

**POLICY BRIEF: Child Trafficking in Uganda**

**HUMAN TRAFFICKING LAW | WORKING PAPER SERIES**



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## Acronyms and Abbreviations

ACPMD	African Common Position on Migration and Development
ACRWC	African Charter on Rights and Welfare of the Children
CFPU	Child and Family Protection Unit
CRC	Convention on the Rights of the Child
CSO	Civil Society Organisations
DRC	Democratic Republic of Congo
EAPCCO	East African Police Chiefs Cooperation Organisations
ICGLR	International Conference on the Great Lakes Region
ILO	International Labour Organisations
MGSLD	Ministry of Gender, Labour and Social Development
MIA	Ministry of Internal Affairs
MPF	African Union Migration Policy Framework
NAP	National Action Plan
NGO	Non-Governmental Organizations
OAP	Ouagadougou Action Plan
OPM	Office of the Prime Minister
PTIP	Prevention of Trafficking in Persons
SDGs	Sustainable Development Goals
UCATIP	Ugandan Coalition on Trafficking in Persons
UNDESA	United Nations Department of Economic and Social Affairs
UN GIFT	United Nations Global Initiative to Fight Human Trafficking

## 1.0 Introduction

Uganda has a very young population.<sup>1</sup> The 2019 United Nations Department of Economic and Social Affairs (UNDESA) World Population Prospects projected that the Ugandan population would grow to an estimated 44.3 million people in 2020, with a median age of 16.7 years.<sup>2</sup> This makes Uganda's population one of the youngest in the world, only behind Niger, Chad and Mali.<sup>3</sup> Furthermore, according to a 2019 Ugandan Bureau of Statistics study, Uganda had an estimated 31 million children under the age of 18 in 2019.<sup>4</sup> In addition to the number of Ugandan children, Uganda according to UNHCR hosts over 1.4 million refugees,<sup>5</sup> of whom, around 82% are women and children.<sup>6</sup>

Over the last decade, Uganda has shown progress in human development,<sup>7</sup> reduction of extreme poverty levels, and the improvement of the overall wellbeing of children and vulnerable people.<sup>8</sup> However, Uganda remains one of the poorest countries in the world, and a 2019 UNICEF Situation Analysis of Children in Uganda reports that more than 56% of Uganda's children are deprived of six or more things or activities deemed essential by majority of Ugandans.<sup>9</sup> These figures show that despite the fact that children make up a large percentage of Uganda's population, child protection in Uganda has suffered numerous setbacks. Factors such as poverty, displacement, forced migration, harmful cultural and social practices, and a post-conflict environment can increase vulnerability of children to human rights violations such as early child marriage, child labour and child human trafficking.<sup>10</sup>

The Policy Brief will map out Uganda's anti-child trafficking mechanism, presenting Uganda's existing legal and policy anti-trafficking frameworks. It further examines the implementation level of developed standards, highlighting good and weak practice.

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<sup>1</sup> United Nations Department of Economic and Social Affairs (UNDESA), *World Population Prospects 2019*, Volume I. Comprehensive Tables, *ST/ESA/SER.A/426*, page 290.

<sup>2</sup> United Nations Department of Economic and Social Affairs (UNDESA), *World Population Prospects 2019*, Volume II: Demographic Profiles, *ST/ESA/SER.A/426*, page 1138.

<sup>3</sup> Ibid.

<sup>4</sup> Ugandan Bureau of Statistics (UBOS), Status of Children – Children Census Tables, 2019, available at [https://www.ubos.org/wp-content/uploads/publications/01\\_2019Status\\_Of\\_Children\\_%E2%80%93\\_Children\\_Census-sourced\\_Data.xls](https://www.ubos.org/wp-content/uploads/publications/01_2019Status_Of_Children_%E2%80%93_Children_Census-sourced_Data.xls)

<sup>5</sup> UNHCR, Uganda Refugee Statistics Dashboard, 2020, <https://data2.unhcr.org/en/documents/details/76150>

<sup>6</sup> Ibid.

<sup>7</sup> Uganda's human development index increased from 0.434 in 1990 to 0.525 in 2018. See UNDP, *Human Development Report: Inequalities in Human Development in the 21<sup>st</sup> Century; Briefing note for countries on the 2019 Human Development Report*. 2019, page 3. See [http://hdr.undp.org/sites/all/themes/hdr\\_theme/country-notes/UGA.pdf](http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/UGA.pdf)

<sup>8</sup> Ibid

<sup>9</sup> Children in Uganda suffer deprivations such as ranging from deprivation in Food Security, Healthcare, Education, Housing etc. See UNICEF, *Situation Analysis of Children in Uganda – 2019*, page, 2, <https://www.unicef.org/uganda/reports/situation-analysis-children-uganda-2019>

<sup>10</sup> Ibid

## 2.0 Child Trafficking.

Uganda has been ranked as Tier 2 Watch List country on the 2020 US State Department Trafficking in Persons Report (US TIP Report)<sup>11</sup>, and has been identified by several sources as a source, transit, and destination for victims of both domestic and transnational human trafficking, involving both children and adults.<sup>12</sup> Article 3(a) of the 2000 Protocol to Suppress, Prevent and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (Palermo Protocol) defines human trafficking and exploitation as

*“...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;”<sup>13</sup>*

For child trafficking, the Palermo Protocol states that the *“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;”<sup>14</sup>*

Section 2(r) and 3(1)(a) of Uganda’s 2009 Prevention of Trafficking in Persons Act (PTIP Act) adopts the same definition of trafficking as the Palermo Protocol, and Section 3(1)(b) further expands the definition by extending the offence of human trafficking to anyone who

*“recruits, hires, maintains, confines, transports, transfers, harbours or receives a person or facilitates the aforementioned acts through force or other forms of coercion for the purpose of engaging that person in prostitution, pornography, sexual exploitation, forced labour, slavery, involuntary servitude, death bondage, forced or arranged marriage.”<sup>15</sup>*

Like the Palermo Protocol, the PTIP Act also sets a lower threshold for child trafficking as Section 3(3) of the PTIP Act in defining child trafficking, states that

*“The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall constitute “trafficking in persons” even if this does not involve any of the means set forth in subsection (1) of this Section.”<sup>16</sup>*

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<sup>11</sup> Tier 2 Watch List countries are States whose governments do not fully meet the minimum standards in the US Trafficking Victims Protection Act of 2000 but are making efforts to do so.

