

## DEMOCRATIC REPUBLIC OF THE CONGO (DRC)

As of 30 June 2023, the Democratic Republic of Congo (DRC) hosts 523,528 refugees and asylum-seekers. This represents a slight decrease of around 2,500 refugees since 30 June 2020.

The Democratic Republic of Congo is among the five poorest nations in the world. In 2022, around 64 per cent of the population lived on less than USD 2.15 per day. Since 2020, the DRC has also experienced a significant escalation of internal conflict and instability in eastern provinces. It is the country with the largest internally displaced population on the African continent, with approximately 6 million internally displaced persons (hereinafter referred to as IDPs), as of 30 June 2023.

Despite this instability and poverty, the Democratic Republic of Congo continues to admit refugees and asylum-seekers onto its territory. The main countries of origin for the refugees are the Central African Republic, Rwanda, South Sudan and Burundi.

### KEY POPULATION DATA (as of 30 June 2023)

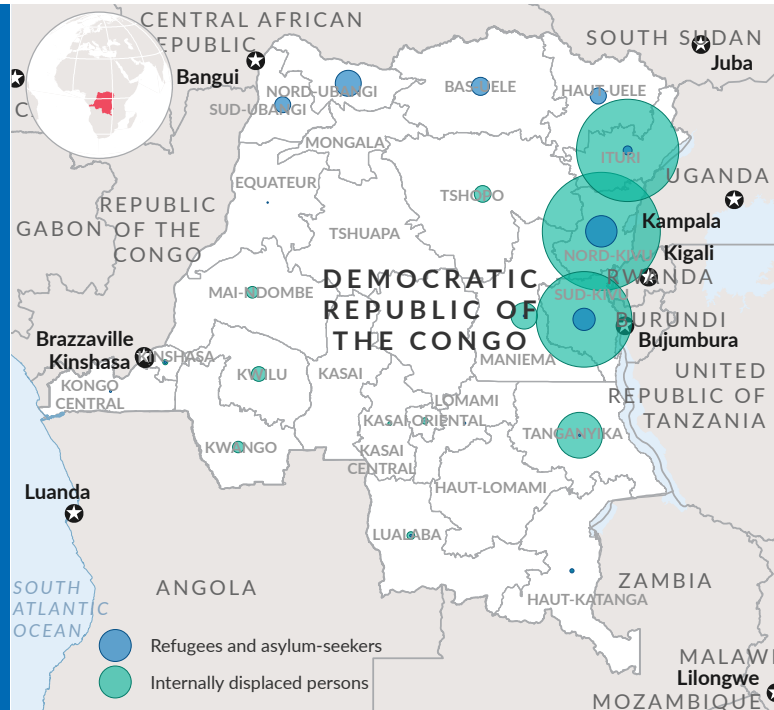
**520,076**  
Refugees

**3,452**  
Asylum-seekers

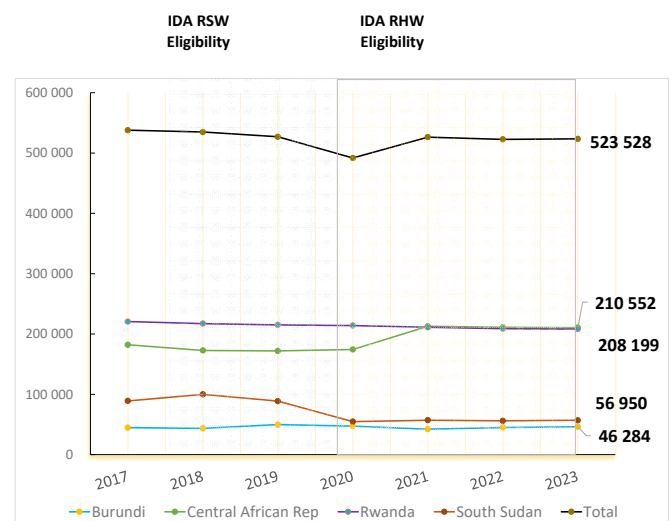
**0.60%**  
of the total national population  
(86,790,567)

**5,969,254**  
Internally Displaced Persons (IDPs)

IDA 18 RSW /IDA 19/IDA 20 WHR  
Eligibility: November 2018



The largest populations of refugees in the DRC reside in North Kivu, North Ubangi and South Kivu Provinces. The majority (75 per cent) of these refugees reside in rural areas, with a further 23 per cent in ten planned settlements (camps) and only two per cent living in urban areas (mainly Kinshasa and Lubumbashi). The largest numbers of refugees and asylum-seekers in the country come from the Central African Republic (CAR) and Rwanda, with over 200,000 people from these countries respectively. Around 92,000 refugees arrived in the Democratic Republic of Congo from the CAR because of the violence that erupted during the December 2020 election period in this country. Significant numbers of refugees and asylum-seekers also from South Sudan and Burundi, and smaller numbers from the Republic of Congo, Angola and Sudan. Most of the registered Rwandan refugees arrived in the DRC around 1995, the majority of whom live among local communities in North and South Kivu in the east of the country while a minority live in Kasai-Central, Haut Katanga and Equateur provinces. South Sudanese, Burundian and Congolese refugees arrived in successive waves from 2016 due to conflicts and targeted violence in their countries of origin.



## RPRF Policy Dimensions

(as of 30 June 2023)

### 1. Host Communities

#### 1.1 Support for communities in refugee-hosting areas

Despite the absence of national, fiscal and budgetary policies and mechanisms designed to allocate additional financial resources from the central government to regions economically impacted by the presence of refugees in the Democratic Republic of Congo, the [2011 Public Finance Law](#) and the National Social Protection Policy adopted in 2017 still encompass expenditures related to unexpected situations, including supporting the reception of refugees.

Additionally, the country has not implemented a national system of social protection. It has not yet identified and registered vulnerable persons, including refugees, who could be targeted by future national protection interventions.

