



Carter Center Preliminary Statement on the Democratic Republic of the Congo General Elections

Dec. 22, 2023

As the election process has not yet concluded, this preliminary statement covers the process thus far. The Carter Center bases its assessments on international standards for democratic elections and on national law. The Center will continue to observe and assess the remaining post-election process and will issue a comprehensive final report in the coming months, which will include recommendations for steps that could improve future elections.

The Carter Center observed the Dec. 20 general elections in the Democratic Republic of the Congo (DRC). Despite serious operational and security challenges, the elections were held within the constitutional deadline, including for the first time local elections in the provincial capitals. The *Commission Electorale Nationale Indépendante* (CENI) and its officials throughout the country made significant efforts to deploy the necessary materials and personnel to the polling stations. Despite these efforts, there were widespread reports of polling stations throughout the country, including in Kinshasa, that were unable to open on time due to the absence of materials or which had to close temporarily due to issues with voting machines. Since some polling stations did not open at all on Dec. 20, the CENI decided voting would continue on Dec. 21. Unfortunately, the CENI did not provide data about the extent of these operational difficulties.

During election day, The Carter Center international election observation mission (IEOM) was led by Catherine Samba-Panza, former president of the Central African Republic. The IEOM was composed of 43 accredited observers from 20 countries, including 23 observers from Africa. The IEOM director for the long-term observation effort was Nicolas Teindas.

On Dec. 20 and 21, Carter Center observers deployed across 11 provinces, including Kinshasa, assessed that voting proceeded relatively well in 88 of 109 polling stations visited, although some of these polling stations opened hours after the scheduled start time. However, the conduct of voting was assessed negatively in 21 polling stations, with serious irregularities observed in several of them.¹

¹ This data represents a limited picture of election day processes and should not necessarily be considered representative of the entire country. The Carter Center encourages stakeholders to also consider information provided by the CENI, as well as by citizen observation organizations with a presence throughout the DRC.

The elections were competitive, and the engagement of citizens as election officials, party agents, observers, candidates, and voters demonstrated their strong commitment to democracy. The CENI's handling of candidate registration and the accreditation of observers was broadly inclusive.

However, the elections took place in the context of a deep lack of confidence on the part of many citizens that the elections would be carried out fairly. This lack of confidence stems in part from the conduct of previous elections, in part from the composition of the CENI, and in part from gaps in transparency, especially regarding the voter registration process. Confidence was also undermined by the large number of illegible voter identification cards and the late posting of voter lists. Shortly before election day, the CENI decided to allow voters with illegible voter ID cards to vote if they could be identified through their photo on the voter list, which was a positive measure to reduce disenfranchisement. While the CENI made efforts to inform and consult stakeholders, its operations and ability to adapt to unforeseen circumstances appeared to be constrained by the tight election calendar as well as by the CENI's limited operational capacity and planning.

The campaign period was characterized by Carter Center long-term observer teams as often festive, although limited in scope due to lack of candidate resources. The campaign period was initially peaceful but deteriorated in some areas closer to election day, as violent clashes took place between the supporters of opposing parties in some areas. At least 19 deaths, including two candidates, have been attributed to election-related violence. Heated campaign rhetoric contributed to online hate speech. Carter Center observers noted the abuse of state resources in favor of the campaign of candidates of the ruling coalition in some areas.

Women's participation in the election process improved from previous elections. An increased percentage of women candidates pointed to a degree of success in the legal change that incentivized parties to include women equally on their lists. However, the major parties chose not to include equal numbers of women on their lists for the national assembly election. Efforts to include other groups, such as people with disabilities and ethnic minorities, appeared to have limited impact. Other stigmatized groups continued to be mostly marginalized from the process.

Key preliminary Carter Center findings and conclusions include:

Election Environment

The election environment and the ability of citizens to exercise their fundamental democratic rights were impacted by several factors. This included conflict, especially in the east, with a large number of displaced people and lack of state control over certain areas. Human rights violations continue to be a serious concern in many areas, particularly in North Kivu and Ituri provinces, where a state of siege has been in force since May 2021. Other significant factors included limited infrastructure in many areas of the country, poverty, and the impact of heavy rains and flooding.

Legal Framework

The legal framework for elections in the Democratic Republic of the Congo is made up of several texts, including constitutional provisions, the electoral law and the law on voter registration, laws relating to the CENI, the Constitutional Court and the Superior Council of Audiovisual and Communication (CSAC), and implementing measures adopted by the Independent National Electoral Commission (CENI). In addition,

DRC has ratified or signed a number of international legal instruments at the level of the United Nations, the African Union, and sub-regional organizations.

