

ASF

Avocats Sans Frontières

BASELINE SURVEY REPORT:

**CHILD TRAFFICKING IN
SOROTI, KATAKWI AND
KAMPALA DISTRICTS
UGANDA**

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Research for the survey was conducted by Ms. Ujeo Mary Consolate, Legal Analyst and Training Specialist, Avocats Sans Frontières (ASF) and Ms. Agado Angella, Community Liaison Officer, Federation of Women Lawyers – Uganda (FIDA Uganda). The report was written by Ms. Ujeo Mary Consolate and edited by Ms. Carolyn Tanner, Head of Mission, Avocats Sans Frontières.

The Combating Child Trafficking Project

In partnership with



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Table of Contents

I. Executive Summary	- 7 -
A. Awareness about child trafficking.....	- 7 -
B. Incidence of child trafficking	- 7 -
C. Victims of child trafficking.....	- 7 -
D. Elements of child trafficking.....	- 7 -
E. Factors contributing to child trafficking.....	- 8 -
F. Implementation of anti-trafficking legislation.....	- 8 -
G. Service providers for victims of child trafficking.....	- 9 -
II. INTRODUCTION	- 9 -
A. Project to Combat Child Trafficking in Uganda	- 13 -
B. Objectives of the survey	- 14 -
C. Methodology used.....	- 15 -
III. UGANDAN CONTEXT	- 17 -
A. Legislation prohibiting child trafficking and protecting the rights of children in Uganda.....	- 17 -
1. International conventions and protocols related to child trafficking.....	- 18 -
2. Domestic laws prohibiting trafficking in Uganda.....	- 23 -
B. General overview on Katakwi, Soroti and Kampala districts <i>vis à vis</i> the problem of child trafficking	- 28 -
IV. PRESENTATION OF FINDINGS	- 29 -
A. Presentation and analysis of general data on child trafficking in the districts of Katakwi, Soroti and Kampala	- 29 -
B. Analysis of statistical data on child trafficking cases handled by the Police, Directorate of Public Prosecutions and Courts of Law in Katakwi, Soroti and Kampala districts (2009-2010).....	- 40 -
C. The Prevention of Trafficking in Persons Office and regulations to effect the implementation of the <i>Prevention of Trafficking in Persons Act, 2009</i>	- 44 -
D. Actors involved in providing response services to victims of child trafficking in the districts of Katakwi, Soroti and Kampala.....	- 46 -

1. Actors in Kampala district.....	46 -
2. Actors in Soroti district	48 -
3. Actors in Katakwi district.....	50 -
V. CONCLUSIONS AND RECOMMENDATIONS FOR THE WAY FORWARD	51 -
A. Conclusions	52 -
1. Legal framework in Uganda.....	52 -
2. Prevalence of child trafficking in Katakwi, Soroti and Kampala districts	52 -
3. Responses to child trafficking.....	53 -
B. Recommendations for the way forward.....	54 -
1. Recommendations to strengthen the legal framework in Uganda	54 -
2. Recommendations to reduce the prevalence of child trafficking in Katakwi, Soroti and Kampala districts.....	56 -
3. Recommendations to improve responses to child trafficking.....	56 -
C. Achievement of objectives of baseline survey.....	57 -
VI. APPENDIX I -- LIST OF LAWS REFERRED TO IN THE BASELINE SURVEY REPORT	59 -
A. Ugandan national laws relevant on child trafficking.....	59 -
B. International legal instruments relevant to child trafficking.....	59 -
VII. APPENDIX II -- LIST OF RESPONDENTS INTERVIEWED	61 -

List of Tables

Table 1 Summary of child trafficking cases handled by service provider	39 -
Table 2 Cases by category of offence and/or purpose of trafficking.....	42 -
Table 3 Type of service provider dealing with child trafficking complaints	42 -
Table 4 Legal remedies applied to identified cases of child trafficking in Katakwi and Soroti district 2009 to 10 May 2010	43 -

I. EXECUTIVE SUMMARY

The data collected have been instrumental for ASF/FIDA-U to obtain an accurate picture of the prevailing situation on trafficking issues in the given districts of ASF intervention, to determine the baseline for the objectively verifiable indicators mentioned in the logical framework for the project and to propose extra relevant indicators. The key findings made from the baseline survey can be summarized as follows:

A. AWARENESS ABOUT CHILD TRAFFICKING

The general level of awareness on child trafficking issues among the district authorities who participated in the baseline survey especially in Katakwi and Soroti districts was low. Although they had some general ideas on child trafficking, most of them were not well versed with the meaning and scope of child trafficking as accorded to it under the *Prevention of Trafficking in Persons Act 2009*, of Uganda. This was mainly because they had not had the opportunity to access a copy of the said law and to read it from the time the law was commenced on 23rd October, 2009.

B. INCIDENCE OF CHILD TRAFFICKING

Child trafficking was reported to occur in Katakwi, Soroti and Kampala. All the three districts serve as source, transit and destination points for child trafficking in Uganda, as well as across the border to other countries.

C. VICTIMS OF CHILD TRAFFICKING

The victims of child trafficking in Katakwi and Soroti districts mainly come from within the Teso sub region and from neighbouring districts in the Karamoja sub region. However, this study found that the victims of child trafficking in Kampala came from various parts of Uganda although a majority of the street children were reportedly from the Karamoja sub region. Also, many boy victims of child trafficking in Kampala reportedly come from Kabale district.

Both the boys and girls have been targeted for child trafficking in the three districts. However, it seems that girl-child victims are more affected. Other high vulnerable groups are orphans, vulnerable children, especially those coming from poor families, children from IDP camps, children out of school, children separated from their parents and street children, among others have been the most affected.

D. ELEMENTS OF CHILD TRAFFICKING

- All the different processes of child trafficking listed under section 3 of the *Prevention of Trafficking in Persons Act, 2009* of Uganda were reported to occur in Katakwi and Soroti districts. They include: abductions of children (such as what occurred during the LRA incursion into the Teso sub region and Karamojong cattle rustling attacks that have gone on for many years), recruiting, transporting, transferring, harbouring, receiving, hiring, maintaining and confining of children from both within the Karamoja and the Teso sub regions who have been used for exploitative purposes.
- The common purposes for the trafficking of children in Katakwi, Soroti and Kampala districts were reported to include: using children abducted by LRA rebels and Karamojong cattle rustlers in armed conflicts, commission of crimes and for sexual exploitation (abducted girls are turned into sex slaves for rebel commanders, are defiled repeatedly, become child mothers, etc); exploitation of labour through engaging trafficked children in doing hard work such as herding cattle, baby sitting, cultivation of large gardens and domestic labour that is not fit for their age; removing their body parts and murdering children for purposes of human sacrifice, witchcraft, rituals and related purposes.

E. FACTORS CONTRIBUTING TO CHILD TRAFFICKING

- The factors that were identified by respondents to have contributed greatly in promoting child trafficking in Katakwi, Soroti and Kampala districts include:
 - high poverty levels currently prevailing in the Teso and Karamoja sub regions;
 - harsh conditions of life in Karamoja leading to scarcity of food;
 - ignorance among the general population about child trafficking (its meaning, that it is a crime, how it affects children as victims, its consequences for suspects under the laws and how to prevent and respond to it);
 - general insecurity in the Teso sub region caused by LRA rebels and Karamojong warriors;
 - patriarchal culture among the people in the areas of intervention that undermines the position of the girl-child in the society; and
 - lack of active involvement by the concerned Government authorities namely: police, DPP and the courts of law in combating child trafficking in the respective districts.

F. IMPLEMENTATION OF ANTI-TRAFFICKING LEGISLATION

- The Offices of the Uganda Police Force, Directorate of Public Prosecutions in Uganda and the Courts of law in the districts of Katakwi, Soroti and Kampala have not handled any cases of child trafficking under the *Prevention of Trafficking in Persons Act, 2009* due to lack of adequate knowledge about this law.
- The Prevention of Trafficking in Persons Office that is supposed to be designated under the *Prevention of Trafficking in Persons Act, 2009* for the coordination, monitoring and overseeing of the implementation of all activities in Uganda under the Act has not been established.
- No regulations have been made for effecting the implementation of the provisions of the *Prevention of Trafficking in Persons Act, 2009*.

G. SERVICE PROVIDERS FOR VICTIMS OF CHILD TRAFFICKING

- There were no available actors on the ground in the districts of Katakwi, Soroti and Kampala involved in implementing programmes that specifically provide access to justice for victims of child trafficking.
- There were some government departments and NGOs available on the ground that were involved in offering protection services such as accommodation, education, medical treatment, psycho- social support, and reintegration of victims with their families in the districts of Katakwi, Soroti and Kampala. Examples of such government departments included the police, district probation and social welfare office, office of the LC5 Vice-chairperson and the office of the RDC. The NGOs included among others UYDEL in Kampala, AMECET Home in Soroti ,Katakwi Children's voice and TPO in both Soroti and Katakwi.

II. INTRODUCTION

Child trafficking is a problem that has affected the Ugandan society for a long time, but until recently it has not received much attention from the public and other keys stakeholders who should be involved in combating this crime. It is a serious human rights and development issue that is affecting children in many parts of Uganda and around the world. The general lack of awareness among the population on matters regarding child trafficking and its complex nature has created an attitude of complacency towards this issue in Uganda. As a result, acts which constitute child trafficking are perceived by the majority of the population to be a normal happening in the society.

Various studies conducted on trafficking in Uganda have revealed that trafficking is prevalent and that child trafficking is the most common form.^{1 2} Uganda is a source and destination country for trafficked men, women, and children specifically for the purposes of forced labour and forced prostitution.³ According to the International Labour Organisation a child has been trafficked if he or she has been moved within a country or across borders whether by force or not, for the purpose of exploiting the child.⁴ The victims of child trafficking are mainly orphans and other vulnerable children who are unable to defend themselves against the perpetrators of this crime. Child trafficking is often perpetrated by individuals, organised crime groups and institutions that make huge sums of money at the expense of the victims and their communities. The perpetrators of child trafficking are usually powerful, well connected and experienced people in the society. They use deceitful methods to get hold of their victims and as such, child trafficking often occurs in the communities without being detected.

The issue of child trafficking in Uganda was forced to the limelight by the emergence of child sacrifice in recent years. The police in Uganda established through their investigations that several cases of children reported as missing ended up as cases of child sacrifice.⁵ In order to respond to this a task force was set up in the police by the Inspector General of Police in January 2009 known as the Anti-Human Sacrifice and Trafficking task force. The body parts of these children are used for purposes such as witchcraft, rituals and related practices. In addition to trafficking for the purposes of child sacrifice, Ugandan children, especially Karamojong children, are exploited in conditions of forced labour within the country in the fishing, agricultural, and domestic service sectors, as well as for commercial sexual exploitation; they are also taken to East African and European countries for the same purposes. Karamojong women and children in particular are subject to domestic servitude, commercial sexual exploitation, cattle herding, and

¹ International Labour Organization, 2007. *Rapid assessment report on trafficking of children into worst forms of child labour, including child soldiers in Uganda: A study conducted in the districts of Busia, Pader, Kalangala, Masaka and Kampala as part of the IPEC TBP preparatory activities*. [online] Geneva: ILO. Available at: <http://www.ilo.org/public/english/region/afpro/daressalaam/download/c_trafficking_uganda.pdf> [Accessed 5 November 2010].

² Patt, Prof. Martin, "Human Trafficking & Modern-day Slavery - Uganda", <<http://gvnet.com/humantrafficking/Uganda.htm>>, [Accessed on 11th November, 2010]

³ U.S Department of State, 2010. *Trafficking in Persons Report, 2010. Country Narratives: Uganda*. Available at <<http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>> [Accessed on 11th November, 2010]

⁴ International Labour Organisation, 2007. *Note on the definition of 'child trafficking'*. [press release], 1 March 2007 Available at: <http://www.unicef.org/southafrica/SAF_pressrelease_notetrafficking.pdf> [Accessed on 5 November 2010]

⁵ Uganda Police, 2009. *Annual Crime Report , 2009*, p.5 [online] Available at: <<http://www.upf.go.ug/2009.pdf>> [Accessed on 5th November, 2010]

begging⁶. Coupled with the types of exploitation listed above, trafficking for the purpose of early marriage is also a common problem in parts of Uganda. Finally, kidnapping for use as child soldiers was also a frequent occurrence during the Lord's Resistance Army (LRA) insurgency in Northern Uganda. Until August 2006, the LRA abducted people, including children in northern Uganda to serve as soldiers, sex slaves, and porters. Although there have been no LRA attacks in Uganda since 2006 some of these children remain captive with LRA elements currently located in the DRC, Central African Republic, and southern Sudan.

In addition to the exploitation of children from Uganda, it has also been found that Pakistani, Indian, and other Asian migrant workers are subjected to forced labor in Uganda, and that South Asian crime networks transport South Asian children to the country for commercial sexual exploitation.⁷ Children from the Democratic Republic of the Congo (DRC), Rwanda, Burundi, Kenya, Tanzania, and Sudan are also noted to have been subjected to forced agricultural labor and commercial sexual exploitation in Uganda.⁸

Children and other vulnerable groups of people who often fall prey to human trafficking need to be protected by the state and other stakeholders. Rights violations of trafficked children include: the right to life, dignity, privacy, personal liberty, health, education and the right to be loved and cared for by parents and lawfully authorized guardians⁹. These universal rights are enshrined in many of the international conventions to which Uganda is a state party¹⁰ and in particular in the United Nations *Convention on the Rights of the Child*¹¹. This important international legal instrument prohibits trafficking in children in all its various forms and provides for victim assistance, as well as their protection. The Convention calls upon all state parties to take legislative, administrative, social and educational measures to protect children from sexual and economic exploitation, unlawful

⁶ U.S Department of State, 2010. *Trafficking in Persons Report, 2010. Country Narratives: Uganda*. Available at <<http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>> [Accessed on 11th November, 2010]

⁷ *Ibid*

⁸ *Ibid*

⁹ *UN Convention on the Rights of the Child, 1989*. Available at <<http://www2.ohchr.org/english/law/crc.htm>>, [Accessed on 11th November, 2010]

¹⁰ Uganda is a state party to the United Nations *Convention Against Transnational Organised Crime* but has not yet ratified the 2000 *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* supplementing the United Nations *Convention Against Transnational Organised Crime* (commonly referred to as the "Palermo Protocol").

