

► Assessing the Role of Employers in Improving Labour Migration Governance in Uganda



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By Martin Luther Munu



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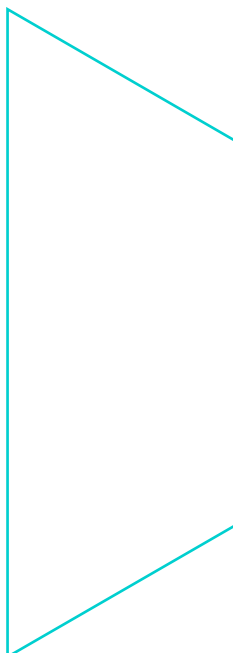
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► Foreword

International labour migration has emerged as an important driver of social and economic development, offering significant potential for positive change in both countries of origin and destination. According to the International Labour Organisation (ILO), in 2022, there are 167.7 international migrant workers. This large number underscores the critical need for robust, coordinated governance systems, particularly in countries like Uganda, where emigration and immigration continue to rise. Uganda has experienced a notable increase in labour migration, especially those migrating to the Middle East, while also receiving migrant workers and refugees from neighbouring countries. While labour migration contributes significantly to human and economic development in Uganda, challenges persist. These include cases of abuse, unfair recruitment practices, inadequate protection systems for migrant workers, and weak enforcement of existing regulations. Moreover, employers often face policy and operational hurdles that hinder their ability to engage effectively in the governance of labour migration.

It is against this backdrop that the ILO, through the Better Regional Migration Management (BRMM) II project, funded by the UK Foreign, Commonwealth and Development Office (FCDO), partnered with the Federation of Uganda Employers (FUE) undertook *the Role of Employers in Improving Labour Migration Governance in Uganda*. The report explores the role of employers in enhancing labour migration governance in Uganda, assessing their engagement within existing legal and policy frameworks, identifying key priorities, and providing practical recommendations to strengthen the migration ecosystem.

This report offers an evidence-based guidance and recommendation on how employers contribute to improving the governance of labour migration. It also highlights the growing importance of private employment agencies (PrEAs), many of whom are not yet affiliated with employer organizations such as FUE to affiliate with such organizations. The report draws attention to challenges in recruitment and underscores the need for stronger regulation, better collaboration, and more meaningful employer engagement in both policy formulation and implementation.

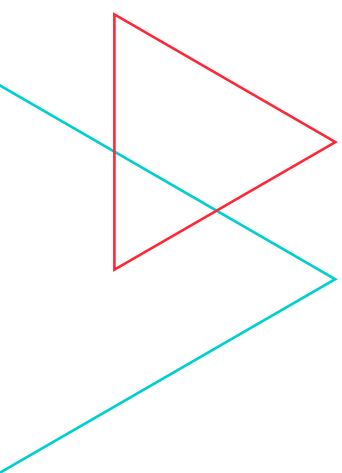
The findings presented here are grounded in a comprehensive methodology, including a detailed desk review and stakeholder consultations with government bodies, social partners, civil society, and migrant worker representatives. The analysis brings into focus the gaps on employer participation in labour migration governance, ranging from fair recruitment and migrant protection to skills recognition and diaspora engagement.

We would like to take this opportunity to extend our gratitude and appreciation to the institutions that provided the valuable information used for the compilation of this report. We would also like to thank Mr. Martin Luther Munu, the consultant that supported the development of this report. Our appreciation also goes to the Foreign, Commonwealth and Development Office (FCDO) of the United Kingdom for funding the Better Regional Migration Management, through which this assessment study was conducted.

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Republic of Tanzania, Burundi, Kenya,
Rwanda and Uganda





1

Introduction



- ▶ Conférence internationale du Travail
- ▶ International Labour Conference
- ▶ Conferencia Internacional d

► 1. Introduction

Over the last few decades, globalisation has facilitated a significant increase in migration worldwide. According to the United Nations Department of Economic and Social Affairs (UNDESA), the estimated stock of international migrants globally reached 272 million in 2019. Of this number, the International Labour Organization (ILO) estimates that 169 million people are international migrant workers. Migration is driven by various factors, including political, social, economic, and cultural considerations. These factors can either push migrants from their countries of origin or pull them towards their destination countries. In Uganda, the government has supported migration based on the principles of Pan-Africanism and aiding "brothers" in need. This stance has led to many refugees settling within the country. Additionally, including high-ranking government officials, have experienced displacement which has contributed to a welcoming attitude towards migrants (IHD, 2021). Current trends indicate that \ Ugandans are migrating to neighbouring countries and other destinations, primarily in Europe, North America, and the Middle East.

Traditionally, more men than women have migrated from Uganda. However, over the past two decades, the number of female migrants has increased, with many engaging in riskier occupations, such as unregulated domestic work, primarily in the Middle East. (Guloba et al., 2022). Domestic work is performed within households, which labour inspectors often cannot access resulting in a risk of abuse that may go unreported (Guloba et al., 2022). Uganda's migrant population has increased significantly over the last decade from 492,900 (1.5% of the total population) in 2010 to over 1,734,200 (3.9% of the total population) by 2019 (IHD, 2021). Migration in Uganda is largely driven by refugees from neighbouring countries. While economic and environmental factors also contributed to migrant flows in recent years, the political situation in the neighbouring countries significantly influences migrant numbers. Uganda's reliance on agriculture as the main livelihood-enhancing activity has led to increased competition for natural resources, such as forests, wetlands, and rangelands. This scarcity is driving migration, both internally and across the the East African region (Twinomuhangi et al., 2023).

Uganda is Africa's largest refugee-hosting country, receiving asylum-seekers and migrant workers from neighbouring countries (IHD, 2021). The World Bank estimates that the number of refugees in Uganda increased from 236,622 in 2000 to over 1.4 million in 2023 (WDI, 2023). Asian nationals, particularly Indians and Chinese, form a significant share of migrant workers in Uganda. Ugandans often migrate to neighbouring countries for work, especially Kenya, while Ugandans are also the largest migrant community in South Sudan. Low-skilled labour migration to Middle Eastern countries, often through private recruitment agencies (PrEAs), is also common. Several factors drive these flows, including high population growth, youth unemployment, low wages, and labour demand in destination countries (FUE, 2022). Ugandan migrant workers, particularly women -who account for over 80% of migrants- are vulnerable to exploitation and human trafficking. A significant proportion of employed migrant women (over 87 per cent) experienced forced labour in the Middle East, compared to over 84 per cent of their male counterparts (Koogler, 2024). Although international migration

dominates global attention, internal migration is also an important policy issue for labour migration in Uganda. Internal migration is driven by internal conflicts, natural disasters, and young people seeking jobs across urban areas.

Migration governance in Uganda is shaped by regional and national frameworks that align with global commitments. At the regional level, Uganda is a member of several Regional Economic Communities (REC) that provide frameworks for labour migration. Firstly, Uganda is a founding Partner State of the East African Community (EAC). The Treaty for the Establishment of the East African Community (EAC) and the Protocol for the Establishment of the EAC Common Market, also known as the Common Market Protocol (CMP) provide for the free movement of persons among EAC Partner States. Uganda has ratified the CMP. The CMP provides citizens of EAC Partner States with the right to access each other's labour markets, residence, and establishment, based on certain criteria (EAC, 2009). This framework facilitates regular labour mobility and migration between Uganda and the other EAC Partner States. Uganda is also a member of the Common Market for East and Southern Africa (COMESA), which comprises 21 Member States. COMESA's Protocol on the Gradual Relaxation and Eventual Elimination of Visa Requirements (1984), is in force but not fully implemented. The COMESA Protocol on Free Movement of Persons, Labour, Services, the Right of Establishment and Residence (1998) has seen slow implementation, particularly regarding the right of residence, which was to be realised by 2014. Moreover, Uganda is a member of the Intergovernmental Authority on Development (IGAD), and has adopted a protocol to facilitate the free movement of persons among its members (IGAD, 2020). The African Continental Free Trade Area (AfCFTA) is expected to enhance trade and investment across the continent, potentially facilitating more migration.

At the national level, various government Ministries, Departments, and Agencies (MDAs) play a crucial role in migration and mobility governance in Uganda. These include the Ministry of Gender, Labour, and Social Development (MGLSD), Ministry of Internal Affairs (MIA), Ministry of Foreign Affairs (MFA), the Office of the Prime Minister (OPM), and the Ministry of East African Community Affairs (MEACA). Uganda also engages with social partners, including: National Organisation of Trade Unions (NOTU), Central Organisation of Free Trade Unions (COFTU), the Platform for Labour Action (PLA), the Federation of Uganda Employers (FUE), and the Uganda Association of External Recruitment Agencies (UAERA). The MDAs in Uganda engage with key stakeholders in labour migration governance under the leadership of the Federation of Ugandan Migrant Workers' Associations (FUMWA). FUMWA brings together migrant workers' associations, including Migrant Workers' Voice (MWV) and Overseas Returnees Association (ORA). The Government, international organisations, and civil society participate in the National Coordination Mechanism for Migration (NCM), a government-led platform for national coordination on migration issues (ILO, 2020). The Government of Uganda aims to promote the protection of Ugandan migrant workers through Bilateral Labour Migration Agreements (BLMAs). Uganda has signed BLMAs with countries such as Saudi Arabia (2015, amended in 2023), and Jordan (2016), although the Ugandan government withdrew from it in 2019 citing a breach of contract by Jordan, with ongoing consultations for a potential renewal (ILO, 2023c), the United Arab Emirates (UAE) (2019) and Qatar (2024). These agreements aim to establish effective mechanisms for the placement of Ugandan domestic workers and ensure the welfare and rights of both employers and workers (IOM, 2023; UBC, 2024).

Despite the benefits of regional and national frameworks, several challenges persist, particularly regarding labour mobility. The implementation of EAC, COMESA, and IGAD commitments has been slow, while national coordination and implementation challenges, including understaffing hinder the effective execution of MDA mandates. The NCM lacks adequate resources to effectively realise its objective of bringing together all stakeholders to improve labour migration governance. Commitments to frameworks under the RECs are challenged by factors such as high work permit and relocation fees, long administrative processes, futile documentation requirements and lack of skill recognition, especially in highly regulated professional bodies. Nationally, coordination problems are compounded by capacity constraints among MDAs, which have hindered the protection of migrant workers. Uganda lacks an effective data collection, management, and sharing framework to inform policy responses to emerging labour migration challenges (ILO, 2023a). The Uganda Bureau of Statistics (UBOS) has not prioritised data collection on labour migration, relying heavily on inadequate entry and exit data. Furthermore, the system for managing labour migration data across different MDAs operates in isolation, making coordinated approaches difficult.

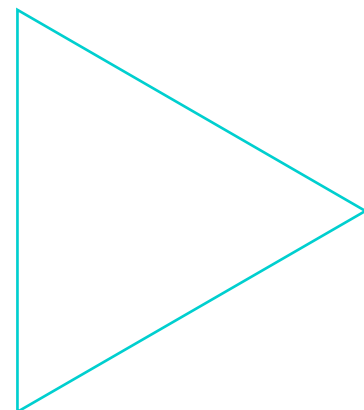
Addressing challenges in migration governance is a crucial for policymakers, as labour migration and mobility are expected to gain momentum in the coming years and decades (Guloba et al., 2022). The rapidly transforming political and economic landscape of East Africa requires employers' organisations to anticipate challenges and opportunities arising from regional and national initiatives.

Policymakers primarily focus on regulating labour migration to stimulate remittances and provide employment opportunities for nationals abroad (Andersson & Siegel, 2020). In 2023, remittances to Uganda totalled US\$1.4 billion (IDFR, 2024), offering a productive source of capital for households transitioning from labour-intensive to capital-intensive businesses (Guloba et al., 2022). From a policy perspective, the complex nature of migration in Uganda and the region makes it challenging to identify and respond to the specific vulnerabilities and needs of different migrant groups in a comprehensive manner (Strain, 2020).

FUE plays a vital role in engaging with social dialogue partners to improve migration governance in Uganda and the region. As the leading voice on labour and migration-related issues, FUE has increased their involvement in labour migration policy, advising the government on skills development and labour law. FUE has members comprising foreign companies, to which it disseminates information on labour law and labour mobility. Additionally, the FUE advises the government on skills development to achieve a labour-demand-driven system of education, as opposed to the current labour-supply-driven system. A recent ILO study suggests that increasing membership of private recruitment agencies within FUE could enhance its leadership role and influence policy changes. Similarly, UAERA was established to bring together recruitment agencies and streamline migration, particularly to the Middle East. It is, therefore, important to examine FUE's contribution to labour migration governance alongside that of UAERA and other recruitment agencies.

This report is part of a research project under the theme "An Assessment on the Role of Employers in Improving Labour Migration Governance in Uganda." The research aims to assess the role of employers in improving labour migration governance in Uganda. The report is presented in different sections, starting with an examination of the labour migration policy and legal frameworks, followed by an analysis of the role of stakeholders in labour migration governance. This section identifies the study objectives, methods used and the limitations of the study. The rest of the report is structured as follows:

Section 2 examines the legal, policy and institutional frameworks governing labour migration in Uganda, including the mandate of employers and the extent to which existing frameworks address labour migration. Section 3 presents labour migration trends in Uganda from an employer's perspective, focusing on immigration, emigration, and irregular migration. Section 4 examines labour migration-related priorities in Uganda, highlighting issues such as accessibility, technology/skills transfers, market linkages, protection of migrant workers, fair recruitment, and linking migration to socio-economic transformation. Section 5 highlights FUE's policies and strategies on migration, including organisations, practices and priorities, and the advantages and disadvantages of labour migration. Section 6 assesses the role of private recruitment agencies in Uganda and their affiliation with FUE. Section 7 examines the role of employers in labour migration governance, while section 8 presents the conclusion and recommendations from the study.



1.1 Objectives

The objective of this research is to assess the role of employers in improving labour migration in Uganda. Specifically, this research aims to:

1. Examine legal and policy frameworks on labour migration in Uganda, documenting the mandate given to employers and any gaps in labour migration governance.
2. Undertake a review of labour migration trends in Uganda from an employer's perspective, focusing on key issues of concern/interest to employers.
3. Identify labour migration-related priorities from Uganda's employer's perspective.
4. Review FUE policy, strategy, and other relevant documents to assess whether labour migration has been addressed/mainstreamed and make recommendations as required.
5. Carry out an in-depth assessment of the role of private recruitment agencies in Uganda and their affiliation with FUE.
6. Carry out a review of existing literature on policies, practices, and guides on the role employers play in labour migration governance. Identify good practices for replication in Uganda.
7. Assess existing practices by which employers participate or contribute to improving labour migration governance, including fair recruitment in Uganda.

1.2 Methodology

The research adopted a qualitative method with a limited quantitative approach, employing an in-depth desk review, including the FUE's policy and strategy, mapping of relevant stakeholders, and their roles and responsibilities. Regional documents reviewed included provisions of the CMP, COMESA and IGAD Protocols, and EAC regional migration policy, among others (Annex 1). These documents were complemented by strategy documents, action reports, and research publications from international organisations like ILO, IOM, regional bodies, employers' associations, academia, and media reports. To collect more data, the research employed Key Informant Interviews (KIIs) as a technique to gain a broader and deeper understanding of labour migration governance and dynamics in Uganda. The research was undertaken in four phases, with a document review forming the first part of the research process, followed by KIIs for triangulation purposes. The KIIs were conducted to provide a deeper understanding of stakeholders' experiences and perceptions regarding migration policy frameworks, migration trends, priorities for employers, and best practices for labour migration governance. The KIIs involved stakeholders from various organizations, including: were conducted with stakeholders from MGLSD, OPM, MOFA, MIA FUE, FUMWA, MWV, ORA, NOTU, COFTU, UAERA, Al Nazaha Labour Consultancy Firm, IOM, PLA, and migrant worker/returnees.

The first phase involved a review of existing legal and policy frameworks on labour migration in Uganda, documenting the mandate given to employers and any gaps in labour migration governance.

The policies and frameworks for labour migration in Uganda are facilitative, due to the open nature of the Ugandan government toward migrants, especially refugees. Uganda's obligations under various regional and continental agreements, coupled with national-level policies, provide a basis for enhancing labour migration. However, several factors, such as lack of resources and barriers to the free movement of workers hinder employers from realising the full benefits of labour migration remain. The country is yet to finalise the National Migration Policy. The research reviewed existing frameworks in line with Uganda's obligations and mandates, as well as existing gaps, such as limited coordination. Additionally, the research involved undertaking a review of labour migration trends in Uganda from an employer's

perspective, focusing on key issues of concern/interest to employers. The review of trends focused on the various categories of migrants in Uganda to understand emigration trends, internal migration, and irregular migration in Uganda. The trends analysis provided a basis for making sound policy proposals to improve labour migration governance in Uganda.

