Country Report: Uganda

I. Introduction

Country Overview

Uganda is a landlocked country in East Africa. Uganda shares borders to the north with South Sudan, to the east with Kenya, to the South with Tanzania, and to the southwest and west with Rwanda and the Democratic Republic of Congo.

Uganda’s terrain is mostly plateau rimmed by mountains. The climate is tropical. Aside from two dry seasons (December to February and June to August), it is typically rainy. The northeast of the country is considered semiarid.

Until the late 1800s, Uganda was divided into tribal kingdoms. In 1888, the British government gave control of Uganda to the British East Africa Company. European powers at the time were dividing control over African territory among themselves. In 1894, the British government made Uganda a protectorate. Traditional tribal chiefs maintained their positions but without any real power.

On October 9, 1962, Uganda gained independence from Britain. The decades that followed were marked by dictatorships and unrest. The dictator Idi Amin ruled from 1971 to 1979 and is recognized as one of the worst tyrants of the 20th century. Uganda’s economy was devastated under the Amin regime, and war and unrest continued into the 1980s.

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1 The statements and analysis contained within this report are the work of the American Bar Association Rule of Law Initiative, which is solely responsible for its content. The views expressed herein should not be construed as representing the policy of the ABA. This report was funded by a grant from the United States Department of State. The opinions, findings and conclusions stated herein are those of the author[s] and do not necessarily reflect those of the United States Department of State.
3 Id.
5 Id.
6 Id.
7 Id.
8 Id.
Yoweri Museveni has been president since 1986, and there has been a return to relative political stability since then. However, the country has continued to experience unrest, including protracted involvement in the devastating Congo Wars, and a civil war against the notorious Lord’s Resistance Army, a rebel group notorious for extreme violence and for forcing kidnapped children to serve as child soldiers.\textsuperscript{10}

Uganda’s current constitution was enacted in 1995. It is based on “democratic principles which empower and encourage the active participation of all citizens at all levels in their own governance.”\textsuperscript{11} The Constitution establishes Uganda as a sovereign state and a republic.\textsuperscript{12} Although the Constitution purports to guarantee fundamental freedoms and human rights, many of those freedoms and protections are not enforced by the government. In a 2016 report, the U.S. State Department’s Bureau of Democracy, Human Rights and Labor described allegations of extensive human rights issues including unlawful killings, torture, arbitrary detention, restrictions on civil liberties, and violence and discrimination against marginalized groups.\textsuperscript{13}

In February 2016, President Museveni was elected to another five-year term. The U.S. State Department reports that the “elections fell short of international standards and were marred by allegations of disenfranchisement and voter intimidation, harassment of the opposition, closure of social media websites, and lack of transparency and independence in the Electoral Commission.”\textsuperscript{14} The next election will be held in February 2021.

\textit{Trafficking in Persons (“TIP”) Context}

According to the U.S. Department of State’s June 2016 Trafficking in Persons Report, Uganda has been classified as a Tier 2 country since 2009, meaning that its government “[does] not fully meet the TVPA’s minimum standards, but [is] making significant efforts to meet those standards.”\textsuperscript{15}

Uganda is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Ugandan children as young as 7 years old are exploited in forced labor in the country in agriculture, fishing, forestry, cattle herding, mining, stone quarrying, brick making, car washing, scrap metal collection, street vending, bars, restaurants, and domestic service. Prisoners

\textsuperscript{12} Id. at art. 5(1).
\textsuperscript{14} Id.
in pre-trial detention engage in forced labor alongside convicts. Girls and boys are
exploited in prostitution. Women and children from Uganda’s remote and
underdeveloped Karamoja region are particularly vulnerable to domestic servitude,
commercial sexual exploitation, and forced begging. Children from the Democratic
Republic of the Congo (DRC), Rwanda, Burundi, Kenya, Tanzania, and South Sudan
are subjected to forced agricultural labor and prostitution in Uganda. Ugandan
children are taken to other East African countries for similar purposes and forced to
engage in criminal activities. Additionally, many Karamojong children in Eastern
Uganda endure forced labor in grazing and domestic servitude or are taken to
Kampala where they are exploited. South Sudanese children in refugee settlements
in northern Uganda are vulnerable to trafficking, and UNHCR suspects instances of
trafficking involving this population.\(^1\)

In 2015, the Ugandan government investigated 108 trafficking cases, involving 347 victims.\(^2\) Uganda reported 15 prosecutions and three convictions in 2015.\(^3\) These figures appear to reflect a
decrease in investigations, prosecutions, and convictions as compared to 2013’s reported cases.\(^4\) Uganda’s Coordination Office to Combat Trafficking in Persons (COCTIP) published a 2013 report
that describes the prevalent modus operandi of traffickers in Uganda:

According to information revealed by the victims of both internal and
transnational human trafficking, the most common means of recruitment was
through deception with promises of employment, care and education. There were a
few incidents where force was used and these were related to human sacrifice.

The most common control mechanisms used by the transnational exploiters
were threats for refund of expenses incurred on air tickets and processing residence
Permits/Passes, in case a victim attempted to terminate the job contract or demand
to be let free from forced prostitution, which can be considered as indirect debt
bondage); confinements and withdraws of Passports. Traffickers control child
victims of internal trafficking by through [sic] provision of small financial benefits to
their parents/guardians to achieve their consent and in some cases and in some
instances by appealing to religious convictions.

Most of the transnational victims of trafficking were recruited by individuals
and unlicensed companies in Kampala Metropolitan Area. The majority of the
victims are made to leave the country in disguised ways, usually by road, through
the neighboring countries of Kenya, Rwanda, South Sudan, and Tanzania, from
where they proceeded to the various destination countries outside the region.\(^5\)

Some of the forms of exploitation recognized under Ugandan anti-TIP laws include: “[s]exual

\(^{16}\) Id. at 378–79.
\(^{17}\) Id. at 379.
\(^{18}\) Id.
\(^{19}\) See Coordination Office to Combat Trafficking in Persons (COCTIP), Annual Report on the Trend of
Trafficking in Persons in Uganda: 2013 § 2 (2014), available at
\(^{20}\) Id. at § 2(a).

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exploitation; labor exploitation; use of persons, including children, in illegal activities; human sacrifice; child marriage; removal of body parts for sale; harmful child labor and practices similar to slavery.\textsuperscript{21}

In January 2016, Uganda imposed a one-year ban on travel to the Middle East for employment as a domestic worker,\textsuperscript{22} in response to a spate of cases involving allegations of sexual molestation, torture, and denial of pay.\textsuperscript{23}

In April 2016, the coordinator of Uganda's anti-trafficking task force called for the government to create a new national agency devoted entirely to addressing the trafficking problem.\textsuperscript{24}

In January 2017, Uganda’s Daily Monitor published an investigative account of how girls were being trafficked to the Middle East through Kenya.\textsuperscript{25} In March 2017, the government issued a warning about the dangers of accepting domestic positions, particularly in Oman.\textsuperscript{26}

In June 2017, the Ugandan Judiciary convened a conference on the trafficking problem. High-ranking officials appear to have indicated that the government seemed "unable to stop the escalation of human trafficking."\textsuperscript{27}

Uganda has recently reached bilateral labor agreements with Saudi Arabia and Jordan,\textsuperscript{28} and is working on similar agreements with Kuwait and Qatar.\textsuperscript{29}

\textsuperscript{21} Id. at § 2(b).
\textsuperscript{23} Id.; see also U.S. DEPT OF STATE, TRAFFICKING IN PERSONS REPORT: JUNE 2016, supra note 15, at 380 ("The government’s oversight of labor recruitment agencies remained inadequate.").
\textsuperscript{26} Masaba, supra note 22.
\textsuperscript{29} U.S. DEPT OF STATE, TRAFFICKING IN PERSONS REPORT: JUNE 2016, supra note 15, at 380.
II. Institution Mapping

Government Structure

The Government of the Republic of Uganda is a constitutional republic made up of three arms: (1) the Executive, composed of the President, the Vice President, the Prime Minister, and the Cabinet; (2) the Legislature, composed of the Parliament; and (3) the Judiciary, composed of Magistrates’ Courts, the High Court, the Court of Appeals (Constitutional Court), and a Supreme Court.30

Executive

The president of Uganda is the chief of state, head of government and Commander-in-Chief of the armed forces.31 The President is directly elected by an absolute majority popular vote for a five-year term.32 Uganda does not have presidential term limits.33

The Vice-President is second in Uganda’s command chain.34 Below the Vice President is the Prime Minister, who is the “Co-Coordinator of Government and Head of Cabinet in Parliament.” The Prime Minister serves as Uganda’s Permanent Representative to the United Nations.35 The President appoints a Cabinet from “among elected members of the National Assembly.”36

Legislative

The unicameral legislature is the National Assembly, which consists of 427 total seats: 290 members are directly elected by simple majority vote, 112 members are reserved for women directly elected by simple majority vote, and 25 seats are reserved for special interest groups including the representatives from the army, disabled citizens, youth, and labor.37 The National Assembly also has 13 ex officio members who are appointed by the President.38 All members serve five-year terms.39

Judicial

The legal system in Uganda has been described as a “mixed legal system of English common law and

31 Executive Arm of the Ugandan Government, supra note 30.
32 Uganda, CIA WORLD FACTBOOK, supra note 30.
33 Id.
34 Executive Arm of the Ugandan Government, supra note 30.
35 Id.
36 Id.
37 Uganda, CIA WORLD FACTBOOK, supra note 30.
38 Id.
39 Id.
customary law.” The Constitution of 1995 is the highest law of the land. It contains detailed provisions regarding a wide variety of matters, including fundamental freedoms, governance of specific government commissions, local government structures and finances, police and prison service functions, land and environmental issues, defense and national security, and a Leadership Code of Ethics.

The highest court is the Supreme Court of Uganda, which has a Chief Justice and 10 other justices. All are appointed by the President in consultation with the Judicial Service Commission, an independent advisory body. The President’s choices are approved by the National Assembly. Judges serve until retirement at age 70.

The subordinate courts include the Court of Appeal (which also sits as the Constitutional Court), the High Court (including numerous circuits and divisions), the Industrial Court (which handles labor-related cases), Chief Magistrate courts, qadhis courts (for Islamic marriage, divorce, and property disputes), family and children’s courts, and local council courts.