<sup>12</sup> United State, Department of State Trafficking in Persons Report (US TIP Report) 2020, page 501.

<sup>13</sup> 2000 Palermo Protocol, Art 3(a)

<sup>14</sup> Ibid, Article 3(c)

<sup>15</sup> 2009 Uganda Prevention of Trafficking in Persons Act, Section 3(2)(b)

<sup>16</sup> Ibid, Section 3(3).

Section 4 of the Act also invalidates any consent given by the victim of trafficking whether an adult or child, stating that *“The consent of the victim of trafficking or if a child, the consent of his or her parents or guardian to the acts of exploitation shall not be relevant”*<sup>17</sup>

According to the 2018 Ugandan Trafficking in Persons Report, the total number of registered victims of human trafficking increased from 355 in 2017 to 650 in 2018; 495 adults and 155 children.<sup>18</sup> However, the 2020 US TIP Report findings show a reduction in the number of identified victims from 650 in 2018 to 455 in 2019 - 71 domestic and 384 transnational victims.<sup>19</sup> Due to the lack of reliable and accurate data, these figures do not represent the total number of victims of trafficking. However, the figures show that the increasing scale of human trafficking in Uganda has heightened the vulnerability of children to human trafficking.

Children are trafficked within Uganda for purposes of sexual exploitation;<sup>20</sup> labour exploitation in the agricultural, fishing, mining, hospitality, and domestic service sectors; and in some cases illegal organ harvesting; child sacrifice and conscription into armed militias.<sup>21</sup> Child trafficking in Uganda is mostly internal, with children being trafficked from the poorer rural and underserved communities to larger cities such as Kampala for exploitation.<sup>22</sup>

Human trafficking incidents have also been reported in refugee settlements in Uganda. In 2018, Uganda reported the largest number of unaccompanied and separated child refugees with 41,200, most of whom originated from South Sudan.<sup>23</sup> Paragraph 7 of the UN Committee on the Rights of the Child (UNCRC) defines unaccompanied children as

*“children, as defined in article 1 of the Convention, who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so”;*<sup>24</sup>

and Paragraph 8 defines separated children as

*“children, as defined in article 1 of the Convention, who have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.”*<sup>25</sup>

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<sup>17</sup> Ibid, Section 3(4).

<sup>18</sup> Coordinating Office for the Prevention of Trafficking in Persons (COPTIP), Performance Report on Countering Trafficking in Persons in Uganda for 2018, page 4.

<sup>19</sup> US TIP Report (n 12) 508.

<sup>20</sup> United State, Department of State Trafficking in Persons Report (US TIP Report) 2019, 472.

<sup>21</sup> COPTIP (n 18) page 5.

<sup>22</sup> One of the largest rescue activities of 2018 was the interception of 16 Karamojong children around Iriiri, in Napak District.

<sup>23</sup> UNHCR, Global Trends 2018 (n 6), page 49.

<sup>24</sup> Para 7, UN Committee on the Rights of the Child, General Comment No 6, CRC/GC/2005/61, September 2005

<sup>25</sup> Ibid, Para 8.

Unaccompanied and separated children in refugee situations are at a greater risk of vulnerability to human trafficking. While unaccompanied children face serious vulnerability to human trafficking because of the lack of the first line of familial protection, separated children are also vulnerable because traffickers could claim to be family members or close relatives. In 2018, the Ugandan Government reported human trafficking incidents involving women and children in camps and settlements in West Nile and South Western Uganda.<sup>26</sup>

## 2.1 Child Trafficking Trends in Uganda

Child trafficking in Uganda is usually fuelled by intermediaries who make false promises of better lives through employment and education opportunities.<sup>27</sup> Believing these intermediaries, unsuspecting parents and guardians, and sometimes, the children themselves, accept the offers, but end up as victims of child trafficking, forced to work (often with little to no remuneration) as child domestic workers, street beggars/hawkers, bar and restaurant attendants, and labourers in the agricultural and mining industries.<sup>28</sup> Child victims of trafficking in Uganda are also exposed to trafficking for sexual exploitation in the commercial sex industry, child sex tourism, child pornography and early child marriage.<sup>29</sup>

In some cases, children are also trafficked from Uganda to nearby African states such as the Democratic Republic of Congo (DRC), Kenya and Rwanda, while children from neighbouring Tanzania, Burundi, Rwanda, South Sudan, DRC and Kenya are also trafficked into Uganda for the purpose of forced labour and sexual exploitation.

### A. Child Trafficking for Labour Exploitation

Child trafficking for labour exploitation is one of the prevalent forms of exploitation in Uganda. Child victims of trafficking are usually found in the commercial agricultural and mining sectors, syndicated street begging and hawking, and domestic servitude and hospitality.<sup>30</sup>

In 2018, the Ugandan Government registered 27 victims of child trafficking for labour exploitation.<sup>31</sup> However, this does not represent a true total of all victims of child trafficking for labour exploitation in Uganda. In a 2018 publication of the 2016/2017 National Labour Force Survey, it was estimated that over 2 million children are in child labour situations in Uganda.<sup>32</sup> Although the total number is not a true representation of child trafficking victims in Uganda, the Ugandan Government however indicated that the figure is a “*lower-bound*” estimate, which does

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<sup>26</sup> COPTIP (n 18) page 7.

<sup>27</sup> Ministry of Gender, Labour and Social Development (MGLSD), *National Action Plan on the Elimination of the Worst Forms of Child Labour in Uganda 2012/13-2016/17*, 2012, page 5 <https://www.refworld.org/pdfid/5bd05afa16.pdf>

<sup>28</sup> Ibid.

<sup>29</sup> ECPAT, *Uganda*, Global Monitoring: Status of Action Against Commercial Sexual Exploitation of Children, 2<sup>nd</sup> Edition, 2013, page 14. [https://www.ecpat.org/wp-content/uploads/2016/04/a4a\\_v2\\_af\\_uganda\\_o.pdf](https://www.ecpat.org/wp-content/uploads/2016/04/a4a_v2_af_uganda_o.pdf)

<sup>30</sup> Expertise France, *Uganda Country Statement: Addressing Migrant Smuggling and Human Trafficking in East Africa*, 2017, page 11. <https://www.expertisefrance.fr/documents/20182/234347/AMMi+-+Country+Report+-+Uganda.pdf/9447f64a-236f-45cc-b2fb-f35891cccf1>

<sup>31</sup> COPTIP (n 18), page 5.

