



EUROPEAN PARLIAMENT

**DELEGATION TO OBSERVE  
THE PARLIAMENTARY ELECTIONS  
IN RWANDA**

**(12 - 18 September 2008)**

**Report by  
Mr Jürgen Schröder,  
Chairman of the Delegation**

- Annexes:
1. List of participants
  2. Programme
  3. Preliminary statement of the EU Election Observation Mission
  4. Press release of the EU EOM of 17 September 2008
  5. European Parliament press statement of 17 September 2008

## Introduction

A European Parliament Delegation of five Members led by Mr Jürgen Schröder and composed of Mrs Glenys Kinnock, Mrs Marie-Arlette Carlotti, Mrs Marie Anne Isler Beguin and Mr Johan Van Hecke, was sent to Rwanda to observe the legislative elections held there on 15 September 2008.

The Delegation met three times before leaving for Rwanda. At its first meeting on 8 July, Mr Jürgen Schröder was elected as Chairman. An exchange of views was held with the Chief Observer, Mr Michael Cashman, on the political situation in the country in the context of the elections, and on the work of the EU Election Observation Mission (EOM). At its second and third meetings, on 3 and 8 September respectively, the Delegation discussed the draft programme of the mission and the deployment possibilities for Election Day.

It should be noted that the Members of the Delegation were put under a lot of pressure prior to their departure for Rwanda. Visas for five participants of the Delegation (three from France and two from Germany) were delayed and only issued at the last moment from the Rwandan Embassy in Brussels. A visa was denied to one Belgian participant (Mr Koenraad Dillen), who subsequently decided to withdraw from the Election Observation Delegation.

## Brief overview of the Delegation's activities in Rwanda

The delegation stayed in Rwanda between 12 and 18 September 2008. In the days before the elections, the Members met with the Chief Observer, Mr Michael Cashman, and the EU EOM Core Team, as well as the representatives of the three main political formations (Rwandan Patriotic Front, Social Democratic Party, Liberal Party), the independent candidate competing in the 2008 Chamber of Deputies elections, the chairman of the National Electoral Commission (NEC), the presidents of two domestic observer groups (CSEOM - Platform, LDGL), the president of the National Council of Women, the executive secretary of the National Unity and Reconciliation Council, the European Commission representative in Rwanda, and the Heads of missions of several Member States (Belgium, UK, Germany and the Netherlands). Long before Election Day, an audience with the President of Rwanda had been requested for the entire delegation, but it was turned down. The volume and diversity of meetings with the different political stakeholders gave the delegation a good overview of the context of, and the preparations for, the elections.

To cover Election Day, the Delegation split into 5 groups, two of which were deployed in Gisenyi and province and three in Kigali and surroundings.

On 16 September Mrs Glenys Kinnock observed the indirect elections of 24 female members to the Chamber of Deputies in the Nyarugenge District, City of Kigali. On the same day a debriefing with the Chief Observer, Mr Michael Cashman, took place, during which the general impressions of the delegation were considered.

Mr Jürgen Schröder presented the findings and presented the views of the Members of the Delegation at a press conference on 17 September 2008.

As a whole, the EP Election Observation team was able to handle all challenges that arose, it worked very well as a unit, and maintained close cooperation with the EU EOM.

### Main observations during Election Day

Having visited more than 30 polling stations on Election Day, the Delegation observed that the elections were organised in a proper way, well prepared and were conducted in a calm and peaceful atmosphere.

On the morning of Election Day, each of the teams witnessed the opening procedure at their respective polling stations. Stations opened on time and voting took place in a disciplined way without any observed incident. Security conditions were very good – the police maintained a low profile, and remained on the periphery of all polling station sites.

There was a pervading atmosphere of goodwill, and election staff were highly dedicated. As a result, the Members of the Delegation were well received at the polling stations they visited.

At the same time, some serious shortcomings and irregularities in the performance of voting and counting procedures were observed. For instance, the majority of ballot boxes were not sealed. Each box was supposed to be sealed with non-reusable plastic seals two times - before voting started and after counting ended. In some places, however, the NEC failed to deliver enough seals. In other places, problems with the sealing were caused by shortcomings in the NEC's instructions. In most cases however, the sealing problems were assessed as not undertaken with fraudulent intent and overcome at an early stage of the voting process.

In addition, in some polling stations voter turn-out was above 100%, which was substantiated by the additional number of voters in the annexes to the voter lists. In general, people turned out to vote in large numbers, leading to an unusually high total turn-out (over 98%). In some polling stations, turnout already had reached 100% by 11 o'clock. However, the supplementary voters lists, which were usually very long (sometimes equal to a third of the original voter list length), could have provided room for "double voting".

The members also noticed that agents from the Rwandan Patriotic Front (RPF) were systematically present inside and around the polling stations, while the presence of other political parties' agents was negligible. Moreover, in some polling stations there were agents whose function was unclear (but most probably RPF representatives), but who were giving instructions and explaining to the voters the procedures they had to follow inside the station – a responsibility which should be exclusive to election staff.

As regards the counting of votes, the consolidation of ballot papers (number of ballot papers received, number of people voted, number of papers in the ballot box, number of papers left, number of invalid papers) was not always performed and noted down before counting commenced. In most polling stations the counting procedure itself

was particularly slow and sometimes votes had to be recounted several times. After each count, results usually differed slightly, and in some cases the total number of counted votes didn't match the number of votes cast according to the register and appendix. Finally, the Members were surprised that the voting results noted down from the polling stations observed were significantly different from those that were officially announced results.

