

AFRICAN UNION

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AFRICAN UNION ELECTION OBSERVATION MISSION

TO THE

2 - 4 SEPTEMBER 2018 PARLIAMENTARY ELECTIONS

IN THE REPUBLIC OF RWANDA

PRELIMINARY STATEMENT

INTRODUCTION

1. At the invitation of the authorities of the Republic of Rwanda, the Chairperson of the African Union Commission, His Excellency **Moussa Faki Mahamat**, deployed an African Union Electoral Observation Mission (AUEOM) to observe the parliamentary elections scheduled to take place from the 2nd to 4th September 2018.
2. The African Union, at the recommendation of the pre-election assessment mission which took place from 22nd to 29th July 2018 in Kigali, deployed a short-term observation (STO) mission to observe the parliamentary elections in the Republic of Rwanda.
3. Her Excellency **Aichatou Mindaoudou Souleymane**, former Minister of Foreign Affairs of the Republic of Niger led the STO mission. The AUEOM comprised of 30 short-term observers from the following 20 countries: Algeria, Burkina Faso, Cameroon, Central African Republic, Chad, Côte d'Ivoire Ivory, Djibouti, Ethiopia, Ghana, Guinea, Kenya, Mali, Morocco, Mauritania, Niger, Nigeria, Republic of Congo, Senegal, Sierra Leone, South Africa, Togo, Tunisia, and Zimbabwe. It was comprised of members of the Pan African Parliament (PAP), representatives of election management bodies, members

of civil society organizations and the academia.

4. The AUEOM was deployed in accordance with the provisions of the African Charter on Democracy, Elections and Governance (ACDEG), the OAU / AU Declaration on the Principles Governing Democratic Elections in Africa, the Guidelines for African Union Electoral Observation and Monitoring Missions, Constitution of Rwanda as well as relevant laws of Rwanda.
5. The mission benefited from the technical and logistical support from the African Union Commission as well as electoral expert/analysts.
6. This statement sets out the recommendation of the pre-assessment mission and presents the preliminary conclusions of the mission following the observation of the voting and counting operations. A more comprehensive final report will be sent to the Rwandan authorities subsequently.

OBJECTIVES AND METHODOLOGY

7. The mandate of the AUEOM was to undertake an impartial and independent assessment of the organization and conduct of the elections from the 2nd to 4th September 2018 in accordance with the laws of Republic of Rwanda, the principles set forth in the instruments of the African Union as well as international instruments set for elections.
8. To this end, the AUEOM initiated a series of engagements with various stakeholders in the electoral process, in particular the National Electoral Commission (NEC), the High Council for Media (HCM), the National Consultative Forum for Political Organization (NFPO), the Supreme Court (SC) and the Rwanda Civil Society Platform (RCSP). The AUEOM also met international partners such as the United Nations Resident Coordinator in Rwanda, the Delegation of the European Union and the Office of the High Commissioner of Canada in Rwanda.
9. The AUEOM deployed 12 teams into the five (5) provinces of Rwanda. Prior to their deployment, the observers participated in briefings on the political and electoral context of Rwanda, election observation techniques and methodology.
10. On Election Day, the observers observed the opening of the polling stations, the conduct of the voting and counting in their various areas of deployment. In all, the AUEOM covered 155 polling stations across the country.

FINDINGS AND PRELIMINARY OBSERVATIONS

A. POLITICAL CONTEXT

11. The 1994 Rwandan genocide has profoundly shaped the country's political climate. Thus, efforts have been made to promote national unity and the elimination of all forms of discrimination as provided for in the preamble of the 2003 Constitution revised in 2015 wherein the Rwandan people reaffirm their determination to combat the ideology of genocide by emphasizing equitable

power sharing.