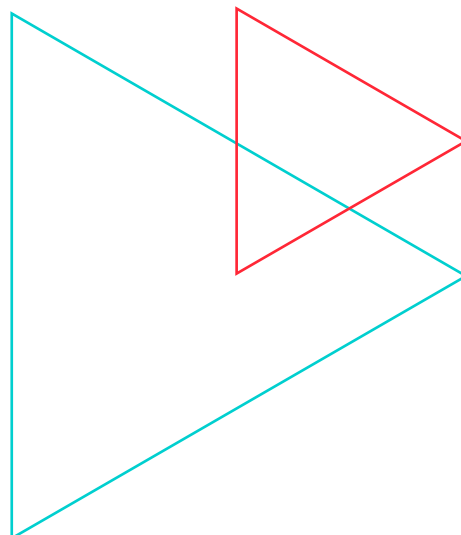
The second phase identified labour migration-related priorities from Uganda's employer perspective and reviewed FUE policy, strategy, and other relevant documents. The review aimed to ascertain whether the issue of labour migration had been addressed/mainstreamed and make recommendations as required, linking migration to private sector development/socio-economic transformation. The second phase also examined the importance of migration to FUE, particularly concerning accessing labour, transferring skills, and establishing market linkages, which are crucial in supporting employers' business interests. Furthermore, the phase examined FUE's policy advocacy initiatives regarding migration governance, focusing on issues such as fair recruitment, free movement of workers, work permits, and the right to residence.

The third phase involved an in-depth assessment of the role of private recruitment agencies in Uganda and their affiliation with FUE. The phase also reviewed existing literature on policies, practices, and guides on the role employers play in labour migration governance. This phase examined labour migration governance, including the benefits and challenges of affiliation with FUE.

The fourth phase assessed the existing practices by which employers participate in or contribute to improving labour migration governance, including fair recruitment in Uganda. This phase discussed the importance of protecting migrant workers' rights and how employers or recruitment agencies can learn from best practices in other jurisdictions. Best practices from countries like the Philippines were examined to understand how they have harnessed the benefits of labour migration through effective policies, stakeholder engagement, and protection of migrant workers' rights. Furthermore, this phase analysed fair recruitment in Uganda, focusing on employers' roles in promoting labour migration governance, existing gaps, and strategies to address these gaps. From employers' perspectives, this phase applied the IOM best practices for employers of migrant domestic workers, exploring their adoption in Uganda. This phase also examined existing initiatives by FUE and UAERA in collaboration with social dialogue partners to improve labour migration governance, capitalising on best practices and lessons from other employers and recruitment agencies.

1.3 Limitation

A significant limitation of this study was the low response rate from targeted key informant interview respondents. To address this, additional time was allocated for interviews, supplemented by an extensive literature review and analysis of media reports on labour migration governance issues. Further efforts were made to cross-check findings and gather additional inputs from FUE staff, reflecting their experiences engaging with stakeholders from MDAs, trade unions, and civil society.



▶ 2

Existing Legal, Policy and Institutional Frameworks on Labour Migration in Uganda



► 2. Existing Legal, Policy and Institutional Frameworks on Labour Migration in Uganda

Uganda's migration governance is shaped by regional and national frameworks aligned with global commitments. Globally, Uganda has signed several international conventions to protect migrant workers' rights. However, as presented in Table 1, some of these conventions are not ratified, necessitating stakeholder engagement and advocacy for their ratification. These conventions include:

- 10 Fundamental ILO Conventions:
- Forced Labour Convention, 1930 (No. 29)
- Abolition of Forced Labour Convention, 1957 (No. 105)
- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), Right to Organise and Collective Bargaining Convention, 1949 (No. 98),
- Equal Remuneration Convention, 1951 (No. 100),
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)
- Occupational Safety and Health Convention, 1981 (No. 155)
- Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).

Other Conventions and international frameworks include:

- the Universal Declaration on Human Rights 1948 (Article 13)
- the International Covenant on Civil and Political Rights 1966 (Article 12)
- the ILO Migration for Employment Convention (Revised), 1949 (No. 97)
- Convention Relating to the Status of Refugees, 1951, Social Security (Minimum Standards) Convention, 1952 (No. 102)
- Convention Relating to the Status of Stateless Persons, 1954
- Convention on the Reduction of Statelessness, 1961
- ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)-Convention on the Rights of the Child (CRC), 1989
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW), 1990.

The United Nations (UN) Sustainable Development Goals (SDG) 8 provide an important framework, promoting decent work for all, including migrants. SDG 10 facilitates the orderly, safe, regular, and responsible migration and mobility of people, including through well-managed migration policies (UN, 2015). Furthermore, the Global Compact for Safe, Orderly and Regular Migration provides a holistic framework for managing migration at regional and international levels (UN, 2018). These conventions primarily impose obligations to protect migrant workers, while regional frameworks facilitate the movement of people to and from Uganda.

► **Table 1 International frameworks guiding Uganda's labour migration governance**

No.	International framework	Ratification by Uganda
1.	Universal Declaration of Human Rights (UDHR)	No ratification required
2.	International Covenant on Civil and Political Rights (ICCPR)	21 June 1995
3.	Forced Labour Convention, 1930 (No. 29)	Not ratified
4.	ILO Migration for Employment Convention (Revised), 1949 (No. 97)	Not ratified
5.	Domestic Workers Convention, 2011 (No. 189)	Not ratified
6.	Social Security (Minimum Standards) Convention, 1952 (No. 102)	Not ratified
7.	Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	Not ratified
8.	Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	04 June 1963
9.	Convention Relating to the Status of Refugees, 1951	27 September 1976
10.	Equal Remuneration Convention, 1951 (No. 100)	02 June 2005
11.	Convention Relating to the Status of Stateless Persons, 1954	15 April 1965
12.	Abolition of Forced Labour Convention, 1957 (No. 105)	Not ratified
13.	Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	02 June 2005
14.	Convention on the Reduction of Statelessness, 1961	Not ratified
15.	Minimum Age Convention, 1973 (No. 138)	25 March 2003
16.	ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	31 March 1978
17.	Occupational Safety and Health Convention, 1981 (No. 155)	Not ratified
18.	Convention on the Rights of the Child (CRC), 1989	17 August 1990
19.	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW), 1990	14 November 1995
20.	Worst Forms of Child Labour Convention, 1999 (No. 182)	21 June 2001
21.	Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)	Not ratified

Source: UN and ILO Databases.

At the regional level, the East African Community (EAC) is a regional body created by the 1999 Treaty for the Establishment of the EAC (EAC Treaty). Uganda, as one of the founders, agreed to adopt measures for achieving the free movement of persons, labour, and services, and to ensure the enjoyment of the right of establishment and residence of its citizens within the Community. To achieve the EAC's objectives, Partner States adopted the Protocol for the Establishment of the EAC Common Market (CMP). The CMP provides citizens of Partner States with the right to access each other's labour markets, and the right to residence and establishment based on certain criteria (EAC, 2009). The CMP guarantees the free movement of workers who are citizens of Partner States within their territories. It also prohibits discrimination against EAC citizens based on nationality regarding employment, remuneration, and other working conditions.

Uganda is also a member of the Common Market for East and Southern Africa (COMESA), comprising 21 Member States. COMESA's 1984 Protocol on the Gradual Relaxation and Eventual Elimination of Visa Requirements is in force, although it has not been fully implemented. COMESA's 1988 Protocol on Free

Movement of Persons, Labour, Services, the Right of Establishment and Residence is being implemented in stages, starting with the gradual removal of visa requirements, cooperation in preventing and combating crime, facilitating the movement of skilled labour, the right of establishment, and ultimately the right of residence.

However, despite Uganda's ratification of the Protocol, its timelines have been missed on several occasions, particularly with the right of residence that was to be realized by 2014, hindering the overall benefits of the initiative (COMESA, n.d.).

Beyond the East African region, Uganda is a Member of the Intergovernmental Authority on Development (IGAD). IGAD was formed to jointly develop strategies and harmonize policies concerning trade, customs, transport, communications, agriculture, natural resources and environment, and to promote the free movement of goods, services, and people within the region. In 2020, IGAD adopted a protocol to allow for the free movement of persons among its members (IGAD, 2020), which Uganda ratified in 2024 (Tusiiime, 2024). At the continental level, the African Union (AU) provides an institutional framework for advancing the protection and promotion of migrant workers' rights across the continent. The AU adopted the Protocol to the Treaty Establishing the African Economic Community Relating to the Free Movement of Persons, the Right to Residence, and the Right to Establishment. This protocol provides for progressive liberalisation in the areas of free movement of persons and the right for Africans to reside and establish themselves in the territories of Member States. The AU Protocol is a significant opportunity for enhancing labour migration as it involves 55 countries in Africa. Furthermore, the AU Migration Policy Framework for Africa (MPFA), adopted in 2016 and revised in 2018, identifies eight pillars for designing transparent, comprehensive and gender-responsive labour migration policies, legislation, and structures. These pillars include: migration governance, labour migration and education, diaspora engagement, border governance, irregular migration, forced displacement, internal migration, migration and trade (AU, 2018). Additionally, the AU implementing the African Continental Free Trade Area (AfCFTA), which aims to create a single market for goods and services across the continent. The AfCFTA has the potential to provide substantial benefits for migrant workers, as it promotes cross-border labour mobility, leading to improved working conditions and more employment options. This, in turn, fosters economic empowerment and social integration (AU, 2023).

The African Union Commission (AUC) is collaborating with ILO, IOM, and the Economic Commission for Africa (ECA) to implement the Joint Programme on Labour Migration Governance for Development and Integration, also known as the Joint Labour Migration Programme (JLMP).¹ The programme focuses on facilitating intracontinental mobility of workers as a crucial means of advancing regional integration and development in Africa. To promote labour migration governance, the AU developed model guidelines to provide a harmonized approach for Member States and RECs in initiating, preparing, negotiating, implementing, monitoring, and evaluating bilateral labour migration agreements. The model sets out principles for countries to develop and implement a rights-based approach to labour migration that is gender-sensitive, gender-responsive, and knowledge-based.

The continental framework also provides for social dialogue and multi-stakeholder participation in labour migration governance, in line with the ILO Conventions and recommendations. At the centre of this approach is the shared responsibility between origin and destination countries in labour migration agreements, decent work, and social protection of migrant workers. The dialogue framework has been boosted by the inaugural Ministerial Dialogue, held from 21-22 May 2024 in Doha, Qatar, between 23 African countries and the Gulf Cooperation Council Countries, including the United Arab Emirates, the Kingdom of Bahrain, the Kingdom of Saudi Arabia, the Sultanate of Oman, the State of Qatar, the State of Kuwait, Jordan and Lebanon (AU, 2024). The dialogue was established as a voluntary, non-binding, state-led and continuous forum for parties to engage in improving labour migration governance. The May 2024 dialogue resulted in the Doha Declaration, demonstrating both regions' commitment to cooperate on labour migration governance, in line with the Global Compact on Migration and the Migration Policy Framework for Africa. The framework recommends that states lead the establishment of fora for advancing international dialogue on migration. The dialogue framework aims to share information, exchange good practices, foster multi-stakeholder approaches, and strengthen partnerships. It seeks

¹ Joint Labour Migration Program (JLMP), <https://au.int/en/jlmp>

to ensure that labour migration from Africa to the Gulf States occurs safely, orderly, and regularly, increasing avenues for regular migration through fair recruitment procedures.

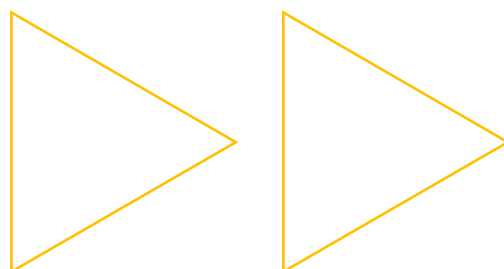
At the national level, Uganda lacks a comprehensive migration policy (Ravesloot et al., 2023). However, under Article 40 of the 1995 Constitution, the Ugandan government is obligated to protect the rights of people, including migrants, to work in satisfactory, safe, and healthy conditions. Furthermore, Article XIV (b) of the 1995 Constitution emphasizes the states's responsibility to uphold the fundamental rights of all Ugandans to social justice and economic development. Specifically, the state must ensure that development initiatives prioritize social and cultural well-being, providing citizens with access to education, healthcare, clean water, employment, decent housing, food, clothing, security, pensions, and retirement benefits, all of which require labour rights. In compliance with these constitutional obligations, Uganda has developed several laws to govern labour migration, as outlined in Table 2.

As illustrated, the laws governing labour migration in Uganda include the Employment Act, 2006, the Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations, 2005, the Uganda Citizenship and Immigration Control Act 2015, the Education (Pre-Primary, Primary and Post-Primary) Act, 2008, the Prevention of Trafficking in Persons Act, 2009, and the Refugees Act, 2006. These laws provide a comprehensive framework guiding migration governance for labour both in Uganda and outside the country. The Government MDAs are empowered by these laws to execute their mandates and roles concerning labour migration governance. The Employment Act, 2006, is a key legislation that prohibits forced labour (Section 5), while Section 97 provides for the regulation of private employment agencies. Sections 25 and 26 of the Employment Act, 2006 requires written contracts for migrant workers, specifying employment terms, payment and protection from exploitation. Other important sections include equal treatment (section 6) discrimination of migrant workers (Section 7), health and safety (Sections 13 and 17, protection of migrant workers (Section 37) and payment of wages (Section 43) among others.

The Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations, 2005, provide specific duties and responsibilities for recruitment agencies to protect migrant workers . It provides for contract and pre-departure orientation and training (regulations 9 and 10), obligates employers abroad to comply with the agreed contracts (regulation 13) and prohibits illegal recruitment and trafficking (regulation 13). The regulation obligates recruitment agencies to repatriate workers if their contracts are prematurely terminated for reasons beyond the worker's control (regulation 15) and provides for collaboration with Ugandan Embassies to protect migrant workers.

The Uganda Citizenship and Immigration Control Act, 2015, contains several provisions that safeguard the rights of migrant workers:

- Dual citizenship is permitted under Section 19
- Sections 52 and 53 regulate exits to ensure migrant workers' safety. - Protection against human trafficking is provided under Section 59)
- Repatriation of Ugandans in distress abroad is facilitated under Section 55
- Control and monitoring of illegal migration are outlined under Section 65.



► Table 2: Laws Governing Labour Migration in Uganda

Law	Objective	Role In Labour Migration Governance
Employment Act, 2006	To revise and consolidate the laws governing individual employment relationships in Uganda.	► The Employment Act of Uganda governs the activities of labour recruitment firms and outlines the rights of all workers in Uganda, including migrant workers. ► The Act's Section 37 of the Employment Act prohibits the unauthorized transportation of labourers into and through Uganda. ► Regulates the operation of recruitment agencies. ► Regulates the repatriation of migrant employees and their families.
Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations, 2005	To promote full employment and equality of employment opportunities for all and to uphold the dignity and rights of Ugandan migrant workers; allow deployment of Ugandans to countries that have existing labour and social laws or are signatories to international agreements protecting the rights of migrants; protect every Ugandan desiring to work abroad by securing the best possible terms and conditions of employment; and provide a mechanism for issuing licenses to recruitment agencies.	► Licencing of recruitment agencies. ► Inspects the operations of labour recruitment agencies. ► Regulates the fees charged to recruitment agencies and fees chargeable to migrant workers. ► Regulates job advertising and manpower pooling. ► Administers the accreditation of labour recruitment agencies. ► Regulates the processing of employment documents, including wages and salaries of migrant workers. ► Regulates the recruitment and placement of migrant workers other than by recruitment agencies. ► Regulates employment standards. ► Guides welfare and employment services ► Specifies the duties and obligations of Ugandan migrant workers.
The Uganda Citizenship and Immigration Control Act 2015	To make provision for the acquisition of Uganda, citizenship, regulate the issue of passports, and provide for the regulation and control of aliens in Uganda.	The Act also specifies the duties and obligations of Ugandan migrant workers and outlines the process for foreigners to obtain employment in Uganda. It requires individuals intending to take up employment to obtain an entry permit, with the validity, duration, and renewal determined by the National Citizenship and Immigration Board.
Education (Pre-Primary, Primary and Post-Primary) Act, 2008	To consolidate and streamline the existing law relating to developing and regulating education and training.	Provides the right to basic education to all Ugandan residents.
Prevention Of Trafficking in Persons Act, 2009	To provide for the prohibition of trafficking in persons, creation of offences, prosecution and punishment of offenders, prevention of the vice of trafficking in persons, and protection of victims of trafficking in persons.	The Act prohibits intentionally recruiting, transporting, and harbouring individuals abroad for employment, training, or apprenticeship.
Refugees Act, 2006	To make new provisions for matters relating to refugees, in line with the 1951 Convention relating to the status of refugees and other international obligations of Uganda relating to the status of refugees.	The Act grants families forcibly relocated the freedom to travel, the ability to work, and the right to start a business and integrate into the country.
The Labour Disputes (Arbitration and Settlement) (Amendment Act, 2006	To provide for the official seal of the Industrial Court to amend the composition of the Industrial Court and provide for the powers of the Industrial Court	This law establishes mechanisms for resolving labour disputes, including those involving migrant workers.