Existing social safety net programs remain mainly financed through international organizations, in particular the World Bank programs, with only two per cent of the national population covered which remains largely inferior to the average of five per cent in the Central Africa region. Challenges remain to setting up these social safety nets because of limited access to certain areas due to insecurity, ongoing conflicts and limited technology.

#### 1.2 Social cohesion

Specific national legislation or policies addressing the identification, prevention and mitigation of potential social tensions and risks of violence in refugee-hosting areas, both within and between refugee and host communities, continue to be lacking in the DRC.

The [2019-2023 National Strategic Development Plan \(NSDP\)](#) is set to be succeeded by a new plan being developed for 2023-2027, which will explicitly incorporate refugees into the existing national social and economic response mechanism. The Ministry of Interior has been developing a National Refugee Policy following the drafting of this chapter in the new NSDP. Additionally, refugees are to be included in the DRC's national statistical systems, although national statistical reporting remains limited, with no population census conducted since 1984.

Unlike in neighbouring countries, many refugees in the Democratic Republic of Congo are integrated into local Congolese communities instead of being settled in planned settlements/camps. Financial inclusion for refugees is increasing for the first time, mainly through informal community savings mechanisms facilitated by Village Savings and Loans Associations (VSLAs).

However, ongoing instability in the DRC has led to significant internal population displacement, creating a barrier to sustained social cohesion between refugee populations and local communities. The Special Representative of the Secretary-General in the Democratic Republic of Congo, speaking in March 2023, noted a troubling rise in xenophobic and racist political discourse that poses a threat to national cohesion, peace and security.

The continued violence and unrest in the country presents further challenges to social cohesion. Displaced individuals may include those who have been displaced for several years, coexisting with those who have been newly or recently displaced, often more than once. This situation poses a challenge as the former group requires long-term solutions related to shelter and livelihood building, while the latter requires emergency assistance.

The Ministry of Gender, Family and Children has recently supported a mapping exercise to better understand the role of women's organizations in the country. This exercise identified the number of women's organizations and their areas of work, revealing that female refugees are among the least supported groups.

Refugees generally maintain positive interactions with host communities, and relations are friendly. However, the resurgence of hostilities between the M23 and the FARDC (*Forces Armées de la République du Congo*, DRC armed forces) in December 2022 fostered distrust toward populations of Rwandan origin. Ethnic divisions have exacerbated social tensions among refugees, host communities and even with MONUSCO (*Mission de l'Organisation des Nations-Unies pour la Stabilisation de la RDC*) in North Kivu. Isolated cases of violence and harassment against refugees, particularly Rwandan refugees in Kinshasa, the eastern regions and Kasai, have occurred due to the serious violence in the DRC attributed to Rwandan national armed forces, which are accused of supporting the rebel group M23.

Furthermore, various dispute resolution mechanisms have developed in communities, including Alternative Dispute Resolution (ADR) mechanisms, Customary Conflict Resolution Advisory Committees (CCRACRC), Local Peace and Development Committees (LPDC), Local Peace Committees (LPC), Permanent Dialogue Groups (PDG), Inclusive Working Groups (IWG) and more. These diverse mechanisms contribute to conflict management, involving all parties in conflict, including refugees, internally displaced persons, and host communities.

### 1.3 Environmental management

As in 2020, there are no specific national policies to mitigate the potential negative environmental impacts of hosting refugees. Nonetheless, the Democratic Republic of Congo published a [National Adaptation Plan to Climate Change for 2022-2026](#), in November 2021. This Plan, published by the Deputy Prime Minister's Office and the Ministry of the Environment and Sustainable Development, aims to consider the differentiated impacts of climate change on potentially vulnerable groups and as such will have direct relevance to refugee populations. The Plan sets out priority adaptation plans for the Government to guide the country in reduction of long-term climate risks, highlighting the following priority areas: (i) Conservation of forest ecosystems and biodiversity; (ii) Integration of agriculture, fisheries, livestock farming and rural development; and (iii) Water and sanitation. The Plan is yet to be implemented.

### 1.4 Preparedness for refugee inflows

The country has not yet established a dedicated national preparedness and response mechanisms to respond to increased or new refugee inflows and other emergency in ways that minimise short- and medium-term socioeconomic impacts on hosting regions. However, the [2002 Refugee Law](#) continues to provide a basic framework allowing refugees to access the territory, the asylum process, as well as the social, economic and cultural rights.

The National Commission for Refugees (*Commission Nationale pour les Réfugiés, CNR*) continues to be the national body dedicated to managing situations involving inflows of asylum seekers, but its approach is not systematized. Preparedness largely relies on international organizations, notably UNHCR, which develops contingency plans to anticipate and respond to refugee emergencies. These plans are funded by humanitarian aid and implemented by a combination of UN agencies, international humanitarian partners and local NGOs as well as government partners. In the absence of a comprehensive national preparedness strategy, the country continues to heavily depend on external support to manage refugee inflows effectively. For example, the response to the significant refugee inflow of some 92,000 individuals, who fled the Central African Republic to the Democratic Republic of Congo following the outbreak of violence during the CAR December 2020 elections, were addressed on an ad-hoc basis by the CNR with the assistance of UN agencies, international and local NGOs.

Since 2020, UNOCHA (UN Office for the Coordination of Humanitarian Affairs) and UNHCR have led a coordinated response to the worsening security situation in the country in collaboration with UN agencies, international and local NGOs and government partners.

## 2. Regulatory Environment and Governance

### 2.1 Normative framework

The national refugee legal framework remains unchanged. It consists of the [Law No 021/2002 on the status of refugees \(hereafter referred to as the Refugee Law\)](#) and the [Decree No. 03/014 of 5 August 2003 on the organization and functioning of the National Commission for Refugees and the Appeals Commission \(hereinafter referred to as the 2003 Decree\)](#). This legislation remains consistent with international refugee standards from the 1951 and 1969 Refugee Conventions, and the 1969 OAU Convention governing the status of refugees to which the country remains a state party.

