



**PARLIAMENT OF THE REPUBLIC OF UGANDA**

**PRELIMINARY REPORT OF THE COMMITTEE ON GENDER, LABOUR AND  
SOCIAL DEVELOPMENT ON THE EXTERNALISATION OF LABOUR  
PHENOMENON**

**OFFICE OF THE CLERK TO PARLIAMENT  
NOVEMBER, 2019**

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## 1.0 INTRODUCTION

The Rt. Hon. Speaker of Parliament, at the 29<sup>th</sup> Sitting of the 1<sup>st</sup> Meeting of the 4<sup>th</sup> Session of the 10<sup>th</sup> Parliament of Uganda held on 29<sup>th</sup> August, 2019 during plenary session directed to the Committee of Gender, Labour and Social Development an assignment to investigate the externalization of labour phenomenon and come up with a preliminary report to the House. The directive was in response to concerns raised by Members regarding the harmful consequences of Externalisation of Labour and what the government has done to address these concerns especially mistreatment of Uganda migrant workers in the Middle East.

According to the International Organization for Migration (IOM), 2011, international migration is the movement of a person or a group of persons across an international border. It encompasses any kind of movement of people, whatever its length, composition and causes. It includes migration of refugees, displaced persons, migrant workers and persons moving for other purposes such as study and family reunification.

A well-coordinated system for externalization of labour is intended to guarantee the protection of the rights and promotion of welfare of immigrant workers, in the view of experiences of uncoordinated and illegal movement of workers out of the country. As a component of labour, the Ministry of Gender, Labour and Social Development has the overall mandate to oversee the Externalisation of Labour Program. To that end, the Ministry has and continues to sign a bilateral agreements with countries that are interested in importing labour from Uganda.

The Auditor General's Report, 2017 on the Ministry of Gender, Labour and Social Development had registered some achievements under the Labour Externalization Programme among which; the Ministry had licensed **79** private recruitment agencies by the time of Audit in November, and also facilitated

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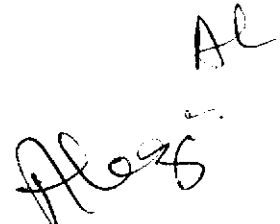
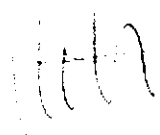
recruitment of an estimated **70,000** Ugandan migrant workers to jobs in UAE, Saudi Arabia, Jordan, Bahrain, Oman, Qatar, Iraq, Somalia, Afghanistan and Mali among others. The jobs had enabled the migrant workers to acquire new skills and trainings and also contributed to the foreign exchange earnings for the country. The ministry also negotiated and signed bilateral labour agreements, with the Kingdom of Saudi Arabia and Government of Jordan by November, 2017.

Furthermore, the Ministry of Gender, Labour and Social Development (MGLSD), indicated that between 2006 and 2015, more than **50,000** Ugandan migrant workers were employed abroad through labour externalization programme. According to the Daily Minute of Monday 12<sup>th</sup> March, 2018, the highest number of Ugandan workers externalised in a single year was **8,363** in **2010**.

However, statistics from the Ministry of Gender, Labour and Social Development indicated that, a total of **109** companies had been licensed to recruit migrant workers and externalisation abroad as at **October 2018**. As at the time of the signing of this report, the number of Companies in Uganda licensed to externalisation labour was 187. Between **2012** and **October, 2018**, a total of **42,245** Ugandans had been externalized by external labour recruitment companies. Security link limited, a recruitment company had externalised **12,214** Ugandans equivalent to 28.9% of this total number of recruitments as shown in **Figure 1**.

According to statistics from the Ministry of Gender, Labour and Social Development, the number of Ugandan workers working abroad is over 20,000, bringing in remittances of over USD 1.4 Billion annually. Further to note, more than 3,000 Ugandans are externalized monthly, creating jobs for more than 36,000 Ugandans.

In spite of these positive indicators, almost every week, reports of mistreatment of Ugandan migrant workers especially in the Middle East are reported in the press.



## 2.0 BACKGROUND

The Government of Uganda, acknowledges that labour markets abroad provide employment opportunities for Ugandans in the short run as the country develops its capacity to generate sufficient jobs for its labour force. Despite the country benefiting from other labour markets, it has also faced an influx of foreign workers seeking employment opportunities within Uganda and it is likely to increase with the free movement of labour within the East African Community and beyond.

