



PARLIAMENT OF THE REPUBLIC OF UGANDA

**REPORT OF THE COMMITTEE ON GENDER, LABOUR AND SOCIAL
DEVELOPMENT ON MOTION BY HON. MWINE MPAKA TO INSTITUTE AN
INQUIRY INTO THE STATUS OF THE UGANDA ASSOCIATION OF EXTERNAL
RECRUITMENT AGENCIES MONITORING FUND**

OFFICE OF THE CLERK TO PARLIAMENT

DECEMBER, 2019

M. Pethaka
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Campbell
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1.0 Introduction

The Rt. Hon. Speaker of Parliament, on Tuesday 10th December 2019, at the 14th Sitting of the 2nd Meeting of the 4th Session of the 10th Parliament, referred the motion by Hon. Mwine Mpaka (MP, Youth Western Region) for a Resolution of Parliament to institute an Inquiry into the status of the Uganda Association of External Recruitment Agencies Monitoring Fund, to the Committee on Gender, Labour and Social Development for consideration. The Committee was tasked to report back to the House on Tuesday 17th December, 2019.

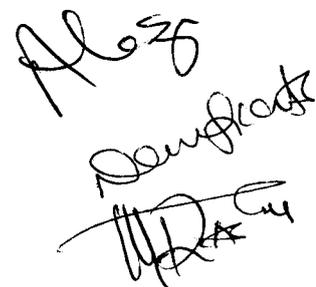
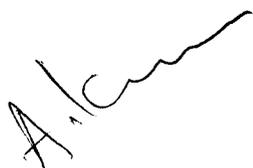
2.0 Background

The motion mentions a one Yassin Abdulaziz Musoke who was employed on 1st May 2018 by the Ambassador Ahmed Ssenyomo as a labour Liaison/ Consular Assistant at the Embassy of the Republic of Uganda to Saudi Arabia. A copy of the appointment letter was laid on table to corroborate the Motion.

The Motion further notes that the external recruitment companies, on behalf of domestic workers, remit \$70 per Ugandan to the account of the Uganda Association of External Recruitment Agencies held in Stanbic Bank, which money is then transferred by cheques to Mr Yassin Abdulaziz Musoke's personal account held in Stanbic Bank Metro Branch. and yet the Ministry of Gender in a report presented to the Committee on Gender and this parliament stated that a monitoring fund was established as a condition for lifting the ban on domestic workers in 2017, but the fund is operating/existing under no legal framework and its expenditure unaccounted for.

Hon Mpaka hence sought the following to be resolved by Parliament;

1. Parliament suspends any further payment of this monitoring fund until the Committee on Gender, Labour and Social Development investigates and submits recommendations for proper management of this fund.



2. The Labour Liaison/Consular Assistant at the Embassy of the Republic of Uganda at Saudi Arabia be suspended;

3. The Ministry of Gender, Labour and Social Development should answer for its failure to supervise this monitoring fund leading to its mismanagement yet it continues to force companies to pay the said amount of \$70 per domestic worker exported or terminate their job orders.

4. The ambassador of Uganda to Saudi Arabia should answer for his involvement in Yassin's appointment.

5. In light of the above, the Ministry of Gender, Labour and Social Development should show cause as to why Parliament by this resolution should not suspend labour export of domestic workers since their safety can no longer be guaranteed.

Following a brief debate on the matter, the Speaker directed the Committee as follows;

“The committee will then come back after seven days and brief us on the specifics of this particular issue raised in the motion then we can take a decision on the motion...”

The Committee, by the above directive, therefore meant to scrutinize the issues raised in the motion and the prayers.