The CNR continues to oversee the protection of refugees and asylum-seekers in the country, though the operation of the Commission is still hampered by infrastructural limitations.

The refugee status determination (RSD) framework continued to be governed by the [Refugee Law](#) and the [2003 Decree](#). The primary responsibility for implementing this framework falls upon the National Commission for Refugees and the Appeals Commission. While the procedures, including those for the appeal process, are theoretically aligned with international standards, their practical implementation continues to face shortcomings.

Over the past three years, asylum case processing has predominantly relied on a simplified RSD for asylum-seekers from Burundi, the Central African Republic and South Sudan. Key to note that South Sudanese refugees are no longer recognized through a prima facie approach, but rather through this simplified RSD approach. In practice, after a screening process, the CNR's Secretariat has streamlined the registration and refugee status determination processes into a single interview for asylum-seekers. Following this interview, recommendations regarding whether to grant refugee status to individuals from the same country of origin are gathered in a list with applicants from the same country. These recommendations are then endorsed by the CNR during their regular sessions. This simplified RSD approach has effectively reduced the timeline for asylum processing. However, for asylum-seekers coming from other countries of origin, the standard individualized procedures remain in place with significant waiting time for the asylum cases to be processed in an efficient manner. These delays continue to leave asylum-seekers wait for a decision for long periods in precarious socio-economic situations.

The Secretariat of the CNR, which is under the Ministry of Interior and operates in provinces through its branches, remains responsible for conducting RSD interviews and assessments. The Permanent Secretariat of CNR provides recommendations on whether the applicant should be granted refugee status, and these recommendations are then endorsed during the monthly sessions held by the Commission which is the asylum adjudication body. In line with [Article 6 of the 2003 Decree](#), the CNR is composed of representatives from various ministries, department and agencies and is chaired by the Ministry of Interior. In line with [Article 7 of the 2023 Decree](#), UNHCR continues to participate as an observer in CNR sessions. According to the [2003 Decree](#), the national asylum procedure should be completed within six months after the registration of an asylum application. However, in practice, there are persistent challenges for the CNR to process individualized RSD cases within the stipulated timeframe. Waiting times for a first-instance asylum decision can extend to several years, leading to significant delays for applicants having their asylum, applications adjudicated. This also results in their exclusion from certain support services due to the absence of refugee identity cards and hampers their *de jure* socio-economic integration. Furthermore, the reasons for rejecting applications for refugee status are inconsistently notified on the decision made by CNR to the rejected asylum-seekers, rendering the appeal process ineffective.

Over the reporting period, the Appeals Commission also remained inactive for various reasons. This includes the lack of prompt nominations of ministerial members to the CNR, and the Appeals Commission caused by the recurrent instability of the Congolese Government. Additionally, the slow process of adjudication of first-instance asylum decisions by the CNR has been impeded by recurrent changes in its membership and the need for technical RSD capacity development to restart afresh. Also, there has not been a quorum of presence for the few nominated members of the Appeals Commission to convene. Furthermore, asylum-seekers remain inadequately informed about the appeal process. Additionally, attending mandatory proceedings in Kinshasa can be particularly challenging for those residing in the provinces. In a bid to address some of the gaps, UNHCR conducted in 2002 training courses aimed at enhancing the capacity of the staff of CNR. These capacity development sessions focused on procedural guarantees and efficient asylum procedures.

Regarding efforts for sustainability of the Government refugee institution, the newly enacted [Finance Law No. 22/071 of 28 December 2022](#) relating to the year 2023 included a budget for the National Commission for Refugees (Chapter 25211), covering aid, relief, compensation and legal assistance. The same Law has also allocated resources for the assistance and support of the reintegration of returning refugees (Chapter 70205). However, there is no transparency in the budget execution process, making it impossible to trace or confirm the receipt of this budget by CNR. Up to mid-2023, the entire budget of CNR, including operational expenses related to RSD, has continued to be funded by UNHCR.

The [2002 Refugee Law](#) has still not been broadly and effectively disseminated in the appropriate languages spoken by DRC nationals or refugee populations.

In February 2022, DRC also acceded to the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention, though the standards of this regional treaty are yet to be incorporated into domestic law.

## 2.2 Security of legal status

Protection against refoulement remains enshrined in Article 30 of the [Refugee Law](#).

Refugees continue to benefit from predictable stay arrangement without policy limitations. The right to stay in the country is confirmed by the presentation of their refugee identity cards or, by default, a refugee attestation. However, challenges in the timely renewal and replacement of these identification documents by the CNR persist. The law provides for a two-year validity period for refugee identity cards, but due to the country's size, many refugees face expiration issues, exposing them to potential police harassment. Advocacy efforts have been made for amending the Refugee Law, extending the validity of refugee identity cards from two to five years. Similar challenges persist for asylum-seekers, particularly regarding the shorter validity period of their attestation, adding to the complexity of the situation. Over the three years, the CNR benefited from UNHCR technical and operational support to ensure that refugees receive their renewed individual documentation.

During the reporting period, there have been no reported cases of unlawful termination of refugee status or cases of refoulement within country.

## 2.3 Institutional framework for refugee management and coordination

The institutional framework under the [Refugee Law](#) and the [2003 Decree 03/014](#) remains unchanged and provides CNR with the institutional responsibility for refugee affairs under the overall authority of the Ministry of Interior, Security, Decentralization and Customary Affairs. The structures of the CNR are composed of the National Commission, the Permanent Secretariat, and the provincial branches. The Permanent Secretariat of CNR and the provincial branches remain responsible for the day-to-day handling of refugees, including registration of asylum applications, legal and administrative protection in addition to reception and reintegration of returning refugees in the Democratic Republic of Congo.



