

Flygtningenævnets baggrundsmateriale

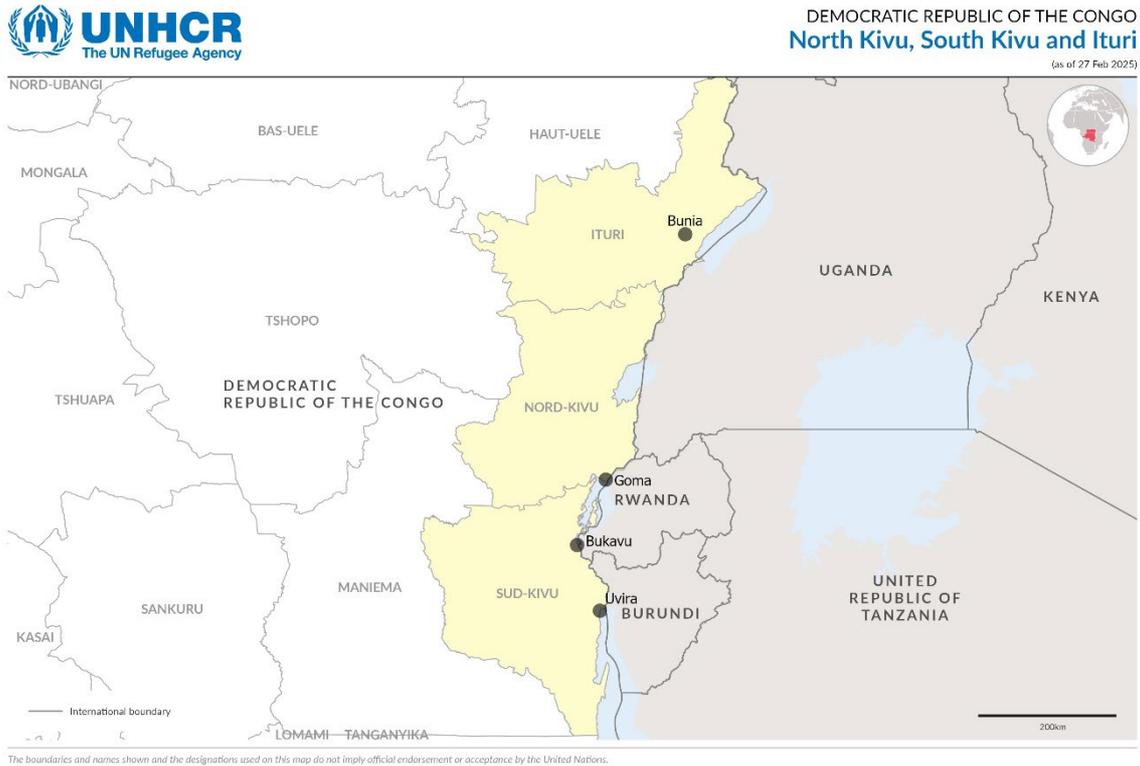
Bilagsnr.:	1024
Land:	Den Demokratiske Republik Congo
Kilde:	UNHCR
Titel:	UNHCR Position on Returns to North Kivu, South Kivu and Ituri in the Democratic Republic of the Congo
Udgivet:	april 2025
Optaget på baggrundsmaterialet:	23. juli 2025

UNHCR POSITION ON RETURNS TO NORTH KIVU, SOUTH KIVU AND ITURI IN THE DEMOCRATIC REPUBLIC OF THE CONGO – UPDATE IV (Revision 1)

April 2025

Map.....	2
Situation in North Kivu, South Kivu and Ituri.....	2
International Protection Needs	5
Moratorium on Forced Returns	6

Map



© UNHCR

Situation in North Kivu, South Kivu and Ituri

1. This position supersedes and replaces the November 2022 *UNHCR Position on Returns to North Kivu, South Kivu, Ituri and Adjacent Areas in the Democratic Republic of the Congo Affected by Ongoing Conflict and Violence – Update III*.¹
2. After a continued deterioration in the security, human rights and humanitarian situation in North Kivu, South Kivu and Ituri since November 2022,² armed violence in the eastern provinces of the Democratic

¹ UNHCR, *UNHCR Position on Returns to North Kivu, South Kivu, Ituri and Adjacent Areas in the Democratic Republic of Congo Affected by Ongoing Conflict and Violence – Update III*, November 2022, www.refworld.org/policy/countrypos/unhcr/2022/en/124181.

