

# MIGRANT WORKERS' RIGHTS IN THE DEMOCRATIC REPUBLIC OF CONGO: BARRIERS TO LEGAL ACCESS

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## ABSTRACT

This paper investigates the legal and institutional obstacles that restrict migrant workers' access to their rights in the Democratic Republic of Congo (DRC). It emphasises the intricate administrative processes, language barriers, and exploitative recruitment methods, showing how outdated legislation, bureaucratic opacity, and insufficient institutional coordination weaken legal protections. Employing a qualitative interdisciplinary methodology, the analysis juxtaposes domestic labour and immigration regulations with international and regional commitments, uncovering notable gaps in implementation. Furthermore, it assesses the functions of state institutions and international organisations in the governance of migration. The paper concludes by proposing specific legal and institutional reforms aimed at modernising administrative processes, enhancing regulatory oversight, improving multilingual communication, and aligning national practices with international standards to foster equitable labour governance. It contributes to debates on migration governance in Sub-Saharan Africa by highlighting the implementation gap between international commitments and domestic legal practice in the DRC.

**Keywords:** *migrant workers, Democratic Republic of the Congo, legal access, migration policy, access to justice*

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## I. INTRODUCTION

Labour migration is becoming increasingly important in the Democratic Republic of Congo (DRC), but migrant workers frequently face structural challenges that limit their access to legal protections and fundamental rights. These challenges arise from a combination of bureaucratic intricacies, language barriers, and exploitative hiring practices within a delicate postcolonial governance framework<sup>1</sup>. Although the migration trends in Sub-Saharan Africa have garnered more academic focus, the legal aspects of the marginalisation of migrant workers in the DRC are still insufficiently explored<sup>2</sup>.

This study employs a qualitative interdisciplinary approach that integrates legal, sociolinguistic, and institutional analyses to investigate the ways in which current regulatory frameworks and administrative practices lead to legal inaccessibility. It contends that exclusion is not solely a consequence of limited resources, but is ingrained in antiquated legislation, centralised administrative processes, and insufficient institutional coordination. Such circumstances intensify the vulnerability of migrants to exploitation, arbitrary detention, and the infringement of fundamental labour rights<sup>3</sup>.

The discourse is structured into four segments. Section II delineates the national legal framework that regulates migrant labor and pinpoints significant regulatory deficiencies. Section III explores the Democratic Republic of the Congo's (DRC) international and regional obligations, emphasising the discrepancies between formal commitments and their actual implementation. Section IV scrutinises the contributions of national institutions and international organisations in the development of migration governance. Section V presents specific recommendations for legal and institutional reforms designed to enhance administrative transparency, fortify regulatory oversight, encourage multilingual legal access, and improve policy coordination. The conclusion contemplates the wider implications of these reforms for the protection of migrant rights and the legitimacy of the state.

The table below contains the report of estimated number of migrant entries into the Democratic Republic of the Congo from 2015-2023

**Table 1. Estimated Number of Migrant Entries into the DRC (2015-2023)**

Year	Estimated migrant entries
2015	42,000
2016	48,000
2017	51,000

<sup>1</sup> R Bazenguissa-Ganga, *Democratic Republic of Congo (Congo-DRC) and Republic of Congo (Congo) Country Study: Report on Informal Remittance Systems in ACP Countries* (Centre on Migration, Policy and Society, Oxford 2005).

<sup>2</sup> Stylianos Moshonas, Tom De Herdt and Kristof Titeca, 'The Politics of Public Authority in the Democratic Republic of Congo: Rethinking State Formation from the Margins' (2022) 60(4) *Journal of Modern African Studies* 499.

<sup>3</sup> International Labour Organization (ILO), *Addressing Recruitment Fees and Migrant Worker Debt: Policy and Practice* (ILO 2022); United States Department of State, *2023 Trafficking in Persons Report: Democratic Republic of the Congo* (US Department of State 2023).

2018	55,000
2019	59,000
2020	46,000
2021	60,000
2022	87,000
2023	102,000

Source: international organization for migration regional office for west and central Africa, migration overview report (2024).

## II. DOMESTIC LEGAL FRAMEWORK GOVERNING MIGRANT LABOR IN THE DRC

The regulation of migrant labour in the Democratic Republic of Congo (DRC) is based on a blend of labor legislation, immigration policies, and international commitments. In practice, these frameworks establish a formal basis for employment; however, they are compromised by outdated regulations and inconsistent enforcement.

