



IN BRIEF



DRC: THE ELECTORAL REFORM AND WOMEN'S POLITICAL PARTICIPATION

Photo: UN Women/Adriana Borra

SUMMARY

29th of June 2022, the electoral law of DRC was enacted by the CENI (National Independent Electoral Commission). Article 13 paved the way for equality in Congolese politics, with new voluntary incentive mechanisms to encourage women's political participation. Nevertheless, the law differs from the practice and women continue to represent only 10% of the National Assembly.

Structural, economic and social barriers continue to prevent women from running for political office, but, with the 2023 national elections in the DRC approaching, there is no better time than now to ensure that political leaders drive change from within their institutions, aided by the incentives already enshrined in current electoral law.

Major discourse-changing reforms that took place are the abolition of registration fees for political parties which have included least 50% of women in their party lists, and the abolition of the incise reinforcing discrimination against women and people living with disability. The conclusion that can be interpreted is that political parties are called upon to promote parity from within their institutions.

A much-awaited success, the electoral reform paves the way for a real change to take shape in Congolese politics. Women in DRC are ready to climb the political ladder, and Congolese citizens are prepared to see them rise; a study conducted by UN Women and Sweden on the last elections showed women political candidates are more likely to be elected.

Nevertheless, structural, economic, and societal factors continue to discourage women from running from election and having access to political institutions.

This policy brief will offer a summary of the changes the electoral reform has brought about, and will reflect upon its evolution, achievements, and the likely challenges for the 2023 elections.

What's the Issue?

On June 29, 2022, the electoral reform for the upcoming 2023 elections in the Democratic Republic of Congo was enacted, a process that has received the greatest support from women's networks. Articles 11, 13, 22 and 47, among others, were amended, with Article 13 standing out for its clear statement on the importance of 50/50 political representation.

Women's Political Participation and Gender Equality in DRC

The DRC's constitution establishes a basis for gender equality, but this is far from being achieved. Statistics show that 42.8% of women in DRC are survivors of domestic violence, 39% of Congolese women have been threatened or injured and 27% of women in DRC are victims of harmful traditional practices. Inequalities permeate different areas of society; very few women have access to decent jobs, and women and girls are less likely to have access to education than men and boys.

The political field is no stranger to these findings. Women who wish to enter political institutions often encounter abuse, harassment, toxic masculinity, and gender stereotypes, which discourage them from even applying for positions. Women's political participation in DRC has decreased over the past two elections, from an overall 13.6% in 2006, to 11.7% in 2018. Gender stereotypes do not only affect women before entering politics, but also continue to be inflicted when women enter political parties (UN Women study). 'It is a men-dominated field, women are told they will face abuse' stated a panelist at a UN Women debate.

Women in DRC currently occupy only 27% of positions at the highest level of decision making at national level in parliament and government, including 10% of the National Assembly. Nonetheless, findings of a study carried out by UN Women and Sweden on the past elections show Women are proportionately more likely to be elected than their male counterparts. Women political representation increased from 8.4% in 2006 to 10% in 2018 at national level; 6.8 to 10.2% at provincial level; and 4.6 to 19% at senatorial level, despite a decrease in their candidacies. Congolese citizens are prepared to see political women rise.

Achieving men-women equal political representation in DRC is fundamental for the country's sustainable development, and there is no better time to achieve parity than now. Women should feel encouraged and safe to run for high-level political roles. As pointed out by Her Excellency the Minister of Gender, Family and Child in DRC, Gisèle Ndaya Luseba, "this theme is timely in the run-up to the next elections of 2023 to face the many challenges relating to ... the participation of women in political life and the democratic conquest of power."

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Changes desired by the civil society

In the run up to the 2023 general elections, the Congolese civil society wanted their electoral law to reflect the need for parity in Parliament, especially in terms of men-women candidatures. The following were the changes the population wanted to see translated into their laws:

- The inadmissibility of political parties' candidate lists that do not consider the equal representation women and men candidates
- The elimination of the sentence 'the non-representation of the women or people with disabilities does not constitute a reason for inadmissibility of the list concerned' from Article 13
- The representation of 30% of young people, people living with disabilities and other vulnerable people on the electoral lists
- In electoral constituencies with more than one seat to be filled, one seat to be reserved exclusively for women candidates

Changes implemented

The electoral law achieved the following amendments:

ACHIEVEMENTS IN THE NATIONAL ASSEMBLY

- Electoral lists with at least 50% of women in a constituency are exempt from bond fees
- The elimination of the sentence 'the non-representation of the woman or people with disabilities does not constitute a reason for inadmissibility of the list concerned' from Article 13 (please see *Figure 1*)

ACHIEVEMENTS IN THE SENATE

- In an electoral constituency with more than three seats, if no woman comes in the right order to be proclaimed elected, a seat is automatically allocated to the woman having obtained the greatest number of votes
- Ultimately, this reform failed. The National Assembly prevailed in accordance with parliamentary legislative procedures