Source: Author's compilation from various laws.

The Education (Pre-Primary, Primary and Post-Primary) Act, 2008, guarantees the right to education for all, including migrants, with provisions against discrimination under Sections 4 and 5. Furthermore, the Prevention of Trafficking in Persons Act, 2009, and the Refugees Act, 2006, provide critical frameworks for protecting migrant workers. These Acts:

- Criminalize trafficking and provide penalties under Sections 5 and 6
- Ensure the protection, rehabilitation, and reintegration of trafficking victims, including provision of shelter, medical assistance, and psychological support under Section 12.

► **Table 3: Government MDAs and their role in labour migration governance**

Government MDA	Mandate	Role in labour migration governance
Ministry of Gender, Labour and Social Development (MGLSD)	To promote rights, gender equality, equity and women's participation and empowerment in the development process, and to promote labour productivity and decent employment.	Developing policies such as the 2011 National Employment, and the National Child Labour Policy (2006). The MGLSD manages issues of labour externalization, including the licensing and supervision of recruitment agencies, and the accreditation of foreign employers.
The Ministry of Internal Affairs (MIA)	To guarantee Uganda's internal security, ensure law and order, peace, and stability as well as citizen identification, protection, and preservation.	The Directorate of Citizenship & Immigration Control – Uganda, MIA manages the issuance of work permits, Ugandan citizenship, borders, visas and passes.
Office of the Prime Minister (OPM)	Leads Government Business in Parliament and coordinates implementation of Government Policies across Ministries, Departments, and other Public Institutions.	Coordinates the National Coordination Mechanism for Migration (NCM).
Ministry of Foreign Affairs (MOFA)	Responsible for the implementation and management of Uganda's foreign policy.	Negotiates Bilateral agreements with other countries to manage labour migration.
Ministry of East African Community Affairs (MEACA)	To steer Uganda's regional integration agenda by the objectives of the Treaty for the Establishment of East African Community.	MEACA works with other MDAs to align Uganda's labour migration laws and policies to the EAC obligations.
Uganda Investment Authority (UIA)	To promote and facilitate private sector investment in Uganda.	The UIA also developed, with the Diaspora Services Department, a compendium on business opportunities for the Diaspora. Marketing Uganda to investors both within the country and outside which in effect attracts migrant workers.
The Uganda Bureau of Statistics (UBOS)	To develop and maintain a National Statistical System (NSS) for ensuring the collection, analysis, and publication of integrated, relevant, reliable, and timely statistical information.	UBOS collects and publishes data on arrivals and departures from major border posts in Uganda.

Source: Author's compilation from various MDA sources.

Looking at the institutional aspects, the MDAs play a crucial role in migration and mobility governance in Uganda, as highlighted in Table 2. The Ministry of Gender, Labour, and Social Development (MGLSD) mandated by Chapters 4 and 16 of the 1995 Ugandan constitution, aims to promote rights, gender equality, equity and women's participation, and empowerment in the development process, as well as labour productivity and decent employment. To execute its mandate, the MGLSD has developed several policies, including the 2011 National Employment Policy which addresses the high unemployment, harnesses remittance potential and international labour migration. The policy covers labour externalization of labour and emphasizes promoting Ugandan workers' rights abroad. Other key policies include the National Child Labour Policy (2006) which promotes awareness and action on child labour in Uganda, aiming to create an enabling environment for the prevention, protection, and elimination of child labour in Uganda.

The MGLSD manages labour externalization issues, including: licensing and supervising of recruitment agencies, and the accrediting foreign employers through the External Employment Unit (EEU). The EEU oversees a uniform licensing process for Private Employment Agencies (PEAs). And utilizes the online External Employment Management Information System (EEMIS) for two-year licence applications and approvals. The EEMIS platform also serves prospective job seekers by listing approved and screened PEAs and foreign positions for Ugandans. (ILO, 2022). The EEU at the MGLSD is responsible for overseeing the enforcement of laws governing the recruitment of Ugandan migrant workers overseas. To ensure effective implementation, the EEU collaborates with various stakeholders, including companies sending migrant workers, the Joint Intelligence Committee, Ugandan embassies overseas, the Ministry of Foreign Affairs, migrant workers, and Entebbe International Airport.²

The Ministry of Internal Affairs (MIA) is mandated by the Ugandan Constitution to ensure internal security, law and order, peace, stability, citizen identification, protection and preservation.³ The MIA facilitates the lawful movement of people into and out of Uganda by: implementing the National Citizenship and Immigration Board's decisions, processing and validating citizenship in Uganda, registering resident aliens and citizens, and issuing national and alien identity cards. The MIA also oversees the East African Community One Stop Border Posts initiative, enforcing border control regulations in Burundi, Kenya, Rwanda, Uganda, and Tanzania. Additionally, the MIA promotes an immigration climate favourable to international investment and combats irregular migration through border maintenance, inspections, investigations, and prosecutions. If necessary, the MIA may expel foreign nationals who enter, work or reside in Uganda unlawfully, upholding national and regional immigration rules for Uganda's security and development.

The Office of the Prime Minister (OPM) provides a comprehensive coordination framework for the Ugandan government's operations, encompassing parliamentary and ministerial activities. In the realm of labour migration governance, the OPM oversees the National Coordination Mechanism for Migration (NCM), which fosters collaboration and coordination among various ministries and stakeholders. Key social partners participating in the NCM include the FUMWA, NOTU, COFTU, FUE, and PLA. The PLA is a civil society organisation that advocating for the rights of vulnerable and marginalized workers. In 2016, the OPM announced the finalisation of a draft National Migration Policy (NMP) aimed at promoting the benefits and minimising the costs of migration.⁴ The draft NMP addresses issues such as irregular migration, human trafficking, migrant smuggling, labour migration, brain drain, and gain.

The Ministry of Foreign Affairs (MOFA) oversees Uganda's diplomatic relations with other countries, promoting the country's interests abroad. The Department for the Diaspora, under MOFA, engages in mobilising the Ugandan diaspora for the country's development through resource transfer, specialized knowledge, skills, and technologies. MOFA also negotiates bilateral agreements with other countries to regulate labour migration and oversees the operation of Ugandan embassies to provide consulate services to migrant workers. In the countries of Saudi Arabia, United Arab Emirates, Qatar, Kuwait, Oman, and Bahrain, the labour attachés are instrumental in following up on labour migration trends and providing onsite support to migrant workers in line with their mandates. However, interviews with FUMWA, ORA, and MWV revealed that bilateral agreements should be more legally binding and involve migrant worker representatives.

The Uganda Investment Authority (UIA) promotes investment in the country, marketing Uganda as a preferred investment destination. The UIA also promotes the employment of foreign workers, provides investment incentives to the diaspora, and developed a mobilisation strategy with the Diaspora Services Department to increase investments in Uganda. (IOM, 2015). Increased Foreign Direct Investment (FDI) leads to increased labour migration, as

² External Employment MIS, available at <https://mglsd.go.ug/external-employment-mis/>

³ Ministry of Internal Affairs, available at <https://mia.go.ug/about-us>

⁴ Government drafts national migration policy, New Vision, 11 November 2016. Available at <https://www.newvision.co.ug/news/1439866/govet-drafts-national-migration-policy>

investors often bring top managers and international experts, along with their families, requiring government processing of residency documents.

The Uganda Bureau of Statistics (UBOS) is a government agency responsible for establishing and managing the national data collection, analysis, and publication system. UBOS produces annual migration and tourism reports, providing insights into international travel, including tourism trips arriving and departing via formal border points in the country (ILO, 2023a). In 2016, UBOS conducted a manpower survey to gather quality data on Uganda's workforce size and characteristics, as well as current and potential employment levels for trained personnel from education institutions (UBOS, 2018a). Additionally, UBOS conducted the National Labour Force Survey in 2021 to update labour market indicators, observe trends in labour market conditions, and facilitate evidence-based decision-making and policy formulation (UBOS, 2018b).

2.1 Mandate of Employers in the Legal and Policy Frameworks

The labour migration legal and policy frameworks obligate the Ugandan government to collaborate with stakeholders to promote proper labour migration governance, aligning with international commitments and regional agreements. As the private sector drives job creation, employers play a vital role in labour migration governance. The FUE is an organisation that brings together Ugandan employers, aiming to enhance their competitiveness through policy advocacy, business support services, sustainable employment relations, and job creation.⁵ FUE plays a key role in promoting employers' mandates within the legal and policy frameworks, focusing on equal treatment of migrant workers and fair contract management. Beyond the company level, FUE engages with MDAs to facilitate worker movement to Uganda, improving skill accessibility for employers. FUE also raises awareness and builds employer capacities to comply with regulatory frameworks for labour migration in Uganda. Furthermore, FUE collaborates with UAERA to promote migrant workers' rights in destination countries.

Employers are mandated to offer equal employment opportunities to all workers, regardless of race, sex, religion, political viewpoint, or socioeconomic class (ILO & IOE, 2021). In Uganda, FUE collaborates with various MDAs to promote equal treatment of migrant workers and their rights, aligning with Uganda's obligations under international and regional frameworks, such as ILO conventions and RECs protocols. Employers in destination countries must ensure that recruitment agencies in Uganda comply with existing laws and regulations governing labour migration. This includes verifying that agencies are licensed by the MGLSD and operate within obligations that prohibit human trafficking, forced labour, or exploitation.

Employers are responsible for ensuring fair and transparent employment contracts, including essential requirements such as pay, working hours and notice of termination (ILO & IOE, 2021). These contracts must be verified by the MGLSD to ensure they meet minimum standards, including salary, working conditions, and rights to repatriation.

Employers must collaborate with recruitment agencies to provide pre-departure orientation and training for migrant workers, informing them of their rights, job nature, and cultural background of the destination. Employers are mandated to ensure a safe and healthy work environment, providing necessary training and protective gear to all workers, including migrants (ILO & IOE, 2021).

To safeguard migrant workers from physical, sexual, or psychological abuse, employers must establish effective mechanisms for reporting incidents and addressing work-related issues that undermine their rights. This is particularly crucial, as most migrant workers from Uganda are employed as domestic workers in the Middle East, increasing their vulnerability.

2.2 Assessing the extent to which Existing Laws and Policies Address Migration

Uganda has various laws and policies governing migration, implemented by different MDAs. It is essential to evaluate the effectiveness of these frameworks in addressing labour migration governance. These

⁵ The Federation of Uganda Employers (FUE) Organization Profile, <https://fuemployers.org/wp-content/uploads/2022/02/FUE-Company-Profile-1.pdf>

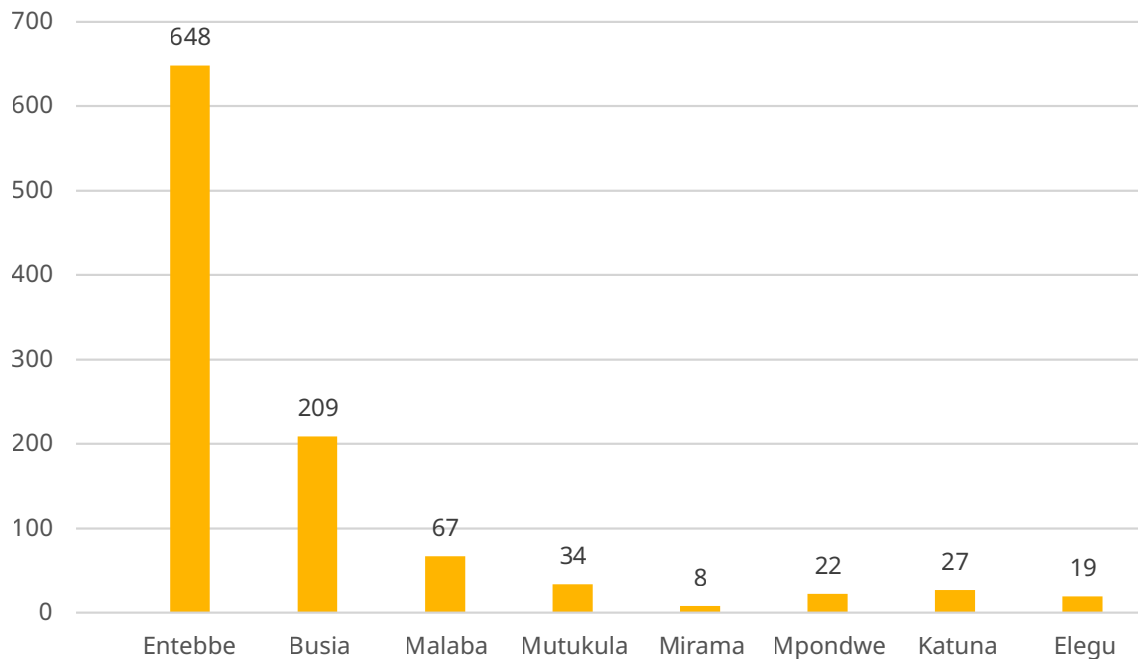
frameworks benefit employers by stimulating entrepreneurship, investment, and innovation, which are vital for facilitating sustainable development (IOE, 2022). Regional and continental frameworks have played a significant role in promoting migration in Uganda.

The EAC promotes the free movement of labour and the right to free movement of persons and labour across member states' borders, encouraging migrant workers. According to 2020 data, Uganda attracts several migrants from other EAC Partner States for employment, with most arriving through Entebbe airport.

However, these frameworks primarily cater to formal employment, whereas most East Africans are engaged in the informal sector. The fact that other entry points, dominated by the informal sector, witnessed fewer migrants traveling for employment indicates that these regional frameworks have gaps in facilitating an inclusive labour migration legal, policy, and regulatory framework.

The EAC regional frameworks were largely designed to cover the formal sector, overlooking the majority of migrants in the informal sector who have low levels of education and lack professional skills. Informal sector actors are less qualified for expert jobs, which companies can easily source from Partner States, undermining their ability to capitalize on opportunities provided by regional frameworks.

► **Figure 1: 2020 Arrivals in Uganda for Employment**



Source: UBOS Report on Migration Statistics year 2021

The EAC adopted the East African Labour Migration Policy Framework aiming to protect migrant workers, strengthen labour migration governance, and maximize the benefits from labour migration (EAC, 2024). Under Article 11 of the EAC Common Market Protocol (2010) on the mutual recognition of academic and professional qualifications, EAC Partner States mutually recognise academic and professional qualifications, experience, licenses, and certifications obtained in another partner States. This mutual recognition has led to the abolition of visa requirements within most East African Partner States, encouraging the utilisation of required expertise from partner states, increasing tax revenues, and facilitating migrant participation in the economy. However, challenges persist in implementation. For instance, each EAC Partner State implements its own social security systems, limiting coverage and participation of migrant workers. Domestic labour market requirements in each partner state prioritise nationals over workers from other Partner States benefiting only experts. The free movement of labour

and mutual recognition of academic qualifications and professionals with the EAC contrast with the lack of such measures in other jurisdictions involving Uganda migrant workers, particularly in the Middle East. This contributes to challenges in protecting and empowering migrant workers, including difficulties in harmonising labour migration policies and accessing social protection and social security benefits.

Despite regional efforts, countries prioritise maintaining sovereignty over key issues, slowing down the implementation of regional commitments. Most migrants in Uganda originate from Africa, and employers rely on efficient regional frameworks, such as visa-free regimes. However, securing visas for African countries remains challenging due to prohibitive costs and bureaucracies (IOE, 2022). The principle of variable geometry, allowing countries to advance integration at their own pace, has facilitated labour migration in some cases while limiting its effect in others. In the EAC, only Kenya, Rwanda, and Uganda have utilized the Northern Corridor to eliminate obstacles to trade and unimpeded migration (Teye & Oucho, 2023).

Despite freedoms of movement and labour persist, including visa restrictions and stringent work permit requirements, as well as the right to establishment granted by existing frameworks, labour migrants still need to obtain work permits (Oucho et al., 2023), comply with visa restrictions and stringent work permit requirements, and have their qualifications recognised, particularly beyond the EAC. Employers face difficulties in proving the non-availability of nationals for positions filled by citizens from other EAC Partner States before being issued work permits (IOM, 2015).

The work permit requirements are stringent, and securing them is challenging for Micro, Small, and Medium-sized Enterprises (MSMEs) that dominate East African countries. As a result, MSMEs cannot effectively benefit from migration through attracting talents across the region, hindering their growth, productivity and competitiveness. The limitations on MSMEs acquiring work permits also hinder regional objectives of employment creation and formalising the economy.

