

# Human trafficking in the wake of labour externalisation: How responsive is the justice system?

## Executive Summary

*The increased externalisation of labour in Uganda has come along with increased incidents of human trafficking. Indeed, transnational trafficking—a silent and often invisible activity—is by far the most frequent offence committed; primarily involving female adults trafficked for labour and sexual exploitation. Evidence from the Uganda Police Force shows that notwithstanding the rising incidents of human trafficking, prosecution of this criminal offence remains low. More so, conviction rates are also extremely low mainly due to limited capacity (human and financial resources) to collect sufficient evidence and trace the perpetrators and the unavailability of victims to serve as witnesses. To address the challenge, the brief recommends measures such as scaling-up public sensitisation on and enforcement of the 2009 law on Prevention of Trafficking in Persons Act, and labour migration guidelines. Also, we advocate for enhancing the capacity of security agencies to handle human trafficking cases better and strengthening service provision to victim and survivors of trafficking.*

## Introduction

Uganda enacted the prevention of trafficking in persons Act in 2009 to provide for the prohibition of trafficking in persons, creation of offences, prosecution and punishment of offenders, prevention of the vice of trafficking in persons, protection of victims of trafficking in persons, and other related matters.<sup>1</sup> Despite the existence of the Act, human trafficking continues, with the surge in cases of women trafficked to the Middle East in the guise of labour externalisation. This issue, in particular, has received limited policy attention. According to the annual crimes report by the Uganda Police Force (UPF), the number of reported incidents of human trafficking (both internal and transnational), have more than doubled between 2014 and 2018—from 105 in 2014 to 286 by 2018. However, relatively fewer cases were reported in 2019—only 120 cases involving 455 victims (Uganda Police Force, 2020). Notably, females form the majority of the victims, irrespective of age. The rise in human trafficking threatens the attainment of several Sustainable Development Goal (SDG) targets, e.g. targets 5.2 on the elimination of trafficking and related forms of exploitation; target 8.7 on taking immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking; and target 16.2 on ending abuse, exploitation, trafficking and all forms of violence against and torture of children.

According to 2019, trafficking in persons (TIP) report, Uganda does not fully meet the minimum standards for the elimination of human trafficking. It lacks systematic procedures to refer to or assist victims (US Embassy, 2019). The existing law is yet to be fully operationalised, and its on-

going implementation is affected by corruption and official complicity in trafficking crimes (*ibid*).

This policy brief, therefore, highlights progress in Uganda's justice system in enforcing the law on the perpetrators of human trafficking in Uganda. The brief heavily relies on desk reviews of related literature and descriptive statistics obtained from secondary data sources such as the Uganda Police Force (UPF), Office of the Director of Public Prosecution (ODPP) and Uganda Bureau of Statistics (UBoS).

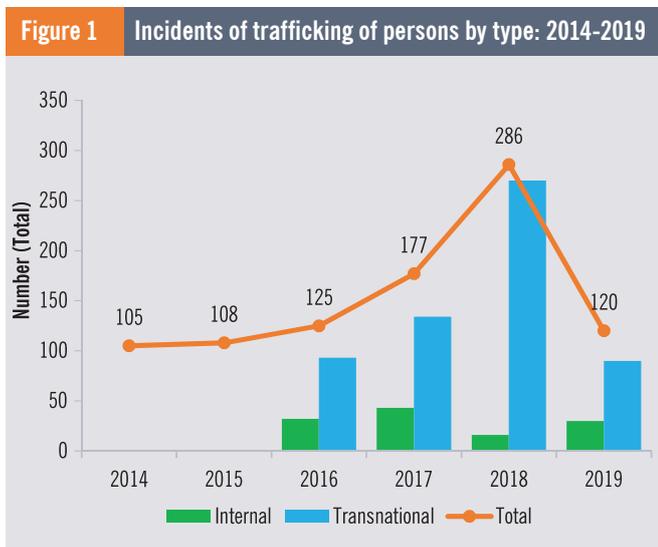
## Key Findings

**Incidents of human trafficking in Uganda are on the rise, albeit abrupt decline in 2019:** Overall, reported incidents of trafficking increased from 105 in 2014 to 286 in 2018 (equivalent to 30 percent average annual growth rate), mainly driven by transnational trafficking which nearly tripled from 93 cases in 2016 to 270 cases in 2018 (Figure 1). However, there was a decline in reported incidents of transnational trafficking to 90 cases in 2019 while those for internal trafficking nearly doubled in the same year. The abrupt decrease in reported cases of transactional trafficking is primarily attributed to; increased vigilance through the establishment of Anti-Trafficking in Persons Desks across the borders, primary entry and exit points, and strengthening of border control and cooperation with neighbouring countries, increased public awareness through electronic media and establishment of a coordination office at the Ministry of Internal Affairs (Uganda Police Force, 2020). While these are steps in the right direction, trafficking to a significant extent is undetected and underreported,