3.0 Methodology

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

3.1 Meetings

The Committee held meetings with the following stakeholders:

- Hon. Mwine Mpaka;
- The Ministry of Gender, Labour and Social Development;



- Uganda Association of Recruitment Agencies;

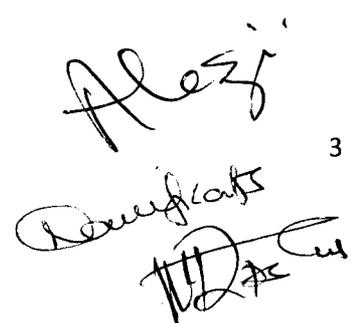
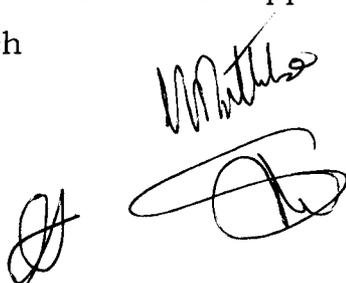
4.0 Legal and Legislative Framework

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. There has therefore been an effort on Government's part to put legal mechanisms in place to provide efficient and safe means of externalizing Ugandan labour.

4.1 The Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations, 2005

Fundamental to the above efforts was the passing of the Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations, 2005 by the Ministry of Gender, Labour and Social Development. The Regulations, having been developed in 2005, however were not dynamic enough to envision the rapid developments in the labour externalisation industry. For example, the Regulations did not envision licensed companies coming together under an umbrella body through which all their matters are regulated and monitored. In the absence of such robust regulations, the licensed Companies turned to the Companies Act 2012, under which they formed an umbrella association, the Uganda Association of External Recruitment Agencies (UAERA), as a Company limited by Guarantee. The Association is a private Company through which all licensed companies liaise with the Government on different matters pertaining to the private side of labour externalisation, in accordance with the Association's Constitution. It is however important to note that the Companies are licensed by the Ministry of Gender, Labour and Social Development under the Regulations enacted in accordance with the Employment Act. The registration of the umbrella agency as a private company, is not catered for in the Regulations.

The Committee noted that there is an apparent contradiction between the Companies Act 2012, which



5.0 Key players in the UAERA Monitoring Fund and their roles

5.1 The Ministry of Gender, Labour and Social Development

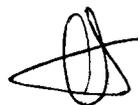
The Committee noted that the Ministry, as the supervisors of the labour sector, are expected by law to play a direct role in the labour externalisation process, and relatedly, in the regulation of any payments by migrant workers for the purpose of monitoring and ensuring the safety of migrant workers.

The Ministry of Gender noted in the meeting with the Committee that the US Dollars 70 paid to UAERA is a private matter and therefore outside the ordinary purview of the Ministry, and hence not at all accountable for the funds.

The Committee, consequently, reached the conclusion that failure by the Ministry of Gender to accept responsibility for the monies paid by domestic workers to UAERA is tantamount to failure to execute its responsibilities as reflected in the Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations, 2005 and Uganda's labour laws.

The Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations 2005 give exclusive powers to the "Administration", the Ministry of Gender, Labour and Social Development, to grant, refuse to grant, renew, to revoke licenses and to inspect labour exporting agencies, subject to certain conditions. The power, to grant, refuse to grant, to renew, to revoke the licenses and to inspect labour externalizing Agencies places the duty of monitoring the said companies squarely on the shoulders of the Ministry of Gender, Labour and Social Development.

The Ministry however, citing the Companies' Act, further noted that it has no powers under the law to inquire into the activities of UAERA, as the Regulations only mention externalisation agencies and not an umbrella body uniting them and duly registered under law. Paradoxically, it is on record that the Ministry advised the recruiting agencies to form the umbrella body.



The Ministry further noted that the funds of UAERA are not public funds. While the Ministry has the powers to monitor the Agency's compliance, such compliance does not grant the Ministry the right to audit the Association. Therefore, according to the Ministry, the US Dollars 70 does not fall under the direct supervision of the Ministry, since it is a private entity.

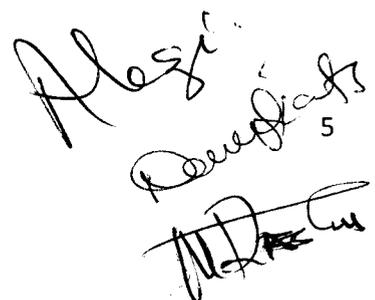
The Ministry further informed the Committee that the appointment of Mr. Yassin Abdul-Aziz Musoke as a labour liaison officer in Saudi Arabia was to enable him better execute his monitoring duties under a contract of service he has with UAERA. For that purpose, diplomatic immunity would be the best option for the above-mentioned purpose, and it was granted to him accordingly through a job at the embassy.

