**Annexure ‘E’**

**Study on the Right to Equal Participation in Political and Public Affairs in Africa**

**African electoral laws**

In many African States’ electoral laws have been passed to facilitate the implementation of the constitutional right to political participation. The Main sources used were Electoral Institute for Sustainable Democracy in Africa (<http://www.eisa.org.za>) and The Electoral Knowledge Network (<http://aceproject.org/regions-en/regions/africa?set_language=en>).

1. **Angola**

Law 7/2004 of 17 June

Law No 3/05 of 1 July

Law No 2/05 of 1 July

Law No 4/05 of 1 July

Electoral Code of Conduct 2005 Resolution No 10/05

1. **Benin**

Electoral Law No 2010-33 of 7 January 2011

Law No. 2010-35 of 21 December 2010

Law 2005-26 of 6 August 2010

1. **Botswana**

Electoral Act (Chapter 02:09)

Referendum Act (Chapter 02:08)

Societies Act (Chapter 18:01)

Local Government Act (chapter 40:01)

1. **Burkina** **Faso**

Electoral Code (2012)

1. **Burundi**

Loi No 1/22 du 18 Septembre 2009 Portant Revision de la Loi No 1/015 du 20 Avril 2005 Portant Code Electoral;

Loi No 1/02 du 25 Janvier 2010 Portant Révision de la Loi No 1/016 du 20 Avril 2005 Portant Organisation de l'administration Communale

Loi No 1/006 du 26 Juin 2003 Portant Organisation et Fonctionnement des Partis Politiques in Bulletin Officiel du Burundi No 6 bis/2003 1er Juin, 327-333

[Code de Bonne Conduite des Partis Politiques, des Medias et de l'administration en Periode Electorale](https://www.eisa.org.za/pdf/bur2010code.pdf) 2010, Ministre de l'interieur, Février

[Code de Bonne Conduite des Partis Politiques, des Medias et de l'administration en Periode Electorale](https://www.eisa.org.za/pdf/bur2010code.) 2010, Ministre de l'interieur, Février

1. **Cameroon**

Electoral Code of 13 April 2012

1. **Cape Verde**

Electoral Law Nº 56 /VII/2010; Law Nº 41/2007 on Voter Registration

1. **Central African Republic**

Loi No 09.016 Portant Code Electoral de la République Centrafricaine, 02 Octobre 2009

Décret 2009, 3 Octobre, Portant Création de la Commission Électorale Independante

Political Parties Loi no 91.004 du 1991

1. **Chad**

Loi No 003/pr/2009 Portant Code Electoral, du 7 Janvier 2009

Loi No 008/pr/2009 Portant Modification de l'article 73 de la Loi No 003/pr/2009 du 07 Janvier 2009 Portant Code Electoral

Décret No 621/pr/pm/misp/2009, 6 Juin 2009

Loi No 020/pr/2008 Portant Création d'une Commission Electorale Nationale Indépendante, du 23 Décembre 2008

Décret No 621/pr/pm/misp/2009, 6 Juin 2009

Loi No 45 du 14 Décembre 1994 Portant Charte des Partis Politiques

1. **Côte d’Ivoire**

Electoral Law No. 2000-514 of 1 August 2000

1. **Democratic Republic of Congo**

Law No 04/009 of June 5, 2004

Law 06/006 of February 2006

Electoral Registration Law No 04/024 12 November 2004

Law No 04/028 of December 24, 2004

Political Parties Law No 04/002 of 15 March 2004

1. **Djibouti**

Electoral Law (1992)

1. **Eritrea**

Electoral Law (2002)

Political Parties Proclamation (2001)

1. **Ethiopia**

Proclamation No. 532/2007 amending the Electoral Law

1. **Gabon**

Electoral Law (2011)

1. **Gambia**

National Assembly Bill 1 (2017)

Assembly Bill 2 (2017)

Local Government Act No 5 of 2002

Elections Decree 78 of 1996

1. **Ghana**

Representation of the People Law, 1992 (PNDCL 284), as amended by Representation of the People (Amendment) (No 2) Act (No 298 of 1992)