Both the Uganda Constitution and statutory law provide for an independent judiciary. However, the U.S. State Department reports that the government “[does] not always respect this,” and “[c]orruption, understaffing, inefficiency, and executive branch interference with judicial rulings often undermine the courts’ independence.”

Criminal Justice

The Uganda Police Force (“UPF”), which operates under the Ministry of Internal Affairs, has primary responsibility for internal law enforcement; the Ugandan People's Defense Force (“UPDF”) is responsible for external security.

The government reports that security officials in various police and district administrations have received human rights training. However, media outlets and human rights organizations continue to report instances in which the UPF and UPDF are alleged to have been involved in torture and unlawful killings.

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40 Id.
42 CIA WORLD FACTBOOK, supra note 30.
43 Id.
44 Id.
45 Id.
46 Id.
48 Id. at 6.
49 Id. at 7. For example, between “60 and 250 persons, including unarmed civilians,” were reported to have been killed by government security forces in November 2016 during clashes with supporters of a tribal leader. Id. at 1–2.
Anti-Corruption and Ethics

Uganda’s primary anti-corruption agency is the Inspectorate of Government ("IGG"). The IGG is a Constitutional body, and is charged with promoting adherence to the rule of law and good governance in public offices, elimination of government corruption and abuse of public offices, enforcement of the Constitution’s Leadership Code of Conduct, and investigation of public officers. The IGG “carries a wide mandate in the fight against corruption as well as the Ombudsman function.” The IGG reports to the Parliament and is independent of the executive branch. The IGG includes one Inspector General and two deputy Inspector Generals. “Both the IGG and his deputies are appointed by the President subject to the approval of Parliament.”

In addition to Constitutional authority, the IGG’s functions are regulated by the Inspectorate of Government Act and the Leadership Act. Other acts addressing anti-corruption include the Anti-Corruption Act and the Whistleblowers Protection Act of 2010. A number of other government ministries and agencies play a part in anti-corruption efforts.

The Directorate of Ethics and Integrity, Office of the President

In 1996, the President assigned to the Vice President the responsibility of overseeing the fight against corruption; this led to the establishment of an Anti-Corruption Coordination Unit. In 1998, this Unit was re-designated the Directorate for Ethics & Integrity ("DEI"), and forms the policy arm in the fight against corruption. The DEI has a mandate to rebuild ethics and integrity in Ugandan society.

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51 UGANDA CONST., supra note 41, at ch. 13 (Inspectorate of Government).
52 Id. ch. 13, art. 225.
53 Anti-Corruption Agency Study at 6.
54 UGANDA CONST., supra note 41, at art. 227.
55 Id. at art. 223; see also AFRICA FREEDOM OF INFORMATION CENTRE, ANTI-CORRUPTION AGENCY STUDY, supra note 50, at 6–7.
56 Id. at 7.
The Director of Public Prosecutions

This office is expressly addressed in section 120 of the Constitution. The Director is appointed by the President with the approval of Parliament. The functions of the Office of Public Prosecutions include directing police to conduct investigations, instituting criminal proceedings, taking over criminal proceedings instituted by any person or authority, and deciding to discontinue criminal proceedings.

The Auditor General

The Office of the Auditor General (“OAG”) is established under the provisions of section 163 of the Constitution, and its mandate, functions, and powers are enshrined in the National Audit Act. The main function of the OAG is to audit and report on the Public Accounts of Uganda, and on all public offices or bodies and/or organizations that have been established by an Act of Parliament.

The Uganda Police Force

The UPF is addressed in the Constitution at sections 211 through 214. The UPF is generally charged with protecting life and property, preserving law and order, and preventing and detecting crime. Within the police force, the Criminal Investigations Department investigates crimes. The Police Professional Standards Unit handles complaints from the public about alleged police misconduct. As noted above, the UPF has been the subject of many allegations of corruption and other misconduct.

Public Procurement and Disposal of Public Assets Authority

The Public Procurement and Disposal of Public Assets Act set up the Public Procurement and Disposal of Public Assets Authority (“PPDA”) as the principal regulatory body for public procurement and disposal of public assets in Uganda.

Traditional Justice Systems

The 1995 Constitution creates a place for tribal rules, customs, and traditions that are not inconsistent with the Constitution. Customary law, which is often unwritten, may govern “a
particular tribe, clan or community”.

“Cultural and customary values which are consistent with fundamental rights and freedoms, human dignity, democracy and with the Constitution may be developed and incorporated in aspects of Ugandan life.”

The Constitution establishes land ownership rights in accordance with customary land tenure systems. Traditional or cultural leaders are recognized under the Constitution; however, any customs or official laws that are inconsistent with the Constitution are void.

**Anti-Trafficking Institutions**

A number of government institutions are charged with anti-TIP responsibilities in Uganda. These include the Coordination Office to Combat Trafficking in Persons (“COCTIP”), which is generally charged with formulating a national program and action plan to prevent, prosecute, and suppress TIP, and coordinating across government and non-governmental bodies to achieve its goals; the Counter-Trafficking in Persons Task Force (“CTIP”), which coordinates anti-trafficking efforts across government ministries; the Ministry of Internal Affairs, which enforces anti-TIP criminal laws; and the Ministry of Gender, Labour, and Social Development (“MGLSD”), which deals with the labour law aspect of TIP and providing victims’ services.

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66 Id.
67 Uganda Const., supra note 41, at Objective XXIV.
68 Id. at art. 237.
69 Id. at art. 246.
70 Id. at art. 2.
73 Id.
III. National Anti-Trafficking in Persons Legal and Institutional Framework

Anti-TIP Legal Framework

Domestic Statutory Authority

The Constitution of Uganda prohibits slavery and servitude, and states that children under 16 years of age are entitled to be protected from social and economic exploitation.

The cornerstone of Uganda’s national anti-TIP legal framework is the Prevention of Trafficking in Persons Act (“PTIP Act”). The law establishes offenses of trafficking, aggravated trafficking, inchoate trafficking offenses (including attempt and conspiracy), as well as other trafficking-related offenses—including, for example, hiding another individual’s passport.

The PTIP Act defines “trafficking” as the recruitment, transport, transfer, hire, confinement, keeping, or receiving another person for the purposes of exploitation, and provides for a penalty of 15 years’ imprisonment. “Exploitation” is defined as sexual abuse, forced marriages, child marriages, forced labor, harmful child labor, use of children in armed conflict, use of people in illegal activities, debt bondage, slavery, human sacrifice, removal of organs and sex tourism.

Unlawful trafficking may be accomplished by threat, force, coercion, abduction, abuse of power. However, these are not required elements, and it is not a defense to the crime to allege that it did not involve these elements. Where a child is involved, neither the alleged consent of the child nor the alleged consent of the child’s guardians is a defense.

Trafficking may be elevated to an aggravated offense if it involves: (1) a child; (2) adoption or fostering orders obtained for purposes of exploitation; (3) large-scale trafficking; (4) an organization involved with child protection; (5) the ringleader of an organized trafficking operation; (6) trafficking by a relative of a child; (7) the offender is a public officer; (8) the offender is military or law enforcement; (9) the trafficking offence is for the purpose of engaging in harmful rituals, human sacrifice or removal of organs or tissue; or (10) a victim who dies, becomes “of unsound mind,” is mutilated, or is infected by HIV/AIDS or another life-threatening illness. A conviction for aggravated trafficking carries a sentence of life imprisonment.

75 [Footnote]
76 [Footnote]
77 [Footnote]
78 [Footnote]
79 [Footnote]
80 [Footnote]
81 [Footnote]
82 [Footnote]
83 [Footnote]
84 [Footnote]
The PTIP Act additionally criminalizes the “promotion” of trafficking, which may include knowingly renting out a building to be used for purposes of exploitation, producing information or forging immigration documents to be used for purposes involving trafficking, publishing (including via the Internet) pornographic materials related to trafficking, or recruiting persons in connection with trafficking.\(^85\) Promotion of trafficking is punished on the first offense with a fine or five years in prison; second or subsequent offenses carry a seven-year prison sentence without the option of paying a fine.\(^86\)

The Act makes it a crime to attempt to traffic in persons.\(^87\) It also criminalizes (among other things) conspiracy to traffic in persons, hiding another person’s passport, and recruiting a person below the age of 16 to any form of employment involving exploitation.\(^88\)

Finally, the PTIP Act imposes an affirmative obligation to report trafficking if one has knowledge that it is occurring or being planned. Failure to report known trafficking operations or plans can be punished by a fine or six months’ imprisonment.\(^89\)

Uganda’s criminal laws otherwise prohibit the commercial sexual exploitation of children and the use of children in illicit activities; however, these laws are not gender-neutral. The Penal Code criminalizes the sexual assault of a girl, or to procure or attempt to procure a girl or woman for sexual purposes, but it does not provide the same protections for boys.\(^90\) In 2016, new legislation was proposed that would protect both boys and girls equally, but it appears that the Parliament has not acted on it.\(^91\) In 2014, Uganda passed the Anti-Pornography Act, which prohibits child pornography.\(^92\)

The Penal Code additionally prohibits kidnapping or abduction,\(^93\) wrongful confinement,\(^94\) slavery,\(^95\) and unlawful compulsory labor.\(^96\)

\(^85\) Id. at § 7.
\(^86\) Id.
\(^87\) Id. at § 8.
\(^88\) Id.
\(^89\) Id. at § 10.
\(^93\) Penal Code Act, supra note 90, at §§ 239–45.
\(^94\) Id. at § 248.
\(^95\) Id. at §§ 245, 249–51.
\(^96\) Id. at § 252.
The Children’s Act of 2000 prohibits the employment of children “in any activity that may be harmful to his or her health, education or mental, physical or moral development.”

**Domestic Policies and Action Plans**

The government of Uganda began to draft a National Action Plan to combat human trafficking in early 2012, and as of the writing of the 2016 TIP Report, had successfully launched it. However, the U.S. State Department notes that insufficient funds were allocated for the Plan to be fully implemented. ABA ROLI has not been able to locate a publicly-available draft of the National Action Plan for review.

Uganda has drafted and begun to implement a National Action Plan for the Elimination of the Worst Forms of Child Labor. The Plan aims to reduce the incidences of the worst forms of child labor by 2017, in part by attaining the following goals: (i) to increase enrolment in and completion of primary education; (ii) to increase access to social protection and assistance services for families affected by and at risk of suffering from the worst forms of child labor; (iii) to conduct awareness-raising campaigns; (iv) to strengthen legal, policy, and institutional frameworks in a manner that prevents children from falling into the worst forms of child labor; (v) to provide rehabilitation and integration services for victims; and (vi) to build the capacity of government, employers, and labor unions to handle the problem.

