

**JOINT NON-GOVERNMENTAL ORGANISATIONS SUBMISSION TO THE  
UNIVERSAL PERIODIC REVIEW (UPR) 40<sup>TH</sup>, SESSION OF THE UPR WORKING  
GROUP-THE UNITED NATIONS HUMAN RIGHTS COUNCIL**

**On The Republic of Uganda**

**JOINT SUBMISSION 12<sup>TH</sup>, JULY, 2021**

**(STATE OF LABOUR RIGHTS IN UGANDA)**

**BY:**

**(The Right to Labour Cluster Under the National Stakeholders' Forum for the UPR)**  
Platform for Labour Action (Cluster Convener); Refugee Law Project, The Anti-Corruption  
Coalition Uganda (ACCU), The Southern and Eastern Africa Trade Information and  
Negotiations Institute (SEATINI), Action Aid Uganda, Uganda Consortium on Corporate  
Accountability, Initiative for Social and Economic Rights (ISER), National Coalition of  
Human Rights Defenders-Uganda(NCHRD-U)

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## INTRODUCTION

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### a) About the Submitting Organisations

1. Platform for Labour Action (PLA) is a fully registered and certified national non-government organization founded in 2000 to promote and protect the rights of vulnerable and marginalized workers in Uganda. [www.pla-uganda.org](http://www.pla-uganda.org).
2. While PLA was the convener of this sub cluster under the auspices of the CSO National Stakeholder's forum on the UPR, there were a number of organizations that participated and contributed information that informed this report. These included Refugee Law Project [www.refugeelawproject.org](http://www.refugeelawproject.org), The Anti-Corruption Coalition Uganda (ACCU), The Southern and Eastern Africa Trade Information and Negotiations Institute (SEATINI), Action Aid Uganda, Uganda Consortium on Corporate Accountability, Initiative for Social and Economic Rights (ISER), National Coalition of Human Rights Defenders-Uganda (NCHRD-U)

### b) About this Report

3. This submission elaborates progress made over the last four and half years, in terms of implementation of specific recommendations emanating from the 2<sup>nd</sup> Cycle of the UPR in 2016, the gaps and the challenges that need to be addressed in the 3<sup>rd</sup> Cycle beginning 2026. Uganda received 226 recommendations out of which 148 were accepted and 78 noted. The prioritised recommendations for action by the Government of Uganda on the right to work were;
  - a) 115.17 Consider ratifying the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;
  - b) 115.15 Strengthen its efforts to enforce the Prevention of Trafficking in Persons Act;
  - c) 115.16 Make further efforts to ensure compliance with the Prevention of Trafficking in Persons Act;
  - d) 115.81 Take further steps to combat trafficking of persons;
  - e) 116.3 Develop and implement social security reforms to protect the most vulnerable groups and individuals;
  - f) 116.14 Revise the minimum wage to guarantee the protection of workers by ensuring a decent standard of living, in consultation with all relevant stakeholders;
  - g) 117.45 Adhere fully to the relevant provisions of the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families, in particular articles 76 and 77.

### **Briefly the report details the findings to the effect that;**

4. First, government did not ratify nor domesticate the International Labour Organization (ILO) Convention on Decent work Domestic Workers 2011 (No. 189) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
5. Second, despite Uganda's growing population and the consequent increase in the working age population, coverage of the pension sector remains dismal. Only 1.9 million people are covered by formal social security schemes representing 14% of the labour force; implying that 86% of the working age population was uncovered. In terms of investments, the level of investment in social security in Uganda remained very low accounting for less than 1 percent of GDP. Lack of access to social security by such a large population is a major obstacle to economic and social development.
6. Third, reforming the outdated legal minimum wage from 1984 has been staid by lack of political will by the government of Uganda. Accordingly poor remuneration across all sectors has resulted into 18% of the labour force categorized as working poor.
7. Finally, Labour externalization has become as a lucrative business in the past four and half years. However, it has been bedeviled by human rights abuses and violation of the migrant workers due to inadequate legal and policy framework coupled with under funding and staffing for program.

## **SECTION I: ASSESSMENT ON STATUS OF IMPLEMENTATION ON ACCEPTED RECOMMENDATIONS**

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### **A.Recommendation: Ratification of International Instruments on Labour Rights**

1.1 115.17 Consider ratifying the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (*Philippines*);

#### **Status of implementation**

1.2 In 2020, the government of Uganda kick started the process of ratification of the ILO Convention No.189 on Decent Work for Domestic Workers and the Solicitor General Ministry of Justice and Constitutional Affairs on 15<sup>th</sup> February 2021<sup>1</sup> cleared the process.