5.2 Ambassador Ahmed Ssenyomo

As the appointing authority to Mr. Yassin Abdul-Aziz Musoke, Amb. Ahmed Ssenyomo is a key witness in the investigations into the monitoring fund under question. The Committee received a letter laid on table by Hon. Mwine Mpaka, wherein Amb. Ahmed Ssenyomo, in his position as Ambassador of Uganda to Saudi Arabia, appointed Mr. Yassin Abdul-Aziz Musoke as a labour liaison officer. The letter dated 18th May 2018, makes Amb. Ahmed Ssenyomo a key player in any inquiry involving the UAERA monitoring funds.

The Committee noted from its interaction with the Ministry of Gender, Labour and Social Development that Amb. Ahmed Ssenyomo was aware that Mr. Yassin Abdul-Aziz Musoke had a running contract of service with UAERA for the purpose of monitoring domestic workers in Saudi Arabia.

The Committee therefore concluded that Amb. Ahmed Ssenyomo may have flouted the Public Service Standing Orders, when he appointed Mr. Musoke as a public liaison officer at the Ugandan Embassy in Saudi Arabia, fully aware that Mr. Musoke was equally acting for and in the interests of UAERA as a private contractor.



However, the Committee was unable to interact with Amb. Ahmed Ssenyomo, as he is currently stationed in Saudi Arabia. The Committee is cognizant of the rules of natural justice as enshrined in the laws of Uganda, and as such cannot reach any conclusions as to the role of Amb. Ahmed, without holding interactions with him.

5.3 Mr. Yassin Abdul-Aziz Musoke

As Labour Liaison/Consular Assistant at the Embassy of the Republic of Uganda to Saudi Arabia, and as contracted by UAERA to monitor domestic workers abroad at a fee of US Dollars 50 (part of the US Dollars 70), Mr. Yasin Musoke is a key witness. Further, the Committee observed from the bank statements that Mr. Yassin withdraws money from Stanbic Bank Metro Branch in Kampala.

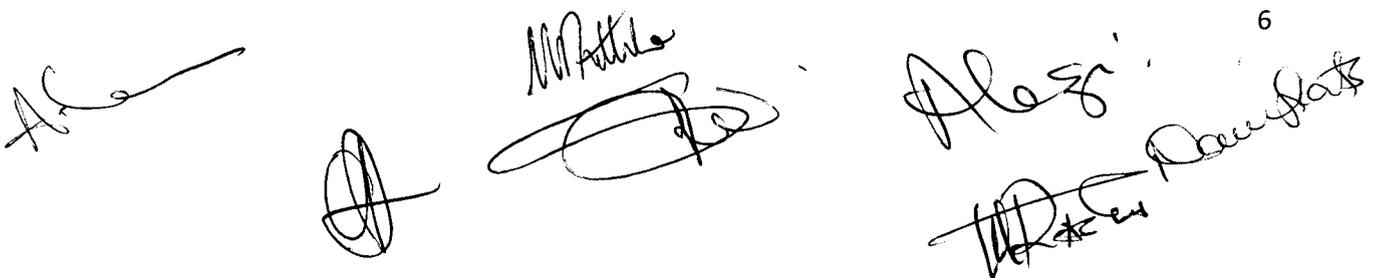
The Committee was unable to interact with Mr. Yassin Abdul-Aziz Musoke, on the grounds that he is currently stationed in Saudi Arabia. The Committee is cognizant of the fact that the rules of natural justice demand a fair hearing for Mr. Yassin. In the absence of any meeting with Yassin, the inquiry into the said funds shall be half-baked and lacking in conclusiveness.

The Committee shall also have to interact with the Ministry of Public Service to confirm whether Mr. Yassin is a Public Servant and whether the Ambassador had the right to appoint him, if he is a Ugandan and not a Saudi local citizen.