Considering the availability of regional frameworks for labour migration, which face implementation and enforcement challenges, a more coordinated approach by stakeholders is necessary to enhance labour migration governance. According to the FUE, stronger coordination among Partner States is required to ensure effective implementation of regional frameworks and address cross-border issues like human trafficking and labour exploitation.

At the national level, laws, policies, and institutions should be designed to facilitate migration. Many migrants have permanently settled in Uganda after living in the country for years, acquiring the right to secure permanent residency.

Consequently, migrant businessmen and women have contributed to the country's development, as exemplified by the Madhvani Group, which has employed numerous people and built schools and infrastructure.

The framework has enabled Uganda to collaborate with various stakeholders, including international employers, trade unions, civil society, and international organisations, to promote labour migration governance. The National Coordination Mechanism for Migration (NCM) serves as a government-led platform for national coordination on migration issues, bringing together all stakeholders (ILO, 2020). The framework aims to protect Ugandan migrant workers through bilateral labour agreements with major countries and the licensing and monitoring of PEAs.

The Externalisation of the Labour Programme has been formulated to implement labour migration policies and ensure the welfare of migrant workers. This programme regulates labour migration, protects Ugandan workers abroad, and provides assistance through labour attachés and immigration attachés in key destination countries like Saudi Arabia and the United Arab Emirates.

Additionally, the MGLSD developed the EEMIS, which supports migrant workers by providing information on vetted recruitment agencies and collecting migrant data before departure. However, gaps exist in the system's utilisation by foreign companies, partly due to language barriers, as the system is in English, while Arabic is the predominant language in destination countries (UAERA, 2024).

NOTU notes that mismatches occur between available jobs and skills, as well as unfair salary scales, despite seemingly decent pay by Ugandan standards.

Gaps exist in the regulation and enforcement of labour laws, both nationally and in destination countries, undermining migrants' rights. In Uganda, ministries, departments, and agencies (MDAs) face challenges due to understaffing and insufficient resources, hindering effective law enforcement. This lack of enforcement exposes migrant workers to exploitation, largely due to inadequate supervision of employment agencies. For instance, MGLSD reported over 400 labour recruitment agencies operating in Uganda, but lacked sufficient resources to monitor and evaluate their operations effectively. An interview with Al Nazaha Labour Consultancy Firm highlighted funding shortfalls, particularly during the COVID-19 pandemic, when many migrant workers were stranded in the Middle East. The PLA noted challenges in pre-departure orientation and training, as well as post-arrival orientation and training, as well as post-arrival orientation in destination countries. Furthermore, weak sensitisation on destination country laws hinders migrants' ability to seek redress when their rights are violated.

Effective labour migration governance relies on robust data collection and analysis to inform policy design and implementation. However, despite the existence of UBOS, significant gaps persist in data collection and analysis. UBOS data primarily focuses on arrivals, departures, and domestic labour indicators, neglecting broader labour migration indicators at national and international levels. According to FUMWA, these data gaps pose significant challenges, as accurate information on migrant workers and returnees is essential for informed policy decisions. The absence of reliable data complicates monitoring and evaluation processes for existing laws, policies, and institutional frameworks governing labour migration.

Although Uganda has developed labour migration policies and regulations, gaps remain, particularly in enforcing existing laws, providing legal protection to migrants, and implementing policies. The absence of a comprehensive labour migration policy, with only a draft NMP awaiting passage since 2016, exacerbates these challenges.

Stakeholders, including the Migrant Workers' Voice (MWV), expressed disappointment over policy delays, attributing this to inadequate recognition of migrant workers' contributions to development. The PLA noted that the lack of a comprehensive policy leads to a piecemeal approach, addressing only select issues like refugees and labour externalization.

The Uganda Association of External Recruitment agencies observed that policy frameworks lack an institutional framework with a specific mandate to regulate and improve labour migration governance. FUMWA reiterated this concern highlighting the fragmented nature of Uganda's migration management, which hinders the development of a uniform agenda to address migrant workers' challenges.

To address these gaps, the NCM should be strengthened and adequately financed to facilitate collaboration among government, civil society, foreign partners, and the commercial sector. Moreover, Uganda has yet to ratify two of the remaining 10 Fundamental ILO Conventions as highlighted in Table 1. Furthermore, Uganda should consider ratifying outstanding international conventions related to labour migration governance, including the Domestic Workers Convention (2011), Private Employment Agencies Convention (1997 (No. 181), and Employment Service Convention (1948) (No. 88) (ILO, 2022).

▶ 3

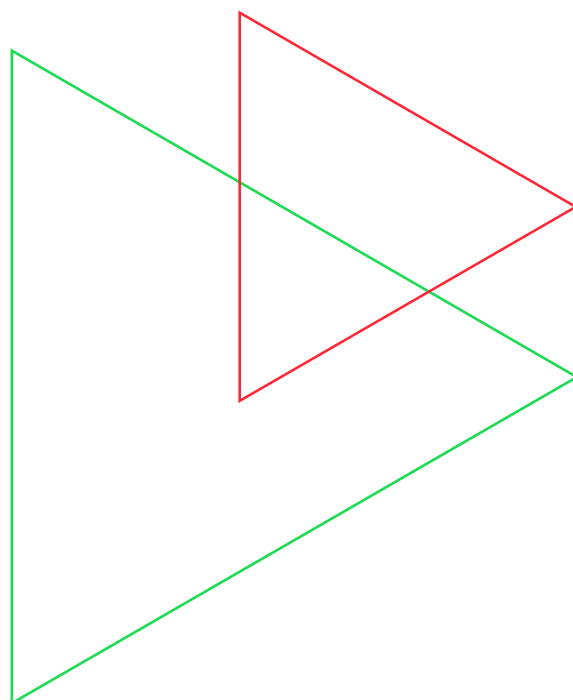
Labour Migration Trends in Uganda Through an Employer's Perspective



► 3. Labour Migration Trends in Uganda Through an Employer's Perspective

Over the last few decades, Uganda has experienced a surge in citizens, mostly low skilled or semi-skilled, seeking employment opportunities abroad (Kiggundu & Mukuye, 2024). The majority of Ugandans reside in rural areas, where they engage in agricultural activities characterised by low productivity and income, unsafe working conditions (Ravesloot et al., 2023).

These factors motivate young Ugandans to migrate abroad in pursuit of better job opportunities. In addition, high skilled workers from Uganda migrate to countries offering better compensation for their skills, particularly in Europe and North America. Paradoxically, some Ugandan youth holding degrees or diplomas emigrate to work in jobs requiring little to no qualifications (NPA, 2020), resulting in brain waste and hindering Ugandan employers' ability to harness these skills. Many Ugandan migrant workers, especially in Gulf countries, are young and primarily employed in construction, domestic work, or security sectors. The Kingdom of Saudi Arabia is a major destination for Ugandan migrant workers, with approximately 90 percent of workers migrating to Saudi Arabia between 2021 and 2022 (MGLSD, 2023). However, many of these workers lack access to adequate social protection, decent work, and consular assistance. The growing demand for migrant workers, particularly in the service industry, is anticipated to increase. Furthermore, the implementation of regional integration obligations, such as the EAC Common Market Protocol, has contributed to increased labour migration, with Uganda serving as both a sending and receiving country.



3.1 Immigration Trends in Uganda

► Table 4: Migrant Stock in Uganda (1990 -2020)

	1990	1995	2000	2005	2010	2015	2020
Males	283,337	308,281	290,859	292,130	241,903	415,845	827,664
Females	260,936	298,706	293,421	301,178	251,027	435,330	892,649
Total	544,273	606,987	584,280	593,308	492,930	851,175	1,720,313

Source: UNDESA, International Migrant Stock 2020.

Data from the United Nations Department of Economic and Social Affairs (UNDESA) provide insights into immigration trends, presented in Table 4. The number of migrants in Uganda has increased significantly, from 544,273 in 1990 to 1,720,313 by 2020.

However, the migrant stock in Uganda remains unstable due to the unpredictable nature of conflicts in neighbouring states, which leads to refugees returning and then moving back.

Notably, the largest increase in migrant stock occurred between 2015 and 2020. According to UNDESA data, women comprise the largest share of the migrant population in Uganda, likely due to family employment and reunification. In Uganda, family reunification is possible for all migrants, regardless of visa or residency category, as per the Citizenship and Immigration Control Act (1999), amended in 2009 (IOM, 2023).

3.2 Emigration Trends in Uganda

Regarding emigration, the number of Ugandans emigrating has more than doubled, increasing from 311,591 in 1990 to 781,440 by 2020 as presented in Table 5. Consistent with general migration trends, women emigrate more than men. Over the past decade, the growth of services and Information and Communications Technology (ICT) sectors in Kenya and Rwanda has attracted foreign workers from other East African countries, including Tanzania and Uganda (NIC, 2021).

However, an increasing number of Ugandans are also emigrating to developed countries, such as the United States, European Union member states, Australia, and Middle Eastern countries.

► Table 5: Emigration Trends in Uganda (1990 to 2020)

	1990	1995	2000	2005	2010	2015	2020
Males	157,865	177,878	254,464	291,881	349,440	375,951	372,735
Females	153,726	184,091	263,312	294,721	382,328	410,278	408,705
Total	311,591	361,969	517,776	586,602	731,768	786,229	781,440

Source: UNDESA, International Migrant Stock 2020.

Labour migrants from Uganda are predominantly employed in the services sector. As shown in Table 6, in 2022, migrant workers from Uganda were mainly employed as drivers, hotel or restaurant workers, other labourers, domestic workers/cleaners, and security guards. Domestic workers and cleaners comprised the largest group of migrant workers, driven by increasing demand for these services. Notably, men were more likely to be employed as drivers, hotel/restaurant workers, and security guards, whereas women dominated the category of domestic workers/cleaners.

► **Table 6: Job Category of Migrant Workers in 2022**

Job category	Males	Females	Total
Drivers	377	57	434
Hotel/ Restaurant Workers	950	251	1,201
Labourers	1,029	130	1,159
Domestic workers/ Cleaners	3,676	83,420	87,096
Others	773	135	908
Security Guards	1,828	48	1,876
Grand Total	8,633	84,041	92,674

Source: Ministry of Gender, Labour, and Social Development, 2023

3.3 Irregular Migration in Uganda

Irregular migration poses a significant challenge globally and nationally in Uganda. There are four primary ways irregular migration occurs: entering the country without authorisation at or between ports of entry; overstaying a valid visa and/or violating its terms and conditions; disregarding orders to leave the country after an unsuccessful asylum claim, or using false documentation (GFMD, 2020).

At the national level, one of the most common forms of irregular migration is the trafficking of migrant workers, reported by the MIA as a major migration issue (MIA, 2024a). Accessing data on migration is generally difficult, and data on irregular migration is even more challenging. It is estimated that 140 Ugandans are trafficked every month (Maloba, 2024).

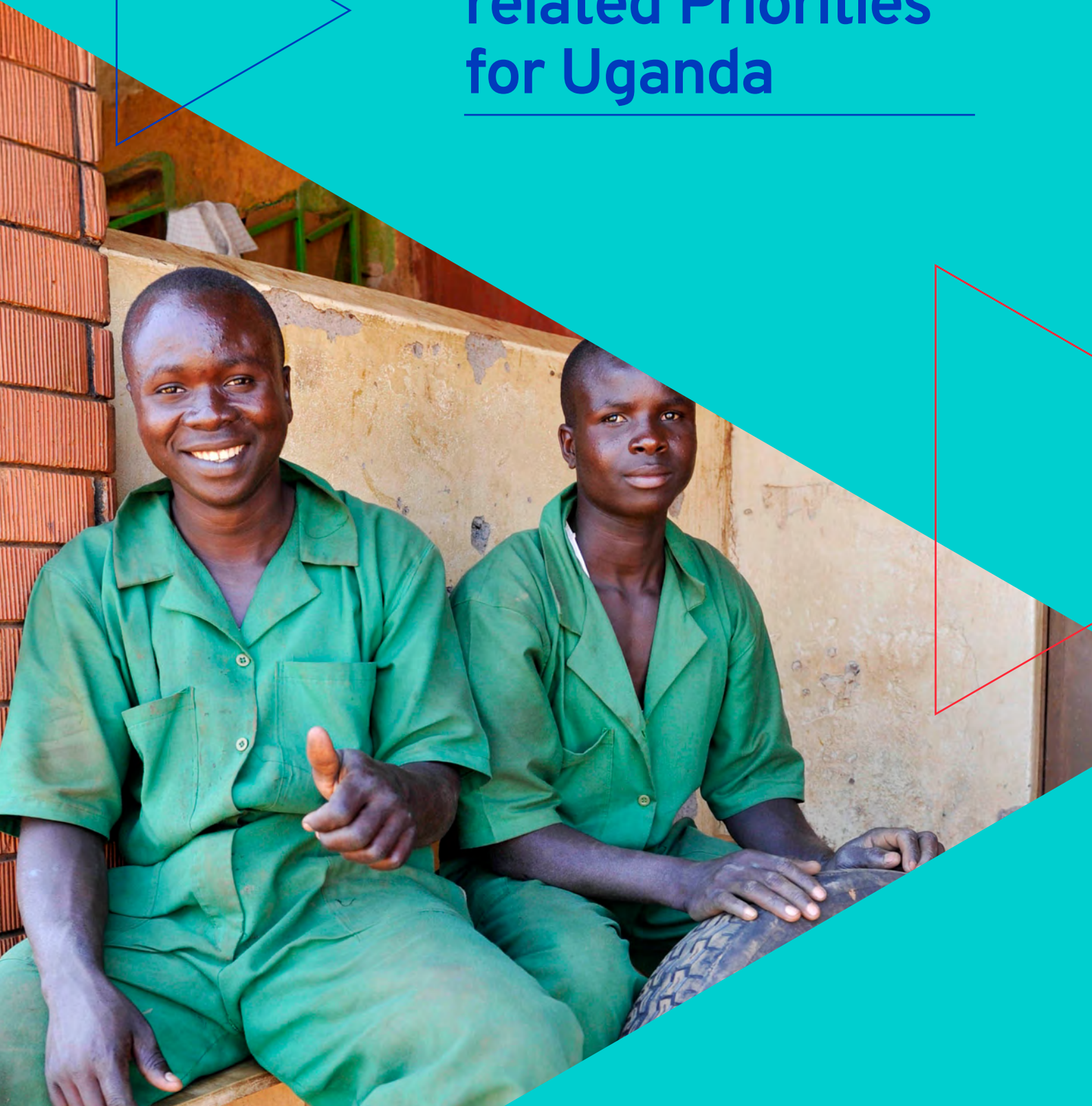
The major challenge in addressing irregular migration is the lack of resources to enhance surveillance and shelter services, as well cases where externalised labour migrants do not use the appropriate channels approved by MGLSD to migrate (Maloba, 2024). Between 2021 and 2022, the MIA reported a 185.03 per cent increase in human trafficking reports to the police, from 421 incidents to 1,200 cases (MIA, 2024b).

Uganda unmanned border crossing points contributes to the rise in human trafficking. For instance, out of 2699 kilometres of border crossings in five countries, only 67 kilometres are monitored and managed by the MIA (MIA, 2024a). Irregular migration occurs through various routes, including the Middle East Route, Northern and Eastern Routes, and the Western Route. Young women from Uganda frequently migrate irregularly to the Middle East, primarily to Saudi Arabia, the United Arab Emirates, Oman, and Qatar, often through unregistered agents who avoid formal hiring procedures, putting them at risk of abuse. The northern and eastern routes involve irregular migrants passing through the Horn of Africa via Uganda en route to South Africa or Europe. Uganda's porous borders and central location make it a strategic country of unscrupulous groups involved in irregular migration (MIA, 2024b). A smaller number of irregular migrants enter the Democratic Republic of Congo (DRC) through Uganda intending to travel to Europe via Angola. (MIA, 2024b).

Several factors contribute to the increase in human trafficking, including poverty, unemployment, gender and economic inequality, discrimination, domestic violence, limited access to education, and political instability. The most vulnerable populations are women, young people, and children, who are more susceptible to human rights violations, such as sexual harassment, extortion, intimidation at borders, human trafficking, inadequate and dangerous working conditions, and exploitation (Oucho et al., 2023). Some tour operators and recruiters contribute to human trafficking, as reported by UAERA. Interviews with MWV and FUMWA revealed that some unscrupulous recruitment agencies send more migrant workers than required in job orders, contributes to human trafficking. Uganda and neighbouring countries must collaborate to better identify cases of human trafficking, investigate and prosecute human traffickers, and uphold the rights of migrant workers (AU, 2018).

▶ 4

Labour Migration- related Priorities for Uganda



► 4. Labour Migration-related Priorities for Uganda

From the perspective of Ugandan employers, labour migration-related priorities focus on aspects of migration that support the business environment. As Uganda prioritizes private sector development, labour migration's contribution to enhancing business opportunities is of great interest to Ugandan employers.