¹¹ *UN Convention on the Rights of the Child , Articles under Part 1.*

sexual activity and, or practices and all forms of sale and trafficking of children which acts are all deemed prejudicial to the welfare of the child¹².

There is evidence that the Government of Uganda is beginning to take steps to counter child trafficking activities in Uganda. In 2009, the Government of Uganda enacted national legislation, known as the *Prevention of Trafficking in Persons Act, 2009* which prescribes punishment ranging from 15 years' imprisonment up to the death sentence in cases of aggravated trafficking in children. These penalties are commensurate with those prescribed for other serious crimes. However, despite the fact that the law has been in force and effect since late 2009, very few steps have been taken towards its implementation by the police and the directorate of public prosecution in Uganda. Presently the vast majority of suspected trafficking offenses continue to be charged under other statutes, such as prohibitions on procurement for prostitution, defilement, and kidnapping under the *Penal Code Act*. Although the police have increased efforts to investigate human sacrifice and trafficking offences in 2010, little progress has been shown in prosecuting human trafficking offences and punishing trafficking offenders in Uganda. By November, 2010, only one case of child trafficking in the country had been taken to court for prosecution under the *Prevention of Trafficking in Persons Act*.¹³ Prosecution of traffickers under anti-trafficking legislation is essential in order for Uganda to affirm its commitment to the fight against child trafficking and to demonstrate to perpetrators that they will be held accountable if they participate in this type of exploitation of children.

According to the US Department of State 10th Report on Human Trafficking, 2010¹⁴, since, 2001, Uganda has been classified a Tier 2 country in a three tier system. This classification is based on how much effort the country has made in combating human trafficking.¹⁵ This means that although the Government of Uganda is making significant efforts to comply with minimum standards for the elimination of trafficking, it does not fully comply. It indicates the need for renewed advocacy efforts to ensure that the laws that exist to prohibit trafficking are used to punish the perpetrators and provide protection and effective remedies to the victims of child trafficking in Uganda.

¹² *UN Convention on the Rights of the Child, Articles 32-35*

¹³ *Uganda v. Baguma Jackson and Uganda v. Mwadiya Ibrahim* (Kiryandongo Police Station 2010). Information obtained from Commissioner of Police in charge of Anti-Human Sacrifice and Trafficking task force on 8 November 2010.

¹⁴ Available at <<http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>>[Accessed on 11th November, 2010]

¹⁵ *Ibid*

A. PROJECT TO COMBAT CHILD TRAFFICKING IN UGANDA

Avocats Sans Frontières (ASF which means “lawyers without borders”) is a Belgian-founded international organisation headquartered in Brussels. It is comprised mainly of lawyers and its aim is to contribute to the establishment of a just, equitable and united society, in which both the law and its institutions can serve the most vulnerable people. Since the beginning of 2008, ASF has been operating in Uganda starting first with a regional program against torture and then, in 2009 expanding its focus to include access to justice for women and children in partnership with the Association of Women Lawyers in Uganda (FIDA-U). This program focused on sexual and gender based violence and children’s rights violations in the Teso sub-region. In 2010, with funding from the European Commission and the Belgian Development Cooperation and the Belgian Ministry of Foreign Affairs, ASF and FIDA-U expanded their operations in the Teso sub region to include a new project aiming to combat child trafficking in Uganda. The activities of this new project are being implemented in the districts of Katakwi, Soroti and Kampala and all operations will be guided by the *Prevention of Trafficking in Persons Act, 2009* of Uganda, and other relevant national laws and international legal instruments ratified by the state.

The overall objective of the project is to combat child trafficking through engaging in a set of integrated activities that are aimed at creating a dynamic for change. Through grassroots education about child trafficking, access to free legal aid and representation for victims of trafficking ASF aims to concretely fight and deter these practices and their societal acceptance within the communities. ASF also aims at generating a more general movement for change by training judicial actors such as police, lawyers, state attorneys, prosecutors and magistrates about the law prohibiting child trafficking in Uganda and the role that each profession has to play in ensuring that victims of child trafficking are protected. It is hoped that the legal solutions provided to the victims of child trafficking and their communities will impact on the perception of trafficking on a national scale by influencing awareness of the need to more strongly condemn and deter these practices which undermine the future of the youth in Uganda. The specific objective of the project is to provide legal aid to child victims within the geographic areas of intervention and to facilitate their access to justice.

In their legal field of expertise, ASF and FIDA-U will provide a set of integrated legal services to support victims of child trafficking and to combat those exploiting them. These concrete and legal responses will be achieved by implementing the following main activities in the districts of Katakwi and Soroti where the issue of trafficking is of great concern and children are most vulnerable and under privileged:

1. Legal awareness raising in the targeted communities;
2. Provision of legal advice through consultations at the fixed legal clinic and mobile clinics in the surrounding areas;
3. Provision of legal representation for emblematic cases;
4. Capacity building of key actors (community leaders, police, lawyers, magistrates, judges, civil society organisations);
5. Lobbying and monitoring of law enforcement authorities.

In Kampala ASF and FIDA-U will work together with other organizations working to protect children's rights and will provide legal support, advice and representation to identified victims of trafficking.

This baseline survey for the Combating Child Trafficking project was conducted in the three districts during the months of April and May 2010. The main objective of the survey is to provide a presentation and an analysis of relevant data on the current situation of child trafficking in the areas of intervention.

B. OBJECTIVES OF THE SURVEY

- To provide a current picture of the situation prevailing in relation to child trafficking in Soroti, Katakwi and Kampala districts at the start of ASF/FIDA-U project so as to determine the project's contribution to changes among different target groups in response to the project intervention.
- To assess the level of application of the newly enacted *Prevention of Trafficking in Persons Act*, in the districts of intervention
- To identify the targeted geographical areas of intervention of ASF/FIDA-U project activities (sub counties and parishes) particularly in the district of Katakwi.
- To identify relevant referral partners for the project in the districts of intervention that can provide other protection services required by victims of child trafficking such as shelter, food, education, medical, psycho-social support and reintegration with families.
- To create awareness on the existence of the ASF/FIDA-U project in the district of intervention to the relevant local government authorities and key stakeholders so as to gain their acceptance, cooperation and support that is crucial for the successful implementation of the project.

- To use the results of the baseline survey to assist ASF and FIDA-U in setting up benchmarks for the midterm and final evaluation of its programme in the districts of intervention.

C. METHODOLOGY USED

Data was collected through:

- A complete documentary review of studies, reports and other publications produced about child trafficking in Uganda;
- A review of all national and international legal instruments regarding trafficking in persons that focus on child trafficking and an analysis of court precedents over the past twelve months both at national level and at the district level. A list of these instruments can be found at Appendix I;
- A compilation of data available from relevant administrative bodies (police, court, directorate of public prosecutions, district offices);¹⁶
- Interviews with various respondents selected from among the key players in the field (district leaders, judicial authorities, police, NGOs, local leaders) to find out information about child trafficking in the district.

Interviews for the baseline survey were conducted with actors from the various JLOS institutions, district level authorities and civil society organisations operating in the area of children's rights. A complete list of those interviewed by the author can be found at Appendix II to this report. The interviews carried out with various respondents were always preceded by sensitising them on the definitions and meaning of child trafficking according to the *Prevention of Trafficking in Persons Act, 2009* of Uganda. In this way the respondents were enabled to provide responses to questions they were asked about child trafficking in the district from a clear point of understanding. This approach was made necessary as the interviewer realised that most of the respondents in the field had limited understanding about child trafficking. Although they had some ideas on the subject, most of them were not well versed with the meaning and scope of child trafficking as accorded to it under the anti human trafficking legislation of Uganda. The interviewer therefore, decided to avail each respondent with a copy of the law at the end of every

¹⁶ Due to weak data collection practices in these institutions it was impossible to get a comprehensive overview of incidence of child trafficking in the targeted areas. The statistical information relied upon in this report is not exhaustive but represents all that was available in the areas of intervention at the time of research.

interview in order to increase his or her awareness about child trafficking. A list of the JLOS actors, district authorities and civil society organisations interviewed follows:

- In Soroti district with the following respondents:
 - Resident District Commissioner (RDC-Soroti), Local Council 5 Vice-Chairperson for Soroti, Deputy Chief Administrative Officer-Soroti, Officer in-charge of the Child and Family Protection Unit of Police and Community Liaisons at the Central Police Station in Soroti, Senior District Probation and Social Welfare Officer, Chief Magistrate- Soroti, Resident State Attorney for the Office of the Directorate of Public Prosecutions in Soroti, Regional Human Rights Officer for the Uganda Human Rights Commission office in Soroti, UNOHCHR regional Office in Soroti.
 - NGOs that included: AMECET home, Child Fund International and Partners for Children Worldwide, World Vision Soroti cluster, Uganda Women's Efforts to Save Orphans (UWESO) and Transcultural Psycho-social Organisation (TPO).
- In Katakwi district with the following respondents:
 - Local Council 5 Vice-Chairperson for Katakwi, District Police Commander (DPC), Officer in-charge of the Child and Family Protection Unit of Police at the Central Police Station in Katakwi, Senior District Probation and Social Welfare Officer, Katakwi District Community Development Officer and Assistant Community Development Officers for the sub counties of Ngariam, Palam, Ongongoja. NGOs that included: Katakwi Children's Voice and Transcultural Psycho-social Organisation (TPO) office in Katakwi.
- In Kampala district with the following respondents:
 - Director of Planning and Development Coordination Office of the Parliament of Uganda, Public Relations Officer for the Directorate of Public Prosecutions, Commissioner of Police in Charge of Child Sacrifice and Human Trafficking, Senior State Attorney-Department of Legal Advisory Services at the Ministry of Justice and Constitutional Affairs and the Permanent Secretary-Ministry of Internal Affairs.

- NGOs that included: Uganda Women Parliamentary Association (UWOPA), Uganda Youth Development Link (UYDEL), Law and Advocacy for Women in Uganda, Uganda Child Rights NGO Network (UCRNN) and IOM. However, efforts made during this survey to obtain information about programmes of IOM regarding human trafficking in Uganda were not successful because no one was available to meet with the interviewer.

III. UGANDAN CONTEXT

A. LEGISLATION PROHIBITING CHILD TRAFFICKING AND PROTECTING THE RIGHTS OF CHILDREN IN UGANDA

One main reason why child trafficking continues to negatively impact on the Ugandan society is the general lack of knowledge on child trafficking among the officials and the public about child trafficking being a crime in Uganda. Trafficking in children is widely recognized internationally as a crime and there are many international conventions and protocols designed to protect victims from this crime and to prosecute the perpetrators.

The most important international conventions prohibiting trafficking in persons include *ILO Convention 138 Minimum Admission to Employment* (1973), *ILO Convention 182 Worst Forms of Child Labour*, *United Nations Convention on the Rights of the Child*, 1989, *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography* (2000), *UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of others* (1949), *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime- The Palermo Protocol* (2000), *United Nations Convention against Transnational Organized Crime* (2000), all of which specifically prohibit trafficking, including trafficking in children in all its forms.

While Uganda is not a signatory to all of these conventions and protocols, it has ratified a number of them and has enshrined the protection of children's rights in the Constitution. A complete list of the international laws regulating trafficking and Uganda's ratification status can be found at Appendix I to this report. Uganda has also recently enacted domestic legislation specifically criminalizing trafficking in the country. However despite these positive signs the prosecution of traffickers remains a challenge in Uganda and vulnerable children continue to be at risk. The following is a discussion of the international and domestic laws prohibiting

trafficking in Uganda and an analysis of how effective these domestic measures are in combating trafficking within the current context.

1. INTERNATIONAL CONVENTIONS AND PROTOCOLS RELATED TO CHILD TRAFFICKING

ILO Convention 138 Minimum Admission to Employment , 1973

This Convention was ratified by Uganda in 2002, and was brought into force on 25 March 2003. Under this Convention, each state member is required to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.¹⁷ The state members are also obliged to specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age should be admitted to employment or work in any occupation¹⁸. The minimum age specified in pursuance of paragraph 1 of this Article is not supposed to be less than the age of completion of compulsory schooling and, in any case, not less than 15 years. State members are however, allowed to have a minimum for employment in their country that is higher than 14years.¹⁹

ILO Convention 182 Worst Forms of Child Labour, 1999

This Convention is concerning the prohibition and immediate action for the elimination of the worst forms of child labour. It was ratified by Uganda on 21st June 2001. Each state member that ratifies the Convention is required to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency²⁰. The Convention applies the term "child" to all persons under the age of 18²¹ and it also explains the term "the worst forms of child labour" to comprise: (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the

¹⁷ *Convention 138 Minimum Admission to Employment (1973)*, Article 1

¹⁸ *Convention 138 Minimum Admission to Employment (1973)*, Article 2(1)

¹⁹ *Convention 138 Minimum Admission to Employment (1973)*, Article 2(3),2(4)

²⁰ *ILO Convention 182 Worst Forms of Child Labour*, Article 1

²¹ *ILO Convention 182 Worst Forms of Child Labour*, Article 2

production and trafficking of drugs as defined in the relevant international treaties; and (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.²²

United Nations Convention on the Rights of the Child, 1989

This Convention was signed by Uganda on 17th August, 1990 and also ratified on the same date. The document contains important provisions that are relevant for addressing the issue of child trafficking in Uganda. It guarantees children's rights to protection from sexual abuse, exploitation, abduction, as well as protection in instances of armed conflict. It also limits the extent to which a child's privacy, honour and reputation may be encroached upon.