**International Agreements**

In addition to domestic legislation and policies, Uganda has ratified or acceded to a number of international instruments relevant to addressing TIP, including:

- the UN Convention against Transnational Organized Crime (UNTOC);
- the Protocol against the Illicit Manufacturing and Trafficking in Firearms, their Parts and Components and Ammunition;
- International Labor Organization (ILO) Conventions:
  - No. 29 (concerning Forced or Compulsory Labor);

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100 Id.
102 Id. at 4.2.
105 (concerning the Abolition of Forced Labor);\textsuperscript{106}
o. 138 (concerning Minimum Age for Admission to Employment);\textsuperscript{107} and
182 (concerning the Prohibition and Immediate Action for the Elimination of the
Worst Forms of Child Labor);\textsuperscript{108}
\begin{itemize}
\item the International Convention on the Protection of the Rights of All Migrant Workers and
Members of Their Families;\textsuperscript{109} and
\item the Optional Protocol to the Convention on the Rights of the Child on the Involvement of
Children in Armed Conflict.\textsuperscript{110}
\end{itemize}

While Uganda has signed the Protocol against the Smuggling of Migrants by Land, Sea, and Air, and
the Protocol to Prevent and Punish Trafficking in Persons, it has not ratified either of them.\textsuperscript{111}

\section*{Anti-TIP Institutional Framework}

A number of government institutions are charged with executing Uganda’s anti-TIP programs and
policies.

\subsection*{The Coordination Office to Counter Trafficking in Persons}

The PTIP Act directs that the Minister of Internal Affairs shall designate a Prevention of Trafficking in
Persons Office, responsible for “coordinat[ing], monitoring and overseeing the implementation”
of the Act.\textsuperscript{112} This office is known as the Coordination Office to Combat Trafficking in Persons
(“COCTIP”).\textsuperscript{113} Pursuant to the Act, COCTIP is charged with:

\begin{itemize}
\item Formulating a comprehensive and integrated program to prevent and suppress trafficking;
\end{itemize}

\textsuperscript{105} International Labor Organization [ILO] Convention No. 29 (concerning Forced or Compulsory Labor) (June
28, 1930).
\textsuperscript{106} ILO Convention No. 105 (concerning the Abolition of Forced Labor) (June 25, 1957).
\textsuperscript{107} ILO Convention No. 138 (concerning Minimum Age for Admission to Employment) (June 26, 1973).
\textsuperscript{108} ILO Convention No. 182 (concerning the Prohibition and Immediate Action for the Elimination of the
Worst Forms of Child Labour) (June 17, 1999).
\textsuperscript{109} International Convention on the Protection of the Rights of All Migrant Workers and Members of their
\textsuperscript{110} Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed
\textsuperscript{111} See Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations
Convention against Transnational Organized Crime, U.N. TREATY COLLECTION,
visited July 19, 2017); Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women
\textsuperscript{112} PTIP Act, supra note 77, at § 21.
\textsuperscript{113} U.S. DEP’T OF STATE, TRAFFICKING IN PERSONS REPORT: JUNE 2016, supra note 99, at 379; see also BAGUMA BENDA,
CHALLENGES AND DILEMMAS ENCOUNTERED BY THE NATIONAL RAPPORTEURS ON TRAFFICKING IN PERSONS AND EQUIVALENT
MECHANISMS IN THE COURSE OF THEIR WORK, THE UGANDA EXPERIENCE 1–2 (Bangkok, Thailand, May 21, 2014),
available at www.ohchr.org/Documents/Issues/Trafficking/Consultation/2014/6%20Uganda.doc (last
visited July 19, 2017) [hereinafter BAGUMA REPORT].
Preparing an annual National Action Plan on Prohibition of Trafficking in Persons, taking into account activities on prevention, prosecution, and protection;
• Developing measures and policies to protect, assist and support victims of trafficking, taking particular consideration of age, gender and victims’ special needs;
• Establishing a data bank on trafficking cases, and conducting research on trafficking patterns and schemes in order to support policy formulation;
• Consulting and coordinating with government and non-governmental organizations to advance the objectives of the Act;
• Training government officials, law enforcement, and the public on the dangers of trafficking and the protections available for victims;
• Proposing rules and regulations to implement the Act; and
• Conducting other activities necessary to carry out the functions designated under the Act.  

As part of a United Nations (U.N.) consultative meeting convened in 2014, a member of Uganda’s National Anti-Trafficking Task Force submitted a report that addresses the “successes” and “challenges” of Uganda’s anti-trafficking initiative. The report explains that COCTIP is composed of “an Inter-Ministerial Task Force, with membership from 15 Ministries, Departments and Agencies . . . including representatives of the Coalition of Civil Societies against Trafficking in persons.” As of 2014, COCTIP had reportedly developed “a draft five years’ [sic] National Action Plan (NAP) to combat TIP in Uganda; a Standard Operating Procedure (SOP) for stakeholder members; a National Awareness Strategy on prevention of TIP; [and] several joint training programs and [o]perations.”

The challenges experienced by COCTIP, according to the 2014 report, have included slow implementation and limited resources. Representatives of the various ministries, departments, and agencies participating in COCTIP each have their own core functions, which may end up being prioritized over the goals and objectives of COCTIP. Other issues include a lack of “command and control” over ministry and department staff level employees participating in anti-TIP activities, as well as insufficient victim assistance. Further, the report notes an absence of official diplomatic arrangements with transit and destination countries; this ultimately impedes the exchange of information and compounds a general lack of public understanding about the trafficking problem. The 2016 TIP Report notes that while “[t]he government allocated funding to COCTIP

\[114\] PTIP Act, supra note 77, at §§ 21(2)(a)–(h).
\[115\] BAGUMA REPORT, supra note 113.
\[116\] Id. at § 1.
\[118\] BAGUMA REPORT, supra note 113, at § 2. Researchers have been unable to locate online copies of the NAP, SOP or the National Awareness Strategy. However, in 2014, COCTIP published an “annual report” on trafficking in Uganda. See COORDINATION OFFICE TO COMBAT TRAFFICKING IN PERSONS (COCTIP), ANNUAL REPORT ON THE TREND OF TRAFFICKING IN PERSONS IN UGANDA: 2013 § 2 (2014), available at http://www.upf.go.ug/download/publications(2)/tip_annual_report_final.pdf (last visited July 19, 2017).
\[119\] BAGUMA REPORT, supra note 113, at § 3.
\[120\] Id.
\[121\] Id.
for the first time” in 2015,\textsuperscript{122} staffing “remained low.”\textsuperscript{123}

**Counter Trafficking in Persons Task Force ("CTIP")**

The CTIP Task Force is an inter-ministerial group charged with coordinating anti-trafficking efforts among government ministries.\textsuperscript{124}

**Ministry of Internal Affairs ("MIA")**

This Ministry enforces criminal laws against forced labor, trafficking, commercial exploitation, and the use of children for illicit activities.\textsuperscript{125} Within the MIA, the Uganda Police Force’s Special Investigation Unit manages trafficking cases, and the Sexual Offenses Department manages cases of commercial sexual exploitation. MIA’s Immigration Department assists in identifying potential trafficking victims.\textsuperscript{126}

**Ministry of Gender, Labour, and Social Development ("MGLSD")**

The MGLSD carries a mandate to “‘empower communities to harness their potential through skills development, [l]abour productivity and cultural growth.’”\textsuperscript{127} The MGLSD is sometimes called the Ministry of Gender, but its role extends beyond gender issues. It is charged with enforcing labor laws throughout Uganda,\textsuperscript{128} and includes a Social Development Sector “that promotes issues of social protection, gender equality, equity, human rights, culture, decent work conditions and empowerment for different groups such as women, children, the unemployed youth, internally displaced persons, the older persons and persons with disabilities.”\textsuperscript{129}

The MGLSD plays a number of roles in Uganda’s anti-TIP program. It oversees labor recruitment agencies,\textsuperscript{130} reviews labor export regulations to address any loopholes used by such recruitment agencies,\textsuperscript{131} and is involved in the provision of assistance to trafficking victims.\textsuperscript{132} However, on all of these fronts, the U.S. State Department has characterized the MGLSD’s efforts as “inadequate.”\textsuperscript{133} It notes that “[o]fficial complicity hinder[s] government oversight of labor recruitment agencies,”\textsuperscript{134}

\textsuperscript{122} U.S. DEP’T OF STATE, TRAFFICKING IN PERSONS REPORT: JUNE 2016, supra note 99, at 379.
\textsuperscript{123} Id. at 380.
\textsuperscript{124} Child Labor and Forced Labor Reports: Uganda, supra note 117.
\textsuperscript{125} Id.
\textsuperscript{126} Id.
\textsuperscript{128} Child Labor and Forced Labor Reports: Uganda, supra note 117.
\textsuperscript{129} Id.
\textsuperscript{130} U.S. DEP’T OF STATE, TRAFFICKING IN PERSONS REPORT: JUNE 2016, supra note 99, at 379.
\textsuperscript{131} Id. at 380.
\textsuperscript{132} Id.
\textsuperscript{133} Id.
\textsuperscript{134} Id. at 379.
and that "[l]imited funding . . . result[s] in restricted services"\textsuperscript{135} to victims. Additionally, in spite of
the MGLSD's regulatory review, a number of existing—and apparently flawed—regulatory schemes
remained in place. These include the Employment (Recruitment of Ugandan Migrant Workers
Abroad) Regulations, 2005 and the Guidelines on the Recruitment and Placement of Ugandan
Migrant Workers Abroad, 2015.\textsuperscript{136}

\textbf{IV. Justice System}

Uganda's justice system includes institutions and procedures geared toward preventing trafficking,
prosecuting offenders, and protecting victims. In broad strokes, the Ministry of Gender, Labor and
Social Development enforces labor laws, and the Ministry of Internal Affairs enforces criminal laws.
The Directorate of Public Prosecutions (DPP) in the Ministry of Justice and Constitutional Affairs is
responsible for prosecuting criminal cases referred to them by the Uganda Police Force.\textsuperscript{137}

\textit{Access to Justice}

\textbf{Equality and Non-Discrimination Provisions}

The Constitution guarantees equal protection to all persons regardless of gender or minority
status;\textsuperscript{138} there appears to be no express bar on access to the courts.\textsuperscript{139}

In particular, the Constitution expressly recognizes that "[w]omen shall be accorded full and equal
dignity of the person with men," and "women shall have the right to affirmative action for the
purpose of redressing the imbalances created by history, tradition or custom."\textsuperscript{140} Similarly, the
Constitution provides that "[n]o child shall be deprived by any person of medical treatment,
education or any other social or economic benefit by reason of religious or other beliefs."\textsuperscript{141}

The existence of criminal proceedings does not undermine a victim’s right to pursue civil cases
against their abusers; if victims do choose to pursue such claims, the Prevention of Trafficking in
Persons Act (PTIP Act) permits the waiver of civil filing fees.\textsuperscript{142}

\textbf{Access to Legal Aid}

\textsuperscript{135} \textit{Id.}

\textsuperscript{136} \textit{Id.}

\textsuperscript{137} U.S. DEP’T OF LABOR, BUREAU OF INT’L LABOR AFF., 2015 FINDINGS OF THE WORST FORMS OF CHILD LABOR: UGANDA
1052, \textit{available at} https://www.dol.gov/sites/default/files/documents/ilab/reports/child-

\textsuperscript{138} \textit{UGANDA CONST.}, art. 21(1), \textit{available at}
2017) [hereinafter \textit{UGANDA CONST.}] (“All persons are equal before and under the law in all spheres of political,
economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.”).

