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The pursuit of a livelihood: women migrant workers and gendered experiences of migration from Uganda to the gulf countries

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List of acronyms

CEDAW	UN Convention on Elimination of all Forms of Discrimination against Women
CSOs	Civil society organisations
EEU	External Employment Unit
EUTF REF	European Union Trust Fund for Africa, Research and Evidence Facility
FGDs	Focus group discussions
GBV	Gender-based violence
GCs	Gulf countries
GoU	Government of Uganda
HTS-Union	Uganda Hotels, Food, Tourism, Supermarkets and Allied Workers' Union
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
ILO	International Labour Organization
IPV	Intimate partner violence
KII	Key informant interview
MGLSD	Ministry of Gender, Labour and Social Development
PLA	Platform for Labour Action
SGBV	Sexual and gender-based violence
UAE	United Arab Emirates
UAERA	Uganda Association of External Recruitment Agencies
UBOS	Uganda Bureau of Statistics
UDHS	Uganda Demographic and Health Survey
UGX	Uganda Shillings
UHRC	Uganda Human Rights Commission

Executive summary

In the past ten years, there has been a surge in the number of Ugandan labour migrants (both high and low skilled) to the Gulf region, constituting an important part of the economic development of these countries. Though initially sought for specific industries (i.e. construction and service industries), Ugandan migrants are increasingly contributing to other high skilled and professional sectors in destination countries. Much of the lower skilled opportunities, however, remain largely gendered where female workers are employed in domestic services (i.e. caregiving, cleaners, cooks) whereas male workers are engaged in the construction, security and transportation services. Reports of discrimination in wages, poor working conditions, lack of access to social protection, and abusive practices have not deterred labour migration to the Gulf and Middle East countries. This report examines gendered labour migration in Uganda, the process of decision making leading to internal and/or international migration, and the impact thereof. It develops a body of knowledge from migrants' viewpoint that was previously absent. It further analyses gender-specific experiences of return and reintegration into communities and families, in addition to capturing women's unique accounts of their migration processes.

The objectives of the study are:

1. To examine how gender influences decisions related to migration and return
2. To understand how migration affects gender relations within household between those who move and those who remain behind
3. To assess the extent to which gendered differences in migration trajectories and experiences are reflected in policy (government, donor, and multilateral) related to migration

Research for this study was carried out in Kampala, Uganda, a key transit point for internal and international migrants to Gulf Countries and host to numerous companies involved in the recruitment process. The study comprised of a desk review and field research conducted between May-July 2022 to collect qualitative data through 22 semi-structured interviews and focus group discussions with 19 key informants that included aspiring and returnee migrants to the Gulf countries, Ugandan immigration personnel, government and private sector actors and labour recruitment agencies.

Key Findings

1. Since 2016, more than 223,102 domestic and professional migrant workers have left Uganda to work in the Middle East due to high unemployment/underemployment that particularly affects the 21-36 age cohort. The primary destination for female workers is Saudi Arabia due to a bilateral labour agreement between the two countries that includes a provision of free costs of travel for the migrants.
2. Rising unemployment levels is necessitating changes in gender relations with increased demand for women to supplement family incomes and improve family living standards. The absence of standardized/national minimum wage policy in the formal

and informal sector has contributed to stagnation or decline in wages and demand for Gulf employment emigration.

3. The acceptance of domestic work as an important livelihood category and rising demand for domestic labour in Gulf countries continues to attract Ugandan women into the labour force and international migration. As a result, the Ugandan government developed a strategic labour externalization programme in 2005 intended to facilitate the recruitment of local migrant workers towards better employment opportunities and to promote the protection of their rights and welfare in destination countries. The 2021 regulation seeks to strengthen gaps in the earlier iteration by increasing obligations on recruitment agencies
4. Level of education is not considered a key factor influencing migration decisions. Both men and women, regardless of their education levels, have sought low-skilled employment in the Gulf countries.
5. Some women pursue work abroad as means of escaping problematic domestic relations and gender-based violence. However, the isolated nature of being a domestic worker may expose them to further abuse – physical, emotional, mental or sexual – often with limited recourse or support systems.
6. In many cases, female migrants were subjected to hormone suppressant drugs, contraceptive medication and sexual suppressants (anaphrodisiac) prior to departure without their consent.
7. Migration experiences are greatly influenced by the recruitment modality: licensed or unlicensed recruitment agency. Workers recruited via unlicensed agents often face unpredictable journeys and processes that render them vulnerable to fraudulent employment schemes. Unlicensed recruitment agents often prey on low skilled populations in rural areas. Low-income families often pay exorbitant recruitment fees to these unofficial brokers to ensure their daughters secure employment in order to escape poverty.

Key Recommendations

1. The Government of Uganda should, with support from organisations working to support workers' rights, reassess existing labour migration frameworks and incorporate gender-specific regulations and procedures for migrants and aspirants, including protections from employer exploitation and sexual harassment as well as ensuring equitable pay between men and women for comparable work.
2. Multi sectoral teams comprised of government, civil society and non-governmental organizations should be established to oversee the employment migration programs, including conducting pre-departure orientations for migrants with emphasis on gender specific roles as well as avenues for redress in cases of abuse. Pre-departure information must include information and consent forms with respect to drugs being administered to migrant women as well as information on GBV, sexual harassment and accessing the justice system in case of abuse.
3. Governments should, with support from organisations working to support migrants' rights, develop or strengthen mechanisms for reporting abuses against migrants in both Uganda and destination countries, such as establishment of fully staffed call centres and telephone hotlines. Consulate staff at destination countries must register

- nationals, obtain employment information and link migrants with embassy personnel that conduct periodic safety checks with full documentation.
4. The Government of Uganda should assign gender, health and labour attachés at Uganda's Gulf embassies to assist migrants in their new workplaces. Shelters and support centres should also be set up within these establishments to aid victims of rights abuses.
 5. Government and nongovernmental organisations should work to strengthen the operationalisation of the Domestic Violence Act and other policies and legislation on GBV as a way of systematically targeting discriminatory social institutions which impinge on women's rights and push them to migrate for safety.
 6. An emergency fund should be established to offer legal aid, medical assistance and emergency repatriation for migrant workers in need of assistance, e.g., high level sensitization providing support to ministries of foreign affairs on the mechanisms required to address injured/missing/dead migrants; technical assistance in terms of management of injured persons i.e., health medical treatment/ forensic medical investigation.
 7. Four-party contracts should be instituted between the employee, the employer, the recruitment company in Uganda and the agency in the receiving country to ensure joint liability for any breach in a worker's contract. Contracts for women should include specific clauses protecting them against GBV.
 8. Ugandan embassies in migrant-hosting countries should introduce a special unit that oversees police and forensic death investigations that has procedural knowledge of managing:
 - a. injured migrant workers who may have been subjected to physical assault, ill treatment including torture, sexual violence among others
 - b. deceased migrant workers
 - c. missing migrant workers
 9. Bilateral labour agreements should be concluded in more Gulf Countries that commonly receive migrant workers from Uganda; these should integrate a clause that requires these countries to ratify ILO's 2011 Domestic Workers' Convention, subsection 189 which guarantees domestic workers the same basic labour rights as other workers and provides protection from violence.

1 Introduction

In recent years, and partly in response to the demand for the services of domestic workers, nurses, teachers and construction workers, there has been an influx of Ugandan migrant workers to the Gulf countries (GCs) and the Middle East in search of employment and better prospects.¹ International migration from Uganda has a long history, with neighbouring Kenya being a popular destination for both skilled and unskilled workers. International labour recruitment in particular is a growing phenomenon in the country; large numbers of Ugandan workers are moving to the GCs, facilitated by employment brokers. The Government of Uganda has a strategic labour externalisation programme, implemented by the Ministry of Gender, Labour and Social Development (MGLSD), which is “intended to facilitate the recruitment of Ugandan migrant workers to decent employment opportunities and promote the protection of their rights and welfare in destination countries”.² The Ministry is responsible for licensing and regulating private recruitment companies and agencies, and for signing bilateral agreements on behalf of the country with countries importing labour from Uganda.

There are currently 306 registered and licensed recruitment companies as revealed by the Ministry of Gender, Labour and Social Development, up from 79 in 2017. On average, about 24,086 Ugandans leave Uganda annually in search of employment, especially to the Middle East as reported in the Daily Monitor.³ By some recent estimates there may be as many as 100,000–165,000 Ugandans working in the GCs.⁴ The main drivers of labour migration to the Gulf are high unemployment in Uganda and higher wages in the Gulf. For example, a domestic worker in Saudi Arabia can earn between US\$225 and \$500 a month, and factory workers in Qatar, the United Arab Emirates (UAE) and Saudi Arabia earn between \$350 and \$700 a month.⁵ These salaries are frequently better than salaries for skilled workers in Uganda’s public service, where nurses, theatre professionals, lab and dental assistants earn around \$85 and the highest paid primary school teacher is paid \$264 per month.⁶ In addition, it is estimated that remittances from the Middle East amount to \$900 million annually.⁷

Notably, there are more female than male migrants from Uganda to the Gulf states.⁸ In 2010, 251,000 (50.9 percent) of the total number of international migrants from Uganda) were female; in 2019, this was estimated at 892,600 (51.9 percent).⁹ There are various factors driving Ugandans to consider migration to the Middle East an attractive option. First, there are the basic economic conditions – Uganda’s poverty levels are high, with three-quarters of the population living in poverty.¹⁰ Some 41 percent of the population is said to live on less than

¹ Asi, Yara M. (Jul. 7, 2020).

² Nampewo, Z. (2021). 5, 11.

³ Monitor. (May 10, 2019).

⁴ Monitor. (April 20, 2022).

⁵ Global Fund to End Modern Slavery/Department of Social Work Makerere University. (July 2021).

⁶ Ibid; and Economic Policy Research Centre (Oct. 2020).

⁷ New Vision (Oct. 4, 2022).

⁸ Migrants Refugees (n.d.).

⁹ Ibid.

¹⁰ Uganda Bureau of Statistics (UBOS) statistics for 2017.

