

Pro Bono Practices and Opportunities in Angola¹

I. Introduction

Angola has no significant legal pro bono tradition, and access to pro bono legal services is very limited. There is, however, a growing awareness within the legal profession in Angola of the urgent need for Angola to develop legal pro bono assistance programs with State support to ensure access to justice for all.

II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	1. Describe the laws/rules that regulate the provision of legal services?	<p>Legal services in Angola may only be provided by lawyers registered and accredited by the Angolan Bar Association (“OAA”).</p> <p>The provision of legal services is primarily governed by Law 8/17, of 13 May 2017 (the “Advocacy Law”²) and the OAA’s regulations.³ Legal practitioners also have a recognized special status under the Angolan Constitution.⁴</p>
	2. Describe any licensure requirements governing the provision of legal services.	<p>Lawyers must be registered and accredited with the OAA in order to practice law in Angola.⁵ Registration with the OAA is generally only open to Angolan nationals. The Advocacy Law allows foreign nationals, with a local law degree, to apply for registration/qualification with the OAA. However, such registration/qualification is subject to the general principle of reciprocity.</p> <p>Candidates to the OAA are required to pass an admission exam and serve an 18-month apprenticeship as a trainee working alongside qualified lawyers.⁶ During the apprenticeship, trainees have limited powers and authority to practice law and must work on at least 15 criminal and 12 civil cases. There is a special apprenticeship regime for lawyers already qualified in other</p>

¹ This chapter was drafted with the support of Ângela Viana and Frederico Calei of Vieira de Almeida & Associados.

² Law 8/17, of 13 May 2017 available at <http://www.oaang.org/content/lei-advocacia-1> (last visited on May 1, 2019).

³ OAA Regulations available at www.oaang.org (last visited on May 1, 2019).

⁴ 2010 Constitution of the Republic of Angola, of 5 February 2010.

⁵ <http://www.oaang.org/content/lei-advocacia-1> (last visited on May 1, 2019). The practice of law for these purposes includes the provision of legal advice, the representation of clients and the performing of any other duties in court inherent to the profession throughout the national territory and before any jurisdiction, authority, or public or private body.

⁶ International Bar Association Human Rights Institute Report, “*Angola Promoting Justice Post-Conflict July 2003*” (“**IBAHRI**”).

		jurisdictions (three months for qualified lawyers with a Roman-Germanic legal education and six-months for qualified lawyers with an Anglo-Saxon legal education). At the end of the apprenticeship, trainees are required to prepare and submit to the OAA a professional ethics and conduct assignment and their supervising lawyers are required to report to the OAA on the merits of their application to the Bar. ⁷
(b)	Pro Bono Practice and Culture	
	1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	There are no express regulations governing the provision of pro bono legal services in Angola. There is no statutory minimum legal fee schedule imposed on legal practitioners in Angola. There is, however, a minimum prescribed state subsidized fee for services provided by Angolan lawyers within the Legal Aid System. ⁸
	2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	Lawyers in Angola are not required to work a minimum number of pro bono hours. However, qualified lawyers are free to engage (and to some extent are encouraged by the OAA to engage) in pro bono activities but are not obligated to accept pro bono (or any other) legal matters.
	3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	Aspiring lawyers in Angola are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers. However, trainee lawyers are often appointed by the OAA to provide legal aid within the scope of their limited powers and authority and must provide valid justification for rejecting such appointment.
	4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	The number of lawyers per capita is extremely low in Angola. Following independence in 1975, it was reported that there was only one judge, one prosecutor and about 15 lawyers in the whole country ⁹ . Since then, while the number of lawyers

⁷ OAA Regulations 1/19, of 7 March 2019 <https://www.oaang.org/sites/default/files/oaanovoREGaccessoadvoc.pdf> (last visited on May 1, 2019).

⁸ Joint Executive Decree 46/97, of 7 November 1997.

⁹ Courts and Social Transformation in New Democracies An Institutional Voice, <http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0CC0QFjACahUKEwjPysezzYHHAhWHbhQKHecxAZo&url=http%3A%2F%2Fwww.ibanet.org%2FDocument%2FDefault.aspx%3FDocumntUId%3D8ee32437-024f-45c6-9c71-8a9c68d9b921&ei=mnC5Vc-VIIfdUefjhNAJ&usq=AFQjCNEo-NbTrwiQkuWNFZF9SC4dDO4tuA> (last visited on May 1, 2019).