<sup>32</sup> UBOS, *National Labour Force Survey, 2016/2017*, 2018, page 117. [https://www.ubos.org/wp-content/uploads/publications/10\\_2018Report\\_national\\_labour\\_force\\_survey\\_2016\\_17.pdf](https://www.ubos.org/wp-content/uploads/publications/10_2018Report_national_labour_force_survey_2016_17.pdf)



not include “*children involved in unconditional worst forms of child labour, including but not limited to child trafficking.*”<sup>33</sup>

Children from neighbouring countries are also trafficked into Uganda and forced into agricultural labour in cocoa, coffee, corn, tea, tobacco, rice, sugarcane, and vanilla fields, and they are also exploited for work as scarecrows in rice fields to drive away birds.<sup>34</sup>

## **B. Child Trafficking for Sexual Exploitation**

Uganda is a source, transit, and destination country for children trafficked for sexual exploitation. Although the numbers of children trafficked for sexual exploitation are unknown due to the clandestine nature of the practice, the Ugandan Government reported registering at least 18 victims of child trafficking for sexual exploitation in 2018.<sup>35</sup>

Young girls are usually the preferred targets for trafficking for sexual exploitation, but reports also show that traffickers exploit boys for sexual exploitation as well.<sup>36</sup> Children in Uganda are trafficked for exploitation through early and forced marriages, production of child sexual abuse material (child pornography), and sexual exploitation of children in travel and tourism.<sup>37</sup> Victims of this form of exploitation in Uganda are mostly nationals, but there have also been reports of children from neighbouring DRC, Rwanda, Burundi, Kenya, Tanzania and South Sudan being trafficked into Uganda for sexual exploitation as well.<sup>38</sup> Ugandan children have also been trafficked out of Uganda for the same purposes.

Refugees in the settlements in Northern Uganda have also been identified to be at risk of trafficking for sexual exploitation. The 2018 US TIP Reports reported allegations of the complicity of some of the members of the Ugandan Office of the Prime Minister (OPM) in several illegal activities including sexual exploitation of refugees in refugee settlements.<sup>39</sup> The 2019 US TIP Report also reported that South Sudanese children in refugee settlements in northern Uganda were also vulnerable to human trafficking.<sup>40</sup>

## **3.0 Response to Child Trafficking in Uganda**

The Ugandan Government has made considerable efforts to improve the status of children’s rights and respond to child protection gaps, including child trafficking in the country. The Government has

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<sup>33</sup> Ibid

<sup>34</sup> United States Bureau of International Labour Affairs, 2018 Findings on the Worst Forms of Child Labour: Uganda, 2019, page 1,2. <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/uganda>

<sup>35</sup> COPTIP (n 18) page 5.

<sup>36</sup> ECPAT, *Uganda Country Overview: A report on the Scale, Scope and Context of the Sexual Exploitation of Children*, 2019, page 14.

<sup>37</sup> Ibid, page 14, 15.

<sup>38</sup> Ibid.

<sup>39</sup> United State, Department of State Trafficking in Persons Report (US TIP Report) 2018, page 434. See also NTV Panorama: Sex Trafficking Cartels targets vulnerable refugees, 25 March 2018, <https://www.youtube.com/watch?v=yVvf9YxS2Mc&t=1046s>

<sup>40</sup> US TIP Report (n 20) 475.

progressively signed and ratified important international and regional law legislation on child protection and child trafficking.<sup>41</sup> Furthermore, the Government has also adopted a range of domestic legislation, which largely comply with international law and the Sustainable Development Goals (SDGs) Agenda,<sup>42</sup> such as the 2009 Prevention of Trafficking in Persons Act, and the 2016 Children's Act.<sup>43</sup> In addition to legal measures, Uganda has also joined a range of regional policy initiatives on safeguarding children's rights.<sup>44</sup>

### 3.1 International Response Framework

**A. The United Nations Convention on the Rights of the Child 1989** – The CRC enumerates a comprehensive list of children's rights in a legally binding international treaty. Due to the wide acceptance and ratification of the CRC, its provisions have set the standard for child protection legislation around the world. Uganda ratified the CRC in 1990 and its optional protocols, i.e. Optional Protocol on the sale of children, child prostitution and pornography and Optional Protocol on the involvement of children in armed conflict in 2001 and 2002, respectively. The CRC also makes specific provisions for the prohibition of trafficking of children. Article 35 of the CRC prohibits the sale, trafficking and abduction of children and provides that

*“State Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form”.*<sup>45</sup>

In addition to the prohibition of trafficking of children, the CRC in Article 3 sets down the **“Best Interests of the Child”** principle.<sup>46</sup> The principle of the best interests of the child is the operative principle for interpreting all the provisions of the CRC and Article 3(1) requires that

*“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”*<sup>47</sup>

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<sup>41</sup> Uganda is a signatory to 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, and has ratified 1989 UN Convention on the Rights of the Child, the 1990 African Charter on the Rights and Welfare of the Child, and the 1990 ILO Convention on the Worst forms of Child Labour (No.182).

<sup>42</sup> Goals 5.2, 8.7 and 16.2 of the UN General Assembly Resolution A/RES/70/1: *Transforming our world: the 2030 Agenda for Sustainable Development*, adopted by the General Assembly on the 25<sup>th</sup> September 2015.

[https://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1&Lang=E](https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E)

<sup>43</sup> The 2009 PTIP Act and the 2016 Children Act prohibit and criminalise child trafficking and suggest punishments that are commensurate with other serious violations like rape.

<sup>44</sup> 2008 *Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa and the African Union's Africa's Agenda for Children 2040: Fostering an Africa fit for Children*.

<sup>45</sup> 1989 CRC, Art. 35.

<sup>46</sup> 1989 CRC, Art. 3.

<sup>47</sup> 1989 CRC, Art 3(1).

**B. Palermo Protocol** – The Palermo Protocol is the globally accepted international treaty addressing human trafficking. The protocol sets the standard for most regional and domestic law provisions for human trafficking and sets down the first globally accepted definition of human trafficking.