\$1.90 a day¹¹ Women, who comprise 51 percent of the population, compose the biggest percentage of the poorest Ugandans.¹² The Gender Development Index value in Uganda is 0.878, which reflects human development in favour of males.¹³ It is reported that the average income of male-headed households, at UGX 243,000 (US\$66.5) per month, is much higher than it is for female-headed households, at UGX 176,000 (\$48.2). This disparity is partly explained by women's lower levels of access to formal education, which tends to relegate them to work in domestic settings where their labour is neither valued, quantified or appropriately remunerated, while men are associated with economic provisioning and employment outside these settings. The combined rate of unemployment is also higher for women than men.¹⁴

Labour migration usually comes with weak employment security and protection issues (particularly for women). Many migrants' work – whether regular or irregular – is characterised by instability, long hours and low pay. Such conditions may mitigate the potential advantages of migration. The information relayed to potential labour migrants is also often insufficient; thus, many find a different reality upon commencing their duties. Despite the growing importance of labour migration to the Gulf, scant information is available on the experiences of migrants before, during and upon return from their journeys. Moreover, few, if any, studies have considered the gendered aspects of this particular type of migration, yet information on these aspects is critical for safeguarding and promoting the rights of workers – particularly women.

¹¹<https://www.unicef.org/esa/media/6146/file/UNICEF-Uganda-Multi-dimensional-child-poverty-2020.pdf>

¹² Uganda National Population Council, 2019, p 17.

¹³ Ibid.

¹⁴ Ibid.

2 Study objectives

This study examined gendered labour demands in Uganda, where women migrants are becoming more visible as they take up work opportunities in larger numbers in the GCs.

The objectives of the study were:

1. To examine how gender influences decisions related to migration to the GCs and return to Uganda.
2. To understand how migration affects gender relations within the household between those who move and those who stay behind.
3. To assess the extent to which gendered differences in migration trajectories and experiences are reflected in economic migration policies (governmental, donor and multilateral).

3 Methodology

The study was conducted from May to July 2022 in Kampala, which is a key transit point for all migrants to the GCs and host to the majority of the companies involved in the recruitment of migrants. No fieldwork was conducted in the Gulf countries, as the focus was on decision making before migration, the pre-departure process and the experiences of returnees.

The study employed a mixed methods approach comprising a desk review and field research. The desk review entailed the analysis of several types of documents, including binding legal instruments, international and regional soft law instruments, relevant reports, and documents of national, regional and international organisations. The field research consisted of qualitative data collection and was guided by research questions on the decision-making processes followed by men and women on migration; demographics such as age, level of education, marital and other social status; household profile (rural vs urban); most common migration pathways for regular and irregular migration used by men and women; access to social services and economic opportunities in migration destinations; reintegration post-return; the role of recruitment agencies and other actors; and the possibilities for better enforcement of migration regulations by government.

A total of 41 individuals – including migrants and potential migrants – were interviewed for this study (12 men and 29 women). Semi-structured interviews were used for key informant interviews (KIIs) with 22 persons working on issues of migration in Uganda (both government and private sector) in the MGLSD, the Ministry of Foreign Affairs, the Directorate of Citizenship and Immigration (Ministry of Internal Affairs), Uganda Human Rights Commission, Uganda Law Reform Commission, Uganda Association of External Recruitment Agencies (UAERA), civil society organisations (CSOs) and the European Union delegation to Uganda.

Focus group discussions (FGDs) were conducted with returning and aspiring migrants for a total of 19 participants (15 women and four men). Of these, six had worked in Saudi Arabia, five in the UAE and one in Oman. The rest were prospective migrants, five of whom were domestic workers hoping to migrate to Saudi Arabia, while two were Makerere University students with aspirations of migrating to the UAE. All 19 respondents were aged between 20 and 40 at the time of the interviews. With the exception of one, all had children and six were married. The researchers observed that some of the returnee migrant workers were reserved and unwilling to discuss their experiences openly in the focus group settings. In these cases, informants were interviewed in private to enable them to share their stories more comfortably.

The study set out to gain an in-depth understanding of the gendered labour migration dynamics, grounded in the realities of women's experiences.¹⁵ Drawing on qualitative feminist methodology, the research team emphasised the differential gendered experiences of migrants throughout the process by highlighting voices that are often excluded from knowledge production and policy making. To this end, the team sought more female respondents to participate in the study. During interviews and FGDs, the team was keen to identify the women's multiple struggles before and during migration and while at work in the GCs. Second, the methods were designed to establish compelling evidence for reflection and

¹⁵ Brayton et al, nd.

policy reform that would improve the condition of female migrants.¹⁶

The relevance of meeting with the returnee migrants derives from the fact that they had gone through the entire process and their experiences were key to the study. Returnees also gave testimonies about the treatment of other migrants they had met or heard about. This report therefore includes case studies of some of the stories captured during interviews. Interviews with persons who were providing induction and orientation to aspiring migrants were useful in better understanding the extent of preparation that migrants received before departure to the GCs.

For the purposes of this study, the expression 'international migration' is understood as the process through which a person leaves the territory of Uganda for another country, mostly in the Gulf, for purposes of work. In practice, the study focused particularly on the case of economic migrants. The term GCs is also applied interchangeably with 'Middle East'. For the purpose of this report , we used the conversion rate of 1 US dollar to UGX 3,700.

¹⁶ Frisby et al, 2009.

4 Gender and migration in Uganda

Gender is a crucial variable when investigating a policy area like migration, where experiences for men and women differ.¹⁷ Women and girls have played an important part in migratory processes throughout history yet, despite their numerical importance, global estimates of the extent of female migration were not available until recently.¹⁸ A common misconception around some forms of migration, especially labour migration, has been that men and women migrate for different reasons – men for work and women for marriage. Women have often been understood through gendered norms to be passive migrants, moving as social or economic dependants in a secondary role to men, rather than as primary actors.

However, economic realities, compounded by dramatic rural–urban population movement as a result of chronic poverty and food insecurity, demonstrate a starkly different situation. With one of the youngest populations in the world, which is majority female, Uganda's women are increasingly acting as breadwinners and bearing the economic responsibility for a growing sector of society. Limited local opportunities (economic, education, etc) further exacerbate the need to look beyond local solutions. Women migrating from rural areas face sexist and archaic land tenure systems that limit their opportunities to inherit or purchase land and develop opportunities locally, contributing to the urban pull and, increasingly, to international migration.

Internationally, demand for the services of domestic workers, nurses, teachers and construction workers has led many men and women in Uganda to migrate in search of (better) employment and a higher income.¹⁹ International migration from Uganda has a long history, with neighbouring Kenya a popular destination for both skilled and unskilled workers. International labour recruitment in particular is a growing phenomenon in the country; large numbers of its workers are moving to the Gulf, facilitated by employment brokers.

¹⁷ Llacer et al, 2007.

¹⁸ Zlotnik, 2003.

¹⁹ Asi, 2020.

5 Legal and policy framework on migration in Uganda

UN Sustainable Development Goal Number 5 seeks to achieve gender equality and empower all women and girls. This presents a resulting obligation on states to enact laws that are gender-responsive and empowering to women and girls. According to the statistics, more women migrant workers are travelling from Uganda to the GCs. Thus, migration in many instances disproportionately affects women. It is therefore imperative to examine the responsiveness of Uganda's legal framework to the gendered aspects of migration. Uganda is party to international conventions and frameworks that guard the rights of migrant workers, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) and ILO Workers Conventions.²⁰

The ICRMW establishes minimum standards that state parties should apply to migrant workers and members of their families, irrespective of their migration status. It encompasses a host of rights, including freedom to leave or enter any country, right to life, freedom from torture or degrading treatment, prohibition of slavery and forced labour, freedom of thought, conscience and religion, privacy, liberty, non-discrimination, equality in remuneration and freedom of association.²¹ Internationally, the majority of the women who travel for work to the GCs are engaged in domestic work and, as such, the 2011 ILO Domestic Workers' Convention No 89 deals specifically with their issues. The convention is emphatic on the effective promotion of the human rights of domestic workers by requiring member states to eliminate discrimination by ensuring that such workers are accorded the same protections as those applicable to workers in other sectors. The applicability of this convention is limited, however, because none of the GCs has ratified it and neither has Uganda.

Further, the Migrant Workers Recommendation, No. 151 (1975) emphasises equality of opportunity and treatment while focusing on housing, remuneration, membership of trade unions and social services. It requires member states to grant assurances to migrant workers of the right to geographical mobility and to put in place measures for the reunification of families of migrant workers through national laws or in bilateral and multilateral agreements.²² The Migration for Employment Convention (Revised), 1949 (No 97) emphasises adequate provision of medical services, equal treatment of migrant workers where remuneration, collective bargaining, accommodation and access to social security are concerned,²³ and obliges member states to facilitate the departure, journey and reception of migrants for employment.²⁴ The Migrant Workers (Supplementary Provisions) Convention, 1975 (No 143)

²⁰ OHCHR, 1990.

²¹ OHCHR, 1990. As set out in Articles 8, 9, 10, 11(1), 11(2), 12, 14, 16, 18, 25 and 26, respectively.

²² ILO 1975a, Paragraphs 2, 6(a) and 13.

²³ ILO 1949, Article 6.

²⁴ *Ibid.* Article 4.

emphasises respect for the basic human rights of all migrant workers,²⁵ prompts states to adopt the means to suppress the clandestine movements of migrants and their illegal employment, and requires them to pursue the organisers of such illicit movements.²⁶

The Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No 100) highlights protection of migrant workers during the period of their employment.²⁷ It imposes the obligation to provide housing, wage fixing and admission to skilled jobs without discrimination.

The UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Committee's General Recommendations No 26 (2008) on women migrant workers and No 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women²⁸ elaborate extensively on the rights of women living away from their countries of origin. Overall, then, there is a comprehensive spectrum of international instruments that provide guidance on migration issues. Notable, however, is that the majority of these are gender neutral. Apart from the CEDAW General Recommendation No 26, most of these instruments reflect a homogeneous approach to migration.

At the national level, the Ugandan government has been working to strengthen its labour migration regulatory framework. The Employment Act of 2006 promotes equal opportunities for migrant workers and members of their families. It bars the illicit movement of migrants departing from Uganda and further emphasises non-discrimination of any from towards workers.²⁹ However, this law only applies at the local level and cannot be applied outside Uganda. Therefore, its applicability is limited, no matter how strong its provisions.

