

**Flygtningenævnets baggrundsmateriale**

|                                 |                                                                                                                                     |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| <b>Bilagsnr.:</b>               | <b>1133</b>                                                                                                                         |
| Land:                           | Den Demokratiske Republik Congo                                                                                                     |
| Kilde:                          | UN Human Rights Council                                                                                                             |
| Titel:                          | Visit to the Democratic Republic of the Congo. Report of the Special Rapporteur on the human rights of internally displaced persons |
| Udgivet:                        | 25. juni 2026                                                                                                                       |
| Optaget på baggrundsmaterialet: | 11. august 2026                                                                                                                     |
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## Advance edited version

Distr.: General  
25 June 2026

Original: English

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### Human Rights Council

#### Sixty-second session

15 June–10 July 2026

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### Visit to the Democratic Republic of the Congo

#### **Report of the Special Rapporteur on the human rights of internally displaced persons, Paula Gaviria Betancur<sup>\*</sup>, <sup>\*\*</sup>**

##### *Summary*

In the present report, the Special Rapporteur on the human rights of internally displaced persons, Paula Gaviria Betancur, provides information on her visit to the Democratic Republic of the Congo, which she conducted from 19 to 30 May 2025.

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<sup>\*</sup> The present report was submitted to the conference services for processing after the deadline for technical reasons beyond the control of the submitting office.

<sup>\*\*</sup> The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission and French only.

## **Annex**

### **Report of the Special Rapporteur on the human rights of internally displaced persons, Paula Gaviria Betancur, on her visit to the Democratic Republic of the Congo**

#### **I. Introduction**

1. The Special Rapporteur on the human rights of internally displaced persons, Paula Gaviria Betancur, conducted a visit to the Democratic Republic of the Congo from 19 to 30 May 2025, at the invitation of the Government. The purpose of the visit was to assess the human rights situation of internally displaced persons, identify good practices and make recommendations to relevant stakeholders.

2. The Special Rapporteur travelled to Kinshasa, Ituri and North Kivu Provinces, including the municipalities of Maluku, Bunia, Beni, Goma and Nyiragongo. She met the Prime Minister and Head of the Government, the Deputy Prime Minister and Minister of Planning and Development Aid Coordination, the Minister of State of Property Affairs, the Minister of Mines, the Minister of Human Rights, the Minister of Social Affairs, Humanitarian Action and National Solidarity, the Deputy Minister of Foreign Affairs, the Deputy Minister of Justice, representatives of the Ministry of Gender, Family and Children and the military governors of Ituri and North Kivu Provinces, as well as the President of the National Human Rights Commission and the Director-General of the National Reparations Fund for Victims of Conflict-Related Sexual Violence and Other Crimes against the Peace and Security of Humanity in the Democratic Republic of the Congo. She also met representatives of the de facto authorities that have occupied parts of North and South Kivu since January 2025. She further met the Special Representative of the Secretary-General for the Democratic Republic of the Congo and Head of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and her deputies, the humanitarian country team, representatives of United Nations agencies, funds and programmes, civil society and women-led and faith-based organizations working on human rights and internal displacement issues, and internally displaced persons themselves.

3. The Special Rapporteur is grateful to the Government for its cooperation during the visit. She expresses her gratitude to MONUSCO, particularly the United Nations Joint Human Rights Office in the Democratic Republic of the Congo, the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Development Programme for their support in preparing the mission and to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Geneva for its support to her mandate. Above all, she is grateful to the many internally displaced persons who shared their testimonies with her.

#### **II. Legal, policy and institutional context**

##### **A. International and regional frameworks**

4. The Democratic Republic of the Congo has ratified the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. It has yet to ratify the International Convention on the Protection

of the Rights of All Migrant Workers and Members of Their Families or the International Convention for the Protection of All Persons from Enforced Disappearance. It is a Party to the Rome Statute of the International Criminal Court and has referred cases involving forced displacement to the Court.<sup>1</sup>

5. The Democratic Republic of the Congo has ratified the African Charter on Human and Peoples' Rights and the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights. It has also ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa.

6. June 2025 saw the signing of the Peace Agreement between the Democratic Republic of the Congo and the Republic of Rwanda, brokered by the United States of America, in consultation with Qatar and Togo, as mediator for the African Union. The Agreement commits the parties to respecting each other's sovereignty and territorial integrity, ending hostilities, ceasing supporting armed groups, conditionally reintegrating former combatants, collaborating with MONUSCO and facilitating the safe and voluntary return of refugees and internally displaced persons. This was followed by the signing of the Washington Accords for Peace and Prosperity between the Democratic Republic of the Congo and Rwanda in December 2025, wherein the parties recommitted to peaceful relations and signed a regional economic integration agreement.

7. The process for peace between the Democratic Republic of the Congo and the Alliance Fleuve Congo/Mouvement du 23 mars (AFC/M23), led by Qatar with the participation of the United States and the African Union, represented by Togo, moved forward with the signing of the Doha Declaration of Principles on 19 July 2025 and the Doha Framework for a Comprehensive Peace Agreement between the Government of the Democratic Republic of the Congo and AFC/M23 on 15 November 2025. The Doha Framework commits both parties to a ceasefire and includes a prisoner exchange; however, the majority of issues remain to be negotiated through additional protocols covering humanitarian access, governance reforms, disarmament, demobilization and reintegration of former combatants, identity and citizenship issues, the return of displaced persons, the restoration of public services, and transitional justice.

8. The African Union, the East African Community and the Southern African Development Community (SADC) have consolidated their mediation efforts, with Togo representing the African Union and a high-level panel of facilitators from the African Union, the East African Community and SADC mandated to support the peace process.

## **B. Domestic frameworks**

### **1. Human rights**

9. The Constitution provides the principal legal framework for human rights (arts. 11–67). The country strengthened its human rights legislation with laws on the rights of persons with disabilities and Indigenous Peoples in 2022, and on the protection of human rights defenders in 2023. There is a Ministry of Human Rights and an accredited national human rights institution, the National Human Rights Commission.

10. Regarding transitional justice, the country adopted Act No. 22/065 of 26 December 2022 to provide protection and reparations to victims of conflict-related sexual violence and crimes against the peace and security of humanity. The National Reparations Fund for Victims of Conflict-Related Sexual Violence and Other Crimes against the Peace and Security of Humanity in the Democratic Republic of the Congo leads implementation,

<sup>1</sup> See <https://www.icc-cpi.int/drc>.

identifies and registers victims and facilitates access to legal aid and reparations. In May 2025, the Government adopted a national policy for transitional justice based on the rights to truth, justice, reparation and guarantees of non-recurrence, intersectionality and reconciliation.<sup>2</sup>

## 2. Internal displacement

11. The Government launched a process to incorporate the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa into national law following the deposit of an instrument of ratification in 2022. This process stalled, before resuming in late 2024. The Government has pledged to finalize the process by 2026.<sup>3</sup> The process is jointly led by the Ministry of the Interior and the Ministry of Social Affairs, Humanitarian Action and National Solidarity.

12. The Ministry of the Interior has overall responsibility for internal displacement issues, while the Ministry of Social Affairs, Humanitarian Action and National Solidarity leads on the provision of aid to internally displaced persons. The Ministries of Public Health and of National Education coordinate the health and education services provided to internally displaced persons. The National Commission for Refugees leads camp management and provincial authorities also coordinate responses to internal displacement.

## 3. Land governance

13. Internal displacement and land governance in the Democratic Republic of the Congo are closely interconnected. Displacement can stem from and be perpetuated by gaps in the land tenure system. Act No. 73-021 of 1973 as amended by Law 80-008 of 18 July 1980 establishes all land as the property of the State (art. 53), with property being allocated through time-bound concessions or more limited use or access rights granted by the State (art. 57). Land rights acquired through customary law fall under State regulation (arts. 387–389). The framework for the formal registration and transfer of land requires an official certificate of registration (arts. 219–221).