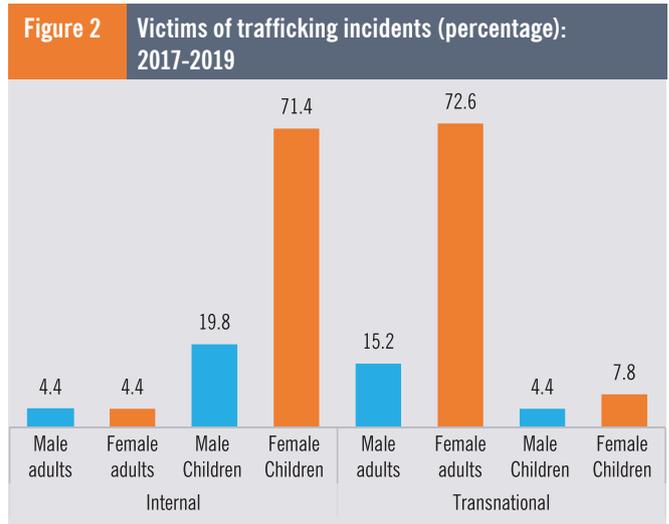
and there is a need for more strengthened measures for addressing it.

Illegal recruitment is reported as the leading contributor to incidents of transnational trafficking in persons (Uganda Police Force, 2018). The primary destinations for victims of international trafficking are the Middle East (particularly Oman, UAE, and Jordan) and Kenya (*ibid*). Trafficking across borders is majorly driven by a combination of *push* factors (such as rampant youth unemployment, poverty, high population growth) and *pull* factors such as opportunities of work abroad, demand for commercial sex services, and inadequate migration policies and laws (Human Trafficking Institute, 2017). On the other hand, internal trafficking is comprised mainly of children from Karamoja sub-region and refugee Camps in West Nile and South Western Uganda, who are trafficked to Kampala and nearby urban centres for child labour, radicalisation, street begging, and sexual exploitation (Uganda Police Force, 2019).

**Females are the major victims of trafficking:** Seven in every ten victims of human trafficking are females (combined 76 percent for internal and 80 percent of transnational trafficking). Furthermore, female children are the primary victims of internal trafficking, constituting 71 percent of the victims. In contrast, female adults are the primary victims of transnational trafficking, accounting for 73 percent of the victims. Overall, children are the majority of victims of internal trafficking at 91 percent while adults are the majority of victims of transnational victims—at 88 percent.

