



# International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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## Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

### List of issues prior to the submission of the initial report of Uganda\*

The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, at its fourteenth session in April 2011 (A/66/48, para. 26), established a procedure which consists in the preparation and adoption of a list of issues to be transmitted to the State party concerned prior to the submission of its report. The replies of the State party to the list of issues constitute its report under article 73, paragraph 1, of the Convention.

A list of issues may also be transmitted to a State party in cases where the Committee decides to examine the implementation of the Convention in accordance with rule 31 bis of the provisional rules of procedure (A/67/48, paras. 25-26).

### I. General information

Please submit general and factual information about the country, in accordance with the harmonized reporting guidelines under the international human rights treaties, including the Convention (HRI/GEN/2/Rev.6). Please also submit the State's common core document in line with the reporting guidelines (*ibid.*). The common core document will complement the responses to the present list of issues.

Please indicate whether the State party is planning to seek assistance from the Office of the United Nations High Commissioner for Human Rights or other parts of the United Nations system on the implementation of the Convention and in particular for the submission of periodic reports.

Please indicate the rank of the Convention in domestic law and provide examples of cases, if any, in which the Convention was directly applied by national courts or administrative authorities.

Please provide information on the legal framework within the State party regarding the protection of migrant workers and members of their families. Please inform the Committee on measures taken in order to incorporate the Convention into the domestic legislation.

Please provide updated information, and in particular statistical data disaggregated by sex, age and nationality (or if statistics are not available, official estimates), on the volume and nature of migratory flows, on and from Uganda territory during the period between the entry into force of the Convention for the State party and the present. Please also provide concrete information on the measures taken by the State party to set up a coherent system of data collection, including information on migrants in an irregular situation, in order to evaluate the dimension and nature of migration flows.

Please provide more detailed information on the steps taken by the State party to promote and publicize the Convention, and to increase awareness and understanding of its provisions, among the general public, migrant workers and members of their families and State employees. Please also indicate whether law enforcement and other public officials receive training on the Convention and its application.

Please indicate whether the State party has taken, or plans to take, any steps to ratify International Labour Organization (ILO) Convention No. 189 (2011) concerning Decent Work for Domestic Workers.

Please provide information on the cooperation of the State party with civil society organizations working on migrants' rights in relation to the implementation of the Convention. Please indicate whether and how the representatives of migrants' associations will be involved in the preparation of the State report.

### II. Information relating to the articles of the Convention

#### A. General principles

Please indicate which steps have been taken to ensure that the Convention can be applied by the Ugandan courts and whether the Convention has been incorporated into national legislation. Please also provide information on the judicial or administrative bodies that are competent to investigate complaints from migrant workers and members of their families who feel that their rights have been violated, including when the persons concerned are undocumented or in an irregular situation; the violations most commonly cited by victims and the relevant decisions. Please also provide details about the compensation awarded to the victims of such violations.

Please indicate whether the Convention has been directly applied by officials in the administration and/or invoked directly before the courts and whether the courts have applied it; if so, please give examples. Please also provide information on: (a) judicial and/or administrative mechanisms competent to examine and decide on complaints by migrant workers and members of their families,

including workers in an irregular situation; (b) the complaints examined by such mechanisms since the date of entry into force of the Convention and their outcome; (c) any redress, including compensation, provided to victims of such violations; and, (d) any measures to inform migrant workers and members of their families about the remedies available to them for violations of their rights.

Please indicate what measures the State party has taken to strengthen its efforts to inform migrant workers about the remedies available to them and to address their complaints in the most effective manner. What steps have been taken to ensure that, in legislation and in practice, migrant workers and members of their families, including those in an irregular situation, have the same rights as nationals of the State party to file complaints and to obtain effective redress mechanisms before the courts, including the labour courts.

Please provide information on the main challenges and obstacles in regulating labour migration processes and protecting the rights of migrant workers and their families in the State party.

## **B. Part II of the Convention**

### **Article 7**

Please provide detailed information on the measures taken to ensure that all migrant workers and members of their families within the State party's territory and/or subject to its jurisdiction enjoy the rights provided for in the Convention without any discrimination, in conformity with article 7.

## **C. Part III of the Convention**

### **Article 11**

Please provide information on measures taken to implement the National List of Hazardous Child Labour launched in May 2010 by the Ministry of Gender, Labour and Social Development. Please also provide information on the criteria used for drafting the List.

### **Article 16**

Please provide information on detention centres and conditions of detention of migrant workers, including details on whether: (a) persons detained for immigration reasons are ensured detention that is separated from convicted persons; (b) children and women in immigration detention are in gender- and age-appropriate detention conditions, including separation from adults or male detainees who are not family members or partners; (c) women detainees are supervised by female personnel; and (d) where possible and appropriate, family-friendly facilities for families are provided.