1.3 In addition, the Government through the Ministry of Gender, Labour and Social Development developed draft Employment (Domestic Workers) Regulations 2020 that seek to regulate the employment of domestic workers in Uganda and provisions in these regulations carry an aspiration of the ILO C. No. 189. These regulations however, remained in draft even at the time of submission of this report

1.4 Furthermore, parliament of Uganda in April 2021 passed the Employment Amendment Bill 2019<sup>2</sup> which among other policy principles seeks to recognize and regulate the employment of domestic workers. This Bill however has not been assented to by the President, which is the last action in legislative enactment in Uganda before a bill becomes law.

1.5 There were no major efforts by the government of Uganda geared towards the ratification of the PERLAMO Protocol.

## **Recommendations**

- a) The Government of Uganda should fast track the process of ratifying the ILO Convention No. 189 to promote decent work for domestic workers;
- b) The Government of Uganda through the Ministry of Gender labour and social development should expedite the adoption of the draft Employment (Domestic Workers) Regulations 2020.
- c) The Government of Uganda should accelerate the implementation of National Action Plan on trafficking in persons with particular focus on ratifying and domesticating the provisions of Protocol to Prevent, Suppress and Punish Trafficking in Persons.

## **B. Recommendation on theme: Prohibition of slavery, trafficking**

1.6 Recommendations were made in relation to prohibition of slavery and trafficking including;

- a) 115.15 Strengthen its efforts to enforce the Prevention of Trafficking in Persons Act (Timor-Leste);
- b) 115.16 Make further efforts to ensure compliance with the Prevention of Trafficking in Persons Act (Togo);
- c) 115.81 Take further steps to combat trafficking of persons (Armenia);

## **General statement:**

1.7 Human traffickers exploit both domestic and foreign victims in Uganda and abroad with children as young as 7 years old. Trafficking in women and girls is exacerbated during and after situations of conflict and humanitarian emergencies, owing to displacement, the breakdown of political, economic and social structures, instability and insufficient governance, including the absence of the rule of law, increased militarism, the availability of small arms, the weakening or loosening of community and family ties among others<sup>3</sup>.

## **Status of implementation:**

1.8 Over the past 4 years, the Government of Uganda made positive, commendable and systematic steps to facilitate the enforcement of the Prevention of Trafficking in Persons Act 2009 as a means of addressing the crime. These efforts included adoption of the Prevention of Trafficking in Persons Regulations<sup>4</sup>, formation of the Anti-Trafficking in Persons Department of the Uganda Police Force (July 2019) with an expected 250 officers across the country working on anti-trafficking efforts<sup>5</sup>, the continued existence of a trafficking-specific desk<sup>6</sup> in the Office of the Director of Public Prosecution (ODPP), strategic partnerships<sup>7</sup> for capacity building of police, the judiciary and prosecution through trainings<sup>8</sup> as well as production of resources<sup>9</sup> relevant to

ending/curbing trafficking in persons.

1.9 Government also passed the Kampala Child Protection Ordinance 2019<sup>10</sup>, launched the second Uganda National Action Plan (NAP) 2019-2024 for the Prevention on Trafficking in Persons, and the National Referral Guidelines for Management of Victims of Trafficking to systematically provide support and protection to the victims of trafficking in persons<sup>11</sup>.

1.20 Increased efforts in prosecution of cases of trafficking in persons were witnessed; in 2018, police investigated 286 cases, prosecuted 63 and 6 traffickers convicted; in 2019, 120 suspected trafficking cases were investigated; 50 of these suspected trafficking cases were prosecuted with 15 traffickers convicted - an increase from 2018<sup>12</sup>. For 2020, a total of 342 cases were investigated, 11 convictions were secured with ODPP pointing to the closure of courts induced by the COVID-19 pandemic as a reason for the low numbers<sup>13</sup>.

### **Emerging Substantive Concerns**

1.21 Despite the positive steps, the 2020 national Report on countering Trafficking in persons crime<sup>14</sup>, Uganda has remained a source, transit and destination country for victims of trafficking in persons both transnational and domestic involving children and adults. During this period, Uganda was downgraded to Tier 2 watch list due to unchecked corruption of public officials, incapacitated diplomatic embassies to provide protection to victims of trafficking and lack of government protection services for victims.