The indirect election of 24 female representatives that took place on 16 September also took place in a peaceful and orderly manner. However, some peculiarities for "women's elections" were noted: polling station staff consisted of three men and only two women, and men seemed to have the priority in casting their votes first.

### Main conclusions and recommendations on the elections

On the basis of the above observations and findings, the Delegation came to the following conclusions:

There was a lack of real competition during the election process. In the Delegation's opinion, the most serious failing of the election process was the lack of real competition between political parties, the lack of diverging political views and public opinion expressed during the elections. The Members recognise that these elections should be considered against the background of the genocide of 1994. Against this background, in today's Rwanda the principles of power-sharing and decision-making by consensus are constitutionally enshrined, and have led to a state of "complementary parties to", rather than "opposition parties to" the governing RPF. Nevertheless, the Delegation considers that events of the genocide cannot be constantly used as a justification and excuse for the lack of competitive elections and plurality of political views. The Members believe that real electoral choices and alternatives, stemming from true competition between political actors, are prerequisite for, and the essence of, parliamentary democracy.

Voters were put under pressure from the governing party. The unusually high voter turnout was the most obvious result of the pressure exerted by the governing party. Another illustration of this pressure was the systematic presence of RPF agents in the polling stations.

The indirect elections for the 24 women deputies were not representative and transparent enough. The delegation commends Rwanda for having the highest percentage of female parliamentary representatives in the world (56 %). At the same time however, the Members consider that indirect elections for women tend to blur transparency as regards political affiliation of elected representatives, and are less representative, as they cut the link between the electorate and the elected. In this context the Delegation recommends that all elections in the Rwandan parliamentary system become direct, in order to overcome the above constraints.

The training of polling staff was insufficient. Many of the irregularities during the election process resulted from inadequate training of polling staff. Such technicalities are, however, indispensable safeguards for the success of the election process. For instance, problems arising from the ballot box seals made, to a large extent, all

subsequent steps of the election process problematic, and undermined the accountability of the election result. The failure to reconcile the votes impeded the accountability of the voting process. To avoid such shortcomings, in future the NEC will have to organize increased and more adequate training for election staff. The Delegation considers that the European Parliament, if requested, could also provide support and assistance in this training.

In the end, it is clear that confidence in the electoral process has not been fully re-established, but some progress seems to have been made in comparison with previous elections in Rwanda. However, these modest but highly progressive steps forward have to be enhanced, and further efforts have to be made to open up Rwanda's political space, media, and civil society to diverging views and opinions, so that Rwanda can become a truly vibrant democracy and serves as an example to other countries in the region.

# EUROPEAN PARLIAMENT

## ELECTION OBSERVATION DELEGATION IN RWANDA

### PARLIAMENTARY ELECTIONS (15 September 2008)

#### List of participants

##### Members

Mr Jürgen SCHRÖDER, EPP-ED, German (*Chairman*)  
Mrs Glenys KINNOCK, PSE, British  
Mrs Marie Arlette CARLOTTI, PSE, French  
Mr Johan VAN HECKE, ALDE, Belgian  
Mrs Marie Anne ISLER BEGUIN, Verts/ALE, French

##### Secretariat

Mr Dietmar NICKEL, Director General  
Mr Pietro DUCCI, Head of Unit  
Mrs Nikolina VASSILEVA, Administrator  
Mrs Claudine STAUB, Assistant

##### Political Groups

Mr Jesper HAGLUND, EPP-ED  
Mrs Ruth DE CESARE, PSE  
Mrs Tsiguereda WALELIGN, Verts/ALE

##### Interpreters

Mr Malick SY  
Mr Nicholas CROWTHER

##### Abbreviations :

EPP-ED	European People's Party/European Democrats	GUE/NGL	European United Left/Nordic Green Left
PSE	Party of European Socialists	UEN	Union for Europe of the Nations Group
ALDE	Alliance of Liberal and Democrats for Europe	I-D	Independence/Democracy
Verts/ALE	Greens/European Free Alliance	NI	Non-attached

**EUROPEAN PARLIAMENT**  
**PARLIAMENTARY ELECTIONS IN RWANDA**  
**ELECTION OBSERVATION DELEGATION**

**12-17 September 2008**

**PROGRAMME**

**Members**

Mr Jürgen SCHRÖDER, EPP-ED, German (*Chairman*)  
Mrs Glenys KINNOCK, PSE, British  
Mrs Marie Arlette CARLOTTI, PSE, French  
Mr Johan VAN HECKE, ALDE, Belgian  
Mrs Marie Anne ISLER BEGUIN, Verts/ALE, French

**Secretariat**

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Mrs Nikolina VASSILEVA  
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**Political Groups**

Mr Jesper HAGLUND, EPP-ED  
Mrs Ruth DE CESARE, PSE  
Mrs Tsiguereda WALELIGN, Verts/ALE

**Interpreters**

Mr Malick SY  
Mr Nicolas CROWTHER

## **Friday, 12 September**

*Afternoon*

Arrival of Members in Kigali and transfer to the hotel

SERENA HOTEL  
P.O. Box 7469  
Kigali  
Tel. +250 597 100  
Fax + 250 597 101

20.00

Dinner with the Chief observer of the delegation and the Head of the EC delegation  
*Venue: Chez Robert*