The Employment Policy, addresses one of the critical challenges facing the country namely; the attainment of full employment coupled with decent work and equitable economic growth. A fast rate of growth of permanent employment in the private sector, remains the most effective route to sustainable poverty eradication.

In Uganda, migration takes place within diverse social, political and economic contexts. It has been mainly fuelled by unemployment, political factors, war, poverty and rapid growing populations. Numerous migrants move beyond borders into neighboring countries and beyond. Some move out with assistance of agents to earn better living. Migration has been an integral part of Uganda's history and has included internal, regional and international movements.

Relatedly, in the economic sphere, globalization is not only characterized by liberalization of trade, services, investment and capital, but also by transitional movements of people in search of better lives and employment opportunities elsewhere. In the economic climate, protecting all workers and particularly migrant workers both those lawfully residents and those in an irregular situation, is becoming paramount. There is a big gap between Trade Unions, sending country, receiving countries and the migrants themselves. In the process

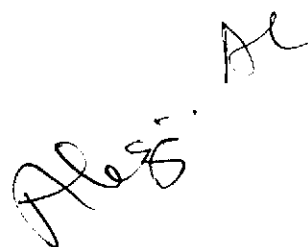
the migrant workers rights are not respected and are left to the mercy of the receiving country.

Uganda has one of the highest population growth rates globally at 3.2% per annum, and possesses the youngest population with more than 78% of its population below 30 years and more than 47% below the age of 18 as per the Population Reference Bureau. This is the productive age of many people but while the labour force is increasing with each passing year, the labour market is actually shrinking rendering it incapable of accommodating the **500,000** young Ugandans that join the labour market annually. This makes labour externalisation the most feasible alternative way out of this unemployment mystery. The strategy of externalising labour is only feasible in a global context where there has occurred or is occurring integration of world economies and markets. Globalization represents a growing integration of national economies, along with the diffusion of social, cultural and political norms and practices all over the world and this presents a perfect conduit for labour and knowledge transfer to thrive.

Furthermore, most Asian countries like; India, China and the Philippines adopted labour externalisation as a measure to exploit the opportunities presented by globalization and as stop gap measure to curtail unemployment, as they muscled up the requisite resources to enable the economy accommodate the labour force.

Uganda equally adopted the externalization of labour programme in 2005, as a measure to shed off its excess and abundant labour force though this policy has, culminated into an industry that is lucrative but unregulated, hence the need for regulatory processes more needed today than ever before.

### 3.0 METHODOLOGY



In the process of scrutinizing the phenomenon, the Committee applied the following methods:

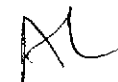
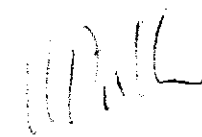
### 3.1 Meetings

The Committee held meetings from the following stakeholders:-

1. The Ministry of Gender, Labour and Social Development
2. The Uganda Association of External Recruitment Agencies (UAERA)
3. Directorate of Citizenship and Immigration Control
4. Hon. Ddombo Emmanuel, former MP
5. Hon. Betty Nambooze, MP
6. Hon. Medard Sseggon, MP

### 3.2 Documents Consulted

- The Constitution of the Republic of Uganda, 1995
- The Citizenship and Immigration Control Act, 1999
- The Prevention of Trafficking in Persons Act, 2009
- The National Employment Policy for Uganda, 2011
- The Statutory Instrument No. 62, Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations, 2005.
- Statement to Parliament on Externalisation of Labour in Uganda by the Minister of Gender, Labour and Social Development dated 11<sup>th</sup> August, 2016.
- Ministerial Statement to by Hon. Peace Regis Mutuuzo, Minister of State for Gender and Cultural Affairs, holding the Portfolio of Minister of Gender, Labour and Social Development, presented to Parliament on Issues of Externalisation of Labour, dated 18<sup>th</sup> July, 2019
- List of licensed labour-externalising companies as compiled by the Ministry of Gender, Labour and Social Development
- List of Directors of Licensed Companies



#### **4.0 LIMITATIONS FACED BY THE COMMITTEE**

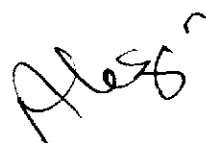
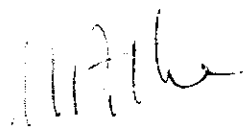
The Committee on Gender, Labour and Social Development largely depended documentary desk review of available literature. Consequently, the Committee was unable to verify any of the information it gathered from the documents and stakeholders' meetings. This is because the Committee did not have any financial resources at its disposal to carry out a comprehensive on-ground assessment of the issue, however sensitive it is.