The Convention places an obligation on all state parties to take measures to combat the illicit transfer and non-return of children abroad.²³ Article 19 calls upon state parties to enact laws and to put in place other appropriate measures to ensure the protection of children from sexual abuses and acts of sexual exploitation such as prostitution and pornographic performances, which are some of the common forms of child trafficking in Uganda. The Convention also requires state parties to recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.²⁴ In addition, all states parties are required to take measures to protect the child from all forms of sexual exploitation and sexual abuse and to prevent activities relating to the inducement or coercion of a child to engage in any unlawful sexual activity; the exploitative use of children in prostitution or other unlawful sexual practices; and the exploitative use of children in pornographic performances and materials.²⁵ Under Article 35 of the Convention, states parties are further required to take measures to protect children from being sold and abducted in whatever form. They are also required by Article 38 thereof to provide for the protection and care of children affected by armed conflict, as well as ensuring the rehabilitation of abused children.²⁶

CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, 2000

²² *ILO Convention 182 Worst Forms of Child Labour*, Article 3

²³ *Convention on the Rights of the Child*, Article 11

²⁴ *Convention on the Rights of the Child*, Article 32

²⁵ *Convention on the Rights of the Child*, Article 34

²⁶ *Convention on the Rights of the Child*, Article 39

The Protocol was ratified by Uganda on 30th November 2002. Its preamble stipulates that states parties consider that in order further to achieve the purposes of the *Convention on the Rights of the Child* and the implementation of its provisions, especially Articles 1, 11, 21, 32, 33, 34, 35 and 36, they will undertake appropriate measures in order to guarantee the protection of the child from the sale of children, child prostitution and child pornography. In the same spirit, Article 1 of the Protocol mandates each state party to prohibit the sale of children, child prostitution and child pornography as provided therein.²⁷ The protocol defines “the sale of children” to mean any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration; “child prostitution” to mean the use of a child in sexual activities for remuneration or any other form of consideration; and “child pornography” to mean any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.²⁸

Under Article 3 of the Protocol, each state party has the obligation to ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis:

(a) In the context of sale of children as defined in Article 2:

(i) offering, delivering or accepting, by whatever means, a child for the purpose of:
a. sexual exploitation of the child; b. transfer of organs of the child for profit; c. engagement of the child in forced labour;

(ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;

(b) Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2;

(c) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2.

²⁷ CRC *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*, 2000, Article 1

²⁸ *Ibid*, Article 2

Each state party to the protocol is further required to make such offences punishable by appropriate penalties that take into account their grave nature.²⁹

United Nations Convention against Transnational Organized Crime, 2000

This Convention was ratified by Uganda on 9 March, 2005. The purpose of the Convention is to promote cooperation to prevent and combat transnational organized crime more effectively.³⁰ The Convention among others defines “Organized criminal group” to mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit. “Serious crime” is defined to mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty.³¹ The Convention applies to the prevention, investigation and prosecution of: (a) the offences established in accordance with its articles 5, 6, 8 and 23 ; and (b) serious crime as defined in article 2 of this Convention; where the offence is transnational in nature and involves an organized criminal group.³² Under the Convention, an offence is deemed to be transnational in nature if: it is committed in more than one state³³; it is committed in one state but a substantial part of its preparation, planning, direction or control takes place in another state³⁴; it is committed in one state but involves an organized criminal group that engages in criminal activities in more than one state³⁵; or it is committed in one state but has substantial effects in another state³⁶. The Convention places an obligation on each state party to adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally the various acts listed under its Article 5.

UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, 2000 (The Palermo Protocol)

The Palermo Protocol was signed by Uganda on 12 December, 2000, but has not yet been ratified. This Protocol specifically provides for the prevention, suppression and punishing of trafficking in persons especially women and children. The

²⁹ *Ibid*, Article 3

³⁰ *United Nations Convention Against Transnational Organized Crime, 2000*, Article 1

³¹ *Ibid*, Article 2

³² *Ibid*, Article 3

³³ *Ibid*, Article 3(2)(a)

³⁴ *Ibid*, Article 3(2)(b)

³⁵ *Ibid*, Article 3(2)(c)

³⁶ *Ibid*, Article 3(2)(d)

provisions of the Palermo Protocol have informed Uganda's anti- human trafficking legislation. The purposes of the Protocol are: (a) to prevent and combat trafficking in persons, paying particular attention to women and children; (b) to protect and assist the victims of such trafficking, with full respect for their human rights; and (c) to promote cooperation among States Parties in order to meet those objectives.³⁷

Under its Article 3, the Protocol defines "Trafficking in persons" to mean 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, of 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.³⁸ The Protocol goes ahead to explain that the consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.³⁹ It also states clearly that the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article.⁴⁰ "A child" is defined as any person under eighteen years of age.⁴¹

The Palermo Protocol applies to the prevention, investigation and prosecution of the offences established in accordance with Article 5, where those offences are transnational in nature and involve an organized criminal group, as well as to the protection of victims of such offences.⁴² Each state party to the Protocol is mandated to adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally.⁴³ Furthermore, each state member is required to

³⁷ *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, 2000 (The Palermo Protocol)*, Article 2

³⁸ *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, 2000 (The Palermo Protocol)*, Article 3(a)

³⁹ *Ibid*, Article 3(b)

⁴⁰ *Ibid*, Article 3(c)

⁴¹ *Ibid*, Article 3(d)

⁴² *Ibid*, Article 4

⁴³ *Ibid* , Article 5(1)

adopt such legislative and other measures as may be necessary to establish as criminal offences: attempting to commit an offence established in accordance with paragraph 1 of this article⁴⁴; participating as an accomplice in an offence established in accordance with paragraph 1 of this article⁴⁵; and organizing or directing other persons to commit an offence established in accordance with paragraph 1 of this article⁴⁶.

UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949

Uganda has neither signed nor ratified this Convention. However, the *UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* contains important provisions that are relevant for addressing the issue of child trafficking in Uganda. The Convention prohibits, criminalizes and punishes acts relating to trafficking of persons for purposes of sexual exploitation. Under Article 1 thereof, state parties to the Convention agree to punish any person who, to gratify the passions of another commits any of the following offences: procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person; and exploits the prostitution of another person, even with the consent of that person.⁴⁷ Also to be punished is any person who keeps or manages, or knowingly finances or takes part in the financing of a brothel; and any person who knowingly lets or rents a building or other place or any part thereof for the purpose of the prostitution of others.⁴⁸ The convention further provides that to the extent permitted by domestic law, attempts to commit any of the offences referred to in articles 1 and 2, and acts preparatory to the commission thereof, shall also be punished.⁴⁹ Accordingly, state parties to the Convention are obliged, in connection with immigration and emigration, to adopt or maintain such measures as are required, to check the traffic in persons of either sex for the purpose of prostitution.⁵⁰

2. DOMESTIC LAWS PROHIBITING TRAFFICKING IN UGANDA

A) THE PREVENTION OF TRAFFICKING IN PERSONS ACT, 2009

⁴⁴ *Ibid*, Article 5 (2)(a)

⁴⁵ *Ibid*, Article 5 (2)(b)

⁴⁶ *Ibid*, Article 5 (2)(c)

⁴⁷ *UN Convention for the Suppression of the traffic in persons and of the exploitation of the prostitution of others*, Article 1

⁴⁸ *Ibid*, Article 2

⁴⁹ *Ibid*, Article 3

⁵⁰ *Ibid*, Article 17

The *Prevention of Trafficking in Persons Act, 2009* is the primary national law in Uganda that deals with the issue of child trafficking in the country. The provisions in this piece of legislation were mainly informed by the *Constitution of the Republic of Uganda, 1995* and the 2000 UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the United Nations *Convention Against Transnational Organized Crime*. However, many other laws in Uganda⁵¹ and international Conventions⁵² contain relevant provisions on child trafficking and prior to the coming into force of the *Prevention of Trafficking in Persons Act, 2009*. These laws also provide measures for addressing the problem of child trafficking in Uganda.

The purpose of the *Prevention of Trafficking in Persons Act, 2009* is to specifically provide for the prohibition and prevention of trafficking in persons. This is done through the creation of specific trafficking offences, to allow for prosecution and punishment of offenders and by providing protection to victims of trafficking in persons and related matters. This law was commenced on the 23rd day of October, 2009 when it was published in the Uganda Gazette.

Child trafficking is made an aggravated offence according to the provisions of Section 4(a) of the *Prevention of Trafficking in Persons Act, 2009* and a person who commits the offence of trafficking in children shall be liable to imprisonment for life or death in certain circumstances⁵³. If a person traffics children for the purposes of use in any armed conflicts, the removal of body parts, human sacrifice and or witchcraft he or she will be subject to the death penalty.⁵⁴ The death penalty also applies to those who traffic children for use in the commission of a crime or who trafficks and abandons a child outside of Uganda.⁵⁵

The provisions of section 3 of the Act defines the offence of trafficking in persons. This offence is committed when a person recruits, transports, transfers, harbours or receives a person for the purpose of exploitation⁵⁶ or when a person recruits, hires, maintains, confines, transports, transfers, harbours or receives a person or facilitates the aforementioned acts for the purpose of engaging that person in prostitution, pornography, sexual exploitation, forced labour, involuntary servitude, debt bondage, forced or arranged marriages⁵⁷.

⁵¹ See list of relevant national laws in Appendix 1 of this report

⁵² See list of relevant international legal instruments in Appendix 1 of this report

⁵³ *Prevention of Trafficking in Persons Act, 2009*, s. 4(a) and s. 5

⁵⁴ *Prevention of Trafficking in Persons Act, 2009*, s. 5

⁵⁵ *Prevention of Trafficking in Persons Act, 2009*, s. 5

⁵⁶ *Prevention of Trafficking in Persons Act, 2009*, s. 3(1)(a)

⁵⁷ *Prevention of Trafficking in Persons Act, 2009* s. 3(1)(b)

According to the Act, with adult victims of trafficking, the trafficker must use threat, force, coercion, abduction, fraud, deception, abuse of power or abuse of vulnerability, or induce consent through payments or benefits in order for the offence to constitute trafficking.⁵⁸ However, with children there is no such requirement. Deceit, coercion and the use of force etc. is not required in cases of trafficking in children. It is enough that the act (i.e. recruitment, transferring harbouring etc.) and the purpose (i.e. child sacrifice, child marriage, other forms of exploitation etc.) be present for the offence of trafficking to arise.⁵⁹ In addition, the consent of the victim of trafficking, or if a child, the consent of his or her parents or guardians to the act of exploitation is not relevant.⁶⁰

In addition to providing a strong prohibition against trafficking in Uganda, the *Prevention of Trafficking in Persons Act, 2009* also sets out important legal protections and remedies for victims of trafficking. Under section 12 of this law, victims of trafficking in Uganda are protected from being subjected to criminal prosecution for offences related to their situation as trafficked persons and they are entitled to various types of assistance including accommodation, protection, medical, social and psychological assistance where possible. The victim is entitled to confidentiality⁶¹, facilitation for repatriation when it is safe to do so⁶², restitution⁶³ and compensation⁶⁴.

The law puts a duty on all the people in Uganda to report suspected cases of human trafficking.⁶⁵

In order to facilitate implementation of the law, the *Prevention of Trafficking in Persons Act, 2009* dictates the creation of a Prevention of Trafficking in Persons Office to be responsible for the coordination, monitoring and overseeing the implementation of the Act.⁶⁶ This office is to be responsible for, among others, the training and awareness raising of law enforcement officials and the public about the protections that are available for victims of trafficking.

While the enactment of the *Prevention of Trafficking in Persons Act, 2009* in Uganda represents an important step forward in the fight against trafficking, the reality is that this move forward in legislation has not been reflected in implementation.

⁵⁸ *Prevention of Trafficking in Persons Act, 2009*, s. 3(1)(a)

⁵⁹ *Prevention of Trafficking in Persons Act, 2009*, s. 3(3)

⁶⁰ Section 3(4) of the *Prevention of Trafficking in Persons Act, 2009*

⁶¹ *Prevention of Trafficking in Persons Act, 2009*, s. 13

⁶² *Prevention of Trafficking in Persons Act, 2009*, s. 14

⁶³ *Prevention of Trafficking in Persons Act, 2009*, s. 15

⁶⁴ *Prevention of Trafficking in Persons Act, 2009*, s. 16

⁶⁵ *Prevention of Trafficking in Persons Act, 2009*, s. 10

⁶⁶ *Prevention of Trafficking in Persons Act, 2009*, s. 21

Rather it appears that trafficking offences are failing to be identified as such by law enforcement authorities and are instead continuing to be charged and prosecuted under prior existing legislation such as defilement, kidnapping, etc. It is therefore useful to undertake an examination of other domestic legislation in Uganda that is often used to prosecute traffickers.

B) OTHER RELEVANT LAWS ON CHILD TRAFFICKING IN UGANDA

Constitution of the Republic of Uganda, 1995

The overarching legal framework guaranteeing rights and freedoms is the *Constitution of the Republic of Uganda, 1995*⁶⁷. The Constitution protects children from social and economic exploitation and prohibits children from being employed in or required to perform work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development.⁶⁸ This is the constitutional provision that has perhaps the most direct link to anti-trafficking in children provisions and provides an overall prohibition against children being exploited. The Constitution also guarantees fundamental rights of the child; rights which are violated when child trafficking occurs. This is consistent with Uganda's international obligations under the ratified *ILO Convention on the Worst Forms of Child Labour* as well as the provisions of the *UN Convention on the Rights of the Child*. The rights of the child are further protected by the *Children Act, 2000*⁶⁹ which is the legislation that domesticates and protects the rights of children in Uganda.

The *Penal Code Act*⁷⁰ is the criminal legislation of Uganda and is the legislation under which most trafficking offences have been prosecuted to date. The common charges preferred against the offenders of child trafficking have included: murder (in instances such as child sacrifice or where it has caused the death of the trafficking victim), kidnapping, defilement (in instances where the victim has been sexually exploited or in cases of early marriage), abduction, wrongful confinement and unlawful compulsory labour (in situations where labour of the trafficking victim has been exploited).

The main challenge presented by charging suspects who commit crimes arising from situations of child trafficking in Uganda with offences found under the *Penal*

⁶⁷ Cite and then state hereinafter referred to as the "Constitution"

⁶⁸ *Constitution*, Article 34(4)

⁶⁹ *Children Act, 2000*, section 4

⁷⁰ *Penal Code Act, 1950*, Cap. 120 (as Amended by Act No. 8 Of 2007) hereinafter referred to as "Penal Code Act"

Code Act is that often it has not led to the desired outcomes in terms of addressing the justice needs of the trafficking victims, their families and the community. For example some cases of child sacrifice that have been prosecuted as murder cases in Uganda have not led to convictions due to some weaknesses that have been identified by court in the way they were investigated and prosecuted. As a result, such offenders have sometimes been acquitted by the courts of law due to inadequate evidence adduced against them at the time of trials.⁷¹

Other weaknesses of relying on the *Penal Code Act* to charge perpetrators of child trafficking in Uganda are that Act does not address the issue of exploitation fully and all often fails to address critical elements and stages of the crime of child trafficking namely: recruitment, transportation, transfer, harbouring and receipt of the victim for the purpose of exploitation. Some situations of child trafficking such as debt bondage are not covered and situations of trafficking in persons that are charged under the *Penal Code Act* do not fetch sentences that are commensurate to the gravity of the offences committed. Oftentimes the victims of child trafficking who may be caught in violation of the law in the process of being trafficked are also not protected under this law. In addition, the *Penal Code Act* has limited jurisdiction in matters such as extradition for offences arising out of child trafficking that are committed outside of Uganda.

