

**Democratic Republic of Congo,
Presidential, Parliamentary, Provincial
and Municipal Elections**
20 December 2023

AISA Election Observation Mission Report
17 - 23 December 2023



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List of Acronyms

A03	Operation Area 3
AISA	Africa Institute of South Africa
AISA-OM	AISA Observer Mission
AISA EOM	AISA Election Observation Mission
AU	African Union
AUEOM	African Union Election Observation Mission
CENCO	The National Episcopal (Catholic) Conference of the Congo
CENI	Independent National Electoral Commission
CODECO	Cooperative for the Development of the Congo
DEV	Electronic Voting Devices
DRC	Democratic Republic of Congo
EAC	East African Community
ECF-SADC	Mission, Carter Centre Election Observation Mission
ECIDE	Commitment to Citizenship and Development
ECOWAS	Economic Community of West African States
EMB	Electoral Management Body
EOM	Election Observation Mission
FPTP	First-past-the-post
HSRC	Human Science Research Council
IEC	Independent Electoral Commission
MONUSCO	UN Organization Stabilization Mission in the Democratic Republic of the Congo
M23	March 23 Movement
PRICE	Promoting Increased Civic Engagement in the Lead-up to Elections in the Democratic Republic of Congo
SADC	Southern African Development Community
SDG	Sustainable Development Goals
UN	United Nations
UNDPS	Union for Democracy and Social Progress
USA	United States of America

1. Executive Summary

The Human Science Research Council (HSRC) Africa Institute of South Africa (AISA) Election Observation Mission (EOM) report highlights a complex electoral landscape marked by historical challenges and international scrutiny. Previous elections, notably those in 2018, faced criticism and internal hurdles yet the international community accepted the outcomes in the interest of stability. Despite concerns expressed by Bintou Keita the head of the United Nations (UN) mission regarding suboptimal conditions in the December 2018 elections, the DRC witnessed a delicate interplay of domestic and international pressures in responding to a legitimacy crisis. The 2023 elections, amalgamating national, provincial, and local councils, marked a significant milestone by extending voting rights to the diaspora, allowing citizens from South Africa, the United States, France, and Belgium to participate.

The AISA Election Observation Mission's (EOM) comprehensive analysis identified key challenges in the 2023 elections. These challenges encompassed inadequate infrastructure and accessibility at polling stations, particularly in La Gombe, raising concerns about inclusivity for individuals with disabilities and the elderly. Additionally, the voter registration period witnessed difficulties, including long queues in the conflict-ridden eastern DRC, alleged irregularities, closure of registration centres, uneven distribution of enrolment machines, and shortages of voting kits. Communication breakdowns by The Independent National Electoral Commission (CENI) officials led to frustration among voters, and technical and operational challenges on election day included user-unfriendly voting procedures, insufficient ballot secrecy guarantees, technical glitches, and malfunctions of voting devices.

Despite these challenges, the AISA EOM acknowledged the Congolese people's unwavering commitment to democracy, as evidenced by a high voter turnout and a strong desire to exercise their democratic rights, additionally CENI's efforts in organising the 2023 General Elections. The report concludes with strategic recommendations, urging all relevant authorities to prioritize infrastructure development for polling stations, implement inclusive measures for voters with disabilities, and collaborate on establishing an online voter registration platform with countries that have successfully implemented such systems. These recommendations aim to enhance the transparency, credibility, and inclusivity of future electoral processes in the Democratic Republic of the Congo (DRC), aligning with the principles outlined by the Southern African Development Community (SADC).

2. Introduction

The Africa Institute of South Africa's Governance, Peace, and Security division within the Human Science Research Council (HSRC) conducted an Election Observation Mission to the Democratic Republic of Congo (DRC) from December 17th to 23rd, 2023. This mission received accreditation from the Embassy of the Republic of South Africa in Kinshasa. It was endorsed by the Ministry of Foreign Affairs and Francophonie of the DRC on behalf of the Africa Institute of South Africa (AISA). Dr. Palesa Sekhejane, the Executive Head of the Africa Institute of South Africa (AISA) (Acting), and Prof. Check Achu, the Chief Research Specialist and Director of Research (Acting), led the mission. The team was further supported by HSRC's three post-graduate trainees (Bonginkosi Ngwenya, Kutlwano Mohale and Phemelo Mashamaite), who actively played a significant role in observing the extent to which the DRC, as a newly transitioned democracy —adhered to the principles governing the conduction of regular democratic, credible, peaceful, and transparent elections. This is in line with the state's commitments to multilateral institutions during their 2023 presidential, parliamentary, provincial, and municipal elections. The AISA EOM is independent in its findings and conclusions. The mission followed and established methodology in election observation, and adhered to the African Charter on Democracy, Elections and Governance 2007 and the "Declaration of Principles for International Election Observation" as endorsed by 55 intergovernmental and international organizations involved in the exercise of improving international election observation.

3. Political Context

3.1. Key candidates in the presidential elections

The DRC's presidential elections operate based on first-past-the-post (FPTP) plurality system, where the candidate with the highest number of votes becomes the president-elect. The president has a tenure of five years and can only renew it once. Voting is to take place ninety days before the expiration date of the incumbent¹. The 2023 presidential elections were combined with the election of national and provincial assembly officials. In addition, 2023 marked the first elections that made provisions for a diaspora vote with citizens of the DRC exercising their democratic right to vote from as far as South Africa, the United States of America (USA), France, Belgium, and Canada.²

A total of twenty-two candidates contested the presidential elections. The key candidates in the running for the next five-year term as President of the Democratic Republic of Congo were President Félix Tshisekedi (aged 60), Martin Fayulu (aged 66), Moïse Katumbi (aged 58), Dr Dennis Mukwege (68-years old), and Marie Josée Ifoku Mputa (58 years old)³.

3.1.1. Félix Tshisekedi

3.1.1.1. Background

President Félix Tshisekedi is the current leader of the Union for Democracy and Social Progress (UDPS) party and son of the late Étienne Tshisekedi wa Mulumba, the former leader of the UDPS, as well as one of its founders in 1982⁴. The UDPS was one of the main opposition parties at the time of former President Mobutu Sese Seko's reign of the Republic of Zaire (currently known as the DRC) from 1965 to 1997, criticising the administration for its repressive nature of rule. A consequence of this formation was that the family was forced into exile within the DRC, in the central Kasai province, their hometown, staying until President Mobutu allowed his mother to leave with her children in 1985.⁵ President Tshisekedi worked his way through to the top of UDPS by taking on politics during his studies, moving to Belgium and establishing himself as national secretary for external affairs where he made powerful acquaintances in the diaspora.

3.1.1.2. Tshisekedi's Presidency

In the 2018, President Félix Tshisekedi contested the presidential elections and concluded his first term as president of the Republic in 2023. His 2019 inauguration marked the first transition of power by election since independence in 1960. He is set to run for his second five-year Presidential term from 2024 based on a vote share of 73% in the 2023 elections.⁶

Many critics, including the opposition, state that there is no difference between his 2018 and 2023 campaigns and that he failed to deliver on his promises to the people. During his 2019-2023 tenure, he introduced free primary schooling.⁷ While this development saw enrolment increasing by over five million students, it also exposed the living realities on the ground that were exemplified by the lack of infrastructure available to house the large number of total students (new and old), and the disproportionate compensation of teachers in the system. These matters contribute to the questions about the quality of the education provided to primary school-going children. While parents and guardians experienced relief from having to pay close to \$200 USD for education, the teacher's standard of living was brought lower because they had to take on accommodating more children in the classrooms, meaning more work with limited capacity, as well as less attention paid by the children to the lessons being taught. Another social upliftment programme initiated during the first presidential term of President Tshisekedi was targeted towards the end goal of providing universal healthcare.⁸ In the first phase of this goal, Tshisekedi prioritised the provision of free health services to mothers giving birth at specific health centres and hospitals in Kinshasa. He promised to extend this project to other parts of the country should he be re-elected. As such, voters backing him, and other citizens expect this promise to be delivered during his second tenure.

¹ BBC News. 2024. DR Congo election 2023: What you need to know. Available from: [DR Congo election 2023: What you need to know - BBC News](#) (Accessed on 10 January 2024)

² Southern African Development Community (SADC). 2023. SOEM issues Preliminary Statement following the Presidential and Provincial Elections in the Democratic Republic of Congo. Available from: [SOEM issues Preliminary Statement following the Presidential, Legislative and Provincial Elections in the Democratic Republic of Congo | SADC](#) (Accessed on 10 January 2024)

³ Times Live. 2024. The main contenders in DRC's December election. Available from: [The main contenders in DRC's December election \(timeslive.co.za\)](#) (Accessed on 03 January 2024)

⁴ Ibid.

⁵ BBC News. 2019. Felix Tshisekedi steps out of his father's shadow to lead DR Congo. Available from: [Felix Tshisekedi steps out of his father's shadow to lead DR Congo - BBC News](#) (Accessed on 16 January 2024)

⁶ BBC News. 2024. Félix Tshisekedi: DR Congo's re-elected president. Available from: [Félix Tshisekedi: DR Congo's re-elected president - BBC News](#) (Accessed on 03 January 2024)

⁷ BBC News. 2024.

⁸ Ibid.

President Tshisekedi had been hard at work improving his image both at home and in the international arena breaking with the isolationism of the previous Kabila administration through his promises to fight corruption and improve governance. Through the renegotiation of the terms of the 2008 infrastructure-for-minerals also known as the Sino-Congolais des Mines (Sicomines) agreement with Chinese investors, Tshisekedi has gained support from the people of the DRC for advocating for the DRC to receive a larger share of the deal for its exchange of indigenous resources. Under the original deal, the DRC was set to receive \$6 billion for the building of roads, hospitals and other critical infrastructure, and China is to receive an approximated \$93 billion in mineral rights that gave Chinese firms access to cobalt, copper and other minerals. In addition, the agreement made no provisions for the Chinese firms to mine responsibly nor protect local communities.⁹ To many of Tshisekedi's supporters, this move is significant as the Republic's significant natural resource wealth, consisting of reserves in gold, diamonds, coltan, tin, copper, cobalt, and lithium has not benefitted its vast population with about two-thirds surviving on under \$2.15 per day.¹⁰ Instead, the international interest in the DRC's wealth furthers the plans of international corporations as they extract and sell these resources to other nations and corporations that are looking to process the raw materials and further their own mandates to manufacture finished goods.

