# Movement Restricted: Congolese refugees in Angola March 2018



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Over the last 13 years, we have developed a holistic approach to the protection of human rights before, during, and in the aftermath of displacement, by focusing on:

- identifying the violations that cause displacement and exile.
- o protecting the rights of those who are displaced, and
- o ensuring the solutions to their displacement are durable, rights respecting, safe and timely.

We work to ensure the voices of the displaced and conflict affected communities are not only heard but heeded at the international level through our evidence based advocacy that is built on solid field based research and analysis.

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Cover Photograph: view of Cacanda Reception Centre, 2017 © IRRI

## **Background**

Between March and July 2017, almost 35,000 Congolese crossed into Angola fleeing violence in the south of the Kasai region, where attacks by a local militia were met by abusive operations by the Congolese military and mass killings by another militia. Many survivors of these attacks, which International Refugee Rights Initiative (IRRI) documented in a January 2018 report, first tried to find safety inside the Democratic Republic of Congo (DRC), resulting in more than 1.4 million internally displaced people (IDPs). Many who found themselves in the vicinity of Angola, however, then moved to its borders as soon as the news spread that they were being opened, and as security remained fragile inside Congolese territory.<sup>1</sup>

The Angolan authorities were unprepared for this influx and were initially forced to put most unregistered refugees into two ill-equipped reception centres around the town of Dundo, in Lunda Norte Province, not far from the border with the DRC. However, they have since moved them, together with UNHCR and partners, to a newly opened refugee camp. Despite the improvement in the humanitarian conditions that this has brought, the Angolan government has continued to restrict freedom of movement and access to work for unregistered refugees and has expelled hundreds of them back to the DRC. The Angolan authorities' restrictive approach to refugees has caused protection and humanitarian concerns.

This paper is based on interviews with 45 Congolese unregistered refugees conducted by IRRI in Angola in October 2017. Twenty-one interviews were conducted in Cacanda reception centre, 15 in Lóvua refugee camp and nine in the town of Dundo and other urban areas. Almost all of the 45 individuals interviewed by IRRI arrived in Angola between March and May 2017, and most arrived in April 2017.

# Mutual migration, porous borders and humanitarian challenges

Angola and DRC have a shared history of refugee and migration flows. Prior to the Kasai crisis that started in mid-2016, Angola already hosted an estimated 24,000 refugees, mostly from the former Katanga province in the DRC.<sup>2</sup> The DRC has also hosted large numbers of Angolan refugees who fled the latter's civil war. Following the end of this conflict in 2002 and the signing of a repatriation agreement, most Angolan refugees have since returned to Angola.<sup>3</sup>While most returns, from both sides, were voluntarily, others were not and were in some cases accompanied by human rights violations.<sup>4</sup>In 2009, an agreement between both countries was signed to end expulsions, but Angola continued to send Congolese back to the DRC. In 2015, for example,

<sup>&</sup>lt;sup>1</sup> International Refugee Rights Initiative, "Violence and Displacement in the Kasai", January 2018, available at <a href="http://refugee-rights.org/wp-content/uploads/2018/01/Kasai-report-IRRI-ENG.pdf">http://refugee-rights.org/wp-content/uploads/2018/01/Kasai-report-IRRI-ENG.pdf</a>.

<sup>&</sup>lt;sup>2</sup> UNHCR, "Submission for the Office of the High Commissioner for Human Rights' Compilation Report - Universal Periodic Review of Angola", March 2014, available at

https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=1259&file=EnglishTranslation (accessed on: 2 November 2017) (UNHCR, 2014).

<sup>&</sup>lt;sup>3</sup> UNCHR, "New agreement to help Congo's Angolan refugees return home", 31 March 2003, available at <a href="http://www.unhcr.org/news/latest/2003/3/3e8886bf4/new-agreement-help-congos-angolan-refugees-return-home.html">http://www.unhcr.org/news/latest/2003/3/3e8886bf4/new-agreement-help-congos-angolan-refugees-return-home.html</a> (accessed on: 2 November 2017).