² "Persistent violence in eastern Democratic Republic of the Congo affected the security and humanitarian situation." UN Security Council, *Midterm Report of the Group of Experts on the Democratic Republic of the Congo*, 27 December 2024, S/2024/969, www.ecoi.net/en/file/local/2120496/n2437337.pdf, p. 2. "Between 1 June 2023 and 31 May 2024, the human rights situation in the Democratic Republic of the Congo deteriorated owing to the persistence of armed conflict in the eastern provinces. Armed groups [...] continued to carry out deadly attacks directed against civilians, causing displacements and increasing the vulnerability of displaced persons to further violence, including conflict-related sexual violence, exploitation and abuse. Congolese defence and security forces also committed human rights violations". UN General Assembly, *Report of the United Nations High Commissioner for Human Rights on the Human Rights Situation and the Activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo*, 30 September 2024, <https://docs.un.org/en/a/hrc/57/76>, para. 1. See also, UN Security Council, *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*, 29 November 2024, S/2024/863, www.ecoi.net/en/file/local/2120500/n2435283.pdf, paras 13-14, 23, 30-34.

Republic of the Congo (DRC) escalated in January 2025.³ According to the Chair of the Coordination Committee of the Special Procedures of the Human Rights Council, “the intensification of hostilities, particularly in North Kivu [...] ha[s] led to widespread violence, forced displacement and serious violations of international human rights and humanitarian law” with violence “reach[ing] unprecedented levels”.⁴

3. The Armed Conflict Location & Event Data Project (ACLED) recorded an average of 109 incidents per month of battles, explosions/remote violence and violence against civilians between 1 July and 31 December 2024 in the DRC, causing an average of 267 civilian and non-civilian fatalities.⁵ In contrast, ACLED recorded 254 incidents in January 2025, with 200 incidents occurring in North Kivu as a result of the conflict with M23.⁶ On 27 January 2025, M23⁷ captured the provincial capital Goma.⁸ By the end of January 2025, M23 controlled “practically all of North Kivu province”.⁹ On 16 February 2025, M23 took control of Bukavu, South Kivu’s capital city, and continued its advance in both northern and southern directions.¹⁰ At least 500,000 persons were internally displaced by conflict and violence in North and South Kivu between 1 January and 20 February 2025, and more than 73,000 persons fled to neighbouring countries.¹¹
4. All parties to the conflict are reported to have committed human rights violations,¹² including the summary execution of children, widespread sexual violence, and attacks on hospitals and humanitarian warehouses by M23.¹³ In response to M23, the government has relied upon local militia and armed

³ Council on Foreign Relations (CFR), *Conflict in the Democratic Republic of Congo*, 4 February 2025, www.cfr.org/global-conflict-tracker/conflict/violence-democratic-republic-congo; UNHCR, *Eastern DRC Situation: Regional External Update #1*, 31 January 2025, <https://data.unhcr.org/en/documents/details/114140>, pp. 1-2; Critical Threats, *Africa File*, 30 January 2025, www.criticalthreats.org/analysis/africa-file-january-30-2025-rwanda-backed-m23-captures-goma-saf-breakthroughs-in-khartoum-is-sahel-linked-to-angola-plot-targeting-biden-visit-is-calls-for-jihad-in-sudan-somalia-agrees-with-e; Africa Center for Strategic Studies, *Risk of Regional Conflict Following Fall of Goma and M23 Offensive in the DRC*, 29 January 2025, <https://africacenter.org/spotlight/risk-of-regional-conflict-following-fall-of-goma-and-m23-offensive-in-the-drc/>; International Crisis Group (ICG), *Fall of DRC’s Goma: Urgent Action Needed to Avert a Regional War*, 28 January 2025, www.crisisgroup.org/africa/great-lakes/democratic-republic-congo/fall-drcs-goma-urgent-action-needed-avert-regional-war; Human Rights Watch (HRW), *DR Congo: Civilians at Risk as M23 Approaches Goma*, 25 January 2025, www.ecoi.net/en/document/2120629.html. See also, HRW et al., *Re: Urgent Need for the UN Human Rights Council to Create an Independent Mandate to Investigate Rights Violations and Abuses by All Parties in Eastern Democratic Republic of Congo*, 4 February 2025, www.ecoi.net/en/file/local/2121129/AFR6290042025ENGLISH.pdf, pp. 1-2.