The key information that requires urgent verification by the Committee includes the following;-

- a) Establishing the actual conditions and state of affairs of workers externalised to the Middle East, meetings with Ugandan embassies and consulate;
- b) Visiting Ugandan Embassies and Consulates in the Middle East to establish the facts on the ground abroad.
- c) Establishing the loopholes in the implementation of the Memorandum of Understanding (MoU) Agreements between Uganda and labour-importing Companies.
- d) Finalize the determination of loopholes in the legal and regulatory framework.

#### **5.0 LEGAL AND LEGISLATIVE FRAMEWORK**

Uganda has domesticated and expanded the definition of trafficking in persons in the Prevention of Trafficking in Persons Act, 2008. However, Uganda is yet to ratify the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons especially women and children, and the UN Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.



The Committee therefore observed that there are fundamental gaps in the legal and legislative framework concerning labour externalisation, and looked to the Philippines for the possible best practices in the development of the legislative and legal framework for labour externalisation. It should further be noted that the nature of the labour externalisation industry requires the establishment of legally enforceable mechanisms through which the agreements can be enforced.

### **5.1 INTERNATIONAL BEST PRACTICE IN EXTERNALISATION OF LABOUR- THE PHILIPPINES CASE**

In the last three decades in the Philippines, labour externalisation has been a way for the government to deal with high unemployment rates. Migrant workers are valued such that the “Baygong Bayani” (modern-day hero) is awarded to 20 outstanding Filipinos working abroad on Migrant Workers Day, the 7th of June every year. A sophisticated system has been developed to promote and regulate labour emigration to promote the safety of migrant worker abroad.

The Philippines government defined its goal clearly in regard to externalization of labour, stating that “Migration should be promoted, but only for temporary work via regulated channels” (O’Neil, 2004). Therefore, it is actually an employment-driven strategy. The specific governmental regimes in the Philippines involved in labour externalisation are listed in Table 1 and Table 2.



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Table1. Government institutions supporting labour externalisation activities

Institution	Mission or functions
Philippines Overseas Employment Administration (POEA)	<ul style="list-style-type: none"> <li>• Industry Regulation</li> <li>• Employment Facilitation</li> <li>• Worker's Protection</li> <li>• General Administration and Support Services</li> </ul>
Overseas Workers Welfare Administration (OWWA)	Develops and implements responsive programs and services while ensuring fund viability towards the protection of the interest and promotion of the welfare of its member-OFW's
Commission on Filipinos Overseas (CFO)	Promoting policies, programmes, and projects with Migration and Development as a framework for the strengthening and empowerment of the Filipino overseas community.

Table 2. Main legislations concerning migrations

Year	Main legislations
1974	The Labour Code of the Philippines.

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1995	The Migrant Workers and Overseas Filipinos Act (or known as RA8042)
2003	The Anti-Trafficking in Persons Act
	The Overseas Absentee Voting Act
	The Citizenship Retention and Reacquisition Act

Sources: Table 1 and Table 2 are compiled from Hugo and Stal, 2004; Asis, 2006; and official websites of the relevant organisation.

Uganda can learn from the above to establish our own comprehensive legal framework, beyond the Prevention of Trafficking in Persons Act, 2008, to regulate the externalisation of labour and all incidental arising consequences therefrom.

## **5.2 The Management of the Labour Externalisation Process in the Philippines**

Since the 1970s, the government and the private sector each have played a role in the labour externalisation process. When the overseas program started, the government participated in recruiting and matching workers and employers. Due to demand for workers and the large numbers involved, the government relinquished the placement of workers to private recruitment agencies in 1976.

The government created the Philippine Overseas Employment Administration (POEA) as its lead agency to manage the overseas employment process. With its low rate of foreign investment and a steady reduction in development assistance, the government, not just its people, has come to rely on overseas employment as


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a strategy for survival. After years of pushing the official line that it does not promote overseas employment, the government set a target in 2001 of deploying a million workers overseas every year.

The Philippine Overseas Employment Administration (POEA) grew out of the Overseas Employment Development Board and the National Seamen Board in the then Ministry of Labour and Employment. The Overseas Employment Development Board, the National Seamen Board, and the Bureau of Employment Services were consolidated into the Philippine Overseas Employment Administration (POEA) in 1982. POEA became the government agency responsible for processing workers' contracts and pre-deployment checks, as well as for licensing, regulating, and monitoring private recruitment agencies. There is a placement branch within the POEA, but it only accounts for a small number of all OFWs placed with foreign employers.

