

The Constitution of the Republic of Rwanda of 2003 revised in 2015 and amended in 2023

Version

Constitution as revised in 2015 and amended by the 2023 revision (Parliament sittings of 05 July 2023), published in Official Gazette n° Special of 04/08/2023

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CONSTITUTION OF THE REPUBLIC OF RWANDA

We, KAGAME Paul, President of the Republic;

THE PARLIAMENT HAS ADOPTED AND WE SANCTION AND PROMULGATE THE REVISION OF THE CONSTITUTION OF THE REPUBLIC OF RWANDA AND ORDER IT BE PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF RWANDA

THE PARLIAMENT:

The Chamber of Deputies, meeting in a Constituent Assembly to revise the Constitution, in its sitting of 05 July 2023;

The Senate, meeting in a Constituent Assembly to revise the Constitution, in its sitting of 05 July 2023;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Article 175;

On the initiative of the President of the Republic and after consideration and approval by the Cabinet, in its meeting of 24/03/2023;

ADOPTS THE REVISION OF THE CONSTITUTION OF THE REPUBLIC OF RWANDA OF 2003 REVISED IN 2015 AS FOLLOWS:

THE CONSTITUTION OF THE REPUBLIC OF RWANDA

PREAMBLE

We, the People of Rwanda;

(a) HONOURING our valiant ancestors who selflessly sacrificed their lives to found Rwanda and the heroes who struggled for security, justice, freedom, and restoration of our Nation's tranquility, dignity and pride;

(b) CONSIDERING that we enjoy the privilege of being one nation, of sharing a common language and culture and having a long-shared history, all of which must lay the foundation for a common vision of our destiny;

(c) CONSCIOUS of the Genocide committed against the Tutsi that decimated more than 1,000,000 sons and daughters of Rwanda, and further conscious of the dark moments in our country's history;

(d) RECOGNIZING that peace, security, unity and reconciliation of the people of Rwanda are the pillars of development;

(e) COMMITTED to building a State governed by the rule of law based on the respect for human rights, freedoms and on the principle of equality of all Rwandans before the law as well as that of equality between women and men;

(f) COMMITTED further to building a State based on consensual and pluralistic democracy founded on power-sharing, national unity and reconciliation, good governance, development, social justice, tolerance and resolution of problems through dialogue;

(g) RESOLVED to prevent and punish the crime of genocide, fight genocide negationism and revisionism and eradicate genocide ideology and all its manifestations, divisionism and discrimination based on ethnicity, region or any other ground;

(h) RESOLVED further to uphold our values based on family, morality and patriotism, and ensure that all the branches of government work for our common interest;

(i) EXERCISING our sovereign and inalienable right to freely choose the form of government for our country;

(j) DO ADOPT, through referendum, the Constitution of the Republic of Rwanda:

CHAPTER ONE: SOVEREIGNTY OF THE PEOPLE OF RWANDA AND SUPREMACY OF THE CONSTITUTION

Article One: Source of national sovereignty

- (1) All power emanates from the people of Rwanda and is exercised in accordance with this Constitution.
- (2) No individual or group of people may arrogate to themselves the exercise of power.
- (3) National sovereignty belongs to the people of Rwanda who themselves exercise it through referendum, ordinary elections or their representatives.

Article 2: Suffrage

- (1) Suffrage is universal and equal for all Rwandans.
- (2) All Rwandans, both women and men, fulfilling the requirements provided for by law, have the right to vote and to be elected.
- (3) Suffrage is direct or indirect, and secret, unless this Constitution or other laws provide otherwise.
- (4) An organic law governing elections determines conditions and modalities for conducting elections.

Article 3: Supremacy of the Constitution

- (1) The Constitution is the supreme law of the country.
- (2) A law, a decision or an act contrary to this Constitution is without effect.

CHAPTER II: REPUBLIC OF RWANDA

Article 4: The Republic

- (1) The Rwandan State is an independent, sovereign, democratic, social and secular Republic.
- (2) The founding principle of the Republic of Rwanda is: “Government of the people of Rwanda, by the people of Rwanda and for the people of Rwanda.”

Article 5: Territory of Rwanda and administrative entities

- (1) Rwanda’s territory comprises areas covered by land, rivers, lakes and airspace located within the borders of the Republic of Rwanda.
- (2) In determining Rwanda’s territory, consideration is given to Rwanda’s boundaries as defined by international treaties ratified by Rwanda, and Rwandan laws.
- (3) The territory of Rwanda is divided into administrative entities determined by an organic law that also determines their number, boundaries and structures.

Article 6: Decentralisation

- (1) Public powers are decentralised to local administrative entities in accordance with legal provisions.
- (2) A law determines the organisation and functioning of decentralised entities.

Article 7: Capital city

- (1) The capital city of the Republic of Rwanda is the City of Kigali.

- (2) A law determines the organisation and functioning of the capital city.
- (3) A law may relocate the Capital city to any other location in Rwanda.

Article 8: National language and official languages

- (1) The national language is Kinyarwanda.
- (2) The official languages are Kinyarwanda, English and French.
- (3) An organic law may add or remove an official language.
- (4) Official documents may be in one or more of the official languages.

Article 9: National symbols of Rwanda

- (1) The national symbols of Rwanda are the National Flag, the Motto of the Republic, the Seal of the Republic and the National Anthem.
- (2) The National Flag comprises the following colours: from bottom to top a green stripe, followed by a yellow stripe both of which cover half the flag. The upper half is blue and bears on its right-hand side the image of the sun with its rays of golden yellow. The sun and its rays are separated by a blue ring.
- (3) The Motto of the Republic is: “UBUMWE, UMURIMO, GUKUNDA IGIHUGU”.
- (4) The Seal of the Republic is made up of a circular green rope with a green knot at the base, bearing on its upper part, the imprints “REPUBULIKA Y’U RWANDA”. At the bottom of the knot is the motto of the Republic: “UBUMWE, UMURIMO, GUKUNDA IGIHUGU”. All these inscriptions are in black against a yellow background.
- (5) The Seal of the Republic also bears the following ideograms: the sun with its rays, sorghum and coffee tree, a basket, a blue wheel with teeth and two shields, one on the right and the other on the left.
- (6) The National Anthem is: “RWANDA NZIZA”.
- (7) Specific laws determine details relating to national symbols.

CHAPTER III: FUNDAMENTAL PRINCIPLES AND HOME-GROWN SOLUTIONS

Article 10: Fundamental principles

The State of Rwanda commits itself to upholding and ensuring respect for the following fundamental principles:

- (a) prevention and punishment of the crime of genocide, fight against denial and revisionism of genocide as well as eradication of genocide ideology and all its manifestations;
- (b) eradication of discrimination and divisionism based on ethnicity, region or any other ground, as well as promotion of national unity;
- (c) equitable power-sharing;
- (d) building a State governed by the rule of law, a pluralistic democratic Government, equality of all Rwandans and between women and men which is affirmed by women occupying at least 30% of positions in decision-making organs;
- (e) building a State committed to promoting social welfare and establishing appropriate mechanisms for equal opportunity to social justice;
- (f) constant quest for solutions through dialogue and consensus.

Article 11: Rwandan culture as a source of home-grown solutions

- (1) In order to build the nation, promote national culture and restore dignity, the people of Rwanda, based on their values, initiate mechanisms for home-grown solutions to their problems.
- (2) Laws may establish different mechanisms for home-grown solutions.

CHAPTER IV: HUMAN RIGHTS AND FREEDOMS

Section One: Rights and freedoms

Article 12: Right to life

- (1) Everyone has the right to life.
- (2) No one shall be arbitrarily deprived of his or her life.

Article 13: Inviolability of the human person

- (1) The human person is sacred and inviolable.
- (2) The State has the obligation to have respect for, protect and defend the human person.

Article 14: Right to physical and mental integrity

- (1) Every person has the right to physical and mental integrity.
- (2) No person shall be subjected to torture or to abuse or cruel, inhuman or degrading treatment.
- (3) No one shall be subjected to experimentation without his or her informed consent.
- (4) Modalities for informed consent to experimentation and for such experimentation are determined by legislation.

Article 15: Equality before the law

All human beings are equal before the law. They enjoy equal protection of the law.

Article 16: Protection from discrimination

- (1) All Rwandans are born and remain equal in rights and freedoms.
- (2) Any form of or propaganda for discrimination, including on the basis of ethnicity, family or descent, clan, skin colour, sex, region, social status, religion or belief, opinion, wealth, cultural differences, language, economic status, physical or mental disability or any other form of discrimination are prohibited and punishable by law.

Article 17: Right to marry and found a family

- (1) The right to marry and found a family is guaranteed by law.
- (2) A civil monogamous marriage between a man and a woman is the only recognised marital union.
- (3) However, a monogamous marriage between a man and a woman contracted outside Rwanda in accordance with the law of the country of celebration of the marriage is recognised.
- (4) No one can enter into marriage without his or her free and full consent.
- (5) Spouses are entitled to equal rights and obligations at the time of marriage, during the marriage and at the time of divorce.

(6) A law determines conditions, formalities and effects of marriage.

Article 18: Protection of the family

(1) The family, being the natural foundation of the Rwandan society, is protected by the State.

(2) Both parents have the right and responsibility to raise their children.

(3) The State puts in place appropriate legislation and organs for the protection of the family, particularly the child and mother, in order to ensure that the family flourishes.

