This country-specific Q&A provides an overview of bribery & corruption laws and regulations applicable in Angola.

For a full list of jurisdictional Q&As visit here
1. **What is the legal framework (legislation/regulations) governing bribery and corruption in your jurisdiction?**

In Angola, the main legal framework regarding and corruption is governed by:

1. Criminal Code, approved by Decree of 26 September 1886;
3. Law 6/99, of 3 September 1999, on the Economic Crimes;
4. Law 21/90, of 22 December 1990 – Law of the Crimes Committed by the People holding the highest State offices;
5. Law 3/96, of 5 April 1996, which creates the High Authority Against Corruption;
7. Law 9/2016, of 16 June 2016 – Public Procurement Law;
8. Law 5/20, of 27 January 2020 – Anti-Money Laundering, Countering Financing of Terrorism and Fight against proliferation of weapons of mass destruction (“AML”);
10. Law 19/17, of 25 August 2017 – Law on the Prevention and Fight against Terrorism;
11. Presidential Decree 2/18, of 11 January 2018 – Statues of the Financial Information Unit (“UIF”) and the Supervision Committee;
12. Presidential Decree 78/18, of 15 March 2018, which creates the Direction for the Fight against the Corruption Crimes (“DNPCC”), an organism belonging to the Criminal Investigation Services (“SIC”);
13. BNA Order 22/2012, of 14 August 2012, that regulates the conditions for the compliance of the AML by the supervised entities;
14. CMC Regulation 4/16, of 2 June 2016, regarding the compliance of the AML by the supervised entities.

In relation to international conventions, the Republic of Angola is a party of the following ones:

1. African Union Convention on Preventing and Combating Corruption;
2. Resolution of the National Assembly 20/06, of 23 June 2016, which approves, for adhesion, the UN Convention against Corruption;
3. the UN Convention against Transnational Organized Crime;
4. UN Convention against illicit traffic in narcotic drugs and psychotropic substances;
5. UN Convention on the Suppression of the Financing of Terrorism;
6. SADC’s Protocol against Corruption.

2. **Which authorities have jurisdiction to investigate and prosecute bribery in your jurisdiction?**

Criminal Investigation Services, in particular Direction for the Fight against the Corruption Crimes, is the authority having jurisdiction to investigate and prosecute bribery in our
How is bribery defined?

The law does not refer to bribery itself, but only to corruption, which can be active or passive. Passive corruption occurs when a person, directly or through a third party, with its consent, requests or accepts, in its own end or in benefit of a third party, any patrimonial or non-patrimonial advantage or the promise of an advantage, to execute any act or omission against the obligations that arise from the position the official occupy. Active corruption occurs when someone, directly or through a third party, with its consent, gives or promises to an official or to a third party, by indication or consent of the official, any patrimonial or non-patrimonial advantage.

Does the law distinguish between bribery of a public official and bribery of private persons? If so, how is ‘public official’ defined? Are there different definitions for bribery of a public official and bribery of a private person?

Under Angolan law, only bribery of public officials in punishable and when it occurs in the private sector is not criminalized. The law described as “public official” the following:

1. Civil servants;
2. Administrative agents;
3. Arbitrators, jury members and experts;
4. Political officers, elected or nominated; and
5. Whoever, even if provisionally or temporarily, against payment or for free, voluntarily or mandatorily, has been called upon to perform or to participate in the performance of an activity within civil, administrative or jurisdictional service or, under the same circumstances, undertakes a position or participates in public-benefit organisations.

The law compares the concept of civil servants to managers, officers of supervisory bodies and employees of public companies, nationalised public companies, publicly held companies or companies with the majority of capital publicly held, and also companies that are concessionaires of public services.

The law extends the treatment as civil servants to the following offices:

1. Anyone who performs identical functions to those described above within the scope of any public international law organization of which Angola is a member of, whenever the infringement has been fully or partially committed on Angolan territory; and
5. **What are the civil consequences of bribery in your jurisdiction?**

The public official may be subject to civil responsibility, i.e., to the reparation of the damages and to the payment of a compensation. The Angolan Criminal Code sets forth several other consequences for public officials committing crimes, such as the dismissal from public positions, suspension of political rights, being ineligible to public positions, etc.

6. **What are the criminal consequences of bribery in your jurisdiction?**

The consequences may vary between the application of fines and/or imprisonment.

Passive corruption – if the acts are against the obligations that arise from the position occupied by the official, the penalty varies from 1 up to 5 years of prison. If the acts are not against the obligations that arise from the position occupied by the official, the penalty varies from 6 months up to 3 years.

Active corruption – if somebody, directly or through a third person, gives or promises to an official, an advantage, then the penalty varies from 1 up to 5 years. If the advantage is not due, the penalty varies from 6 months up to 3 years of prison or the payment of a fine up to 360 days. If the advantage is higher than 100 million Angolan Kwanza, the infringer will be punished with 1 up to 5 years of prison but the penalty will be aggravated in 1/4 in its minimum and maximum limits. If the advantage is higher than 10 million Angolan Kwanza, then the penalty varies from 1 up to 5 years of prison and the penalty will be aggravated in 1/3 in its minimum and maximum limits.