## **Saturday, 13 September**

8.30-9.30

Meeting with the Chief Observer, Mr Michael CASHMAN  
Briefing by the Core Team of the EU Election Observation Mission  
- Analysis of the political situation with reference to parliamentary elections  
- Analysis of the electoral and legal situation  
- Media landscape and campaign environment  
*Venue: Novotel*

9.30

Meeting with the Heads of EU missions  
*Venue: Novotel*

10.30

Meeting with Prof. Chrysologue KARANGWA, Chairman of the National Election Commission  
*Venue: Novotel*

11.15

Departure for the National Genocide Memorial

11.30

Visit of the National Genocide Memorial

13.00

Buffet lunch  
*Venue: Novotel*

14.00

Meeting with Mr Jean-Marie Vianney HARERIMANA, Independent Candidate  
*Venue: Novotel*

15.00

Meeting with Mr Eugene RWIBASIRA, President of Civil Society Electoral Observation Mission  
*Venue: Novotel*

16.00

Meeting with Mr Protais MITALI, PL President and Minister of Youth  
*Venue: Novotel*

17.00

Meeting with Mr Jean Damascene NTAWUKULIRYYAYO, PSD Candidate and Minister of Health



*Venue: Novotel*

19.30 Dinner at the Residence of Head of EC Delegation

**Sunday, 14 September**

09.00 Meeting with Mrs Fatuma NDANGIZA, National Unity and Reconciliation  
Executive Secretary  
*Venue: Novotel*

10.00 Meeting with LDGL, Domestic Observer Group  
*Venue: Novotel*

11.00 Meeting with Mr Christophe BAZIVAMO, RPF Vice-President and Minister of  
Agriculture  
*Venue: Ministry of Agriculture*

12.30 Meeting with Mrs Oda GASINZIGWA, President of the National Council of  
Women  
*Venue: Novotel*

✓ Team observing in GISENYI

14.00 Departure from Kigali

Arrival at the hotel  
SERENA HOTEL  
P.O. Box 7469  
Kigali  
Tel. +250 541 101 - Fax + 250 541 102

19.00 Briefing by EU-EOM Long Term Observers in Gisenyi

On election day, opening and observation in Gisenyi, then back to Kigali on 14  
September morning

✓ Teams observing in KIGALI

Briefing by EU-EOM Long Term Observers in Kigali

**Monday, 15 September**

Election Day

Opening of the polling stations at 6 am and closing at 3 pm.

Counting at polling station level from 5 pm.

**Tuesday, 16 September**

Debriefing of the delegation on the election observation from different teams

Exchange of views of the delegation with Mr CASHMAN, the EU-EOM and the representatives of the Member States

19.00 Cocktail hosted by the EP delegation with the EU-EOM, the European Commission's Delegation, representatives of the Member States and other international observers  
*Venue: Serena hotel*

**Wednesday, 17 September**

Joint press conference, presentation of the preliminary statement

End of the mission



**European Union Election Observation Mission  
Republic of Rwanda 2008**

Legislative Elections 15-18 September 2008

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**Statement of Preliminary Findings<sup>1</sup>**

**2008 Elections prove a sound basis for further reform**

**Kigali, 17 September 2008**

*The European Union Election Observation Mission (EU EOM) has been present in Rwanda since 19 July 2008, following an invitation from Rwandan authorities. The Mission is led by Michael Cashman, Member of the European Parliament. The EU EOM deployed a total of 101 observers from 26 Member States as well as Switzerland and Norway. For observation of election day proceedings, the EU EOM was joined by a delegation from the European Parliament, led by Jürgen Schröder, who fully endorse the views expressed in this statement. Observers followed the electoral process in all 30 districts of Rwanda. The Mission assessed the conduct of the elections in accordance with international standards for democratic elections. The EU EOM adhered to the Declaration of Principles for International Election Observers, commemorated at the United Nations in October 2005. The EU EOM is currently continuing to observe the indirect elements of the elections as well as the result tabulation and will remain in country to observe all aspects of the post-election process. A final report will be published approximately one month after the conclusion of the entire election process. The EU EOM is independent in its findings and conclusions from EU Member States, the European Parliament and the European Commission.*

**Executive Summary**

- The 15 September direct elections for 53 members of the Chamber of Deputies were conducted peacefully and were well prepared. As compared to the 2003 elections, these elections saw significant improvements for candidates, notably guaranteeing the freedom of association and assembly at local level. However, procedural safeguards and transparency of the vote counting and consolidation process need to be substantially enhanced in order to meet international best practices. A notable example is the lack of provisions for the obligatory publication of results per polling station.

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<sup>1</sup> This preliminary statement is available in English and French, but only the English version is official.