Externally, policies to protect the rights and enhance the safety of Ugandan migrant workers include the Guidelines on the Recruitment and Placement of Ugandan Migrant Workers Abroad of 2015 and the 2021 Regulations.³⁰ The 2021 Regulations govern the recruitment of migrant workers and guard them against exploitation. They mandate recruitment agencies to be licensed and guarantee pre-departure orientation and employment contracts to workers. Furthermore, they give the MGLSD power to suspend, and in other cases revoke, the licence of a recruitment agency.³¹ The regulations require foreign recruitment agencies that wish to recruit Ugandan migrant workers to do so through "local" recruitment agencies, and to seek accreditation from the relevant Uganda foreign mission.³²

Migrant workers are also entitled to the following under these Regulations: guaranteed wages for regular working hours, overtime pay, and free emergency medical and dental treatment. Where a job order is made, a foreign recruitment agency is required to submit it to the relevant Uganda mission for verification and thereafter to present the same to the local recruitment

²⁵ ILO, 1975b, Article 1.

²⁶ Ibid., Article 3(a) and (b).

²⁷ ILO, 1955, Paragraph IV.

²⁸ CEDAW 2014.

²⁹ GoU, 2006, Sections 37 and 6(3).

³⁰ GoU 2021.

³¹ Ibid., Regulations 13 and 14.

³² Ibid., Regulations 17(1) and 17(2). July 2005

agency which, in turn, is required to seek approval from MGLSD before the same is advertised.³³ For the job order to be approved, it must be accompanied by a power of attorney and a copy of the service agreement between the foreign and the local recruitment agencies, a template of an employment contract, proof of availability of accommodation space for migrant workers and proof of payment for the vacancies, among others.³⁴ The regulations require that, before migrant workers are placed abroad, the local recruitment agency must seek clearance from the MGLSD with supporting documentation such as a certificate of good conduct for workers intending to work in the security sector, a pre-departure orientation training report, the approved job order, a copy of each worker's passport and a copy of the contract of employment.³⁵ The regulations created a Directorate of Industrial Training for the purposes of conducting trade tests to determine whether the migrant workers chosen are fit for the job, as described under the job order.³⁶

The regulations stipulate that where the foreign recruitment agency pays the local recruitment agency a fee to cover services rendered in the recruitment and deployment of migrant workers, the local recruitment agency shall not charge any migrant worker any fee except for an administrative fee which should not exceed \$5.³⁷ Where the migrant workers are domestic workers, the foreign recruitment agency is required to cover all the costs of recruitment and placement of each domestic worker.³⁸ Where the recruitment agency does not charge administrative costs, it may charge placement fees to cover trade and skill testing, pre-departure orientation seminars, medical examinations, obtaining a passport and processing the visa and notarisation of documents. Such fees must be approved by the ministry.³⁹

The MGLSD charges \$30 for every vacancy from the foreign recruitment agency and \$54 for every job order by a local recruitment agency.⁴⁰ Regulation 34 provides for the appointment of an agent or representative of the recruitment agency. It must be noted that, although the Employment Act is silent, the regulations make thorough provision for the procedure of externalisation of labour. However, they do not address the vulnerabilities faced by women during this process with any precision, nor do they provide a distinction between the experiences of men and women. In addition to the above migration policies, the GoU has signed bilateral labour agreements with Saudi Arabia, Jordan and UAE. According to the Uganda Human Rights Commission, the GoU is in the process of drafting MOUs with Kuwait, Oman, Bahrain and Turkey.⁴¹ These agreements focus on labour protections for domestic workers.⁴²

However, while Uganda has made major migration-related policy achievements, its labour migration legislation has been criticised for being fragmented. The country lacks a comprehensive national labour migration policy. At the same time, there are still challenges

³³ GoU, 2021, Part V.

³⁴ GoU, 2021, Regulation 27(a).

³⁵ GoU, 2021, Regulation 23.

³⁶ GoU, 2021, Regulation 24.

³⁷ GoU, 2021, Regulations 25(2) and 26(1).

³⁸ GoU, 2021, Regulation 25(3).

³⁹ GoU, 2021, Regulation 26(3).

⁴⁰ GoU, 2021, Regulations 21(5) and 27.

⁴¹ Interview with Director, Uganda Human Rights Commission, 17 June 2022.

⁴² <https://ulii.org/ug/legislation/statutory-instrument/2005/200562>.

with enforcement of rights protection under the law. This was put more succinctly by the Director of the Uganda Human Rights Commission who stated:

When we talk about prosecution, do we have jurisdiction? At what point can Uganda support the Embassy there to bring an action against the abusers and perpetrators, so that these girls get justice? We have seen these girls and women who came back, and their organs had been taken and we cannot even trust the families they were in or where they were, and no action has been taken where they were, so it becomes a challenge when it comes to access to justice.⁴³

Even in cases where a prosecution is pursued, an official from the Directorate of Citizenship and Immigration said that she has doubts about its effectiveness. She noted that, while the government had strong laws, their efficacy was hampered by limited financial resources to investigate and pursue these cases.⁴⁴ The Uganda Human Rights Commission recommends that the government focus its efforts on data collection, reconciliation of legislation and the appointment of Labour Attachés in all the countries where migrants work; if possible, they should also establish embassies or consulates in these countries.

⁴³ Op. Cit.

⁴⁴ Interview with Directorate of Citizenship and Immigration, Ministry of Internal Affairs, 16 June 2022.

6 Actors

There are several stakeholders whose actions or inactions influence migration outcomes for both women and men. They include private, local and international actors. At the local level, the GoU has the overall mandate to ensure proper migration procedures through legislative and administrative means. It has a duty to control its borders effectively and securely to prevent unlawful migration and trafficking. It also has a role in ensuring that applications for lawful migration are properly processed and that migrants are guaranteed protection beyond Uganda's borders. Uganda has developed a labour externalisation programme to respond to these objectives and specifically "to facilitate the recruitment of Ugandan migrant workers to decent employment opportunities and promote the protection of their rights and welfare in destination countries".⁴⁵

There are several agencies that participate in labour externalisation. First is the MGLSD, which has the key role of implementing the programme and overseeing the operationalisation of the 2021 Regulations. It also has the power to license, revoke and suspend the licences of labour export companies.⁴⁶ At an internal level, MGLSD has established the External Employment Unit (EEU) under the Department of Employment Services, which is entrusted to lead on the enforcement of the relevant rules and regulations governing the recruitment of Ugandan migrant workers abroad.⁴⁷ The EEU coordinates stakeholders such as licensed labour export companies, the Joint Intelligence committee, Ugandan missions abroad, the Ministry of Foreign Affairs, migrant workers and Entebbe International Airport to see that this process is executed smoothly.⁴⁸

The MGLSD further chairs the Inter-ministerial Committee, the entity mandated to coordinate the different ministries that participate in labour migration. The Committee comprises ministers responsible for Security, Internal Affairs, Works, Local Government, Foreign Affairs and East African Cooperation.⁴⁹ All these ministries participate in the migration process through:

- security clearance (undertaken by Interpol, which falls under Security, and a team of joint airport security officers before departure)
- production of National Identification Cards and passports (the National Identification Registration Authority falls under Internal Affairs)
- verification of identity checks done by area local leaders (local government)
- carrying out due diligence about prospective foreign recruitment agencies⁵⁰
- following up on complaints by migrant workers in different jurisdictions instituted by foreign missions (Ministry of Foreign Affairs).

Additionally, under the Immigration and Citizenship Control Act, the Ugandan government is required to keep records of its nationals living abroad and migrants residing in the country.

⁴⁵ GLSD1-19-Preliminary Report on the Externalisation of Labour Phenomenon.pdf

⁴⁶ Regulations 2, 4, 13 and 14 of the Employment (Recruitment of Migrant Workers) Regulations SI 47 of 2021.

⁴⁷ MGLSD, nd.

⁴⁸ Ibid.

⁴⁹ GoU, 18 July 2019, p 8.

⁵⁰ Ibid, p 4.

The Directorate of Citizenship and Immigration manages points of entry, including the issuance of visas and entry permits.

The international sector comprises Ugandan foreign missions and the labour importing countries. These are guided by the rules and regulations formulated by Uganda on migration. In particular, the country's foreign missions have the role of providing information to migrants who are resident in the specific countries where they are based on aspects such as labour regulations and the laws of the host country. They are also mandated to provide shelter, issue new passports and assist with repatriation when required. Furthermore, Ugandan nationals living abroad are required to register with the nearest Ugandan embassy, not only to enable government record keeping but also to ensure that Ugandan citizens can access support from their government as required.

MGLSD negotiates and executes bilateral agreements with countries desirous of importing labour from Uganda. These bilateral agreements ring-fence jobs for aspiring migrants and provide for important aspects such as minimum wage payable and rights to communication, working hours and access to healthcare facilities.⁵¹ In this regard, as mentioned earlier, Uganda has executed agreements with the governments of the Kingdom of Saudi Arabia, the Hashemite Kingdom of Jordan and the UAE.⁵²

The private sector is composed of recruitment agencies and other private entities. Recruitment agencies are motivated by profit, since they earn commission on every worker exported abroad. Logically, they package their advertisements in an attractive manner which entices many applicants to apply for work abroad. They work through individual recruiting agents who travel to rural areas in search of aspiring workers.⁵³ As part of ensuring the welfare of their recruits, many of these recruitment agencies have adopted, as best practice, the sending of a supervisor for every 100 workers going abroad, for the purposes of keeping in touch, provision of translation services and offering support to workers who are distressed.⁵⁴ Recruitment agencies are coordinated by the UAERA. Started in 2013, UAERA is an umbrella organisation of agencies professionally working together to spur the growth of external recruitment in Uganda. UAERA regulates and monitors the activities of member agencies together with MGLSD. It currently has over 206 licensed labour export companies⁵⁵ out of the 221 listed companies.⁵⁶ UAERA runs a reception centre to handle returnees in distress. The centre was set up in 2018 and has so far handled 91 returnee migrant domestic workers.⁵⁷ It provides counselling services, rehabilitation and medical treatment to the returnees. Cases requiring psychiatric treatment are referred to Butabika National Referral Mental Hospital. Returnees who are not ready to integrate into the community or re-join their families are given shelter at the centre until they feel comfortable enough to leave. All costs related to assistance inside

⁵¹ Interview with Ministry of Foreign Affairs official, 30 June 2022.