Migrants in Uganda enhance economic dynamism through entrepreneurial activities, financial remittances, and the introduction of diverse skills into the workforce. A 2014 study by the Humanitarian Innovation Project found that over half of refugees in Uganda were self-employed, engaging in small businesses, informal vending, or trade. In Kampala, 21 per cent of refugee business owners employed non-family members, with 40 per cent of these employees being Ugandan nationals (Givetash, 2015).

4.1 Accessibility of Labour

Employers' ability to access the labour they demand is a priority. Employers need both skilled, semi-skilled, and low-skilled labour for their business operations. In terms of skilled labour, some roles require academic certificates making skills matching and mutual recognition of educational certificates essential for facilitating labour migration (IOM, 2015). Some roles, however, require less or even no academic qualifications but are instrumental in the production process. For instance, tea picking, as reported by FUE, involves many migrant workers from neighbouring countries.

4.2 Technology/Skills Transfer

The transfer of technology and skills is a key priority for employers that can be complemented by labour migration. When immigrants gain experience abroad, especially in ICT, engineering, finance, and healthcare, they often coach others, participate in virtual engagements, or transfer those skills upon return to their native country (ILO & IOE, 2021). Uganda's industries are becoming more modern due to this skills transfer, which also boosts output. By providing training and transferring skills and technology know-how, the expertise, experience, and abilities of returning migrants can enhance the country's skilled human resource pool (ILO & IOE, 2021). Companies often prefer immigrants with high-paying occupations that have the potential to create additional jobs (Becker et al., 2024). Highly skilled immigrants contribute to the adoption of new technologies and skills, benefiting employers. Uganda has adopted the East African Community (EAC) Qualifications Framework for Higher Education, facilitating the transfer of skills from migrant workers within the EAC.

Refugees also play a crucial role in harnessing their skills to serve in host countries' job markets. Research has shown that placing refugees in internship positions builds their skills and increases their chances of being hired (Vargas & Loiacono, 2023). By engaging refugees in internship and industrial programmes, they can gain skills essential for meeting the labour shortage faced by Ugandan employers (Vargas & Loiacono, 2023).

With a high refugee population in Uganda, approximately 1.5 million people, the country can harness their skills through such training programmes, enabling them to earn livelihoods and contribute to the skilled labour force. Access to skilled labour through skilling refugees is essential for Ugandan employers, allowing them to capitalise on those skills to increase productivity.

Skills transfer can be facilitated through bilateral skills recognition initiatives between Uganda, as a migrant labour-sending country, and receiving countries. Since Uganda has existing bilateral agreements with several Middle Eastern countries, incorporating mutual recognition of skills into these agreements would be beneficial. However, Uganda must first develop skills nationally to facilitate the employment of migrant workers qualified for medium- and high-skilled occupations in destination countries (ILO, 2024).

4.3 Market Linkages

Facilitating market linkages in the diaspora is a priority for Uganda concerning labour migration. The migrant population can link Ugandan companies to foreign markets and foster mutual business relationships. Many Ugandans in the diaspora invest in MSMEs back home, promoting job creation and expanding domestic markets (Kisanja, 2023). Ugandans in the diaspora also participate in trade and investment promotion fora, facilitating linkages between Ugandan entrepreneurs and international counterparts. Organisations like Ugandan business associations in Europe, North America, and the Middle East support bilateral trade agreements and Ugandan companies.

Market linkages are crucial for EAC cross-border trade facilitation. Ugandan migrants in neighbouring countries, such as Kenya, Rwanda, and South Sudan, engage in cross-border trade, enhancing regional market linkages (Oucho et al., 2023). Increasing market opportunities help businesses expand their operations, which is beneficial to both employers and workers. .

4.4 Protection of Migrant Rights

Protection migrant workers is essential across three levels in Uganda, neighbouring destination countries, and distant destination countries, particularly in the Middle East. Employers must uphold human rights responsibilities towards migrant workers through policy commitments, human rights due diligence, and sustainable engagement (IOM, 2021). Based on ILO Conventions, regional and national frameworks, migrant workers' rights, including social security, free movement and the right to establishment, and safety at the workplace, among others, need to be prioritised and protected. In Uganda, however several challenges undermine these rights, including limited social security welfare coverage, limited sensitisation of migrant workers on Ugandan employment laws, short-term visas leading to failure to secure employment contracts, and confiscation of documents, among others. Moreover, the lack of readily available data on immigrant workers in Uganda makes it challenging to accurately understand the categories of migrants entering the country and their working conditions, for both skilled and low skilled workers (MGLSD, 2011).

Uganda should prioritise institutionalising portability of social security benefits within the EAC region and beyond to safeguard migrant workers' social security rights.

Currently, Uganda lacks agreements on portability, directly impacting migrant workers. (Kandilige et al., 2024).

The portability of social security enables migrant workers to transfer benefits, such as pensions and health insurance, between countries. The EAC's Draft Social Security Portability Bill, presented in 2015, aims to address this issue (IOM, 2023).

Despite regional efforts by the EAC to promote portable social security benefits for migrant workers, inadequate efforts have been made to promote the same in other destination countries, particularly in the Gulf region, where labour externalisation is most dominant for Uganda. Moreover, differences in laws hinder Gulf countries from adequately extending social protection to migrant workers. To address these gaps, Bilateral Social Security Agreements (BSSAs) should be adopted. BSSAs are formal agreements between two countries that coordinate social security systems to protect the rights and entitlements of individuals moving between the two countries. Despite their feasibility, the MGLSD cited a lack of resources to negotiate new agreements. Employers and recruitment agencies should collaborate with

their counterparts in destination countries to ensure migrant workers are enrolled in the social insurance scheme of the country of destination and can claim benefits when necessary. They should also monitor that agencies and/or employers comply with these obligations and contribute to the social insurance scheme of the country of destination (Hirose et al., 2011).

In distant destination countries, legal protection for migrant workers is inadequate, exposing them to rights violations. A major challenge is the Kafala system, used for regulating labour migration in the Gulf countries. The Kafala system prevents foreign workers in the Gulf countries from competing in the domestic labour market and mandates that migrant workers have an in-country sponsor, typically their employer, who oversees their visa and legal status. For domestic workers, the system is even less robust. The Kafala Sponsorship Programme is used by domestic migrant workers from Uganda employed in Saudi Arabia.

Although migrant workers may be referred to as “guest workers” under the Kafala system, they are frequently seen as disposable economic resources at the whim of their sponsor, or employer. The power disparity between the Kafeel (employer) and the Kafir (migrant worker) is fundamental to the Kafala system (Kelly et al., 2022). The Kafeel has the power to alter employment contract terms and force the migrant workers to accept unjust working circumstances without much alternative. Employers in Uganda, engaging with government and other stakeholders under the NCM, have largely raised awareness about the Kafala system’s challenges, but their role in addressing these issues has been limited. According to interviews with FUMWA, the NCM needs to listen more to the victims of the Kafala system and take the necessary steps to address rights violations. Further, interviews with the Office of the Resident Ambassador (ORA) indicated that violations of workers’ rights, particularly regarding unequal pay, have been evident for a long time. For instance, Ugandan migrant workers deployed to Iraq in 2005 were paid less than other international contractors. Al Nazaha Labour Consultancy Firm noted that some migrant workers are unaware of existing laws in destination countries that can protect their rights. This suggests that challenges are not only institutionally induced by destination countries but also due to a lack of awareness among migrant workers.

The Ugandan Heads of foreign missions face challenges that undermine their effectiveness in providing services to migrants (UAERA, 2024). Embassies play a crucial role in providing support services, monitoring working conditions, and enforcing bilateral labour agreements and employment contracts of employment (PLA, 2022). However, delays in consular services, hinder the protection of migrant rights.

To address this, Uganda should prioritise building the capacity of embassies to provide better consular services. Interviewees from COFTU and NOTU suggest allocating more resources to support labour attachés by increasing their numbers. However, FUMWA emphasises the need for oversight, empowering labour attachés to investigate abuse cases without relying on companies that send migrant workers. Al Nazaha Labour Consultancy Firm highlights the importance of equipping major Gulf cities with government representatives who understand Arabic and can provide support to Ugandan workers.

4.5 Fair Recruitment

Fair recruitment is a critical concept in labour relations, adhering to internationally recognised human rights and international labour standards (ILO, 2019). Key principles include freedom of association and collective bargaining, the prevention and elimination of child labour, forced labour, and discrimination in the workplace (ILO, 2019).

Employers must provide written contracts, grievance mechanisms, and protect workers using relevant laws and ILO standards. Furthermore, employers must respect employees’ freedom of association and collective bargaining, and respect the freedom of migrant workers to either leave, change workplaces, or return to their countries of origin (ILO, 2019).

Fair recruitment should be prioritised due to insufficient regulations governing migrant workers in Uganda and destination countries, particularly those with lower labour standards (PLA, 2022). Some migrant workers are employed under favourable terms and conditions, violating fair recruitment principles.

The ILO Fair Recruitment Initiative (FRI) offers a crucial framework for Uganda to prioritise promoting migrant workers’ rights (ILO, 2021). FRI is a five-year strategy (2020–2025) grounded in relevant

international labour standards, global guidance, and social dialogue between governance institutions and labour market actors. The strategy covers four pillars: enhancing, exchanging, and disseminating global knowledge on national and international recruitment processes; improving laws, policies and enforcement to promote fair recruitment; promoting fair business practices; and empowering and protecting workers (ILO, 2021). Uganda needs to engage with employers, workers, MDAs, and other social dialogue partners, such as international organisations, to adapt the FRI to Uganda's unique context, both domestically and in destination countries.

To facilitate fair recruitment, mapping the labour migration cycle starting with recruitment is essential. This means that, in the event of cross-border recruitment, particular consideration must be given to the most vulnerable individuals, such as women and less educated workers, who could be exploited by unscrupulous recruitment agencies. The key issues for fair recruitment include proper licensing and monitoring of recruitment agencies, as well as designing standardised contracts to ensure transparency and enforceability. It is essential to provide migrant workers with clear information about job offers, wages, and working conditions, prohibit recruitment agencies from charging fees to migrant workers, and verify migrant workers' skills and qualifications. However, according to the Office of the Prime Minister, some migrant workers are recruited informally, without following due process, which exposes them to unfair practices once they travel, and there is limited help that Embassies can provide. Therefore, employers must ensure that international fair recruiting principles and relevant national laws are respected and applied by recruitment agencies (ILO & IOE, 201). Employers can achieve fair recruitment objectives in two ways.

Firstly, recruitment agencies should join FUE to collaborate with employers in developing a code of conduct with fair recruitment principles. Secondly, employers can collaborate independently with recruitment agencies and the government to facilitate the adoption of fair recruitment principles.

Efforts to facilitate fair recruitment have led to the signing of an MoU between the NOTU and UAERA witnessed by FUE. The MoU aims to protect migrant workers' rights and voice while fostering a cooperative connection between UAERA and NOTU to advance decent work in external employment (ILO, 2022).

The MoU between NOTU and UAERA obligates each party to participate in migrant worker orientation, review the model contract periodically, and propose reviewing bilateral labour agreements (BLMAs) and MoUs as needed. Consequently, NOTU organises pre-departure training for migrant workers and provides a central point where migrant workers can access information or seek help. In addition, both parties agree to cooperate in awareness-raising initiatives, such as campaigns to ratify and domesticate ILO Conventions, including the Private Employment Agencies Convention, 1997 (No. 181) (ILO, 2022).

4.6 Linking Migration to Socio-economic Transformation

Uganda, classified as a Least Developed Country (LDC), faces significant development challenges. However, which classification also means that the country is among the least-performing countries in the world, considering parameters such as human assets, health, and education.⁶ Therefore, Uganda should harness the opportunities presented by labour migration, including attracting talent for employers which improves their competitiveness and links labour migration to the country's socio-economic development needs. According to the Organisation for Economic Co-operation and Development (OECD), labour migration plays two separate functions in fostering economic development: one in the country of origin through access to jobs and another in the country of destination through the provision of essential services (OECD, 2022). To realise the socio-economic benefits, migrants must be integrated into their destination country. Uganda's approach to integrating refugees into the labour market provides an opportunity to widen the talent pool for potential recruitment by employers. The degree of migrant integration in the destination country depends on factors such as employment quality, labour market participation, and equal treatment of migrant and native workers (Mitterbacher et al., 2024). Uganda's policy approach should address these issues, aligning with ILO guidelines and other global commitments.

6 LDC Identification Criteria & Indicators, <https://www.un.org/development/desa/dpad/least-developed-country-category/lcd-criteria.html>

A well-regulated labour migration system is crucial for harnessing socio-economic benefits, reducing poverty and inequality in countries of origin by improving living conditions, transferring remittances, and sharing skills and knowledge acquired abroad (ILO & IOE, 2021). Specifically, this can be achieved by improving the housing, health, education, and nutrition of migrant children, as well as transferring remittances and the skills and information that migrants have acquired outside. However, realising these benefits is not automatic. It requires greater collaboration with social dialogue partners, regional integration initiatives, development partners, and destination countries. Collaboration is key to the social dialogue framework, which facilitates negotiation, consultation, and information exchange among actors. As social dialogue provides different partners with a voice and stake in their communities and workplaces, it serves as a tool for achieving social and economic goals (ILO, 2015).

Deliberate efforts are necessary to harness remittance for socio-economic transformation in Uganda. Through remittances, migrant workers foster development of their countries of origin, promote skill exchange, and establish trade and business networks (IOM, 2021). The Ugandan diaspora, comprising migrant workers residing outside the country for at least six months, sends approximately USD 1 billion dollars in remittances annually (Kiggundu & Mukuye, 2024). In 2023, Uganda received US\$1.4 billion in remittances (IDFR, 2024), exceeding earnings from any single export. This highlights the significance of remittances to Uganda's development. (ILO, 2024). To further increase remittances, the government should streamline labour migration. Implementing laws and environmental structures that encourage diaspora participation in development can help Uganda leverage opportunities presented by labour migration. According to MOFA, and Al Nazaha Labour Consultancy Firm, securing high-paying jobs for skilled workers in professions like medicine, engineering, and ICT in destination countries such as Canada and South Africa should be a priority. Establishing national diaspora focal points and /or institutions to oversee diaspora affairs is crucial (AU, 2018). This responsibility falls under MOFA.

However, it is crucial for Uganda to promote migration for its socio-economic benefits, prioritising the well-being of migrants. To achieve this, more efficient labour migration regulations are necessary, particularly for migrant domestic workers heading to Saudi Arabia and other Gulf countries where cases of abuse have been reported.

Furthermore, the government must ensure that candidates are hired through duly authorised, registered organisations with a proven track record, and undergo proper medical exams, Interpol checks, and pre-departure orientation to prepare them for their work (Asiimwe & Musinguzi, 2024).

Uganda needs to enhance its skills and expertise in the labour externalisation agenda to fully realise the benefits of labour migration. According to UAERA, since 2005, Uganda has primarily sent domestic workers and semi-skilled labour to Gulf countries. COFTU notes that some qualified Ugandan workers are forced to take low-paying jobs abroad due to unemployment, resulting in a potential deficit as talented youth leave the country (Sebunya, 2022).

To maximise benefits from labour migration, deliberate efforts should focus on sending more skilled workers, such as nurses and teachers, who can command higher pay and facilitate greater remittances and knowledge transfer. Both OPM and NOTU interviews highlight the need to develop financial literacy skills among migrant workers to address wage management challenges. OPM suggest addressing cases of migrant workers entrusting relatives with their earnings through training and promoting savings and commercial banks.

▶ 5

FUE Policies and Strategies on Migration



► 5. FUE Policies and Strategies on Migration

FUE policies and strategies focus on representing employers' interests. To achieve this, FUE enhances employers' competitiveness through policy advocacy, business support services, and fostering sustainable employment relations and job creation. FUE's approach is centred on three core aspects: policy and advocacy, employment relations and legal, and business support services. Although FUE's human resource and financial policies prioritise enhancing the Federations' strategic focus, they are not specifically tailored to migration.

5.1 Existing Practice of FUE on Labour Migration

FUE's existing practice on labour migration aligns with its three core aspects. In policy and advocacy, FUE collaborates with the East African Employers Organisation (EAEO) to promote the portability of social security benefits, in line with EAC regional integration processes. FUE engages with Partner States to advocate for effective implementation of regionally agreed positions on promoting the free movement of labour and the right to establishment. This involves conducting research, developing position papers, and lobbying.

Regarding employment relations and legal, FUE works with members to promote good labour relations, dispute settlement, and arbitration. For business support services, FUE provides training capacity development initiatives on workplace policies and promoting business and human rights principles, which facilitate respecting and promoting migrant workers' rights.