On the private-sector side, there are more than 1,000 government-licensed recruitment and manning agencies in the Philippines (and an unknown number of unlicensed ones) that match workers with foreign employers. In the Philippines, recruitment agencies refer to those that find jobs for aspiring land-based migrant workers; manning agencies refer to those that engage in recruiting and finding jobs for seafarers. Recruitment agencies charge migrant workers "placement fees" for the service that they provide. Manning agencies are not supposed to charge placement fees as these fees are assumed by the principal or employer, but there are cases of known violations.

Although there is a standard placement fee for most destinations (except for special markets such as Taiwan) which is equivalent to one month's salary plus 5,000 Philippine pesos (about US \$94) for documentation, this is routinely violated. The excessive fees are a burden to migrants and put them in a vulnerable situation because they are already in debt before they leave. When they are abroad, they go without any salary for a period of time, and are forced



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to bear harsh working and living conditions in order to repay their loans. This a source of stress for the newly placed workers that exposes them to risks.

### **5.3 Protecting Workers Abroad- Migrant Workers and Overseas Filipinos Act**

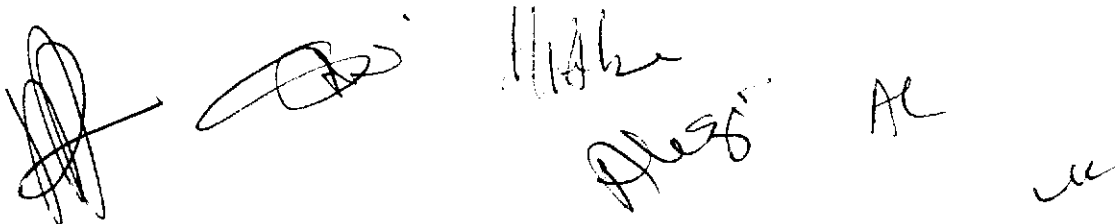
The Overseas Workers Welfare Administration (OWWA) was established as an institutionalized welfare fund to protect Filipino migrant workers abroad. OWWA is funded by a mandatory membership fee of US\$25 that must be paid prior to deployment. The OWWA operates Filipino Resource Centers throughout the world in order to provide further assistance to OFWs.

In addition, the Government offers support services towards; participation in pre-departure orientation seminars, public assistance programs, on-site services at its embassies and consulates.

Another major component of migrant protection was created in the 1990s with the enactment of the Migrant Workers and Overseas Filipino Act of 1995. “The Magna Carta” which created the Office of the Undersecretary for Migrant Workers Affairs within the Department of Foreign Affairs to take responsibility –for the provision and coordination of all legal assistance service to be provided to Filipino migrant workers as well as overseas Filipinos in distress.

### **6.0 Assessment of Uganda’s Institutional Framework in the Externalisation of Labour**

Uganda started to formally externalisation labour in 2005 following the high demand for security guards by American forces in Iraq. It was when this opportunity to externalisation security guards in large numbers that the government of Uganda started to take steps to create an enabling legal framework on externalization of labour.

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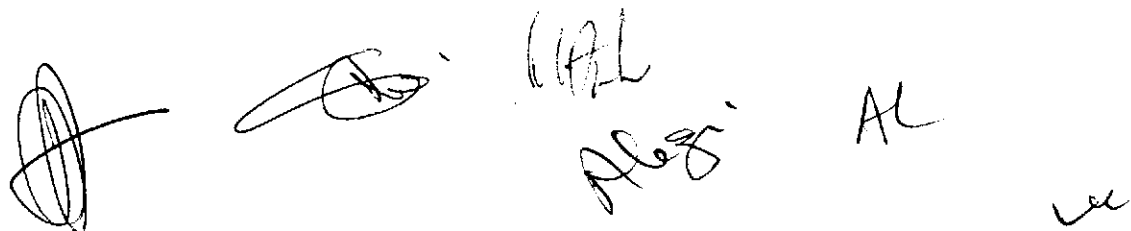
The institutional framework for externalizing labour in Uganda comprises a labour externalization unit of the Employment Services Department in the Ministry of Gender, Labour and Social Development. The unit has the mandate to coordinate all stakeholders in the labour externalisation process, develop guidelines, licensing, regulating and monitoring recruitment agencies in Uganda. This mandate is enshrined in the Employment Act of 2006 and the Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations in 2005. The objectives of the unit are to promote full employment and equality of employment opportunities for all, allow deployment of Ugandans to countries which protect the rights of migrants, protect Ugandans desirous to work abroad, enable them secure the best possible terms and conditions of employment and issue licenses to recruitment agencies.