Article 3(b) further states 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;*”<sup>48</sup>

As aforementioned, Article 3(c) sets a significantly lower threshold for the commencement of child trafficking by removing the “*means*” element of the human trafficking definition when it relates to children. This is also important because Art 3(b) makes the consent of trafficking victims irrelevant where means have been used, but Article 3(c) also removes the means element of the trafficking definition for children, thereby extending a wider range of protection to child victims of trafficking.

Despite signing the Palermo Protocol in 2000, the Ugandan Government has failed to ratify the international treaty and as such, is not bound by its provisions on both adult and child trafficking. This creates a gap in protection for victims, which is somewhat addressed by Ugandan domestic anti-trafficking legislation, [the 2009 PTIP Act], the provisions of which are closely modelled on the Palermo Protocol.

**C. ILO Convention on the Worst Forms of Child Labour 1999 (No. 182)** – The 1999 Convention outlines the worst forms of child labour that must be eradicated. Article 3(a) of the convention lists *inter alia* “*all forms of slavery or practices similar to slavery, such as the sale and trafficking of children...*” as important components in the definition of worst forms of child labour.<sup>49</sup> Further key components of the definition include forced labour, recruitment of children for child sexual exploitation, forced conscription of children for armed conflict, recruitment of children for drug production and trafficking, and the use of children in hazardous work.<sup>50</sup> Uganda ratified the 1999 ILO Convention No.182 in 2001, and it has since been implemented in the country, having effect on the development of different legislation such as the 2006 Employment Act.

### 3.2 Regional Response Frameworks

**A. The African Charter on Human and Peoples’ Rights (Banjul Charter)** – Although the Banjul Charter is not a child-specific or anti-trafficking international law document, it has a wide range of provisions protecting children from human rights violations similar to human trafficking.

Article 5 of the Charter prohibits all forms of “*exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment*”;<sup>51</sup> and Article 18(3) requires

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<sup>48</sup> 2000 Palermo Protocol, Art 3(b)

<sup>49</sup> 1999 ILO Convention (No.182), Art 3(a).

<sup>50</sup> 1999 ILO Convention (No.182), Art 3.

<sup>51</sup> 1986 African Charter on Human and Peoples’ Rights (ACHPR), Art 5.

states to “ensure the elimination of every discrimination against women and also censure the protection of the rights of the woman and the child as stipulated in international declarations and conventions”<sup>52</sup>.

Although the Charter does not explicitly mention child trafficking, these provisions can be invoked to protect the rights of children on the African continent against all forms of human trafficking.

**B. The African Charter on the Rights and Welfare of the Child 1990** – The 1990 African Charter on the Rights and Welfare of the Child (ACRWC) reiterates the globally accepted norms on child protection enumerated in the CRC. The ACRWC is the first comprehensive regional treaty on child’s rights and has been ratified by 49 African states including Uganda in 1994.<sup>53</sup> Article 4 of the ACRWC reiterates the best interests of the child principle, stating that

*“In all actions concerning the child undertaken by any person or authority the best interests of the child shall be the primary consideration.”*<sup>54</sup>

Furthermore, Article 29 of the Charter also makes direct provisions for the prohibition of child trafficking as it encourages Governments of member states to “take appropriate measures to prevent the abduction, the sale of, or traffic of children for any purpose.”<sup>55</sup>

In addition to making important provisions for the prevention of child trafficking, the ACRWC also prohibits other actions that may increase the vulnerability of children to human trafficking. Article 15 prohibits child labour and 15(1) states that

*“Every child shall be protected from all forms of economic exploitation and from performing any work that is likely to be hazardous, or to interfere with the child’s physical, mental, spiritual, moral or social development.”*<sup>56</sup>

Furthermore, Article 16 charges state parties to take measures to “protect the child from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse, while in the care of the child.”<sup>57</sup> Article 21 also encourages States to “do what they can to stop harmful social and cultural practices, such as child marriage, that affect the welfare and dignity of children”,<sup>58</sup> and Article 27 further provides that “Children should be protected from all forms of sexual exploitation and sexual abuse.”<sup>59</sup>

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<sup>52</sup> 1986 ACHPR, Art 18(3).

<sup>53</sup> ECPAT, *The Commercial Sexual Exploitation of Children in Africa: Development, progress, challenges and recommended strategies*, 2014, page 46.

<sup>54</sup> 1990 African Charter on the Rights and Welfare of the Child (ACRWC), Art (4)(1)

<sup>55</sup> 1990 ACRWC, Art 29.

<sup>56</sup> 1990 ACRWC, Art 15.

<sup>57</sup> 1990 ACRWC, Art 16.

<sup>58</sup> 1990 ACRWC, Art 21.

<sup>59</sup> 1990 ACRWC, Art 27.

### C. The International Conference on the Great Lakes Region Protocol on the Prevention and Suppression of Sexual Violence against Women and Children 2006

- The International Conference on the Great Lakes Region (ICGLR) is an inter-governmental organisation consisting of 11 countries in the Africa Great Lakes Region. The operative document of the ICGLR, the *Pact on Security, Stability and Development for the Great Lakes Region*<sup>60</sup> is binding on all signatory parties, and Article 11 of the Pact encourages member states to

*“... combat sexual violence against women and children through preventing, criminalizing and punishing acts of sexual violence, both in times of peace and in times of war, in accordance with national laws and international criminal law”.*<sup>61</sup>

The supporting protocol to the ICGLR Pact, the *Protocol on the Prevention and Suppression of Violence Against Women and Children* makes specific provisions for the prohibition and criminalizing of trafficking in women and children. Article 1(5)(k) of the Protocol includes *“Trafficking in, and smuggling of, women and children for sexual slavery or exploitation;”*<sup>62</sup> as a key component in the definition of sexual violence. Article 3 of the Protocol also encourages member states to ratify and incorporate into domestic legislation, relevant international treaties on women’s rights, including the Palermo Protocol.<sup>63</sup> Article 4 of the Protocol further requires states to

*“punish any person who, with intent, knowledge, recklessness, or negligence, aids or abets the commission, of any of the acts of trafficking in relation to such a woman or child, as defined in Article 1(7) of this Protocol.”*<sup>64</sup>

In addition to signing and ratifying regional treaties on child protection, Uganda has also participated in regional anti-trafficking policy initiatives and programmes. In 2007, the UNODC, Interpol and the East African Police Chief Cooperation Organisation (EAPCCO) organised and hosted the first ever regional anti-trafficking conference in East Africa, which held in Uganda.<sup>65</sup> The conference was part of the Global Initiative to Fight Human Trafficking (UN GIFT) programme and led to the development of the region wide *“Strengthening regional cooperation and capacities amongst the Eastern African law enforcement authorities to prevent and combat trafficking in human beings”* project. The project was aimed at strengthening cooperation between East African law enforcement agencies to fight human trafficking.<sup>66</sup>

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<sup>60</sup> International Conference on the Great Lakes Region, 2006 Pact on Security, Stability and Development for the Great Lakes Region.

