IV**

National Defense

**Part V Guarantee And Amendment Of The Constitutional Law**

Chapter I -- Monitoring Of Unconstitutionality

Chapter II -- Amendment Of The Constitution

**Part VI**

Symbols Of The Republic Of Angola

**Part VII**

Final And Transitional Provisions



[Home](#) | [Welcome](#) | [Art & Culture](#) | [News](#) | [Calendar](#) | [Development](#)  
[Government](#) | [Internet Directory](#) | [Business & Economics](#) | [Reference](#) | [What's New](#)



## Reference Center

### **PART I -- FUNDAMENTAL PRINCIPLES**

#### **ARTICLE 1**

The Republic of Angola shall be a sovereign and independent nation whose primary objective shall be to build a free and democratic society of peace, justice and social progress.

#### **ARTICLE 2**

The Republic of Angola shall be a democratic State based on the rule of law, national unity, the dignity of the individual, pluralism of expression and political organization, respecting and guaranteeing the basic rights and freedoms of persons, both as individuals and as members of organized social groups.

#### **ARTICLE 3**

1. Sovereignty shall be vested in the people, who shall exercise it in the manner provided for in the present Law.
2. The Angolan people shall exercise political power through periodic universal suffrage to choose their representatives, by means of referendums and other forms of democratic participation in national life.
3. Special laws shall regulate the process of general elections.

#### **ARTICLE 4**

1. Political parties, within the framework of the present law and statutory laws, shall compete, on the basis of a project for society and a political program, to organize and express the will of citizens, participating in political life and the exercise of universal suffrage by democratic and peaceful means.
2. Political parties shall, in their objectives, program and activity, contribute to:
  - (a) The consolidation of the Angolan nation, national independence and strengthened national unity;
  - (b) The safeguarding of territorial integrity;
  - (c) The defense of national sovereignty and democracy;
  - (d) The protection of fundamental freedoms and the rights of the individual;

- (e) The defense of the republican form and unitary and secular nature of the State.
3. Political parties shall be entitled to equal treatment by those exercising public power, as well as to equal treatment by the press, in accordance with the law.
  4. The constitution and functioning of parties shall, in accordance with the law, comply with the following fundamental principles:
    - (a) National in character and scope;
    - (b) Free constitution;
    - (c) Public pursuance of aims;
    - (d) Freedom of membership and single membership;
    - (e) Exclusive use of peaceful means in pursuing their aims, prohibiting the creation or use of military, paramilitary or militarized organizations;
    - (f) Democratic organization and functioning;
    - (g) Prohibition to receive contributions of monetary or economic value from foreign governments or governmental institutions.

#### **ARTICLE 5**

The Republic of Angola shall be a unitary and indivisible State whose inviolable and inalienable territory shall be that defined by the present geographical limits of Angola, and any attempt at separatism or dismemberment of its territory shall be vigorously combated.

#### **ARTICLE 6**

The State shall exercise its sovereignty over the territory, internal and territorial waters, air space, soil and sub-soil.

#### **ARTICLE 7**

Economic, social and cultural solidarity between all regions of the Republic of Angola shall be promoted and intensified, with a view to the common development of the Angolan nation as a whole.

#### **ARTICLE 8**

1. The Republic of Angola shall be a secular State, and there shall be separation between the State and churches.
2. Religions shall be respected and the State shall protect churches and places and objects of worship, provided they abide by the laws of the State.

#### **ARTICLE 9**

The State shall guide the development of the national economy, with a view to guaranteeing harmonious and balanced growth of all sectors and regions of the country, and rational and efficient use of all productive capacity and national resources, as well as heightening the well-being and quality of life of citizens.

#### **ARTICLE 10**

The economic system shall be based on the coexistence of diverse forms of property - public, private, mixed, cooperative and family - and all shall enjoy equal protection. The State shall encourage participation in the economic process of all agents and forms of property, creating conditions for them to function efficiently in the interests of national economic development and satisfying the needs of citizens.

#### **ARTICLE 11**

1. Sectors and activities that remain the preserve of the State shall be determined by law.
2. In the use and exploitation of public property, the State shall guarantee efficiency and profitability, in accordance with the proposed aims and objectives.
3. The State shall encourage the development of private, mixed, cooperative and family enterprises, creating conditions for them to operate, and shall give special support to small and medium-scale economic activity, in accordance with the law.
4. The State shall protect foreign investment and foreign property, in accordance with the law.