14. In practice, the State's limited geographical presence, lack of trust in State institutions, practical barriers to obtaining formal tenure and deep historical and cultural roots have led the customary land tenure system to persist as the dominant land rights framework in much of the country. This legal pluralism can fuel internal displacement. Formal land titles may be granted without considering customary land rights holders, leading to the latter's displacement. Disparities in access to formal land tenure systems favour economically or politically powerful actors, to the detriment of local communities lacking adequate resources and access to legal institutions. The close ties between customary land rights and ethnicity can provoke intercommunal conflicts that engender displacement when formal land transactions do not respect customary land rights or are perceived to favour one community.

15. The Mining Code adds a legal distinction between surface rights and mineral rights (art. 3). One party may hold use rights to the surface while another holds the rights to extract subterranean resources. This creates the potential for up to three overlapping land claims on the same parcel of land, as formal surface rights, formal mineral rights and customary land rights may be held by three different parties. The legal ambiguity this generates can devolve into conflict between parties with competing claims, provoking displacement. The Mining Code and Mining Regulations establish the primacy of mineral claims by permitting the displacement of land rights holders to enable mining operations. Such displacement should only take place as a last resort and after consultation with communities, the provision of compensation and relocation funded by the mining operator.<sup>4</sup>

<sup>2</sup> See <https://www.primature.gouv.cd/wp-content/uploads/2025/08/COMPTE-RENDU-DE-LA-QUARANTE-QUATRIEME-REUNION-ORDINAIRE-DU-CONSEIL-DES-MINISTRES-DU-23-MAI-2025-2-3.pdf>.

<sup>3</sup> See [https://www.unhcr.org/sites/default/files/2025-01/Democratic%20Republic%20of%20the%20Congo%20-%20Strategy%202022%20%E2%80%93%202026\\_0.pdf](https://www.unhcr.org/sites/default/files/2025-01/Democratic%20Republic%20of%20the%20Congo%20-%20Strategy%202022%20%E2%80%93%202026_0.pdf).

<sup>4</sup> Act No. 18/001, art. 281; and Decree No. 18/024, annex XVIII.

16. Act No. 22/030 of 15 July 2022, on the rights of Indigenous Peoples, guarantees Indigenous Peoples the right to the lands and natural resources they own, occupy and use, although this is subsidiary to the State's land rights (art. 42). Indigenous Peoples may not be relocated without their free, prior and informed consent (art. 42), which is also required before any development, use or exploitation of natural resources on their lands (art. 46). They should be adequately compensated for relocation (art. 42) and benefit from commercial exploitation of their lands and resources (art. 47). The State also has an obligation to ensure good conditions for the relocation of Indigenous Peoples whose lives are threatened by disasters or other events (art. 42).

17. A new land planning law, Act No. 25/045 of 1 July 2025, includes the livelihoods of communities, local populations and Indigenous Peoples as social safeguards to guide land planning decisions. The law requires free and prior consent from all local communities, including Indigenous Peoples, who may be affected by land management arrangements (art. 2). Consultations and participation are fundamental principles (art. 10) and everyone has the right to participate throughout any decision-making process impacting their housing, land or property rights (art. 11). State and subnational authorities must consider the well-being of local communities, consult customary authorities and respect both formal and customary land rights (art. 30). The law establishes local councils for land management, with customary chiefs represented alongside local authorities and civil society (art. 44).

18. Act No. 25/062 of 3 December 2025 updates Act No. 73-021 by codifying local communities' customary land rights and implementing protections against their displacement without free, prior and informed consent, mandating compensation or restitution when this occurs (art. 388). It mandates investigations prior to the granting of rural concessions to ensure that there are no competing claims, with customary chiefs and local community members serving on the commission of inquiry (art. 193).

#### **4. Peace and conflict**

19. The Ministry of the Interior can intervene in local intercommunal conflicts to mediate between communities through local peace forums. Local security committees are another important part of the conflict prevention and mitigation framework. They assemble security forces, local authorities and civil society to evaluate the security situation and develop a strategy to address drivers of insecurity. They ensure the inclusion of conflict-affected persons in decision-making and restore the social contract between the State and civilians.<sup>5</sup>

20. The Programme for Disarmament, Demobilization, Community Recovery and Stabilization promotes post-conflict recovery through a provincially managed process to reintegrate former combatants into their communities while providing those communities with comprehensive support, a platform for dialogue and conflict transformation and pathways for transitional justice.

#### **5. Disaster management**

21. The Democratic Republic of the Congo has adopted the National Disaster Risk Management Policy (2025–2050), anchored in the Sendai Framework for Disaster Risk Reduction 2015–2030 and focused on understanding risks, improving governance, investing in risk reduction and strengthening preparedness, response and resilient recovery.<sup>6</sup> This was accompanied in early 2026 by the launch of a new early warning system for protection from disasters.<sup>7</sup>

<sup>5</sup> See <https://www.sipri.org/publications/2025/policy-reports/localizing-security-governance-drc-security-committees-action>.

<sup>6</sup> See <https://drcongo.un.org/fr/302385-pr%C3%A9venir-plut%C3%B4t-que-gu%C3%A9rir-un-tournant-d%C3%A9cisif-pour-la-rdc-face-aux-risques-de-catastrophe>.

<sup>7</sup> See <https://www.undrr.org/news/democratic-republic-congo-launches-early-warnings-all-initiative-strengthen-disaster>.

### III. Internal displacement context

22. The Democratic Republic of the Congo faces one of the world's largest, most protracted and complex internal displacement crises. At the start of 2026, roughly 5 million people in the country were living in internal displacement, driven from their homes by intersecting crises, including armed conflict, intercommunal violence, disasters and natural resource governance challenges,<sup>8</sup> putting the country among the top five countries globally in terms of the number of internally displaced persons.<sup>9</sup>

#### A. Armed conflict

23. Armed conflict accounted for over 70% of all displacements in 2025.<sup>10</sup> The conflict that has provoked the most displacement is centred in North and South Kivu Provinces, where M23, a non-State armed group affiliated with AFC, has occupied large swathes of territory, including the provincial capitals of Goma and Bukavu. AFC/M23 is systematically supported by the Rwanda Defence Force (RDF),<sup>11</sup> ostensibly to combat the Democratic Liberation Forces of Rwanda (FDLR), an armed group comprising former elements of the regime responsible for the Rwandan genocide.

24. The territorial expansion of AFC/M23 and clashes with the Armed Forces of the Democratic Republic of the Congo (FARDC) and non-State armed groups allied with the Government known as *Volontaires pour la défense de la patrie*, or *Wazalendo*, triggered massive displacement. Civilians fled the conflict itself, becoming internally displaced, while internally displaced persons were displaced yet again by the closure by AFC/M23 of all internally displaced person settlements in occupied areas. Collectively, North and South Kivu host approximately 2.5 million internally displaced persons, while an additional 3.2 million persons are returnees who continue to face significant humanitarian needs.<sup>12</sup> Advances by AFC/M23, with Rwandan support, have continued despite the signing of peace agreements (see paras. 6 and 7 above), with AFC/M23 seizing the strategic city of Uvira in December 2025 and launching a drone attack against Kisangani Airport in February 2026. The internal displacement context remains volatile, further complicated by the return of tens of thousands of refugees.

25. Attacks on civilians in North Kivu and Ituri by the Allied Democratic Forces (ADF), an Islamist group of Ugandan origin, have also led to mass displacement, as have clashes between ADF and FARDC, supported by the Ugandan army. Armed conflict between the Zaïre/"Auto-défense des communautés victimes de l'Ituri" (Zaïre/ADCVI) militia and the Union des révolutionnaires pour la défense du peuple congolais/Coopérative pour le développement du Congo (URDPC/CODECO) militia, and between those groups and FARDC, has also provoked significant displacement in Ituri Province, which hosts approximately 1.1 million internally displaced persons.<sup>13</sup>

#### B. Intercommunal violence

26. Intercommunal conflicts often arise from land disputes in the context of the country's overlapping land governance frameworks or in relation to elections. Such conflicts often carry an ethnic dimension, due to the close ties between land and ethnic identity and the instrumentalization of ethnic identity and propagation of hate speech to serve certain political agendas. Intercommunal disputes can reach the level of armed conflict, as may be seen in the

<sup>8</sup> Office for the Coordination of Humanitarian Affairs, *République Démocratique du Congo : besoins humanitaires et plan de réponse* (2026), p. 8.