<sup>&</sup>lt;sup>4</sup> See for example, Amnesty International, "DR Congo/Angola: Forced repatriation leaves thousands destitute and facing human rights abuses", 14 May 2004, available at

https://www.amnesty.org/download/Documents/92000/afr620122004en.pdf; Human Rights Watch, "The Responsibility to Protect Returnees", 2005, available at <a href="https://www.hrw.org/reports/2005/angola0305/3.htm">https://www.hrw.org/reports/2005/angola0305/3.htm</a> (accessed on: 19 January 2018).

thousands of Congolese, in majority individuals who came to Angola for economic motives, were expelled and subjected to serious human rights abuses.

Like many borders in the region, several ethnic groups live on both sides of the 2,646km border (770kmof which is the Angolan Lunda Norte Province) and cross-border migration and trade is well established. There are mining sites in both Angola and DRC and artisanal miners regularly cross the border in both directions, despite restrictions imposed on artisanal mining, especially by foreigners, in both countries. In addition, there is intense small-scale trading of goods between the two countries, including on markets located at border crossings. This has, however, reduced due to the violence in Kasai and its displacement consequences.

Since the recent outbreak of violence, Angola has formally closed its border with DRC for trade and commerce and has reinforced the presence of its security forces. However, the border has reportedly remained open for refugees. Initially, the Angolan authorities did not open the border for the victims of the violence in Kasai, forcing many of those displaced to wait for up to two weeks on the Congolese side of the border, in dire humanitarian conditions. When the authorities eventually opened the border, the Angolan government transported most of the refugees by air or road to two improvised reception centres around the town of Dundo.

Initially, most refugees were hosted in these two reception centres, Mussungue and Cacanda, while others stayed with Angolan host families. With hundreds fleeing into Angola each day, both sites – ill-equipped from the start – quickly became overcrowded and the few humanitarian actors on the ground struggled to respond to the situation. Once it became clear that the vast majority of unregistered refugees were unlikely to return anytime soon, the Angolan government and its partners opened a new camp in Lóvua, about 85km west of Dundo.

By the time IRRI visited, all refugees from Mussungue had been transferred to Lóvua, where humanitarian conditions are significantly better. Transfers from Cacanda were ongoing at the time of IRRI's visit, but have since been completed. There are still some unregistered refugees in towns such as Nzagi, Fucauma and Dundo, though the Angolan government is pushing for them to also move to Lóvua by the end of March.

Since August 2017, the flow of refugees from the DRC has decreased significantly, due to a combination of challenges on the Congolese side of the border and a short improvement in the security situation. As this situation remains volatile, however, (as demonstrated by ongoing militia attacks) humanitarian actors are, rightly, continuing to plan for new arrivals.<sup>5</sup> The DRC regional response plan for 2018 maintains the 2017 planning figure of 50,000 arrivals by the end of December 2018.<sup>6</sup>

## No status, no work, little freedom of movement

While asylum seekers in Angola were, in the past, able to access refugee status, to date this has not been the case for those who arrived in 2017. The majority of individuals interviewed by IRRI

<sup>&</sup>lt;sup>5</sup> UNHCR, "Inter-Agency Operational Update", 22 November 2017, available at <a href="https://reliefweb.int/report/angola/angola-inter-agency-operational-update-22-november-2017">https://reliefweb.int/report/angola/angola-inter-agency-operational-update-22-november-2017</a> (accessed on 19 January 2018).

<sup>&</sup>lt;sup>6</sup> UNHCR, DRC refugee response plan 2018.

had been registered as asylum seekers and had obtained a document proving such registration, but none of them had obtained or was in the process of being granted refugee status. Currently, there is no procedure or institution in Angola for refugee status determination, despite this being provided by a 2015 law.<sup>7</sup> This law discontinued the previously existing system for refugee status determination, but has not yet been replaced by a new system because of the lack of additional regulation and implementation of the law.<sup>8</sup>In addition, an executive decree granting *prima facie* refugee status to the recent arrivals from Congo's Kasai region had not been signed into law yet by Angolan president João Lourenço at the time of IRRI's publication.

