

**INITIAL REPORT ON THE INTERNATIONAL
CONVENTION ON THE PROTECTION OF THE RIGHTS OF
ALL MIGRANT WORKERS AND MEMBERS OF THEIR
FAMILIES**



THE REPUBLIC OF UGANDA

OPENING REMARKS

By

**HON. MADADA SULAIMAN KYEBAKOZE
(MINISTER OF STATE FOR ELDERLY AND
DISABILITY)**

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The Committee Chairperson

Honourable members

Ladies and gentlemen

1.0 Introduction

It is a great honour and privilege for me to present these opening remarks to the Committee.

Over the past 50 years, there has been a rapid growth in the number of people migrating between countries, to pursue work, to make a better life for their family or to seek protection. During this time, the number of people living outside their country of origin has almost tripled, rising from 75 million in 1960 to 214 million people in 2010.

While the total number of migrants has grown rapidly, and is expected to continue to do so in the years ahead, migration has generally kept pace with global population growth. Migrants made up 3.1 per cent of the global population in 2010, a slight increase from 3.0 per cent in 2005.

Migratory patterns in Uganda have existed within diverse social, political and economic contexts driven by political factors, poverty, rapid population growth and the porosity of the international borders. Bordered by five countries, many with highly volatile political and economic histories, with pronounced disparities of development within its own borders, and with its unique experiences of colonial separation (and enduring links) Uganda has been the locus of massive population movements. Currently, there is a growing participation of Ugandans within labour markets at the regional, continental and even global levels.

For much of its post-independence history, until the mid-1980s, Uganda has been mired in civil war and ethnic strife. In 1986, when the National Resistance Army/Movement (NRA/M) assumed power under the leadership of President Yoweri Museveni, the country's economy was in ruins, with an inflation rate of over 240% and an almost non-existent economic infrastructure.

Uganda has progressed towards democracy and has held regular multiparty elections since 2006. Uganda's economy has experienced varying growth rates over the years, reaching 8% over the period 2004/05 to 2007/08. The impressive gross domestic product (GDP) growth performance reflects significantly reduced poverty levels. The percentage of the population living below the poverty line declined from 56% in 1992/93 to 44% in 1997/98 and further to 31% in 2005/06 (NPA, 2010).

Northern Ugandan, however, has faced various economic and security challenges throughout the past decades. The Acholi region, for example, has been the scene of one of the world's worst humanitarian crises. Approximately 1.7 million people in the Acholi region were displaced due to more than twenty years of armed conflict between the Lord Resistance Army (LRA) and the Ugandan government. To the east

of Acholi is Karamoja, a region that has experienced decades of insecurity, caused by both natural and political shocks. As a consequence, the path towards development in Uganda has been uneven and given rise to concerns over persistent inequality and distinct geographical patterns of unequal outcomes in health and education and uneven access to basic social services (World Bank, 2013).

Despite macroeconomic growth, Uganda remains far from middle-income status with a per capita income of USD 506. The overall unemployment rate in 2009/10 was 4.2%. It should be noted however that a higher unemployment rate of 5.4% was observed among the younger population (UBOS, 2009/2010). Life expectancy in Uganda is approximately 54 years of age, while the adult literacy rate is 73%.

In 2007, the country began issuing licenses to international oil companies to explore the oil-rich Albertine region. There are high expectations that, if properly managed, oil could push Uganda into middle-income status within the next 40 years.

2.0 Immigration

Uganda is a member State of the East Africa Community (EAC) and in 2009 Uganda adopted the EAC common Market Protocol including the annexes on free movement of persons and free movement of labour.

Movements from other countries into Uganda have mainly been by refugees from DRC, Burundi, Eritrea, and Ethiopia, among others and migrant workers who come seeking for employment.

