

Ensuring Safety in Search of Opportunity: Policy Options for Confronting Unsafe Labour Migrations among Ugandan Youth

Based on an assessment of migrations to the Gulf Cooperation Council countries



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Uganda is currently experiencing a high wave of young people going across borders to seek job opportunities in the face of the high domestic underemployment and unemployment. However, many of those who emigrate have fallen victim to various types of abuse, notwithstanding the exploitative employment agencies. The GCC countries' laws and policies leave migrant workers exposed to abuse and exploitation, yet there are no clear holistic laws that protect Ugandans working in the diaspora. This policy paper seeks to evaluate the Ugandan policies and institutional mandate to further contribute to how opportunities can be created to protect Ugandans living and working in the GCC.¹

1. Introduction

Many youths in Uganda have left the country to seek jobs owing to the high rates of unemployment and underemployment (Mbogo, 2015). Uganda is one of the countries with the highest unemployment rates (ActionAid, 2012). The country also has the second largest population of young people in the whole world, with a median age of 15.9 years (Myers, 2016). The high youth unemployment has been referred to as Uganda's ticking time bomb (Mbogo, 2015). This situation means that a lot of youths are left without anything constructive to do within the country, therefore they resort to moving to other countries (Ayres, 2013).

Youth unemployment reached 13.1 per cent in 2016, up from 12.9 per cent in 2015, which has been at about the same levels or lower since the 1990s, according to the Uganda Bureau of Statistics (UBOS) School-to-Work Transition Survey (STWS, 2016). This serves as an explanation as to why it is a common trend for Ugandan youth to leave for countries like the United Arab Emirates (UAE), Saudi Arabia, Kuwait and Qatar, not because they want to but because of the economic situation they find themselves in (Tchiapep and Froilan, 2014).

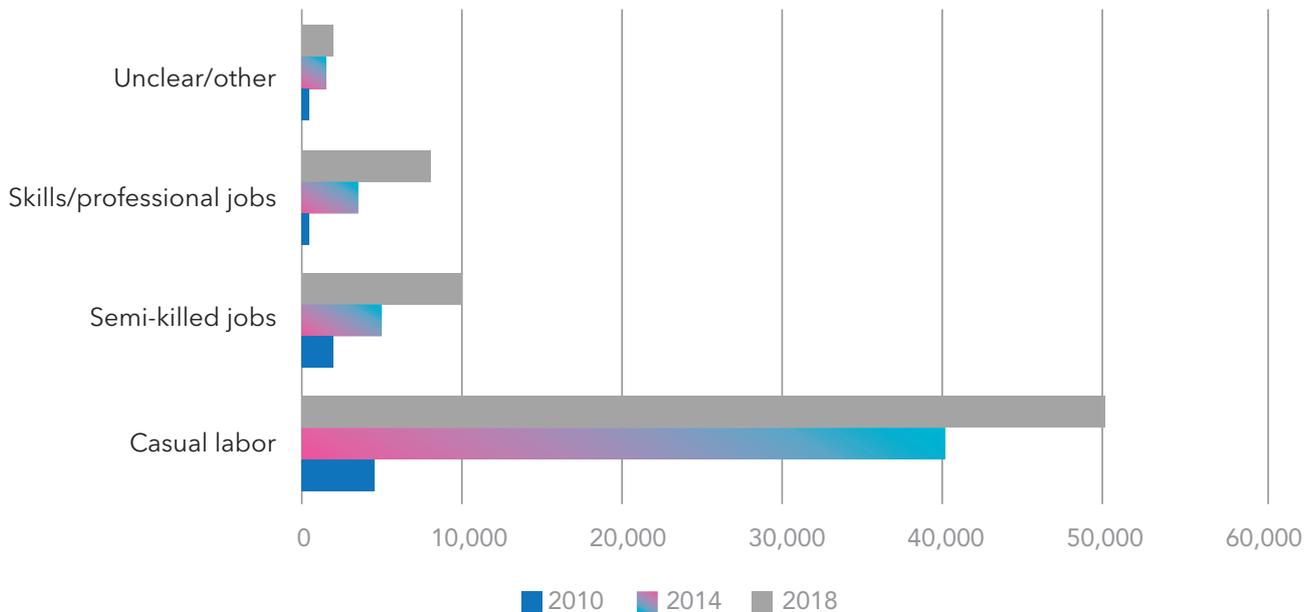
Uganda has over 94 international employment agencies as of May 2018, according to the Ministry of Gender, Labour and Social Development (MoGLSD). These agencies receive their highest labour demand from the GCC. These agencies look out for countries like Uganda where they can easily get cheap labour and still earn highly from it (Tchiapep and Froilan, 2014). The registered agencies solicit between US\$. 2.5 million and US\$. 6 million from whoever intends to go and work in the GCC countries. At the same time, they receive money from the people that are looking for cheap labour. In essence, they are broker agencies and sometimes share a given percentage of the money they receive from the people for whom they find employment in the UAE, which is untaxed.