7. **Does the law place any restrictions on hospitality, travel and entertainment expenses? Are there specific regulations restricting such expenses for foreign public officials?**

Gifts and hospitality may be added to an “undue advantage” and this is a crime. However, the law excludes from the scope of this crime any social conduct which is part from habits and traditions.

8. **Are political contributions regulated?**

No.

9. **Are facilitation payments regulated? If not, what is the general approach to such payments?**

No, but these may be deemed as “undue advantages” and be criminally punishable as such.
10. **Are there any defences available?**

Yes. The law states that in certain cases the discharge or reduction of the penalty is possible, namely when:

1. the agent has reported the crime within 90 days following the act and before the opening of the legal procedure;
2. before the act is committed, the agent voluntarily refuses the offer or promise previously accepted, or restore the undue advantage received or, in case the thing is fungible, its value, or withdraw the promise or refuse the offering of an advantage or request its restitution;
3. until the closing of the trial hearing in the first instance, the agent aids in obtaining or producing decisive proofs for the identification or the capture of other responsible parties; or
4. the agent committed the act at the request of the civil servant, directly or through a third person.

11. **Are compliance programs a mitigating factor to reduce/eliminate liability for bribery offences in your jurisdiction?**

Yes. The Government and other entities, such as the National Service of Public Procurement, periodically inform Ministers and other public institutions regarding the compliance of such laws and the main challenges.

12. **Who may be held liable for bribery? Only individuals, or also corporate entities?**

Both individuals and corporate entities may be held liable. If a corporate entity is liable for corruption, the penalty may vary between fines and winding up.

13. **Has the government published any guidance advising how to comply with anti-corruption and bribery laws in your jurisdiction? If so, what are the elements of an effective corporate compliance program?**

Yes. One of the main goals of the current President of the Republic, elected in 2017, is the fight against corruption. In 2018 the Government announced the implementation of the Strategic Plan for Preventing the Fight against Corruption for the period 2018-2022, and under which the Direction for the Fight against the Corruption Crimes ("DNPCC") was created, being responsible for initiating several investigations / procedures against certain suspect activities.

14. **Does the law provide protection to whistle-blowers?**

Yes. If a whistle-blowers suspects that it is in danger, he/she can request some protections such as police protection and/or shelter to the police authorities.
15. **How common are government authority investigations into allegations of bribery?**

Since the election of the current President of the Republic, it is possible to verify a substantial increase of these investigations. In October 2019, during his speech on the State of the Nation, the President announced that DNPCC has opened 192 inquiries in the last two years.

16. **What are the recent trends in investigations and enforcement in your jurisdiction?**

Please see the previous answer.

17. **Is there a process of judicial review for challenging government authority action and decisions?**

Yes. Angolan courts may, in certain circumstances, review government decisions. For example, if the government publishes a regulation which does not comply the Angolan Constitution, this act may be reviewed by the Constitutional Court of the Republic of Angola, and such Court may declare the law/regulation as unconstitutional.

18. **Are there any planned developments or reforms of bribery and anti-corruption laws in your jurisdiction?**

Recently the Government announced the creation of the CRJD, a Commission responsible for the reform of the Angolan law and justice. We believe that the Criminal Code as well as the Criminal Procedure Code will be reviewed following this announcement, as the project is waiting for its conclusion a long time ago – and certainly the bribery and anti-corruption laws will have a special treatment. Furthermore, under Presidential Dispatch 176/19, of 21 October 2019, the President created a working group responsible to execute the conditions for the full implementation of the UN Convention against Corruption, composed by several Ministers, representatives of the Attorney-General Office and BNA, General Director of the Financial Information Unit (“UIF”) and other high level representatives.

19. **To which international anti-corruption conventions is your country party?**

Please see answer 1 above.

20. **Do you have a concept of legal privilege in your jurisdiction which applies to lawyer-led investigations? If so, please provide details on the extent of that protection.**

No.
How much importance does your government place on tackling bribery and
21. **Corruption? How do you think your jurisdiction’s approach to anti-bribery and corruption compares on an international scale?**

Nowadays, the Angolan Government gives a high importance to the actions against bribery and corruption and this is one of the President’s main goals. It has been one of the most prolific fields in Angolan legislation, however we still have a long way to go.

22. **Generally how serious are organisations in your country about preventing bribery and corruption?**

Angolan organisations are increasingly aware and more engaged in fighting this problem.

23. **What are the biggest challenges enforcement agencies/regulators face when investigating and prosecuting cases of bribery and corruption in your jurisdiction?**

The biggest challenge may be related with the access of the relevant information, and the investigation and justice process is extremely long and bureaucratic.

24. **What do you consider will be the most significant corruption-related challenges posed to businesses in your jurisdiction over the next 18 months?**

Our main challenge is the education. Unfortunately, in Angola, the majority of the population deals with corruption as a normal and common situation, and it will be necessary to change this status quo.

25. **How would you improve the legal framework and process for preventing, investigating and prosecuting cases of bribery and corruption?**

First and above all, Angola should move towards reducing the bureaucracy of the investigation and of the judicial proceedings. Also, in order to ensure the independence of the investigations from the government, it is absolutely necessary that the High Authority against Corruption starts operating in a near future.