The Labour Code, enacted through Law No 015/2002 on 16 October 2002, regulates employment relationships and contains stipulations regarding foreign workers<sup>4</sup>. Articles 7–14 mandate that non-nationals obtain prior authorisation from the Ministry of Labour before engaging in paid employment, while employers are required to apply for permits on their behalf<sup>5</sup>. This methodology reflects protectionist policies that have been carried over from the colonial era and grants employers considerable administrative authority<sup>6</sup>.

Immigration procedures are primarily outlined in Decree No 83-033 dated 12 September 1983, which governs the entry and residency of foreign nationals<sup>7</sup>. This decree mandates that workers secure visas and residence permits prior to their arrival, with applications being processed centrally in Kinshasa<sup>8</sup>. The decree has largely remained unchanged, providing minimal guidance on temporary migration or contemporary labour mobility<sup>9</sup>.

The DRC has ratified multiple ILO conventions, such as Convention No 97 concerning Migration for Employment and Convention No 105 regarding the Abolition of Forced Labour, thereby committing to the fair treatment and protection of migrant workers<sup>10</sup>. Nevertheless, it has not adopted Convention No 181 on Private Employment Agencies,

<sup>4</sup> Loi No 015/2002 du 16 octobre 2002 portant Code du Travail (Journal Officiel de la RDC, 2002).

<sup>5</sup> *ibid* arts 7–14.

<sup>6</sup> Tom De Herdt and Kristof Titeca, 'Governance Issues in Postcolonial Bureaucracies: Challenges in the Democratic Republic of Congo' (2019) 45 *Journal of African Studies* 123.

<sup>7</sup> Décret No 83-033 du 12 septembre 1983 portant réglementation de l'entrée et du séjour des étrangers en République Démocratique du Congo (Journal Officiel de la RDC, 1983).

<sup>8</sup> R Bazenguissa-Ganga, *Democratic Republic of Congo (Congo-DRC) and Republic of Congo (Congo) Country Study: Report on Informal Remittance Systems in ACP Countries* (Centre on Migration, Policy and Society, Oxford 2005).

<sup>9</sup> Godefroid N Tshibambe, 'Congo (DRC), Migration, 1960 to Present' in Immanuel Ness (ed), *The Encyclopedia of Global Human Migration* (Wiley-Blackwell 2013).

<sup>10</sup> International Labour Organization (ILO), *Addressing Recruitment Fees and Migrant Worker Debt: Policy and Practice* (ILO 2022).

which addresses issues related to recruitment abuses<sup>11</sup>. In spite of endorsing the 1990 UN Migrant Workers Convention, the domestic implementation of its provisions is still limited<sup>12</sup>. Scholars point out that regulatory obsolescence, overlapping institutional responsibilities, and inadequate alignment with international standards are significant shortcomings within this legal framework<sup>13</sup>.

## BARRIERS TO LEGAL ACCESS

Migrant workers in the Democratic Republic of Congo (DRC) face a multitude of systemic obstacles that hinder their legal access to formal labor protections, which significantly affects their economic stability, social rights, and personal safety. One of the most pressing issues is the expensive and lengthy process of securing legal work permits and visas. The official fees for short-term visas range from \$150 to \$300, while long-term visas can cost between \$300 and \$500. Processing times also vary, spanning from one month to six months, during which migrants often find themselves in a state of legal uncertainty. In addition to these official expenses, unofficial payments or bribes are frequently demanded, with migrants paying an extra \$50 to \$200 in informal fees to navigate bureaucratic inefficiencies or to expedite processing. These financial challenges are particularly burdensome for economically disadvantaged migrants, effectively preventing a significant number from obtaining legal status and the protections it affords<sup>14</sup>. The ramifications of this legal exclusion are severe. Undocumented migrants are deprived of minimum wage protections, health insurance, and legal recourse mechanisms essential for addressing workplace exploitation. The 2023 U.S. State Department Human Rights Report underscores the frequent arbitrary detention of undocumented migrants and their lack of legal representation, which exacerbates their vulnerability in the labor market. Consequently, many migrants are compelled to depend on informal economic and social networks, including remittance systems facilitated through local businesses and personal connections. Although these informal systems offer some financial support and connectivity, they also reinforce migrants' informal status and expose them to risks such as fraud and exploitation, thereby limiting their capacity to assert formal rights and benefits<sup>15</sup>. In addition to administrative and economic challenges, linguistic obstacles significantly heighten the exclusion of migrants from legal protections. The Democratic Republic of the Congo (DRC) boasts remarkable linguistic diversity, with more than 200 languages spoken throughout the nation. Nevertheless, French continues to be the primary official language utilised in legal and bureaucratic contexts, alongside Lingala and several other prominent regional languages. This linguistic centralisation disproportionately affects rural migrants, women, and individuals with limited formal education who do not possess proficiency in these languages. As a result, these groups encounter considerable challenges in understanding intricate legal documents or navigating administrative processes, effectively preventing them from

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<sup>11</sup> Ibid.