- While the elections were well prepared, the high voter turnout raises questions about the counting and consolidation process. In over half of the polling centers observed by the EU EOM, NEC rules and procedures were not properly followed.
- These elections, the second national elections since the genocide of 1994 took place against the background of the legacy of the events during the genocide, leading to a continuing emphasis on national unity and reconciliation. Consequently, the constitution enshrines principles of power sharing, decision making by consensus and inclusiveness. In that context, the EU EOM noted an absence of plurality of public opinions expressed during the electoral process.
- The election legislation including the legal framework governing complaints and appeals is generally in accordance with international standards. It includes recent improvements, such as a more inclusive voter register, the possibility for political parties to establish permanent structures down to the local level, procedures to deal with violations of campaign regulations and additional measures for the promotion of gender equality.
- Further improvements to the elections of 2003 include the right to vote and to stand for election granted to so-called “category 3 perpetrators”, i.e. persons who are convicted of or have confessed offences against the property of victims of genocide. Over 300,000 citizens, 7% of the electorate, are now additionally enfranchised.
- The disenfranchisement of certain groups of citizens, including detainees in pre-trial detention and prisoners convicted for minor offences as well as the vague prohibitions of defamation and divisionism raise concern.
- Positively, there is a strong emphasis on the promotion of gender equality. A combination of a 30% quota for party lists in combination with 24 reserved seats led to a balanced representation of women and men in the Chamber of Deputies.
- The electoral system of Rwanda combines direct and indirect elements with reserved seats in the indirect elections for representatives of women, youth and disabled. While these elements guarantee a minimum representation of the respective groups, indirect elections can weaken the democratic link between citizens and their representatives.
- The Rwandese National Election Commission has proven its technical and operational capability as well as its ability to swiftly respond to difficulties on the ground.
- Campaigning was generally low-key with rallies prominently featuring music and dancing and only brief political speeches with limited information on party programmes. While all contenders engaged in campaigning, the RPF-led coalition was much more present than the other parties PSD or PL, both of which presented themselves as complementary rather than as competitors, placing themselves within the national agenda of unity and development. The one independent candidate did not

and 27 deputies indirectly elected from 16 to 18 September. The direct elections were contested by three political entities: the Rwandan Patriotic Front (RPF) leading a coalition that included six small parties,<sup>3</sup> the Social Democratic Party (PSD), the Liberal Party (PL) as well as one independent candidate. The directly elected members of parliament are elected by a proportional representation system with closed lists in a single nationwide constituency. Only parties or independent candidates passing a 5% threshold will be represented in parliament.

The RPF, who in 2003 won the elections in a coalition including 4 smaller parties, also holds the presidency.<sup>4</sup> No political party registered in Rwanda claims large ideological differences to the RPF. The campaign was thus non-competitive, marked by this overarching consensus and the absence of oppositional politics.

Multi-partyism, the constitutionally recognised form of governance in Rwanda is set in the context of the determination to avoid ‘divisionism’ and fight all forms of ‘genocide ideology’. Overcoming past divisions is of primary importance to the people of Rwanda. The EU EOM notes the vague definition of ‘divisionism’, which could affect the plurality of opinion.

### **Legal Framework**

The electoral legislation is enshrined in the 2003 Constitution, the Organic Law governing Presidential and Parliamentary Elections (Electoral Law) and the Law governing Political Organizations and Politicians (Law on Political Parties). These laws are complemented and detailed by regulations and instructions issued by the National Electoral Commission (NEC). Rwanda has either ratified or acceded to all major treaties containing international standards for elections.<sup>5</sup>

The legal framework is generally in accordance with international standards. Amendments of the Electoral Law in 2007 and 2008 and the Law on Political Parties of 2007 introduced a number of improvements in comparison to the 2003 elections. These include the right for “category three perpetrators”<sup>6</sup> to vote and stand for elections; the possibility for political parties to establish permanent structures down to the local level; procedures to deal with violations of campaign regulations, and additional measures for the promotion of gender equality.

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<sup>3</sup> The six small parties are: the Centric Democratic Party (PDC), the Ideal Democratic Party (PDI), the Rwandan Socialist Party (PSR), the Democratic Union of the Rwandan People (UDPR), the Party for Progress and Concord (PPC) and the Party for Solidarity and Progress (PSP).

<sup>4</sup> Ninety-six percent of mayoral posts in the country (including vice-mayors) are occupied by the RPF-led coalition. Mayors very frequently combine their post as mayor with the post of RPF district chairman. Similarly, RPF governors (3 out of 4 provinces) are generally also chairmen of the RPF at province level.

<sup>5</sup> The 1965 International Convention on the Elimination of All Forms of Racial Discrimination (CERD); the 1966 International Covenant on Civil and Political Rights (ICCPR); the 1979 International Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW); the 1981 African Charter on Human and Peoples’ Rights and the 2003 Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa.

<sup>6</sup> Persons who are convicted of or have confessed offences against the property of victims of genocide in Gacaca trials.

While improvements in the legal framework for elections are evident, several concerns remain. First of all, the legal and electoral framework contains certain gaps, which could be detrimental to the transparency of the process. Most importantly, it does not provide for an obligatory public display of the election results at polling station level and at later stages of the consolidation process, which contradicts international best practices.<sup>7</sup> Also, the late publication of the 2008 amendment of the Electoral Law less than 6 weeks before the elections, caused some uncertainty until shortly before the elections. Further concerns relate to citizens, who according to the Electoral Law are deprived of their right to vote. They include detainees in pre-trial detention and prisoners convicted for minor offences, which is contrary to international best practices. In addition, the vague prohibitions of defamation and ‘divisionism’ in the Electoral Law and other laws are of concern to the EU EOM.

### **Election Administration**

The National Electoral Commission of Rwanda (NEC) is tasked with the preparation, conduct and supervision of all elections. It also establishes electoral constituencies, prepares and conducts civic and voter education and monitors, announces and publishes election results. During election times, the NEC establishes branches at the four provinces and the City of Kigali, as well as in the 30 districts and 416 sectors.