3.1.1.3. International relations under Tshisekedi

On matters of governance and security, President Tshisekedi has also received backlash on the lack of progress made in efforts to contain the widespread insecurity in the Eastern DRC, as well as in the region due to the spill-over of the conflicts taking place within the DRC. Over 26 million of the population requires humanitarian assistance amid land and resource wars involving multiple rival groups¹¹. Further, the rival groups also presented obstacles in the voting activities, with the March 23 Movement (M23) rebellion occupations allegedly funded by Rwanda, in North Kivu province, and the Allied Democratic Forces which is affiliated with the Islamic State, and the Cooperative For The Development Of The Congo (CODECO) group which claims to defend the interests of farmers, called the Lendu farmers who have been in conflict with Hema herders, and have displaced 550, 000 people who have been forced to flee their homes in the East between January and March 2023¹². Tshisekedi has intervened by engaging in ceasefire deals, imposing a state of siege and has also relied on the assistance of regional troops in efforts to contain and eradicate insecurity.

These included a force from the East African Community (EAC), which the DRC joined in 2022, hoping to improve trade and political ties with its eastern neighbours. However, their intervention has not delivered on the President's expectations to the point that he has ordered them to vacate, asserting that they had been ineffective, citing their replacement with troops from the Southern African Development Community (SADC), of which the DRC is also a member. Similarly, the President has also called for the termination of the United Nations (UN) peacekeeping mission in the DRC - commonly referred to as the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) - which has been in the country for over two decades. There have been fears that this decision will create a security vacuum and that the military of the DRC does not have the capacity to deal with the various rebel groups alone.

Regarding Rwanda's alleged contribution towards the instability in the region, informed by UN experts, the relations between the two administrations has been characterised by deep tensions with President Tshisekedi, whom in the latter years of his presidency has compared President Paul Kagame to Germany's World War Two Dictator Adolf Hitler during his campaign in Eastern DRC – Bukavu, capital of South Kivu - insisting that the Rwandan President has been funding the M23 militia in efforts to fully capture that part of the country due to its mining wealth. Tshisekedi further vowed to declare war on Rwanda if re-elected, which has further intensified the sentiments of fear and insecurity at the grass-roots level and has created a rift regionally.¹³

⁹ Ibid.

¹⁰ The World Bank., 2023. The World Bank in DRC. *World Bank Group*, [online] 25 September 2023. Available at <https://www.worldbank.org/en/country/drc/overview> [Accessed 20 February 2023].

¹¹ Deutsche Welle. 2023. Congo: Why are elections so important? Available from: [Congo: Why are elections so important? – DW – 12/20/2023](https://www.dw.com/en/congo-why-are-elections-so-important/a-64111111) (Accessed on 03 January 2024)

¹² Reuters. 2024. Rebel attacks deepen displacement crisis in Congo's Ituri. Available from: [Rebel attacks deepen displacement crisis in Congo's Ituri | Reuters](https://www.reuters.com/world/africa/rebel-attacks-deepen-displacement-crisis-congo-ituri-2024-01-05/) (Accessed on 05 January 2024)

¹³ BBC News. 2024. Félix Tshisekedi: DR Congo's re-elected president. Available from: [Félix Tshisekedi: DR Congo's re-elected president - BBC News](https://www.bbc.com/news/world-africa-64111111) (Accessed on 03 January 2024)

3.1.1.4. Allies of Tshisekedi

In the run-up to the 2023 elections there was an initial 26 presidential candidates, with around 22 contesting in the elections. Backing President Tshisekedi were Majondo Mwamba and Joëlle Bile Batali. Joëlle Bile Batali had previously been in the running until just before 20 December¹⁴ representing the Alternative for a New Congo party. Batali, who was a journalist, promised the people that she would address the stigmatisation and stereotypes faced by women in Congolese politics, emphasising the need for comprehensive efforts to address gender issues in all social institutions including families, schools, and churches. Further, Batali committed to constitutional principles of gender parity. Bitali envisioned a more equitable and inclusive society, stressing the vital role of women in political life and called for collective mobilisation to ensure fair representation in decision-making bodies.¹⁵ She also promised to ensure social justice, improve national security, and to introduce educational reforms. Her policies and views regarding the running of affairs for the people of the DRC were behind her decision to throw her weight behind President Tshisekedi.

3.1.2. Moïse Katumbi

Moïse Katumbi is well-known for his business acumen, and political career as the former Governor of Katanga Province. He is also the owner of the Tout Puissant (TP) Mazembe soccer team, reviving it from 18 years of absence. His national identity has been questioned by critics as many do not consider him to be a pure Congolese national due to his mixed heritage as the son of a man of Greek ancestry. Despite the question of his nationality, he has been adamant about being fit to hold presidency as a Congolese national, and has mentioned that when elected as President, he would run the country as a business to ensure that the country reaps from its wealth. As Governor of Katanga province, Katumbi contributed to the development of the province through the construction of roads, schools and the development of agriculture.

On 14 November 2023, Katumbi's 'Together for the Republic' party, presented his 2024-2028 programme plan aimed at improving the living conditions of the people of the Republic. The four major dimensions of transformation envisioned by the programme are: institutional; economic; social; and sustainable transformation. Katumbi has emphasised the need for the army to protect citizenry from internal and external threats to security. He has vowed to set up an army made up of disciplined units which are better equipped, and respectful of human rights. Similarly, he has expressed plans to create a disciplined National Republican Police capable of maintaining law and order while respecting human rights. Regarding the Independent Electoral Commission - Commission Électorale Nationale Indépendante (CENI) - he has committed himself and his team to work towards improving the electoral system and to restore the credibility of electoral processes, the legitimacy and accountability of public officials. This indicates his commitment to respecting the constitution and laws of the DRC. Furthermore, he has also promised to provide the DRC with an independent, impartial, efficient and accessible judicial system, thus guaranteeing equality before the law for all citizens and to fight against corruption with the support of an active and committed civil society.¹⁶

Through this programme, Katumbi has also stated his concern with the national statistical system indicating that he intends to set up an independent institution to collect, process, disseminate and use quality data to form, implement, monitor and evaluate the country's development programmes and projects. To his supporters, this step-by-step plan to better the conditions of the citizens was most appealing. Lastly, on the international level, he vowed to promote the DRC's interests by affirming the sovereignty of the DRC by encouraging a proactive foreign policy aimed at strengthening economic ties, the development of trade and most importantly, to promote mutually beneficial partnerships.

3.1.3. Martin Fayulu

Fayulu is a former senior executive member of ExxonMobil. His political party, the Engagement for Citizenship and Development - Ecidé, is a member of the Lamuka coalition, of which Fayulu ran as the election candidate of the coalition. Fayulu has been of the belief that the 2018 elections were rigged, calling for a re-audit which was not successful.¹⁷

During the COVID-19 pandemic, Fayulu noticed a gap in the health care response in the DRC. He teamed up with Caritas International – a Catholic Church-led nongovernmental organisation – and set up a relief fund for the nation to support them through the new-found hardships introduced by the global pandemic.

¹⁴ BBC News. 2023. DR Congo election 2023: What you need to know. Available from: [DR Congo election 2023: What you need to know - BBC News](#) (Accessed on 17 December 2023)

¹⁵ Deutsche Welle. 2023. Will female candidates transform politics in Congo? Available from: [Will female candidates transform politics in Congo? - DW - 12/15/2023](#) (Accessed on 16 January 2024)

¹⁶ Enquete.cd. 2023. Programme de société : les transformations ambitieuses de Katumbi pour la RDC. Available from: [Programme de société : les transformations ambitieuses de Katumbi pour la RDC - Enquete.cd](#) (Accessed on 14 January 2024)

¹⁷ France 24. 2023. DR Congo opposition figure Martin Fayulu to stand in presidential election. Available from: [DR Congo opposition figure Martin Fayulu to stand in presidential election \(france24.com\)](#) (Accessed on 03 January 2024)

Fayulu has also stated that he tours the country to sensitise himself and his team to the living realities of people at the grass-root level living in the DRC and in engaging with like-minded partners who hold the principles of democracy to high regard.¹⁸ In his political career he has committed himself to the reality of a functioning democratic nation by pursuing efforts to build institutions and engage with the diaspora to harness their experiences of living in functioning democracies.

3.1.4. Dr Dennis Mukwege

Mukwege has become colloquially known as “the man who repairs women” due to his achievement as a Nobel Peace Prize Laureate. As gynaecologist and Pentecostal pastor, he had a lot on his plate and took time to launch his campaign as a presidential candidate for the 2023 elections. Mukwege has been known to denounce “the corrupt and predatory practices” that continue to contribute towards the DRC’s immense poverty.¹⁹ His campaign has largely encompassed ideas of encouraging self-sufficiency and less dependence on imports to strengthen the economy and to improve social circumstances of the people of the DRC.

3.1.5. Marie Josée Ifoku Mputa

Mputa ran in both 2023 and 2018 elections for the president of the DRC. She was previously the Governor of the Tshuapa Province from 2016 – 2017. She represents the party for the Alliance of Elites for a New Congo (AENC) and is the first woman to run for presidential. Her campaign champions the centrality of the role of women and youth in the Republic and has promised to make their voices heard and talents utilised for the betterment of the country. She has expressed her concerns with the electoral process indicating her vision for a legitimate process, which was also her hope for the 2023 elections²⁰ in Mr Denis Kadima to coordinate successful elections.

