

Enforcement of human trafficking laws: Implications for gender and labour externalization in Uganda.

Executive Summary

The increased desire by the youth to seek employment opportunities outside Uganda has led to a steady rise in incidents of human trafficking. Indeed, transnational trafficking—a silent and often invisible activity—is by far the most frequent offence committed, largely involving female adults trafficked for labour and sexual exploitation. Evidence from Uganda Police Force shows that notwithstanding the rising incidents of human trafficking, prosecution of this particular criminal remains low. More so, conviction rates are also very low largely due to absence evidence on both perpetrators and victims—especially in cases involving transnational trafficking. This brief examines the progress in enforcing the law on the perpetrators of human trafficking in Uganda. To curb the vice, it recommends measures such as scaling-up sensitization on the Prevention of Trafficking in Persons Act, 2009, labour migration guidelines; enhancing capacity of security agencies to better handle human trafficking cases, and provision of victim services and survivor assistance.

Introduction

Uganda has a clear law on human trafficking embedded in the Prevention of Trafficking in Persons Act, 2009, “Trafficking in persons”. Notwithstanding the availability of this law, human trafficking continues and is often given limited attention in Uganda. Yet, evidence reveals that trafficking in persons is increasingly gaining momentum. For instance, the incidents of human trafficking (both internal and transnational) have more than doubled in recent times—from 105 in 2014 to 286 (Uganda Police Force, 2019). More important, females are the most frequent victims, irrespective of age. The rise in human trafficking threatens the attainment of Sustainable Development Goal 5 (SDG 5)—specifically targets 5.2 on elimination of trafficking and related forms of exploitation and 5.3 on elimination of all harmful practices, such as child, early and forced marriage and female genital mutilation by 2030.

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.

The United States Embassy in Kampala asserts that, Uganda does not fully meet the minimum standards for the elimination of human trafficking and lacks systematic procedures to refer 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*).

Data and Sources

This policy brief therefore highlights progress in Uganda’s judicial 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 a rise: Overall, incidents of trafficking increased from 105 in 2014 to 286 in 2018 (equivalent to 30 percent average annual growth rate), mainly driven by transactional trafficking. Indeed, transnational trafficking nearly tripled from 93 cases in 2016 to 270 cases in 2018 (Figure 1). Illegal recruitment is reported as the leading contributor to incidents

of transnational trafficking in persons (Uganda Police Force, 2018). The major destinations for victims of transnational trafficking are 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 sexual services, and inadequate migration policies and laws (Human Trafficking Institute, 2017). On the other hand, internal trafficking is largely comprised 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).

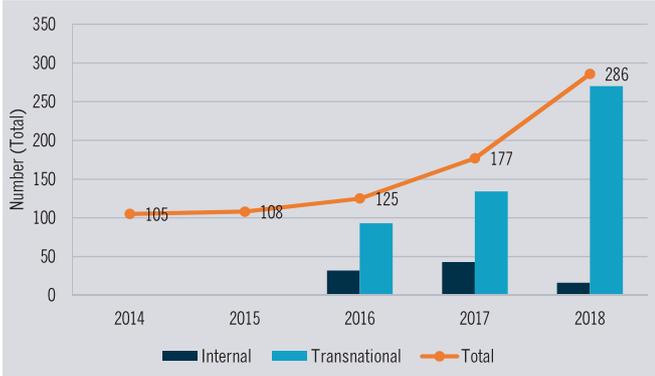
internally, female children are the major victims, constituting 69 percent of the victims while female adults are the major victims of transnational trafficking, accounting for 68 percent of the victims. Overall, children are the majority victims of internal trafficking at 90 percent while adults are the majority victims of transnational victims -at 87 percent.

Adult labour exploitation drives transnational trafficking while internal trafficking is driven by radicalization and child labour:

Between 2017 and 2018, about four in ten (38 percent) victims of transnational trafficking were also victims of adult labour exploitation with similar findings noted for internal trafficking victims who were subjected to illegal activities (such as radicalisation, petty thefts, drug trafficking) and child labour (Figure 3). While the underlying reasons for trafficking irrespective of form is clear, the actual nature of exploitation for close to 50 percent of transnational victims is unknown.

