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Trafficking in Persons Report 2017 - Country Narratives - Uganda

UGANDA: Tier 2

The Government of Uganda does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Uganda remained on Tier 2. The government demonstrated increasing efforts by investigating, prosecuting, and achieving convictions in more cases than in the previous reporting period. Unlike previous years, the government initiated criminal prosecution of labor recruitment agencies for allegations of their involvement in trafficking. The government also elevated Uganda's Coordination Office to Combat Trafficking in Persons (COCTIP) to an official department with a small permanent budget allocation, which enabled the office to improve its anti-trafficking efforts. However, the government did not meet the minimum standards in several key areas. Insufficient funding, in general, hindered government efforts, especially in victim protection. Corruption may have impeded government oversight of labor recruitment agencies. The government did not employ systematic procedures to assist victims, and availability of victim services was inconsistent. The government has not institutionalized anti-trafficking training among law enforcement and front-line officials. Despite its elevation of COCTIP, the government remained without an official lead agency with authority to manage, fund, and drive the efforts of the national taskforce and ensure effective country-wide measures to combat trafficking.

RECOMMENDATIONS FOR UGANDA

Significantly increase the availability of victim services by allocating resources for government-provided care or to NGOs that assist victims; increase efforts to work with destination country governments and recruitment agencies to facilitate the release and repatriation of Ugandan migrant workers exploited by employers abroad; establish formal policies and procedures for all front-line officials to identify trafficking victims and formally refer victims to assistance; authorize an official entity to lead and coordinate national anti-trafficking efforts between ministries and oversee services for trafficking victims to ensure appropriate services are rendered; increase resources dedicated to anti-trafficking efforts within the Ministry of Internal Affairs (MIA), the External Employment Unit (EEU), and COCTIP; continue efforts to prosecute and convict suspected traffickers, including allegedly complicit officials; increase funding to Ugandan embassies to assist trafficking victims abroad; finalize regulations to fully implement the protection and prevention provisions of the 2009 Prevention of Trafficking in Persons (PTIP) Act; complete amendments to labor export regulations and use existing laws to proactively investigate and punish labor recruiters who fraudulently recruit Ugandans and exploit them in forced labor or prostitution abroad; institutionalize anti-trafficking training, including victim identification techniques, for all front-line officials, including diplomatic personnel; establish a unified system of documenting and collecting data on

human trafficking cases for use by law enforcement, labor, and social welfare officials; expand the anti-trafficking public awareness campaign, and accede to the 2000 UN TIP Protocol.

PROSECUTION

The government maintained strong anti-trafficking law enforcement efforts. The 2009 PTIP Act criminalizes all forms of trafficking, prescribing punishments of 15 years to life imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The law includes both sexual exploitation and forced labor, which are explicitly included in the 2000 UN TIP Protocol definition; however, it also includes both illegal adoption, child selling, and human sacrifice, which are not included in the listing of forms of exploitation in the protocol. Amendments to the PTIP Act, proposed by the EEU, would increase oversight of employment contracts and extend criminal liability for trafficking offenses to labor recruiters; however, it remained pending for the fifth consecutive year. In May 2016, amendments to the Children (Amendment) Act came into effect, including an amendment to article 8, which prohibits the unlawful use of "children in prostitution," subject to a fine not exceeding one hundred currency points or imprisonment for five years; these punishments are well below that required by the 2009 PTIP Act for sex trafficking of children. Another amendment to article 8 also prohibits the "harmful or hazardous employment" of children under 16, which includes slavery, trafficking in persons, debt bondage, and other forms of forced labor, forced recruitment for use in armed conflict, prostitution, pornography, and illegal activities. These terms are not defined and there is an overlap and potential conflict with the PTIP Act, which criminalizes these exploitative acts. Furthermore, it is not clear what punishments are imposed for their breach under the 2016 amendments. In addition, the Children (Amendment) Act of 2016 amends article 42 by imposing extensive reporting requirements on government officials engaged in child protection where such officials have grounds to believe, among other things, that a child has been subjected to child trafficking. Furthermore, contrary to the requirements of the UN TIP Protocol definition and contrary to the 2009 PTIP Act, it defines child trafficking to require that force, fraud, or coercion have been used to exploit the child.

