

## EXPORTATION OF LABOUR: THE SUPERIOR ALTERNATIVES

### POSITION AND POLICY BRIEF

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## 1. SUMMARY

Uganda has one of the fastest growing populations in the world, expanding at a rate of 3.2 percent per annum (national census, 2014) and responsible for a fast growing youth labour force. This youth labour force unfortunately is neither employable nor enterprising despite the numerous government and other partners' initiatives. The youth un- (under) employment situation is worsening despite a well-intentioned legal and institutional framework sufficient to enable the active and meaningful involvement of youth in national, regional and global development and governance processes. Despite the existence of the few jobs nationally and internationally, the working conditions and environments are not that friendly to the rights and freedoms of many young people and the general public. This document therefore highlights the background, the problem, key demands and position of the civil society organizations in the Youth Consortium on Labour Justice, key recommendations and alternative approaches that can be explored to mitigate the problem at hand and finally sets the conclusion.

## 2. BACKGROUND

Over the last two decades, despite the existence of fairly comprehensive legal and institutional framework intended to increase the quality and quantity of youth participation in both governance and development processes especially livelihoods development, but the situation of the youth continues to be a nightmare with human rights violation at the worst manifested through trafficking in the name of greener pastures in United Arab Emirates, Asia, Middle East and other countries. While in those countries, many of these young people have seen their rights violated through sexual rape, psychological and physical torture, and denial of identification documents and denial of freedom of association and movement. In the long run, many of them have ended up dying or getting physically disabled. The coming into power of the movement government paved way to the initiation of the capitalist environment where everyone can own any investment and control it. Whereas the number of investments have increased the quality of jobs created continues to be a joke. Young people employed by most of these private institutions get mistreated, denied employment contracts and appointment letters, for the women, they are denied maternity leave. For those who are unlucky, they get expelled from work without exploring other options of conflict resolution and dispute settlement and some are chased without pay of over five months and have nowhere to run too, with no evidence of having worked there.

In terms of institutional provisions, there are a number of legal provisions including the 1995 Constitution, employment act 2006, equal opportunities commission, Local Government Act (1997), and National Youth Statute (1993) that guarantee youth representation in decision-making processes, protection of their rights and freedoms and equal access to justice, but majority especially those from poor families continue to be spectators of a failed and deeply corrupt judicial system and segregative employment recruitment process. In addition to the formal rules and practices, there are a variety of institutions that provide the physical spaces for youth organising

and participation. These include the Ministry of Gender Labour and Social Development, Equal Opportunities Commission, Parliament, local Government Councils, national youth council structures among others, but the issues of youth mistreatment at places of work and denial to justice continues to be unattended to.

In addition to the formally constituted spaces, research shows that youth also participate in voluntary activities in families, churches, work places and schools including the informal sector which offer them a higher proclivity to participate in economic and political activities as well as community projects during their adulthood. However a close scrutiny of media reports and anecdotal literature indicates that youth participation pays little or less emphasis on youth economic inclusion despite a number of interventions within government and development partners. ‘Current analysis of the youth participation challenge draws emphatic correlations between the demographic significance of Uganda’s youth population and their political participation’.<sup>1</sup> The conclusive correlative analyses often presuppose that youth’s demographic dominance should ideally translate into political and economic influence—which might be the case to a very lesser extent as witnessed in the just concluded general elections. It has been argued that despite the youth’s demographic significance in Uganda, their contribution in shaping the economic processes remains largely weak, notwithstanding the existence of the legal and institutional structures that are expected to facilitate representation of the youth in the political processes since they contribute less to the gross domestic product of the country due to their meagre or almost no earning at all.<sup>2</sup>

Therefore, viewed from the context of path-dependency of political participation as suggested by McFarland and Thomas (2006), and perhaps the empirical connection between the political and economic participation, an interesting question to ask would be: what hinders Ugandan youth from tapping the opportunities that facilitate their active engagement in economic activities? What is peculiar about the life of Ugandan youth that constrains their preparation and ability to constructively engage and shape the country’s political economy?

Analysis undertaken in this background section examines the underlying constraints to youth participation in political and economic initiatives with the view to identifying strategically effective mechanisms of response. The analysis also clearly points out the level and extent to which the livelihoods of majority youth continue to be unideal as per the world Health Organisation and the labour standards as set forth by the international labour organisation where Uganda is a member country falls below to meeting the minimum standards.