Public Elections Regulations, 1996 (CI15)

Public Elections (Registration of Voters) Regulations 2012 CI 72

The Representation of the People (Parliamentary Constituencies) Instrument, 2012, (CI78)

Presidential Elections Law 1992 (PNDCL)

Citizenship Act 591 of 2000

Electoral Commission Act, 1993 (ACT 451)

Political Parties Law Act 574 2000

Political Parties Code of Conduct 2012

Electoral Commission of Ghana 2012 "Framework for Domestic Elections Observation”

Economic Community of West Africa States "Election Observer Code"

National Media Commission 2008 "Guidelines for Fair and Equitable Coverage of Political Parties by the State-Owned Media"

National Media Commission Act 1993 (ACT 449)

1. **Guinea**

Law L/2007/013 establishing the National Independent Electoral Commission (CENI)

Law regulating public funding for political parties

1. **Guinea-Bissau**

Electoral Law (2009)

 Law of 12 December 2009 on the National Electoral Commission

1. **Kenya**

Independent Electoral and Boundaries Commission Bill, 2011

National Accord and Reconciliation Act 2008

National Assembly and Presidential Elections Act (Cap 7, revised edition 2009)

Local Government Act (Cap 265)

Election Offences Act (Cap 66); Political Parties Act, 2007

Political Parties (Registration) Regulations, 2008

Political Parties (Funding) Regulations, 2009

Kenya Broadcasting Act (Cap 221)

Media Act, 2007

1. **Lesotho**

National Assembly Election Order 1992

National Assembly Elections (Amendment) Act 2001

Local Government Act 1996

Local Government Elections Act 1997

Local Government Elections (Amendment) Act 2004

1. **Liberia**

Amended electoral laws (2014)

Electoral Law (2011)

Voter Registration Regulations (2011)

Referendum Regulations (2011)

Guidelines relating to the Registration of Political Parties and Independent Candidates (2011)

Campaign Finance Regulations for Political Parties and Candidates (2011)

1. **Madagascar**

Loi Oraganique No 2012-005 Portant Code Electoral (repeals Loi Organique No 2010-003)

Loi No 2012-007 Portant Amnistie pour la Réconciliation Nationale

Loi No 2011-013 Portant Statut de l'opposition et des Partis d'opposition

Loi Organique No 2002-004 du 3 Octobre 2002 Relative à l'élection des Députés à l'Assemblée Nationale

Loi Organique No 2012-015 Relative à l'élection du Premier Président de la Quatrième

Loi No 2012-016 Relative aux Premières Elections Législatives de la Quatrième République

Loi No 2012-004 la Commission Électoral Nationale Independante pour la Transition Loi No 2011- 012 relative aux Partis Politiques (repeals Loi Organique No Loi No 2009-002)

1. **Malawi**

Parliamentary and Presidential Elections Act, 1993 (Amended 1994, 1997, 1998)

Electoral Commission Act, 1998

Local Government Elections Act, 1996

Local Government Act, 1998

Political Parties (Registration and Regulation) Act, 1993

Presidential, Parliamentary and Local Government Elections: Political Party Code of Conduct, issued by the Malawi Electoral Commission

1. **Mali**

[Loi Electorale No 06-044 du 4 Septembre 2006 Consolidée](https://www.eisa.org.za/pdf/mali2006loielectorale.pdf) (Modifiée par la loi n°2011-085 du 30 Décembre 2011 et la Loi No 2013-017 du 21 Mai 2013)

[Loi 05-047 du 18 Aout 2005 Portant Charte des Partis Politiques](https://www.eisa.org.za/pdf/mali2005chartepartis.pdf)

1. **Mauritius**

Representation of the People Act of 1968, amended 1976, 1982, 2005

National Assembly Elections Regulations (Act 12/68) of 1968

Rodrigues Regional Assembly Act (Act No.39 of 2001)

