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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Franciscans International, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 May 2024]

* Issued as received, in the language of submission only.



Human Rights Situation in Uganda: Need for Greater and Coordinated Efforts to Combat Trafficking in Persons

Franciscans International welcomes to annual report of the UN Special Rapporteur on trafficking in persons, especially women and children and commend her work in the prevention of trafficking in persons and the promotion of the global fight against trafficking in persons and in promoting awareness of and upholding the human rights of victims of trafficking in persons.

We would like to express our concern regarding the situation of trafficking in person in Uganda. During the recent review of Uganda by the Universal Periodic Review (2022) and the UN Committee on the Elimination of Discrimination against Women (CEDAW - 2022), there were concerns expressed about trafficking.

Uganda accepted several UPR recommendations in that regard, including ensuring sufficient funds and effective implementation to the national action plan for the prevention of trafficking in persons; and provide shelter, counselling and legal psychosocial assistance to victims (1).

In its concluding observations, CEDAW recommended Uganda to strengthen victim assistance, witness protection and victim referral pathways; reinforce regulations of recruitment agencies for migrant workers; ensuring prosecutions of traffickers and accomplices; and exercise continuous vigilance to combat the exploitation of girls in prostitution and child labor and prosecute and punish perpetrators; and ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2).

Following these recommendations, Uganda took additional steps to address this situation including bilateral engagement with countries of destination such as Saudi Arabia in 2022 and trainings of security forces, community elders and investigators. However, these steps fail to adequately address the aggravating situation of trafficking in persons from and to Uganda.

Legal Framework on Trafficking in Person in Uganda

Uganda continues to be the place of origin, transit and destination for women and men victim of trafficking despite the adoption and operationalization of the Act on the Prevention of Trafficking in Persons in 2009

The Act criminalizes labor and sex trafficking and prescribes punishment up to 15 years of imprisonment. Uganda subsequently adopted a National Action Plan for the Prevention of Trafficking in Persons (NAP)(3) and coordinates anti-trafficking work through the Coordination Office for Prevention of Trafficking in Persons (COPTIP).

This legal framework does not, however, prevent private companies from adopting fraudulent and opaque recruitment processes. As of June 2021, 206 of such licensed private recruitment companies were active and gathered under the Uganda Association of External Recruitment Agencies. These companies externalize national labor to the Middle East in countries such as Saudi Arabia, Qatar, Jordan, the United Arab Emirates, and Oman where migrants are often subjected to forced labor, physical abuse, and excessive working hours.

General Observations about Trafficking in Persons in Uganda

These practices persist despite a higher number of investigations and prosecutions as reported in 2023 (4). The government of Uganda investigated 1 200 incidents of human trafficking against 421 in 2021, and out of which 63 involved incidents of exploitation abroad. 728 prosecutions were initiated against alleged traffickers in 2022 in 589 cases and the government also identified 2,099 victims in 2022 compared to 305 victims in 2021. These numbers seem to demonstrate sustained and increased efforts to combat trafficking including training for officials and prosecuting fraudulent companies involved in trafficking migrant workers.

We however remain concerned by the continuous lack of adequate services and financial support for victims once returned, and heavy reliance on civil society organizations to provide adequate care for victims. The underfunding of COPTIP threatens its capacity to act in due course, and judicial processes were slowed down due to Covid-19 restrictions. Recruitment agencies continue to bypass existing laws by providing them with misleading information on their living and work conditions in the country of destination. Anti-trafficking activists and organizations further point out to corruption among officials as barriers to effectively tackle the issue (5).

In this context, the situation of women and girls requires closer examination and action from the Government of Uganda. They face increased risks of being trafficked and sexually exploited as they are often taken out of school to provide income for the family. With the Penal Code criminalizing prostitution in its article 139, women forced to sexual exploitation and prostitution as a result of trafficking face double victimization and do not approach authorities to denounce trafficking. Uganda has yet to ratify the 2000 Palermo Protocol enshrining the principle of non-punishment of victims being forced to commit unlawful acts as a result of trafficking.