3.2. Women involvement in DRC’s politics

In 2021, the National Assembly’s review of Article 13 of the electoral law laid the foundations and encouraged the inclusion of women participation in DRC politics. It was enacted on June 29th, 2022, and provided an incentive to political parties in the form of waived registration fees if women form 50% of the composition of the party list. Despite this advancement, women and youth still face various barriers regarding their involvement in politics such as access to education (particularly women, youth and girl-children), decent employment, harassment, and gender stereotyping which has also translated into decreased political participation exemplified by 13.6% in 2006 elections, to 11.7% in the 2018 elections, respectively.²¹ These figures are attributed to the challenges faced by women with the prevailing understanding of politics as a male-dominated arena. According to the UN Women Brief, titled *DRC: The Electoral Reform and Women’s Political Participation* merely 27% accounted for the highest positions in decision-making at the national level in parliament and government in the DRC occupied by women, and 10% of women seated in the National Assembly. This is no surprise based on the section of this report that showed one female presidential candidate represented by Marie-Josée Ifoku Mputa. Contrary to the status quo of female participation in politics in the DRC, the UN Report indicates that women leaders are more likely to be elected if they run in contrast to their male counterparts.

3.3. Youth involvement in DRC’s politics

Children within the age range of 0 – 14 make up 46% of the population, and the median age is 16.7 years old.²² Neither are eligible to vote, and most are pre-occupied with activities other than politics such as being involved in music and playing football to name a few examples of their interests. Some deem politics to be the domain of older people, particularly those who are of voting age, and those directly involved in politics. The lack of interest is also owed to the general perception that politicians only care about themselves, as well as the lack of job opportunities available for the youth post-tertiary and after pursuing higher education. Similarly, issues relating to the lack of and poor healthcare, the lack of agriculture-related education and income generation to produce food, and the issues surrounding the social institution of the family with many children requiring supervision, underemployment and the eradication of gangsterism among the youth are topical issues that are not addressed by political campaigns.²³

¹⁸ Council on Foreign Relations. 2020. A Conversation With Martin Fayulu on Political Power and the Future of the Democratic Republic of Congo. Available from: [A Conversation With Martin Fayulu on Political Power and the Future of the Democratic Republic of Congo | Council on Foreign Relations \(cfr.org\)](#) (Accessed on 14 January 2024)

¹⁹ Africa News. 2023. Nobel winner Denis Mukwege launches electoral campaign in hometown. Available from: <https://www.africanews.com/2023/11/26/drc-nobel-winner-denis-mukwege-launches-electoral-campaign-in-hometown/> (Accessed on 03 January 2024)

²⁰ Fasthimetrie. 2023. Marie Josee IFOKU, first woman candidate for president of the DRC, launches her political campaign with the vision of “kobilization”, Available from: [Marie Josée IFOKU, first woman candidate for president of the DRC, launches her political campaign with the vision of “kobilization” - Fasthimetrie](#) (Accessed on 16 January 2024)

²¹ UN Women. 2022. DRC: The Electoral Reform and Women’s Political Participation. Available from: [BRIEF_FEMALE_POLITICAL_PARTICIPATION_FINAL.pdf \(unwomen.org\)](#) (Accessed on 12 January 2024)

²² Demographic Dividend. 2024. Democratic Republic of the Congo. Available from: [Democratic Republic of the Congo | Demographic Dividend](#) (Accessed on 16 January 2024)

²³ Teller Report. 2023. Elections in the DRC: In Kinshasa, young people follow the campaign from the corner of their eyes. Available from: [Elections in the DRC: In Kinshasa, young people follow](#)

In other words, they believe that they are not a priority and are thus disinterested in politics. For the population of young people that are legally allowed to vote, over 60% of the voting population are under 20 years old. Youth unemployment sits at 70%, with youth stating that nepotism plays a large part in graduate hires, and many flee the country in hope for better opportunities. The youth believe that those in power do nothing with it to uplift them from their current standing and have not done so for years with graduates resorting to either selling cell phone talking credits, providing ride services with motorbikes and participating in other forms of income generation within the informal trade sector.

4. An Overview of DRC 2018 Presidential Elections

4.1. Organizing Previous Elections

The analysis of the organisation of previous elections in DRC, particularly those held on December 30th, 2018, has been marked by a complex interplay of international acceptance, criticism, and internal challenges. Despite criticism and concerns expressed by the head of the UN mission in the DRC regarding the lack of optimal conditions for the December presidential elections²⁴. The international community chose to accept the outcome in the interest of stability. The elections responded to domestic and international pressures triggered by a legitimacy crisis. However, the election process encountered formidable challenges, including violence, logistical issues, and financial constraints, which ultimately led to a postponement. The international community faced scrutiny for perceived shortcomings in supporting the Congolese people and failing to achieve the 16th UN Sustainable Development Goal (SDG) centred on peace, justice and strong democratic institutions.²⁵ This complex situation highlights the delicate balance between acknowledging electoral outcomes for stability and addressing concerns about the credibility and fairness of the voting process.

4.2. Pre-Election Preparations

The analysis of DRC's previous pre-election phase reveals a complex and contentious process characterised by issues such as leaked results from CENI aligning with the Catholic Church's observations pointed to Martin Fayulu as the opposition candidate who had purportedly won the presidential election by a significant margin.²⁶ However, following negotiations, Felix Tshisekedi was declared the winner, triggering concerns about the legitimacy of the new government. The pre-election period witnessed a troubling trend of ongoing human rights violations that impeded the democratic space. Peaceful demonstrations were suppressed, arbitrary arrests were rampant, and media workers faced threats, painting a bleak picture of the electoral environment.²⁷

Additionally, the absence of implemented confidence-building measures further exacerbated the already tense situation. President Joseph Kabila's indecision regarding his political future added an additional layer of uncertainty. Despite being ineligible for a third term under Congolese law, Kabila refrained from announcing his plans, leaving a void in the political landscape. Electoral preparations deviated from the Saint Sylvester Agreement, which outlined a power-sharing roadmap for the transition period until elections, further compromising the electoral process. Criticisms were also directed at the electoral calendar, raising concerns about its potential bias favouring the ruling party, coupled with doubts about the impartiality of the CENI.²⁸ The multifaceted challenges observed during the pre-election phase underscore the complexities and potential impediments to a fair and transparent electoral process in the DRC.

4.3. Declaration of Election Results

The international community, despite recognising the results of DRC January elections for stability reasons, faces criticism for allegedly failing the Congolese people and falling short of UN sustainable development goals. Leaked results from the independent National Election Commission (CENI), aligning with the Catholic Church's observations, suggest that Martin Fayulu, the opposition candidate, secured a significant victory in the presidential election. However, negotiations led to the declaration of Felix Tshisekedi as the winner, sparking controversy over the electoral process. This delay and contested outcome are perceived as a setback for democracy, raising doubts about the new government's legitimacy. Despite officially stepping down, Joseph Kabila is anticipated to wield significant influence through his political coalition, which secured a majority in parliamentary elections.²⁹

[the campaign from the corner of their eyes - Teller Report](#) (Accessed on 11 January 2024)

24 Ibrahim, M. and Doss, A. (2019) 'Congo's election: a defeat for democracy, a disaster for the people', *The Guardian*, 9 February. Available at: <https://www.theguardian.com/global-development/2019/feb/09/democratic-republic-of-the-congo-election-a-defeat-for-democracy-disaster-for-people-mo-ibrahim> (Accessed: 12 January 2024).

25 Kirby, J. (2019) Congo's disputed election could lead to a historic transfer of power — or violence - Vox. Vox. Available at: <https://www.vox.com/2019/1/10/18177141/congo-presidential-elections-kabila-fayulu-tshisekedi> (Accessed: 12 January 2024).

26 Besheer, M. (2018b) UN: Right Conditions Needed for Credible Elections in DRC, *Voice of America*. Available at: <https://www.voanews.com/un-right-conditions-needed-credible-elections-drc/4501481.html> (Accessed: 12 January 2024).

27 Ibrahim, M. and Doss, A. (2019) 'Congo's election: a defeat for democracy, a disaster for the people', *The Guardian*, 9 February. Available at: <https://www.theguardian.com/global-development/2019/feb/09/democratic-republic-of-the-congo-election-a-defeat-for-democracy-disaster-for-people-mo-ibrahim> (Accessed: 12 January 2024).

28 The African Centre for the Constructive Resolution of Disputes (no date) Elections in the Democratic Republic of the Congo, ACCORD. Available at: <https://www.acCORD.org.za/conflict-trends/elections-in-the-democratic-republic-of-the-congo/> (Accessed: 12 January 2024).

29 Lalbahadur, A., & Sidropoulos, E., (n.d.). Troubling times ahead: Election scenarios for the DRC. SAIIA. Retrieved 12 January 2024, from <https://saiia.org.za/research/troubling-times-ahead-election-scenarios-for-the-drc/>

The legitimacy concerns surrounding Tshisekedi's election may pose challenging and impede the government's capacity to implement essential reforms in the DRC.³⁰ The international community is urged not to abandon the democratic aspirations of the Congolese people and to insist on the transparent publication of detailed election results. Calls are made to maintain existing sanctions and suspend further cooperation with the DRC government until a credible transition process emerges.³¹

5.DRC Democratic Constitutional and Electoral Legislative Frameworks: Aligned with Regional Principles on Democracy, Elections, and Governance in Africa

The HSRC-AISA Election Observation Mission (EOM) was guided by a set of Principles, Guidelines, and legislative frameworks Governing Democratic Elections, which include and are not limited to:

1. The Constitution of the Democratic Republic of Congo, 2005,
2. Protocol to The African Charter on Human and People's Rights on the Rights of Women in Africa, 2005,
3. The African Charter on Democracy, Elections and Governance, 2007,
4. A Draft Southern African Development Community (SADC) Model Law on Elections, 2018,
5. And other electoral legislative frameworks that relate to the Presidential, parliamentary, provincial, and municipal elections of DRC.