5.2 FUE Priority on Labour Migration

The priority for FUE on labour migration is twofold. Firstly, FUE aims to promote the portability of social security benefits, ensuring workers can freely move while maintaining their social security systems, which is crucial for old-age support.

Secondly, FUE seeks to harness the benefits of labour migration at the national level through appropriate policy frameworks. These frameworks should facilitate sourcing talents from across the region, in line with regional protocols, and simplify the process for migration workers to obtain visas and work permits for themselves and their family members. Additionally, FUE is interested in a framework that enables killed Ugandans to acquire work opportunities abroad, bringing back new knowledge and skills that enhance the quality of the available labour force upon their return. Achieving FUE's priorities for labour migration requires a collaborative approach, not only within Uganda but also across the region and internationally. Consequently, FUE engages with partners such as trade unions, UAERA, and PLA, among others, to lobby for an effective migration policy framework at the national level. Regionally, FUE collaborates with EAEO, employers' organizations of other countries, and regional platforms for labour migration governance. Internationally, FUE works with organisation such as the

ILO and the International Organisation of Employers and participates in platforms like the Global Business Network on Forced Labour.

5.3 Assessing the Extent to Which FUE Policies and Strategies Address Migration

Although FUE lacks a standalone policy on labour migration, the Federation is guided by international instruments on migration. These instruments include the 1990 Migrant Workers Convention, the 2000 Migrant Smuggling Protocol, the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990), the United Nations Convention against Transnational Organized Crime (2000), Domestic Workers Convention, 2011 (No. 189), and Private Employment Agencies Convention, 1997 (No. 181). Furthermore, FUE adheres to Uganda's policies, laws, and regulatory frameworks governing labour migration. The human resource policy of FUE ensures non-discrimination in employment, and the Federation does not discriminate based on origin during the recruitment process.

However, securing work permits for migrant workers can be challenging. The absence of a standalone policy on migration makes it difficult to assess the extent to which FUE has addressed migration. According to FUE, developing a policy on migration is necessary to guide the Federation and assist members in dealing with labour migration issues.

5.4 Mainstreaming Labour Migration in FUE Policies and Strategies

Incorporating labour migration into corporate policies is crucial for promoting a diverse, equitable, and efficient workplace that contributes to decent work (Piper & Foley, 2021). By mainstreaming labour migration, employers can improve migrant worker assistance, increase labour law compliance, and leverage the varied skill sets that migrant workers bring. Furthermore, integrating migrants into the workforce fosters social cohesion and boosts the economy (Hajduković, 2023).

However, FUE has not yet mainstreamed labour migration in its policies and strategies, affecting its approach to addressing current and emerging labour migration challenges. For instance, as observed by COFTU, FUE has not effectively reached organisations working on issues facing migrant workers, including those in emerging industries like platform workers and the gig economy. Although FUE is developing a guideline on migration for employers, which highlights the contribution of migrants, especially refugees, to the host nation's economy, this approach may follow the piecemeal approach to migration policy development adopted at the national level. While necessary this approach is insufficient for comprehensively addressing labour migration.

To enhance the mainstreaming of labour migration in FUE policies, a more deliberate and deeper engagement with trade unions is necessary. According to COFTU, FUE should create a framework for trade unions to engage with employers during events like meetings and training, potentially supported by the ILO. This engagement would enable FUE to better link with social dialogue partners and bring workers' concerns to the forefront for deliberation.

5.5 Advantages and Disadvantages of Labour Migration for FUE

Labour migration offers several advantages that FUE can leverage to improve the business environment for employers. Firstly, labour migrants bring diverse skills and perspectives, enabling employers to tap into a wider talent pool and address skills shortages and labour gaps, particularly in sectors like agriculture, construction, healthcare, and hospitality. This aligns with Uganda's national goals, such as increasing labour productivity in the agro-industrial value chain, creating jobs in agro-industry, and enhancing food security (NPA, 2020). Access to a global talent pool gives enterprises a competitive advantage, improving their business prospects (ILO & IOE, 2021).

Proper management and integration of migrant workers help employers comply with national and international labour standards, reducing legal risks associated with exploitation, discrimination, and non-compliance (IOM, 2020). Labour migration also allows companies to contribute to foster inclusive societies and benefit from migrants' contributions to the local economy as producers and consumers, supporting business growth (Hajduković, 2023). Migrants bring diverse cultures, perspectives, ideas, and experiences introducing innovative solutions to the labour market.

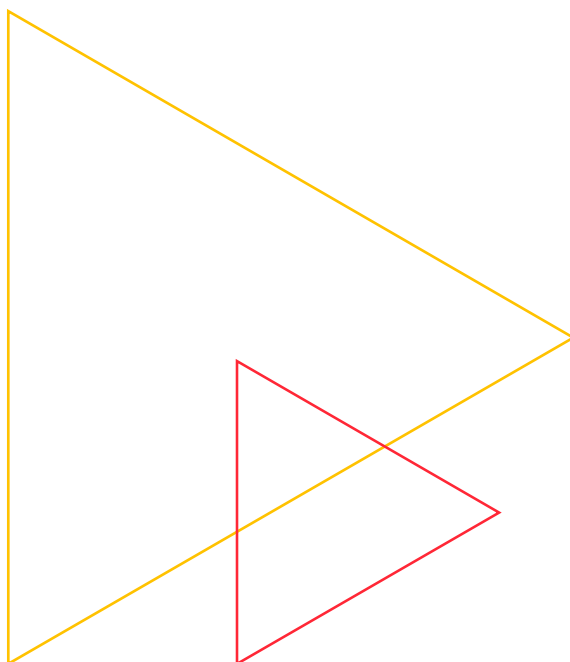
Remittances sent by migrants support Uganda's development (IOM, 2020), contributing to foreign exchange, stabilising the exchange rate, and stimulating demand for goods and services in domestic markets. . However, labour migration also presents disadvantages that need to be addressed. Firstly, labour migration can cause brain drain, as sending countries lose skilled workers to receiving countries, leading to distortions in the workplace and a decrease in human capital at the national level

(Docquier, 2014). Uganda's medical field, for example, faces significant human resource shortages due to emigration.

Managing migrant workers involves complex legal and regulatory hurdles that Ugandan companies may struggle to navigate. MSMEs which dominate Uganda's economy, often lack the human resources and sustainable policies required to manage migrant labour effectively (Žilinskaitė & Hajro, 2024) Migrant workers may require training and development, increasing operating costs for enterprises, particularly when their skills are not aligned with local needs.

Although remittances are crucial for development, they can also lead to capital outflows, disadvantageous to least-developed countries like Uganda (Orozco & Ellis, 2014). Most discussions on remittances focus on developing countries as recipients, as they are often the sending countries. However, with regional integration obligations and African continental frameworks, there is an increased likelihood of capital outflow as regional migrant workers send money to their homes.

Finally, overreliance on migrant workers may hinder local workforce development (Abdul-Rahman et al., 2012). Uganda's National Development Plan (NDP) III focuses on building competitiveness through human capital development, but increased reliance on migration may attract more qualified workers from outside, disincentivising local workforce development. However, migrants can also bring new skills as discussed, which can also complement local workforce skills development objectives.



▶ 6

Assessing the Role of Private Recruitment Agencies in Uganda and their Affiliation to FUE



► 6. Assessing the Role of Private Recruitment Agencies in Uganda and their Affiliation to FUE

The role of private recruitment agencies in Uganda is governed by the Employment (Recruitment of Ugandan Migrant Workers) Regulations, 2021. These regulations have two primary objectives: to regulate the recruitment and placement of migrant workers by providing a mechanism for regulating the activities of recruitment agencies, and to uphold the dignity and rights of migrant workers by prescribing the appropriate terms and conditions of their employment. Private employment agencies play a central role in linking migrants in countries of origin with potential opportunities in countries of destination (Bisong, 2021). However, incidents of exploitation of migrant workers through fraud, extortionate fees, and contract forgery, and trafficking have been reported (Draku, 2021a).

To promote professionalism and improve their services, private employment agencies in Uganda have established an association, known as the UAERA, to set common standards and enhance cooperation with each other and the Ugandan Government (IOM, 2015). Registered in 2013 and incorporated as a “company limited by guarantee” in 2014, UAERA represents over 420 registered members. In 2023, more than 80 companies broke away from UAERA, citing mismanagement, and formed an independent association, the External Labour Agencies of Uganda (ELAU) (Lubwama, 2023). As ELAU is relatively new with fewer members, this report focuses on UAERA.

UAERA has developed a code of conduct that outlines fair and professional norms, standards, and a monitoring mechanism. This code responds to Section 32 of the 2015 Guidelines on Recruitment and Placement, which requires private employment agencies to develop a binding code of conduct and ethics (ILO, 2022).

6.1 Industrial Coverage of Private Employment Agencies

Private Employment agencies in Uganda offer services across various industries, depending on job market requirements in destination countries. According to UAERA, common industries employing migrant workers include: domestic work (housekeepers, nannies, gardeners, and drivers). However, there are several other industries that migrant workers from Uganda are engaged in. FUE identifies broader categories, reflecting the information from MGLSD. Figure 2 presents the broad categories of industries where private employment agencies operate, including the construction sector, which attracts both skilled and low skilled workers, manufacturing, agriculture, hospitality, healthcare, education, and oil and gas industry among others. The education sector and oil and gas attract both skilled and low-skilled or semi-skilled migrant workers.

► **Figure 2: Major Industries Covered by Private Employment Agencies**

Source: Author's compilation from literature review and KIIs

6.2 Major Destination of Ugandan Migrants Facilitated by Private Employment Agencies

Ugandan migrant workers are employed in various destination countries, as previously noted. Figure 3 indicates that the Middle East is a major destination for Uganda's migrant workers, driven by increased demand and the operationalisation of BLMA's in most of these countries, as reported by FUE, PLA and UAERA. European, Asian, and African countries are also attracting an increasing number of migrant workers placed by private employment agencies. The opinions of FUE and PLA opinions are based on their engagement with employers, migrant workers, and returnees who report their destination countries. UAERA's reporting on destination countries is based on reports from its members who facilitate migrant labour to countries.

6.3 Success Stories and Areas of Improvement

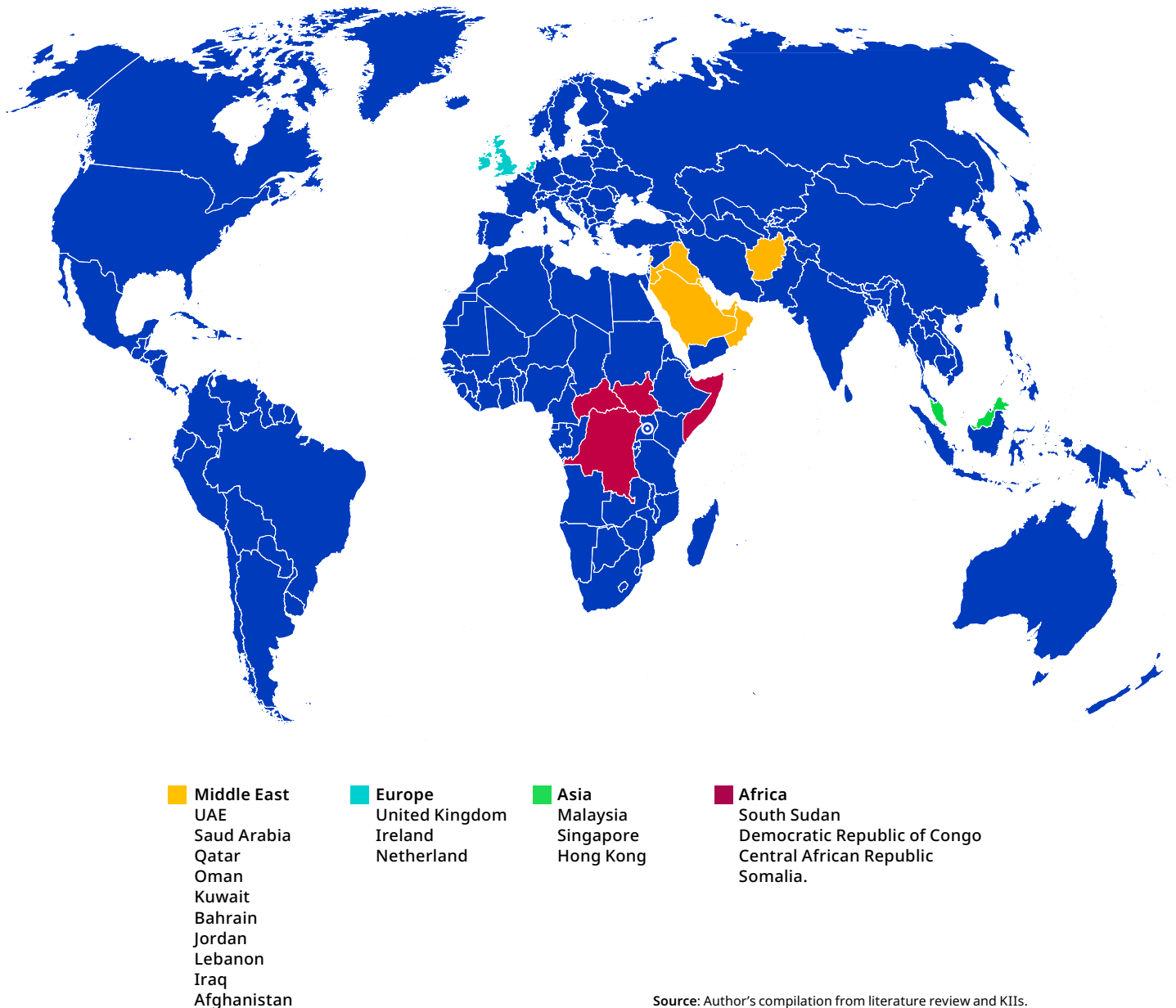
Private employment agencies have facilitated job placements abroad for many Ugandans, helping to address unemployment. According to FUE, some agencies have demonstrated dedication and excellence, earning the trust of many people. These agencies have organised themselves better, lobby and engage with stakeholders to increase externalisation of labour. Consequently, Uganda has registered tremendous growth in labour externalisation over the past decade, with over 500,000 Ugandan migrant workers gaining employment opportunities overseas, mainly in the Middle East and Asia UAERA.

PLA highlights several success stories of labour migration. Some migrant workers find employers who exceed contractual obligations, offering flight tickets, medical services, and support during special cases like funerals. Some employers have even supported the education of migrant workers in their countries of origin. Many migrant workers have saved and implemented projects back home for personal development. UAERA agrees, emphasising that labour externalisation has contributed significantly to addressing Uganda's unemployment problems, with an estimated 700,000 graduates competing for only 90,000 jobs (Daily Monitor, 2021). The substantial wage disparity between Uganda and destination countries has also increased workers' incomes.

Despite the success stories, cases of migrant worker abuse persist, with women being disproportionately affected. UAERA notes that some unscrupulous agencies send migrant workers

without fulfilling their legal obligations, exposing them to abuse. PLA and COFTU observe that labour standards are generally low, particularly for domestic workers, leading some private employment agencies to neglect protecting migrant workers' rights.

Reports from OPM indicate that migrant workers face passport confiscation and forced labour in destination countries, violating their rights and restricting their freedom.

► **Figure 3: Major Destinations of Ugandan Migrants Facilitated by Private Employment Agencies**

PLA and NOTU note that recruitment agencies' business interests sometimes override their responsibilities to protect workers' rights, leading to neglect of workers' concerns. Private employment agencies are often viewed as prioritizing profits over migrant workers' wellbeing, disregarding their rights and confiscating passports to ensure they complete their contracts.

Some contracts require migrant workers to spend extended periods away from home, prioritising cost-cutting over workers' interests. A respondent shared, "I have a nephew who is in Qatar and as a family, we collected over 8 million shillings, and he is still paying the recruitment agency that took him there. We have had instances where they do not take care of our workers, they are just dumped there and nothing more." Such incidences demonstrate that the rights of migrant workers are not prioritised by some PEAs as they engage in labour externalisation.

PEAs need to better understand international job markets to effectively match Ugandan workers with overseas job positions. According to FUE, employees who are well-matched to their positions perform better and are more likely to enjoy their work, benefiting both employers and workers. NOTU emphasises that this understanding should be coupled with better monitoring of existing jobs held by migrant workers, enabling PEAs to learn about new developments and challenges faced by workers.

PrEAs should invest in technology to streamline processes and improve efficiency. FUE notes that digitalisation would help expand networks, reach more employers and job seekers, and facilitate communication with migrant workers. This would enable PEAs to provide better support and follow-up services.

