The phenomenon of human trafficking is of global concern. Kenya and Uganda have experienced a considerable increase in the number of people affected by this illegal activity. The Kenya Uganda border is peaceful and much attention has not been focussed here leading to the proliferation of illegal groups which conduct their unscrupulous businesses unperturbed. Whereas some of the traffickers target the two countries as destinations, most of them use them as transit routes to Asian and European countries where demand for labour and prostitutes is high. This article also reveals some new forms of trafficking which have never been investigated including targeting mental institutions, schools and religious organisations. It also brings out the fact that most studies...
have focussed on women forgetting that men are just as vulnerable considering new trends of homosexuality. Cross border immigration management challenges at the Kenya-Uganda border have over the years led to the escalation of this vice. The major challenges are corruption among immigration officials, porosity of the border and the context of the East African Community which allows for free passage of nationals of the two countries. The immigration policies in Kenya and Uganda are yet to be effective in curbing human trafficking between Kenya Uganda. This article endeavours to bring out the issues affecting the Kenya Uganda immigration policies which lead to challenges in immigration management at the Kenya Uganda border. The principal objective of this article is to propose an immigration policy formulated by the two countries in coordination. The article proposes a policy formulated with regard to emerging issues such as human trafficking. This policy should have an international dimension by emulating those of developed countries such as America, Italy, German, France and Europe which have faced the same challenges. The article acknowledges the fact that countries are sovereign states but also recognises that with globalisation turning the world into a global village, new methods of combating crime should be implemented. Furthermore, the article suggests the coordination of all government bodies dealing with immigration instead of working as independent entities yet they handle the same issues and for immigration departments to have regular statistics and a strong management and data be digitalised for ease of access. The general objective of this article is to examine cross border immigration challenges contributing to human trafficking between Kenya and Uganda. Specifically, it seeks to analyse the nature and significance of immigration in cross border interaction between Kenya and Uganda. The objectives of the study is to assess the character of cross border interaction among cross border communities living in Kenya and Uganda, to evaluate the nature of human trafficking in cross border interaction between Kenya and Uganda and to evaluate immigration management strategies employed in management of human trafficking between Kenya and Uganda. The study is justified to the extent that it will influence policy on cross border migration and the problem of human trafficking by yielding guidelines that will be used by policy makers locally and internationally in formulating a policy on cross border immigration. It will also be beneficial to the governments of the two countries as it will propose policies which will be effective in preventing human and labour violation. Academically, it will enrich discourse on cross border migration and human trafficking by integrating informal cross border immigration into the debate. The research revealed that there are many challenges facing the immigration departments of both Kenya and Uganda. The major ones are corruption, porosity of the border and the context of the East African Community. Based on the findings, the main recommendations are to have a policy coordinated by the two countries, coordination of the various department of immigration.
1. Introduction

Human trafficking is a phenomenon that is proliferating on a global scale. The US-Mexico border presents a distinct set of challenges for combating human trafficking. The involuntary transport of human beings in order to exploit their labour or sexuality is nothing new. Yet conditions in the current era of globalization, regional integration, growing economic inequalities within and among nations, increasing flow of labour products across national borders and the growth of informal economic and organised criminal network are causing it to proliferate on a global scale (Farr, 2005). Human trafficking is flourishing along the US-Mexico border despite the stringent attempts by the US government to police and control the nation’s border (Pizarro, 2002).

The American economy has always relied on the Mexican labour in its fields and factories. When economic boom or war related labour shortages have increased, immigration policies have softened to attract foreign labour in the US, while with economic down turns leading to excess labour supply, there has been more restrictive immigration policy (Farr, 2005). The Mexican economy, unable to provide enough jobs for its growing population, has traditionally depended on the wages earned in the US.

Countries find it hard to put restrictive policies on human trafficking since, just like with drugs, weapons and pornography, this might promote the rise of gang violence to protect each other. For this reason, most governments would rather keep quiet on this very disturbing issue. The United States is widely regarded as a destination country for trafficking IN persons, yet the exact number of human trafficking victims with the US has remained underestimated since the passing of the Trafficking Victims Protection Act (TVPA) in 2006 (Esohe, 2005).

In Western and Central Africa, victims of human trafficking are generally women and children who live in hardship conditions of vulnerability. Armed conflict, socio-political instability, bad governance, environmental stress and disaster drastically increase the vulnerability of children to trafficking for a variety of exploitative purposes including recruitment and abuse in situations of armed conflict and war. The main destinations outside the region are Western Europe, Southern Africa and the Middle East (Esohe, 2005).