⁵² GoU, 18 July 2019, p 8.

⁵³ The majority of the participants at the training centre said they had been connected to the recruitment agency through an agent.

⁵⁴ Interview with PR and Communications Officer, UAERA, 1 July 2022.

⁵⁵ UAERA, 2021, p. 4

⁵⁶ The names of all the listed companies can be found at <https://eemis.mglstd.go.ug/companies>. Accessed: 11 July 2022.

⁵⁷ UAERA, p. 18.

the centre and at partner medical facilities are covered by UAERA.⁵⁸

It was noted, however, that such training centres are mostly business-oriented and biased towards ensuring that trainees embark on their onward journeys to the GCs, rather than towards sharing balanced information to enable applicants to make informed decisions on whether to migrate. The abovementioned pre-departure training is supposed to include pre-decision awareness to give girls a chance to change their minds at any stage of the process. However, training centres fail to emphasise this component of the training package for fear of making a loss if the women change their minds about whether to migrate.⁵⁹ It was also noted that the women are not allowed access to their phones during the two-week residential training at the centres. Phones are deposited in the office on arrival and only retrieved at the end of the training period. This is meant to prevent distractions and access to information.⁶⁰

Other private actors include the Uganda Hotels, Food, Tourism, Supermarkets and Allied Workers' Union (HTS-Union), which has for years been providing support to migrant domestic workers in the Middle East. This assistance ranges from remote informational and psychosocial support to, where possible, organising the domestic workers' return. Upon their return, HTS-Union provides counselling, makes claims on behalf of migrant domestic workers whose salaries were withheld, provides migrant workers with information about safe migration and enhances their financial literacy.⁶¹ Also in existence are NGOs such as the Platform for Labour Action (PLA). PLA provides legal aid for returnees. It has also successfully handled cases of returnees, especially those in relation to non-payment.⁶² Immigration and security officials at Entebbe airport also sometimes play a role in referring returnees who appear ill or are otherwise struggling to the reception centre set up for them there.

Despite the above migration infrastructure intended to support labour externalisation, the absence of a comprehensive national labour migration policy has exposed many Ugandans to abuses during the process of migration, both regular and irregular. In the latter case, many people, especially women, have fallen victim to human trafficking.⁶³ This is because the recruitment regulations are not effectively enforced. For instance, recruitment agencies still charge prospective migrant domestic workers 'recruitment fees', although the 2021 Regulations clearly specify that this is not a requirement. Similarly, as per the bilateral agreement with Saudi Arabia, travel to that country is supposed to be completely free for domestic workers but this is not the case. All the participants in this study in that category had parted with some form of payment to facilitate their travel there. In addition, public awareness of the labour migration regulatory framework is insufficient and aspiring applicants are frequently taken advantage of as a result.

At the same time, there are limited means of monitoring workers post-placement in the GCs. The regulations require recruitment agencies to ensure that the labour they export is protected and that they follow up on where they take them and their progress. They are required to keep

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ FGD with aspiring migrants, PLA Training Centre, 20 June 2022.

⁶¹ Namaganda et al, 2019

⁶² GoU, 18 July 2019, p 8.

⁶³ Interview with returnee migrant, School of Law, 16 June 2022.

data on the people they send off to work. However, most of the time this is not done and, where it is, the data are not updated. Interviewees expressed concern that they were being abandoned by the recruitment agencies, even though the regulations and bilateral agreements provide for continued communication between the agencies and workers. It should be noted that, without data, the protective mechanisms available under the 2021 Regulations are flawed.

The importance of data in the protection of migrants was highlighted by the Uganda Human Rights Commission. According to the Director, Monitoring and Inspections:

We need numbers, names, faces and locations to be able to track these workers and protect them. That way we can know which of our people have been trafficked. We need to know from which areas migrants are likely to originate. When you look at the trends, there are areas where most of these girls are coming from. How do you ensure that you do sensitisation and create awareness around these communities that are mainly sending their children to the Middle East?

Likewise, the provisions in the bilateral agreements look glossy but are neither practical nor easy to implement, largely because they fall outside Ugandan jurisdiction. On this point, it should also be noted that Uganda has established only one embassy in the GCs – in Saudi Arabia – which currently serves all countries in the Middle East. This makes it impossible for vulnerable migrant workers in the other countries to receive timely assistance from their government. It is unfortunate therefore that the GoU has adopted externalisation as a strategy to create opportunities for its citizens abroad and yet lacks bilateral agreements with countries like Oman, Qatar, Kuwait, Lebanon, Bahrain, and Iraq. With all these challenges in mind, the government still has some way to go in closing the gap between policy outcomes and the economic and political demands of both aspiring migrants and receiving countries. The government also needs to be more cognisant of the concerns of both men and women during the migration process.

7 Labour migration trends from Uganda to the Gulf countries

Details on labour migration trends from Uganda to the GCs were generally unavailable until recently. According to an article in the *Observer*, July 2022,⁶⁴ statistics from the MGLSD show that, from 2016 to date, 223,102 domestic and professional migrant workers have left the country for the Middle East.⁶⁵ Of these, only 32,876 are engaged in professional jobs. The remaining 190,226 are domestic migrant workers, with 131,970 in Saudi Arabia; 45,636 in the UAE; and 12,620 in Qatar (see Table 1).⁶⁶

Table 1: Externalised migrant workers by sex (2016–20)

Category	2016	2017	2018	2019	2020 (Covid year)
Male	2,035	2,126	6,196	7,758	3,577
Female	504	2,991	14,808	17,605	5,449
Total	2,539	5,117	21,004	25,363	9,026

Source: Ministry of Gender, Labour and Social Development; Uganda Bureau of Statistics (UBOS), 2020.

In response to the increasing migration flows to the GCs, the Government of Uganda (GoU) developed a strategic labour externalisation programme in 2005.⁶⁷ The programme is implemented by the MGLSD and is “intended to facilitate the recruitment of Ugandan migrant workers to decent employment opportunities and promote the protection of their rights and welfare in destination countries”.⁶⁸ The externalisation strategy follows the passing in 2005 of the Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations, with the MGLSD as the lead agency responsible for implementation and enforcement. These regulations were later amended by the MGLSD in 2021 and they as noted above are currently called the Employment (Recruitment of Migrants Abroad) Regulations, S.I No. 47 of 2021 (henceforth the 2021 Regulations). The 2021 Regulations created new roles for Uganda’s foreign missions abroad, namely to verify all job orders and accredit all foreign recruitment agencies, among others. The regulations also prohibited non-Ugandans from owning external recruitment agencies and increased the penalty for illegal recruitment activities from

⁶⁴ <https://observer.ug/news/headlines/74329-24-000-housemaids-go-to-dubai-annually>

⁶⁵ The figures do not account for Ugandans trafficked to the Middle East.

⁶⁶ Nangonzi & Serugo, 2022.

⁶⁷ Parliament of Uganda, 2019, p 4.

⁶⁸ Namaganda and Nkirote (n.d.).

imprisonment for three months to imprisonment not exceeding five years or a fine not exceeding \$5,340, or both.⁶⁹

The 2021 Regulations seek to address the inadequacies of the earlier regulations by increasing obligations on the recruitment agencies. These include increasing the pre-departure training period from seven to 14 days; raising the minimum sum to operate a labour externalisation business (i.e. recruitment agency) from about \$2,600 to \$13,000, and maintaining a minimum business operating deposit of \$26,000.⁷⁰ The study was not able to confirm whether these regulations have been operationalised.

The MGLSD is responsible for licensing and regulating private recruitment companies and agencies, in addition to signing bilateral agreements on behalf of Uganda with countries importing labour from it. As of August 2021, the labour externalisation industry had grown to 216 private licensed recruitment agencies, up from 198 as of 30 June 2020, 166 in 2019 and 105 in 2018,⁷¹ reflecting the growth of the labour externalisation industry in Uganda. To date, the country has signed bilateral labour agreements with the Hashemite Kingdom of Jordan in November 2016, Saudi Arabia in December 2017 and the UAE in 2019. Further, the Ugandan government is pursuing negotiations on agreements with other countries such as Qatar.⁷²

⁶⁹ GoU, 24 Dec. 2021, para 6.

⁷⁰ An increase from UGX 50 million (equivalent to US\$13,351) in the old regulations.

⁷¹ Uganda Human Rights Commission, 2021, p 23.

⁷² Uganda Population Council, 2019, p 17.

Table 2: Migrant flows from Uganda

Country of destination	2016	2017	2018	2019	2020
Iraq	646	217	2,206	485	36
Afghanistan	342	416	182	414	50
Saudi Arabia	175	1,621	12,109	13,537	4,538
Qatar	487	520	923	256	1,148
UAE	383	303	2,556	10,182	2,585
Bahrain	410	451	23	6	183
Somalia	96	162	745	139	172
Kuwait	0	0	0	38	109
Jordan	0	1,427	2,260	306	205
Total	2,539	5,117	21,004	25,363	9,026

Source: Ministry of Gender, Labour and Social Development; Uganda Bureau of Statistics (UBOS), 2020.

The bilateral agreement with Saudi Arabia⁷³ makes various provisions in the regulations to support migrant workers, including free travel costs, rendering it an attractive option for women who would otherwise be unable to afford the cost of visas and tickets.⁷⁴ The agreement also prohibits recruitment agencies in both Uganda and Saudi Arabia, as well as employers, from charging or deducting from the worker's salary any cost pertaining to his or her recruitment and deployment, and from further imposing any kind of unauthorised salary deduction.⁷⁵

Despite the growing interest in labour export, as evidenced through the bilateral agreements, there remains a gap in knowledge about how effective these arrangements have been in streamlining the demand for labour and the experiences and conditions of workers. There is also limited information on how migration affects women and men once they reach the Gulf region and on mechanisms for redress. A potential contributing factor is the lack of a national

⁷³ <https://www.migrant-rights.org/2015/08/a-million-ugandans-for-saudi-houses-what-can-we-expect/>

⁷⁴ See GoU, Rule 1, section 4c of part IV of the Rules and Regulations Governing the Recruitment and Employment of Ugandan Migrant Workers Abroad, p 24, which provides that the employer may assume the full cost of the worker's transportation after a formal arrangement has been agreed to. See also Regulation 25(3) of the Employment (Recruitment of Ugandan migrant workers) Regulations Statutory Instrument No 47 of 2021 and . See also 'Uganda, Saudi authorities agree on joint monitoring of migrant workers safety', *The Independent*, 3 February 2022.

