

THE
CARTER CENTER



Final Report

General Elections in the Democratic Republic of the Congo

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Executive Summary

The Carter Center has an established history of engagement with elections in the Democratic Republic of the Congo through election observation and support to civil society observers. In advance of the 2023 elections, the Center deployed a long-term election expert starting in March 2022 to follow developments in the pre-election period. The Carter Center also worked with Congolese partners to support election law reform.

In late 2022, the Center began preparing to deploy an international election observation mission. This included an assessment of the voter registration process in April and May 2023 and a needs assessment mission in July 2023.

In June 2023, The Carter Center received an invitation from the government of the Democratic Republic of the Congo (DRC) to observe the Dec. 20, 2023, general elections and began deploying an international election observation mission (IEOM) in early September. The Center deployed 44 international election experts and observers, including 24 long-term observers (LTOs) in 12 provinces, to observe the presidential, National Assembly, provincial assembly, and municipal elections.

The Carter Center IEOM, led by mission director Nicolas Teindas, included experts and observers from 20 countries, with 23 mission members coming from across Africa. The Independent National Electoral Commission (known by its French acronym, CENI) provided timely accreditation to all mission members. Prior to election day, The Carter Center welcomed Catherine Samba-Panza, former transitional president of the Central African Republic, to serve as the IEOM's high-level leader. Unfortunately, another high-level leader was not issued a visa and could not join the mission. The IEOM was supported by the Carter Center's permanent office in the DRC, led by Senior Country Representative Romain Ravet.

The Carter Center IEOM monitored technical preparations for the elections, the electoral campaign, the tabulation and announcement of results, election dispute resolution, inclusion, and other issues. In accordance with Carter Center election observation methodology, the mission assessed the process against international standards and commitments for democratic elections as outlined in treaties, other international instruments, and documents on electoral good practice. Importantly, the DRC is a party to most global and regional instruments related to elections and has shown leadership by integrating many of these standards into the national legal framework.

The Carter Center IEOM was limited in scope, as it did not include a full short-term observer delegation. Therefore, although Carter Center teams observed voting at 109 polling locations in 12 provinces on election day and the counting process at 16 polling stations, these were a limited number of locations and are not representative of processes across the country. The Carter Center encourages Congolese citizens and other stakeholders to consider the findings and recommendations of citizen observation organizations, including the CENCO-ECC and *Regard Citoyen* election observation missions, which deployed tens of thousands of observers over the election day period.

The 2023 elections took place in the context of a deep lack of confidence in the fairness of the process on the part of many citizens and stakeholders. This lack of confidence stemmed in part from the poor conduct of previous elections, particularly the 2018 presidential election. Other elements impacting confidence in the process since 2018 include the contentious appointments of members of the Constitutional Court, complaints that the opposition was not appropriately represented in the new composition of the CENI, and a dispute among civil society about the appointment of the new CENI president.

In addition, persisting insecurity from rebel groups in the East led the DRC government to impose a state of siege in Ituri and North Kivu and caused large population displacement, in particular as clashes between Rwanda-backed M23 rebels and armed forces of the DRC intensified throughout 2023. Security issues in the east and other areas of the country significantly impacted voter registration, the election campaign, and election day operations and led to the cancellation of elections in three territories.

In this context, the general elections were framed by an intensive effort on the part of the CENI and the government to adhere to the constitutional deadline for the election of the president. Despite the challenges faced due to the late appointment of CENI members, the compressed electoral calendar, the creation of a completely new biometric voter register, limited infrastructure in much of the country, and other significant operational and security constraints, meeting this deadline was the overarching priority in order to fulfill a key element of international standards for democratic elections — ensuring that citizens can express their will periodically and in accordance with the constitution.

Although this goal was achieved, the Carter Center IEOM found that it came at the cost of full respect for some other important elements of a democratic election process. While there were positive improvements over previous elections – including a more professional approach by the CENI – the conduct of the December 2023 general elections in the DRC fell short of meeting some key international commitments for democratic elections. Among the issues identified by the Carter Center IEOM were obstacles to full participation of citizens as voters, a campaign environment that reflected advantages for the ruling coalition, instances of political violence, significant delays and operational problems on election day, deviation from the law in the tabulation process, and a lack of transparency in the post-election dispute resolution process.

The CENI successfully managed to create the new voter register in a short time under difficult conditions, but the process appeared to under-register eligible citizens, particularly women and people from marginalized communities such as indigenous people, persons with disabilities, and people internally displaced by conflict. Following the close of voter registration, the process for compiling and auditing the voter lists was rushed and lacked transparency. Problems with the printing of voter cards – a required means of identification to vote – and delays in publishing the provisional and final voter lists left some voters uncertain as to whether they would be able to cast a ballot. To correct this, the CENI had to derogate from the electoral law to authorize people omitted from the lists or with an illegible voter card to vote. Carter Center LTO teams observed that voter education efforts at local level were limited, particularly on procedures for casting a ballot on the electronic voting devices (EVDs).

Despite the CENI's efforts, the tight deadlines for the election process also played a role in undermining the basic organization of the election, as large numbers of polling stations opened late — sometimes days late — or not at all, due to the absence of materials required for voting. The election day delays generated widespread frustration among voters, which led to instances of violence, some of which were widely shared on social media. Discontent was exacerbated by the fact that the CENI did not communicate effectively about the delays in opening, the number and location of polling stations affected, and when voting would take place in these locations. Citizen observation organizations and the CENI reported numerous irregularities during the voting process. The delays and irregularities on election day created a sense that the CENI lacked full control of the process. The same problems, some directly observed by Carter Center observer teams, may have also denied some voters the opportunity to express their will.

The Center also observed aspects of the election process that represented improvements over previous elections. For example, candidate registration, including the resolution of disputes over candidacy by the Constitutional Court, was broadly inclusive, resulting in a wide range of choice for voters, with over 100,000 candidates across the country for all levels of elections. In addition, for the first time, the CENI organized some municipal elections (though only in urban areas), and a pilot out-of-country voting process for citizens overseas.

As in 2018, citizen observation groups deployed tens of thousands of observers across the country on election day and throughout the process, adding an important measure of transparency to the process. The engagement of citizens as election officials, party agents, observers, candidates, and voters demonstrated their strong commitment to democracy.

The election campaign was competitive but often low key for elections below the presidential race, as lack of funding left many candidates and parties with limited means to engage voters. The competition was at times not fully fair, given widely disparate financial resources. Opposition presidential candidates complained that the incumbent president enjoyed significant advantages, including the ability to travel around the country, security arrangements, venues for campaign events, and media coverage. Carter Center LTO teams noted the abuse of administrative resources in some locations on behalf of candidates for the ruling coalition. Electoral violence was not widespread but was significant in some areas, particularly in the Kasai provinces but also in other areas. The Carter Center IEOM observed that interethnic hostility, misogynistic attacks, and anti-LGBTIQ+ sentiment were at times fueled by hate speech on social media.

In addition to election day difficulties, the post-election day consolidation of results included significant deviations from established legal processes, as results were tabulated at CENI level from the electronic transmission from the EVDs rather than at constituency level from polling station results as specified in the legal framework. The CENI posted polling station results on its website for the presidential election, as required by a legal amendment in 2022, but did not do so for lower levels of elections, reducing transparency.

The Constitutional Court met deadlines in resolving election disputes and proclaiming the final results for the presidential and National Assembly elections. However, its decisions usually did not provide the full reasoning, making the basis for overturning or upholding results unclear.

The results reflected only marginal advances for representation of women at National Assembly level, and five of the 26 provincial assemblies had no women elected. This meant that a non-binding legal measure instituted in 2022 to improve women's representation fell short of the objective of bringing women's representation in greater alignment with constitutional requirements. Nevertheless, the DRC took an important step forward with President Félix Tshisekedi's nomination of Judith Suminwa as the new prime minister on April 1, 2024.

The CENI made efforts to improve inclusion of underrepresented groups in the electoral process, but more needs to be done to facilitate the equal participation of indigenous people, people living with disabilities, internally displaced people, and youth.

Key findings from the report are as follows:

Legal framework and electoral system: The legal framework overall meets international obligations and standards relating to democratic elections. Legal reform in 2022 introduced an obligation for detailed election results to be published on the CENI website and outside each polling station. However, the diversity of legal sources sometimes resulted in ambiguous provisions. This led to selective and inconsistent application of provisions related to voter registration, voter cards, publication of voter lists, voting operations, and results transmission procedures. The proportional representation system used for the National Assembly election is complex, particularly the application of the 3% electoral threshold, and could be better explained to political parties, candidates, and voters. The 10% electoral threshold for representation in municipal councils is high in comparison to international standards and is a barrier to more diverse political representation at the local level.

Election management/administration: Contested election results in 2011 and 2018 sowed seeds of mistrust towards the CENI. To promote integrity, the organic law on the CENI was amended in 2021 and new members were appointed in 2021 and 2022. However, political disagreements over the CENI composition persisted: The opposition voiced grievances over the dominance of the ruling coalition in the CENI's membership and there was a dispute among the religious denominations regarding the appointment of the CENI president.

The CENI administered the 2023 election process within a compressed calendar. Its operations were affected by insufficient operational capacity and by the delayed disbursements of funding by the government, as identified by the CENI. Some of the organizational challenges the CENI faced were exacerbated by insufficient consultation with political parties and civil society. The impact of the logistical challenges regarding voter registration, the publication of voter lists, voter cards, and election day processes could have been mitigated through better communication and engagement.

Voter registration: Positively, the CENI overcame significant obstacles, including security issues, funding gaps, logistical constraints, and untested equipment, to complete the four-month-long voter registration process on schedule. However, the quality of the process suffered because of these challenges. While 43.9 million voters were registered, this was over 5 million voters less than initial targets. The audit of the voter register was brief and did not follow standard audit evaluation methodology, as it did not review registration data. Voter registration was not carried out in three

territories in eastern DRC for security reasons, leading to the indefinite postponement of elections in those areas.

The CENI did not meet all of the legal deadlines for publication of the provisional and final voter lists. This affected voters' ability to seek legal remedy regarding instances of omission and contributed to concerns about the accuracy of the lists. Positively, the CENI provided a new smartphone application to improve access to voter lists, and shortly before election day, it introduced an SMS system for voters to identify their polling station.

Voter cards: Many of the voter cards printed at the time of voter registration became illegible because of the low quality of the printing. This left many voters without any form of identification. The CENI's efforts to replace the cards had only limited success because the replacement cards were distributed late in the process and did not reach all affected voters. Shortly before election day, the CENI set up a backup process for voter identification. While the solution was a positive effort to limit potential disenfranchisement, the measures did not appear to be fully compliant with the electoral law, which requires voters to have a voter card to prove their identity.

Candidate registration: The Carter Center commends the work undertaken by the CENI and the courts to ensure the political inclusivity of the candidate registration process. The introduction of a requirement that parties and party groups had to field candidates for at least 60% of seats to be on the ballot for each assembly, which was intended to limit the number of parties and candidates, had the opposite effect, as parties registered as many candidates as needed to overcome the threshold. A legal change to incentivize greater inclusion of women had only limited impact, as many parties preferred to pay registration fees rather than ensure gender parity on their candidate lists.

Voter Education: Carter Center LTO teams assessed that the CENI's civic and voter education campaign was insufficient to reach all voters and came too late in the process. In part due to a lack of resources, voter education activities were primarily confined to urban areas. They appeared to have limited reach and only occasionally targeted women and other underrepresented groups. Greater inclusion of civil society as part of voter education and outreach efforts could have improved voter awareness.

Political Space, Election Campaign, and Campaign Finance: Political and civic space was at times constrained in the pre-election period, as marches and demonstrations were sometimes prohibited or met with disproportionate force by security services. While candidates were generally free to campaign, protections for political and civil rights before and during the election campaign period at times fell short of national legal provisions and international standards, as noted above. The campaign for the presidency was often characterized by personal attacks by the leading candidates, to the detriment of substantive policy discussion. As election day neared, vote buying became more prevalent, as observed by Carter Center LTO teams and citizen observation organizations. The law on political finance, which provides for public financing of election campaigns and requires that parties receiving public funding have gender parity on their lists, has never been implemented. There is otherwise no regulation of campaign spending.

Electoral Violence: While the electoral process was not characterized by widespread political violence, several election-related violent incidents occurred in the country from the start of the voter registration process to the post-election period in January 2024, resulting in close to 50 deaths,

including at least two candidates. During voting operations, violent incidents were reported in several provinces, including Equateur, Kinshasa, Maniema, Ituri, Nord-Kivu, and particularly the Kasai provinces. These included cases of attacks on CENI agents, destruction or theft of EVDs, and arson against CENI offices. The CENI denounced many of these irregularities.

Media: National media coverage is limited. The public broadcaster covers all provincial capitals and their surroundings but does not have nationwide reach. However, there are regional and local media outlets. The national media regulator, the Superior Council of Audiovisual and Communication (CSAC), organized a series of programs for presidential candidates to present their programs but lacked sufficient resources to carry out its work effectively, especially at provincial and local levels. However, the CSAC did take action against a conspicuous case of hate speech during the pre-campaign period. A prominent journalist was arrested in September and not released until after the elections, in a case seen by many to have political motivation.

Election Observation: As noted above, the large number of citizen observers and party agents was a positive aspect of this election process. However, accreditation of citizen observers and party agents was often bureaucratic and slow, and some citizen observation organizations reported that thousands of their observers did not receive accreditation in time.

Election Technology: The use of electronic voting was a less contentious political issue for the 2023 elections than in 2018. However, the transparency of the use of EVDs could have been improved, particularly through pre- and post-election audits, increased information about the system, and greater access by observers and others to technical procedures to prepare the EVDs for election day. Carter Center LTO teams did observe some presentations of the EVDs for voters in some provinces. The teams found that pre-election training for polling staff was often inadequate. On election day, citizen observation missions reported that numerous polling stations had to temporarily stop the voting process because of problems with the machines or batteries, confirming observations by the Carter Center IEOM in its limited observation of the voting process. The “PreRap” mobile application was an innovation introduced by the CENI to facilitate the pre-registration of voters and the identification of polling center locations by voters. This appeared to be a positive step to increase inclusiveness and access to information.

Election Day: The operational difficulties that caused the late opening of many polling stations led the CENI to extend voting by several days in affected areas. Carter Center teams observed that a significant number of voters did not understand how to use the EVDs, and citizen observation organizations had similar findings across the country. The delays likely created additional obstacles in some locations for women, indigenous people, and people with disabilities to vote. In an improvement over the 2018 election, SMS and internet services remained active.

Tabulation and Publication of Results: To publish provisional results as quickly as possible, the CENI tabulated the results centrally from the results transmitted from the EVDs at the close of voting. This circumvented the legal procedures, which state that the results must be tabulated at the constituency level from the forms delivered by polling stations. This procedural shortcut reduced transparency, as party agents and observers could not witness the tabulation of results.

The CENI annulled the votes of 81 winning National Assembly candidates whom the CENI accused of election fraud. The Constitutional Court admonished the CENI for overstepping its authority but did not reinstate the candidates.

The CENI announced the provisional results for all elections within the established deadlines. It published online the results of the presidential election by polling station but without reference to the number of registered voters in each polling station or to turnout. The results by polling station were posted only after the period dedicated to lodge complaints. Also, the CENI did not publish results by polling station for other levels, as required by law.

Inclusion: As noted above, the inclusion of women remained insufficient in regard to constitutional requirements and international standards, both in elected positions and in the election administration. Positive legal measures were taken to support inclusion of people with disabilities and indigenous people with the adoption of two laws in 2022, but both lack implementing provisions in the electoral law. Very few people with disabilities or indigenous people stood as candidates or were elected. Despite efforts on election day to prioritize people with disabilities in queues, Carter Center and citizen observers reported that many polling stations remained inaccessible or difficult to access. Practical efforts to include indigenous people in the voting process were insufficient.

The large number of internally displaced people is a tragic consequence of the persistent conflict in the east of the country, which often prevented them from accessing voter registration or voting on election day. Despite making up 70% of the population, youth remain underrepresented in elected bodies. LGBTIQ+ people are marginalized in both public and private spheres and were targeted by some candidates in campaign speeches, on social media, and in positions taken by public institutions.

Post-Election Dispute Resolution and Final Results: The Constitutional Court rejected two appeals, one from an opposition candidate and the other from a voter, challenging the provisional results of the presidential election. The short time frame for filing appeals made it difficult for potential appellants to provide the necessary documentation. There were a high number of appeals against the provisional National Assembly results. The court invalidated 47 candidates, changing the results in those constituencies. However, as noted above, these decisions were communicated without the full reasoning underpinning the decision. Without the reasons for these decisions being made public, it is difficult to ascertain whether the Constitutional Court met the requirements of impartiality. Following the announcement of the final results, the court reinstated as election winners 19 candidates whose results had been invalidated, This was done in the context of addressing requests to “rectify material errors.” The Court did not identify the errors that were corrected.

Recommendations: The Carter Center’s goal is to support the people of the DRC in building and strengthening the country’s democratic institutions through the conduct of elections in line with international standards. The Center reiterates its willingness to work with all stakeholders on electoral reform efforts. Based on its findings and assessments contained in this report, The Carter Center offers recommendations to the government and parliament of the DRC, the CENI, the

Constitutional Court, political parties, and social media platforms. These recommendations are listed at the end of this report.

Finally, The Carter Center wishes to express its gratitude for the cooperation it has enjoyed from the CENI, government authorities, the Constitutional Court and other judicial bodies, the media regulator (CSAC), political parties, candidates, civil society, citizen observation organizations and activists, media representatives, religious leaders, the diplomatic community, and the people of the DRC. The Center highly appreciates the time provided to its observers by hundreds of election officials and other citizens at the local level who answered questions and offered their insights and recommendations for future elections.

The Carter Center in the Democratic Republic of the Congo

The Carter Center has been active in the Democratic Republic of the Congo (DRC) since 2006, working to promote democratic governance, strengthen civil society capacity to observe elections, protect human rights, and advance transparency and accountability in the extractive industries. The Center has permanent offices in Kinshasa and Lubumbashi, led by Senior Country Representative Romain Ravet.

At the invitation of the DRC authorities, the Center conducted long-term international election observation missions for the country's 2006 and 2011 presidential and parliamentary elections. In 2018, The Carter Center did not receive an invitation to observe but was able to deploy an international election expert mission to assess key aspects of the general elections.¹

Carter Center Observation of the 2023 general elections

In response to statements by President Félix Tshisekedi to Carter Center leadership that the government of the DRC would welcome early engagement of the Center in the 2023 general elections, The Carter Center deployed an electoral analyst to Kinshasa in February 2022 to monitor election-related developments. During this period, the Center tracked developments around the composition of the Independent National Electoral Commission (CENI), release of the electoral calendar on Nov. 26, 2022, and election preparations. The Center also engaged in election-related legal reform efforts together with its longstanding partner CENCO.

In November 2022, The Carter Center received funding from USAID to conduct an international election observation mission for the 2023 general elections and to provide technical support to the citizen observation mission organized by CENCO-ECC.² Those projects, while complementary, were separately managed in order to maintain the independence of each observation effort.

Although the Center initially hoped to observe the voter registration process starting in December 2022, the deployment of long-term observers was not possible, as the Center had not yet received an invitation to observe. The Center was able to send a voter registration expert to Kinshasa in March and April 2023 to make an interim assessment of the voter registration process, which serves as the basis for the assessment of that process contained in this report.

On June 24, 2023, the government of the DRC formally invited The Carter Center to observe the Dec. 20 elections. In response to the invitation, the Center deployed a needs assessment mission to Kinshasa in July 2023 to hear the views of a wide range of stakeholders regarding the election process, which for the first time included the organization of municipal council elections in urban communes in addition to the presidential, national assembly, and provincial assembly elections.

The Carter Center deployed an international election observation mission (IEOM) at the beginning of September 2023, led by mission director Nicolas Teindas. The IEOM officially opened on Sept.

¹ Final reports and other statements and reports from these missions are available on the Carter Center website at https://www.cartercenter.org/news/publications/election_reports.html#drc.

² The findings and recommendations contained in this report are those of The Carter Center and do not necessarily reflect the views of USAID or the government of the United States.

25 with a core team of nine international election experts based in Kinshasa, supported by DRC national staff.³ On Nov. 1, the Carter Center began deploying 24 international long-term observers (LTOs) to the DRC. After an extensive briefing, the LTOs were deployed to 12 provinces in 12 multinational teams of two starting Nov. 9.⁴ The LTO teams observed the conduct of the election campaign, technical preparations by the CENI, voter education efforts, and the access of citizen observers to the election process.

Prior to election day, the Carter Center IEOM was joined by its high-level leader, Catherine Samba-Panza, former transitional president of the Central African Republic, as well as by Carter Center staff and others. In total, the Carter Center mission was composed of 44 international observers from 20 countries, including 23 observers from the African continent.

On Dec. 20, Carter Center observers visited 109 polling stations to gather data on the conduct of opening, voting, closing, and counting operations through extensive standardized questionnaires. As the Center did not deploy a full short-term observer delegation, the IEOM was considered a limited mission in accordance with Carter Center methodology and was not in a position to provide a comprehensive, statistically based assessment of election day proceedings. The mission's election day findings of the IEOM cannot be generalized to make an overall assessment of the election day process.

LTO teams remained in the provinces through Jan. 12, 2024, to follow tabulation and reporting of results and to discuss recommendations with local stakeholders. The LTOs repatriated on Jan. 15 after a debriefing, and the core team departed at the end of January. The mission director and legal analyst remained in country through June to follow the resolution of election-related disputes.

During its time in the DRC, the Carter Center IEOM met with a wide range of stakeholders at national, provincial, and local levels, including the CENI, the Constitutional Court and other courts, government officials, candidates for the different elections, including presidential candidates and their representatives, media representatives, security officials, citizen observation missions of CENCO-ECC, *Regard Citoyen*, and other citizen observation organizations, as well as civil society organizations working on gender and inclusion issues. In total, the IEOM held over 800 external meetings, including more than 600 by the LTO teams.

The Carter Center IEOM operated in accordance with the Declaration of Principles for International Election Observation and made its assessments and recommendations based on international principles and commitments endorsed by the DRC, as well as on international good practice.⁵

This final report identifies the main findings of the Carter Center IEOM, assesses the election process and its various components in relation to international standards, and presents recommendations for further advancement of the electoral legal framework and its implementation.

³ Carter Center Launches Mission to Observe General Elections in the Democratic Republic of Congo (Sept. 25, 2023), <https://www.cartercenter.org/news/pr/2023/drc-092523.html>.

⁴ LTO teams were deployed to Kongo Central, Kasai-Central, Kasai-Oriental, Lomami, South Kivu, North Kivu, Tshopo, Equateur, Tanganyika, Lualaba, Haut-Katanga, as well as Kinshasa. Two LTOs left the mission early and were replaced.

⁵ United Nations. Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers. United Nations, 2005. <https://www.cartercenter.org/documents/2231.pdf>.

The report covers the legal framework, the electoral system, election administration, voter and candidate registration, the campaign, access of citizen observers, the use of election technology, election day processes, tabulation and announcement of results, and election dispute resolution. The report also contains sections on women's participation, inclusion of marginalized populations, electoral violence, media, and social media.