PEAs need to offer training and development programmes to upskill Ugandan workers and make them more competitive in the global job market. NOTU and Al Nazaha Labour Consultancy Firm suggest that training should be as comprehensive as that provided in countries like Kenya and the Philippines, which offer training lasting between two weeks to one month. FUE emphasises that improving skills would make labour migrants more competitive, attracting better wages and greater flexibility in looking for jobs in different sectors and destination countries.

PrEAs should prioritise customer service to ensure a positive experience for employers and job seekers. While recruitment agencies focus on sourcing labour and linking workers to employers, improving customer service is crucial for maintaining strong relationships with employers and workers, ultimately facilitating business growth.

Private employment agencies have played a positive role in enhancing labour migration, helping address unemployment gaps and identifying opportunities for workers. However, OPM stresses the need for PEAs to be honest and deliberate in following up with migrant workers to prevent abuse in destination countries.

6.4 Pros and Cons of PEAs Joining FUE

The engagement between UAERA and FUE, as well as the growing prominence of private employment agencies, has raised questions about whether PrEAs should formally join FUE as members. There are both advantages and disadvantages to PEAs joining FUE. The primary benefits of PEAs joining FUE include increased influence and a stronger collective voice in labour market policy and advocacy. As the leading voice for employers in Uganda, FUE boasts vast experience, networks, and affiliation with the IOE, which is crucial for engagement and policy advocacy. By joining FUE, PEAs would benefit from extended engagement in policy and advocacy work, promoting their interests at both national and international levels. This would be particularly valuable when engaging with employers in destination countries.

PEAs would also gain from training, research, and expertise sharing with FUE, which is essential for a better understanding of labour migration issues. Moreover, joining FUE would enhance networking opportunities for collaboration and knowledge sharing. Given the lack of a comprehensive labour migration policy in Uganda, networking, collaboration and knowledge sharing would expose PEAs to FUE's networks in civil society, ministries, departments, and agencies (MDAs), and employers' organisations at the international level.

Association with FUE, a reputable organization, would improve the credibility of PEAs. Media reports often portray PEAs as being dominated by business-oriented actors with little regard for migrant workers' rights. Some unscrupulous recruitment agencies have been found to behave unprofessionally, leading to suspension or contract termination by the MGLSD (Draku, 2021b; The Independent, 2020). According to MGLSD, more needs to be done to ensure the professionalism of PEAs, including prosecution of those who violate their obligations.

The unprofessionalism of some recruitment agencies has led to labour organizations like MWV petitioning the Uganda Human Rights Commission to halt the externalization of Ugandan domestic workers to the Middle East due to grave human rights violations (NTV, 2022). Joining FUE would enable PEAs to gain credibility by utilising FUE's human rights-centred business practices.

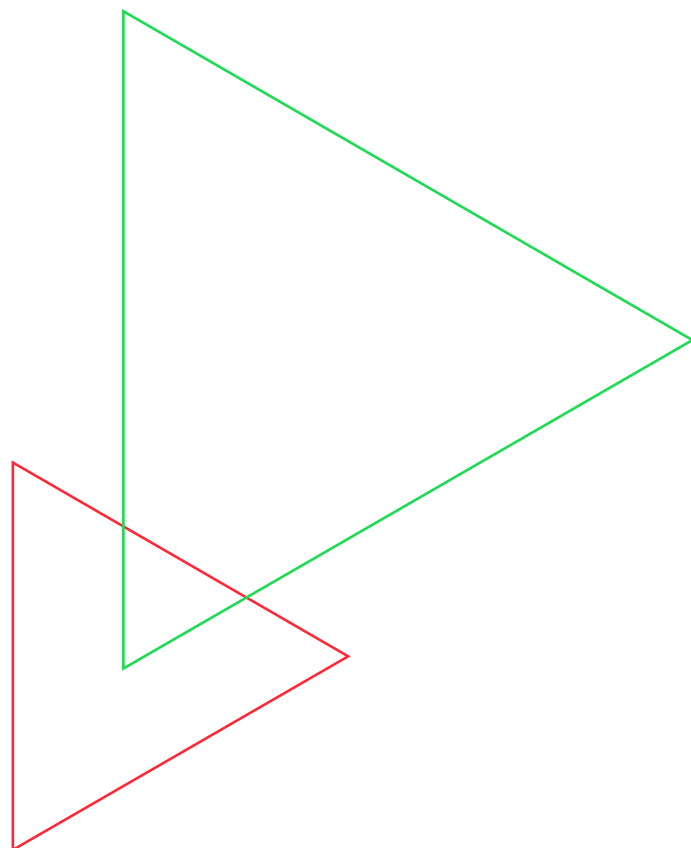
FUE would offer support and assistance with labour disputes, compliance, and best practices to PEAs if they join the Federation. According to UAERA, recruitment agencies can be considered employers, as they provide job opportunities to migrant workers. Traditional employee-employer relations require

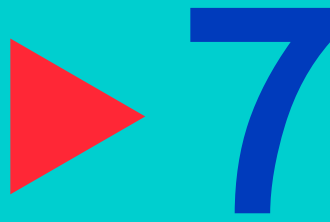
dialogue, especially regarding labour disputes. Joining FUE would enable PEAs to better address labour disputes and comply with labour laws and best practices, leveraging FUE's experience and expertise.

Other benefits that PrEAs would gain from joining FUE include collective negotiation in labour market negotiations, which promotes employers' business interests, access to labour market trends, research, and data for better planning and implementation of innovative ideas, and capacity building for their staff in policy and advocacy, employment relations, and business management practices.

Joining FUE would also contribute to addressing unemployment. PrEAs' interest in sending labour migrants to various destination countries complements national efforts to address unemployment. According to FUE, although employers seek a stable labour market to acquire talent easily, they cannot absorb the entire labour force. Therefore, by joining FUE, PrEAs would have the opportunity to collaborate with FUE to promote job creation for Ugandans. However, there are also potential drawbacks to consider. One major concern is the financial obligation for PrEAs to meet to join and maintain FUE membership. The increasing competition among private employment agencies, both nationally and internationally, has created a challenging business environment for PrEAs in Uganda. Moreover, the cost of membership would add to the existing expenses, which PrEAs managers would need to consider.

Another potential constraint is the loss of autonomy for PrEAs if they join FUE. Smaller private employment agencies may feel that collective agreements with FUE do not represent their interests, particularly regarding collective bargaining, yet they would still be required to implement such agreements (Martins, 2020). Furthermore, FUE's bureaucratic processes might slow down decision-making and response times for PrEAs, especially smaller ones, undermining their efficiency. It is essential to note that private employment agencies, despite being part of associations like UAERA and ELAU, are not homogeneous and have different business ambitions and capabilities. FUE membership may or may not facilitate these differences.





Examining the Role of Employers in Labour Migration Governance



► 7. Examining the Role of Employers in Labour Migration Governance

Employers play a crucial role in improving labour migration governance as key social partners. They seek an efficient legal framework for migration, enabling immigrants to fill skill gaps and foster business expansion, thereby creating jobs that support entire economies (IOE, 2022). The role of employers in labour migration governance can be categorised into three areas:

- 1) Constructive engagement, awareness raising and collaboration
- 2) Sharing best practices on labour migration from other countries
- 3) Sharing their own best practices

7.1 Constructive Engagement, Awareness Raising and Collaboration

Constructive engagement under the social dialogue framework, raising awareness on labour migration, and collaborating with stakeholders are central to employers' roles. According to FUE, employers and trade unions can constructively engage under the tripartite consultation framework. These social dialogue partners can advocate for migrant workers' rights, promote fair recruitment practices, and influence policy development.

FUE emphasises the importance of regular tripartite consultations between the government, employers, and workers to address labour migration challenges. An interview with MWV reiterated the importance of FUE using the tripartite mechanism especially to promote the safety of migrant workers. Constructive engagement strengthens technical capacity to manage labour migration through collaboration and job placements, facilitating partnerships with institutions in destination countries.

Constructive engagement of workers helps to avoid causing or contributing to adverse human rights at the workplace and seek ways to prevent or mitigate adverse human rights impacts that are directly linked to their business operations, products or services by a business relationship (OECD, 2021).

At the national level, employers should utilise the National Coordinating Mechanism to engage with stakeholders, raise awareness, and collaborate to ensure Uganda meets its international, regional and national obligations concerning labour migration and protecting migrant workers' rights.

In addressing irregular migration, employers should engage with the Coalition Against Trafficking in Persons – Uganda (CATIP-U) which brings together grassroots, national, and regional civil society organisations to combat human trafficking (MIA, 2024b). However, OPM observes that these fora require more regular meetings to improve coordination and response to emerging challenges in the sector.

Regional frameworks also provide platforms for cooperation, engagement, and collaboration, which employers can leverage to improve labour migration governance (Bisong, 2021). Examples of such frameworks include the Migration Dialogue from the Common Market for

Eastern and Southern Africa Member States (MIDCOM), the European Union–Horn of Africa Migration Route Initiative (also known as the Khartoum Process), the IGAD Regional Consultative Process (RCP) on Migration, and the Regional Ministerial Forum on Migration for East and Horn of Africa. These frameworks provide dialogue platforms for various issues, including migration and development, trade, health and forced labour, irregular migration, combating trafficking and smuggling, labour migration, data collection and free movement of persons (ILO & IOE, 2021).

FUE has been active in enhancing the role of employers in labour migration governance. FUE has contributed to the development of labour migration policies, ensuring that employers' concerns are addressed. FUE organises workshops for employers to enhance their understanding of labour laws and migration regulations and conducts research on labour market trends to inform employers and policymakers on migration issues. The FUE also engages in dialogue with employers, government, and workers' organisations, promoting collaboration on labour migration issues and offering guidance on labour migration procedures. The FUE helps employers navigate complex processes, helping them comply with labour laws and migration regulations, minimise risks, and promote a positive business environment. Finally, FUE encourages employers to adopt best practices in labour migration, ensuring fair recruitment and treatment of migrant workers, all of which promotes decent work.

7.2 Good Practices for Replication in Uganda

Good practices in labour migration governance are essential for Uganda, as the country still lacks a comprehensive policy on migration (IOM, 2015). A well-thought-out and comprehensive policy is necessary to establish an effective framework for governing migration. The Philippines offers good practices for replication in Uganda. The country not only has effective policies and laws facilitating labour migration but also promotes participation and consultation of migrant workers and advocacy groups in key labour migration processes and decisions (Henderson, 2021).

In the Philippines, the government and private sector have played significant roles in managing the labour migration process since the 1970s (Bakunda & Walusimbi-Mpanga, 2015). In 1982, the Philippine Overseas Employment Administration (POEA) was established to manage overseas employment. The POEA works closely with Philippine Overseas Labour Offices and dedicated labour attachés at Filipino embassies and consulates worldwide, monitoring the treatment of Overseas Filipino workers (OFWs), verifying labour documents, and assisting OFWs in employment and labour-related disputes abroad. The POEA was also involved in the processing of overseas contracts and provided every OFW with a government-issued identification card.

Over the past 50 years, the Philippines has implemented several initiatives to streamline labour migration, aligning it with national development needs while enhancing protection for migrant workers' rights (Tomas, 2009). The government enacted the Migrant Workers Act of 1995 to establish policies on overseas employment to ensure higher standards of protection and promotion of welfare for migrant workers, their families, and overseas Filipinos in distress. Filipino workers recruited by foreign-based employers abroad may voluntarily enrol in social security under the Social Security Act 1997. The Philippines offers a voluntary social security scheme for nationals who left as non-contract workers and later acquired foreign employment. Benefits include death benefits, disability and dismemberment benefits, burial benefits, and health care benefits. Additionally, compulsory insurance cover, paid for by licenced recruitment agencies, includes accidental death, permanent total disablement, medical evacuation and medical repatriation, and subsistence allowance during litigation for protecting OFWs' rights in receiving countries.⁷ In addition, Filipino migrant workers pay mandatory Overseas Workers Welfare Administration (OWWA) contributions, funding welfare programmes and services for OFWs. All expatriate Filipino workers must contribute to the Philippine universal health care system.⁸

The Philippines established the National Reintegration Centre for Overseas Filipino Workers (NRCO) in 2007 and institutionalised it under the Republic Act No. 10022 of 2009. NRCO's mandate is to support the

7 Social security benefits are provided for by Republic Act No 10022 of 2009, amending the Migrant Workers and Overseas Filipinos Act of 1995.

8 PhilHealth, <https://www.philhealth.gov.ph/>

reintegration of returning migrants into Filipino society and facilitate their employment in the local labour market. To achieve this, NRCO provides job referrals, assistance toward entrepreneurship and MSME development, training and capacity-building, counselling, and reintegration programmes for distressed returnees.⁹ The Philippines also initiated a special project called Tulay, which provides Overseas Filipino Workers (OFWs) with Information Technology (IT) training and access to technology, enabling them and their families to communicate via the internet.¹⁰ Tulay is a public-private partnership between Microsoft and the Government of Philippines, offering skills training in information technology to Filipino migrants while they are still working abroad. This highly transferable skill enhances job prospects for migrant workers upon their return. Furthermore, the OWWA welfare fund provides a safety net for migrant workers upon their return.

The Department of Migrant Workers (DMW) was established in 2021 to replace the POEA aiming to improve labour migration governance. DMW is responsible for protecting the rights and promoting the welfare of OFWs and their families, taking over all POEA mandates. The department was created under the Department of Migrant Workers Act (Republic Act No. 11641). As a result, labour migration has become a significant sector in the Philippines, benefiting the private sector, the government, and Filipino citizens. Approximately 10% of the Filipino population works overseas, and financial benefits from earnings abroad are returned to the Philippines (Ruiz, 2020).

Another best practice implemented by the Philippines and other countries is the establishment of a Welfare Fund (ILO, 2023b).

This fund provides emergency assistance, legal aid, and insurance coverage to migrant workers abroad. Interviews with MWV reflected the support for establishing a welfare fund among migrant workers and the need to involve them in its management. Countries like Bangladesh, India, Nepal, Pakistan, the Philippines, and Sri Lanka have set up welfare funds that provide emergency assistance, legal aid, and insurance coverage to migrant workers abroad. Kenya has developed a bill to establish a welfare fund, known as the Kenya Migrant Workers Welfare Fund (KMWWF), following the best practices of the above large migrant-sending countries (Muiruri, 2023). The KMWWF, upon finalisation, seeks to provide social protection to migrant workers, offering better financial security and support when they need it.

In the Philippines, employers also play a crucial role in labour migration. The Employers' Confederation of the Philippines (ECOP) is the umbrella body for employers, working to safeguard and enhance their interests.¹¹ Since its registration in 1975, ECOP has engaged with the government as a recognized single voice for employers, participating in the design of laws and policies on labour migration. Ugandan employers can replicate this approach as they engage with MDAs to improve labour migration governance.

7.3 Best Practice from Other Countries on Employers' Organization's Engagement in Labour Migration

At the employer level, companies should prioritise meaningful engagement with other social dialogue partners to promote good practices in labour migration governance (OECD, 2021). Developed countries with higher levels of democracy and citizen participation in development, have best practices that can be replicated in Uganda. In Germany, for instance, employer organisations engage with the government and work independently to develop and improve labour migration policies and provide training for migrant workers. German employer organisations are involved in recruiting skilled workers, recognising qualifications for the German labour market, training migrant workers in both countries of origin and Germany, and providing support for individual skills and mobility to would-be migrants (Schneider, 2023). Other countries with similar practices of employer organisation involvement in policy and practical support for labour migration include Australia, Sweden, Singapore, and the United States of America.

Employer organisations in Canada have a good practice that involves engagement in the country's Express Entry system, which allows them to select migrant workers that meet their labour needs (Zhang

9 National Reintegration Center (NRCO) [https://assistance.ph/national-reintegration-center-for-ofws-nrco/](https://assistance.ph/national-reintegration-center-for-ofws-nrc/)

10 Tulay or bridge education, <https://micicinitiative.iom.int/tulay-or-bridge-education>

11 ECOP, ecop.org.ph/about/

et al., 2023). The primary pathway for economic immigrants to enter Canada is through the Express Entry scheme, instituted in 2015. The lobby strategies employed by Canadian employers have enabled companies to have a significant influence in determining who receives permanent residency status, although the final decision remains with the government.