5.4 Uganda Association of External Recruitment Agency (UAERA)

UAERA is the umbrella body that unites all licensed Labour-recruiting agencies. UAERA, in the meeting with the Committee, noted that it was a creature of the Companies Act 2012, as a Company Limited by Guarantee. As such, UAERA is regulated by the Company Constitution, its Memorandum and Articles of Association and the Companies Act, 2012.

On the other hand, Hon. Mwine Mpaka noted that UAERA is simply a conduit through which more than Thirty Billion Uganda Shillings (UGX 30,000,000,000) **(US Dollars 70 x 3000 domestic workers a month x 12 months x UGX3800**



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which equal approximately UGX 30,000,000,000) per annum is channeled to Mr. Yasin, with no legal framework or justification in place.

6.0 OBSERVATIONS AND RECOMMENDATIONS

The Committee, based its observations and recommendations on the Prayers in the motion by Hon. Mwine Mpaka which were;-

- 6.1 PRAYER 1: Parliament suspends any further payment of this monitoring fund until the Gender Committee investigates and submits recommendations for proper management of this fund;**
- 6.2 PRAYER 3: The Ministry of Gender, Labour and Social Development should answer for its failure to supervise this monitoring fund leading to its mismanagement yet it continues to force companies to pay the said amount of \$70 per domestic worker exported or terminate their job order**

The Ministry of Gender, Labour and Social Development, while meeting the Committee, informed the Committee that recruitment companies collect the USD 70 for each domestic worker from foreign principals, as is within their right under the law. The Ministry added that this right arises by virtue of sub-regulation 69 (2) of the Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations, 2005, which mandates recruitment companies to ensure that their foreign principals faithfully comply with domestic workers' obligations under the Employment Contract, and how recruitment companies do it therefore remains a private matter.

Hon. Mwine Mpaka, in his submission to the Committee, offered a contrary view, noting that the USD 70 monitoring fund is actually paid for by the domestic worker, and not the recruitment companies, thereby making it a matter of national importance to inquire into how the said monitoring funds are in fact utilized. Hon. Mwine Mpaka noted that while the companies pay the money, the



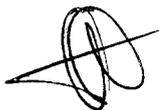
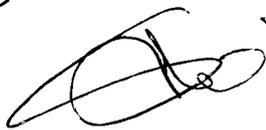
domestic workers, Hon. Mwine Mpaka further added that the Ministry should have inquired into the utilization of the monitoring fund, since such funds are collected for the sole purpose of ensuring the safety of migrant workers, a duty that cannot be divorced from government, or delegated to private individuals or companies.

UAERA, the umbrella body through which the said funds are collected and disbursed to Mr. Yassin, asserted in the meeting with the Committee that there was an outstanding contractual relationship between the Association and Mr. Yassin Musoke, and that the funds are being collected from the recruitment agencies, who derive the said funds from their foreign principals. They therefore concluded that the Companies Act, 2012, which empowers the implementation of contracts, is the legal basis for the monitoring fund.

The Committee noted that Ministry of Gender, Labour and Social Development declined to be held accountable for this fund, claiming that it is a private fund. The Ministry also declined to be held accountable for monitoring the safety of the migrant workers. The Committee therefore recommends that it be accorded more time to conclude the investigation into the operations and management of the monitoring fund within one month. The Committee will, within this period, generate recommendations for better management of this fund in a manner that holds the executive accountable for the fund and welfare of Ugandan migrant domestic workers abroad.

6.3 PRAYER 2: The Labour Liaison/Consular Assistant at the Embassy of the Republic of Uganda at Saudi Arabia be suspended;