Article 19: Child's right to protection

Every child has the right to measures of special protection by his or her family, other Rwandans and the State, depending on his or her age and living conditions, as provided for by national and international law.

Article 20: Right to education

(1) Every Rwandan has the right to education.

(2) Freedom of learning and teaching is guaranteed in accordance with the conditions determined by law.

(3) Primary education is compulsory and free in public schools.

(4) Conditions for free primary education in schools subsidised by the Government are determined by a law.

(5) A law determines the organisation of education.

Article 21: Right to good health

All Rwandans have the right to good health.

Article 22: Right to a clean environment

Everyone has the right to live in a clean and healthy environment.

Article 23: Respect for privacy of a person and of family

(1) The privacy of a person, his or her family, home or correspondence shall not be subjected to arbitrary interference; the person's honour and dignity must be respected.

(2) A person's home is inviolable. It may not be searched or entered without the owner's consent, except in circumstances and in accordance with procedures determined by the law.

(3) Confidentiality of correspondence and communication shall not be breached except in circumstances and in accordance with procedures determined by the law.

Article 24: Right to liberty and security of person

(1) A person's liberty and security are guaranteed by the State.

(2) No one shall be subjected to prosecution, arrest, detention or punishment unless provided for by laws in force at the time the offence alleged against him or her was committed.

(3) No one shall be subjected to security measures except as provided for by law and for reasons of public order or State security.

Article 25: Right to a homeland and nationality

(1) Every Rwandan has the right to his or her homeland. No Rwandan can be banished from his or her homeland.

- (2) Every Rwandan has the right to Rwandan nationality.
- (3) Dual nationality is permitted.
- (4) No one can be deprived of Rwandan nationality of origin.
- (5) All persons of Rwandan origin and their descendants are, upon request, entitled to Rwandan nationality.
- (6) An organic law governs Rwandan nationality.

Article 26: Right to freedom of movement and residence

- (1) Every Rwandan has the right to freedom of movement and residence anywhere on the Rwandan territory.
- (2) Every Rwandan has the right to leave and return to Rwanda.
- (3) The right for a Rwandan to move freely and to reside anywhere in Rwanda and the right to leave and return to Rwanda may only be restricted by law for reasons of public order and of national security, in order to avert a public threat or to protect persons in danger.

Article 27: Right to participate in the governance of the country and right of access to public service

- (1) All Rwandans have the right to participate in the governance of the country, either directly or through their freely chosen representatives, in accordance with the legislation.
- (2) All Rwandans have the right of equal access to the public service in accordance with their competence and abilities.

Article 28: Right to seek asylum

The right to seek asylum is recognised under conditions determined by law.

Article 29: Right to due process of law

- (1) Everyone has the right to due process of law, which includes the right:
 - (a) to be informed of the nature and cause of charges and the right to defence and legal representation;
 - (b) to be presumed innocent until proved guilty by a competent Court;
 - (c) to appear before a competent Court;
 - (d) not to be subjected to prosecution, arrest, detention or punishment on account of any act or omission which did not constitute an offence under national or international law at the time it was committed. Offences and their penalties are determined by law;
 - (e) not to be held liable for an offence he or she did not commit; criminal liability is personal;
 - (f) not to be punished for an offence with a penalty that is more severe than the penalty provided for by the law at the time that offence was committed;
 - (g) not to be imprisoned merely on the ground of inability to fulfil a contractual obligation;
 - (h) not to be prosecuted or punished for an offence which has reached its statute of limitations. However, the crime of genocide, crimes against humanity and war crimes are not subject to a statute of limitations. A law may determine other crimes which are not subject to a statute of limitations.
- (2) Rwanda cannot extradite any Rwandan to another country.
- (3) Extradition of foreigners is authorised only if it is in accordance with the law or international agreements to which Rwanda is a party.

Article 30: Right to free choice of employment

- (1) Everyone has the right to free choice of employment.
- (2) All individuals, without any form of discrimination, have the right to equal pay for equal work.

Article 31: Right to form trade unions and employers' associations

- (1) The right to form trade unions for the defence and promotion of legitimate professional interests is recognised.
- (2) Every worker may defend his or her rights through a trade union in accordance with the law.
- (3) Every employer has the right to join an employers' association.

Article 32: Right to collective bargaining

Trade unions and employers' associations have the right to engage in collective bargaining and may enter into general or specific agreements regulating their working relations. Modalities for making these agreements are determined by law.

Article 33: Right to strike

The right of workers to strike is permitted and is exercised within the limits provided for by the law. This right shall not be exercised in a manner that infringes upon somebody else's freedom at work, which is guaranteed to everyone.

Article 34: Right to private property

- (1) Everyone has the right to private property, whether individually or collectively owned.
- (2) Private property, whether owned individually or collectively, is inviolable.
- (3) The right to property shall not be encroached upon except in public interest and in accordance with the provisions of the law.

Article 35: Right to private ownership of land

- (1) Private ownership of land and other rights related to land are granted by the State.
- (2) A law determines modalities of concession, transfer and use of land.

Article 36: Right to activities promoting national culture

Every Rwandan has the right to activities that promote national culture and duty to promote it.

Article 37: Freedom of conscience and religion

- (1) Freedom of thought, conscience, religion, worship and public manifestation thereof is guaranteed by the State in accordance with the law.
- (2) Propagation of ethnic, regional, racial discrimination or any other form of division is punished by law.

Article 38: Freedom of press, of expression and of access to information

- (1) Freedom of press, of expression and of access to information are recognised and guaranteed by the State.
- (2) Freedom of expression and freedom of access to information shall not prejudice public order, good morals, the protection of youth and children, the right of every citizen to honour and dignity and protection of personal and family privacy.

(3) Conditions for exercising and respect for freedom of press, of expression and of access to information are determined by law.

Article 39: Right to freedom of association

(1) The right to freedom of association is guaranteed and does not require prior authorisation.

(2) The right to freedom of association is exercised under conditions determined by law.

Article 40: Right to freedom of assembly

(1) The right to freedom of peaceful and unarmed assembly is guaranteed.

(2) The right to freedom of peaceful and unarmed assembly is exercised in accordance with law and does not require prior authorisation, except when provided for by law.

Article 41: Limitation of rights and freedoms

In exercising rights and freedoms, everyone is subject only to limitations provided for by the law aimed at ensuring recognition of and respect for other people's rights and freedoms, as well as public morals, public order and social welfare which generally characterise a democratic society.

Section 2: Promotion and protection of rights and freedoms

Article 42: Promotion of human rights

The promotion of human rights is a responsibility of the State. This responsibility is particularly exercised by the National Commission for Human Rights. This Commission is independent.

Article 43: Protection of rights and freedoms

The Judiciary is the guardian of human rights and freedoms. This duty is exercised in accordance with this Constitution and other laws.

CHAPTER V: DUTIES OF THE STATE AND OF CITIZENS

Article 44: Respect for State property

(1) Everyone has a duty to respect State property.

(2) State property is composed of public and private property of the State, as well as the public and private property of decentralised administrative entities and State organs with legal personality.

(3) Public State property is inalienable unless there has been prior transfer thereof to the private State property in accordance with the legislation.

(4) Any act intended to damage, destroy, embezzle, squander and spoil State property is punished by law.

Article 45: Promotion of activities aimed at good health

(1) The State has the duty to mobilise the population for activities aimed at good health and to assist them in the realisation of those activities.

(2) Every Rwandan has the duty to take part in activities aimed at good health.

Article 46: Maintaining of good relations with others

Every Rwandan has the duty to respect and consider his or her fellow beings without discrimination and to maintain relations aimed at safeguarding, promoting and reinforcing mutual respect, solidarity and tolerance.

Article 47: Safeguard and promotion of national culture

- (1) The State has the duty to safeguard and promote national values based on cultural traditions and practices so long as they do not conflict with human rights, public order and good morals.
- (2) The State also has the duty to preserve the national cultural heritage.

Article 48: Participation in the development of the country

- (1) The State has the duty to put in place development strategies for its citizens.
- (2) All Rwandans have the duty to participate in the development of the country through their dedication to work, safeguarding peace, democracy, equality and social justice as well as to participate in the defence of their country.
- (3) A law governs the organisation of national service.

Article 49: Respect of the Constitution and other laws

- (1) Every Rwandan has the duty to respect the Constitution and the other laws of the country.
- (2) Every Rwandan has the duty to defy superior orders if they constitute a serious and obvious violation of human rights and freedoms.

Article 50: Welfare of needy survivors of the Genocide against the Tutsi

The State, within the limits of its means and in accordance with the law, has the duty to undertake special actions aimed at the welfare of the needy survivors of the Genocide against the Tutsi.

Article 51: Welfare of persons with disabilities and other needy persons

- (1) The State has the duty to establish special measures facilitating the education of persons with disabilities.
- (2) The State also has the duty, within its means, to undertake special actions aimed at the welfare of persons with disabilities.
- (3) The State has also the duty, within the limits of its means, to undertake special actions aiming at the welfare of the needy, the elderly and other vulnerable groups.

Article 52: Preservation of memorial sites of the Genocide against the Tutsi

The State and everyone have the duty to preserve and safeguard memorial sites of the Genocide against the Tutsi.

Article 53: Protection of the environment

- (1) Everyone has the duty to protect, safeguard and promote the environment.
- (2) The State ensures the protection of the environment.
- (3) A law determines modalities for protecting, conserving and promoting the environment.