<sup>61</sup> 2006 ICGLR Pact, Art 11.

<sup>62</sup> 2006 ICGLR Sexual Violence Protocol, Art 1(5)(k).

<sup>63</sup> 2006 ICGLR Sexual Violence Protocol, Art 3.

<sup>64</sup> 2006 ICGLR Sexual Violence Protocol, Art 4.

<sup>65</sup> *First Regional Anti-Human Trafficking Conference in Eastern Africa: Vulnerabilities of Conflict and Post-Conflict Countries.*

<sup>66</sup> ECPAT (n.20), page 24.

Uganda also participated in the development of the *Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa* (formally adopted in 2008). The regional action plan was aimed at increasing cooperation between the 11 EAPCCO countries in anti-trafficking, and to harmonise domestic anti-trafficking legislation with the Palermo Protocol.<sup>67</sup>

Uganda has committed to the African Union's "*Africa's Agenda for Children 2040: Fostering an Africa fit for Children*" agenda. This agenda was formed to operationalise Aspiration 6, Paragraph 53 of the African Union's Agenda 2063: The Africa We Want. Paragraph 53 is the 2063 Agenda's plan on children, and states that "*African children shall be empowered through the full implementation of the African Charter on the Rights of the Child*".<sup>68</sup> It is against this backdrop that the Agenda for Children was developed. Aspiration 7 of the 2040 Agenda for Children provides for the protection of every child from violence, exploitation, neglect, and abuse such as "...forced and harmful labour practices and trafficking for forced labour; ... sexual exploitation; pornography; and sexual trafficking."<sup>69</sup> The Agenda for Children further requires states to commit to eradicating the above mentioned practices by 2040.<sup>70</sup>

Uganda is also a party to the Ouagadougou Action Plan to Combat Trafficking in Human Beings Especially Women and Children (OAP).<sup>71</sup> The OAP is a joint reaffirmation by African States and the European Union to cooperation and the development of best practise mechanisms to prevent and combat human trafficking. In addition to the OAP, Uganda also has access to the African Common Position on Migration and Development (ACPM) and the African Union Migration Policy Framework for Africa (MPF).

### **3.3 Domestic Response Framework**

**A. The 1995 Constitution of the Republic of Uganda** – The Ugandan Constitution addresses children directly and protects children from various form of exploitation that could leave children exposed and vulnerable to human trafficking. Article 34 of the Ugandan Constitution reiterates the principle of the best interests of the child, providing that "*Subject to laws enacted in their best interests, children shall have the right to know and be cared for by their parents or those entitled by law to bring them up.*"<sup>72</sup>

Article 34(4) of the Constitution further protects children under the age of 16 in Uganda from economic exploitation and hazardous employment, stating that

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<sup>67</sup> Ibid.

<sup>68</sup> Para 53, 2015 African Union Agenda 2063: The Africa We Want.

<https://www.un.org/en/africa/osaa/pdf/au/agenda2063.pdf>

<sup>69</sup> ACERWC, *Africa's Agenda for Children, Fostering an Africa fir for Children*, page 15.

[https://au.int/sites/default/files/newsevents/agendas/africas\\_agenda\\_for\\_children-english.pdf](https://au.int/sites/default/files/newsevents/agendas/africas_agenda_for_children-english.pdf)

<sup>70</sup> Ibid, page 16.

<sup>71</sup> Ouagadougou Action Plan to Combat Trafficking in Human Beings Especially Women and Children.

<sup>72</sup> 1995 Ugandan Constitution, Art 34.

*“Children are entitled to be protected from social or economic exploitation and shall not be 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”<sup>73</sup>*

The Ugandan Constitution does not make specific provisions for trafficking of children in Uganda, however, the protection against social and economic exploitation, and hazardous work, can also provide some protection against child trafficking.

**B. The Prevention of Trafficking in Persons Act 2009 (PTIP ACT)** - The 2009 PTIP Act is Uganda’s dedicated legislation for the prohibition and criminalisation of human trafficking and is to a large extent, consistent with the provisions of the 2000 Palermo Protocol. As aforementioned, Section 3(1) of the 2009 Act adopts a similar human trafficking definition as the Palermo Protocol and the 2006 ICGLR Protocol on the Prevention and Suppression of Sexual Violence against Women and Children. Section 3(3) of the PTIP Act further states that

*“the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall constitute “trafficking in person even if this does not involve any of the means set forth in subsection (1) of this Section.”<sup>74</sup>*

Section 3(4) further protects children from human trafficking by invalidating any consent to acts of exploitation obtained from child victims of trafficking or their parents or guardians.

The PTIP is first and foremost a criminal justice legislation, and as such, provides for punishment of the offence of human trafficking, including child trafficking. Section 4(a) of the Act categorises child trafficking as a key component of the definition of the crime of aggravated trafficking in persons, which is punishable by a life imprisonment sentence.<sup>75</sup> Section 5 of the Act goes further by prescribing a possible death sentence to offenders of aggravated child trafficking, which the Act defines as consisting of

- Use of a child in armed conflict;
- Removal of body parts, organs, and tissues from the body of a child for human sacrifice purposes;
- Use of a child in the commission of a crime;
- Abandoning a child outside the country;
- The use of a child or any body part of a child in witchcraft, rituals, and any related practice.<sup>76</sup>

**C. The Children Act (2016)** – The Children Act is Uganda’s most significant law in the area of child protection. It fills some critical gaps relating to offences against children, some of which may also leave children vulnerable to human trafficking. In addition to making general provisions for the protection of

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<sup>73</sup> 1995 Ugandan Constitution, Art 34(4).