⁷⁵ Article 3(5) of the Bilateral Agreement, dated 31 December 2017, signed between Uganda and Saudi Arabia.

legal framework or policies on labour migration. To address this, the government is working on a comprehensive National Migration Policy, and this study is expected to help in informing the process, particularly with regard to the gendered dynamics of migration.

8 Findings

8.1 Drivers of migration

The International Labour Organization defines a minimum wage as “the minimum amount of remuneration that an employer is required to pay wage earners for the work performed during a given period, which cannot be reduced by collective agreement or an individual contract”.⁷⁶ Attempts to set a minimum wage in Uganda have been underway for a long time, with a recent proposal to set a monthly minimum salary of US\$36.⁷⁷ The lack of adequate income therefore encourages women migrants to seek employment beyond Uganda’s borders. The high demand in GC countries provides a perfect opportunity for women to earn decent wages and establish a level of savings sufficient to enable them to improve their families’ livelihoods.

The oil and gas boom in the Gulf has attracted a significant international labour force. However, much of the childcare and domestic work is relegated to low-skilled migrants, with Uganda providing a substantial number. The GCs’ demand for migrant workers has been further strengthened by events such as the annual Hajj pilgrimage (Saudi Arabia), Expo 2020 in Dubai (UAE)⁷⁸ and the 2022 World Cup (Qatar).⁷⁹ An additional motivator is the pay rates in GCs: for example, monthly salaries for female live-in domestic workers in Uganda range between US\$13.5 and \$27,⁸⁰ whereas a starting salary in the GCs can range between US\$240 and \$270, some ten times the Ugandan rates. However, as noted, migrants experience challenges with timely payment and endure additional hardships in the workplace.

Some participants justified their motivation to seek employment in the GCs as follows:

I moved to Bweyogerere [locality in Kampala] where I was working for different people for meagre payments, yet I want to get more money to study nursing. (Aspiring migrant)⁸¹

I was married and living with my husband and five children in a small low-end rented house (Muzigo) and the financial situation was very bad. Ugandan employers pay very little money and I had so many demands, so I had to leave and get more money. (Returnee migrant)⁸²

Another key driver concerns other migration beneficiaries such as brokers, financiers and recruitment agency shareholders, who deliberately travel deep into rural areas to recruit aspiring workers and facilitate their travel abroad. Many of those recruited are women who lack the necessary information on prospective job prospects and the financial resources to pursue them. The brokers promise women life-changing opportunities, better pay, excellent

⁷⁶ ILO, nd.

⁷⁷ The Monitor, Jun 1, 2017 ‘

⁷⁸ Sankar & D’Mello, 2021.

⁷⁹ Nampewo, 2021, p 12; Whiteaker, 2022.

⁸⁰ We used an exchange rate with the US dollar of UGX 3,700.

⁸¹ Interview held at the Platform for Labour Action (PLA) Training Centre, Kyebando, 20 June 2022.

⁸² Interview held at the School of Law, Makerere University, 16 June 2022.

working conditions and a once-in-a-lifetime opportunity to travel by aeroplane.⁸³ Other women are encouraged to travel by relatives, friends and spouses, who are willing to contribute towards the cost of getting a national Identity card, passport and the medical tests required for travel.⁸⁴

Rising youth unemployment also drives migration to the GCs. Youth unemployment refers to the share of the labour force between the ages of 15 and 24 without work but available for and seeking employment (Macrotrends, 2022). Uganda is experiencing a steady rise in youth unemployment, which is expected to reach 31 percent by the end of 2022.⁸⁵ About 700,000 young people reach working age every year in the country, but the economy creates only 75,000 new jobs annually in the agro-processing sector (Federation of Uganda Employers, 2022, p 3). Many university graduates end up working in hair salons or selling second-hand clothes, mobile phones and phone accessories, etc.⁸⁶

As a result, it is not surprising to see an exodus of educated Ugandan youth seeking opportunities in the GCs. Our study reveals numerous examples of educated Ugandans who leave the country for more promising opportunities.⁸⁷ However, given that Ugandan girls and women are less likely to enrol and complete their education compared to their male counterparts, resulting in a higher unemployment rate among them, this category is more likely to migrate than their male counterparts.⁸⁸ According to UBOS, adolescent girls and young women (aged between 15 and 29) face a number of hurdles in the labour market, including unequal pay rates, sexual harassment and general biases in favour of men.⁸⁹ Thus, unemployment and underemployment are at the top of the driving factors for Ugandan migrant domestic workers, many of whom, as this study reveals, are young women.

Poverty, as mentioned earlier, plays a major role in influencing decisions to migrate to the GCs. The majority of aspiring and returnee migrants who participated in our study reported having faced economic hardships that ‘pushed’ them to leave Uganda.⁹⁰ A surprising finding was that even very low-income families had found ways to pay inflated recruitment fees to unofficial brokers and agents so that their daughters could travel to the Middle East for work. The mother of one of the migrant domestic workers interviewed for the study, for instance, makes her living by washing laundry in different homes and is a member of the women’s savings group. She aided her daughter’s travel by borrowing US\$1,354 from the savings group by using her savings as collateral so that her daughter could travel to Nairobi and onwards to Oman.

When I looked at the life of some of my friends that travelled to work abroad after senior six, you could see that there was some progress with them. I began

⁸³ Interview with a secretary in a recruitment company operating in Kampala, 11 July 2022.

⁸⁴ FGD held with aspiring migrant workers at the PLA Training Centre in Kyebando, 20 June 2022

⁸⁵ <https://www.opportunity.org.uk/news/blog/tackling-ugandas-youth-unemployment>

⁸⁶ Nowaraga, 2021.

⁸⁷ Nampewo, 2021, p 33.

⁸⁸ Bakwasa, 2019. Some of the factors causing gender inequality in education in Uganda include sociocultural and socioeconomic conditions, unfriendly school infrastructure and early marriages and pregnancies. See Bakwasa (2019).

⁸⁹ UBOS, 2019, p 25.

⁹⁰ FGDs held at the School of Law, 16 June 2022, and PLA Training Centre, Kyebando, 20 June 2022.

to regret the time that I had spent at law school, the amount of tuition that we spent here, I wish I had used that money to travel and started working, maybe my life would have been better. (Law student, now an aspiring migrant)⁹¹

At least ten of the female study participants reported that they could not fulfil their desire to stay in Uganda and raise their children because of the high cost of living, which influenced their decision to seek employment abroad. Some respondents confirmed this in the following words:

It costs [\$1,081] to take my siblings to school per term but my father is only a special hire driver who gets paid [\$3–\$6] per trip and this can only be able to provide food but not school fees. (Aspiring migrant)⁹²

Additionally, migration provides some women an opportunity to escape gender-based violence (GBV) in either abusive marriages or households. The 2011 Uganda Demographic and Health Survey (UDHS) indicates national prevalence rates of 56 percent for physical violence, 27.7 percent for sexual violence and 42.9 percent for spousal emotional violence.⁹³ More recent UDHS data from 2016 indicate that 50 percent of women in Uganda have experienced intimate partner violence at some point in their lifetime.⁹⁴ The study corroborates this fact, with several respondents noting a desire to leave abusive marriages through migration opportunities. As one returnee explained, migration can provide a haven, or ‘socially acceptable’ reason for women to leave abusive marriages and go away for work.⁹⁵

The desire to migrate has been further encouraged by the success stories of migrants who have positively benefited from their employment experiences. An article published in *New Vision* in 2017 noted that Ugandan migrant workers in the Middle East were making significant contributions to the local economy by remitting over \$400 million annually.⁹⁶ The funds not only benefit the migrants’ families directly but also serve as foreign income earned by the country. FGD respondents noted that they were able to acquire assets such as land, to build houses and start farming ventures. This was reiterated by returnee migrants aspiring to return to the GCs for work:

I was able to buy a plot of land at the cost of 3.2 million and build a 2 roomed house where I now live rent free for the last four years (Returnee migrant)⁹⁷

8.2 Patterns and trends in migration

The patterns, choices and outcomes of migration to the GCs are highly gendered, with more women moving on their own in search for employment opportunities⁹⁸. Informant feedback alluded to a ‘*feminisation of migration*’ phenomenon, in which more women than men are

⁹¹ Interview held at the School of Law, 22 June 2022.

⁹² Interview held at the School of Law, 22 June 2022.

⁹³ Uganda Demographic and Health Survey 2011, <https://dhsprogram.com/pubs/pdf/fr264/fr264.pdf>

⁹⁴ Uganda Demographic and Health Survey, 2016.

⁹⁵ Interview with a returnee migrant, held at the School of Law, 16 June 2022.

⁹⁶ UNHCR, 2019; Waiswa, 2017.

⁹⁷ Ibid.

⁹⁸ IOM, 2020.

migrating to the GCs. This indicates that women have changed the traditional pattern of following their husbands (or other male family members) and have instead emerged not only as labour migrants to the GCs but also as sole contributors to the survival and welfare of their families.

It should be noted, however, that there are social norms related to age or marriage that may make it less acceptable for women to move about and travel on their own. Women's decisions to migrate to the GCs for work are subject to gender discrimination and norms in the household. Whereas families may be supportive of women travelling to the GCs to create a better future for their families, they are also quick to admonish those who leave their families and may be less successful in their endeavours. Men, on the other hand, largely take the decision to migrate by themselves.