The Carter Center published additional reports about the 2023 elections: an interim report on Dec. 5, 2023; a preliminary statement of findings and conclusions on Dec. 22, 2023; and, in the post-election period, a second interim report on Jan. 26, 2024, which focused on tabulation procedures and the announcement of results. These reports are available on the Carter Center website.⁶

The Carter Center expresses its gratitude to the government of the Democratic Republic of the Congo for inviting the Center to observe the general elections. The Center also thanks the CENI for its efforts to ensure timely accreditation of its observers and for its cooperation with IEOM observers and staff at national, provincial, and local levels. The Center also takes this opportunity to express its appreciation to the national team members who supported the mission and the hundreds of Congolese who took the time to meet with the IEOM before, during, and after election day.

Political Context

The 2018 Elections

The 2018 presidential election was notable for being highly competitive. President Joseph Kabila did not run due to term limitations, and several candidates from the ruling and opposition parties ran to take his place. While the elections brought the first peaceful transfer of presidential power through elections in the DRC's history, the process and the results were widely considered not to have reflected the will of the people, as provided for in international law.⁷

Among other problematic aspects were the exclusion of international election observation organizations, the implementation of electronic voting without political consensus, the modification of the electoral legal framework midway through the electoral process, the lack of publication of results by polling station, and the exclusion of some territorial entities, including Yumbi (Mai-Ndombe province) and Beni-Butembo (North Kivu province), from the presidential election process, officially for reasons of security and health.⁸

The main observer group, JPC/CENCO, which had more than 40,000 observers covering all polling centers, released its preliminary statement on Jan. 3, 2019.⁹ The JPC/CENCO statement said that,

⁶ See https://www.cartercenter.org/news/publications/election_reports.html#drc.

⁷ Information in this section comes from the Carter Center's Final Report of the Expert Mission for the 2018 Harmonized Presidential, Parliamentary and Provincial Elections in the Democratic Republic of the Congo, pp. 6-8. https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/drc-2018-election-report-final-en.pdf.

⁸ Legislative and provincial elections in these areas were held on March 31, 2019.

⁹ The Carter Center provided technical support to the JPC/CENCO election observation mission.

according to the data in its possession, there was a clear winner of the presidential race. The organization did not mention the name of the alleged winner but called on the CENI to publish the results of the elections with full respect for truth and justice. On Jan. 10, 2019, the CENI's announcement of the provisional results indicated that Félix Tshisekedi was the winner of the presidential election. The results were viewed with deep skepticism by national and international stakeholders. JPC/CENCO declared in a statement that the results published by the CENI did not correspond to the data collected by its observation mission from polling stations and vote counts. The provisional results were contested before the Constitutional Court, notably by candidate Martin Fayulu, who was widely believed to have won a large majority of votes.

On Jan. 17, a consultative meeting in Addis Ababa headed by the chairperson of the African Union (AU) and attended by a number of heads of state or their representatives from countries in the Southern African Development Community (SADC), African regional organizations, the African members of the United Nations (U.N.) Security Council, and the troika of outgoing, current, and incoming AU chairpersons concluded that "there were serious doubts on the conformity of the provisional results" and called on the Congolese Constitutional Court to suspend the proclamation of the final results. However, on Jan. 20, 2019, the Constitutional Court confirmed the results of the CENI and declared Tshisekedi the winner of the presidential election; he was then sworn in on Jan. 24, 2019.

The Political Environment Leading to the 2023 Elections

Following the contested 2018 elections, the political environment remained fluid and dynamic. Tshisekedi's platform Course for Change (CACH), which included his party Union for Democracy and Social Progress (*Union pour la Démocratie et le Progrès Social* or UDPS), forged a coalition with Joseph Kabila's Common Front for the Congo (FCC) to form a government. The FCC had won the legislative elections, securing 342 of the 500 seats in the National Assembly, and also had majorities in almost all provincial assemblies and governments. However, from the outset, disagreements hindered the FCC-CACH coalition's capacity to govern. After Tshisekedi's inauguration as president on Jan. 24, 2019, it took five months for the two parties to agree on the appointment of Sylvestre Ilunga Ilunkamba as prime minister. Ilunga then formed a government, with the FCC obtaining key ministries such as defense, justice, and mines.

After the appointment of three new judges to the Constitutional Court in October 2020 under controversial legal circumstances,¹⁰ tensions with the FCC increased, leading President Tshisekedi to dissolve the FCC-CACH coalition. In January 2021, the Constitutional Court authorized members of Parliament to leave their political groups and join new alliances.¹¹ This decision gave MPs the opportunity to switch political allegiance without risking being dropped by their original party and losing their seat. In this way, many FCC deputies joined the new majority of the Sacred Union of the Nation (*Union Sacrée de la Nation*; USN). Between December 2020 and January 2021, the deputies of the new government majority replaced the presidents of the National Assembly and the Senate, as well as Prime Minister Ilunga and his government. On Feb. 15,

¹⁰ U.N. Security Council, Report of the Secretary General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, Sep. 21, 2020, paras 3 and 4.

https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2020_919.pdf

¹¹ Constitutional Court decision, 1453/1463/1464 of Jan. 15, 2021.

following negotiations between the various factions of the USN, Tshisekedi appointed Jean-Michel Sama Lukonde as the new prime minister. The new majority undertook the reform of the organic law on the organization and functioning of the CENI in 2021, which paved the way to the contentious selection of the new CENI members in 2021 and 2022 (see p. 21).

In May 2023, as the elections approached, a demonstration organized in Kinshasa by a coalition of opposition political parties to denounce the rising cost of living, the opacity of the electoral process, and persistent insecurity in eastern DRC was violently repressed by the police, with dozens arrested and injured.¹² Civil society groups, human rights organizations, journalist associations, and opposition groups denounced this crackdown on dissenting voices. The political atmosphere was also marked by the emergence of radical groups from the youth branches of some political parties. A quasi-official wing of the UDPS party called the *Forces du Progrès* (FDP) included “Special Brigades” who were perceived as acting as paramilitary militia. Other parties also organized groups to protect party leaders and supporters, or to intimidate opponents, but those linked to the UDPS were generally believed to be the largest and to have attracted the most attention.

Among the cases of political violence that caused a public outcry, Cherubin Okende, a former minister and the spokesperson of the opposition party Together for the Republic (*Ensemble pour la République, or Ensemble*) was apparently kidnapped at the premises of the Constitutional Court on July 13, 2023, and was then found dead.¹³ Human rights violations continued to be a serious concern, particularly in the provinces of North Kivu and Ituri, where a state of siege has been in force since May 2021 and renewed every two weeks since then.¹⁴ Journalists’ organizations reported that the period between elections was marked by numerous abuses against journalists — in some cases by rebel groups — including three murders, two enforced disappearances, and numerous death threats and arbitrary arrests.¹⁵

On Sept. 8, 2023, well-respected journalist Stanis Bujakera was arrested and imprisoned on accusations of forgery and spreading false information. He remained in prison through the elections, despite numerous national and international demands for his release, until he was finally freed on March 19, 2024.¹⁶

¹² Human Rights Watch, “RD Congo: Des manifestations pacifiques violemment réprimées”, May 29, 2023. <https://www.hrw.org/fr/news/2023/05/29/rd-congo-des-manifestations-pacifiques-violemment-reprimees>.

¹³ The Attorney General concluded on Feb. 29, 2024, that the death of Mr. Okende had been a suicide. His family and the political party Ensemble were not satisfied with the outcome of the investigation.

¹⁴ Citing instability, as well as treachery and espionage in the recurring armed conflicts in the eastern provinces of the country, the DRC lifted on Mar. 14, 2024, a moratorium on the death penalty that had been in effect for two decades. See Jurist News, “[DR Congo reinstates death penalty after 21 years amid escalating violence and militant attacks](#)”, Mar. 17, 2024.

¹⁵ See *Reporters sans Frontières, RDC, “Les journalistes doivent pouvoir couvrir l’élection présidentielle en sécurité et sans restriction”*, Dec. 20, 2023. <https://rsf.org/fr/rdc-les-journalistes-doivent-pouvoir-couvrir-l-%C3%A9lection-pr%C3%A9sidentielle-en-s%C3%A9curit%C3%A9-et-sans>.

¹⁶ The prosecutor requested a twenty-year prison sentence, but the journalist was finally sentenced to six months imprisonment on Mar. 17, 2024, and released on Mar. 19 taking into account time served.

Implementation of Previous Carter Center Recommendations

The Carter Center Expert Mission Final Report on the 2018 elections contained a number of recommendations for the consideration of the Parliament, the CENI, and other stakeholders. Priority recommendations focused on revising the electoral legal framework, enhancing the independence and transparency of the election administration, and increasing the quality of the voter registration process, the voting machines, and dispute resolution processes.

Three recommendations were addressed to some extent. The main improvements were:

- The CENI published a more detailed electoral calendar.
- The parliament attempted to improve the representation of women within the National Assembly and other elected bodies, which was done through an incentive for parties to have gender parity on candidate lists.
- An amendment to the electoral law in 2022 required the CENI to publish the results per polling station, although this was not fully implemented.

Nevertheless, the majority of previous recommendations regarding the legal framework, election administration, campaign environment, political finance, and other aspects of the election process remained unaddressed. These have been reiterated, where appropriate, in the context of these elections in the recommendations section at the end of this report.

Legal Framework

A sound legal framework is essential to the administration of democratic elections and to ensuring that a country upholds its international obligations. According to international commitments, the legal framework for democratic elections should be transparent and readily accessible to the public and should address all the components of an electoral system necessary to ensure democratic elections.¹⁷ This includes guarantees for an “environment conducive to respect for and enjoyment of human rights and fundamental freedom on an ongoing basis, without discrimination and without arbitrary or unreasonable restrictions.”¹⁸

Introduction

The legal framework for elections in the DRC comprises several texts. It includes the DRC Constitution, international legal instruments relating to elections, the electoral law, the law on voter registration, laws relating to the CENI, implementing measures adopted by the CENI, and laws on the Constitutional Court and the Superior Council of Audiovisual and Communication (in its French acronym, CSAC). In addition, the DRC has ratified or signed a number of international legal instruments at the level of the U.N., the AU, and subregional organizations.

¹⁷ ICCPR, Article 2; U.N. Human Rights Committee (HRC), General Comment 25, paras. 5, 7, 9, 19, 20.

¹⁸ The Carter Center and the Office of the United Nations High Commissioner for Human Rights, Human Rights and Election Standards: A Plan of Action, December 2017, p. 6, para. 18.

The Constitution of the Democratic Republic of the Congo

As the founding and supreme text, the 2006 constitution as amended by Law No. 11/002 of Jan. 20, 2011, serves as the primary source of electoral law in three aspects. The constitution affirms the DRC's commitment to universal principles of democracy and free and transparent elections. It provides benchmarks for the rule of law and democracy, establishing certain bodies involved in elections and vesting them with the necessary authority to carry out their tasks. These include the Constitutional Court and other "institutions in support of democracy" (Title V of the constitution), such as CENI and the CSAC, with the latter ensuring, among other things, press freedom and equitable access to information for political parties, associations, and citizens (Article 212). Decisions by these bodies may be appealed to the *Conseil d'Etat*, the highest administrative court (Articles 154 and 155 of the constitution). The latter also acts as the final electoral judge for sub-national elections, with competence to review the decisions of the Administrative Courts of Appeal.

International Legal Instruments on Democracy and Elections

Apart from the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights (AfCHPR), which are expressly mentioned in the constitution, the DRC is a state party to the ICCPR, to which it acceded in 1976. It is also bound by the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which it ratified in 1986. In 2015 the DRC acceded to the Convention on the Rights of Persons with Disabilities.

In the framework of the AU, the DRC ratified the Constitutive Act of the organization in 2002. Following the ratification of the AfCHPR, the DRC ratified the Protocol to the Charter on the Rights of Women in Africa in 2008. The DRC signed the African Charter on Democracy, Elections and Governance (ACDEG) in 2008 but has not yet ratified it. The DRC's electoral processes can also be assessed in light of the AU Declaration on the Principles Governing Democratic Elections in Africa, adopted on July 8, 2002.

As a member state of the International Organization of La Francophonie (OIF), the DRC is also bound by the 2005 Charter of La Francophonie, the 2000 Bamako Declaration on the assessment of the practices of democracy, rights and freedoms in the French-speaking world, and the 2014 Dakar Declaration on women and young people. As a member of the Southern African Development Community (SADC), the DRC is bound by the 1992 treaty establishing the community, as well as by the 2015 Principles and Guidelines Governing Democratic Elections. The DRC acceded to the East African Community Treaty in 2022.

The Electoral Law

The law on the organization of presidential, legislative, provincial, urban, municipal, and local elections (Law No. 06/006 of March 9, 2006) serves as the electoral law of the DRC. The law was last amended in June 2022. It is supplemented, inter alia, by the following texts:

- Organic Law No. 10/013 of July 28, 2010, on the organization and functioning of the Independent National Electoral Commission, as amended and supplemented by Organic Law No. 21/012 of July 3, 2021;
- Law No. 04/028 of Dec. 24, 2004, on the identification and registration of voters, as amended and supplemented by Law No. 16/007 of June 29, 2016;
- Decision No. 042/CENI/AP/AP/2022 of Nov. 4, 2022, on measures for the implementation of Law No. 04/028;
- Decision No. 036/CENI/AP/2022 of Aug. 25, 2022, on measures for the implementation of Law No. 06/006;
- Law No. 23/025 of June 15, 2023, on the distribution of seats by electoral district for the legislative, provincial, municipal, and local elections.

Political Party Regulation

Law No. 04/002 of March 15, 2004, provides the basis for the organization and functioning of political parties. It defines a political party as “an association of natural persons of Congolese nationality who share the same ideology and the same social project with a view to the democratic and peaceful conquest and exercise of State power.” As of Aug. 17, 2023, 920 political parties were officially registered and authorized to operate in the DRC.¹⁹

The electoral legislation also allows for political groupings and independent candidates to contest elections, in line with international standards. Political groupings are defined by the electoral law as associations created by legally constituted political parties with the aim of winning and exercising power democratically.

Challenges to the Implementation of the Legal Framework

The legal framework is overall in conformity with international standards relating to free, fair, inclusive, and transparent elections. The laws are also frequently revised and improved in an effort to publish coordinated, up-to-date texts with explanatory notes regarding the changes made.

However, the diversity of legal sources sometimes results in contradictory provisions and varied application, including by the CENI, highlighting the need for improvements. During these elections, this has led to selective and inconsistent application of legal provisions related to voter registration, voter cards, the availability, publication, or posting of partial, provisional, or final lists of voters, time limits for voting operations and complaints, and the role of Local Committees for the Compilation of Results (CLCR) in the transmission of results. This has created the impression that provisions can be used *à la carte*, depending on circumstances and difficulties encountered.

¹⁹ See Official Journal of the Democratic Republic of Congo, *Kinshasa Special Issue-Aug. 17, 2023*.

Electoral System

Fundamental to any genuine democratic election is the principle that citizens can freely choose their representatives and hold them to account for their exercise of power. The electoral system, which defines how votes are translated into seats, is a pivotal feature of the election architecture to enact this principle. International law does not prescribe any specific electoral system but emphasizes that states are obligated to “guarantee and give effect to the free expression of the will of the electors.”²⁰

Direct Elections

Various electoral systems are used for different types of elections. Since 2011, the president is elected directly by simple majority in one round. For national assembly and provincial elections, a mixed electoral system has been used since 2011. It combines a first-past-the-post (FPTP) majority system and proportional representation, designed to facilitate the formation of solid majorities in the respective legislatures. The FPTP system is used for electoral constituencies with only one seat and an open list proportional representation (PR) system for constituencies of two or more seats.

For elections to the national assembly and provincial assemblies, constituencies are formed by a territory, a city, or – in Kinshasa – a grouping of communes. The DRC is subdivided into 182 constituencies, with the number of constituencies established by the law on the distribution of seats. The National Assembly has 500 seats, and the seats are divided among the 26 provinces, with their number calculated using an electoral coefficient obtained from the number of registered voters in the country divided by the number of seats. Seats are also allocated according to the number of constituencies in each province. In the 2023 general elections, a total of 477 deputies were elected.²¹ For the provincial elections, the country is subdivided into 202 electoral constituencies. In total, there are 780 provincial deputies. The number of seats allocated to each provincial constituency is also based on an electoral coefficient. A province has between 18 and 48 provincial deputies, depending on the number of registered voters. A maximum of 10% of each provincial assembly is composed of traditional leaders elected from among themselves. In the 2023 general elections, a total of 688 provincial deputies were elected.

For local elections, the country is subdivided into 313 communes. A proportional list system applies for each commune.²² In 2023, the elections were organized only in the 114 communes in urban areas, and the number of local councilors elected was 951.

Articles 115, 147, 192 and 208 of the electoral law provide that the distribution of seats by electoral constituency must be drawn up by CENI and submitted, as an appendix to the electoral law, to the National Assembly and the Senate for adoption. The distribution of seats is carried out after each update of the electoral roll, based on updated figures on the number of voters. For the 2023

²⁰ UDHR, Article 21(3), and ICCPR, Article 25. See also UNHRC, General Comment 25, para. 21.

²¹ The elections did not take place in the territories of Masisi and Rutshuru (province of Nord Kivu) and Kwamouth (province of Maï Ndombe), where voters could not register for security reasons. The elections were canceled in the territories of Masimanimba (province of Kwilu) and Yakoma (province of Nord Ubangu).

²² Article 191 of the electoral law states that municipal councilors are elected “under the proportional list system, open to a single preferential vote, with application of the highest remainder rule.”

elections, the distribution of seats was set out in Act No. 23/025 of June 15, 2023, published in the Official Gazette on June 24, 2023.

To combat the proliferation of political parties, encourage the formation of larger political parties or groupings, and prevent vote fragmentation and frivolous candidacies, the parliament introduced thresholds for representation in 2017. The threshold is a percentage of the total number of valid votes that a list must obtain to be eligible for the allocation of seats in an electoral district. The threshold is fixed at 1% nationwide for the National Assembly, at 3% province-wide for the provincial level, and at 10% in communal elections. The threshold for communal elections is high in comparison to international good practice, as it often excludes parties from representation. Following the 2023 elections, a single party won all the seats in 15 local councils (13% of the total), meaning that in those areas other parties could not surpass the threshold.

A second threshold was introduced in 2022 (admissibility threshold), also intended to limit the number of political parties: It requires parties and political groupings to present candidates for at least 60% of the seats in competition. It applies to legislative, provincial, and communal elections. However, in the DRC, political parties and groupings can be set up easily, without significant constraints. Since it is permissible for several parties to come together to reach the admissibility threshold, many, including those with limited chances of success, did so. Consequently, despite the introduction of the admissibility threshold, the 2023 elections saw an unprecedented rise in the number of candidacies: 25,429 candidates for the national legislative elections as compared to 15,355 in 2018, and 44,256 candidates for the provincial elections as compared to 19,640 in 2018.

Indirect Elections

In addition to the direct elections, the electoral system in the DRC foresees indirect elections for senators, governors and vice governors, urban councilors, mayors and deputy mayors, *bourgmestres* and deputy *bourgmestres*, and *chefs de secteur* and deputy *chefs de secteur*. Senators and governors are elected by provincial deputies, while urban councilors are elected by municipal councilors. Mayors, *bourgmestres*, and *chefs de secteur* are elected by urban, municipal, and sector councilors, respectively. A commune can be composed of several other communes, each headed by a *bourgmestre*. A mayor is the head of several communes.

Initially, these various indirect elections were scheduled for early 2024. However, delays occurred due to logistical challenges and security concerns. Some did take place, with senatorial and gubernatorial elections held in various provinces on April 29, May 24, and May 26, 2024. Remaining elections, including those for mayors, *bourgmestres*, and *chefs de secteur*, are expected to occur later in 2024, while those for urban councilors have been postponed indefinitely. The Carter Center did not observe the processes related to the indirect elections.

Election Administration

An independent and impartial election management body that functions transparently and professionally is essential for ensuring that citizens can participate in a genuinely democratic electoral process. It is the responsibility of an election management body to take necessary steps to ensure respect for fundamental rights guaranteed by international principles.²³ The body should also ensure accountable, efficient, and effective public administration as it relates to elections and have the necessary resources to perform its functions effectively.²⁴ International and regional treaties also establish that access to information is a critical means of ensuring transparency and accountability throughout the electoral process.²⁵

Mandate and Appointment of the CENI

By law, the CENI is a permanent, neutral public body that administers all electoral and referendum processes.²⁶ It is responsible for voter and candidate registration, electoral operations, the counting of votes, and the proclamation of provisional results. It is also responsible for ensuring the regularity of the electoral process.²⁷ The law also indicates that CENI enjoys administrative and financial autonomy; it has its own budget in the form of a grant from the state budget which may be supplemented by external contributions.

The CENI is composed of a *bureau*, a plenary assembly, a national committee (called *Secrétariat Exécutif National*) and 26 provincial committees (called *Secrétariats Exécutifs Provinciaux or SEPs*), and by 179 local offices (called *antennes*) located in each electoral district.

The *bureau* is the executive and coordination body of the CENI. Since 2021, the CENI *bureau* is composed of a president (from civil society); two vice presidents (one from the majority and one from the opposition); a rapporteur and an assistant rapporteur (both from the majority); a treasury officer (*quaestor*, from the opposition); and an assistant treasury officer (from the majority).

The *bureau* ensures the execution of the decisions of the plenary assembly. It also ensures compliance with the electoral and referendum laws by political and administrative authorities, political parties, candidates, witnesses, voters, as well as national and international observers and journalists. For these elections, the *bureau* had two women members, the minimum required by the organic Law of the CENI.

The plenary assembly conducts activities such as planning, decision-making, evaluation, and control, and adopts the CENI budget and action plan. The plenary is composed of 15 members, including the seven *bureau* members. Parliamentary political parties select 10 members — six by the ruling party and four by the opposition. The five remaining members are selected by civil

²³ General Comment 25 to ICCPR, para. 20.

²⁴ ACDEG, Articles 15 and 32(1); SADC Principles and Guidelines Governing Democratic Elections, Article 7.6; SADC Parliamentary Forum, *Norms and Standards for Elections in the SADC Region*, 2001, p. 10.

²⁵ ICCPR, Article 19(2); AU, AfCHPR, Article 9(1); OAS, ACHR, Article 13(1).

²⁶ Articles 2 and 3 of the CENI organic law. All levels, from the central to the provincial and local, are permanent. However, CENI agents are nominated by the CENI president and can be dismissed by the president at any time.

²⁷ Article 2 of the electoral law.

society, with two chosen by religious denominations. All members are approved by the National Assembly. The plenary had only four women members.

The mandate of CENI members is six years and is nonrenewable. Ninety days before the expiration of the term of office of the members, the president of the National Assembly invites the different stakeholders to nominate new members.²⁸ Outgoing members remain in office until the installation of new members.

Composition of the CENI Ahead the 2023 Elections

The contested results of elections held in 2011 and 2018 sowed the seeds of mistrust toward the CENI. To strengthen its independence and integrity, civil society groups have advocated since 2019 to depoliticize CENI's composition through legal reforms. The organic law of the CENI was amended in 2021 to increase the number of members of the plenary (from 13 to 15) and the bureau (from six to seven).