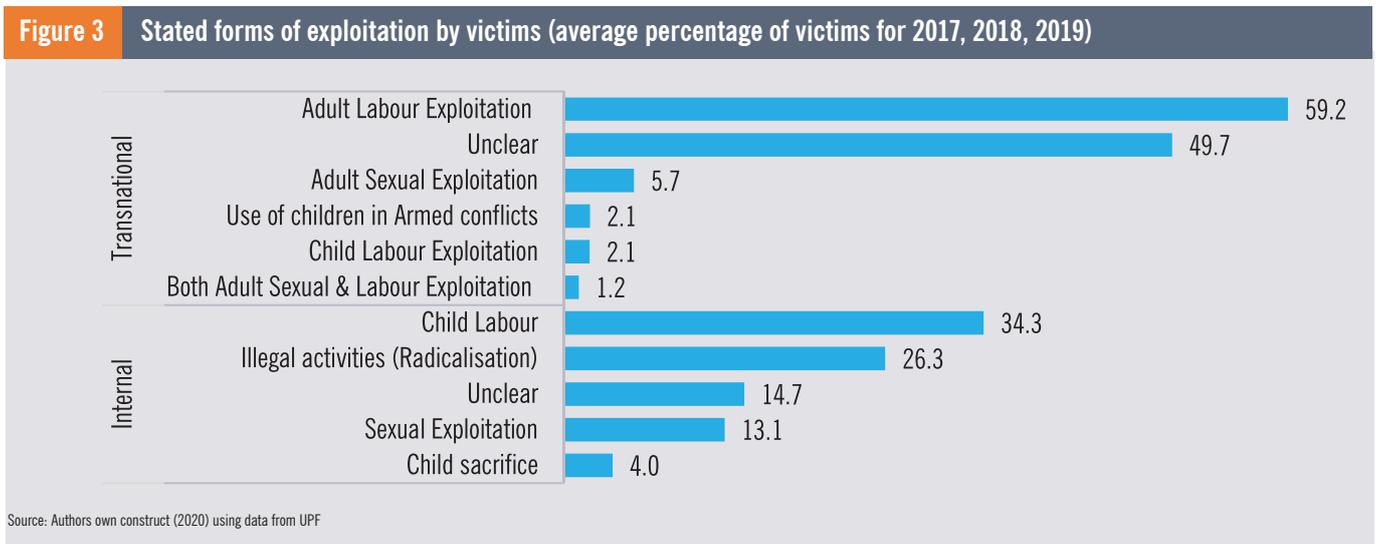


Source: Author's construct using data from UPF (2020)  
 Note: Disaggregated data by trafficking offence for 2014 and 2015 was not available.



Source: Author's construct (2020) using data from UPF

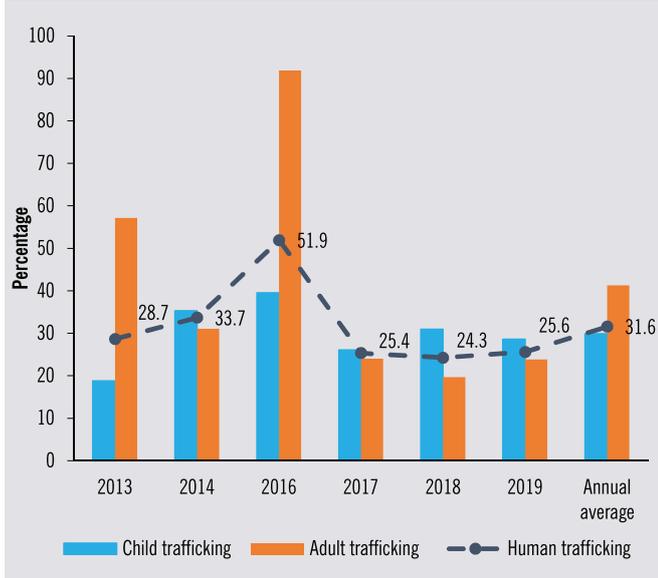
**Adult labour exploitation drives transnational trafficking while internal trafficking is driven by child labour and radicalisation:** Between 2017 and 2019, close to six in ten (59 percent) victims of international trafficking were also victims of adult labour exploitation. Also, child labour and radicalisation (i.e. illegal activities such as petty thefts, drug trafficking) are the primary forms of exploitation for victims of internal trafficking (Figure 3). This suggests that economic exploitation underpins the practice of internal and transnational trafficking. While the underlying reasons for trafficking irrespective of form are clear, the actual nature of exploitation for close to 50 percent of international victims is unknown.



Source: Authors own construct (2020) using data from UPF

**Prosecution rate for trafficking cases is still low:** Although there was a slight increase in the rate of prosecution of the registered cases between 2013 and 2016 (29 percent vs. 52 percent), it declined by 26 percentage points by 2019 (Figure 4). On average, over the six years, only three in ten reported cases (32 percent) were forwarded to court for prosecution annually, with slightly higher prosecution rate for adult trafficking compared to child trafficking. Delays in investigations mostly explain the low prosecution rate due to limited training of police and immigration officers in handling human trafficking offences, further exacerbated by the high rate of transfer of police officers (Uganda Police Force, 2018). Also, corruption and official complicity in trafficking crimes continue to undermine investigations and prosecution (US Embassy, 2019). Furthermore, limited funding for witness protection, investigations, and prosecution continues to disable access to justice, especially by victims of transnational trafficking. Such a low rate of prosecution gives the perpetrators a sense of impunity, allowing for the continued practise of such crimes.

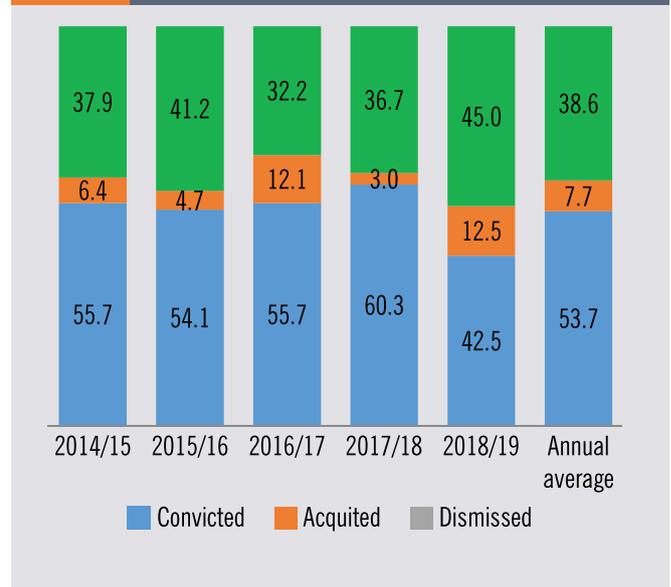
**Figure 4** Prosecution of human trafficking cases (as a percentage of registered cases): 2013-2019