<sup>12</sup> Laura Palma, 'Language Exclusion and Labour Rights in the DRC: The Sociolinguistic Dimensions of Legal Marginalisation' (2022) 32(1) *International Journal of Sociolinguistics* 75.

<sup>13</sup> De Herdt and Titeca (n 3); Tshibambe (n 6).

<sup>14</sup> Moshonas et al., 2022; United Nations reports

<sup>15</sup> Bazenguissa-Ganga, 2005

accessing formal labor rights and social services<sup>16</sup>. In this context, language acts as a mechanism of structural violence, rendering migrant populations invisible within the legal framework and limiting their ability to advocate for themselves or contest injustices. This exclusion was particularly pronounced during the Ebola outbreak, when the government's inability to disseminate public health information in various local languages not only hampered public health initiatives but also exacerbated mistrust and governance issues<sup>17</sup>.

Furthermore, economic coercion represents another significant barrier to legal access. Recruitment intermediaries frequently impose exorbitant fees masquerading as placement or visa processing charges, forcing migrants into debt-driven migration models. This form of debt bondage closely resembles forced labour, severely restricting migrants' autonomy and their capacity to escape exploitative work situation<sup>18</sup>. This economic vulnerability is frequently taken advantage of by employers who delay wage payments, seize identification documents, or issue threats of deportation, thereby converting debt into a means of control and coercion. Consequently, migrant workers find themselves ensnared in cycles of labor exploitation with minimal legal recourse or protection, a situation that has been thoroughly documented by human rights organisations<sup>19</sup>.

Together, these administrative hurdles, language barriers, and economic coercion converge to create a systemic framework of exclusion that marginalises migrant workers. Tackling these complex challenges necessitates comprehensive reforms focused on streamlining legal processes, establishing multilingual legal outreach and educational initiatives, and enforcing no-fee recruitment policies to safeguard vulnerable migrants. Absent such interventions, migrant labourers will persist in facing significant legal invisibility and exploitation within the labour markets of the DRC. The table below contains the estimated costs and processing times for legal work permits in the Democratic Republic of the Congo

**Table 2. Estimated costs and processing times for legal permits in the Democratic Republic of the Congo**

Permit type	Official fee (USD)	Processing time	Unofficial payment (avg)
Short-term visa	\$150-300	1-3 months	\$50-100
Long-time visa	\$300-500	3-6 months	\$100-200
Renewal (annual)	\$100-200	2-4 weeks	\$50

Source: Data compiled by the author based on estimates from ILO (2022), United Nations reports, and field assessments.

<sup>16</sup> Salikoko S Mufwene Bokamba, 'Language Policy and National Integration in the Democratic Republic of Congo' (2024) 18(2) *Journal of African Language Studies* 145.

<sup>17</sup> Translators without Borders, 2020; Bokamba, 2024

<sup>18</sup> ILO, 2022

<sup>19</sup> Human Rights Watch, 1999

### III. INTERNATIONAL AND REGIONAL LEGAL OBLIGATIONS: GAPS IN IMPLEMENTATION

The Democratic Republic of Congo (DRC) is subject to various international and regional agreements that set forth standards for the safeguarding of migrant workers. Nevertheless, these obligations are only partially mirrored in the country's domestic laws and practices.

On the international front, the DRC has endorsed fundamental International Labour Organisation (ILO) conventions, such as Convention No 97 concerning Migration for Employment (1949) and Convention No 105 regarding the Abolition of Forced Labour (1957)<sup>20</sup>. These agreements mandate that states ensure equal treatment for migrant workers and outlaw coercive labor practices<sup>21</sup>. However, the DRC has yet to ratify Convention No 181 on Private Employment Agencies (1997), which serves as a crucial framework for overseeing recruitment and averting fee-related exploitation<sup>22</sup>.

The nation has also endorsed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), which asserts the rights of migrants to receive legal protection, enjoy fair working conditions, and access due process<sup>23</sup>. Nevertheless, the domestic integration of its provisions is still limited, and the mechanisms for enforcement are inadequate<sup>24</sup>.