\textsuperscript{139} \textit{Id.} at art. 127.

\textsuperscript{140} \textit{Id.} at arts. 33(1), (5).

\textsuperscript{141} \textit{Id.} at art. 34(3).

\textsuperscript{142} The Prevention of Trafficking in Persons Act of 2009, §§ 12(4)-(5), \textit{available at}
The Constitution only guarantees state-provided legal counsel where a person is charged with a death penalty-eligible offense.\textsuperscript{143} The state has no other legal aid laws or policies, and there is “no national legal aid body to manage legal aid service provision.”\textsuperscript{144} Access to justice is further limited by a lack of access to lawyers, particularly in rural areas of the country.\textsuperscript{145}

With limited state-provided services, the majority of legal aid is provided and funded by non-state organizations,\textsuperscript{146} including the Legal Aid Project, which was established in 1992 by the Uganda Law Society.\textsuperscript{147}

\textit{Criminal Law and Procedure}

Although COCTIP has been charged with developing standard operating procedures (SOPs) for various entities, and it is reported that a reference guide has been created,\textsuperscript{148} ABA ROLI has been unable to locate a publicly-available copy of this document. As such, it is unable to confirm whether the general SOPs for the Counter Human Trafficking National Task Force provide direction and guidance to the Ugandan judiciary, prosecutorial services, police, armed/security forces, intelligence agencies, or border control agencies.

As noted, the Ministry of Internal Affairs and the Ministry of Justice and Constitutional Affairs are generally charged with the enforcement of Ugandan criminal law.\textsuperscript{149} However, it does not appear that either of these institutions, or the Ugandan Police Force (UPF), contain divisions that are specifically designed to address TIP-related matters. As of 2013, the Ugandan government stated that “The Crime Investigations & Intelligence Directorate (CIID) [was] the lead agency in the management of [c]riminal reports related to TIP, backed up by other relevant Agencies including the National Security Agencies and the office of the DPP [Directorate of Public Prosecutions].”\textsuperscript{150}

The Uganda Criminal Procedure Code Act lays out the rules and standards that govern complaint, arrest, trial, and appeal procedures.\textsuperscript{151} This law does not appear to have any TIP-specific references, and the PTIP Act does not expand upon the Criminal Procedure Code Act to create any special arrest or detention procedures in TIP cases. The PTIP Act does provide that trafficking victims are entitled to remain informed about and present their views during trafficking proceedings, and also mandates that in-court TIP proceedings in cases involving children, sexual exploitation, and “other cases where the court considers this appropriate” proceed \textit{in camera}.\textsuperscript{152}

\begin{flushright}
\textsuperscript{143} \textit{UGANDA CONST.}, supra note 138, at art. 28(3)(e).
\textsuperscript{144} National Legal Aid Policy Draft 6 (Final) – 4 (June 2012), http://www.lasnet.org (follow “Resources” hyperlink; then follow “Policy Documents” hyperlink; then follow “National Policies” hyperlink; then follow “Draft national legal aid policy draft 6” hyperlink).
\textsuperscript{145} \textit{Id.}
\textsuperscript{147} \textit{Id.} at 8.
\textsuperscript{149} See supra note 137.
\textsuperscript{150} http://www.upf.go.ug/download/publications(2)/tip_annual_report_final.pdf 11.
\textsuperscript{151} COCTIP, \textit{ANNUAL REPORT: 2013}, supra note 148, at § 11.
\textsuperscript{152} PTIP Act, \textit{supra} note 142, at §§ 12(2)-(3), 13(1)-(2).
\end{flushright}
Both the Prevention of Trafficking in Persons Act (PTIP Act) and the Children (Amendment) Act impose duties towards victims on officials who encounter TIP and TIP-related offenses. Under the PTIP Act, individuals who apply victim protection measures in unequal or nondiscriminatory ways may be punished by a fine of five hundred currency points or six months' imprisonment. ABA ROLI has been unable to confirm whether Ugandan security forces or employees of the DPP are protected by qualified immunity laws; in the absence of such provisions, it would appear that the discriminatory application of victim protection measures would subject such law enforcement agents, in theory, to the penalties provided in the PTIP Act.

The PTIP Act further provides that "public officers and any other person involved in the detection, investigation, prosecution or trial of offences under this Act shall[,] whenever necessary, refer victims to appropriate organizations and institutions for assistance and support," and that trafficking victims are to be provided with information about support services. Similarly, the Children (Amendment) Act requires that a police officer, or any other person who receives a report about child trafficking, must at minimum: (i) pursue measures to ensure the child’s safety and well-being; (ii) assess the report; (iii) conduct an investigation, unless the report is “frivolous or obviously unfounded,” and (iv) initiate child protection proceedings under the authority of the Children’s Act.

Extradition and Mutual Legal Assistance

Extradition

Uganda does have an Extradition Act, which governs the general procedures surrounding extradition. The PTIP Act also provides that TIP offenders may be subject to extradition.

Uganda has entered into a tripartite extradition treaty with Rwanda and the Democratic Republic of the Congo (DRC). While this extradition treaty primarily concerns “militia leaders [and] terrorists”, it may also cover the extradition of human traffickers. Furthermore, to the extent that children are trafficked across borders between the three countries for the purposes of engaging in armed conflict, anti-TIP and laws against child labor may nonetheless be implicated by the treaty.

Mutual Legal Assistance

Uganda has no mutual legal assistance (MLA) law; however, as a member of the Commonwealth of Nations, it generally uses the Scheme Relating to Mutual Assistance in Criminal Matters Within the

\footnotesize{\textsuperscript{153} Idat § 8.}  
\footnotesize{\textsuperscript{154} Idat § 12(8), (10).}  
\footnotesize{\textsuperscript{156} Extradition Act of 1964, available at http://www.refworld.org/docid/3ae6b4d238.html (last visited July 19, 2017).}  
\footnotesize{\textsuperscript{157} PTIP Act, supra note 142, at § 20.}  
Commonwealth (the Harare Scheme).\textsuperscript{159} ABA ROLI has not been able to confirm whether Uganda has used or relied on MLA to investigate, prosecute, or convict any TIP perpetrators.

V. Economic System

\textit{Economic and Financial Crimes}

\textbf{Money Laundering}

The Anti-Money Laundering Act criminalizes money laundering in various forms. In general, the Act criminalizes the use, transfer, or transport of property when a legal or natural person knows or has reason to know that such property is the proceeds of a crime.\textsuperscript{160} Aiding and abetting money laundering, including by tampering with or destroying records or documents that may be relevant to money laundering investigations, is an offense under the Act,\textsuperscript{161} as is the failure to report actions that are or may be related to money laundering offenses.\textsuperscript{162} Penalties for such offenses include up to years in prison or a fine of up to 33,000 currency points, if committed by a natural person, or a fine of up to 70,000 currency points, if committed by a legal person.\textsuperscript{163}

The Anti-Money Laundering Act establishes a Financial Intelligence Authority (FIA) and charges it with combating money laundering, enhancing public awareness on the subject, and coordinating with other states on anti-money laundering initiatives.\textsuperscript{164}

\textbf{Financial Fraud}

Uganda criminalizes various types of financial fraud, including, for example, the obtaining of credit by false pretenses, fraudulent accounting, and the issuing of false checks.\textsuperscript{165} A number of crimes require the intent to defraud, which is presumed under Ugandan law "if it appears that at the time the false document was made there was in existence a specific person, ascertained or unascertained, capable of being defrauded by it."\textsuperscript{166}


\textsuperscript{161}Id. at §§ 118, 120, 122.

\textsuperscript{162}Id. at §§ 124, 125, 126, 127.

\textsuperscript{163}Id. at § 136(2)(a)-(b).

\textsuperscript{164}Id. at §§ 18-19.


\textsuperscript{166}Id. at § 346.
**Forgery & Counterfeiting**

Forgery and counterfeiting are offenses under the Penal Code Act. Forgery is defined as “the making of a false document with intent to defraud or to deceive,” and in general may be punished by three years’ imprisonment.167 However, certain types of forgeries—including the forgery of official documents—may carry higher penalties.168 The forgery and knowing purchase of forced currency notes carry sentences of life imprisonment and seven years’ imprisonment, respectively.169

Uganda criminalizes the counterfeiting of coin, possessing equipment for currency forgery or counterfeiting, and coin clipping.170 In addition to any prison time imposed for conviction of such offenses, the law mandates that forged or counterfeited banknotes or coins must be forfeited to the government.171

Uganda also criminalizes the counterfeiting of stamps and trademarks.172

**Terrorist Financing**

Uganda has signed and ratified the International Convention for the Suppression of the Financing of Terrorism.173 It effectuates this Convention in domestic law via the Anti-Terrorism (Amendment) Bill,174 which specifically “harmonise[s] the definition of ‘funds’ with that contained in the [Convention].”175 Thus, Ugandan law criminalizes the provision of:

assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in such assets, including, but not limited to, bank credits, travelers Cheques, bank Cheques, money orders, shares, securities, bonds, drafts, and letters of credit . . . [and] financial services.176

Conviction of the intentional and unlawful provision or collection of funds is a death penalty-eligible offense under the terms of the original Anti-Terrorism Act.177

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167 Id. at §§ 342, 347.
168 See, e.g., id. at § 349.
169 See, e.g., id. at §§ 348, 357.
170 Id. at §§ 363, 365, 366.
171 Id. at § 374.
172 Id. at §§ 375, 377-80.
175 Id. at § 1.
176 Id. at § 1(a).
(Amendment) Bill adds a further offense of ‘terrorism financing’, defined as the “willing[]
collect[ion] or provi[sion of] funds, directly or indirectly, by any means, with the intention . . . or in
the knowledge that such funds are to be used, in full or in part, by a person or a terrorist
organization, to carry out a terrorist act.” Terrorism financing is an offense regardless of whether
the funds are in fact used, and attempting to or conspiring to engage in the offense is also
criminal. The new crime of terrorism financing carries penalties of up to 20 years’ imprisonment
a fine not exceeding 500,000 currency points, or both.