<sup>74</sup> 2009 PTIP Act, Section 3(3).

<sup>75</sup> 2009 PTIP Act, Section 4(a).

<sup>76</sup> 2009 PTIP Act, Section 5.

children in Uganda, the 2016 Act also specifically prohibits trafficking of children. Section 1(i) includes child trafficking as one of the elements of the definition of child exploitation. However, section 1(o) defines child trafficking as the

*“recruitment, transportation, transfer, harbouring or receipt of a child by means of threat or use of force or other forms of coercion, abduction or fraud, deception, 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”<sup>77</sup>*

This definition still includes the ‘means element’ in the child trafficking definition which is inconsistent with the definition obtainable in the Palermo Protocol and the 2009 PTIP Act. Furthermore, unlike the Palermo Protocol and the PTIP Act, the Children’s Act does not directly state that the consent to acts of exploitation obtained from children or their parents / guardians are irrelevant in situations of human trafficking.

The 2016 Children Act prohibits the engagement of children in hazardous employment<sup>78</sup> and further includes *“slavery, trafficking in persons, debt bondage and other forms of forced labour, forced recruitment for use in armed conflict, prostitution, pornography and illicit activities”* as key components in the definition of harmful or hazardous employment.<sup>79</sup> The sexual exploitation of children is also prohibited by Section 8A of the Act, and includes the following as key components of sexual exploitation;

- a. *“Inducement or coercion in the encouragement of a child to engage in any sexual activity;*
- b. *Children in prostitution or other unlawful sexual practices; and*
- c. *Children in pornographic performances or materials.”<sup>80</sup>*

Section 8 also prescribes a punishment of a fine of 100 currency points or a maximum prison term of 5 years.<sup>81</sup> Finally, Section 42(A) further protects every child from all forms of violence, stating

*“Every child has a right to be protected against all forms of violence including sexual abuse and exploitation, child sacrifice, child labour, child marriage, child trafficking...”<sup>82</sup>*

**D. The Ugandan Penal Code Act 2007** - The Ugandan Penal Code covers a wide range of criminal offences in Uganda but does not make any direct provisions for human or child trafficking. However, some of the criminal offences proscribed in the Penal Code covers some aspects of human trafficking, especially the means element.

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<sup>77</sup> 2016 Children Act, Section 1(o).

<sup>78</sup> 2016 Children Act, Section 8.

<sup>79</sup> 2016 Children Act, Section 8(3)

<sup>80</sup> 2016 Children Act, Section 8(A).

<sup>81</sup> Ibid.

<sup>82</sup> 2016 Children Act, Section 42(A).



Section 167(b) defines an 'idle and disorderly person' as a person who "*wanders or places himself or herself in any public place to beg or gather alms, or causes or procures or encourages any child to do so*".<sup>83</sup> The latter part of the sentence could be applicable to people who traffic children for exploitation in street begging situations. However, the punishment for this is 3 months imprisonment or a fine not exceeding three thousand shillings, or both.

Furthermore, Chapter 24 of the Penal Code addresses 'Offences against Liberty' such as kidnapping and abduction for various purposes. Section 245 prohibits and criminalises the kidnapping or abduction of persons in order to subject them to grievous harm or slavery, stating that

*"Any person who kidnaps or abducts any person in order that such person may be subjected or may be so disposed of as to be put in danger of being subjected to ... slavery, ... commits a felony and is liable to imprisonment for fifteen years."*<sup>84</sup>

Slavery is also criminalised in the Penal Code. Section 249 criminalises the buying, export, removal, selling, disposal, acceptance, receipt, and detention of any person as a slave and punishes offenders with imprisonment for up to ten years.<sup>85</sup> Section 250 further states that "*Any person who habitually imports, exports, removes, buys, sells, traffics or deals in slaves commits a felony and is liable to imprisonment for fifteen years.*"<sup>86</sup>

Section 251 criminalises inducing a person to give themselves up as a slave<sup>87</sup> and Section 252 criminalises unlawful compulsory labour.<sup>88</sup> Although child trafficking would not always manifest in most of these cases, these provisions provide an additional level of protection against child trafficking, supplementing both the PTIP Act and the Children's Act.

In addition to the adoption and implementation of diverse domestic legislation on child protection and child trafficking, the Ugandan Government has also developed National Action Plans to protect children from human trafficking such as *The National Action Plan for the Prevention of Trafficking in Persons in Uganda* (NAP).

The 2012/2013 – 2017/2018 NAP recognises the vulnerability of children to various forms of human trafficking driven exploitation, and identifies some of the drivers of child trafficking as "*the high number of orphaned children, belief in witchcraft and archaic traditional practices, ... weak implementation of legal and policy frameworks related to the critical areas such as children affairs...*"<sup>89</sup> The NAP also emphasises the principle of the best interests of the child as a guiding principle for implementing the NAP, and in

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<sup>83</sup> Penal Code (Amendment) Act 2007, Section 167(b).

<sup>84</sup> Penal Code (Amendment) Act 2007, Section 245.

<sup>85</sup> Penal Code (Amendment) Act 2007, Section 249.

<sup>86</sup> Penal Code (Amendment) Act 2007, Section 250.

<sup>87</sup> Penal Code (Amendment) Act 2007, Section 251.

<sup>88</sup> Penal Code (Amendment) Act 2007, Section 252.

<sup>89</sup> Ugandan National Action Plan for the Prevention of Trafficking in Persons, 2012, page 2.

handling cases of child trafficking.<sup>90</sup> Finally the NAP also recommends that the Children Act be amended to include child trafficking as part of its child protection mandate.<sup>91</sup>

## **4.0 Practice and Gaps in Uganda's Anti-Child Trafficking Framework**

As has been mentioned above, Uganda has a robust network of international, regional, and domestic legal and policy anti-child trafficking and child protection framework. Despite the wealth of adopted legal and policy frameworks, gaps in Uganda's system persist. This is mostly due to the lack of political will and commitment to implement international and regional mandates at the domestic level, as well as the failure to implement some of the developed domestic frameworks. This trend has resulted in what can only be described as a fragmented approach in the Uganda anti-child trafficking system, which consists of a combination of good and weak practices in Uganda's response.