However, political differences over the appointment of the CENI members led to the late establishment of the new commission, which only began to take office in late October 2021. Political party nominees were mostly appointed by the ruling coalition, and opposition parties expressed grievances that their genuine representatives were not included. The appointment of the CENI president was the subject of strong disagreement among the Christian denominations, which had the mandate to propose that position. Similarly, opposition parties, including former President Kabila's FCC, demanded a recomposition of the CENI, but this did not happen. The new CENI president, Denis Kadima, and 11 other members were sworn in before the Constitutional Court on Oct. 26, 2021, while the three remaining members only took office on Jan. 13, 2022.

Considering the late installation of the current members of the commission, their mandate will expire at the end of 2027 or early 2028, about one year before the 2028 general elections. Thus, hurdles linked to the late designation of the CENI members — such as an overly compressed election calendar — could recur in the next electoral cycle unless preventive measures are put in place (see Recommendations section).

Transparency and Stakeholder Inclusion

In June 2022, Parliament discussed a proposal to reform the electoral law. Some key additions were introduced, such as the obligation for the CENI to post the results by polling station on its website and outside each polling station. However, several other draft amendments that were intended to enhance transparency and accountability, including the obligation for the CENI to provide protocols to all party agents and observers, or a comprehensive legal framework for electronic voting, were not passed.

²⁸ Civil society actors in 2020 recommended further regulating the process of CENI member nominations by establishing a legal obligation for the plenary of the National Assembly to adopt and make public a timetable for the selection of CENI members (with no power of appointment) in the six months preceding the end of members' mandate. This was proposed as a measure to ensure timely installation of new members. See <https://audf-rdc.org/wp-content/uploads/2020/09/Forum-JJONAREF-Forum-de-la-Soci%C3%A9t%C3%A9-civile-.pdf>.

Despite facing significant technical, logistical, financial, and security challenges, the CENI succeeded in organizing the electoral process within the constitutional deadline. However, the focus on the timely execution of technical aspects came to some extent at the expense of sufficient stakeholder consultation and transparency concerning some key aspects, including election logistics and procurement, voter registration operations, late changes to election day procedures, and the extension of voting.²⁹

Carter Center LTOs reported frequent complaints from civil society organizations and political parties in the provinces about insufficient consultation with the CENI on specific electoral operations. Regular consultation framework meetings at the local and provincial levels could have helped resolve operational difficulties and increase confidence in the CENI.³⁰ The top-down format of the organized consultation framework sessions was also widely questioned by stakeholders, both in the field and at the central level, as they felt they had little opportunity to share their concerns. They alleged that the CENI consequently often made decisions without being aware of local conditions and needs. In addition, civil society interlocutors stated that the format of the national consultation framework meetings for civil society actors was too broad to enable constructive dialogue, sometimes including organizations not sufficiently involved in the electoral process or not including all relevant organizations, especially those defending indigenous rights.

Election Funding

Adequate and timely financing of elections is crucial for ensuring that electoral operations are carried out as planned, including contingencies. The budget of the CENI is covered by the government through the finance law each year, with disbursements made by the Ministry of Finance. CENI representatives publicly expressed concerns throughout the electoral process about the delayed disbursements by the government that had a direct impact on electoral operations. The CENI requested that allocated funds be transferred by the government in advance through quarterly allocations to allow better planning, but this did not happen. Despite repeated calls from civil society organizations, the CENI did not publish its full budget for the electoral process or clearly communicate details about the funds received from the government as well as their use.³¹

In a positive development, in 2022, the CENI established its Project Management and Public Procurement Unit. The unit is required to conclude contracts in accordance with the law on public procurement and its implementing regulations.³² However, two studies by the NGO *Centre de*

²⁹ The CENI has never stated how many days voting lasted. In their preliminary statements, citizen observer platforms mentioned “up to seven days” (CENCO-ECC communiqué, Dec. 28, 2023) and “several days” (*Regard Citoyen* communiqué, Dec. 24, 2023).

³⁰ For instance, the logistical challenges and last-minute adjustments announced to the provincial electoral secretariats (SEP) from the central level could have been quickly communicated to parties within the provincial coordination frameworks.

³¹ Information on the CENI's budget can be found in the 2022 and 2023 finance laws. For example, the 2022 budget allocated a total of 581,709,843,352 Congolese francs, or \$223 million U.S. dollars, to the CENI. The 2023 budget allocated 958,438,167,346 Congolese francs, or \$368 million U.S. dollars. In total, the CENI announced that its budget for the elections amounted to \$1.1 billion U.S. dollars.

³² <https://twitter.com/cenirdc/status/1545497770999562240> Article 42 of the organic law of the CENI states that “Contracts entered into by CENI are concluded in accordance with the law on public procurement. The Plenary Assembly approves the procurement plan and calls for tender.” Also, the decree 10/032 was adopted in 2010 on “the

Recherches en Finances Publiques et Développement Local (CREFDL) on the transparency of CENI funds highlighted that much remains to be done to ensure transparency in its procurement processes.³³ In particular, this concerns the persistence of discrepancies between the public procurement program, the budget commitment plan, and the Central Treasury Plan (PTR), as well as the fact that CENI's management is marked by frequent recourse to special authorizations outside the budgetary framework.³⁴

In theory, a dual control — jurisdictional on the one hand and political on the other — is exercised over the resources made available to CENI to organize elections. According to Article 180 of the constitution, “the Court of Auditors audits the management of State finances, public assets and the accounts of public bodies, among others.” Furthermore, Article 52 of the CENI Organic Law provides for an external audit to be carried out after the election by the Court of Auditors within 30 days of the CENI's general report being submitted to the National Assembly. The report of the Court of Auditors is submitted to the parliament and the president. It also states that Parliament is responsible for exercising its power of control over the management of the CENI.

The CENI submitted its general report to the National Assembly on June 15, 2024.³⁵ An external audit needs to be carried out by the Court of Auditors 30 days after the general report of the CENI and submitted to the Parliament (Article 52 of the organic law of the CENI).

Electoral Calendar and Operations

The legal framework must include a realistic electoral calendar that allows adequate time to implement all aspects of the election successfully. This includes providing sufficient time for all the necessary administrative, legal, training, and logistics arrangements.³⁶

After a road map was published in February 2022 recognizing serious constraints to organizing timely elections, the CENI published the electoral calendar on Nov. 26, 2022. However, as noted above, the electoral calendar was tightly compressed, including due to the late adoption of the organic law of the CENI and the subsequent delays in selecting and installing its members.

Given the compressed electoral calendar, the CENI's human and logistical resources proved to be insufficient, especially at the local level, to manage electoral operations effectively because of the enormous logistical and infrastructure challenges and security constraints. This was apparent in the distribution of replacement voter cards (see Voter Cards section), as well as in the difficulties faced in distributing election materials and providing voter education.

creation, organization and operation of the project management and public procurement unit.” The chairperson of the CENI then established the unit in 2022: <https://twitter.com/cenirdc/status/1545497770999562240>.

³³ “Rapports du CREFDL sur la crédibilité budgétaire et transparence des marchés publics de la CENI,” Jan. 12, 2024, and Mar. 9, 2024.

³⁴ CREFDL, *Rapport Préliminaire du Contrôle citoyen des marchés publics effectués par la CENI*, December 2023.

³⁵ As per Article 28 of the organic law of the CENI, amended in 2021, the CENI presents an annual report to the National Assembly at the end of the March session and also at the end of each electoral cycle.

³⁶ U.N., *Human Rights and Elections*, 1st ed., para. 75. See also [Carter Center Election Obligations and Standards](#), p. 72.

In view of the operational challenges faced, it is critical to strengthen the CENI's permanent operational capacity at the central and lower levels. This would require an investment in material and human resources for permanent CENI technical structures at the provincial and *antenne* levels so that the CENI can conduct election-related activities throughout the country between elections.

There is also a need for greater electoral autonomy at the provincial and local levels to make decision-making and electoral operations more efficient. The communication chain within the election administration is hierarchical and top-down. Carter Center LTO teams found that CENI officials at the provincial level were sometimes unable to take the initiative to respond to problems that arose and to communicate with and inform communities and voters. As a result, communication between the provincial CENI and stakeholders was often too limited. The lack of communication with the public at both provincial and local levels may have contributed to concerns about the integrity and transparency of the election process among some voters.

Inclusion Policies in the CENI

The CENI provided the Carter Center IEOM with some disaggregated data on women working within the CENI structures but did not provide disaggregated data on other underrepresented groups. The collection and publication of disaggregated data would support the implementation of appropriate measures for greater inclusion.

While Carter Center LTO teams noted the active representation of women at local levels of the CENI, particularly as polling staff, gender imbalances were evident at decision-making levels. Women made up less than 30% of both the plenary and the bureau. At the secretariat level, only eight of the heads of the 26 SEPs and 25 of the 179 heads of CENI local branches (*antennes*) were women. Finally, none of the 13 directorates at CENI headquarters was headed by a woman.

The legal framework gives priority to indigenous people in recruitment,³⁷ as well as provisions for affirmative action for people with disabilities in public administration.³⁸ The CENI could have used these laws to take appropriate measures to promote greater inclusiveness in CENI staffing and to sensitize polling staff to issues relating to the inclusion of these groups. Notwithstanding these provisions, representatives of indigenous people and people with disabilities stated that their communities were poorly represented at all levels of the CENI, from lower to decision-making positions. Similarly, Carter Center LTO teams noted that youth were represented at lower levels but not in higher positions.

In addition to the low numerical representation of these groups in the CENI bodies, its structure is also not conducive to a targeted approach to inclusion. While there is a "main advisor" for women, youth, people with disabilities, and indigenous people, there is no directorate within the CENI secretariat that deals with their needs, which are different for each group. Elevating inclusion issues organizationally could help the CENI meet the challenges of effectively increasing the participation of women and other underrepresented groups.

³⁷ Law No. 22/030 of July 15, 2022, on the protection and promotion of indigenous people, Article 14.

³⁸ Law 22/003 of May 3, 2022, on the protection and promotion of people with disabilities, Article 43.

Out-of-Country Voting

According to the Article 5 of the electoral law, any Congolese citizen resident abroad who meets the requirements to take part in the presidential election can vote in accordance with the procedures determined by CENI.

This provision was implemented for the first time during the 2023 elections. By law, the CENI had the option to identify and register Congolese voters residing in the 66 countries where the DRC has diplomatic representation. However, in view of technical, logistical, and financial constraints faced, the Constitutional Court authorized the CENI in its decision of Dec. 20, 2022, to register voters abroad in only five pilot countries, namely Belgium, France, Canada, the United States, and South Africa. The CENI enrolled 13,290 voters in the five countries, out of which 5,302 voted (39.9% turnout). The Carter Center did not observe the organization of out-of-country voting or the voting process in the five pilot locations.

Voter Registration

States must take effective measures to ensure that all people entitled to vote are able to do so.³⁹ Voter registration is recognized as an important mechanism for protecting the right to vote and should be facilitated to promote universal and equal suffrage. An effective voter registration process upholds these principles while increasing transparency and public confidence in the electoral process.⁴⁰ The voter list should be publicly displayed, with adequate time for public inspection of the list, including time for objections and the adjudication of disputes.⁴¹ An effective remedy should be available to all citizens for violations of their rights during the voter registration process.⁴²

Voter Registration Operations

Although the CENI used the term “revision” in legal documents and voter education materials, the voter registration exercise was not a revision of the 2018 voter register. It was instead an effort to build a new register from scratch, and citizens were required to register in order to be included in it. The process included the collection of biometric and alphanumeric data of Congolese voters, which was also meant to serve as the basis for building a civil registry and issuing identity documents. To initiate a permanent civil status system and a population census, the government adopted on March 2, 2022, a decree to set up a mutualization project between the National Identification Office, the National Institute of Statistics, and the CENI. The project provides for the creation of a general population register, the allocation of a unique identification number to each voter based on the data from the voter register, and the eventual delivery of identity cards.

³⁹ ICCPR, Article 25(b), UNHRC, General Comment 25, para. 11.

⁴⁰ AU Declaration on the Principles Governing Democratic Elections in Africa, Article 1, section IV; OIF, Bamako Declaration, para. 4.b.7.; UN General Assembly (GA), Guidelines Concerning Personal Data Files, Article 2.

⁴¹ Electoral Institute for Sustainable Democracy in Africa and Electoral Commission Forum of SADC Countries. Principles for Election Management, Monitoring, and Observation in the SADC Region. Electoral Institute of Southern Africa (EISA), Nov. 2003.

⁴² U.N., Human Rights and Elections, 1st ed., para. 114, and [Carter Center Election Obligations and Standards](#), p. 107.

A citizen could be enrolled in the voter register by presenting any of the following documents: birth certificate, nationality certificate, 2016-2018 voter card, passport, driving license, student card, ordinance of the president conferring nationality by naturalization, or pension booklet issued by the National Social Security Board. In the absence of these documents, a citizen could be registered by submitting a written declaration by three adults already registered in the same registration center, countersigned by the local authority. Applicants born before Dec. 31, 2006, could register — i.e., those who will be 18 years old by Dec. 31, 2024. This meant that not all registrants were eligible to vote on Dec. 20, 2023.

Voter registration was conducted over a four-month period, from Dec. 24, 2022, until April 24, 2023. The process was considerably shorter than the previous electoral cycle, when over eight months were allocated to registration operations, including cleanup and audit. The shorter time frame appeared to be due in part to the compressed electoral calendar.

For operational and cost reasons, voter registration was conducted in three phases on a regional basis, covering sequentially three areas of operation (AO): western (AO1), central and south (AO2), and eastern provinces (AO3). Four weeks of voter registration were initially planned for each area. Due to the shortcomings in the distribution of kits across the country and technical problems, registration was officially extended for an additional 25 days just prior to the planned closure of operations in each area. Furthermore, some registration centers remained open in each area of operation up to two additional weeks after the official closure to register those voters who had received tokens while queuing. Thus, registration centers were open for about 60 days in each area of operation.

The CENI initially enrolled a total of 47.2 million voters. During the cleaning operations 3.3 million records were deleted, leaving a total of 43.9 million voters. The CENI overcame significant obstacles to complete field voter registration operations on schedule, including funding constraints, an insufficient number of kits resulting in overcrowded facilities, long queues in densely populated urban areas, defective registration kits, officers' requests for payment from voters, and thefts of registration kits. Some of these challenges were caused by the compressed electoral calendar, including the absence of a pilot phase to test the new voter registration technologies.

In addition, the CENI did not always appear to have full control over the voter registration process in the provinces. CENCO-ECC reported that many registration centers could not be located by observers or even by local election officials.⁴³ The CENI also acknowledged incidents of unauthorized people found to be in possession of registration materials.⁴⁴

Lack of security was a core challenge for the voter registration exercise, given the extent of local conflicts and the proliferation of armed groups, particularly but not exclusively in the east of the country. For this reason, the electoral body was not able to conduct voter registration in the

⁴³ CENCO-ECC final observation report of the 2022-2023 voter identification and enrolment operations in the Democratic Republic of the Congo, published on May 15, 2023.

⁴⁴ Press communiqué n°007/CENI/2023 of Feb. 14, 2023.

territories of Masisi, Rutshuru and Kwamouth.⁴⁵ On May 12, 2023, the CENI acknowledged that there had been 31 fatalities linked directly and indirectly to registration activities, including eight policemen securing the venues and 16 temporary staff members. The CENI also acknowledged financial constraints, partly due to the late disbursement of funds by the government and due to extensions of the voter registration process, which hampered the electoral body's operational capacity and led to protests by unpaid election workers.

Overall, the quality of the voter registration process suffered because of the combination of these challenges, and more than an estimated 5 million voters were not registered compared with the CENI's original target. The Carter Center also heard concerns about overinclusion of minors in some areas.⁴⁶

The voter registration process would have benefited from increased transparency, as the CENI insufficiently engaged political parties and civil society during the voter registration process. The CENI accredited observers from the largest domestic observation platform, the CENCO-ECC, although more could have been done to facilitate access for other citizen observers. From their side, political parties made little effort to accredit party agents, which also limited transparency.⁴⁷ Generally, civic education around the voter registration process remained weak due to insufficient funds committed to it, as acknowledged by CENI officials.

Cleanup and Audit of the Voter Register

According to the electoral calendar, cleanup operations were due to begin shortly after the start of voter registration. However, the CENI reported that these operations only began during the last week of March 2023 at the national data management center located at the CENI headquarters in Kinshasa. Observers had no access to this process. Instead, the CENI held "open days" to explain the cleanup operations to stakeholders, and attendees were only able to observe data clerks working for about an hour.

The CENI initially invited the International Organization of La Francophonie (OIF) to audit the voter registration process on Feb. 9, 2023. The OIF had audited the voter register in the DRC in 2015 and 2018. In April 2023, the OIF carried out an exploratory mission to assess the feasibility of conducting an audit. Coinciding with the OIF visit, some politicians, mostly from the ruling coalition, as well as some domestic observer groups like the *Nouvelle Société Civile Congolaise* (NSCC), expressed serious reservations about the OIF's involvement because its secretary general was a former foreign minister of Rwanda. Concerns of a political nature were raised about the capacity of the OIF auditors to review the register without interfering with national sovereignty.

⁴⁵ On Jan. 25, 2024, the CENI published an updated electoral calendar where it indicated a tentative enrollment of voters in Masisi, Rutshuru, and Kwamouth constituencies in July (008/CENI/2024). However, the updated electoral calendar of April 5, 2024, no longer shows any enrollment for these territories.

⁴⁶ The limited data released by the CENI suggested potential undue overregistration of minors. According to this data, the provinces of Grand Kasai (Kasai, Kasai Oriental, Kasai Central, Sankuru and Lomami) were particularly affected by removals from the voter rolls. This shows that a large number of ineligible voters, including minors, had been initially registered. The distribution of electoral populations by age and by gender shows a spike in the age bracket between 17 and 26 as compared to 2018, suggesting undue overregistration of minors, despite the cleaning operation.

⁴⁷ At the June 16, 2023, consultation framework meeting with political parties, the CENI stated that political parties had only requested accreditation for eight agents.

Amidst this controversy, the OIF issued a communiqué on May 5, 2023, declining the CENI's invitation to audit the register on the grounds that the timeline foreseen in the calendar (six days) was insufficient to conduct the exercise.

On May 9, 2023, the CENI advertised a call for applicants to set up a mixed team of national and international auditors, and two days later the bureau of the CENI selected five auditors. The audit was conducted May 15-20, and the final audit report was published on June 16, 2023.⁴⁸ The audit did not assess the uniqueness of voter records, the quality of the data, or its completeness as per standard audit evaluation methodology.

The audit report indicated that the auditors did not carry out comprehensive data requests on the voter registration database. The auditors checked the data from only one registration kit but without personal information, as the CENI did not authorize access to the alphanumeric data of the voters, citing privacy of personal information. There was no analysis of the remaining data. The main outcome of the audit was to present the final statistics of the CENI, and no data adjustments were recommended. The report did make some recommendations for improved transparency, including that presidential candidates should be provided with the voter register with limited personal data and that the CENI should consult regularly with stakeholders.

Overall Assessment of Voter Registration Operations

Time pressures, insecurity in many areas, and the lack of transparency and inclusivity undermined the credibility of the voter registration exercise. The CENI lacked sufficient time to conduct registration of voters, centralization of data, deduplication operations, and the audit of the electoral register under satisfactory conditions. This led to a significant drop in both registration rates (versus expected registrants) and cleanup rates in comparison with 2018. While the accreditation of CENCO-ECC observers and the cooperation with that observation effort were generally positive, the CENI did not hold any consultation framework meetings with stakeholders during the voter registration period. Inadequate public information and consultation fed into preexisting distrust by opposition parties and some civil society actors toward the CENI. The voter registration audit was conducted without transparency and did not produce comprehensive data analysis or recommend corrections to improve the accuracy of the voter register.

Publication of Voter Lists

The CENI did not fully meet the legal framework and deadlines for the publication of partial, provisional, and final voter lists.⁴⁹ As observed by the CENCO-ECC citizen observation mission during the registration period, the partial lists were not systematically published every day so that each registered voter could check the registration process for accuracy (Article 28 of the law on the identification and registration of voters).

⁴⁸ <https://www.ceni.cd/rapports-dactivites/audit-externe-fichier-electoral-rdc-rapport-de-mission-mai-2023>.

⁴⁹ Partial lists are posted at the end of each day at each registration center. Provisional lists are posted by polling station after the voter list is compiled, but the law does not establish a deadline. Both partial and provisional lists give voters the opportunity to check their inclusion in the list, verify their information, and challenge names that should not be on the list.

According to Article 6 of the electoral law, the CENI must publish the provisional lists of voters by polling center, indicating the polling station. Any voter may consult these lists in accordance with the conditions laid down by the CENI. Any complaint concerning an electoral list must be lodged with the CENI agent in charge — or with the local branch responsible for the posting site — within 30 days of the list’s posting.

However, the CENI was not able to publish the provisional lists by Sept. 19, 2023, as stipulated in the electoral calendar. Instead, on Oct. 5, the CENI announced that the provisional voter lists would be gradually published and that “for various reasons, notably the lack of physical space in the *antennes* and the risk of vandalism of these lists or of bad weather (during the rainy season), instead of posting the lists, consultation would be carried out by an agent appointed for posting.” The decision not to post the provisional lists was criticized by the opposition and civil society actors, who interpreted it as contrary to the electoral law. The delay in publication and the conditions of posting of the provisional list limited the right of voters who claimed they were excluded from the list to seek legal remedy.

The electoral calendar also foresaw the publication of the final list of voters between Oct. 9 and 28, but the CENI was not able to do so in that time frame. On Dec. 5, the CENI announced that the posting of the final voter list at the *antenne* level had been implemented in accordance with the legal provisions that stipulate that the list had to be posted 15 days before the election.⁵⁰ However, Carter Center LTOs deployed across 12 provinces observed that only in some cases were final voter lists posted at least 15 days before election day.

In an effort to enhance transparency, the CENI published online a list and a mapping of polling stations, including the provisional list of voters, and made available a smartphone application for voters to check their presence on the list. Both actions had limited impact since most Congolese lack digital access. In an attempt to address these challenges, the CENI made an SMS system available 12 days before election day for voters to be able to identify their polling station.

Voter Cards

Voter eligibility in the DRC is established by registration on the voter list and the possession of a voter card or, in the event of loss, a duplicate issued by the CENI. As an unintended consequence of the use of thermal printers embedded in the new registration kits, an undetermined number of voter cards became smudged or otherwise unreadable. On July 24, 2023, the CENI announced the gradual delivery of replacement voter cards, called *duplicata*. However, these cards were not delivered at the registration centers. Instead, voters had to obtain them from the local branches of the CENI. This was an inconvenience for many voters who had to travel long distances to get their replacement cards. In addition, Carter Center LTO teams reported that some local officials were requesting money from voters to produce the documentation required to get the *duplicata*. At the end of October, the CENI pledged to start delivering *duplicata* at the local level to reach out to voters in the areas where they registered. However, LTO teams assessed the impact of these

⁵⁰ See <https://www.ceni.cd/index.php/depeches/2023/12/06/elections-2023-laffichage-des-listes-definitives-des-electeurs-dans-les>. Articles 21 and 22 of the application measures of the electoral law say that final voter lists must be published by polling station 30 days before the start of the campaign period and by constituency 15 days before election day.

measures as limited due to late implementation and operational constraints. As a result, many smudged and/or unreadable cards were not replaced before election day. To date the CENI has not provided the Carter Center IEOM with information about the number of duplicate cards issued or an estimated number of unreadable cards.