The seven members of the NEC’s Council of Commissioners are proposed by the Government, have to be approved by the Senate and may be removed from office by presidential order. The activities of the commissioners within the NEC become permanent three months before elections until the proclamation of the final results.

The regulations and procedures issued by the NEC after the publication of the amendment of the Electoral Law on 4 August 2008, detail the implementation of the electoral legislation. In some instances, the regulations were not clear enough, thus leading to confusion on the part of the local NEC structures and also within the NEC at national level. The procedures would also have benefitted from being more detailed and comprehensive, particularly with respect to results consolidation, rights and obligations of candidate and political party agents and transmission of result forms.

The direct elections on 15 September were conducted from 6:00 to 15:00 in 15,429 polling stations (PS) grouped in 2,103 polling centers (PC) throughout the country. A total of some 64,500 persons were recruited and trained for these elections. The performance of these temporary election agents conducting the tasks in the polling stations was assessed as competent and effective in most cases.

The NEC prepared and conducted the elections in an effective manner and addressed problems promptly and effectively. In some instances, the flow of information from the national level of the NEC to the lower levels was inconsistent.

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<sup>7</sup> The Electoral Law merely provides for an oral declaration of the results and their recording on the “counting sheet” (Art 66 of the Electoral Law).

## **Voter Registration**

Rwandan citizens of at least 18 years of age who are in possession of their political rights have the right to vote. The final number of registered voters was announced as 4,769,228 with 55% women and 45% men for a population of just over 9 million. Voter registration was also conducted at all Rwandan embassies and ended with a final figure of 16,688 Rwandans registered for out-of-country voting.

The Voter Register (VR) is permanent and is updated before each election. Since the introduction of an ID card database in 2007, the update is conducted from this civil register. The NEC extracted all citizens entitled to vote from that list and displayed the VR in the villages for corrections from 1 to 12 August. At the same time, new Voter Cards (VC) were delivered to the voters. This double exercise was more time consuming than anticipated and led to an extension of VC deliveries, which in general was efficient, with exceptions in the Northern and Eastern provinces,<sup>8</sup> where observers reported a lack of accountability in the process of VC distribution.

In a positive development, some 308,000 “category 3 perpetrators”, 7% of the electorate, were allowed to vote in accordance with the 2008 amendment of the Electoral Law. “Category 1 and 2 perpetrators” remain disenfranchised.

The voter register appeared to be highly inclusive with the NEC facilitating all potential voters to be able to cast their votes, while carefully following the legal provisions.

## **Registration of Parties and Candidates**

All Rwandan citizens of at least 21 years of age, who are “persons of integrity” and who are in possession of their civil and political rights, are eligible to stand as candidates to the chamber of deputies. Political parties or coalitions of political parties are entitled to submit lists of a maximum of 80 candidates. Citizens wanting to stand as independent candidates, in addition to the general eligibility requirements for candidates, have to submit a list of at least 600 supporting signatures with at least 12 in each of the 30 districts.

Three political entities and two independent candidates applied for registration with the NEC by the 21 August deadline. On 23 August, the NEC published the lists of candidates with 80 candidates for the RPF-led coalition,<sup>9</sup> 72 candidates for the PL and 64 candidates for the PSD and one independent candidate. Out of two applications from independent candidates, one was rejected by the NEC due to lack of signatures in two districts.

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<sup>8</sup> District GICUMBI, Sector Buyumba, district NGOMA, in its capital Kibungo, in district KAYONZA, sector Gahine, and in district GATSIBO, Sector Kiramuruzi.

<sup>9</sup> The coalition’s candidate list consisted of 66 RPF candidates, three candidates each of the PDC and PDI as well as two candidates each of PSR, UPDR, PPC and PSP.

After the publication of the lists of candidates, the NEC received information on four candidates alleging their participation in the genocide (one RPF and one PSD candidate) and misuse of funds (one RPF and one Youth candidate). In three of the allegations, there were no convictions, therefore the NEC did not take any action. Only the PSD candidate was disqualified, as he had been convicted to a one year prison term and was therefore not complying with the eligibility criteria for candidates.

In the past, the constitution of party lists was a highly centralized process, weakening the link between elected and electorate. In contrast to 2003, the selection process of political parties was conducted in part at the sub-national levels in so-called 'primaries', some of which were observed by the EU EOM. The results of the different district and province-level selections were filtered by respective national party committees. This last internal screening process is difficult to assess, as it relied on ranking candidates according to criteria which were not made available to the public. Obtaining the highest number of votes in the district primaries did not guarantee appearance on the final list.

Candidates for the indirect elections of 24 reserved seats for women (16 September), 2 for youth (17 September) and one representative of the disabled (18 September) do not have to submit the 600 supporting signatures otherwise required for independent candidates. These candidates have to be women; between 21-35 of age; or disabled, depending on the category they are standing for. The registration of candidates for the indirectly elected seats resulted in 113 women candidates, 22 Youth candidates and 14 candidates for the disabled, thus making the women elections competing for 24 reserved seats the least competitive. While these indirect elections guarantee the minimum representation of the respective groups, the democratic link between citizens and their representatives would be enhanced in the future by direct elections, without undermining the principle of equal representation.