	<p>has increased, according to the OAA, there are currently only approximately 1,947 lawyers in Angola out of a population of circa 25 million.¹⁰ The low number reflects the dislocation caused by the long period of civil strife which led to relatively high levels of emigration of skilled professionals.¹¹</p> <p>There is therefore a severe shortage of lawyers in Angola, and many Angolans struggle to obtain legal assistance in a variety of civil and criminal matters due to the low number, and therefore lack of availability, of qualified lawyers. According to OAA statistics, some provinces with more than a million inhabitants have just a handful of lawyers. Lawyers tend to be concentrated in Luanda, the capital and other large provincial centers. Many areas of law would therefore benefit from the provision of pro bono legal services, including, for example, criminal law (including prisoners’ rights), family law, employment law and civil law and litigation.¹²</p>
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>The main providers of pro bono legal services in Angola are the OAA, the Angolan government, Universities and private legal aid centers.</p> <p>The OAA has established <i>Direito para todos</i> (“<i>Law for All</i>”), a program through which lawyers provide free legal advice to citizens at monthly pro bono clinics, including in prisons.</p> <p>There have been increasing efforts to implement legal aid programs at Angolan universities. In 2014, the Faculty of Law at the University of Agostinho Neto established an inaugural pro bono clinic offering free legal advice in Cacuo for the start-up of micro businesses.¹³</p> <p>Recent efforts to increase resources available for pro bono work include the International Bar Association’s Human Rights Institute’s work with the Angolan Ministry of Justice and Angolan Secretary of State for Human Rights to improve the skills of members of the Angolan judiciary,</p>

¹⁰ Instituto Nacional de Estatística (INE) “*Resultados preliminares do censo geral – 2014*”

¹¹ *Angola: Promoção da Justiça Pós-Conflito*, INTERNATIONAL BAR ASSOCIATION HUMAN RIGHTS INSTITUTE, 23 (Jun. 2003), http://www.ibanet.org/Human_Rights_Institute/Work_by_regions/Africa/Angola.aspx (last visited on May 1, 2019).

¹² See <http://www.oaang.org/sites/default/files/ORDEM%20DOS%20ADVOGADOS%20DE%20ANGOL3.doc> (last visited on May 1, 2019).

¹³ International Law and Policy Institute. “Free legal aid clinic in Cacuo, Angola,” available at <http://ilpi.org/events/free-legal-aid-clinic-in-cacuaco/> (last visited on May 1, 2019).

		prosecutors and lawyers in international human rights law through providing training courses. ¹⁴
(c)	Obstacles to Provision of Pro Bono Legal Services	
	1. Do lawyers require a license to provide pro bono legal services?	Lawyers must be registered with the OAA in order to practice law (including the provision of pro bono legal services) in Angola.
	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Only foreign lawyers admitted to the OAA are allowed to practice law and provide pro bono legal services in Angola. There is a special apprenticeship regime for lawyers qualified in other jurisdictions requiring training within a legal practice for three months for qualified lawyers with a Roman-Germanic legal education, and six-months for qualified lawyers with an Anglo-Saxon legal education. Foreign individuals with a local law degree are allowed to apply for registration with the OAA and to carry out the required apprenticeship, but such registration is subject to the general principle of reciprocity with other countries. ¹⁵
	3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	Law firms are required by law to obtain Professional Indemnity Legal Insurance for all work including the provision of pro bono legal services. ¹⁶ Sole practitioners, however, are allowed to practice without professional indemnity legal insurance, and are therefore able to take on pro bono work without such insurance.
	4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	The advertising of legal services is restricted and subject to particular OAA regulations. While lawyers may advertise their professional names, contact details and expertise in legal magazines and general directorates, they are prohibited from advertising any kind of legal services and/or publicizing details of their clients in

¹⁴ International Bar Association. “Angola Human Rights Training 2012”, available at <http://www.ibanet.org/Article/Detail.aspx?ArticleUId=bdf43a75-f91b-4bb2-ad1c-acf88e18fc17> (last visited on May 1, 2019).

¹⁵ Article 14 of Advocacy Law and Article 14 of OAA Regulations 1/19, of 7 March 2019 <https://www.oaang.org/sites/default/files/oaanovoREGacessoadvoc.pdf> (last visited on May 1, 2019).