5.1. Regional Principles on Democracy, Elections and Governance in Africa

5.1.1. Draft SADC Model Law on Elections, 2018

5.1.1.1. SADC principles Elections and Electoral Management Bodies

In observing the democratic process in the Democratic Republic of the Congo (DRC) as a member state of SADC, it is crucial that the DRC commits to the following principles in conducting regular democratic, credible, peaceful and transparent elections as outlined in Part II section 4: i) The elections should be free and fair; ii) be conducted in compliance with the constitution and supporting electoral legal instruments; be carried out within the stipulated electoral calendar.

The democratic process in DRC, as a member state of SADC, is required to establish and compose and Electoral Management Body (EMB) stipulated in Part III section 21(1),22(1) and 23(1) such as the Independent Electoral Commission (IEC) recognised as Commission Electorale Nationale Indépendante (CENI) that should be i) independent, ii)able to work freely, without interference or intimidation, iii)subject to the constitution and supporting laws passed by parliament. To fulfil its duties, it should recruit and maintain a permanent gender balanced professional staff (election officers) that ought to be adequately trained to be professional, competent, efficient and committed to administer elections.³²

5.1.2. African Charter on Democracy, Elections and Governance, 2007

In accordance with Chapter 7, Article 17(1-5), the DRC government is obligated to ensure that all eligible state parties adhere to the following key Democracy, Elections and Governance principles: i) Reaffirm their commitment to regularly participate in holding transparent, free, and fair elections. ii) Play a vital role in establishing and strengthening impartial national electoral bodies responsible for effectively managing elections, such as CENI. iii) Bear the responsibility of instituting and enhancing national mechanisms for the prompt resolution of election-related disputes. iv) Commit to ensuring fair and equitable access to state-controlled media for all contesting parties and candidates during elections. v) Guarantee the implementation of a binding code of conduct governing legally recognized political stakeholders, government officials, and other political actors, emphasizing a commitment to accepting election results or challenging them exclusively through legal channels. These principles collectively contribute to the integrity and fairness of the electoral process, fostering a democratic environment in accordance with Article 2 of the charter.³³

30 The African Centre for the Constructive Resolution of Disputes. (n.d.). Elections in the Democratic Republic of the Congo. ACCORD. Retrieved 12 January 2024, from <https://www.accord.org.za/conflict-trends/elections-in-the-democratic-republic-of-the-congo/>

31 Ibrahim, M., & Doss, A. (2019, February 9). Congo's election: A defeat for democracy, a disaster for the people. The Guardian. <https://www.theguardian.com/global-development/2019/feb/09/democratic-republic-of-the-congo-election-a-defeat-for-democracy-disaster-for-people-mo-ibrahim>

32 SADC Parliamentary Forum (2018) 'SADC Model Law on Elections'. Available at: <https://www.sadc.org/index.php/en/component/edocman/sadc-model-law-on-elections> (Accessed: 15 January 2024)

33 African Charter on Democracy, Elections and Governance | African Union' (2019). African Union. Available at: <https://au.int/en/treaties/african-charter-democracy-elections-and-governance> e (Accessed: 15 January 2024)

5.1.3. Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, 2005

Article II (1) on the Elimination of Discrimination Against Women, Article IX (1) on the Right to Participation in the Political and Decision-making process and Article XIII (a)-b) on Economic and Social Welfare rights, mandates state parties to actively combat all forms of discrimination against women. Therefore, bear the onus of ensuring that i) women can participate in elections without facing discrimination; ii) be equally represented in electoral procedures and employment opportunities, receiving equal remuneration as men. iii) implement state policies across all government spheres.³⁴ A noteworthy measure to ensure that DRC state parties adheres to the above-mentioned principles when conducting elections is the establishment, enactment, and effective application of *Law N° 15/013 of August 1, 2015, on the application of women's rights and parity*. This legislative measure serves as a corrective action, adopted by the state to address previous forms of discrimination against women in electoral procedures. As demonstrated in the 2023 presidential elections, the positive impact of Law N° 15/013 is evident, with two female candidates, Marie-Josee Ifoku, aiming for the DRC's presidential seat, and Joelle Bile, who announced her withdrawal from the race.³⁵

5.2. The Constitution of the Democratic Republic of Congo, 2005

The Constitution of the Democratic Republic of Congo, adopted in 2005, stands as the supreme law of the state, symbolising the collective commitment of the Congolese people to establish a democratic state governed by the rule of law. Rooted in principles of liberty, solidarity, justice, peace, and work, the constitution underscores the significance of genuine political democracy. It declares a dedication to constructing a robust and prosperous nation through political, economic, social, and cultural democracy. Moreover, the document emphasises compliance with international declarations on human rights and the pursuit of gender equality in the nation's institutions and politics. It enshrines citizens' voting rights, informing the establishment of an IEC, known as the CENI, and prescribes the use of an electoral system. CENI's constitutional mandate encompasses several responsibilities during the election period to promote constitutional democracy.

- Article 5 on Sovereignty outlines that all citizens, regardless of gender, above the age of 18, possess an equal right to exercise their civil and political rights. They are entitled to participate in elections and cast their votes in secrecy, under conditions prescribed by law.³⁶
- Article 70 stipulates the election process for the President of the Republic, elected through direct universal suffrage for a renewable five-year term. In case an absolute majority is not obtained, provisions are made as per Article 71³⁷.
- Article 72 outlines eligibility criteria for presidential candidates, including Congolese nationality of origin, a minimum age of thirty, and enjoyment of all civil and political rights. Candidates must not be subject to exclusions stipulated in the electoral law.³⁸
- Article 102 sets eligibility criteria for parliamentary candidates, requiring Congolese nationality, a minimum age of 25, and possession of all civil and political rights. Candidates must also meet conditions specified in the electoral law.³⁹
- Article 106 establishes eligibility criteria for Senate election candidates, including Congolese nationality, a minimum age of 30, and enjoyment of all civil and political rights. Candidates are disqualified if subject to exclusions outlined in the electoral law.⁴⁰
- Article 73 delineates CENI's role in preparing for voting and scheduling the presidential election ballot ninety days before the incumbent President's term concludes. This timeframe ensures proper planning and execution under the oversight of the National Elections Commission.⁴¹
- Article 211 of the Constitution grants CENI legal personality and entrusts it with pivotal responsibilities, including voter registration, maintenance of the electoral roll, management of voting operations, counting of votes, and facilitation of referendums.⁴²

³⁴ African Union (2019) 'Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa | African Union'. African Union. Available at: <https://au.int/en/treaties/protocol-african-charter-human-and-peoples-rights-rights-women-africa> (Accessed: 15 January 2024).

³⁵ Maliro, K. (2023) Marie-Josee Ifoku: Only woman in DRC presidential race - TRT Afrika, Marie-Josee Ifoku: Only woman in DRC presidential race. Available at: <http://www.trtafrika.com/africa/marie-josee-ifoku-only-woman-in-drc-presidential-race-16293172> (Accessed: 11 January 2024).

³⁶ The Constitution of the Democratic Republic of Congo, 2005.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Ibid.

Additionally, following the amendment of *Law N° 06/006 of March 9, 2006, on the Organization of Presidential, Legislative was amendment in June 2022*, CENI has assumed new responsibilities, which include: i) Posting results at both the polling and tabulation centre levels, as well as on its official website; ii) Publishing electoral mapping approximately 30 days (or about 4 and a half weeks) before the commencement of the election campaign; and iii) Ensuring the timely transmission of envelopes intended for the courts and tribunals before the adjudication of disputes. These amendments were designed to enhance the inclusivity and accessibility of marginalised groups, enabling active participation in political affairs and safeguarding their constitutional rights.⁴³ Per *Article 13 and 14 of the constitution*, which explicitly prohibits discrimination and unfair treatment based on religion, family background, social status, residence, or political beliefs, these amendments extend to various aspects such as education, public job opportunities, and other situations.⁴⁴

Other crucial modifications to the amendment encompass i) the introduction of a sign language electoral lexicon developed by the Independent National Electoral Commission (CENI) and ii) the appointment of two advisors specializing in hearing impairment. Their role is crucial in ensuring the inclusion and accessibility of persons with disabilities in the electoral process, whether as voters or political party candidates. These amendments align seamlessly with the principles outlined in *articles 3, 4, and 30 of the Organic Law No. 22/003 of May 2022, focusing on disability rights and access to services for individuals with disabilities*. The legislation mandates the state to protect and advance the rights of people with disabilities, implementing measures that facilitate their exercise of freedom of expression and opinion.⁴⁵

In response, CENI has not only developed a sign language electoral lexicon but has also recruited two hearing impairment specialists as advisors, dedicated to fostering inclusivity in the electoral process. However, despite these positive steps, a noteworthy observation was made regarding the quality of the infrastructure of the polling stations visited during this mission.⁴⁶ Consequently, they did not adequately cater for the needs of persons with disabilities and failed to accommodate the elderly. Among the ten polling stations visited, in La Gombe, none provided a sign language electoral lexicon to assist voters with hearing impairments. This raises concerns about the effective implementation of inclusivity measures at the grassroots level, emphasising the need for further improvements in the electoral infrastructure to truly uphold the rights of all citizens. Regarding the 2023 elections, another noteworthy development was the organization of out-of-country voting, enabling registered Congolese voters in Belgium, Canada, France, South Africa, and the United States to participate in the presidential election for the first time.⁴⁷ This initiative reflects a significant expansion of electoral participation, demonstrating CENI's commitment to facilitating the democratic process beyond the national borders.

5.2.1 Law No. 04/028 – Identification and Enrolment of Voters in the Democratic Republic of Congo, 24 December 2004

It is essential to emphasise that CENI adhered to *Articles 5, 6, 7, and 21-23 of Law No. 04/028, governing the Identification and Enrolment of Voters in the Democratic Republic of Congo, dated December 24, 2004*.⁴⁸ CENI effectively managed and organised the voter registration processes for nationals, spanning from October 2021 to June 2023. This was evident through the substantial voter turnout, with a high rate of successful applicants duly registering to vote. During our observation of the electoral process, citizens queued up at voting stations in La Gombe, Kinshasa, confirming their registration status at their respective current voting stations. Notably, all ten polling stations visited reported citizens possessing their Voting Cards, indicating a successful implementation of the voter identification and registration procedures.

