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Trafficking in Persons Report 2018 - 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 year, identifying and repatriating more trafficking victims, and increasing law enforcement training. The government also lifted the travel ban on domestic workers abroad for two countries and launched an online External Employment Management System where citizens could apply for pre-vetted overseas employment opportunities through licensed companies. The government strengthened migrant worker protections abroad by negotiating with a foreign government to provide cellular phones, which include a recently launched application for the tracking and monitoring of workers. The government also increased law enforcement training. However, the government did not meet the minimum standards in several key areas. Insufficient funding for victim protection hindered government efforts. The government did not employ systematic procedures to refer or assist victims, and availability of victim services was inconsistent. The government has not institutionalized anti-trafficking training among law enforcement and front-line officials and there are still reports of misclassification of cases and poor investigations. The government did not report investigating allegations of corruption impeding government oversight of labor recruitment agencies.

RECOMMENDATIONS FOR UGANDA

Develop a formal mechanism to systematically 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 embassies' staff on assisting trafficking victims abroad, including victim identification, providing temporary shelter, and facilitating the repatriation of victims; fully implement the protection and prevention provisions of the 2009 anti-trafficking act; replace the partial suspension of recruitment agencies sending migrant workers abroad for domestic work with consistently enforced regulations and oversight

of recruitment companies, including by adopting proposed amendments to the anti-trafficking act that would increase oversight of employment contracts and extend criminal liability for trafficking offenses to labor recruiters; increase bilateral negotiations with destination country governments on migrant worker rights, including the release and repatriation of Ugandan migrant workers exploited by employers abroad; use existing laws to proactively investigate and punish labor recruiters who fraudulently recruit Ugandans; 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; institutionalize anti-trafficking training, including victim identification techniques, for all front-line officials, including police, immigration officers, prosecutors, and judges; establish a unified system of documenting and collecting data on human trafficking cases; and accede to the 2000 UN TIP Protocol.

PROSECUTION

The government increased anti-trafficking law enforcement efforts. The 2009 anti-trafficking act criminalized sex 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 rape. 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.

The government reported 145 trafficking investigations, prosecutions of 52 defendants in 50 cases, and convictions of 24 traffickers in 2017 under the 2009 anti-trafficking act, compared to 114 investigations, 32 prosecutions, and 16 convictions in 2016. However, as additional details were unavailable, the number of prosecutions and convictions may have included cases of child sacrifice and illegal adoption. The government did not report the penalties assigned to convicted traffickers. The government did not report any prosecutions, or convictions of government employees complicit in human trafficking; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. 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 since departed the United States. The government did not report taking any action during the reporting period to hold the diplomat and his spouse accountable. There were allegations that officials from the office of the prime minister were complicit in several illegal activities related to the refugee settlements, including corruption, sexual exploitation and abuse, and facilitating the movement of vulnerable populations from settlements in Uganda to South Sudan. The government suspended four high-level officials in the office of the prime minister based on allegations of their involvement in illegal activities in the

refugee settlements. The government is investigating the allegations. There were also several media reports of alleged complicity of police officers in child sex trafficking of refugees and coercion of refugee women to perform sexual acts in exchange for various forms of migration documentation. The media also reported that the Police Professional Standards Unit investigated several regional and district police commanders in Busia and Tororo for alleged involvement in human trafficking. 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. The government did not report progress on or efforts to complete the prosecution of a case from 2014 involving the Commissioner from the Ministry of Finance, charged with child trafficking.

In partnership with NGOs, the government facilitated a training for 150 participants on the anti-trafficking law and case management; judges, magistrates, prosecutors, law enforcement officials, and civil society attended the training. The Ministry of Internal Affairs (MIA) conducted two training sessions for 63 police officers, three prosecutors, and four probation and social welfare officers in both the Katonga and Wamala regions on trafficking and the anti-trafficking law. The Immigration Department continued to conduct monthly sessions to train its officers on anti-trafficking issues. 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. Reportedly, many police had not received adequate anti-trafficking training, yet used their discretion to only send cases they deemed to be prosecutable to the Directorate of Public Prosecutions (DPP). Even cases that the police sent to the DPP frequently had incomplete investigations 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, DPP dismissed several cases. Law enforcement officials also cooperated with foreign law enforcement on the cross-border “Operation Usalama,” during which two transnational victims were rescued; additional details were not available.

