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2019 Trafficking in Persons Report: Uganda

UGANDA: Tier 2

The Government of Uganda does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Uganda remained on Tier 2. These efforts included training more law enforcement officials and investigating and prosecuting more cases than in the previous year. The government approved and published the 2009 anti-trafficking act's implementing regulations and established a trafficking-specific desk in the Directorate of Public Prosecutions (DPP). The government also investigated and delicensed more fraudulent labor recruitment companies. However, the government did not meet the minimum standards in several key areas. The government identified fewer victims than in the previous reporting period and convicted fewer traffickers; half of convicted traffickers were not sentenced to any prison time. The government did not employ systematic procedures to refer or assist victims and did not allocate resources to NGOs that provide protective services. The government did not report investigating allegations of corruption that reportedly impeded government oversight of labor recruitment agencies. The government did not adequately address internal trafficking, including the forced begging and child sex trafficking of children from the Karamoja region.

PRIORITIZED RECOMMENDATIONS

Develop a formal national mechanism to systematically identify and refer trafficking victims to appropriate care and expand protective services for victims through partnerships with NGOs, including by allocating resources. • Increase efforts to investigate allegations of official complicity in trafficking crimes and prosecute and convict complicit officials. • Increase training for Ugandan embassy staff on assisting trafficking victims abroad, including victim identification, providing temporary shelter or identifying local NGO shelters for victim referral, and facilitating the repatriation of victims. • Fully implement the protection and prevention provisions of the 2009 anti-trafficking act. • Where feasible assign government labor attachés to embassies. • Further prioritize investigating and prosecuting traffickers who exploit children, especially from the Karamoja region, in forced begging and child sex trafficking in brothels. • Implement strong regulations and oversight of recruitment companies, and improve enforcement, including by continuing to prosecute those involved in fraudulent labor recruitment. • 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. • Implement and monitor the stipulations of the bilateral labor agreements already in place. • Proactively investigate and punish labor recruiters who fraudulently recruit Ugandans and eliminate recruitment fees. • Increase resources dedicated to anti-trafficking efforts. • Establish a unified system of documenting and collecting data on human trafficking cases. • Enact witness protection legislation and implement a systematic victim-witness support program. • Increase quality of trafficking investigations and improve coordination between law enforcement and prosecutors, including conducting prosecution-led investigations and systematic case referral to the DPP. • Accede to the 2000 UN TIP Protocol.

PROSECUTION

The government made uneven anti-trafficking law enforcement efforts; however, convictions decreased and insufficient funding for witness protection, investigations, and prosecutions continued to hinder efforts. The 2009 anti-trafficking act criminalized sex trafficking and labor trafficking, and prescribed punishments of up to 15 years' imprisonment for offenses involving adult victims and up to life imprisonment for those involving child victims. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping. The law also criminalized the use of a child in any armed conflict and prescribed penalties of up to the death penalty. The Children Amendment Act of 2016 conflicted with the 2009 anti-trafficking act in some respects—for example, it defined child sex trafficking to require force, fraud, or coercion, which was inconsistent with the definition of trafficking under international law, and it prescribed substantially lower penalties for the crime.

In 2018, the government reported investigating 286 cases of suspected traffickers, prosecuting 63 cases under the anti-trafficking act and 34 for fraudulent recruitment, and convicting six traffickers under the 2009 anti-trafficking act and four for fraudulent recruitment. Of the six convictions under the anti-trafficking law, the courts sentenced two traffickers to two years' imprisonment, one to 14 months' imprisonment, two to community service, and one to a fine. For traffickers convicted for fraudulent recruitment, one received three years' imprisonment, one received one year, and two received warnings. The majority of convicted traffickers did not receive sentences considered adequate to deter. This compared to 145 cases investigated, 52 cases prosecuted, and 24 suspects convicted in 2017. The media reported that the government arrested eight suspected traffickers for transporting vulnerable children from the Karamoja region into Kampala, but the government did not report prosecuting any traffickers who exploit these children in forced begging and child sex trafficking in brothels in Kampala, allowing traffickers of these children to continue with impunity.

Corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. The government reported investigating security officers at Malaba Border and Entebbe Airport as well as officials of the Civil Aviation Authority and Ground Handling Companies at Entebbe Airport for

alleged involvement in trafficking crimes, but did not report further details on these cases. A Ugandan diplomat and his spouse were reported in 2015 to have committed labor trafficking and related offenses; the couple has since departed the United States. The United States could not commence prosecution due to the diplomat's immunity, nor did the government report taking any action during the reporting period to hold the diplomat and his spouse accountable. The government did not report initiating investigations into media allegations from the previous reporting period that police officers were complicit in sex trafficking of child and female refugees. Additionally, the media continued to report that some of the labor recruitment companies suspected of involvement in trafficking were associated with, or partially owned by, high-level officials, which impeded law enforcement agencies' ability to investigate their operations. An NGO continued to report that some complicit immigration officers at border crossings facilitated passage of trafficking victims and several NGOs alleged that some senior police officials in Kampala protected traffickers from arrest and prosecution. The government did not report progress on prosecution of a case from 2014 involving the Commissioner from the Ministry of Finance charged with child trafficking; reportedly, the suspect continued to intimidate witnesses and use other tactics to delay the trial.

During the reporting period, the government established a trafficking-specific desk in the DPP's office responsible for prosecuting trafficking crimes. The Ministry of Internal Affairs reported training 303 front-line officials on the anti-trafficking act and other laws related to illegal labor recruitment. The DPP's office reported that together with the Coordination Office to Combat Trafficking in Persons (COPTIP) and the Ministry of Internal Affairs (MIA), it participated in and led two training sessions, in partnership with NGOs, for the police, DPP, and Prisons and Immigration officials on investigating and prosecuting trafficking cases; the government trained at least 20 participants in each session. The government, in partnership with an NGO, helped facilitate a training for judicial officers on the anti-trafficking law. COPTIP reported that the training curriculum for both new and experienced police and immigration officers incorporated modules on human trafficking; however, the government did not report how many officials received the training during the reporting period. Additionally, the government provided training on victim identification to 25 South Sudanese immigration officials. Despite these training efforts, some police and immigration officers continued to lack 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. Law enforcement officials did not conduct prosecution-led investigations or coordinate with the DPP, frequently resulting in cases that could not be prosecuted or were dismissed by the court, because the investigations were incomplete and did not comply with protocols for admissible evidence. Transnational cases remained difficult for law enforcement to properly investigate, often leading to poor investigations and limiting prosecutions; the DPP reportedly relied on INTERPOL to investigate transnational trafficking cases, but due to delayed responses and competing priorities, the courts dismissed several such cases. The DPP initiated information and evidence sharing with foreign officials from the Government of Malaysia for an ongoing prosecution in Uganda, but did not provide further details.

PROTECTION

The government maintained protection efforts, but did not adequately address internal child trafficking or provide adequate funding and training for victim assistance. The government reported identifying at least 214 victims in 2018, as compared with 276 in 2017. Of the 214 trafficking victims, 27 children and 149 adults were victims of forced labor, and 18 children and 15 adults were victims of sex trafficking. The government also identified five adults who were victims of both sex trafficking and forced labor. Of the identified victims, 182 were transnational and 32 were internal; most of the internal victims were children. The government reported removing nearly all internal child trafficking victims from situations of exploitation, but did not report providing the children with assistance afterward. The government reported facilitating the repatriation of 90 victims while approximately 58 Ugandan victims remained in trafficking situations abroad; the government reported that the lack of a centralized national database made it difficult to continue to track victims that remained abroad. In comparison, in 2017, the government reported repatriating 148 trafficking victims; but this figure included intercepted victims as well. According to the government, authorities intercepted a total of 599 Ugandan travelers, 477 females and 122 males, attempting to depart to countries which officials assessed as high risk for trafficking or for which travelers were unable to adequately explain the purpose of their travel; this represented a significant increase from the 353 travelers at risk for trafficking intercepted in 2017. Of these, 141 were foreign victims, including 111 Burundian nationals. Oman, United Arab Emirates (UAE), and Kenya were the major destination countries for both victims and the travelers intercepted in Uganda.