It is not uncommon to hear women who go to work being referred to as careless and prostitutes. My mother-in law said so when I told her that I was going away to work. She responded, "what kind of a married women neglects her family for work?" (Female returnee migrant)⁹⁹

The primary destination country for Ugandan economic migrants is Saudi Arabia,¹⁰⁰ which has the potential to take in three million domestic workers.¹⁰¹ Its wealth and the social-cultural way of life afford its citizens the capacity to hire domestic help, often more than one worker per household, and the vast majority of these are women. Our study revealed that more women travelled alone to the GCs than as part of a family, with the vast majority working in the domestic sector. The study was not able to confirm the existence of men working in the domestic sector in the Gulf region.

The bilateral labour agreement between Uganda and Saudi Arabia is one of the reasons for the increased flow to the latter.¹⁰² An official at the Ugandan Ministry of Foreign Affairs noted:

Uganda's bilateral agreement with Saudi Arabia created more jobs for women than men (it seems that in Saudi Arabia, people have not yet appreciated the capacity of men). Majority of the women do domestic work and others work in places like hotels, salons and cinemas, among others.

An appealing factor for women seeking domestic work is the lack of up-front costs. According to the 2021 Regulations,¹⁰³ it is the employer's responsibility to cover all the costs involved in the employee's travel to where that person is going to undertake domestic work.¹⁰⁴ However, there remain additional and often costly expenses associated with travel preparations. These may range from \$68 to \$108 to obtain national IDs and passports, and to cover the cost of medical tests before traveling abroad.¹⁰⁵ According to a female

⁹⁹ Interview held at the School of Law, 16 June 2022.

¹⁰⁰ Namaganda & Nkironde, nd.

¹⁰¹ Interview with PR and Communications Officer, UAERA, 1 July 2022.

¹⁰² An agreement on general workers' recruitment was signed between the Ministry of Gender, Labour and Social Development of the Republic of Uganda and the Ministry of Labour and Social Development of the Kingdom of Saudi Arabia on 31 December 2017.

¹⁰³ SI No 47 of 2021.

¹⁰⁴ Regulation 25(3).

¹⁰⁵ FGD held with aspiring migrant workers at the PLA Training Centre, Kyebando, 20 June 2022.

respondent:

I was asked to pay [\$110] to facilitate this process which I paid in phases. The first phase was registration, where I paid [\$19] ...the second was the medical test and blood tests where I paid [\$13]. I paid another [\$67] after I received my passport and another [\$8] after the second round of medical tests. (Aspiring migrant worker)¹⁰⁶

The existence of legal bilateral or multilateral agreements provides a safety net for migrant workers in mitigating employment-related challenges at the destination, making Saudi Arabia a preferable option for many domestic workers. Indeed, members of the Uganda Association of External Recruitment Agencies (UAERA) do not recruit Ugandan domestic workers to Oman because there is no bilateral labour agreement between the two countries. However, some Ugandans still end up in Oman,¹⁰⁷ working illegally, especially in domestic situations. This illegal status further exacerbates women's vulnerabilities and limits their avenues for redress. Conversely, the study revealed that male migrants were not constrained by legalities, as they mostly worked in open environments which are subject to public scrutiny and compliant with decent working conditions. As such, many have migrated to the UAE, Qatar, Iraq and Bahrain, depending on available opportunities. For many, the safety conditions in the GCs are offset by the costs associated with the journey and job prospects. A respondent who had worked in both UAE and Qatar reported that he had spent roughly \$1,350 and \$1,622, respectively, to underwrite his trip.¹⁰⁸

It is common practice for agencies to limit recruitment to persons aged between 21 and 36 years, as employers prefer young and energetic people, as shown by the adverts placed in newspapers.¹⁰⁹ Another key factor in determining migration to the GCs is level of education. While both educated and non-educated people have migrated there, it is commonly persons with minimal educational qualifications who migrate to pursue low-skilled employment in construction, and in the domestic and other similar spheres.

8.3 Pre-departure experiences and procedures

Travel to the GCs brings with it different experiences for both men and women and these are greatly influenced by the recruitment modality: licensed recruitment agency or non-licensed agent. For those using the former category, the travel experience is more pleasant and predictable, as there will be no need to run from the law or even to suffer mistreatment, since the agency ensures compliance with legal requirements. Recruitment agencies ensure that prospective migrant workers have proper travel documents and receive a two-week pre-departure training course, as required by the 2021 Regulations. During the training, prospective migrant workers are expected to receive orientation classes on life and culture in the GCs, including the use and operation of modern home appliances, expected dress code, domestic workers' duties, and basic Arabic language skills. Some recruitment agencies also provide prospective workers with training in financial literacy, which focuses on saving, investing and opening bank accounts. Some migrant domestic workers who participated in

¹⁰⁶ Interview held at the PLA Training Centre, 20 June 2022.

¹⁰⁷ GoU 2019.

¹⁰⁸ Interview held at the School of Law, 16 June 2022.

¹⁰⁹ For an example see: <https://explorer.dubailtd.com>

this study confirmed that they had indeed received the pre-departure orientations. Additionally, prospective employees are required to sign an employment contract before their departure. According to a study respondent in Uganda:

We have now completed the training and have an exam tomorrow. We are trained in basic home management skills and the Arabic language as well. I have now learnt some words and phrases such as how to greet, how to ask for food/water and the like. The training lasted two weeks, after then we are sent to an accommodation centre for one week as our visas are processed pending travel the following week. (Aspiring migrant worker)¹¹⁰

However, a majority of respondents felt that the training was insufficient and lacked key components such as learning financial literacy and mitigation strategies *vis-à-vis* employer hostility and/or exploitation. Another crucial aspect missing from such training was the subject of sexual and gender-based violence (SGBV), how to deal with it in the event of an assault and mechanisms for redress. This is particularly disadvantageous to women migrants, since there have been reports of SGBV in the Ugandan media as well via stories shared by returnees.

Some prospective migrants are interviewed by future employers while they are still in Uganda. For instance, one male respondent stated that, before he travelled, he underwent an interview with a prospective employer via Skype and was asked whether he had completed his O-levels; he also received a briefing about the kind of work he would be expected to undertake. Similarly, some female aspirant migrants who participated in the study had held virtual interviews with prospective employers.

After obtaining my passport, I was called back to the agency after two weeks to sign my contract with my prospective employer. This happened in a zoom meeting. I learnt his name and that I would be providing house maid services in Riyadh. (Female aspiring migrant)¹¹¹

The experiences are different for migrants who do not use licensed recruitment agencies. In this case migrant workers are likely to end up in countries with which Uganda has no bilateral labour agreement. Most work through a contact with one individual agent who processes their travel documents, including the visa. It is common that such migrants exit the country through Kenya rather than leaving directly from Uganda. Furthermore, the travel process for individuals travelling with unlicensed agents is generally more precarious and unpredictable. Migrants are rarely certain of travel dates or times;¹¹² they often have to travel by night bus to Nairobi. They are not issued with employment contracts,¹¹³ and throughout the process, they are advised to hide their faces and keep in small groups. All terms and wages are negotiated with the employer upon arrival, which leaves them with little manoeuvrability and bargaining power – they remain at the mercy of their employers and brokers in an unfamiliar country.¹¹⁴ Our team met a returnee in this category who had worked in Oman for four years, where she was

¹¹⁰ Interview held at the PLA Training Centre, 20 June 2022.

¹¹¹ Interview held at the PLA Centre, Kyebando, 20 June 2022.

¹¹² Interview held at the School of Law, 16 June 2022.

¹¹³ Ibid.

¹¹⁴ Ibid.

subjected to several human rights violations, including physical violence, denial of food and heavy workloads. She is currently suffering paralysis on the left side of her body, which started as a result of the abuse she suffered during her employment. She told us:

We were taken by bus to Kenya with four other girls and it is from there that we boarded to Oman. We were not given any prior training. We were only informed of the date on which we would be leaving. I did not sign any contract. I was pushed around, overworked, and yet denied food. That is how I became sick.¹¹⁵

In other instances, migrants – both male and female – are susceptible of being defrauded by recruitment agencies as a result of their limited knowledge and experience. A male respondent reported that he was asked to pay \$1,500 to Middle East consultants, although he had already obtained his passport and his ticket would be paid for by his employers.¹¹⁶

Travel dynamics also vary between men and women. In some cases, men travel individually or in groups. In contrast, women reported that they always travelled in large groups and dressed uniformly. This is the case for migrant workers going through recruitment agencies. Travelling in a group is intended to give comfort and support to these women, most of whom lack the confidence to deal with challenges such as sign posts at airports or responding to questions from immigration officers. Unlike men, female migrants are housed in residential accommodation for a day or two before travel. They receive travel briefings and are given their uniforms before being transported to the airport. Men, on the other hand, find their own way to the airport.

On the day of travel, we set off from Entebbe International Airport at 10:00 am with Ethiopia[n] Airlines, had a layover in Ethiopia till 11:00 pm and arrived in Dubai at 4:00 am. We were taken by United Security Group in a group of about 75 people mainly comprised of men and about 10 women. We were dressed like regular travellers, and it was hard to tell where the group was headed. We were like any other travellers. (Male migrant)¹¹⁷

Male migrant workers reported being taken through a four-day training course upon arrival in the GCs. Female migrant workers, on the other hand, do not receive post-arrival training, on the assumption that they received it before their departure from Uganda. The female workers are placed in one general location in the destination country, where potential employers visit to interview and employ them. These experiences were described by a female and a male respondent as follows:

On arrival in Dubai, we were taken to a large house where we found many other girls. Potential employers would come to the house and we would be lined up for them to choose who they will take as a worker. I spent three days at the house until I was chosen. Potential employers look out for size and looks. They prefer slim and good-looking girls. (Female respondent during FGD)¹¹⁸

We spent a week at a training centre where the bus had to take us for studies

¹¹⁵ Interview with a returnee migrant, held at the School of Law, 16 June 2022.

¹¹⁶ Interview conducted on 16 June/2022.

¹¹⁷ Interview held at the School of Law, 16 June 2022.

¹¹⁸ FGD held at the School of Law, 16 June 2022.

to be a security guard. When getting the jobs, one had to get a licence and it involved first studying. We studied for four days, as is the policy, and did an exam afterwards on the fifth day. (KII with male respondent)¹¹⁹

Men also have greater mobility while working in the GCs, as their jobs in security or factories enable them to reside in private dormitories. They are thus free to move around their neighbourhoods, use their phones and even meet up with friends. They have the liberty to make decisions about their money. Men can also create support networks to share advice on how to use their earnings back home. Overall, there have been no instances or evidence of abuse with regard to male migrants in the GCs.