#### **ARTICLE 12**

1. All natural resources existing in the soil and subsoil, in internal and territorial waters, on the continental shelf and in the exclusive economic area, shall be the property of the State, which shall determine under what terms they are used, developed and exploited.
2. The State shall promote the protection and conservation of natural resources guiding the exploitation and use thereof for the benefit of the community as a whole.
3. Land, which is by origin the property of the State, may be transferred to individuals or corporate bodies, with a view to rational and full use thereof, in accordance with the law.
4. The State shall respect and protect people's property, whether individuals or corporate bodies, and the property and ownership of land by peasants, without prejudice to the possibility of expropriation in the public interest, in accordance with the law.

#### **ARTICLE 13**

Any nationalization or confiscation carried out under the appropriate law shall be considered valid and irreversible for all legal purposes, without prejudice to the provisions of specific legislation on reprivatization.

**ARTICLE 14**

1. The fiscal system shall aim at meeting the economic, social and administrative needs of the State and ensuring the fair distribution of income and wealth.
2. Taxes may be created or abolished only by law, which shall determine applicability, rates, tax benefits and guarantees for taxpayers.

**ARTICLE 15**

The Republic of Angola shall respect and implement the principles of the United Nations Charter, the Charters of the Organization of African Unity and the Movement of Non-Aligned Countries, and shall establish relations of friendship and cooperation with all States, based on the principles of mutual respect for sovereignty and territorial integrity, non-interference in the internal affairs of each country and reciprocal advantages.

**ARTICLE 16**

The Republic of Angola shall support and be in solidarity with the struggles of peoples for national liberation and shall establish relations of friendship and cooperation with all democratic forces in the world.

**ARTICLE 17**

The Republic of Angola shall not join any international military organization or permit the establishment of foreign military bases on its national territory.



[Home](#) | [Welcome](#) | [Art & Culture](#) | [News](#) | [Calendar](#) | [Development](#)  
[Government](#) | [Internet Directory](#) | [Business & Economics](#) | [Reference](#) | [What's New](#)



## Reference Center

# **PART II -- FUNDAMENTAL RIGHTS AND DUTIES**



---

### **ARTICLE 18**

1. All citizens shall be equal under the law and shall enjoy the same rights and be subject to the same duties, without distinction as to color, race, ethnic group, sex, place of birth, religion, ideology, level of education or economic or social status.
2. All acts aimed at jeopardizing social harmony or creating discrimination or privileges based on those factors shall be severely punishable by law.

### **ARTICLE 19**

1. Angolan nationality may be by origin or acquired.
2. The requirements for the attribution, acquisition, loss or re-acquisition of Angolan nationality shall be determined by law.

### **ARTICLE 20**

The State shall respect and protect the human person and human dignity. Every citizen shall be entitled to the free development of his or her personality, with due respect for the rights of other citizens and the highest interests of the Angolan nation. The life, freedom, personal integrity, good name and reputation of every citizen shall be protected by law.

### **ARTICLE 21**

1. The fundamental rights provided for in the present Law shall not exclude others stemming from the laws and applicable rules of international law.
2. Constitutional and legal norms related to fundamental rights shall be interpreted and  
  
incorporated in keeping with The Universal Declaration of the Rights of Man, the African Charter on the Rights of Man and Peoples and other international instruments to which Angola has adhered.
3. In the assessment of disputes by Angolan courts, those international instruments shall apply even where not invoked by the parties.

### **ARTICLE 22**



1. The State shall respect and protect the life of the human person.
2. The death penalty shall be prohibited.

#### **ARTICLE 23**

No citizen may be subjected to torture or any other cruel, inhuman or degrading treatment or punishment.

#### **ARTICLE 24**

1. All citizens shall have the right to live in a healthy and unpolluted environment.
2. The State shall take the requisite measures to protect the environment and national species of flora and fauna throughout the national territory and maintain ecological balance.
3. Acts that damage or directly or indirectly jeopardize conservation of the environment shall be punishable by law.

#### **ARTICLE 25**

1. Any citizen may move freely and reside in any part of the national territory, and shall not be impeded from so doing for political or any other reasons, except in cases provided for under Article 50 of the present Law, and where for the protection of the economic interests of the nation the law determines restrictions on citizens having access to or residing in reserve or mining areas.
2. All citizens shall be free to leave and enter the national territory, without prejudice to limitations stemming from the fulfillment of legal duties

#### **ARTICLE 26**

Any foreign or expatriate citizen shall be guaranteed the right to ask for asylum in the event of persecution for political reasons, in accordance with the laws in force and international instruments.

#### **ARTICLE 27**

1. The extradition or expulsion of Angolan citizens from the nations territory shall not be permitted.
2. The extradition of foreign citizens for political motives or for charges punishable by the death penalty under the laws of the applicant county shall not be permitted.
3. In accordance with the law, Angolan courts shall know the charges made against citizens whose extradition is not permitted under the foregoing clauses of the present Article.