The legal framework is overall in conformity with the norms and standards relating to free, fair, inclusive, and transparent elections. The laws are frequently revised, with an effort to publish coordinated, up-to-date texts accompanied by explanatory statements regarding the changes made. However, the diversity of legal sources sometimes results in contradictory provisions, particularly with regard to voter registration; the availability, publication, or posting of partial, provisional, or final lists of voters; as well as the time limits for disputes or complaints relating to these issues. This can give the impression that provisions can be used *à la carte*, such as articles concerning the publication of voter lists.

The election law was amended in June 2022, and some key additions were introduced, such as the obligation for the CENI to post the results by polling station on its website as well as posting results outside each polling station. However, most amendments included in the proposed bill to enhance transparency and accountability were rejected by parliament.

Election Administration

Contested election results in 2011 and 2018 sowed the seeds of mistrust towards the CENI. To promote integrity and strengthen transparency, since 2019, civil society groups have advocated to depoliticize the composition of the CENI. The organic law of the CENI was amended in 2021, with political parties selecting 10 of the 15 CENI members while civil society representation increased from three to five members. Political differences over the appointment of the CENI led to the late establishment of the commission, which only took 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. Opposition parties, including former president Kabila's *Front Commun pour le Congo* (FCC), demanded a recomposition of the CENI, but this did not happen.

The CENI published a road map in February 2022 recognizing serious constraints to organizing timely elections. The electoral calendar was published on Nov. 26, 2022. The CENI made commendable efforts to organize the electoral process by the planned date of Dec. 20, despite facing significant technical, logistical, financial, and security challenges. However, the CENI's execution of technical aspects of the process came to some extent without sufficient consultation with stakeholders, as well as limited transparency concerning key aspects of the process, such as election logistics and procurement, voter registration operations or late changes on election day procedures.

Voter Registration

From Dec. 24, 2022, to mid-April 2023, the CENI registered a provisional net total of 43.9 million voters.² The CENI overcame significant obstacles to complete voter registration operations on schedule, such as security issues, funding constraints, an insufficient number of kits resulting in overcrowded facilities, long queues in densely populated urban areas, defective registration kits, requests for payment from voters,

² This provisional total takes into account some 3.3 million records that were reported as deleted during the data cleaning operation (e.g., duplicate records). To date, the CENI has not provided the final number of eligible voters.

and thefts of registration kits. Some obstacles were due to time constraints caused by the compressed electoral calendar, including the absence of a pilot phase to test the new voter registration technologies.

However, the quality of the voter registration process suffered because of these challenges, and over five million voters were not registered compared with the CENI's original estimated target. There were also concerns about the over-inclusion of minors in some areas. Implementation of the process was affected by insecurity in some areas, especially in the territories of Rutshuru and Masisi of North Kivu as well as Kwamouth in Mai-Ndombe province. There were at least 33 deaths of CENI personnel reported during the voter registration effort.

The voter registration process would have benefited from increased transparency, as the CENI insufficiently engaged political parties and civil society during the voter registration and data cleaning process. From their side, political parties did not accredit party agents, which also limited transparency.³ Generally, voter education around registration remained weak due to lack of funds. Positively, the CENI accredited citizen observers from CENCO-ECC, who were able to observe and report on the voter registration process.

The audit of the voter register, conducted in a six-day period after the registration process by a team of auditors selected by the CENI, did not have enough time and access to data to assess the uniqueness of voters, the quality of the data, or the completeness of the data as per standard audit evaluation methodology.

The CENI did not meet the legal deadlines for publication of the provisional and the final lists of voters. The delay in publication and the lack of posting of the provisional list affected the voters' right to get legal remedy. In order to enhance transparency, the CENI published online the cartography of the polling stations, including the provisional list of voters, and made available a smartphone application for voters to check their presence on the list. Both provisions had limited impact because most Congolese lack digital access. Acknowledging these challenges, the CENI made available an SMS system 12 days before election day for voters to be able to identify their polling station with regular phones.

Voter Cards

Voter eligibility is established by registration on the voter list and the possession of a voter card. 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, 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 new cards 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 *duplicatas* at the local level to reach out to voters in the areas where they registered. However, the impact of these measures was assessed as limited by the LTO teams due to

³ The CENI stated on June 16 in a consultation framework meeting with political parties that political parties had only requested accreditation for eight agents.

their late implementation and operational constraints. As a result, many unreadable cards were not replaced before election day.⁴

In order to avoid disenfranchisement, the CENI issued a directive shortly before election day to allow voters with unreadable cards who could be recognized by their photo on the voter list to vote. The Carter Center IEOM assessed this as a reasonable measure to reduce voter disenfranchisement.