Although the CNR sessions continue to involve representatives from various ministries and the State departments in endorsing refugee first instance status determination decisions, the national and sub-national institutional framework for the other activities of refugee management remain primarily overseen by the Permanent Secretariat of CNR, with limited engagement from sector ministries. While there have been more efforts from CNR to mobilize donors, including development actors, for refugee inclusion into national services, more efforts to streamline the national and sub-national coordination of refugee management are required.

Refugees remain, in theory, included in national data collection system and initiatives including at provincial level, though since 1984 there has not been a national population and household census. Following successful initiatives in 2019 for those living in Kinshasa and Lubumbashi, the National Statistical Institution has continued to conduct socio-economic survey for refugees, including for Burundian refugees living in South and North Kivu in 2021. Additionally, some national institutions have started to include refugees in their national data collection systems. The National Population Identification Office (*Office National d'Identification de la Population, ONIP*) has integrated indicators on refugees and stateless persons into the population identification questionnaire. Additionally, technical sessions were held with the National Statistics Institute to integrate refugee data into the 2022 statistical yearbook, which is expected to be published shortly.

Consultation mechanisms for refugee inputs and feedback on decision taken at national and sub national levels, continue to rely on refugee representatives from elected committees in the camps. These committees continue to be effective in camp setting and meet on a regular basis to discuss issues pertaining to support services for refugees with CNR, UNHCR and partners, and relevant international organizations. Additionally, complaint mechanisms are in place in most of the refugee hosting areas, including in all camps and remain a good source of information for all stakeholders.

### 2.4 Access to civil registration and documentation

The [Refugee law](#) continues to provide for registered asylum-seekers to be issued with an asylum-seeker attestation, and that all recognized refugees should be issued with a refugee identity card certifying their identity and a travel document for the purpose of travel abroad. The Ministry of Interior through the Secretariat of CNR is responsible for issuing the refugee identity cards. Asylum-seekers have remained to stay in the country based on the asylum-seeker attestation which is valid for the duration of the RSD procedure. Once refugee status has been granted by the CNR, whether through prima facie or individual RSD procedures, refugees can stay in the country with a refugee identity card that is valid for two-years, renewable free of charge. It has the same status as the residence and establishment permit provided to foreigners.

While refugee identity cards are available to refugees, access remain uneven, largely due to limited humanitarian access to the refugees, and infrastructural and resources limitations at the CNR for the issuance of identification document. A significant proportion of the refugee population in the DRC remains without legally recognized identity documents or credentials issued by the national authorities. In 2022, 74.37 per cent of refugees and asylum-seekers were registered on an individual basis. Whereas 100 per cent of registered asylum-seekers have received a UNHCR proof of registration, only 16 per cent of the refugees have received a refugee identity card issued by the CNR under the Ministry of Interior. The low number in the provision or renewal of refugee identity cards has persisted from the previous period affecting, particularly the Rwandans and other refugees living in areas that are difficult to access.

In 2021, the plan to hand over more responsibility to the Ministry of Interior for the registration of refugees and to take the lead in initial registration, including collection of biometric data and update did not materialize. During the reporting period, UNHCR and CNR have been working on preliminary steps of this plan to develop the technical capacity of CNR staff but also on the reinforcement of the technical infrastructure, including equipment, network and connectivity. UNHCR has continued to maintain the refugee management database and has supported the issuance of individual documents, particularly through the issuance of the proof of registration at household level with photograph and biographical data of each member. Furthermore, initial discussions were held between CNR and the ONIP, which oversees the national population and household census. In the long run, ONIP will provide all Congolese citizens with national identity cards. Ensuring that

refugees are included in both initiatives with a view that refugee identity cards be also issued by ONIP has been advocated for.

Refugees and asylum-seekers have the right to register vital events such as birth, death and marriage with the competent civil registry authority and obtain relevant civil status documents under the same conditions as nationals. However, the implementation has remained limited for both refugees and nationals during the reporting period due to several challenges in terms of accessibility, awareness, and availability of national civil registry services.

Given the significant backlog in birth registrations, which have not been completed within the mandated 90-day timeframe, a leniency measure was introduced in Goma and South Kivu. This measure permits over 2,500 refugee children to register their births by 30 June 2023, bypassing the usual lengthy judicial procedures associated with late birth registration. Likewise, in Aru, a parallel process is in progress for 2,750 South Sudanese refugee children. In 2022, approximately 64.77 per cent of children under the age of five, born to refugees and asylum-seekers, were successfully registered with civil authorities.

While DRC had committed during the 2019 GRF to printing and issuing 1,000 biometric refugee convention travel documents by 2021 to support the mobility of refugees and their admission to third countries, no available data indicates that this commitment has been fulfilled so far.

## 2.5 Justice and security

The situation in the DRC remains one of the most complex humanitarian situations in the world. The security situation has worsened significantly since June 2020, particularly in the Eastern DRC, where there are ongoing armed conflicts involving over 130 armed groups and civilians are often subject to violence. There were also violent clashes in western provinces of the Democratic Republic of Congo in October 2022. This inevitably had a significant adverse impact on the ability of the Government to protect citizens, refugees and IDPs, and has also restricted humanitarian access to several areas.

In 2022, the DRC joined the East African Community, seeking to address insecurity in its eastern provinces, particularly Ituri and North Kivu. However, fighting in eastern part of the country has rather intensified than decreased. The role of the MONUSCO has been increasingly questioned and the Mission has already withdrawn in some provinces, including Tanganyika, Uvira in the South Kivu and Butembo in North Kivu with an expectation that it will be fully terminated by end of 2023.