To avoid disenfranchisement, the CENI issued a directive shortly before election day setting up a procedure to allow voters who had been regularly enrolled and whose cards had become unreadable, as well as voters who had lost their voter cards and could not get a duplicate, to vote.⁵¹ The Carter Center IEOM assessed this as a reasonable measure to reduce voter disenfranchisement but noted that it did not fully align with Article 6 of the electoral law.⁵² The impact of the measure on election day participation is not clear. Carter Center observers saw several cases in polling stations visited in which voters who had an illegible voter card could cast their ballots after being identified under the new procedure. However, the CENI has not made data available regarding the number of voters who were identified in this manner.

Inclusion Dimension of Voter Registration

The registration process suffered from a lack of inclusion measures for the most underrepresented groups. Representatives of indigenous groups highlighted that registration centers were often located far from their communities, hampering their ability to be included on the voter register. Even when indigenous people were able to make the journey to the voter registration center, civil society organizations reported that long queues often prevented them from registering in a single day, forcing them to return another time. Accessibility issues also limited the ability of some persons with disabilities to participate in the registration process.⁵³ Finally, several IEOM interlocutors stated that dozens of eligible voters were denied registration by CENI registration staff because of their gender expression.

The limited data released by the CENI regarding the distribution of the electoral population by age and by gender also shows a significant drop in the percentage of women among the registered voters from 51% in 2018 to 50.1% in 2023. This suggests a potential underregistration of women, likely due to the limited time for voter registration and insecurity in areas affected by conflict.

⁵¹ The procedure allowed voters to be identified visually by election officials according to the photographs printed on the voter list.

⁵² According to the law, voter status is evidenced by registration on the voter list and possession of a voter card or, in the event of loss, a *duplicata*.

⁵³ See *Fédération nationale des associations des personnes vivant avec handicap du Congo* (FENAPHACO) report on registration observation.

Candidate Registration

International and regional treaties protect the right and opportunity of every citizen to be elected.⁵⁴ The effective implementation of the right to stand for elective office ensures that voters have a free choice of candidates.⁵⁵ Any conditions placed on political party and candidate registration processes should be reasonable and nondiscriminatory.⁵⁶ Individuals are entitled to have decisions affecting fundamental rights reviewed by a competent, independent, and impartial tribunal in a fair and public hearing.⁵⁷

In line with international standards, the candidate registration process was broadly inclusive, with the registration of about 101,000 candidates across all levels of election, from a broad spectrum of political parties.⁵⁸ The CENI and the courts appeared to handle complaints related to candidate registration in a fair manner, tending toward inclusivity.

After the adoption of the law on seat distribution, the CENI opened the registration of candidates for the National Assembly on June 26, 2023, followed by the registration of provincial assembly, local council, and presidential candidates. For the presidential election, 26 candidates were registered, five more than in 2018. In addition to President Tshisekedi, competing for a second term, these included prominent opposition candidates, such as Moïse Katumbi, Martin Fayulu, Denis Mukwege, Adolphe Muzito, and Matata Ponyo. Two women registered as candidates.

Although the CENI has not released aggregated final statistics about registered candidates for each assembly to date, data from the various annexes to the CENI decision of Sept. 22, 2023, gives a total of 25,429 national deputy candidates, as compared to 15,355 in 2018. Similarly, data from the annexes to the CENI decision of Oct. 31, 2023, gives a total of 44,256 provincial deputy candidates contesting the 688 seats in the 26 provincial assemblies, as compared to 19,640 candidates in 2018. The CENI published on its website the definitive list of candidates for the election of communal councilors of 19 of the 26 provinces.⁵⁹ Women candidates represented 17% of the total of candidacies for the legislative elections, 25.4% for the provincial elections, and 43.4% for the local elections.

The large number of candidates was in part due to the conduct of local elections, but also to the new legal requirement for the 2023 elections that parties and party groups had to field candidates for at least 60% of seats in order to be on the ballot for each assembly.⁶⁰ The provision was intended to limit the number of candidates but had the opposite effect, as political parties and political groupings

⁵⁴ ICCPR, Article 25; AU, AfCHPR, Article 13.

⁵⁵ ICCPR, Article 25(a); UNHRC, General Comment 25, para 15.

⁵⁶ UNHRC, General Comment 25, paras 15 – 17; AU, AfCHPR, Article 13.

⁵⁷ UDHR, Article 10; ICCPR, Article 14.1. UNHRC, General Comment 32 notes that a tribunal must be independent of the executive branch (para 18).

⁵⁸ While the CENI did not provide final statistics on the total number of candidates, in announcing the provisional results of the presidential election on Dec. 31, the CENI president made reference to 101,000 candidates.

⁵⁹ Decision 120/CENI/2023, Nov. 16, 2023. Based on the information compiled by the IEOM from data made public by the CENI at the provincial level, there were 31,231 candidates for local council seats.

⁶⁰ Individuals could register as independent candidates. They represented between 0.6% and 1.4% of the total number of candidates, depending on the level of election.

registered as many candidates as needed to overcome the threshold. Another factor was the large increase in the number of registered political parties from 599 to 920 between 2018 and 2023.

A total of 71 political parties and groupings put forward candidates. Initially, the CENI indicated that only 44 of these parties and political groupings met the 60% admissibility threshold. However, after handling disputes related to candidacies, the Constitutional Court ordered the addition of three more parties and political groupings to the list of those that cleared this threshold.

The CENI published the final candidate lists for elections at all levels with some delays vis-à-vis the electoral calendar, mainly due to the large number of complaints and delays in their resolution by the courts (see below). No candidates were registered in the territories of Kwamouth (province of Mai-Ndombe), Masisi, and Rutshuru (province of Nord Kivu) as elections in these areas were postponed until the security conditions allow the CENI to register voters and organize elections for the 16 seats reserved for the national and provincial assemblies in these territories.⁶¹ On Aug. 22, 2023, the CENI also announced the postponement of elections to the communal councils outside the provincial capitals due to conflicts over land ownership and administrative boundaries.⁶²

Resolution of Disputes Regarding Candidate Registration

Litigation concerning candidacy falls under the jurisdiction of the Constitutional Court for presidential and national assembly elections; the Administrative Courts of Appeal (in practice, ordinary courts of appeal) for provincial and local elections; and the administrative courts (in practice, the courts of first instance) for local elections.

- *Presidential candidacies*

The CENI must publish the list of candidates declared admissible and those declared inadmissible within three days of the deadline for the submission of candidacies. Complaints and disputes over candidacy validity must be brought before the Constitutional Court within 48 hours. The court must rule within seven days of the end of the 48-hour referral period; no fees are levied by the court.

On Oct. 19, 2023, the CENI published the provisional list of candidates for the 2023 presidential election, with 24 candidacies declared admissible.⁶³ This decision was challenged before the Constitutional Court by some candidates who were not registered or filed complaints against the validation of their opponents' candidacies. In total, the Constitutional Court received 12 petitions contesting the provisional list of candidates for the presidential election. After processing these appeals, the Constitutional Court declared two challenges admissible and well-founded, resulting in these candidates' being accepted. No candidates were removed from the list.

⁶¹ In its updated electoral calendar published in January 2024, the CENI set the date of Oct. 5, 2024, to organize the elections in these three territories. On March 5, 2024, the Constitutional Court authorized the incumbent MPs of these territories to remain in office until the elections are organized.

⁶² CENI, <https://www.ceni.cd/communique-de-presse/2023/08/22/communique-de-presse-ndeg044ceni2023-relatif-la-prorogation-de-la>.

⁶³ CENI Decision No. 116/CENI/AP/2023.

The Constitutional Court conducted its work relating to candidate registration for the presidential election in a positive and inclusive manner, meeting legal deadlines. The court demonstrated a broad reading of the law, which enabled more candidacies to move forward, promoting inclusivity and giving voters a wide range of choice.

- *Candidacies for the National Assembly*

After the CENI publishes the provisional candidate lists, candidates or political parties may, within five days, contest the list before the Constitutional Court, which has 10 days to rule. On Aug. 10, 2023, the CENI announced that it had received 28,791 candidacies.⁶⁴ Of these, 23,653 candidacies were accepted. The remainder were multiple applications and/or did not comply with the eligibility requirements.

Some 252 appeals were lodged contesting the provisional list of candidates for the National Assembly. The Constitutional Court ruled that more than half of these appeals — i.e., 141 — were admissible and well-founded. Based on these, the Constitutional Court ordered the CENI to include candidate lists from four parties and political groups that were found to have reached the 60% threshold. The deadlines for resolution of appeals were exceeded at this level of election. While this did not affect the substance of this dispute resolution process, it did contribute to delays in the election preparations.

- *Candidacies for provincial elections*

For the provincial elections, the CENI published the provisional list of admissible and inadmissible candidacies on Sept. 28, 2023.⁶⁵ Of the 49,552 candidacies received, only 343 were declared inadmissible. Some 710 applications were lodged with courts of appeal in different provinces. Dispute resolution at this level was characterized by a high rate of inadmissibility: 95 appeals were deemed admissible and well-founded, 156 admissible but unfounded, while 459 — more than half — were declared inadmissible.

- *Candidacies for municipal council elections*

For the local elections, the provisional list published by the CENI on Oct. 5, 2023, showed that of the total of 34,195 candidacies received, 31,231 were declared admissible.⁶⁶ A total of 292 appeals were lodged with the respective courts, with 69 being accepted. At this level, there were delays beyond the legal deadlines in publishing the final lists. The CENI justified the delays by the large number of candidacies and the prolonged process of handling disputes and transmitting court rulings.

⁶⁴ CENI Decision No. 075/CENI/AP/2023.

⁶⁵ CENI Decision No. 107/CENI/AP/2023.

⁶⁶ CENI Decision No. 110/CENI/AP/2023.

Civic and Voter Education

International and regional treaties indicate that civic and voter education is crucial for ensuring that the electorate has the necessary information to exercise its right to vote effectively.⁶⁷ It is one of the key roles performed by election management bodies.⁶⁸ Inclusiveness of civic and voter education is also crucial to enhance the participation of women, people with disabilities, ethnic and other minorities, and other underrepresented populations.⁶⁹

The CENI, which is mandated by law to carry out voter education and information, conducted a limited voter education campaign through traditional media and social media, audiovisual and printed materials, and activities throughout the country, focusing on voting modalities, voter list consultation, Electronic Voting Device (EVD) demonstrations, and the issuance of duplicate voter cards. Due to a lack of resources, voter education activities were primarily confined to major urban centers. They appeared to have limited reach in terms of the number of beneficiaries and only occasionally targeted women and other minority groups.

Carter Center LTO teams overall assessed the CENI's civic and voter education campaign as low-key and often visible too late in the process. The CENI published a flyer on electoral questions and answers and a flyer on *duplicata* and EVDs in all four official languages only a week before election day. Education on voting machine usage in particular appeared to be insufficient. On election day, Carter Center LTO teams found that in about one-third of the polling stations visited, some voters did not appear to have a good understanding of how to use the EVDs. Although the number of polling stations observed was limited, all 12 LTO teams had similar observations.

Carter Center LTO teams noted that civil society actors such as CAFCO, CENCO, *Justice et Paix Congo*, and other organizations also organized voter education activities intended to complement the CENI's efforts, in some cases supported by international democracy actors such as the International Republican Institute. However, the CENI did not fund any civil society organization for civic and voter education, which significantly reduced its outreach to the most underrepresented groups.

Finally, audiovisual and printed voter education materials were almost exclusively available in French, with versions in the four national languages becoming available just days before the elections. Most audiovisual materials were not available in sign language.

⁶⁷ UNHRC, General Comment 25, para. 11.

⁶⁸ AfCHPR, Article 12. SADC Principles and Guidelines Governing Democratic Elections, Art 2.2.8.

⁶⁹ UNHRC, General Comment 25, paras. 12 and 20; UN, Convention on the Rights of Persons with Disabilities (CRPD), Article 24.1(c); AU, Protocol to the AfCHPR on the Rights of Persons with Disabilities, Article 21(2)a; U.N., Human Rights and Elections, 1st ed., para. 125.

Election Campaign

An open campaign environment that enables voters to receive messages from candidates and parties is a critical aspect of democratic elections. Equitable treatment of candidates and parties during the campaign period, as well as respect for the freedoms of expression, assembly, and association, are all vital to democratic practice.⁷⁰ Political parties and candidates should be able to campaign freely without unreasonable restrictions, and public resources should not be abused in support of any political party or candidate.⁷¹ International treaties also state that everyone has the right to freedom of movement within the borders of each state, including candidates.⁷²

The DRC Constitution guarantees the right of candidates and political parties to hold peaceful meetings and demonstrations. According to the electoral law, campaign gatherings are regulated by the Decree Law 96 of 1999, which states that demonstrations and public meetings are subject to a regime of prior notification and that prior authorization can be mandated by the authorities. As reported by The Carter Center in 2018, the continued imposition of the requirement to seek authorization for public events and meetings contravenes Article 26 of the constitution, which only requires organizers to inform the competent authority in writing about demonstrations on public roads or in open spaces.

Pre-Campaign Period

Article 29 of the electoral law stipulates that the electoral campaign begins no more than 30 days before the election date and ends 24 hours before that date. Article 80 of the electoral law imposes a fine of between 200,000 and 20,000,000 Congolese francs on anyone who engages in electoral campaigning outside the legal period. Despite this provision, many political parties and potential candidates used electoral operations as unofficial campaign opportunities. Citizen observers and others reported unofficial campaign activities by political parties and prospective candidates throughout 2023, including improvised rallies, convoys of vehicles, and display of posters, photos, and other images of candidates. Such activities often appeared to be outside the limits of the law.

On Nov. 10, nine days before the start of the campaign period, the minister of interior ordered security agencies to remove from public roads all posters, signs, and photos considered to be campaign materials in violation of the law. However, Carter Center LTO teams observed posters, banners, vehicles, and groups of people campaigning in support of candidates — mainly of the ruling coalition — ahead of the official start of the campaign, in all 12 provinces where they were deployed.

Official Campaign Period

The official campaign period ran from Nov. 19 to Dec. 18. Carter Center LTO teams characterized the campaign as festive and peaceful. However, they also found that it was limited in scope and highly uneven due to the disparity of financial and material resources available to candidates of the ruling coalition compared to opposition candidates.

⁷⁰ ICCPR, Articles 19, 21, and 25; UNHRC, General Comments 34 and 37, AU, AfCHPR, Article 13(2).

⁷¹ The Carter Center, Election obligations and standard: a Carter Center assessment manual (Second Edition).

⁷² ICCPR, Article 12; AU, AfCHPR, Article 12(1).

During the campaign period, Carter Center LTO teams observed 157 campaign activities in 12 provinces and assessed the general atmosphere as either good or very good in almost all cases. LTO teams observed that provincial and local authorities generally ensured that the political participation rights of candidates and their supporters, including their freedom of movement and assembly, were upheld.

However, some opposition presidential candidates informed the IEOM that police protection as prescribed by Article 110 *bis* of the electoral law was not available or was inadequate. Opposition presidential candidates also stated that administrative hurdles constrained their ability to move around the country by plane. In at least two instances, opposition presidential candidates and supporters experienced violence during campaign events.⁷³

Some officials at national, provincial, and local levels abused state resources to favor incumbents or to obstruct campaign activities of other candidates.⁷⁴ Carter Center LTO teams observed that parties and candidates from the ruling coalition sometimes had privileged access to meeting places reserved exclusively for them by local authorities, who exercised political favoritism.

In the provinces of Kasai Central and Kasai Oriental, Carter Center LTO teams reported that the right to freedom of assembly, expression, and campaigning during the electoral period was often not respected. Acts of intolerance, notably incitement to tribal and political hatred, the destruction of campaign materials, intimidation, and physical and verbal violence against candidates and party activists were reported by the observers in these two provinces. The observers also reported that a few opposition parliamentary candidates felt compelled to use the president's image in their campaign materials in order to avoid harassment from the authorities or angry mobs.

Several cases of cash or material goods being distributed to voters during the campaign were reported by Carter Center LTO teams across the country (Sud-Kivu, Kasai Oriental, Lomami, Kinshasa, Tshopo, Kongo Central). The material goods included food, clothing, and building materials.

While there was little inflammatory language or hate speech used at most campaign events observed by Carter Center LTO teams, the IEOM social media observation unit reported that aggressive speech or hate speech was used online on several occasions to discredit political opponents and manipulate the perceptions that different Congolese communities have toward each other by arousing mutual distrust, in particular between the communities of Kasai and Katanga. Other minority communities were also targeted by intimidating speech or hate speech. Although the proportion of aggressive or hate speech remained limited compared to the overall volume of messages posted on social media, these few instances were prominently highlighted in the media (see Social Media section).

⁷³ For instance, Carter Center observers reported that the convoy of ENVOL led by Delly Sesanga, a presidential candidate allied with Moise Katumbi, was stoned in Kananga, Kasai-Central, on Dec. 10, leaving five people injured.

⁷⁴ For example, in Kongo Central the LTO team observed that the access to venues and the security provided to candidates Tshisekedi and Katumbi differed and that both the governor and the mayor of Matadi used their official vehicles to campaign for Tshisekedi.

Campaign Finance

Regulations to ensure oversight and transparency of political party and campaign financing, as well as their effective and equitable enforcement, are essential features of a democratic election. A spectrum of measures is associated with such a regulatory framework and, where applicable, electoral legislation should provide for the transparency of donations to campaign activities, the standardized presentation of campaign accounts, regular reporting mechanisms, and effective and dissuasive sanctions.⁷⁵

The constitution allows political parties to receive public funding to finance their regular activities and their electoral campaigns. However, a law introduced in 2008 to implement this right has not yet taken effect.⁷⁶ Aside from the unimplemented law on public funding, the legal framework does not provide any regulations to ensure transparency, disclosure, and oversight of political party and campaign financing. There are no rules on permissible income or expenditure, including the absence of any limits on contributions or spending, and no regulations on the sources of funding. As pointed out by previous Carter Center observation missions, including the 2018 expert mission, the absence of a robust campaign finance framework creates serious vulnerabilities for illicit financial flows, corruption, and undue influence on the electoral process.

In practice, Carter Center LTO teams reported that except for the major contestants at the presidential level, candidates faced funding constraints to support their activities, which contributed to the generally low-key nature of the campaign. Given the high number of candidates and in the absence of public funds, political parties and groups could only provide very limited financial support to their candidates across the country.⁷⁷

The lack of implementation of public funding provisions particularly affected women candidates, who generally have less access to private financial resources than male candidates. The law on public funding includes parity in the candidate lists as an eligibility criterion for public funding. Its implementation would have therefore not only exempted compliant parties and groups from registration fees, as per the electoral law, but also would have made them eligible for public funding.

⁷⁵ U.N. Convention Against Corruption, Article 7(3); UNHRC General Comment 25, para. 19.

⁷⁶ Law 8/005- 2008, June 10, 2008.

⁷⁷ Based on a June 2024 survey, *Les Coûts de la politique en République Démocratique du Congo*, the Westminster Foundation for Democracy reported that in the 2023 general elections, the proportion of funding coming from political parties compared to the total of expenses made by candidates was less than 10%. Most surveyed candidates stated that campaign financing came from their personal savings. <https://www.costofpolitics.net/east-and-southern-africa/democratic-republic-of-congo/>.

Electoral Violence

International treaties establish that all individuals should enjoy the right to security and be free from any type of emotional and physical violence at all times during the electoral process.⁷⁸ States should further ensure that women’s political participation is not hampered by violence.⁷⁹

While the electoral process was not characterized by widespread political violence overall, a number of election-related violent incidents occurred in the country from the start of the voter registration process in December 2022 to the post-election period in January 2024, resulting in close to 50 deaths.

The pre-campaign environment was at times tense, with incidents of electoral violence. On Nov. 4, Martin Fayulu’s convoy was stoned in Tshikapa, the provincial capital of Kasai. President Tshisekedi condemned the incident. On Nov. 7, violence broke out between supporters of rival political parties in Kasumbalesa (Haut-Katanga province), resulting in several deaths. There was also a prominent case of hate speech on Oct. 24, involving the governor of Kasai-Central province. The CSAC, the national media regulator, quickly condemned the problematic statement and banned its broadcast.⁸⁰

According to UN mission representatives (MONUSCO) and civil society interlocutors, 23 Congolese citizens died in election-related incidents during the campaign period.⁸¹ There were at least two instances of electoral violence against women for expressing their political beliefs. In a widely publicized incident, a woman in Kasai was publicly beaten and stripped for her perceived political affiliation. Similarly, Carter Center LTOs reported that on Dec. 14 a female candidate was seriously injured in Kisangani after speaking in support of the incumbent. Social media posts appeared to contribute to increased ethnic tensions and to hate speech attacking women and the LGBTIQ+ community (see Social Media section).

During voting operations, Dec. 20-26, violent incidents were reported in several provinces, including Equateur, Kinshasa, Maniema, Ituri, Nord-Kivu, and particularly in the Kasai provinces. These incidents included cases of attacks on CENI agents, destruction or theft of election materials (e.g., EVDs), and arson against local CENI premises. On Dec. 23 the CENI condemned acts of violence perpetrated by certain candidates against its agents or materials.⁸²

⁷⁸ ICCPR, Article 9; AU, AfCHPR, Article 6.

⁷⁹ U.N., CEDAW, General Recommendation No. 30, para. IV.B.9.72.

⁸⁰ Human Rights Watch, “DR Congo: Electoral Violence Threatens Vote,” Dec. 16, 2023, <https://www.hrw.org/news/2023/12/16/dr-congo-electoral-violence-threatens-vote>.

⁸¹ In one example, clashes broke out between supporters of the UDPS and of Ensemble in Kindu, Maniema, on Nov. 28, causing the death of the president of the youth wing of the party Ensemble.

⁸² Communiqué 085/CENI/2023.

Media

Freedom of expression and freedom of the press are fundamental human rights and are cornerstones of democratic elections.⁸³ The media play a critical role in the electoral process, raising awareness and providing information and serving as an “open forum for public debate and discussion, and provid[ing] candidates and parties with an equitable podium for their campaigns.”⁸⁴ The work of journalists, including investigative reporting, keeps citizens informed and helps them make an informed choice.

The DRC has endeavored to guarantee the freedom of expression and press by incorporating in its legislation various international and regional standards, including the UDHR (Article 19), the ICCPR (Article 19), and the AfCHPR (Article 9). The constitution embodied these obligations through Articles 23 and 24.

The legal framework on media is provided by the Ordinance-Law on Press Freedom (23-009 of March 13, 2023), which replaced Law 96-002 of June 22, 1996, and the Ordinance-Law on the Numeric Code (23/010 of Mar. 3, 2023). These laws set out the legal framework for the online media, the exercise of press freedom, freedom of information, and audiovisual broadcasting, written press, or any other means of communication in the DRC, especially as new technologies of information and communication are becoming more important.