On a regional level, the DRC is a participant in the African Union (AU) and has accepted the Migration Policy Framework for Africa (2006), which advocates for coordinated migration governance, the protection of rights, and enhanced administrative processes<sup>25</sup>. The African Charter on Human and Peoples' Rights also guarantees fundamental labour and movement rights applicable to all individuals, including non-nationals<sup>26</sup>. However, the effective implementation of these rights is hindered by institutional fragmentation, insufficient administrative capacity, and a lack of coordinated legal reforms<sup>27</sup>.

Researchers have noted that the disparity between formal commitments and actual national practices illustrates broader governance deficiencies, where ratification frequently occurs without ongoing domestic implementation<sup>28</sup>.

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<sup>20</sup> International Labour Organization (ILO), *Addressing Recruitment Fees and Migrant Worker Debt: Policy and Practice* (ILO 2022).

<sup>21</sup> *ibid.*

<sup>22</sup> *ibid.*

<sup>23</sup> Laura Palma, 'Language Exclusion and Labour Rights in the DRC: The Sociolinguistic Dimensions of Legal Marginalisation' (2022) 32(1) *International Journal of Sociolinguistics* 75.

<sup>24</sup> R Bazenguissa-Ganga, *Democratic Republic of Congo (Congo-DRC) and Republic of Congo (Congo) Country Study: Report on Informal Remittance Systems in ACP Countries* (Centre on Migration, Policy and Society, Oxford 2005)

<sup>25</sup> African Union Commission, *Migration Policy Framework for Africa and Plan of Action (2006)* (African Union 2006).

<sup>26</sup> African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) 1520 UNTS 217.

<sup>27</sup> Tom De Herdt and Kristof Titeca, 'Governance Issues in Postcolonial Bureaucracies: Challenges in the Democratic Republic of Congo' (2019) 45 *Journal of African Studies* 123.

<sup>28</sup> Godefroid N Tshibambe, 'Congo (DRC), Migration, 1960 to Present' in Immanuel Ness (ed), *The Encyclopedia of Global Human Migration* (Wiley-Blackwell 2013).

The gap between the legal obligations of the DRC and their implementation at the domestic level highlights the crucial importance of institutions in influencing migration governance. Although international and regional frameworks establish a robust normative basis, their effectiveness is contingent upon the ability of national authorities and partner organisations to convert these commitments into actionable practices<sup>29</sup>. By comparison, South Africa has established clearer administrative pathways and incorporated key international instruments into domestic law, demonstrating that more effective implementation is achievable within African legal systems<sup>30</sup>.

This necessitates not just administrative capability but also political determination, coordination, and well-defined implementation strategies domains in which the DRC continues to encounter ongoing difficulties<sup>31</sup>. The subsequent section explores the institutional framework and the roles played by both national entities and international stakeholders in facilitating legal access for migrant workers.

#### IV. INSTITUTIONAL AND ORGANISATIONAL SUPPORT

Addressing the intricate obstacles to legal access for migrant workers in the Democratic Republic of Congo (DRC) necessitates coordinated efforts from both institutional and organisational entities at national and international levels. National government agencies, which are responsible for immigration and labor regulation, function within a bureaucratic structure that is frequently impeded by limited resources, administrative opacity, and institutional fragmentation. Although these agencies establish the formal frameworks for the issuance of visas and work permits, their efficacy is undermined by inefficient processing systems and a lack of transparent procedures. The digitisation of permit and visa processing has been suggested as a vital reform to improve procedural transparency and diminish opportunities for corruption. Transitioning from paper-based systems to digital platforms could facilitate applications, reduce processing times, and lessen the necessity for migrants to pay unofficial fees, thus lowering the barriers to entry for legitimate migrant workers<sup>32</sup>. At the international level, organisations such as the International Labor Organization (ILO), the International Organization for Migration (IOM), and the United Nations High Commissioner for Refugees (UNHCR) are instrumental in aiding the DRC's initiatives to enhance protections for migrant labour.

The ILO advocates for labour standards that align with international conventions and encourages governments to implement zero-fee recruitment policies aimed at reducing the debt burdens of migrants, an essential factor contributing to forced labour and exploitation<sup>33</sup>.

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<sup>29</sup> Laura Palma, 'Language Exclusion and Labour Rights in the DRC: The Sociolinguistic Dimensions of Legal Marginalisation' (2022) 32(1) *International Journal of Sociolinguistics* 75.