6.4 PRAYER 4: The ambassador of Uganda to Saudi Arabia should answer for his involvement in Yassin's appointment

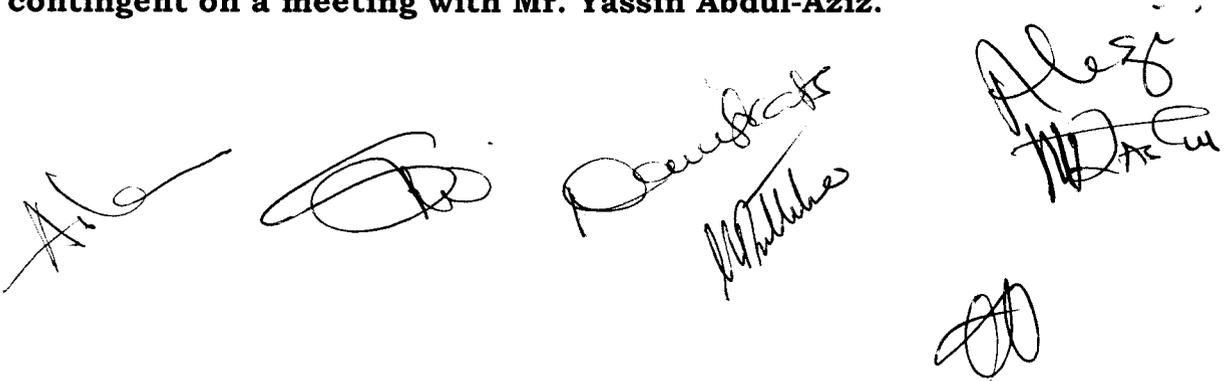


The Committee observed in its interaction with Hon. Mwine Mpaka, the Ministry of Gender, Labour and Social Development, and UAERA that Mr. Yassin Abdul-Aziz Musoke was appointed by Amb. Ahmed Ssenyomo as a Labour Liaison officer at the Embassy of the Republic of Uganda on 1st May 2018. The terms of his appointment were subject to the embassy rules and procedures, as such making him a public servant.

The Committee further observed that prior to his appointment, Mr. Yassin Abdul-Aziz Musoke was contracted by UAERA to undertake monitoring and supervision work of migrant domestic workers in Saudi Arabia, on behalf of recruitment agencies in Uganda.

The Committee further noted that Mr. Yassin Abdul-Aziz Musoke and Amb. Ahmed Ssenyomo, being residents of Saudi Arabia, were not offered a hearing by the Committee, in light of time constraints. The Committee therefore noted that the final decision on Mr. Yassin Abdul-Aziz Musoke and Amb. Ahmed Ssenyomo should be made after engaging the two and getting their responses to the issues raised.

The Committee was unable to make any pronouncements on Mr. Yasin Abdul-Aziz Musoke and Ambassador Ahmed Ssenyomo. If found that indeed Mr. Yasin is both a public servant and a contracted party by UAERA, this would amount to conflict of interest under Standing Order F-5 4.6, which is to the effect that in the execution of official Government business, a public officer shall not put himself or herself in a position where his or her personal interest conflicts with his or her duties and responsibilities as a public officer. Mr. Yassin would then be required to resign from his position as a public liaison officer, or forfeit his contract with UAERA. However, this is subject to a fair hearing under the rules of natural justice, and as such contingent on a meeting with Mr. Yassin Abdul-Aziz.