CHAPTER VI: POLITICAL ORGANISATIONS**Article 54: Recognition of political organisations**

- (1) A multiparty system is recognised.
- (2) Political organisations fulfilling the conditions required by law may be formed and operate freely.
- (3) Duly registered political organisations receive State grants.

(4) An organic law determines the modalities for the establishment and functioning of political organisations, the conduct of their leaders, and the process of receiving State grants.

Article 55: Freedom to join a political organisation

(1) Every Rwandan has a right to join a political organisation of his or her choice, or not to join any.

(2) No Rwandan shall be subject to discrimination on grounds of membership in a given political organisation, or non-membership in a political organisation.

Article 56: Obligations of political organisations

(1) Political organisations must always reflect the unity of Rwandans as well as equality and complementarity of women and men in the recruitment of members, in establishing their leadership organs, and in their functioning and activities.

(2) Political organisations must abide by the Constitution and other laws. They must conform to democratic principles and not compromise national unity, territorial integrity and national security.

Article 57: Prohibitions for political organisations

Political organisations are prohibited from basing themselves on race, ethnic group, tribe, lineage, ancestry, region, sex, religion or any other division which may lead to discrimination.

Article 58: Holding accountable a political organisation

(1) The Senate holds accountable a political organisation that has grossly violated obligations provided for in Articles 10, 56 and 57 of this Constitution.

(2) Depending on the gravity of the violation identified, the Senate may request the organ in charge of political organisations to take any of the following measures against that political organisation:

- (a) formal warning;
- (b) suspension of its activities for a period not exceeding two years;
- (c) suspension of its activities for the entire parliamentary term;
- (d) cancellation of the certificate of registration of a political organisation.

(3) When the decision is the cancellation of the certificate of registration of a political organisation, Deputies seconded by that political organisation automatically lose their parliamentary seats.

Article 59: National Consultative Forum of Political Organisations

(1) The National Consultative Forum of Political Organisations brings together political organisations for the purposes of political dialogue, and building consensus and national cohesion.

(2) The functioning of the National Consultative Forum of Political Organisations is provided for by the organic law determining the modalities for the establishment and functioning of political organisations, the conduct of their leaders, and the process of receiving State grants.

Article 60: Persons whose functions are incompatible with membership in political organisations

(1) Judges, prosecutors, soldiers, police officers and members of the National Intelligence and Security Service are prohibited from being members of political organisations.

(2) A law may determine other persons whose functions are incompatible with membership in political organisations.

CHAPTER VII: BRANCHES OF GOVERNMENT

Section One: General provisions on branches of Government

Article 61: Branches of Government

(1) Branches of Government are the following:

- (a) the Legislature;
- (b) the Executive;
- (c) the Judiciary.

(2) The Legislature, the Executive and the Judiciary are separate and independent from each other but are all complementary. Their responsibilities, organisation and functioning are defined by this Constitution.

(3) The State must ensure that duties in the Legislature, Executive and Judiciary are entrusted to persons of competence and integrity.

Article 62: Power-sharing

(1) Power-sharing is respected in State institutions in accordance with the fundamental principles set out under Article 10 of this Constitution and the provisions of other laws.

(2) The President of the Republic and the Speaker of the Chamber of Deputies cannot come from the same political organisation.

(3) Cabinet members are selected from political organisations on the basis of seats held by those political organisations in the Chamber of Deputies. However, a political organisation holding the majority of seats in the Chamber of Deputies cannot have more than 50% of Cabinet members. It is not prohibited for other competent persons to be appointed to Cabinet.

(4) In Parliament, the principle of representation of various categories is respected as provided for by this Constitution and other laws.

Article 63: Oath of office of officials

Officials required by this Constitution and other laws to take an oath of office, except for the President of the Republic who has a distinct oath, take oath publicly as follows:

“I,, do solemnly swear to Rwanda that I will:

- (a) remain loyal to the Republic of Rwanda;
- (b) abide by the Constitution and other laws;
- (c) safeguard human rights and the interests of the Rwandan people;
- (d) strive for national unity;
- (e) diligently fulfil the responsibilities entrusted to me;
- (f) never use powers conferred upon me for personal interests.

Should I fail to honour this oath, may I be subjected to the rigours of the law.

So help me God.”

Section 2: The Legislature

Subsection One: General provisions on the Legislature

Article 64: The Parliament

- (1) Legislative power is vested in a Parliament composed of two Chambers:
 - (a) the Chamber of Deputies, whose members are known as “Deputies”;
 - (b) the Senate, whose members are known as “Senators”.
- (2) Parliament debates and passes laws. It legislates and exercises control over Government activities in accordance with procedures determined by this Constitution.

Article 65: Guiding principles of members of Parliament

- (1) A member of Parliament represents the nation as a whole and not only those who elected or nominated him or her, or the political organisation that seconded his or her candidacy during elections.
- (2) The voting right of a member of Parliament is personal.
- (3) A member of Parliament is not subject to any instructions in the exercise of his or her voting right.

Article 66: Commencement of office for members of Parliament

- (1) Before assuming his or her duties, a member of Parliament takes the oath of office publicly before the President of the Republic or, in the absence of the President of the Republic, before the President of the Supreme Court.
- (2) On the commencement of each parliamentary term of office, the first sitting of each Chamber is devoted to the election of the Bureau composed of the Speaker and Deputy Speakers of the Chamber of Deputies and the President and Vice Presidents of the Senate. This sitting is convened and presided over by the President of the Republic within a period of 30 days after the final announcement of election results of members of each Chamber of Parliament.
- (3) The President of the Senate and the Speaker of the Chamber of Deputies must be of Rwandan nationality by origin and must not hold any other nationality.
- (4) Before assuming his or her duties, a member of the Bureau of each Chamber of Parliament takes the oath of office publicly before the President of the Republic.
- (5) An organic law determines entitlements for members of Parliament.

Article 67: Duties incompatible with the office of member of Parliament

- (1) No one can be a member of the Chamber of Deputies and the Senate at the same time.
- (2) Being a Deputy or a Senator is incompatible with being a Cabinet member.
- (3) The organic law determining the functioning of each Chamber of Parliament provides for other duties incompatible with the office of member of Parliament.

Article 68: Immunity of members of Parliament and their prosecution

- (1) No member of Parliament may be prosecuted, pursued, arrested, detained or judged for his or her opinion expressed or vote cast in the exercise of his or her duties.
- (2) No member of Parliament suspected of a felony or misdemeanour may be prosecuted or arrested without the authorisation of the Chamber of which he or she is a member by a two-thirds majority vote of members present at the sitting of the Plenary Assembly, unless he or she is caught red-handedly committing a felony or

misdemeanour.

(3) In the case of a period outside the ordinary session, an extraordinary session is convened for this purpose.

(4) A member of Parliament definitively convicted of a felony or misdemeanour automatically loses his or her parliamentary office.

(5) Each Chamber of Parliament through the organic law determining its functioning may provide for gross misconduct which lead to the removal from office of a member of that Chamber upon approval of its members. In that case, the decision for removal is taken by a three-fifths majority vote of members of the Chamber of Parliament concerned.

Article 69: Venue for the sittings of the Plenary Assemblies of the Chambers of Parliament

The Plenary Assemblies of the Chambers of Parliament hold their sittings at designated buildings in the capital city, except in the event of force majeure confirmed by the Supreme Court at the request of the President of the Senate or the Speaker of the Chamber of Deputies. In case the Supreme Court is unable to sit, the President of the Republic determines the venue where the Parliament holds its sittings by decree-law.

Article 70: Holding of Plenary sittings

(1) For the Plenary Assembly of each Chamber of Parliament to duly sit, it must hold its sittings at designated buildings, upon official invitation, with an agenda, during sessions, and with a presence of at least three-fifths of its members.

(2) Except in the event of force majeure provided for in Article 69 of this Constitution, resolutions of a sitting of the Plenary Assembly held contrary to the provisions of Paragraph (1) of this Article are without effect.

(3) The sittings of the Plenary Assembly of each Chamber of Parliament are public.

(4) However, each Chamber of Parliament may decide, by an absolute majority vote of its members present at the sitting of the Plenary Assembly, to sit in camera upon request of the President of the Republic, the President of Senate, the Speaker of the Chamber of Deputies, one quarter of the members of the Chamber concerned or the Prime Minister.

Article 71: Joint sittings of the Chambers of Parliament

(1) The Chambers of Parliament cannot meet in a joint sitting, except in case of matters that this Constitution or other laws require to be jointly considered, or on the occasion of national ceremonies to be jointly attended.

(2) When Parliament considers a matter in joint sitting, it is presided over by the Speaker of the Chamber of Deputies or, in his or her absence, by the President of the Senate.

(3) The President of the Republic, after consultation with the Bureau of each Chamber of Parliament and the Supreme Court, may determine other matters to be considered jointly by both Chambers of Parliament.

(4) Modalities for taking decisions when Parliament considers a matter in a joint sitting, are provided for by the organic laws governing the functioning of the Chambers of Parliament.

Article 72: Sessions of Chambers of Parliament

(1) The sittings of the Plenary Assembly of each Chamber of Parliament take place during ordinary and extraordinary sessions.

(2) In both Chambers of Parliament, ordinary sessions commence on the same day and have the same duration.

(3) Ordinary sessions are convened by the President of the Senate and the Speaker of the Chamber of Deputies. These sessions take place on dates specified in the organic law determining the functioning of the Chambers of Parliament.