#### **ARTICLE 28**

1. It shall be the right and duty of all citizens aged over 18, other than those legally

deprived of political and civil rights, to take an active part in public life, to vote and stand for election to any State body, and to fulfill their offices with full dedication to the cause of the Angolan nation.

2. No citizen shall suffer discrimination in respect of employment, education, placement, professional career or social benefits to which he or she is entitled owing to political posts held or to the exercise of political rights.

3. The law shall establish limitations in respect of the non-party affiliations of soldiers on active service, judges and the police forces, as well as the electoral incapacity of soldiers on active service and police forces.

#### **ARTICLE 29**

1. The family, the basic nucleus of social organization, shall be protected by the State, whether based on marriage or de facto union.

2. Men and women shall be equal within the family, enjoying the same rights and having the same duties.

3. The family, with special collaboration by the State, shall promote and ensure the all-round education of children and young people.

#### **ARTICLE 30**

1. Children shall be given absolute priority and shall therefore enjoy special protection from the family, the State and society with a view to their all-round development.

2. The State shall promote the harmonious development of the personality of children and young people and create conditions for their integration and active participation in the life of society.

#### **ARTICLE 31**

The State, with the collaboration of the family and society, shall promote the harmonious development of the personality of young people and create conditions for fulfillment of the economic, social and cultural rights of the youth, particularly in respect of education, vocational training, culture, access to a first job, labor, social security, physical education, sport and use of leisure time.

#### **ARTICLE 32**

□ 1. Freedom of expression, assembly, demonstration and all other forms of expression shall be guaranteed.

2. The exercise of the rights set out in the foregoing clause shall be regulated by law.

3. Groupings whose aims or activities are contrary to the fundamental principles set out in Article 158 of the Constitutional Law and penal laws, and those that, even indirectly, pursue political objectives through organizations of a military, paramilitary

or militarized character, secret organizations and those with racist, fascist or tribalist ideologies shall be prohibited.

### **ARTICLE 33**

1. The right to professional and trade union organization shall be free, and the forms in which it is exercised shall be guaranteed by law.
2. All citizens shall have the right to organize and take part in trade union activity, which shall include the right to constitute and freely join trade unions.
3. Adequate protection for the elected representatives of workers against any form of restriction, constraint or limitation on the performance of their duties shall be established by law.

### **ARTICLE 34**

1. Workers shall have the right to strike.
2. A specific law shall regulate the exercise of the right to strike and limitations thereto in essential services and activities, in the pressing public interest.
3. Lockouts shall be prohibited.

### **ARTICLE 35**

Freedom of the press shall be guaranteed and may not be subject to any censorship, especially political, ideological or artistic.

The manner of the exercise of freedom of the press and adequate provisions to prevent and punish any abuse thereof shall be regulated by law.

### **ARTICLE 36**

1. No citizen may be arrested or put on trial except in accordance with the law, and all accused shall be guaranteed the right to defense and the right to legal aid and counsel.
2. The State shall make provision to ensure that justice shall not be denied owing to insufficient economic means.
3. No one shall be sentenced for an act not considered a crime at the time when it was committed.
4. The penal law shall apply retroactively only when beneficial to the accused.
5. The accused shall be presumed to be innocent until a judicial decision is taken by the court.

### **ARTICLE 37**

Preventive detention shall be permitted only in cases provided for by the law, which shall establish the limits and periods thereof.

**ARTICLE 38**

Any citizen subject to preventive detention shall be taken before a competent judge to legalize the detention and be tried within the period provided for by law or released.

**ARTICLE 39**

No citizen shall be arrested without being informed of the charge at the time of arrest.

**ARTICLE 40**

Any arrested citizen shall have the right to receive visits from family members and friends, and to correspond therewith, without prejudice to the conditions and restrictions provided for by law.

**ARTICLE 41**

Any citizen sentenced shall have the right to appeal to the competent court or to the Supreme Court against the judicial decision taken in accordance with the law.

**ARTICLE 42**

1. To prevent any abuse of power through imprisonment or illegal detention, a writ of *habeas corpus* may be presented to the competent legal court by the person concerned or any other citizen.
2. The right to *habeas corpus* shall be regulated by law.

**ARTICLE 43**

Citizens shall have the right to contest and take legal action against any acts that violate their rights as set out in the present Constitutional Law and other legislation.

**ARTICLE 44**

The State shall guarantee the inviolability of the home and the secrecy of correspondence, with limitations especially provided for by law.