The Minister of Justice approved and published the implementing regulations for the 2009 anti-trafficking act during the reporting period; however, the government did not report allocating funds for the implementation of the victim protection provisions in the regulations. The Immigration Department continued to provide trafficking guidelines to immigration officers and training on their implementation. The government remained however without a national formal mechanism used by all front-line officials to systematically identify and refer trafficking victims to appropriate care.

The government did not track or report how many victims it referred to care or directly assisted. 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. Several NGOs reported assisting a total of 214 trafficking victims during the reporting period. In 2018, an international organization reported separating four Ugandan children from armed groups in the Democratic Republic of Congo (DRC). Victim care remained inadequate and available services were primarily for children and women, with few NGOs offering shelter for adult males. In previous years, 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.

The government did not adequately assist Ugandan victims identified abroad. It generally provided replacement travel documents to facilitate the repatriation of its citizens, while NGOs provided funding for return travel; however, the lack of embassies in many destination countries hindered repatriation efforts. Additionally, some trafficking victims continued to allege the denial of travel documents at Ugandan embassies. Where embassies existed, they lacked the capacity to provide adequate assistance for Ugandan nationals abroad. However, the government reported securing a temporary shelter in the UAE and an emergency fund in Saudi Arabia for distressed Ugandan nationals, which was used by trafficking victims prior to their repatriation. In response to the continued abuse of migrant worker's rights abroad, the Uganda Association of External Recruitment Agencies (UAERA), a private sector entity, continued to employ a Labor Liaison Office in Saudi Arabia during the reporting period; however, because the duties of a labor attaché are traditionally addressed by governments where victim identification and assistance is a priority, some civil society members expressed concern about possible conflicts of interest, since this organization represented private businesses. Many Ugandan trafficking victims travel to and depart from Kenya, where they face exploitation in trafficking. To address this issue, the government entered into an agreement with the Government of Kenya to share information on traffickers and facilitate repatriations of potential trafficking victims intercepted in Kenya instead of prosecuting them for migration violations. This agreement resulted in the repatriation of at least 63 potential trafficking victims during the reporting period.

Judicial officers often encouraged trafficking victims to participate in the investigation and prosecution of their traffickers to prevent the victimization of others, but some reports indicated that law enforcement's limited capacity and inadequate sensitivity in engaging trafficking victims discouraged many from cooperating in investigations. The absence of victim-witness protection legislation and a protection program hindered some investigations and prosecutions because perpetrators would threaten and blackmail victims and witnesses to discourage their participation in trials. There was no formal policy to provide cooperating victims and witnesses with assistance, support, or safety in a systematic way. Generally, in High Court cases, victims and witnesses would be provided with transportation, physical protection, shelter, translation services, and legal counsel, but it was ad hoc and inconsistent, and some reports indicated that police would temporarily shelter cooperating victims in their homes. Ugandan law permitted foreign trafficking victims to remain in Uganda during the investigation of their cases and to apply for residence and work permits, but the government did not report any victims applying for such benefits during the reporting period. The law permitted victims to keep their identities anonymous by using voice distortion and video link facilities; but the practice had not yet been implemented. The law allowed victims to file civil suits against the government or their alleged traffickers for restitution, which two victims utilized during the reporting period. While the 2009 anti-trafficking act prohibits the penalization of trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking, reports from prior years indicated that the government detained and placed on bond some trafficking victims, including children, in an attempt to compel them to cooperate with and periodically report to law enforcement in support of criminal investigations. Previous reports claimed that police sometimes treated street children as criminals and arbitrarily arrested and detained them in detention facilities without screening for trafficking indicators; however, the

government reported that officials now take the children to NGO-run shelters, but because these shelters were frequently full, this may still have occurred. During the reporting period, police in Kampala continued this practice by intermittently rounding up 283 street children, 184 girls and 99 boys, mostly from the Karamoja region, sent them to a children’s shelter and then returned them to their families in the Napak, Masaka, Mpigi, and Kampala districts. Many NGOs reported that the government did not adequately address or prioritize internal trafficking of children from the Karamoja region, including the forced begging and child sex trafficking in brothels.