The new press freedom law paves the way for the liberalization of mass media in the DRC and provides new guarantees. The principles promoted in this text are that “everyone has the right to inform and be informed, to hold their own opinions, to express their ideas and to communicate them, without any hindrance whatever the medium used, subject to respect for public order and good morals” (Article 4).

However, many of the advances promoted by the Ordinance-Law on Press Freedom are undermined by provisions of the Ordinance-Law on the Digital Code, which sets out numerous criminal offenses in the exploitation of digital technology. Given that all media use digital channels to a greater or lesser extent to express themselves, the potential for criminal charges that can be brought against any citizen acts as a permanent threat to media professionals and encourages self-censorship.

Despite the legal guarantees of freedom of expression and press, the conditions for the work of journalists can be precarious, especially during elections. As mentioned above, on Sept. 8, 2023, the well-respected journalist Stanis Bujakera was arrested and imprisoned on accusations of forgery and spreading false information in connection with an article on the alleged assassination of former Minister Chérubin Okende that was attributed to him even though the article was not signed. Bujakera remained in prison through the elections, despite numerous demands for his release both nationally and internationally, until being released on March 19, 2024.

⁸³ UDHR, Article 19; AU, AfCHPR, Article 9; SADC, Principles and Guidelines Governing Democratic Elections, 2015, paras. 4.1.6 and 5.1.10.

⁸⁴ UNDP, Media and Elections - A Guide for Electoral Practitioners, 2014, p. 11.

Media Landscape

There are no national television broadcasters covering the entire territory of the country, with transmission limited to major cities. National Congolese Radio Television (RTNC) operates a network that mainly covers provincial capitals and their surroundings. Top Congo is a popular national news radio outlet, and Radio Okapi, managed by the United Nations, is widely broadcast in the eastern part of the country. Community and local radio stations also broadcast programs from national stations. Private local media outlets are reportedly often owned by or associated with politicians. Interlocutors noted that online media have increased in importance since the 2018 elections, and most media consumers access news content through social media platforms: Facebook, X (formerly Twitter), Instagram, and local WhatsApp groups.

Media Regulation

The Higher Council for Audiovisual and Communication (CSAC) is a constitutional body governed by Organic Law No. 11/001 of January 2011. Its mandate includes guaranteeing press freedom, freedom of information, and any other means of mass communication; ensuring press protection; overseeing compliance with ethical standards in information matters, as well as ensuring equitable access for political parties, associations, and any other person to official information and communication channels.

The CSAC plays a significant role in regulating electoral campaigns. Article 33 of the electoral law states that “the Audiovisual and Communication Council ensures compliance with the principle of equality of production between candidates regarding the broadcasting in public media of their activities, writings, statements, as well as the publication of their programs. It sets, after consultation with the CENI, one month at the latest before the start of the campaign, measures ensuring equitable distribution of airtime on public media for electoral campaigns as well as pluralism in private media. It sanctions bodies that do not comply with it.” Article 35 of the electoral law acknowledges the CSAC’s power to oppose, by reasoned decision, the broadcasting of an electoral campaign program if the statements made are injurious, defamatory, or violate a provision of the constitution or laws. During the electoral campaign, each presidential candidate is allocated equal airtime to present their program in all audiovisual media, and free airtime in public media, particularly on the RTNC.⁸⁵ The CSAC is also responsible for allocating airtime for each presidential candidate to present their action plan. No free airtime is provided to parties or to candidates at other levels of election due to time limitations.

The CSAC decided to organize a series of programs with all 26 presidential candidates to allow them to present their political programs. Each candidate or their representative had 90 minutes to outline their political vision on seven selected themes: national politics, territorial administration and institutional reforms; justice and human rights; national security, intercommunity cohabitation, and social stability; economic strategies, industrial development, scientific and technological development; environmental challenges and sustainable development; diplomacy and international influence of the DRC; and promotion of women and youth. For the realization of these programs, the CSAC selected 12 Congolese journalists. These programs aired Nov. 15-24 and were conducted

⁸⁵ Article 111 of the electoral law.

through interviews given by the 26 candidates to those journalists. No debates among presidential candidates were organized.

The CSAC developed directives on electoral campaigning through the media and another one on the regulation of social networks, prescribing the behavior to be observed by the media and candidates during the electoral campaign. The CSAC set up a media monitoring unit to oversee the electoral campaign's coverage in both public and private media and to ensure fair treatment of the candidates.

The Carter Center IEOM met with the CSAC headquarters in Kinshasa, and LTO teams met with CSAC officials in the provinces. Based on IEOM observations, the CSAC faced multiple challenges:

- Insufficient material and financial resources to fulfill their mandate.
- Ensuring pluralism through the media, especially in public media, where coverage in favor of the ruling party occupied the majority of airtime.
- Building confidence among operators and consumers regarding the independence of the CSAC from the executive power.
- Ensuring monitoring of online media.
- Ensuring monitoring of social networks, where political actors sometimes disseminated hateful and virulent discourse, including through the use of “digital armies” to provoke and manipulate internet users.

The CSAC faced multiple technical and resource challenges to cover the 26 provinces, as it does not have offices in all.⁸⁶ Where the CSAC has provincial offices, Carter Center LTO teams reported that it had insufficient infrastructure and human and financial resources to carry out its regulatory role effectively. In addition, the CSAC lacks technical resources to monitor over a hundred channels with the advent of digital terrestrial television. This situation led the CSAC to focus monitoring efforts on high-audience political programs or the most followed channels associated with the ruling party or the opposition.

Social Media

Data show a growth in the number of DRC citizens accessing information online since the 2018 elections. The internet penetration rate increased from 6.2% in January 2019 to 27.2% in January 2024,⁸⁷ which equates to roughly 27 million internet users. Facebook is the most used social media platform in the DRC with roughly 4.7 million users (4.7% of the population),⁸⁸ while less than 0.4%

⁸⁶ The locations of the CSAC's provincial offices correspond to the former delimitation of provinces (there were 11 provinces until the 2015 reform).

⁸⁷ Global Digital Insights, Digital 2024: The Democratic Republic of the Congo [and Digital 2019, The Democratic Republic of the Congo.](#)

⁸⁸ [DR Congo media guide - BBC News.](#)

of the population reportedly uses X (formerly Twitter).⁸⁹ Radio remains a key information source, and WhatsApp is prevalent for information sharing, with an estimated 9.7 million users in 2021.⁹⁰

The Carter Center primarily focused its social media observation efforts on elite speech on Facebook and X.⁹¹ The Center collected all social media posts from 83 distinct social media accounts belonging to presidential candidates, political parties, civil society organizations, and other political actors from Nov. 20, 2023, until Jan. 23, 2024. In total, the Center collected 6,006 social media posts, 1,445 of which were identified as relevant to the election. Posts containing photos or videos received higher levels of engagement than text-only posts and were more likely to address campaigning, public policy, democratic political behaviors, and to contain discrediting comments. Some 17% of posts relevant to the election mentioned key public policy themes; the most frequently referenced policy themes were security and crime-related issues, economic issues, and infrastructure issues.

The Carter Center observed instances of disinformation, discrediting comments, and hate speech throughout the campaign and post-election periods. Although the Center found little evidence of disinformation originating from elite actors on Facebook and X, Carter Center monitors and interlocutors reported numerous fake news and disinformation campaigns circulating on social media.⁹² These campaigns often originated on WhatsApp and targeted individual candidates, international election observation missions — including the Carter Center mission — as well as alleged foreign interference in the election. The Center noted a rise in discrediting comments on social media in the post-election period; these comments most frequently targeted the electoral process in general.

Hate speech from the main political leaders on Facebook and X was rare, but Carter Center monitors and interlocutors observed the use of hate speech among social media users, especially in the context of the Katanga-Kasai tribal and regional divide. Animosity on social media was at times fueled by the posting of video clips or statements of politicians speaking to traditional media. In some instances, online exchanges disparaging people from Kasai and Katanga may have contributed to increased ethnic tensions and to violent clashes based on ethnicity.

Online platforms were also a hostile environment for women, including harassment. The Carter Center monitoring showed that female presidential candidates were at times targeted by misogynistic posts with discriminatory language about the social role of women. Taking advantage of widespread anti-LGBTIQ+ sentiment, the presidential candidate of the ruling coalition and pro-government supporters also attempted to associate an opposition candidate with the cause of LGBTIQ+ rights, using ambiguous speech against this community.

⁸⁹ Global Digital Insights, [Digital 2023: The Democratic Republic of the Congo](#)

⁹⁰ [WhatsApp Users by Country 2024 \(worldpopulationreview.com\)](#).

⁹¹ Elite speech is defined as online speech posted by those who hold political power (e.g., incumbents and political parties) or wield political influence (e.g., candidates, civil society organizations, journalists, etc.).

⁹² U.N. Security Council, Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (S/2023/932), Dec. 11. 2023, p. 3.

Election Observation

The right of citizens to participate in the public affairs of their country is a key international obligation for democratic elections.⁹³ This includes the right of citizens to participate in nongovernmental organizations, including citizen observer organizations, and contribute to voter education efforts.⁹⁴ Election observation is an established form of citizen participation in public affairs and is a crucial transparency measure to promote confidence in the electoral process.⁹⁵ The transparency provided by election observation is an important component of electoral integrity.

A wide range of Congolese civil society organizations took active part in election observation activities. CENCO-ECC was the largest domestic observer structure, deploying 23,944 observers throughout the 26 provinces, in addition to 500 long-term observers during the voter registration and campaign phases of the election process. Other citizen observation efforts were undertaken by *Regard Citoyen*, *Coalition des Missions Citoyennes d'Observation des Elections* (CO-MOEC; including SYMOCEL and NSCC), and *Réseau d'Observation des Confessions Religieuses* (ROC), which deployed tens of thousands of observers, including hundreds of long-term observers, on election day.

Domestic observer groups complained about hurdles to accredit their observers in a timely manner at the local branches of the CENI, namely the requirement for observers and party agents to submit two ID pictures and a copy of a voter card. In order to facilitate the accreditation in rural areas, the CENI lifted the requirement to submit the pictures on Dec. 8. The day before election day, Carter Center LTOs reported that not all accreditation badges had been distributed.

The Carter Center IEOM was the only international election observation mission that deployed long-term observers across the country. Regional organizations including the AU, ECCAS, the Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR), and the SADC deployed short-term observers around election day. The European Union kept an expert team in Kinshasa after withdrawing its long-term observers and canceling its planned observation mission.⁹⁶ The East African Community (EAC) mission was not granted permission to deploy a mission.⁹⁷

Despite generally good cooperation from the authorities in facilitating the arrival and deployment of the IEOM, The Carter Center regrets that one IEOM co-leader, a former head of an election management body, was not able to travel to the DRC because he was not granted a visa. Three additional Carter Center team members were also not granted visas in advance of election day, although one was eventually able to travel in the post-election period.

⁹³ ICCPR, Article 25(a); UNHRC, General Comment 25, para. 8; OIF, Bamako Declaration, para 2.6 and 4.c.17.

⁹⁴ AU, ACDEG, Article 27.2; UNHRC, General Comment 25, para. 11.

⁹⁵ UNHRC, General Comment 25, para. 20.

⁹⁶ An EU observation mission was due to be deployed with long-term observers but “due to technical constraints beyond the EU’s control” the EU canceled the mission on Nov. 29, 2023.

https://www.eeas.europa.eu/eeas/r%C3%A9publique-d%C3%A9mocratique-du-congo-d%C3%A9claration-de-la-porte-parole-sur-annulation-de-la-mission-d_und_fr

⁹⁷ See EAC statement, Dec. 18, 2023, at <https://www.eac.int/press-releases/2992-eac-election-observer-mission-to-the-2023-drc-general-elections>.

The Carter Center further regrets the unfounded accusations made toward election observers by some government authorities prior to election day.⁹⁸

Election Technology

Regional good practice documents state that whenever electronic technologies are used in an electoral process, the same principles of universality, equality, integrity, transparency, and accountability need to be met. Electronic technologies should operate correctly and be sufficiently secure against fraud, and their functioning must be ensured through an independent body. State practice sources also state that technologies should be introduced gradually, based on prior planning, testing, evaluation, and certification.⁹⁹

Introduction

In 2023, the DRC utilized electronic voting machines — known in the DRC as Electronic Voting Devices (EVDs) — for the second time, with the first instance occurring during the 2018 general elections.¹⁰⁰ In contrast to the controversy surrounding the introduction of the EVDs in 2018, the use of the machines appeared to be generally accepted and did not seem to be a major concern for political parties, candidates, or civil society. However, the insights gained from the 2018 experience did not contribute to a smoother election in 2023, given the problems on election day that were in part related to the EVDs.

In addition, observers from various organizations, including CENCO-ECC and *Regard Citoyen*, reported challenges observing the electronic technical component of this election. The application of voting technologies often poses challenges for direct physical observation and comprehension by nonspecialized observers. The CENI also fell short in transparently revealing the technical aspects of the voting system, made insufficient efforts in raising voter awareness, and did not inform stakeholders of the procedures for transmitting electronic results, as required by law.¹⁰¹ Although the CENI was very open regarding the electronic voting process during the Carter Center needs assessment mission in July 2023, access to the electronic voting process was more limited during the IEOM. The Carter Center deployed two election technology experts, but unfortunately, they were not able to meet with the relevant CENI staff despite several attempts.

System Overview

As was the case in the 2018 elections, the EVDs used in this election were produced by Miru Systems Co. The 2018 EVDs were augmented with an additional 30,000 new machines acquired in

⁹⁸ For example, see “Étrangers arrêtés et observateurs électoraux soupçonnés,” Dec. 19, 2013, <https://actualite.cd/2023/12/19/rdc-etrangers-arretes-et-observateurs-electoraux-soupconnes-peter-kazadi-met-en-garde>.

⁹⁹ Council of Europe, Committee of Ministers Recommendation (2004)11 on e-voting, Articles 28, 30; OSCE/ODIHR, Handbook for the Observation of New Voting Technologies, p. 8.

¹⁰⁰ The use of EVDs was based on Article 47 of the electoral law.

¹⁰¹ Article 67 of the electoral law states that “in the case of electronic or semi-electronic voting, stakeholders are informed in advance of the procedures for transmitting results to ensure transparency.”

2023. It was noted in a discussion with the CENI that the machines featured an upgraded Android operating system and a newer internally developed electronic voting application.

Each machine had a unique identifier and was preconfigured to a specific geographical area to prevent its use outside that area. The design of the machines included a user-friendly touch screen interface, allowing voters to select and vote for candidates who were running in the four different elections.

The machines were preconfigured to allow a maximum of 680 votes with an additional number of supplementary votes, bringing the total count to 750. The units were equipped with 3G connectivity via a secure APN SIMM card, which was used to transmit encrypted results over a secure private network, and a 72-hour autonomous battery. A USB key was to be inserted into the EVD as a failsafe to backup encrypted election results data, and there was a high-speed SD card that contained the operating system and voting application.

Each EVD had its own opening, closing, and transmissions card uniquely configured to it, which only the polling station president could make use of to initiate, close, and transmit data from the EVDs to a centralized database located at the CENI headquarters in Kinshasa.

Technical Training

A cascade “train the trainer” approach was used to train election staff on all technical operations, both at polling station level and at the Local Results Compilation Centers (CLCRs). However, it was noted by Carter Center observers in several polling centers that polling station staff lacked the necessary technical knowledge to operate the EVDs. This likely meant that the lower-level training provided was not always adequate. In several cases, technical staff were observed moving among polling stations in polling centers trying to activate the EVDs before voting started, contributing to the late opening of those polling stations.

Well-trained staff are a vitally important part of any election and in many instances can very well determine the success of an election. The CENI could consider enhancing training of polling staff, as well as creating a database of effectively trained staff, well before the next election cycle begins.

Audits, Certification, and Transparency

Pre-Election Audits and Certifications

Voting technologies can be a means of eliminating human error in vote counting and tabulation and increasing the efficiency of these processes. However, the potential advantages must be weighed against the decreased transparency inherent in counting and tabulation by non-observable software. Strong audit and recount systems are therefore critical when using electronic voting technologies.¹⁰² A series of pre-election audits of election technology should take place several months prior to the election.

¹⁰² The Carter Center Handbook on Observing Electronic Voting, Second Edition, January 2012, p.36.

These audits should ideally include a sample-driven voter register audit (VRA), commonly referred to as a people-to-list and list-to-people audit. While a brief and very limited audit of the voter register was conducted (described above), it was not done within the ambit of a VRA modality. Additionally, a full audit of the actual voting machines to be used as well as of the supporting technical infrastructure should take place, providing an external certification as a means to foster confidence among stakeholders. It did not appear that audits of this nature took place prior to the Dec. 20 election.

Transparency

Transparency, inclusiveness, and access to information are critical to building public confidence in electronic voting processes. In accordance with international standards and good practice, all aspects of electronic voting — as with paper ballot-based voting — should be independently and publicly verifiable. Thorough and consistent verification of the secrecy and accuracy of the vote is the responsibility of official bodies, and verification processes should be completely open to election stakeholders, including observers. Stakeholders should have full access to any audit or other reports or protocols issued as part of the verification process.¹⁰³

The “PreRap” mobile application was among the innovations introduced by the CENI in this election to facilitate the pre-registration of voters and the identification of polling center locations by voters. This appeared to be a positive step to increase inclusiveness and access to information. In addition, the CENI organized events to present the EVDs to electoral stakeholders, including political parties, civil society organizations, observers, scholars, and international organizations. However, these efforts were insufficient because the information was generally oriented only toward demonstrating how voters would use the machines. It would have been beneficial for stakeholders to be provided with more technical information, including how data would be transferred from the EVDs to the CENI to ensure data integrity.

In addition, the CENI provided only limited access to its internal technical processes prior to the election, particularly to external evaluation. Together with an overall lack of awareness among election observers and political parties about the importance of these processes, this resulted in important gaps in transparency and inclusiveness. Steps such as the training of technical operators at polling centers and the configuration of USB sticks and SD cards were not transparently communicated to stakeholders. There is no indication that stakeholders were invited to monitor how the materials were configured.

The CENI also did not provide for election observers, party and candidate agents, and journalists to independently track the deployment of EVDs on polling day through their GPS capabilities. This raised concerns among Carter Center interlocutors from opposition parties and some domestic observer groups about the integrity of the electoral process, given reports of EVDs discovered in possession of individuals outside of designated polling centers.

Post-Election Audits

The electoral law and its implementing measures do not provide for the CENI to conduct random post-election audits of the results, for instance by recounting ballots for a polling station or other forms of random audit. Any form of audit or control may be carried out by the CENI if it deems it

¹⁰³ The Carter Center, Handbook on Observing Electronic Voting, op. cit., p.99.

necessary within the framework of its general mandate to manage the electoral process, but no such audits were conducted.

The current reliance on digital results transmission and compilation by the CENI necessitates robust mechanisms to guarantee accuracy and credibility. To maintain integrity and ensure that the EVDs are not susceptible to tampering or manipulation of results, it is imperative for the CENI to permit external bodies, such as universities, to conduct independent reviews, audits, and certifications of EVDs using computer-based tools.

Election Day

Voting and counting are at the cornerstones of the obligation to provide the free expression of the will of the people through genuine, periodic elections.¹⁰⁴ The quality of voting operations on election day is crucial to determining whether an election was conducted according to democratic obligations. Holding elections by secret ballot is a core obligation under international law and a recognized means of ensuring that the will of the people is freely expressed.¹⁰⁵ International standards also establish that voting procedures should facilitate free and equal participation by all groups of voters and call for transparency and integrity of counting and tabulation procedures.¹⁰⁶

As election day approached, concerns arose as to whether conditions would be in place for the elections to be held on Dec. 20 as planned. Carter Center LTO teams reported that election materials were not always delivered on schedule. Local CENI officials informed them that limited transportation options, poor road conditions due to the rainy season, and insufficient staff were hampering their efforts. The CENI and the government made urgent appeals shortly before election day for additional logistical support from the U.N. and countries in the region, including provision of air transport to deliver voting materials.

Voting Process

The CENI deployed one voting machine per polling station to facilitate voting at stations. After identification by means of a voter card, each voter was given a ballot paper to insert into the EVD, at which point they could then select their preferred candidates for presidential, parliamentary, provincial, and communal (where applicable) elections on the touch screen. Voters made their selection by pressing on the candidate's picture or tapping the number allocated to that candidate. Depending on the number of candidates in a constituency, some voters were obliged to scroll through several screens to view the entire list of options for a given election (or they could also directly tap the number ascribed to the candidate of their choice). After selecting a candidate, the voter could either approve the selection from a pop-up box or go back to the previous step and modify their selection. Voters could also cast a blank vote as a means of abstaining from that particular contest. After completing these steps for each election type, the machine presented a final

¹⁰⁴ ICCPR, Articles 2, 25(a).

¹⁰⁵ UDHR, Article 21; ICCPR, Article 25; SADC Parliamentary Forum, *Norms and Standards for Elections in the SADC Region*, 2001, p. 5.

¹⁰⁶ UNHRC, General Comment 25, para 20, OIF, Bamako Declaration, para. 4.b.8, SADC Parliamentary Forum, *Norms and Standards for Elections in the SADC Region*, 2001, p. 17.

summary of the candidates and printed a ballot showing the voter's selections. Voters then cast their ballots in a single ballot box.

Observation of Voting

On Dec. 20, Carter Center observers conducted limited observation of voting procedures, deploying 44 accredited observers from 20 countries, including 23 observers from Africa. They were deployed in 12 of the 26 provinces: South Kivu, North Kivu, Tanganyika, Kasai Central, Kinshasa, Tshopo, Lualaba, Haut-Katanga, Kongo Central, Equateur, Kasai Oriental, and Lomami.

Due to the limited number of observations, the election day findings of the Carter Center IEOM cannot be generalized to make an overall assessment of the election day process. However, the mission's observations were generally consistent with the reports of citizen observers, such as the CENCO-ECC EOM and *Regard Citoyen*, that overall reflected a sometimes chaotic and improvised process on Dec. 20 and subsequent days.¹⁰⁷

In most cases, Carter Center observers reported that polling stations visited did not open on time on Dec. 20, mainly due to the late arrival of election materials, including sensitive items such as the lists of voters, as well as technical problems with the initialization of electronic voting devices. Only in Matadi and Kisangani cities did most polling stations visited open on time. In Kinshasa (city), almost all polling stations visited opened at least one hour late, with many observed as not opening until afternoon or later.

Carter Center observer teams assessed the voting process in 109 polling stations, most of them located in urban areas. In 92 polling stations visited, observers reported long lines of voters waiting to cast a ballot. In Kinshasa, observers reported mounting tension outside the premises of several polling centers as voters waited several hours to exercise their right to vote. Some voters reported having to return to the polling station at a later time and sometimes several times.

Carter Center observers found that voting took place in a peaceful, if sometimes tense, environment at voting centers visited. However, media and citizen observers reported several instances of violence across the country, including destruction of voting materials and machines. The CENI confirmed many of these instances.

Carter Center observers assessed that voting proceeded relatively well in 88 of the 109 polling stations visited. However, in 21 polling stations visited, Carter Center observers evaluated the voting process negatively, often due to serious violations. These included illegal assistance of voters (16 cases), vote buying (two cases observed), violations of secrecy of the vote (17 instances), and one instance in Kinshasa in which a party agent was observed voting on behalf of all voters during the period observed. Voter identification was verified systematically in almost all polling stations observed; however, in a few instances, voters' fingers were not checked for ink.