It is estimated that there are between 25,000 and 75,000 women and children sold into prostitution in Italy. The main country of origin is Nigeria. Trafficking of Nigerian women into Italy for prostitution started in the second half of 1980s following the increasing economic difficulties caused by the structural adjustment programs imposed by the Nigerian government on order of the IMF. A number of those who came in the early period ended up as Madams who were later to perpetuate the trade and to become exploiters of fellow country women (Esohe, 2005). The Nigerian girls are made to believe that they are being sponsored to go and work in Italy. When they reach there, they meet with the harshness of the situation and are forced into prostitution. Nigerian trafficking is characterised by a debt bondage scheme where victims trafficked to Eastern Europe are forced to pay back inflated smuggling fees (Esohe, 2005).

East Africa has experienced considerable progress towards sustainable development over the last year, but at the same time, the economic crisis, on-going extreme poverty and inequality, climatic changes and a continuous threat of escalating violence and conflict in the region have continued to threaten East Africa’s progress, and provide a fertile ground for the twin threat of organised crime and human and drug trafficking to flourish (Adepoju, 2005).

The prospect of better living conditions elsewhere is most frequently the motivating factor for trafficking in persons and migrant smuggling. The major areas of irregular migration important for consideration are: trafficking in persons and the smuggling of migrants. Smuggling of migrants...
involves consent by the migrant to the smuggling process, and their relations with the smuggler terminates once they arrive at their intended destination while trafficking in persons involves an operation whereby there is no consent or the initial consent is nullified by means used by the trafficker to gain control over the victim; such as deception and violence. There have also been increased cases of human trafficking between Kenya and Somalia (Adepoju, 2005).

Human trafficking between Kenya and Uganda is mainly for labour and prostitution though there may be other reasons such as prospects for better living in a country deemed to have cheaper living standards, or even for business (Mallya, 2003). The escalation of insecurity in the towns near the Kenya and Uganda border leaves no doubt that illegal immigration has a negative effect on a country. The most recent case was reported in the media about a man who was kidnapped and later rescued by the Kenyan government (Mallya, 2009). In Uganda children are trafficked into armed conflict and all countries in East Africa have been identified as sources. African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN) child labour program has encountered many cases of children being moved from their rural homes in Uganda to serve as domestic workers in major cities in Kenya. Large numbers of children also work in brothel-like conditions in major urban centres in Kenya. Tanzania leads in the trafficking of children from rural to urban areas for prostitution (Mallya, 2009). Inter country adoption and employment bureaus are also emerging as new channels for trafficking of persons. The specific offence of trafficking in persons does not exist in the legislation of both Kenya and Uganda but in Kenya draft legislation was under consideration in the assembly in May 2008. An anti-human trafficking unit was created within the national police to combat trafficking in persons. In Uganda, the draft trafficking in persons act contains clauses in section 23 providing for the creation of a specialised law enforcement agency for the prohibition of trafficking in persons (Mallya, 2003).

2. Cross Border Immigration

The study of immigration is becoming increasingly relevant especially in the context of regional integration in East Africa. Different countries have different immigration policies and this has become a challenge in combating human trafficking which is an international phenomenon. There are increasing undocumented reports on the media of people being rescued from traffickers. The International Labour Organisation estimates that 20.9 million people are victims of forced labour globally. This estimate includes victims of human trafficking for labour and sexual exploitation (Kangaspunta, 2008). Better understanding of Kenya’s and Uganda’s immigration policies is vital not only for the sake of research but also for actual formulation of policies that take into consideration the changing trends of immigration patterns.

Immigration is the process of entering a country from another to take up new residence (Kerr, 2011). Proponents of immigration from Europe argue that the whole system of immigration policies is unpleasant. They argue that the British people should welcome immigration in order to offset the decrease in population caused by low birth rate. They add that immigration means lower taxes for the existing population because immigrants pay more taxes than they receive in government expenditure (Kerr, 2011). They maintain that according to article 13 of the universal declaration of human rights, everyone has the right to leave or to enter a country.