It should be mentioned, however, that absence of formal recognition of refugee status by the state does not relieve it from its legal obligations under international refugee law. A person is already a refugee and entitled to protection as long as he or she fulfils the conditions under the 1951 Refugee Convention (or the 1969 OAU Convention). Refugee status is declaratory – it does not make one a refugee but rather declares one who already is a refugee as such. UNHCR refers to those Congolese in Angola who registered as asylum seekers but whose applications are not being processed as "unregistered refugees".

Angola issued reservations when signing the 1951 Refugee Convention, including on freedom of movement and the right to work for refugees, and has also restricted such freedoms in law and practice. In practice, the government is enacting a strong policy of encampment inasmuch as the authorities do not allow refugees to move around freely and access the labour market. While the 2015 law provides that refugees should be able to apply for permission to leave the refugee camp in which they live, there is no such mechanism in practice. Refugees can go to the towns of Dundo, Chitato and Nzagi but are not allowed to leave Lunda Norte Province without permission from the government.

The 2015 law also states that while refugees are not allowed to own businesses, they can acquire work permits, but this has little meaning for those Congolese IRRI spoke to, due to the fact that they have not been granted refugee status. 10 Nonetheless, during IRRI's visit, unregistered refugees were trying to supplement the often limited humanitarian assistance by looking for low-paid labour and goods in urban centres. When doing so, they often faced abuses at the hands of the Angolan authorities.

# Abuses against refugees

Due to a combination of legal restrictions and limited accountability, many of the local authorities have been responsible for a pattern of arrests, detention and harassment of registered and unregistered refugees. <sup>11</sup>For example, due to the lack of procedures with regards to requesting permission, any refugee who leaves the camp is arguably doing so illegally, which leaves them at

http://reporting.unhcr.org/node/10321 (accessed on 5 February 2018).

<sup>&</sup>lt;sup>7</sup> Angolan Parliament, Law 10/2015 on Asylum and Refugees Status entered into force on 17 June 2015.

<sup>&</sup>lt;sup>8</sup> OHCHR, "UN Special Rapporteur on the human rights of migrants concludes country visit to Angola", 10 May, 2016, available at <a href="http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19938&LangID=E">http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19938&LangID=E</a> (accessed on: 27 October 2017). (OHCHR 2016)

<sup>&</sup>lt;sup>9</sup> UNHCR, Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, December 2011, HCR/1P/4/ENG/REV. 3, p. 9, available at: <a href="http://www.refworld.org/docid/4f33c8d92.html">http://www.refworld.org/docid/4f33c8d92.html</a> (accessed 16 March 2018).

 $<sup>^{\</sup>rm 10}$  See UNHCR, "Angola 2018 Planning summary", 17 November 2017, available at

<sup>&</sup>lt;sup>11</sup> OHCHR 2016

risk of arrest, detention and harassment by Angolan security agents, despite the fact that most of the time they are able to show papers that testify toothier status as an unregistered refugee. UNCHR has reported that in February, Angolan police forces rounded up refugees in Dundo town and confiscated their registration documents, prompting some to flee to offices of humanitarian organisations out of fear of deportation. 13

Many of the Congolese IRRI spoke to complained about the way they were treated by the Angolan authorities, saying that it had led to a high level of distrust. Allegations of arbitrary detention often went hand in hand with accusations of corruption. One man, for example, told IRRI that he was forced to bribe a police officer in Dundo to secure his release when he was arrested:

When we leave [the refugee camp] to buy something, and if we see police officers, we are arrested. They tear apart your papers and demand money. When I was still in Mussungue [reception centre], we left one day with three men. They arrested us and asked for our documents and 1000 Kwanza [approximately USD 6]. Then they let us go.<sup>14</sup>

A teenager in Cacanda reception centre told IRRI that he had already been arrested three times when trying to sell eggs in Dundo town. The last time, he said, "a police officer came and confiscated my eggs. He beat me and I fell on the ground. When I wanted to stand up, he slapped me again. Then I managed to escape." He decided to abandon his small business and stay in the reception centre.<sup>15</sup>

The restrictions on freedom of movement, the abuses against refugees who leave designated sites and the pressure on urban refugees to move to the refugee settlement has *de facto* created a situation in which those who fled the Kasai feel their only option is to reside in the refugee camp in Lóvua.