Candidate Registration

The CENI and the courts made commendable efforts to ensure the inclusivity of the candidate registration process. A total of 26 candidates were registered for the presidential election as well as 25,429 national deputy candidates (for 484 of the 500 seats); 44,256 candidates for provincial assemblies (running for a total of 764 seats); and over 30,000 candidates for local council seats.⁵ All lists submitted by major parties were ultimately admitted. This provided a wide range of choice for voters, in line with international standards for democratic elections.

After the National Assembly adopted the law on seat distribution based on CENI statistics concerning the provisional list of voters, the CENI opened the registration of candidates for the National Assembly on June 26, followed by the registration of provincial assembly, local council, and presidential candidates. The CENI published the final candidate lists with some delays vis-à-vis the electoral calendar due mainly to the large number of challenges and delays in their resolution by the courts. No candidates were registered in the territories of Kwamouth, Masisi, or Rutshuru 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. On Aug. 22, the CENI also decided to postpone the elections to the communal councils outside of the province capitals.⁶

The large number of candidacies took place despite efforts to limit candidacy in the 2022 amendments to the election law, which set a 60% threshold for the admissibility of candidacy lists submitted by parties or political groups concerning legislative, provincial, and local council elections.⁷ However, the threshold had the opposite effect as political parties and political groups registered as many candidates as needed in order to overcome the threshold.

Civic and Voter Education:

The CENI conducted a voter education campaign using traditional media, audio-visual and printed materials, and activities throughout the country, focusing on voting modalities, voter list consultation, electronic voting device (DEV) demonstrations, and the distribution of duplicate voter cards. Due to a lack of resources, the scope of these activities remained largely limited to the main urban centers and did not specifically target women and other minority groups. The CENI did not fund any civil society organization for civic and voter education, which significantly reduced its outreach to the most vulnerable groups. Several IEOM interlocutors reported that civil society organizations were insufficiently involved by the CENI

⁴ The CENI has not yet provided information about the number of duplicate cards issued or an estimated number of unreadable cards.

⁵ Unofficial information compiled by the IEOM from data made public by the CENI at provincial level. For local elections, the CENI published on its website the final list of candidates for only 19 of the 26 provinces.

⁶ CENI, <https://www.ceni.cd/communique-de-presse/2023/08/22/communique-de-presse-ndeg044ceni2023-relatif-la-prorogation-de-la>

⁷ Individuals could register as independent candidates.

in the information campaign. Audio-visual and printed sensitization materials were almost exclusively available in French with no versions in the four national languages until one week before election day. Most audiovisual materials were not available in sign language.⁸

Pre-Campaign Period

Civil society groups, human rights organizations, journalist associations, and opposition groups denounced a crackdown on dissenting voices ahead of the election campaign. In May 2022, a demonstration held 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 the eastern part of the country was violently repressed by the police, with dozens arrests and injured.⁹ Some prospective presidential candidates were reportedly prevented from traveling to certain areas of the country.

On July 13, 2023, former minister and spokesperson of opposition party *Ensemble pour la République* Cherubin Okende was kidnapped at the premises of the Constitutional Court and subsequently murdered under unknown circumstances. This is among the cases which caused a public outcry. Also, on Sept. 8, the well-respected journalist Stanis Bujakera was arrested and imprisoned on accusations of forgery and spreading false information. He remains in prison despite demands for his release both nationally and internationally. Notwithstanding these serious limitations of fundamental rights, media and civil society appeared to function and report relatively freely on the election process.

Citizen observers and others reported unofficial campaign activities by political parties and prospective candidates throughout 2023, including improvised rallies, convoys of vehicles, display of posters, photos, and other images of candidates. Such activities often appeared to be outside the limits of the law.

Campaign

The official campaign period took place from Nov. 19 to Dec. 18. During the campaign period, Carter Center Long-term Observer (LTO) teams assessed the general atmosphere of a total of 157 campaign activities observed in 14 provinces as either good or very good. In most cases, the observers described campaign activities as peaceful and festive. LTO teams observed that national, provincial, and local authorities generally ensured that the civil rights of candidates, including their freedom of movement and assembly across the country and of their supporters, were upheld. However, some opposition presidential candidates informed the IEOM that police protection was not available or was inadequate, as prescribed by article 110 bis of the election law. Opposition candidates also stated that administrative hurdles constrained their ability to travel around the country by plane. In addition, Carter Center LTO teams observed that some officials abused state resources to favor the incumbent president's campaign or to obstruct the campaign activities of other candidates.