⁴ UN Office at Geneva, *High Commissioner for Human Rights: Civilians in the East Democratic Republic of the Congo Are Trapped in a Spiral of Violence in this Crushing Conflict*, 7 February 2025, www.ungeneva.org/en/news-media/meeting-summary/2025/02/high-commissioner-human-rights-civilians-east-democratic.

⁵ ACLED, *Data Export Tool*, accessed 13 February 2025, <https://acleddata.com/data-export-tool/>.

⁶ Ibid. “Since 1 December 2024, ACLED records an uptick in violence [...] across North Kivu and into northern areas of South Kivu. [...] civilian targeting by the M23 spiked in January 2025 as the rebels battled to control Goma. ACLED records more than 25 civilian targeting events in January 2025, the most since the previous takeover of Goma in November 2012.” ACLED, *Q&A: What Is Happening in and Around Goma?*, 29 January 2025, <https://acleddata.com/2025/01/29/qa-what-is-happening-in-and-around-goma/>.

⁷ The M23 is currently allied with a military/political entity called the Alliance Fleuve Congo (AFC), formed in December 2023. The UN Group of Experts, as of December 2024, refers in its reports to “the AFC/M23 coalition”. UN Security Council, *Midterm Report of the Group of Experts on the Democratic Republic of the Congo*, 27 December 2024, S/2024/969, www.ecoi.net/en/file/local/2120496/n2437337.pdf, paras 39-40; UN Security Council, *Final report of the Group of Experts on the Democratic Republic of the Congo*, 4 June 2024, S/2024/432, www.ecoi.net/en/file/local/2112471/n2411880.pdf, paras 23-29. See also, Modern Diplomacy, *From Goma to Bujumbura: The M23 and the Fragmentation of the Great Lakes*, 10 February 2025, <https://moderndiplomacy.eu/2025/02/10/from-goma-to-bujumbura-the-m23-and-the-fragmentation-of-the-great-lakes/>. The International Crisis Group characterizes the AFC as “a coalition of rebels seeking regime change in Kinshasa” that “remains largely a political umbrella for the M23”. ICG, *Fall of DRC’s Goma: Urgent Action Needed to Avert a Regional War*, 28 January 2025, www.crisisgroup.org/africa/great-lakes/democratic-republic-congo/fall-drcs-goma-urgent-action-needed-avert-regional-war.

⁸ “From April to early November 2024, the area controlled by M23 and RDF increased by 30 per cent”. UN Security Council, *Midterm Report of the Group of Experts on the Democratic Republic of the Congo*, 27 December 2024, S/2024/969, www.ecoi.net/en/file/local/2120496/n2437337.pdf, para. 47. “As of 5 February, at least 2,900 people have reportedly been killed in the hostilities and more than 3,000 injured.” Protection Cluster, *Democratic Republic of Congo: Key Advocacy Messages*, 9 February 2025, https://globalprotectioncluster.org/sites/default/files/2025-02/gpc_key_messages_drc_final_09feb2025.pdf, p. 1.

⁹ ICG, *Fall of DRC’s Goma: Urgent Action Needed to Avert a Regional War*, 28 January 2025, www.crisisgroup.org/africa/great-lakes/democratic-republic-congo/fall-drcs-goma-urgent-action-needed-avert-regional-war.