1.22 The government severely underfunded and understaffed the Coordination Office for Prevention of Trafficking in Persons (COPTIP) which inhibited efforts to coordinate and combat trafficking nationally<sup>15</sup>; limited budget allocation to the newly created Anti-Trafficking in Persons Department of the Uganda Police Force which inhibits expeditious comprehensive investigations of the registered cases of TIP. As a result, systematic procedures and efforts required for referral, assistance and protection of victims as well as prevention of the crime continue to be lacking.

1.23 Trafficking in persons during and after situations of conflict and humanitarian emergencies is a widespread problem. With Uganda hosting 1,470,858 refugees<sup>16</sup>, the lack of data on cases of trafficking in persons among vulnerable refugees and former IDPs by OPM remains a gap that enables more violations of already vulnerable persons as focus remains on nationals only.

### **Recommendations:**

- a) Government of Uganda to consider ratification of and fully domesticating the Palermo Protocol to afford more localized protection mechanisms for victims of Trafficking In Persons.
- b) Government of Uganda should increase funding and human resources for the Coordination Office on trafficking in Person and the newly created Anti-Trafficking in Persons Department of the Uganda Police Force to effectively manage the crime.
- c) Government of Uganda should establish an integrated, multi-disciplinary and multi-sectoral system of data collection and documentation on cases of human trafficking for proper planning

- d) Increase protective services for victims both domestically and abroad including temporary shelters.
- e) Develop repatriation policy guidelines to provide procedures on how the victims of human trafficking can be brought back to the country once rescued.

## **C. Recommendation: Development and implementation of social security reforms**

1.24 The recommendation was to the effect that;

116.3 Develop and implement social security reforms to protect the most vulnerable groups and individuals (Maldives);

### **General Statement**

1.25 Uganda has a multi-tier social security system model with contributory social insurance, non-contributory direct income support and voluntary private pension schemes. Direct income support is non-contributory regular, predictable cash and in-kind transfers that provide relief from deprivation to the most vulnerable individuals and households in society. While social insurance are contributory arrangements to mitigate livelihood risks and shocks such as retirement, loss of employment, work-related disability and ill health<sup>17</sup>

### **Status on implementation**

1.26 In 2018, 2019 and 2020, the Government of Uganda initiated policy and legislative reforms within the social security pillar. In 2018, Cabinet approved the principles for reforming the Public, Service Pensions Scheme from the current unfunded, non-contributory, PAYGO scheme into a fully funded and contributory Defined Benefit pension's scheme<sup>18</sup> and subsequently a Public Service pensions Fund Bill 2020 was drawn.

1.27 In 2019, government introduced Amendments to the National Social Security Fund Act with the aim of repealing limiting provisions on coverage and eligibility in the current provisions to extend coverage to all categories of workers (informal and formal). While Parliament of Uganda passed the Bill with inclusion of progressive provisions that enhance the efficiency and sustainability as well as adequacy to respond to the realities of the risks and vulnerabilities experienced and suffered by the population, the President of Uganda has since been adamant and reluctant to assent to the Bill into law opposing the progressive provisions.

### **Emerging Substantive concerns**

1.28 Despite Uganda's growing population and the consequent increase in the working age population, coverage of the pension sector remains dismal<sup>19</sup>. As per the 2016/17 Uganda National Household Survey (UNHS, 2018), Uganda's working age population stood at 19.4 million of which about 15 million were working in either formal or informal sector, and thus

eligible to pension savings. However, According to the Uganda Retirement Benefits Annual Performance Report, 2018, 1.9 million people are covered by formal social security schemes representing 14% of the labour force; implying that 86% of the working age population was uncovered. Lack of access to social security by such a large population is a major obstacle to economic and social development<sup>20</sup>. This is so because limited or lack of social security coverage is associated with high and persistent levels of poverty and economic insecurity, growing inequality levels, inadequate investments in human capital and weak aggregate demand in a time of recession and slow economic growth.

**1.29 In terms of investments, the level of investment in social security in Uganda remains dismal** and accounts for less than 1 percent of GDP. The Public Service Pension Scheme accounts for a high proportion in the social spending realm yet it is non – contributory and tax financed. Spending on direct income support is lower compared to the social insurance component. Worse still, it is heavily funded through donor support raising concerns of sustainability.

