



# NATIONAL REFERRAL GUIDELINES FOR MANAGEMENT OF VICTIMS OF TRAFFICKING IN UGANDA



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## FOREWORD



Trafficking in persons is a victim-centered crime. The victim is one of the key aspects of the crime of trafficking in persons. The major intention of all the various efforts put in to counter the crime of trafficking in persons is to enable the victim to survive or recover from the nasty end results of the exploitation and abuse suffered in the process of trafficking in persons.

However, Countering trafficking in persons is a complex task that involves several coordinated multiple strategies and also requires multi-sectoral capabilities. The key strategic pillars include establishment of structures and systems to prevent the crime in sustainable ways; to be able to systematically identify victims of human trafficking and provision of their required protection and support; effective investigations and prosecution of the offenders; and functional partnership between the Action players at the national and transnational levels.

The National Referral guidelines have been developed with the aim of providing harmonized processes through which collaborative efforts among concerned stakeholder Governmental authorities, civil society organizations and International organizations are mobilized to respond to information received about human trafficking incidents, put in the required action to identify and rescue or intercept victims of trafficking, provide the required assistance to the affected victims and process the information through the existing criminal justice system to the logical conclusion.

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**General Haji Abubaker Jeje Odongo**

**Minister of Internal Affairs**

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## Acronyms

COPTIP	Coordination Office for Prevention of Trafficking in Persons
CSOs	Civil Society Organizations
FIDA	Federation of Uganda Women Lawyers
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
ILO	International Labour Organization
IOM	International Organization for Migration
IPEC	International Programme on Elimination of Child Labour
MDAs	Ministries Departments and Agencies
NAP	National Action Plan
NDP	National Development Plan
NGO	Non-Government Organization
ODPP	Office of the Director of Public Prosecution
SGBV	Sexual and Gender Based Violence
TiP	Trafficking in Persons
UAERA	Uganda Association of External Recruitment Agencies
UHRC	Uganda Human Rights Commission
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
UYDEL	Uganda Youth Development Link
VOTs	Victim of Trafficking in Persons

## 1.0 INTRODUCTION

### 1.1 What is Trafficking in persons?

**Trafficking in persons** is universally defined as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Exploitation Includes at a minimum, sexual exploitation, forced marriage, child marriage, forced labour, harmful child labour, use of a child in armed conflict, use of a person in illegal activities, debt bondage, slavery or practices similar to slavery or servitude, human sacrifice, the removal of body organs or body parts for sale or for purposes of witchcraft, harmful rituals or practices.

The Ugandan context exploitation at a minimum include sexual exploitation, forced marriage, child marriage, forced labour, harmful child labour, use of a child in armed conflict, use of a person in illegal activities, debt bondage, slavery or practices similar to slavery, human sacrifice and removal of body organs or parts for sale or witchcraft.

Trafficking in persons is a victim centered crime. It is usually detected through identification of a victim and then followed with identification of the suspect(s). The crime of trafficking in persons manifests itself through a series of irregular/criminal activities related to the victim that involve recruitment, transfer, and harbouring of a person for purposes of exploitation, as per the illustration below: -

#### 1.1.1 The 3 major elements of the crime of Trafficking in Persons: -

1. Action or Activity carried out to a person;	- Recruitment, transfer, receipt and retention
2. Means used to recruit, transfer, and or keep a person;	- Deception, fraud, abduction, debt bondage, abuse of vulnerability, etc
3. Purpose of Exploitation;	Forced labour, prostitution of others, child labour, removal of body parts, use in illegal activities,

#### 1.1.2 Who is a Victim of trafficking?

A victim of trafficking is a person who is either in the process of being trafficked or has already been trafficked as per the above-mentioned definition of trafficking in persons. A victim of trafficking can be identified within the national boundaries or in foreign countries. Victims of trafficking can be identified during the process of being recruited at the source place/country or during transit/travel or after reaching the final destination place/country of exploitation.

The consent of a VoT to the actual or intended exploitation, if an adult; or consent of the child's parents /guardians does not deny someone to be classified as a victim of trafficking; where any of the above-mentioned means are used.

## **2.0 BACKGROUND**

### **2.1 Legal and Policy Frameworks**

These Guidelines have been developed in accordance with aspirations of some landmark International and the National legal frameworks, including the following: -

#### **I. *The United Nations (Palermo) Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children of 2000***

This Protocol supplemented the United Nations Convention against transnational Organized crime. It provides for the international definition of the crime and makes recommendations on how to handle the crime including protection of victims of human trafficking, multi-sectoral coordination and sharing of information. Uganda is a signatory to this protocol.

#### **II. Sustainable Development Goals (SDGs)**

The UN 2030 Sustainable Development Goals (SDGs), adopted in 2015, made further recommendations to eradicate all forms of violence against women and girls, including sexual exploitation and forced labour; end modern slavery, all forms of child labour, including recruitment and use of child soldiers;

#### **III. The African Union Ouagadougou Action Plan to combat Trafficking in Human Beings, especially of women and children (2006)**

Committed Governments of the African Union member States to provide specific measures to tackle trafficking in persons in general; and African women and children in particular in line with the provisions of the United Nations Palermo Protocol of 2000; especially in the key areas of protection, prevention, prosecution and partnerships. Uganda is a signatory to this Action plan.

#### **IV. The Prevention of Trafficking in Persons Act 2009**

In October 2009, Uganda enacted the **Prevention of Trafficking in Persons Act (PTIP Act)**, which provides for legal guidance for prosecution and punishment of offenders, prevention of TIP and protection of victims of the crime. The Prevention of trafficking in persons Regulations were gazzeted in 2019 to operationalize the Act.