¹⁰ La Croix International, *Bukavu in Ruins as M23 Rebels Seize Control of DR Congo’s South Kivu*, 21 February 2025, <https://international.la-croix.com/world/bukavu-in-ruins-as-m23-rebels-seize-control-of-dr-congos-south-kivu>; Institute for the Study of War, *M23 Advance Continues Unchallenged*, 20 February 2025, <https://understandingwar.org/backgrounder/africa-file-february-20-2025-m23-advance-continues-unchallenged-saf-grows-partnerships>.

¹¹ UNHCR, *Eastern DRC Displacement Overview*, 24 February 2025, <https://data.unhcr.org/en/documents/details/114595>; OHCHR, *DRC: Deepening Human Rights Crisis amid Reports of Further M23 Advances*, 31 January 2025, www.ohchr.org/en/press-briefing-notes/2025/01/drc-deepening-human-rights-crisis-amid-reports-further-m23-advances.

¹² UN Office at Geneva, *High Commissioner for Human Rights: Civilians in the East Democratic Republic of the Congo are Trapped in a Spiral of Violence in this Crushing Conflict*, 7 February 2025, www.ungeneva.org/en/news-media/meeting-summary/2025/02/high-commissioner-human-rights-civilians-east-democratic.

¹³ OHCHR, *Serious Human Rights Concerns as Situation in Eastern DRC Deteriorates Further*, 18 February 2025, www.ohchr.org/en/press-briefing.

groups, sometimes called *Wazalendo*, many of whom have been accused of committing human rights violations.¹⁴ Multiple armed groups in North Kivu, South Kivu and Ituri have aligned themselves with M23 openly or in secret.¹⁵ In North Kivu and Ituri, the Allied Democratic Forces (ADF), an Islamic State affiliate, has continued carrying out attacks targeting civilians, particularly in areas that are outside of State control, killing over 650 civilians between June and December 2024.¹⁶

5. Even before the escalation of armed violence starting in January 2025, State control was either weak or absent across North Kivu, South Kivu and Ituri, leading to persistent violations of human rights and abuses against the civilian population committed by both State and non-State actors.¹⁷ The security situation in South Kivu has worsened since the withdrawal of the UN Stabilization Mission (MONUSCO) in June 2024.¹⁸
6. Between 1 June 2023 and 31 May 2024, sites for internally displaced persons were deliberately targeted and attacked twenty-one times by armed groups.¹⁹ Following their capture of Goma, M23 has ordered the systematic dismantling of sites for internally displaced persons (IDPs), forcing displaced populations to return home despite conditions for return in safety and dignity not having been met.²⁰ By late February

[notes/2025/02/serious-human-rights-concerns-situation-eastern-drc-deteriorates](#); UN Office at Geneva, DR Congo: *Children Reportedly Killed in Summary Executions by M23 Fighters*, 18 February 2025, www.ungeneva.org/en/news-media/news/2025/02/103445/dr-congo-children-reportedly-killed-summary-executions-m23-fighters.

¹⁴ "The M23 is opposed by Congolese military forces and a coalition of abusive militias known as 'Wazalendo' ('patriots' in Swahili)." HRW, *DR Congo: Civilians at Risk as M23 Approaches Goma*, 25 January 2025, www.ecoi.net/en/document/2120629.html. See also, UN Security Council, *Midterm Report of the Group of Experts on the Democratic Republic of the Congo*, 27 December 2024, S/2024/969, www.ecoi.net/en/file/local/2120496/n2437337.pdf, paras 30-32; The New Humanitarian, 'Ticking Time Bomb': DR Congo Turns to Abusive Militias to Fight M23 Rebels, 13 August 2024, www.thenewhumanitarian.org/news-feature/2024/08/13/ticking-time-bomb-dr-congo-turns-abusive-militias-fight-m23-rebels.