**1.30 Weak enforcement and implementation of existing legal and policy framework on social security.** Despite the existence of the legal and policy frame work on social security in Uganda, their implementation remains weak–both in the public and the private sectors<sup>21</sup>. During this period, a problem of bureaucracy in processing and paying compensations to employees or to their family members in case of death was visibly observed and acknowledge by government agencies<sup>22</sup>. In the private sector, few employers have attempted to insure their workers. Most employees in the private sector either do not report work place accidents as required by law or delay settling claims because their workers are not insured<sup>23</sup>. The failure or delay in paying compensation for work injuries makes workers and their dependants more vulnerable and increases their risk of falling into poverty.

## **Recommendations**

- a) The Government of Uganda should develop a clear vision and long-term financing strategy for social protection to enhance political will and funding for increasing investment in social protection.
- b) Coordinate and fast track the adoption of social security reforms including Assenting to the National Social Security Amendment Bill 2019 and expediting the passing of the Public Service Pensions Fund Bill 2020.

## **D. Recommendation: Reforms of the Minimum Wage**

1.31 The recommendation was to the effect that;

116.14 Revise the minimum wage to guarantee the protection of workers by ensuring a decent standard of living, in consultation with all relevant stakeholders (Haiti);

### **General statement:**

1.32 According to National Labour Force Survey 2016/17 the average (median) earnings in paid employment is UGX 190,000 (US\$53) per month with a deep gender gap of 50% between men and women. The government of Uganda last set and implemented a minimum wage in 1984 under the colonial legislation the Minimum Wages Advisory Boards and Wages Councils Act enacted in 1957. While members of Cabinet and even the President often criticized the call for a minimum wage, they have not ruled out the possibility altogether<sup>24</sup> while maintaining the argument that the country is not ready for a minimum wage and that what the country needs to prioritize is investment and infrastructure.

### **Status of implementation:**

1.33 In 2017, The Minimum Wage Advisory Board constituted in 2016, launched the Minimum Wage feasibility study and recommended a new monthly minimum wage for employees of Ugandan shillings (UGX) 130,000 (US\$36)<sup>25</sup>.

1.34 In February 2019, the government of Uganda approved the proposed minimum wage determination mechanism<sup>26</sup> which had been jointly proposed in 2018 through a memorandum of Understanding between the National Organization of Trade Unions and Federation of Uganda Employers on minimum wage of four agreed sectors (i.e. agriculture, hotels, construction and manufacturing) that was submitted to the government to address the gaps in the current Minimum Wage Advisory Board Act.

1.35 In February 2019, the Parliament of Uganda unanimously passed the Minimum Wage Bill 2015 and was forwarded to the present for assent<sup>27</sup>.

### **Emerging Substantive Concerns**

1.36 Reforming the outdated legal minimum wage from 1984 has been stained by lack of political will by the government of Uganda. The Government's perceived reluctance to take up a minimum wage policy has during this period under review only gained momentum<sup>28</sup> including a complete removal of narration or lack of mention of minimum wage from the second and third National Development Plans and the new manifesto for ruling National Resistance Movement party.

1.37 In addition while the private Minimum Wage Bill 2015 was unanimously passed in February 2019 by the Parliament of Uganda after wide national consultations with all the social partners<sup>29</sup>, the President declined to assent to the Bill citing reasons of there being an adequate legislation to cater for fixing of Minimum Wage in Uganda<sup>30</sup>. Giving the President's argument a slim credit, the Government continues to fail to use the said law to revise and establish a reason minimum wage in the country thereby maintaining poor remuneration across all sector as 18% of the labour force is categorized as working poor<sup>31</sup>.

1.38 Despite the Government of Uganda commissioning a feasibility study by the duly constituted Minimum Wages Advisory Board and the subsequent recommendations for the urgent need to revise the current minimum wage and proposed a minimum wage for the country at UGX. 130,000/=, like the previous recommendations made by the Board<sup>3233</sup>, this recommendation has to date not been actualized.

## **Recommendations;**

- a) The Government of Uganda should revise the current absolute minimum wage to protect the Labour force from exploitation.

### **E. Recommendation: Adhere fully to the relevant provisions of the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families, in particular Articles 76 and 77.**

#### **General statement:**

1.39 Government of Uganda has continued to implement a Labour Externalization programme under the Ministry of Gender, Labour and Social Development (MoGLSD) as one of the strategic initiatives for addressing the rampant unemployment in the country<sup>34</sup>.