On the other hand, most women live in households where some are denied the use of phones, thereby restricting their ability to move, network or keep in touch with fellow migrants, as well as with family members back home in Uganda. Some respondents reported that they were not allowed to use phones at all, while others would be allowed to use them only after housework.¹²⁰

The moment you leave the office in Oman and go with your boss, that is the end. Before you leave, they tell you that you can always contact the office for help or even come back but, in reality, you are in a foreign land and do not know how to reach such an office if you do not have a phone, so it is next to useless. (Meeting with female respondent)

Being isolated in private homes makes women susceptible to abuse. Although they travel in large groups, respondents noted that, after arrival and dispatch to the different workstations, one might never see the person with whom they had travelled again.¹²¹ According to a representative of the Deputy Coordinator, Prevention of Human Trafficking Office, domestic workers remain prone to human rights violations in their workplace that generally remain unaddressed. “When your office is at home (as a domestic worker), there is no monitoring; when your employer comes home late, he still wants you to fix his food, if he has visitors, you are the last to sleep.”

Even with the introduction of a labour migration regulatory framework, Ugandan domestic workers still get job placements and migrate to the GCs through unregistered recruitment agencies, often on tourist visas. These agencies often abandon the workers after they arrive. In such situations, migrant workers are on their own and at risk of abuse and even trafficking. They try to remain invisible to avoid deportation, often enduring unbearable working conditions. Women in particular face very risky and dangerous situations, and may be subjected to sexual or physical violence from transporters, fellow male travellers or border guards. Although licensed recruitment companies exist to facilitate legal migration, the presence of multiple middlemen (brokers) and lack of information on workers’ rights renders the desperate unemployed population susceptible to irregular travel and trafficking. In such situations, they eagerly accept difficult travel and work conditions and many have ended up as victims of abuse.¹²² Women are disproportionately at risk of these violations, as they are

¹¹⁹ Held at the School of Law, 16 June 2022.

¹²⁰ FGD with returnee migrants, School of Law, 16 June 2022.

¹²¹ Ibid.

¹²² Ibid.

likely to have limited information on labour rights or social networks of support while abroad, in addition to their confined living spaces.

8.4 Migration experiences and implications for human rights

While labour migration to GCs presents new opportunities for both male and female workers through economic empowerment, it may also put their human rights and security at risk. The nature of the work that men and women engage in while in the GCs has a considerable impact on their rights; the environments in which they work have considerable influence on their migratory experiences. As domestic workers, women are often unable to seek justice if violations occur; in other instances, they are not permitted to consult peers or seek advice on available options. The most recently available data from the ILO indicate that domestic work remains a female-dominated sector, employing 57.7 million women, who account for 76.2 percent of domestic workers.¹²³

The *Kafala* system has a particularly salient impact on female workers in the GCs. *Kafala* means the sponsorship system in the Middle East and it outlines the relationship between foreign workers and their local sponsors who are their employers. It permits sponsors (an individual employer or *kafeel*) to keep the worker's travel documents and exercise control over domestic workers' freedom to enter the country, transfer employment or ensure their departure from the country.¹²⁴ When using the *kafala* system, local employers obtain a sponsorship permit to attract non-citizen employees, provided that the employer can cover all travel, housing and transportation expenses. The system gives the employer the responsibility of upholding the foreign worker's immigration status, restricting many aspects of an employee's mobility. Often, employers retain the travel documents of their workers, keeping them in a form of hostage situation. According to an official at the Ministry of Foreign Affairs,¹²⁵ the system is enforced to protect employers' rights and reduce the chances of employees absconding and running away from duty. This exacerbates the existing power imbalance between the employee and the employer, while increasing the employee's vulnerability to abuse.¹²⁶ However, in some circumstances, the *kafala* system can potentially protect employees when they are faced with problems, because the employer can be traced and held responsible.

Both men and women are vulnerable to exploitation and denial of their rights as a result of the *kafala*. For instance, the system restricts their ability to enter a labour-dispute process or join a union. However, women are even more negatively affected and susceptible to personal abuse, with many experts arguing that the system facilitates modern slavery.¹²⁷

While income is a critical pull factor for both regular and irregular migration, the study revealed that women were receiving their payments either intermittently or inadequately, even in instances where they were issued with an employment contract.¹²⁸ As their work typically occurs in homes, enforcement of contracts and the opportunities for redress are limited. In

¹²³ ILO, 2021, p 12

¹²⁴ Robinson, 2021.

¹²⁵ Interview conducted via telephone, 30 June 2022.

¹²⁶ Alobaid, 2021

¹²⁷ Robinson, 2021

¹²⁸ Interviews with female returnee migrants, School of Law, 16 June 2022.

contrast, most men reported working in more open, visible and regulated spaces under well-defined guidelines and rules.

The closed-off spaces where women work and the nature of their jobs not only affect their earnings, but also have an impact on their wellbeing. In recent years there have been several media reports of harm and exploitation experienced by female migrant domestic workers at the hands of their employers, including sexual and physical abuse, breach of bodily autonomy, and verbal and psychological abuse.¹²⁹ Respondents reported that, before their departure, some women were injected with hormone-suppressing drugs without their consent.¹³⁰ Some noted that they had received contraceptive medication as well as sexual suppressants (or anaphrodisiacs), although there is no clarity on the exact drugs and doses migrant workers were subjected to. Women aspiring to migrate to the GCs also had to undergo pregnancy tests and other tests for diseases such as HIV and sexually transmitted infections.¹³¹

Before leaving Uganda, they gave us some injections for family planning and some medicine whose name I do not know but this medicine was supposed to make us lose sexual feelings while working away from home. They (recruitment agency) also gave us medicine to take in case our bosses force us into having sex with them. I never had any sexual appetite for the two years I spent in Oman.¹³²

Female respondents also spoke about instances when they were 'lent out' to other families (other than their employer) to help with domestic work, contrary to the terms of their labour contracts. However, the women were not in a position to contest the actions of their employers because they feared losing their job. They also reported that, although their contracts stipulated that they would have days off, this was never complied with, as they worked each day of the week for the same number of hours, even when feeling unwell. These incidents of overwork are in clear violation of the right to rest, freedom from slavery, servitude and forced labour and suitable conditions of work, as stipulated in the Human Rights Act. Moreover, while most respondents reported having access to private sleeping quarters, they mentioned that the bedding provided was of poor quality, usually made up of old clothes. Some employers provided bed sheets in place of mattresses. In addition, there was limited privacy in the domestic workers' bedrooms and anyone could walk in at any time. Off-the-record participant discussion revealed that some employers specifically required that the workers' bedroom doors always be kept open.¹³³

Female returnees described gross violations during their tenure as domestic workers. Food portions were reportedly insufficient and lacked adequate nutritional value, with one respondent noting that she had survived only on green peppers for two days because her employers had gone away and left no food at home. Access to healthcare was another uniquely gendered challenge. Generally, men receive medical cards which can be used to obtain health care services when needed, whereas women relied on the goodwill of their

¹²⁹ *New Vision*, 7 July 2022 and *New Vision*, 5 April 2022.

¹³⁰ Interview with a female returnee migrant, School of Law, 16 June 2022.

¹³¹ *Ibid.* See also UNAIDS (2014).

¹³² Interview with female respondent, 16 June 2022.

¹³³ Interview with a female returnee migrant, School of Law, 16 June 2022.

employers for medical assistance when ill.¹³⁴ For many domestics, healthcare was only sought in extreme circumstances, where employers were afraid that the workers might die while under their watch. In these instances, the treatment costs incurred would be deducted from their salaries; otherwise, female workers survived on commonly available medicine in the first aid kits at their employers' homes.¹³⁵

The right to information and privacy is another key challenge. While both men and women reported limitations in accessing their devices, women were more susceptible to complete communication blackouts thanks to the circumstances of their employment. Some respondents noted that the 12-hour wait periods often meant they were too tired to make calls, limiting their contact with families and networks.¹³⁶ According to UAERA, however, migrants over-exaggerate their grievances. One UAERA official claimed that, upon arrival in the GCs, workers were provided with SIM cards, phones or Wi-Fi in order to communicate with their families at home, but that most misused them by making videos on TikTok.¹³⁷

As a reaction to the frequent abuse of Ugandan workers reported in the media, the Ugandan government repatriated over 200 domestic workers from various GCs between 2015 and 2016.¹³⁸ In January 2016, the government placed a ban on the migration of Ugandan domestic workers to Saudi Arabia – almost a year after the two governments had signed a memorandum of Understanding (MOU) – and only lifted it in 2017 after the introduction of measures to promote the safety and rights of Ugandan domestic workers in Saudi Arabia.

Despite all the negative experiences, especially among women migrants, the study revealed that both men and women wanted to return to the GCs for work. For some men, the experience was generally positive, as noted below:

My experience was good. I know it's probably the maids who have had a hard time. Security jobs are a good experience. I had a medical card to cover health, I was genuinely okay. When the cards expired, they were replaced. (Male returnee migrant)¹³⁹

For others, the factors that compelled their initial migration (ie lack of local employment, increased family obligations) persisted, thus encouraging them to seek further employment opportunities in the Gulf region. In some cases, a failure to reintegrate into their local communities (because of changes in family dynamics, loss of social networks, etc) encouraged them to travel back to the GCs.

I would like to go back and work either in security or cleaning a mosque. With this type of job, the living conditions are better. The workers live in dormitories or shared living spaces and have more liberty. (Female returnee migrant)¹⁴⁰

¹³⁴ FGD with returnee migrants, School of Law, 16 June 2022.

¹³⁵ Ibid.

¹³⁶ Ibid.

¹³⁷ Interview with PR and Communications Officer, UAERA, 1 July 2022.

¹³⁸ <https://www.equaltimes.org/ugandan-domestic-workers-stuck?lang=en#.YxCnGHZBzIU>.

¹³⁹ Interview held at the School of Law, 16 June 2022.

¹³⁹ Ibid.