<sup>9</sup> See <https://www.internal-displacement.org/global-report/grid2025/>.

<sup>10</sup> Office for the Coordination of Humanitarian Affairs, *République Démocratique du Congo*, p. 8.

<sup>11</sup> S/2025/858, paras. 34–71.

<sup>12</sup> Office for the Coordination of Humanitarian Affairs, *République Démocratique du Congo*, p. 10.

<sup>13</sup> Ibid.

conflict between URDPC/CODECO and Zaïre/ADCVI, which has its roots in land disputes between the pastoralist Hema and agricultural Lendu ethnic groups.

27. Other intercommunal conflicts that have provoked significant displacement include the conflict between the Mbole and Lengola communities in Tshopo Province resulting from a disputed land transaction; roughly 386,000 people remain displaced as a result.<sup>14</sup> In the Grand Bandundu region, comprising the western provinces of Mai-Ndombe, Kwango, Kwilu and peri-urban Kinshasa, conflict between the Teke and Yaka communities has displaced more than 150,000 people.<sup>15</sup> The conflict began as a dispute over an increase in customary taxes for land use levied by the Teke, the area's traditional landowners, against the Yaka, who practised agriculture on Teke lands, leading to the rise of the Mobondo militia, which has carried out extremely violent attacks against the Teke and other civilians in the area.

### C. Disasters and climate change

28. The Democratic Republic of the Congo is prone to natural hazards, including flooding, landslides, volcanic eruptions and earthquakes. Over 700,000 people were displaced by disasters in 2025.<sup>16</sup> Heavy rains, flooding and mudslides drove most disaster displacement in 2025, most impacting Kinshasa, South Kivu, Tanganyika and Tshopo. The frequency and severity of these events have been exacerbated in recent years by climate change.<sup>17</sup> The expanded range of the country affected by such disasters has increased impacts on densely populated urban areas such as Kinshasa, provoking greater displacement. Many provinces impacted by disaster displacement, including South Kivu, Tshopo and Tanganyika, are also contending with conflict-related displacement. Disasters and climate change can themselves provoke conflict and related displacement over dwindling resources.

### D. Natural resource governance

29. Forced evictions related to the management and extraction of the country's vast natural resources also drive internal displacement. The country holds some of the world's largest deposits of critical and valuable minerals. Conflict over control of mineral resources is a recurrent driver of displacement. Rents from these resources can prolong the duration and intensity of conflicts, engendering further displacement. Extraction also contributes to environmental degradation, which can worsen displacement during disasters.

30. Communities can be legally evicted to enable mining operations as there is no explicit obligation for mining operators to obtain communities' consent to relocation. Although the Mining Code and Mining Regulations require the exploration of alternatives, consultation with communities and compensation and relocation paid by the mining operator, these provisions are not always respected in practice, provoking arbitrary displacement. Accountability for mining operators is limited; on the contrary, State security forces have intervened to protect the interests of mining operators and enforce evictions. While there is no overall tally, mining projects have displaced hundreds of thousands of individuals, particularly in Lualaba and Haut-Katanga Provinces.

31. The demarcation of conservation areas furthers internal displacement, particularly of Indigenous Peoples. More than 10% of the country consists of protected areas, which contribute to preserving biodiversity and combating environmental degradation and climate change. However, many conservation areas apply exclusionary "fortress" models that seek to advance conservation by expelling human inhabitants. Such conservation models are not only incompatible with human rights standards, but also ineffective from a conservation perspective. Indigenous Peoples, peasants and other rural rights holders in these areas often possess the knowledge and skills to sustainably manage these ecosystems more

<sup>14</sup> International Organization for Migration, "Democratic Republic of the Congo: internal displacement overview – August 2025" (2025), p. 6.

<sup>15</sup> Ibid., p. 5.

<sup>16</sup> Office for the Coordination of Humanitarian Affairs, *République Démocratique du Congo*, p. 8.

<sup>17</sup> Ibid., p. 12.

cost-effectively than Governments.<sup>18</sup> The application of exclusionary conservation models to areas such as the Kahuzi-Biega National Park has provoked the forced eviction of local communities, often through the use of lethal force by FARDC soldiers and park rangers.

## IV. Human rights of internally displaced persons

### A. Rights to life, dignity, integrity, liberty and security of person

#### 1. Murder, summary executions and indiscriminate attacks

32. Internally displaced persons in North and South Kivu, Ituri, Tshopo, Kwango, Kwilu and Mai-Ndombe face serious threats to their lives. The ethnic dimension of conflicts in these areas has led to the mass murder of civilians based on their ethnicity, including of Hutu by AFC/M23, with RDF support,<sup>19</sup> of Tutsi and Banyamulenge by the Wazalendo,<sup>20</sup> of Teke by Mobondo, of Hema by URPDC/CODECO, of Lendu by Zaïre/ADCVI, of Lengola by Mbole and, to a lesser extent, of Mbole by Lengola. ADF has also carried out several deadly attacks on civilians in North Kivu and Ituri in retaliation for military operations against them.<sup>21</sup>

33. Customary chiefs are targeted for murder and summary executions, particularly by Mobondo and AFC/M23, who aim to replace them to consolidate territorial control. AFC/M23 has also carried out summary executions of persons whom they accuse of collaborating with the Government or rival militias, alleged petty criminals, and arbitrarily selected civilians, including internally displaced persons. FARDC also appears to have summarily executed internally displaced persons in the North and South Kivu, Tshopo and Mai-Ndombe Provinces, based on their presumed affiliation with hostile non-State armed groups.<sup>22</sup>

34. Indiscriminate attacks that have killed civilians, including internally displaced persons, have been carried out by AFC/M23, the Wazalendo, Zaïre/ADCVI, URPDC/CODECO, FARDC and RDF. The civilian and humanitarian nature of internally displaced person camps has been violated in Ituri and the North and South Kivu. Internally displaced persons in these camps have been used as human shields and subjected to raids or attacks. In Ituri, Zaïre/ADCVI, URPDC/CODECO and other militias have embedded their members in multiple camps, leading FARDC to conduct military raids on the camps, with detrimental impacts on civilian residents and infrastructure. In North and South Kivu, FARDC and the Wazalendo took up military positions near internally displaced person camps, leading to attacks by RDF and AFC/M23. All parties to the Kivu conflict have deployed indiscriminate weaponry. Internally displaced persons and returnees across the country also face risks from unexploded ordnance.

35. State security forces have also perpetrated murder and summary executions elsewhere. When displaced Indigenous Twa attempted to return their ancestral lands in the Kahuzi-Biega National Park in 2018, FARDC and a militarized contingent of the Park's forest rangers began a years-long military campaign to drive them out, resulting in the extrajudicial killing of Twa civilians.

#### 2. Sexual and gender-based violence

36. Sexual and gender-based violence, including rape and gang rape, disproportionately impacts internally displaced persons, as they often lack safe accommodation, must undertake dangerous travel to work and access services and may be targeted while fleeing. It is also sometimes a primary driver of displacement, as survivors flee areas controlled by their attackers or flee stigmatization in their communities. FARDC, AFC/M23 and FDLR are

<sup>18</sup> See <https://www.ohchr.org/sites/default/files/Documents/Issues/Environment/SREnvironment/policy-briefing-1.pdf>.

<sup>19</sup> A/HRC/60/80, para. 31; and see <https://news.un.org/en/story/2025/08/1165586>.

<sup>20</sup> A/HRC/60/80, para. 65.

<sup>21</sup> See A/HRC/60/84.