12. Long perceived as a factor of division of Rwandans and threatening national reconciliation, the political parties under the NFPO, incessantly encourage consensus decision making.
13. Indeed, national reconciliation and the preservation of peace is a priority for the people of Rwanda. Thus, the basis of the establishment and the consolidation of the democratic institutions and the reinforcement of the multiparty system has been underpinned by the country's continuous search for effective power sharing.
14. The principle of equitable power sharing is therefore embodied in the allocation of parliamentary seats to representatives of specific groups including women (24), youth (2), and persons living with disabilities (1). The principle of power sharing is also implemented by the rule that the government cannot have more than 50% majority party members in the National Assembly as provided for by Article 62 of the Constitution. Additionally, the constitution mandates that the President of the Republic and the President of the Chamber of Deputies cannot come from the same political party.
15. The parliamentary election held on 2nd to 4th September 2018 is the fourth cycle since the 1994 genocide and the first after the adoption of the revised Constitution in 2015. Following the adoption of the 2015 Constitution, opposition political parties won seats to the Chamber of Deputies. The AUEOM welcomes the new era in the process of promoting democracy and a multiparty system in the Republic of Rwanda.
16. In these elections, the voters were required to elect 80 deputies, of whom 53 were directly elected and 27 indirectly. A total of 521 candidates, including 302 from the ruling party Rwandan Patriotic Front (RPF), ran for the elections. In previous parliamentary elections, six political parties' members of the National Forum for Concertation of Political Formations (UDPR, PSR, PPC, PDC, PSP, PDI) formed a coalition with the RPF to solicit over 7.1 million registered voters.
17. There were (5) five independent candidates contesting elections. The multiplicity of independent candidatures is undoubtedly an important step moving forward in the participation of all Rwandans in the democratic process of their country.

B. LEGAL FRAMEWORK

18. The 2003 Constitution revised in 2015 and the Law No. 27/2010 of 19 June 2010 as amended and complimented by Organic Law No. 004 / 2018.OL of 21/06/2018 are the main legislations governing the parliamentary elections in

Rwanda.

19. The fundamental law and other regulations, issued by the NEC and the decrees of the President of the Republic of Rwanda, establish the arrangement for the organization and conduct of the parliamentary elections and the authority for declaration of results and electoral disputes.
20. The electoral system, in particular the dual voting mechanism, direct and indirect voting allows for the participation of all social strata of the population.

C. ELECTORAL ADMINISTRATION

21. Parliamentary elections are organized by the NEC, an independent body responsible for the conduct of all public elections. It is comprised of 7 (seven) members that constitute the Council of Commissioners. Members to the Council of Commissioners are proposed by the Senate and appointed by a presidential decree.
22. The NEC has broad powers to prepare, organize and supervise elections. It is empowered to compile and update the electoral rolls, to set the framework for the election campaign, to announce the provisional and final results of the parliamentary elections. Moreover, the NEC is also responsible for undertaking civic / voter education activities.
23. The Constitution grants the NEC the mandate to issue regulatory framework i.e. Regulation No. 03/2018 of 09/07/2018 that governed the 2018 parliamentary elections; the procedures to be followed by polling station officials, particularly regarding the rights and duties of representatives of political parties, independent candidates, journalists, security organs, observers, the consolidation of results, tallying, posting, and transmission of results, and the methods for the resolution of disputes.
24. The mission noted with satisfaction the introduction of the braille ballots, already introduced for the 2017 presidential election, designed and printed for persons who are visually impaired, allowing for inclusivity in accordance with the provisions of article 21 of the Declaration of Human Rights and Article 25 of the International Covenant on Civil and Political Rights.
25. For the parliamentary elections of September 2018, the NEC engaged the assistance of 75,000 volunteers who were trained particularly for the elections.
26. The AUEOM noted that the NEC was able to take all necessary steps in time to organize the elections.

D. REGISTRATION OF CANDIDATES

27. In addition to the eligibility requirements relating to nationality, moral integrity and the respect of civil and political rights, the Election Act sets a minimum age of 21 for the candidacy for parliamentary elections.
28. For the elections of 53 deputies by direct suffrage, the admission of independent candidatures is also subject to the requirement to provide a list of supporters containing at least six hundred (600) signatures of supporters, twelve (12) from each district. This special condition is not applicable to candidates in indirect elections for the 27 seats reserved for women, young people and persons living with a disability.
29. Political parties were allowed to submit lists of candidates with a maximum of 80 candidates. The NEC received 521 candidates from political parties and independent candidates.
30. For indirect polls, one hundred and seventy-nine (179) women candidates were registered for the twenty-four (24) seats reserved for women, twenty-six (26) youth candidates for both (2) seats reserved for young people and ten (10) candidates for the seat reserved for persons living with a disability (PWD).