Other laws of Uganda that have been relevant for dealing with the issue of child trafficking include the *Employment Act*, the *Immigration Act*, the *Extradition Act* and the *Registration of Births and Deaths Act* of Uganda, among others.

In conclusion therefore, although the above laws of Uganda may contain provisions that are relevant for dealing with the issue of child trafficking in the country, none of them contains all the necessary provisions required to effectively address this crime. The *Prevention of Trafficking in Persons Act of 2009* is the only piece of legislation that is comprehensive enough and was enacted to specifically address the crime of trafficking in persons in Uganda. Therefore, it is of paramount importance for the Government of Uganda to isolate trafficking, and in particular child trafficking to deal with it as a specific crime under the specific law that was enacted to deal with it. The various actors on the ground who have a mandate to both prevent and respond to crimes in Uganda (the Ministry of Internal Affairs, the police, the directorate of public prosecutions and the courts of law) need to start implementing the *Prevention of Trafficking in Persons Act* in order to effectively combat child trafficking in the country.

B. GENERAL OVERVIEW ON KATAKWI, SOROTI AND KAMPALA DISTRICTS *VIS À VIS* THE PROBLEM OF CHILD TRAFFICKING

Both Soroti and Katakwi districts are located in north eastern Uganda-Teso sub region. The people who live in the area called the Iteso. The Iteso were formally pastoralists, but have now become subsistence farmers after their cattle were repeatedly raided by their Karamojong neighbours.

The people of Soroti and Katakwi districts have suffered from the same disastrous experiences that have affected the sub region such as Karamojong cattle rustling for over four decades, the Lord's Resistance Army (LRA) incursion of 2003-2004, floods of 2007 and prolonged drought in 2009. As a result of the impact of the various calamities that have affected this part of Uganda, the Teso sub region is generally considered to be in a recovery stage. Poverty and low levels of education are high in the area, and these factors have encouraged violations of the essential human rights and freedoms of the people especially children, women and other vulnerable groups, as they look for ways of survival. Child trafficking has taken place in such places by way of giving off such children to relatives, friends and neighbours with empty promises of providing a good education and some children are even sold off at markets⁷². Those who sell children often genuinely believe that they are helping the children and parents to escape poverty. Therefore, both Katakwi and Soroti districts have become source, transit and destination points for child trafficking in Uganda.

The land in Karamoja sub region that also neighbours Soroti and Katakwi districts in north eastern Uganda is mainly semi desert and the area does not receive adequate rainfalls to adequately support agricultural activities. As such, the Karamojong are a nomadic tribe and the people living in these areas often suffer from perpetual starvation caused by insufficient food supply that cannot well sustain the population. The harsh condition of life that is generally experienced in Karamoja has led to high levels of poverty among the people. The poverty level in this area is exacerbated by the low levels of education among the people, lack of employment opportunities and insecurity resulting from a culture of cattle rustling. As a result, all these factors have combined to create a fertile ground for the trafficking of children and women from Karamoja that has been on the increase within the last five years according to daily media reports in Uganda.⁷³ Karamoja has therefore

⁷² The New Vision, 2nd July, 2006 '*Girls sold in Katakwi, says MP*'.
<http://www.newvision.co.ug/D/8/30/507250>

⁷³ Examples include article in Daily Monitor, 12th May, 2010 in which UPDF and Uganda police rescued 34 children from traffickers in Moroto; article in the New Vision, 26th May, 2010 in which three children who had gone missing from their home in Kampala suburb were recovered by police from their abductors, and article on the New Vision, 25th May,

become a source for child trafficking in Uganda. Some of the trafficked children have ended up in neighbouring towns like Katakwi and Soroti and others in Kampala. Katakwi and Soroti districts therefore act both as destination and transit points for children trafficked from Karamoja, as the buses coming from Karamoja have to pass through Katakwi and Soroti districts on their way to Kampala, and other parts of the country.

Kampala district is also the capital city of Uganda and is located in the central region. It is an attractive destination point for most of the children trafficked from all rural areas throughout Uganda. They are generally brought to Kampala where demand for the services of such trafficking victims is high, and the market is good for those involved in the child trafficking business. It is also from Kampala that some of the trafficked children are taken across the border into other countries within East Africa namely: Kenya, Sudan, Tanzania.⁷⁴ There are also instances of children taken to certain countries in Europe.⁷⁵ The north-east of Uganda, particularly the Moroto, Kotido and Nakapiripirit districts in the Karamoja sub region, and Katakwi and Soroti in the Teso sub region is an important source of children for the international and domestic child trafficking trade in Uganda.⁷⁶ Apart from Kampala, Katakwi and Soroti districts, there have also been reports of children being sold at markets in Busia, Tororo, Mbale, Iganga, Mbarara and Jinja districts in Uganda.⁷⁷ Eventually, trafficked children end up victims of the worst forms of exploitation, ranging from child sacrifice, child labour, and pornography to prostitution.

IV. PRESENTATION OF FINDINGS

A. PRESENTATION AND ANALYSIS OF GENERAL DATA ON CHILD TRAFFICKING IN THE DISTRICTS OF KATAKWI, SOROTI AND KAMPALA

The baseline survey for the ASF/FIDA-U project to Combat Child trafficking in Uganda was conducted in the districts of Soroti, Katakwi and Kampala from 20th

2010 in which a Karamojong woman who had been using a malnourished 2year old child as a bait to get money from sympathizers on the streets of Kampala was arrested and charged by police for child abuse

⁷⁴ U.S Department of State, 2010. *Trafficking in Persons Report, 2010. Country Narratives: Uganda*. Available at <<http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>> [Accessed on 11th November, 2010]

⁷⁵ *Ibid*

⁷⁶ Communication of Ms Matia Kasaija, http://english.peopledaily.com.cn/200706/21/eng20070621_386523.html

⁷⁷ *Ibid*

April to 21st May, 2010. Below is the presentation and analysis of the data on child trafficking that was collated during the baseline survey.

The highest number of trafficking victims reported to be present in Soroti and Katakwi districts are Karamojong children. Due to the hard conditions of life in Karamoja the parents of many children sell them off to interested buyers at almost no cost. In most cases, the **Karamojong boys are used by the people in the Teso sub region to take care of big herds of cattle and the girls have to work as domestic servants**, mainly cultivating the gardens. Some of the Karamojong girls are sexually exploited by the men who take them as wives while others are forced into early marriages with Iteso men. In 2009, the Katakwi district Probation and Social Welfare Office conducted a head count to establish the total number of Karamojong children who had been trafficked into the district and were living in the sub counties of Ngariam, Ongongoja and Katakwi town council. It was established from this exercise that 300 Karamojong children were present in these three sub counties alone, and they were being exploited by the families that were keeping them. It was also observed by this office that many Karamojong boys are made to work without any pay in Katakwi and when they ask for their money, the Iteso families for whom they are working threaten to falsely report them to police for defiling their daughters.

Some examples of incidents cited:

In 2009, a young woman from Usuk sub county in Katakwi district was reported to the police at Katakwi Central Police Station for trafficking girls from Karamoja whom she would take to Soroti and sell off to people who would buy them to work as domestic servants. This woman was getting a lot of money from the business of trafficking Karamojong girls, but she was arrested by police after being reported by a mother to one of her victims, who was recovered from Soroti.⁷⁸

Another man in Soroti district used to traffic Karamojong children to Soroti where he would make them to keep other people's cattle and at the end of every month he would go around to collect money for himself from the people who were engaging the labour of the Karamojong boys whom he supplied.⁷⁹ It was also reported by one of the respondents that Katakwi district has become a transit point for the Karamojong children who are brought lorries and sold openly

⁷⁸ Interview with the Officer-in-Charge of the Child and Family Protection Unit at Katakwi Central Police Station conducted on 27th April, 2009.

⁷⁹ Interview with Soroti district LC5 Vice Chairperson conducted on 20th April, 2010

at Ocorimongin cattle market at 3,000/= to people who buy them for purposes of cheap domestic labour.⁸⁰

In April, 2010, an incident of suspected child trafficking was reported in which the District Police Commander (DPC) of Moroto district in Karamoja sub region called the District Police Commander of Katakwi to inform him about a bus that was on its way to Kampala via Katakwi and was carrying many disabled Karamojong children picked from Matany area in Moroto. This bus was intercepted by police in Katakwi but upon interrogation the woman who was responsible for the children said that she was taking them to Katalemwa home for the disabled located in Kampala. She produced papers to that effect and was allowed to proceed to Kampala with the children but the Regional Police Commander in Kampala was requested to intervene and cross-check to ensure that that the information given by this woman was correct. Later it was reported that the 40 disabled Karamojong children were being brought to Kampala under unclear circumstances and had to be returned to Karamoja.⁸¹

Many respondents in Soroti and Katakwi districts reported that child trafficking had taken place through **massive abduction of children especially during the LRA incursion in the Teso sub region** that occurred in the period of 2003-2004. The most affected sub counties in Soroti are Katine, Tubur, Gweri, Arapai, Kamuda and Soroti Municipality⁸² while in Katakwi district the most affected sub counties include: Usuk, Ngariam, Ongongoja and Katakwi Town Council⁸³. The abductions of children by the LRA forces targeted both boys and girls. Although many children were reported to have been killed during and after their abductions, others were forcefully conscripted by the LRA rebel forces to join in their armed conflict against the Government of Uganda. Many of the abducted girls were sexually exploited, some were defiled and others were turned into sex slaves by the rebels. Over six years of their abduction by the LRA rebels, a total of 286 children from the Teso sub region are reported missing as a result of the LRA war.⁸⁴ It is also not known whether they are still alive or not, and only a few of the abductees have been able

⁸⁰ Interview with Katakwi district LC5 Vice Chairperson conducted on 26th April, 2010

⁸¹ Interview with the Officer-in-Charge of the Child and Family Protection Unit at Katakwi Central Police Station conducted on 27th April, 2009.

⁸² Interview with Soroti district LC5 Vice Chairperson conducted on 20th April, 2010

⁸³ Interview with Katakwi district LC5 Vice Chairperson conducted on 26th April, 2010

⁸⁴ Interview with the Executive Director of Katakwi Children's Voice conducted on 27th April, 2010

to return home over the years as child mothers and others after they were infected with HIV/AIDS by their abductors.

Illustration by instances reported:

In 2009, Katakwi Children's Voice (a local NGO based in Katakwi) received back 12 child returnees (comprising 8 boys and 4 girls) who were formally abducted by LRA rebels from Katawi district. Some of them had been rescued by the Uganda People's Defence Forces (UPDF) during military offensives against the LRA forces in the DRC and others from Southern Sudan. These children were provided with rehabilitation services by this organisation and reintegrated with their families. Similarly, in February, 2010, another 15 year old child who was formerly abducted by the LRA as a child from Katakwi district was rescued from the DRC and referred to Katakwi Children's Voice by the Prime Minister's Office for reunion with her family.⁸⁵

Some children from Soroti and Katakwi districts were also reported to have been **abducted and sometimes killed by Karamojong warriors during their several attacks to raid cattle** from the Teso sub region. The problem of cattle rustling by Karamojong warriors has gone on for many years and has resulted in insecurity and led to various forms of child trafficking in the Teso sub region. As a result of the same cattle rustling, some people in Soroti and Katakwi districts were displaced from their original homes and forced to move with their children into internally displaced people's camps, even before the LRA incursions into the Teso sub region in 2003-4. The problem of cattle raids in Katakwi district caused by Karamojong warriors was reported to occur almost on a daily basis in Ngariam subcounty.⁸⁶ The over two decades of life spent in internally displaced people's camps by some families in Soroti and Katawi districts has impoverished the people, as they have been unable to actively engage in activities to support their livelihood. It has also made some of the vulnerable children especially orphans and children from poor families in the IDP camps in Soroti and Katakwi districts fall victim to traffickers of children.

Examples of instances cited:

A case in point from Soroti district happened in 2009 when 7 children were taken to Kampala by a certain 'Pastor' from Obuku

⁸⁵ *Ibid.*

⁸⁶ Interview with the Assistant community Development Officer for Ngariam and Palam sub counties conducted on 28th April, 2010.

IDP camp. The parents of these children had been promised free education opportunities for their children while in Kampala. However, upon reaching the city, these children were abandoned by the 'pastor' at a home in Najjanankumbi where they were living under very deplorable conditions. By the time they were discovered by Police in Kampala, these children were feeding on food that could only be fit for pigs, were sleeping on sacks, one of the girls had been defiled and all of them were being engaged in exploitative labour. The office of the LC5 Vice chairperson was informed by Police in Kampala, and Soroti district arranged to pick up all the 7 children who were later reunited with their families. The 'Pastor' who was involved in the commission of this heinous crime is however, still on the run.⁸⁷

In 2009, the Soroti Resident District Commissioner (RDC) was approached by a man who was seeking permission to take some children from Soroti out of the district, but this permission was not granted by the RDC because the RDC had received some intelligence information and therefore suspected this man of being involved in child trafficking.⁸⁸

Another incident of a similar nature occurred in Katakwi in 2008, involving 20 children who were trafficked from the district. These children were registered from Usuk sub county by a person who purported to be working for an NGO that sponsors education for children overseas. Parents and relatives of each child were tasked to pay 20,000/=. However, as these children were being trafficked across the border to Kenya, they were detected by Ugandan Immigration Officers. The suspect who had been behind this operation abandoned the 20 children at Malaba border and escaped. These children were however, recovered by police and later returned to Katakwi district to be reunited with their families.⁸⁹

Arranged/forced and early marriages are other common way by which children are trafficked in Soroti and Katakwi districts. This affects all parts of the two districts and is due to high poverty levels among the people and the Iteso culture of paying dowry (bride price) for marrying their daughter. According to information obtained from respondents during interviews many young girls of primary school

⁸⁷ Interview with Soroti district LC5 Vice Chairperson conducted on 20th April, 2010.