### **2.2 The General Crime situation of trafficking in persons in Uganda**

#### **2.2.1 Uganda as a Source, transit and Destination Country**

Uganda is a source, transit and destination point for victims of trafficking (Uganda TIP Key documents and resources, 2017). Human trafficking in Uganda takes place both at the national and transnational levels. Human trafficking in Uganda involves both children and adults as victims. Among the victims, the majority are Ugandan nationals, however, there are also a few victims from some foreign Countries rescued/intercepted in Uganda.



### **2.2.2 Key Pull and Push Factors Leading to trafficking in persons**

There are several pull and push factors that have contributed to trafficking in persons in Uganda. They include:- rampant unemployment, poverty, dis-oriented systems of education that produce job seekers rather than job makers, existence of opportunities for work abroad which does not require much skills, hope for a chance of a better education abroad, demand for human body organs, demand for cheap labour, demand for commercial sexual services, burden of supporting big families, belief in witchcraft, archaic traditional practices which encourage child marriages and female genital mutilation, porous borders; and weak or un-streamlined policies relating to labour migration and child protection.

### **2.2.3 Means used for recruitment, transportation and exploitation/abuse of Ugandan Victims of trafficking and other foreign Victims in Uganda**

Most victims are trafficked by means of fraud, deception, debt bondage, abduction and abuse of positions of vulnerability.

### **2.2.4 Forms of Exploitation Experienced by Ugandan Victims**

The most common forms of exploitation are sexual exploitation through forced prostitution, child sex, child marriages and forced/fraudulent marriages; exploitative child labour including domestic work, brick making, scrap collection, street hawking, street begging and farm labour; use of persons in illegal activities such as drug trafficking, petty thefts, rebel/ terrorist activities, and pornography; human sacrifice and forced or fraudulent removal of body organs/parts for medical purposes or harmful rituals and witchcraft purposes.

## **2.3 Existing Intervention Systems and Structures**

National coordinated multi-sectoral response / management systems and structures have been put in place to handle the crime. It involves deliberate actions by some identified key stakeholders among the Government Ministries, Departments and Agencies (MDAs) and some interested Civil Society Organizations (CSOs) plus some International Agencies. The involvement of the respective stakeholders is based on the traditional mandates and functions of the respective Government MDAs and availability of project resources for the CSOs.

The response to trafficking in persons is guided by the key strategic areas of Prevention, Protection, Prosecution and Partnership (4Ps). A number of MDAs have been identified as lead agencies in either of the above mentioned strategic areas. In many instances, there are overlaps in the responsibilities, hence the multi-sectoral approach.

Trafficking in persons being a crime, imposes the lead responsibility to counter it on the Police and Ministry of Internal Affairs. However, there are other key MDAs which play complementary and liaison functions to facilitate effective handling of the crime. I.e.

## Summary of Responsibilities of the Various MDAs

S/no	Strategic area	Lead MDAs	Other Key Collaborative Agencies
1.	Prevention	MoIA	Police, Immigration, MoGLSD, CSOs
2.	Protection	Police	MoIA, MoGLSD, MoFA, Immigration, CSOs
3.	Prosecution	ODPP	Police, ISO, ESO, MoJCA, MoIA, CSOs
4.	Partnership	MoIA	All Stakeholders

### 2.4 Purpose of Establishing National Referral Guidelines

The National Referral Guidelines are aimed at providing harmonized processes through which collaborative efforts among concerned stakeholder Governmental authorities, Civil Society Organizations and International Organizations are mobilized to respond to information received about human trafficking incidents, put in the required action to identify and rescue or intercept victims of trafficking, provide the required assistance to the affected victims and process the information through the existing criminal justice system to the logical conclusion.

These Guidelines shall include protection/assistance services and organized documentation /information sharing. In operational contexts, the Guidelines shall provide a link between individuals with the protection / support related services and those with the criminal investigation function for timely identification of criminals as a way of providing a stop gap to the crime. The Guidelines are also aimed developing linkages for timely and qualitative management of the victim and the related criminal information; thus making all types of protection services available and their providers to be an integral part of the case management approach for incidents of trafficking in persons.

Furthermore, the Guidelines shall provide a framework through which Information concerning a suspected or actual human trafficking incident shall be handled; to ensure quick rescue and appropriate protection / support of the affected victims and professional handling of the criminal investigations to the desired logical conclusion. These guidelines provide stakeholders and partner a standardized approach that ensures appropriate assistance to victims of the crime and systematic management of the related criminal information.

#### 2.4.1 Key Objective

To provide a systematic frame work through which all Ministries, Departments and Agencies (MDAs), and concerned partners involved in handling human trafficking issues in Uganda can ensure that victims of trafficking are properly identified, protected and supported; and the criminal information related to the incidents is appropriately processed to the desired logical conclusion; as provided for under the national legal provisions and related international legal instruments.

### **3.0 GUIDING PRINCIPLES TO PROVISION OF PROTECTION AND ASSISTANCE TO VICTIMS OF TRAFFICKING AND SHARING OF THE RELATED CRIMINAL INFORMATION**

- 1) Acceptance to an act of exploitation by an adult or if a child, by the guardian or parents does not stop someone to be recognized as a victim of trafficking;
- 2) The recruitment, transportation, transfer, harbouring or receipt of a child for purposes of exploitation shall make such a child recognized as a victim of trafficking, without necessarily having to prove the means used;
- 3) An identified victim of trafficking should be protected from prosecution for offences committed in the process of being trafficked and should be provided with the available assistance, in accordance with the assessment of his/her needs;
- 4) Protection and assistance to victims of trafficking can be provided in complementary ways, where a given service provider to whom the victim is referred does not have the full required capacity to offer comprehensive services;
- 5) Information related to the identities of the victim and details of the incident should be handled with uttermost confidentiality;
- 6) The protection and assistance should be provided in a non-discriminatory manner, irrespective of nationality, race/tribe, colour, sex, age, religion, political affiliation or social status;
- 7) In all aspects concerning child victims, the best interest of the child should be the primary consideration;
- 8) No victim should be returned to a place where there are substantial grounds for believing that there is a real risk of irreparable harm to that person