Furthermore, CENI's commitment to transparency is evident in its adherence to *article 7 and 28 of Law No. 04/028, specifically paragraph 4*.⁴⁹ The commission published the provisional results of the presidential election held on December 20, 2023, categorising the results by Voting Site. Each candidate's performance was detailed by Polling Station, with designations labelled A, B, C, D corresponding to the specific Polling Stations in La Gombe, Kinshasa.

⁴³ Law N° 06/006 of March 9, 2006, on the Organization of Presidential, Legislative was amendment in June 2022.

⁴⁴ The Constitution of the Democratic Republic of Congo, 2005.

⁴⁵ Organic Law No. 22/003 of May 2022, focusing on disability rights and access to services for individuals with disabilities.

⁴⁶ International Foundation for Electoral Systems (2023) 'Election FAQs: The Democratic Republic of the Congo General Elections December 20, 2023'. www.IFES.org. Available at: <https://www.ifes.org/sites/default/files/2023-12/IFES%20DRC%20Election%20FAQs%202023%20General%20Elections.pdf>.

⁴⁷ Ibid.

⁴⁸ Law No. 04/028, governing the Identification and Enrolment of Voters in the Democratic Republic of Congo, dated December 24, 2004.

⁴⁹ Law No. 04/028, governing the Identification and Enrolment of Voters in the Democratic Republic of Congo, dated December 24, 2004.

Additionally, CENI ensured the publication and posting of the electoral roll, further confirming voters' registration at their current voting stations. This comprehensive approach to reporting and transparency in the electoral process demonstrates CENI's commitment to upholding democratic principles in the Democratic Republic of Congo.⁵⁰

5.2.2. Law N° 15/013 of August 1, 2015, on the application of women's rights and parity

In accordance with Article 14 of the Constitution, which aligns with Article 5 of Law N° 15/013 dated August 1, 2015, focusing on the enforcement of women's rights and parity, mandates that political parties' electoral lists must actively foster gender equality. This measure aims to eradicate various forms of discrimination against women while ensuring the protection and promotion of their rights.⁵¹ This amendment serves as a crucial step towards harnessing the full potential of women and facilitating their comprehensive involvement in the nation's development. The commitment to gender equality extends to women's representation in national, provincial, and local institutions. It is a fundamental principle that the State pledges to guarantee the achievement of parity between men and women within these institutions. This provision reflects a concerted effort to create a more inclusive and balanced political landscape, recognising the importance of equal participation for both genders in the nation's democratic processes. In previous elections, concerns were raised about the low representation of women among candidates, constituting only about 12%. It is crucial to indicate that considering DRC's 2023 Presidential, parliamentary, provincial, and municipal elections. There has been a significant increase of 38.1% of Female Voters registered.⁵²

5.3. The Democratic Republic of Congo's Election Legislative Frameworks

5.3.1. Law N° 06/006 of March 9, 2006, on the Organization of Presidential, Legislative was amendment in June 2022

The roles and responsibilities of CENI are explicitly outlined in *Article 211 of the 2006 Constitution*, supplemented by the provisions set forth in Law N° 06/006 of March 9, 2006, on the Organization of Presidential, Legislative, and Organic Law N° 10/013 of July 28, 2010. These encompass various critical functions, namely: i) Voter registration, ii) Maintenance of the electoral roll, iii) Management of voting operations, iv) Counting of votes, and v) Facilitation of any referendums.⁵³

CENI adhered to its constitutional mandate in terms of articles 8 and 21 of Law N° 06/006 of March 9, 2006, on the Organization of Presidential, Legislative, 15 days (about 2 weeks) before the date of the election, the electoral lists for the entire territory, city or commune, were displayed for consultation by voters, candidates, political parties or political groups. This oversight observation was made by the Rapporteur of the CENI, Patricia Nseyi Mulela, who carried out a round in the Antennas of the City of Kinshasa to realize the effectiveness of this legal obligation in 5 communes namely Gombe, Kintambo, Lingwala, Barumbu and Kinshasa.⁵⁴

5.4. The Electoral System of the Democratic Republic of Congo

The electoral system of DRC as a SADC member state as outlined in *Part IV Electoral Systems section 27(1),3), 5) and 6) of the Draft SADC Model Law on Elections, 2018* must ensure that it creates an enabling environment for the broad participation of citizens prioritising the inclusion of marginalised groups participation in the electoral process. For the electoral systems to promote and protect human and fundamental rights of citizens.⁵⁵ The DRC electoral system has adopted and enforced positive measures such as *Law N° 15/013 of August 1, 2015*, on the application of women's rights and parity and the *Organic Law No. 22/003 of May 2022*, focusing on disability rights and access to services for individuals with disabilities to ensure that marginalised groups such as women, youth and persons with disabilities can actively participate in the elections.

⁵⁰ International Foundation for Electoral Systems. (2023). Election FAQs: The Democratic Republic of the Congo General Elections December 20, 2023. www.IFES.org. <https://www.ifes.org/sites/default/files/2023-12/IFES%20DRC%20Election%20FAQs%202023%20General%20Elections.pdf>

⁵¹ Law N° 15/013 of August 1, 2015, on the application of women's rights and parity.

⁵² Gormezano, D. (2023). 'Women's rights take centre stage in DR Congo election', France 24, 16 December. Available at: <https://www.france24.com/en/africa/20231216-a-feminist-president-women-s-rights-take-centre-stage-in-dr-congo-election> (Accessed: 15 January 2024).

⁵³ The Constitution of the Democratic Republic of Congo, 2005.

⁵⁴ COMMUNIQUE DE PRESSE | N° 003/CENI/2024 Relatif à la procédure à suivre pour la vérification des résultats de la présidentielle de décembre 2023 sur le site de la CENI. (no date). Available at: <https://www.ceni.cd/communique-de-presse/2024/01/08/communique-de-presse-ndeg-003ceni2024-relatif-la-procedure-suivre> (Accessed: 15 January 2024).

⁵⁵ SADC Parliamentary Forum (2018) 'SADC Model Law on Elections'. Available at: <https://www.sadcpf.org/index.php/en/component/edocman/sadc-model-law-on-elections> (Accessed: 15 January 2024).

Accordingly, the 2023 elections in the Democratic Republic of Congo took place under the plurality voting system as enshrined in the Constitution (2006) article 101, integrating both majoritarian constituencies and proportional representation, depending on the size of the constituency: Majority vote applies to single-member constituencies⁵⁶. Proportional representation with open lists and one preferential vote, with the application of the rule of the highest average applies to multi-member constituencies. Elections were historic in their adventure as for the first time Congolese nationals living abroad were able to vote in the presidential election.

The president is elected to serve a maximum of two five- year terms. Under the system voters select one name from a list of all the presidential nominees, the candidate who receives the most votes wins the election⁵⁷. Members of the national and provincial assemblies and municipal officials are the voted into power through direct universal ballot for renewal five-year terms. In terms of the Article 118 of the electoral law, voting in constituencies where one seat is to be filled is by simple majority; the candidate who receives the highest number of votes is declared elected. Voting in constituencies with two or more seats to be filled is by open list proportional representation with a single preferential vote, using the highest remainder rule.

Importantly DRC's political dispensation under Felix Tshisekedi winner of the 2018 presidential elections, unobstructed postponed electoral changes. With DRC's Parliament overwhelmingly adopting amendments to the Organic Law on CENI, this is despite protestations from civil society organizations and some religious denomination⁵⁸. The amendments allowed for the renewal of the CENI leadership, whose mandate had expired in July 2019. President Tshisekedi appointed 15 new commissioners, including a new Commission president

6. Election Observations

6.1. Pre-election

6.1.1. Voter Registration

Voter registration is recognised as a crucial phase of the ongoing electoral process, as it leads to the establishment of the voter register, constituting the basis not only for the allocation of seats for national, provincial and local parliamentary representation, but equally important for all the other operations related to the material organization of ballots.

CENI according to the Constitution of the Republic Congo (2006) outlined in Article 211, is responsible for the organisation of the electoral process, notably of the registration of the electors, the maintenance of the electoral list *fichier électoral*, the operations of the vote, of the counting and any referendum⁵⁹. It assures the regularity of the electoral process. Further stipulated in the electoral *Law, article 56* that CENI has the exclusive responsibility for the identification and registration of voters⁶⁰.

In accordance with this responsibility CENI carried out voter registration operations from 24 December 2022 to 24 April 2023, however this period was characterised by several challenges such as: long queues in the war-ridden eastern DRC (as the violence in the region had delayed the start of the voting process), alleged irregularities by opposition, alleged closure of 779 registration centres, and the uneven distribution of enrolment machines and kit shortage. Leading to extensions which according to CENI was a result of the large influx of applicants. This was experienced in a few provinces in the country, such as in the 7 provinces and in Operation Area 3 (AO3) granting a ten-day catch-up period through its *Press Release No 018/CENI/2023*⁶¹.

At the close of registration on 23 April, the CENI had registered 47,299,364 voters of the expected 49,273,109, a rate of 97.14 per cent. Subsequently CENI made an urgent call called for the External Audit of the Voter Register 2022-2023. At the end of the external audit on 21 May, 3,344,183 voters were removed, bringing the final register down to 43,955,181 valid voters as indicated in its *Press Release No 02/CENI/2023*⁶².

⁵⁶ International Foundation for Electoral Systems. 2023. Elections in the Democratic Republic of the Congo: 2023 General Elections. Available at: <https://www.ifes.org/tools-resources/election-snapshots/elections-democratic-republic-congo-2023-general-elections> (Accessed 12 January 2024).

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Constitution of the Republic of Congo 2006

⁶⁰ Law No. 04/028, governing the Identification and Enrolment of Voters in the Democratic Republic of Congo, dated December 24, 2004.