Author's construct (2020) using data from UPF

**The conviction rate for human trafficking offences is barely above average:** On average, about five in ten concluded cases (54 percent) are convicted annually, while 39 percent of them are dismissed, and 8 percent are acquitted (Figure 5). Nonetheless, the conviction rate declined by 18 percentage points between 2017/18 and 2018/19 while the dismissal rate increased by eight percentage points in the same period. The average conviction rate is attributed mainly to limited evidence, especially on transnational trafficking, due to limited facilitation to gather evidence from abroad (Uganda Police Force, 2018).

**Figure 5** Status of concluded cases annually (percentage): 2014/15 - 2018/19



Source: Authors' own construct (2020) using data from UPF

## Conclusions

A law on the prevention of trafficking in persons in Uganda exists. However, despite its existence for more than ten years, the implementation strategy and targets to track performance are non-existent. As such, cases of human trafficking are on the rise in Uganda. This undermines achievements of the specific targets mentioned in SDGs 5, 8 and 16. Human trafficking has both age and gender biases with females mainly as victims. Specifically, while the victims of internal trafficking are mostly children, those for transnational trafficking are adults. Further, females are the primary victims of both forms of human trafficking. Notwithstanding the rising incidents of human trafficking, the prosecution is still low primarily due to delays in investigations owing to limited financial resources and expertise to investigate the cases, especially transnational trafficking. More so, the conviction rate is barely above average due to limited evidence, especially on international trafficking cases. These gaps raise policy concerns, and this puts to question the implementation and enforcement of the Prevention of Trafficking in Persons Act, 2009.

## Recommendations

- a) **Reviewing the efficacy of the existing legal framework and developing a clear implementation strategy of existing laws.** As part of the long-term strategy to stamp out human trafficking, the Uganda Law Reform Commission should review the efficacy of the existing national laws with a view of making recommendations for their improvement. This review should also consider extraterritorial legal measures to address transnational trafficking. Relatedly, the Ministry of Internal Affairs should develop a comprehensive implementation strategy of the Act and undertake awareness rising on the same. Furthermore, the Ministry of Gender, Labour and Social Development should scale-up sensitisation of the masses especially in up-country districts about the guidelines for safe labour migration.

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- b) **Enhance the capacity of security agencies, state prosecutors, and judicial officers to handle human trafficking cases.** To speed-up investigations and hence prosecution, there is a need to scale-up anti-trafficking training among law enforcement and frontline officers in different parts of the country, and immigration and Ugandan embassy staff in other countries. These agencies should also be trained on how to use the trauma-informed and victim-centred approaches, for instance by allowing them to select preferred time and places of an interview, regular follow-ups, providing timely and realistic information, and referrals for victim services. Effort must also be made to build capacities of State Prosecutors and Judicial Officers to use the existing national law effectively and international conventions such as the Palermo Protocol, a supplement to the UN Convention against Transnational Organized Crime (2000). In addition, there is need to increase funding to responsible agencies (such as the Police and Ministry of Foreign Affairs) to facilitate evidence gathering especially from abroad and put up more shelters that accommodate victims of trafficking both domestically and internationally.
- c) **Establishment of specialised human trafficking units.** The ODPP, as well as the Uganda Police Force, should create specialised human rights trafficking units. Such units should be trained to investigate and prosecute cases of human trafficking effectively. ODPP and Uganda police can work closely with the Office of the High Commissioner for Human Rights to ensure the officers in these units are effectively trained.
- d) **Intensify interception of traffickers and increase victim services and assistance to survivors.** Besides tightening of security checks and screening of migrant workers at exit points, the government should intensify monitoring and coordination with neighbouring countries to intercept traffickers. In addition, there is a need to establish a systematic procedure for supporting survivors in the process of reintegration, through life stabilisation measures

such as rehabilitation, psychological support, medical care, and other basic needs. This can effectively be achieved through partnership with identified Civil Society Organisations (CSOs) and Non-Governmental Organisations (NGOs).

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## Endnotes

- <sup>1</sup> Trafficking in persons means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

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