#### 4.0 KEY IMPLEMENTATION STAKEHOLDERS AND THEIR RESPECTIVE RESPONSIBILITIES

Stakeholders	Specific Roles
Ministry of Internal Affairs	<ul style="list-style-type: none"> <li>- Initiate, develop and fast track legal and policy issues;</li> <li>- Coordinate and facilitate the sharing of information related to victim rescue, victim protection and assistance, criminal information and victim reintegration;</li> <li>- Offer temporary care and psychosocial counselling to victims of trafficking;</li> <li>- Coordinate and facilitate the referral process for victims of trafficking to the relevant service providers;</li> <li>- Mobilize stakeholders to ensure victims of trafficking are well protected and supported and the criminal investigations are carried out in professional and effective manner;</li> <li>- Profile all information related to the registered human trafficking incidents and referrals;</li> </ul>
Uganda Police Force	<ul style="list-style-type: none"> <li>- Detection of the crime, Identification and rescue of victims of trafficking;</li> <li>- Provision of physical security for victims of trafficking, where necessary;</li> <li>- Offer temporary care and psychosocial counselling to the rescued victims of trafficking during investigations and prosecutions;</li> <li>- Network with other available service providers to ensure that victims of trafficking get the required protection and assistance during the investigation and prosecution process;</li> <li>- Provide legal protection for victims of trafficking involved in illegal acts during the process of being trafficked;</li> <li>- Carry out criminal investigations and take the required measures to protect and assist the victim during the investigation and prosecution process;</li> <li>- Liaise with the DPP to ensure successful prosecutions of cases of human trafficking;</li> <li>- Mobilize the public on proper identification and protection of victims of trafficking, including labour exploitation, sexual exploitation, child trafficking, human sacrifice, child labour, child marriages, online child sexual exploitation, etc;</li> <li>- Make referrals of victims to the other relevant service providers for the required further protection and assistance;</li> <li>- Profile all information related to the registered human trafficking incidents and referrals;</li> </ul>
Directorate of Citizenship & Immigration Control	<ul style="list-style-type: none"> <li>- Detection of the crime and identification of victims during the processing of Passport applications, registration of citizens by registration and dual citizens, issuance of visas and Work permits, and during clearance of travellers through the Airport and other gazetted border stations;</li> <li>- Provision of legal protection to the identified victims, including foreigners found to be working or staying in Uganda illegally and some Ugandans and other nationalities found in possession of other persons Passports (impersonators) or forged Passports or stamps;</li> <li>- Provision of psychosocial counselling and temporary care for the identified victims while in the hands of Immigration Officers;</li> </ul>

	<ul style="list-style-type: none"> <li>- Make referrals of the victims and the criminal information to the Police and other relevant stakeholders, depending on the assessment of the condition of the victim;</li> <li>- Profile all information related to the registered human trafficking incidents and referrals;</li> </ul>
Ministry of Foreign Affairs	<ul style="list-style-type: none"> <li>- Coordinate the rescue and return of Ugandan victims of trafficking foreign countries in collaboration with other stakeholders;</li> <li>- Liaise with MoIA and other relevant agencies to provide temporary travel documents to victims of trafficking to facilitate their return to Uganda;</li> <li>- Provide temporary care to rescued/intercepted Ugandan victims in foreign Countries;</li> <li>- Liaise with other MDAs to negotiate for bilateral and multi-lateral agreements that ensures legal protection of Ugandan victims of trafficking identified in foreign countries;</li> <li>- Facilitates timely transmission of information between Uganda and other foreign countries related to rescue, protection and assistance to victims of trafficking;</li> <li>- Develop effective Diaspora policy to be able to easily support distressed Ugandans in foreign Countries;</li> <li>- Profile all information related to the registered human trafficking incidents and referrals;</li> </ul>
Ministry of Gender, Labour & Social Development	<ul style="list-style-type: none"> <li>- Develop and share relevant information related to externalization of labour to aid further detection of the crime and identification of victims of trafficking among Ugandans intending to travel abroad for jobs, including those externalized by the licensed recruitment companies;</li> <li>- Develop mechanisms through which Licensed recruitment companies are compelled to provide timely assistance to their clients (Ugandan migrant workers abroad), including psychosocial support, change of employer, medical attention, provision of work protective gears or return to Uganda to minimize incidents of eventual forced labour and sexual exploitation;</li> <li>- Profile complaints of failure to comply with the procedures for externalization of labour by the licensed recruitment companies and liaise with police for investigations and prosecution of issues related to trafficking in persons;</li> <li>- Develop effective monitoring frameworks for Ugandan migrant workers in foreign Countries to enable timely identification, protection and provision of assistance to victims of trafficking;</li> <li>- Enhance supervision and monitoring of children's homes, adult's homes and the process of child fostering and adoption;</li> <li>- Liaise with stakeholders to identify child victims of the various forms of exploitation, including child marriages, female genital mutilation, child sacrifice, etc;</li> <li>- Provide psycho social support to some victims of trafficking through the services of Probation and Social welfare officers;</li> </ul>
Office of the Director of Public Prosecutions	<ul style="list-style-type: none"> <li>- Guides the Court on ensuring the psychological and physical protection of victims of trafficking during the prosecution process;</li> <li>- Guides the Police on the required evidence for successful prosecution and possible awards of damages and compensation to the victim of trafficking;</li> <li>- Guides the Court on evidence that can lead to award of befitting compensation and restitution for the victim of trafficking;</li> </ul>