(4) Each Chamber of Parliament meets in an extraordinary session on invitation by its leader after consultation with the other members of the Bureau or at the request of the President of the Republic or of one-quarter of the members of the Chamber of Parliament concerned.

(5) An extraordinary joint sitting of both Chamber of Parliament may be convened in extraordinary session by mutual agreement of the President of the Senate and the Speaker of the Chamber of Deputies, at the request of the President of the Republic, or one- quarter of the members of each Chamber of Parliament.

(6) An extraordinary session considers only matters for which it was convened and which were brought to the notice of the members of the Chamber concerned or the entire Parliament before commencement of the session.

(7) An extraordinary session cannot exceed 15 days.

Article 73: Functioning of each Chamber of Parliament

Each Chamber of Parliament has an organic law determining its functioning.

Article 74: Autonomy of each Chamber of Parliament

Each Chamber of Parliament has its own budget and enjoys financial and administrative autonomy.

Subsection 2: The Chamber of Deputies

Article 75: Composition of the Chamber of Deputies and election of its members

(1) The Chamber of Deputies is composed of 80 Deputies. They originate and are elected from the following categories:

(a) 53 Deputies elected from a fixed list of names of candidates proposed by political organisations or independent candidates elected by direct universal suffrage based on proportional representation;

(b) 24 women Deputies elected by specific electoral colleges in accordance with the national administrative entities;

(c) two Deputies elected by the National Youth Council;

(d) one Deputy elected by the National Council of Persons with Disabilities.

(2) The organic law governing elections may increase or decrease the number of Deputies or the categories mentioned in Paragraph (1) of this Article.

(3) At least 30% of Deputies must be women.

(4) The election of Deputies referred to in Paragraph (1)(a) of this Article are conducted on the same day as the election of the President of the Republic.

(5) The election of the Deputies referred to in paragraph (1)(b)(c)(d) is conducted within the period provided for by relevant laws.

Article 76: Term of office of Deputies

Deputies are elected for a term of office of five years. They may be re-elected for additional terms.

Article 77: Vacation of office of a Deputy

- (1) A Deputy vacates his or her seat if –
- (a) he or she resigns from the Chamber of Deputies;
 - (b) he or she is expelled from the Chamber of Deputies;
 - (c) he or she resigns from the political organisation that seconded him or her;
 - (d) he or she is expelled from the political organisation that seconded him or her, in accordance with provisions of the organic law governing political organisations;
 - (e) the certificate of registration of the political organisation that seconded him or her is revoked;
 - (f) he or she joins another political organisation;
 - (g) he or she has a permanent impediment to fulfil his or her responsibilities;
 - (h) he or she dies.
- (2) Disputes relating to the decision to expel a Deputy from the Chamber of Deputies or a political organisation are adjudicated by a competent Court.

Article 78: Replacement of a Deputy

A Deputy who vacates his or her seat under the provisions of Article 77 of this Constitution is replaced in accordance with the organic law governing elections.

Article 79: Dissolution of the Chamber of Deputies for election purposes

For election purposes, the President of the Republic dissolves the Chamber of Deputies at least 30 days and not more than 60 days before the end of the parliamentary term.

Subsection 3: The Senate

Article 80: Composition of the Senate

- (1) The Senate is composed of 26 Senators elected or appointed as follows:
- (a) 12 Senators elected by specific electoral colleges in accordance with national administrative entities;
 - (b) eight Senators appointed by the President of the Republic, giving particular consideration to the principles of national unity, the representation of historically marginalised groups, and any other national interests;
 - (c) four Senators designated by the National Consultative Forum of Political Organisations;
 - (d) one academician or researcher from public institutions of higher learning, holding at least the rank of associate professor, elected by the academic and research staff of those institutions;
 - (e) one academician or researcher from private institutions of higher learning, holding at least the rank of associate professor, elected by the academic and research staff of the same institutions.
- (2) In addition to the Senators referred to in Paragraph (1) of this Article, former Heads of State who successfully completed their term of office or resigned voluntarily, become Senators upon their request to the President of the Senate and approval by the Bureau of the Senate within 30 days.
- (3) Modalities by which the Supreme Court approves the list of senatorial candidates, their requirements and their election are determined by the organic law governing elections.
- (4) The organic law governing elections may also increase or reduce the number or categories referred to in Paragraph

(1) of this Article.

(5) Senators appointed by the President of the Republic are not subject to approval by the Supreme Court and their appointment follows the election and designation of Senators from other organs.

(6) The organs responsible for the appointment of Senators take into account national unity and the principle of gender equality.

(7) At least 30% of Senators elected and Senators appointed must be females.

(8) Disputes arising from the application of this Article are adjudicated by a competent Court.

Article 81: Term of office of Senators

(1) Elected and appointed Senators serve a five-year term, renewable once.

(2) Senators who are former Heads of the State are not subject to term limits.

Article 82: Vacation of office of a Senator

A Senator vacates his or her seat if –

(a) he or she resigns;

(b) he or she is removed from office by a Court decision;

(c) he or she has a permanent impediment to fulfil his or her responsibilities;

(d) he or she dies.

Article 83: Replacement of a Senator

(1) When an elected Senator vacates his or her seat for any of the reasons provided for in Article 82 of this Constitution, he or she is replaced in accordance with provisions of the organic law governing elections.

(2) When an appointed Senator vacates his or her seat for any of the reasons provided for in Article 82 of this Constitution, the appointing authority designates his or her replacement.

(3) The newly elected or appointed Senator completes the term of office of his or her predecessor. He or she is eligible for another term of office.

Article 84: Particular responsibility for the Senate

The Senate in particular monitors the application of fundamental principles specified in Article 10 and that of the provisions of Articles 56 and 57 of this Constitution.

Article 85: Powers of the Senate in legislative matters

In legislative matters, the Senate is competent to vote on:

(a) revision of the Constitution;

(b) organic laws;

(c) laws approving ratification of international treaties and agreements on –

(i) armistice;

(ii) peace;

(iii) modification of national laws;

(iv) status of persons;

- (v) establishment of an international organisation;
- (d) laws approving accession of Rwanda to international treaties and agreements on international organisation;
- (e) laws on defence and national security.

Article 86: Powers of the Senate to approve the appointment of officials

(1) The Senate has the powers to approve the appointment of the following officials:

(a) the President, the Vice President and the Judges of the Supreme Court, the President, the Vice President and Judges of the Court of Appeal, the President and the Vice President of the High Court, the President and the Vice President of the Commercial High Court, the Prosecutor General and the Deputy Prosecutor General;

(b) Chairpersons, Vice Chairpersons and other Commissioners of national commissions, the Ombudsman and his or her Deputies, the Auditor General of the State Finances and his or her Deputy, Ambassadors and Permanent Representatives to International Organisations, Provincial Governors and Heads of public institutions.

(2) The Senate also approves the appointment of other public officials determined by law.

(3) The Government transmits to the Senate the names and biographical information of officials referred to Paragraphs (1) and (2) of this Article.

Article 87: Transmission of draft laws and private members' bills to the Senate

The Speaker of the Chamber of Deputies transmits to the President of the Senate draft laws and private members' bills adopted by the Chamber of Deputies, relating to matters specified in Article 85 of this Constitution.

Subsection 4: Initiation and adoption of laws

Article 88: Right to initiate and amend laws

(1) Initiation and amendment of laws is the right of every Deputy or the Government acting through Cabinet. However, the Senate initiates the draft organic law determining the functioning of the Senate.

(2) The initiator of a draft law or private member's bill transmits it to the Speaker of the Chamber of Deputies.

Article 89: Draft law or private member's bill likely to affect the national budget

If a draft, private member's bill or an amendment of a law has the potential to reduce Government revenue or increase State expenditure, the initiator must indicate means for enabling the State to generate revenues or make savings equivalent to the anticipated expenditure.

Article 90: Consideration of draft laws or private members' bills

(1) Draft laws or private members' bills approved by the plenary Assembly to have relevance are transmitted to the relevant parliamentary committee of the Chamber of Parliament for consideration prior to their adoption in the plenary Assembly.

(2) During the consideration of the relevance of a draft law or private member's bill, a Chamber of Parliament may decide to consider and adopt such a draft law or private member's bill in a plenary sitting without it being subjected to the relevant Committee's prior consideration.

Article 91: Procedures for adoption of law

- (1) Ordinary laws are passed by an absolute majority vote of Deputies or Senators present at the sitting of the Plenary Assembly.
- (2) Organic laws are passed by a three-fifths majority vote of Deputies or Senators present at the sitting of the Plenary Assembly.
- (3) The mode and procedure for voting are provided for by an organic law determining the functioning of each Chamber of Parliament.

Article 92: Enactment and adoption of a decree-law

- (1) If it is absolutely impossible for the Parliament to sit, the President of the Republic may during that time enact a decree-law approved by Cabinet. Such a decree-law has the same force as the ordinary law.
- (2) The decree-law immediately ceases to have legal force if not adopted by the Parliament at its next session.

Article 93: Urgent consideration of a draft law or private member's bill or any other matter

- (1) A member of Parliament or the Government may request the relevant Chamber of Parliament the urgent consideration of a draft law or private member's bill or any other matter.
- (2) When the request for urgent consideration of a draft law or private member's bill or any other matter is submitted by a member of Parliament, the relevant Chamber of Parliament decides on the urgency.
- (3) When the request for urgent consideration of a draft law or private member's bill or any other matter is submitted by Government, it is granted if there are reasonable grounds.
- (4) When the relevant Chamber of Parliament confirms the urgency of a draft law or private member's bill or any other matter, it considers the draft law or private member's bill or any other matter before other items on the agenda.