E. VOTERS REGISTRATION

31. Every Rwandan, aged 18, has the right to register and vote except in cases of exclusion as provided by law; in particular persons found guilty of the crime of genocide or crimes and misdemeanors of common law, persons in pre-trial detention in criminal proceedings.
32. The voters register for direct elections is reviewed at least once every year. The AUEOM noted that the revision process of the register was completed in May 2018 at the national level and in August 2018 at all Rwandan missions abroad respectively.
33. The final number of registered voters announced by the NEC for the 2nd to 4th September 2018 parliamentary elections was 7,172,612 of whom 54% were women and 46% men. The figures represent a 20% increase of voters when compared with the number of registered voters in 2013 general elections when it stood at 5,953,531. Notably, the 3,233,288 youth that registered for the 2018 elections comprised 45% of the total number of registered voters.
34. No registration related challenges or petitions were brought to the attention of the AUEOM.

F. ELECTORAL CAMPAIGN

35. The election campaign began on 13th of August 2018 and ended on September 2nd, 2018 (Presidential Decree No. 98/01 of June 2, 2018). The AUEOM noted that the campaign process was peaceful and without any major incidents.
36. However, the AUEOM noted that there were delays in granting of authorization to hold rallies as reported some political parties. Though the general climate for election campaign in Rwanda has improved significantly since the last parliamentary elections.

G. MEDIA AND FREEDOM OF EXPRESSION

37. The media in Rwanda are governed by Law No. 02/2013 of 08/02/2013. The gradual liberalization of the media environment in recent years has contributed to the existence of 32 radio stations, 12 television channels, 50 newspapers and 80 websites. The mission noted that the mainstream media is generally devoid of opposition views on public and political discourse.
38. Equal access of candidates to the state media during an election period is the responsibility of the NEC (Article 67 of the Electoral Law). While the NEC ensured a fair amount of airtime was made freely available to all candidates, access to private media was with a cost to political actors.
39. The mission welcomes, however, the measures taken by the authorities in 2013 through the law of 84/2013 clarifying the terms of the ideology of genocide, constituting a criminal offense which, in the past, may have given rise to human right abuses that affected freedom of expression and opinion, as enshrined in the Constitution.

G. CIVIC EDUCATION

40. Citizen participation in the electoral process is to guarantee free, inclusive and credible election.
41. The civic education of citizens in Rwanda is the responsibility of the NEC. As part of the mandate of NEC civic/voter education awareness was created among the citizenry activities using both conventional and unconventional mediums: traditional visual and audio media; leaflets, banners and other posters. NEC also mobilized 75,000 volunteers to support its voter education activities at the sector and cell levels.
42. The mission noted with satisfaction the fact that all stakeholders in the electoral process were actively involved in the awareness campaign both at the national and local levels, through the use of community radios and

community meetings commonly referred to as MUGANGA.

43. The mission noted the low rate of rejected ballots in the elections held from the 2nd to the 4th of September 2018. This may be attributed to an effective voter/civic education.

H. CIVIL SOCIETY AND ELECTORAL OBSERVATION

44. The Rwandan electoral code allows election observers to observe the electoral process.

45. To this end, the NEC published a guide which specified the rights and obligations of observers. The observer thus, had access to all the places where the electoral operations took place, which in effect allowed the observers to assess the poll and subsequently issue independent reports and findings to NEC within a period not exceeding 60 days after the elections. In all, the NEC accredited 776 domestic observers and 184 international observers respectively.

46. The AUEOM noted a strong presence of civil society organizations and domestic observers in the polling stations visited. The NFPO also deployed approximately 100 observers throughout the country. However, their presence was less visible during the indirect polls.

47. Other international observers were also present; the mission noted the presence of the representatives from the Parliamentary Forum, the League of Human Rights in the Great Lakes Region (LDGL) and some from European chancelleries.

I. WOMEN PARTICIPATION

48. Rwanda attaches particular importance to women in political life. Women participation is enshrined in Article 10 of the Constitution which establishes a fundamental principle based on "equality between men and women as reflected in the allocation to women in parliament of at least thirty percent (30%) of positions in decision-making bodies.