There are limited studies on labour migrations in Uganda; therefore, there are significant data limitations. Nonetheless, as of May 2018, the External Employment Unit (EEU) of MoGLSD reported that over 70,000 Ugandans had left the country for GCC countries to take on jobs as casual labourers, semi-skilled labourers, skilled labourers/professionals and that some had left for unclear reasons amidst all the cracks in labour export. The trend keeps growing annually, as visualised in Figure 1 below.

¹ Gulf Cooperation Council

The trend keeps growing annually, as visualised in Figure 1 below.

Trend of Ugandans leaving for GCC countries between 2010 and 2018 with spacing of four years



Source: Ministry of Gender, Labour and Social Development

It should be noted that the available statistics only cover those that emigrate through registered agencies but leave out several others that leave outside the arrangements of the registered companies, for example, through human trafficking. According to the 2015 Trafficking in Persons (TIP) report,² the US Department of State found that Ugandan officials were complicit in cases of human trafficking. This report shows that in 2012, a total of 45 reports of transnational incidents of trafficking in persons (TIP) were registered while 29 similar reports were registered between January and April 2013. Over 90 persons were registered as victims of transnational TIP incidents in 2012, while over 38 persons were registered as victims of TIP during the January-April 2013 period (TIP Report, 2013). Most of the victims are taken out of Uganda or brought to Uganda through fraud, deception or debt bondage in search of employment. The most common route taken is through Nairobi, where the covert human

trafficking rackets transport the victims in buses, process their visas and passports in Nairobi, and board them on planes. The identities of people claiming to export labour are always hidden; they operate under fake names and fake identification documents without any known physical address or location. So, for the victims, most of the communication with these unscrupulous individuals occurs online or via phone.

This paper is divided into four sections. The first section shows the context of Uganda’s labour migration to the UAE; the second analyses the country’s labour migration framework and institutional mandate; the third section explores labour migration as a co-responsibility of Uganda and the GCC countries, sharing the lived experiences of Ugandan migrant workers in the GCC countries; and the final section broadly shares actionable recommendations on how best the policy can create opportunities and at the same time protect migrants.

² USA government, which keeps track of trafficking victims, shares the protection strategies undertaken by different countries across the world and gives recommendations to fight trafficking from an informed perspective.