¹⁰⁷ In its Dec. 28, 2023, preliminary statement (p. 17), the CENCO-ECC EOM noted, for instance, "various incidents observed in polling centres and stations," "violence, arrests and denial of access to certain polling stations," and "numerous cases of irregularities likely to affect the integrity of the results of various polls, in certain places".

In 24 polling stations visited, Carter Center observers identified technical problems with electronic voting devices, such as depleted batteries, resulting in prolonged periods of inoperability and therefore temporary polling station closure. In 39 cases, observers reported that voters did not appear to have adequate knowledge of the voting procedures, including the use of electronic voting devices. Observers found that 27 of the polling stations visited were inaccessible for elderly voters and voters with reduced mobility.

The official final turnout was 42.65% of the total number of registered voters, underscoring the challenges and setbacks faced during the electoral process.¹⁰⁸

Delayed Voting

On the evening of Dec. 20, the CENI announced that elections would also be held on Dec. 21 in polling stations that had not opened. To date, no data has been made available on the number or location of these polling stations, despite requests to the CENI.

The CENI also announced that no polling stations would be authorized to work beyond Dec 21.¹⁰⁹ Despite this instruction, Carter Center LTO teams reported ongoing voting and counting on Dec. 22, 23, and 24 in some provinces.¹¹⁰ On Dec. 25, the CENI president stated that voting would continue as long as there were communities that had not been able to take part in the process. Both decisions were approved by the plenary of the CENI on Dec. 20 but published in the *DRC Journal Officiel* only on Jan. 2, 2024.¹¹¹ In its preliminary statement of Dec. 28, the observation mission of CENCO-ECC noted that voting continued up to Dec. 27 in some places.

The electoral law provides that voting must take place without interruption on the same day. The conditions under which the vote is conducted are strictly delimited in time, and within this time frame mechanisms of control and transparency are foreseen, in particular the presence and role of party agents, observers, and journalists. In the law, the electoral actions to be taken follow one another in a precise order, and no interruption is allowed because this would break the chain of transparency the law sets up.

It is understandable that due to some polling stations' being prevented from opening on election day, the CENI authorized the opening of these polling stations after election day to uphold the fundamental right to vote established under constitutional and international principles. However, under such circumstances, the CENI should have fully respected the principle of transparency by informing all stakeholders in a timely manner about the late openings.

Citizen Observation Findings on the Voting Process

In its Dec. 28 preliminary statement, the CENCO-ECC citizen observation mission reported that it had received 5,402 incident reports from its 24,444 observers (including 23,944 short-term and 500

¹⁰⁸ The CENI preliminarily announced the turnout as 43.23%, which was revised by the Constitutional Court after resolution of appeals.

¹⁰⁹ CENI, <https://twitter.com/cenirdc/status/1738101716606767215>.

¹¹⁰ Kinshasa, Kongo Central, Equateur, Tshopo, Kasai Oriental, and North Kivu.

¹¹¹ Decision No. 128/CENI/AP/2023 and Decision No. 129/CENI/AP/2023.

long-term observers). Of these, 3,425 incidents caused the temporary or total stoppage of voting procedures in the polling stations where they occurred. In addition, there were 2,062 reports of EVDs not working and 551 violent incidents. The CENCO-ECC EOM reported that 415 of its observers were expelled from or denied entry to polling stations.¹¹²

In its preliminary statement, the *Regard Citoyen* citizen observation mission reported that based on its observations, only 31% of polling stations opened on time and that the voting process was delayed in a third of polling stations observed, often due to problems with EVDs. *Regard Citoyen* also reported that three of its observers had been beaten in Kananga.¹¹³

Observation of Counting

The Carter Center mission observed the conduct of counting at a small number of polling stations (16 polling stations in 12 provinces). The findings cannot be generalized to make an overall assessment of the counting process.

Due to the extraordinarily late opening of many polling stations, the voting process was often delayed. In conjunction with interruptions of the voting process, this led to very late closing times for many polling stations, with polling station staff obliged to carry out the counting process far into the night. This contributed to what appeared to be a rushed process in polling stations visited. According to Section 4 of the application measures of the electoral law, after the closing of a polling station a closeout slip must be inserted into the EVD, which stops the voting process. Then the secretary of the polling station opens the ballot box and proceeds to count the paper ballots manually for each election and reports the figures on the results form (*procès-verbal*). The number of registered voters and the number of voters are then compared with those printed on the closeout slips from the EVD, and these numbers are recorded in the results form, mentioning any discrepancies. The votes for each candidate in each election are then counted, with figures recorded in the results form. Only after this procedure, the results from the EVD are printed and the figures are recorded in the results form, mentioning any discrepancies. The document is countersigned by all members present, then the printout from the EVD also is countersigned. A copy of the results form based on the manual count is given to all party agents and five randomly selected voters present during the closing, and one copy is immediately posted at the polling station.

Article 83 of the application measure indicates that the polling station result forms based on the EVDs and the manual count must be transmitted to the Local Results Compilation Centers (CLCR) and to the CENI at the central level. However, only two of the 16 Carter Center teams that observed counting procedures reported that results were transmitted directly to the CENI headquarters from the polling station. Instead, observers reported that data from the EVDs was saved to USB sticks and subsequently taken by polling staff to the CLCRs, where the data was transmitted to the CENI HQ in Kinshasa. In addition, all LTO teams observed that copies of the results forms based on the manual count were rarely posted at polling stations observed, contrary to Article 68 of the electoral law. Instead, a copy of the results forms printed from the EVDs was posted in most polling stations observed.

¹¹² CENCO-ECC Preliminary Statement, Dec. 28, 2023.

¹¹³ Preliminary Statement of the *Regard Citoyen* Election Observation Mission, Dec. 23, 2023.

Transmission of Results by EVDs

Integrity of data transmission is critically important in the post-election period. Ballot tallies must be transmitted to higher levels in an open manner. Steps should be taken to effectively protect the transmission of data and prevent illegal access.¹¹⁴

CENI officials indicated that after the counting process the EVDs transmitted encrypted results of electronic tallies via cell phone networks — or satellite modems in out-of-coverage areas — to the central server located at CENI headquarters in Kinshasa. This process of data transmission from the devices could only take place once the EVDs were closed for voting and the transmission process was initiated, which required a transmission slip to be inserted into the EVD before the actual transmission of results started. It appears, however, that in many instances the data transmission process did not take place at the polling stations but at the CLCRs within each constituency. The reasons as to why this happened are not clear. The CENI informed the Carter Center IEOM that in some cases the polling station staff were not sure how to do the transmission process or misunderstood the purpose of the SIM cards, which were provided to establish a network connection with the central server at CENI headquarters.

Tabulation and Publication of Results

The electoral law and the CENI's implementing procedures provide for polling station results to be processed and compiled by the CLCRs. The CLCRs are intended to play a key role as they open and process the results envelopes through a series of activities entrusted to five different stations whose interventions follow in sequence. The envelopes should arrive at each step with receipt slips to serve as proof of transmission from one station to another. The CLCRs are supposed to produce tabulated results forms and related protocols based on the verification of discrepancies between manual forms and the electronic results. Tabulated results at the CLCR level were to be signed by the CLCR members and by the party agents present before transmission to the CENI. While cumbersome, this process is designed to ensure transparency by providing that party and candidate agents and observers can follow the tabulation of results. The process also provides for evidence in case of challenges to results.

From Dec. 20, 2023, to Jan. 12, 2024, Carter Center LTO teams in 12 provinces assessed the extent to which results compilation processes at the CLCRs, including tabulation, were implemented according to the procedures set out in the electoral law and application measures, including the transparency of the process. LTO teams made daily visits to 16 of the 179 CLCRs nationwide.

Positively, Carter Center LTO teams were generally granted sufficient access to the CLCRs. Although the LTO teams initially described the process of retrieval and centralization of materials at the local level as improvised, chaotic, and insufficiently secured, they reported that the process improved on successive days. Overall, the processes appeared cumbersome, and the work of the CLCRs was slow.

¹¹⁴ The Carter Center Handbook on Observing Electronic Voting, op. cit. p.38.

By Jan. 12, the LTO teams reported that the 16 CLCRs visited had mostly finalized the retrieval and collation of envelopes from polling stations. However, tabulation and reconciliation of polling station results at the CLCR level was not conducted in accordance with the application measures of the electoral law. Instead of being done manually at the CLCR level, tabulation was carried out centrally in the CENI headquarters in Kinshasa on the basis of electronic results from the electronic voting devices, and the CLCRs were asked to provide evidence only if electronic results were not transmitted or if there was evidence of irregularities in the information that CENI headquarters had concerning a given polling station. Because the CENI did not undertake tabulation procedures according to the law, it was not conducted in a transparent manner in full view of party agents and observers. Changes to the tabulation procedures provided in the law and its application measures concerning CLCRs should have been communicated to stakeholders, and safeguards introduced to ensure transparency.

Legal Considerations Concerning Tabulation Procedures

During the announcement of the provisional results of the parliamentary elections on Jan. 13, 2024, the president of the CENI stated that *"it is ... untenable to see anachronistic provisions coexist with modern measures in the legal texts that govern the organization of elections in the DRC. This is the case, for example, with the operation of Local Centres for the Compilation of Results, which is out of step with the legal requirement to use the fastest way of transmitting results."*

While the statement may have implied that there is a contradiction between the provisions of the electoral law, it should be understood that the provisions of Article 67 referenced by the CENI president are to be carried out in combination with provisions of Articles 68 to 71. Although Article 67 *bis* of the electoral law requires the CENI to take the necessary measures for the rapid and secure transmission of electoral results, this does not mean that the requirements that precede or follow it are no longer to be fulfilled.¹¹⁵ In particular, the law also requires the adherence to results compilation procedures that provide for stakeholder control, transparency and acceptance of results. The law does provide for changes to the procedures in combination with the use of electronic voting devices but also provides for transparency measures. Namely, the law specifies that "in the case of electronic or semi-electronic voting, the procedures for transmitting the results guaranteeing transparency shall be brought to the attention of the stakeholders in advance" (Article 67 of the electoral law).

By applying a selective reading of the electoral texts, including the application measures of the electoral law, and by not announcing changes to the results compilation process, the CENI circumvented the transparency of the process. This limited the ability of other stakeholders to follow and control the compilation of results and potentially gather documentation to support challenges to the provisional results.

Announcement and Publication of Provisional Presidential Results

In an effort to enhance transparency, the CENI began to display partial results for the presidential election on screens at the *Bosolo* National Results Center (media center) in Kinshasa starting Dec.

¹¹⁵ The relevant articles of the law were converted into implementing measures by the CENI itself (Articles 71 to 91).

22. The CENI indicated the percentage of “processed” polling station results for each constituency displayed as results became available.

On Dec. 31, the CENI announced the provisional results of the presidential elections, based on results from 64,196 polling stations out of the total 75,478 polling stations (85%). The CENI indicated that incumbent President Félix Tshisekedi had obtained 13,215,366 votes (73.34% of the total 18,018,916 valid votes). The closest challenger was Moïse Katumbi, with 3,258,538 votes (18.08%). The CENI announced that the nationwide turnout was 43.23%, based on the data received. However, the results and turnout information remained partial, as the CENI had only “centralized” 85% of polling station results.¹¹⁶ The full results have not been published.¹¹⁷

Although the announcement of provisional results for the presidential election took place within the legal deadline, as mentioned above the results were not based on tabulation at the CLCR level as required by the electoral law. The provisional results were instead tabulated from the results received from the electronic voting devices.

Consistent with the electoral law (Article 71), the available results were posted by polling station on the CENI website on Jan. 8, 2024,¹¹⁸ but only after the legal deadline for presidential candidates to lodge a complaint. The results posted did not mention the number of registered voters per polling station, and therefore no turnout figure was indicated.

Publication of Provisional National Assembly Results

On Jan. 13, 2024, the CENI announced the provisional results of the National Assembly elections.¹¹⁹ These results were also based on the electronic results received from the electronic voting devices, rather than on the manual tabulation at the CLCR level required by the legal framework. The total number of ballots cast was 18,813,469. The total number of votes “canceled and sanctioned” was 748,079,¹²⁰ and there were 88,839 blank ballots.¹²¹ Thus, the total number of valid votes was 17,976,551.¹²² The results were not published by polling station as per the electoral law, but only by constituency.

In total, 44 parties or political groupings met the 1% threshold (179,765 votes).¹²³ The most voted party was President Tshisekedi’s UDPS with 1.6 million votes — 9.2% of the total valid votes — which resulted in 69 seats (14.5% of the total of 477 allocated seats).

¹¹⁶ Communiqué 086/CENI/2023 of Jan 2, 2024: “After centralizing the results of 64,196 polling stations out of the 75,478 polling stations forecast, the plenary assembly of the CENI drew up the minutes of the results of the presidential election.”

¹¹⁷ For various reasons, including material difficulties in opening certain polling stations and multiple irregularities in some of the polling stations opened, as announced by the CENI, the CENI was only able to centralize the results of around 85% of the polling stations initially planned.

¹¹⁸ Press communiqué 003/CENI/2024.

¹¹⁹ CENI Decision 002/CENI/AP/2024, as per CENI Communiqué 004/CENI/2024.

¹²⁰ Terminology as used by the CENI.

¹²¹ Blank votes are not considered valid, despite being included as a voting option in the electronic voting devices.

¹²² These figures do not include the constituencies of Budjala, Bomongo, Ilebo, Kikwit, Kole, Makanza, and Mobayi-Mbongo, as these results were announced at a later stage (decisions 007/CENI/AAP/2024 and 008/CENI/AP/2024 and press communiqué 010/CENI/2024).

¹²³ Later revised to 47 parties and political groupings following Constitutional Court decisions on appeals.

On Jan. 17, the CENI published the full list of candidates elected for each National Assembly constituency and the number of votes attributed to all contesting candidates in each constituency.¹²⁴ Thus, candidates had the ability to verify within the legal deadline whether the copies of results forms received by their party agents matched the tabulated results presented by the CENI.

On social networks, some candidates for the National Assembly elections challenged the provisional results, particularly in relation to their election or the rejection by CENI. For example, a candidate who was in fourth place in terms of the number of votes received could be elected, while the first three were not because they belonged to parties that had not reached the national representation threshold of 1%. In response to these concerns, the CENI issued a press release to explain its methodology.¹²⁵

The results are determined first by calculating which parties met the representation threshold, and then by calculating the results of each party or grouping on a constituency basis. This explains why many candidates who led in their constituencies were not declared elected. The CENI could have communicated earlier the basis for the determination of the elected candidates and the figures on which its calculations were based.

Publication of Provisional Provincial Assembly Results

On Jan. 21, 2024, the CENI made public the provisional results of the provincial elections.¹²⁶ The analysis of the threshold determination sheets for representativeness and seat allocation, also published by the CENI, provides an insight into the political configuration of provincial assemblies, as well as the representation of women and independent candidates. The results were not published by polling station as per the electoral law, but only by constituency.

Regarding the political configuration, the provisional results of the provincial elections showed that the president's political platform USN controlled all provincial assemblies in the DRC, including Haut-Katanga, the stronghold of the main opposition party *Ensemble*.¹²⁷ Even though the UDPS did not achieve an absolute majority, it has a large number of provincial deputies, thanks to political coalitions led by some of its members. As in the 2018 elections, the opposition did not make significant gains in provincial elections. In 18 provinces out of 26 (70%), opposition parties did not win any seats, since they did not reach the threshold of 3% of valid votes cast at the provincial level. No independent candidate was elected as a provincial deputy, as the threshold favored political parties and political groupings.

Regarding the representation of women, it appears from the seat allocation sheet that 72 women were elected as provincial deputies, out of 688. Haut-Katanga province had the highest number of elected women, with 15 out of 44 provincial deputies in its provincial assembly (34%). However, no women were elected as provincial deputies in five of the 26 provinces: Mai-Ndombe, Maniema,

¹²⁴ CENI, <https://www.ceni.cd/depeches/2024/01/17/liste-globale-des-elus-la-deputation-nationale>, published on Jan. 17, 2024.

¹²⁵ CENI press communiqué 005/CENI/2024 of Jan. 19, 2024.

¹²⁶ CENI decision No. 004/CENI/AP/2024, as announced in its press release No. 006/CENI/2024.

¹²⁷ The party *Ensemble* won 11 seats and the UDPS won 10 seats. However, four other parties of the USN (allied to the UDPS) obtained 23 additional seats.

Mongala, Sud-Ubangi, and Tshuapa.¹²⁸ No official information was available about representation of ethnic minorities or indigenous persons.

The non-representation of political opposition in the assemblies of over half the provinces is troubling for DRC's democracy, as is the continued significant underrepresentation of women. The results indicate the need for a review of the electoral system at the provincial level, as well as the candidacy rules, to promote outcomes that are more representative of political options at the province level and ensure equality of representation of women, in line with DRC's international commitments.

Publication of Provisional Municipal Councils Results

On Jan. 21, 2024, the CENI published the provisional results of the elections for local councilors.¹²⁹ The results show that 951 councilors were elected in the 114 urban communes of the 26 provincial capitals. The results were not published by polling station as per the electoral law, but only by commune.

Of the elected councilors, 183 were women (almost 20%) and 768 men. Analysis of the seat allocation sheets shows that 927 councilors were elected on lists presented by parties and political groupings from the USN, compared with 24 elected on lists presented by opposition parties. CENI data also shows that the communal councils of 17 provinces do not include any elected representatives from the opposition.

In addition, the representation threshold of 10% of the valid votes at local level excluded many parties from obtaining seats. In over 10% of cases, one party was able to win all the seats up for election.¹³⁰

Changes to Provisional Results

In several of its decisions, for different levels of elections, the CENI changed some initial provisional results, altering the status of some candidates in different elections from elected to not elected and vice versa.¹³¹ The proclamation of provisional election results should be the outcome of a structured process, ensuring accuracy and transparency based on legal requirements. This process creates the basis for subsequent stages, including appeals and the proclamation of final results. When these phases are unilaterally altered by the CENI without adhering to legal norms and the

¹²⁸ The percentage of women slightly increased since the announcement of the provisional results because candidates who were elected to multiple positions (national and provincial MPs for instance) had to choose one mandate only. Those who chose the national mandate were replaced by their substitute, who happened to be women in some cases.

¹²⁹ CENI decision No. 005/CENI/AP/2024, as announced in press release No. 006/CENI/2024.

¹³⁰ Single-party control of municipal councils occurred in 15 communes in 11 provinces of the 114 urban communes where municipal elections were held.

¹³¹ For instance, in its decision of Jan. 21, 2024, CENI published the provisional results of the provincial elections. The announcement of results did not include those candidates elected in constituencies where the CENI had announced it was investigating. A week after the publication of these provisional results, the CENI published a new list in which it replaced certain provisionally elected candidates with others (for instance in the constituencies of Kazumba, Bunia, Irumu, Kikwit and Lubefu). The CENI did not provide an explanation, only stating that the new results sheet replaced the previous one.

principles of collegiality and adversarial procedures, it undermines the transparency and reliability of the election process and may negatively affect public confidence.

Women's Political Participation

Legal Framework

The Democratic Republic of the Congo has ratified various international and regional instruments on women's political participation. These instruments establish that women and men should enjoy equal rights and participate in the electoral process on an equal basis.¹³² International standards also indicated that states should take temporary special measures to achieve de facto equality for women in electoral processes.¹³³ Interpretative sources indicate that such special measures could include financially assisting and training women candidates, developing campaigns directed at equal participation, targeting women for appointment to public positions, or the use of quotas to ensure participation and representation in public and political life.¹³⁴

The constitution guarantees the equality of all Congolese citizens and the parity of women and men. As noted above, a law introduced in 2008 would provide public financing to political parties that ensure gender equality on their candidate lists; however, this law has never been implemented.¹³⁵ Measures to implement the constitutional provisions on women's rights and parity were introduced in 2015.¹³⁶ Article 5 of the 2015 law requires political parties to consider parity in their lists. In 2022, the parliament introduced an incentive to promote parity in Article 13 of the electoral law by waiving registration fees for parties that submit candidate lists with gender parity. However, the measure is not binding and had limited impact for the National Assembly and provincial assembly elections (see below).

Despite positive steps in the legal framework, equal representation of women and men in elected and appointed positions has not been achieved. Women are underrepresented in public institutions, especially in decision-making positions. In the outgoing government and the National Assembly, women made up 28% of the ministers and vice ministers and 13% of members of parliament, respectively. Although the law provides for equal representation of women in the composition of the CENI, gender imbalances remain significant as the share of women members of the plenary and bureau was below 30%.

Nonetheless, efforts to improve gender parity are visible in the incoming government with the appointment of Judith Suminwa as prime minister on April 1, 2024, the first woman to hold the

¹³² ICCPR, Article 3; UN, CEDAW, Article 7, AU, African Youth Charter, Article 23(1)b; AU, AfCHPR, Article 2(1)(a); AU, Protocol to the AfCHPR on the Rights of Women, Article 8.

¹³³ U.N., CEDAW, Articles 3, 4(1), and 7; AU, Protocol to the AfCHPR on the Rights of Women, Article 2.1.d, 9.1(a-c); AU, ACDEG, Article 29.3. Also, U.N., CEDAW, General Recommendation No. 30, para. IV.B.9.72.

¹³⁴ U.N., CEDAW, General Recommendation 23, para.15, 29, 45(a), General Recommendation 28, para. 9, General Recommendation 30, para IV.B.9.72, IV.B.9.73.c-d.

¹³⁵ Law 08/005 of June 10, 2008, on public financing of political parties.

¹³⁶ Law No. 15/013 of Aug. 1, 2015, on the application of measures for women's rights and parity.

position. In the new government, women hold 32% of senior government posts, an increase of 4 percentage points.

Socio-Cultural Barriers

At the policy level, national programs and initiatives have been implemented in recent years to combat gender-based stereotypes and violence in Congolese society. In 2022, the minister of gender launched the Positive Masculinity campaign, and the first lady launched the “*Congo au Féminin*” program to highlight the contribution of Congolese women to national history, while the “Zero Tolerance” campaign in 2020-2021 was designed to combat gender-based violence.

However, persistent and widespread gender stereotypes remain core obstacles to women’s political participation. As a group, women face unique challenges due to the prominent role of patriarchy in Congolese society.¹³⁷ They have to overcome strong cultural barriers, including within political parties, where they are mainly confined to the role of supporters of political events, and to women’s branches with little access to decision-making positions in the broader party. Less than 6% of the 920 registered political parties are led by women. Regarding the composition of lists, several IEOM interlocutors reported that female candidates were often relegated to lower-level elections, while males were preferred for national contests. Several interlocutors also reported that, in addition to discrimination, many female politicians face sexual harassment within their own political parties.