### **Campaign Environment**

The relatively short campaign period of 20 days began on 25 August. All three political entities engaged in campaigning, with the RPF-led coalition much more present than either PSD or PL. The sole independent candidate only engaged in very limited campaigning, but was nevertheless the subject of some media coverage. The main channels for campaign were political rallies and the media, notably the radio.

Campaigning was generally low-key and during rallies and in the media little specific information on party programs was given. Political speeches were generally brief with much space taken by music and dance. The RPF campaign underlined the party's record of stopping the genocide and the government's record of rebuilding the country. The fight against genocide ideology and divisionism also figured prominently. The others parties, including the PSD and the PL see themselves as complementary rather than as competitors, placing themselves within the national agenda of unity and development. Observed campaign events of PSD and PL have been significantly smaller than those of



the RPF, also indicating a varying organizational capacity across the country.<sup>10</sup> The RPF largely outspent the other contenders in the electoral campaign. In this context, it appears problematic that the law does not establish limits on campaign expenditure.

The Law on Political Parties provides for the reimbursement of an equitable share of campaign expenditure for all parties, which pass the 5% threshold to enter Parliament. The Electoral Law contains campaign regulations such as the prohibition to use State resources for the campaign and the allocation of equal space for all contestants in public media. In general these regulations were respected.

Local authorities, in some cases lacked neutrality. PSD and PL representatives reported cases of local authorities' lack of cooperation, including efforts preventing people from joining party rallies and the cancellation of meeting venues at short notice.<sup>11</sup> The EU EOM also notes that a lack of legal definition of which activities constitute “illegal campaigning”, left too much room for interpretation by implementing authorities. Interpretation of the relevant provisions was thus uneven across the country.

EU EOM observers received a few reports of both short-term arrests (in Southern and Eastern Provinces) and intimidation (Western, Southern, Eastern and Northern province) of PL and PSD supporters, generally related to accusations of ‘illegal campaigning’ involving the display of party insignia, such as t-shirts. There were also isolated reports of beatings of PSD and PL supporters in the Northern and Eastern province. These issues will be further assessed by the EU EOM and will be addressed in its Final Report.

## **Media**

The Rwandan Constitution provides for the freedom of expression in Article 33 and more specifically for the freedom of press and information in Article 34. The freedom of press and information is however subject to possible limitations to safeguard public order and good morals. The Law governing the Press defines the rights and obligations of all the actors in the media industry. It also defines the authority for the establishment of media enterprises which lies with the Ministry of Information in collaboration with the High Council of the Press (HCP)<sup>12</sup>, a government appointed regulatory body. Finally, it contains rules on the practice of journalism. In this respect, the Law’s vague definition and broad prohibition of defamation and unfounded accusations sanctioned as criminal offences with high fines and prison terms, raises concerns. The Law governing the Press is complemented and detailed by instructions and regulations issued by the HCP to guarantee the equitable access to public media for all contestants during the electoral campaign and to provide journalists with guidelines for election coverage.

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<sup>10</sup> The establishment of political party offices at the local level was made possible by a 2007 amendment of the Law on Political Parties. Parties responded to this within the limits of their capacity.

<sup>11</sup> This was reported in Kicukiro / Kigali City, Butare, and in the Northern, Eastern and Western Provinces.

<sup>12</sup> With the constitutional amendment of 13 August 2008, the name of the High Council of the Press was changed to Media High Council (Art 34 of the Constitution).

In a positive development, important reforms have been implemented over the past four years, among them the opening up of the media sector for private electronic media. Radio is by far the most popular medium. Print press suffers from high prices for printing and a narrow market for advertising. Controversial discussions in the media and critical reporting, particularly about the government are largely absent.

The public broadcasters, Radio Rwanda and TV Rwanda complied with their obligation to provide free airtime to political contenders during the election campaign.<sup>13</sup> Prime time news coverage of the contenders in public Radio Rwanda provided coverage in favour of the RPF-led coalition, which received 47%. PSD obtained 23%, PL 18% and the independent candidate less than 4% coverage. TV Rwanda gave 63% coverage to the RPF-led coalition, 17% to the PSD, 10% to the PL while the independent candidate received 9%.

Coverage in the government controlled newspapers La Nouvelle Releve was similarly imbalanced with the RPF-led coalition having 17%, PL receiving 7% and the PSD having 7% of total coverage and the independent candidate less than 4%. The state owned newspaper Imvaho provided almost equal access to two political formations, the PL 14% and the RPF-led coalition 17%, while PSD received 10% and the independent candidate more than 2%

There are no regulations for political advertising in the private media. The RPF-led coalition, with better financial resources, dominated the airwaves with some 15 different RPF radio clips being aired on 4 private national radio stations. The two other political parties contesting the elections (PSD, PL) aired respectively 2 and 4 political spots in one radio station and the independent candidate did not have any political advertisement in the private electronic media. The public electronic media in cooperation with the HCP decided not to offer time for campaign ads to any political contenders.

Out of the media sample, private radio allocated in total 57% of airtime to the RPF-led coalition, while the PSD received 4%, the PL 4% and the independent candidate less than 1%. The two major private print media, New Times and Izuba covered the RPF-led coalition with 48%, while PSD and PL received 5% and 2% respectively.

The tone of the election related coverage in print media and electronic media was neutral to positive.

There was at least one breach of the mandatory 24-hour silence period preceding election day, namely a one-page advertisement in the 'New Times' calling for an RPF vote on Sunday 14 September.