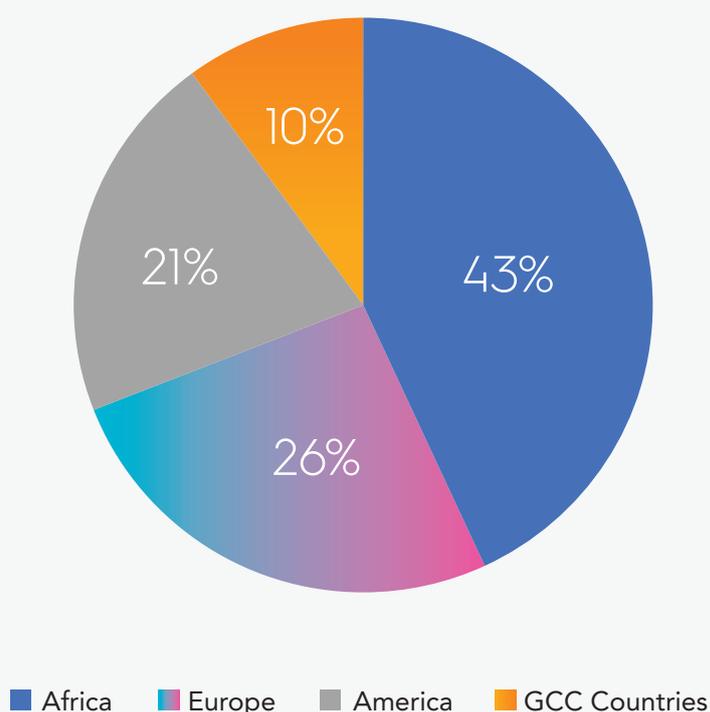
2. The Context of Uganda's Labour Migration to GCC Countries

Ugandan labour migration has always been an integral part of the country's economic development, historically codified in its legal regulations. At the national level, the Ugandan constitution recognises in Article 20 that fundamental rights and freedoms are inherent and not granted by the state. In particular, Article 29 (2) (b) states that every citizen shall have the right to leave and return to Uganda, and (c) that every Ugandan has the right to a passport or other travel document. While the Ugandan government does not explicitly prohibit labour migration, the country's political history highlights the ambivalent relationship between the state and citizens, whereby migration is used as a tool to maximise economic and national development.

There is no accurate data on Ugandan labour migration to the UAE, but as of March 2018 70,000 Ugandans are reported to be occupying the low- and semi-skilled sectors of the labour market (e.g. cleaners, security guards, waiters, salespersons etc.) and other related

service-based industries and engaged in sex work. Ugandan labour migration to the GCC, the Middle East and North Africa has increasingly become an important ingredient of the national economic development discourse, particularly regarding the role of remittances. The Bank of Uganda reported that Ugandan migrants in the diaspora transferred US\$ 109 million in 1995/1996, which rose up to US\$ 685 million (about US\$ 1.2 trillion) in 2004/2005 (Mulumba and Olema, 2009). Remittances, in fact, continued to grow to US\$ 910 million in 2012, a 14 per cent increase, which influenced the Ugandan government to declare labour migration "a noble trade". The government report also noted that 5.6 per cent of the total amount of remittances came from the Middle East and North Africa (MENA) regions. However, this excludes unofficial channels (i.e. channels unknown to the Ugandan government), which are likely to increase as Ugandan labour migration to the MENA region expands over time.

Sources of remittances in Uganda (2012)



Source: Adapted from Mulumba and Olema, 2009

Owing to the growing Ugandan labour migration to the GCC countries, policy and institutional capacity-building is vital to maximising economic benefits. By extending more protection to its citizens abroad, especially in the Middle East, the Ugandan government would effectively help increase remittance inflow and stimulate the national economy.

Ugandan Migration Framework: Policies and Institutions
Over the years, the Ugandan migration policy framework has shifted focus between emigration and immigration policies (Mulumba and Olema, 2009). The Ugandan government has restricted emigration of its high-skilled populations to prevent brain drain by imposing foreign exchange restrictions and obligatory travel clearances (IOM, 2013). However, in the 1990s, owing to the increased civil unrest in the neighbouring African countries, Uganda received a huge influx of refugees, which prompted the government to focus on its immigration policy in order to protect refugees and

other internally displaced persons (IDPs). Eventually, by the early 2000s, the Ugandan government switched its focus to engage more with its diaspora in national development (Mulumba and Olema, 2009). These particular policy developments demonstrate the shifting and often conflicting policy priorities of the Ugandan government as well as the lack of coherent long-term regulation of international labour migration. Despite these particular constraints found in the frameworks, the government has increasingly exerted efforts to close the existing policy gaps. In 2007, for example, the president of Uganda issued a directive to the Ministry of Foreign Affairs (MOFA) to develop strategies to strengthen its capacity to manage Uganda’s diaspora. With support from the UNDP, the MOFA drafted a diaspora policy that was later launched in 2013. The following tables summarise various national policies and institutions that govern Ugandan labour migration.