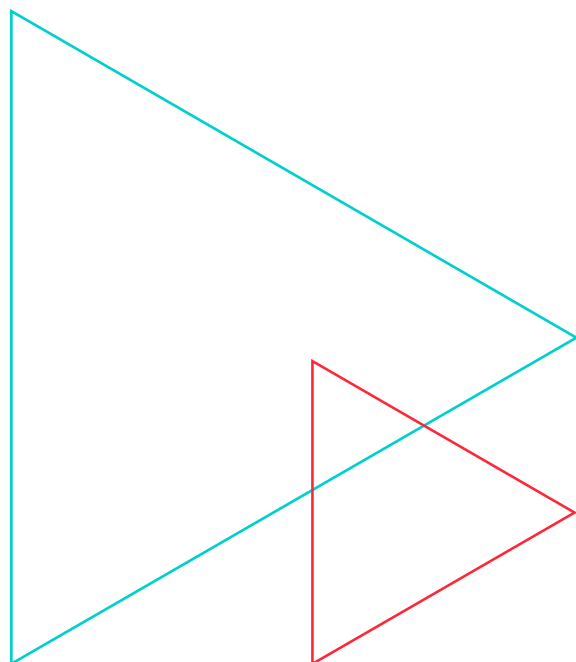
Employers' organisations in Ghana and Kenya offer valuable lessons for Uganda in terms of engagement in labour migration governance. The Ghana Employers' Association (GEA) and the Federation of Kenya Employers (FKE) have been actively engaging with various actors in the tripartite framework to promote the rights of migrant workers. The GEA brings together employers in Ghana, providing a unified voice for influencing policy on economic, labour and social issues that enhance the dynamic business environment, promote industrial harmony, and foster enterprise growth,¹² Similarly, the FKE serves as the most representative platform for Kenyan employers, engaging in socio-economic development at both local and international levels.¹³ The GEA and FKE's engagement with their respective governments and other actors provides opportunities for collaboration on key labour migration issues, such as the work of private recruitment agencies. Through capacity-building and awareness-raising initiatives, GEA and FKE collaborate with private recruitment agencies to ensure fair hiring practices.

In Uganda, the FUE already collaborates with other actors in the tripartite framework, including with recruitment agencies. However, stronger collaboration with recruitment agencies, as seen in Ghana and Kenya, would be instrumental in promoting the rights of migrant workers and preventing their mistreatment and exploitation.

According to FUE, employers work closely with governments, trade unions, and other stakeholders to improve Uganda's labour migration governance framework. They also share information on labour market needs and migrant worker availability. To enhance the role of employers in labour migration governance, it is essential to foster more collaborations with stakeholders, adopting a multistakeholder approach. The FUE could draw lessons from the best practices of other countries and employers to inform their engagement with the government and other actors in the social dialogue framework, ultimately improving labour migration governance in Uganda.

¹² GEA, <https://ghanaemployers.com.gh/>

¹³ FKE, <https://www.fke-kenya.org/>





▶ 8

Conclusion and Recommendations

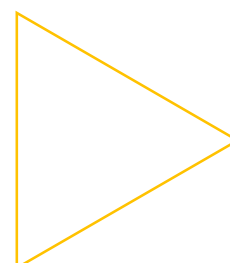


► 8. Conclusion and Recommendations

This report assesses the role of employers in improving labour migration governance in Uganda. Although there is no single government institution governing labour migration governance, Uganda has several policies, laws and institutions regulating migration in the country. The labour migration framework, derived from various laws and policies empower different government MDAs to undertake specific functions aimed at regulating labour migration. Uganda's labour migration governance framework is influenced by global human rights commitments, ILO Conventions, regional integration obligations, and measures taken at the African continental level to promote migration and protect migrant workers' rights.

Over the last few decades, labour migration has increased, with Uganda receiving migrant workers and sending labour migrants across the region and globally, particularly to the Gulf countries. The emergence of PEAs since 2005 has contributed significantly to increased labour migration, with a majority of migrant workers going to the Gulf countries (Guloba & Aliro, 2022). Ugandan migrant workers are engaged in various sectors, including agriculture, hospitality and security, with the majority working in domestic work. Increased migration has provided opportunities for Uganda, including increased remittances, addressing unemployment, facilitating skills transfer, and market linkages. However, Uganda faces challenges associated with labour migration, including violations of migrant workers' rights, particularly among vulnerable groups like young women. Insufficient social protection for migrant workers, which further violates their rights.

Employers in Uganda play a crucial role in improving labour migration governance. Through constructive engagement, awareness-raising, and collaboration, employer organisations can support an effective environment that facilitates migration, protects migrant workers, and supports businesses to harness the benefits of migration, protects migrant workers, and enables businesses to harness the benefits of migration. Employers can also leverage international, regional, and national frameworks to further enhance their engagement in labour migration governance. FUE has undertaken policy engagement, research, and capacity-building initiatives to improve labour standards. FUE can engage with UAERA, trade unions, and civil society organisations to mobilise awareness-raising campaigns and improve the labour migration framework. Other countries have implemented effective labour migration approaches that Uganda can learn from. Given the fragmented policy framework, increased labour migration, and persistent violations of migrant workers' rights, employers must collaborate with actors across all levels to address these challenges comprehensively and systematically. To achieve better labour migration governance, employers are recommended to take several steps.



a) Recommendation to the employers

- i. Advocate for National Migration Policy Finalisation
- ii. Employers should collaborate with stakeholders to lobby for Uganda's finalisation and effective implementation of the National Migration Policy. This policy framework should utilise international best practices and ILO recommendations, such as to provide comprehensive protection for migrant workers' rights. the ratification and domestication of relevant ILO Conventions, such as the Domestic Workers Convention (2011) (No.189), Private Employment Agencies Convention (1997) (No. 181), Minimum Age Convention, 1973 (No. 138), Freedom of Association and Protection of the Right to Organise Convention (1948) (No. 87), Minimum Age Convention, 1973 (No. 138), Migration for Employment Convention (Revised) (1949) (No. 97), Social Security (Minimum Standards) Convention, (1952) (No. 102), to better protect the rights of migrant workers
- iii. **Promote the Implementation of Existing Policies and Frameworks.** Employers should promote the implementation of existing policies at the national level to protect migrant workers' rights, address human trafficking, and facilitate labour migration. They should also work with regional partners to promote compliance with regional and continental agreements and engage with international partners to implement international obligations related to labour migration.
- iv. **Lobby for Independent Labour Migration Institution**
- v. Employers should consider engaging with the government to create an independent institution, providing a one-stop centre for government regulation and facilitation of labour migration. This institution would better engage with stakeholders and protect migrant workers' rights.
- vi. **Advocate for Expansion of BLMAs** Employers should advocate for Uganda to use UN/ILO and AU guidance to negotiate and operationalise BLMAs with more countries. These agreements should promote universal access to social protection, including health insurance, pensions, and unemployment benefits, and ensure shared responsibility between sending and receiving countries as well as recognition of prior learning/qualification. In terms of expansion, BLMAs should target the externalisation of more skilled workers in developed countries that pay more, which would also generate more remittances for Uganda.
- vii. **Develop Labour Migration Policy**
- viii. FUE should develop a stand-alone labour migration policy to harness the benefits of labour migration at organisational and national levels. This policy would help FUE support members in realising the benefits of labour migration while addressing potential challenges. To fully realise its benefits, the labour migration policy aims and objectives need to be mainstreamed in the other organisation policies and facilitate capacity building and training of migrant workers.
- ix. **Directly engage with Private employment agencies to facilitate their affiliation with FUE**
- x. FUE should engage with private employment agencies to facilitate their affiliation and increase their credibility. This would grant them access to FUE's international partnerships and expertise, improving partnerships and expertise, improving their policy engagement.
- xi. **Adopt Best Practices** Ugandan employers should learn from other employers' organisations, especially those in developed countries, to engage with government and stakeholders and provide support to labour migrants both within the country and abroad.

b) Recommendation to the Government

- i. **Improve Inter-institutional Coordination**
- ii. To better protect migrant workers' rights and facilitate labour migration, the government should enhance inter-institutional coordination among various MDAs. This can be achieved by utilising existing engagement frameworks with stakeholders and fostering collaboration with employers, migrant workers' associations, trade unions, civil society, and development partners. Increased funding to respective MDAs will also strengthen their capacity for coordination.
- iii. **Strengthen Capacity for Data Collection** Employers should collaborate with the government to enhance the capacity of UBOS for improved data collection and publication on labour migration. Automation of systems and



expansion of data collection areas, such as categories of migrant workers, will improve efficiency and evidence-based planning. would improve efficiency. Further, data collection should go beyond the current areas, such as arrivals and departures, to include areas like: category of migrant workers, destination countries, sectors of concentrationsex, and social security coverage.

- iv. **Strengthen Ugandan Embassies** Employers should work with stakeholders to advocate for strengthened Ugandan Embassies, equipped with necessary human resources and funding, to provide effective consulate services to migrant workers. Labour attachés should be deployed in major migrant-receiving countries to raise awareness about migrant workers' rights, engage with employers, and facilitate translation services.to follow up on any cases that may require intervention to protect migrant workers' rights. Further, the Embassies should facilitate translation services for migrant workers so that they better understand the employment environment/terms.
- v. **Improve Regulation of Private Employment Agencies**
- vi. The government should continue monitoring private employment agencies to prevent exploitation and protect migrant workers' rights. Continuous engagement with the association of employment agencies is necessary to ensure adherence to their code of conduct and consider their concerns and recommendations for improving labour migration governance.
- vii. **Apply Best Practices**
Uganda should learn from countries like the Philippines, which have effectively managed labour migration, and adapt best practices to improve labour migration governance. This includes protecting migrant workers' rights through social security and reintegration support.

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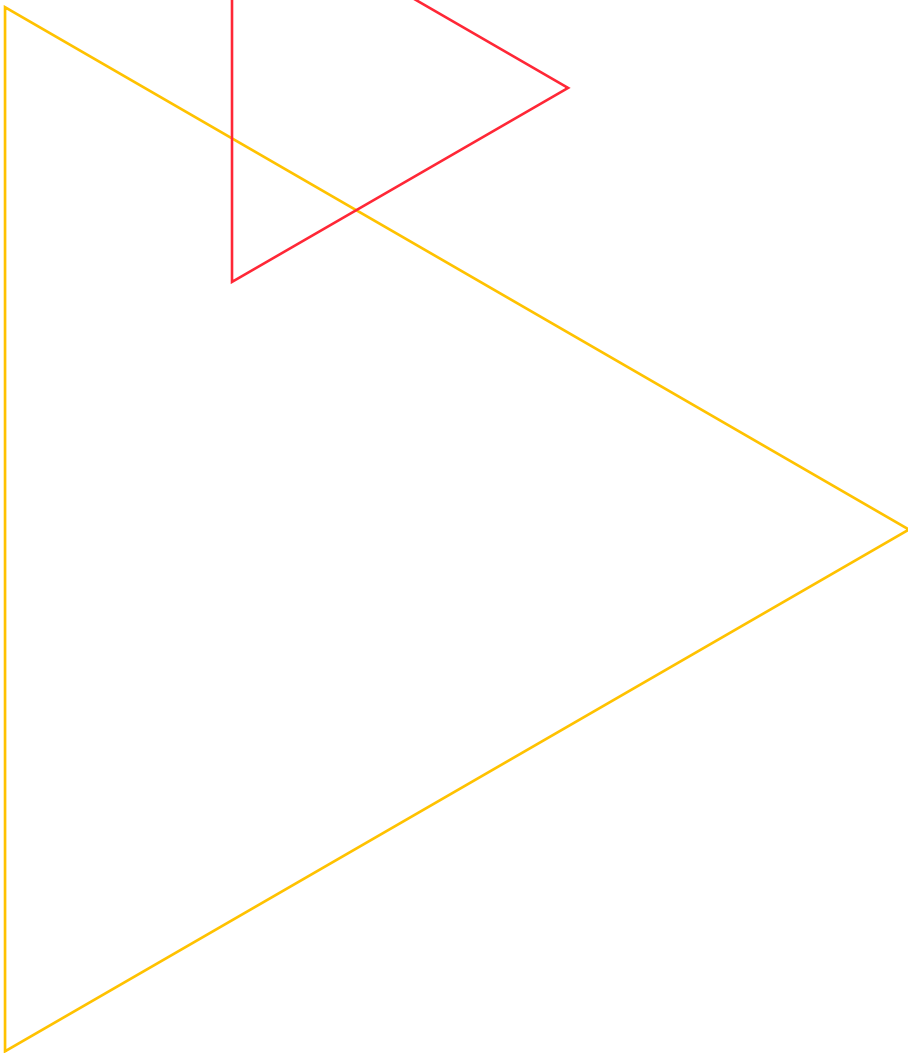
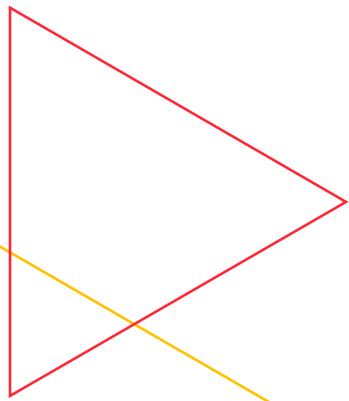
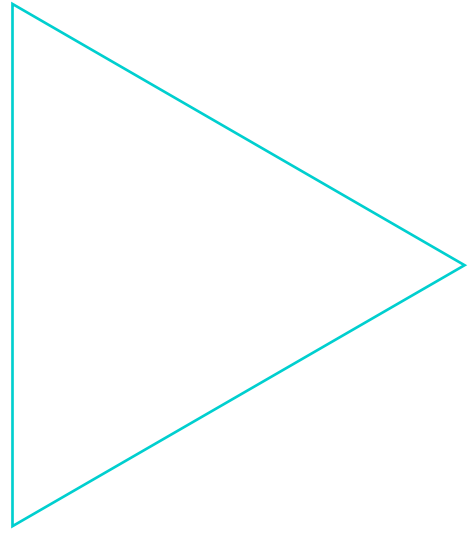
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► Annex 1: List of Government/Regional Policies, Laws, and Documents Reviewed

1. The National Employment Policy for Uganda: Increasing Decent Employment Opportunities and Labour Productivity for Socio-Economic Transformation (2011).
2. National Development Plan III (2020/21 – 2024/25 (2010).
3. National Action Plan for Prevention of Trafficking in Persons in Uganda (2019-2024)
4. Employment Act (2006)
5. Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations (2005).
6. The Uganda Citizenship and Immigration Control Act (2015)
7. Education (Pre-Primary, Primary and Post-Primary) Act (2008)
8. Prevention Of Trafficking in Persons Act (2009)
9. Refugees Act (2006)
10. The Labour Disputes (Arbitration and Settlement) (Amendment) Act (2006)
11. Treaty for the Establishment of the East African Community(as amended on 14 December 2006 and 20 August 2007).
12. Protocol on the Establishment of the East African Community Common Market (2009)
13. COMESA Protocol on the Gradual Relaxation and Eventual Elimination of Visa Requirements (1984)
14. COMESA Protocol on Free Movement of Persons, Labour, Services, the Right of Establishment and Residence (1998)
15. Protocol on the Free Movement of Persons in the IGAD region (2024)
16. Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment (2018)
17. The African Union Migration Policy Framework for Africa (MPFA) (2016)

► Annex 2: List of Interviewed Stakeholders

No.	Institution	Respondents
1.	Ministry of Gender, Labour, and Social Development (MGLSD)	Mr. Raymond Wasukira, Senior Labour Officer
2.	Federation of Uganda Employers (FUE)	Mr. Douglas Opio, Chief Executive Officer
3.	Federation of Ugandan Migrant Workers Associations (FUMWA)	Mr. Abdallah Kayonde, President Dr. Gideon Tusigye, General Secretary Rogers Ssemwanga, Programme Manager
4.	Migrant Workers' Voice (MWV)	Mr. Abdallah Kayonde, President
5.	Oversees Returnees Association (ORA)	Mr. Kwizera John, President (ORA), Mobilizer (MWV)
6.	National Organisation of Trade Unions (NOTU)	Ms. Brenda Oyuga Atieno, Assistant Programmes Officer/Focal Person in charge of Labour Migration
7.	Central Organisation of Free Trade Unions (COFTU)	Dr. Sam Lyomoki, Secretary General
8.	The Uganda Association of External Recruitment Agencies (UAERA)	Mr. Stuart Oramire, Executive Director
9.	Office of the Prime Minister (OPM)	Namayanja Getrude, Principal Policy Analyst Judith Orishaba, Senior Policy Analyst
10.	Al Nazaha Labour Consultancy Firm	Ms. Catherine Natukunda, Chief Administrator, Ms. Erina Nassiwa, Financial Planning and Marketing Analyst
11.	Ministry of Foreign Affairs (MOFA), Department for the Diaspora	Susan Okodi, Counselor, Office of Department of Diaspora
12.	International Organization for Migration (IOM)	Ms. Victoria Nabiteeko, Program Head Labour Mobility
13.	Platform for Labour Action (PLA)	Ms. Grace Mukwaya Lule, Executive Director
14.	Migrant Worker/ Returnee	Mr. Taremwa Darius Former employee – AlMarai Company, Saudi Arabia
15.	Ministry of Internal Affairs (MIA), Directorate of Citizenship and Immigration Control (DCIC)	Mr. Kahwa Kato Robert, Assistant Commissioner, Directorate of Citizenship and Immigration Control (DCIC) - Department of Inspection and Legal Services



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