Article 94: Joint committee of the Parliament

- (1) Draft laws or private member's bills subject to examination by the Senate are transmitted to the Senate after adoption by the Chamber of Deputies.
- (2) If a draft law or private member's bill is not approved by the Senate or the amendments proposed by the Senate are not accepted by the Chamber of Deputies, a joint committee composed of an equal number of Deputies and Senators is established to make proposals on the outstanding matters.
- (3) A joint Committee of Parliament may also be established, if approved by the Plenary Assembly of each Chamber of Parliament by a three-fifths majority vote of its members, to decide on any other matter identified in the law adopted by both Chambers of Parliament so long as the law has not been transmitted for promulgation.
- (4) The Plenary Assembly of each Chamber of Parliament is notified of the conclusion reached by the joint committee for decision.
- (5) Failure to reach a conclusion by both Chambers of Parliament, a draft law or private member's bill is returned to its initiator.

Subsection 5: Hierarchy and authentic interpretation of laws

Article 95: Hierarchy of laws

- (1) The hierarchy of laws is as follows:
 - (a) Constitution;

- (b) organic law;
 - (c) international treaties and agreements ratified by Rwanda;
 - (d) ordinary law;
 - (e) orders and regulations provided for by a law.
- (2) A law cannot contradict another law that is higher in hierarchy.
- (3) Organic laws are those designated as such and empowered by this Constitution to regulate other key matters in the place of the Constitution.

Article 96: Authentic interpretation of laws

- (1) Authentic interpretation of laws is done by the Supreme Court.
- (2) Authentic interpretation of laws may be requested by the Cabinet or the Bar Association.
- (3) Any interested person may request for an authentic interpretation of a law through the Bar Association.
- (4) In case of conflict between the languages in which a law was published in the Official Gazette of the Republic of Rwanda, the language in which the law was adopted prevails.

Section 3: The Executive

Article 97: Exercise of Executive Power

Executive Power is vested in the President of the Republic and the Cabinet.

Subsection One: The President of the Republic

Article 98: Responsibilities of the President of the Republic

- (1) The President of the Republic is the Head of State.
- (2) The President of the Republic is the defender of the Constitution and the guarantor of national unity.
- (3) The President of the Republic is the guarantor of the continuity of the State, independence and sovereignty of the country and the respect for international treaties.
- (4) The President of the Republic delivers, once every year, the state of the Nation address.

Article 99: Requirements of a candidate for the office of President of the Republic

A candidate for the office of the President of the Republic must:

- (a) be of Rwandan nationality by origin;
- (b) not hold any other nationality;
- (c) be irreproachable in his or her conduct and social relations;
- (d) not have been definitively sentenced to an imprisonment of six months or more;
- (e) not have been deprived of civil and political rights by a Court decision;
- (f) be at least 35 years old at the time of his or her candidacy;
- (g) reside in Rwanda at the time of submitting his or her candidacy.

Article 100: Period and procedure for conducting presidential elections

(1) Elections for the President of the Republic are held at least 30 days and not more than 60 days before the end of the term of the incumbent President.

(2) The organic law governing elections determines the procedure for submitting presidential candidacy, conducting elections, counting of ballots, resolving election disputes, proclamation of electoral results and its time limit. The organic law also determines other necessary matters to ensure fair and free elections.

Article 101: Term of office of the President of the Republic

The President of the Republic is elected for a five-year term. He or she may be re- elected once.

Article 102: Oath of the President of the Republic

(1) Before assuming office, the President of the Republic publicly takes oath before the President of the Supreme Court as follows:

“I, do solemnly swear to Rwanda that I will:

- (a) remain loyal to the Republic of Rwanda;
- (b) observe and defend the Constitution and other laws;
- (c) diligently fulfil responsibilities entrusted to me;
- (d) preserve peace and national sovereignty;
- (e) consolidate national unity;
- (f) never use the powers conferred upon me for personal interests;
- (g) strive for the interests of all Rwandans.

Should I fail to honour this oath, may I be subjected to the rigours of the law.

So help me God.”

(2) The President of the Republic takes the oath of office within 30 days following his or her election. His or her oath of office is administered by the President of the Supreme Court.

Article 103: Duties incompatible with the office of the President of the Republic

The office of the President of the Republic is incompatible with any other elective public office, other public civilian or military positions or any other profession.

Article 104: Presidential transition

(1) The incumbent President of the Republic remains in office until the President-elect assumes office.

(2) However, when the President-elect has not yet assumed office, the incumbent President cannot:

- (a) declare war;
- (b) declare a state of emergency;
- (c) call a referendum;
- (d) grant mercy to persons definitively sentenced by Courts of law.

(3) During the Presidential transition, the Constitution cannot be revised.

(4) In case the President-elect dies, is permanently unable to assume office or chooses not to take office, new elections are organised.

Article 105: Replacing, or acting on behalf of, the President of the Republic

- (1) The President of the Republic ceases to hold office if he or she is definitively sentenced by the Supreme Court for treason or a serious and deliberate violation of the Constitution.
- (2) The decision authorising charges to be filed against the President of the Republic in the Supreme Court is taken by a two-thirds majority vote of members of each Chamber of Parliament in a joint sitting.
- (3) Prosecution against the President of the Republic is conducted by the Prosecutor General or the Deputy Prosecutor General or both.
- (4) If the President of the Republic is convicted of offences mentioned in Paragraph (1) of this Article, or if he or she resigns, is permanently incapacitated or dies, the President of the Supreme Court declares the office of President of the Republic vacant.
- (5) When the President of the Supreme Court declares the office of President of the Republic vacant, the President of the Republic is replaced in an acting capacity by the President of the Senate, or in his or her absence by the Speaker of the Chamber of Deputies, or in the absence of both by the Prime Minister.
- (6) Permanent incapacity referred to in Paragraph (4) of this Article is certified by a panel of three medical doctors nominated by the Minister in charge of health upon request by the President of the Supreme Court.
- (7) The acting President of the Republic referred to in this Article cannot appoint public officials, call a referendum, initiate the revision of the Constitution, exercise the prerogative of mercy or declare war.
- (8) In case the office of the President of the Republic becomes vacant before the end of the President's term of office, elections to replace him or her are organised within 90 days. The President of the Republic who is elected serves the remainder of the term of office of his or her predecessor.
- (9) When the President of the Republic is out of the country, sick or temporarily unable to perform his or her duties, the Prime Minister serves in an acting capacity.

Article 106: Powers to promulgate laws

- (1) The President of the Republic promulgates a law within 30 days of its receipt.
- (2) However, before promulgating the law, the President of the Republic may request Parliament for a second reading.
- (3) If, after the request by the President of the Republic for a second reading of a law, the Parliament adopts the law by a two-thirds majority vote for ordinary laws, or by a three-quarters majority vote for organic laws, the President of the Republic promulgates the law within the period referred to in Paragraph (1) of this Article.

Article 107: Powers to call a referendum

- (1) The power to call a referendum is vested in the President of the Republic.
- (2) The President of the Republic, after consulting the Supreme Court, may call a referendum on an issue of national interest, on a Constitution, on a draft Constitution, on a law or draft law, in accordance with the provisions of this Constitution or other laws.
- (3) On request, the President of the Republic may also call a referendum on matters referred to in Paragraph (2) of this Article.
- (4) If the Constitution, the draft Constitution, the law or the draft law is passed by referendum, the President of the Republic promulgates it within a period of eight days from the day the results of the referendum are proclaimed.

Article 108: Powers of the President of the Republic in matters of war and state of emergency

- (1) The President of the Republic is the Commander-in-Chief of the Rwanda Defence Force.
- (2) The President of the Republic declares war. He or she also signs armistice and peace agreements.
- (3) The President of the Republic declares a state of emergency in accordance with provisions of this Constitution and other laws.

Article 109: Prerogative of mercy

The President of the Republic has the authority to exercise the prerogative of mercy in accordance with the procedures provided for by law and after consultation with the Supreme Court.

Article 110: Power to issue currency

The President of the Republic has the power to issue national currency in accordance with the law.

Article 111: Power to represent the State

- (1) The President of the Republic represents Rwanda in its foreign relations. He or she may also designate his or her representative.
- (2) The President of the Republic appoints Rwanda's Ambassadors and Special Envoys to foreign States.
- (3) Ambassadors and Special Envoys to Rwanda present their Credentials to the President of the Republic.