**ARTICLE 45**

Freedom of conscience and belief shall be inviolable. The Angolan State shall recognize freedom of worship and guarantee its exercise, provided it does not conflict with public order and the national interest.

**ARTICLE 46**

1. Work shall be the right and duty of all citizens.
2. Every worker shall have the right to fair pay, rest, holidays, protection, health and security at work, in accordance with the law.
3. Citizens shall have the right freely to choose and exercise an occupation, apart

from requirements established by law.

#### **ARTICLE 47**

1. The State shall promote the measures needed to ensure the right of citizens to medical and health care, as well as child, maternity, disability and old-age care, and care in any situation causing incapacity to work.
2. Private and cooperative enterprise in health, social welfare and social security shall be exercised in accordance with the law.

#### **ARTICLE 48**

Disabled combatants of the national liberation struggle, the minor children of citizens who died in the war and those physically or mentally handicapped as a result of war shall have special protection, to be established by law.

#### **ARTICLE 49**

1. The State shall promote access to education, culture and sports for all citizens, guaranteeing participation by various private agents in the provision thereof, in accordance with the law.
2. Private and cooperative enterprise in education shall be practiced in accordance with the law.

#### **ARTICLE 50**

The State shall create the requisite political, economic and cultural conditions to enable citizens effectively to enjoy their rights and fully perform their duties.

#### **ARTICLE 51**

The State shall protect Angolan citizens abroad or resident abroad, who shall enjoy the rights and be subject to duties that are not incompatible with their absence from the country, without prejudice to the effects of unjustified absence provided for by law.

#### **ARTICLE 52**

1. The exercise of the rights, freedoms and guarantees of citizens may be restricted or suspended only in accordance with the law if such constitute a threat to public order, community interests, individual rights, freedoms and guarantees, or in the event of the declaration, a state of siege or emergency, and such restrictions shall always be limited to necessary and adequate measures to maintain public order, in the interest of the community and the restoration of constitutional normality.
2. On no account shall the declaration of a state of siege or state of emergency affect the right to life, personal integrity, personal identity, civil capacity, citizenship, the non-retroactive nature of penal law, the right of the accused to defense or freedom of conscience and religion.



## Reference Center

# LAW ON THE AMENDMENT OF THE CONSTITUTION



The amendments to the Constitutional Law introduced in March 1991 through Law No. 12/91 were mainly aimed at creating the requisite constitutional framework for the establishment of multiparty democracy, broadening recognition and guarantees of the fundamental rights and freedoms of citizens, and constitutionally enshrining the basic principles of a market economy.

Since it was only a partial revision of the Constitutional Law, as necessary as it was urgent, some constitutionally appropriate and important aspects related to the organization of a democratic State based on the rule of law were quite rightly left to be properly dealt with in the Constitutional Law, through a second constitutional revision.

As a consequence of the constitutional enshrinement of the establishment of multiparty democracy and the signing, on 31 May 1991, of the Angola Peace Accords, for the first time in the country's history multiparty general elections based on direct and secret universal suffrage were held in September 1992 to chose the President of the Republic and Members of the future Parliament.

Without detracting from the powers of the National Assembly to amend the current Constitutional Law and approve the Constitution of the Republic of Angola, it has become indispensable to proceed with the immediate amendment of the Constitutional Law, as planned, aimed essentially at clarification of the political system, the separation of the functions and the interdependence of sovereign bodies, and also at making the status and guarantees of the Constitution explicit, in accordance with the enshrined principles of building a democratic State based on the rule of law in Angola.

It is indispensable to stability in the country and to the consolidation of peace and democracy that the nation's sovereign bodies, specifically those emerging from the September 1992 general elections, should have at their disposal a clear basic law related to the essential outlines of the political system, the powers of the nation's sovereign bodies, the organization and functioning of the State, until such time as the future legislative body decides, exercises its constitutional amendment powers and approves the Constitution of the Republic of Angola. The present Law on the Amendment of the Constitution introduces, generically, the following major amendments:

- The State becomes the Republic of Angola and the legislative body the

National Assembly, and the courts are no longer prefixed by the term "People's".

- In Part 11, under fundamental rights and duties, a few new articles have been added aimed at reinforcing recognition and guarantees of fundamental rights and duties, based on the principles of the major international treaties on human rights to which Angola has already adhered.
- In Part 111, under State bodies, far-reaching changes have been introduced leading to the complete re-drafting of the previous text. The purpose of the changes is to establish clearly that Angola is a democratic State based on the rule of law and a model of State organization founded on the separation of functions and interdependence of sovereign bodies and on a semi-presidential system in which the President of the Republic has an active role. Substantial changes have also been made, for the same purpose, in the part related to the administration of justice and the organization of the judiciary, and the essential outlines of the constitutional status of judicial and Ministry of Justice judges have been set out.
- The provisions referring to the monitoring of the Constitution by a Constitutional Court, as well as the procedures, powers and limits of constitutional amendment, are specifically dealt with in a separate part of the Constitutional Law, after the part on National Defenses.