Since its inception in 2005, the unit has prepared and enforced the rules and regulations governing the recruitment of Ugandan migrant workers abroad, licensed 187 recruitment agencies and overseen the deployment of up to 84,000 Ugandan Migrant workers in 5 countries (Iraq, the UAE, Sudan, Chinese Taipei and Syria).

An institutional analysis of the unit was done to assess the capacity of the unit to achieve its mandate.

The status of the unit is characterized by the following;

**Gross Understaffing;** Following the recognition by government of the increasing importance of remittances to the national economy, reforms were undertaken in 2004 at the Ministry of Gender, Labour and Social Development to create a dedicated unit to coordinate all labour externalisation issues. The unit was designed to be division in the Employment Services Department with four full time staff members under an Assistant Commissioner. The unit was meant to evolve into an autonomous agency in the medium to long term. As a result much of the work of the unit as stipulated in its mandate is not being done. This

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continues to leave gaps in the coordination and supervision of the labour externalization process.

**Lack of Administrative Autonomy;** The creation of this unit was an administrative process within the Ministry of Gender, Labour and Social Development and as such there is no reference to it in the Employment Act, moreover the Act makes no mention of externalization of labour. The unit is supposed to have a Steering Committee to play an oversight role. The steering committee is supposed to be comprised of key stakeholders in labour externalization. However to date, this committee is not in place. The lack of statutory authority has denied the unit the opportunity to raise additional funding beyond its dismal allocation from its parent ministry.

**Limited Coordination with other Government Agencies;** Because the law does not recognize the trade dimension of labour externalization, there is limited coordination between the unit and other relevant government departments in charge of trade and trade diplomacy. The absence of the Steering Committee has exacerbated the limited coordination between the unit and other government agencies and stakeholders particularly with regard to promotion of labour externalisations. The main strength of the unit is that it's being headed by a relatively experienced officer, Mr. Martin Wandera with adequate understanding of labour migration issues. The officer has created the current systems of the unit, prepared the regulations and guidelines and has clarity of the future direction the unit should take to become more effective. In addition to the above, the unit seems to enjoy some degree of recognition by policy makers within the government partly arising from the increasing importance of labour remittances to the national economy and the unit's role in labour externalization.

## 6.0 CAUSES OF MIGRATION

Unemployment is the leading cause of migration in Uganda. A study by Uganda Parliamentary Forum on Youth Affairs (UPFYA), affirms that **70,000** Ugandans

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of whom more than 64% are youth, have been recruited as workers into some countries in the Middle East while **50,000** Ugandan workers sought jobs on their own.

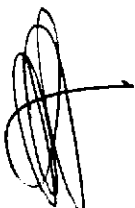
Scarcity of job opportunities has led to rural urban migration, high competition in the labour market and the emergence of a rising number of unutilized and unproductive work force particularly among young people.

The high population growth rate as a result of fertility rate, has led to a high increase in the labour force, which is reflected in the large number of young people who are untrained and unskilled entering the labour market every year with limited job opportunities to absorb them.

Uganda labour market is also faced with notable mismatch between what the education system offers and the labour market requirements. Information on the labour market both in public and private sectors, including; the large informal sector is severely constrained by lack of resources. The employment and labour services are not spread throughout the districts. The country lacks effective reliable labour market information to inform policy development including education and training policies.

The number of Ugandans living under poverty is still high and there is need for access to, decent and more sustainable employment opportunities which is the only escape of the poor from the cycle of poverty.

Relatedly, low productivity especially in subsistence agriculture, the impact of the HIV/AIDS on the labour force, enterprises, employment and productivity, casualization of labour, job insecurity and poor working conditions are among other causes of migration.



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The consequences of unemployment and underemployment could be seriously damaging as a potential source of industrial unrest, instability and increased crime rate. The most direct impact of unemployment, low skill, low productivity and poor working conditions on the economy is the loss in terms of output of goods and services.