Article 112: Powers to enact Presidential Orders

- (1) The President of the Republic enacts Presidential Orders by virtue of the powers vested in him or her by this Constitution and other laws.
- (2) Presidential Orders on the following matters are approved by Cabinet:
 - (a) implementation of laws if it is within his or her responsibility;
 - (b) establishment of services in the Office of the President, the Senate, the Chamber of Deputies, and in the Judicial Organ and determination of their respective responsibilities.
- (3) The President of the Republic enacts Presidential Orders on appointment and termination of service of the following judges and prosecutors:
 - (a) the President, the Vice President and Judges of the Supreme Court;
 - (b) the President, the Vice President and Judges of the Court of Appeal;
 - (c) the President and the Vice President of the High Court and the President and the Vice President of the Commercial High Court;
 - (d) the Prosecutor General and the Deputy Prosecutor General.
- (4) The President of the Republic enacts Presidential Orders on the appointment and termination of service of the following senior officials:
 - (a) the Director of Cabinet in the Office of the President of the Republic;
 - (b) Chairpersons, Vice-Chairpersons and other Commissioners of national commissions, Heads and Deputy Heads of Government specialised organs and public institutions;
 - (c) Heads and Deputy Heads of public institutions of higher learning;
 - (d) the Principal Private Secretary to the President of the Republic;

- (e) Advisers in the Office of the President;
- (f) Heads of services in the Office of the President;
- (g) Clerks of Parliament and their Deputies, the Secretary General of the Supreme Court, the Secretary General of the National Public Prosecution Authority, Permanent Secretaries in Ministries and Secretaries General of other State organs;
- (h) other heads of organs of the State as the law may determine;
- (i) members of Boards of Directors of public institutions and Government representatives in the enterprises in which the Government is a shareholder.

Article 113: Benefits granted to the President of the Republic

- (1) An organic law determines the benefits granted to the President of the Republic and a former Head of State.
- (2) However, when a President of the Republic was convicted of treason or of serious and deliberate violation of the Constitution, he or she is not entitled to the benefits granted to a former Head of State.

Article 114: Exemption from prosecution for a former President of the Republic

A former President of the Republic cannot be prosecuted for treason or serious and deliberate violation of the Constitution when no legal proceedings in respect of that offence were brought against him or her while in office.

Subsection 2: The Cabinet

Article 115: Composition of Cabinet

The Cabinet is composed of the Prime Minister, Ministers, Ministers of State and other members who may be determined by the President of the Republic where considered necessary.

Article 116: Appointment of Cabinet members

- (1) The Prime Minister is appointed and removed from office by the President of the Republic.
- (2) Ministers, Ministers of State and other members of Cabinet are appointed by the President of the Republic after consultation with the Prime Minister.
- (3) The Prime Minister is appointed within 15 days after the taking oath of the President of the Republic. Ministers, Ministers of State and other members of Cabinet are appointed within 15 days following the appointment of the Prime Minister.

Article 117: Responsibilities of Cabinet

- (1) The Cabinet implements national policy agreed upon by the President of the Republic and the Cabinet meeting.
- (2) The Cabinet is accountable to the President of the Republic and the Parliament. Modalities for exercising oversight over Government by Parliament are determined by this Constitution.

Article 118: Oath of Cabinet members

Before assuming office, the Prime Minister, Ministers, Ministers of State and other Cabinet members publicly take the oath before the President of the Republic.

Article 119: Responsibilities and powers of the Prime Minister

The Prime Minister -

- (a) leads the functioning of Government in accordance with main guidelines given by the President of the Republic and ensure the implementation of laws;
- (b) formulates Government programmes in consultation with other Cabinet members;
- (c) presents Government programmes to Parliament within 30 days from taking office;
- (d) determines the duties of Ministers, Ministers of State and other Cabinet members;
- (e) convenes Cabinet meetings, prepare the agenda of Cabinet meetings in consultation with other Cabinet members, and submit it to the President of the Republic and other members of Cabinet at least three days before the meeting, except for urgent matters considered by extraordinary Cabinet meetings;
- (f) chairs Cabinet meetings. However, when the President of the Republic is in attendance, he or she chairs the meeting;
- (g) enacts orders determining the mission, responsibilities and organisational structure of the public services under his or her authority;
- (h) enacts orders implementing laws if it is within his or her responsibility;
- (i) enacts orders on the appointment and termination of service of the following senior officials:
 - (i) Director of Cabinet in the Office of the Prime Minister;
 - (ii) Executive Secretaries of national commissions;
 - (iii) Advisers and Heads of service in the Office of the Prime Minister;
 - (iv) other senior officials of State organs where not otherwise specified;
 - (v) Director Generals and Directors in Parliament, the Supreme Court, the Office of the Prime Minister, the National Public Prosecution Authority, Ministries and other public institutions;
 - (vi) national prosecutors and chief prosecutors at the intermediate level;
 - (vii) public servants appointed at a similar level as those specified in this article and any other officials determined by the law.

Article 120: Countersigning of laws and orders

- (1) The Prime Minister countersigns laws adopted by Parliament, decree-laws and Presidential orders.
- (2) An order of the Prime Minister is countersigned by the initiating Cabinet member.

Article 121: Implementation of laws by Cabinet members

Ministers, Ministers of State and other Cabinet members implement laws through orders when it is in their responsibilities.

Article 122: The Cabinet

- (1) The Cabinet functions on the principle of collective responsibility.
- (2) The Cabinet deliberates on:
 - (a) draft laws and draft decree-laws;
 - (b) drafts Presidential Orders, drafts Prime Minister's Orders, drafts Ministerial Orders, draft orders of Ministers of State and other Cabinet members;
 - (c) all other matters in its competence by virtue of this Constitution and other laws.

- (3) A Presidential Order determines orders, which are adopted without consideration by Cabinet.
- (4) A Presidential Order determines the functioning and decision-making procedures of Cabinet.

Article 123: Incompatibilities with duties of Cabinet members and their benefits

- (1) Duties of Cabinet members are incompatible with being a member of Parliament or any other remunerated activity.
- (2) An organic law determines benefits granted to Cabinet members.

Article 124: Vacation of office of the Prime Minister and appointment of a new Cabinet

- (1) The Prime Minister's resignation or vacation of office for any reason leads to the resignation of all the other members of Cabinet.
- (2) The President of the Republic receives the resignation of Cabinet when submitted by the Prime Minister.
- (3) The outgoing Cabinet handles only routine business until a new Cabinet is appointed.
- (4) The President of the Republic appoints a new Cabinet in accordance with provisions of Paragraphs (1) and (3) of Article 62 and provisions of Paragraphs (1) and (2) of Article 116 of this Constitution.

Article 125: Resignation of Cabinet members

- (1) A Minister, a Minister of State or other Cabinet member may tender his or her resignation, in writing, to the President of the Republic, through the Prime Minister.
- (2) A resignation of a Minister, a Minister of State or other Cabinet member becomes effective if it is not withdrawn by the person concerned within a period of five days and the President of the Republic agrees to the resignation.

Subsection 3: Collaboration between the Legislature and the Executive

Article 126: Informing Cabinet of the activities of Parliament

- (1) Each Chamber of Parliament informs the President of the Republic and the Prime Minister about the agenda of the sittings of the plenary Assembly and committees' meetings.
- (2) The Prime Minister and other Cabinet members may attend sittings of each Chamber of Parliament if they wish. They take the floor whenever they request to do so.
- (3) When the Prime Minister or other Cabinet members attend sittings of each Chamber of Parliament, they may be accompanied by technical advisers of their choice.
- (4) The technical advisers who accompany the Prime Minister or other Cabinet members who attend sittings of a Chamber of Parliament may only take the floor during Committee meetings.

Article 127: Vote of confidence for Government activity programme

- (1) The Prime Minister may, upon approval by Cabinet, request the Chamber of Deputies to pass a vote of confidence either with respect to the approval of Government activity programme or adoption of a draft law.
- (2) The debate on the request for a vote of confidence can only take place after three complete days from the time the request was received by the Chamber of Deputies.
- (3) A vote of no confidence may only be passed through a secret ballot by a two-thirds majority of Deputies.

(4) When the Chamber of Deputies denies confidence to the Prime Minister, he or she tenders a resignation of Cabinet to the President of the Republic, within 24 hours.

Article 128: Methods by which the Chamber of Deputies exercises oversight over Government activities

The Chamber of Deputies uses the following methods to exercise oversight over Government activities:

- (a) oral questions;
- (b) written questions;
- (c) hearings before Committees;
- (d) commission of inquiry;
- (e) interpellation.

Article 129: Motion of no confidence against the Cabinet, or one or more of its members

(1) The Chamber of Deputies may question the performance of Cabinet, or of one or more of Cabinet members through a vote of no confidence.

(2) A motion of no confidence is only accepted after interpellation and only when the motion is signed by at least one-fifth of Deputies in case that vote of no confidence is against one of the members of Cabinet, or by at least one-third of Deputies if it concerns the entire Cabinet.

(3) A motion of no confidence cannot be voted upon prior to the expiry of at least 48 hours after its presentation and it is adopted through a secret ballot by at least a two-thirds majority vote of Deputies.

(4) Where the Chamber of Deputies exercises the motion of no confidence against the Cabinet or one or more of its members, it postpones the closure of ordinary or extraordinary sessions in order to ensure the application of the provisions of this Article.

(5) In case a motion of no confidence is rejected, signatories to the motion are not allowed to introduce a similar motion during the same session.

Article 130: Resignation due to a vote of no confidence

(1) A Cabinet member against whom a vote of no confidence is passed tenders his or her resignation to the President of the Republic through the Prime Minister.

(2) When the vote of no confidence is passed against the entire Cabinet, the Prime Minister tenders a resignation of the entire Cabinet to the President of the Republic.

Article 131: Methods by which the Senate exercises oversight over Government activities

(1) For purposes of exercising oversight over Government activities, the Senate may put oral or written questions to the Prime Minister to which he or she responds either in person if the questions concern the entire Cabinet or several Ministries collectively or through concerned Cabinet members.