Participation as Candidates

Despite improvement since 2018, women remained largely underrepresented in the presidential and parliamentary elections. Of the 26 registered presidential candidates, only two were women. For the National Assembly and provincial assembly elections, political parties and groupings generally did not ensure gender balance on their lists, with only 10% achieving parity.¹³⁸ Most political parties opted to pay the registration fees rather than submit lists with gender parity. Of the 26 registered presidential candidates, only two were women — Marie-Josée Ifoku and Joëlle Bile Batali. Women made up 17% of candidates for the National Assembly and 25.4% for provincial assemblies.¹³⁹

For local elections, the situation was significantly better, according to the CENI, which stated that 43.4% of candidates were women. Several Carter Center IEOM interlocutors stated that some women who managed to be nominated on their party lists were then sidelined when the parties had to form groupings to overcome the 60% admissibility threshold established in Article 22 of the electoral law.

¹³⁷ Congolese society is influenced and shaped by patriarchal norms and structures, and texts such as the Family Code have long assigned a secondary role to women. Article 67 of the 1987 version of the Congolese Family Code stipulated that: “The husband is the head of the household. He owes protection to his wife; the wife owes obedience to her husband.” This text was amended and supplemented in 2016 (Law No. 16/008 of July 15, 2016) and now stipulates in Article 68 that “the husband is the head of the household. The spouses owe each other mutual protection.”

¹³⁸ Figure shared by a CENI plenary member on Nov. 21, 2023. The CENI has not published the figures.

¹³⁹ Figures provided by the CENI president on Nov. 13, 2023.

Women in the Election Campaign

Women participated actively in the campaign as political party members and as voters. Carter Center observers reported that the participation of women was significant in all political rallies, demonstrating a strong will to contribute to the public life.

However, access to financial resources for women candidates was a key limiting factor in this electoral process. The low capacity of political parties to support their candidates, the high rate of inflation which significantly increased the cost of campaign materials and other expenditures, combined with voters' expectations that candidates should provide all sorts of items during their campaign events (in the form of cash, T-shirts, clothing, caps, etc.), both discouraged women from running for office and significantly reduced the opportunities for those who did take the step of running to compete effectively.

To support the visibility of female candidates, some women's media outlets gave them preferential treatment and prominence while some civil society organizations helped pay for airtime on local community media. Notwithstanding, access to the media for women was deemed challenging by several Carter Center interlocutors among gender-focused CSOs, candidates, and media outlets.

The Carter Center IEOM social media monitoring team as well as several female interlocutors reported on negative campaigning against female candidates with deep-rooted gender stereotypes on the perceived social role of women. Several publications on main social media platforms exhorted both female presidential candidates to leave the political arena to return to family affairs (see Electoral Violence section). Female candidates also reported to IEOM observers that security concerns in conflict-affected and remote areas with poor infrastructure hindered their ability to effectively campaign.

Election Results

According to the final results of the National Assembly elections, the portion of female deputies is now 13.83% (66 seats out of 477). Although these results show an increase of almost 3 points compared to 2018, women remain underrepresented in the new Parliament.¹⁴⁰

Provisional results for the provincial assemblies show little change in women's representation. In 2023, 72 women were elected out of 688 provincial deputies (10.4%), matching the percentage of women elected in 2018.¹⁴¹ The representation of women in the provincial assemblies varies from 34% in Haut-Katanga province to the situation in five provinces where there will be no women deputies for the next legislative term.¹⁴²

For the local elections, the provisional results show that 19% of the 951 elected local councilors are women. Two provinces (Mongala, Nord-Ubangi) have no elected women councilors, and three

¹⁴⁰ In 2018, 50 women were elected out of 485 seats, representing 10.3% of the National Assembly.

¹⁴¹ In 2018, 73 women were elected out of 700 provincial deputies, representing 10.43% of the total number.

¹⁴² According to the provisional results, provincial assemblies in Mai-Ndombe, Mongala, Maniema, Sud-Ubangi and Tshuapa provinces will not have a woman representative in the next legislative term.

provinces (Tshuapa, Sankuru, Equateur) have only one. Following these results, there were calls for the introduction of quotas to achieve parity on the lists of political parties and groupings.

Participation of People with Disabilities

International law — in particular the Convention on the Rights of Persons with Disabilities (CRPD), ratified by the DRC in 2015 — explicitly protects the rights of people with disabilities to participate in public affairs.¹⁴³ These documents establish that the state should ensure that people with disabilities have both the right and the opportunity to vote and be elected.¹⁴⁴ Measures to support participation, including reasonable accommodations to make voting procedures, existing facilities, and materials accessible, should take into account the different needs of persons with various forms of disability.¹⁴⁵ New infrastructure, materials, communications, and services should comply with universal design requirements to ensure accessibility.¹⁴⁶ Assistive technologies may also be used to facilitate voting by people with disabilities.¹⁴⁷

Legal Framework

Due in part to the country's long history of conflict, a significant proportion of Congolese citizens, estimated at between 15% and 18%, live with disabilities.¹⁴⁸ The constitution of the DRC stipulates in Article 49 that people with disabilities are entitled to specific protective measures and that the authorities have a duty to include them in public life.¹⁴⁹

The organic law to implement the constitutional provisions on disability was adopted in May 2022.¹⁵⁰ It establishes that the state must guarantee the political rights of people living with disabilities while considering the specific situation of women with disabilities.¹⁵¹ Electoral rights enacted in Article 18 provide that “people with disabilities have the right to specific voting measures and procedures. The State makes available adapted electoral equipment and materials that are accessible and easy to understand and use, to guarantee the full exercise of the right to vote to persons with disabilities.” Although this legal framework was long-awaited and a positive measure, IEOM interlocutors with disabilities said that it needs additional implementing measures to be effective. They also regretted that its provisions could not be integrated into the most recent version of the electoral law.

¹⁴³ U.N., International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Article 5(c); U.N., CRPD, Article 29(b)(1).

¹⁴⁴ U.N., CRPD, Article 29; U.N., CRPD General Comment 1, para. 6, 16, 26, 48, 49; U.N., CRPD General Comment 6, para. 49(a).

¹⁴⁵ U.N., CRPD, Article 29(a)i; AU, Protocol to the AfCHPR on the Rights of Persons with Disabilities, Articles 15.2.c-e, 21.2.c; U.N., CRPD General Comment 6, para. 70.b.

¹⁴⁶ U.N., CRPD General Comment 6, para. 24(a); UN, CRPD General Comment 2, para. 15, 25.

¹⁴⁷ U.N., CRPD, Article 29 (a-ii).

¹⁴⁸ According to civil society organizations defending the rights of people with disabilities, such as the two main national federations, FENAPHACO and the *Fédération Congolaise des Personnes avec Handicap* (FECOPEHA).

¹⁴⁹ Constitution, Article 49, paragraphs 1 and 2.

¹⁵⁰ Organic Law No. 22/003 of May 3, 2022.

¹⁵¹ Constitution, Articles 2 and 6.

In 2019, a government ministry in charge of people with disabilities and other underrepresented people — led by a minister with a disability — was created to enforce the protection and to promote rights of citizens with disabilities, offering a direct interlocutor to all civil society organizations defending those citizens' rights.

In addition to the establishment of the ministry, the authorities have taken other positive steps in recent years to improve the inclusion and protection of people with disabilities.¹⁵² However, their participation in political life remains enormously challenging due to pervasive prejudice, discrimination, and marginalization in both private and public spheres, as well as the high overall level of poverty and limited infrastructure. Political participation of people with disabilities remains marginal, with no MPs with disability among the outgoing National Assembly MPs and less than 1% of outgoing provincial parliamentarians living with disabilities.¹⁵³ Some Carter Center interlocutors with disabilities described the barriers they faced in becoming members of political parties because of discrimination, in part based on a stereotype that people with disabilities only seek financial resources.

Participation as Candidates

Although no official statistics were available, civil society organizations claimed that 200 to 300 candidates with disabilities contested the elections at all levels. According to the provisional results, only one candidate with a disability was elected to the National Assembly and only two to the provincial assemblies.¹⁵⁴ The number of disabled deputies declined compared to 2018, when seven candidates with disabilities were elected as deputies in the provincial contest. Also, according to civil society representatives, no candidates with disability were elected in the local elections.

Representatives of people with disabilities reported impediments that prevented them from competing on an equal footing with other candidates, including hostile societal attitudes toward their candidacies, particularly for albino candidates; accessibility challenges to campaign in a country with poor and inadequate infrastructure; very limited access to financial resources for campaigning, combined with little access to the media and targeted capacity-building programs.¹⁵⁵

Voting

For the 2023 elections, the CENI introduced accessibility measures with the support of IFES to facilitate the inclusion of people with disabilities, notably the publication of 1,200 copies of the electoral law in Braille, an election glossary in sign language, and sign language interpreters for all national-level consultation frameworks. Interlocutors with disabilities stated that since

¹⁵² A five-year strategic plan for the protection and promotion of right of people with disabilities was launched in 2016 and the harmonization and standardization of sign language for deaf and people with hearing impairments in 2021. In 2023, the government launched a partnership with the U.N. to promote the rights of people with disabilities.

¹⁵³ According to civil society organizations defending the rights of people with disabilities, the outgoing National Assembly did not have any MP with disability, and the outgoing provincial assemblies had seven MPs with disabilities.

¹⁵⁴ Information provided by the FENAPHACO (*Fédération nationale des associations des personnes vivant avec handicap du Congo*).

¹⁵⁵ Albinism is mentioned in the 2022 organic law. However, advocates have requested a law to provide rights and protections for their specific needs.

disaggregated data related to disability was not collected during the voter registration process, it was difficult for the CENI to introduce targeted accessibility measures for election day.

Representatives of people with disabilities told the IEOM that due to long queues and delays in the voting process, the intended prioritization of voters with disabilities was not consistently applied, likely resulting in lower turnout of these voters. Reflecting the fact that infrastructure in the DRC is often not adapted, Carter Center observers found that 23 of the 109 polling stations visited were inaccessible to voters with reduced mobility.¹⁵⁶

Article 58 of the electoral law provides voters the right to choose the person to assist them, and Article 68 of the application measures clearly prohibits polling staff from assisting voters. Despite the legal provisions, interlocutors with disabilities reported that many could not choose the person to assist them on election day, as CENI polling station staff were taking this role. Also, while assisted voting is appreciated as facilitating participation, the majority of IEOM interlocutors with disabilities expressed their preference to have the choice to vote independently and in secrecy through adaptive tools and measures. In addition, representatives of persons with disabilities noted that the CENI had provided few sign language interpreters to assist the voting of voters with hearing impairments.

While the introduction of new legal measures and efforts by the CENI were a positive advance, persons with disabilities were not yet able to participate fully in all stages of the electoral process, taking into account the needs of each category of disability. The Carter Center encourages the CENI and the government to expand on efforts made in the 2023 elections in advance of future elections.

Participation of Other Underrepresented Groups

Participation of Indigenous People

International standards establish that indigenous people have the right to participate fully in the political life of the state.¹⁵⁷ Interpretive sources add that the state should take the necessary measures to ensure the meaningful participation of all, giving the right and opportunity to exercise civil and political rights without any form of discrimination.¹⁵⁸ In addition, the enjoyment of protected indigenous rights may require positive legal measures of protection and measures to ensure the effective participation of members of minority communities in decisions that affect them.¹⁵⁹

¹⁵⁶ As noted above, the Carter Center IEOM did not conduct comprehensive observation on election day and only visited a limited number of polling stations. These findings are therefore limited to polling stations visited and cannot be generalized. Given that Carter Center election day observation was limited and conducted primarily in urban areas, it is possible that the issue of inaccessibility is more widespread than observed.

¹⁵⁷ ICCPR, Article 2(1); U.N. General Assembly, Declaration on the Rights of Indigenous People, Article 5; U.N., International Labor Organization (ILO), Indigenous and Tribal Peoples Convention (No. 169), Article 3.1. The latter convention has not yet been ratified by the DRC.

¹⁵⁸ UNHRC, General Comment 28, para. 21; U.N. General Assembly, Declaration on Rights of Indigenous People, Art. 2.

¹⁵⁹ UNHRC, General Comment 23, para. 7; SADC Protocol on Culture, Information, and Sport, Article 17(d-f).

Indigenous people (Pygmy peoples) make up 1% to 3% of the overall Congolese population and are among the most marginalized communities in the country.¹⁶⁰ They have precarious life conditions and face numerous prejudices, stereotypes, and discrimination within society. They rarely hold elected or appointed positions. Civil society interlocutors stated that fewer than five indigenous people were represented in the outgoing assemblies or in high-level public decision-making positions at all levels.¹⁶¹

Articles 12 and 13 of the constitution establish the duty of the state to protect all its citizens and to reject all forms of discrimination. It also provides for the promotion and protection of vulnerable groups¹⁶² and minorities.¹⁶³

Recent legal progress has been made to reduce the exclusion of these communities. In 2022, the Law for the Protection and Promotion of the Rights of Indigenous Peoples implemented these constitutional provisions while officially recognizing the civil, political, economic and social rights of indigenous peoples.¹⁶⁴ Specifically, this is the first law of affirmative action adopted in favor of the Pygmy people in the DRC, granting them free access to services and providing for fines and imprisonment in the event of discrimination.¹⁶⁵ With regard to public and institutional life, Article 30 obliges the state to take “specific measures to promote the representation of indigenous Pygmy peoples in institutions at all levels.”

Participation as candidates

Despite the new law, the participation of indigenous people remained marginal in these elections. The prevailing social attitudes toward indigenous people hindered their broader participation as candidates, especially in view of the verbal abuse to which they are often subjected. Nevertheless, the number of Pygmy candidates in this election cycle increased from previous years, when less than five had run in all contests in 2011 and 2018. Although the CENI has not provided disaggregated data, indigenous organizations claimed that seven and 26 candidates contested for seats in the 2023 national and provincial elections, respectively. Given the low economic power of their communities, indigenous candidates faced significant challenges in accessing resources to campaign. Political parties also failed to accord them minimal support, resulting in some candidates’ being unable to print campaign materials. Despite the increased number of candidates, no members of the Pygmy community were elected at either national or provincial level.

Registration and voting operations

Limited information is available about the registration of indigenous people, despite calls by civil society organizations and international actors for the publication of disaggregated voter registration data. The Carter Center IEOM’s interlocutors from indigenous communities reported that few indigenous citizens registered to vote. Their registration was hampered by a lack of targeted civic

¹⁶⁰ Figures provided by the main organizations defending the rights of Pygmy people such as the *Dynamique des groupes des peuples autochtones* (DGPA).

¹⁶¹ DGPA and *Aimer African Style*.

¹⁶² Articles 51, 123, and 203.

¹⁶³ Articles 13 and 51.

¹⁶⁴ Law No.22/030, July 15, 2022.

¹⁶⁵ The law provides indigenous people with free health care and free primary, secondary, and vocational education in public schools, as well as frees them from legal fees. It also provides for fines and imprisonment in cases of discrimination against indigenous peoples in education and employment.

and voter education and by the distances to registration centers, where both discrimination and long lines often necessitated returning the next day.

According to their representatives, the turnout of indigenous voters was similarly low. In their view, long distances to polling stations, discrimination, cases of intimidation and pressure, and fear of intimidation further reduced the participation of indigenous voters in the elections.

Participation of Youth

The AU has taken a leadership role in protecting and promoting youth participation through the African Youth Charter, which obliges states to take measures to promote active youth participation in society, including representation in elected bodies.¹⁶⁶

In the DRC, there are no recent official statistics available on youth. However, civil society organizations estimated that the proportion of people under 35 (including those under 18) accounts for 65% to 75% of the country's total population. Congolese youth often face precarious life conditions, difficulties in accessing education, employment, and health care, limiting their capacity to effectively participate in public life.¹⁶⁷

The minimum age to vote and stand for election in the DRC is 18. In addition, Article 8 of the 2004 law on the organization and functioning of political parties grants the right to join political parties from the age of 18, and Article 11 grants the right to found political parties from the age of 25.¹⁶⁸

Nonetheless, Congolese youth are underrepresented in the various national and provincial assemblies and in appointed positions. Within the political parties, young people are mainly used for the animation of different political events and demonstrations and rarely included in decision-making bodies. Interlocutors also cited the fact that party youth leagues are frequently led by people over 40 as a factor further limiting opportunities for youth to engage in politics.

Youth participation in the 2023 electoral cycle

Candidates for president must be at least 30 years old, and candidates for legislative seats must be at least 25 years old.¹⁶⁹ The youngest presidential candidate, Constant Mutamba, was 35. The CENI did not provide any statistics, but according to interlocutors, young people were best represented as candidates on municipal lists. Carter Center LTO teams noted that youth accounted for the majority of campaign rally participants, demonstrating eagerness to participate in public life.

Given the limited resources of young people, civil society representatives were concerned about the misuse of young people by candidates and political parties: on the one hand, through the

¹⁶⁶ The African Youth Charter, Article 11.2(a), obliges states to “Guarantee the participation of youth in parliament and other decision-making bodies in accordance with the prescribed laws.” The DRC has signed but not yet ratified the charter.

¹⁶⁷ In November 2022, the government adopted a five-year National Youth Plan, which has inadequate public funding and relies on international donors for its most critical components, thereby limiting its full implementation. The country also has a technical secretariat to implement the commitments of U.N. Security Council Resolution 2250 (2015) on youth, peace and security.

¹⁶⁸ Law No. 04/002 of March 15, 2004, on the organization and functioning of political parties.

¹⁶⁹ Constitution, Articles 72 and 102, respectively.

monetization of votes, and on the other, through their use by parties to intimidate political opponents.¹⁷⁰ Several instances of organized youth-related political violence were reported in the media in 2023.

Participation of LGBTIQ+ People

International and regional treaties establish that all people are equal before the law and are entitled to equal protection.¹⁷¹ They also prohibit discrimination on the basis of sexual orientation and gender identity.¹⁷²

Article 12 of the constitution states that all Congolese are equal. Congolese law does not refer to the LGBTIQ+ community. Although it does not criminalize same-sex relations, it does not mention the rights of LGBTIQ+ people.

In practice, LGBTIQ+ people face widespread discrimination, marginalization, and verbal and physical violence in both private and public spheres. In addition, civil society organizations denounced violations of the rights of LGBTIQ+ people stemming from Article 176 of the Criminal Code, which criminalizes public activities contrary to decency. Since 2019, they have been lobbying for the repeal of this article of the penal code. Homosexuality remains a taboo in Congolese public life. As a result, there are no political figures openly belonging to the LGBTIQ+ community and/or proposing measures to better integrate the community into society.

During voter registration, civil society interlocutors reported that dozens of transgender citizens were denied registration by CENI registration staff based on their gender expression, in violation of every citizen's right to register, as enshrined in treaties and the constitution.

During the pre-election period, in June 2023, the media regulator, the CSAC, issued a communiqué stating that “homosexuality, lesbianism and their concomitants are degrading and unconstitutional practices” and calling on the media not to promote pro-LGBTIQ+ campaigns.¹⁷³ Following the CSAC communiqué, media outlets that promoted gender awareness suspended their programs for fear of sanctions.

Drawing on anti-LGBTIQ+ sentiment in the public to expand his electorate and undermine one of his opponents, the incumbent president accused his rival of hiding a pro-LGBTIQ+ agenda, contributing to a hostile environment for the LGBTIQ+ community. The Carter Center social media team further reported a few hate speech posts against the community on major social media platforms (see Social Media section).

¹⁷⁰ Global Initiative Against Transnational Crime, “The Kuluna gangs of the Democratic Republic of Congo,” Marc-André Lagrange and Thierry Vircoulon, May 2021. The study shows that since 2006, some candidates and political parties have been buying the services of young people who belong to urban gangs, known as *Kuluna*. For between 1,000 and 3,000 Congolese francs a day, the *Kuluna* are paid — and sometimes armed — to sabotage political rallies and demonstrations and/or to threaten and intimidate political opponents. The report is available at <https://globalinitiative.net/wp-content/uploads/2021/06/Criminals-or-vigilantes-The-Kuluna-gangs-of-the-Democratic-Republic-of-Congo-GITOC.pdf>.

¹⁷¹ ICCPR, Article 26.

¹⁷² ICCPR, Article 2; UNHRC General Comment 18, para. 7; AU, AfCHPR, Article 2.

¹⁷³ The constitution does not refer to homosexuality.

Internally Displaced Persons

International standards state that internally displaced persons (IDPs) must enjoy, in full equality, the same rights as other persons in the country.¹⁷⁴ This includes the right to participate fully in governmental and public affairs, including the right to vote and the access to the means to exercise participation rights.¹⁷⁵

According to the International Organization for Migration (IOM), 6.947 million Congolese citizens have been displaced by the many active armed groups in the country.¹⁷⁶ Of these, 80% live in 50-60 camps throughout the country, mostly in the provinces of North Kivu, South Kivu, Ituri, and Tanganyika.¹⁷⁷

Although the CENI made efforts to include IDPs in the electoral process, several Carter Center IEOM interlocutors highlighted the overall lack of inclusiveness. Voter registration took place in some camps — except those where security could not be guaranteed — where IDPs registered for their place of origin, to avoid altering the weight of their constituency of origin. IDPs without identity documents were able to register through a three-witness system. However, the CENI did not provide information about the number of IDPs who were able to register, the number of camps where the registration and voting processes took place, or the number of IDPs who voted.

As reported by several observers and media, the lack of clarity from the CENI provoked tensions on election day in Bunia (Ituri province). Voters registered in the territory of Djuju were displaced to Bunia after their registration and attempted to vote on Dec. 20. However, local CENI officials said that they should have voted where they registered and that no provisions were in place for voting elsewhere. One polling center was attacked in Bunia, causing the destruction of several EVDs and electoral kits.

Post-Election Dispute Resolution

Effective electoral dispute resolution mechanisms are an integral part of ensuring that the will of the people is upheld during all stages of the electoral process. The efficiency of such mechanisms, including the provision of a fair and public hearing before a tribunal, is essential to ensuring that remedies are available to redress violations of fundamental rights, including regarding election results.¹⁷⁸ Effective redress requires that disputes must be dealt with in a timely manner and that states must enforce the remedy when granted.¹⁷⁹

¹⁷⁴ U.N. Office for the Coordination of Humanitarian Affairs (OCHA). Guiding Principles on Internal Displacement, 2004 para 1; See also U.N. ICCPR, Article 2.

¹⁷⁵ *Op. cit.*, U.N. OCHA Guiding Principles on Internal Displacement, Principle 22.1(d).

¹⁷⁶ IOM, Displacement Tracking Matrix, October 2023. <https://dtm.iom.int/datasets/baseline-assessment-drc-countrywide-monitoring-round-1-0>.

¹⁷⁷ *Ibid.*

¹⁷⁸ ICCPR, Article 2(3); UNHRC, General Comment 32, para 25; OIF, Bamako Declaration, p. 4.d.8; ECOWAS, Protocol on Democracy and Good Governance, Article 7.

¹⁷⁹ ICCPR, Article 2(3); AU, ACDEG, Article 17(2).

Deadlines for Litigation Over Provisional Election Results

Litigation over provisional election results is reserved, within extremely tight deadlines, for independent candidates or their proxies, political parties or groups or their proxies before (i) the Constitutional Court for the presidential and legislative elections; (ii) Administrative Courts of Appeal for the provincial elections; and (iii) administrative courts for municipal elections.

The deadline for contesting provisional results after their announcement by the CENI is two days for the presidential election and eight days for other elections. The time limits for the examination of the case by the courts concerned is seven days from the date of referral to the Constitutional Court for the presidential election and two months from the date of referral to the relevant court for other elections.