Individual aspirations such as; ownership of productive assets (i.e. land, livestock, machinery and equipment etc.) determines whether a household needs to pursue livelihood diversification through migration.

#### **7.0 HOW THE INDUSTRY HAS EVOLVED TO ITS CURRENT STATE, WHEREBY IT IS FORMALIZED**

Companies are required by law to carry out pre departure training. The Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations, stipulates that, candidates must undergo pre-departure orientation before they travel. The training is carried out for all candidates by the Companies themselves. However, the Government accredited (17) training centers, to carry out this service with a common syllabus to have the candidates well prepared.

The program for the house maids takes a period of 7 days residential orientation training. Syllabus includes the following topics;

Mindset orientation(Psycho-social); cultural awareness and change(religion, food, dress, behavior and language), the employment contract; communication and negotiation skills; housekeeping; personal hygiene; customer care relations; financial literacy; migration procedures and travel plan. Returnees where possible, are called upon to assist in the orientation to give the first hand encounter experience to the workers before they travel.



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## 8.0 KEY PLAYERS AND ROLES

The Government under the Ministry of Gender, Labour and Social Development (MGLSD), is mandated to promote decent employment opportunities and labour productivity. In a bid to manage the unemployment pressure and maximize the gains of labour migration, Government initiated the Externalization of Labour Programme. The programme is implemented under the Ministry of Gender, Labour and Social Development and is responsible for licensing and regulating private recruitment companies/agencies, and signing bilateral agreements on behalf of Uganda, with countries interested in importing labour from Uganda.

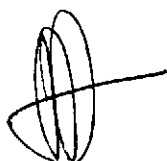
Similarly, Government has all along put emphasis on the protection of the rights and promotion of welfare of migrant workers going to work especially in Middle East, where some may be mistreated. Ugandans have been migrating for employment abroad through three channels:

- a) Licensed recruitment companies;
- b) Individuals sourcing jobs themselves;
- c) Unlicensed companies/individuals


The biggest challenge however, has been that a big number of Ugandans have either been going out on their own in search of employment opportunities, or fallen victims of exploitation to individuals/unlicensed companies both within Uganda and abroad. The available figures indicate that more than half of migrant labour go as individuals or through licensed companies.

## 9.0 WHY THE MISTREATMENT AND NATURE

According to the Annual Report of the Auditor General on the results of Audits for the year 2017, the Ministry of Gender, Labour and Social Development (MGLSD) had not accredited any foreign principal/employer and yet they were approving manpower requests from these foreign principals/employers. In addition, the ministry was not verifying the manpower requests to establish the existence of the employing person, and its capacity to hire workers at acceptable



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rates and desirable conditions. The ministry was weak in enforcing compliance and ensuring that, adequate due diligence is done by the MGLSD.

Lack of rescue accommodation to the migrant workers: Most often the externalised Labourers get problems abroad, at their work places and many of them are fleeing their workplace or have been sacked, but have no finances to fund their return to Uganda. They seek refuge at the embassy, which has no means of supporting them. In addition, it is illegal to keep these people at the chancery in the United Arab Emirates. Those admitted on humanitarian grounds have been costing the embassy **\$75,000** which is not appropriated for. It should be noted that, all Embassies from countries that externalisation Labour to United Arab Emirates have what is called 'Rescue accommodation'. These are residences rented by the missions, where these people are accommodated while the mission explores avenues of returning them home. However, Uganda has no facility for rescue accommodation unlike other countries like; Kenya, Philippines among others.

The media for a number of years now, has been awash with horrific stories of Ugandan girls and women being abused and killed in countries such as; Qatar, Saudi Arabia, Kuwait, Jordan, Oman etc. One would expect that with the graphic horror of these narratives something would have been done if leaders cared for their citizens, but it only gets worse every other year.<sup>1</sup> What is even more disturbing are the rumours (if anything to go by) that, some big people in government are not being responsive because they have vested interests in this barbaric trade.