Opponents on the other hand argue that treatment of immigrants in host countries by the government, employers and native population is a topic of continuous discussion. International immigration is a reality that will persist as long as there are differences in wealth and development between the various regions of the world. It is consequently important that each state takes account...
of other states’ interests when designing and implementing its immigration, integration and asylum policy (CEU, 2008). European Union member states have sought, for twenty years, to bring their immigration policies together through abolition of internal border control across most of Europe, adoption of a common visa policy, harmonisation of external border control and asylum standard alignment of certain conditions of legal immigration, cooperation in controlling illegal immigration, establishment of the Frontex of border agency and setting up of dedicated funds for solidarity between member states (CEU, 2008).

Immigration policies are needed by states to guide them on entry of immigrants across the political boundaries. In the United States, the immigration policy, which is one of the oldest in the world, serves to reunite families by admitting immigrants who already have family members living in the United States (Koslowsky, 2011). It also seeks to admit workers with specific skills to fill positions in occupations deemed to be experiencing labour shortages. Thirdly, it attempts to provide a refuge for people who face the risk of political, religious and racial persecutions. Finally, it seeks to ensure diversity by providing admission to people from countries with historically low rates of immigration to the United States (Hanson, 2008). Barack Obama, like George Bush and countless other American presidents before him, has declared that the American immigration system is broken and needs an overhaul. Former president George Bush, in his second term, focussed on enforcement initiative and temporary worker programme. Obama was intent on giving illegal immigrants a path to legal residence (Hanson, 2008).

Most recent policies are seen as a response to failed federal immigration policies. Federal efforts over the past years have focussed on border enforcement but this alone is not adequate to solve the problem of illegal immigration (Johnson and Hill, 2011). The brain drain is strong in small countries that are close to major Organisations for Economic Cooperation and Development (OECD) regions that share colonial links with OECD countries that send most of their migrants to countries with quality selective immigration programmes. The brain drain increases with political instability and the degree of fractionalisation at origin and decreases with native human capital (Docquier et al, 2007).

Until recently, the immigration of health care workers has not been studied extensively. Research undertaken by World Health Organisation (WHO) in 1970 found out that 6% of physician and 5% of nurses from developed countries were living outside their country of birth. They admitted that it was difficult to obtain reliable quantitative and qualitative data on the effect of migration on people (Stillwell et al, 2006). In the United States, medical education policy has been built around the expectation that if too few physicians were produced, additional ones would be available from other less developed countries. The reality is that the medical education infrastructure in the United States is yet to respond to the projected need for the future. Also the less developed countries have growing needs for English speaking physicians. This has led to the deepening shortage of doctors and nurses in the United States (Cooper, 2005).

The movement of people across international borders is an important policy issue for national governments. The most recent trend in immigration policy is short term immigration which started after the oil crisis of 1973-1974 to date. In Germany, United Kingdom, Netherlands and Switzerland, anti-immigration policies have become more severe, creating a paradox where by the ability to control immigration has shrunk as the desire to do so increases. The consequences of tightening the entry restrictions have seen an increase in the number of people seeking other means to enter developed countries. The United States, on the other hand, has liberal pretention, their only argument concerning restrictive immigration being based on national security (Castle and Miller, 2003).
Recent years have witnessed a gradual increase in the smuggling of migrants and trafficking in humans to and from Africa as well as within the continent. The exploitative nature of the treatment of the victims of trafficking often amounts to a new form of slavery. Many countries find it difficult to control the smuggling of human beings because they do not have the effective policies to combat trafficking in human beings. Moreover, they lack the capacity to respond adequately as there are no national legislations with regulations to deal with the problem. The general public is insufficiently aware of trafficking in human beings in all its aspects, the extent to which organised criminal groups are involved in trafficking in human beings and the fate of its victims (Adepoju, 2005). The police in developed countries may be restrictive, but they also recognise the need for skilled immigrants and this poses a great dilemma to the restrictive nature of most policies. It can, therefore, be argued that this restrictive nature of immigration policies, the search for better working and living conditions are what have given birth to human trafficking (Castle and Miller, 2003).