PROTECTION

The government increased protection efforts; however, insufficient funding and training for victim assistance continued to limit effectiveness during the reporting period. The government reported identifying at least 276 victims in 2017, as compared with 270 in 2016. Of the 276 trafficking victims, 82 children and 134 adults were victims of forced labor, and two children and 38 adults were victims of sex trafficking. The government also identified four adults who were victims of both sex trafficking and forced labor and 16 children who were transnational victims of forced armed conflict. Of the identified victims, 197 were transnational, the majority of all victims were women, and all of the

internal victims were children, the majority of which were Karamojong. 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 repatriating 148 victims; while approximately 100 Ugandan victims remained in trafficking situations abroad; however, these numbers included 52 victims that may not have been trafficking victims. In comparison, in 2016, the government reported repatriating 129 trafficking victims. According to the government, authorities intercepted a total of 353 Ugandan travelers, the vast majority of them female, attempting to depart to countries which officials assessed as high risk for them to become a victim of trafficking, or being unable adequately explain the purpose for their travel; this represented a significant increase from the 250 potential victims intercepted in 2016. Oman, Kenya, or Thailand were the major destination countries for both victims and intercepted potential victims of trafficking.

The government did not enact the implementing regulations for the 2009 anti-trafficking act or allocate funding for the implementation of its victim protection provisions; however, the MIA completed the first draft of the implementing regulations and submitted them to the Ministry of Justice and Constitutional Affairs for legal review. The government continued to employ victim identification and assistance guidelines for adult and child trafficking victims, and the Immigration Department distributed these guidelines to immigration officers and provided training on their implementation. However, the government remained without a formal mechanism to systematically 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 132 trafficking victims during the reporting period, 45 of those victims were children; at least 88 were victims of sex trafficking, at least three were victims of forced labor, and information was not available for 43 victims. NGOs reported that the government referred at least 13 trafficking victims to care at NGOs. 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 citizen victims identified abroad. It generally provided replacement travel documents to facilitate the repatriation of its citizens, while NGOs provided funding for return travel. However, where embassies existed, the government did not provide shelter for Ugandan nationals abroad or upon their repatriation. In response to the continued abuse of migrant worker's rights abroad, the Uganda Association of External Recruitment Agencies, a private sector entity, established a Labor Liaison Office (LLO) in Saudi Arabia during the reporting period. The LLO reported assisting more than 200 potential trafficking victims in Saudi Arabia by working with immigration officials to obtain permission for their departure, funding return travel, and resolving disputes over unpaid wages. An NGO reported

repatriating 15 Ugandan trafficking victims, the majority for sex trafficking, from Turkey, Malaysia, Thailand and Egypt, and providing them with medical assistance and referral to a local NGO upon their return. In the previous reporting period, the government reported that eight Ugandan children were separated from the Allied Democratic Front armed group in the Democratic Republic of the Congo (DRC); six of the children were repatriated by an international organization during this reporting period and two remain with host families in DRC.

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 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. In addition, police in Kampala 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 returned to the Karamoja region to a youth training center that provided food, counseling, and three months of vocational training, before returning them to their families. Previous reports claimed that police sometimes treated street children as criminals and arbitrarily arrested and detained them in detention facilities; however, the government reported that practice officially ended and officials now took the children to NGO-run shelters, but because these shelters were frequently full, this may still have occurred. 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. 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 record 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. The law allowed victims to file civil suits against the government or their alleged traffickers for restitution; however, there were no such cases during the reporting period. There was no formal policy to provide cooperating victims and witnesses with assistance, support, or safety; the government sometimes provided food, transportation, physical protection, or in-kind support, but it was ad hoc and inconsistent, and some reports indicated that police temporarily sheltered cooperating victims in their homes. The government reported cooperating with foreign countries from the East African Community to develop a regional anti-trafficking initiative that focused on victim identification, to ensure that trafficking victims were not arrested or prosecuted for crimes they committed as a result of being subjected to trafficking; the initiative was ongoing.