Regulation and Monitoring of International Financial Transactions

Many Ugandan financial transactions take place outside the scope of the formal, regulated financial
system; the reach of the law in the informal cash-based sector is limited, and the risk of financial
crime is commensurately high. For example, many people rely heavily on mobile money transfer
systems to process funds, especially where they cannot afford the higher fees associated with the
formal banking sector; a lack of regulation in this rapidly-growing area could be easily exploited
by traffickers seeking to transfer funds outside the eye of the law.

In light of this, Uganda has taken steps towards more careful regulation and monitoring of
international financial transactions. A number of laws, including the Financial Institutions (Foreign
Exchange Business) Rules, the Financial Institutions (Amendment) Act, and the Anti-Money
Laundering Act create restrictions upon “remittances or other money transfers that are linked to
money laundering or terrorist financing”. They further impose ‘know-your-customer’ restrictions
upon entities involved in Ugandan money transfers; for example, the Bank of Uganda’s Mobile
Money Guidelines require mobile money service providers to identify customers’ identities, set
limits for transaction frequency, volume, and value, and report suspicious transactions, including
large cash transactions. The Ugandan Central Bank and the FIA are charged with imposing these

visited July 19, 2017); Anti-Terrorism (Amendment) Bill of 2015, supra note 174, § 2(b).
178 Id. at § 9A.
179 Id.
180 Id.
182 Id.
183 Id.
https://www.bou.or.ug/bou/bou-
185 The Financial Institutions (Amendment) Act of 2016, available at https://www.bou.or.ug/bou/bou-
186 See supra note 160.
187 Uganda – Conversion and Transfer Policies, EXPORT.GOV (June 14, 2016),
restrictions and monitoring legal compliance.\textsuperscript{189}

\textit{Asset Freezing and Forfeiture}

The PTIP Act requires courts to order the forfeiture of “all established proceeds and properties derived from the commission of the crime.”\textsuperscript{190} It furthermore requires that where such property has been made unavailable for seizure or forfeiture by virtue of an offender’s acts or omissions, the court must order the offender to pay an amount equal to the value of that property.\textsuperscript{191}

Other provisions of Ugandan law also contain asset forfeiture provisions. As noted above, forged or counterfeited banknotes and coins must be forfeited to the Ugandan government under the Penal Code,\textsuperscript{192} and the Anti-Money Laundering Act “provides for the seizure, freezing, and forfeiture of assets linked to money laundering and terrorism financing”.\textsuperscript{193}

\textit{Remittances}

The World Bank reports that private capital remittances, especially from North America, Europe, and the Middle East to Uganda may have exceeded US$1.07 billion in 2016, a marginal increase from the previous year.\textsuperscript{194} Ugandan law generally facilitates this remittance economy; the Bank of Uganda does not appear to require investors to seek approval from the Bank of Uganda in order to repatriate business profits and dividends.\textsuperscript{195} Other laws that deal with remittances include the Foreign Exchange Act, the Foreign Exchange (Forex Bureaus and Money Remittance) Regulations, and the Mobile Money Guidelines.\textsuperscript{196}

\textsuperscript{191} Id. at 22(2).
\textsuperscript{192} Penal Code Act, supra note Error! Bookmark not defined., at § 374.
\textsuperscript{193} DoJ, Int’l Narcotics Control Strategy Report, supra note 181.
\textsuperscript{195} \textit{Uganda – Conversion and Transfer Policies}, supra note 187.
\textsuperscript{196} Id.
VI. Corporations

**Liability of Legal Persons for Violations of Law**

Although the PTIP Act does not expressly address corporate liability with respect to trafficking violations, the Penal Code permits corporations to be held liable for violations of the criminal law. Specifically, the definitions section of the Penal Code states that “‘person’ and ‘owner’ and other like terms when used with reference to property include corporations of all kinds and any other association of persons capable of owning property, and also when so used include the Government.”

**Compliance with Laws on Incorporation**

The Uganda Companies Act generally provides that a corporation may not be formed without the existence of a Memorandum of Association that states the company's name, its objects, the liability of its members (if any), and the amount of share capital involved in the incorporation (if any). Companies may not alter the conditions of a Memorandum of Association except as provided in the Companies Act, which lays out the following requirements for alterations to a company's object: (i) the application must be made pursuant to a special resolution; (ii) within twenty-one days of the passage of the resolution; (iii) with confirmation by a court. It is not clear that any penalties attach to a failure to meet the requirements of these provisions; however, civil and criminal penalties may arise in cases where misstatements are made in a prospectus inviting the public to subscribe to a company’s shares or debentures.

The regulations governing agencies that recruit workers for employment outside Uganda give notice that a recruitment agency’s license may be revoked if they engage in “the recruitment or placement of workers in jobs harmful to public health or morality or to the dignity of the Republic of Uganda.” These regulations also state that other conduct related to trafficking is grounds for the revocation of business licenses. According to the U.S. State Department, Uganda has not attempted to prosecute any agencies for their role in the fraudulent recruitment of Ugandan workers.

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199 Id. at § 6.
200 See id. at §§ 7(1), (2).
201 Id. at §§ 45-46.
203 See generally id. at reg. 19 (grounds for license revocation include withholding a passport, wrongfully withholding pay, recruitment through fraud or coercion, etc.).
Corporate Social Responsibility Initiatives

The Prevention of Trafficking in Persons Act (PTIP Act) expressly requires that “[e]very member of the community” must report instances of human trafficking.\(^{205}\) However, it does not expressly impose obligations on corporations to do the same.\(^{206}\) Researchers did not identify any legal obligations for business entities to verify that their employees have not been trafficked; nor did researchers identify legal requirements for businesses to conduct anti-TIP training.

Supply Chain Transparency and Accountability

ABA ROLI was unable to locate Ugandan national legislation requiring companies to report or disclose any efforts they take to prevent, identify, and/or address TIP in their supply chains, or to conduct verification of product supply chains to evaluate TIP risks.

Contract Law

To the extent that a corporation (or a natural person) might seek to enforce some aspect of a trafficking arrangement by contract, Uganda law recognizes various defenses that might apply. For example, if a party entered into a contract as a result of undue influence, fraud or misrepresentation, the contract is voidable at the option of the party whose consent was improperly obtained.\(^{207}\) In addition, in order for a contract to be valid under Ugandan law, parties to the contract must have legal capacity, which includes being at least 18 years old.\(^{208}\)


\(^{206}\) The PTIP Act refers to the liability of a “person” under the Act, but does not define “person.”


\(^{208}\) Id. at § 11.
VII. Natural Resources, Environment, and Property

Natural Resource Extraction Laws

The following industries are subject to regulation with respect to natural resources. Reports indicate that human trafficking—particularly the trafficking of children—occurs or has occurred in all of these industries.209

Fishing

The Fish Act, modified by the Fish Rules of 2010, governs Ugandan fishing activities.210 These laws regulate the licensing and regulation of fishing vessels, catch restrictions, and fishing seasons.211 The Fish Act also envisions the establishment of ‘fisheries officers’, who are charged with policing and prosecutorial powers with respect to any offenses listed under the Act.212

Logging

The harvesting and trade of timber is regulated generally by the Forestry Act, the 2004 Ministerial Notice issued by the Ministry of Water, Lands and Environment, and the Statutory Instrument No. 16 of 2000.213 These laws lay out the general provisions for timber harvest, regulations for sustainable forest management, and procedures for licensing, sales, and fees.214 The agencies charged with monitoring and implementing the timber industry include the District Forest Services, which is responsible for regulating timber harvesting on private lands, and the Forest Sector Support Department, which regulates the forestry sector overall.215

In spite of the existence of a regulatory framework for the timber industry, “the trade is poorly regulated and much of the trade is undocumented”;216 indeed, it is estimated that at least 80% of the

211 Id.
212 Id. at §§ 23-26.
214 WWF Uganda, National Timber Study, supra note 213, at 8.
215 Id. at 20.
216 Id. at 2.
timber in the Ugandan market was illegal as of 2012.217

Mining

Mining in Uganda is governed by the Mining Act, the Mining Regulations, and their associated Schedules.218 Provisions of the National Environment Act, the Petroleum Exploration, Development and Production Act, Water Act, Land Act, and Companies Act may also be relevant to the framework of laws that govern Uganda's mining industries.219 These laws govern the issuance of prospecting and exploration licenses and leases, inspections regulations, the minerals trade, and rights to minerals and surface rights.220

The Mining Act appoints the Commissioner for the Geological Survey and Mines Department to inspect mining operations, and authorizes the office of the Commissioner to order remedies for dangerous or defective operations.221 The Commissioner may also authorize medical officer or other public officers to make inquiries into the "health and welfare of persons employed in or connected with prospecting, exploration or mining operations";222 if defects are found during this process, these officers are charged with informing the holder of the right of such defects, and requiring that such defects be remedied.223 It is possible for the holder of a mineral right to appeal to the Commissioner under such circumstances; however, the Commissioner does not have the power to exempt a mineral rights holder from complying with the general requirements of the Mining Act, and rights holders may not contract their way out of liability for damages arising out of a failure to comply.224

Petroleum

The Petroleum (Exploration, Development and Production) Act was passed in 2013, pursuant to the country's National Oil and Gas Policy of 2008.225 The Act establishes a Petroleum Authority of Uganda to ensure that all aspects of oil and gas exploration are in compliance with environmental principles, and otherwise administering the terms and conditions of the Act.226 Specifically, the Petroleum Authority of Uganda deals with the issuances of petroleum exploration and production

217 Id. at 3.
220 See Mining Act, supra note 218.
221 Id. at §§ 64–65.
222 Id. at §§ 66(1).
223 Id.
224 Id. at §§66(5).
226 Id. at §§ 9, 3.
licenses, permits, and approvals. The Act additionally creates a National Oil Company and charges it with handling the state's commercial interests and participation in the petroleum industry.