Table 1: Existing Ugandan government policy framework for migration

| Policy | Objectives |
|---|---|
| The National Diaspora Policy Draft (2013) | <ul style="list-style-type: none"> • To unbind the constraints that affect the dignity and full participation of Ugandans in national development • To improve the services Ugandan consulates, extend them to its migrants in host countries |
| The Ugandan Vision 2040 | <ul style="list-style-type: none"> • To collaborate with neighbouring countries to develop sustainable local and regional migration institutional frameworks for easy movement to other countries • To provide legal assistance to Ugandan migrants through legal and institutional frameworks by signing MOUs with other countries |
| The National Migration (NM) Policy Draft | <ul style="list-style-type: none"> • To enhance economic development through the regulation of migration patterns in Uganda • To facilitate emigration for Ugandans • To improve inter-government agency (i.e. ministry) collaboration at national, regional and international levels |

Source: IOM, 2013

Table 2: Existing institutional framework on migration

| Institution | Mandate |
|--|--|
| Ministry of Internal Affairs (Department of Citizenship and Immigration Control) | <ul style="list-style-type: none"> To facilitate orderly and legal migration of Ugandans by issuing passports and important travel documents To enforce national, regional and international migration |
| Ministry of Foreign Affairs (Diaspora Department) | <ul style="list-style-type: none"> To create a database with all Ugandans living in the diaspora To implement the National Diaspora Policy |
| Ministry of Gender, Labour and Social Development (External Employment Unit) | <ul style="list-style-type: none"> To license and regulate employment agencies that protect the rights of Ugandan migrants |

Source: IOM, 2013

These particular policy additions have guided the current institutional and policy framework of the Ugandan government in managing its labour migration globally.

3. Policy strengths

As more Ugandans seek employment via recruitment agencies for jobs in the West and Middle East, the government has responded by establishing the External Employment Unit (EEU), an agency under MoGLSD (see Table 2), to license and regulate these agencies. Their primary role is to educate the job-seekers about the opportunities in the labour market outside Uganda. An inherent benefit of the labour migration policy is that it effectively organises and regulates labour migration, while at the same time reducing the high unemployment rate in Uganda.

Another positive benefit of the stated policies and institutional frameworks is that they optimise economic contribution of the diaspora to the country's development. For example, the overall objective of the National Diaspora Policy (NDP), as noted in Table 1, is

to facilitate the safe and reliable remittance of funds to increase Ugandan migrants' full participation in national development. When migrant citizens transfer funds back home to their families, the money is invested in small businesses, education and health care-related needs.

Furthermore, while the previous migration regulations primarily focused on restricting the emigration of highly skilled professionals, they, to a large extent, failed to adequately address irregular emigration of low-skilled Ugandans, who often end up being exploited (Papademetriou and Somerville, 2014). Therefore, Uganda is now developing policies (Tables 1 and 2) that emphasise the legal migration of its citizens. The monitoring of Ugandan migration flows does not only address issue of the emigration of low-skilled workers but also helps build an efficient migration database. The proposed legislative framework will help develop migration policies and engage the Ugandan diaspora in host countries.

4. Policy limitations

The Ugandan labour migration policies, however, also have their own shortcomings. The first limitation is that the policies do not emphasise the labour protection of Ugandan migrants in the host countries. The protection of the rights of a country's citizens abroad

has a long-term effect on their contribution to their home countries. It has been irrefutably proven that migrating from low-income to high-income countries brings great benefit to immigrants, their families, and their communities through remittances (Ruhs, 2010).