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 to 52 percent), it declined by 28 percentage points in 2018 (Figure 4). On average, over the five year period, only three in ten reported cases (33 percent) were prosecuted annually, with slightly higher prosecution rate for adult trafficking compared to child trafficking. The low prosecution rate is largely explained by delays in investigations due to limited training in handling human trafficking offenses, further exacerbated by high rate of transfer of police officers (Uganda Police Force, 2018). In addition, corruption and official complicity in trafficking crimes continues to undermine investigations and prosecution (US Embassy, 2019). Such low rate of prosecution gives the perpetrators a sense of impunity, allowing for continued trafficking.

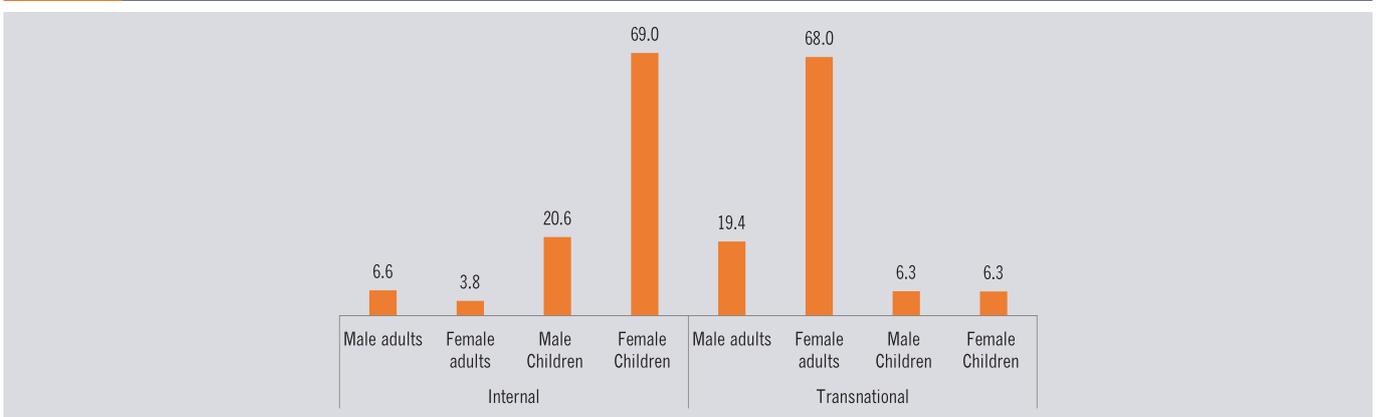
Figure 1 Incidents of trafficking of persons by type: 2014-2018



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

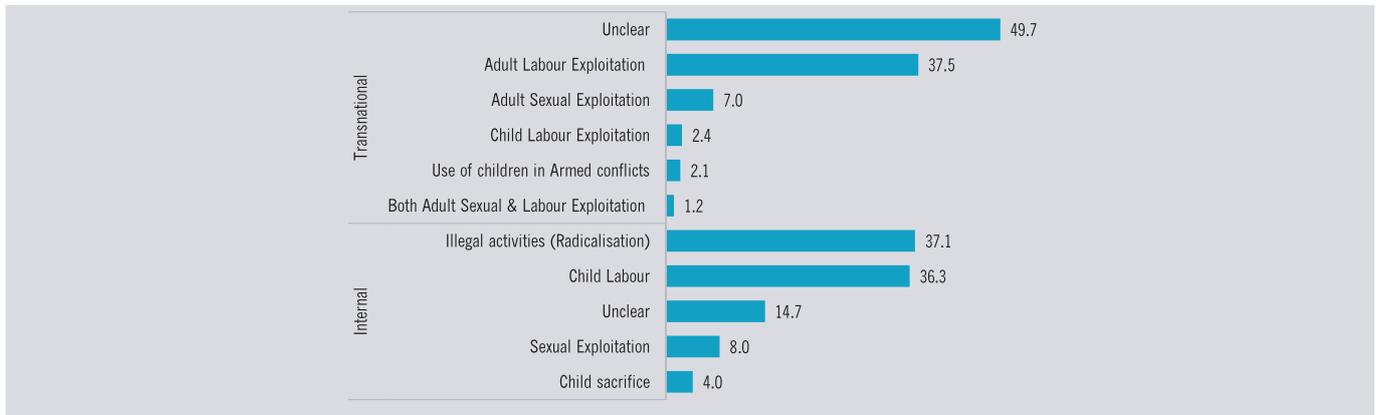
Females are the major victims of trafficking: Seven in every ten victims of human trafficking are females (combined 73 percent for internal and 74 percent of transnational trafficking). Furthermore,