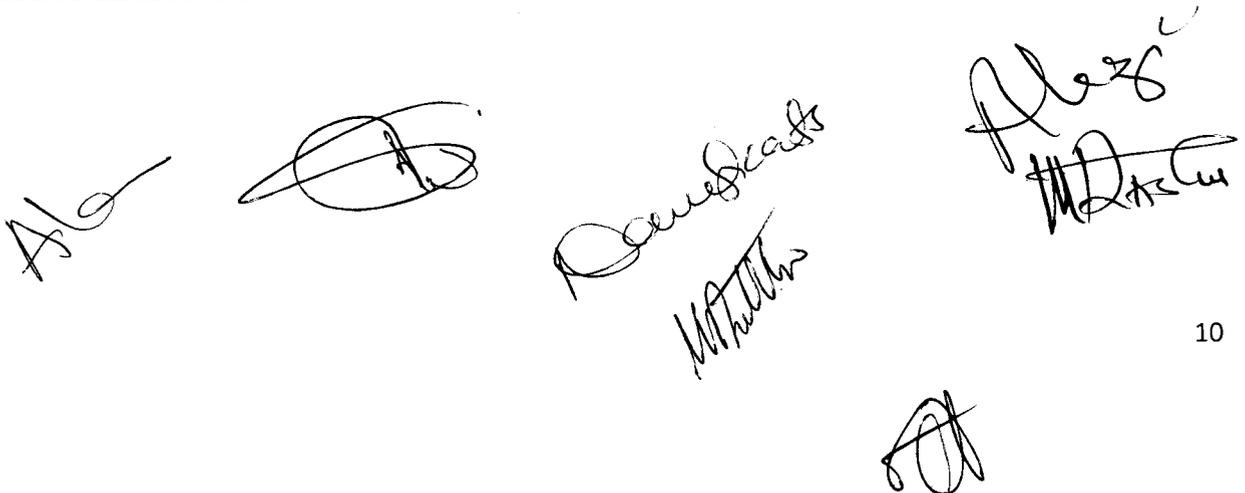


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6.5 PRAYER 5; In light of the above, the Ministry of Gender, Labour and Social Development should show cause as to why Parliament by this resolution should not suspend labour export of domestic workers since their safety can no longer be guaranteed

The Committee observed that the Ministry of Gender, Labour and Social Development has not done enough to create a stable and transparent labour-exporting industry. The Committee further observed that the gaps in the legal and policy structures are glaring and encourage exploitation of domestic workers externalised abroad. For example, the Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations 2005 do not envision any relationship between the Government and an Association such as UAERA, which represents all licensed companies. More importantly, the Government as per Regulation 69, delegated the safety of migrant workers to the recruitment companies that take them. This leaves a lacuna, as the said companies neither have the diplomatic nor the legal means to implement monitoring of the safety of migrant workers.

In light of the above, the Committee observed that by suspending the labour-externalisation without putting in place clear mechanisms and systems to address the gaps identified, several adverse and unintended consequences may arise such as human trafficking and uncertainty over the safety of migrant workers already externalized under the current system. The fate of the fund itself will also remain uncertain, including the funds already corrected from the migrant workers. The Committee reiterates its commitment to generating these recommendations for streamlining the labour-externalisation industry within one month as earlier indicated.



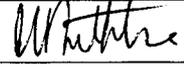
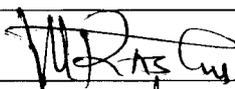
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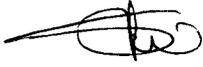
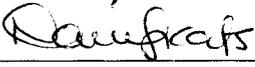
CONCLUSION

In conclusion, it is the view of the Committee that the Executive has failed to monitor the safety of migrant workers and surrendered its obligations to the private entities without putting in place mechanisms to supervise the recruitment companies and adequately monitor the said monitoring fund.

I beg to move.

MEMBERS OF THE GENDER COMMITTEE

No	NAME	CONSTITUENCY	SIGNATURE
1.	Hon. Ndeezi Alex	PWDs	
2.	Hon. Kunihira Agnes	Workers' Rep	
3.	Hon. Okabe Patrick	Serere County	
4.	Hon. Arinaitwe Rwakajara	Workers' Rep	
7.	Hon. Kamara John Nizeyimana	Bufumbira North	
8.	Hon. Kesande G. Bataringaya	DWR Rubirizi	
9.	Hon. Osooru Mourine	DWR Arua	
10.	Hon. Rwabogo Sylvia	DWR Kabarole	
11.	Hon. Aol Jacqueline Rama	DWR Nebbi	
12.	Hon. Bigirwa Norah Nyendwoha	DWR Buliisa	
13.	Hon. Lubogo Kenneth	Bulamogi County	
14.	Hon. Akello Lucy	DWR Amuru	

15.	Hon. Kibalya Henry Maurice	Bugabula County South	
16.	Hon. Mariam Naigaga	DWR Namutumba	
17.	Hon. Major Asiimwe Evelyn	UPDF	
18.	Hon. Anywarach Joshua Cater	Padyere	
19.	Hon. Sarah Wekomba	DWR Bulambuli	
20.	Hon. Aciro Lucy	Aruu North County	