



## INTERIM REPORT

### THE CARTER CENTER INTERNATIONAL ELECTION OBSERVATION MISSION

#### Democratic Republic of the Congo

December 5, 2023<sup>1</sup>

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#### *Introduction*

The Carter Center has been active in the Democratic Republic of the Congo since 2006, working to promote democratic elections, protect human rights, and advance transparency and accountability in extractive industries. On June 24, 2023, the Ministry of Foreign Affairs of the Democratic Republic of the Congo (DRC) invited The Carter Center to observe the Dec. 20 elections.

In response to the invitation, The Carter Center deployed an international election observation mission (IEOM) in September 2023, led by mission director Nicolas Teindas. The IEOM officially started on Sept. 25 with a core team of seven experts.<sup>2</sup> Since then, the IEOM has met with numerous stakeholders, including officials of the Independent National Electoral Commission (CENI), the Constitutional Court, government officials at the national and provincial level, several presidential candidates or their representatives, security officials, the citizen observation organizations CENCO-ECC, *Regard Citoyen*, and other organizations, as well as civil society organizations working on gender and inclusion issues.<sup>3</sup> On Nov. 1, The Carter Center began deploying 24 long-term observers (LTOs) to DRC. After an extensive briefing, the LTOs were deployed starting Nov. 9 to eleven provinces in 12 teams of two.<sup>4</sup> The Center will be joined by a leadership delegation and a limited number of Atlanta headquarters staff around election day.

The Carter Center will publish the IEOM preliminary statement of findings and conclusions after election day and a final report following the end of the electoral process, including recommendations to further strengthen the process. While the Carter Center IEOM will observe election day proceedings at a selection of polling centers, it will not deploy a full short-term

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<sup>1</sup> This interim report covers key aspects of the election process through Nov. 30, 2023, except where otherwise indicated.

<sup>2</sup> 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>

<sup>3</sup> In addition to the IEOM, The Carter Center is supporting its partners CENCO-ECC to promote election transparency through citizen observation. The Carter Center IEOM and the CENCO-ECC EOM are independent from one another.

<sup>4</sup> LTO teams were deployed to Kongo Central, Kasai-Central, Kasai-Oriental, South Kivu, North Kivu, Tshopo, Equateur, Tanganyika, Lualaba, Haut-Katanga, and Kinshasa.

observation delegation. The limited number of short-term observers means that the IEOM will not have a sufficient nationwide presence to make comprehensive conclusions about the conduct of election day.

The Carter Center expresses its gratitude to the government of the Democratic Republic of the Congo for the invitation to observe the Dec. 20 elections. The Carter Center thanks the CENI for its prompt efforts to ensure timely accreditation of its observers and for its cooperation with IEOM observers and staff at the national, provincial, and local levels.<sup>5</sup>

### ***Electoral Calendar***

The CENI has prioritized the organization of the elections within the constitutional deadline, including the registration of voters and candidates, ongoing cascade trainings of election officers, and procurement and distribution of election materials.

The electoral calendar was tightly compressed in part due to delays in amending the organic law on the CENI as well as selecting and installing the CENI president and the other 14 members of the CENI. In February 2022, the CENI released its 2021-2027 roadmap, which laid out the basis of the electoral activities to follow, such as the operational cartography exercise, concluded in September 2022. The roadmap flagged potential constraints that could hamper the election process, such as the availability of financial means, the slow process of operations to identify the population and voters, the weak operational capacity of the CENI, and insecurity in the country.<sup>6</sup> On Nov. 26, 2022, the CENI published the electoral calendar.

### ***Registration of Voters***

From late December 2022 to mid-April 2023, the CENI conducted voter registration operations to build a new biometric voter register. The CENI stated that it enrolled 43.9 million voters during this period, following the deletion of 3.3 million records during the data cleaning operation.

The CENI completed voter registration largely on schedule, keeping the elections on track to be held within the constitutional deadline. However, the quality of the voter register has been questioned by numerous IEOM interlocutors, who have cited concerns about the quality and transparency of the process. Concerns about the voter list have contributed to mistrust among stakeholders around the electoral process.

About 5 million voters were not registered compared with the CENI's original target. Insecurity affected implementation of the process in some areas, especially in the eastern part of the country, where about 1.7 million voters could not be registered. Due in part to time constraints caused by

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<sup>5</sup> The Carter Center IEOM is funded by a contribution from USAID and from Carter Center resources. The Carter Center IEOM operates in accordance with the [Declaration of Principles for International Election Observation](#), and its observation findings and conclusions are fully independent. The findings and recommendations contained in this interim report are those of The Carter Center and do not necessarily reflect the views of USAID or the government of the United States.

<sup>6</sup> CENI, *Feuille de Route* (Feb. 3, 2022) <https://www.ceni.cd/sites/default/files/2023-03/FEUILLE%20DE%20ROUTE.pdf>.

the compressed electoral calendar, there was no pilot phase to test the new voter registration technologies.