Even within the boundaries of the refugee sites, however, there have been several cases of human rights violations committed by Angolan security services. IRRI documented the case of a Congolese man whom Angolan police detained incommunicado for six days, after he got involved in a quarrel in a refugee camp. During his incarceration, he was seriously beaten: "They beat me with my hands behind my back, with wooden clubs. It was terrible," he said. 16 Despite efforts by protection actors to improve the knowledge and standards of state security agents and to intervene in such cases, much work remains to be done to ensure compliance with international human rights and refugee law by Angolan security forces.

## **Returning to DRC**

The extent to which the Angolan government is failing to adhere to both national and international standards is particularly apparent in its approach to dealing with the issue of returns to the DRC. The Angolan authorities have expelled hundreds of refugees to the DRC, despite *refoulement* (forcible return) being prohibited by Angolan and international law and

<sup>&</sup>lt;sup>12</sup> See also: UNHCR, 2014 & OHCHR2016.

<sup>&</sup>lt;sup>13</sup> UNHCR, "Inter-agency operational update – DRC situation", 7 March 2018, available at

https://data2.unhcr.org/en/documents/download/62468 (accessed on 12 March 2018). (UNHCR March 18)

<sup>&</sup>lt;sup>14</sup> IRRI interview with Congolese unregistered refugee, Lóvua, Angola, 13 October 2017.

<sup>&</sup>lt;sup>15</sup> IRRI interview with Congolese unregistered refugee, Cacanda reception centre, Angola, 12 October 2017.

<sup>&</sup>lt;sup>16</sup> IRRI interview with Congolese unregistered refugee, Dundo, Angola, 14 October 2017.

applying to asylum seekers, refugees as well as any other individual who may face torture or persecution at home.<sup>17</sup>Angolan law prohibits expulsion of refugees and asylum seekers, except for reasons of national security, public order or after fraud or an excludable act.<sup>18</sup>

UNHCR has reported that between 25 and 27 February 2018, 52 registered (from earlier displacement) and 480 unregistered Congolese refugees were forcibly returned from Angola to the DRC, under the guise of being offered transport to Lóvua refugee camp. UNHCR said those returns were carried out despite its request to organise joint screening of those individuals.<sup>19</sup> Access to border posts in Angola is difficult because of government restrictions and monitoring of return zones in DRC is equally problematic, mainly due to security considerations. In February, the Angolan government further restricted access to Chissanda border post, which UNHCR and IRRI visited before, and to the immigration detention centre of Conduije, where many unregistered refugees and immigrants have been arbitrarily detained, sometimes before being expelled.<sup>20</sup>

Several refugees told IRRI of cases of *refoulement* of refugees from Angola to the DRC and IRRI interviewed two individuals who said they had themselves been forcibly returned to the DRC. One woman said that in September 2017, hours after her arrival in Angola, she was arrested by Angolan security agents in Dundo, briefly detained and then repatriated along with other people she did not know to the DRC. She told IRRI: "I said that I had left DRC because of the war. But the officials didn't understand me. They transported me to repatriate me." As soon as she saw the situation in her hometown, she crossed the border again to Angola.

Another man, registered as an asylum seeker, explained how he was also arrested in September 2017 in Nzagi, a town outside Dundo, and sent back to DRC. He claimed the police had confiscated his documents, asked for a bribe, detained him and then taken him back to the DRC.<sup>22</sup>

Most refugees IRRI spoke to feared to return to DRC and UNHCR has stated that "returns are not yet possible in a safe, dignified and sustainable manner, since peace and security are lacking." However, thousands of Congolese asylum seekers have already informally left Angola. The Angolan government stated in October 2017 that more than 7,500 asylum seekers – about a quarter of the total number at that time – had returned to the DRC. IRRI witnessed several people crossing at a border crossing between the DRC and Angola, but was unable to identify the reasons of their stay in Angola and for their return.