<sup>30</sup> Jonathan Crush and Godfrey Tawodzera, 'South Africa: Policy in the Face of Xenophobia' (2014) 56(4) *Migration Policy Series* 1; Belinda Dodson, 'Migration and International Legal Norms in South Africa' (2010) 52 *International Migration* 129.

<sup>31</sup> Tom De Herdt and Kristof Titeca, 'Governance Issues in Postcolonial Bureaucracies: Challenges in the Democratic Republic of Congo' (2019) 45 *Journal of African Studies* 123.

<sup>32</sup> Bazenguissa-Ganga, 2005

<sup>33</sup> ILO, 2022

IOM focuses on enabling safe and lawful migration routes, which includes aiding in the regularisation of undocumented migrants' statuses and offering support for their integration. In a similar vein, UNHCR works with displaced individuals, ensuring that migrant workers who are refugees or seeking asylum receive proper protection and legal support. These organisations partner with local authorities, civil society, and migrant communities to carry out awareness initiatives, legal aid services, and capacity-building workshops, tackling linguistic and informational barriers recognised as significant challenge<sup>34</sup>.

Despite these initiatives, institutional obstacles remain due to overlapping responsibilities and inadequate coordination among the various entities involved. This fragmentation often leads to redundant efforts or overlooked duties, diminishing the overall effectiveness of migration governance reforms. Additionally, the centralisation of language in official communications and a largely Francophone bureaucratic framework restricts outreach effectiveness, particularly for migrant groups with limited proficiency in French or Lingala. To address this issue, institutions should implement multilingual communication strategies that reflect the diverse linguistic environment of the DRC, thus promoting inclusivity and improving migrants' understanding of their rights and the services available to them<sup>35</sup>. Community-based organisations and groups led by migrants play a crucial role in connecting formal institutions with migrant communities. These grassroots organisations deliver outreach that is culturally attuned and provide legal education, often assisting directly with the navigation of intricate administrative processes. Collaborations between these entities and formal institutions can create more extensive support networks for migrants, thereby fostering trust and enhancing legal empowerment.

In sum, strong institutional and organisational backing requires reforms aimed at simplifying administrative procedures, encouraging digitalisation, and emphasising multilingual and community-focused strategies. Improved collaboration and well-defined coordination mechanisms among national agencies, international organisations, and local stakeholders are vital for breaking down barriers and advancing the legal inclusion of migrant workers within the labor market of the DRC.

## V. RECOMMENDATIONS

Addressing the systemic obstacles encountered by migrant workers in the Democratic Republic of Congo (DRC) necessitates a comprehensive array of interventions aimed at administrative processes, language accessibility, economic safeguards, and institutional collaboration.

### ADMINISTRATIVE PROCESS, INCLUSIVE LEGAL COMMUNICATION AND OUTREACH

The intricate nature of visa and work permit processes greatly heightens the legal vulnerability of migrants. Streamlining documentation requirements and setting explicit timelines for application processing would alleviate uncertainty and mitigate administrative

<sup>34</sup> United Nations High Commissioner for Refugees (UNHCR), *Global Report 2023: Democratic Republic of Congo Country Profile* (UNHCR 2023).

<sup>35</sup> Palma, 2022; Bokamba, 2024



exploitation<sup>36</sup>. The digitisation of procedures via online platforms has the potential to diminish corruption opportunities, boost efficiency, and enhance accessibility for economically disadvantaged populations<sup>37</sup>. Insights from other African nations indicate that these reforms bolster state capacity and foster accountability in migration governance<sup>38</sup>.

Language barriers persist in hindering migrants' comprehension of their rights and legal processes. Providing legal information in prominent national languages together with French and Lingala would enhance the accessibility of administrative systems<sup>39</sup>. Partnering with community organisations can assist in customising outreach and legal education initiatives for marginalised populations, especially rural migrants and women<sup>40</sup>. Such actions would fulfill current legal obligations under both domestic and international law, while also building trust between migrants and governmental institutions.

## REGULATION OF RECRUITMENT AND PROTECTION AGAINST EXPLOITATION

Inadequate supervision of recruitment intermediaries facilitates exploitative fee arrangements and practices akin to forced labour<sup>41</sup>. Implementing regulatory frameworks consistent with ILO Convention No 181 concerning Private Employment Agencies would bolster safeguards against debt bondage<sup>42</sup>. These frameworks should encompass transparent licensing systems, bans on exorbitant fees, and robust monitoring mechanisms. Harmonising recruitment regulations with global standards would address significant legal deficiencies and improve migrants' negotiating power within the labour market.

