

## Rwanda

<b>Background</b>	<b>Name of EMB:</b>	National Electoral Commission (NEC), Rwanda
	<b>Status:</b>	Permanent
<b>Establishment of the EMB</b>	<b>Number of commissioners:</b>	Six commissioners and chairperson
	<b>Number of full-time EMB staff:</b>	Fifty permanent staff
	<b>Constitutional and/or legislative provisions for establishment of the EMB:</b>	It is established under Article 139 of the Constitution of the Republic of Rwanda of 2003, revised in 2015. Its structures are set up under the Law no. 31/2005 of 24 December 2005 relating to organisation and functioning of National Electoral Commission, as modified and completed to date.
	<b>EMB's mandate:</b>	<p>According to Article 3 of the Law no. 31/2005 of 24 December 2005 relating to the organisation and functioning of the National Electoral Commission, as modified and complemented to date, the commission is independent and it is responsible for preparing and organising grassroots', parliamentary and presidential elections, referendum and other elections the law may determine for the commission.</p> <p>The commission also verifies whether the elections are conducted in a free and transparent manner.</p> <p>Article 5 of this law stipulates that in preparing and organising elections, the commission shall:</p> <ol style="list-style-type: none"> <li>1. prepare, conduct and supervise elections;</li> <li>2. establish electoral constituencies;</li> <li>3. establish the commission branches in provinces and Kigali City, districts and sectors within a period not exceeding 45 days before polling day and appoint members of the Electoral College, give them instructions, receive their reports and supervise them during electoral process;</li> <li>4. prepare and provide civic education on elections;</li> <li>5. monitor, announce and publish in writing election results;</li> <li>6. put in place strategies to ensure elections are free and transparent;</li> <li>7. participate in elaboration of the draft laws governing elections that the commission is responsible for organising and conducting; and</li> <li>8. carry out any other electoral activities provided for by the law.</li> </ol> <p>The National Electoral Commission shall also collaborate with other institutions in preparing and providing civic education in general.</p>

	<p><b>EMB model:</b>  <b>What standards are established in the constitution or other legislation for democratic legitimacy?</b></p>	<p>Independent</p> <p>According to Article 1 of the Constitution of the Republic of Rwanda of 2003, revised in 2015, all power derives from Rwandans.</p> <p>In Article 2, all Rwandans, both men and women, fulfilling the requirements provided for by law, have the right to vote and to be elected.</p> <p>Article 10 in point 3 mentions the principle of equitable power sharing, while point 4 of the same article mentions the principle of equality of all Rwandans between men and women, which is affirmed by women occupying at least 30 per cent of positions in decision-making organs.</p>
<p><b>Appointment, tenure and removals</b></p>	<p><b>Provisions for the appointment of commissioners:</b></p> <p><b>Political status of commissioners:</b></p> <p><b>Chair qualifications:</b></p> <p><b>Commissioner qualifications:</b></p> <p><b>Tenure of chair and commissioners:</b></p> <p><b>Provisions for the removal of commissioners:</b></p> <p><b>Provisions for the appointment of EMB senior staff:</b></p> <p><b>Tenure of EMB senior staff:</b></p> <p><b>Provisions for the removal of EMB senior staff:</b></p>	<p>According to Article 8 of the Law no. 31/2005 of 24 December 2005 relating to the organisation and functioning of the National Electoral Commission, as modified and complemented to date, the government presents seven commissioners to the Senate, including the president and the vice president, for their approval.</p> <p>Appointments are based on expertise and gender balancing.</p> <p>Any</p> <p>At least two of the commissioners are required to be lawyers and at least 30 per cent shall be women.</p> <p>Commissioners and chair are appointed for five years, renewable only once by a Presidential Order.</p> <p>Commissioners are removed from office by a Presidential Order.</p> <p>The executive secretary of National Electoral Commission is appointed by an order of prime minister, after being approved by a Cabinet meeting.</p> <p>Any</p> <p>The executive secretary of National Electoral Commission is removed by a Cabinet meeting.</p>

<b>Funding arrangements</b>	<b>Setting and control of EMB's budget:</b>	Article 29 of the Law no. 31/2005 of 24 December 2005 relating to the organisation and functioning of the National Electoral Commission, as modified and complemented to date, stipulates that the recurrent budget reserved for daily activities of NEC and the special budget that is also used during elections are included in the state budget.
	<b>Financial autonomy:</b>	NEC has financial autonomy.
	<b>Legal provisions for financial autonomy:</b>	Article 3 of the Law no. 31/2005 of 24 December 2005 stipulates that the commission is independent.
<b>Electoral system</b>	<b>Number of chambers/houses within the legislature:</b>	Bicameral: Senate and Chamber of Deputies.
	<b>Voting system:</b>	Majoritarian (FPTP) for presidential elections, senators and local administrative authorities. Proportional representation (PR) for members of the Chamber of Deputies.
	<b>Amendments to electoral laws:</b>	The National Electoral Commission participates in elaboration of the draft laws governing elections that it is responsible for organising and conducting.
	<b>Drafting of electoral regulations:</b>	NEC has the authority to draft and to adopt electoral regulations.
<b>Electoral disputes</b>	<b>Electoral dispute resolution mechanisms:</b>	All disputes relating to presidential elections, legislative elections and referendum are settled exclusively by the Supreme Court. In the local administrative authorities elections at the village, cell and sector levels, any related process complaints are immediately lodged with the election supervisor at the level concerned. He or she settles such complaints publicly in front of the population. Decisions taken by the lower levels of the National Electoral Commission can be appealed to higher authorities according to their hierarchy. The final decision at the national level can be appealed against in a competent court.

<p><b>Other issues:</b> <b>Secretariat</b></p>	<p><b>Administrative autonomy:</b></p> <p><b>Women in senior positions:</b></p> <p><b>Administrative structure:</b></p>	<p>The Ministry of Public Service and Labour has the power to create, promote or abolish staff posts.</p> <p>At the Executive Secretariat level, one of three directors is a woman (33 per cent).</p> <p>There are three directorates:</p> <ul style="list-style-type: none"> <li>• General Directorate of Electoral Operations</li> <li>• Directorate of Finance and Administration</li> <li>• Directorate of ICT</li> </ul>
<p><b>Franchise</b></p>	<p><b>Restrictions on franchise:</b></p>	<p><i>Persons prohibited from registering on the voters' register and voting:</i></p> <ol style="list-style-type: none"> <li>1. a person who has been deprived of his/her right to vote by competent courts of law and has not been rehabilitated or has not been granted amnesty in accordance with law;</li> <li>2. a person definitively sentenced for homicide or manslaughter;</li> <li>3. a person definitively sentenced for the crime of genocide against the Tutsi or crimes against humanity;</li> <li>4. a person who confessed and pleaded guilty to the crime of genocide against the Tutsi and crimes against humanity;</li> <li>5. a person who was convicted of defilement;</li> <li>6. a person who was convicted of rape;</li> <li>7. a prisoner; and</li> <li>8. a refugee.</li> </ol>