Under these terms, in accordance with Article 51 (a) of the Constitutional Law and using the powers conferred on me by Article 47 (q) of that Law, the People's Assembly approves and I sign and order publication of the following:

#### **ARTICLE 1**

The amendments the Constitutional Law contained in the attached document, which are an integral part of the present Law, have been approved.

#### **ARTICLE 2**

The present Law shall enter into force on the date of publication thereof, without prejudice to the provisions of the following articles.

#### **ARTICLE 3**

1. The People's Assembly shall continue to function until the swearing in of the Members of the National Assembly elected in the legislative elections of 29 and 30 September 1992.
2. The Provincial Popular Assemblies shall cease their mandate on the swearing in of the Members of the National Assembly referred to in the foregoing clause.

#### **ARTICLE 4**

1. During the transitional period referred to in the foregoing article, the President of the Republic shall be the President of the People's Assembly and Head of

Government.

2. In the event of the temporary absence or disability of the President of the People's Assembly, meetings thereof shall be directed by a member of the Standing Commission nominated by the President of the People's Assembly.

#### **ARTICLE 5**

1. The term of office of the President of the Republic incumbent on the date of publication of the present Law shall be deemed valid and extended until the swearing in of the President of the Republic elected in the presidential elections of 29 and 30 September 1992.

2. In the event of the death or permanent disability of the current President of the Republic, the Standing Commission of the People's Assembly shall nominate from among its members for a period not exceeding 30 days a Member to hold that office temporarily, and the People's Assembly, on the proposal of the Standing Commission, shall elect an interim President of the Republic until the swearing in of the President of the Republic elected in the next presidential elections by direct and secret universal suffrage.

#### **ARTICLE 6**

Until such time as the Constitutional Court has been instituted, the Supreme Court shall exercise the powers provided for in Articles 134 and 135 of the Constitutional Law.

#### **ARTICLE 7**

Until such time as the High Council of the Judicial Bench is instituted, a full meeting of the Supreme Court shall discharge the duties provided for in Article 132.

#### **ARTICLE 8**

Until such time as the High Council of the Ministry of Justice Bench is instituted, the officers of the Attorney General's Office shall discharge the duties assigned to that body.

#### **ARTICLE 9**

Until such time as the Judicial Proctorate is instituted, the general duties assigned to it in the Constitutional Law shall be discharged by the Attorney General.

#### **ARTICLE 10**

1. Officers in the Angolan Armed Forces shall not be dismissed or relieved of their duties for political reasons.
2. Officers who are members of the High Command of the Armed Forces and the General States thereof shall not be dismissed or relieved of their duties for a period of five years from the date of publication of the present Law, except for reasons of discipline or incapacity, in accordance with the law on the rules of military service.



**ARTICLE 11**

The members of the Council of the Republic on the date of publication of the present Law shall end their term of office after the general multiparty elections of 29 and 30 September 1992, on the swearing in of the new members of the Council of the Republic, in accordance with Article 77 of the Constitutional Law.

**ARTICLE 12**

The first legislative session of the National Assembly elected in the general multiparty elections of 29 and 30 September 1992 shall open within thirty days of the publication of the final results of the count or, in the event of a second round of presidential elections, within fifteen days of the swearing in of the President of the Republic.

**ARTICLE 13**

The sovereign bodies emerging from the presidential and legislative elections of 29 and 30 September 1992 shall regulate the form, organization and terms of the said swearing in, after hearing the Supreme Court in the case of the swearing in of the President of the Republic.

**ARTICLE 14**

The Constitutional Law of the Republic of Angola shall remain in force until the entry into force of the Constitution of Angola, approved by the National Assembly in accordance with the provisions of Article 150 of the Constitutional Law and those ensuing.

Seen and approved by the People's Assembly.

To be published.

Luanda, 25 August 1992.

**THE PRESIDENT OF THE REPUBLIC JOSE EDUARDO DOS SANTOS**



[Home](#) | [Welcome](#) | [Art & Culture](#) | [News](#) | [Calendar](#) | [Development](#)  
[Government](#) | [Internet Directory](#) | [Business & Economics](#) | [Reference](#) | [What's New](#)