¹⁵ As of December 2024, the M23 was reportedly negotiating with the *Force de résistance patriotique de l'Ituri* (FRPI) and the *Coopérative pour le développement du Congo/Union des révolutionnaires pour la défense du peuple congolais* (CODECO/URDPC), the latter of which has traditionally been fighting the Zaire militia across ethnic lines. During the year, Zaire launched "a massive recruitment drive" and drew recruits from former officers and fighters for the *Union des patriotes congolais* (UPC). UN Security Council, *Midterm Report of the Group of Experts on the Democratic Republic of the Congo*, 27 December 2024, S/2024/969, www.ecoi.net/en/file/local/2120496/n2437337.pdf, paras 81-90. M23 has reportedly also reached out to the Allied Democratic Forces (ADF) to negotiate a non-aggression pact or safe passage, so far unsuccessfully. UN Security Council, *Midterm Report of the Group of Experts on the Democratic Republic of the Congo*, 27 December 2024, S/2024/969, www.ecoi.net/en/file/local/2120496/n2437337.pdf, para. 29. See also, The Conversation, *DRC: Rising Twirwaneho Rebel Group Highlights the Unending Volatility of the Country's East*, 28 August 2023, <https://theconversation.com/drc-rising-twirwaneho-rebel-group-highlights-the-unending-volatility-of-the-countrys-east-211539>.

¹⁶ Reportedly, joint operations have driven the ADF into areas of weaker or absent State control, while the group has appeared to strengthen ties with the international arm of Islamic State (Da'esh) and increased its attacks targeting civilians. During 2024, despite a decreased operational capacity, there was a "significant expansion" of the ADF's "territorial footprint". UN Security Council, *Midterm Report of the Group of Experts on the Democratic Republic of the Congo*, 27 December 2024, S/2024/969, www.ecoi.net/en/file/local/2120496/n2437337.pdf, paras 8-11, 19-20, 26, 29. Between 1 June 2023 and 31 May 2024, OHCHR documented 487 abuses by the ADF, killing 826 persons. UN General Assembly, *Report of the United Nations High Commissioner for Human Rights on the Human Rights Situation and the Activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo*, 30 September 2024, <https://docs.un.org/en/a/hrc/57/76>, para. 16. The ADF reportedly killed 52 civilians in Ituri between 11 December 2024 and 30 January 2025. OCHA, *RD CONGO : Situation humanitaire dans la province de l'Ituri Rapport de Situation No.01/2025*, 18 February 2025, <https://reliefweb.int/report/democratic-republic-congo/rd-congo-situation-humanitaire-dans-la-province-de-lituri-rapport-de-situation-no012025-le-18-fevrier-2025>.

¹⁷ Armed groups levy illegal taxes, control checkpoints and exploit natural resources; in some areas that they control, they set up administrative and governmental structures. UN Security Council, *Midterm Report of the Group of Experts on the Democratic Republic of the Congo*, 27 December 2024, S/2024/969, www.ecoi.net/en/file/local/2120496/n2437337.pdf, pp. 2-3, paras 41, 59-61, 98, 102, 112-113. Between 1 June 2023 and 31 May 2024, the Office of the High Commissioner for Human Rights (OHCHR) documented 5,047 human rights violations in the DRC, 85 per cent of which occurred in the conflict-affected provinces; 50 per cent in North Kivu and 14 percent in Ituri. UN General Assembly, *Report of the United Nations High Commissioner for Human Rights on the Human Rights Situation and the Activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo*, 30 September 2024, <https://docs.un.org/en/a/hrc/57/76>, paras 5, 9-18. See also, MONUSCO, *Analyse de la situation des droits de l'homme en RDC en septembre 2024 Infographies*, 24 October 2024, https://monusco.unmissions.org/sites/default/files/bcnudh_infographie_septembre_2024.pdf, pp. 1-2; US Department of State, *2023 Country Report on Human Rights Practices: Democratic Republic of the Congo*, 23 April 2024, www.ecoi.net/en/document/2107668.html.

¹⁸ UN Security Council, *Midterm Report of the Group of Experts on the Democratic Republic of the Congo*, 27 December 2024, S/2024/969, www.ecoi.net/en/file/local/2120496/n2437337.pdf, para. 111.

¹⁹ UN General Assembly, *Report of the United Nations High Commissioner for Human Rights on the Human Rights Situation and the Activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo*, 30 September 2024, <https://docs.un.org/en/a/hrc/57/76>, para. 10.