### **4.1 Examples of good practice**

The Ugandan Government has to a large extent implemented some of their international, regional, and domestic legal and policy frameworks on child trafficking. Despite having not ratified the Palermo Protocol, Uganda has ratified *inter alia* the CRC and its Optional Protocols, the ILO Convention on the worst forms of child labour, and the ACRWC.

In 2009, the Ugandan Government established a dedicated anti-trafficking unit within the Child and Family Protection Unit (CFPU) of the Ugandan Police Force.<sup>92</sup> The CFPU has also provided anti-trafficking training to a number of police recruits and officers on identifying and investigating human and child trafficking cases.<sup>93</sup> The Ministry of Internal Affairs (MIA) has also delivered capacity building programmes on victim identification to immigration officers on child trafficking.<sup>94</sup>

The Government has also shown commitment to implementing the 2009 PTIP Act as cases of child trafficking have been prosecuted at the Uganda High Court, since the first case in Masindi High Court in 2011.<sup>95</sup> To reduce the revictimization of child victims of trafficking, a child friendly approach has also been adopted by the Ugandan Government in the prosecution of child trafficking cases, such as testifying *in camera* or outside the presence of media, especially when sexual exploitation is involved.

The Government has also carried out various sensitisation campaigns to raise awareness on different forms of child trafficking in Uganda. Good practice examples have been set by the Probation and Social Welfare Officers in the Soroti District who have been reported to use radios to conduct sensitisation

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<sup>90</sup> Ibid, page 7.

<sup>91</sup> Ibid, page 14 – 15.

<sup>92</sup> 2009 US TIP Report, page 289.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> ECPAT (n.20), page 34. See also Restore International for PR Newswire, *Uganda Trafficking in Persons Act Conviction*, March 01 2011, available at <https://www.prnewswire.com/news-releases/uganda-trafficking-in-persons-act-conviction-117197178.html>

programmes on the identification, prevention and reporting of child trafficking cases.<sup>96</sup> In addition to sensitisation programs, child protection committees comprising of local council members and other members of the local community have been formed in the sub-counties of Lunyo and Busitema in Busia Municipal Council to act as informers for suspected cases of child trafficking in the community.<sup>97</sup>

Child trafficking victims who were abducted by the Lord's Resistance Army, and others who have been trafficked to fight in the DRC have been encouraged to return, and there have been reports of the Government receiving surrendered and surrendering child soldiers.<sup>98</sup>

The Ministry of Gender, Labour and Social Development (MGLSD) has consistently taken action to remove Karamoja children who have been trafficked or are at risk of trafficking from street situations in Kampala, and transferred them to MGLSD operated shelters.<sup>99</sup> The Government has also intensified efforts to intercept buses from the Karamoja region by setting up road blocks along the Karamoja – Kampala corridor to identify potential victims of child trafficking before they arrive at their destination in Kampala.<sup>100</sup>

The Government has also incorporated a suggestion in the NAP to amend the provisions of the Children Act to include child trafficking.<sup>101</sup> Uganda has also taken a number of steps to address some of the factors that increase the vulnerability of children to trafficking. A National Action Plan for the Elimination of Child Labour, which is aimed at reducing child labour in Uganda by 4% by 2020 was approved in February 2019. Several other national plans and strategies such as the *National Social Protection Policy*,<sup>102</sup> which is aimed at reducing poverty and socioeconomic inequalities by targeting vulnerable members of society including children in labour exploitation has also been adopted by the Government. A National Action Plan on Child Sexual Abuse and Exploitation has been specially drafted, but it is yet to be finalised and adopted by the Ugandan Government.

#### **4.2 Examples of weak practice and implementation gaps**

Despite the increased commitment of the Ugandan Government to eradicate child trafficking, efforts have been punctuated with gaps and weak practices. Some of these gaps stem from lack of implementation of developed laws and policies, and the lack of human and financial resources to adequately fulfil its anti-child trafficking objectives.

Despite signing the Palermo Protocol in 2000 and adopting the 2009 PTIP Act, the Ugandan Government has failed to ratify and implement this Protocol. This leaves victims of human trafficking, especially child trafficking without the protection of a binding international anti-trafficking framework. Although the

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<sup>96</sup> ECPAT (n.20), page 37

<sup>97</sup> Ibid, page 22.

<sup>98</sup> 2013 US TIP Report, page 372.

<sup>99</sup> 2018 US TIP Reports, page 433.

<sup>100</sup> Ibid.

<sup>101</sup> Sections 8, 8A, and 42(A) of the 2016 Children Act prohibit and criminalise child trafficking.

<sup>102</sup> National Action Plan for the Elimination of Child Labour (2017/2018-2021/2022)

CRC 2000 Optional Protocol has been ratified, it has not been directly incorporated into Ugandan domestic legislation and as such, can only serve as interpretive guidance for Ugandan domestic law.<sup>103</sup> The approved East African Counter-Trafficking in Persons Bill which was approved by the East African Legislative Assembly in 2016 has not been enacted by Uganda. The lack of commitment to fully incorporate international and regional standards into Uganda's framework for the prevention of trafficking in children creates significant gaps in protection.

Under Ugandan law, children under the age of 18 are prohibited from being engaged in hazardous occupation.<sup>104</sup> However, Section 8 of the Employment of Children Regulations makes provisions for children aged 12 and older who are enrolled in educational or apprenticeship programs to engage in hazardous work.<sup>105</sup> This creates obvious avenues that could increase the vulnerability of children to trafficking for labour exploitation.

Furthermore, under Ugandan law, public education in Uganda is free until the age of 18,<sup>106</sup> but children are only required to be enrolled until the age of 13.<sup>107</sup> This creates a gap where children between the ages of 13 and 15 could be left vulnerable to child trafficking, as they are not required by law to be enrolled in school, but they are not also legally permitted to engage in employment of any sort. Although Uganda has labour inspectors who are also responsible for identifying situations of child labour and child trafficking for labour exploitation, the 2018 US Bureau of International Labour Affairs reported that the numbers are likely insufficient to cover Uganda's over 15million workforce.<sup>108</sup>

Despite having a dedicated anti-trafficking legislation with punishments that are considered stringent enough for the crime of human trafficking, some human trafficking and child trafficking cases are still being tried under different statutes, and sentencing does not always reflect the provision of the PTIP Act. Furthermore, the 2009 PTIP Act and 2016 Children's Act make conflicting provisions for punishing child trafficking. The PTIP Act provides a much higher punishment threshold for any form of child trafficking as Section 4 and 5 of the Act respectively attach a possible life sentence, and death penalty for child trafficking. The Children's Act also punishes child sexual exploitation (which includes child trafficking for sexual exploitation) and employment of children in hazardous employment with 5 years imprisonment or a fine not exceeding one hundred currency points. This creates a gap as perpetrators of child trafficking could be charged for lesser crimes under different legislation.