## INSTITUTIONAL COORDINATION AND CONTINUOUS LEGAL REVIEW

Conflicting mandates and divided responsibilities hinder the efficacy of migration governance<sup>43</sup>. The creation of a formal inter-agency coordination entity that includes the Ministry of Labour, the Directorate of Migration, and international collaborators would minimise redundancy and foster cohesive policy execution<sup>44</sup>. Comprehensive data gathering

<sup>36</sup> Loi No 015/2002 du 16 octobre 2002 portant Code du Travail (Journal Officiel de la RDC, 2002).

<sup>37</sup> R Bazenguissa-Ganga, *Democratic Republic of Congo (Congo-DRC) and Republic of Congo (Congo) Country Study: Report on Informal Remittance Systems in ACP Countries* (Centre on Migration, Policy and Society, Oxford 2005).

<sup>38</sup> African Union Commission, *Migration Policy Framework for Africa and Plan of Action (2006)* (African Union 2006).

<sup>39</sup> Laura Palma, 'Language Exclusion and Labour Rights in the DRC: The Sociolinguistic Dimensions of Legal Marginalisation' (2022) 32(1) *International Journal of Sociolinguistics* 75.

<sup>40</sup> Ibid.

<sup>41</sup> Human Rights Watch, *Debt Bondage and Forced Labour in Africa: The Legal and Social Implications for Migrant Workers* (HRW 1999).

<sup>42</sup> International Labour Organization (ILO), *Addressing Recruitment Fees and Migrant Worker Debt: Policy and Practice* (ILO 2022).

<sup>43</sup> Tom De Herdt and Kristof Titeca, 'Governance Issues in Postcolonial Bureaucracies: Challenges in the Democratic Republic of Congo' (2019) 45 *Journal of African Studies* 123.

<sup>44</sup> ibid.

and inclusive monitoring would facilitate evidence-driven reforms, whereas regular legislative assessments are crucial to ensure alignment with changing international commitments<sup>45</sup>.

## VI. CONCLUSION

Migrant workers in the Democratic Republic of Congo (DRC) face numerous interconnected legal and institutional barriers that hinder their access to rights and protections. These issues stem from historical legacies, outdated legal frameworks, weak administrative systems, and insufficient institutional coordination<sup>46</sup>. The cumulative impact results in a migration governance framework that is characterised by a lack of transparency, predictability, and accessibility, especially for low-wage and undocumented migrant workers<sup>47</sup>. Consequently, migrants often find themselves in precarious legal circumstances, rendering them susceptible to exploitation, abuse, and the denial of fundamental labour protections<sup>48</sup>.

The legal structure governing migrant labour is still significantly influenced by colonial-era policies that emphasised state control over mobility instead of safeguarding migrant rights. The Labour Code of 2002 and Decree No 83-033 of 1983, although they formally regulate foreign employment and residency, impose stringent bureaucratic requirements that are ill-suited to modern labour mobility<sup>49</sup>. Migrants are required to obtain prior authorisation for employment and navigate visa processes that are centralised in Kinshasa, frequently resulting in considerable delays and unofficial payments<sup>50</sup>. These procedures not only discourage formal regularisation but also promote informal entry and employment, thereby undermining both state regulation and migrant safety<sup>51</sup>.

Language barriers exacerbate these legal challenges. French is the primary administrative language, yet many migrant workers originate from neighboring countries where other African languages are prevalent<sup>52</sup>. The absence of multilingual legal communication excludes significant portions of the migrant population from comprehending their rights and responsibilities, thereby restricting their capacity to engage with legal processes or contest exploitative conditions<sup>53</sup>. As Palma notes, language exclusion in the DRC acts as both a

<sup>45</sup> Godefroid N Tshibambe, 'Congo (DRC), Migration, 1960 to Present' in Immanuel Ness (ed), *The Encyclopedia of Global Human Migration* (Wiley-Blackwell 2013).

<sup>46</sup> Tom De Herdt and Kristof Titeca, 'Governance Issues in Postcolonial Bureaucracies: Challenges in the Democratic Republic of Congo' (2019) 45 *Journal of African Studies* 123.