For instance; "A 42 year old lady (deceased) identified as; Nagawa Sarah died from Dubai, United Arab Emirates on 18 June, 2019 and the cause of her death

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<sup>1</sup> Dr. Jimmy Spire Ssentongo, 8 May, 2019, The Observer, of Ugandans suffering in the Middle East and why slave trade lasted four centuries, available at:<https://observer.ug/viewpoint/60623-of-ugandans-suffering-in-the-middle-east-and-why-slave-trade-lived-four-centuries>



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was listed as haemorrhage. The police team received the body and it was expecting more three dead bodies from Saudi Arabia.”<sup>2</sup>

Relatedly, “the three bodies of Ugandan men who died in Kuwait this year (2019), in separate incidents during their stay where they had gone to work as drivers remains a mystery ever since they were taken by Spotlight International Recruitment Agency Ltd. Reports indicated that, Moses Kiwanuka, John Mujjuzi and Charles Bekalaze died in separate incidents. In one incident, two of the men reportedly drowned in the water of the Gulf Sea, weeks later the third man was found dead at home in his bed in Abu Halifa, Southern Kuwait. The bodies were repatriated back home for burial.”<sup>3</sup>

However, In Kuwait, the Association of Ugandans there worked with Uganda’s mission in Riyadh, Saudi Arabia (Uganda has no embassy in Kuwait) to process the documentation for the repatriation of the three bodies.”<sup>4</sup> To date, the State House Anti-Corruption Unit, is investigating circumstances under which the three migrant workers from Uganda died in Kuwait. Spotlight International Recruitment Agency Limited, is also being investigated for having recruited a total of 91 female migrant workers who are stuck in Middle East countries.<sup>5</sup>

Further still;<sup>6</sup> “a 30 year old Ugandan woman who travelled to Saudi Arabia to work as a housemaid is still nursing life-threatening injuries that were sustained during the time of her employment in the Gulf. The victim, who requested anonymity, travelled to Saudi Arabia on a two-year contract, effective last year,

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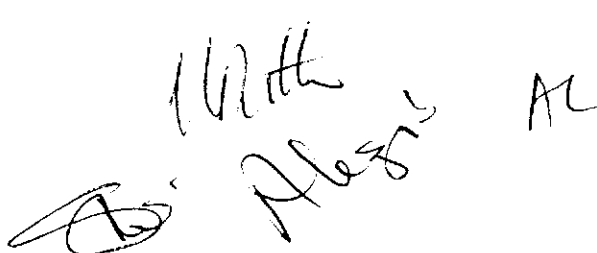
<sup>2</sup> Canary Mugume, Nile Post, 13 September, 2019, Body of Ugandan woman who died in Dubai returned available at:<https://nilepost.co.ug/2019/09/13/body-of-ugandan-woman-who-died-in-dubai-returned/>

<sup>3</sup> glorias musiime, New Vision, 11 September, 2019, Kyeyo: Three Ugandans die in Kuwait available at: [https://www.newvision.co.ug/new\\_vision/news/1506924/kyeyo-ugandans-die-kuwait](https://www.newvision.co.ug/new_vision/news/1506924/kyeyo-ugandans-die-kuwait)

<sup>4</sup> glorias musiime, New Vision, 13 September, 2019, Kyeyo: Bodies of Ugandans return home for burial available at:[https://www.newvision.co.ug/new\\_vision/news/1507028/kyeyo-bodies-ugandans-return-home-burial](https://www.newvision.co.ug/new_vision/news/1507028/kyeyo-bodies-ugandans-return-home-burial)

<sup>5</sup> ephraim kasozi, daily monitor, 11 September 2019, Ugandan government body investigates deaths of three migrant workers in Kuwait, probes role of recruitment agencies available at: <https://www.business-humanrights.org/en/ugandan-government-body-investigates-deaths-of-three-migrant-workers-in-kuwait-probes-role-of-recruitment-agencies>

<sup>6</sup> URN, The Observer, 16 October, 2019, Ugandan Woman shares agony of exploitation in Saudi Arabia available at: <https://observer.ug/news/headlines/62338-ugandan-woman-shares-agony-of-exploitation-in-saudi-arabia>



through a recruitment agency in Kampala. Her travel was fully funded by Marphie International Recruitment Agency, after paying a registration fee of Shs. 50,000 and an additional Shs. 50,000 for the company shirt. She had earlier spent Shs. 300,000 to secure a passport. The travel documents showed that she left the country on September 19, 2018, through Entebbe international airport, hoping for greener pastures and a life full of glee, fun and money. According to her contract, she would earn up to Shs 900,000 a month.

However, before she could settle in, her passport was seized, together with her phone, she was cut off from the outside world and forced to adopt an Islamic lifestyle. Her workload required her to work for not less than 14 hours every day, singlehandedly running chores for the entire household. As fate would have it, a few months into the contract, the young woman developed severe chest pains, signaling the beginning of her misery as she struggled to cope in a foreign land. She endured food deprivation, non-payment of wages and psychological abuse.