In contrast, the fewer rights an immigrant has, the more likely he/she is to face exploitative working conditions and low wages in the host country (Julia and Douglas, 1999). Ugandan migration policies have not addressed these concerns as destination countries lack implementation policies to enforce migrants' labour rights, particularly those of low-skilled labour workers. Most labour-receiving countries in the West provide comprehensive rights to immigrant workers (i.e. a path to citizenship), while others, such as the GCC countries (including the UAE), provide minimal rights to their temporary migrants (Fargues, 2011). The Kafala system of employment in the GCC often restricts labour migrants' ability to switch employment owing to their contractual agreement with employers, which directly limits their capacity to earn better wages and remit money to their home countries. Thus, lack of protection policies for migrant workers abroad could, to a large extent, hinder national economic development.

Another limitation of the Ugandan policies and institutional frameworks for migration is that it shifts the responsibility for protecting migrant workers' rights from the government to recruitment companies. Uganda's Vision 2040 policy, for instance, emphasises that the government must provide legal assistance to its labour migrants by signing "cooperation agreements" (or memoranda of understanding [MOUs]) with the host-country governments. Yet the External Employment Unit (EEU) of MoGLSD (see Table 2) is mandated to "license and regulate recruitment companies who are intended to protect the rights of migrant workers abroad."

Granting recruitment agencies the legal responsibility to protect the rights of migrants (i.e. contractual violations) critically poses challenges, given their lack of full legal and institutional capacity to negotiate for and protect their labour rights, thereby leaving the labourers vulnerable to the host country's legal system. This shortcoming in legal protection negatively affects the migrant workers' contribution to national development.

The policy and institutional frameworks also fail to capitalise on the potential gains of "social remittances" (including the transfer of values, norms, knowledge or skills)", which has always been beneficial to both sending and receiving countries (Dvizimbo, 2003). The economic and infrastructural development of migrant-receiving countries, such as the GCC countries, has occurred as a result of the imported skills of migrant workers; on the other hand, labour-sending countries like Uganda have benefited from the financial investment of their migrant workers. The Ugandan NDP policy (Table 1) omits mentioning that, if properly managed, the return of Ugandan emigrants could lead to further development through skill transfers. Thus, failing to define efficient strategies and programmes to fully harness the skills of Ugandan migrant returnees limits the government's capacity to maximise "social remittances" as a national development strategy. As a result, Ugandan workers transfer their knowledge and skills better to the host GCC countries than when they return to their home country, thus not contributing to their country's economic growth and economic development, given the kind of jobs they have back in the GCC.

5. The Context of the Ugandan Government in the UAE Development

The incoherent nature of the Ugandan government's policy and institutional frameworks in the home country, particularly labour protection for migrants in the diaspora, directly limits the capacities of its foreign diplomatic institutions, such as embassies and consulates, abroad. The limited institutional and legal capacity of the Ugandan embassy in the UAE

demonstrates this problem. Of the 54 sub-Saharan African countries, the Government of Uganda is one of the 30 African countries that have established a diplomatic mission in the UAE.⁴ With the growth of Ugandan labour migration to the UAE and the GCC, the Ugandan government has increasingly developed emigration policies to engage its diasporas.

4 African countries with diplomatic missions (embassy and/or consulate) in the UAE include: Angola, Algeria, Benin, Chad, Comoros, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Ivory Coast, Kenya, Libya, Maldives, Mali, Mauritania, Morocco, Mozambique, Nigeria, Niger, South Africa, Senegal, Seychelles, Somalia, Sudan, Tanzania, Tunisia, Uganda and Zimbabwe.

However, the lack of coherence in the Ugandan government's migration policies and institutional framework has greatly constrained their consulates and diplomatic missions from protecting migrants. For example, the UAE-based Ugandan embassy states that its objective is to "develop a business understanding of the UAE and to manage the cross-cultural insights that support a problem-solving team, which aspires to deliver an efficient service" (Consular Services, 2013). Its three primary services include certification of documents/testimonials, notification of next of kin in case of accidents, illness or death, and visa issuance.