²⁰ HRW, *DR Congo: M23 Drives Displaced People From Goma Camps*, 13 February 2025, www.hrw.org/news/2025/02/13/dr-congo-m23-drives-displaced-people-goma-camps; Global Protection Cluster, *Protection Alert: Intensifying Crisis in North Kivu, Democratic Republic of Congo*, 27 January 2025, https://globalprotectioncluster.org/sites/default/files/2025-01/gpc_protection_alert_dr_congo_27_jan_2025_final.pdf; The East African, *90 IDP Sites Destroyed amid Rebel Hostilities in DR Congo: WHO*, 20 February 2025, www.theeastafrican.co.ke/tea/news/east-africa/90-idp-sites-destroyed-amid-rebel-hostilities-congo-4934448; OCHA, *Today's Top News: Democratic Republic of the Congo*, 18 February 2025, www.unocha.org/news/todays-top-news-democratic-republic-congo-sudan-occupied-palestinian-territory#democratic-republic-of-congo; UNHCR, *UNHCR Seeks Urgent Support as Violence in Eastern DR Congo Leaves Hundreds of Thousands Without Shelter*, 14 February 2025, www.unhcr.org/news/briefing-notes/unhcr-seeks-urgent-support-violence-eastern-dr-congo-leaves-hundreds-thousands; UNHCR, *Protection Brief - DRC - February 2025*, 13 February 2025, <https://data.unhcr.org/en/documents/details/114408>.

2025, fewer than 2,000 people remained of the estimated 700,000 people who lived in IDP sites in and around Goma as of November 2024.²¹ Conflict-related sexual violence remains rampant, with widespread sexual violence reported as the conflict has escalated in early 2025.²²

7. Against this background, the humanitarian situation in North Kivu, South Kivu and Ituri has worsened.²³ In the first half of 2024, over 2.7 million persons were newly displaced in the DRC, mostly in these three provinces, with 73 per cent displaced by the conflict with M23.²⁴ Humanitarian access has been restrained by conflict, leaving many vulnerable persons without access to life-saving aid.²⁵ As conflict has spiked, hospitals have been overwhelmed and are without supplies.²⁶ The airports of Goma and Bukavu are under M23 control and remained closed as of end-February 2025.²⁷ According to the UN Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator, the January 2025 “escalation in the east threatens to make a critical humanitarian situation even worse”.²⁸

International Protection Needs

8. UNHCR continues to call on all countries to allow civilians fleeing conflict and violence in the DRC access to their territories, to guarantee the right to seek asylum, and to ensure respect for the principle of *non-refoulement* at all times. UNHCR calls on States to register all arrivals who seek international protection and to issue documentary proof of registration to all individuals concerned. All claims of DRC nationals seeking international protection should be processed through fair, transparent, and efficient procedures, including the use of a prima facie approach to recognition where relevant, in accordance with international and regional refugee law and other relevant legal standards.
9. Given the above information, persons fleeing conflict and violence from North Kivu, South Kivu and Ituri may meet the criteria for refugee status under the 1951 Convention.²⁹ In addition, given the high levels

²¹ Information available to UNHCR.

²² UNHCR, *Protection Brief - DRC - February 2025*, 13 February 2025, <https://data.unhcr.org/en/documents/details/114408>; VOA, *UN Decries Sexual Violence as Weapon of War in DRC*, 1 February 2025, www.voanews.com/a/un-decries-sexual-violence-as-weapon-of-war-in-drc/7959490.html. “Health care workers have reported a ‘massive influx of cases’ of conflict-related sexual violence among adults and children”. Physicians for Human Rights (PHR), *“Massive Influx of Cases”: Health Worker Perspectives on Conflict-Related Sexual Violence in Eastern Democratic Republic of the Congo*, 22 October 2024, <https://phr.org/wp-content/uploads/2024/10/PHR-REPORT-DRC-MASSIVE-INFLUX-OF-CASES-2024.pdf>, pp. 4, 14. See also, UN General Assembly, *Report of the United Nations High Commissioner for Human Rights on the Human Rights Situation and the Activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo*, 30 September 2024, <https://docs.un.org/en/a/hrc/57/76>, paras 34-35.