The government reported 114 trafficking investigations, prosecutions of 32 defendants in 20 cases, and convictions of 16 traffickers in 2016 under the 2009 PTIP Act, compared to 108 investigations, 15 prosecutions, and three convictions in 2015. The 16 convictions may have included cases of human sacrifice, a non-trafficking crime also prohibited under the 2009 PTIP Act; additional details were unavailable. Of the 20 prosecuted cases, nine cases involved transnational trafficking, four of which ended in convictions, and nine cases involved internal child trafficking for labor or sexual exploitation, six of which ended in convictions. Unlike previous years, the government also pursued criminal prosecution of two labor recruitment agencies under the 2009 PTIP Act. The 2015 trial of an Indian national charged with trafficking 43 Indian citizens to South Africa through Uganda for labor exploitation remained ongoing. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking; however, following a November 2015 request from the Department of State, the Ugandan government declined to waive immunity to allow the prosecution of a Ugandan diplomat and his spouse for labor trafficking and related offenses. The couple has departed the United States. Additionally, the media reported several high-level officials associated with the labor recruitment agencies impeded investigations of suspected trafficking offenses committed by such agencies. An NGO reported that some complicit immigration officers at border-crossings facilitated passage of trafficking victims. The government organized several workshops and working group meetings during the reporting period. The immigration department conducted monthly sessions to train its officers on anti-trafficking issues, and the MIA collaborated with an NGO to develop an anti-trafficking training curriculum for the immigration department. However, some police and immigration officers lacked an understanding of the anti-trafficking law, and may have misclassified cases or encouraged victims to accept financial compensation from traffickers in exchange for dropping their cases.

PROTECTION

The government maintained uneven protection efforts. The government reported identifying at least 270 victims, a decrease from 347 the previous reporting period; however, data from this reporting period was more precise than years past. Of the 270 trafficking victims, 42 children and 206 adults were victims of forced labor, and six children and 16 adults were victims of sex trafficking. Of the 42 child victims of forced labor, eight children were identified in the Democratic Republic of the Congo (DRC) as potential child soldiers from Uganda, who were separated from an armed group, the Allied Democratic Front (ADF). The vast majority of identified victims (222) was foreign, including persons from Somalia and Rwanda, and was made to transit Uganda to other countries; Saudi Arabia, Oman, the United Arab Emirates, Kenya, and the DRC were the most common destination countries. The government continued to employ victim identification and assistance guidelines for adult and child trafficking victims, developed in the previous reporting period in partnership with NGOs; the immigration department distributed these guidelines to immigration officers and provided training on their implementation. The government did not enact the implementing regulations for the 2009 PTIP Act or allocate funding for the implementation of its victim protection provisions; however, the government held various working group meetings to review and edit the draft regulations. The government reported providing an unknown number of victims with medical treatment, counseling assistance, emergency shelter, and transportation through police clinics. However, it continued to rely on NGOs and international organizations to provide the vast majority of

victim services via referrals to NGO-operated shelters, which provided psychological counseling, medical treatment, family tracing, resettlement support, and vocational education without contributing in-kind or financial support. Victim care remained inadequate and available services were primarily for children and women, with few NGOs offering shelter for adult males. Child victims in need of immediate shelter often stayed at police stations, sometimes sleeping in impounded vehicles, or at a juvenile detention center while awaiting placement in more formal shelters. Occasionally, due to a lack of government funding and procedures for victim referral, police and other government employees temporarily sheltered victims in their homes. The government did not report, and does not collect information about, how many victims it referred to care.

The government did not provide adequate shelter for many Ugandan citizen victims identified outside Uganda; it lacked funding and safe housing to temporarily house victims. The government generally provided replacement travel documents to facilitate the repatriation of its citizens from abroad, while an NGO provided funding for travel; however, there were reports that some Ugandan diplomatic missions were unwilling to provide trafficking victims with assistance or provide new travel documents. The MIA reported the government facilitated the repatriation of and assisted 129 Ugandan victims abroad in 2016, while 87 remained awaiting repatriation. According to the MIA, all 48 victims of internal trafficking received assistance. This figure did not include the eight children separated from an armed group in the DRC, who remained there due to difficulties with family tracing. While the PTIP Act prohibits the penalization of trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking, and the government generally encourages, but does not require victim cooperation, reports indicated that the government detained some trafficking victims, including children, in an attempt to compel them to cooperate with criminal investigations. Police intermittently rounded up street children, including potential trafficking victims, and held them for a number of days at a juvenile rehabilitation center before returning them to their families. Authorities sent some of the children to a youth training center that provided food, counseling, and three months of vocational training, before being returned to their families. Reports also indicated police and communities sometimes treated street children as criminals, arbitrarily arresting, detaining, and beating them, and forcing them to clean detention facilities. Ugandan law permits foreign trafficking victims to remain in Uganda during the investigation of their case and to apply for residence and work permits. The government worked to keep victims' identities anonymous by using voice distortion and video link facilities. The law allows for victims to file civil suits against the government or their alleged traffickers for restitution; however, there were no reports this occurred during the reporting period.

PREVENTION

The government maintained modest prevention efforts. The National Taskforce continued to coordinate all anti-trafficking efforts, with COCTIP serving as its secretariat, led by an MIA Permanent Secretary. During this reporting period, the government elevated COCTIP to an official department within the MIA with a small permanent budget allocation; however, the national taskforce remained without a lead ministry, strategic mandate, or direct funding. COCTIP and the taskforce coordinated information-sharing and cooperation with NGOs and international organizations on victim assistance. However, they had limited effectiveness without an official mandate to drive national anti-trafficking efforts or authority to fund and propose improvements and activities for participating agencies. In 2016, the government continued its national awareness campaigns—composed of talks, media outreach, and distribution of written materials. The national taskforce and COCTIP, with funding from MIA, coordinated with NGOs to conduct awareness campaigns through broadcast media and billboards, purposefully targeted at potential victims, including community outreach to schools and at religious centers. MIA produced trafficking brochures and hung posters at locations where Ugandan job seekers frequented, and passport and immigration officers often co-unsled potentially at-risk Ugandans seeking passports about the dangers of trafficking. The Office of the Prime Minister conducted an awareness campaign against child trafficking among the refugee community and several NGOs conducted awareness forums with youth leaders and students and an anti-trafficking awareness walk in Kampala.