## **Voter Education**

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<sup>13</sup> 30 minutes on radio and 15 minutes on TV, during the entire election campaign.

The government in 2007 launched a comprehensive national civic education policy, which during election years also encompasses voter information. The NEC, in cooperation with other state institutions, such as the Ministry for Local Government is responsible for implementation. The NEC produced a series of educational materials for civic education and voter information and has been conducting sessions in cooperation with partner organizations, such as churches, universities, women and youth councils, CSOs and schools addressing all segments and all levels of society. One of the core messages of this civic education campaign, which included voter information from the beginning of July, was to emphasize the right to vote as a civic duty for all Rwandans. EU EOM observers assess that voters were aware and informed about the mechanics of the elections.

### **Civil Society and Election Observation**

Elections observers were allowed to observe the electoral process and were invited and accredited by the NEC. One umbrella organization, the “Civil Society Election Observation Mission” (CSEOM), grouping over 700 domestic NGOs used the EU methodology for election observation and deployed 50 Long Term and 500 Short Term observers. A regional organization, the “Ligue des Droits de la Personne dans la Region des Grands Lacs” (LGDL) observed the elections with 60 Long Term Observers and 140 Short Term Observers, including 20 observers from Burundi and the Democratic Republic of Congo. Also, the Political Party Forum deployed 60 party representatives to observe E-day proceedings. Questions remain surrounding the non-accreditation of LIPRODHOR as a separate observer organisation. The NEC undertook considerable efforts to achieve a comprehensive and transparent observation of election day proceedings. International Short Term Observers accredited by the NEC included the African Union and an assessment team of the Commonwealth Secretariat.

### **Complaints and appeals**

The legal framework governing complaints and appeals is generally adequate. The electoral process has so far been characterized by an absence of complaints.<sup>14</sup> The small number of cases concerning violations of campaign regulations (e.g. campaigning in other than the designated areas; campaigning in the market-place) were dealt with informally by the NEC and did not result in formal warnings or disqualifications. The few cases of obstruction by local authorities which were brought to the attention of the NEC (e.g. insufficient allocation of space for PSD campaign posters in Rwamagana, Eastern Province) seem to have been adequately followed up upon.<sup>15</sup>

The NEC has so far not received any formal complaints related to election day; nor did EU EOM observers report on any complaints filed in polling stations. This absence of complaints is notable, as several incidents, such as intimidation of PSD party representatives, were informally brought to the attention of the EU EOM.

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<sup>14</sup> No formal complaints were filed with the NEC with respect to voter registration; nor did the rejected independent candidate appeal the NEC’s decision (8 missing signatures) before the Supreme Court.

<sup>15</sup> Information provided by the concerned parties (PSD, PL).

The lack of complaints might be explained by the existence of informal fora for dispute settlement, such as the Forum of Political Parties or the Office of the Ombudsman. These institutions offer mediation services in internal as well as in inter-party disputes. The Forum of Political Parties addresses cases of “political misconduct” and, if necessary, brings them to the attention of the competent authorities for further action. Both institutions have not received any election related complaints. Among the reasons for the lack of complaints might be a general consensus among political actors to maintain a non-conflictual environment as well as the lack of competition among political contenders.

### **Participation of Women**

Women constitute the majority of voters (55%) in Rwanda and there is a strong emphasis on the promotion of gender equality throughout the Rwandan legal framework. The 2003 Constitution ensures women’s representation in parliament by establishing that out of the 80 seats in the chamber of deputies, 24 are reserved for women and at least 30% of the senators have to be female.<sup>16</sup> The Constitution more generally provides that women should hold at least 30% of all decision making positions. In addition, the 2007 amendment of the Law on Political Parties establishes that on the lists of candidates submitted to the NEC, at least 30% have to be women,<sup>17</sup> although the law does not specify where on the list women have to be placed. The overall percentage of women on the final list of the RPF led-coalition was 44%, well exceeding the mandatory 30%. Among the first 40 candidates were 18 women. The PSD had 33% women and the PL 37% women on their lists. The incoming parliament with 55% female deputies will again have the world’s highest representation of women.

### **Polling**

Voting was organized in an orderly way and polling staff dealt professionally with the high voter turnout, implementing effective systems of queue control with the involvement of local authorities. Observers noted a number of cases of early or late opening as well as opening procedures not always properly applied. For instance, a count of the ballot papers received did not take place in 50% of the polling stations. Also, ballot boxes, before voting commenced, were not sealed in a majority of openings observed, suggesting shortcomings in training as well as in procedures and instructions issued by the NEC. The NEC reacted quickly to the situation issuing additional instructions and ballot boxes started to be sealed at 8.30. Nevertheless, observers continued to note unsealed ballot boxes, or seals not properly tightened in many polling stations. While the NEC reacted immediately to the situation, concerns remain regarding the concept of minimum safeguards necessary to ensure transparency and accountability of the electoral process.

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<sup>16</sup> Art 82 Const.

<sup>17</sup> Art 5 of the Law on Political Parties.

Apart from these problems, observers assessed the conduct of polling as good, with some procedural shortcomings. These included: not performing an ink-check before issuing a ballot, which is a safeguard against double voting.