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<sup>1</sup> Uganda’s youth population is estimated at 6.4 million according the UBOS (2014) National Housing and Population Census provisional results

<sup>2</sup>An observation made by one of the key informants interviewed at Democratic Governance Facility, a key strategic partner of Uganda Youth Network.

We note and acknowledge the effort that government through its different agencies has put in place to combat human trafficking, create jobs, and create favorable and friendly working conditions and environments for the Ugandans domestically and abroad. Specifically we would like to applaud the government upon halting the process of exportation of workers to United Arab Emirates, Dubai among others. This shows commitment to ending the life-threatening situation at hand.

We do appreciate the recent government programmes such as the Youth Livelihoods Programme and the recently introduced Women's Enterprise Fund. Whereas the Youth Livelihoods Program has its flaws, we are hopeful that if reviewed and key changes to the program made, it shall go a long way in boosting youth startups and investments.

However, despite all the steps that government has taken to avert this situation, we are concerned that it is slow and taking long to save the lives of many Ugandans whose lives are at a mess. We are particularly concerned about the nature and quality of jobs created by the private sector especially the multinational companies and the foreigners who assume most of the positions in those companies majorly at managerial and supervisory levels leaving out Ugandans who are qualified. This is not only discriminatory, but also a major contributing factor to unemployment and underemployment and also makes us questions if there is compliance with certain labour and employment laws in the country.

The major contributing factor to the influx of the youth and women into the oversea countries is due to the limited jobs in the country and the poor quality of the available jobs. Unless government scales up provision of quality jobs and institutes checks and balances on the recruitment companies most Ugandans will use any means within their reach to find "lucrative jobs" which will still turn out to be a problem.

Research has shown that trafficking women for sexual slavery has become the second world's lucrative crimes after drug trafficking and arms deals with the highest number of women reported to come from Uganda.

The research further reveals that Uganda is a source and destination country for commercial sexual exploitation. It also showed that young girls and women were lured into sex trafficking within East Africa, Europe and Asian countries. According to the study, Uganda still falls short of its international obligation to protect her citizens against sexual offences and human trafficking, despite the State's efforts to combat this on the legislative front.

The surprising thing about this whole situation is that despite the existence of the ministry of Internal Affairs responsible for issuance of travel documents and the Ministry of Foreign Affairs in those mentioned countries, the Police and the Ministry of Foreign Affairs do not have exact figures of Ugandans that have been trafficked out of the country and are being held in servitude in foreign countries.

Furthermore, a report of the Standing Committee of Parliament on Equal Opportunities on a working visit to Dubai, India and China 9<sup>th</sup>-23<sup>rd</sup> December 2012 found out that a recruitment company for instance is paid 2000 US Dollars, but the individuals they recruit are paid peanuts of about 200 US Dollars. The committee identified that many Ugandan women are stranded and are being used as sex slaves many of them living with HIV/AIDS and in poor living conditions among others. The committee consequently made many recommendations to government, but four years down the road, the Ugandan government has only been able to repatriate about 20 Ugandan females.

A list of recommendations and findings were made and among them are; government streamlines the employment procedures between recruitment agencies and Ugandans taken abroad for employment opportunities, government sets a rehabilitation center for victims of trafficking, government carries out an investigation into the allegations that there are people funding state house for economic gain in promotion of human trafficking, prostitution and sexual slavery, but we are worried that none of these seem to have been implemented by the government and if any, let there be evidence produced.

Whereas we do appreciate the effort that government and other development partners have put in place to enhance the livelihoods of women and youth, we are concerned about the unanswered questions surrounding the debacle facing youth and women who go for over sea's employment. And whereas the government has taken significant steps to avert this labour challenge, we are worried that there could be individual's still trafficking people to overseas countries.

Although we are too much concerned about the current labour and employment challenges facing women and youth overseas, we are also concerned about the labour situation domestically. Much as we do acknowledge that there are laws and policies that tend to regulate and govern issues of employment and labour, human rights and justice among others, we are concerned that none of them seems to tackle specifically issues of foreign labour exploitation which issue has become an epidemic to those who go out of the country.