⁸⁸ Interview with the Soroti Resident District Commissioner conducted on 21st April, 2010.

⁸⁹ Interview with Katakwi district LC5 Vice Chairperson conducted on 26th April, 2010

age have become victims of arranged marriages. They have often been defiled, turned into wives and have become child mothers at the expense of their health. Their parents have decided to side with parents of the men involved in defiling their daughters from whom they receive dowry in the form of cows, goats, money and other material goods. In Katakwi district alone, 201 cases of defilement were recorded by police in 2009.⁹⁰ Some local council (LC) members in the villages with Soroti and Katakwi districts have also been accused of taking part in the celebration of these arranged marriages. By participating in early marriage ceremonies, LCs are in essence condoning early marriage and this is contrary to the responsibilities of LCs. LCs are mandated to establish prevention mechanisms against violence and abuse of children's rights, as well as to encourage children's attendance to school which is supposed to be free for all children under the Government's Universal Primary Education Programme. LCs are also supposed to support police officers in the process of arresting those who give away, buy or sell young girls for the purpose of early and arranged marriages. If the LCs are condoning early marriage in their communities by attending the ceremonies they are in fact operating contrary to their position of responsibility within the community.

Examples of instances cited:

In 2009, the Day of the African Child in Soroti district was celebrated in Kamuda sub-county and the LC1 chairman of the village participated actively in making the arrangements for this colourful celebration that was well attended by district officials, NGOs and all other members of the community. Child trafficking occasioned through the rampant early and arranged marriages that take place in Soroti district were very much denounced during the celebrations. However, hardly had a week passed after this celebrations to mark the Day of the African Child, when it was reported that one Local Council official from the same sub-district of Kamuda, had married off his own daughter of primary five class to a man who was willing to pay him the dowry he had asked for. This matter was reported to the office of the LC5 Vice Chairperson in Soroti, and although the chairman intervened to rescue the victim, he was not successful as the victim's father and his relatives worked hard to foil his efforts.⁹¹

Another incident of forced marriage of a primary five girl was reported to have occurred in December, 2009 at Kidangani cell in

⁹⁰ Interview Katakwi District Police Commander conducted on 27th April, 2010.

⁹¹ Interview with Soroti district LC5 Vice Chairperson conducted on 20th April, 2010

Soroti district. The family of the victim had made all the necessary arrangements to have their daughter married off to an elderly man who had fully paid them the dowry they had asked for in the form of goats, money, paraffin and other material things. However, some concerned neighbours tipped off the Officer-in- Charge of the Child and Family Protection Unit of the police at Soroti Central Police Station of the impending marriage. On the day when the said arranged marriage was being celebrated, the police raided the venue and rescued the victim. The parents of the girl, as well as the man to whom she was supposed to get married and his relatives were all arrested by the police. All the suspects involved were charged with the offence of compounding a felony under the *Penal Code Act*, and this case is being prosecuted at the Chief Magistrate's court in Soroti.⁹²

"Arranged and early marriages involving young girls as the victims are common in Katakwi district. For example in Ngariam sub county, such marriages are nowadays being transacted from the bushes and in the swamps as parents of the bride try to hide away from the police. However, whenever the Child Protection Committees (CPCs) get to learn of the celebration of these kinds of arranged marriages being conducted in their areas, they usually report the matter to the Assistant Community Development Officer of the sub county for intervention from the district. Some arranged marriages have already been successfully stopped during their celebrations in Bisina and Odoot parishes by the police after receiving reports through the Child Protection Committees."⁹³

Some children from Soroti and Katakwi districts, especially young girls have ended up becoming victims of child trafficking after they were voluntarily given by their parents to members of the communities who requested for **babysitting**.⁹⁴ These children are usually taken to districts such as Kampala, Pallisa, Lira and others across Lake Kyoga⁹⁵. Under the Iteso culture and traditions, it has been considered normal for children to be given as baby sitters for the babies of their elder sisters and brothers, aunts, uncles and cousins, instead of hiring maids which is at times

⁹² Interview with the Chief Magistrate in Soroti conducted on 23rd April, 2010

⁹³ Interview with the Assistant Community Development Officer for Ngariam and Palam sub counties conducted on 28th April, 2010.

⁹⁴ Interview with the Senior Probation and Welfare Officer of Katakwi district conducted on 27th April, 2010

⁹⁵ Interview with the Community Liaisons Officer (CLO) at Soroti Central Police Station conducted on 20th April, 2010

expensive. Therefore, parents have often given away their children willingly, trusting the person to whom they were giving their daughters. However it needs to be recognized that children being exploited for their babysitting services are often victims of trafficking. In addition to being exploited for their babysitting services, some of the children brought from the rural areas into the urban centres to work as babysitters have been sexually exploited; Others have been forced to work day and night under conditions that are very dangerous to their physical, mental and emotional development. These children have also been denied the opportunity to go to school. The information gained through this survey indicated only very few of these victims managed to escape from places like Kampala with the help of concerned neighbours and returned to their parents in Soroti and Katakwi.

Examples of reported incidents:

In 2009, the LC 5 Vice Chairperson of Soroti was called by police in Kampala to come and pick up a 12 year old girl who had been brought to work as a baby sitter by a relative from Soroti but was being made to do work that was exploitative of her labour. The trafficked girl was rescued by police, was taken back to Soroti and handed over to her parents.⁹⁶ However, no further action was taken by police to arrest and prosecute the suspects involved in this incident for any criminal charges.

In March, 2010, a case was reported at Soroti Central Police Station in which 3 girls were said to have disappeared mysteriously from their home in Soroti. The police conducted a search in order to trace for the victims, but to no avail. However in mid April, 2010 police at Soroti Central Police Station received a call from one of the missing girls asking for their help in coming to rescue her from a man who had brought her to Kampala, where he locked her up in his house and sexually exploited her. The victim informed the police that she had only managed to escape to make that phone call from a nearby public pay phone because the man had gone to take a shower. By the time the police from Soroti called back, the girl had already vanished and the operator of the public pay phone where she had called from could not tell where she lives. Investigations by the police were still going on in an effort to rescue the victims.⁹⁷

Child sacrifice was another common form of child trafficking that was reported to occur in both Katakwi and Soroti districts. The practice of human sacrifice and specifically child sacrifice has increasingly emerged within the last decade and is affecting the Ugandan society generally, both rural and urban. The people involved

⁹⁶ Interview with Soroti district LC5 Vice Chairperson conducted on 20th April, 2010

⁹⁷ Opp. Cit, interview with CLO at Soroti CPS

in carrying out such acts are not always poor members of community. On the contrary, the greater majority is represented by rich and powerful people. Such people usually engage in ritual practices and witchcraft.⁹⁸ They are advised by their witchdoctors to offer the lives of innocent children to the spirits of their dead ancestors in order to get blessings, riches and become successful people. It was reported by one respondent during this survey that in 2009, Soroti District Probation and Social Welfare Office interviewed some children on the issue of child sacrifice. The children who participated in the exercise observed that nowadays they have become afraid to meet men who are carrying empty sacs because these men can cut off their heads to take for human sacrifice.⁹⁹ According to the Annual Crime Report of 2009 for Uganda, ritual murders increased to 29 cases in 2009, up from 25 cases in 2008 and Kampala continues to top the list of crime cases in Uganda, followed by eastern Uganda.¹⁰⁰

Examples of child sacrifice cited:

Two incidents relating to child sacrifice were cited to have happened in Soroti district in 2009. In one, a four year old boy was rescued by the police in Soroti after they were tipped off by an informant that he was being used in the shrine of a witchdoctor to perform child sacrifice. The boy's body was recovered from the shrine of his father (witch doctor) after he had been pierced all over with knife wounds and left to die. By the time the police raided the scene of the incident to rescue him, the victim had spent 3-4 days without any food, and had been left out in the rain. The boy's father had abandoned his mother earlier and had now married a new wife who was not interested in taking care of the young boy. The boy was taken by the police to AMECET home in Soroti where he is still recovering from the impact of the vicious assault, but his father who happens to be the witch doctor father is reported to be still on the run from the police.

The second incident involved a certain baby who was stolen from Kidetok parish in Soroti district. The mother of the baby had left her at home under the care of another young child, and went to fetch some water from a nearby borehole. This baby was stolen by a

⁹⁸ The Annual Crime Report for Uganda released by Kale Kaihura, the Inspector General of Uganda Police Forces on 31st March, 2010. See the New Vision 14th June, 2010

⁹⁹ Interview with the Senior District Probation and Welfare Officer for Soroti conducted on 23rd April, 2010.

¹⁰⁰ The report was released by Kale Kaihura, the Inspector General of Uganda Police Forces on 31st March, 2010.

woman who deceived the young child left to take care at home that she was an aunt to the baby. Upon her return home, the mother of the baby could not find her baby. She alerted all her neighbours and they immediately began to search for the stolen baby throughout the village but all in vain. Police investigations in this matter have also not yet resulted into the recovery of the baby, or the arrest of the suspect involved. It is, however, believed that this baby must have been stolen with the motive of being used for sacrifice, which has now become common in Soroti.¹⁰¹

Another case of child sacrifice was reported in Katakwi district in 2009 that involved an eight year old boy. The boy had been brought from Bududa by a witch doctor with the aim of using him for child sacrifice but the witch doctor had decided to use the boy in the meantime as a source of labour. Life had become very difficult for this boy and he was discovered from Magoro sub county by a social worker of Transcultural Psycho-social Organisation-TPO (a national NGO also working in Katakwi) as he was trying to escape on foot to return to his parent's home in Bududa near Mount Elgon. The case was reported to Katakwi District Probation and Social Welfare Office and the police who gave TPO the go-ahead to transport this boy back to Bududa where he was reunited with his parents.¹⁰²

In Kampala district, it was observed that in addition to the children trafficked from Karamoja and the Teso sub region, some young boys from Kabale district are also brought to Kampala. They are made to dig in gardens and rear animals for rich and politically well placed people within the community. The boys from Kabale district are believed to be strong and hard working. Also due to the problem of land pressure that is being experienced in their home district, the young boys from Kabale are tempted to come to Kampala in search for easier life and employment opportunities with the intention of working together as a group so that they can save some money to buy land from bushy areas in districts like Kibaale for their own settlement.¹⁰³

It was also noted by one respondent during this survey that in general the number of girl- children who are most affected by child trafficking in Kampala are higher

¹⁰¹ Interview with the Senior District Probation and Welfare Officer for Soroti conducted on 23rd April, 2010

¹⁰² Interview with social worker of Transcultural Psycho-social Organisation (TPO) office in Katakwi conducted on 27th April, 2010.

¹⁰³ Interview with a respondent from the Parliament of Uganda conducted on 11th May, 2010

than those of boy-children. Trafficked girls as young as 5 are being exploited by the people who engage them in activities such as begging on the streets of Kampala and working as house maids in people's homes at very little or no pay. The girls aged between 11-17 years on the other hand are usually sexually exploited by engaging them in commercial sex activities such as prostitution, nude dancing (at night clubs and during karaoke shows).¹⁰⁴ The Uganda print media carry advertisements for housemaids in Kampala who are readily available and speak all languages in Uganda. This is also evidence of the prevalence of child trafficking in Kampala. As it has been indicated by this survey, child trafficking in Kampala involves children from all parts of the country.

In total 596 possible cases of child trafficking were identified indicating that there is a real need for coordinated and effective response measures to prosecute offenders and support to the vulnerable victims of this crime. This research revealed that some actors are already involved in providing support to victims of child trafficking through ongoing child protection programmes operating in the districts of Katakwi, Soroti and Kampala. The following table summarizes the incidents of child trafficking that were identified by the researcher in each of these districts of intervention and the various service providers responding to the issue.

Table 1 Summary of child trafficking cases handled by service provider

Cases Handled by Service Providers, 2009

Service Provider	Katakwi	Soroti	Kampala
	<i>JLOS</i>		
	<i>Institutions</i>		
Central Police Station	101 ¹⁰⁵	18	n/a
Chief Magistrate's Court	n/a	2	3*
Uganda Human Rights Commission	n/a	1	n/a
	<i>District Authorities</i>		
LC5 Vice Chairperson	2	37	n/a
Probation and Welfare Office	330	15	n/a
	<i>Civil Society Organisations</i>		

¹⁰⁴ *Ibid*

¹⁰⁵ During the interview process the interviewer examined the register in Katakwi police station. This revealed that 201 cases of defilement were reported in 2009. The record did not indicate how many of these cases were of trafficking. However the officer in charge indicated that **most** of the complaints arose from cases of forced or early marriage. Early marriage is considered trafficking in Uganda. Therefore, for the purposes of data collection the author estimated that a conservative 50% of the reported cases of defilement were linked to early marriage ie. child trafficking. This estimation has been used in each of the tables and graphs above.

Uganda Youth Development Link			76
AMCET Home		1	
Transcultural Psycho-social Organisation	1	0	
Katakwi Children's Voice	12		
Total	446	74	76

Source: Interviews with respondents conducted in April – May 2010

* these three cases are also included among the 76 cases reported by UYDEL.

B. ANALYSIS OF STATISTICAL DATA ON CHILD TRAFFICKING CASES HANDLED BY THE POLICE, DIRECTORATE OF PUBLIC PROSECUTIONS AND COURTS OF LAW IN KATAKWI, SOROTI AND KAMPALA DISTRICTS (2009-2010)

In order to assess the justice, law and order sector (JLOS) institutions' response to child trafficking in Soroti, Katakwi and Kampala the interviewer visited the following offices to collect statistical data:

- Soroti Central Police Station;
- Katakwi Central Police Station;
- Office of the Resident State Attorney in Soroti¹⁰⁶;
- Chief Magistrate's Court in Soroti¹⁰⁷; and
- Head office of the Directorate of Public Prosecutions, Kampala

From all the interviews that were conducted with the respective respondents from the above listed offices, it was established that the police, directorate of public prosecutions and the courts in Katakwi, Soroti and Kampala did not have any statistics on cases of child trafficking that were handled from 2009 to May 2010. Upon checking the records in the registry of the respective offices by the interviewer¹⁰⁸ it was confirmed that there was not any statistical data available. Specifically, from 23 October 2009 which is the date that the *Prevention of Trafficking in Persons Act, 2009* came into force up until 10 May 2010 which is the date that data collection finished for this survey no cases had been charged under the new Act. The explanation given by all the respective stakeholders for the

¹⁰⁶ The Resident State Attorney's office in Soroti covers the districts of Soroti, Katakwi, Kotido, Abim and Kabong.