<sup>22</sup> Ibid., paras. 10 and 18; and see A/HRC/60/80.

among the most frequent perpetrators of sexual and gender-based violence.<sup>23</sup> Victims have also been held in sexual slavery or subjected to forced marriage by ADF, FDLR, AFC/M23, the Wazalendo, FARDC and communal militias in Tshopo Province. As humanitarian aid grows increasingly scant, early marriage and survival sex are also increasingly prevalent coping strategies.<sup>24</sup>

37. Sexual and gender-based violence is often conflict-related. The Special Rapporteur received reports of widespread sexual violence perpetrated against civilians by AFC/M23 and members of FARDC and the Wazalendo. Sexual violence has also been used against internally displaced persons elsewhere, including by URPDC/CODECO in Ituri, ADF in North Kivu and FARDC and the Congolese National Police in Kwango, Kwilu and Mai-Ndombe Provinces.<sup>25</sup> While women and girls are the principal victims, boys, men and lesbian, gay, bisexual and transgender persons have also been targeted. Sexual violence has reportedly been used by State security forces to displace civilians from mining and conservation areas, including mining sites in Lualaba Province and the Kahuzi-Biega National Park.

### 3. Forcible transfer and deportation

38. Following their takeover of North and South Kivu, AFC/M23 ordered the immediate closure of all internally displaced person settlements and the return of residents to their areas of origin, regardless of their ability to do safely and with dignity or of their will to return. Under international law, the forcible displacement of civilians is only permissible for their safety or for imperative military reasons; otherwise, it constitutes forcible transfer, which is a crime against humanity under the Rome Statute of the International Criminal Court. Although AFC/M23 maintained that the settlements posed a security threat,<sup>26</sup> the wholesale displacement of these populations without distinction between civilians and combatants does not constitute a proportionate response. Most interlocutors held that the vast majority of those affected were civilians.

39. Hundreds of thousands of internally displaced persons were obliged under threat of force to leave their settlements with limited notice, absent protection, assistance or verification of conditions in areas of return. Persons with disabilities, those with health conditions, pregnant and lactating mothers and older persons were not given additional time to comply. Many internally displaced persons were unable or unwilling to return to their areas of origin, forcing them to seek shelter with host families or in churches or schools, in fear of arrest and detention. Internally displaced persons also faced ongoing protection risks in areas of return due to the presence of armed groups; some were displaced again upon return by armed groups hostile to their presence.<sup>27</sup>

40. Civilians, including internally displaced persons, were reportedly detained and forcibly taken to a UNHCR transit centre for refugees, where AFC/M23 presented them as Rwandans without any proof of their nationality and coerced them into accepting deportation to Rwanda under the guise of voluntary repatriation.<sup>28</sup> Deportation of the civilian population constitutes a crime against humanity under the Rome Statute of the International Criminal Court.

### 4. Slavery

41. Internally displaced persons have also been subjected to slavery, including sexual slavery and forced marriage, by ADF, AFC/M23 and FDLR. Children and youth are subject to forced recruitment by armed groups, as are men and, to some extent, women, in both Ituri and North and South Kivu. In areas controlled by AFC/M23, those forcibly recruited are reportedly sent to camps for “training” and “re-education”, some of which were overseen by

<sup>23</sup> A/HRC/60/84, para. 39.

<sup>24</sup> Ibid.

<sup>25</sup> See <https://www.hrw.org/news/2026/01/12/dr-congo-surge-in-conflict-related-sexual-violence>.

<sup>26</sup> See <https://online.fliphtml5.com/hqewn/amlh/#p=14>, p. 13

<sup>27</sup> A/HRC/60/80, para. 52

<sup>28</sup> Ibid., paras. 53 and 54.

members of RDF, where they are also subjected to forced labour.<sup>29</sup> The imposition of mandatory community service, or *salongo*, by AFC/M23 is another form of forced labour used to rehabilitate infrastructure, including transport routes for critical minerals. Internally displaced persons have reportedly also been forced to labour in mines under AFC/M23 control.

## 5. Arbitrary detention and enforced disappearance

42. Internally displaced persons have reportedly been subjected to arbitrary detention and enforced disappearance. Displaced persons have reportedly been detained and disappeared in North and South Kivu by FARDC military intelligence due to suspected support for AFC/M23,<sup>30</sup> and arbitrary arrests by FARDC have also been reported in other displacement contexts, including Tshopo and Tanganyika Provinces.<sup>31</sup> Internally displaced persons in the Grand Bandundu region reported being arbitrarily arrested by the police for attempting to report attacks on their villages and being falsely accused of spreading malicious rumours. In North and South Kivu, internally displaced persons who did not comply with AFC/M23 orders to leave settlements have reportedly been arrested or forcibly disappeared. Those detained by AFC/M23, reportedly with the involvement of RDF soldiers, are held under conditions in which they are subjected to torture and other cruel, inhuman and degrading treatment.<sup>32</sup>

## B. Rights to an adequate standard of living, including access to essential services

43. There is an alarming shortage of food, clean water, sanitation services, adequate shelter and basic healthcare in internally displaced person settlements. Food insecurity and malnutrition are widespread, with some areas on the brink of famine. Internally displaced persons and camp officials reported that deteriorating water and sanitation infrastructure and overcrowding has led to the spread of communicable diseases. Shelters are frequently overcrowded and many are not designed to withstand the elements or increasingly severe and frequent disasters. Other internally displaced persons, particularly in North and South Kivu, where camps have been closed without the provision of alternative housing, are forced into homelessness. Millions of internally displaced persons live in extremely overcrowded conditions with host families, where they may face even more constrained access to basic services and humanitarian assistance, as many are invisible to humanitarian actors and the Government.

44. Internally displaced persons face health challenges and barriers accessing healthcare. Overcrowding and poor sanitary conditions expose them to communicable diseases, including ongoing cholera, measles and mpox epidemics. Sexual and gender-based violence exposes survivors to infectious diseases, unwanted pregnancies, infertility and other physical health issues, as well as mental health challenges stemming from trauma and social stigmatization. Access to sexual and reproductive healthcare is limited, obliging many women to give birth outside of health facilities, increasing maternal and child mortality. Health workers have come under attack and health facilities have been attacked, looted or destroyed in violation of international humanitarian law, further constraining access to healthcare. Accessing healthcare may require long journeys that expose internally displaced persons to risks including criminality, conflict and sexual and gender-based violence. There are frequent stock-outs of essential medicines and almost no options for mental healthcare, despite widespread exposure to trauma, loss and violence.

45. Displacement disrupts access to education, compounding the already high numbers of children who are out of school in the country. Schools have been attacked, destroyed or used for military purposes in violation of international humanitarian law, creating lasting

<sup>29</sup> Ibid., paras. 45–48 and 76.

<sup>30</sup> See <https://www.ohchr.org/en/statements-and-speeches/2025/06/hc-turk-updates-council-situation-north-and-south-kivu-provinces>.

<sup>31</sup> A/HRC/60/84, paras. 18 and 27.

<sup>32</sup> A/HRC/60/80, paras. 42 and 43.

protection risks. They may also house explosive remnants of war. Educational facilities established by humanitarian actors are overcrowded and underresourced. Enrolment in Government schools may also be challenging due to overcrowding or because displaced children lack required documentation. Schooling expenses, including uniforms, materials and fees, place education out of reach for many displaced families. Economic pressure drives some families to send their children to work or into early marriages instead of to school. Children and youth without access to education are vulnerable to recruitment by armed groups or falling into petty criminality.