In January 2016, the government banned Ugandans from traveling abroad for domestic work due to reports of abuse, including trafficking. Immigration officials scrutinized travel documents, passports, and reasons for travel before clearing travelers to depart Uganda for work in foreign countries. According to the government, authorities intercepted a total of 250 Ugandan travelers before departure en route to countries in which there was a high risk of them becoming a victim of trafficking, or could not adequately explain the purpose for their travel. The government continued its oversight of labor recruitment agencies. The government held various meetings to review the Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations, 2005, and Guidelines on the Recruitment and Placement of Ugandan Migrant Workers Abroad. The Ministry of Gender, Labor, and Social Development (MGLSD) reported it required labor recruitment companies to register and undergo a thorough vetting process. Registered companies were required to maintain a minimum bank deposit and a credit line, to ensure they maintained the financial resources to repatriate workers if they became trafficking victims. The MGLSD reported vetting all labor requests received by local companies and all contracts executed between international employers and the Ugandan business. COCTIP reported conducting pre-departure briefings for migrant workers. As part of the government's public awareness campaign, it published a list of the 63 licensed labor recruitment companies and urged the public to only seek work through those agencies.

In an effort to protect migrant workers, the government worked with labor recruitment agencies to ensure that the relevant Ugandan embassies were aware of their citizens working in those countries. The government did not report making efforts to close unlicensed recruitment agencies or suspend the licenses of those suspected of facilitating human trafficking. Corruption reportedly inhibited EEU oversight of labor recruitment firms, as did insufficient staffing. In October 2016, the MGLSD signed a bilateral labor agreement with the Kingdom of Jordan's Ministry of Labor to increase labor protections for Ugandans working in Jordan. The government did not provide anti-trafficking training for its diplomatic personnel and the government did not report whether Uganda's peacekeepers received anti-trafficking training prior to deployment. The government did not make discernible efforts to reduce the demand for commercial sex acts or forced labor. Uganda is not a party to the 2000 UN TIP Protocol.

TRAFFICKING PROFILE

As reported over the past five years, Uganda is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Ugandan children as young as seven are exploited in forced labor in agriculture, fishing, forestry, cattle herding, mining, stone quarrying, brick making, carpentry, steel manufacturing, street vending, bars, restaurants, and domestic service. Girls and boys are exploited in prostitution. Recruiters target girls and women aged 13-24 years for domestic sex trafficking, especially near sports tournaments and road construction projects. An international organization reported that most internal trafficking victims are Ugandans, the majority of which are exploited in forced begging. Young boys and girls were the most vulnerable to internal trafficking, mainly for labor or begging in Kampala and other urban areas. Authorities subjected some prisoners in pre-trial detention to forced labor.

During the reporting period, Ugandan victims were identified in neighboring countries, including Kenya, South Sudan, and the DRC. Children from the DRC, Rwanda, Burundi, Kenya, Tanzania, and South Sudan are subjected to forced agricultural labor and exploited in prostitution in Uganda. South Sudanese children in refugee settlements in northern Uganda are vulnerable to trafficking. Some Ugandans abducted by the Lord's Resistance Army (LRA) prior to 2006 remain unaccounted for, and may remain captive with LRA elements in the DRC, Central African Republic, and the disputed area of Kafia Kingi, which is claimed by both Sudan and South Sudan.

Young women remained the most vulnerable to transnational trafficking, usually seeking employment as domestic workers in the Middle East; at times Ugandan women were fraudulently recruited for employment and then exploited in forced prostitution. Ugandan migrant workers are subjected to forced labor and sex trafficking in United Arab Emirates (UAE), Saudi Arabia, Oman, Qatar, Kuwait, Iraq, Iran, Egypt, Turkey, and Algeria. Despite the government's complete ban in 2016 on Ugandans' travel abroad for domestic work, some licensed and unlicensed agencies circumvented this ban by sending Ugandans through Kenya and Tanzania. An international organization reported identification of 14 victims in Malaysia and Thailand and additional victims in Poland, Switzerland, and Ukraine. Official complicity may have hindered government oversight of labor recruitment agencies. Traffickers, who appear to be increasingly organized, are frequently relatives or friends of victims, or may pose as wealthy women or labor recruiters promising vulnerable Ugandans well-paid jobs abroad or in Uganda's metropolitan areas. Some traffickers threatened to harm the victims' family or confiscated travel documents.

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