In Ituri Province, the size of one remote IDP camp located in Rhoe quadrupled over a few weeks in December 2021, with up to 50,000 people arriving after attacks by armed groups on nearby camps and sexual violence being a particular concern.

More than 10,000 people accessed gender-based violence services in North Kivu in the first quarter of 2023, representing a 37 per cent increase compared to the same period. Concerningly, 66 per cent of these cases involved instances of rape. As access to key resources diminish, women and girls are being forced to take greater risks and refugees and IDPs may be at significant risk of GBV while seeking water or food.

In response to this increase in cases of gender-based violence, [Law No. 22/065](#) was promulgated on 26 December 2022, establishing the fundamental principles relating to protection and reparation for victims of conflict-related sexual violence, victims of crimes against peace and victims of crimes against humanity, which represents a significant policy step in the country. This law offers legal aid, protective measures and a compensation mechanism for victims. Key provisions of the law are: (i) Creation of a Compensation Assistance Fund for conflict-related sexual violence victims (Articles 21 and 22); (ii) Removal of bail, court and proportional fees (Article 13); (iii) Free legal procedures and lawyer fees paid by the Fund; and (iv) Strict protection for victims and witnesses using electronic means, with no provisional release for the perpetrator. Furthermore, [Ordinance-Law No. 23/024](#), dated 11 September 2023, has amended the [1959 Code of Criminal Procedure](#), extending these measures to victims of gender-based violence beyond conflict

situations. Notable changes include: (a) Free legal assistance for gender-based violence victims throughout the legal process (Article 7 *ter*); (b) Treasury covering proportional fees and procedure costs for gender-based violence cases (Article 122 *bis*); and (c) Mandatory social investigation and psychosocial support for victims by the court (Article 14 *quater*).

### 3. Economic Opportunities

#### 3.1 Freedom of movement

The legal framework governing remains unchanged. Article 32 of the [Refugee Law](#) continues to allow recognized refugees to move freely within the country on the same basis as nationals, subject to the administrative restrictions applicable to foreigners residing in the country. However, the same legal provision excludes asylum-seekers from enjoying freedom of movement in the DRC, raising concerns about its alignment with Article 26 of the [1951 Refugee Convention](#), which extends freedom of movement to both recognized refugees and registered asylum-seekers.

Specifically, [Article 5 of the Ordinance-Law No. 1983-033](#) concerning the foreigners (hereinafter, the 1983 Foreigners Law) still in force grants all foreigners the right to freedom of movement and choice of residence but mandates them to produce documents when requested by law enforcement officials. Article 5 (2) of the [1983 Foreigners Law](#) stipulates that, if a foreigner - claiming refugee status but not officially recognized as one - enters the DRC without adhering to the required rules, his/her application for a residence permit will be suspended until a decision is made on the refugee status and during the time of asylum processing application time, the individual is required to reside in designated areas.

In practice, recognized refugees and registered asylum-seekers in the Democratic Republic of the Congo continue to be able to move freely within the national territory, whether hosted in camps, host communities or urban areas. However, those living in camps need to obtain an authorization from CNR, which remains of administrative nature, to travel beyond a certain distance from the camp for an extended period. Similarly, refugees wishing to change their place of residence in urban areas must first obtain a CNR authorization. While this control measure is primarily administrative rather than security-oriented, in some regions, particularly in the East (South Kivu and North Kivu), it carries security implications.

#### 3.2 Right to work and rights at work

Article 32 of the [Refugee Law](#) continues to accord recognized refugees the same treatment as nationals concerning the exercise of a professional activity, social protection, access to healthcare, education and freedom of movement in the country.

Nonetheless, Article 32 of the [Refugee Law](#) must be read in conjunction with the [Law No 015/2002 relating to the Labour Code](#), especially Articles of 208 from 211 which regulate the foreigner's right to work in the Democratic Republic of the Congo. These legal provisions require prospective foreign workers to obtain a work permit from the National Commission for Foreigners' Employment, which involves specific fees and procedural requirements outlined in relevant orders. Additional details about this fee and the permit application process continue to be regulated by the Inter-ministerial Order 032 of 10 March 1994 and Budget and Instruction 056/93 of 10 November 1993. Furthermore, Ministerial Order No 121/CAB.MIN/TPS/112/2005 of 2005 remains in force with maximum percentages for the employment for foreign workers in enterprises, which adds an extra layer of restriction on foreigner employment.

There is legal ambiguity regarding the interpretation of the above laws. The Permanent Secretariat of CNR continues to argue that, based on Article 32 of the [Refugee Law](#), refugees should be exempt from the work permit requirement, in accordance with the administrative principle of special rules overriding general rules. However, in practice, employers often treat refugees like regular foreign workers, subjecting them to standard administrative restrictions, in compliance with the relevant provisions from the 2002 [Labour Code](#).



To enhance legal clarity and predictability, it is recommended that a specific amendment to the [Labour Code](#) is made to ensure that refugees are not subject to Article 208-2011. Alternatively, at a minimum, an interpretative circular from the Ministry of Employment should be issued to explain that recognized refugees are exempted from these formalities. This would help ensure refugees have a well-defined right to work in the country and will offer more security to prospective employers and private sector's investors.

Overall, given high unemployment rate in the Democratic Republic of Congo, UNHCR maintains that less than 1 per cent of the refugee population in the country has secured in formal employment despite not having proper data on the number of refugees who are employed in formally in the country.

Furthermore, all rights at work provided by the [Labour Code](#) continue to apply to all workers, including recognized refugees and the national or foreign employer. As the applicable provisions to foreigners do not include any derogatory measure for the refugees, they are generally interpreted as including the latter, in the public and private sectors as well as to small and medium-sized enterprises and in the informal sector.

Additionally, recognized refugees can register businesses in their own name and engage in self-employment for refugees holding diplomas recognized by relevant authorities. The one-stop shop to facilitate the procedure for legally registering and opening a business, and hiring other persons continue to be used as per the same legislation enacted in 2012-2013.