¹⁰⁷ It covers all the districts in the Teso sub region and Karamoja sub regions.

¹⁰⁸ The interviewer checked registers for the office of the DPP in Soroti, Chief Magistrate's court in Soroti, Katakwi Central Police Station and the Anti-human sacrifice and trafficking taskforce of police based in Kampala. However, the interviewer did not physically check the registers of Soroti Central Police Station, office of the DPP in Kampala and so relied on information received from respondents interviewed from the respective offices.

absence of statistical data on cases brought under the *Prevention of Trafficking in Persons Act, 2009* of Uganda is that they have not started to implement this law.

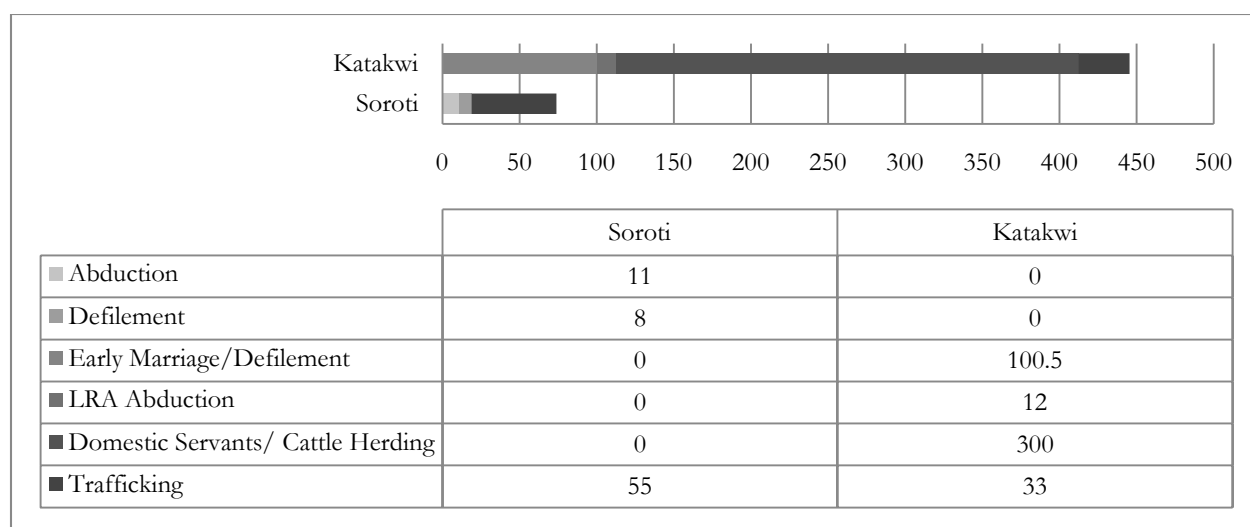
Although cases of child trafficking have been reported to occur in all three districts, the police have continued charging suspects with offences under the *Penal Code Act* of Uganda rather than under the new *Prevention of Trafficking in Persons Act, 2009*. When pressed further about failure to use the new *Prevention of Trafficking in Persons Act, 2009* to charge suspected trafficking offenders the police interviewed were not aware of the new Act. They indicated that they required an order from their superior officers in Kampala before they could begin to use the new Act to lay charges. On their part, the prosecutors interviewed during this survey said that they had not yet accessed copies of the new law.

As a result the researcher relied upon information in the register of the JLOS institutions as well as anecdotal evidence given by the respondents about cases of child trafficking that occurred in the districts but that were investigated and/or charged under *Penal Code Act* provisions. The researcher was not able to access any data from the JLOS institutions in the Kampala area. However it was reported by UYDEL, a civil society organization working with victims of child trafficking in Kampala that 3 cases of defilement related to child trafficking that were awaiting hearing at the Chief Magistrates Court in Nabweru. The researcher was unable to access official information about these cases.

In the Teso sub-region it was found that two cases related to situations of human trafficking were registered at the Chief Magistrate's Court in Soroti for prosecution at the time of this survey. In one of the cases, the suspect was charged with abduction of a woman from Agigiro under the *Penal Code Act* and the second case involved procuring the forced marriage of a young girl in Kidangani cell for which the suspects were charged of compounding a felony under the *Penal Code Act* as well. Although no other cases were currently being charged in the Teso sub-region, the following analysis based on interviews with respondents summarizes the number of possible child trafficking cases identified in Soroti and Katakwi districts, broken down by type of offence¹⁰⁹ can be found below:

¹⁰⁹ It should be noted that this summary is based on anecdotal evidence only and it meant to give a snapshot only of the numbers of cases handled during 2009 by those interviewed by ASF. These statistics do not purport to be an exhaustive depiction of the situation relating to child trafficking in these districts.

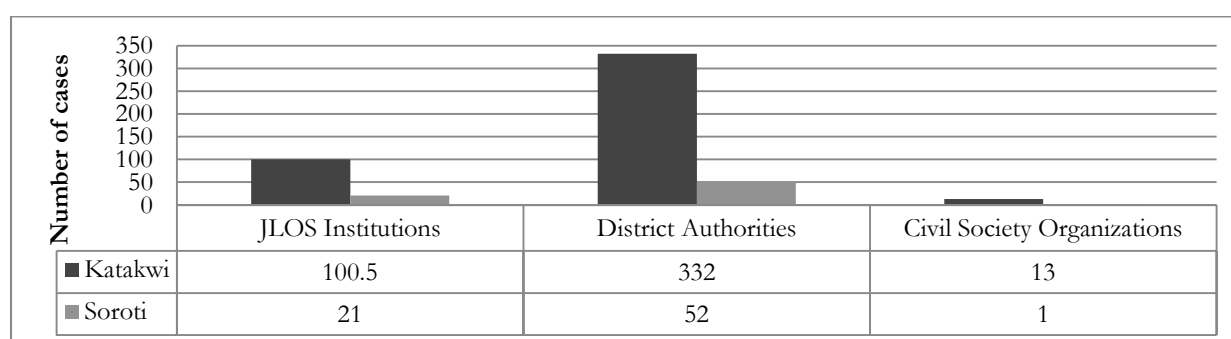
Table 2 Cases by category of offence and/or purpose of trafficking



From this data it can be seen that cases of trafficking for early marriage and domestic labour are by far the most common purposes for which children are trafficked in the Teso sub-region. Although the number of possible child trafficking cases in Katakwi are substantially higher than in Soroti, this does not necessarily indicate that there is a larger number of trafficked children in Katakwi district. Instead it may be reflective of more awareness of the problem with local authorities which translated into a more proactive approach in identifying cases of trafficking in Katakwi district. For example, in Katakwi the Probation and Social Welfare Officer initiated a head count of Karamojong children living with Iteso families in 4 sub-counties. This revealed that in 4 sub-counties alone 300 children had been trafficked from Karamoja, presumably to be used as domestic servants.

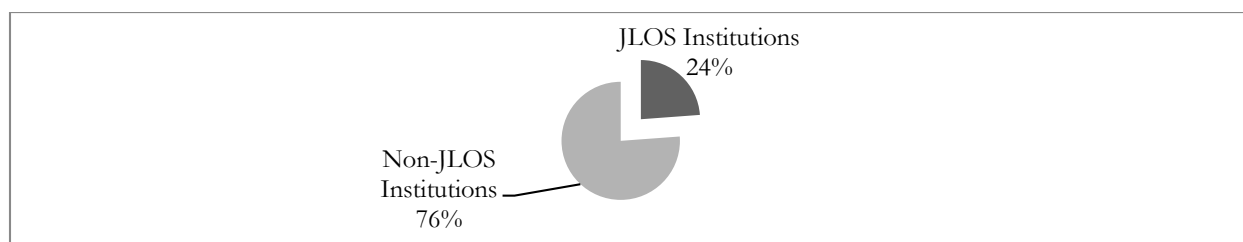
When the data gathered is analyzed according to the type of institution providing the service it can be seen that in both Soroti and Katakwi it is the district level authorities that are handling the majority of child trafficking cases, followed by the JLOS institutions and then the civil society organizations. See Table 3 below.

Table 3 Type of service provider dealing with child trafficking complaints



Further analysis of this same set of data shows that only 24% of the identified cases of child trafficking were being investigated or prosecuted by JLOS institutions. This indicates that the large majority of identified child trafficking cases (76%) have avoided investigation and prosecution and that most child trafficking cases are not being dealt with by legal means. This result indicates a need to increase efforts towards promoting criminal accountability for perpetrators of trafficking. See Table 4 below.

Table 4 Legal remedies applied to identified cases of child trafficking in Katakwi and Soroti district 2009 to 10 May 2010



This study found that a majority of the police officers on the ground in Katakwi, Soroti and Kampala districts have never received any training on how to effectively prevent, investigate and prosecute cases of child trafficking. The criminal justice system in Uganda works in a chain-linked manner, and therefore, when the police do not arrest and charge suspects for offences of child trafficking under the *Prevention of Trafficking in Persons Act, 2009* it will also mean that the office of the directorate of public prosecutions in the district does not have child trafficking cases referred to them for prosecution before the courts of law. The ultimate result is that no cases of child trafficking are tried under the new Act, and therefore no convictions.

It was also realized from this survey that none of the respondents who were interviewed from the police, the directorate of public prosecutions and the magistrate's courts in Katakwi, Soroti and Kampala had seen a copy of the *Prevention of Trafficking in Persons Act, 2009*. Therefore none of them was adequately familiar with the offence of child trafficking under this law. An important issue that was raised by some respondents during this survey was: "Who bears the responsibility of disseminating this law to people of Uganda and the various stakeholders with roles to perform under the *Prevention of Trafficking in Persons Act, 2009*?" One respondent from the police who was interviewed from Kampala expressed the view that the police are not able to start implementing the *Prevention of Trafficking in Persons Act* of 2009 because the Minister of Internal Affairs had not yet passed the Regulations required to operationalise provisions of the law. He also explained that his view was based on advice that he had received from one of the lawyers working in the Ministry of Justice and Constitutional Affairs, but he was not

sure if that was the proper position of the law. Another reason the respondent advanced for not implementing this new law was that the police had not yet received any express communications from the Inspector General of Police authorizing them to do so, despite the fact that it was commenced on 23rd October, 2009.¹¹⁰ The interviewer was able to clarify for this respondent that once a particular law has been commenced on the date provided for it under the same law, then implementation of the law can begin with effect from that date.

C. THE PREVENTION OF TRAFFICKING IN PERSONS OFFICE AND REGULATIONS TO EFFECT THE IMPLEMENTATION OF THE *PREVENTION OF TRAFFICKING IN PERSONS ACT, 2009*

The *Prevention of Trafficking in Persons Act, 2009* requires the Minister of Internal Affairs to designate an office to be responsible for the coordination, monitoring and overseeing the implementation of the *Prevention of Trafficking in Persons Act, 2009*.¹¹¹ One of the functions that is supposed to be performed by the office is to propose rules and regulations to the Minister of Internal Affairs as may be necessary for the effective implementation of this Act. This baseline survey found out that the Prevention of Trafficking in Persons Office has not been designated by the Minister of Internal Affairs. The regulations to effect the implementation of some provisions of the *Prevention of Trafficking in Persons Act, 2009* have also not been made.

However, a respondent who was interviewed from the Ministry of Justice and Constitutional Affairs¹¹² and another from Ministry of Internal Affairs¹¹³ respectively made it clear that the police and all other stakeholders in Uganda have already been given the go ahead to implement the *Prevention of Trafficking in Persons Act, 2009* because the law was commenced on 23rd October, 2009. The procedure in Uganda is such that every Act of Parliament comes into effect according to what is provided under the Act. Some Acts of Parliament provide that the law will commence on a date to be communicated by the Minister responsible, others commence on the date when they are published in the Uganda Gazette, and a majority of the Acts of Parliament commence on the date provided for their commencement in the same Act. The *Prevention of Trafficking in Persons Act, 2009* provides therein that the date for the commencement of the law is 23rd October, 2009. **Therefore, although the regulations provided for under the Act have not yet been formulated, the implementation of the *Prevention of***

¹¹⁰ Interview with Commissioner of Police in charge of Child sacrifice and human trafficking conducted on 20th May, 2010.

¹¹¹ *Prevention of Trafficking in Persons Act, 2009*, s. 21

¹¹² A Senior State Attorney from the Department of Legal Advisory Services

¹¹³ The Permanent Secretary-Ministry of Internal Affairs

***Trafficking in Persons Act, 2009* should be effective from the commencement date.** The respondents also noted that waiting for the passing of the said regulations by the Minister for Internal Affairs may sometimes take a long while, but the implementation of this law should go ahead, just as it has been the case for many other legislations in Uganda (such as the *Children's Act, Employment Act, Anti-Corruption Act*, and others).

One of the respondents from the police headquarters in Kampala who participated in this survey explained about the **Anti-Human Sacrifice and Trafficking Task Force** of police that is located at the police headquarters in Kibuli. Although he made it clear that this task force is not the Prevention of Trafficking in Persons Office that is supposed to be established by the Minister of Internal Affairs under the law, this office allows the police to play an important role in the fight against child trafficking in Uganda. The Anti-Human Sacrifice and Trafficking Task Force was an initiative that was started by the police in January 2009 to form crime intelligence. It coordinates about 8 police officers and some of its mandate is:

- monitoring and coordinating the investigations and intelligence collection of police on cases of child sacrifice and human trafficking;
- enhancing the investigations and intelligence collection on cases of human sacrifice and trafficking;
- sensitizing the police and members of the public to fight the crime; and
- liaising with concerned NGOs, civilian leaders, Government departments, and other relevant authorities to fight this crime in Uganda.

It was also explained by one respondent during this survey that the Commissioner of Police in charge of Anti-Human Sacrifice and Trafficking Task Force had written to the Minister of Internal Affairs through the Inspector General of Police seeking guidance on the establishment of the Prevention of Trafficking in Persons Office that is supposed to be designated under the law, because the functions assigned to the office are very crucial for proper coordination of efforts of all the various stakeholders involved in combating child trafficking in Uganda. Information received indicates that the Permanent Secretary for the Ministry of Internal Affairs¹¹⁴ promised to follow up this issue as well as the issue of the Regulations for implementing the *Prevention of Trafficking in Persons Act, 2009* with the concerned officers in his Ministry.