1.40 According to the Ministry of Gender, labour and Social Development labour externalization has reduced pressure on the domestic labour market offering alternative solutions to the acute unemployment levels in the Country. By January 2018, the figure of Ugandan migrant workers had shot up from 65,000 in 2016 to over 70,862 in addition to the unaccountedfor migrant who use illegal and unofficial means.

1.41 In addition, the 2016 *Personal Transfers Report* published by UBOS and Bank of Uganda estimated monthly remittance from the migrant workers in the Middle East is about USD 6 million every month. In fact the World Bank report 2016 indicates that Uganda received \$ 1.37billion (Shs5 trillion) in 2017. This amount is larger than the annual earnings from any single one of Uganda's exports and an indicator that migrant workers in Uganda play an increasingly active role to economic development of the country.

## **Status of Implementation**

1.42 The Government concluded two bilateral agreements between Kingdom of Saudi Arabia and the Hashmite Kingdom of Jordan in 2016 and one Memorandum of Understanding with United Arab Emirates in June 2019<sup>35</sup> . These bilateral agreements are means through which the Ugandan government monitors the working conditions of the migrant workers.

1.43 Government licensed 209 labor recruitment companies<sup>36</sup>, maintained the restrictive requirements for registration, vetting processes and the requirement to maintain a minimum bank

deposit and credit line for purposes of repatriation<sup>37</sup> of workers when required. This has enabled the government to have oversight and management labor recruitment and export companies.

1.44 An online system for recruiting, vetting contracts and monitoring of workers was developed and rolled out by the Ministry of Gender, labour and Social Development as a means of streamlining labour externalization and monitoring the migrants.

1.45 In January 2020, the government signed a cooperation agreement with East and Central African countries in which labor ministers discussed the harmonization of labor laws to better protect migrant workers travelling to the Middle East and other regions.

1.46 The Government has also initiated several policy documents, including the draft National Diaspora Policy and the draft National Migration Policy indicating the desire to leverage migration for development of the country.

### **Emerging Substantive Concerns.**

#### **1.47 Inadequate legal and policy framework.**

While the government during this period initiated the process of reviewing Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations 2005 by the Ministry of Gender, Labour and Social Development, the process has since stalled thereby labour migration in Uganda operating with inadequate legal frame work to protect migrant workers. In addition, the Externalization of Labour Bill 2019 and The Anti-Slavery Bill 2019 that seek to buttress the existing efforts to regulate the industry remained pending by the end of the tenure of office of the 10th Parliament. The draft national migration policy has since 2016 remained in draft.

#### **1.48 Human Rights violations for migrant workers;**

Following the conclusion of the labour agreements with Kingdom of Saudi Arabia in 2016, Labour externalization has been viewed as a lucrative business in the past four and half years. However, it has been bedeviled by human rights abuses of the migrant workers resulting into condition of human trafficking and modern day slavery. While the government signed a labor agreement with the UAE, officials acknowledged this agreement and Uganda's other agreements with Jordan, and Saudi Arabia did not adequately protect Uganda workers during this period. While the government through the Ministry of Gender Labor and Social Development (MGLSD) encouraged Ugandans to seek employment only in countries with which it has labor agreements, persistent Illegal and unguided labor migration was the most contributing factor for trafficking of Ugandans to foreign countries and foreign nationals to or through Uganda<sup>38</sup>.

**1.49 Ugandan migrant workers remain vulnerable to extortion and exploitation both within the recruitment<sup>39</sup> and deployment processes due to lack of standards of operation for recruitment agencies and companies in terms of recruitment and their operations. For instance, there are no clear rules and guidelines governing fees and costs chargeable to migrant workers under the law. This has resulted into migrant workers paying exorbitant sums of money, in some instances equivalent to half of one year salary for the job they are being recruited for<sup>40</sup>. The Anti-**

Slavery Bill 2020 which among others seeks to stop external recruitment labour companies from charging Ugandans a number of ‘unnecessary’ fees remained pending.