The electoral environment deteriorated as the campaign progressed, raising concerns about growing political intolerance and tension. Two candidates were killed in North-Kivu and South-Kivu provinces shortly before election day. On Dec. 14, following a meeting in Kisangani in Tshopo province, a female candidate was stabbed. Instances of electoral violence both between rival political parties and members of the ruling coalition also broke out during some campaign events across the country, resulting in at least

⁸ Of all the audiovisual materials, only one included sign interpretation language.

⁹ Human Rights Watch, <https://www.hrw.org/fr/news/2023/05/29/rd-congo-des-manifestations-pacifiques-violemment-reprimees>

19 deaths and several injuries. Carter Center LTO teams also reported on the destruction of some campaign materials throughout the country.

While there was little or no inflammatory language or hate speech used at most campaign events observed by Carter Center LTO teams, the IEOM social media observation unit reported that online campaigning was dominated by messages concerning identity politics. In this regard, aggressive speech or hate speech were used as a central campaign element to discredit political opponents and manipulate the perceptions that different Congolese communities have towards each other by arousing mutual distrust. In this regard, tension was higher between the communities of Kasai and Katanga. In some instances, this appeared to contribute to the increase in violent clashes. Other minority communities were also targeted by intimidating speech or hate speech.

Campaign Finance

LTOs reported that the campaign was generally low key as candidates faced funding constraints to support their activities. Given the high number of candidates and in the absence of public funds, political parties and groups were only able to provide limited financial support to their candidates across the country. Although the constitution allows political parties to receive public funding for the financing of their electoral campaigns, a law introduced in 2008 to implement this right has not taken effect.¹⁰ This particularly affects women candidates because they have less access to financial resources compared to men and because the law on public funding, in Article 3, point 5, includes parity in the lists as an eligibility criterion for public funding.¹¹ If this law had been implemented, parties and groups that had achieved gender parity in their lists would have been exempt from registration fees and eligible for public funding.

Participation and Inclusion

The prevalence of socio-cultural barriers, security concerns, and challenges in accessing financial resources hindered the participation of women and other minority groups in the electoral process.

The constitution guarantees equality of all Congolese citizens, and an amendment to the Electoral Code in 2022 introduced a financial incentive to encourage gender parity on candidate lists, although parity is not mandatory. Women's participation has improved since the 2018 elections, but women remained underrepresented in the electoral process. Only two of the 26 presidential candidates were women. For the national assembly and provincial elections, most political parties and groups did not ensure a gender balance on their lists. Women represent 17% of candidates for the national assembly and 25% for provincial assemblies. For local elections, the situation was significantly better according to the CENI, which stated that 43% of candidates were women.¹²

Due to the country's long history of conflict, an estimated 15%-18% of Congolese citizens live with disabilities.¹³ They often face discrimination and marginalization in public and private spaces. While the CENI has not provided statistics, civil society organizations claimed that less than 100 candidates with disabilities contested the elections at all levels. The introduction of legal and other measures to ensure

¹⁰ Law 8/005- 2008.

¹¹ In Article 3, point 5, the law introduces parity on the lists as an eligibility criterion for public funding.

¹² Figures provided by the CENI president on Nov. 13, 2023. These figures are provisional.

¹³ RFI, Feb. 14, 2023, www.rfi.fr/fr/afrique/20230214-en-rdc-les-personnes-handicap%C3%A9es-sont-d%C3%A9sormais-prot%C3%A9g%C3%A9es-et-prises-en-charge-par-la-loi

the participation of people with disabilities was commendable.¹⁴ Although the CENI took steps to increase accessibility, it was not able to ensure their full inclusion in all stages of the electoral process, considering the needs of each category of disability. While voting was facilitated by a legal provision for assisted voting, the majority of disabled interlocutors expressed their desire to have an opportunity to vote independently through adapted tools and measures.¹⁵ Serious difficulties in accessing financial resources for campaigning and ingrained stereotypes also limited the participation of indigenous and albino candidates.

Election Observers

A wide range of Congolese civil society organizations took active part in election observation activities. Among them, CENCO-ECC, Regard Citoyen, CO-MOEC (including SYMOCEL and NSCC), and ROC 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 readable voter card to get an accreditation. 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 African Union, the Economic Community of Central African States (ECCAS), the International Conference on the Great Lakes Region (ICGLR), and the Southern African Development Community (SADC) deployed short-term observers on election day. The European Union kept an expert team in Kinshasa after withdrawing long-term observers. The East African Community (EAC) mission was not granted permission to deploy a mission.