¹¹⁴ Since the writing of this report the contract of the Permanent Secretary interviewed has expired. A new person has replaced him. This could potentially create a gap in following up on the issuance of the regulations required under this Act. Therefore there is need for lobbying with the new person responsible within the office to ensure full implementation of the Act.

D. ACTORS INVOLVED IN PROVIDING RESPONSE SERVICES TO VICTIMS OF CHILD TRAFFICKING IN THE DISTRICTS OF KATAKWI, SOROTI AND KAMPALA

This survey did not find any NGOs in the districts of Katakwi, Soroti and Kampala that were involved in implementing programmes to provide access to justice for victims of child trafficking. This means that the activities of the ASF/FIDA-U project to Combat Child trafficking in Uganda will be very relevant and beneficial to both the victims of child trafficking and the local communities in the districts where the project will be implemented. However, some actors that are involved in providing various protection services such as accommodation, education, medical treatment, psycho- social support, and reintegration of with families to victims of child trafficking were found to exist in the districts of Katakwi, Soroti and Kampala. Some of the NGOs include the following:

1. ACTORS IN KAMPALA DISTRICT

Uganda Youth Development Link (UYDEL)

It is a local NGO located on Sir Apollo Kaggwa Road, Kampala. UYDEL focuses on protection of children's rights. In 2009, UYDEL started implementing a project on child trafficking in Kawempe and Rubaga Divisions in Kampala district. UYDEL is the only NGO in Kampala that is directly involved in implementing a project to specifically support victims of child trafficking with a wide range of services. The mandate of UYDEL involves: rescuing children who are trafficked; offering to trafficked victims the necessary psycho-social support services; sensitizing communities about child trafficking; and making referrals of child trafficking victims to other relevant service providers.

UYDEL has handled 76 cases since their project on child trafficking commenced in 2009. They help to resettle former victims of child trafficking back into their former places of origin, and keep the profile of each former client in their office. UYDEL has also identified 3 cases out of the 76 which they have referred to the directorate of public prosecution's office for prosecution. The said cases are being prosecuted at Nabweru court in Kawempe Division. However, all the accused persons in the three cases were out on bail and the hearing of these cases had not progressed much within the past six months by the time of this survey due to several adjournments. In all the three cases, the accused persons have been charged under the *Penal Code Act* for the offence of defilement where the victims were found by police to have been sexually exploited by the accused persons, after being trafficked.

Some of the response services provided by UYDEL to victims of child trafficking include the following:

1. Temporary shelter for the victims of child trafficking;
2. Medical attention which involves treatment of sick victims of child trafficking;
3. Psycho-social support services such as counseling;
4. Training of children to become peer educators;
5. Encouraging the participation of children in extra-curricular activities e.g. sports, games, music and vocational training in activities such as agriculture, tailoring and saloon business so as to enable the children acquire skills for survival. These children are also provided with some start-up capital at the time of their reintegration into the communities;
6. Some girls make paper beads for selling. These activities when done in a group helps the girls to open up, talk and heal their past wounds;
7. Engaging children in drama performances so as to help victims express themselves and to develop their talents;
8. Behavior change/experience sharing among victims. This activity is usually facilitated by guest speakers e.g. medical workers who also counsel and encourage HIV testing for interested victims and help the sick ones to access ARV drugs.
9. Sensitisation campaigns on child trafficking. UYDEL has developed some sensitization materials e.g. stickers, brochures, and posters to help them during their sensitisation and awareness raising sessions. UYDEL usually starts by explaining to the participants what child trafficking is all about before distributing the brochures and other sensitisation materials.

Other NGOs in Kampala with whom UYDEL has a referral network for victims of child trafficking for relevant support services include:

1. **Naguru Teenage Centre**- provides medical services to victims.
2. **WAKISA centre** located at Namirembe- assists victims with crisis pregnancies.
3. **Action for Children** located at Kamwokya (after the Market) – resettlement of children especially those under 12 years and further referrals.
4. **Kids in Need** – provide temporary shelter and formal education for victims
5. **Refugee Law Project** – refers child victims of trafficking to UYDEL
6. **IOM** – provides medical support and resettlement services to some victims
7. **Platform for Labour Action** – provides support for rehabilitation and welfare of the victims

UYDEL is also a network member of **Uganda Child Rights NGO Network (UCRNN)**, located at Kamwokya next to the weekly observer office. The network is

important for carrying out advocacy activities on child trafficking. UCRNN members meet once in every 4 months.

2. ACTORS IN SOROTI DISTRICT

AMECET Home

AMECET Home is involved in providing protection services to victims of child trafficking through referral of cases made to them by the police and district Probation and Social Welfare Office . AMECET Home provides temporary support to children who are referred to the centre after being identified as victims of child trafficking for a period of 4hours to 2 months or longer depending on needs of the child. If the family of the victim does not come up to assume responsibility of the child after it has become well, the District Probation and Social Welfare Office helps find foster parents to take care of the child. When referring a child to AMECET Home, one is required to come with a letter from their LC official. Sometimes some vulnerable children are referred to AMECET home for assistance by doctors and community workers who know about the centre. The person who brings a child to AMECET is required to sign that he or she will come back to take the child after the agreed period. One victim of child sacrifice who was rescued and referred to ACECET home by police in 2009 is being helped to recover.

World Vision (Soroti Cluster)

The vision of this NGO is “for every child, life in all its fullness, our prayer for every heart, the will to make it so.” World Vision looks at a holistic approach to the development of children in areas of intervention. Their main focus is on education and health for the poor and oppressed children. The vision of the organization specifically provides that staff should look out for cases of child abuse especially child trafficking. Child trafficking is likely to occur mostly in poor communities such as those where World Vision is operating. In 2007 World Vision – Soroti held celebrations to commemorate the day of the African Child under the theme “Stop Child Trafficking”.

World Vision has been involved in the sensitization of communities on the prevention of child trafficking in: Arapai, Turbur, Kamuda and Gweri sub counties. In Tubur and Arapai, children were formerly abducted by the LRA during the period 2003-2004 and were exploited sexually, used in forced labour, and conscripted as child soldiers. World Vision helps to reintegrate formerly abducted children with their families, rehabilitate victims of child trafficking, offer psycho-social support services, and organize exchange visits for abducted children in Soroti who have returned to go to Gulu and learn how civilian victims from there are coping with life after returning home.

UWESO (Soroti)

They provide support to district and community level institutions that respond to issues of orphans and other vulnerable children. UWESO implements projects on behalf of the Ministry of Gender, Labour and Social Development. This Ministry came up with the OVC Policy in 2007 in a bid to improve the well being of vulnerable and deprived children so they can live at the same level as their counterparts. They encourage the participation of children in making decisions on issues that affect them and refer cases of child trafficking to the police and the district Probation and Social Welfare Office in Soroti for further management.

Other programmes that are being implemented by UWESO in Soroti include: operating a village savings and loans association; food security – working with farmers to train them on skills; capacity building on OVC programming to help the district to develop a five year strategic plan for Soroti; and monitoring of OVC support programs at the lower levels in the district.

Transcultural Psychosocial Organisation (TPO) – Soroti

TPO has a child protection policy to protect children and their vision is to have a community that allows all people to lead a mutually harmonious life – both adult and children. TPO focuses on providing psycho-social support services to abused children. TPO has handled a number of cases of children who have been victims of child trafficking in Soroti district especially in their areas of intervention in Soroti. TPO-Soroti has Child Protection committee members in the sub counties of Soroti (Arapai, Katine, Tubur, Soroti Municipality and Kamuda which were affected by LRA insurgency in Soroti. TPO helps in the re-integration of formally abducted victims back to their former communities; school going age victims are taken back to school and a safer school environment is provided for them; conducts follow-up of victims who have been reintegrated with their families to ensure they are fitting in well; and makes referrals of victims of child trafficking to relevant response service providers.

Uganda Human Rights Commission (UHRC) Regional Office-Soroti

UHRC was set up by the *Constitution of the Republic of Uganda* to protect the human rights of the people and to investigate cases of human rights violations that occur in the community. They received one case relating to child trafficking in 2009. UHRC registers complaints of human rights violations (child trafficking is also a human rights violation case), refers cases to police and to other relevant authorities, sensitizes the communities on rights of children and provides legal advice and psycho-social support services in cases where the rights of children have been violated by other members of the community.

Soroti District Probation and Welfare Office

This office is mandated under the law to ensure the protection of children (the *Constitution*, the *Children's Act*, and the *Local Government Act, 1997*¹¹⁵). The Soroti district Probation and Welfare Office has been actively involved in handling cases of child trafficking. They help with reintegration of children with their families (e.g. abducted children); carry out inspection of prisons and attend sessions of cases held in or at police stations/posts in which children are involved; supervise children placed in foster homes (currently 4 children) upon the recommendation of the Probation Office; write reports in cases where a foster parent applies to court for an adoption; provide psycho-social support services (counseling) to victims of child trafficking and their families; and also use radios to sensitize the communities on how to prevent and respond to cases of child trafficking (child abuse).

3. ACTORS IN KATAKWI DISTRICT

Katakwi Children's Voice (KCV)

This organisation is involved in conducting advocacy for protection of vulnerable children, building capacity of care givers, providing psycho-social support services, rehabilitating the victims formally abducted (especially children who return home), tracing relatives of victims, reuniting victims with their families and following-up on such children. KCV has been actively involved in supporting cases of children who have been returning home to Katakwi from abduction by LRA rebels. 12 cases were handled in 2009 (8 males and 4 females) and 1 case in 2010. KCV receives such children and also provides them with treatment, documents their cases, provides them with food and accommodation, and engages them in games and sports as part of interactive activities to help them recover from the traumatising experiences in their past. KVC has a transit centre for child victims of trafficking who are kept for a period of up to one month. An expert doctor was expected by KCV to come from the USA in May 2010 to provide surgeries on formally abducted children who have some bomb shells still lodged in their bodies.

Transcultural Psycho-Social Organisation (TPO) Katakwi

TPO-Katakwi is a lead agency in child protection work in Katakwi district. It is actively involved in providing support to child trafficking victims in Katakwi. TPO-Katakwi works closely with the District Probation and Social Welfare Offices as well

¹¹⁵ *Local Government Act, 1997, Cap 243.*

as police in handling cases of child trafficking that are sometimes brought to the attention of TPO staff from the field. They facilitate reunion of victims with their families, provide psycho-social support services and refer victims to other relevant partners in the district.

Child Protection Committees (CPCs)

Child Protection Committees were formed by UNICEF when it was involved in implementing child protection projects in Katakwi district. They are found in all sub counties within Katakwi district, but have now been handed over to Katakwi district. Each CPC in the sub county is currently being headed by the Assistant Community Development Officers who are supervised by Katakwi District Community Development Officer. Each of the four sub counties in Katakwi district where ASF/FIDA-U Project to combat Child Trafficking will be implemented (Ngariam, Usuk, Ongongoja and Katakwi town council) has its own CPC. CPC members can be found at the sub county, parish and village levels. CPC members are volunteers trusted and checked by the community to be focal point persons on issues of child rights violations. They help to report cases of child rights abuses such as forced marriages, and other forms of child trafficking that occur in their local areas to the Assistant Community Development Officers and to the police so that appropriate action can be taken.

Katakwi District Probation and Social Welfare Office

This office is mandated under the law to ensure the protection of children in the district. Katakwi district Probation and Social Welfare Office has been actively involved in handling cases of child trafficking in the Katakwi. In 2009, Katakwi District Probation and Social Welfare Office conducted a head count to establish the total number of Karamojong children who had been trafficked to the district and were living in the sub counties of Ngariam, Ongongoja and Katakwi town council. It found out that a total of 300 Karamojong children were living with Itesot families in the three sub counties alone. These families were targeted by the office with sensitizations on child trafficking. Katakwi district Probation and Social Welfare Office helps with the reintegration of trafficking victims with their families; inspection of prisons and attend sessions in court and at police involving children; supervision of children placed in foster homes (currently 4 children) upon the recommendation of the Probation Office; submission of reports in cases where a foster parent applies to court for adoption and provision of psycho-social support services (counseling) to victims of child trafficking and their families.

V. CONCLUSIONS AND RECOMMENDATIONS FOR THE WAY FORWARD

A. CONCLUSIONS

1. LEGAL FRAMEWORK IN UGANDA

The Prevention of Trafficking in Persons Act is not being effectively implemented.

Uganda has ratified many of the international instruments and protocols related to child trafficking and the *Prevention of Trafficking in Persons Act 2009* successfully incorporates international minimum standards in relation to the prohibition and prevention of trafficking as well as providing important legal protections for victims of trafficking.

However while a strong legal framework is in place it is not being applied to address the problem of child trafficking in Uganda. There are major challenges preventing its application and implementation by the relevant justice, law and order sector institutions and these must be addressed in order for the vulnerable population of Uganda to benefit from the criminalization of these acts and the protections offered to victims under the law. The main challenges affecting implementation of the new law are:

- Lack of wide-spread awareness about the existence of the law by the public, the police and the prosecutors
- Lack of understanding about the elements of the crime of child trafficking and how to identify it
- Lack of clarity about the date that the law came into force and effect
- Inadequate support from the responsible government authorities regarding implementation of the law
 - Failure to disseminate copies of the law to local justice, law and order authorities
 - Delay by the Ministry of Internal Affairs to designate the Prevention of Trafficking in Persons Office provided under the Act

2. PREVALENCE OF CHILD TRAFFICKING IN KATAKWI, SOROTI AND KAMPALA DISTRICTS

Child trafficking is prevalent in Katakwi, Soroti and Kampala districts

From the findings of this baseline survey, it was realized that child trafficking is prevalent in the districts of Katakwi, Soroti and Kampala; however the extent of the problem cannot be measured due to lack of targeted actions aimed at measuring the same.

The **main factors that seem to drive the problem** in the Teso sub-region (Soroti and Katakwi districts) are the many years of insecurity resulting from cattle rustling by the Karamojong neighbours and the LRA incursion; and rampant poverty caused by the harsh conditions of life in the Karamojong region and years of prolonged drought. These factors seem to have increased the vulnerability of children to being trafficked. In addition, strong traditional and customary practices among the people in this area have equally resulted in children being trafficked.

