

Statute governing the Right of Opposition

Law no. 24/98 of 26 May 1998

In accordance with Articles 114, 161c, 164h, 166(3), and 112(5) of the Constitution, the Assembly of the Republic hereby decrees the following, which shall possess the force of a General Law of the Republic:

Article 1 Right of opposition

Minorities shall be ensured the right to constitute and engage in a democratic opposition to the Government and to the executive bodies of the Autonomous Regions and of local authorities of a representative nature, as laid down by the Constitution or the law.

Article 2 Content

- 1 – Opposition shall be understood to be the activity of monitoring, supervising and criticising the political guidelines followed by the Government or by executive bodies of the Autonomous Regions and of local authorities of a representative nature.
- 2 – The right of opposition shall encompass such rights, powers and prerogatives as the Constitution and the law provide for.
- 3 – Political parties which are represented in the Assembly of the Republic, in regional legislative assemblies, or in any other assembly that is directly elected, shall also exercise their right of opposition to the respective executive branches when they are not a part thereof, by means of such rights, powers and prerogatives as the Constitution, the law, or the respective internal rules of procedure grant their members and delegations.

Article 3 Holders

- 1 – Political parties which are represented in the Assembly of the Republic and are not part of the Government, and political parties which are represented in regional legislative assemblies or on the decision-making bodies of local authorities and are not represented on the corresponding executive body, shall possess the right of opposition.
- 2 – Political parties which are represented on municipal councils shall also possess the right of opposition, on condition that none of their representatives holds an executive position or possesses delegated powers or any other form of direct and immediate responsibility for the exercise of executive functions in the authority in question.
- 3 – Groups of registered electors who are represented as such on or in any local authority body shall also possess the right of opposition, in accordance with the terms of the previous paragraphs.
- 4 – The provisions of this Law shall not prejudice the general right of democratic opposition appertaining to political parties or other minorities that are not represented on or in any of the bodies referred to by the previous paragraphs, as laid down by the Constitution.

Article 4 Right to information

1 – Holders of the right of opposition shall possess the right to be regularly and directly informed by the corresponding executive bodies about the situation and progress of the main matters of public interest related to the said bodies' activities.

2 – Such information shall be provided directly and within a reasonable period of time to the representative bodies or organisations of the political parties and other holders of the right of opposition.

Article 5 **Right to prior consultation**

1 – Political parties which are represented in the Assembly of the Republic and are not part of the Government shall possess the right to be consulted by the latter in relation to the following matters:

- a) The setting of the date of local authority elections;
- b) The general guidelines governing foreign policy;
- c) The general guidelines governing the national defence and internal security policies;
- d) Government bills concerning the Major Options of National Plans and the State Budget;
- e) Other matters provided for by the Constitution or the law.

2 – Political parties which are represented in regional legislative assemblies and are not part of the corresponding regional governments shall possess the right to be consulted about the following matters:

- a) Draft economic and social development plans and draft regional budgets;
- b) Negotiations in relation to international treaties and agreements which directly concern the Autonomous Region in question, and the monitoring of the implementation thereof;
- c) Pronouncements made at the initiative of the applicable regional government or in response to consultation by bodies that exercise sovereign power, in relation to matters which fall within the latter's areas of responsibility and concern the Autonomous Region in question;
- d) Other matters provided for by the Constitution, the applicable political/administrative statute, or the law.

3 – Political parties which are represented on or in decision-making bodies of local authorities and are not part of the corresponding executive bodies, and do not hold executive positions or possess delegated powers or any other form of direct and immediate responsibility for the exercise of executive functions on or in any of the bodies in question, shall possess the right to be consulted about the draft budgets and activity plans of all the said bodies.

4 – The provisions of Article 4(2) shall apply to the right to consultation, *mutatis mutandis*.

Article 6 **Right of participation**

Political parties which are in opposition shall possess the right to pronounce and intervene by such means as the Constitution or the law provide for, in relation to any matter of important public interest, as well as the right to be present at and participate in all such official acts and activities whose nature warrants it.

Article 7
Right to participate in legislation

Political parties which are represented in the Assembly of the Republic and are not part of the Government shall possess the right to pronounce themselves during the course of the preparatory work in relation to the Government's legislative initiatives on the following matters:

- a) Elections;
- b) Political associations and parties.

Article 8
Right to make depositions

Acting in the person of representatives who they shall designate freely, political parties which are in opposition shall possess the right to make depositions before any committee formed to draw up or conduct white papers, reports, inquiries, inspections, investigations, or other means of determining facts about matters of important national, regional or local interest.

Article 9
Guarantees of the freedom and independence of the media

1 – Political parties which are represented in the Assembly of the Republic and are not part of the Government shall possess the right to question the Government, and to obtain therefrom adequate information within a reasonable period of time, about such measures as it has taken to implement the constitutional guarantees concerning the freedom and independence of the media in relation to the holders of political and economic power, the imposition of the principles of the specialisation and non-concentration of companies that own general information media, non-discriminatory treatment, and the disclosure of the ownership and means of financing such media.

2 – The same parties shall also possess the right to question the Government and to obtain therefrom adequate information within a reasonable period of time, about such measures as it has taken to ensure that the media in the public sector possess a structure and modus operandi which safeguard their independence from the Government, the Public Administration, and other public authorities, as well as about the constitutional guarantee of the ability of all the different currents of opinion to express themselves and to confront one another.

3 – Political parties which are represented in regional legislative assemblies and are not part of the corresponding regional governments shall possess the same rights in relation to the media in their Region.

Article 10
Evaluation reports

1 – The Government, and the executive bodies of the Autonomous Regions and of local authorities, shall draw up reports that evaluate the degree to which the rights and guarantees laid down by this Law are complied with, by the end of March in the year following that to which they refer.

2 – Such reports shall be sent to the holders of the right of opposition, in order that they may pronounce themselves thereon.

3 – At the request of any of the holders mentioned by the previous paragraph, the applicable report and response may be the object of public discussion in the corresponding assembly.

4 – In order to facilitate the evaluation system provided for by the previous paragraphs, the holders of public television and radio service concessions shall draw up periodic reports on the way in which the rights and guarantees of the objectivity, accuracy, independence and pluralism of information that are provided for by the Constitution or the law have or have not been implemented, and shall send them to the Assembly of the Republic.

5 – The reports referred to by the previous paragraphs shall be published in the *Diário da República*, the official journals of both Autonomous Regions, or the applicable municipal journal or bulletin, as appropriate.

Article 11 **Revocatory rule**

Law no. 59/77 of 5 August 1977 is hereby revoked.