The fight against trafficking in persons requires adapting to an ever-changing context and actors, and recent developments raise concerns as to the authorities' financial and human capacity to adequately tackle this issue.

Impacts of COVID-19 on Trafficking in Person

The Covid-19 crisis posed serious constraints to tackle trafficking in persons, particularly during lockdowns, as reported by the Auditor General's report (6). The report highlighted a surge in human trafficking cases, with 1200 cases registered in 2022, as opposed to 421 in 2021. This level of increase is attributed to the lack of public awareness during the Covid-19 lockdowns, and insufficient trainings of police officers and prosecutors combined with a persistent lack of shelters for victims and heavy reliance on NGOs to provide basic care for victims.

Cross-border Trafficking

We are increasingly concerned about cross-border trafficking of Ugandans particularly women, girls and children to neighboring countries where they are subjected to forced labor or sent to a third country. Women and girls from North-Eastern Uganda have been trafficked in neighboring countries such as Kenya and are subjected to domestic servitude. Reports also suggest a worrying increase in cases of child trafficking and forced child labor from Uganda to Kenya (7).

Children Victims of Trafficking in Person

Children in Uganda (8) are increasingly falling to trafficking networks. In February 2024, 83 children between the age of 5 and 15 years were rescued by authorities from an unregistered NGO in Mayuge. In September 2023, a 17-year-old Ugandan was arrested after being found responsible for trafficking 170 young people to Kenya, under promise of jobs in a false company (10).

Recommendations

While acknowledging the efforts of the Government of Uganda in addressing the human rights violation related to trafficking in persons, we call on taking concrete steps in the implementation of the relevant recommendations of UPR and the CEDAW.

In particular, we call on the Government of Uganda to increase the funding and training capacity of COPTIP and increase monitoring labor externalization companies through control and sanction measures in case of non-compliance of legal provisions.

We further recommend the Government to adapt its legislative framework to include a gender and age lens, tackle corruption among official authorities complicit in trafficking and provide adequate services and access to justice for victims of trafficking. We also call upon the authorities to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children and adopt concrete and efficient preventive measures to address this issue.

Finally, we also call the Government of Uganda to extend an invitation for a country visit to the Special Rapporteur.

(1) Report of the UPR Working Group on Uganda, 2022

<https://documents.un.org/doc/undoc/gen/g22/300/83/pdf/g2230083.pdf?token=8T4SBdovREk4o7bcI0&fe=true>

(2) Concluding observations of the 8th and 9th periodic review of Uganda from CEDAW Committee, 2022

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FUGA%2FCO%2F8-9&Lang=en

(3) <https://www.mia.go.ug/sites/default/files/2022-06/National%20Action%20Plan.pdf>

(4) US State Department, 2023 Trafficking in Persons Report: Uganda, 2023

<https://www.state.gov/reports/2023-trafficking-in-persons-report/uganda/>

(5) Monitor, Funding gaps, corruption affecting fight against human trafficking, activists say, 26 March 2024 https://www.newvision.co.ug/category/news/over-80-children-rescued-from-suspected-traff-NV_180494

(6) Monitor, Human trafficking cases triple in one year, 17 January 2024

<https://www.monitor.co.ug/uganda/news/national/human-trafficking-cases-triple-in-one-year-4494616>

(7) People Daily, Alarm over rising cases of child labour and trafficking, 29 February 2024,

<https://www.pd.co.ke/news/alarm-over-rising-cases-of-child-labour-and-trafficking-224034/>

(8) Dispatch, Fake NGO in Uganda busted for trafficking 83 children, 3 suspects arrested, 6 February 2024 <https://www.dispatch.ug/2024/02/06/fake-ngo-in-uganda-busted-for-trafficking-83-children-3-suspects-arrested/>

(9) Citizen Digital, 17-year-old Ugandan arrested for trafficking 170 people to Kenya through a job scam, 26 September 2023

<https://www.citizen.digital/news/17-year-old-ugandan-arrested-for-trafficking-170-people-to-kenya-through-a-job-scam-n328116>