5. Legal redress

The UAE-based Ugandan embassy's lack of legal assistance results in migrant workers being subjected to the UAE's Kafala sponsorship system, a legal system that binds each migrant worker to a particular sponsor/job, thereby restricting his mobility (Babar, 2013). In fact, some companies exploit this particular system by confiscating labour migrants' passports and this act violates the Ugandan government's policy. Tomson⁶, a Ugandan security guard in the UAE, laments, "When I arrived to the UAE, the company I was supposed to work for took away my passport from me. My manager told me the passports will be taken to the immigration for the residence permit. After a few weeks, my colleagues and I requested our passports, but we were told that our passport would be given to us only after we finished our contract with the company or pay AED 3,500 (952 USD) before we collect our passports" (Tomson, male, 28). Another Ugandan, Andrew, a janitor in the UAE, adds, "In addition to keeping my passport, my company asked me to sign a document stating that I grant them the right to keep my passport or else I wouldn't be given the job. Holding my passport is not included in my contract, so I knew it was illegal for them to keep my travelling documents. But I gave them it because I needed the job as I spent a lot to come to the UAE" (Andrew, male, 24).

The interviews confirmed that the vast majority of semi- and low-skilled Ugandan migrant workers, particularly newcomers, face labour rights violation, including delayed/non-payment of wages, overcrowded

While these particular core services support Ugandan labour migrants, the embassy has no specific labour grievance mechanisms to provide legal assistance to maltreated or abused migrant workers, a critical issue that serves to exacerbate tension between the Ugandan labour diasporas and the government. Based on extensive interviews with labour migrants, the following critical labour issues have been identified: legal redress, limited MOUs on migration, exploitation by recruitment agencies and improper dissemination of information on the labour market.

accommodation, passport confiscation, physical abuse, and immediate deportation for minor faults. Owing to lack of legal redress, Clarkson, a Ugandan cleaner, highlighted, "We were promised good comfortable accommodations, but when we arrived, eight of us were put in one room. The toilets are very dirty and unhygienic. When we complained to the management of the company, we were told we came to Dubai to work and not to live comfortable lives, which I find ridiculous."

While some Ugandan labour migrants have attempted to file complaints, they often lose in the UAE courts owing to lack of financial resources and inability to communicate in Arabic. The Ugandan embassy in Abu Dhabi explicitly states it has no capacity to provide legal assistance, court intervention or additional services to Ugandan nationals in custody, employment and hospitals. The inability of the Ugandan embassy to provide legal assistance to Ugandan migrants in the UAE reflects the low priority the government gives to addressing labour rights protection in the host country. Furthermore, the embassy is also understaffed and, specifically, lacks a labour department that would oversee migrant labourer's issues in the UAE. Despite the growing Ugandan labour migration, the Ugandan government has not yet adequately resolved labour grievances against offending UAE companies or sponsors. Thus, low-skilled Ugandan labour migrants are vulnerable to labour exploitation and this impacts on their capacity to contribute to the national development of Uganda.

⁶ <http://www.monitor.co.ug>

6. Limited MOUs

Over the past decade, many labour-sending countries have used various legal instruments like the MOUs to protect migrants' labour rights. Unlike Uganda, some Asian countries, such as the Philippines and India, have signed MOUs with the UAE government, setting a minimum wage and standardised labour contracts for domestic workers (Malit Jr. and Safa, 2014). The Pakistani embassy, in particular, has also set a minimum wage of not less than AED 800 (about US\$. 817,000) for its labour migrants in the UAE. The Ethiopian embassy further increased labour protection for its domestic workers by imposing a minimum wage of AED 1, 200 (about US\$. 1,226,000) and

demanding better working conditions (Preeti, 2013).