<sup>&</sup>lt;sup>17</sup> For an overview of the international legal norms on *non-refoulement*, see International Refugee Rights Initiative, "Protection politics: Preventing illegal extraditions, *refoulement* and cross-border persecution in East Africa", January 2018, available at <a href="http://refugee-rights.org/wp-content/uploads/2018/01/Protection-Politics-FINAL.pdf">http://refugee-rights.org/wp-content/uploads/2018/01/Protection-Politics-FINAL.pdf</a>.

 $<sup>^{18}</sup>$  Article 54 of law 10/2015 on Asylum and Refugees Status, cited in OHCHR, 2016.

<sup>&</sup>lt;sup>19</sup> UNHCR, "Rekindled tension in DR Congo's Kasai region poses new threat to civilians, displaced", 6 March 2018, available at <a href="http://www.unhcr.org/news/briefing/2018/3/5a9e659a4/rekindled-tension-dr-congos-kasai-region-poses-new-threat-civilians-displaced.html?utm\_c%E2%80%A6">http://www.unhcr.org/news/briefing/2018/3/5a9e659a4/rekindled-tension-dr-congos-kasai-region-poses-new-threat-civilians-displaced.html?utm\_c%E2%80%A6</a> (accessed on 12 March 2018); and UNHCR, 7 March 2018.

<sup>&</sup>lt;sup>20</sup> UNHCR, 7 March 2018.

<sup>&</sup>lt;sup>21</sup> IRRI interview with Congolese unregistered refugee, Cacanda reception centre, Angola, 12 October 2017.

<sup>&</sup>lt;sup>22</sup> IRRI phone interview with Congolese unregistered refugee, Angola, 14 October 2017.

<sup>&</sup>lt;sup>23</sup> UNHCR, 6 March 2018

<sup>&</sup>lt;sup>24</sup> Radio Okapi, "Angola: un quart des réfugiés congolais est rentré en RDC (autorités)", 14 October 2017, availableat<a href="https://www.radiookapi.net/2017/10/14/actualite/societe/angola-un-quart-des-refugies-congolais-est-rentre-en-rdc-autorites">https://www.radiookapi.net/2017/10/14/actualite/societe/angola-un-quart-des-refugies-congolais-est-rentre-en-rdc-autorites</a> (accessed on: 19 January 2018).

On 13 January 2018, the governors of Lunda Norte Province in Angola and the four Congolese provinces in the Kasai region affected by the violence reportedly signed a memorandum to prepare the return of Congolese refugees. February, Congolese and Angolan authorities visited Lóvua refugee camp to discuss repatriation with refugee leaders. They held meetings outside the camp and without informing the wider refugee community. February and without informing the wider refugee community. February and without informing the wider refugee community and a number of threats being issued by refugees against those who had participated in these meetings.

Expulsions of refugees are part of a broader pattern of expulsions of people from DRC to their country. In November 2017, the government stated that it had returned 2,884 "illegal migrants" to the DRC, many of whom were accused of involvement in illegal diamond mining.<sup>27</sup> Between February and November 2017, humanitarian sources reported that the Angolan government expelled more than 6,000 individuals, accompanied by human rights abuses such as arbitrary detention, beatings and sexual violence. During such rounding up of foreign nationals, no sustained effort has been made to distinguish between asylum seekers and refugees and other migrants who are not eligible for international protection.