	- Liaises with the Police and other stakeholders to ensure the required protection and assistance to a victim of trafficking during the prosecution process;
Ministry Education and Sports	- Promotes the Identification of victims of trafficking among the learning institutions and refer them to other service providers for the necessary action
Ministry of Local Government	- Collaborates with other stakeholders, through the local Government structures, to guide the public on how to identify victims of trafficking and link up with the relevant stakeholders for the rescue, provision of support services and final re-integration
Internal Security Organization	- Gathers intelligence related to victim identification and liaises with the Police and other stakeholders to rescue and make referrals for the required assistance
External Security Organization	- Liaises with the Ministry of Foreign Affairs to identify victims of trafficking in foreign countries and carry out the required coordination for the required rescue, protection, temporary care and return of victims back to Uganda
Medical Practitioners	- Offer medical care for victims of trafficking who are rescued while with health challenges, including mental sickness, injuries or harm, pregnancies, and other several sicknesses - Can identify victims of trafficking in the course of their responsibilities and make referrals to the Police and other service providers for further management
Uganda Peoples Defence Forces	- Identify and protect suspected victims of trafficking during combat or preparations for war, especially child soldiers and adults trafficked for use in such illegal activities;
Civil Society Organizations	- Supplement the available Government systems to identify and rescue victims of trafficking and offer some of them with the various assistance, including temporary shelter, medical support, psychosocial counselling, survival empowerment, reintegration, legal aid, skills development and follow up visits; - Make referrals to other relevant stakeholders for services they cannot offer, including criminal investigations & prosecution, physical security and legal protection;
Workers Unions and Organizations	- Identify victims among the various category of Workers during the interactions with members of the various Workers Organizations;
Probation and Welfare Officers	- Liaise with stakeholders to identify child victims of the various forms of exploitation, including child marriages, female genital mutilation, child sacrifice, etc; - Provide psycho social support to some victims of trafficking through the services of Probation and Social welfare officers;
Media	- Sensitize the public on existing trends of the crime and how to avoid the same; how to identify and manage victims and how facilitate timely rescue of victims, good investigations and prosecutions



## **5.0 BASIC REQUIRED ASSISTANCE FOR VICTIMS OF TRAFFICKING**

- Interception or rescue
- Temporary Shelter
- Psychosocial support
- Medical care
- Temporary feeding
- Repatriation of Ugandan victims in foreign countries and foreign victims in Uganda
- Economic empowerment towards re-orientation to normal life
- Skills development opportunities towards re-orientation to sustainable survival
- Recovery of compensations and any civil benefits from the perpetrators
- Physical protection from intimidation and possible retaliation by the traffickers
- Legal Assistance

## **6.0 STANDARD GUIDELINES FOR HANDLING RESCUING OF VICTIMS**

- 1) The first responder or service provider who receives information about a suspected victim of trafficking shall make the required analysis to establish whether the reported person qualifies to be recognized as a victim of trafficking;
- 2) The said first responder or stakeholder service provider shall notify the Coordination Office, through telephone contact, about the report registered, and confirm the available assistance his/her Agency/ Organization can be able to offer;
- 3) The Coordination office shall facilitate flow of information or transfer of the victim for the required referrals, where the first responder or stakeholder service provider does not have the capacity to offer the required assistance;
- 4) The Coordination office shall compile a register of all reports received, including the particulars of the victim, the referrals made and progress of the assistance process;
- 5) In order to be able to maintain proper records on the human trafficking incidents in the Country, all rescues should be registered with the Police which have the right jurisdiction, and shared with the Coordination Office; irrespective of whether the victim is interested in pursuing the criminal justice process or not.

## **7.0 STANDARD GUIDELINES FOR OPERATING SHELTERS FOR VICTIMS OF TRAFFICKING**

One of the key services offered to victims is temporary accommodation, commonly referred to as *Shelter*. The shelters are intended to enable the rescued victim to be offered with temporary care, psychosocial counselling, rehabilitation and preparation for the re-integration. Shelters can be operated by both Government and Non-Government Agencies.

In order to be able to provide systematic quality services to victims of trafficking and for easy monitoring of such shelters the following basic requirements must be observed by organizations operating shelters for victims of trafficking: -

- 1) Must have legal status, either as designated Government facilities, registered Non-Government Organization or Companies, with valid License and Registration Certificate issued by the relevant Government authorities.
- 2) Must be affiliated to the Ministry of Internal Affairs, through a valid Memorandum of Understanding, as Shelter for victims of trafficking.

- 3) Must keep the records of all its activities related to human trafficking victims, and submit monthly reports on the activities carried out to the Coordination Office; indicating particulars of the victims handled, the assistance offered, progress attained by the victim and any referrals made.
- 4) Shall be subject to inspection by the Coordinator Prevention of trafficking in persons or a delegated Officer from Ministry of Internal Affairs;
- 5) Shall observe basic health standards in terms of cleanliness and non-congestion and in a secure environment.
- 6) Should employ relevant qualified staff in the various aspects of victim support including counsellors, social workers, medical workers and trainers in the required skills.
- 7) Should give free access to the victims under care by the Police Investigators and ODPP staff during the investigation and prosecution processes.