The Carter Center regrets that one of the IEOM leaders was not able to join the mission because he was not granted a visa. The Center further regrets the unfounded accusations made towards election observers by some government authorities prior to election day and reiterates the impartial and independent nature of international election observation.

Election Day

The Carter Center deployed 16 observer teams who observed election day proceedings in eleven provinces: South Kivu, North Kivu Tanganyika, Kasai Central, Kinshasa, Tshopo, Lualaba, Haut Katanga, Kongo Central, Equateur, and Kasai Oriental.¹⁶ Due to the limited number of observations, the findings do not reflect an overall assessment of the election day process.

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 and technical problems with the initialization of electronic voting devices. Only in Matadi and Kisangani

¹⁴ In terms of accessibility measures, the CENI published 1,200 copies of the Electoral Code in Braille, an election glossary in sign language, and used sign language interpreters for all national level consultation frameworks.

¹⁵ Civil society organizations defending the rights of people with disabilities advocate for the introduction of options to guarantee secrecy of the vote of the blind, accessibility of polling stations for people with reduced mobility, and sign language interpreters in each voting centers for people with hearing deficiencies.

¹⁶ Six teams were deployed in Kinshasa, including the leadership team.

cities did the majority of polling stations visited open on time. In Kinshasa (city), almost all polling stations visited opened one or more hours late.

Carter Center observers visited 109 polling stations to assess the voting process, 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, and some had to return to the polling station at a later time. Although instances of violence were reported in various parts of the country, observers found that voting took place in a peaceful, if sometimes tense, environment at voting centers visited.

Carter Center observers assessed that voting proceeded relatively well in 88 of the 109 polling stations visited. In 21 polling stations visited, Carter Center observers evaluated the voting process negatively, often due to instances of serious violations. These included illegal assistance (16 cases),¹⁷ vote buying (two cases observed), and violations of secrecy of the vote (17 instances).

In 24 polling stations Carter Center observers identified technical problems with electronic voting devices, such as depleted batteries, resulting in prolonged periods of inoperability and therefore 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 observed were inaccessible for elderly and voters with reduced mobility.

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. 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. However, no data was made available on the number or location of these polling stations, nor did it communicate regarding voter turnout. Carter Center observers continue to observe the compilation of results.

Way Forward

With election operations ongoing and with the tabulation of results still underway at Local Centers of Results Compilation (CLCR), it is crucial for citizens to wait for the CENI's announcements of the provisional results in the coming days. The Carter Center urges political leaders to refrain from making comments that could contribute to raising tensions. The Center encourages political parties, political groups, and candidates to make use of the legal means for any challenges to the election process. Finally, it is of utmost importance that the CENI post the tallied results at the CLCRs, as well as all polling station results on its website as per the election law. This would enable party agents and observers to verify the results in accordance with international best practices to ensure the credibility and transparency of the electoral process.

The Carter Center wishes to thank all the stakeholders who have taken the time to meet with members of the mission. A final comprehensive report that includes recommendations will be released in the next several months.

¹⁷ In one polling station in Kinshasa, an agent for the ruling party was observed voting on behalf of all voters during the time the observer team was present.

Background

The Carter Center was invited to observe the Dec. 20 elections by the government of the Democratic Republic of the Congo. In response to the invitation, the Center deployed a core team of seven experts and formally announced the start of its IEOM on Sept. 25. Following an extensive briefing in Kinshasa, 24 long-term observers were deployed throughout the country in early November to assess election preparations. During the election period, the mission was led by Catherine Samba-Panza, former president of the Central African Republic, who was joined by Carter Center staff and additional experts. A total of 43 Carter Center observers were accredited by the CENI.

On election days (Dec. 20 and 21), 43 observers from 22 countries visited 154 polling stations across 11 provinces, including Kinshasa, to observe opening, voting, and closing procedures. Carter Center observers continue to assess the conclusion of vote tabulation and, as per its mandate, plans to remain in the DRC to observe the post-election environment and announcement of final results. All assessments are made in accordance with regional and international standards for elections. The Carter Center conducts its election observation missions in accordance with the 2005 Declaration of Principles for International Election Observation.

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and former First Lady Rosalynn Carter, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped improve the lives of people around the world by working to prevent and resolve conflicts, advance democracy, and improve health. Visit www.cartercenter.org to learn more about The Carter Center.