Most puzzling is that how possible it is that a country that has Interpol, Ministry of Foreign Affairs and the Ministry of the Internal Affairs (Immigration Department) which institutions are meant to work closely with Ministry of Gender Labour and Social Development to ascertain the authenticity of the jobs and travel documents of the people leaving the country cannot establish the reality. We also wonder how the recruitment companies are able to get passports for their clients without the clients presenting themselves to the immigration authorities and we also question how Interpol gives certificates of no criminal record to these people recruited without doing thorough investigation into the matter. We are suspicious that there could be internal dealings within the key institutions involved and if these kind of occurrences continue, we ponder and ask, how safe are we from terrorist attacks since this style of doing things not only jeopardizes our security, but also puts the lives of many Ugandans at stake.

## POSITION AND KEY DEMANDS

- a) a commission of inquiry be set up to conduct deeper and concrete investigations into the gross allegations raised by the returnees and affected people and ascertain if there was misconduct either on the side of the recruitment firms, the recruited and the employers overseas and this report should be made available within three months from now to inform further action.
- b) In the meantime, government should work closely with the foreign missions to establish those affected and fast track their repatriating the girls and men affected and stranded in the overseas countries
- c) Institute and put in place legal and policy labour and employment reforms specifically especially reviewing the national employment and labour policy
- d) a legal team instituted to examine the current labour and trafficking laws and enact an act of parliament regulating exportation of labour and that shall subsequently put in place an employment and labour authority/ commission that shall handle issues related to employment, labour and oversee/ monitor issues related to labour in and outside the country and to work closely with private recruitment firms, Interpol, foreign affairs ministry, ministry of foreign affairs among others to ensure that the same situation does not repeat itself. The same authority should be able to handle employment and labour policy reforms issues.
- e) We also demand for setting up of either an independent rehabilitation center or a sub center be established in Butabika referral hospital.
- f) FastTrack the implementation of the demands raised in the Youth Manifesto 2016-2021
- g) FastTrack repatriation of affected girls and boys within three months from now and establish a rehabilitation center for them
- h) Government should strengthen the relationship between Interpol, Foreign Missions, Ministry of Internal Affairs and the Ministry of Gender Labour and Social Development and the Immigration and departure points such as Entebbe Airport and borders; Malaba, Busia, Lwakaka, Arua/ Nebbi among others which are used as key exit and entry pints for human traffickers and the victims.
- i) FastTrack implementation of local solutions that shall enhance creation of decent jobs, create favorable working conditions and rehabilitation of victims of unfavorable work conditions in collaboration with private and civil society institutions.
- j) put in place stringent checks and balances for advertising of the overseas jobs since the current mode and style of advertisement is persuasive yet not telling the truth about the infidel that is decaying the foreign labour market
- k) Government sets aside funds to help private institutions NGO.s and individuals involved in skills, enterprise and financial literacy and management capacity building so as to create a multi stakeholder approach to eliminate poverty and curb

- unemployment. These funds should not be accessed as conditional funds through the local government, but accessed through the Ministry of Gender Labor and Social Development.
- l) Government institutes checks and balances for the private sector companies and multinational corporations to establish compliance or non-compliance with the laws and policies relating to employment and labour so as to ensure a conducive and favorable working conditions and environments within the country which will also reduce on the tendency of youth flooding out in the hope of **finding** well-paying and fast earning jobs specifically, there is need to set aside a law/ policy that mandates multinational corporations to gazette certain positions especially at managerial and supervisory levels to indigenous Ugandans just like it is the case in Rwanda
  - m) streamline the closer working relationship between Private Sector Foundation, Uganda Investments Authority, Uganda Exports Promotions Board and Enterprise Uganda among others to streamline easy management of private sector development in Uganda
  - n) Enhance sensitization of employees and employers on the policy, rights and responsibilities of each of them and their legal obligations to each other to reduce on the violation of the rights of workers and employers.
  - o) companies involved in false jobs and that cause the victims to suffer should meet the costs of their rehabilitation as a deterrent to the vice and help the victims meet justice

## **a. WHAT IS THE PROBLEM THAT REQUIRES ACTION?**

Uganda is a signatory to many international Conventions and Statutes that seek to uphold, promote and create favourable working conditions and environments. Whereas those laws and policies exist and are clear, Ugandan labourers both locally and internationally continue to be mistreated, tortured and left in limbo as far as the set condition are concerned.