46. These conditions are exacerbated by a humanitarian system stretched to its breaking point. Despite increasing displacement, conflicts and disasters, the humanitarian system faces a dramatic loss of resources. Prior to its suspension of most international assistance programmes in January 2025, the United States had provided 70% of all humanitarian funding in the Democratic Republic of the Congo. The loss of this funding, coupled with retrenchment from other international donors, has had a cataclysmic impact on the humanitarian response. Food security and nutrition programmes have been particularly hard hit, leading to a rise in food insecurity bordering on famine and acute malnutrition among children, who also face a nearly 50% cut in education funding. Health funding was halved, while funding for water, sanitation and hygiene was cut by 75%. This crisis has forced a brutal prioritization exercise for humanitarians, obliging them to target fewer than half of people with humanitarian needs with a contingency plan that would reduce programmes to focus only on the most vulnerable, representing less than one third of all people with humanitarian needs.<sup>33</sup>

47. Humanitarian access is severely constrained. Insecurity, military operations, administrative restrictions and degraded roads impede humanitarian activity, as do increasingly negative perceptions of humanitarian interventions, which fuelled over 600 attacks on humanitarian workers in 2025. Humanitarian personnel have also been collateral damage in indiscriminate attacks, as evinced by the killing of a United Nations aid worker in a drone attack in Goma in March 2026. Access is further constrained in AFC/M23-controlled areas, where humanitarians face administrative restrictions on their movements, coupled with the closure of Goma and Kavumu Airports, formerly major hubs for aid delivery. Protection, gender-based violence and human rights interventions are particularly restricted, as they are negatively perceived by local authorities and armed groups.<sup>34</sup>

## C. Specific groups

### 1. Indigenous Peoples

48. Indigenous Peoples continue to face violence, discrimination and arbitrary displacement. Despite requirements under Act No. 22/030 that Indigenous Peoples must provide their free, prior and informed consent before any development or extraction project impacting their lands and receive relocation support and compensation, these provisions are not always respected in practice, leading to the ongoing displacement of Indigenous Peoples from conservation and mineral-rich areas. For Indigenous Peoples, these evictions represent not only a loss of home but also a loss of cultural heritage, traditional livelihoods and places of spiritual significance.

49. Campaigns to displace Indigenous Peoples from their ancestral lands by State security forces have continued since the adoption of Act No. 22/030, notably in the Kahuzi-Biega National Park, where such incidents have been reported as recently as 2024. That same year, the African Commission on Human and Peoples' Rights ruled that the eviction of Twa from the Park entailed multiple violations of the African Charter on Human and Peoples' Rights, calling upon the Government to remedy those violations, reintegrate Indigenous Peoples into

<sup>33</sup> Office for the Coordination of Humanitarian Affairs, *République Démocratique du Congo*, pp. 2 and 7–16.

<sup>34</sup> *Ibid.*, pp. 20 and 21.

their ancestral lands, ensure their compensation and undertake legal reforms to prevent future such incidents.<sup>35</sup> It is unclear what steps, if any, the Government has taken to comply.

50. Displaced Indigenous Peoples are often invisible due to perceptions that their lifestyle is inherently nomadic, yet they often face heightened vulnerabilities given historical marginalization, the loss of the ancestral lands from which they derived their livelihoods, and ongoing discrimination. Aid programmes are rarely adapted to account for and cater to their cultural preferences. The Special Rapporteur observed in her discussions with authorities that many espouse paternalistic and assimilationist attitudes towards Indigenous Peoples, particularly Indigenous women, limiting recognition of their self-determination and cultural rights in practice.

## **2. Human rights defenders**

51. Human rights defenders and journalists in North and South Kivu have been explicitly targeted by AFC/M23 and subjected to summary executions, enforced disappearance, arbitrary detention, torture, kidnapping, sexual violence and death threats, driving many into displacement.<sup>36</sup> Human rights defenders representing the interests of marginalized groups, including women, internally displaced persons and lesbian, gay, bisexual and transgender persons, have been particularly targeted. Volunteer local protection committees and community alert networks that previously reported on protection issues to humanitarian and human rights actors are increasingly unable to carry out their work. Beyond North and South Kivu, opposition politicians, civil society, journalists and human rights defenders have also been accused of supporting separatism or AFC/M23 or faced threats, intimidation and undue restrictions on freedom of expression and peaceful assembly and association from the Government and its allies.<sup>37</sup>

## **3. Other marginalized groups**

52. Despite the adoption of Act No. 22/003 of 3 May 2022, on the rights of persons with disabilities, persons with disabilities and some older persons face additional challenges in displacement. They are less able to flee quickly and may be left behind during displacement or unable to access assistance that is not adapted to their mobility and health needs. Both groups are underrepresented in humanitarian planning and response. Persons with leprosy face discrimination and disruption to their healthcare in displacement, which can worsen symptoms of their illness. Persons with albinism and persons suspected of practising witchcraft also face heightened stigmatization in displacement.

## **D. Durable solutions**

53. Against a backdrop of record displacement and sharply reduced funding for humanitarian response, promoting durable solutions to internal displacement takes on new urgency. Development approaches that centre the ability of internally displaced persons to regain self-reliance are not only more sustainable and effective investments, but also reflect the priorities of internally displaced persons themselves.

### **1. Livelihoods and employment**

54. In the Special Rapporteur's discussions with internally displaced persons, their most frequently expressed aspiration was not to receive assistance, but to resume their livelihoods and regain self-reliance. Most internally displaced persons have lost their land, assets, tools, livestock and livelihoods, leaving them dependent on humanitarian assistance, an increasingly untenable situation. Deepening food insecurity and economic strain oblige some to adopt negative coping strategies, including child labour, criminality, early marriage or survival sex.

<sup>35</sup> Communication No. 588/15 and corrigendum thereto.

<sup>36</sup> A/HRC/60/80, paras. 36 and 37; and see <https://www.ohchr.org/en/press-releases/2026/02/drc-un-experts-warn-extreme-m23-violence-targeting-human-rights-defenders>.

<sup>37</sup> A/HRC/60/84, paras. 34–37.

55. The suspension of banking services by the Government in the occupied North and South Kivu has led to enormous economic strain on the civilian population. While the Government maintains that this suspension is necessary to prevent looting, the policy has the effect of collectively punishing civilians in these areas, who cannot access their own salaries or savings without first crossing the border to Rwanda to withdraw money, an option not accessible to those further from the border and that entails significant financial loss as the funds withdrawn must be converted from Rwandan to Congolese francs. There is no exemption for essential service providers, including hospitals and humanitarian actors, leading to liquidity issues that disrupt the delivery of life-saving services and programmes.

## **2. Housing, land and property rights**

56. Communities may be displaced when formal land or mineral rights are granted to other parties or by conflict arising from competing claims under the parallel frameworks for formal land rights, formal resource rights and customary land rights. Legal ambiguity frustrates the search for durable solutions by perpetuating displacement and preventing internally displaced persons from recovering or obtaining housing, land and property rights. Recent reforms to land legislation have mandated greater community participation and consent, but do not address the fundamental challenges of these land regimes existing in parallel.

57. The forced return of internally displaced persons in North and South Kivu engendered particular issues. While some returned safely and recovered their housing, land and property, others found these assets occupied or destroyed upon return. While some of these property disputes were amicably resolved, in other cases, the new occupants refused to surrender assets. Many interlocutors alleged that assets had been redistributed to Rwandan nationals.

58. Internally displaced persons also face property crimes, including looting, pillage and extortion. The Mobondo have looted crops in the Grand Bandundu region, Mbole and Lengola armed groups have looted and destroyed property in Tshopo, ADF, URPDC/CODECO and Zaïre/ADCVI militias have looted food, medicine and property in Ituri and FARDC has looted and destroyed property in the Grand Bandundu region and North and South Kivu, alongside the Wazalendo.<sup>38</sup> AFC/M23, Wazalendo, URDP/CODECO, Zaïre/ADCVI and FARDC, as well as the national police, have also extorted and illegally taxed the civilian population, including internally displaced persons.

## **3. Access to justice**

59. Victims of human rights violations are often unaware of their rights and how to lodge complaints. Significant power disparities with alleged perpetrators discourage many from reporting cases. Pursuing a formal legal process requires time and resources that many internally displaced persons cannot afford, as court cases are prolonged and take place far from victims' places of residence. Victims also fear reprisal and there is no system in place to protect against this. Many also do not wish to engage with a system they perceive as corrupt. The role of the National Reparations Fund for Victims of Conflict-Related Sexual Violence and Other Crimes against the Peace and Security of Humanity in the Democratic Republic of the Congo in providing legal aid to and accompanying victims of gross human rights violations to seek justice is particularly important.

60. Previous disarmament, demobilization and reintegration efforts have allowed the integration of members of armed groups that committed human rights abuses into FARDC without genuine accountability; these integrated elements are often later implicated in violations. There have been multiple prison breaks in Kinshasa, North Kivu, South Kivu and Tanganyika Provinces, with escapees including persons convicted of international crimes, further undermining accountability and putting victims at renewed risk.