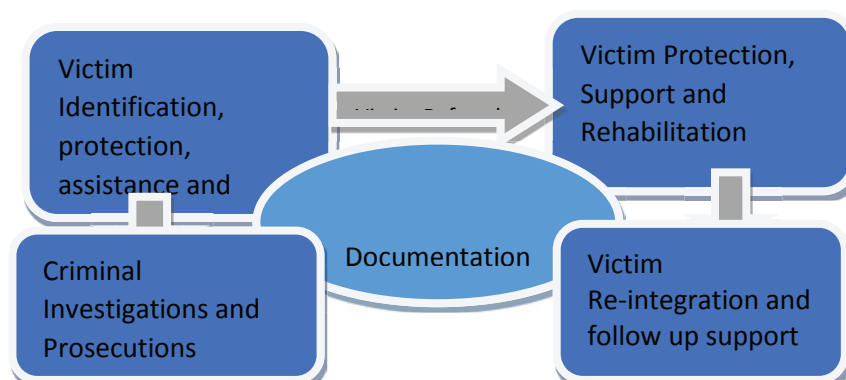
## 8.0 THE REFERRAL PROCESS:

The referral process shall be carried out through 4 major phases which include: -

- 1) Victim identification;
- 2) Victim Protection and Assistance;
- 3) Criminal Investigations
- 4) Victim Re-integration

- The beginning point is for the concerned person to be identified as a victim of human trafficking by the First responder:
- Once someone has been identified as a victim, she/he must be accorded the physical and legal protection, and available basic assistance as assessment of his/her needs is made;
- The first responder if not a Police Officer should report the incident to Police and either refer the victim to Police or the nearest /available service provider for further assistance; If the first responder is a Police Officer, an entry for criminal investigations should be made and refer the victim for the required assistance in accordance with the assessment made;
- The service provider shall provide the required assistance to the victim and arrange to re-integrate the victim at a later stage, in collaboration with the Police.
- The Police where the case is registered shall keep checking on the victim while under the care of the Service provider, during the prosecution and even after the re-integration to make sure that the victim fully recovers from the effects of trafficking

### Flow Chat of the General Referral Process for Victims and Criminal Information



## 8.1 Victim identification;

This refers to the process of analysing the information received and, or **screening and verification** of the individual/group to determine whether the individual/group is a victim of human trafficking or not<sup>1</sup>. Identification of VoTs can be initiated by, either the victims themselves or members of the community, specialized service providers or any concerned person who may consciously or unconsciously provide the information to the first responder. Among the first responders are: - Community leaders, Local councillors, Police Officer, border officials, immigration officers, Labour officers, Intelligence Agencies, Social Welfare Officers, Foreign Embassy Officials, CSOs, etc. The victim identification should be done under two basic considerations, i.e.

- 1) When a person is in the process of being trafficked, i.e. during recruitment, preparation for travel or in transit to the destination place/country, or;
- 2) After the person has already been trafficked and is either under exploitation or has already been exploited and she/he is on the way back home or looking for safety.

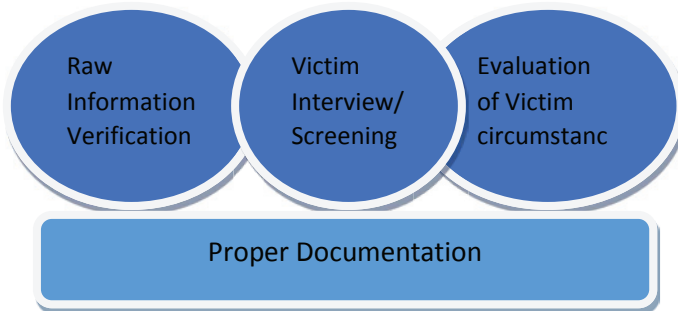
### Description of Characteristics of Victims being trafficked or the Already Trafficked

Characteristics of Victims in the Process of being trafficked	Characteristics of Victims Already trafficked
<ul style="list-style-type: none"> <li>- Some victims are detected while being recruited by illegal recruitment agents for foreign jobs or scholarships or workshops or are found while attempting to travel abroad;</li> <li>- Some victims are made to use forged travel documents, including Immigration stamps and un-gazetted border crossing routes;</li> <li>- Some victims are coached to give false declarations or reasons to the authorities on the purpose for travel;</li> <li>- Some victims have their travel documents kept by the trafficking agents during travel;</li> <li>- Some children are made to travel while in company of strangers or without proper identification documents</li> </ul>	<ul style="list-style-type: none"> <li>- Some people seen, reported or found working under harsh conditions or without protective gears or without pay or when their identification documents have been forcefully, deceptively or fraudulently withheld by the employer;</li> <li>- Some people who report to have been tricked or forced to take up jobs which are different from what they were promised;</li> <li>- Persons forced, deceptively or fraudulently made to get involved in illegal activities, such as rebel/terrorist activities, drug trafficking, etc, for the benefit of others, without their own free will;</li> <li>- Persons made to have sexual acts or relationships with others, through forceful or fraudulent means without their own free will, either as wives, prostitutes, sex tourists or objects for pornography</li> <li>- Individuals or travellers seen with signs of torture, mental sickness and underfeeding or missing body parts / organs;</li> <li>- Returned dead bodies found with missing body parts/ organs or with signs of torture</li> </ul>

## 8.2 The Process of Identifying a Victim of Trafficking

The process of identifying a victim of trafficking involves making analysis of the information received, interview of the potential victim and evaluation the circumstances the suspected person has been found in. It is recommended that proper documentation should be made during the three phases: -