Immigrant workers impact on the job market thereby competing with Ugandans for the same jobs. From routine labour inspections, it is evident that migrant workers with similar skills as Ugandans do the same or even less work but are paid higher. Others are smuggled or trafficked into the country, confined and work under very poor terms and conditions of employment. There is an information gap on migrant workers in the country making it difficult to regulate the inflow and working conditions of both skilled and less skilled immigrants.

3.0 Emigration

The number of Ugandans living abroad has increased steadily since 1990, which indicates an increase in emigration out of Uganda. The United Nations estimated that 628,845 Ugandans lived outside the country in 2013, of which 53% were women. South-South emigration is predominant; 82% of Ugandans live in other countries in the African continent while only 12% and 5% live in Europe and North America respectively. Kenya is the biggest destination country for Ugandans living abroad. These statistics however do not reflect temporary labour migrants, in both regular and irregular situations, who are usually not captured in census or household surveys in the country of destination. Hence, the number of Ugandans residing abroad could be much higher. Indeed, other studies point to a Ugandan diaspora of three million.

4.0 Internal migration

Internal migrants represent approximately 6% of the Ugandan population according to census data, although 14% of the population were enumerated outside their

district of origin. More than half of internal migrants are located in the Central Region, which includes Kampala. Of these migrants, 44% are between the ages of 15-29 and 37% are under the age of 15.

There are a variety of reasons driving internal migration including search of better economic opportunities. For the Karamajong, a primarily agro-pastoralist population and who inhabit the remote sub-region of Karamoja, migration is an integral and critical element of their livelihood. Faced with acute environmental, political and economic shocks, many Karamajong, particularly those of Bokora ethnicity including children, have migrated to urban centres. Children from Uganda's Karamoja region are increasingly trafficked to Uganda's urban centres and exploited for labour. In other regions, displacement has been caused by natural disasters such as drought, epidemics of disease, flooding and landslides.

The number of internally displaced people has steadily decreased over the years, which may be attributed to the end of the war in northern Uganda and efforts to reintegrate persons affected into their communities through various government programmes.

5.0 Impact of migration

Remittances account for approximately 5.65% of Uganda's GDP. Since 1999, they have grown 300%, reaching USD 900 million in 2011. Approximately 68% of remittances are used for household consumption, including education.

With regards to health, migration is perceived to contribute both positively and negatively to the health outcomes of both migrants and the host communities. For example, migration is perceived to lead to new opportunities for livelihoods improvement through expanding opportunities for employment. This type of migration is perceived to contribute to increased income and therefore money to boost food and nutrition security. However, migration is also perceived to increase areas of vulnerability for migrants before they leave their country of origin, during travel and when they reach their destinations. Migration has been further linked to the spread of diseases especially where border public health disease surveillance is weak.

It is clearly known that well-managed migration has the potential to yield significant benefits to origin and destination states. For instance labour migration has played an important role in filling labour needs in agriculture, construction, health and other sectors, thus contributing to economic development of many destination countries in Africa. Conversely, the beneficial feed-back effects of migration such as remittances, knowledge and skills transfers, and return migration have in some cases made major contributions to economies of origin countries.

6.0 Expected trends

It is expected that the general mobility to and from Uganda will increase, particularly within the EAC region. The elimination of work visas for EAC citizens in Uganda will be reflected in an increase in foreign-born population in the country. The flow of labour migrants from other parts of the world could also increase given Uganda's economic growth and investment opportunities, particularly in the oil sector.

Emigration patterns are likely to continue growing steadily as Ugandans are pulled into the regional and international labour markets, both as skilled and non-skilled labour. In this context, Ugandans are likely to continue to fall victim to human traffickers who prey on the naivety and vulnerability of migrants unless a concerted and coordinated response is implemented by the Ugandan government and partners to properly manage migration and develop assistance networks abroad. The number of Ugandan workers abroad could increase dramatically if bilateral labour agreements are signed with major labour importing countries.