49. Since 2008, Rwanda has become the only country in the world where the National Assembly has a majority of women members. In the outgoing 2013 Chamber of Deputies, women represented nearly 64% of the elected representatives, as compared to 57% in 2008. They also represent 54% of the voters registered on the electoral list for the polls.

J. ELECTIONS DAY OBSERVATION AND COUNTING

A. VOTE OPENING (DIRECT ELECTIONS)

50. According to the field reports received from the 30 observers deployed to the 155 polling locations, many polling stations were accessible to persons with disabilities and the layout of the stations promoted the smooth flow of voting.

B. ELECTORAL MATERIALS

51. Observers noted that election materials were supplied on time and in sufficient quantity throughout the day.

C. PROCEEDINGS AT POLLING STATIONS

52. Polling officials and voters showed proper understanding of the voting procedures. The officials were professional in the management of the polling stations and in effect the secrecy of the voting was guaranteed. At no time was the vote interrupted or disturbed. All the voting rooms remained open until the legal closing time. In most of the voting rooms visited by the AUEOM, the officials exhibited control of the procedures. The integrity and secrecy of voting were guaranteed.

D. CLOSURE AND COUNTING

53. All the polling rooms visited closed at 3pm as per the legal closing time.

54. The ballot papers were immediately counted at the close of voting in the presence of the representatives of the political parties, the national and international observers in accordance with the instructions of the NEC.

E. ELECTORAL STAFF

55. The AUEOM noted the presence of all officials at the opening of the poll and throughout the voting.

56. Polling station officials were easily identifiable and easily distinguished from other political party delegates and observers in all the polling stations visited.

57. AUEOM observers noted that the polling station staff mastered voting procedures and normally interacted with election stakeholders, including political party representatives and observers.

F. VOTER TURNOUT

58. The mission generally noted the high voter turnout at the opening of the polling stations visited throughout the country.

G. PARTICIPATION OF WOMEN

59. Women were remarkably represented as voters, political party delegates, and observers. Moreover, in all the voting halls visited, the Mission noted with satisfaction the strong presence of women among the election officials.

H. REPRESENTATIVES OF POLITICAL PARTIES, CANDIDATES AND OBSERVERS

60. The AUEOM noted the involvement of stakeholders throughout the voting process. AU observers met with national and international observers, as well as a number of representative of candidates deployed to monitor the electoral process.

I. SECURITY

61. The presence of law enforcement was noted in the majority of polling stations where observers were deployed. They were discreet and professional through the day.

J. CONCLUSION AND RECOMMENDATIONS

Following the exchanges with the various stakeholders in the electoral process and on the basis of the data collected by observers in the field, the AUEOM noted with satisfaction that the legislative elections from 2nd to 4th September 2018 took place under satisfactory conditions of freedom and transparency. The elections gave Rwandans the opportunity to freely choose their representatives to the Chamber of Deputies.

The AUEOM urges Rwandan political actors to respect the will of the people as expressed through the results that will come out of the polls and to use only the legal channels of appeal in case of contesting the results. The AUEOM further, encourages Rwandans to maintain the climate of consensus that has prevailed since the enactment of the new constitution, in order to consolidate the rule of law and to preserve peace and stability; a prerequisites for economic development and the strengthening of democracy.

The AUEOM takes this opportunity to congratulate the Rwandan people and all political actors and civil society for the political maturity they have shown during this electoral process.

RECOMMENDATIONS

- GOVERNMENT

- To pursue and continue to maintain the climate of peace and security conducive for the promotion of democracy and the rule of law.
- To encourage initiative to ensure greater representation of political parties in election observation.

- THE NATIONAL ELECTORAL COMMISSION

The mission recommends:

- To continue awareness and citizen education
- To build the capacity of volunteers in election management.
- Consider, in line with the recommendations of the 2013 AUEOM, introducing serial numbering of ballot papers.

TO POLITICAL PARTIES

- To encourage the participation of their representative at the polling stations and polling rooms.
- To continue to engage in the electoral process while preserving a calm climate and mutual respect.

TO CIVIL SOCIETY

- Continue its efforts to promote greater citizen participation in the consolidation of democracy in Rwanda.

Done at Kigali on 6 September 2018

H.E AICHATOU MINDAOU DOU SOULEYMANE
Chef de Mission