⁶¹ COMMUNIQUE DE PRESSE | N° 083/CENI/2023 Relating to the exceptional measure for the opening of polling stations on Thursday December 21, 2023. Retrieved 08 January 2024, from <https://www.ceni.cd/sites/default/files/2023-12/COMMUNIQUE%20DE%20PRESSE%20n%C2%B0%20083.pdf>

⁶² EXTERNAL AUDIT OF THE VOTER REGISTER 2022-2023. Retrieved 08 January 2023, from <https://www.ceni.cd/communique-de-presse/2023/05/10/urgent-external-audit-voter-regis-ter-2022-2023-notice-call>

Over 1.5 million people, mostly in the eastern provinces of North Kivu and Mai-Ndombe in the west, were unable to register to vote due to the active conflict⁶³. The below table gives a snapshot of registered voters:

Table 1: Voter Registration Breakdown

<i>Registered Voters in the Democratic Republic of Congo:</i>	<i>Registered Voters in the Diaspora</i>
<i>Total registered voters: 43,955,181</i>	<i>Total register voters: 13,293</i>
Gender:	Country:
<ul style="list-style-type: none"> • <i>Male Voters: 21,928,263 (49.9 percent)</i> • <i>Female Voters: Women: 22,026,918 (50.1 percent)</i> 	<ul style="list-style-type: none"> • <i>Belgium: 3,105</i> • <i>Canada: 777</i> • <i>France: 5,822</i> • <i>South Africa: 3,201</i> • <i>United States: 388</i>

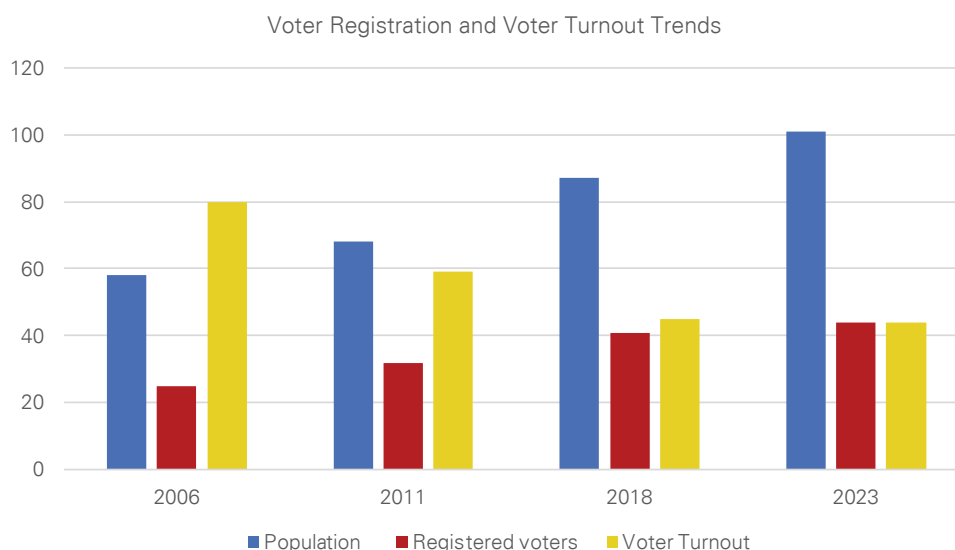
Source: Self-generated (adapted from the International Foundation for Electoral Systems)

Table 2: Voter turnout from 2006 to the 2023 Elections

Election Year	Population	Registered Voters	Voter Turnout
2006	58.38 million	25 million	80%
2011	68.65 million	32 million	59%
2018	87.09 million	41 million	45.40
2023	102 million	44 million	40%

Source: Self-generated (adapted from the Independent National Electoral Commission)

Figure 1: Bar graph on voter registration and turnout trends



Source: Self-generated (adapted from the Independent National Electoral Commission)

The above graph illustrates voter registration and voter trends from the first multiparty election in the Democratic Republic of Congo, after the overthrow of longtime leader Mobutu Sese Seko. In analysis, the graph shows consistent population increases in the country, with voter registrations fluctuating and a decrease in voter turnout over time.

In ensuring that all eligible voters have and received their voter cards, CENI carried out the issuing of duplicates of the voter card operations. The announcement was made on 21 November 2023 through a Press Release, indicated that the operations had commenced in all Municipal Houses of the City-Province of Kinshasa. Consequently, in responding to the issue of accessibility of its branches, CENI announced the establishment of branches beyond the branches commonly located in capitals and few towns, with clear articulation on criteria for voter card duplication.

63 Human Rights Watch, 2023. DR Congo: Electoral Violence Threatens Vote. Human Rights Watch, [online] 16 December 2023. Available at: <https://www.hrw.org/news/2023/12/16/dr-congo-electoral-violence-threatens-vote> [Accessed 08 January 2024].

However, this did not fully respond to the whole population, with reports on election day of certain voters' cards not being issued on schedule and the quality of the cards being deemed poor. Responding to the frequent issues on the issuing of false voter cards, CENI through a statement announced the arrest of individuals including three police officers belonging to a network of producers of false voter cards, following its lodged complaint to the Congolese National Police.

6.1.2. Candidate Registration

The Law designates CENI as the entity in charge of processing and confirming applications for candidates in presidential and legislative elections⁶⁴. With conditions of registration indicated by DRC's Electoral Law 2015, Article 20. CENI registered, 202 candidates at the national, provincial, and municipal levels. With 26 presidential candidates (24 men and 2 women), 25,832 national assembly candidates (21,187 men and 4,645 women), 44,110 provincial assembly candidates (32,897 men and 11,213 women), and 31,234 provincial municipal assembly candidates (17,663 men and 13,571 women)⁶⁵.

Among the presidential candidates the incumbent President Felix Tshisekedi, who became president after an election that was widely opposed by opponent Martiin Fayulu claiming he had won the elections. The leader of the Union for Democracy and Social Progress (UDPS), recognising the inability to achieve his objectives as set out in 2019. Moses Katumbi leader of Together for the Republic party underscoring his business successes, and his record as the former governor of the mining province Katanga as indicators to his abilities. Martin Fayulu leader of the Ecidé party (Commitment to Citizenship and Development), a former executive of an oil company. With a candidacy perceived as a major strive for revenge as according to his supporters remains "the president-elect"⁶⁶. Denis Mukwege a Nobel Peace Prize winner in 2018 and gynaecologist who runs his hospital in the province of South Kivu. Leader of the Nouvel Elan party, former finance inspector and minister of budget, and former Lamuka coalition ally of Martin Fayulu. Dely Sesanga coming as the main contender category, a lawyer and leader of the Envol (Together of volunteers for the development of the DRC) party. Accompanied by candidate who withdraw in support of Moses Katumbi and Felix Tshisekedi.

6.1.3. Campaigning

According to Article 29 of the Electoral Law, election campaigning begins no later than 30 days in advance and concludes 24 hours prior election day. As such, election campaigning for the DRC presidential, legislative elections, took place from 19 November 2023 to 18 December 2023. CENI President Denis Kadima made a call for total adherence to set laws and good electoral practices during the period⁶⁷. Further, emphasising the need for candidates to be responsible and tolerant in their activities. Followed by the signing of the code of conduct by candidates as invited by CENI on 13 November 2023 at the Hilton Hotel, candidates declared themselves "determined to fight against all forms of violence in pre-election, electoral and post-electoral periods, and to combat anti-values such as bad faith, corruption, slanderous and unfounded denunciations"⁶⁸, attributed to Article 29 and 45 of the Electoral Law in the implementation measures and electoral rallies during the electoral campaign period taking place in accordance with legal provisions to public demonstrations.

Voters were exposed to opposing perspectives during the campaign, however tainted by unequal access to resources, security, and the enjoyment of basic liberties for all candidates. The campaign was not uniformly visible, with candidate posters displayed on trees, lampposts, and walls in both urban and rural areas. Billboards were limited and mainly portrayed the incumbent president. The period saw several violent occurrences in the country such as the reported clashes between United for Democracy and Social Progress party supporters and those of the Together for the Republic (Ensemble pour la République) at a rally in Kasumbalesa, in southeastern Haut-Katanga province⁶⁹. Followed by alleged attacks on opposition presidential candidates such as Martin Fayulu and supporters during a pre-campaign rally. The clashes between supporters of rival political parties resulting in alleged cases of assaults, sexual violence, and at least one death, such had been occurring since early October as documented by the Humans Rights Watch.

⁶⁴ The Carter Center., 2011. *Presidential and Legislative Elections in the Democratic Republic of the Congo*. Atlanta: One Copenhill.

⁶⁵ International Foundation for Electoral Systems. 2023. *Election FAQs: The Democratic Republic of the Congo General Elections*. Arlington: www.IFES.org

⁶⁶ Rédaction Africaneews with AFP., 2023. Presidential election in the DRC: who are the main candidates? *Africanews*, [online] 20 November 2023. Available at: <https://www.africanews.com/2023/11/20/presidential-election-in-the-drc-who-are-the-main-candidates/>

⁶⁷ Xinhua., 2023. Election campaign kicks off in DR Congo. *Xinhua*, [online] 19 November 2023. Available at: <https://english.news.cn/africa/20231119/84892400a44a43a7a9e13cd5a6d21672/c.html> [Accessed 11 January].

⁶⁸ Actualise.co., 2023. DRC-CENI: Presidential candidates to be invited to sign a code of conduct to promote a climate of trust and fight against slanderous and unfounded denunciations. *Actualise.co*, [online] 13 November 2023. Available at: <https://actualite.cd/2023/11/13/rdc-ceni-les-candidats-la-presidentielle-seront-invites-signer-un-code-de-bonne-conduite> [Accessed 11 November 2023]

⁶⁹ Human Rights Watch, 2023. DR Congo: Electoral Violence Threatens Vote. *Human Rights Watch*, [online] 16 December 2023. Available at: <https://www.hrw.org/news/2023/12/16/dr-congo-electoral-violence-threatens-vote> Accessed 08 January 2024).