On top of that, the 1995 constitution of the republic of Uganda as amended in article 40 (economic rights) provides that: parliament shall enact laws to provide for the rights of persons to work under satisfactory safe and healthy conditions, to ensure equal payment for equal work without discrimination and, to ensure that every worker is accorded rest and reasonable working hours and periods of holidays with pay as well as remuneration of public holidays. It further states that, every person in Uganda has the right to practice his/ her profession and to carry on any lawful occupation; trade or business, every worker has a right to form or join a trade union of his/ her choice for the promotion and prohibition of his or her economic and social interests, to collective bargaining and representation and, to withdraw his or her labour according to law, the employers of every woman shall accord her protection during and after birth in accordance. However, following the liberalization of the economy, many public assets were privatized and are now under full control of private individuals or corporations who employ many Ugandans. The liberalization of the economy tends to improve the economy of the country and tends to attract majorly international and multinational investors who employ Ugandans in numbers, but despite their existence in the country, the working condition of majority Ugandans is deteriorating every now and then.



the increased unemployment and the inability of the government to fast track creation of jobs has seen influx of Ugandan workers both literate and semi illiterate in majorly United Arab Emirates where they are employed as maids, security guards, teachers among others. Recent reports have indicated that majority of these work under severe conditions where many of them are turned into sex slaves, bartered and or killed in cold blood, but despite all such occurrences, the government of the Republic of Uganda has not made significant policy reforms to cater for such instances and to improve on their international relations of those countries. despite the existence of several laws on employment, discrimination and labour among others, government has not woken up to implement any such laws to cater for some of the legal provisions such as minimum wage, obeying the normal working hours, signing of contracts between the employer and the employees. Not only that, but also, the liberalization of the country has led to increased abuse of the existent employment and labour laws where many young people are over worked, but under paid, tortured, insulted and in many situations sexually abused for the case of female labourers. Such practices not only shorten the life span of those workers, but also increases the occurrences of mental illness and impairments which drastically affect the psychological wellbeing of especially the young people.

Whereas Uganda has ratified several gender policies and conventions, the majority of the women especially in rural areas continue to engage in informal work where they hardly control the resources gained from such work. On top of that, child labour continues to be on the rise but little efforts are being put into place to safe guard the wellbeing of the children who form the bigger population of the country upon which the next generation shall come from. Such tendencies shall have a population largely redundant, unproductive and not continuing to the economy of the country and subsequently, the government may not be in place to provide adequate, timely and highly quality social services to the wider population due to a constricted tax base.

Sexual enslavement of women in the guise of foreign employment, torture, murder, trafficking, exploitation, harassment and denial of justice

Foreign labour exportation, torture, harassment of exported people, human trafficking, unemployment in the country, poor working conditions and environments in and no outside the country

## **SCOPE OF THE PROBLEM**

ILO's Global Employment Trends for Women indicate that;

- From 2002 to 2007, the female unemployment rate was 5.8 per cent, compared with 5.3 per cent for males. The crisis raised this gap from 0.5 to 0.7 percentage points, and destroyed 13 million jobs for women.
- The gender gap in employment-to-population ratios inched down before the crisis, but remained high at 24.5 points. The reduction was particularly strong in Latin America and the Caribbean, Africa, the Middle-East and in advanced economies.
- The gap in labour force participation converged in the 1990s, but showed little or no convergence in the last decade. Both men's and women's participation rates fell equally in the last decade, mainly because of education, ageing and the "discouraged worker" effect.

- In 2012, the share of women in vulnerable employment, (contributing family workers plus own account workers), was 50 per cent and that of men was 48 per cent. But there were much larger gaps in North Africa (24 percentage points), and in the Middle East and Sub-Saharan Africa (15 points).
- The sectoral segregation measure shows that women are more limited in their choice of employment across sectors. Sectoral segregation increased over time with women moving out of agriculture in developing economies and out of industry and into services in developed economies.
- In advanced economies, women's employment in industry halved, crowding 85 per cent of them into services, primarily in education and health.
- The occupational segregation measure shows that women continue to be segregated into particular types of occupations. There is some evidence of a decline in the gap in the 1990s and a stalling of this convergence in the last decade.

