

ACCESS TO JUSTICE MECHANISMS FOR UGANDAN DOMESTIC WORKERS IN THE GULF STATES.



1. ACCESS TO JUSTICE MECHANISMS IN THE HOST GULF STATES

Uganda has Bilateral Labour Agreements (BLAs) with Saudi Arabia, Jordan and Qatar and a Memorandum of Understanding (MOUs) with UAE. These agreements require host governments to:

- Provide complaint mechanisms for migrant workers
- Facilitate amicable dispute resolution
- Allow access to courts when disputes are unresolved
- However, practical access remains limited.

Saudi Arabia

- Under the Uganda-Saudi Arabia BLA, Saudi Arabia must provide 24-hour assistance and facilitate expeditious dispute resolution.
- As of October 2024, domestic workers must file labour complaints online through the Ministry of Human Resources and Social Development (MHRSD).
- The Ministry first attempts mediation; unresolved cases go to labour courts.

Key Barriers

- Many domestic workers do not know the system exists
- Employers often confiscate phones
- Language barriers (systems largely in Arabic)
- Poor internet access and low digital literacy
- Fear of retaliation, job loss, or accusations of “absconding”

United Arab Emirates (UAE)

Article 13 of the Uganda - UAE MOU provides the following;

- Complaints must first be handled by the UAE Ministry of Human Resources and Emiratization
- If unresolved after two weeks, cases go to court
- No court fees for Ugandan workers
- Ugandan migrant workers have a right to access legal aid

This is considered a relatively strong protection framework, though awareness remains low.

Qatar

- Complaints are first filed with the Ministry of Labour
- If mediation fails, cases are referred to courts
- No clarity on whether migrant workers must pay court costs, creating uncertainty.

In practice, the Kafala system limits movement and access, making justice difficult to pursue.

Role of Ugandan Embassies

Ugandan embassies in Saudi Arabia, UAE, and Qatar provide:

- Emergency assistance
- Shelter and repatriation support
- Labour information and verification of job orders

Challenges

- Severe understaffing
- Limited funding

- No labour attachés or legal officers in most missions
- No embassies in several Gulf States where Ugandans work
- Kafala system (historically) enabled employer control
- Limited access to police and justice institutions due to movement restrictions
- Fear of arrest due to undocumented status
- Widespread distrust in justice systems

Positive Reform: Abolition of Kafala in Saudi Arabia

In October 2025, Saudi Arabia abolished the Kafala system. Under the new contract-based system, workers can:

- Change employers after contract completion
- Travel without employer permission
- Keep their passports

2. ACCESS TO JUSTICE MECHANISMS IN UGANDA (COUNTRY OF ORIGIN)

a) Ministry of Gender, Labour and Social Development (MGLSD)

- Regulates labour migration through the External Employment Unit (EEU)
- Licenses and supervises recruitment agencies
- Handles complaints against agencies

Complaint Mechanisms

- Online External Employment Management Information System
- Has recently launched a CEEMIS mobile

app for lodging complaints

- Formal complaints to MGLSD External Employment Unit
- Agencies are notified and given timelines to resolve complaints

Ministry can order:

- Compensation
- Repatriation
- Bank guarantees used if agencies fail to comply
- Licences may be revoked

b) Courts of Judicature

Ugandan Migrant workers may file cases against the Private Recruitment Agencies in:

- High Court of Uganda
- Constitutional Court

Cases include:

- Wage recovery
- Compensation for injury or death
- Human rights violations

Example: *Namale Desire v Horeb Services Uganda Ltd*

c) Uganda Human Rights Commission (UHRC)

UHRC has a constitutional mandate to:

- Hear complaints
- Investigate violations
- Award compensation

Powers include:

- Summoning witnesses
- Ordering remedies
- Monitoring treaty compliance

3. ROLE OF CIVIL SOCIETY & OTHER ACTORS

Civil Society Organisations (CSOs) play a critical role by:

- Providing legal aid and psychosocial support
- Documenting abuse and deaths

- Submit reports to UN Treaty bodies
- Operating helplines and shelters
- Conducting advocacy and awareness campaigns

4. KEY GAPS & CHALLENGES

- Low awareness of rights and complaint mechanisms
- Language and digital barriers
- Fear of retaliation

- Weak embassy capacity
- Limited CSO funding and coordination
- Lack of transparent data on case outcomes

5. RECOMMENDATIONS

- Strengthen pre-departure training to cover rights, complaint mechanisms, and emergency support in destination countries
- Establish multilingual, user-friendly

- complaint systems accessible to domestic workers
- Deploy labour attachés and legal officers in all major Gulf destination countries

- Increase funding and staffing for Ugandan embassies and consulates
- Expand Uganda's diplomatic presence in Gulf States where migrant workers are deployed
- Ensure migrant domestic workers retain possession of personal documents and mobile phones
- Enhance confidentiality and protection against retaliation for workers filing complaints
- Improve coordination and referral mechanisms among civil society organisations
- Provide sustainable funding support to CSOs offering legal aid and psychosocial services
- Strengthen monitoring and enforcement of bilateral labour agreements
- Clarify and guarantee waiver of legal costs for migrant workers in host country courts
- Improve digital literacy and access to technology for migrant domestic workers
- Establish independent shelters and safe reporting channels in host countries
- Create a centralized migrant worker tracking and case management system
- Strengthen regulation, oversight, and accountability of private recruitment agencies