(2) The Senate may, in addition, set up commissions of inquiry for oversight over Government activities.

(3) However, the Senate cannot conduct interpellation of members of Cabinet or initiate a motion of no confidence against them.

Article 132: Procedures for

parliamentary oversight over Government activities An organic law determines procedures for parliamentary oversight over Government activities.

Article 133: Dissolution of the Chamber of Deputies due to serious matters of national concern

- (1) Without prejudice to the provisions of Article 79 of this Constitution, the President of the Republic, after consultation with the Prime Minister, the Speaker of the Chamber of Deputies, the President of the Senate and the President of the Supreme Court, may dissolve the Chamber of Deputies due to serious matters of national concern.
- (2) Election of Deputies takes place within 90 days following the dissolution of the Chamber of Deputies due to serious matters of national concern. The elected Deputies serve the remainder of the term of office.
- (3) The President of the Republic cannot dissolve, more than once during his or her term of office, the Chamber of Deputies due to serious matters of national concern.
- (4) The Senate cannot be dissolved.

Article 134: Informing Parliament of Government activities

- (1) The Prime Minister presents to both Chambers of Parliament, in a joint sitting, Government activities at least three times a year from the beginning of the first ordinary session of Parliament.
- (2) The Prime Minister communicates Cabinet decisions to the Bureau of each Chamber of Parliament within eight days following their approval.
- (3) During sessions, Parliament devotes some sittings to questions by members of Parliament to Cabinet and responses thereto.
- (4) The Cabinet must provide Parliament with all the required explanations on its activities and management thereof.

Article 135: Informing the Parliament of a declaration of war

In case the President of the Republic declares war, he or she informs Parliament, in a joint sitting within a period of seven days. The Parliament decides by a simple majority of members of each Chamber.

Article 136: Presidential address to Parliament

- (1) The President of the Republic addresses one or both of the Chambers of Parliament, either in person or in a message read on his or her behalf by the Prime Minister before both Chamber of Parliament in a joint sitting, or before either Chamber. There is no debate on such communication.
- (2) When not in session, the Parliament or one of its Chambers is convened specifically for that purpose.

Article 137: State of emergency

- (1) A state of emergency is provided for by a law and declared by the President of the Republic following approval by Cabinet.
- (2) During a state of emergency and within 30 days after its end, no election activity can be held.

Article 138: Rights and powers not affected by the declaration of a state of emergency

- (1) A declaration of a state of emergency cannot under any circumstances violate the right to life and physical and mental integrity of the person, the rights granted to people by law in relation to their status, capacity and nationality; the principle of non- retroactivity of criminal law, the right to defence and freedom of thought, conscience and religion.
- (2) A declaration of a state of emergency cannot under any circumstances affect powers of the President of the Republic, the

Parliament, the Supreme Court and the Prime Minister nor can it modify the principles relating to the responsibility of the State and public servants provided for in this Constitution.

Article 139: Parliament during a state of emergency

(1) During the state of emergency, the Chamber of Deputies cannot be dissolved and both Chambers of Parliament are recalled immediately if they are in recess.

(2) If at the date of a declaration of a state of emergency the Chamber of Deputies has previously been dissolved or its term has ended, powers of Parliament relating to a state of emergency are exercised by the Senate.

Subsection 4: Other State organs

Article 140: National commissions, specialised organs, national councils and public institutions

(1) The national commissions, specialised organs and national councils entrusted with the responsibility to help in resolving important issues facing the country are the following:

(a) national commissions:

(i) National Commission for Human Rights;

(ii) National Electoral Commission;

(iii) National Public Service Commission.

(b) specialised organs:

(i) Office of the Ombudsman;

(ii) Office of the Auditor General of State Finances;

(iii) Gender Monitoring Office;

(iv) Chancellery for Heroes, National Orders and Decorations of Honour.

(c) national councils:

(i) National Women Council;

(ii) National Youth Council;

(iii) National Council of Persons with Disabilities.

(2) Specific laws determine the mission, organisation and functioning of these organs.

(3) A law may establish another national commission, specialised organ and national council when necessary. The law also determines their mission, organisation and functioning.

(4) When considered necessary, a law may also remove a national commission, specialised organ or national council.

(5) An organic law establishes general provisions governing public institutions.

Subsection 5: National Umushyikirano Council and Abunzi Committee

Article 141: National Umushyikirano Council

(1) The National Umushyikirano Council brings together the President of the Republic and citizens' representatives.

- (2) The National Umushyikirano Council meets at least once a year. It debates issues relating to the state of the Nation and national unity.
- (3) The President of the Republic convenes and presides over the National Umushyikirano Council and determines those who participate.
- (4) Resolutions of the National Umushyikirano Council are submitted to the relevant institutions to enable them to improve their service delivery to the population.
- (5) A Presidential Order may provide for other matters for the National Umushyikirano Council.

Article 142: Abunzi Committee

- (1) The Abunzi Committee is responsible for conciliating parties in conflict with the aim of consolidating unity and peaceful co-existence.
- (2) The Abunzi Committee is comprised of persons of integrity who are recognised for their conciliation skills.
- (3) A law determines the organisation, territorial jurisdiction, competence and functioning of the Abunzi Committee.

Subsection 6: Public Prosecution

Article 143: National Public Prosecution Authority

- (1) The National Public Prosecution Authority is responsible for investigating and prosecuting offences throughout the country.
- (2) The National Public Prosecution Authority is a single institution. It is composed of the Office of the Prosecutor General, the public prosecution service at the intermediate level and the public prosecution service at the primary level.
- (3) The Office of the Prosecutor General consists of the Prosecutor General, the Deputy Prosecutor General and National Prosecutors.
- (4) A law determines the organisation, functioning and competence of the National Public Prosecution Authority.
- (5) A law determines the statute and code of ethics of prosecutors and personnel of the National Public Prosecution Authority.

Article 144: Appointment of prosecutors

- (1) The Prosecutor General and the Deputy Prosecutor General are appointed by a Presidential Order after approval by the Senate.
- (2) The President of the Republic nominates a candidate for the position of Prosecutor General and the position of Deputy Prosecutor General, after consultation with the Cabinet and the High Council of the National Public Prosecution Authority.
- (3) National Prosecutors and chief prosecutors at the intermediate level are appointed by a Prime Minister's Order after approval by the High Council of the National Public Prosecution Authority.
- (4) Other prosecutors are appointed in accordance with the law governing the statute of prosecutors.

Article 145: Term of office of heads of prosecution services

- (1) The Prosecutor General and Deputy Prosecutor General are appointed for a term of office of five years, renewable once.

(2) The law governing the statute of prosecutors determines the term of office for the chief prosecutors at the intermediate level.

Article 146: Collaboration between the National Public Prosecution Authority and other organs

(1) The National Public Prosecution Authority is under the supervision of the Minister in charge of justice.

(2) In matters relating to prosecution of offences, the Minister in charge of justice determines the general policy and may, in public interest, issue written instructions to the Prosecutor General to undertake or refrain from investigating and prosecuting an offence.

(3) The Minister may also, in case of urgency and in public interest, issue written instructions to any prosecutor to investigate and prosecute or refrain from investigating and prosecuting an offence and inform the Prosecutor General of such instructions.

(4) Prosecutors are independent from parties and judges.

Article 147: High Council of the National Public Prosecution Authority

(1) The High Council of the National Public Prosecution Authority has the responsibility to provide general policy guidelines and to ensure smooth functioning of the prosecution services throughout the country.

(2) A law determines the organisation, powers and functioning of the High Council of the National Public Prosecution Authority.

Article 148: Military Prosecution Department

(1) The Military Prosecution Department is responsible for the prosecution of offences committed by persons who are subject to the jurisdiction of military Courts. It investigates and prosecutes offences before military Courts.

(2) The Military Prosecution Department is headed by the Military Prosecutor General assisted by the Deputy Military Prosecutor General.

(3) A law determines the organisation, jurisdiction and functioning of the Military Prosecution Department.

Section 3: The Judiciary

Subsection One: General provisions on the Judiciary

Article 149: Judicial Authority

The Judicial Authority is vested in the Judicial Organ composed of ordinary Courts and specialised Courts.

Article 150: High Council of the Judiciary

(1) The High Council of the Judiciary is the supreme governing organ of the Judiciary. It sets general guidelines governing the administration of the Judiciary.

(2) A law determines the organisation, powers, responsibilities and functioning of the High Council of the Judiciary and its composition.

Article 151: Independence of the Judiciary

The Judiciary is independent and enjoys financial and administrative autonomy.

Article 152: Principles of the judicial system

(1) The judicial system is governed by the following principles:

- (a) justice is rendered in the name of the people and nobody may be a judge in his or her own cause;
 - (b) Court proceedings are conducted in public, unless the Court determines that proceedings be held in camera in circumstances provided for by law;
 - (c) every judgment indicates its basis, is written in its entirety and pronounced as provided for by the law;
 - (d) Court rulings are binding on all parties concerned, be they public authorities or individuals; they cannot be challenged except through procedures determined by law;
 - (e) in exercising their judicial functions, judges at all times do it in accordance with the law and are independent from any power or authority.
- (2) The code of conduct and integrity of judges is determined by relevant specific laws.