Party representatives were present in 73% of the polling stations observed. In these polling stations, RPF party agents were met in 98.8%, PSD agents in 11.5 % and PL agents in 3.7%. No representatives of the independent candidate were present. Domestic observers from the umbrella organization Civil Society Election Observation Mission (CSEOM) monitored in 20% of the polling stations observed by the EU EOM. Other observers encountered were from the National Human Rights Commission, LDGL, the Political Party Forum and the National Unity and Reconciliation Commission.

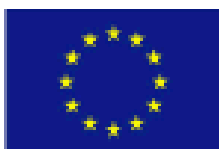
In contradiction of the Electoral Law, NEC procedures provide for a one hour delay between the end of polling and the start of counting. The EU EOM notes that this caused problems in relation to the accountability and transparency of the process.

### **Counting and Consolidation**

Counting of the votes was undertaken in an effective manner. However, in more than half of the counts observed, reconciliation of ballots was not performed. In this context, the number of ballot papers received from the NEC was not recorded before voting commenced. Similarly, a reconciliation of the number of the ballots received, the number of voters who voted, the number of ballots inside the ballot box and the number of unused ballots was not performed before counting began in over half of the counts observed.

As there are no provisions for posting results per polling station, the public announcement of results in each polling station becomes essential. This was not performed in almost one third of instances observed by the EU EOM. Also, polling station results were irregularly noted down on the form provided by the NEC, as well as on blank pieces of paper or not all. The results of polling stations were not put in an envelope, sealed and marked with the polling station name for further transmission of results in the majority of polling stations observed.

The first step of consolidation of polling station results at polling center level was less organised than the previous electoral steps. In many polling centers, where the first level of consolidation took place, procedures were not properly followed. The results from polling stations were not clearly visible to all present in the polling center in over half of the observations. Once these safeguards are removed, all further steps of the consolidation process become problematic.



EU Election Observation Mission  
Republic of Rwanda 2008



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**First day of voting conducted peacefully and well prepared, preliminary figures on voter turn-out raise questions on the process of counting and consolidation.**

*Kigali, 17 September 2008:* The second elections to the House of Deputies of the Rwandan parliament since the 1994 genocide mark an important step in the democratic development of Rwanda.

The first day of the voting was conducted peacefully and was well prepared. The elections saw significant improvements for candidates, notably guaranteeing the freedom of association and assembly at local level.

The high voter turn-out reported raises questions about the counting and consolidation process. In about half the Polling Centres observed by the EU EOM, rules and procedures were not properly followed.

There is a positive promotion of gender equality and the Mission also observed the election of the deputies for the 24 seats reserved for women.

“The elections were generally well prepared by the authorities” said Michael Cashman, the Chief Observer of the EU Election Observation Mission (EU EOM). “The problems encountered in the counting and consolidation process point to a need for further training of polling staff in preparation for future elections”

The EU EOM also noted an absence of plurality of public opinions expressed during the election process. This must however be placed within the historical context and the constitutionally enshrined principles of power sharing and decision making by consensus and inclusiveness.

On the first election day, the EU EOM deployed some 101 Observers, including five members of the European Parliament.

“The European Parliament Delegation fully endorse the Preliminary Statement of EU EOM, said the Head of the EP Delegation, Juergen Schroeder. “As Parliamentarians, we observed that the important democratic dialogue is only in its emerging stage in this country, and we therefore recommend the pursuit of its development”.

The EU EOM will continue to observe the rest of the election process closely, including the election of the deputies for the youth and handicapped. In addition the complaints and appeals process will be observed. A more comprehensive, final report including possible recommendations for future elections will be published in one month.

*European Union Election Observation Mission – Rwanda 2008*

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**Statement by Jürgen Schröder at the EU EOM Press Conference,  
Kigali, 17 September 2008**

Good afternoon ladies and gentlemen,

- I had the honour to chair the European Parliament delegation that was part of the EU observation mission. In this capacity, let me stress that our delegation fully endorses the findings of the EU mission Preliminary Statement.

We have been present in the country as short term observers, arriving three days before the elections.

In the days before the elections, we held meetings with the different stakeholders, which gave the delegation a good overview of the context of, and preparations for, the elections.

As Parliamentarians, we wish to highlight the following points:

- On Election Day, we observed the calm and peaceful atmosphere, the highly committed staff but also some serious shortcomings with regard to the performance of the voting and counting procedures which constitute indispensable safeguards for the success of the election process.
- Looking toward the future, the NEC will have to organize better and more training for election staff. The European Union and especially the European Parliament, as the budgetary authority, stand ready to make available support to this end.

- As regards the newly elected Parliament, we again expect the highest percentage of women in the world and we commend the Rwandese for this achievement.
- As Parliamentarians, we consider that dialogue is the key to parliamentary democracy. This dialogue has to exist inside the Parliament as a reflexion of the dialogue in the country. This means that there have to be real options, real choices and alternatives. Inside an elected Parliament, this means open and fair debate, allowing for opposing views. For an election, this means true competition between political actors, involving competing political parties and civil society.

As Parliamentarians, we observed that this dialogue is only in its emerging stage in this country, and we therefore recommend the pursuit of its development.

- The European Parliament has been involved in interparliamentary dialogue with the Rwandese Parliament. This has taken place in the framework of the EU-ACP Joint Parliamentary Assembly and the European Parliament's relations with the Pan-African Parliament.
- The European Parliament stands ready to continue and strengthen this dialogue, in order to pursue peace and prosperity for Rwanda and its people.