Local Government Act of 2003

Representation of the People (Amendment) Act 2005

1. **Mozambique**

Law No 5/2013 of 22 February 2013

Law No 8/2013 of 27 February 2013

Law No 4/2013 of 22 February 2013

Law No 7/2013 of 22 February 2013

Law No 6/2013 26 February

Law No 7/91 "Political Parties Law"

Law No 8/2007 26 February

1. **Namibia**

Electoral Act 1992 as amended in 1994, 1998, 1999, 2002 and 2003

Regional Councils Act, 1992 as amended up to 2000

Local Authorities Act 6 of 1992 as amended 1997

1. **Niger**

Ordinance No 2010-85 regulating the status of the opposition

Ordonnance No. 2010-96 du 28 Décembre 2010 portant Code Electoral (2010)

1. **Nigeria**

Electoral Act (2010)

1. **Rwanda**

Constitution of 2003 with Amendments through 2015 (2015)

Organic law No 03/2010/OL and law n°27/2010

Law No 31/2005 of 24/12/2005

Law No 22/2009 of 12/08/2009 regulating the Media

1. **São Tomé and Príncipe**

Electoral Law No 11/90 de 26 de Novembro

Lei dos Poartidos Políticos No 8/90

Finance Law No 09/04 (2004)

1. **Senegal**

Electoral Code (2012)

1. **Seychelles**

Elections Act, 17 of 1995

Political Parties (Registration and Regulation) Act, 1991 as amended 1995, 1996

1. **Sierra Leone**

The Public Elections Act (2012)

The Political Parties Act, 2002

Constitution, Act No. 6 of 1991

The Public Elections Act (Abridged version), 2012

Code of Election Campaign Ethics, 2012

1. **Somalia**

Electoral Laws Handbook (2009)

Code of Conduct for the Political Organisations and the National Elections Commission, Local Elections (2002)

Code of Conduct for the Political Organizations, Local Elections (2002)

Code of Conduct for Political Parties (2005)

Press Code of Conduct for Coverage of the Somaliland Elections (2005)

Voter Registration Law with its Amendments (2008)

The Transitional Federal Charter of the Somali Republic (2003)

1. **South Africa**

[Electoral Act](https://www.eisa.org.za/wep/soulaws7.htm), 73 of 1998

Local Government: Municipal Structures Act 117 of 1998

Local Government: Municipal Demarcation Act No 27 of 1998

Local Government: Municipal Electoral Act No 27 of 2000

Local Government: Municipal Electoral Regulations, includes amendments until 2005

[Electoral Commission Act](https://www.eisa.org.za/wep/soulaws5.htm), 51 of 1996

Municipal Demarcation Act 27 of 1998, as amended in 2002

[Rules Regulating the Conduct of the Proceedings of the Electoral Court](https://www.eisa.org.za/pdf/sou1998courtrules.pdf)

[Rules Regulating Electoral Disputes and Complaints about infringements of the Electoral Code of Conduct](https://www.eisa.org.za/pdf/sou1998courtrules2.pdf)

[Public Funding of Represented Political Parties Act](https://www.eisa.org.za/wep/soulaws6.htm), 103 of 1997, as amended in 2005

Public Funding of Represented Political Parties Regulations, 1998, includes amendment until 2005

[Electoral Commission Act](https://www.eisa.org.za/wep/soulaws5.htm), 51 of 1996

Regulations on the Accreditation of Observers, 1999

[Code of Conduct for Accredited Observers](https://www.eisa.org.za/wep/sou1999eomcode.htm) (Regulations on the Accreditation of Observers, 1999, Schedule B)

1. **South Sudan**

Report, Assessment of the Southern Sudan Referendum Act, Democracy Reporting International (2011)

The National Elections Act No. 39 of 2012

1. **Sudan**

Final Report, Assessment of the Electoral Framework, Democracy Reporting International (2009)

National Elections Act (2008)

Comprehensive Peace Agreement (2005)

Fact Sheet, The Electoral Process

Fact Sheet, The National Election Act (2008)