²³ OCHA, *RD CONGO : Situation humanitaire dans la province de l’Ituri Rapport de Situation No.01/2025*, 18 February 2025, <https://reliefweb.int/report/democratic-republic-congo/rd-congo-situation-humanitaire-dans-la-province-de-lituri-rapport-de-situation-no012025-le-18-fevrier-2025>; UNHCR, *UNHCR Seeks Urgent Support as Violence in Eastern DR Congo Leaves Hundreds of Thousands Without Shelter*, 14 February 2025, www.unhcr.org/news/briefing-notes/unhcr-seeks-urgent-support-violence-eastern-dr-congo-leaves-hundreds-thousands; UN, *UN Agencies Warn of Worsening Humanitarian and Human Rights Crisis in Eastern DR Congo*, 31 January 2025, <https://news.un.org/en/story/2025/01/1159651>; UNHCR, *UNHCR Gravely Concerned by Worsening Violence and Humanitarian Crisis in Eastern DR Congo*, 24 January 2025, www.unhcr.org/news/briefing-notes/unhcr-gravely-concerned-worsening-violence-and-humanitarian-crisis-eastern-dr.

²⁴ Internal Displacement Monitoring Centre (IDMC), *M23 Conflict Caused Nearly 3 Out of Every 4 Displacements in the DRC this Year*, 23 September 2024, www.internal-displacement.org/expert-analysis/m23-conflict-caused-nearly-3-out-of-every-4-displacements-in-the-drc-this-year/.

²⁵ Mercy Corps, *“A Race Against Time:” Fear Mounts as Violence Spreads and Humanitarian Aid Falls Critically Short in Eastern DRC*, 2 February 2025, www.mercycorps.org/press-room/releases/fear-mounts-as-violence-spreads-in-eastern-drc; MSF, *MSF Appeals for Humanitarian Access in Eastern DR Congo*, 29 January 2025, www.doctorswithoutborders.org/latest/msf-appeals-humanitarian-access-eastern-dr-congo.

²⁶ OCHA, *Today’s Top News: Democratic Republic of the Congo*, 18 February 2025, www.unocha.org/news/todays-top-news-democratic-republic-congo-sudan-occupied-palestinian-territory#democratic-republic-of-congo; VOA, *Hospitals in Eastern Congo Are Crowded with Wounded and Exhausting their Supplies*, 3 February 2025, www.voanews.com/a/hospitals-in-eastern-congo-are-crowded-with-wounded-and-exhausting-their-supplies-17960758.html; UN, *Hospitals Overwhelmed in DR Congo, Food Running Out: Goma Faces ‘Devastation’*, <https://news.un.org/en/story/2025/01/1159631>. “According to a rapid assessment conducted by health partners and the Provincial Health Division of North Kivu, around 2,880 injured people have been admitted to various health facilities in Goma between 26 and 30 January. Many facilities are overwhelmed, with urgent needs for medicines, fuel, and surgical supplies.” OCHA, *DR Congo: Intensification of Violence in the North Kivu and South Kivu Provinces*, 3 February 2025, www.unocha.org/publications/report/democratic-republic-congo/dr-congo-intensification-violence-north-kivu-and-south-kivu-provinces-situation-report-1-3-february-2025, p. 1.

²⁷ OCHA, *The Humanitarian Coordinator Alerts on the Humanitarian Consequences of the Crisis in South Kivu and Calls for an End to the Fighting*, 18 February 2025, www.unocha.org/publications/report/democratic-republic-congo/humanitarian-coordinator-alerts-humanitarian-consequences-crisis-south-kivu-and-calls-end-fighting; Aljazeera, *DR Congo’s M23 Fighters Seize Bukavu Airport Before African Union Summit*, 14 February 2025, www.aljazeera.com/news/2025/2/14/dr-congos-m23-fighters-seize-bukavu-airport-before-african-union-summit; IGIHE, *M23 Rebels Vow Not to Reopen Goma Airport*, 11 February 2025, <https://en.igihe.com/news/article/m23-vows-not-to-reopen-goma-airport>; UN News, *DR Congo: UN Call to Reopen Goma Airport ‘Lifeline’, as Crisis Deepens*, 4 February 2025, <https://news.un.org/en/story/2025/02/1159756>.