## OPTIONS FOR CONSIDERATION

Institute a framework that enables registration of companies and business names and acquisition of trade licenses, copyright and patents and opening of bank accounts for indigenous startups and personal accounts free especially for the youth and women. This is so because the process of acquisition and formalization of businesses, copyrights and patents is expensive and tedious yet most young people do not have that much money, but with brilliant ideas. Consequently, there is also need to create a three year tax free holiday for youth led and indigenous ventures and businesses as a way of boosting local investments and encouraging young people to pursue self-employment and job creation rather than seeking. This approach shall go a long way in enabling many companies and businesses to be formalized and hence Uganda Revenue Authority shall find an advantage to collect taxes when most of these businesses have grown and expanded. This way, the tax base of the country shall expand and many jobs shall be created which shall ultimately reduce youth unemployment, improve social economic livelihoods and standards of the youth and purchasing power which is currently almost none existent. If this is implemented, it shall boost SMEs development which in the case of Singapore was very instrumental in growing it from a low income country to among the world's biggest economies. Therefore, Uganda stands a better chance to achieve vision 2040 and the sustainable development goals (eradicate poverty, zero hunger, decent work and economic growth among others)

Review the criteria for opening bank accounts to reduce on the documents required for one to open a bank account and institute a policy to ensure that opening bank accounts for indigenous businesses is free to encourage as many people as possible to formalize their businesses and enhance financial discipline

Redesign the youth livelihoods programme to cater for individual businesses and companies and increase the number of beneficiaries with the assessment and funds acquisition criteria and process shortened and also fast ruck the implementation of the women's enterprise fund. Whilst doing

that, the Community Development Officers should be removed from being signatories to the bank accounts of the youth groups since they embezzle money or ask for financial favors before Okaying financial transactions. This cripples decisions making processes and implementation process for the youth groups which in turn impedes proper growth of the ventures hence a contributing factor to the downfall of the ventures. If this is implemented, it will help increase the number of youth led businesses. Increase the window period for returning the money from one year to two years

## PROPOSAL IMPLICATIONS?

- a. Free registration businesses and acquisition of trade license and bank accounts:

Within the first year of formalization of the businesses, URA may not generate in as much as possible revenue and hence the country shall not generate tax from the newly opened businesses (please refer to the attached document on how free registration, licensing and acquisition of patents and copyrights and opening of bank accounts can boost local and small enterprise development in Uganda

- b. Redesigning the youth livelihoods program

Reviewing and redesigning the youth livelihoods programme will go a long way in enabling many young people to own individual businesses which if formalized, will go a mile to widen the tax base for the country and also create many jobs. The current mode of implementation of the youth livelihood programme does not create a fertile ground for many young people to be responsible due to differing individual interest and group dynamics

## RECOMMENDATION(S)

- Enact an act of parliament to regulate exportation and utilization of labour to foreign countries.
- Government sets aside funds to help private institutions NGO.s and individuals involved in skills, enterprise and financial literacy and management capacity building so as to create a multi stakeholder approach to eliminate poverty and curb unemployment. These funds should not be accessed as conditional funds through the local government, but accessed through the Ministry of Gender Labor and Social Development (department for employment and labour)
- g) Government institutes checks and balances for the private sector companies and multinational corporations to establish compliance or none compliance with the laws and policies relating to employment and labour so as to ensure a conducive and favorable working conditions and environments within the country which will also reduce on the tendency of youth flooding out in the hope of finding well-paying and fast earning jobs specifically, there is need to set aside a law/ policy that mandates multinational corporations to gazette certain positions especially at managerial and supervisory levels to indigenous Ugandans just like it is the case in Rwanda
- h) There is need to streamline the closer working relationship between Private Sector Foundation, Uganda Investments Authority, Uganda Exports Promotions Board and Enterprise Uganda among others to streamline easy management of private sector development in Uganda