### **1.50 Lack of mechanisms and systems that facilitate migrant workers access and participation in the national social security schemes.**

The National Social Protection Policy of 2015 views social protection as a basic service and human right. Whereas the Policy seemingly provides a basis for a holistic approach to addressing the risks and vulnerabilities faced by the different categories of the population; migrant workers are not provided for. The need to extend social protection to Uganda migrant workers is consistent with the sustainable development goal 1.3, to implement nationally appropriate social protection system and measures for all including floors and by 2030 achieve substantial coverage for the poor and the vulnerable. It also contributes to the attainment of SDG 8 particularly target 8.5 to achieve full and productive employment and decent work for all women and men, including for young people and target 8.8 to protect labour rights and promote safe and secure working environments for all workers including migrant workers.

### **Recommendations;**

- a) Increase bilateral negotiations with destination country governments on migrant worker rights, including on the release and repatriation of Ugandan migrant workers exploited by employers abroad, and on mutually enforceable standard contracts with clauses on mutual support commitments.
- b) Increase funding and staffing including appointment of labour attachés in the countries of destination to monitor the working conditions of migrant workers and provide support when necessary.
- c) Develop clear guide lines on costs and fees chargeable to migrant workers as a means of adhering to international ethical recruitment standards.
- d) Expedite the process of adopting the reviewed the Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations 2005 which seek to strengthen the protection of migrant workers’ rights.
- e) Government should expedite the process of developing and adoption of the National Migration Policy that adequately provides for labour migration so as to guide the efforts in streamlining the externalisation of labour sub-sector.
- f) Government should consider inclusion and access to public social security by Ugandan Migrant workers in the ongoing legal reforms in pensions and retirement sector. Establish mechanisms for migrant workers to actively contribute to their social security.

## **SECTION II:**

### **OTHER EMERGING HUMAN RIGHTS DEVELOPMENTS**

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#### **A. Sexual Harassment and Violence at Work Places**

2.1 Sexual harassment and violence is a common occurrence human rights violation at work places and majorly affects 95% women<sup>41</sup>. In Uganda, sexual harassment constitutes a violation of a person's fundamental human rights protected under the Bill of Rights in the 1995 Constitution of Uganda. During this period, reports of Sexual harassment from different sector including formal and informal, public and private were made<sup>42</sup>. A recent study found that women in banks, markets and flower farms share similar experiences of Sexual harassment and violence at the work places<sup>43</sup>.

2.2 Sexual harassment was reported to be prevalent especially by supervisors, was a silent and apparently unregulated problem in Uganda's public health workplaces, mainly affecting female employees<sup>44</sup>. The existing legal and policy frameworks excludes certain work places in as far taking measures to protect worker from sexual harassment<sup>45</sup>, laws also excludes workers in the informal sector<sup>46</sup>.

2.3 ILO convention No. 190 on harassment, violence and abuse was adopted by the ILO general conference in June 2019 and Uganda actively campaigned and rallied African support for the passing of the Convention. While Uganda was among the first countries to sign on the Convention, the Country has not yet ratified the Convention.

## **Recommendations.**

- a) Ratify and domesticate the ILO Convention No. 19 on violence and harassment and abuse at work to combat workplace sexual harassment.
- b) Review the existing gaps in the legislations including updating definitions of Sexual Harassment to respond to contemporary experiences, and ensuring the policy applies to all institutions regardless of the number of employees and all sectors formal and informal.

## **B. Adverse violation of the Right to Work in safe and Health Working Environment**

2.4 Violations of the Occupational Safety and Health (OSH) standards are typical in several sectors in Uganda<sup>47</sup>. Majority of the work force 87% in Uganda is operating in the informal economy<sup>48</sup> characterized by non-regulation and non-compliance with the labour and employment standards that reinforce the right to justice and favorable conditions of work. Only 30% of the work force in paid employment is engaged on a written contract<sup>49</sup>, which equals 6.0% of the total employment<sup>50</sup>. Overall 54% of workers in Uganda work in harmful environment while only 20% are given protective gear<sup>51</sup>. Available evidence from the ministry of Gender, Labour and social development annual reports indicates that out of approximately over one million workplaces in the country, only 3000 have been inspected, registered and certified by the Ministry as safe and health working environment. This leaves the Majority 99.7% work places uninspected, unregistered and uncertified workplaces for workers which risks such workers of getting occupational injuries, diseases which result into deaths and permanent incapacitation.