The impact of documented tensions and violence was visible on the media and journalists, with reports of journalists being arrested such as journalist from a Community Radio Station Moada being arrested by national intelligence agents. Detained on orders of the territory administrator, who at the time accused him of broadcasting false information about an opposition rally, later released the next day without charges. The violence and heightened tensions raised international concern, seeing the deployment of electoral observation missions from the African Union (AU) and the Southern African Development Community (SADC), emphasising the implementation of measures to combat political violence, intimidation, and intolerance.

CENI officially closed the electoral campaign period on 19 December 2023, through its *Press Release No 063/CENI/2023*, with a reminder on its Decision No. 044/CENI/AP/2022 to publish the electoral calendar communicating the campaign period.

6.2. Election Day

On election day, the AISA-OM observed the overall voting process: the opening and administration of polling stations, ballot and election material, Polling personnel, and the presence of party or candidate agents. The AISA-OM observed the following at the 10 polling stations visited, in the Gombe district.

6.2.1. Polling Stations

With the expectation that polling stations would be ready and opened by 05:00 am in the morning, they were delays observed as some stations had not opened with CENI officials still setting up the polling stations at 09:30 am in Kinshasa, with some ballot boxes not closed. The reception to these delays proved to be different in each station visited, as in some station's voters were generally calm, as opposed to frustrated voters in some stations. The frustration among voters was exacerbated by the lack of communication or explanation by CENI officials regarding the delays, as communicated by voters to observers. The noted delays raised queries regarding the overall coordination and preparedness of CENI officials.

The polling stations were centrally located, however the infrastructure and accessibility to persons with disabilities was compromised, this is as some stations were high rise buildings, with voters exposed to harsh conditions with no exception made for the elderly and disabled. Six of the visited polling stations were not located in a space that allowed for voters to move from one point to the other without bumping into each other, with no guarantee of the secrecy of the ballot paper from the layout. In the proverbial question of coordination and preparedness, the mission observed that polling stations did have signage to locate and guide voters, further signalling the lack of coordination and proper planning from CENI, as this a role of CENI in terms of *Law No.04/009 – Organization, Attribution and Operation of the Independent Electoral Commission, 5 June 2004 under Article 7.*

Security personnel were present at all polling stations, although in some stations the situation seemed to be calm and peaceful there was however some instances of intimidation from police officers arising from voters inquiring on the start of the elections and requesting entry to polling stations as some were still closed at 13:00 pm.

Accordingly, the AISA EOM did heed to CENI's *Press Release No. 083/CENI/2023* on election acknowledging the delay in the deployment of election material, late opening of polling stations, and in particular the failure to open some polling stations. In the release CENI further announced one-day extension of the election, with polls opening from 06:00 am to 17:00 pm. Nevertheless, it appeared from observations that some polling stations visited following the extension had already started counting with no voting taking place, additionally, when voters inquired about the extended of voting, they were told that the polling stations were closed, showing inconsistencies in communication between the public and CENI authorities.

6.2.2. Voting Procedure

The frustration and dissatisfaction of voters underscored the fact that some of the voting procedures were not user friendly, further depicting poor coordination and innovation from CENI. Voter registers had not been displayed at the polling stations ahead of the voting day, consequently causing frustration and congestion in some polling stations visited

With prior identified infrastructure challenges, the positioning of ballot booths did not guarantee secrecy of the vote. Operational constraints were further evident, with some polling stations only having one functioning voting machine

increasing the time taken to process the voter, additionally indicating the unfamiliarity of voters with the voting machine. Concurrently to this, observers identified malfunctioning voting devices. This is despite CENI's preparation through its third Full-Scale Test of Electronic Voting Devices (DEV), as announced in its *Press Release No. 081/CENI/2023* on 16 December 2023. In some polling stations the voting rooms were dark due to power supply, and voters were observed making use of their cell phones for light to cast their vote.

6.2.3. Ballot and Election Material

With the already indicated delays that took place on voting day, with stations opening late and other not opening. The underlying reason to this was the unavailability of election material. The mission did observe that once the voting commenced in some polling stations voting material was available, however in some polling stations election material was not available with some boxes not sealed in their arrival.

Additionally, the mission further observed that in some polling stations election material was transported with security escort. Equally important, the mission did note that in preparation of the elections CENI launched the Fight Crew Training on 25 October 2023, with the aims of ensuring the mobility of electoral materials and agents across the country, acquiring 8 boats, including large catamarans and solid and reliable wahls. This was with the recognition of DRC geographical configuration and the need to therefore use river transport to reach certain villages or towns.

6.2.4. Polling Personnel

Arriving to the polling stations, the mission observed that the polling personnel were on site, before the (late) opening of the poll and throughout the voting proceedings. The poll personnel appeared uniformed in the paraphernalia, badges for easy identification, with full gender representation. The representation further depicted the recognition of young people in running of elections, as they were represented in the personnel. Access was granted to observers after verification through the provided tags by CENI.

In most visited polling stations, there was a sense of professionalism from CENI officials, however this does not disqualify the inability of the personnel to respond to rising issues. In fact in some polling stations there was no personnel to respond to the late opening closure of polling station as queries coming from voters. Voters were subjected to being locked outside the polling stations with intimidation from security personnel. Overall, in some polling stations, frustration and strain was noticeable between citizens and assertive police officials at the entrance. Subsequently, poor coordination within queues as voting commenced led to widespread confusion among voters, and poor registration processes contributed to the events of disorder and conflict among voters.

6.2.5. Independent Observers

Recognising the important role played by international, regional and citizen observers in enhancing the transparency and credibility of elections, the mission observed that international and local observers were visible in most polling stations visited. Observers were granted access to polling stations in all their organisational difference, with a few cases of inconsistencies, as some observers were admitted only upon presenting accreditation, revealing disparities among individuals with similar credentials.

The following are among observer missions that were identified: Southern African Development Community (SADC) Electoral Observation Mission, Electoral Commission of Forum of SADC (ECF-SADC) Mission, Carter Centre Election Observation Mission, African Union Election Observation Mission (AUEOM), and the National Episcopal (Catholic) Conference of the Congo (CENCO).

7. An Overview of Key Challenges of observed from the 2023 Presidential Elections

7.1. Infrastructure and Accessibility:

- Inadequate infrastructure of polling stations, particularly in La Gombe, with no provision for sign language electoral lexicon for voters with hearing impairments.
- The lack of accommodation for persons with disabilities and the elderly at polling stations, raising concerns about inclusivity measures. For example, there were no chairs provided to the elderly nor to people with disabilities. In some cases, people with disabilities had to climb flights of stairs with no assistance because they had been assigned to that specific voting station as per voter registration procedures. The elderly, sat on paved verandas for many hours.
- The AISA EOM team witnessed that voters were exposed to harsh weather conditions, spending an extended period in sun with inadequate shelter provided by the buildings at polling stations. No water facilities were visible. Voters purchased ice-cold water from vendors outside polling stations.
- The conditions of ablution facilities in some of the ten (10) polling stations visited in La Gombe were of poor quality and unusable due to infrastructure being dilapidated and sanitary precautions were not in place.

7.2. Voter Registration Challenges:

- Challenges during the voter registration period, including long queues in war-ridden eastern DRC, alleged irregularities, closure of registration centres, uneven distribution of enrolment machines, and voting kit shortages.
- A significant number of eligible voters were unable to register, especially in conflict-affected areas, leading to concerns about the inclusivity of the electoral process.
- Voters spoke to the ASIA team about the decline in quality of the voter cards in comparison to the 2018 elections, despite the increase in the budget for the 2023 elections.

7.3. Communication, Coordination and transparency:

- Lack of communication and explanation by CENI officials regarding delays in opening polling stations, leading to frustration among voters.
- Poor coordination and planning evident in delays, lack of signage at polling stations, and inadequate response to infrastructure challenges.
- Inadequate communication and transparency, as observed in delays in communicating the extension of the election period and discrepancies in the reported reasons for delays.

7.4. Technical and Operational Challenges on Election Day:

- Voting procedures were not user-friendly, with challenges in voter registration and insufficient guarantee of the secrecy of the ballot.
- Technical glitches and malfunctions of voting devices, and inadequate power supply in some polling stations, affecting the voting process.
- Unavailability of election material and delays in opening polling stations due to logistical issues.

7.5. Security and Intimidation:

- Intimidation from security personnel, including instances of police officers intimidating voters inquiring about the start of the elections, with one voting station close to CENI not having been opened even up to 13:00 pm in the afternoon.
- Clashes between supporters of different political parties, resulting in alleged cases of assaults, sexual violence, and at least one death, raising concerns about political violence.

7.6. Operational and Logistical Challenges in the Electoral Process:

- Inconsistencies in admitting observers, with some being required to present accreditation while others were not, indicating disparities in the treatment of observers.
- Delays in opening some polling stations, impacting voter turnout and raising questions about the overall preparedness of CENI officials.
- Reports of poor-quality voter cards, with some not being issued on schedule, affecting the efficiency and effectiveness of the voting process.

7.7. Election Observer Disputes and Accreditation Issues:

- The East African Community Bloc not observing the elections, as a result of not being granted permission by relevant authorities to undertake the exercise
- The European Union cancelling its election observation mission, citing technical constraints beyond its control.

8. Conclusion

AISA acknowledges efforts undertaken by CENI in organising the 2023 General elections of the Democratic Republic of Congo, as prescribed in the electoral legislative frameworks. When assessing DRC's previous presidential elections in 2018 and the recent elections in 2023 reveals the complex challenges associated with the political environment of autocratic states transitioning into constitutional democracies. In 2018, despite criticism and concerns about suboptimal conditions, the international community accepted the election outcome for stability, raising questions about the delicate balance between stability and the credibility of the voting process. The pre-election phase witnessed disputes over legitimacy, human rights violations, and President Kabila's indecision, deviating from the conditions of the Saint Sylvester Agreement, which outlined a power-sharing roadmap for the transition period until elections, further compromising the electoral process. Similarly, with the 2023 elections, a myriad of challenges, including infrastructure issues, voter registration problems, communication lapses, technical glitches, and security concerns, were evident during the mission. The 2023 Presidential election challenges emanated from the late appointment of CENI members in 2021, which also encountered strong opposition from civic society and religious organizations.