<sup>47</sup> R Bazenguissa-Ganga, *Democratic Republic of Congo (Congo-DRC) and Republic of Congo (Congo) Country Study: Report on Informal Remittance Systems in ACP Countries* (Centre on Migration, Policy and Society, Oxford 2005).

<sup>48</sup> Human Rights Watch, *Debt Bondage and Forced Labour in Africa: The Legal and Social Implications for Migrant Workers* (HRW 1999).

<sup>49</sup> Loi No 015/2002 du 16 octobre 2002 portant Code du Travail (Journal Officiel de la RDC, 2002); Décret No 83-033 du 12 septembre 1983 portant réglementation de l'entrée et du séjour des étrangers en République Démocratique du Congo (Journal Officiel de la RDC, 1983).

<sup>50</sup> Bazenguissa-Ganga (n 2).

<sup>51</sup> *ibid.*

<sup>52</sup> Laura Palma, 'Language Exclusion and Labour Rights in the DRC: The Sociolinguistic Dimensions of Legal Marginalisation' (2022) 32(1) *International Journal of Sociolinguistics* 75.

<sup>53</sup> *ibid.*

bureaucratic barrier and a mechanism of structural marginalisation that reinforces existing power hierarchies<sup>54</sup>.

At the international level, the Democratic Republic of the Congo (DRC) has ratified several significant treaties, such as ILO Conventions No. 97 and No. 105, and has also endorsed the 1990 UN Migrant Workers Convention<sup>55</sup>. These legal instruments create obligations to safeguard the rights of migrant workers, ensure equal treatment, and regulate recruitment practices. Nevertheless, the incorporation of these treaties into domestic law is only partial, and their practical implementation is hindered by weak institutions and a lack of political prioritisation<sup>56</sup>. A notable disparity exists between international commitments and national practices, a common feature of many postcolonial governance systems where the legal adoption of treaties does not necessarily lead to effective enforcement<sup>57</sup>.

The challenges are exacerbated by institutional fragmentation. Various government entities, including the Ministry of Labour, the Directorate of Migration, and local authorities, possess overlapping or poorly defined responsibilities<sup>58</sup>. Coordination among these bodies is limited, information sharing is inadequate, and the enforcement of regulations is inconsistent<sup>59</sup>. International organisations such as the ILO, IOM, and UNHCR offer crucial technical and humanitarian assistance; however, their efforts often function in parallel to, rather than in conjunction with, national frameworks<sup>60</sup>. Consequently, a fragmented governance environment emerges, where responsibility is dispersed, accountability is ambiguous, and migrant workers encounter complex administrative processes with minimal support.

To address these shortcomings, a comprehensive strategy for legal and institutional reform is essential. The modernisation of administrative systems through digitalisation could significantly decrease delays, enhance transparency, and reduce opportunities for corruption<sup>61</sup>. Streamlined procedures and well-defined timelines would render legal migration pathways more accessible while reinforcing state oversight. Additionally, expanding multilingual legal outreach would alleviate linguistic barriers and empower migrants to engage more effectively with legal institutions<sup>62</sup>. Moreover, aligning recruitment practices with ILO Convention No 181 by banning excessive fees, licensing intermediaries,

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<sup>54</sup> *ibid.*

<sup>55</sup> International Labour Organization (ILO), *Addressing Recruitment Fees and Migrant Worker Debt: Policy and Practice* (ILO 2022).

<sup>56</sup> Godefroid N Tshibambe, 'Congo (DRC), Migration, 1960 to Present' in Immanuel Ness (ed), *The Encyclopedia of Global Human Migration* (Wiley-Blackwell 2013).

<sup>57</sup> De Herdt and Titeca (n 1).

<sup>58</sup> *ibid.*

<sup>59</sup> Stylianos Moshonas, Tom De Herdt and Kristof Titeca, 'The Politics of Public Authority in the Democratic Republic of Congo: Rethinking State Formation from the Margins' (2022) 60(4) *Journal of Modern African Studies* 499.

<sup>60</sup> United Nations High Commissioner for Refugees (UNHCR), *Global Report 2023: Democratic Republic of Congo Country Profile* (UNHCR 2023).

<sup>61</sup> African Union Commission, *Migration Policy Framework for Africa and Plan of Action* (2006) (African Union 2006).

<sup>62</sup> Palma (n 7).

and strengthening inspections would help tackle exploitative practices that lead to debt bondage and forced labour<sup>63</sup>.