PREVENTION

The government increased prevention efforts. The National Task Force, led by the MIA Permanent Secretary, with the Coordination Office to Combat Trafficking in Persons (COCTIP) serving as its secretariat, continued to implement the national action plan and

coordinate all anti-trafficking efforts. The National Task Force remained without a strategic mandate to drive national anti-trafficking efforts or the authority to fund and propose improvements and activities for participating agencies—which limited its effectiveness. While the National Task force did not receive funding, COCTIP reported receiving a small budget allocation from the government. In 2017, the government continued its national awareness campaigns—composed of talks, media outreach, and distribution of written materials. The National Task Force and COCTIP, with funding from MIA, continued to coordinate 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 continued to produce trafficking brochures and hung posters at locations where Ugandan job seekers frequented, and passport and immigration officers often counseled potentially at-risk Ugandans seeking passports about the dangers of trafficking. The MIA, in partnership with NGOs, also conducted awareness meetings for civil society, local leaders, police, immigration, labor inspectors, taxi, bus and “*boda boda*” drivers, hotel operators, and security and probation officers on identification and referral of trafficking victims and focused on known recruitment areas along the border and at the international airport. The government did not operate an anti-trafficking hotline during the reporting period.

During the reporting period, the government partially lifted the 2016 ban on Ugandans traveling abroad for domestic work, which was implemented due to reports of abuse and trafficking. With this change, workers could seek out employment in domestic work and travel to countries that had bilateral labor agreements with the government, which included only Saudi Arabia and Jordan, who had signed such agreements in 2015 and 2016, respectively. In 2018, the government launched the External Employment Management System, 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. Despite the new online employment system and bilateral labor agreements, destination country governments, like that of Jordan, issued visas to Ugandan migrant workers that used unlicensed companies in the country, making the protection of Ugandan citizens and pre-departure regulation efforts by the Ugandan government difficult. Additionally, Ugandan officials, in partnership with the Government of Saudi Arabia, recently launched an online labor monitoring system, which was developed to track migrant workers and receive reports of mistreatment or abuse. 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 during the reporting period and reported that over 80 illegal recruitment individuals and companies were investigated and closed, and some of the staff were prosecuted for illegal recruitment for the purpose of trafficking, but did not report further information. This was particularly relevant as the government reported that over 90 percent of the registered victims had been subjected to trafficking as a result of recruitment by unlicensed labor recruitment companies. The 2005 Employment Regulations, 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 government 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 66 licensed labor recruitment companies on several Ministry webpages, compared to 63 registered agencies in 2016, 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. However, corruption reportedly inhibited oversight of labor recruitment firms, as did insufficient staffing, and loopholes in the law. For example, the media reported that foreign, usually Middle East-based, recruitment agencies would operate in Uganda by taking advantage of loopholes in the licensing of recruitment agencies; the Middle East-based agencies would acquire an internal license, vice an external license, then recruit workers directly from Uganda and illegally send them abroad by collaborating with criminals. 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 did not provide anti-trafficking training to Uganda's troops prior to their deployment abroad as part of international peacekeeping missions, but through a foreign donor, the troops received human rights training. 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. 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 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.

Traffickers subject some children from the DRC, Rwanda, Burundi, Kenya, Tanzania, and South Sudan to forced agricultural labor and exploited in prostitution in Uganda. South Sudanese children in refugee settlements in northern Uganda are vulnerable to trafficking. In 2017, individuals from Rwanda and Somalia, including a Somali refugee from Nakivale Refugee Settlement, were victims of internal 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, the Central African Republic, and

the disputed area of Kafia Kingi, which both Sudan and South Sudan claim. Traffickers have exploited trafficking victims from the DRC and Rwanda in sex trafficking in Uganda. In 2017, there were allegations that officials from the office of the prime minister were complicit in several illegal activities related to the refugee settlements, including corruption, sexual exploitation and abuse, and facilitating the movement of vulnerable populations from settlements in Uganda to South Sudan. The government suspended four high-level officials in the office of the prime minister based on allegations of their involvement in illegal activities in the refugee settlements. The government is investigating the allegations. There were also several media reports of alleged complicity of police officers in child sex trafficking of refugees and coercion of refugee women to perform sexual acts in exchange for various forms of migration documentation.

In 2016, Ugandan victims were identified in neighboring countries, including Kenya, South Sudan, and the DRC. 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, Saudi Arabia, Oman, Qatar, Kuwait, Iraq, Iran, Egypt, Turkey, Algeria, and China. Despite the government's partial lifting of the ban on Ugandans' travel abroad for domestic work to Saudi Arabia and Jordan, some licensed and unlicensed agencies circumvented safeguard mechanisms established by the government 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. COCTIP 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 well-paid jobs abroad or in Uganda's metropolitan areas. Reportedly, pastors, imams, and local leaders at churches and mosques 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.

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