2.5 Inadequate staffing within the labour administration departments of the ministry of Gender, labour and social development affected the effective administration and enforcement of the existing laws. Although the Employment Act 2006, requires each district to appoint a substantive labour officer, currently there are only 77 substantively appointed district labour officers out of 137 district leaving. Overall appointed labour officers do not have the capacity to effectively and efficiently exercise their mandate given that there are no specified qualifications for one to be appointed a labour officer.<sup>52</sup> They are under equipped with no or meager budget allocations at the local government levels to facilitate their work<sup>53</sup>thereby resulting into weak enforcement of the laws. While the approved staff structure for the Department of Occupational Safety and Health provides for a total of 47 staff, there are only 26 staff within the department.

## Recommendations:

- a) Increase the staffing and resource allocation within the labour administration structure to enforcement and monitor the enforcement of the right to just and favorable working environment in the country.
- b) Government of Uganda should design and implement well integrated awareness raising to workers, employers.

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<sup>1</sup> Solicitor General – Ministry of Justice and Constitutional Affairs Uganda- Letter Referenced FPC/33/614/01 Re: Request to Legal Review of Eight ILO conventions

<sup>2</sup><https://www.independent.co.ug/uwopa-wants-museveni-to-expeditiously-assent-to-employment-law/>

<sup>3</sup> CEDAW, *General recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration*

<sup>4</sup> Statutory Instruments supplement 2019.No. 11

<sup>5</sup> U.S Department of State Report 2020 on Trafficking in Person in Uganda and the Coordination office for Prevention of trafficking in Persons *‘National Report on Countering Trafficking in person in 2019.*

<sup>6</sup> Responsible for prosecuting trafficking crimes. ODPP also has .....<https://www.traffickinginstitute.org/uganda/>

<sup>7</sup> Partnership with the Human Trafficking Institute to equip justice actors as well as the newly created Human Trafficking Departments with relevant tools and skills.

<sup>8</sup> In June 2017, 175 judges, police and prosecutors were trained; October 2017, 10 prosecutors received specialized training in human trafficking; March 2018- 140 judges trained and February 2020, 32 detectives from the UPF Human trafficking were trained to equip them with skills and tools.<https://www.traffickinginstitute.org/uganda/>

<sup>9</sup> The Human Rights Institute, June 2020. *Best Practices for Prosecution-led Trafficking in Persons Investigations in Uganda*

<sup>10</sup> In an attempt to curb trafficking in children, the 2019 Ordinance criminalizes giving money, clothing and/or food to street children loitering in public places, begging, vending or hawking. The Ordinance also bans the sale of drugs and alcohol to children.

<sup>11</sup> Key strategic pillars of the National Referral Guidelines include the establishment of structures and systems to prevent the crime in a sustainable way, ability to systematically identify, protect and support victims, investigation and prosecution of offenders as well as the creation of a functional partnership between national and transnational players.

<sup>12</sup> State Department, 2020 Trafficking in Persons Report, Uganda. <https://www.state.gov/reports/2020-trafficking-in-persons-report/uganda/>

<sup>13</sup> 2<sup>nd</sup> Roundtable Dialogue on Trafficking in Persons in Uganda, convened by RLP in partnership with ICHR.

<sup>14</sup> The Coordination Office for Prevention of Trafficking in Persons In Collaboration with the Stakeholder Ministries, Departments & Agencies (MDAs) *‘National Report on Countering Trafficking in Persons in Uganda’2020*

<sup>15</sup> U.S Department of State Report 2020 on Trafficking in Person in Uganda

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<sup>16</sup> UNHCR, Number of Refugees in Uganda as per 31<sup>st</sup> March 2021. <https://data2.unhcr.org/en/country/uga>

<sup>17</sup> National Population Council , State of Uganda Population Report 2019

<sup>18</sup> Uganda Retirement Benefits Regulatory Authority- Retirement Benefits Sector Report 2019

<sup>19</sup> Uganda Population Council – State of Uganda Population Report 2019

<sup>20</sup> Ibid

<sup>21</sup> Supra pg 83

<sup>22</sup> Ibid

<sup>23</sup> Ibid pg 83

<sup>24</sup> In a 2000 speech to workers, the Observer quoted the President’s responses to call for a minimum wage. Hesaid, ‘And I will show you how erroneous these positions you are taking are. I am not necessarily against a minimum wage. But we have not resolved the issues which we must resolve,’ Observer, 9/2/2015

<sup>25</sup> *Danish Trade Union Development Agency Uganda Labour Market Profile 2019 page 8*

<sup>26</sup> Ibid

<sup>27</sup> <https://www.parliament.go.ug/news/3160/parliament-passes-minimum-wage-bill>. Accessed on 7th June 2021

<sup>28</sup> Wambuga H, (2016). Does Uganda Need Minimum Wage Legislation? A critical review of Uganda’s Minimum Wage Policy. Policy Series Papers Number 8 of 2016. Kampala

<sup>29</sup> <https://www.parliament.go.ug/news/3160/parliament-passes-minimum-wage-bill>. Accessed on 7th June 2021

<sup>30</sup> <https://www.parliament.go.ug/news/3666/president-declines-assent-minimum-wage-bill> . Accessed on 7th June 2021.