The mother of three explained that she sought medical help when her health condition deteriorated. The condition was attributed to excessive work and she was advised to relax her schedule, as part of the treatment. But the medical advice was ignored and the workload resumed as soon as she left the hospital. Within no time, she could hardly stand. Her body became weaker and fragile. Consequently, she pleaded with her employers to send her back home, a country she had left, in the hope of running from a hopeless situation. But at this point, the bleak Ugandan situation was far better than the idealistic hope away from home.

On February 2, 2019, she boarded the plane back to Uganda, ending five months of distress. All she had was an equivalent of one month's salary, the sole payment given to her since her arrival. Her ticket was paid for by a member of the Ugandan community in Saudi Arabia, whom she reached out for help as soon as she was released from the 'cage'. Upon her arrival, she sought the intervention of the employment agency, albeit in vain. But the company's human resource manager



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only identified himself as; Raphael, said the case was unfamiliar to them. He was also quick to note that their agency follows up on all the people they recruit to work abroad and ensure they are in a good state.”<sup>7</sup>

In 2016, the Government of Uganda, put a ban on labour externalisation to Saudi Arabia, in an attempt to deal with the two nations to ship workers to the wealthy gulf nation, amid complaints of poor conditions and mistreatment until working conditions were improved. However, the ban was lifted afterwards since workers had resorted to use illegal means of exit abroad.<sup>8</sup>

## 10.0 MECHANISMS FOR HANDLING MISTREATMENT

The principal law that governs migration in Uganda, is the Citizenship and Immigration Control Act of 1999, which regulates the entry and residence of migrants in Uganda, as well as the issuance of citizenship. However, the Act does not govern emigration or return migration. The Act has not been revised following Uganda’s ratification of the International Convention on the Protection of the Rights of all Migrant Workers and members of their families.<sup>9</sup>

The Labour Externalization Programme, is regulated by the National Employment Policy for Uganda, 2011 which provides for externalization of labour (labour externalisation), as a key priority area for Government and the Statutory Instrument No. 62, of 2005. The Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations 2005. Under the regulations, private companies are licensed to source and formally or officially place Ugandans to work abroad.

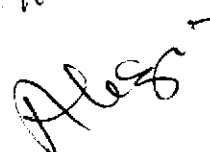

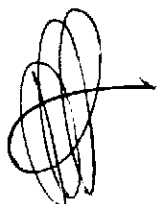
The Three bilateral documents currently in force, between Uganda and the Hashemite Kingdom, the Saudi Arabia and UAE, stipulate the terms and

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<sup>7</sup> URN, The Observer, 16 October, 2019, Ugandan Woman shares agony of exploitation in Saudi Arabia available at: <https://observer.ug/news/headlines/62338-ugandan-woman-shares-agony-of-exploitation-in-saudi-arabia>

<sup>8</sup> Yasin kakande,/reuters 23 January, 2016, Uganda bans maids working in Saudi Arabia amid complaints of mistreatment available at:<https://www.jpost.com/Middle-East/Uganda-bans-maids-working-in-Saudi-Arabia-amid-complaints-of-mistreatment-442502>

<sup>9</sup> SIDA, Norad, Migration in Uganda, A Rapid Country Profile 2013



conditions under which the employee will be governed aside from the laws prevailing in the country;-

- i. All candidates sign a **2 year** contract of employment before they depart.
- ii. For those whose destination is Saudi Arabia, they are registered on the Saudi government system called '**MUSANED**' where the contract of employment is signed by **4 parties** and uploaded on the system. In this case the worker if domestic, is traceable and the household is also known where they are going to work.
- iii. For other categories of workers, the companies relay on the agreements signed and the clauses therein to enforce protection and fulfillment of obligations.
- iv. Part of the pre-departure training includes introduction to Arabic, where the candidates are taught some basic Arabic and also negotiation skills and when and how to raise an alarm if in trouble.
- v. The Uganda Association of External Recruitment Agencies (UAERA), has lobbied and got the services of a '**labour liaison officer**' at the Uganda Embassy in Saudi Arabia. Efforts have been made to secure the presence of a '**labour liaison officer**' in the Hashemite kingdom of Jordan, with such a position being setup and filled this would provide in time access to assistance in case of need.
- vi. The companies also place Ugandan company representatives in the destination countries to help ensure the challenges faced by the workers from Uganda are responded to in time.