<sup>38</sup> [A/HRC/60/80](#), paras. 55–58; see also [A/HRC/60/84](#).

#### 4. Access to documentation and participation in public affairs

61. Internally displaced persons, particularly Indigenous internally displaced persons, frequently lack civil documentation because it has been lost or destroyed during displacement. AFC/M23 has deliberately destroyed the documentation of internally displaced persons to cast doubt on their origins.<sup>39</sup> Lack of documentation prevents internally displaced persons from effectively exercising their electoral rights or accessing essential services; documentation is also an important source of protection for internally displaced persons, as it can attest to the bearer's civilian status in conflict situations.

62. Despite the increasing adoption of laws expanding community participation in decisions that affect them, internally displaced persons and other victims of conflict and violence are chronically underrepresented in decision-making forums across the country, including humanitarian and development planning, and are almost completely excluded from ongoing peace processes. They are underrepresented in customary governance structures and within the Government. Electoral participation is a particular challenge, due to delays in the delivery of voting cards, the remoteness of some internally displaced person settlements from polling stations, and voter registration systems being based on place of origin or registered residence.

## V. Role of stakeholders

### A. National responses and responsibility

63. The Democratic Republic of the Congo has significantly strengthened legislative and policy efforts to safeguard human rights, facilitate protection and assistance to displaced persons and address the root causes of displacement. In 2022, the country deposited its instrument of ratification for the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa and adopted laws on the rights of Indigenous Peoples and persons with disabilities, and a transitional justice law to provide reparations to victims of human rights violations. In 2025, the country undertook important reforms of its land rights and land management framework, adopted revised policies on transitional justice and disaster risk management and joined the Human Rights Council, where it has advocated effectively for greater attention to human rights violations and abuses occurring within its territory. The Ministry of Planning and Development Aid Coordination has launched a national mechanism for the coordination of the humanitarian-development-peace nexus approach, and several provinces have adopted strategies on durable solutions, signalling a trend towards greater national ownership of efforts to address internal displacement and its underlying causes.

64. However, there is scope to strengthen these commitments. First and foremost, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa must be fully incorporated into domestic law to take legal effect, ensure the allocation of resources and delineate the roles and responsibilities of relevant stakeholders. On land rights, measures to include customary authorities and local communities in land-related decision-making, strengthen recognition of customary land rights and expand safeguards against arbitrary displacement are positive developments. However, these reforms do not address the issues created by parallel frameworks for surface rights, resource rights and customary rights that have historically generated overlapping land claims, conflict and displacement. It is often failure to comply with existing standards rather than the absence of such standards that leads to land conflicts and arbitrary displacement, yet oversight and compliance mechanisms are limited. The land management law introduces expanded social safeguards and free, prior and informed consent, but does not specify how these should be applied. While it mandates the participation of affected people in land-related decision-making, it does not clarify the extent to which they would have meaningful influence.

<sup>39</sup> A/HRC/60/80, para. 54.

65. The gap between policy commitments and policy implementation is a central challenge. Institutional capacity across relevant ministries is severely constrained by chronic underfunding, weak governance structures, corruption, a lack of technically trained personnel, bureaucracy and coordination challenges within and between different ministries and agencies, and limited oversight mechanisms. Provincial and local authorities, which are often at the forefront of addressing internally displaced person issues, frequently lack the resources, mandate clarity and political will to implement national policies effectively, and are insufficiently engaged in the development of these policies. As a result, even well-designed policy frameworks frequently fail to translate into tangible results.

66. There is significant scope to improve national ownership of issues relating to internal displacement. While nearly all government stakeholders understood the gravity of the crisis, many posited that it was incumbent upon the international community to finance and lead on protection, assistance and solutions for internal displacement, arguing that the Government was not responsible for displacement stemming from the actions of non-State armed groups backed by foreign actors. However, unlike refugees, internally displaced persons have not lost the protection of the Government of the country in which they reside, meaning that the State remains the primary duty bearer for the fulfilment of their human rights. This remains true regardless of the cause or agent of their displacement.

67. Furthermore, dependence on international assistance is not viable as donor funding declines. The Government must lead in ensuring coordinated, accountable responses to internal displacement, shifting away from the status quo, wherein humanitarian responses have remained overwhelmingly dependent on international actors, with the Government playing a coordination and policy role that often exists largely on paper, with limited operational presence in displacement-affected areas. Government-led structures for humanitarian coordination, including the national and provincial frameworks for humanitarian coordination, are an important step in this regard and must be reinforced and appropriately resourced, with the Government fully assuming its leadership role.

68. The Government must dedicate equal attention and resources to all displacement situations. Central government stakeholders tend to view internal displacement largely through the prism of the AFC/M23 conflict, at the expense of internal displacement resulting from other conflicts and disasters and from conservation and mining areas. The Government must ensure protection, assistance and solutions for all internally displaced persons, including those in Tshopo, the Grand Bandundu region, Ituri, Haut-Katanga and Lualaba. Measures to document human rights abuses should also extend to these areas. To inform its engagement, the Government should also invest in expanding data collection on displacement throughout the country. Currently, such statistics are compiled only by international humanitarian actors, and there are major gaps: many internally displaced persons reside with host families, making it difficult to accurately tally their numbers; Indigenous Peoples are undercounted, as they may not settle alongside other internally displaced persons; and humanitarian statistics do not capture displacement driven by extractive or conservation projects.

69. The Government should prioritize development approaches to durable solutions that reflect the aspirations of internally displaced persons to regain self-reliance. Internally displaced persons who have benefited from livelihood-oriented durable solutions programmes are visibly better off than those who have not. Demand to participate in such programmes is high. However, participation is constrained by the limited resources available to humanitarian actors, highlighting the need to engage development actors and the private sector. Ministry of Planning and Development Aid Coordination initiatives to implement local development plans in areas affected by displacement are a positive development. The Government should also expand social services in displacement-affected areas, including education, healthcare and services that support employment or entrepreneurship, and ensure that internally displaced persons can access these services without discrimination. In North and South Kivu, the State should facilitate the resumption of banking services for the civilian population.

70. The severe protection issues facing internally displaced persons demand that the Government urgently extend security and governance throughout the country. The absence or ineffectiveness of the Government in many areas undermines the social contract, creating a political and security vacuum that armed groups readily exploit. Even in areas under

Government control, such as Maluku, a peri-urban part of Kinshasa, internally displaced persons reported a lack of effective security responses. Efforts to support local governance led by the Ministry of the Interior and increase State presence carried out by the Ministry of Planning and Development Aid Coordination, including the “145 Territories” initiative and local governance projects in conflict-prone provinces under the Peacebuilding Fund, are important first steps. Grass-roots community protection initiatives, such as local security committees established by the Ministry of the Interior, can also help re-establish security.

71. The Government must take responsibility for the conduct of its security forces: FARDC has been implicated in human rights violations, including indiscriminate attacks, the destruction or occupation of schools and hospitals, sexual violence, summary executions, arbitrary detention, enforced disappearance, extortion, looting and pillage, as have Wazalendo groups affiliated with the State, who have additionally been accused of recruiting children, torture and ill-treatment and the propagation of hate speech.<sup>40</sup> Such acts drive displacement and violate the rights of internally displaced persons. Human rights violations and abuses perpetrated by FARDC and non-State armed actors must be investigated and perpetrators held accountable. The national policy for transitional justice should be implemented with appropriate resources and mechanisms to assess compliance. Efforts to document human rights violations and support victims led by the National Reparations Fund for Victims of Conflict-Related Sexual Violence and Other Crimes against the Peace and Security of Humanity in the Democratic Republic of the Congo, the Ministry of Justice and the National Human Rights Commission should be expanded beyond the conflict in North and South Kivu.