Prostitution is illegal under the Ugandan Penal Code, which defines a "prostitute" as "a person who, in public or elsewhere, regularly or habitually holds himself or herself out as available for sexual intercourse

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<sup>103</sup> CRIN, and While and Case LLP Report on Access to Justice for Children: Uganda, page 1.

[https://archive.crin.org/sites/default/files/uganda\\_access\\_to\\_justice\\_o.pdf](https://archive.crin.org/sites/default/files/uganda_access_to_justice_o.pdf)

<sup>104</sup> See Art 34(4) 1995 Ugandan Constitution, Section 8 Children Act, Section 32(4) 2006 Employment Act.

<sup>105</sup> 2012 Employment (Employment of Children) Regulation, Section 8.

<sup>106</sup> Under the state funded Universal Secondary Education programme.

<sup>107</sup> US Bureau of International Labour (n. 15), page 4. See also Uganda Educational System – overview

<https://education.stateuniversity.com/pages/1585/Uganda-EDUCATIONAL-SYSTEM-OVERVIEW.html>

<sup>108</sup> US Bureau of International Labour (n. 15), page 5.

or other sexual gratification for monetary or other material gain, and “prostitution” shall be construed accordingly.”<sup>109</sup> This provision does not protect children, especially children who have been trafficked for commercial sexual exploitation. Furthermore, Section 131(1) of the Ugandan Penal Code exhaustively defines and criminalises the crime of ‘procuration’ of women and girls for the purpose of ‘prostitution’, omitting boys from the definition. This creates a gap that leaves boys with limited protection in instances of trafficking for commercial sexual exploitation.

## 5.0 Conclusion

Uganda has taken necessary steps to eradicate child trafficking by adopting domestic legislation to prevent and criminalise human trafficking and protect the rights of victims. The PTIP Act and Children Act are important documents that ensure that children in Uganda are protected against human trafficking, and the different NAPs that have been developed to further strengthen Uganda’s response to human trafficking show that there is commitment on the Government’s part to eradicating child trafficking. As aforementioned, the Ugandan Government has also committed to different key international and legal child protection instruments such as the CRC, 1999 ILO Convention and the ACRWC.

The Government has taken concerted efforts along with civil society organisations to provide protection to child victims of trafficking through strategic partnership initiatives. The coalition of Ugandan civil society organisations working on human trafficking (UCATIP) has been included in the national anti-trafficking taskforce. NGOs also lead the charge in providing support services to victims of child trafficking. Organisations such as Willow, Dwelling Places, Rahab, and Kyampisi Childcare Ministries run shelters for identified victims of child trafficking as well as psychosocial, family tracing and reintegration services for victims of child trafficking. In addition to providing support services to victims and survivors of child trafficking, CSOs also form the core of community based anti-trafficking. NGOs are actively involved in and organising human trafficking sensitisation and awareness campaigns in schools and trafficking prone communities.

While the Ugandan Government has shown a level of commitment to eradicating the problem of human trafficking, especially child trafficking, Uganda’s approach to child trafficking remains fragmented as children are still left vulnerable to internal and transnational trafficking. Given that strong legal and policy anti-child trafficking frameworks exist within Uganda, the implementation of these frameworks remain limited.

The failure to fully ratify international legal instruments such as the Palermo Protocol, as well as the failure to implement the CRC Optional Protocol on the sale of children, child prostitution and child pornography are significant setbacks to Uganda’s approach to child trafficking. Additionally, although

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<sup>109</sup> Penal Code (Amendment) Act 2007, Section 252, Section 138.

reports of trafficking of refugee children in settlements in Northern Uganda persist, there have been no reports of convictions or special protection initiatives to prevent child trafficking or protect refugee children from further exploitation.

To effectively curb the spread of child trafficking in Uganda, it is important to address the root causes of trafficking such as systemic poverty, inequality, discrimination, and conflict. The best interests of the child must remain the primary consideration in formulating policies around child trafficking, as well as the inclusion of children in decision making processes of any decisions concerning them.

## **6.0 Recommendations**

The Ugandan Government should endeavour to harmonise the provisions of its anti-child trafficking legislation. The discrepancies in the child trafficking definitions and punishments in the 2009 PTIP Act, 2016 Children's Act and 2007 Penal Code creates gaps that could hamper effective implementation of the laws, and effective prosecution and sentencing of offenders.

The Government should make efforts to ratify the Palermo Protocol and fully implement the CRC Optional Protocol on the sale of children, child prostitution and child pornography into national law.

Ensure that child victims are adequately protected and are granted safe and anonymous access to participation in investigation and prosecution processes.

Implement the new National Action Plans on Trafficking in Persons, and the Elimination of Child Labour. Finalise and implement the National Action Plan on Child Sexual Abuse and Exploitation.

Make concerted efforts to implement the developed regional legal and policy frameworks on human trafficking, especially child trafficking.

Ensure that refugee children in both settlements and urban areas are protected against all forms of child trafficking.

Increase efforts to identify unaccompanied and separated children as early as possible to protect them against all forms of exploitation, including child trafficking.

Ensure that children are adequately represented in the drafting and implementation of laws and policies that affect them such as in the development of National Action Plans.

Amend relevant laws to ensure that boys are adequately protected against trafficking for commercial sexual exploitation by including boys in the scope of Section 131(1) of the Penal Code.

The Government should continue working towards making all its labour laws, especially its child labour laws consistent with international law, and eliminate loopholes in regulations that could be exploited to engage children in hazardous or dangerous work.

School attendance is an important part of the child protection framework and the Government should ensure that education is guaranteed to everyone below the age of 18.