### Illustration of the Victim Identification Chain:



### Victim Identification Process

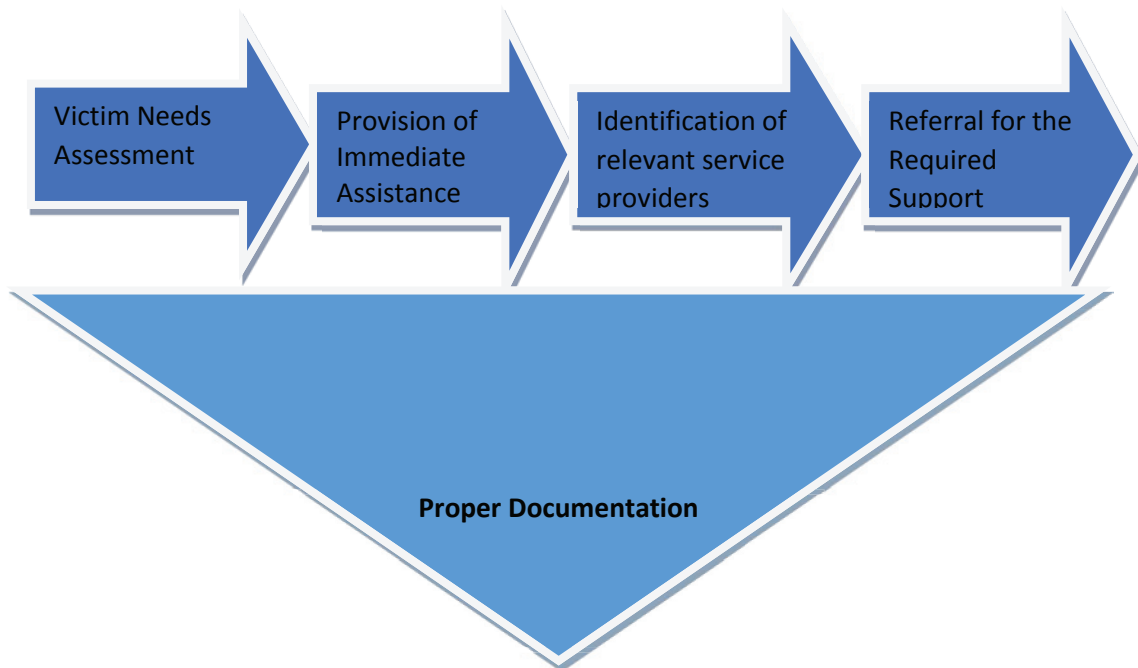
1. Information verification or behavior analysis of suspicious persons;
2. Interview of the suspected victim;
3. Evaluation of the information to identify the key elements of the crime;
4. Proper documentation of information received and action carried out.

## 8.3 Recommended Process for Management of Identified Victims of Trafficking

The Action Officer or First Responder: -

- i. Should make assessment of the needs of the identified victim, including psychological, welfare, gender, social, medical, physical needs, etc.
- ii. Provide immediate protection and support to the victim, depending on the mandates and available services;
- iii. Identify the available service providers with the capabilities to support the victim;
- iv. Make referral of the victim to the relevant service providers for appropriate support;
- v. Correctly document the information received as per the Referral Form;

### 8.3.1 Illustration of the Process for management of the Identified Victim of Trafficking



### 8.4 Victim Protection

Victim Protection includes the following elements: -

- a) Legal recognition of a victim from criminal liability or forced repatriation;
- b) Physical security protection of the victim, where necessary;
- c) Organized repatriation of a victim of transnational trafficking, where applicable;
- d) Systematic provision of life-saving and essential services including psycho social counselling, temporary shelter and accommodation, water, sanitation, and hygiene, food and nutrition, safety, healthcare;
- e) Rehabilitation of a victim including provision of education, vocational and livelihoods training, securing employment, and income generation capabilities.

The rights and services provided to victims of trafficking shall be offered by identified stakeholders in Government with the mandates and functions; and Civil Society Organizations and International Agencies with running projects;

Where the concerned victim is rescued or intercepted in a foreign Country, the Ugandan embassy in the concerned Country should take it up with such country to ensure that such victim is accorded the required protection as per International Standards.

It should be noted that according to the international human rights concept of non-refoulment, no victim should be returned to a place where there are substantial grounds for believing that there is a real risk of irreparable harm to that person.

## **8.5 Victim Reintegration**

After enabling the victim to recover from the trauma of being trafficked through provision of the above mentioned temporary support, a victim is finally helped to get re-integrated into his/her family and community at large. This is done through an elaborate process by the service provider; which include preparatory counselling of both the victim and his/her family/ community before the victim is finally reunified with the family.

## **8.6 Follow up of the re-integrated victims**

Systematic arrangements are made to monitor the victim after re-integration by the re-integration Agency to make sure that she/he fits in that environment; and where necessary further rehabilitation and counselling of him/her is carried out before another phase of re-integration and monitoring is carried out.

## **9.0 REFERRAL OF INFORMATION OF THE CRIMINAL INVESTIGATIONS**

- Any person who has information related to trafficking in persons or believes that any person is being trafficked or may be trafficked or has been trafficked, shall immediately report the matter to any nearby first responder, including a Police Officer, Local Counsellor, Social Worker or any other security officer for registration of the case for investigations;
- The First Responders shall make reports of suspected human trafficking incidents to the nearest Police Station/ Post of area Officer in Charge of CID; for opening up of criminal case files and carrying out criminal investigations to the logical conclusions;
- The Police Station/Post Officers in Charge CID shall submit returns of the human trafficking reports registered, using the designated Referral Form, to the respective District/Divisional CID Officers for the necessary supervision;
- The Police Divisional/District CID Officers shall submit copies of the reports received to the CID Headquarters and Coordination Office for monitoring and necessary guidance;
- The Investigating Officers shall liaise with the Resident State Attorneys within their respective jurisdictions to carry out the investigations to the logical conclusions;
- The Coordination Office shall register the information received in the National Data bank and make the required follow up of the investigations up to the logical conclusion;
- The first priority of the investigations should be to enable timely rescue and sufficient protection of victims of trafficking, through the existing systems for protection of victims;
- The Police investigators and State Attorneys shall ensure that the victim's human rights and protection requirements are observed during the investigation and prosecution processes;