The evolution of Article 13

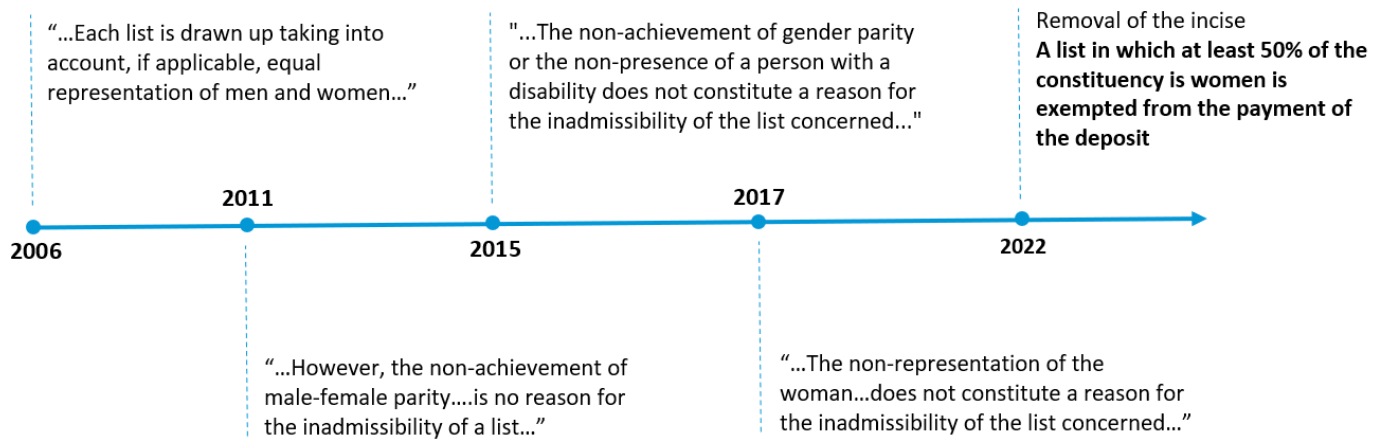


Figure 1

What are the changes that will result from this reform?

The aim of this reform is to facilitate the inclusion of women candidates into political parties. Some of the positive changes that are likely to occur during the upcoming elections are:

- There will be many women on the candidate lists, which can have a gradual symbolic impact on increasing the rate of women in parliament, and consequently in different areas of society
- The exemption from the payment of bond fees will only apply to electoral constituencies whose lists are filled with at least 50% women. This may encourage political parties that have not yet achieved parity to strive to do so before 2023
- The Electoral Law is increasingly compliant with the constitution in terms of gender
- The removal from "the non-representation of the woman or people with disabilities does not constitute a reason for inadmissibility of the list concerned" from Article 13 will appease women political movements that longed to see change
- The lack of constraints and sanctions in the reform makes the process of gender mainstreaming towards parity very slow, as parties do not face any setbacks if they do not fulfil the parity criteria
- Political parties that can afford the bond fees are unlikely to take the '50% women threshold to not pay fees' seriously
- The absence of voluntary quotas and reserved seats makes it difficult to reach and exceed 30% of women in future electoral cycles, unless there is a strong will from political parties
- The current rule for admissibility of candidate lists is the following: the law foresees in article 22 the inadmissibility of party lists or political regroupings which have not reached 60% of the seats up for competition. This provision applies in constituencies with several seats. As per this rule, the use of women to escape the conditions of admissibility of the lists will have an impact on the quality of electoral integrity
- There is a risk that lists where women are strongly represented and that are likely to reach the 60% threshold, especially women political parties, young people parties and parties without national bases, are rejected because of a lack of financial means
- Capacity strengthening and mindset changing at the centre of political institutions is vital to ensure that elected women candidates do not face discrimination, harassment, and gender stereotypes when they are elected. Without a change of ideology at the core of the political domain, legal reforms cannot guarantee the empowerment and protection of women candidates.

What obstacles will remain?

Despite the Electoral Reform, many obstacles will remain for women wishing to enter political parties:

Next steps

The following recommendations will encourage the participation of women candidates in the 2023 elections:

- Strengthen the knowledge and skills of women in civil society, in order to build their confidence to run for political positions
- Encourage civil society women who are already in power to enter the political sphere and/or organise themselves in women- and youth-led political parties
- Provide support and skills-training for women- and youth-led political parties that may not have access to certain tools or funding
- Organise awareness campaigns around the cities, for the upcoming elections of 2023, so civil society has a strong understanding of the electoral reform, parity in politics, candidates who are running, and why their vote matters
- Build the confidence, skills and empowerment of women elected to parliamentary missions
- Organise awareness campaigns on gender parity for political parties, to ensure gender stereotypes and norms do not permeate the 2023 elections. Create awareness campaigns on positive masculinity to change the mindset of the political domain
- Develop projects that focus on addressing electoral violence, especially that which is aimed towards women candidates
- Advocate for the harmonization of constitutional provisions (regarding men-women) and the law in constitutional committees, especially in all matters that affect parity

Photo: UN Women/Marina Mestres Segarra