Petroleum licensees are “liable for pollution damage without regard to fault”, although force majeure events may help to reduce this liability. Licensees are further responsible for ensuring the health and safety of their employees, and the Act mandates that operators follow the provisions of, at minimum, the Occupational Health and Safety Act in establishing safety precautions. These health and safety provisions do not make specific reference to TIP, and while the Act does envision a number of criminal offences, none of them explicitly reference the usage of forced or trafficked labor in petroleum-related operations.

**Environmental Regulation**

The National Environment Management Authority (NEMA) is responsible for coordinating, monitoring, regulating, and supervising Uganda's environmental management laws, which are laid out in the National Environment Act. NEMA is responsible for setting a number of environmental standards, including those for air quality, water quality, and soil quality. NEMA’s mandate also includes, under the aegis of the Technical Committee on the Licensing of Pollution, the issuance of pollution licenses. In situations where responsibility for environmental regulation may be vested in another ministry, department, state agency, local government body, or public officer (lead agency), the necessity for an environmental impact assessment is determined by that body. However, assessments themselves are to be conducted by NEMA-approved experts, and it appears that NEMA must always be consulted to determine whether further environmental impact review is needed before a project is ultimately approved. NEMA decisions are generally appealable within the administrative system, although the High Court may exercise “supervisory jurisdiction” over NEMA decisions.

NEMA works alongside lead agencies in specific areas to issue regulations and guidelines for the management of hazardous waste.

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228 Petroleum (Exploration, Development and Production) Act, supra note 225, at §§ 42-46.
229 Id. at § 130.
230 Id. at § 141(a)(i).
231 Id. at §§ 160-166.
234 Id. at §§ 24-30.
235 Id. at § 58(1).
236 Id. at § 1(gg).
237 Id. at § 19(3).
238 Id. at §§ 19 (6)-(7).
239 Id. at § 104.
240 Id. at §§ 53-56.
Forestry management is administered primarily by local and district environmental committees, although to the extent that forestry and timber policies intersect NEMA may also be involved in decision-making. To the extent that reforestation or afforestation policies are to be implemented, local environmental committees are required by law to “encourage voluntary self-help in the community”. Those who hold customary and non-customary interests in land are also required to plant trees and vegetation pursuant to the orders of a district environmental action plan, and if they do not do so local environmental committees are empowered to “mobilise the community to ensure compliance”.

Wildlife conservation is governed by the Uganda Wildlife Act, and administered by the Uganda Wildlife Authority. The Wildlife Authority is charged with developing wildlife management policy, controlling and monitoring industrial and mining developments in wildlife protected areas, managing the trade in wildlife specimens, both internally and externally, and promoting scientific research on wildlife and wildlife conservation areas. The Wildlife Act criminalizes a number of acts, including unauthorized hunting or killing in wildlife conservation areas, and preparing land in these areas for cultivation or mineral prospecting. The Act further criminalizes the destruction, import, export, and re-export of protected species, and establishes asset forfeiture as a punishment for these offenses, in addition to any fines and/or imprisonment that may be imposed.

**Land Ownership and Eminent Domain**

The Constitution recognizes four historic forms of land tenure: customary, freehold, mailo, and leasehold. National and local governments alike have the power to acquire land in the public interest; however, such acquisitions must be deemed “necessary for public use”, and the government is obliged to provide fair compensations for takings.

The only substantial restriction that Ugandan law seems to impose on land ownership is that noncitizens are only entitled to acquire leasehold land interests.

ABA ROLI was unable to identify any other express legal provisions that protect individuals or communities against “land grabbing.”

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241 *Id.* at § 39.
242 *Id.* at § 39(2).
243 *Id.* at § 39(4).
245 *Id.* at § 5.
246 *Id.* at § 21(a)-(c).
247 *Id.* at §§ 78–79.
249 *Id.* at art. 237(2)(a).
250 *Id.* at art. 26(2).
251 *Id.* at art. 237(2)(c).
VIII. Individual Rights

Ratification of and Accession to International and Regional Human Rights Treaties

Uganda has ratified or acceded to a number of international human rights treaties. These include:

- the International Covenant on Civil and Political Rights (ICCPR) and its first Optional Protocol;
- the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);
- the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
- the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);
- the Convention on the Rights of the Child (CRC);

Regional human rights treaties that Uganda has ratified or acceded to include:

- the African Charter on Human and Peoples' Rights (Banjul Charter);
- the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol);
- the African Charter on the Rights and Welfare of the Child; and

In general, Uganda is a dualist state; as a result, treaties must be specifically incorporated into national law in order to have national effect. The Ugandan constitution is silent on the subject of ratification, but the Ratification of Treaties Act generally lays out the procedure by which Ugandan treaty ratification occurs. ABA ROLI researchers have been unable to determine whether all of the treaties listed above have gone through this secondary ratification procedure.

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252 Multilateral Treaties Deposited with the Secretary-General, United Nations Treaty Collection, https://treaties.un.org/Pages/TreatyParticipantSearch.aspx?clang=en (last visited July 19, 2017) (select “Uganda” in the drop-down Participant list to access a full list of international treaties and agreements deposited with the U.N. Secretary-General that Uganda has ratified or acceded to).
258 Id. at 9.
**Legal Guarantees of Equality and Non-Discrimination**

The Constitution of Uganda establishes that all persons are equal before the law, and prohibits discrimination on the basis of “sex, race, color, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability,” where discrimination is defined only as “different treatment to different persons” on the basis of one of these enumerated characteristics. Notably, Ugandan law not only fails to establish sexual orientation as a protected class, legislators have made repeated attempts to strengthen anti-homosexuality provisions in the law.

The Constitution additionally obliges the state to “ensure gender balance and fair representation of marginalized groups on all constitutional and other bodies,” and explicitly provides for welfare for the elderly.

All Constitutional provisions are to be read consistently with the provision on equality and non-discrimination.

**Rights of Foreigners and Stateless Individuals**

An individual who is granted refugee status in Uganda is entitled to all the rights, and subject to all the duties, of any other noncitizen “in similar circumstances.” Refugees are to be issued identity cards and travel documents, and generally have the right to freely move within Uganda.

Refugees are entitled to be treated in a non-discriminatory way, and there are no restrictions on their access to the Ugandan court system. Refugees must be given the same treatment as Ugandan citizens with respect to access to primary education.

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261 **Id.** at art. 3.
263 **UGANDA CONST.**, supra note 260, at Objective VI.
264 **Id.** at Objective VII.
265 **Id.** at art. 5.
267 **Id.** at §§ 31(1), 29(1)(a).
268 **Id.** at § 30.
269 **Id.** at §§ 29(1)(c).
270 **Id.** at §§ 29(1)(h).
271 **Id.** at §§ 29(e)(iii).
**State Human Rights Guarantees**

The Constitution of Uganda recognizes a number of fundamental civil and political rights, including:

- The right to life;
- The right to personal liberty;
- The right to be protected against torture and/or cruel and inhuman treatment;
- The right to be protected from slavery, servitude and forced labor;
- The right to privacy;
- Rights in the criminal justice system;
- The right to free expression, religion, and association;
- The right to freedom of movement;
- The right to education, specifically primary education;
- The right to marry and start a family;
- The right to participate in affairs of government;
- The right to work, practice a profession, carry on a lawful business, and join a union;
- The right of access to information, except where such a right would infringe upon national security or the privacy of another individual; and
- The right to vote for those over 18 years of age.

The Constitution specifically provides that the state must take affirmative action in favor of groups that have been marginalized on the basis of gender, age, disability, or for “reasons of history.” Women, children, persons with disabilities, and minorities are also specifically protected under the Constitution.

Notwithstanding these protections, the Constitution permits measures “reasonably justifiable for dealing with a state of emergency.” Certain fundamental human rights and freedoms—specifically, the rights to be free from torture and slavery, and justice rights including the right to a fair hearing and the right to an order of habeas corpus—are exempt from these provisions. In spite of Constitutional guarantees, however, many of these enumerated rights are not uniformly enforced.

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272 *Uganda Const.*, *supra* note 260, at art. 22.
273 *Id.* at art. 23.
274 *Id.* at art. 24.
275 *Id.* at art. 25.
276 *Id.* at art. 27.
277 *Id.* at art. 28.
278 *Id.* at art. 29.
279 *Id.*
280 *Id.* at art. 30.
281 *Id.* at art. 31.
282 *Id.* at art. 38.
283 *Id.* at art. 40.
284 *Id.* at art. 41.
285 *Id.* at art. 59.
286 *Id.* at art. 32.
287 *Id.* at arts. 33-36.
288 *Id.* at art. 46.
or protected in practice.\textsuperscript{289}

\textbf{State Human Rights Bodies}

Uganda has a Human Rights Commission, established under the aegis of the Constitution.\textsuperscript{290} The Commission is charged with investigating human rights violations and monitoring the government’s compliance with the country’s international human rights obligations.\textsuperscript{291} To this end, the Commission is required to publish and submit annual human rights reports to Parliament.\textsuperscript{292} It also has the same power as a court of Uganda to order persons to appear, produce documents or records relevant to the Commission’s investigations, and issue contempt citations.\textsuperscript{293} Furthermore, the Commission has the authority to order a number of remedies for human rights violations, although persons retain the right to appeal the Commission’s decisions to the High Court of Uganda.\textsuperscript{294}

\footnotesize
\textsuperscript{290} UGANDA CONST., supra note 260, at art. 52(1).
\textsuperscript{291} Id.
\textsuperscript{292} Id. at art. 52(2).
\textsuperscript{293} Id. at art. 53(1).
\textsuperscript{294} Id. at art. 53(3).
IX. Labor Rights

Work Protections Established by Law

Applicable International Instruments

Uganda is party to a number of international instruments that protect workers, including:

- ILO Convention no. 29 (concerning Forced or Compulsory Labor);\(^{295}\)
- ILO Convention no. 100 (concerning Equal Remuneration);\(^{296}\)
- ILO Convention no. 105 (concerning the Abolition of Forced Labor);\(^{297}\)
- ILO Convention no. 138 (concerning Minimum Age for Admission to Employment);\(^{298}\) and
- ILO Convention no. 182 (concerning the Worst Forms of Child Labor).\(^{299}\)

Domestic Legal Protections

The Constitution of Uganda requires the Parliament to enact laws that permit persons to:

- work in satisfactory, safe, and healthy environments;\(^{300}\)
- be accorded rest and reasonable working hours, including paid holiday time;\(^{301}\)
- access equal payment for equal work, without discrimination;\(^{302}\)
- form or join trade unions of their choice, and access collective bargaining and representation;\(^{303}\) and
- withdraw their labour.\(^{304}\)

\(^{301}\) Id. at art. 40(1)(c).
\(^{302}\) Id. at art. 40(1)(b).
\(^{303}\) Id. at art. 40(3)(a).
\(^{304}\) Id. at art. 40(3)(c).
The Constitution also recognizes the need to protect women workers during pregnancy and after childbirth.\(^{305}\)

The Parliament of Uganda effectuates these constitutional provisions through a number of laws, including the Employment Act and its associated Regulations,\(^{306}\) the Occupational Safety and Health Act and the Workers Compensation Act,\(^{307}\) and the Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations.\(^{308}\)

**Minimum Wage Requirements**

Although Uganda has attempted to pass a minimum wage law, it is not clear that the proposed minimum wage bill of 2015—which would have proposed sector-based minimum wages—has been successfully passed.\(^{309}\) As such, as far as ABA ROLI has been able to determine, the only laws currently governing minimum wage in Uganda are the Minimum Wages Board and Wages Council Act and the General Notice No. 176/1995, which establishes a Minimum Wages Advisory Council.\(^{310}\)

Uganda’s minimum wage was set in 1984 at 6,000 Ugandan shillings per month.\(^{311}\) While it appears that the Minimum Wages Advisory board has recommended that this national minimum wage be raised to 130,000 shillings (US$36) monthly, it is not clear whether this proposal has been implemented.\(^{312}\)

**Working Hours Requirements**

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\(^{305}\) *Id.* at art. 40(4).


\(^{311}\) *The Minimum Wage in Uganda*, supra note 309.

Under the terms of the Employment Act, working hours are capped at 48 hours weekly and 10 hours daily, although workers and their employers are free to contract for longer hours than that.\textsuperscript{313} Where maximum working hours are at least eight hours daily, workers are entitled to 30 minutes’ break.\textsuperscript{314}

**Overtime Remuneration**

In general, if workers have not specifically contracted to work beyond the maximum requirements provided by law, they must be remunerated at a rate of 1.5 times their normal hourly rate on normal working days, or 2 times this rate on gazetted public holidays.\textsuperscript{315}

**Leave Requirements**

Ugandan law requires that employees receive seven days’ paid leave for every four-month employment period, and paid leave on public holidays.\textsuperscript{316} Where employees elect to work on public holidays, they are entitled to either accept double their standard rate of pay or a different day off in lieu of that payment.\textsuperscript{317}

These leave requirements only apply to employees who have been working continuously for an employer for at least six months, or who perform contract work for over 16 hours a week.\textsuperscript{318}

Women are entitled to 60 days of fully-paid maternity leave; however, where women elect to take this leave, four weeks of it must immediately follow childbirth or miscarriage.\textsuperscript{319} Furthermore, women are granted the right to return either to the job that they had held prior to obtaining leave, or to a “reasonably suitable alternative job on terms and conditions not less favourable than those which would have applied had she not been absent on maternity leave.”\textsuperscript{320}

Men are entitled to four days’ fully-paid paternity leave immediately following childbirth or miscarriage, provided that they are married to the mother of the child.\textsuperscript{321}

Ugandan law contains detailed sick leave provisions.\textsuperscript{322}

**Labor Inspection and Oversight Systems**

The Ministry of Gender, Labour and Social Development (MGLSD) is responsible for administering

\textsuperscript{313} Employment Act, \textit{supra} note 306, at § 53(1),(3).
\textsuperscript{314} \textit{Id.} at § 51(6).
\textsuperscript{315} \textit{Id.} at § 53(8).
\textsuperscript{316} \textit{Id.} at § 54(1).
\textsuperscript{317} \textit{Id.}
\textsuperscript{318} \textit{Id.} at § 54(4).
\textsuperscript{319} \textit{Id.} at §56(1).
\textsuperscript{320} \textit{Id.} at § (2).
\textsuperscript{321} \textit{Id.} at §57(1).
\textsuperscript{322} \textit{Id.} at § 55.
labor laws and policies throughout the country. The Directorate of Labour, Employment and Occupational Safety and Health within the MGLSD includes two departments charged with key responsibilities on labor laws and policies.

The Department of Labour, Industrial Relations and Productivity is “responsible for formulating, implementing and enforcing labour policies and laws related to working conditions.” The Department of Occupational Health and Safety is responsible for inspection health and safety issues.

In addition, the MGLSD has an External Employment Unit that is responsible for regulating agencies that recruit Ugandan migrant workers for employment abroad.

### Applicability of Labor Laws to Migrant Workers

Uganda is generally recognized as having generous policies with respect to refugees and asylum seekers, including issuance of civil documents and permission to move freely as long as refugees “can support themselves.” However, Ugandan law prohibits the employment of a person who is known to be unlawfully in the country. The law also prohibits organizing “the illicit or clandestine movement of migrants for employment purposes of departing from, passing through or arriving in Uganda,” or giving any organization assistance in such an effort. An employee cannot be required to accompany an employer outside of Uganda without the employee’s consent. Employees recruited for employment are in some cases legally entitled to repatriation. Uganda also has enacted regulations that address the recruitment of Ugandan migrant workers abroad.

### Child Labor Laws

#### International Laws, Policies, and Agreements

Uganda has ratified the CRC, which recognizes the rights of children to be protected from economic exploitation by requiring State Parties to prohibit children from performing any work that is likely

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323 Id. at §§ 2, 8 (The “Minister” is responsible for labour and administration of Act is responsibility of Directorate of Labour acting under authority of the Minister).
325 Id.
326 Id.
330 Id. at § 37(1).
331 Id. at § 36.
332 Id. at § 39.
333 See supra note 327.
to be hazardous or to interfere with their education, or to be harmful to their health or development.\textsuperscript{334} State Parties also undertake to provide minimum age requirements for employment, regulate work hours and employment conditions, and establish sanctions to ensure that child labor laws are effectively enforced.\textsuperscript{335}

Uganda has ratified both the Optional Protocol on Armed Conflict and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.\textsuperscript{336}

It has also ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, which prohibits armed groups from recruiting children and bans the participation of children in conflict in any way.\textsuperscript{337}

**Domestic Laws and Policies**

Uganda has passed a number of laws and designed and implemented a number of policies to combat child labor.

The Employment Act and the Employment (Employment of Children) Regulations establish 14 as the minimum age for “light work” that “does not affect [their] education”,\textsuperscript{338} and 18 as the minimum age for hazardous work.\textsuperscript{339} The First Schedule of the Employment (Employment of Children) Regulations lay out a number of sectors, and types of employment in those sectors, in which children may not engage, including:

- Planting, harvesting, and marketing of tobacco, tea, rice, sugarcane, and maize;
- Herding and fishing;
- Construction and mining;
- The “informal urban sector”, including market work, street activities such as hawking and scavenging, and working in carpentry and metal work; and
- The entertainment industry.\textsuperscript{340}

The Education Act establishes free primary public education for children between the ages of six

\textsuperscript{335} Id. at art. 32(2).
\textsuperscript{338} Employment Act, supra note 306, at § 32(2); Employment (Employment of Children) Regulations, supra note 306, at regs. 2-3.
\textsuperscript{339} Employment Act, supra note 306, at §§ 32(2)- (4); Employment Act, Employment (Employment of Children) Regulations, supra note 306, at regs. 3 & 5.
\textsuperscript{340} Employment (Employment of Children) Regulations, supra note 306, at Schedule I.
and 13; however, the U.S. Department of Labor has noted that this system “leaves children age 13 particularly vulnerable to the worst forms of child labor, as children are not required to be in school nor are they legally permitted to work in areas other than light work.”

Policies for the eradication of child labor include the National Strategy for Girls’ Education in Uganda, which explicitly identifies domestic work as a barrier to girls’ access to education; the National Action Plan to Combat Human Trafficking; the National Development Plan, which “aims to eradicate all forms of child labor by 2025”; and the Skilling Uganda Strategic Plan, which lays out a framework for improving business, technical, and vocational training, particularly for young people who drop out of school. Finally, the National Strategic Program Plan of Interventions for Orphans and Other Vulnerable Children aims to protect such children from being caught up in child labor.

Provisions Regarding the Worst Forms of Child Labor

Ugandan law generally outlaws the use of the worst forms of child labor, as defined in ILO Convention No. 182 (concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor). The Defence Forces Act establishes 18 as the minimum age for voluntary military service, and the law prohibits children from engaging in night work.

While commercial sexual exploitation of children is prohibited against the Prevention of Trafficking in Persons Act (PTIP), the offering of a child for prostitution, and the use, offering, or benefitting from a transaction involving the sexual exploitation of a child for pornography and in pornographic performances is not a violation of the criminal law.