The petition must comply with specific formal rules and include the evidence on which it is based. The candidate whose election is contested is notified, as are the political party or group that has put forward a candidate and the CENI. These parties have three days to submit a response.

The Public Prosecutor's Office at the relevant court is asked to give its opinion within 48 hours. The court rules with at least three judges, free of charge and without requiring a lawyer. It is empowered to take necessary investigative measures, and all parties involved must provide any information in their possession. The petitioner and the candidate whose election is contested may ask to be heard, alone or with their lawyer. If the court is only asked to correct a material error, the court may do so. For any other request, the court has the power to confirm the results or annul them “in whole or in part when the irregularities retained may have had a decisive influence on the outcome of the ballot” (Article 75 of the electoral law). In the event of annulment, and if there is no appeal, a new election should be organized within 60 days of notification.

The candidate whose election is being contested and the CENI are notified of the court’s decision. In the case of the Constitutional Court — i.e., for presidential or legislative elections — the decision is final. In the case of other jurisdictions — i.e., for other elections — the first instance decision may be appealed within three days of its notification to the parties (Article 74d of the electoral law) to the *Conseil d’Etat*. If the appeals are declared inadmissible or unfounded, the Constitutional Court, or the court concerned (if the appeal deadlines have passed or if no further appeals are under consideration) proclaims the final election results. If the court concerned does not react within the legal review period, “the provisional results published by CENI are deemed final” (Article 74 of the electoral law).

Appeals of the Presidential Election Results

Following the proclamation of provisional results of the presidential election on Dec. 31, 2023, the Constitutional Court received two appeals within the deadline.

Presidential candidate Théodore Ngoy appealed for the annulment of the publication of the provisional results of the presidential election, alleging numerous irregularities that marred the process. The irregularities cited ranged from the setting up of the CENI to the publication of the provisional results, including concerns related to: the availability and publication of the voter lists;

the legibility of voter cards; security for presidential candidates; the extension of polling days beyond Dec. 20, 2023; the possession of electronic voting devices by unauthorized persons and the irregular votes cast by them in favor of candidate Félix Tshisekedi; the publication of provisional results by the CENI although the CLCRs had not yet finished compiling the results in their constituencies; and the nonpublication of results by polling station.

The second appeal came from a citizen and was lodged before the publication of the provisional results. It repeated the same grounds for annulment.

The Constitutional Court rejected both appeals, primarily because the irregularities had not been proved, the evidence had not been appended to the appeals, or the irregularities had no influence on the overall fairness of the election. The court, therefore, declared Tshisekedi definitively elected.

Cancellation of the Votes of Some Candidates

In press release No. 002 of Jan. 5, 2024, the CENI announced that, under the powers granted to it by Articles 29, 30 and 31 of the CENI organic law, it had canceled legislative, provincial, and municipal elections in some constituencies and that it had also canceled the votes of some candidates in other constituencies (the votes received by other candidates in those elections remained unchanged, resulting in new winners). Also, the CENI announced that in light of ongoing complaints and investigations, it reserved the right to impose appropriate sanctions in the future against the perpetrators of illegal acts, if established.

Many of the candidates affected by the vote cancellations appealed to the *Conseil d'Etat* to have the CENI's decision overturned, arguing that they had not been granted a hearing before the decision was taken (principle of adversarial proceedings), that the facts were not proved, or that the CENI did not have this power. The *Conseil d'Etat* declared that it was not competent to answer the questions put to it.

On Feb. 5, 2024, the Constitutional Court held its first hearing on this issue, where it examined the 64 appeals lodged by 81 candidates (of the original 82, one candidate was reinstated by the CENI) whose votes the CENI had canceled. Accused for the most part of fraud, including the illegal possession of EVDs, the candidates demanded that the reports of these offenses be produced before the Court. The CENI, for its part, considered that it was within its powers to regulate and monitor the regularity of elections, carry out investigations, and take all decisions necessary, including canceling some candidates' votes.

On Feb. 8, 2024, the Constitutional Court affirmed that the power to cancel votes for some candidates in a given electoral district while maintaining votes for other candidates in the same district (who are thus declared elected) belongs solely to electoral judges in the context of results disputes. The court confined itself to resolving this problem in cases where the appeals were admissible. In the cases in question, the court dismissed the various applicants' claims on the grounds that they had not proved to the court that they had actually obtained the votes annulled.

On April 13, 2024, the public prosecutor at the Court of Cassation announced that, following the CENI's decision to cancel the votes cast in favor of certain candidates, he had opened a judicial

inquiry into the charges brought against the invalidated candidates. However, he mentioned that the investigation of the cases had stalled because of the difficulty of gathering the evidence to substantiate the charges. The public prosecutor therefore appealed to the CENI and others with information that could help the investigation to come to the public prosecutor's office. The CENI did go to the public prosecutor's office, but at the time of writing there has been no further progress on this matter.

Appeals of the Results of the National Assembly Elections

The Constitutional Court registered 1,123 appeals related to the National Assembly elections. Of these, it declared 525 appeals inadmissible, 400 admissible but unfounded, and 49 admissible and founded; in 149 appeals, the plaintiffs desisted.

On the basis of the appeals, the Constitutional Court invalidated 46 deputies announced as provisionally elected by the CENI across 20 provinces,¹⁸⁰ and other candidates were proclaimed the winners. The Constitutional Court thus proclaimed the final results of the legislative elections and made public the list of 477 elected members of the national Parliament.

It is positive that the Constitutional Court met the two-month deadline to deal with disputes arising from the legislative elections. The invalidations affected both political groups, the USN and the opposition, although the decisions seem to have benefited more high-ranking personalities, notably ministers in office or former heads of institutions.

However, one of the weaknesses of this process was the lack of transparency, as all decisions on appeals declared admissible and well-founded were communicated without the reasoning for the decision. Therefore, the reasons for invalidating the candidates declared provisionally elected by the CENI were difficult to discern. This information would have helped the public understand why these appeals convinced the constitutional judge while the vast majority were declared either inadmissible or unfounded. Without the reasons for these decisions being made public, it is difficult to ascertain whether the Constitutional Court met the requirements of impartiality.

Rectification of Material Errors

Invalidated elected representatives and other candidates whose initial appeals contesting the results of the legislative elections had been rejected lodged a total of 134 appeals requesting the Constitution Court rectify material errors. The unavailability of full decisions on the initial appeals may have been one of the grounds for these submissions. On April 22, 2024, the Constitutional Court declared 19 of these appeals to be well-founded and rejected the remaining 115. It thus reinstated 19 national deputies whom it had previously invalidated and upheld the election of 29 candidates out of the 48 it had initially declared elected.

As with the initial appeals, the process of rectifying material errors provided for by law to correct errors made in initial decisions in the names, spelling, or figures was carried out without the initial decisions containing these errors being published or the errors in question being explained. Thus, it

¹⁸⁰ These figures are not definitive since the decisions were not made available and the court gave contradictory figures.

was simply noted that some candidates initially declared elected by the Court as a result of the initial appeals were replaced by other candidates at the end of the examination of the requests for rectification of material errors. Such practice is not in line with international standards and is not likely to instill confidence in the election appeals process that the Constitutional Court should conduct transparently and impartially.

Appeals of Provincial Election Results

For the provincial elections, by law the Administrative Courts of Appeal handle appeals. Since these courts are not in place yet, the appeals are handled by the Courts of Appeal. Provincial elections may be contested within eight days of the CENI's announcement of provisional results. The time limit for such disputes is two months from the date of referral to the court, and failure to comply with the time limit will result in confirmation of the results published by CENI.

The provisional results of the provincial elections were published by CENI on Jan. 21, 2024, and the 27 Courts of Appeal decided the various appeals by March 29. The deadline for processing provincial election disputes was met. While most Courts of Appeal confirmed the provisional results, some decisions invalidated candidates provisionally declared elected by CENI. Some decisions were appealed to the *Conseil d'Etat*.

Appeals of Municipal Election Results

As the administrative courts have not yet been set up, their jurisdiction is temporarily exercised by the district courts (*Tribunaux de Grande Instance*). The provisional results of the municipal elections were published Jan. 21, 2024. Like the other courts, the regional courts respected the two-month time limit for examining municipal election disputes. This was the first time these courts had dealt with challenges to municipal elections. The decisions were unavailable at the time of writing.

Final Results

Final Results of the Presidential Election

On January 9, 2024, the Constitutional Court declared Félix Tshisekedi definitively elected with 73.47% of the votes, an increase from the CENI's provisional result of 73.34%. This slight increase occurred because the court applied the CENI's cancellation of parliamentary and provincial results in the constituencies of Yakoma and Masimanimba to the presidential election. As a result, the official turnout also decreased, from 43.23% to 42.65%. The total number of valid votes announced by the court was 17,773,943 (the CENI had provisionally announced 18,018,916 valid votes).

Moise Katumbi obtained 18.08% of the vote, followed by Martin Fayulu with 4.92% and Adolphe Muzito with 1.13%. The 22 other candidates obtained less than 1%. Tshisekedi won in 21 out of 26 provinces, including Kinshasa, whereas Katumbi won in five provinces, and Fayulu won in Kwilu province.

Final Results of the National Assembly Elections

The presidential coalition Union Sacrée de la Nation (USN) won an overwhelming majority in the National Assembly, with 93% of the seats. Within the USN, a total of 28 parties are represented in parliament, with 12 parties/groupings obtaining more than 10 seats. These include the political grouping UDPS of Félix Tshisekedi with 120 seats; the political grouping *Agissons et Bâtissons* (AB) of Sama Lukonde, former prime minister, 47 seats; and the political grouping *Union pour la Nation Congolaise* (UNC) of Vital Kamerhe, chairman of the National Assembly, 33 seats. Together, the opposition parties have 31 seats, including 18 for the party *Ensemble* of Moïse Katumbi. According to the internal rules of the National Assembly, a minimum of 20 deputies is necessary to constitute a group.

Candidates could run for and be elected to different levels of office at the same time but were subsequently required to choose one office and relinquish any others (Article 108 of the constitution Articles 77 and 78 of the Electoral Act). Thus, of the 38 National Assembly candidates elected to multiple positions, 11 chose another position, renounced their positions as deputies, and were replaced by their substitutes. Finally, as ministerial office is incompatible with the mandate of deputy, 24 National Assembly deputies appointed as ministers resigned and were replaced by their substitutes.

As of June 15, 2024, the last day of the session at the National Assembly, all deputies elected in the 2023 elections or their substitutes had been sworn in. The total number of deputies in the National Assembly is now 493, including 477 elected during the 2023 general elections and the 16 deputies whose mandate was extended by the Court on March 5, 2024. Seven deputies still need to be elected. The resumption of the elections canceled in December 2023 in the territories of Masimanimba (Kwilu province) and Yakoma (North Ubangui province) had not been confirmed by CENI at the time of writing. Legislative, provincial, and local elections in the provinces of Masisi, Rutshuru, and Kwamouth were scheduled for Oct. 5, 2024, according to the updated CENI calendar announced Jan. 31 but do not appear in the latest updated election calendar published April 4.

As of June 30, 2024, the full final results of the provincial and municipal elections had not been declared. Until the indirect elections for mayors and *bourgmestres* are organized, these local leadership authorities are appointed, undermining the role of communal councils.

Recommendations

Following the elections, the Carter Center IEOM consulted key stakeholders regarding its findings and on potential future electoral reform. The Carter Center is grateful for their perspectives, and their views were taken into consideration in the finalization of this report. In the spirit of collaboration and support for the efforts of the people of the Democratic Republic of the Congo to build and consolidate an inclusive and participatory democracy, the Carter Center IEOM offers the following recommendations for consideration.

Recommendations for the Attention of the Government and Parliament:

Legal framework

1. To show continued leadership in adoption of international commitments to democratic elections, consider ratifying the African Charter on Democracy, Elections and Governance to further strengthen the recognition of political and electoral rights.
2. Review the legal framework with a view to eliminating gaps and ambiguous provisions to provide clarity for the CENI, political parties, and other stakeholders.
3. Organize an inclusive national dialogue on election reform that takes into account the views of political parties and civil society, including recommendations made by domestic and international election observation missions.
4. To increase awareness of the legal framework among the general public, candidates, and other election stakeholders, it is recommended to make legal texts relating to elections accessible by translating them into national languages and making them available free of charge online, in audio, and in hard copy.

Election administration

5. Future electoral reform efforts could continue to consider the most appropriate appointment procedures for the CENI with the view to ensuring greater cross-party and stakeholder support and greater trust in the CENI as an independent, impartial, and professional body.
6. Amend Articles 12 and 13 of the organic law of the CENI to ensure that the new composition of the CENI is in place well ahead of the beginning of electoral preparations, including the drafting of the electoral calendar, to provide sufficient time to ensure the proper execution of the electoral calendar, in line with the constitution.
7. Strengthen the CENI's independence by ensuring financial transfers through regular and established mechanisms in a timely manner and increase the transparency and accountability of CENI financing. Ensure, as part of an external audit performed by the Court of Auditors at the end of the electoral process, that all CENI expenses can be traced and that discrepancies between projected and disbursed funds can be justified. Increasing

financial autonomy and ensuring full transparency of income and expenses will contribute to strengthening public confidence toward the CENI.

Voter registration

8. Amend the electoral legislation to guarantee that sufficient time should be allocated to voter registration to ensure that all eligible Congolese are able to register.
9. Amend the electoral legislation to require observable and verifiable audits of the voter register, including timeframes for conducting audits in advance of the election.
10. Review the electoral legal framework to ensure that deadlines related to the publication and posting of voter lists at all stages are clear, consistent, and allow for citizens to exercise their right to appeal omissions and errors.

Registration of candidates and political parties

11. To broaden political participation, consider eliminating the possibility for candidates to run for multiple directly elected positions to reduce the monopolization of elected posts within families through the use of substitutes.

Election campaign and pre-election environment

12. Consider amending Decree Law 96 of 1999 on demonstrations and public meetings, since the continued imposition of the requirement to seek authorization for public events and meetings contravenes Article 26 of the constitution.
13. Ensure through appropriate regulation the full equality of access of all candidates to campaign venues. For the presidential election, this should include guarantees of equal access to campaign venues, transportation throughout the country, adequate security arrangements, and coverage by public media outlets.
14. Because the freedom to vote and the transparency of election campaign expenditures are seriously affected by bribery of voters through cash remittances or donations and gifts of any kind during the election period, it is recommended that an electoral bribery offense be included in the electoral law to punish such acts, which are widespread.

Campaign finance

15. Implement the Law on Public Funding for political parties. Consider reviewing the law to ensure comprehensive campaign finance regulations, including permissible forms of campaign contributions, regulations on spending and any applicable limits, transparency and disclosure requirements for contestants in elections, and provide the basis for oversight by an independent body.

Media

16. Consider reinforcing the CSAC in terms of budget and human resources to guarantee its independence and implement effective monitoring in the provinces.
17. Consider the introduction of policies, such as financial incentives or free airtime, to facilitate the media access of underrepresented candidates during the campaign period, including female candidates, indigenous candidates, and candidates with disabilities.

Electronic voting

18. Amend the legal framework to provide clear requirements for the conduct of pre-election and post-election audits and certification of electronic voting devices and electronic voting processes. This should include ensuring the full transparency of audits and certification processes for political parties, observers, and media.
19. Amend the legal framework to provide clarity on the processes of reporting and tabulating results to ensure both rapid announcement of preliminary results and full verification of all results through manual tabulation and statistically relevant audits of paper ballots.

Participation and inclusion

20. Consider amending the electoral law to require a quota for representation of women in the National Assembly, provincial assemblies, and local councils to promote equality of political participation of all citizens and to respect the parity requirement enshrined in the constitution.
21. To facilitate increased participation of people with disabilities in public life, consider completing the ratification process of the Protocol to the African Charter on Human and People's Rights on the Rights of Persons with Disabilities in Africa. To consolidate the progress made in the inclusion and protection of people with disabilities with the adoption of Organic Law No. 22/003 and the prime minister's decree of March 7, 2024, the provisions of these legal instruments could be integrated into the electoral law.
22. Ensuring the protection of rights of indigenous peoples, as identified in the ICCPR, Art. 27, "may require positive legal measures of protection and measures to ensure the effective participation of members of minority communities in decisions which affect them."¹⁸¹ The Carter Center recommends consideration of introducing reserved seats for the election of an indigenous representative at provincial and local levels in the 21 provinces where indigenous people are living. This measure could be based on the model currently used for customary authorities.

¹⁸¹ U.N. HRC, CCPR General Comment No. 23: Article 27 (Rights of Minorities), Art. 7.

Electoral dispute resolution

23. In view of the evidence regime in force and the requirement to attach certain documents to a petition contesting the results of the presidential election, it is recommended that the time limit for lodging appeals, currently set at 48 hours, be extended to five days, to facilitate appeals by petitioners without undermining the need for swift finalization of election results.
24. Under the current electoral law, standing in disputes related to election results is granted only to political parties, groupings, and independent candidates. This is too restrictive, as it limits the right of individual candidates on party lists to seek legal remedy. To correct this deficiency, it is recommended that the law recognize the right of each candidate to contest the results of legislative elections.

Recommendations for the Attention of the CENI:

Election administration

25. To increase transparency and access to information for stakeholders, hold regular consultation framework sessions throughout the electoral process at national, provincial, and local levels, beginning prior to the start of voter registration activities. The CENI should consider making the consultation sessions more interactive and ensuring participation of underrepresented groups.
26. Increase efforts to conduct civic and voter education campaigns that reach the most remote areas of the country and are inclusive of all categories of voters, with targeted activities and information for women and underrepresented groups. Materials should be translated into all national languages at an early stage in the process. Special attention should be given to educating voters on the use of electronic voting devices.
27. Improve and increase the length of the cascade training of polling station staff, giving them more time to carry out hands-on simulations. The content of the training should give increased focus to the electronic voting devices and procedures for closing and counting.
28. Use the consultation framework process to explain the calculation of results for the National Assembly. At the time of publication of preliminary results for those elections, publish the methodology and figures used in the calculation of the representation thresholds to build trust and encourage acceptance of the results.
29. To address internal inclusion challenges and to account for the needs of all voters, consider establishing a dedicated CENI directorate on inclusion issues. Ensure that women are represented with parity as heads of *Secrétariats Exécutifs Provinciaux* and *antennes*. Take steps to fully implement legal provisions on including people with disabilities and indigenous people in its staff at all levels, for example through incentive measures.

Voter registration

30. To maximize the inclusiveness of the voter register, as well as public confidence in the register, plan effectively for the next voter registration exercise or update to the voter register. This should include sufficient time and resources to reach all citizens — including women, indigenous people, citizens with disabilities and IDPs — and ensure high-quality voter identification documents, allow for observable and verifiable audits of the accuracy of the register, and ensure timely publication of voter lists at all stages.

Electronic voting

31. The CENI should increase the transparency of the electronic voting system by conducting pre- and post-election audits with the participation of experts nominated by political parties. Ensure that security protocols are in place regarding the people who have access to these technological components before election day. Allow for independent monitoring of the electronic voting operations by external experts and observers to ensure that these operations remain within the ambit of good electoral information and communication technology practices.
32. Implement a full quality-control process on EVDs to reduce the failure rate of equipment on election day. On election day, ensure that adequate technical staff and backup equipment are stationed at polling centers to reduce system downtime and ensure that polling stations open on time and remain operational. A technical storage procedure should be adopted and implemented between elections to assist in proactively managing equipment to aid in the reduction of equipment failure.
33. The Carter Center also encourages the CENI to step up efforts to comply with international standards on the right to secrecy of the vote by introducing new technologies for the independent and secret voting of visually impaired voters. The CENI should ensure that voters may choose to be assisted by the person of their choice in the polling station, as stated in the electoral law.

Polling, counting and tabulation

34. Ensure the online publication of preliminary results by polling station and constituency, including the number of registered voters and the turnout for each level. Ensure that full publication is done before the end of the period to submit appeals.

Participation and inclusion

35. Consider collecting and publishing disaggregated data on voters, candidates, and the composition of the CENI (for both political and administrative bodies), including data on gender, youth, people with disabilities, and indigenous people, to ensure the effective inclusion of these groups with targeted measures.
36. Consider increasing efforts to accommodate the needs of voters with hearing impairments by improving the availability of voter and civic education materials in sign language,

recruiting additional sign language interpreters, and providing each SEP with at least one interpreter, particularly in provincial consultation framework meetings.

Electoral dispute resolution

37. Although applicants are required to attach electoral documents as evidence to their petition contesting the results, it often happens that these documents are not available within the short time frames in which appeals regarding the results must be initiated. To ensure the right to effective recourse recognized by international human rights instruments, the CENI should provide the necessary electoral documents to the judges and the applicants for the examination of appeals, whether the applicant has been able to produce documents or not.
38. As indicated by the Constitutional Court, the CENI should not annul votes for candidates in the event violations of the law have been found. It should be considered to prescribe that, apart from administrative sanctions against its agents and the initiation of criminal proceedings against these agents or any other electoral actor, the result of an investigation or inquiry initiated by the CENI be transferred to the Constitutional Court (or to the relevant authority).

Recommendations for the Attention of the Constitutional Court:

Electoral dispute resolution

39. Considering the specificity of electoral disputes, their cyclical nature (every five years), and the mobility of judges who are called upon to adjudicate them, it is recommended to conduct cycles of training and updating for judges at all levels on electoral law and electoral disputes.
40. To increase transparency in matters of rectification of material error and to respect the spirit of the law, it is recommended that Constitutional Court decisions demonstrate what the error was, the correction made, and any new results introduced by this correction.
41. For reasons of transparency and accountability, consider ensuring that decisions invalidating candidates and annulling votes provide full reasoning at the time of announcement, beyond the obligation to announce decisions in the *dispositif*.

Recommendations for the Attention of Political Parties:

Observation

42. Strengthen the capacity of party agents to observe voter registration, election day operations, and tabulation of results at the CLCR and central levels. Ensure regular liaison with the CENI at provincial and local levels.

Participation and inclusion

43. Play a greater role in supporting women's political participation, particularly at decision-making levels. Empower female candidates early in the electoral cycle by providing training, financial assistance, and technical support. Together with the government and civil society, take concrete action to combat gender-based discrimination and violence in the electoral process through sensitization campaigns and continued initiatives to promote positive masculinity.
44. Promote the political participation of people with disabilities by supporting their adherence to parties without any form of discrimination. Support meaningful participation of people with disabilities.

Recommendation to Facebook, X, WhatsApp, and other Social Media Platforms:

Social media

45. Collaborate with civil society organizations on independent, nonpartisan fact-checking initiatives and other methods to proactively identify and counter the spread of disinformation and hate speech.

Recommendations to all Stakeholders on Municipal Elections:

46. Following the first municipal council elections since the start of the Third Republic in 2006, the government should provide resources to the elected bodies to conduct their work, including councilors' salaries. The international community should consider supporting the development of local democracy as an essential component of furthering DRC's goal of strengthening its democracy. The CENI should organize both indirect elections for the leadership positions of these councils, as well as planning for the election of the remaining municipal councils within the next year.
47. The parliament should consider reducing or eliminating the threshold for municipal council elections to increase inclusivity and representation.