72. The Government has made notable investments in peace. The Ministry of the Interior can intervene in cases of intercommunal conflict to mediate between the parties through forums for peace, a platform that has contributed to the de-escalation of the Mbole-Lengola conflict in Tshopo. The Washington and Doha processes have continued to make incremental progress, albeit in a context marked by persistent ceasefire violations by all parties.<sup>41</sup> However, the Democratic Republic of the Congo has a long history of peace processes that have ultimately failed to prevent cycles of violence and displacement and address the underlying causes of conflict. Current peace efforts risk the same fate if they do not address the shortcomings of their predecessors and meaningfully include internally displaced persons, especially Indigenous Peoples, women and youth.

73. Insufficient inclusivity and participation often contribute to the collapse of peace processes, and challenges remain in this regard. The Doha and Washington processes have not included FDLR and Wazalendo groups, core parties to the conflict in North and South Kivu, which may impact the long-term viability of agreements reached. Many interlocutors reported that forums for peace organized by the Ministry of the Interior did not always include the relevant leaders and parties to conflicts, which prevented them from comprehensively addressing the conflict and its root causes. Despite their direct lived experience of conflict, violence and human rights violations, internally displaced persons themselves are not included at all in international peace processes.

## **B. Armed groups, de facto authorities and occupying Powers**

74. International humanitarian law applies to non-State armed actors in a conflict. All non-State armed groups in the Democratic Republic of the Congo are obliged to, inter alia, refrain from attacks on civilians, sexual and gender-based violence, slavery, arbitrary detention, enforced disappearance, recruitment of children and the forcible transfer or deportation of civilians, acts of which multiple armed groups have been credibly accused. Armed groups are obliged to ensure that internally displaced persons receive assistance, safeguard the property rights of internally displaced persons and ensure that returns are voluntary and safe. Without prejudice as to their legal status, non-State armed group have human rights obligations under the Guiding Principles on Internal Displacement and the African Union Convention for the Protection and Assistance of Internally Displaced Persons

<sup>40</sup> A/HRC/60/80, paras. 55–65; and A/HRC/60/84, paras. 10, 13, 14 and 18.

<sup>41</sup> S/2025/858, paras. 12–17.

in Africa. Armed non-State actors exercising either government-like functions or de facto control over territory and population have an obligation to respect and protect the human rights of individuals and groups.<sup>42</sup>

75. AFC/M23 has exercised government-like functions by establishing an administration and ensuring the continuity of public services and is consequently obliged to respect and protect the human rights of civilians under its control. This includes ending the persecution of human rights defenders, allowing internally displaced persons control over their place of residence instead of coercing them to return, and facilitating the delivery of humanitarian aid. AFC/M23 purports to recognize its obligations under international humanitarian law and alleges that its aim for those under its control is to provide stability, security, reconciliation, peaceful coexistence and the protection of civilians.<sup>43</sup> However, these commitments are belied by its actions in practice, including serious violations of the Doha Declaration of Principles and the Doha Framework, notably by seizing Uvira in December 2025.

76. The role of Rwanda in providing direct material and tactical support to AFC/M23, including by sending RDF into the Democratic Republic of the Congo, has been well documented.<sup>44</sup> While the exact degree of Rwandan control over AFC/M23 remains contested, the presence of Rwandan troops in the Democratic Republic of the Congo supporting territorial gains by AFC/M23 and numerous reports suggesting that AFC/M23 receives at least some military direction from RDF suggest that Rwanda exercises effective control over parts of the Democratic Republic of the Congo, amounting to belligerent occupation under international humanitarian law. As an occupying Power, Rwanda would be obliged to, inter alia, ensure adequate living standards for civilians, prevent the forcible transfer or deportation of civilians under occupation and the forcible or voluntary transfer of Rwandan civilians into the Democratic Republic of the Congo and abide by the same human rights treaty obligations that apply in Rwandan territory.<sup>45</sup> The actions of Rwanda in the Democratic Republic of the Congo are a clear violation of the Charter of the United Nations principles of sovereignty and territorial integrity and may amount to the crime of aggression under the Rome Statute of the International Criminal Court. Rwanda has failed to abide by its obligations under the Peace Agreement between the Democratic Republic of the Congo and the Republic of Rwanda by continuing to support AFC/M23 offensives, leading to the imposition of sanctions on RDF leadership by the United States in March 2026.

### C. International community

77. There has long been a gap between the international community's stated commitments to peace, security and resolving humanitarian and displacement crises in the Democratic Republic of the Congo and its actual political, financial and diplomatic engagement with the country. Historically, there has been intense engagement during moments of acute crisis that rapidly dissipates when the emergency recedes, allowing the underlying drivers of conflict and displacement to persist and deepen. Sustained political engagement, adequate and flexible humanitarian and development funding and a genuine commitment by peace process guarantors to enforce agreements is critical to breaking this cycle.

78. The credibility of the Washington and Doha processes depends on whether their guarantors are willing to compel the parties towards comprehensive peace, rather than treating the signing of agreements as an end in itself. Qatar, the United States, the East African Community, SADC and the African Union should continue engaging the parties while pressing them to comply with their commitments, maintaining political dialogue and applying leverage, including conditionality on diplomatic and financial relationships, when parties act in bad faith. Genuine accountability for past human rights violations is crucial to the long-term sustainability of peace agreements, and the establishment of the fact-finding

<sup>42</sup> See <https://www.ohchr.org/en/press-releases/2021/02/joint-statement-independent-united-nations-human-rights-experts-human-rights>.

<sup>43</sup> See <https://online.fliphtml5.com/hqewn/amlh>, pp. 6 and 12.

<sup>44</sup> S/2025/858 paras. 34–71; and A/HRC/60/80 paras. 8, 12, 16, 81 and 82.

<sup>45</sup> See <https://reliefweb.int/report/syrian-arab-republic/belligerent-occupation-duties-and-obligations-occupying-powers-september-2017>.

mission on the situation in North Kivu and South Kivu Provinces of the Democratic Republic of the Congo is an important step in this regard, with similar mechanisms necessary for other conflicts in the country. Furthermore, the international community has, since 2003, been bound by an arms embargo on non-State armed groups imposed by the Security Council, yet the Group of Experts on the Democratic Republic of the Congo has documented violations of this embargo for decades. States must abide by this embargo and face meaningful consequences for violations.

79. International financial institutions and donors should also work to prevent and address displacement in the Democratic Republic of the Congo. The substantial financial flows that these partners provide to the Democratic Republic of the Congo and Rwanda often come with conditionalities related to governance, human rights and rule of law, yet these conditions are rarely invoked in practice. Linking budget support, security sector reform funding and development assistance to measurable progress on the protection of civilians, peace commitments and good governance would be an important shift. International donors must also step up funding for the humanitarian response in the country, which has been chronically and persistently underfunded, even prior to the current crisis. Funding for “solutions from the start” programmes that provide protection and assistance alongside pathways to durable solutions should be prioritized.

80. MONUSCO has been preparing to draw down since 2023, a process that will continue despite the territorial expansion of AFC/M23, albeit on an adjusted timeline. MONUSCO faces a profound legitimacy crisis, as it has been present during a period in which conflicts have proliferated and the country has accumulated the largest displacement crisis in Africa, both of which it has been unable to prevent. Nonetheless, the departure of MONUSCO at a moment of crisis raises serious concerns of a security vacuum that armed groups may exploit, leading to further conflict and displacement. This underscores the importance of appropriate transition arrangements that include assessments of displacement risk and protection concerns related to the drawdown, targeted handover arrangements with protection actors and the development of locally owned early warning systems, community-based protection structures and arrangements for the protection of civilians. In the interim, MONUSCO should prioritize the physical protection of humanitarian corridors and displacement sites and, through the United Nations Joint Human Rights Office, continue to document and report on human rights issues, including those affecting internally displaced persons.

## VI. Conclusions and recommendations

81. The Democratic Republic of the Congo faces one of the world’s largest and most complex displacement situations, with conflict, disasters and the quest for control over natural resources intersecting to drive millions from their homes. This is no temporary emergency, but rather the legacy of decades of failed governance, corruption and impunity, regional interference, the instrumentalization of ethnicity and the systematic prioritization of narrow political and economic interests over the lives and well-being of vulnerable civilians. Internally displaced persons throughout the country have been subjected to horrific abuses and most continue to live under dire and deteriorating conditions, dependent on increasingly scarce humanitarian aid with limited possibilities for durable solutions.