The Speaker, Rebecca Kadaga, informed the House on Tuesday, 27 August 2019 that the President wrote stating that he was not assenting to the bill. “Having received advice from the Attorney General... I hereby refuse to assent to the Bill... There are no gaps in the Minimum Wages Advisory Board and Wages Council Act that the Bill seeks to cure,” reads the President’s letter in part.

<sup>31</sup> (UBOS 2014 statistical abstract

<sup>32</sup> Danish Trade Council for International Development and Cooperation Labour Market Profile 2015; Uganda, p.5

<sup>33</sup> In 1995, the government constituted a Minimum Wages Advisory council to inquire into the wages of Uganda’s unskilled labour and make recommendations<sup>33</sup>. Their recommendations included a monthly uniform rate of UGX 75000 which cabinet reviewed to UGX 65, 000. However, the government neither adopted nor officially rejected these proposals. This was done under General Notice No. 176/1995 in accordance with section 3(1) of the Minimum Wages Advisory Boards and Councils Act, Platform for Labour Action, p.13

<sup>34</sup> National Employment Policy 2011

<sup>36</sup> Uganda Association of External Recruitment Agencies Annual Report 2020

<sup>37</sup> 2005 Employment Regulations

<sup>38</sup> The Coordination Office for Prevention of Trafficking in Persons In Collaboration with the Stakeholder Ministries, Departments & Agencies (MDAs) ‘National Report on Countering Trafficking in Persons in Uganda’2020

<sup>39</sup> [www.business-humanrights.org/en/latest-news/uganda-govt-suspends-six-labour-recruitment-agencies-over-malpractices-including-overcharging-migrant-workers/](http://www.business-humanrights.org/en/latest-news/uganda-govt-suspends-six-labour-recruitment-agencies-over-malpractices-including-overcharging-migrant-workers/)

<sup>40</sup> <https://www.migrant-rights.org/2015/10/ugandans-risk-more-than-exorbitant-recruitment-fees-in-seeking-employment-in-the-gcc/>

<sup>41</sup> UN Women. *Towards an end to sexual harassment: the urgency and nature of change in the era of #MeToo*. 2018. p. 11

<sup>42</sup> <https://www.parliament.go.ug/news/3407/report-sexual-harassment-kadaga-tells-employees>

<sup>43</sup> Akina Mama Wa Africa- *Experiences of Sexual harassment Against Women in the World of Work 2020*

<sup>44</sup> Uganda’s Ministry of Health ‘Uganda’s response to sexual harassment in the public health sector: from “Dying Silently” to gender-transformational HRH policy

<sup>45</sup> Section 7 (4) of the Employment Act 2006 of Laws of Uganda, provides; *it is only employers with 25 employees who are mandated to come up with measures to prevent the occurrence of sexual harassment to at the work place;*

<sup>46</sup> Section 3(1) of the Employment Act 2006 Laws of Uganda excludes applicability to informal sector workers who are self-employed and therefore excluding them from the protection of the law

<sup>47</sup> *Danish Trade Union Development Agency Uganda Labour Market Profile 2019 page 8*

<sup>48</sup> Uganda Bureau of Statistics, National Labour Force Survey 2016/17, Main report, June 2018

<sup>49</sup> Ibid

<sup>50</sup> *Danish Trade Union Development Agency Uganda Labour Market Profile 2019 page*

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<sup>51</sup> Uganda National Governance Baseline Survey (UNGBS) 2014 Report; Uganda Bureau of Statistics: Page 36.

<sup>52</sup> *The Report of the Committee on Gender, Labour and Social Development on Ministerial Policy Statements and Budget Estimates for the Financial Year 2016/2017*, Parliament of Uganda, 2016 at page 18

<sup>53</sup> Ibid