## **9.1 The Basics of Case Management of Human Trafficking Investigations:**

- i. The respective Officer in charge CID shall assign an officer to carry out investigations of a registered report of human trafficking;
- ii. The assigned Investigating Officer (IO) shall ascertain whether the person concerned (victim) has been rescued/intercepted or not and if not, the officer shall take the necessary steps to rescue/intercept the victim;
- iii. The IO shall go through the process of identifying the needs of the victim; take immediate steps to offer whatever assistance is available and make arrangements to refer the victim to a suitable service provider for further protection and assistance;
- iv. To ensure confidentiality of the information related to the incident, the IO shall ensure that the interview with the victim takes place in a safe and conducive environment with the victim's informed consent; and in case of a child the interview should be taken in the presence of a parent or guardian or a social worker;

## **10.0 GENERAL GUIDELINES FOR INTERCEPTION, RESCUE OF VICTIMS OF TRAFFICKING WITHIN UGANDA**

Upon establishing that there is a suspected or potential or actual victim of trafficking, the first responder should take possible immediate action to rescue/intercept the victim and report to the nearest Police station. If the victim is not yet rescued, the Police Officer who receives the information shall liaise with the relevant Police Departments and other MDAs to immediately take action to intercept or rescue the concerned victims and arrest the implicated suspects. The rescue and interception shall be made in full observance of the rights of the victims and suspects.

## **11.0 GENERAL GUIDELINES FOR INTERCEPTION AND RESCUE OF UGANDAN VICTIMS OF TRAFFICKING OUTSIDE UGANDA**

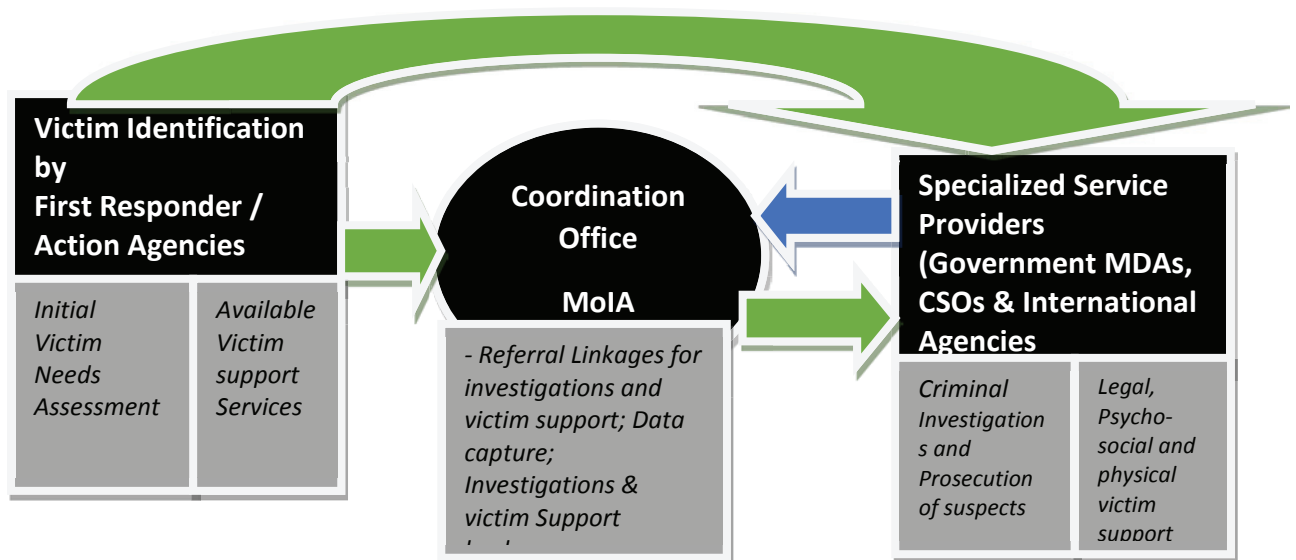
- Incidents of suspected human trafficking involving a Ugandan national in a foreign Country can be reported either directly to the concerned Ugandan foreign Embassy or to any of the Ugandan authorities in Uganda.
- All such information, if not directly reported to the Ugandan foreign Embassy, should be passed over to the concerned Embassy, through the Coordination Office at Ministry of Internal Affairs for onward transmission to the Ministry of Foreign Affairs and INTERPOL for the necessary follow up;
- Upon receipt of the report, the concerned Ugandan Embassy and INTERPOL shall immediately notify the authorities of the concerned foreign Country with a request to intercept and rescue the Ugandan victim;
- The Uganda Mission shall liaise with the concerned authorities in Uganda, including Ministry of Internal Affairs, Police, Immigration or Ministry of Gender, Labour & Social Development; to provide to the concerned foreign Countries all the required information to facilitate the repatriation of the victim;
- The Coordination Office for prevention of trafficking in persons shall liaise with the relevant partners in Uganda and abroad to facilitate the quick return of the Ugandan victim and further investigations of the indices.

## 12.0 GENERAL GUIDELINES FOR HANDLING OF A CASE WHEN A UGANDAN VICTIM OF TRAFFICKING DIES FROM A FOREIGN COUNTRY

- i. The Ministry of Foreign Affairs takes the lead to manage the issue in the Country where the Ugandan dies from in collaboration with the Ministry of Internal Affairs and Ministry of Gender Labour and Social Development;
- ii. The PTIP Coordination office at the Ministry of Internal Affairs coordinates the Exchange of information between the Ministry of Foreign Affairs and Gender Labour & Social Development;
- iii. The PTIP Coordination Office at the Ministry of Internal Affairs makes a communication to the Police for opening up of a criminal Case file;
- iv. The Police shall carry out investigations to the logical conclusions and take the required action.