It was a positive measure that the CENI accredited all observers from the largest domestic observation platform, made up of agencies of the Catholic Church (CENCO) and the Church of Christ (ECC). However, the CENI did not organize any consultation framework meetings with political parties and civil society at the national level during the voter registration process to discuss their concerns. From their side, political parties made little effort to accredit party agents, which also limited transparency. Generally, civic education around the voter registration process remained weak.

The audit of the voter register after the registration process, conducted in a six-day period by a mixed team of five national and international auditors selected by the CENI, did not appear to 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.

### ***Registration of Candidates***

Following the adoption of the law on seat distribution on June 15, 2023, 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 has published the final lists of National Assembly, provincial assemblies, local councils, and presidential candidates, despite some delays vis-à-vis the electoral calendar.

After a lengthy dispute resolution process, the CENI registered over 25,000 candidates for the National Assembly's 484 seats, more than 44,000 candidates for the 764 seats of the 26 provincial assemblies, and over 31,000 candidates for local councils (in the provincial capitals only). On Nov. 3, the CENI published the final list of 26 presidential candidates (24 men and two women).

The CENI did not register candidates in the territories of Kwamouth, Masisi, and Rutshuru as the elections were postponed *sine die* 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.<sup>7</sup>

*The Carter Center encourages the CENI to release final and verified statistics about registered candidates for each assembly, including the final list of parties and political groupings that surpassed the 60% threshold of seats in competition for each elected body, as well as those who did not reach the threshold and were definitively excluded.*<sup>8</sup>

### **Candidacy Legal Disputes**

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<sup>7</sup> For the National Assembly, the seat distribution law reserves one seat for Kwamouth, eight for Masisi, and seven for Rutshuru. For the provincial assemblies, there are two seats for Kwamouth, seven for Masisi, and seven for Rutshuru.

<sup>8</sup> There is a threshold for the admissibility of candidacy lists submitted by parties or political groupings. If these lists do not reach 60% of the seats contested for the respective level (legislative, provincial, municipal, and direct local elections), they are inadmissible. Individuals may register as independent candidates.

The CENI and the Constitutional Court were responsible for the admissibility of candidacies for the presidential election, their processing, and the related litigation. The legal deadlines were met, and the CENI played its role of *a priori* control of admissibility and of considering judicial decisions in the publication of the final list of candidates. For the presidential election, no candidates were ultimately rejected. The court demonstrated a broad interpretation of legal texts, which enabled candidacies to move forward and promoted inclusivity and voter choice.

For the elections at other levels, delays were observed in relation to the legal deadlines. The CENI justified these delays due to the large number of candidacies and the long time needed to adjudicate disputes and transmit court rulings.

*The Carter Center encourages national authorities to continue their ongoing efforts to recruit, train, and deploy magistrates in the country's various jurisdictions during the electoral period to prevent delays in the management of any potential disputes relating to results.*

### ***Participation of Women***

The registration of female candidates has increased in this electoral cycle, although their proportion remains low despite the recent introduction of an incentive measure to promote parity in Article 13 of the Electoral Code.<sup>9</sup> Of the 26 presidential candidates, two are women. Women represent 17% of candidates for the national assembly, 25.4% for provincial assemblies, and 43.4% in local elections, respectively.<sup>10</sup>

*The Carter Center encourages the CENI to publish the list of political parties and political groupings that have achieved parity on their lists.*

### ***Publication of Provisional Voter Lists***

According to Article 6 of the election law, the CENI publishes the provisional lists of voters by polling center, indicating the polling station. Any voter may consult these lists in accordance with the conditions established by the CENI. Any complaint concerning an electoral list must be submitted to the CENI agent in charge — or to the local branch responsible for the posting site — within 30 days of the list being posted.

The CENI was not able to publish the provisional lists before Sept. 19, 2023, as stipulated in the election calendar, which also foresaw the publication of the final list of voters between Oct. 9 and 28. Instead, through a statement published 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 CENI branches (*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 opposition and civil society actors who interpreted the decision as contrary to the election law.

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<sup>9</sup> Article 13 of the modified electoral law (Law 22/029, June 15, 2022) introduced an exemption of deposit for the candidates nominated on lists which meet the parity requirements.

<sup>10</sup> Figures provided by the CENI president on Nov. 13, 2023. These figures are provisional.

The CENI also made available on its website the provisional list of voters according to polling station, integrated in the cartography of polling stations. However, several stakeholders expressed concerns to the Carter Center IEOM regarding omissions and errors in the data. In a press release Nov. 13, the citizen observation mission CENCO-ECC indicated 3,706 polling stations appear more than once in the online cartography, representing a total of 2,244,142 voters. The CENCO-ECC announced in a subsequent press release on Nov. 29 that the CENI eliminated these double entries after coordination between the observer group and the CENI.