343 Child Labor and Forced Labor Reports: Uganda, supra note 341.

344 Id.

345 Id.


348 Employment (Employment of Children) Regulations, supra note 306, at reg. 6 & First Schedule.

349 Child Labor and Forced Labor Reports: Uganda, supra note 341.

350 Id.
X. Rights of Communities and Indigenous People

Recognition of Customary and Communal Land Rights

The Constitution recognizes and protects the rights of communities and indigenous people to carry on and promote their customs and traditions, as long as those customs and traditions do not violate the Constitution.351

The Constitution and the Land Act recognize four basic land tenure systems. These are freehold, leasehold, customary, and mailo rights.352 Mailo landholding is a holdover from the 1900 Uganda Agreement, which converted some property held under traditional landholding systems to private property. Among other provisions, the Uganda Agreement recognized “mailo” estates, which were large extensions of land that the colonial government conferred to chiefs as personal property. Tenants could be permitted to live on and utilize the mailo owner’s estate.353

Customary tenure systems in Uganda generally permit clan heads or chiefs to allow individuals to access as much land as was needed for subsistence; in communities that subsisted on moving livestock across grazing areas, land rights were based on agreements between clans that permitted movement of households and cattle along traditional cattle corridors. However, there is no uniform set of customary tenure systems in Uganda; these “vary across ethnic groups and even clans within one group, and can change to accommodate new challenges and opportunities.”354

With regard to customary tenure, the Land Act specifies that any person, family, or community holding land under customary tenure on former public land may acquire a certificate of customary ownership for that land. These certificates may be leased, mortgaged, and pledged in those communities that permit these practices. In addition, holders of customary ownership who want to use their land as a group can establish a common land association to manage and protect their interests in the communal land. In this way, communities that wish to continue to practice customary tenure, including pastoralist communities, are given legal recognition and are provided with the legal mechanism to do so.355

While there has been some modernization of the legal system regarding land rights, and despite constitutional provisions purporting to ensure equality and non-discrimination for women, men

354 Id.
355 Id.
and women are not on equal footing with respect to land ownership.\textsuperscript{356}

\textbf{Governance of Land Without Formal Title}

The Land Act provides that if customary law recognizes an individual's ownership over land, they do not need to possess formal documentation of title to assert their ownership interests.\textsuperscript{357} However, the Land Act does provide that under such circumstances, a landholder must obtain a certificate of customary ownership, issued by Constitutional District Land Boards.\textsuperscript{358}

Additionally, it is reported that in practice, statutory rules and evidence forms overrule similar customary rules; as a result, where there are disputes over non-titled land, rights to such land are weakened.\textsuperscript{359}

\textbf{Community Rights in Land-Based Development}

Uganda does not appear to have particularly strong protections for community land rights. While customary land tenure is recognized, as noted above, these customary systems appear to privilege individual ownership over community ownership of land. As noted above, \textit{mailo} systems vest estate ownership in clan chiefs and community leaders, and although the law recognizes the existence of 'family land rights', these tend to be represented by heads of family.\textsuperscript{360} As such, the extent to which communities can exercise a legitimate voice in land-based development decisions is unclear.

Nonetheless, certain provisions of law do require community engagement in land-based development. For instance, it is possible for communities to assert customary ownership rights over forests and woodlands, rangelands, marshlands, bodies of water, mineral rights, farmlands, and settlements;\textsuperscript{361} communities are required by law to take an active interest particularly with respect to particularly with respect to forestry and the timber industry.\textsuperscript{362} Nonetheless, in circumstances where local leaders do not engage in consultative processes and advance their personal interests over the interests of the communities that they govern, the alienation of land may contribute to the overall vulnerability and insecurity of communities.\textsuperscript{363}

\begin{footnotes}
\item[358] \textit{Id.} at § 4.
\item[359] Veit, \textit{supra} note 352.
\item[361] \textit{Id.} at 35-36.
\item[363] Veit, \textit{supra} note 352.
\end{footnotes}
XI. Immigration and Border Security

Immigration Law Prohibitions against TIP and Migrant Smuggling

The Uganda Citizenship and Immigration Control Act, which is the primary legislative act that governs immigration control, does not itself contain prohibitions against TIP and migrant smuggling. TIP is generally prohibited under the Prevention of Trafficking in Persons Act (PTIP Act). However, despite the fact that Uganda’s Border and Immigration Procedure Manual reportedly contains information on the detection of cross-border migrant smuggling, it is not specifically regarded as a criminal act. This is not to say that no aspect of migrant smuggling is criminalized: perpetrators of TIP who produce, tamper with, falsify, utter, or aid another in uttering false immigration documents “for the purpose of facilitating . . . entry or stay in Uganda, or exit from the country” may be punished to a fine not exceeding 120 currency points, up to five years’ imprisonment, or both, with the possibility of up to seven years’ imprisonment for a recidivist offense. Nonetheless, this does not rise to the level of a specific prohibition against migrant smuggling.

It is reported that Immigration officers are empowered to deal with trafficking incidents; however, whether through the operation of law or practice, trafficking cases tend to be referred out of the Directorate of Citizenship and Immigration Control to the Coordination Office to Combat Trafficking in Persons.

Protections for TIP Victims in Immigration Law

Ugandan immigration law does not provide protections for TIP victims; however, the PTIP Act does appear to envision a degree of immigration relief for non-citizen TIP victims who may or may not otherwise be in violation of the immigration laws.

The PTIP Act establishes generally that non-citizen TIP victims should be repatriated to their home countries. However, where repatriation “is likely to expose the victim to greater risks, to compromise his or her safety, or [is] necessary for court proceedings”, the Minister for Internal Affairs is authorized to offer the victim residency permits, work permits, and as much maintenance as is necessary to protect, assist, and support them. TIP victims who otherwise qualify for Ugandan refugee status should otherwise be eligible for all the protections established under the

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367 PTIP Act, supra note 365, at § 7.
368 Id. at § 46.
369 Id. at § 14(1).
370 Id. at § 14(3).
371 Id.
Finally, regardless of repatriation, the PTIP Law gives victims the right to receive restitution or compensation from the TIP offender.\textsuperscript{373}

\textit{Denial of Entry or Visa Revocation for TIP Offenders}

It is not clear from the statutory language of the Citizenship and Immigration Control Act that a TIP offense would specifically render an individual inadmissible to Uganda. To the extent that TIP offenders would be considered “undesirable immigrants”\textsuperscript{374} for the purposes of the Act, they would certainly be inadmissible. This is also true of individuals who commit a variety of immigration frauds,\textsuperscript{375} or who have engaged in drug trafficking.\textsuperscript{376} ABA ROLI is unable to determine whether being a TIP offender would satisfy the requirements of Section 52(d) of the Citizenship and Immigration Control Act, which provides that “any person whose presence in or entry into Uganda is, or at the time of his or her entry was, unlawful under this Act or any other law for the time being in force.”\textsuperscript{377}

Similarly, it does not appear that TIP offenses specifically constitute grounds for deportability, although the PTIP Act specifically provides that an individual who has been \textit{charged} with an offense under the act may be liable to extradition, under the terms and conditions of the Extradition Act.\textsuperscript{378}
XII. National Security and Humanitarian Emergencies

National Security Laws and Strategies

Chapter 12 of the Ugandan Constitution addresses national security. It provides that the Uganda Peoples’ Defence Forces (UPDF) shall, among other things, “preserve and defend the sovereignty and territorial integrity of Uganda,” and “cooperate with the civilian authority in emergency situations and in cases of natural disasters.” The Constitution charges the Uganda Police Force (UPF) with maintaining internal security, including protecting life and property, preserving law and order, and preventing and detecting crime.

A National Security Council advises the President on matters relating to national security.

Firearm Import/Export Regulations

The Firearms Act of 1970 regulates the importation and exportation of firearms, and the issuance of firearms licenses.

Conflict Resources Regulations

Uganda is signatory to the Lusaka Declaration of the International Conference of the Great Lakes Region (ICGLR) Special Summit to Fight Illegal Exploitation of Natural Resources in the Great Lakes Region (Lusaka Declaration). Pursuant to the Lusaka Declaration, the state has committed to: (1) establishing a regional certification mechanism for conflict-related minerals; (2) harmonizing national legislation across the Great Lakes countries; (3) establishing a regional database on mineral flows; (4) formalizing the regional artisanal mining sector; (5) promoting the Extractive Industry Transparency Initiative; and (6) implementing whistle blowing mechanisms.

The Lusaka Declaration’s provisions focus on regulating the trade of tin, coltan, wolframite, and gold, and the Certification Scheme is intended to encourage more rigorous mine site inspection, more careful chain of custody tracking, and the use of rigorous and independent third-party audits.
Despite the fact that Uganda has signed the Lusaka Declaration, ABA ROLI cannot confirm whether it has implemented any of the Declaration's tools to curb the illegal exploitation of mineral resources.

**Emergency Management Laws and Strategies**

The Constitution empowers the President of Uganda to declare states of emergency;\(^\text{386}\) however, when emergencies are declared, the government is otherwise empowered to suspend a number of human rights.

Uganda also has in place a National Policy for Disaster Preparedness and Management,\(^\text{387}\) which lays out the responsibilities of a number of government ministries in the case of national disasters and human emergencies.\(^\text{388}\) Although this Policy does not explicitly address the fact that humanitarian emergencies render affected populations more vulnerable to TIP, it does acknowledge that women, children, the elderly, and persons with disabilities face specific disaster-related vulnerabilities.\(^\text{389}\) As such, the Policy calls for gender mainstreaming in disaster preparedness initiatives,\(^\text{390}\) which may ultimately enable the Ugandan government to more specifically address TIP in the event of natural or human disasters.

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\(^{386}\) *Uganda Const.*, *supra* art. 110.


\(^{388}\) *Id.*

\(^{389}\) *Id.* at § 4.14.

\(^{390}\) *Id.* at § 4.14.2.

ABA Rule of Law Initiative
XIII. Conclusion

Uganda has an anti-TIP legislative framework and a number of institutions that exist specifically to combat TIP. However, absent the provision of more funds to entities that are charged with improving services to victims, the state’s ability to adequately rehabilitate trafficking victims will continue to be limited.

With respect to investigation and prosecution efforts, Ugandan law does sufficiently criminalize a number of TIP offenses, and by attempting to extend criminal liability for TIP offenses to labor recruiters the state has shown its commitment towards challenging TIP in forced labor industries. However, as of 2016 these amendments had remained pending for the fourth consecutive year. Furthermore, the fact that migrant smuggling is not itself a criminal offense weakens the overall anti-TIP legal framework, and inhibits Uganda’s immigration services particularly from being able to challenge certain TIP-related offenses at the borders where they may occur.

Although the Ugandan government has conducted a number of national awareness initiatives, the status of the labor laws, and the lack of regulation in high-risk industries, continues to pose significant trafficking risks. The establishment of sufficient minimum wage regulations, particularly sector-based minimum wage regulations, could help to create and/or improve oversight in a number of industries; furthermore, implementation of the Lusaka Declaration’s certification mechanisms would help to provide significant oversight in the Ugandan minerals sector, and thus limit the use of child labor in these sectors.


\[392\] Id.

\[393\] Id.