Rules for Elections Observation and Code of Conduct of Observers (2009)

Political Parties Act (2007)

Darfur Peace Agreement (2006)

1. **Swaziland**

[Elections and Boundaries Commission Act, 2013](https://www.eisa.org.za/pdf/swa2013ebc.xps)

[Voters Registration Act, 2013](https://www.eisa.org.za/pdf/swa2013registration.xps)

[Elections Act, 2013](https://www.eisa.org.za/pdf/swa2013election.xps)

[Senate (Elections) Act, 2013](https://www.eisa.org.za/pdf/swa2013senate.xps)

[Parliamentary (Petitions) Act, 2013](https://www.eisa.org.za/pdf/swa2013petitions.xps)

[Elections Expenses Act, 2013](https://www.eisa.org.za/pdf/swa2013expenses.xps)

1. **Tanzania**

National Elections Act, Cap 343

The Elections (Parliamentary and Presidential Elections) Regulations 2010

Local Authorities (Elections) Act 1979

Local Government (Urban Authorities Act) 1982

Local Government (District Authorities) Act 1982

Political Parties Act Cap 258, includes all amendment until 2006

Election Expenses Act, 2010

NEC 2010 [Electoral Code of Conduct for the Presidential, Parliamentary and Councillors' Elections](https://www.eisa.org.za/wep/tanparties3.htm)

NEC 2010 "Guidelines for local and international election observers"

1. **Togo**

Law No 2009-002 amending articles 21 and 32 of the Electoral Code

Law No 2009-018 amending the Electoral Code

Law No 2007-009 amending the Electoral Code

Organic Law of 18/06/2012

Law No 91-97 Regulating Political Parties

Electoral Code No 2000-07 as amended by Law No 2005-001

1. **Uganda**

Electoral Commission Act (1997)

Guidelines for Nomination of Parliamentary candidates (2011)

Political Parties and Organisations Act (2005)

Referendum Act (2005)

Parliamentary Elections Act (2005)

1. **Zambia**

[Electoral Process Act, 2016](https://www.eisa.org.za/pdf/zam2016ElectoralProcessAct.pdf)

[Referendum Act (Chapter 14)](https://www.eisa.org.za/pdf/zamCap14ReferendumAct.pdf)

[Referendum (Amendment) Act, 2015](https://www.eisa.org.za/pdf/zam2015ReferendumActAmend.pdf)

[Electoral Commission of Zambia Act, 2016](https://www.eisa.org.za/pdf/zam2016eczAct.pdf)

[Societies Act (Chapter 119)](https://www.eisa.org.za/pdf/zamCAP119SocietiesAct.pdf)

Schedule to [Electoral Process Act, 2016](https://www.eisa.org.za/pdf/zam2016ElectoralProcessAct.pdf)

L[ocal Government Elections Act (Chapter 282)](https://www.eisa.org.za/pdf/zamCAP282LocalElectionAct.pdf)

1. **Zimbabwe**

**Electoral Act Chapter 2:13**

SI 69/2013 Chapter 2:13 Electoral (Voter Registration) Regulations, 2013

SI 84/2013 Chapter 2:13 Electoral (Special and Postal Voting) Regulations, 2013

SI 87/2013 Chapter 2:13 Electoral Amendments Regulations, 2013 (No 8)

SI 88/2013 Chapter 2:13 Electoral (Nomination of Candidates) Regulations, 2013

SI 89/2013 Chapter 2:13 Electoral (Accreditation of Observers) Regulations, 2013

**Referendums Act Chapter 2:10**

**Political Parties (Finance) Act (Chapter 2:11)**

[Access to Information and Protection of Privacy Bill 2001](https://www.eisa.org.za/pdf/zimaccessinfo.pdf)

[Public Order and Security Bill 2001](https://www.eisa.org.za/pdf/zimpuborder.pdf)

Statutory Instrument 33/2008 Chapter 2:12 Zimbabwe Electoral Commission (Media Coverage of Elections) regulations, 2008