The **most common forms of trafficking** identified included children trafficked for exploitation of their labour as house girls/boys and cattle herders. Another frequent form of trafficking, especially affecting the girl victims, are early and arranged marriages which are common place in the Teso sub-region. The abduction of children by the LRA during 2003-2004 continued to be reported as a major form of trafficking that has repercussions that still have effect today. Less prevalent but appearing to be on the increase include cases of abduction for child sacrifice as reported by the local media and the Anti-Human Sacrifice and Trafficking Task Force of the police.

Source and destination of children being trafficked. The research showed that children identified to have been trafficking in the Teso-region were predominantly from Karamoja, with some coming from within Teso itself. The researcher was not able to get a comprehensive picture about the situation in Kampala, however the common belief based on discussions with respondents is that most street children being exploited are from Karamoja and that there is a lesser problem of young boys from Kabale district being exploited for their labour.

3. RESPONSES TO CHILD TRAFFICKING

The large majority of suspected child trafficking cases are not being handled by JLOS institutions.

The research found that only 24% of identified cases of probable child trafficking were being handled by the **justice, law and order sector institutions** comprising of the police, the directorate of public prosecutions and the judiciary. The remainder was being handled by district level authorities and civil society organizations. This indicates that there is a low level of criminal accountability for people who commit offences of trafficking.

The **district level authorities** in Katakwi and Soroti identified the largest number of possible child trafficking cases. In Katakwi, the Probation and Social Welfare Office was particularly proactive in identifying possible cases of trafficking involving children from the Karamoja region. The Office of the LC5 Vice Chairperson in Soroti was also particularly involved in efforts to prevent trafficking and assist victims.

This indicates that the mandate of the district level authorities to assist vulnerable children is recognized by both the public and other stakeholders. However it seems that the power of the mandate is not being fully maximized; there is a breakdown in linking identified trafficking cases with the justice law and order sector authorities who have the power to investigate and prosecute these crimes. They are lacking a well-established structure to coordinate efforts to combat child trafficking and follow-up on identified cases.

Civil society organizations working in Katakwi, Soroti and Kampala are active in providing support to vulnerable children with multi-disciplinary support. Community based initiatives such as the Child Protection Committees in Katakwi have been embraced by the district administration and are playing an active role in preventing and responding to children's rights violations. However gaps exist and there is no established referral pathway to ensure that trafficking victims receive comprehensive support. In addition there are no organizations focusing on assisting child trafficking victims to access justice. As a result, victims of child trafficking have not been benefiting from the protections provided under law and have not seen perpetrators of the crime held to account.

B. RECOMMENDATIONS FOR THE WAY FORWARD

The following recommendations are made to address the gaps identified above and to strengthen efforts to combat child trafficking. A combined effort by the Government represented by its line ministries, development partners, the justice law and order sector institutions, concerned district level authorities, civil society organizations, and communities is needed in order to bring a coordinated approach to strengthening the fight against trafficking in Uganda. Each of them can undertake activities within their sphere of authority in order to address the recommendations made below.

1. RECOMMENDATIONS TO STRENGTHEN THE LEGAL FRAMEWORK IN UGANDA

In order to combat trafficking in Uganda it is important that the law prohibiting trafficking be vigorously implemented. This means that the public must understand that child trafficking is a crime so that they can register complaints, the police must be able to identify child trafficking crimes in order to thoroughly investigate and the directorate of public prosecutions must prosecute the offenders under the new Act and judges must render appropriately heavy penalties. Only with this type of coordinated enforcement will the efforts to fight child trafficking bear results.

Training on the new law

It is important that members of the community and local leaders begin to recognize child trafficking as a crime and begin to understand their duty to report this crime.

¹¹⁶ Community members and local leaders are often the first people to come into contact with the victims and suspects. Therefore, they need to clearly understand what types of actions constitute child trafficking, that child trafficking is a serious crime, that they have a duty to report suspected cases of trafficking to the police or other authorities.

- **Recommendation 1** *To sensitize community members and local leaders about how to recognize child trafficking, their duty to report child trafficking and where to report suspected cases.*

There is also the need to train the officers of the JLOS institutions- police, Directorate of Public Prosecutions and judiciary to recognize and then respond to child trafficking cases in accordance with the *Prevention of Trafficking in Persons Act*. This will enable them to gain adequate knowledge about the new law and how to apply its provisions. The officers of the JLOS institutions also need to be availed with copies of the new law for their daily use.

- **Recommendation 2** *To train the officers of the JLOS institutions to recognize and respond to cases of trafficking in accordance with the provisions in the Prevention of Trafficking in Persons Act*
- **Recommendation 3** *To distribute copies of the new law to the JLOS institutions.*
- **Recommendation 4** *To clarify the effective date of implementation of the Prevention of Trafficking in Persons Act with the JLOS institutions and to encourage each institution to prioritize its implementation.*

The *Prevention of Trafficking in Persons Act* obligates the Ministry of Internal Affairs to designate a Prevention of Trafficking in Persons Office and to make any regulations necessary to implement the act. While the delay in creating this office does not prevent offences from being charged under the Act, the fight against trafficking would be strengthened if the office were established. This is because the office has an important coordination, monitoring and oversight function.

- **Recommendation 5** *To coordinate relevant actors to lobby the Minister of Internal Affairs to designate an office to be responsible for the coordination,*

¹¹⁶ *Prevention of Trafficking in Persons Act*, s. 10

monitoring and overseeing of the implementation of the Prevention of Trafficking in Persons Act, 2009.

In addition to strengthening the domestic legal framework governing child trafficking in Uganda, it is also important that Uganda **ratify the Palermo Protocol**. This would reinforce the provisions of the domestic legislation as well as send a message to the international community about its commitment to eradicating child trafficking both domestically and across borders.

- **Recommendation 6** *To coordinate interested stakeholders to lobby the government to ratify the Palermo Protocol.*

2. RECOMMENDATIONS TO REDUCE THE PREVALENCE OF CHILD TRAFFICKING IN KATAKWI, SOROTI AND KAMPALA DISTRICTS

Part of the reason that child trafficking is prevalent in Uganda is because many **practices which are traditional** or common place within rural communities, such as early marriage, using children as domestic servants, babysitting and cattle herders, can actually be classified as trafficking in children.

- **Recommendation 7** *To sensitize communities that traditional cultural practices such as giving away children in early marriage, for use as baby sitters, cattle herders or domestic servants is harmful and can often be classified as child trafficking.*
- **Recommendation 8** *To sensitize parents of children from high-risk areas such as Karamoja that about the dangers of allowing their children to reside outside of the home – i.e. It increases a child's vulnerability to being trafficked.*
- **Recommendation 9** *To engage in increased advocacy to ensure that the Government addresses the identified root causes of trafficking such as poverty, unemployment and insecurity, especially in the Karamoja and Teso sub-region.*

3. RECOMMENDATIONS TO IMPROVE RESPONSES TO CHILD TRAFFICKING

In order to successfully prevent child trafficking and protect vulnerable children it is essential that the **laws prohibiting trafficking be fully enforced**. It is essential that identified or suspected cases of child trafficking be referred to the police for

proper investigation and follow-up. By holding traffickers accountable for their actions, the justice law and order sector will be sending a message that impunity is no longer tolerated and that child trafficking is a serious crime with serious repercussions for offenders.

- **Recommendation 10** *To strengthen links between district authorities, civil society organizations and the justice, law and order sector so that all suspected cases of child trafficking are reported to the police and investigated seriously.*
- **Recommendation 11** *To lobby and follow-up on all cases of suspected trafficking to make sure that they are investigated and prosecuted under the Prevention of Trafficking in Persons Act rather than under other, pre-existing legislation.*
- **Recommendation 12** *To encourage the relevant justice, law and order sector institutions to collect data on suspected child trafficking cases in order to accurately evaluate its prevalence and measure the response in future years.*

Until now, victims of child trafficking have not been able to access comprehensive assistance such as medical examinations, psychological counseling, social support, protection, and legal assistance. There is need within each district to ensure **that child trafficking victims can access each of these types of support**. Presently there is no organization in the districts examined specifically offering legal support to child trafficking victims. Legal support is necessary to help the victims access the protection mechanisms available under the law and to follow-up on the criminal case for the victim as it progresses through the criminal justice system.

- **Recommendation 13** *To identify lawyers and organisations with programs willing to provide legal aid services to child trafficking victims in each district.*

It is also important to effectively coordinate the various response services offered to ensure victims promptly access the different types of services required.

- **Recommendation 14** *To develop a referral pathway in each district that will help child trafficking victims access prompt multidisciplinary support.*

C. ACHIEVEMENT OF OBJECTIVES OF BASELINE SURVEY

The data gathered through this survey has allowed Avocats Sans Frontières and its partner FIDA-U to realize the objectives of the study. Namely:

- The organizations were able to develop a current picture of the situation prevailing in relation to child trafficking, especially in Soroti and Katakwi districts. This will help ASF and FIDA-U to tailor the interventions of their project to best meet the needs identified.
- From the information gathered it is clear that as of June 2010 the newly enacted *Prevention of Trafficking in Persons Act*, was by and large not being implemented in the districts of intervention.
- Information received from the district authorities have indicated that the sub-counties in Katakwi bordering Karamoja are the areas that are most in need of interventions in relation to child trafficking. Therefore the program will target its interventions in these areas.
- Avocats Sans Frontières and FIDA-U were able to identify relevant actors working in the area of child protection who can later be coordinated into a referral pathway for victims of child trafficking. This is especially true in Soroti and Katakwi districts.
- Avocats Sans Frontières and FIDA-U were also able to build good will about their counter-child trafficking program, as well as the new law preventing trafficking in persons, by meeting one-on-one with the relevant local government authorities and key stakeholders.
- The findings from this baseline survey have been incorporated into developing relevant performance indicators that will help to guide the program's intervention during its course of implementation.

VI. APPENDIX I -- LIST OF LAWS REFERRED TO IN THE BASELINE SURVEY REPORT

A. UGANDAN NATIONAL LAWS RELEVANT ON CHILD TRAFFICKING

- *The Prevention of Trafficking in Persons Act, 2009*
- *Constitution of the Republic of Uganda, 1995*
- *Children Act, 2000, Cap. 59.*
- *Penal Code Act, 1950, Cap. 120 (as Amended by Act No. 8 of 2007).*
- *Employment Act, Cap. 219 (as amended by Act.No.6 of 2006)*
- *Immigration Act, 1970, Cap. 63.*
- *Passports Act, 1982, Cap.64.*
- *The Registration of Births and Deaths Act, 1973, Cap.309.*
- *The Extradition Act, 1964, Cap 117*

B. INTERNATIONAL LEGAL INSTRUMENTS RELEVANT TO CHILD TRAFFICKING

Title of Legal Instrument	Date of Signature	Date of Ratification
<i>ILO Convention 138 Minimum Admission to Employment, 1973</i>		2002
<i>ILO Convention 182 Worst Forms of Child Labour, 1999</i>		21 st June 2001
<i>UN Convention on Rights of the Child (CRC), 1989</i>	17 th August 1990	17 th August 1990
<i>CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, 2000</i>		30 th November 2002
<i>United Nations Convention Against Transnational Organized Crime, 2000</i>		9 th March, 2005
<i>UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, 2000 (Palermo Protocol)</i>	12 th December 2000	Not ratified

<i>UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others ,1949</i>	Not signed	Not ratified
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VII. APPENDIX II -- LIST OF RESPONDENTS INTERVIEWED

1. Daniel Ewadu E., LC5 Vice Chairperson, Soroti
2. Janneka, Volunteer Nurse, AMECET Home, Soroti
3. Josephine Orugon, Head of the AMECET Home, Soroti
4. IP Oduku Peter, Community Liaisons Officer, Soroti Central Police Station
5. IP Adong Florance, Officer-in-charge of Child and Family Protection Unit, Soroti Central Police Station.
6. John Ekusai, Acting Programme Manager, World Vision-Soroti Cluster
7. Ben Etunu, Resident District Commissioner, Soroti.
8. Mugolo Richard, Deputy Chief Administrative Officer, Soroti
9. Otin Charles, Capacity Building Specialist, UWESO, Soroti.
10. Jatiko Thomas, Resident State Attorney, Soroti
11. Andrew Akutu, National Officer, UNOHCHR, Soroti
12. Anyeko Michael, Project Coordinator, TPO-Soroti
13. Rebecca Tino, Acting Human Rights Officer, UHRC Soroti Regional Office
14. Ekalamu Joseph, Senior District Probation and Social Welfare Officer, Soroti
15. Joshua Maruk, Chief Magistrate Soroti.
16. Ikulot Margaret, LC5 Vice Chairperson, Katakwi.
17. IP Asero Florance, Officer-in-charge of Child and Family Protection Unit, Katakwi Central Police Station.
18. ASP Kwetegyereza Adrian, District Police Commander, Katakwi
19. ASP Twongyeirwe Justus, CID Officer, Katakwi
20. Ikareut Betty, Senior District Probation and Social Welfare Officer, Katakwi
21. Emoruoit Silver, Executive Director, Katakwi Children's Voice
22. Odong James, Social Worker, TPO-Katakwi
23. Asekenye Damalie, District Community Development Officer, Katakwi
24. Olar Nathan, Assistant Community Development Officer, Ngaraim and Palam sub counties, Katakwi
25. Asengo Anna Grace, Assistant Community Development Officer, Ongongoja sub county, Katakwi
26. Diso Okumu, Director, Planning and Development Coordination Office, Parliament of Uganda, Kampala
27. Regina Kacwamu, Project Coordinator, Uganda Youth Development Link (UYDEL), Kampala
28. Maria Jurua, Coordinator, Law and advocacy for Women in Uganda, Kampala
29. Commissioner of Police Benoga Moses, Head Anti- Human Sacrifice and Trafficking Task Force, CID HQs, Kibuli, Kampala.
30. Sherina Tibenkana, Senior State Attorney, Department of Legal Advisory Services, Ministry of Justice and Constitutional Affairs, Kampala.

31. Okuo Jane, Principal State Attorney, Directorate of Public Prosecutions, Workers' house, Kampala
32. S.P Kagoda, Permanent Secretary, Ministry of Internal Affairs, Kampala.
33. Monica Amoding, Coordinator, Uganda Women Parliamentarians Association (UWOPA), Kampala