²⁸ OCHA, *“Scale of Suffering in DR Congo Demands Urgent Attention,” UN Deputy Relief Chief tells Security Council*, 26 January 2025, www.unocha.org/news/scale-suffering-dr-congo-demands-urgent-attention-un-deputy-relief-chief-tells-security.

²⁹ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations Treaty Series, Vol. 189, p. 137, www.refworld.org/legal/agreements/unga/1951/en/39821; UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations Treaty Series, Vol. 606, p. 267, www.refworld.org/legal/agreements/unga/1967/en/41400.

of violence in North Kivu, South Kivu, Ituri and adjacent areas, UNHCR considers that persons fleeing the armed conflicts in these three provinces and adjacent areas are likely to be in need of international refugee protection under UNHCR's broader mandate criteria,³⁰ Article 1(2) of the 1969 OAU Convention,³¹ under the Cartagena Declaration;³² or complementary forms of protection including subsidiary protection under Article 15(c) of the EU Qualification Directive.³³

10. A decision to deny international protection to persons originating from the affected areas based on a presumed internal flight alternative to other parts of the DRC must be based on an assessment that the specific location proposed meets the relevance and reasonableness requirements, taking into account the individual circumstances of the applicant. In the context of the DRC, it would be particularly important to assess whether the person concerned is able to obtain the necessary documentation to allow them to settle and to move freely in the proposed area of relocation, in order to not be exposed to a risk of arbitrary detention. It would also be necessary to consider linguistic, family and other connections in the proposed area of relocation. For detailed guidance on assessing the availability of an internal flight alternative, see UNHCR's *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*.³⁴

Moratorium on Forced Returns

11. The security, rule of law and human rights situation in North Kivu, South Kivu and Ituri challenges the feasibility of safe and dignified return for any person originating from these provinces and adjacent areas. Against this background, UNHCR calls on States not to forcibly return to the DRC persons originating from these areas until the security and human rights situation has improved sufficiently to permit a safe and dignified return of those determined not to be in need of international protection. The bar on forcible return serves as a minimum standard and needs to remain in place until such time as the security, rule of law, and the human rights situation in North Kivu, South Kivu and Ituri has significantly improved to permit the safe and dignified returns of those determined not to be in need of international protection.
12. Individual Congolese nationals who are outside the country and who are considering return to North Kivu, South Kivu or Ituri in a self-organized manner should be provided with as much detailed information on the situation in their place of origin as possible, so as to allow them to make a fully informed choice, taking into account the current situation as regards security, governance and livelihoods.

UNHCR
April 2025

³⁰ UNHCR, *Note on the Mandate of the High Commissioner for Refugees and His Office*, October 2013, www.refworld.org/policy/legalguidance/unhcr/2013/en/94483; UNHCR, *MM (Iran) v. Secretary of State for the Home Department – Written Submission on Behalf of the United Nations High Commissioner for Refugees*, 3 August 2010, C5/2009/2479, www.refworld.org/jurisprudence/amicus/unhcr/2010/en/75841, para. 10.

³¹ Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa* ("OAU Convention"), 10 September 1969, United Nations Treaty Series, Vol. 1001, p. 45, www.refworld.org/legal/agreements/oau/1969/en/13572.

³² *Cartagena Declaration on Refugees*, *Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984, www.refworld.org/legal/resolution/rm/1984/en/64184, para. III(3).

³³ European Union, *Directive 2011/95/EU of the European Parliament and of the Council on Standards for the Qualification of Third-Country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted (Recast)*, 13 December 2011, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0095&from=EN>, Article 15.

³⁴ UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, 23 July 2003, HCR/GIP/03/04, www.refworld.org/policy/legalguidance/unhcr/2003/en/32047.