Subsection 2: Courts and judges

Article 153: Classification of Courts

- (1) Courts consist of ordinary and specialised Courts.
- (2) Ordinary Courts are comprised of the Supreme Court, the Court of Appeal, the High Court, Intermediate Courts and Primary Courts.
- (3) Specialised Courts are comprised of Commercial Courts and Military Courts.
- (4) An organic law may establish or remove an ordinary or a specialised Court.
- (5) A law determines the organisation, functioning and jurisdiction of Courts.

Article 154: Appointment of judges in charge of Courts

- (1) The President and the Vice President of the Supreme Court, the President and the Vice President of the Court of Appeal, the President and the Vice

President of the High Court, the President and the Vice President of the Commercial High Court are appointed by a Presidential Order after approval by the Senate. The President of the Republic appoints them after consultation with Cabinet and the High Council of the Judiciary.

- (2) The President of the Supreme Court must be of Rwandan nationality by origin and must not hold any other nationality.
- (3) Judges in charge of other ordinary Courts and commercial Courts are appointed by the High Council of the Judiciary.

Article 155: Appointment of other judges

- (1) Judges of the Supreme Court and those of the Court of Appeal are appointed by the President of the Republic after consultation with the Cabinet and the High Council of the Judiciary. The President of the Republic submits to the Senate a list of candidates whose number equals that of vacant posts of Judges of the Supreme Court and Judges of the Court of Appeal for their approval.
- (2) Other judges of other ordinary Courts and commercial Courts provided for by this Constitution are appointed by the High Council of the Judiciary.
- (3) Judges of military Courts are appointed in accordance with the legislation governing them.
- (4) The law governing the statute of judges and judicial personnel determines modalities for their appointment to Courts.

Article 156: Oath-taking by judges

(1) The President, the Vice President and Judges of the Supreme Court, the President, the Vice President and Judges of the Court of Appeal as well as the President and the Vice President of the High Court, the President and Vice President of the Commercial High Court take the oath of office publicly before the President of the Republic.

(2) Other judges take the oath of office before authorities referred to in the law governing them.

Article 157: Term of office of judges in charge of Courts

(1) The President and the Vice President of the Supreme Court, the President and the Vice President of the Court of Appeal, the President and the Vice President of the High Court, the President and the Vice President of the Commercial High Court are appointed for a term of office of five years renewable once.

(2) The law governing the statute of judges and judicial personnel also determines the term of office of judges in charge of other Courts.

Article 158: Removal of judges

(1) The President, the Vice President and Judges of the Supreme Court, the President, the Vice President and Judges of the Court of Appeal, the President and the Vice President of the High Court, the President and the Vice President of the Commercial High Court may be relieved of their duties for misbehaviour, incompetence or gross professional misconduct upon request by a three-fifths majority vote of either the Chamber of Deputies or the Senate, and a decision to remove them from office is taken by Parliament in a joint sitting by a two-thirds majority vote of each Chamber.

(2) Other judges of other ordinary Courts and commercial Courts provided for by this Constitution are removed from office by the High Council of the Judiciary.

(3) Judges of military Courts are removed from office in accordance with the legislation governing them.

CHAPTER VIII: NATIONAL DEFENCE AND SECURITY

Article 159: National defence and security organs

(1) The State has the following defence and security organs:

- (a) Rwanda Defence Force;
- (b) Rwanda National Police;
- (c) National Intelligence and Security Service.

(2) A law may determine other security organs.

(3) National defence and security organs collaborate and coordinate their activities in fulfilment of their respective responsibilities.

Article 160: Rwanda Defence Force

(1) National defence is the responsibility of a professional national military force known as the “Rwanda Defence Force”.

(2) A law determines the mission, organisation and powers of the Rwanda Defence Force.

Article 161: Rwanda National Police

(1) Rwanda National Police is generally responsible for ensuring security of persons and property throughout the country.

(2) A law determines the governing principles, powers, responsibilities, organisation and functioning of the Rwanda National Police.

Article 162: National Intelligence and Security Service

(1) The National Intelligence and Security Service is generally responsible for internal and external intelligence, as well as immigration and emigration matters, for the prevention of and protection against threats to national security.

(2) A law determines responsibilities, organisation, functioning and powers of the National Intelligence and Security Service.

CHAPTER IX: STATE FINANCE AND TAXES

Article 163: State finance law

(1) Every financial year, the Chamber of Deputies considers the relevance of the draft law determining State finances and adopts it.

(2) The law determining State finances determines the revenue and expenditure of the State in accordance with the conditions provided for by an organic law. An organic law also determines the deadline for the presentation of annual State budget before both Chambers of Parliament.

(3) Before the final adoption of the State budget, the Senate provides the Chamber of Deputies with its opinions on the draft law determining State finances.

Article 164: Execution of the State budget before publication of finance law

In case the financial year starts before the publication of the law on State finance of that year, the Prime Minister authorises, by an order, a monthly expenditure on a provisional basis of an amount equal to one-twelfth of the budget of the preceding year.

Article 165: Imposing, modifying or removing a tax

(1) Tax is imposed, modified or removed by law.

(2) No exemption or reduction of a tax can be granted unless authorised by law.

Article 166: Office of the Auditor General of State Finances

The Office of the Auditor General of State Finances is an independent State organ responsible for the auditing of State finances and assets.

Article 167: Report of the Office of the Auditor General of State Finances

(1) The Office of the Auditor General of State Finances submits each year, to both Chambers of Parliament, prior to the commencement of the session devoted to the examination of the State budget of the following year, a complete report on the balance sheet of the State budget of the previous year. The report also indicates the manner in which the budget was executed, unnecessary or unlawful expenditures, and whether there was embezzlement or squandering of public funds.

(2) The Office of the Auditor General of State Finances submits to the President of the Republic, the Cabinet, the President of Supreme Court and the Prosecutor General a copy of the report referred to in Paragraph (1) of this Article.

(3) Within six months of receiving the report of the Office of the Auditor General of State Finances referred to in this Article, the Parliament examines it and takes appropriate decisions.

(4) Institutions and public officials to which a copy of the annual report of the Office of the Auditor General of State Finances is addressed implement its recommendations by taking appropriate measures as regards irregularities and other shortcomings which were disclosed.

(5) The Parliament may request the Office of the Auditor General of State Finances to conduct a financial audit of State organs or the use of funds allocated by the State.

CHAPTER X: INTERNATIONAL TREATIES AND AGREEMENTS

Article 168: Negotiation and ratification of international treaties and agreements

(1) The President of the Republic or his or her delegate has the sole power to negotiate and sign international treaties and agreements. The President of the Republic has the sole power to ratify international treaties and agreements. The Parliament is notified of those treaties and agreements following their conclusion.

(2) However, international treaties and agreements concerning armistice, peace, commerce, international organisations, those which commit state finances, those requiring modification of national legislation or relating to the status of persons can only be ratified after approval by Parliament.

(3) International treaties and agreements ceding or exchanging part of the territory of Rwanda or adding a territory of another country to Rwanda cannot be ratified without the consent of Rwandans through a referendum.

Article 169: Binding force of international treaties and agreements

Upon publication of a Presidential Order ratifying an international treaty or agreement in the Official Gazette of the Republic of Rwanda, the international treaty or agreement has the force of law as national legislation in accordance with the hierarchy of laws provided for under Paragraph (1) of Article 95 of this Constitution.

Article 170: Prohibited international agreements

(1) It is prohibited to make international agreements permitting foreign military bases on the national territory.

(2) It is prohibited to make international agreements permitting the transit or dumping, on national territory, of toxic waste and other hazardous materials likely to cause serious damage to public health and the environment.

Article 171: International treaties and agreements conflicting with the Constitution or an organic law

Where an international treaty or agreement contains provisions which are conflicting with the Constitution or an organic law, its ratification cannot be done until the Constitution or the organic law is modified.

CHAPTER XI: TRANSITIONAL PROVISIONS, REVISION OF THE CONSTITUTION AND FINAL PROVISIONS

Article 172: The President of the Republic

(1) The President of the Republic in office at the time this Constitution comes into force continues to serve the term of office of seven years for which he was elected.

(2) The provisions of Article 101 of this Constitution take effect after the seven -year term of office of the President of the Republic referred to in Paragraph (1) of this Article.

Article 173: Continuation of functions of Deputies in office

Deputies in office at the time this revised Constitution comes into force continue to serve until the day of the dissolution of the Chamber of Deputies due to elections.

Article 174: Entry into force of laws

- (1) Laws cannot enter into force without their prior publication in accordance with procedures determined by law.
- (2) Ignorance of a duly published law is not an excuse.
- (3) Unwritten customary law remains applicable provided it has not been replaced by written law, is not inconsistent with the Constitution, laws, orders, and regulations, and neither violates human rights nor prejudices public order or good morals.

Article 175: Procedure for revising the Constitution

- (1) The power to initiate the revision of the Constitution is vested in the President of the Republic after approval by Cabinet. It is also vested in each Chamber of Parliament through a two-thirds majority vote of members.
- (2) The revision of the Constitution requires a three-quarters majority vote of the members of each Chamber of Parliament.
- (3) However, if the revision of the Constitution concerns the term of office of the President of the Republic or the system of democratic Government based on political pluralism or the political regime established by this Constitution, especially the republican form of Government and national sovereignty, the revision is passed by referendum, after adoption by each Chamber of Parliament.
- (4) No proposal of revision to this Article is permitted.

Article 176: Entry into force

This revised Constitution comes into force upon promulgation by the President of the Republic and its publication in the Official Gazette of the Republic of Rwanda.