Figure 2 Victims of trafficking incidents (%): 2017-2018



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

Figure 3 Reasons for trafficking (as a % of victims): 2017-2018

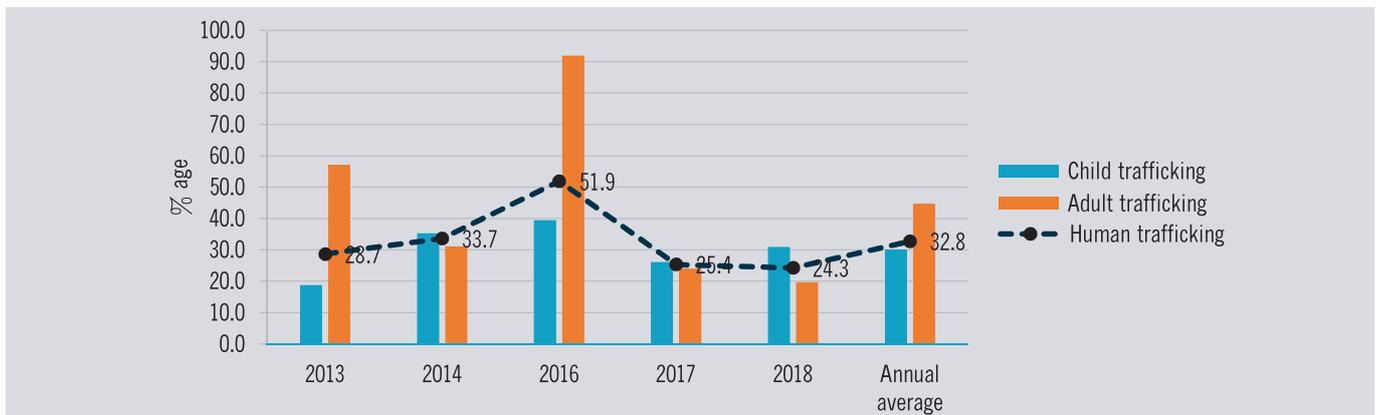


Source: Authors own construct (2020) using data from UPF

Conviction rate for human trafficking offenses 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

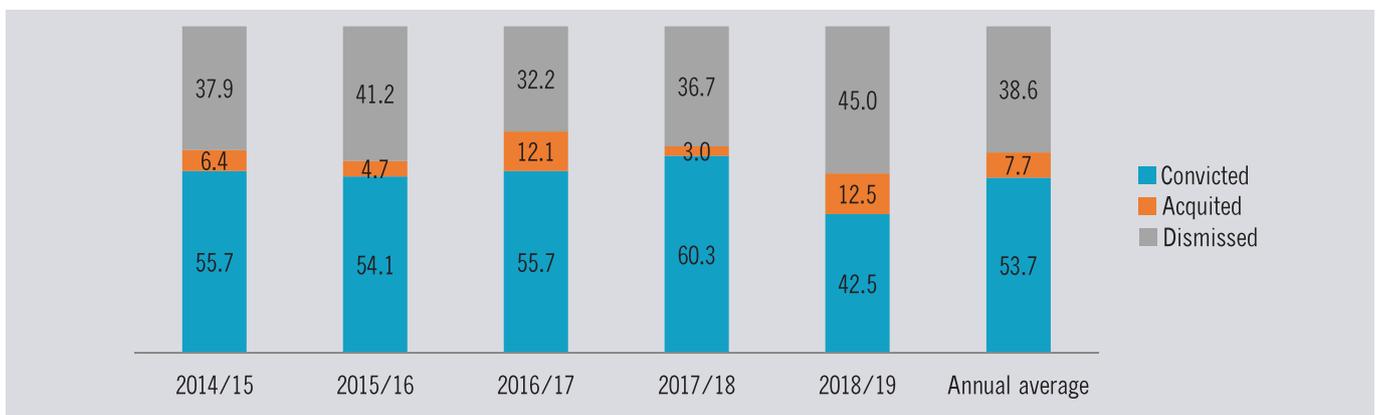
while dismissal rate increased by 8 percentage points in the same period. The average conviction rate is largely attributed to limited evidence especially on transnational trafficking, due to limited facilitation to gather evidence from abroad Uganda Police Force, 2018).

