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Landmark Victory: Court Upholds Right to Life in Deceased Migrant worker's Case

[Kampala, 7 October, 2024] - In a groundbreaking decision, The High Court of Uganda has ruled in favour of Ms. Namale Desire, a daughter of a deceased migrant worker to Saudi Arabia, in a landmark case that underscores the critical importance of protecting the right to life of women externalised to work in the Middle East.

Case Background

Ms Namale Desire, a biological daughter of the late Milly Namutamba who died in Saudi Arabia in early 2019 sued HOREB SERVICES UGANDA LIMITED and its Director, Mr. Ezra Mugisha for violating the right to life of her mother whilst in Saudi Arabia. Desire told court that her mother was taken to work in Saudi Arabia by Horeb services Uganda LTD on 19th August 2018 as a domestic service worker. At the time of leaving the country, Milly Namutamba was in perfect health and was subjected to a medical check-up by the HOREB SERVICES UGANDA LIMITED. While her mother was in Saudi Arabia, they kept in constant communication for about five months before she unceremoniously went silent. After one month of no communication, she got worried and contacted her relatives including the Director of Horeb who advised her to go to their offices to raise the matter. She stated that she kept frequenting their company for two years seeking to know what had happened to her mother but the company was non-responsive. Later on in September 2022, her uncle through sources unknown to her discovered that her mother had died.

Desire and her Uncle approached HOREB SERVICES UGANDA LIMITED's offices and on this occasion, the respondents confirmed the death of her mother and promised to formally update them on the cause of death which they never did.

The Ruling

Today, the High Court delivered a historic judgement, declaring that Horeb Services Ltd and its Director violated Ms. Namale Desire's Mother's right to life, as enshrined in Uganda's Article 22 of the Constitution of Uganda. The court held that a licensed

recruitment company is obligated to assume full and complete responsibility for all acts of its officials, employees and representatives done in connection with recruitment and placement.

That being the case, it is wrong on the part of M/S Horeb services Ltd to argue that the responsibility over Namutamba Milly lay against the other stakeholders and not on themselves. The legal framework clearly indicates that the M/S Horeb services Ltd bore the primary responsibility over the safety and life of the deceased migrant worker. M/S Horeb services Ltd was also the entity vested with locus to enforce against any breach of the agreed terms against either the foreign recruitment agency or the Kingdom of Saudi Arabia.

The court has declared that the actions and omissions of M/S Horeb services Ltd and its director infringed on Namutamba Milly's right to life and Ordered that;

- a) The M/S Horeb services Ltd and its director shall pay to the Ms. Namale Desire and her uncle paid a sum of UGX 200,000,000/= (Uganda Shillings Two Hundred Million only) as general damages and a sum of UGX 50,000,000/=(Uganda Shillings Fifty Million only) in exemplary damages.
- b) M/S Horeb services Ltd and its director shall pay the taxed costs of the case to the applicants in the case.

Key Quotes

"This ruling sends a powerful message: human life is invaluable, and labour recruitment and externalisation companies who do not accept and take responsibility over migrant workers they export to the Middle East will not be tolerated." - Adv. Titus Asiimwe, Women's Probono Initiative (counsel for Desire Namale and her Uncle)

"This victory is a testament to the resilience of survivors and the power of justice. We appreciate the high court for honouring our call to end impunity among labour recruiters who do not acknowledge the pain and suffering of relatives of women who die in Saudi Arabia" - Desire Namale, Daughter to deceased migrant worker.

Impact

This decision sets a crucial precedent, that Labour Recruiting agencies have responsibility to protect rights of migrant workers to the Middle East as espoused in Laws of Uganda. It also highlights the importance of holding perpetrators of human rights violations accountable and ensures that justice for survivors and relatives of deceased migrant workers is achieved.

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