¹⁶ Regulations on Registration of Law Firms and Associations available at <http://www.oaang.org/sites/default/files/RegRegSocadvo.pdf> (last visited on May 1, 2019).

		the media (including pro bono successes and clients). ¹⁷
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Angola do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked. The OAA does not currently offer any continuing legal education programs for its admitted members, and lawyers in Angola are not required to undertake any such further continuing legal education.
(d)	Sources of Pro Bono Opportunities and Key Contacts	
	1. Describe any governmental sources of pro bono and/or other legal services in Angola.	<p>The OAA is strongly committed to ensuring access to justice and guidance and support to all citizens, by promoting – on a regular basis – pro bono activities and legal advice sessions to the population at large and organizing the provision of legal aid to citizens who are financially unable to hire a lawyer. All financial resources available to the OAA for pro bono projects and legal aid are funded directly by the Angolan government.¹⁸</p> <p>For legal aid, a citizen without the means to pay for legal representation is required to apply for a certification of their inability to pay by making a declaration of poverty (<i>atestado do pobreza</i>) addressed to the presiding judge to prove their eligibility.¹⁹ Upon presentation of the certificate to the OAA, the OAA appoints a lawyer and pays the lawyer certain statutorily prescribed fees.²⁰ However, the OAA’s ability to provide such legal assistance is in practice limited by the number of Angolan lawyers who have signed up for the program and the number of candidate lawyers (who are required by Angolan law to provide legal assistance within the scope of their limited powers and authority and their competence and experience) and the experience of such trainees.</p> <p>Practitioners in the OAA program are typically in private practice and accordingly perform such legal</p>

¹⁷ Available at <http://www.oaang.org/content/instrutivo-sobre-publicidade> (last visited on May 1, 2019).

¹⁸ Constitution of the Republic of Angola, Article 180, https://www.constituteproject.org/constitution/Angola_2010.pdf?lang=en (last visited on May 1, 2019).

¹⁹ Access to Justice in Africa and Beyond: Making the Rule of Law a Reality 2007. Penal Reform International and the Bluhm Legal Clinic of the Northwestern University School of Law. Chicago, Illinois.

²⁰ Joint Executive-Decree 46/97, of November 7, 1997 and OAA Order on legal fees available at <http://www.oaang.org/content/instrutivo-sobre-honorarios> (last visited on May 1, 2019).

	<p>assistance for reduced remuneration, as a public service or as a supplement to their fee-paying clients. In 2011, the Angolan government began to consider establishing a Public Defender Institute (<i>Instituto de Defesa Pública</i>) which would be staffed with full-time public defenders and receive an exclusive mandate from the government to deliver legal assistance to needy citizens.²¹ However, the process towards establishment and rollout of the Public Defender Institute throughout the country has been slow.</p>
<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Angola.</p>	<p>Pro bono resources in Angola are limited. The non-governmental organization <i>Mãos Livres</i> has noted that Angola lacks sufficient lawyers to conduct vital government functions, still less participate effectively in the provision of pro bono legal services.²² Access to justice for Angolans could be further improved through further development of the Legal Aid system described in response to question (d).1. above, and in particular through its development outside of Luanda.²³</p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>We are not aware of any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities.</p> <p>The non-governmental organization <i>Mãos Livres</i>, is an organization engaged in pro bono legal work in Angola²⁴. This organization has been recognized by several international and national organizations for its work in relation to the defense of human rights and evidence, and provides legal advice and assistance to people who would not otherwise have access to justice²⁵.</p>

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²¹ Josina de Carvalho, Magistrada propõe patrocínio judiciário, JORNAL DE ANGOLA, Jan. 15, 2011.

²² International Bar Association Human Rights Institute Report. “Angola: Promoting Justice Post-Conflict July 2003”, <https://www.ibanet.org/Document/Default.aspx?DocumentUid=8EE32437-024F-45C6-9C71-8A9C68D9B921> (last visited on May 1, 2019) at 33.

²³ *Ibid* at 52.

²⁴ IBAHRI, *supra* n. 5. at 33.

²⁵ <https://opais.co.ao/index.php/2018/02/02/associacao-maos-livres-presta-assistencia-juridica-a-18-mil-cidadaos/> (last visited on May 1, 2019).

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