### **Article 17**

Please also provide details on measures, if any, the State party has taken to provide for alternative measures to detention. Please also provide information on measures for ensuring due process during arrest and detention, including access to a lawyer, translator and adequate access to medical care.

### **Article 18**

Please provide information on measures taken to ensure that in criminal and administrative proceedings, including expulsion proceedings, migrant workers and members of their families, in particular those in an irregular situation, are provided with legal assistance and interpretation, as necessary, and that they have access to information in a language they understand.

### **Article 23**

Please indicate whether migrant workers and members of their families in Uganda can have recourse to the protection and assistance of the consular or diplomatic authorities of their State of origin whenever the rights recognized in the Convention are impaired, in particular in cases of arrest, detention and expulsion.

### **Article 25**

Please provide detailed information on the measures taken to ensure in practice the right of equality of treatment of migrant workers, including those in an irregular situation and particularly migrant women, in agricultural and domestic employment and to effectively monitor the employment conditions of migrant workers in agricultural and domestic employment.

### **Article 28**

Please provide detailed information on the measures taken by the State party to ensure, in law and in practice, that all migrant workers and members of their families, including those in an irregular situation, have adequate access to basic services such as urgent medical care and education.

### **Article 30**

Please provide detailed information on what measures are planned in order to ensure that the children of migrant workers have full access to education, regardless of their migration status.

## **Article 32**

Please provide information on measures taken by the State party to ensure that, during and upon termination of their stay in the State party, migrant workers and members of their families have the right to transfer their earnings and savings and, in accordance with the applicable legislation, their personal effects and belongings. Please also provide more information on the measures taken to facilitate the transfer of these private funds, and in particular to reduce the cost of these transactions.

## **D.Part IV of the Convention**

### **Article 40**

Please provide information on the measures taken, including legislative amendments, to guarantee to migrant workers and members of their families the right to form, and to form part of the leadership of, associations and unions, in accordance with article 40 of the Convention, as well as with ILO Convention No. 87 (1948) concerning Freedom of Association and Protection of the Right to Organise.

### **Article 41**

Please provide information on the measures taken by the State party to review its legal framework, and on other steps to facilitate the exercise of voting rights by migrant workers residing abroad.

### **Article 42**

Please provide information on measures, if any, taken by the State party to establish procedures or institutions for taking into account, with freely chosen representatives, the special needs, aspirations and obligations of migrant workers and members of their families in both States of origin and States of employment.

### **Article 44**

Please explain whether measures have been taken to ensure the protection of the unity of the families of migrant workers and to facilitate the reunification of migrant workers with their spouses or persons who have with the migrant worker a relationship that, according to applicable law, produces effects equivalent to marriage, as well as with their minor dependent unmarried children.

### **Article 45**

Please provide information on the measures taken by the State party to facilitate for the children of migrant workers the teaching of their mother tongue, as well as on the programmes established by the State party to facilitate the integration of such children in the local school system, particularly in respect of teaching them the local language.

## **E.Part V of the Convention**

### **Article 58**

Please provide information on measures, if any, taken to improve the situation of frontier workers and to include in national legislation the definition of frontier workers as well as specific provisions related to the protection of their rights, in accordance with article 58 of the Convention.

### **Articles 59 and 60**

Please provide information on the measures taken by the State party to ensure to seasonal and itinerant workers the enjoyment of the right to the same treatment as national workers, particularly regarding remuneration and conditions of work.

### **Article 61**

Please provide detailed and updated information on the bilateral and multilateral agreements concluded in the field of migration. Please provide details particularly on programmes and agreements concerning employment, protection, taxes and social security of migrant workers and members of their families. Please also provide details regarding measures taken to protect members of families of migrant workers.

## **F.Part VI of the Convention**

### **Article 64**

Please indicate whether the State party has undertaken consultations and cooperation to promote equitable and human conditions for migrant workers and members of their families. Please provide detailed information thereon.

### **Article 68**

Please provide data, disaggregated by sex, age and nationality, on the number of persons who, in the context of trafficking, have been transferred to, through or from the State party or displaced. In the absence of exact figures, please provide estimates. Please describe which measures the State party has taken to prevent the irregular migration of its citizens, including unaccompanied children.

Please provide information on laws put in place to combat the smuggling and trafficking of migrants. Please also describe the efforts taken to prosecute and punish traffickers and provide details of cases in which individuals have been convicted for offences related to trafficking in persons and the smuggling of migrants.

### **G. Part VII of the Convention**

Please indicate whether the State party envisages making the declarations provided for under articles 76 and 77 of the Convention.

### **III. Additional information**

Please provide any additional information on measures taken to implement the Convention, including relevant statistical data, as well as information on any other important developments in the State party relating to the provisions of the Convention.

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