¹⁴⁰ Ibid.

9 Return to Uganda from Gulf countries

Most migrant workers return to Uganda upon completion of their contract period. According to the Employment (Recruitment of Ugandan Migrant workers) Regulations of 2021, contracts for work in the GCs last for two years, after which one is required to return home and reapply for another entry visa. In some cases, however, especially those involving female workers, return is compelled by illness, abuse, mistreatment, disability or response to infidelity of their spouse back home.¹⁴¹

While women have fewer resources to facilitate the travel process, those who manage to leave the country enjoy a higher degree of choice and agency upon return. The increased access to personal income is empowering and often stimulates change in the women themselves by enhancing their material and economic independence, social status, personal autonomy, self-confidence and bargaining power in their family settings. Interviews with these women revealed that they are emerging as pillars contributing to the household, and sometimes ensuring the very survival of homes on their own. So, whereas previously discriminatory social norms, such as those which have kept women from productive work, have been a factor in influencing and, in fact, discouraging female migration, more women are defying these odds and entering the productive space. In this way, migration has the potential to challenge and transform the traditional gender roles which previously kept women in subservient positions. In fact, as demonstrated by the study participants, post-migration life was more fulfilling. This is true for male migrants as well, but the change in the gender relations in the home post-migration is worth noting for women.

My husband feels annoyed that I built a house and he always makes me feel bad when I complain about something but I know that he is a beneficiary of my hard work. I plan to go back and I know that he will not be happy. I want to get more money so that I pay school fees for my children. (Interview with female respondent).¹⁴²

On the other hand, migration may entrench traditional gender roles, especially when it is the men who migrate. Men maintain control of their wives through other male relatives. The women are not allowed to leave the house or even to work; they depend solely on the remittances sent back by their husbands. In this way, women are restricted from interacting in public spaces and are limited to the private sphere of the home, where men retain overall control. The study shows that, upon return from the GCs, some husbands brought back stricter ideas on *purdah* (female seclusion) that they had observed there, and with their migrant earnings could afford to keep their wives isolated and restrict their mobility.¹⁴³

¹⁴¹ FGD, School of Law, 16 June 2022.

¹⁴¹ FGD, School of Law, 16 June 2022.

¹⁴² Interview with male returnee migrant worker, School of Law, 16 June 2022.

¹⁴³ Ibid.

The use of earnings upon return also has gendered connotations. Male returnees, by virtue of earning significantly more than women migrant workers, were better placed to buy property and start business ventures like taxi services.¹⁴⁴ On the other hand, most of the returnee women interviewees revealed that they had earned less and had limited access to information. As a result, women were limiting their contributions to the extended family in order to meet their immediate family needs, and to invest in enterprises such as hair salons or clothes businesses.¹⁴⁵

Migration has a negative impact on family members left behind, especially if the migrant is the mother/adult female of the household. Often, women provide care for most family members and their absence is greatly felt upon migration. In contrast, when men travel, their absence at home is mostly felt through reduced income at the times when they are unable to send remittances. This is because the family structure is not greatly disrupted when men travel, because of the gendered nature of the household and the traditional roles played by women. As a result, women migrants must rely on extended family for support with their children upon migration. Commonly, another female adult must assume the roles that the woman migrant worker previously played in the family. It is rare that a husband will agree to stay with and provide for the children. Only one out of 12 women in the FGDs left her child under the care of her husband. All the others interviewed sought help from sisters, mothers, aunts or female in-laws. Men, on the other hand, need not worry about where to leave their children when they travel.

Reintegration upon return from the GCs is experienced differently by men and women, especially if the experience abroad was negative. As understood generally from the interviews, the key to successful reintegration is a supportive family, as well as the ability to properly manage one's finances. Generally, it is easier for men to integrate into the community upon return. Their home situation may often not have changed, as their spouses will have stayed to look after the family. Additionally, men will have saved more from their higher earnings and can use this to set up businesses, whereas women have often returned to find that their husbands have acquired new spouses in their absence. Single mothers also worry more for their children while away. There have been cases where women have abandoned their work to return home when they hear of a developing crisis in the family, such as a husband's infidelity, neglect of children, children's drug abuse or family mismanagement of remittances.¹⁴⁶ This is even more difficult where the female migrants return as a result of misfortune such as illness or disability.

¹⁴⁴ Ibid.

¹⁴⁵ FGD with returnee migrant workers, School of Law, 16 June 2022.

¹⁴⁶ Ibid.

10 Conclusions and recommendations

This study has explored the lived experiences of Ugandan migrants to the Gulf through a gendered lens. The summary of conclusions below serves to contribute to the existing literature on the subject. There is some misinformation in the sector, which has often led to vulnerability and abuse, especially among migrant female workers. The study refuted the perception that all female Ugandan migrant workers in the Middle East suffer, as some success stories were seen from the interviews. The existence of an association for recruitment agencies (UAERA) has been vital in providing unified information to all member agencies. The association keeps its membership grounded in the principle of providing employment for Ugandans abroad in an ethical manner. This in turn offers protection to workers because, if a worker is exploited by an agent, they can easily report such issues to the association's office for redress.

Once considered a strategy pursued primarily by male labourers looking for work, economic migration features increasingly in the lives of women in Uganda. Many women are migrating with the aim of meeting their own economic needs. With these increasing numbers of economic migrants to the GCs, a growing proportion of whom are women, Uganda has started off on the right footing by adopting a legal and policy framework. The 2021 Regulations offer a good reference point on how the externalisation of Ugandan labour ought to be carried out. This has in turn reduced human trafficking incidents and ensured a safer migration process. The Ugandan government is therefore to be applauded in this regard. It should be noted, however, that the said framework is largely gender-neutral and does not take into consideration the way that gender differences influence the migration process.

The discussion in the preceding sections confirms that gender has different effects on the decisions of men and women to migrate to or return from work in the GCs. It is easier for men to take the decision to migrate than it is for their female counterparts because of the gender relations within the household, which relegate home care and welfare work to women. Similarly, the stories and experiences of the migration process differ among men and women, leaving the latter more vulnerable to overwork, isolation, physical and sexual abuse and lower pay. Furthermore, the particular challenges faced by women indicate that there is still a need for efforts to review and engender migration laws to provide stronger protection at the different stages of the migration process.

10.1 Recommendations

Considering the discussion above, there is a need to integrate gender-responsive perspectives in migration policy and programming. The following recommendations are proposed:

For the GoU

- (1) Review the existing labour migration framework and integrate gender-specific provisions for better protection of both men and women migrants and aspirants, such as protection from exploitation and sexual harassment as well as ensuring equitable pay between men and women for comparable work.
- (2) Establish a multi-sectoral teams comprised of government, civil society and non-governmental organisations and private actors to oversee employment migration programs, including conducting pre-departure orientations for migrant workers with emphasis on gender specific roles as well as avenues for redress in case of abuse. Pre-departure information must include information on GBV, sexual harassment, stress management, financial literacy and accessing the justice system in case of abuse. Migrants should be able to stop the migration process at any time.
- (3) Ratify ILO Convention 189 on Decent Work for Domestic Workers to enhance the protection of local and migrant domestic workers.
- (4) Review bilateral labour agreements to ensure gender-specific protections for both men and women, such as redress for sexual abuse and for inequitable pay between men and women. Future negotiation of agreements should include other key actors such as the Ugandan Human Rights commission.
- (5) Conclude bilateral labour agreements in more of the GCs that commonly receive migrant workers from Uganda and integrate a clause that requires these countries to ratify ILO Convention 189 on Decent Work for Domestic Workers.
- (6) Open diplomatic representation in receiving countries but more so in countries with which Uganda has bilateral agreements with, such as Jordan and UAE. Gender, health and labour attaches should be a mandatory part of the diplomatic team in such countries. Shelters and rescue centres should also be set up within these establishments to aid victims of rights abuses.
- (7) Recruit specialists in gendered labour, health and human rights in the Embassy in Saudi Arabia as well as in new foreign missions within the GCs to ease the process of assisting migrant workers, especially over gendered labour concerns. Shelters and rescue centres should also be set up within these establishments to aid victims of rights abuses.
- (8) Strengthen the operationalisation of the Domestic Violence Act and other policies and legislation on GBV as a way of systematically targeting discriminatory social institutions which impinge on women's rights and push them to migrate for safety.

- (9) Establish an emergency fund to offer legal aid, medical assistance, and emergency repatriation for migrant workers in need of assistance. E.g., high level sensitisation providing support to ministries of foreign affairs on the mechanisms required to address injured/ missing/ dead migrants; technical assistance in terms of management of injured persons i.e., medical treatment and forensic medical investigations

For the GoU and other actors

- a. Conduct a mass awareness campaign about the existing labour migration laws, policies and regulations to inform aspiring and current migrant workers on safe migration and on their rights, outlining the different aspects for men and women.
- b. Conduct mandatory pre-departure orientation for all migrant workers, both men and women. Women should be equipped with information on GBV, sexual harassment and how to access the justice system in cases of abuse.
- c. Undertake a four-party contract between the employee, the employer, the recruitment company in Uganda and the agency in the receiving country to ensure joint liability for any breach in a worker's contract. These contracts should be translated into English and further explained to migrants in their local languages. Additionally, contracts for women should include specific clauses protecting them against GBV.
- d. Recruitment companies should undertake close monitoring of workers abroad covering the entire duration of the contract and records should be kept of those who return and those who do not. The practice of sending supervisors (one male, one female) attached to a particular number of workers should be strictly enforced. The supervisors should be well versed in the relevant issues, with capacity to advise on aspects such as GBV, sexual harassment and use of the justice systems in receiving countries.
- e. The government should spearhead a regional approach to migration covering the African region at the level of the African Union as well as other sub regional groupings such as IGAD. Such an approach should consider a regional governance architecture including legal and policy frameworks on migration and joint implementation across borders. For instance, labour agreements should be at multilateral rather than bilateral level between individual states at receiving GCs for better bargaining leverage on good labour conditions for migrant workers.
- f. Development partners should support more in-depth studies on migration focusing on various variables that impact people's movements. An empirical deep dive into comparative data on migration within the African region and the peculiarities of different country contexts should also be considered.

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