In law and practice, asylum-seekers still do not have the right to work and are prevented from engaging in business and other self-employment activities.

### 3.3 Land, housing, and property rights

The country's [Constitution](#) continues to provide that all land is owned by the state, and permanent land concessions can only be granted for nationals. Foreigners can obtain renewable 25-year concessions as per the Constitution and [Law 73-021 of 20 July 1973, as amended by Law No 80-008 of 18 July 1980, hereafter referred to as the land and property law](#). The 2002 Refugee Law does not explicitly grant refugees the right to land, leaving their eligibility for permanent land concessions unclear. But as foreigners, refugees remain entitled to ordinary land concession of 25 years renewable.

Refugees in the camps (approximately 25 per cent of the total population) continue access agricultural land through CNR and local authorities. In certain regions hosting refugees from South Sudan, Central African Republic and some areas where Burundian refugees live, land is allocated for collective refugee-host farming efforts. In areas with limited land like Lusenda, Burundian refugees continue to collaborate with locals to improve farming in 2022. Partnerships with local authorities have provided nearly 4,000 hectares of arable land to refugees, IDPs and returnees by 2022.

While there is no specific provision in the [Refugee Law](#) on the right to purchase, lease or use housing and immovable property, it is still being argued that the relevant provision of the 1951 refugee status Convention applying, and refugees shall be treated regarding this right in accordance with the most favourable treatment granted to foreigners. An amendment of the [Refugee Law](#) could clarify further this right to ensure legal predictability.

Additionally, public social housing programmes are still inexistent in the Democratic Republic of Congo.

### 3.4 Financial and administrative services

The 2018 Administrative Regulation issued by the Central Bank continues to allow refugees to open bank accounts and access traditional financial services under the presentation their refugee identity cards issued by the Ministry of Interior. There are still no reported issues with commercial banks accepting these cards, but many refugees in rural areas have limited access to financial services. Asylum-seekers in absence of an

identity card issued by the relevant national authorities remain unable to open bank account.

Refugee identity cards are also used as legal proof of identity for registering SIM cards and opening mobile money accounts, similar to national identity cards, national passports and voter cards from refugee countries of origin. Refugees have reported no challenges in this regard. For asylum-seekers, it may be more complicated to register a SIM card because the temporary asylum-seeker attestation issued by CNR is not recognized as a valid identification document. Nonetheless, to overcome this challenge, they may use an identification document from their country of origin if they possess one.

Refugees continue to obtain administrative documents and certifications for foreign academic and vocational qualifications, driving licenses, vocational skills and professional training by providing the required documents, including their refugee identity cards. However, there may be additional requirements, such as fees, which can be a challenge for refugees and nationals. Consequently, few refugees and nationals routinely exercise these rights. In absence of identity cards issued by the national authorities, asylum-seekers continue to face challenges to obtain the above administrative documents and certifications.

## 4. Access to National Public Services

### 4.1 Education

The legal framework remains unchanged. Article 32 of the [Refugee Law](#), in conjunction with the Constitution and the [2014 Education Law](#), grants recognized refugees the right to enroll in national primary, secondary and tertiary schools on the same terms as nationals. On the face of it, this legal provision excludes asylum-seekers from accessing the national education system and this may be at variance with Article 22 (1) of the [1951 Refugee Convention](#) providing for equal treatment of all refugee children to public primary education irrespective of their legal status (e.g. asylum-seeker, recognized refugees). However, in practice, asylum-seekers continue having access to national education system and are generally treated as ordinary foreigners subject to the conditions applicable in the national foreigners' laws.

Under the Constitution and the 2014 Education Law, primary education remains free for children in the country. The [Law No 14/004 of 11 February 2014](#) on national education still provides for specialized education services. However, the lack of financial resources has continued to hamper the operationalization of the [National Education Strategy 2016-2025](#) that was developed to operationalize the enabling legal framework.

In practice, refugee children continue to have access to national primary schools like nationals. Despite free primary education provided by the State, all children attending these schools face unofficial costs imposed on parents at local level to ensure the proper functioning of the school although there is no legal basis, including for teacher salaries, courses, books, school inspections by the provincial ministry, exams and infrastructure.

In the school year 2021-22, there was a marked increase in the gross enrolment rate for refugees across primary, secondary, and tertiary education, reaching over 42 per cent, compared with the previous year which were around 24 per cent. However, this rate continues to be lower than the national average. It is important to note that obtaining accurate figures on refugee children's enrollment remains a challenge, as 75 per cent of refugees live in rural areas, including inaccessible locations such as those hosting Rwandan refugees.

Since implementation of the free education policy, the first academic year being 2019-2020, school enrolment continued to increase despite the Covid-19 pandemic. However, it is not the case for secondary education, which is not free in the Democratic Republic of Congo, even for Congolese nationals.

In 2022, the breakdown of refugee enrolment in the national education system was 50.99 per cent in primary

education, 30.55 per cent in secondary education, and 0.15 per cent in tertiary and higher education, with an overall enrolment of refugees at 42.58 per cent.

The above data pertains exclusively to schools where humanitarian actors are directly involved, as there is still no centralized, statewide education management information system in existence to offer national-level data, disaggregated by legal status.

Since early 2023, the intensification of conflict in the Eastern DRC led to waves of displacement, with many IDPs using schools and/or collective centers as shelters, thus disrupting access to education for girls, boys and adolescents. By mid-June 2023, 1,036 schools were still closed, including 356 schools used as shelters by IDPs, due to a lack of capacity in IDP sites and host communities, affecting more than 115,000 children, including 56,000 girls and 17,000 children with disabilities. Of the three Scale-Up provinces (Ituri, North Kivu and South Kivu), North Kivu is the worst affected, with 337 schools used as shelters as of July 2023.