PREVENTION

The government increased prevention efforts. The National Task force, led by the MIA Permanent Secretary, with COPTIP serving as its secretariat, continued to coordinate anti-trafficking efforts. COPTIP reported receiving an increased budget allocation from the government; however, the budget remained insufficient and hindered the government’s ability to conduct thorough investigations and provide protection to trafficking victims. The government did not have a national action plan to combat trafficking in persons. In 2018, the government continued its national awareness campaigns—composed of media outreach, social media, and public messaging. COPTIP published an article in the newspaper that discussed human trafficking and methods of prevention and the Ministry of Gender, Labor, and Social Development (MGLSD) published three separate newspaper articles to educate potential migrant workers on ways to seek employment abroad safely. The MGLSD also held a labor export symposium and encouraged Ugandans to avoid unregistered labor recruitment companies. The government reported holding many sensitization meetings with various local leaders at refugee camps, transport service providers, hotel operators, and airport staff. The government did not operate an anti-trafficking hotline during the reporting period.

The government lifted the 2016 ban on Ugandans traveling abroad in May 2017, with the exception of Oman, due to ongoing reports of abuse and trafficking. The Ministry of Gender encouraged Ugandan workers to seek employment only in countries with which it has bilateral labor agreements, which includes only Saudi Arabia and Jordan, with which the government signed agreements in 2015 and 2016 respectively. However, the government had still not established the Joint Implementation Committees needed to implement many of the stipulations and migrant protections within these bilateral agreements. The government did not sign any additional bilateral labor agreements with destination countries, continuing to leave migrant workers vulnerable to trafficking in those countries. In 2018, the government launched the External Employment Management System (EEMS), which functioned as a “one stop” internet portal where Ugandans could search and apply for all pre-vetted overseas employment opportunities through licensed recruitment companies. The government reported that the objective was to decrease illegal labor migration through unlicensed recruiters, which left migrants vulnerable to trafficking. By January 2019, EEMS included postings from 106 licensed recruitment companies, but crashed later that month reportedly due to a system hacking. The government had access to a Saudi online data system used for visa processing.

Immigration officials continued to scrutinize travel documents, passports, and reasons for travel before clearing travelers to depart Uganda for work in foreign countries. The government continued its oversight of labor recruitment agencies and, as a result, reported investigating 234 individuals and companies for trafficking-related and illegal recruitment offenses and prosecuting 76 individuals, but did not report how many were convicted or their sentences. This was particularly relevant as the government reported that unlicensed labor recruitment companies were responsible for trafficking more than 90 percent of the registered victims; though licensed labor recruitment companies were reportedly involved at times. Of the licensed companies, the MGLSD canceled the licenses for three companies and suspended seven for failing to comply with regulations. The 2005 Employment Regulations, required labor recruitment companies to register and undergo a thorough vetting process. The 2005 regulations required registered companies 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 government reported vetting all labor requests received by local companies and all contracts executed between international employers and the Ugandan business. However, some NGOs reported that employers would sometimes require migrant workers to sign a second contract upon arrival in the destination country; this contract would usually have different, less favorable terms than the contract signed in Uganda. The MGLSD contracted private companies to conduct mandatory pre-departure training for domestic workers who were traveling to the Middle East and utilizing registered labor recruitment companies. The weeklong residential trainings, paid for by the recruitment company and usually taken by 60-70 women each week, included training on domestic work, contract appreciation, understanding of the bilateral agreements, how to contact help, and the rights of the worker. As part of the government's public awareness campaign, it published a list of the 106 licensed labor recruitment companies on several ministry webpages and urged the public to seek work only through those agencies. In an effort to protect migrant workers, the government worked with labor recruitment agencies to ensure the relevant Ugandan embassies were aware of their citizens working in those countries. Corruption reportedly inhibited oversight of labor recruitment firms, however, as did insufficient staffing and funding, and loopholes in the law. As mandated by the 2015 Registration of Persons Act, the government continued to register its citizens and provide them with national identification numbers. The government provided anti-trafficking training to some of its diplomatic personnel and provided guidance in the form of handbooks to the rest. The government provided anti-trafficking training to Uganda's troops prior to their deployment abroad as part of international peacekeeping missions. The government did not make discernible efforts to reduce the demand for commercial sex acts, sex tourism, or forced labor. Uganda is not a party to the 2000 UN TIP Protocol.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Uganda, and traffickers exploit victims from Uganda abroad. 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, gold mining, and domestic service. Traffickers exploit

