



## 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

engage in significant campaigning. In some cases local authorities lacked neutrality with reports of incidents affecting PSD and PL activists as well as hindrances to their campaign activities received by the EU EOM.

- In another positive development, private electronic media are allowed to operate in Rwanda following reforms in the media sector over the past four years. Print media still suffer from weak capacity and poor infrastructure as well as a narrow advertising market. While an equal amount of free airtime was provided to all contenders in the public media, the RPF was prominent in its news coverage. In the absence of spending limits for campaign expenditure, the RPF engaged in an extensive media campaign mainly in private radio, outspending PSD and PL.
- On the 15th of September, voting was organised in an orderly manner and polling staff dealt professionally with the high voter turnout. Problems observed with unsealed ballot boxes were mainly overcome in the first stages of the polling process. A count of the ballot papers received before voting commenced, did not take place in half of the polling stations visited. Similarly, a reconciliation of the numbers of received ballots, voters who had voted, ballots inside the ballot box and unused ballots was not performed before counting began in over half of the counts observed.
- Political party agents were present in 73% of the polling stations visited. The RPF-led coalition had a systematic presence, whereas PSD party agents were met by the EU EOM in 11.5% and PL party agents in 3.7% of these polling stations.

## **Background**

Rwandan Politics are fundamentally structured by the events of the genocide of 1994 and their legacy, leading to a continuing emphasis on national unity and reconciliation. The Constitution enshrines the principles of power sharing, decision making by consensus and inclusiveness. No party obtaining a majority of seats in the chamber of deputies shall, in accordance with the Constitution hold more than 50% of the cabinet posts. Both chambers of parliament are subject to rules on representation that reserve seats for different geographic regions, women, youths and disabled.

The 2008 elections to the chamber of deputies, the lower house of the Rwandan parliament, were the second post-genocide legislative elections. The adoption of the Constitution in 2003 and the subsequent presidential and legislative elections in the same year officially marked the end of the immediate post-war transition phase.<sup>2</sup> With the 2008 legislative elections, Rwanda enters a new 'electoral cycle' with presidential elections due in 2010 and local and senatorial elections in 2011.

The 80 deputies to the lower house of parliament are elected through a system of combined direct and indirect elections, with 53 deputies directly elected on 15 September and 27 deputies indirectly elected from 16 to 18 September. The direct elections were

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<sup>2</sup> The 80-member lower house is elected for a five-year mandate and the 26 members of the upper house, the Senate, are appointed or selected for a eight-year mandate.

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.

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)

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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.

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

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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.

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.

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

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<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).

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 46.7%, PSD obtained 22.6%, PL 17.9%, the independent candidate 3.7% and candidates for the indirect elections received 9.1% coverage.<sup>14</sup> TV Rwanda gave 62.7% coverage to the RPF-led coalition, 16.8% to the PSD, 10.4% to the PL, 9.4 % to the independent candidate and 0.7% to candidates for the indirect elections.

Coverage in the government controlled newspapers La Nouvelle Releve allocated 32.8% to the RPF-led coalition, PL and PSD receiving 13.7% each, the independent candidate received 7.5% and candidates for the indirect elections 32.3%. The state owned newspaper Imvaho provided almost equal access to two political formations, the PL 29.6% and the RPF-led coalition 35%, while PSD received 20.1%, the independent candidate 9.9% and candidates for the indirect elections 5.4%.

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 91.4% of airtime to the RPF-led coalition, while the PSD received 3.2%, the PL 4.4%, the independent candidate less than 0.8% and candidates for the indirect elections 0.2%. The public radio station Radio Rwanda had 46.7% coverage of the RPF-led coalition, while the PSD received 22.6%, the PL 17.9%, the independent candidate 3.7% and candidates for the indirect elections 9.1%. The two major private print media, New Times and Izuba covered the RPF-led coalition with 72.7%, PSD received 11%, the PL 4% and the independent candidate had 4.1% and the candidates for the indirect election 8.2%.

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.

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

## **Voter Education**

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” (LDGL) 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>15</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>16</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

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<sup>15</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>16</sup> Information provided by the concerned parties (PSD, PL).

complaints is notable, as several incidents, such as intimidation of PSD party representatives, were informally brought to the attention of the EU EOM.

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>17</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>18</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>17</sup> Art 82 Const.

<sup>18</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% of the cases. 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 to 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 at 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.