Since 2021, the Ministry of Education, at both provincial and national levels, has been mobilized to enhance refugee inclusion and improve the quality of education for both national and refugee children. This initiative primarily focuses on two provinces hosting Central African refugees. This effort is the result of collaborative activities funded by Education Cannot Wait and the Global Partnership for Education, involving both humanitarian and development donors in 2022. UNHCR worked closely with UNESCO (UN Educational, Scientific and Cultural Organization), UNICEF (UN Children's Fund) and provincial education authorities, using a development nexus approach. This approach, based on a pilot experience, is intended to be adaptable to other refugee-hosting areas in the future.

In 2022, the Ministry of Education conducted the first Provincial Education Sector Review in North Ubangi, one of the largest refugee hosting provinces. This initiative aimed to empower provincial authorities to actively participate in education planning and reviews for both refugees and host communities.

Following the provincial review, a delegation from North Ubangi attended the National Sector Review in Kinshasa in October 2022. The governor of North Ubangi endorsed the final recommendations, which included: (i) issuing approval orders for schools built and equipped by UNHCR in the camps by the National Minister in charge of Primary, Secondary and Technical Education; (ii) transitioning volunteer teachers to government payroll; (iii) allocating substantial operating costs to all education subsectors to improve access and quality of education, and (iv) advocating for more targeted geographical investment with long term development partners in refugee hosting provinces.

While there has been progress in including refugees in North Oubangui Province, the overall fragility of the education system poses challenges. Despite a positive legal framework, vulnerable populations, including IDPs, outnumber refugees in different provinces, resulting in high needs across the country. To achieve sustainable refugee inclusion, a two-pronged approach is essential: comprehensive education system support from large-scale multilateral and bilateral donors, alongside targeted investments specifically in refugee hosting areas.

## 4.2 Health care

Article 32 of the [Refugee Law](#) continues to grant recognized refugees the same treatment as nationals as regards healthcare services. While the provision excludes asylum-seekers, in practice, refugees and asylum-seekers enjoy equal access to publicly financed healthcare system similarly to nationals.

Additionally, the [2008 Health Law](#) continues to provide nationals, and thus refugees, with access to reproductive and thus refugees, with access to reproductive and sexual health services and financial protection to ensure access to health care. In practice, refugees and asylum-seekers continue to access the publicly financed health care system under the same conditions as the country's nationals.

There have been positive trends in access to healthcare for refugee populations. Almost 64 per cent of refugee children aged between nine months to 5 years old had received the measles vaccination in 2022, compared with only 51 per cent in 2021.

Additionally, there is still no national public health insurance system or similar financial protection mechanism established, though these are part of the Government's priorities in the country, but without secured funding so far. Over the past three years, humanitarian partners have continued to procure medicines and medical inputs; to support national health centers and hospitals; and to provide other health services in main refugee-hosting areas. However, this support remains insufficient to cover all the refugee and host communities' needs which makes it unsustainable.

The health infrastructure in the DRC remains limited and Government expenditure on social services and physical infrastructures remains very low compared to the huge scale of needs and the size of the country.

The National Emergency and Humanitarian Action Program remains managed by the Ministry of Health, which assists with human resources during major health emergencies/outbreaks.

The epidemiological profile of the Democratic Republic of Congo continues to be characterised by infectious disease, including malaria, diarrhoea, acute respiratory infection, outbreaks of Ebola virus, cholera, measles and, since the last update, Covid-19 pandemic and monkeypox. The lack of equipment and qualified practitioners depleted medical supplies, inadequate financing and ongoing instability and situation of populations in remote geographical locations means that the country's healthcare system does not have capacity to meet the needs of large numbers of refugees, IDPs and local host communities.

### 4.3 Social protection

Article 32 of the [Refugee Law](#) continues to grant recognized refugees the same social assistance rights as nationals. On the face of this law, the same provision excluded asylum-seekers from the social assistance provided by the publicly financed social protection interventions. The 2017 National Social Protection Policy and Strategy provides social protection to vulnerable nationals but continue face funding and implementation challenges.

In practice, due to limited publicly available funds to support social protection interventions, refugees and asylum-seekers do not benefit from social protection interventions provided by government and/or external aid. However, vulnerable refugees continued to have better access to social assistance than nationals due to support from UNHCR and other humanitarian organizations. More efforts should be made to sustain a national and sub national framework for dialogue between the government and international partners, to move towards a gradual alignment of aid and social protection, and of support to vulnerable refugees and vulnerable host community members, in terms of coverage, targeting and levels of benefits. It was reported in February 2023 that the [Project for the Stabilization of the East of the Democratic Republic of Congo for Peace \(referred to as STEP\)](#) has benefitted over 5.8 million people, including 3 million women. The programme built over 2,100 basic infrastructures in over 1,100 vulnerable communities and provided safety nets such as cash transfers, cash-for-work, investment grants, and entrepreneurship and life skills trainings to 530,000 individuals. The programme is due to conclude in February 2024. The vision of the STEP is to transition from a single donor-funded project to a multi-donor and government-funded national safety net programme for DRC. In May 2023, the Government dissolved the Social Fund of the Democratic Republic of Congo, the legal entity responsible the implementation of three World Bank financed projects, including STEP to create a new Social Fund, but which is not yet operational in absence of implementing legislation enacted. As of May 2023, these projects are being transitioned to the new entity adopting this function, and disbursements have been paused following the conclusion of this transition process.

#### 4.4 Protection for vulnerable groups

The [2009 Law on the protection of children](#) continues to offer a legal framework for refugee children, ensuring their rights to protection, care and humanitarian assistance. However, practical implementation remains hindered by resource and capacity limitations, as well as the limited presence of relevant institutions. National policies are also in place to protect all children, including those who are unaccompanied or separated and survivors of gender-based violence.