Instances of intimidation, clashes between political supporters, and operational shortcomings raised doubts about the legitimacy and fairness of the electoral process. The recurring themes of inadequate infrastructure, transparency issues, and inclusivity challenges underscore the ongoing complexities and the imperative need for improvement in the DRC's electoral mechanisms to uphold democratic principles and ensure the voice of the Congolese people is heard.

The high voter turnout that the AISA EOM witnessed and the volume of voters who registered prior to election day clearly reflected the desire to deepen democracy. The people of the Democratic Republic of the Congo demonstrated the spirit of perseverance and faith in democracy, despite obstacles encountered on election day as well as the knowledge of the value of exercising one's right to vote. As a result, the mission applauds the people of the Democratic Republic of the Congo for exercising their rights to ensure that they contribute to improving their democracy. In advancing democracy, the AISA EOM encourages the people of the DRC to remain committed to strengthening democracy and heed all established legal treaties for resolving disputes.

9. Recommendations

Based on the challenges mentioned above, the AISA team recommends that in preparation for the next presidential elections in 2028, the incumbent president needs to adopt the following measures to address the following issues:

9.1. Infrastructure and Accessibility

- As a result of the poor infrastructure observed by the team, the team recommends that between now and the next election, plans should be made for the provision of accommodative measures for the elderly, people with young children, and differently able people to ensure that they are catered for and encouraged to exercise their democratic rights and duties in future elections. Examples include providing shaded areas, and seating arrangements.
- The incumbent president of DRC, with the support of relevant stakeholders such as government departments, Civil society and others, needs to introduce infrastructure development projects to invest in upgrading the existing infrastructure. Prioritising the buildings that are selected as polling stations, particularly in areas like La Gombe, to ensure that they all cater to accessibility features for voters with disabilities and the elderly.
- Ensure that the appointed sign language electoral lexicon for voters with hearing impairments as per the amendment of Law N° 06/006 of March 9, 2006, on the Organization of Presidential Legislative, was amended in June 2022 are present at designated voting stations. The enhanced infrastructure will have a positive impact as it will promote inclusivity, creating a more accessible and equitable voting environment.
- Regarding using cell phone flashlights during voting, the building used for voting should be equipped with lighting to prevent voters from relying on natural light or using their own devices. Should this not be possible due to DRC also using the system of load curtailment to manage electricity demand, alternatives can be found, such as the using solar lights to ensure that voters can see and vote according to their preferences.

9.2. Voter Registration Challenges

- To mitigate the challenges faced in voter registration such as that of long queues, irregularities and closure of registration centres resulting in a large number of eligible voters not being able to register, CENI should work towards establishing an online voter registration platform through working with other African countries that have been able to establish such platforms through their Election Management Body, such as South Africa through the Independent Electoral Commission (IEC). The system is not only able to lessen the load on physical registration centres but is able to attract young people as it enables them to vote from the comfort of their own spaces. To depict the effectiveness of such a platform, when IEC launched its voter registration drive, the commission through its spokesperson announced that it had received a total of 196 511 online registrations in 24 hours.
- CENI must consider incorporating the already existing RDC Mobile Application that is able to inform voters of their polling station, with an option for voters to register to vote. This mobile will be able to reach all people in the DRC as it is for free to all cell phone users.

9.3. Communication, Coordination and transparency

- Ensure that the temporary staff appointed to facilitate the electoral process undergo communication and people skills training to improve how they address and handle civilians who inquire about the delays.
- Establish centralised and transparent communication protocols to convey changes to CENI officials promptly, among CENI officials. This approach will help CENI officials thoroughly understand their roles and responsibilities at the voting site.
- Set up the signage to guide voters a day before elections are held. Improve coordination and planning, addressing issues like signage. These recommendations have the potential to foster public trust and improve voters' perceptions regarding the credibility of conducting elections. It will also help reduce potential violence, alleviate voters' frustration and ensure a smoother electoral process.

9.4. Technical and Operational Challenges on Election Day

- Establish contingency plans for addressing technical glitches and material shortages and conduct thorough testing of voting procedures, devices, and power supply three (3) days before the election. As user-friendly procedures and efficient operations lead to a smoother voting experience, maintaining the integrity of the electoral process.

9.5. Security and Intimidation

- In recognising the role of police and security personnel to maintain order and peace throughout the electoral process, CENI in collaboration with the Congolese National Police should establish training sessions for police leading up to elections, in responding with frustrations from voters and other cases of security concerns.

9.6. Operational and Logistical Challenges in the Electoral Process

- Inconsistencies in observer access permissions highlight the need for standardisation in the entry process. CENI should establish clear guidelines and protocols to ensure uniform access for all accredited observers, eliminating discrepancies. Example: Have a designated entry point for observers to avoid cutting across voters awaiting their turn to enter the polling station.

9.7. Election Observer Disputes and Accreditation Issues

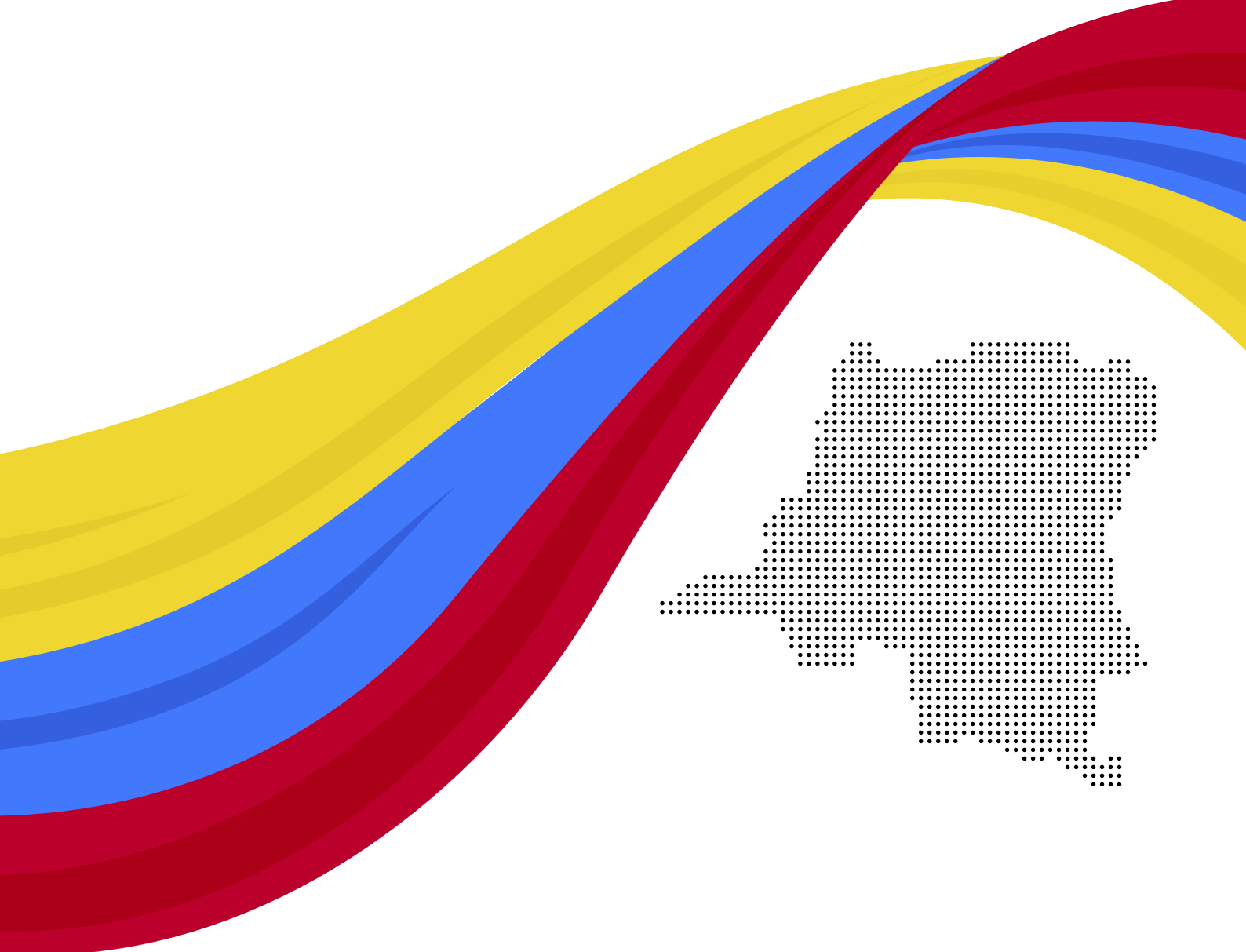
- CENI should be independent in its role of accrediting journalists, human rights defenders, and international observers to foster effective participation in the democratic process.
- CENI is encouraged in their voter education programs to include education on role of observers in election, to establish trust between observers and citizens. For the greater understating that observers come to promote a democratic process in the electoral process.

9.8. Voter Education

- CENI is encouraged to devote more resources in voter education to ensure the effective participation of the Congolese electorate in the electoral process. This will be through the evaluation of prior implemented programmes and initiatives that will foster those programmes. Programmes such as: The Counterpart International's Promoting Increased Civic Engagement in the Lead-up to Elections in the Democratic Republic of Congo (PRICE) program implemented in the lead up to the 2019 General elections, and the Congo Demokrasia program as was used in election preparation in 2016 in the DRC.
- CENI further needs to increase the presence of it image boxes and voter education session through the country.
- To engage voters across a range of age groupings, CENI needs to adopt the use image-based civic and voter education materials in face-to face engagements.
- To be able to maximize the impact and retention of electoral knowledge, CENI needs to utilise a media-driven civic voter and education formats strategy.

Implementing these recommendations requires collaboration between relevant authorities, international organisations, and civil society. By prioritising practical measures, the DRC can work towards conducting elections soon that are inclusive, transparent, and uphold democratic principles.





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