However, while the Ugandan government has forged a strong bilateral agreement with the UAE in trade and business, it has not focused on labour migration issues between the two countries. For example, in December 2014, a delegation of ministers from the UAE came to sign an MOU for cooperation between the two countries in the areas of energy, infrastructural development, agro and food processing, especially fruits, grain and coffee for the export market, and international cooperation (Stephen, 2014).⁶ However, labour migration issues were not discussed despite its increasing relevance in the UAE.

7. Exploitation by recruitment agencies

The Ugandan government's lack of capacity to monitor recruitment agencies usually makes migrant workers vulnerable. In 2005, the government passed the Rules and Regulations Governing the Recruitment and Employment of Ugandan Migrant Workers Abroad, Regulations No. 62 (popularly known in Uganda as "Nkuba Kyeyo") (ILO, 2005). These regulations control the recruitment of Ugandan workers for the foreign labour market by MoGLSD through the External Employment Unit (EEU), the lead agency responsible for implementing and enforcing the migration laws. Since the creation of this government unit, there has been a structured pattern in the migration of Ugandan labour migrants. As such, the EEU has licensed 10 recruitment agencies that assist interested citizens in securing employment in other countries. Recruitment agencies are required to follow, among others, the following procedures; to ensure that migrant workers are provided with orientation on recruitment and

terms and conditions of work; guarantee that contracts of employment align with standard employment contracts and other laws, regulations, and collective bargaining agreements; ensure that migrant workers examine their contracts before they sign them and receive copies; guarantee compliance with labour and social legislation of Uganda, of the country of employment, and international labour bodies such as ILO. These state-mandated requirements reflect the government's interest in protecting migrant workers.

However, despite these available institutional policies and mechanisms, many Ugandan migrants still face exploitation in the process. Our in-depth interviews reveal that Ugandan labour migrants were charged exorbitantly high travelling fees (between US\$. 2.5 million and US\$. 6 million, depending on the kind of job and its location) by these recruitment agencies prior to securing employment in the UAE.

8. Improper dissemination of information on labour market

Improper dissemination of information on foreign job opportunities has greatly led to labour market vulnerabilities for Ugandan migrants in the host country. For instance, adequate pre-departure and post-arrival training programmes are almost non-existent, in some cases leaving the recruitment agencies in Uganda to provide such information rather

than the UAE-based Ugandan embassy. However, the information disseminated by these agencies is often misleading, and scarcely reflects the reality in the host country. These particular challenges in information dissemination range from high visa fees in their home countries to being exploited by employers in the UAE.

The respondents noted that the UAE-based Ugandan embassy should provide basic information about the UAE labour market and living conditions prior to travel, a mechanism that could decrease labour exploitation.

9. Policy Recommendations

| Recommendations | Rationale |
|---|--|
| <p>The Ugandan government needs to properly monitor and regulate the enforcement and operation capacities of recruiting agencies</p> | <p>To improve the dissemination of information on external labour opportunities and prevent recruitment agencies from exploiting potential migrant workers</p> |
| <p>The Ugandan government should enhance the registration procedure for its migrant workers in the UAE and other migrant host countries, especially illegal migrants and Ugandan returnees</p> | <p>To reduce the human trafficking reports but also protect those working legally</p> |
| <p>Having a service centre number that is toll-free for calls in case one needs help from the country's service centre. This brief is not dictating the laws but there is a possibility of using this as a pilot and the money facilitating it should be collected from the agencies because they make lots of money as indicated in this paper</p> | <p>To promote the protection of Ugandans and also bring to light the exploiters and violators of the law that usually go unreported. In this way, even the oppressive employers will learn to respect Ugandan employees. According to existing records, this is yet to happen in the UAE, even in the case of countries with good policies like Ethiopia. A pilot can be run with a view to seeing how it will unfold. An easy-to-dial number like 555 that is toll-free and that is facilitated by these exploitative labour agencies can be introduced</p> |
| <p>Companies should contribute to the sensitisation of the people they are taking abroad. However, an independent company should conduct the sensitisation because most Ugandans are exploited because they are not aware of their rights</p> | <p>To facilitate pre-departure and post arrival training</p> |

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