- i) Enhance sensitization of employees and employers on the policy, rights and responsibilities of each of them and their legal obligations to each other to reduce on the violation of the rights of workers and employers.
- There is need to expand social protection measures to reduce women's vulnerabilities, investments in skills and education, and policies to promote access to employment.
- Issue policy guidelines to help households reduce gender bias in their work decisions and gender gaps in the labour market:
  - There is need to Compensate for unequal employment opportunities based on gender, such as measures to eliminate the adverse impact of career breaks, through well-paid leave and right of return to post.
  - There is need to heighten public campaigns to challenge gender stereotypes and to ensure the proper implementation of legislation against discrimination.
  - Travel documents of the girls are retained by the embassies
- a) Before people leave the country, embassies of Uganda should ascertain if the mentioned jobs are available, who is offering them, where do they reside and what are their contacts for purposes of security of the girls and boys and a data base indicating who has entered the country, how, when, from which part of the country, who are their parents, next of kin, who is employing them, what their contact and physical address details, names and others so as to enhance easy monitoring of rescue processes. The data base should indicate and show the number of people (Ugandans) in a specific overseas country, when they arrived and when their employment contract and visas are meant to expire for the purposes of helping them return to the country. The data base should also show which company brought that person, how much was he/she supposed to earn among others.
- b) Institute a specific funding unique to vulnerable and affected women and men.
- c) Repatriate the affected females stranded in Abu Dhabi, United Arab Emirates, China among others within six months from now
- d) Institute (an authority) committee that oversees the recruitment, deployment and welfare of labourers and shall comprise of representatives of laborers, recruitment firms, government and civil society organizations involved in labour work, national youth council, women's council among others. This committee should be hosted at the ministry of gender labour and social development under the direct supervision of the labour officer
- e) Set up a legal team in each of the embassies familiar with the laws and legal procedures of those countries so that they work closely with the authorities in those countries and swing into action whenever a Ugandan is affected
- f) There is need to institute a legal frame work that ensures that the first top two jobs in multinational corporations are occupied by indigenous Ugandans.

## COMMUNICATIONS ANALYSIS

The public is left in quagmire due to the limited information pertaining to the number of affected people, what is happening currently at a legislative and government level. Therefore the public is developing its own opinions many if which do not count and as a result is likely to destroy What is the position of key stakeholders, both inside and outside government, to the proposal, and what communications vehicles should be used for each?

## HOW DO THE PROPOSALS RELATE TO GOVERNMENT REFORM PRIORITIES?

Some of or most of the proposals relate directly with the government proposal. There are several national priorities that the government is giving utmost emphasis. They include the roads, transport and infrastructure sector, the education sector, the health sector, water and sanitation, employment and income enhancement, agriculture and science and technology.

The government plan is to enhance measures to increase enterprise efficiency through commodity value chains. Government will also enhance sustainable land use and management. The government has developed a national programme for commercial access of inputs, provision of incentives to the private sector to acquire technologies and implements of for use by farmer's groups and individuals and sustaining and possibly expanding the recently established Agriculture Credit Guarantee Scheme and strengthening the incentive scheme for agricultural exports.

President Museveni also recommended that the budgeting cycle for financial year 2016/17 should prioritize NAADS-operation wealth creation; micro-finance; the youth fund; the women fund and payment for the veterans' pensions. He also added that, other areas of focus should be cattle compensation; the land fund; institutional housing for teachers, health workers and soldiers; safe water and water for irrigation.

The above priorities relate to the proposal fronted from the labour, employment and income generating lane (employment) lane.

What is the objective of communications on this issue?

The purpose of the communications on this matter is to create an awareness to the mass about some of the ills surrounding the foreign labour market, seek for action from government and call on the citizenry to be responsive, self-conscious and responsible so as to create a multi stakeholder development driven processes.

## **CONCLUSION;**

We appreciate the steps that government has put in place to avert this situation and we are much willing to collaborate with government to bring on board key alternatives that could be pursued to mitigate the issue of youth unemployment.

Whereas we do note that some of these demands/ recommendations put in place come in handy with budget implications, we also note that setting up an authority shall create employment opportunities for some people who shall consequently contribute to the tax base and support five dependents and or do some investments that could indirectly contribute to the tax base of the country.

Lastly, but not least, we call upon development partners to support this course and also call upon the media to help propagate this message and for those who are able, we request you to give us airtime on radio and television so that we can have a broader discourse on the matter at hand.