Equally significant is the necessity for enhanced institutional coordination. The establishment of an inter-agency migration task force could align mandates, simplify procedures, and encourage collaboration among state and non-state entities<sup>64</sup>. This coordination would also aid in integrating the efforts of international organisations with national policy goals, thereby fostering more coherent and sustainable migration governance<sup>65</sup>. Furthermore, ongoing legislative assessments and participatory monitoring mechanisms are essential to ensure that legal frameworks stay pertinent and responsive to changing migration trends and labour market demands<sup>66</sup>.

Enhancing migrants' access to legal protections transcends mere adherence to international standards; it is also vital for bolstering state capacity and legitimacy. Effective migration governance plays a crucial role in promoting equitable labour practices, social stability, and economic growth<sup>67</sup>. As De Herdt and Titeca contend, tackling structural governance deficiencies in the DRC necessitates addressing the institutional legacies of centralisation and fragmentation that have endured since the colonial era<sup>68</sup>. Reforming the migrant labour framework presents an opportunity to transition from sporadic administrative practices to a more rights-based, transparent, and efficient system.

Ultimately, substantial change hinges on the political commitment to prioritise migrant rights within the context of broader governance reforms. By updating legal frameworks, enhancing institutional capacity, and closing the gap between commitments and actual practices, the DRC can establish a migration governance system that safeguards vulnerable populations while upholding the rule of law<sup>69</sup>. In this process, it has the potential not only to improve legal access for migrant workers but also to reconceptualise migration as a catalyst for inclusive development and institutional renewal<sup>70</sup>.

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<sup>63</sup> ILO (n 10).

<sup>64</sup> Moshonas, De Herdt and Titeca (n 14).

<sup>65</sup> *ibid*

<sup>66</sup> Tshibambe (n 11).

<sup>67</sup> R Bazenguissa-Ganga (n 2).

<sup>68</sup> De Herdt and Titeca (n 1).

<sup>69</sup> ILO (n 10).

<sup>70</sup> De Herdt and Titeca (n 1).

## REFERENCES

- African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) 1520 UNTS 217
- African Union Commission, *Migration Policy Framework for Africa and Plan of Action* (2006) (African Union 2006)
- Décret No 83-033 du 12 septembre 1983 portant réglementation de l'entrée et du séjour des étrangers en République Démocratique du Congo (Journal Officiel de la RDC, 1983)
- Godefroid N Tshibambe, 'Congo (DRC), Migration, 1960 to Present' in Immanuel Ness (ed), *The Encyclopedia of Global Human Migration* (Wiley-Blackwell 2013)
- Human Rights Watch, *Debt Bondage and Forced Labour in Africa: The Legal and Social Implications for Migrant Workers* (HRW 1999)
- International Labour Organization (ILO), *Addressing Recruitment Fees and Migrant Worker Debt: Policy and Practice* (ILO 2022)
- Jonathan Crush and Godfrey Tawodzera, 'South Africa: Policy in the Face of Xenophobia' (2014) 56(4) *Migration Policy Series* 1; Belinda Dodson, 'Migration and International Legal Norms in South Africa' (2010) 52 *International Migration* 129
- Laura Palma, 'Language Exclusion and Labour Rights in the DRC: The Sociolinguistic Dimensions of Legal Marginalisation' (2022) 32(1) *International Journal of Sociolinguistics* 75
- Loi No 015/2002 du 16 octobre 2002 portant Code du Travail (Journal Officiel de la RDC, 2002)
- R Bazenguissa-Ganga, *Democratic Republic of Congo (Congo-DRC) and Republic of Congo (Congo) Country Study: Report on Informal Remittance Systems in ACP Countries* (Centre on Migration, Policy and Society, Oxford 2005)
- Salikoko S Mufwene Bokamba, 'Language Policy and National Integration in the Democratic Republic of Congo' (2024) 18(2) *Journal of African Language Studies* 145
- Stylianos Moshonas, Tom De Herdt and Kristof Titeca, 'The Politics of Public Authority in the Democratic Republic of Congo: Rethinking State Formation from the Margins' (2022) 60(4) *Journal of Modern African Studies* 499
- Tom De Herdt and Kristof Titeca, 'Governance Issues in Postcolonial Bureaucracies: Challenges in the Democratic Republic of Congo' (2019) 45 *Journal of African Studies* 123
- United Nations High Commissioner for Refugees (UNHCR), *Global Report 2023: Democratic Republic of Congo Country Profile* (UNHCR 2023)
- United States Department of State, *2023 Trafficking in Persons Report: Democratic Republic of the Congo* (US Department of State 2023)