The Carter Center notes that the measures put in place by the CENI to comply with the provisions of Article 6 of the election law may fall short of granting an appropriate remedy for voters who have been omitted from the voter list. The online publication of the cartography of voting centers and polling stations including the list of provisional voters in each polling station is a positive transparency measure. The launch of the online application “CENI-mobile” on Nov. 30 that enables voters to check their names on the list and identify their polling station also promotes transparency. However, internet connectivity throughout the country continues to be limited and, as a result, most voters are not able to access the voter list online.

In addition, since the provisional lists have not been posted at voting centers, most voters cannot check whether they have been included in the voter register because local branches of the CENI, located at the *chief-lieu* of the territories, are often several kilometers away from voters’ homes.

*The Carter Center welcomes the CENI’s commitment, announced on Oct. 31, to post the final list of voters in each polling station, at the latest 15 days before election day.<sup>11</sup>*

### ***Delivery of Replacement Voter Cards***

According to Article 6 of the election law, a voter’s eligibility is established by registration on the voter list and the possession of a voter card, or, in the event of its loss, a duplicate issued by the CENI. Thermal printers embedded in the registration kits to issue voter cards caused an indeterminate number of voter cards to become smudged and unreadable.

On July 24, the CENI announced that the gradual delivery of replacement voter cards (called *duplicata* in French) would start on Aug. 2. However, these cards have not been delivered to the registration centers. Instead, voters are obtaining the new cards from the local branches of the CENI located in the *chief-lieu* of each territory, as observed by Carter Center LTO teams. This is an inconvenience for many voters, particularly those living in remote areas who must travel long distances to get their replacement cards. As a result, many smudged cards have not been replaced, which has the potential to cause confusion and disenfranchisement on election day and contribute to public concerns about the administration of the elections.

To address stakeholder concerns, the CENI announced in a statement on Oct. 31 and confirmed by a message from the CENI president on Nov. 18 that it would deliver replacement voter cards at the CENI local branches as well as at the lower administrative levels in order to reach out to voters in the local areas (*communes, secteurs, and chefferies*).

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<sup>11</sup> CENI press release on social media, <https://twitter.com/cenirdc/status/1719470525439738339>

*The Carter Center encourages the CENI and other authorities to implement effective measures to ensure that eligible voters are not disenfranchised due to presenting a smudged voter card on election day.*

### ***Election Campaign***

According to Article 29 of the electoral law, electoral campaigning begins no more than 30 days before election day and ends 24 hours before that day. For the 2023 elections, campaigning takes place from Nov. 19 to Dec. 18. Election rallies during the campaign period should be held in accordance with the legal provisions governing public demonstrations. Despite efforts by the CENI and its partners, a code of conduct for candidates was not signed before the start of the campaign.

The pre-campaign environment was marked by the illegal display of posters, photos, and images of candidates. The minister of interior on Nov. 10 ordered security agencies to remove from public roads all posters, signs, and photos considered to be early campaign materials. However, in provinces where they are deployed, Carter Center LTO teams observed some posters, banners, occasional vehicles, and groups of people campaigning in support of candidates — mainly of the ruling coalition — ahead of the official start of the campaign.

The pre-campaign environment was also characterized by an increase in tensions. Some cases of hate speech and electoral violence were reported by Carter Center LTO teams as well as by the media.

The Carter Center LTO teams have observed about 75 campaign rallies through Dec. 3. All the campaign activities observed were carried out freely and peacefully.

*The Carter Center encourages national, provincial, and local authorities to continue to ensure that the political and civil rights of all candidates and their supporters, including freedom of movement and assembly, are upheld. Measures should also be taken to ensure that freedom of expression and movement are ensured in provinces under the declared state of siege. To mitigate the risks of community tensions and electoral violence in the run-up to election day, the Center further encourages the national authorities and public institutions to publicly condemn and sanction the perpetrators of hate speech and electoral violence.*

### ***Way Forward***

While recognizing the efforts undertaken so far by the CENI and national authorities to hold timely elections, The Carter Center notes that the adoption of measures to enhance communication and transparency remain critical to strengthening stakeholders' trust in the electoral process and ensuring credible elections on Dec. 20.

In response to a request from opposition candidates, the CENI held consultation frameworks with presidential candidates as well as with parties, groupings, and civil society during the second week of November 2023. The Center encourages the CENI to continue consulting stakeholders on a regular basis, including at the provincial level, to promote transparency on critical aspects of the electoral process such as its funding, the timetable for the distribution of election materials, replacement of smudged voter cards, and posting voter lists.

The Carter Center also encourages the CENI and civil society actors to increase voter education and voting information activities and continue organizing inclusive consultation frameworks in all provinces.

On election day, accredited citizen observers will play a crucial role providing transparency. The CENI and its provincial offices should make sure that all observer applications submitted within the legal deadline are duly processed. At the same time, The Carter Center urges political parties, political groupings, and independent candidates to deploy trained party agents on election day to the extent possible.

*To promote transparency and public acceptance of the results, The Carter Center urges the CENI to publish the results by polling station, both at polling centers and on its website, as per the electoral law.*