## 13.0 THE REFERRAL SCENARIOS

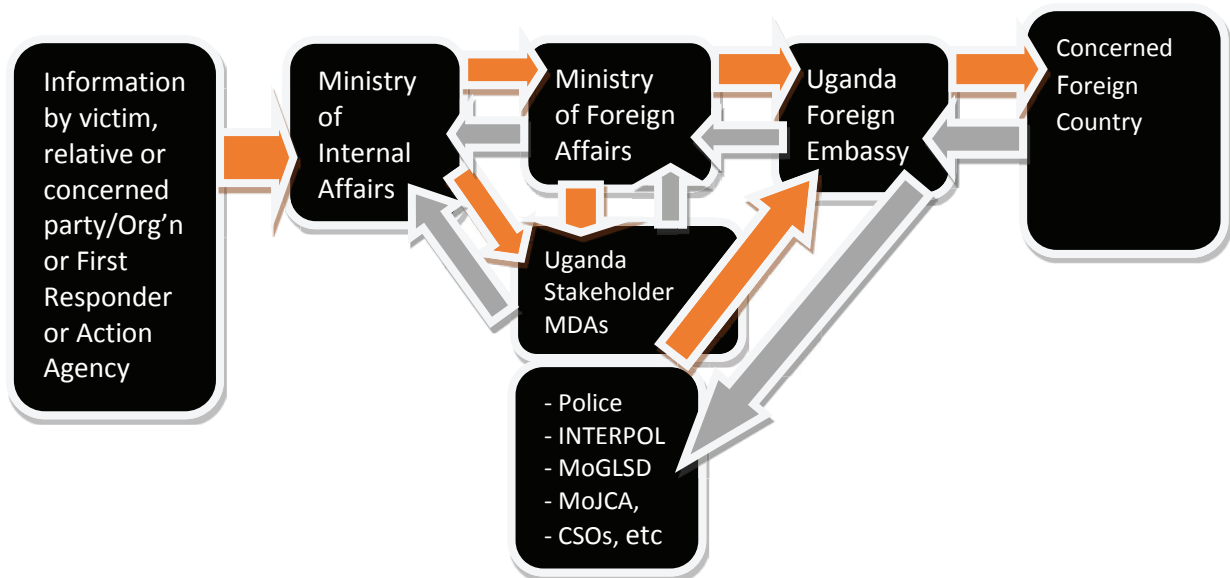
### 13.1 General Referral Process for Victims of Trafficking Identified within Uganda



- a. All information related to trafficking in persons registered by the Action Agencies or First responders should be communicated to the Coordination Office for prevention of trafficking in Persons, Ministry of Internal Affairs, for onward sharing with the concerned stakeholder MDAs for the necessary action including victim rescue/interception, protection, provision of protection and criminal investigations;
- b. Alternatively, Action Agencies or First Responders may also directly refer victims to the known service providers for the required assistance which they cannot provide; and alert the Police and the Coordination Office for investigations and data capture;
- c. Where the Information is first passed on to the Coordination Office, the Coordinator shall identify the relevant available service provider to offer the required support and shall liaise with the Police which have the relevant jurisdiction to open up criminal investigations related to the registered incident;

- d. The Coordination Office shall maintain a register of the registered incidents and keep track of the referred victims and cases; and update the national records accordingly;

### 13.2 General Referral Process for Incidences Involving Victims in Foreign Countries



- i. The public shall be guided to pass over information related to trafficking in persons to the nearest Ugandan Embassy in the concerned foreign Country or Ministry of Internal Affairs in Kampala or any other law enforcement Government Agency, concerned Civil Society Organizations or International Agencies;
- ii. All the Action Agencies or First responders who receive such information should immediately inform the Ministry of Internal Affairs for activation of the national referral process for rescuing the victim(s) and for national record purposes for further tracking;
- iii. The Ministry of Internal Affairs makes referral of the information to the concerned action agencies and service providers for opening up criminal investigations and provision of the required assistance to the victim;
- iv. The Ministry of Internal Affairs further liaises with the concerned national authorities and parties to ensure timely repatriation of the victim(s) and prosecution of the offenders involved;
- v. The Ministry of Foreign Affairs and INTERPOL shall be the main link between the Ugandan authorities and that of the foreign Countries where the Ugandan victim could have been identified or where a victim from a foreign Country has been identified in Uganda.

## Appendices

### Appendix 1: Human Trafficking Victim and Information Referral Form

#### Particulars of the Victim

Names; \_\_\_\_\_ Sex \_\_\_\_\_ Age \_\_\_\_\_

\_\_\_\_\_

Known home address/ place of residence / occupation

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Particulars of parents / guardian, if a child

\_\_\_\_\_

What are the immediate needs of the victim/ Reason for referral?

\_\_\_\_\_

\_\_\_\_\_

What assistance has been offered to the victim so far?

\_\_\_\_\_

#### Nature of Complaint / Report

Date and place of registration of the report/complaint

\_\_\_\_\_

Suspected Form of trafficking (*Sexual or Labour exploitation / use in illegal activities/human sacrifice/etc.*)

\_\_\_\_\_

Place and date of recruitment (*village, district, country*)

\_\_\_\_\_

Place or country

of transit \_\_\_\_\_

Place / Country of intended or actual destination

\_\_\_\_\_

Particulars of the reporter (names, telephone contact, occupation, place of residence) , if not by Victim

\_\_\_\_\_

\_\_\_\_\_

**Particulars of the Suspect(s)**

Names, age, sex, telephone contact, occupation, place of residence/business & relationship with the victim, if known

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**Particulars of Agency making Referral**

Names and Address of

Organization\_\_\_\_\_

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**Names of the responsible Officer making the referral**

\_\_\_\_\_signature.....

**Acknowledgement of the Service Provider Referred to:**

Name of the Organization:

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Date of receipt of the Victim /

Information\_\_\_\_\_

Names, Designation and Signature of the receiving

Officer\_\_\_\_\_

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**Distribution List:**

- i. Agency making referral,
- ii. Service provider referred to
- iii. Coordination Office

NB: Any additional information and relevant documents to be attached to the Form.









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