girls and boys 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 estimates there are between 7,000 to 12,000 children involved in prostitution in Uganda. An international organization and NGO reported that most internal trafficking victims are Ugandans, many of whom are Karamojong children whom traffickers exploit in forced begging and child sex trafficking in brothels. Reportedly, traffickers, called “elders,” force the children to beg on the streets and exploit the girls in child sex trafficking via prostitution around age 12; the children are forced to relinquish all proceeds and if the child does not earn his or her quota each day, he or she may be beaten or starved. The “elders” are a well-organized network of traffickers and NGOs have alleged complicit officials are involved. An NGO alleged that traffickers recruited children from Napak district, northeastern Uganda, and then sold them as domestic workers for 20,000 Ugandan shillings (\$5.40). Media reported that some parents will sell their children to middlemen who will then resell the children for approximately 30,000 Ugandan shillings (\$8.10). In 2018, an international organization reported separating four Ugandan children from armed groups in the DRC. Authorities subjected some prisoners in pre-trial detention to forced labor.

Traffickers subject some children from the DRC, Rwanda, Burundi, Kenya, Tanzania, and South Sudan to forced agricultural labor and sex trafficking in Uganda. In 2017, individuals from Rwanda and Somalia, including a Somali refugee from Nakivale Refugee Settlement, were victims of internal trafficking. South Sudanese children in refugee settlements in northern Uganda are vulnerable to trafficking. In 2018, there were several media reports of alleged complicity of police officers in the sex trafficking of child and female refugees.

Young women remained the most vulnerable to transnational trafficking, usually seeking employment as domestic workers in the Middle East; at times traffickers fraudulently recruited Ugandan women for employment and then exploited them in sex trafficking through forced prostitution. Traffickers subject Ugandan migrant workers to forced labor and sex trafficking in the UAE, Saudi Arabia, Oman, Qatar, Kuwait, Iraq, Iran, Egypt, Turkey, Algeria, Malaysia, Thailand, Bahrain, and China. In 2018, the media and government officials alleged Ugandan girls were being sold in a “slave market” in the UAE. Extremely high recruitment fees sometimes led to situations of debt bondage. Despite the government’s lifting the ban on Ugandans’ travel abroad, except to Oman, some licensed and unlicensed agencies circumvented safeguard mechanisms established by the government by sending Ugandans through Kenya and Tanzania. Official complicity may have hindered government oversight of labor recruitment agencies. COPTIP reported that traffickers appear to be increasingly organized and some may have formed regional trafficking networks. NGOs reported that traffickers are frequently relatives or friends of victims, or may pose as wealthy women or labor recruiters promising vulnerable Ugandans, frequently from rural areas, well-paid jobs abroad or in Uganda’s metropolitan areas. Reportedly, pastors, imams, and local leaders at churches and mosques in Uganda have also assisted in the recruitment of domestic workers abroad, mostly for Middle Eastern countries; these leaders encourage female domestic workers to take these jobs and in turn receive a fee per worker from recruiters. Some traffickers threatened to harm the victims’ family or confiscated travel documents.

ecoi.net summary:

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