Figure 4 Prosecution of human trafficking cases (as a % of registered cases): 2013-2018



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

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



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

Recent Policy Briefs

“The burden of physical gender based violence in Uganda”
No. 121 May 2020

“Adolescent motherhood and maternal deaths in Uganda”
No. 120 May 2020

“How can Uganda address gender data gaps in the land sector?”
No. 119 April 2020

The views expressed in this publication are those of the authors and do not necessarily represent the views of the Economic Policy Research Centre (EPRC) or its management.

Copyright © 2020

Economic Policy Research Centre

Conclusions

A clear policy on prevention of trafficking in persons in Uganda exists. However, despite it's more than 10 years in existence, the implementation strategy and targets to track performance are non-existent. Besides, cases of human trafficking are on a rise in Uganda. These have both age and gender biases with females mainly as the victims. Specifically, while the victims of internal trafficking are largely children, those for transnational trafficking are adults. Further, females are at the core of both forms of human trafficking. Notwithstanding the rising incidents of human trafficking, prosecution is still low largely 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 transnational trafficking cases. These raise policy concerns and puts to question the implementation and enforcement of the Prevention of Trafficking in Persons Act, 2009.

Recommendations

- **Sensitization about the ant-trafficking Act and publicity of labour migration guidelines.** There still exists information gaps about trafficking and labour externalisation especially in upcountry districts which provides fertile ground for trafficking. The Ministry of Gender, Labour and Social Development (MoGLSD) should therefore scale-up sensitisation of the masses about the provisions of the Act and the guidelines for safe labour migration.
- **Enhance capacity of security agencies to handle human trafficking cases.** To speed-up investigations and hence prosecution, there is need to scale-up anti-trafficking training among law enforcement and frontline officers in different parts of the country, and Ugandan embassy staff in different countries. In addition, there is need to increase funding to responsible agencies

to facilitate evidence gathering especially from abroad, and put up more shelters.

- **Increase victim services and assistance to survivors.** Besides tightening of security checks and screening of migrant workers at exit points, there is also need to increase coordination with neighbouring countries to intercept traffickers. In addition, there is 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 CSOs and NGOs.

References

- Uganda Police Force [UPF] (2018). Annual Crime Report 2017
- UPF (2019). Annual Crime Report 2018
- United States Embassy (2019). Trafficking in persons report, June 2019
- The Human Trafficking Institute (2017). Uganda trafficking in persons: Key documents and resources
- <https://ug.usembassy.gov/wp-content/uploads/sites/42/Uganda-2018-Trafficking-in-Persons-Report-PDF-100kb.pdf>
- <https://www.antitraffickingreview.org/index.php/atjournal/article/view/172/175>

The Economic Policy Research Centre (EPRC) is an autonomous not-for-profit organization established in 1993 with a mission to foster sustainable growth and development in Uganda through advancement of research –based knowledge and policy analysis.

Learn more at:

 www.eprcug.org

 TWITTER: @EPRC_official

 www.facebook.com/EPRCUGanda

 eprcug.org/blog

Address:

Economic Policy Research Centre
51, Pool Road, Makerere University Campus,
P. O. Box 7841 Kampala, Uganda
Tel: +256414541023/4 Fax: +256414541022
Email: eprc@eprcug.org, Website: www.eprc.or.ug