The DRC continues to lack a national framework for addressing human trafficking. Despite the Government having supported the 2019 Universal Periodic Review recommendations to expedite the finalization of the Action Plan to Combat Trafficking, there has not been progress over the three past years.

Separated refugee children, refugee victims of trafficking in persons, survivors of gender-based violence and other vulnerable groups continue to have the same access to Government provided care and protection systems (e.g. referral pathways, case management, specialized services, social workers and so on) as do Congolese nationals in the same situation.

Additionally, the increasingly volatile situation in the country means that access to support provided by the [2009 Law on the protection of children](#) for refugee and host populations alike, has remained limited in practice. In 2022, the proportion of unaccompanied and separated children who were in an appropriate alternative care arrangement was only 17 per cent, and less than five per cent of refugee children were participating in community-based child protection programmes.

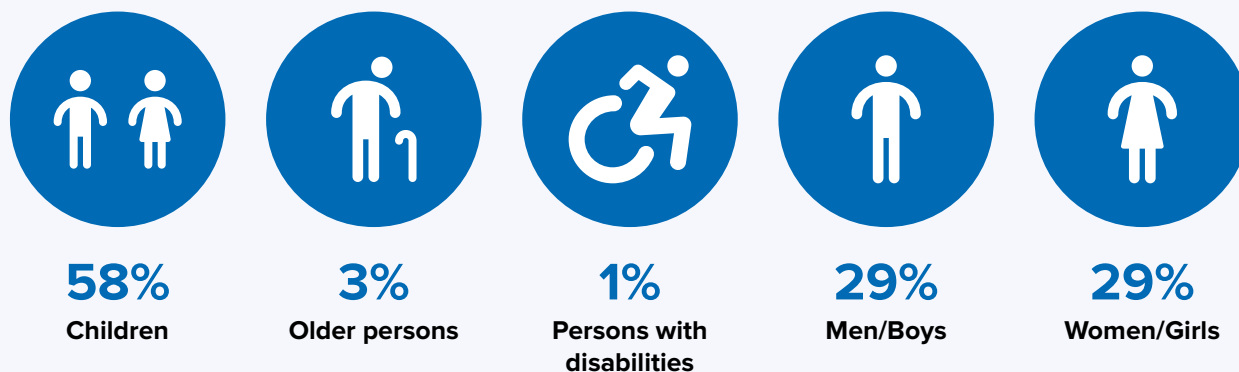
In May 2022, the Government of the DRC adopted [Law No. 22/003](#), which fills the legislative lacuna in recognising the rights of persons with disabilities in the DRC. This law confirms that people living with disabilities in the DRC have the same rights and opportunities to gain an education, to work, to be fairly remunerated, the right to accessibility and the right to representation, as any other person. This new law does not mention refugees but, in practice, it generally applies also to the recognized refugees with disabilities residing in DRC. The law also prohibits discrimination within the workplace or at school. While the new law sets out the implementation framework for the new law, serious instability in the DRC means that the country does not currently have the requisite capacity to implement the law. An ongoing programme run by the UNPRPD Partnership on the Rights of Persons with Disabilities (UNPRPD) established in January 2022 and running until March 2024 aims to facilitate adoption of the law through capacity building and improved participation by people with disabilities.

Women and girls, including refugees remain at significant risk of gender-based violence (GBV), particularly in eastern provinces. Between January and June 2023, 35,000 survivors of GBV received care, but the actual number of survivors is expected to be much higher as only a fraction of survivors are reporting the incidents or seeking support. Despite high levels of GBV in the country, programmes related to it were only 18 per cent funded (reported by UNOCHA in September 2023), limiting access to services and support for survivors. Furthermore, a relatively low proportion of refugees and asylum-seekers were found to know where to access available GBV services in 2022, at a little over 11 per cent. As stated in Section 2.5, a new law to prevent and respond to GBV has also been enacted by the Democratic Republic of Congo.

Furthermore, the Government has made significant additional efforts to combat trafficking in persons, including the promulgation of a new anti-trafficking law in 2022 ([Law No. 22/067](#)), which criminalises all forms of labour and sex trafficking and prescribes a punishment of 10-20 years imprisonment along with hefty fines. This new law has been accompanied by an increase in trafficking investigations and prosecutions, but further efforts are required to implement the new law, as well as potential amendments to ensure that vulnerable groups are protected – for example, amending the definition of trafficking so that a demonstration of force, fraud or coercion is not required for sex trafficking offenses involving child victims.

## 5. Cross Sectors

Characteristics of registered refugees and asylum-seekers in total refugee population  
as of 30 June 2023



### 5.1 Gender

Gender-related policies and their implementation have notable differences and limitations in various areas, impacting refugee and host community development. The most consequential policy sub-dimensions impacted by these restrictions and limitations are:

- Land and property rights:** Women and girls continue to face greater challenges in accessing land rights due to traditional practices.
- Social cohesion:** Lack of women's participation and empowerment in community governance continues to affect cohesion.
- Right to work:** Discriminatory provisions hinder women's employment rights enshrined in the 2022 Labour Code.
- Justice and security:** Weak access to justice for women and girls including nationals and refugees who continued to be severely impacted by Gender Based Violence and impunity for GBV perpetrators are significant concerns. Though it is expected that the new law enacted in 2022, if properly implemented with the necessary budget, will contribute to address these gaps, and decrease impunity for GBV preparators and restoring the security and needs for justice for affected women and girls,

### 5.2 Social inclusion

Over the three-period, the most consequential policy sub-dimensions for social inclusion considerations in terms of socioeconomic development for refugees and host communities are:

- Social cohesion and peaceful cohabitation,** because of existing biases held against nationals of Rwanda.
- Security of legal status,** because of suspicions related to memberships of armed groups.
- Justice and security,** because of high levels of GBV affecting all women, girls and boys.