Internal migration is expected to also continue rising particularly in response to unemployment pressures and natural disasters. Irregular migration will also increase given the porosity of its borders and the many pull factors that attract irregular migrants including, peace, stability, availability of jobs and presence of family networks.

The government of Uganda is committed to the observance and protection of human rights. At the international and regional scene, Uganda is a signatory to a number of conventions, protocols and charters. These instruments have been domesticated into the national laws.

Legal Framework

- i. The National Constitution
- ii. Uganda Citizenship and Immigration Control Act (Cap 66), 1999 as amended by the Uganda Citizenship and Immigration Control (Amendment) Acts, of 2006 and 2009;
- iii. Uganda Citizenship and Immigration Control Regulations, 2004;
- iv. The Uganda Citizenship and Immigration Control of Aliens Regulations, 2004
- v. Employment Act, No. 6, of 2006;
- vi. The Employment Regulations, 2011 and Employment (Sexual Harassment) Regulations, 2012;
- vii. The Statutory Instrument No. 62 on Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations of 2005;
- viii. The Occupation, Safety and Health Act, No. 9 of 2006;
- ix. The Workers' Compensation Act, No.5 of 2000;
- x. The Labour Disputes (Arbitration and Settlement) Act, No. 7 of 2006;
- xi. The Labour Unions Act, 2006;
- xii. Labour Union (Access of Union Officials to a Workplace) Regulations, 2011;
- xiii. Prevention of Trafficking in Persons Act, 2009;
- xiv. Children Act, (Cap 59);
- xv. Guidelines for labour inspectors on the Identification of Hazardous Child Labour.

7.0 Institutional framework

To ensure that the rights of migrant workers are protected a number of structures have been put in place to enforce the above pieces of legislation.

- Ministry of Internal Affairs;
- Ministry of Gender, Labour and Social Development;
- Ministry of Foreign Affairs;
- Uganda Human Rights Commission;
- Equal Opportunities Commission;
- Labour Unions;

- Federation of Uganda Employers

8.0 Challenges

a) Data gaps and limitations

The measurement of migration in Uganda is characterised by the lack of regular statistics and weak management of administrative sources. Administrative data also has several limitations. Firstly not all the data collected is digitalized, centralized or available for analysis. Most administrative data is not disaggregated by sex or age. While some important administrative data is gathered in the country, this is not the case for consular offices and the lack of reliable administrative data from abroad is an impediment to understanding the emigration patterns of Ugandans. No household surveys exclusively focused on migration have been conducted in Uganda.

It must also be noted that the health management information systems, the human resource information system, the education management information systems and the environment management information systems do not include migration indicators, making it difficult to measure the impact of migration on these sectors.

b) Private agencies are increasingly playing a greater role in the recruitment and deployment of migrant workers.

The inadequate effective oversight can contribute to serious and systemic violations of the rights of migrant workers. A number of abuses have been reported involving private recruitment agencies, including confiscation of passports and fraudulent misrepresentation of the type of work for which people are being hired. Pregnancy and HIV/AIDS tests are used routinely by some of these agencies, disregarding recognized international standards.

c) There are growing numbers of migrants in an irregular situation.

While the nature of irregular migration makes accurate figures impossible, it is most impossible to ensure that their rights are amply protected.

9.0 Conclusion

Countries of origin and destination have differing responsibilities to protect the rights of migrant workers at each of these stages. This reflects the different events that take place before and after departure, with greater responsibility resting on countries of origin in the pre-departure and return stage, and greater responsibility resting on the destination countries in the post-departure and work stage. It also acknowledges the reality that countries have the ability to exercise more supervision within their own borders.

The importance of “shared responsibility” through the “supervision and regulation of international labour migration and engagement in international cooperation in the interest of promoting and protecting the rights of migrant workers”

Before I conclude my remarks allow me to take this opportunity to thank the Office of the High Commissioner for Human Rights in Uganda for the support extended during the preparation of this report.

Thank you for listening to me.