82. The Government of the Democratic Republic of the Congo has taken important steps to strengthen its legal and policy framework for human rights, transitional justice, land governance and internal displacement. However, there is still much work ahead before these policy commitments translate into tangible improvements in the lived reality of internally displaced persons. Despite the challenges created by the occupation of its territory by the Rwandan-backed AFC/M23, the Government of the Democratic Republic of the Congo retains primary responsibility for the protection of internally displaced persons. National ownership and a willingness to address the root causes of displacement rather than simply treating its symptoms are crucial to overcome a long history of failed efforts to curb endless cycles of displacement. Armed groups that exercise control over territory also have a role to play by working towards a negotiated

solution to their grievances in good faith and ensuring the well-being of civilians in areas under their control in line with international humanitarian and human rights law.

83. The international community shares responsibility for the perpetuation of this crisis through a pattern of diplomatic engagement that prioritizes the signing of peace agreements over their enforcement and humanitarian funding that addresses consequences while neglecting root causes of crisis and displacement and prioritizing access to the country's resources over the protection of its people. Rwanda, in particular, has pursued its political goals in the Democratic Republic of the Congo in violation of the Charter of the United Nations and at the expense of hundreds of thousands of internally displaced persons. The Democratic Republic of the Congo is vital to the overall peace and stability of the African continent, and the international community can ill afford to let this crisis of mass displacement continue to fester at a time of growing geopolitical instability.

84. The Special Rapporteur recommends that the Government of the Democratic Republic of the Congo:

- (a) Expedite the incorporation of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa into domestic law and allocate resources, roles and responsibilities for its implementation;
- (b) Establish oversight mechanisms to assess compliance with existing laws and policies to prevent displacement, including the law on Indigenous Peoples, land laws and the Mining Code and Mining Regulations;
- (c) Streamline interministerial coordination and coordination between central and provincial authorities on issues related to internal displacement;
- (d) Ensure equal focus on all displacement crises, regardless of the location or cause of displacement, and ensure that internally displaced persons can pursue durable solutions voluntarily, in safety and with dignity and adequate living conditions;
- (e) Create a framework to more systematically resolve land conflicts where customary land rights and formal land rights are held by different parties;
- (f) Clarify how the concepts of social safeguards, free, prior and informed consent and the right to participation in land-related decision-making in the new land planning law will be operationalized;
- (g) Undertake more systematic oversight of mining operators to ensure compliance with requirements for free, prior and informed consent, compensation and relocation support for communities displaced by mining activities;
- (h) Adopt a business and human rights policy to address displacement impacts from commercial activities, including extractive industries;
- (i) End the use of exclusionary conservation models that provoke displacement, in favour of community-oriented approaches;
- (j) Comply with the ruling of the African Commission on Human and Peoples' Rights regarding the rights of Twa in Kahuzi-Biega National Park;
- (k) Sever ties with the Wazalendo and other non-State armed groups and ensure accountability for any abuses they may have perpetrated against displaced civilians;
- (l) Investigate human rights violations perpetrated by State actors, including the security forces, and ensure accountability for perpetrators;
- (m) Pursue an inclusive approach to the mediation of intercommunal conflicts by the Ministry of the Interior with feedback mechanisms for parties to report whether additional stakeholders should be included;

(n) Continue participating in good faith in the Washington and Doha processes and abide by agreements reached, including the ceasefire, while working to promote social cohesion and address root causes of conflict, including hate speech and the instrumentalization of ethnicity;

(o) Facilitate the meaningful participation of internally displaced persons, including Indigenous Peoples, women and youth, in international peace processes, humanitarian and development responses and durable solutions planning;

(p) Extend security and governance throughout the country's territory, including through the use of mobile governance institutions and public services, with a focus on areas at risk of displacement;

(q) Expand operational presence in humanitarian responses through greater investment in government-led coordination structures such as the national and provincial frameworks for humanitarian coordination;

(r) Increase the dedication of funds for humanitarian responses to progressively take on responsibilities currently fulfilled by international actors;

(s) Strengthen institutional protection capacities and community-based protection, including local human rights and protection monitoring, and other institutions to deliver security and justice and take an expanded role in protecting conflict-affected civilians;

(t) Build partnerships with development actors and the private sector and pursue cost-sharing and de-risking arrangements that would enable their engagement in displacement-affected areas;

(u) Adopt flexible approaches to documentation requirements for internally displaced persons to participate in public affairs and access services, while streamlining the process for replacement documents;

(v) Ensure that internally displaced persons are included in national and local development plans and social systems and can access related services and support without discrimination;

(w) Facilitate the resumption of banking services for civilians in areas under occupation by AFC/M23;

(x) Provide resources to and delineate roles and responsibilities for implementation of the national policy for transitional justice while ensuring a focus on displacement issues and the inclusion of internally displaced persons in transitional justice processes;

(y) Ensure that the National Reparations Fund for Victims of Conflict-Related Sexual Violence and Other Crimes against the Peace and Security of Humanity in the Democratic Republic of the Congo has dedicated resources to scale up legal assistance and reparations programmes for victims of human rights violations, and consider inclusion of forced displacement as a stand-alone violation.

85. The Special Rapporteur recommends that the Government of Rwanda:

(a) End its support of AFC/M23;

(b) Withdraw RDF troops from the Democratic Republic of the Congo;

(c) Where Rwanda exercises effective control in the Democratic Republic of the Congo, ensure the well-being of civilians, prevent population transfers and abide by human rights treaties in line with the obligations of an occupying Power under international humanitarian and human rights law;

(d) Abide by obligations agreed to under the Washington process, including respect for the ceasefire.

86. The Special Rapporteur recommends that AFC/M23 and other non-State armed groups, as applicable:

- (a) Ensure the well-being of civilians in occupied areas in line with international humanitarian and human rights law;
- (b) Respect displaced persons' right to choose their place of residence rather than forcing returns;
- (c) Investigate human rights abuses against civilians perpetrated by group members and hold perpetrators accountable;
- (d) Allow human rights defenders, civil society and journalists to carry out their work unimpeded;
- (e) Facilitate access for humanitarian actors to populations in need without the imposition of undue restrictions;
- (f) Reopen Goma and Kavumu Airports for the delivery of vital humanitarian and development assistance;
- (g) Continue participating in good faith in the Doha process, including by abiding by the ceasefire.

87. The Special Rapporteur recommends that the international community:

- (a) Increase flexible funding for the humanitarian response, while working to transition responsibilities to the Government;
- (b) Invest in "solutions from the start" assistance programmes that provide protection and other services alongside a pathway to self-reliance for internally displaced persons;
- (c) Ensure that internally displaced persons are the centre of the response and able to access opportunities for meaningful and effective engagement in decisions to shape assistance and establish the conditions for durable solutions;
- (d) Adapt humanitarian responses to suit persons in intersectional situations of discrimination, including Indigenous Peoples, persons with disabilities and older persons;
- (e) Support the leadership of local non-governmental and community-based organizations to address internal displacement, including through providing access to financial and technical resources.

88. The Special Rapporteur recommends that guarantors of the peace process, including Qatar, the United States, the African Union, the East African Community and SADC:

- (a) Maintain engagement with and sustained pressure on the parties to ensure that they abide by their commitments, deploying diplomatic, political and financial leverage where necessary;
- (b) Facilitate the inclusion in negotiations of other parties to the conflict, including FDLR, the Wazalendo and other non-State armed groups, as well as customary leaders and internally displaced persons.

89. The Special Rapporteur recommends that MONUSCO:

- (a) Ensure appropriate transition arrangements that include the early warning system function and displacement considerations, apply protection-related benchmarks and hand over protection mechanisms to national actors;
- (b) Prior to drawdown, prioritize the physical protection of humanitarian corridors and displacement sites and continue documenting and reporting on human rights violations, including those affecting internally displaced persons, through the United Nations Joint Human Rights Office.