Limited oversight and access to legal aid, coupled with law enforcement personnel's unfamiliarity with, or disregard for, the legal status of (unregistered) refugees has created a serious risk that asylum seekers and refugees are also being expelled during such operations.<sup>28</sup>

Many who have returned, either voluntarily or after being expelled, find it impossible to go back to their homes. They continue to be internally displaced within the DRC, or in some cases trying to return to Angola. IRRI received several reports from the DRC of humanitarian suffering and abuses against returnees, including of an attack on a convoy of returnees. Humanitarian access and assistance in the Kasai region is insufficient,<sup>29</sup> many villages have been burned down, militias continue to attack authorities and civilians, ethnic tensions are palpable and the presence of Congolese military and international peacekeepers has not improved the situation. Many of those who have been returned risk being the victim of violence, in some instances targeted specifically against returnees or certain ethnic groups.

# Human security and peaceful co-existence

The extent to which tensions in Kasai might be replicated within refugee communities in Angola is also a concern. On the one hand, and despite the increased ethnic dimension to the conflict in Kasai and the flight of people from different ethnic groups to Angola, most people said that there was no conflict in the reception centres and in Lóvua camp.<sup>30</sup> One man explained why: "There is

<sup>&</sup>lt;sup>25</sup> Government of Angola, "Angola/DRC: Congolese refugees to start returning home in March", 15 January 2018, available at <a href="https://reliefweb.int/report/angola/angoladrc-congolese-refugees-start-returning-home-march">https://reliefweb.int/report/angola/angoladrc-congolese-refugees-start-returning-home-march</a> (accessed on: 19 January 2018).

<sup>&</sup>lt;sup>26</sup> UNHCR, 7 March 2018.

<sup>&</sup>lt;sup>27</sup> A. Vieira, "Angola expels 2,884 Congolese illegal migrants" *The Eastafrican*, 5 November 2017, available at <a href="http://www.theeastafrican.co.ke/news/Angola-expels-Congolese-illegal-migrants/2558-4174076-qayvf7z/index.html">http://www.theeastafrican.co.ke/news/Angola-expels-Congolese-illegal-migrants/2558-4174076-qayvf7z/index.html</a> (accessed on: 19 January 2018).

<sup>&</sup>lt;sup>28</sup> This concern was shared in the 2016 report of the UN Special Rapporteur on the human rights of migrants, see OHCHR, 2016.

<sup>&</sup>lt;sup>29</sup> Ibid.

<sup>&</sup>lt;sup>30</sup> For more information about the complex ethnic dimensions of this conflict, see International Refugee Rights Initiative, "Violence and Displacement in the Kasai", January 2018, available at <a href="http://refugee-rights.org/wp-content/uploads/2018/01/Kasai-report-IRRI-ENG.pdf">http://refugee-rights.org/wp-content/uploads/2018/01/Kasai-report-IRRI-ENG.pdf</a>.

calm here [in Angola] because we are on neutral territory and because we are directed by foreigners, so there is no uprising. If not there would be blood." $^{31}$ 

Nonetheless, several warned about simmering tensions and the risk of inter-personal conflicts in the refugee sites in Angola taking on an ethnic dimension. Some voiced concern about the behaviour of refugees from the Luba, a dominant community among the refugees in Angola, such as singing antagonistic songs and organising meetings, and they also accused some of being militia members. As said before, tensions also increased after contested meetings between refugee representatives and Congolese and Angolan authorities, and pressure on natural resources has also strained relations with the Angolan host community.

In particular, there was concern about the possible existence of militias within the refugee population. When refugees started moving into Angola, a number of militia members also approached the border, creating a security dilemma for the Angolan authorities. Angolan security services, vigilant about any possible spill-over of the conflict, reportedly repelled this group and prevented them from also crossing the border. Other militia members, especially children forcibly recruited into the militia, were arrested by the Angolan border police upon crossing the border. IRRI spoke to two children who had been forcibly recruited into the militia, detained for a long time in a detention centre managed by the Angolan security services, and then put in a safe house in Dundo for their own protection, as victims of the group's violence might take revenge on them for their own ordeal.

The Angolan government has encouraged refugees to ensure peaceful cohabitation and to set aside ethnic and political tensions, and UNHCR and partners are planning to conduct activities to support co-existence through counselling and civic education. During IRRI's research, however, we found limited concrete actions to have been implemented to address these issues identified by refugees.

## **Conclusion**

While the Angolan government has offered many Congolese safety from militia and army attacks in DRC inasmuch as it has allowed people to flee across the border, its treatment of those who have fled is troubling. Unregistered refugees are living with serious restrictions on their freedom of movement, the ongoing threat of premature return and the risk of harassment, corruption and detention. An absence of accountability for abuses and ignorance of the rights of refugees have perpetuated this situation.

The issue of return is particularly concerning, given that the Kasai region, as with many parts of the DRC, remains far from stable. Yet the Angolan government is increasingly putting pressure on refugees to return. UNHCR has documented forced returns, as described to IRRI, and Angolan government officials have signed a memorandum with Congolese counterparts and held meetings with refugee leaders to promote returns. Given the ongoing violence in the Kasai region, the increased ethnic tensions and the absence of refugee status determination procedures, however, any pressure on refugees to return against their will goes against Angola's national and international legal obligations.

<sup>31</sup> IRRI interview with Congolese unregistered refugee, Cacanda reception centre, Angola, 16 October 2017.

The absence of refugee status determination procedures reinforces this perspective among refugees that the Angolan authorities regard their stay in Angola as temporary, despite the fact that they opened a more permanent refugee camp. While this new site and the arrival of humanitarian agencies have resulted in an improvement of the humanitarian situation, many refugees resent the restrictions to their freedom of movement and access to work and fear increasing tensions between the different communities as a consequence of the ethnically-coloured violence in the Kasai.

Yet, violence in the Kasai is ongoing, and the humanitarian situation in many of the villages of origin of refugees remains dire. Those that have been forced to return have often been displaced a second time inside the DRC, creating more suffering. Ultimately, there needs to be a recognition that those who have fled conflict in Kasai are in need of protection until such time as there is a genuine resolution to the conflict in Kasai.

## Recommendations

## To the government of Angola

- Ensure that no asylum seeker or refugee is returned, or is pressured to return, to the DRC against their will and refrain from any statements or actions that might place undue pressure on asylum seekers or refugees;
- Ensure that any allegations of human rights abuses, refoulement and corruption are fully investigated and that appropriate actions are undertaken to increase the security and respect the rights of Congolese refugees, including through accountability of members of the security forces;
- Ensure that national and international refugee law is implemented by creating mechanisms and procedures for refugee status determination, by granting refugee status to eligible asylum seekers and by providing protection to all;
- Publicly call for the respect of human rights and refugee law by police and immigration officers in their dealings with refugees, asylum seekers and migrants;
- Ensure appropriate training of migration and law enforcement officials and human rights monitoring;
- Allow for the freedom of movement and right to work for asylum seekers and refugees, including by ensuring that asylum seekers who seek to work or move outside the refugee sites are not subject to human rights violations;
- Grant UNHCR, lawyers and NGOs full and unhindered access to migrant detention centres and to border crossings and allow them to conduct private conversations with asylum seekers and refugees.

## To donors

- Increase funding to humanitarian relief in the Kasai provinces and to UNHCR's appeal for Angola;
- Urge the Angolan government to halt forced returns, provide access to refugee status, end abuses against refugees and fully cooperate with UNHCR and other actors working on refugee issues, including on detention and border monitoring;

- Fund programmes and partners to increase the individual and collective security and peaceful co-existence of refugees and asylum seekers in Angola.

## To UNHCR and its implementing partners in Angola and DRC

- Continue to monitor abuses committed by Angolan police and immigration officers, and, where appropriate, publicly call for an end to those abuses;
- Continue attempts to increase monitoring capacity at border posts and detention facilities, especially on voluntary and forced returns, and, where security conditions allow, in zones of return in DRC;
- Fund and implement programmes to promote human rights awareness among Angolan security personnel and peaceful dialogue and co-existence between different refugee communities;
- Monitor and advise the Angolan government on any formal or informal returns processes including by continuing to offer assistance in the identification and screening of asylum seekers and refugees.