The Immigration Act cap 172 of the laws of Kenya specifies the law on immigration. The department of immigration has the function of issuing travel documents to citizens, control of entry of non-citizens into Kenya, granting citizenship to non-Kenians, regulation of employment of non-Kenians, legislation and monitoring of movement of non-Kenians within the country, managing all port entries and Investigating and prosecuting all offences committed under the immigration law (KLR, 2010). There is, however, lack of provision in the immigration act to deal with human trafficking and Kenya continues to serve as a factory for forged passports and a conduit for smuggling of persons to other destinations. The immigration department suffers from forgeries of foreign travel documents, shortage of staff, long distance between ports of entry, frivolous application of work permits, abuse of provision of renewal of permits and inadequate funding (Ringera, 2007). The minister for immigration and the immigration officers have too much power conferred on them and the minister can consider all applications without assigning any reason for refusal of an application. Similarly, immigration officers have immunities conferred by law on police officers for purposes of investigation. (Ringera, 2007). The existing immigration laws do not address emerging issues such as trafficking. The act has not developed a code of conduct and ethics for the immigration officers and other members of staff. The immigration department has an online computerised system referred to as Personal Identification Secure Comparison and Evaluation System (PISCES) at Jomo Kenyatta International Airport for checking passport and prohibited immigrants. However, this system is yet to be installed at the border points (Ringera, 2007). Uganda is a signatory of the UN trafficking protocol while Kenya is not. In Uganda, no effort has been made to domesticate the UN protocol into national legislation (Ringera, 2007).

A large number of Kenyan students, approximately 32,000, school in Uganda’s colleges, schools and universities. A vast majority of these graduates remain in Uganda in search of homes, employment or business opportunities. Large organisations like banks have branches all over East Africa and they move their workers all over this region and this contributes to cross border immigration between Kenya and Uganda. Some regional organisations like the East African Assembly and the East African Community have also contributed to this immigration by employing people from all five members of the East African Community. In East Africa there is also forced migration due to political events that have happened to shape global economies and politics. During the Idi Amin regime in Uganda in 1972, many Ugandans moved to escape violence. Also Asians were deported back to their country but some escaped to neighbouring Kenya and Sudan (Ringera, 2007).
2.1 Cross Border Immigration Management Challenges

Cross border immigration management challenges have affected the process of immigration at many border points including those of developed countries such as USA, Mexico, Germany, France and Italy. Scholars and policy makers have made significant contribution towards this problem as far as human trafficking is concerned. Policy makers in developed countries have linked international crimes to immigration challenges (Annette, 2012). America’s border has been highly porous because of its length and the fact that it is not tightly defended until recent years when it has received attacks from Islamic extremists. Despite the scholarly effort by international scholars, these challenges have been ignored in developing countries such as Kenya and Uganda. Regional integration has been encouraged in East Africa but with the risk of giving rise to cross border crimes which need consolidated solutions from the countries involved.

In Kenya, visas for nationals from countries suspected to engage in unscrupulous activities are sought and obtained from abroad (Kenya Visa Regulation, 2010). In the neighbouring countries such visas are obtained at the port of entry. This makes it possible for aliens to evade these stringent measures in Kenya and pass through another country like Uganda then enter Kenya using illegal crossings called “panya routes” and conduct their businesses. The people engaging in illegal businesses work in collaboration with corrupt immigration, beach management and border patrol officials in order to smuggle victims in and out of a country. This revelation reinforces the principal objective of this study which is to examine cross border immigration challenges between Kenya and Uganda. The border management officials have a monopoly as far as cross border activities are concerned and through corrupt means they engage in activities which allow illegal entry into Kenya and Uganda. Corruption, illegal migration and human trafficking go together and as long as one in present the others must be taking place albeit underground.

The governments of Kenya and Uganda have not been keen on pushing for the implementation of laws against corruption. This has left gaps for criminal groups to thrive and carry out their activities under the very noses cross border immigration officials. The two states have used ancient methods to find illegal immigrants and deport them back to their countries (Ortung, 2013).

The technological aspect at the border between Kenya and Uganda is not up to date. According to Ortung (2013), the two governments are busy building roads and engaging the fastest means of communication while totally ignoring technology at the border. This has made the border porous and people use illegal routes to conduct criminal activities across the border. Criminal groups have invested in cross border illegalities and are at the same time taking advantage of the advanced means of transport and communication to carry out their plans. This is a gap that has led to the rise in human trafficking especially at border towns.

Article 17 of the Pact on Security, Stability and Development of the Great Lakes Region signed by member states which included Uganda and Kenya between 14th and 15 December 2006 spelt out key areas of integration which included promotion of joint management of security of common borders, promoting, maintaining and enhancing cooperation in the field of peace, conflict prevention and peaceful settlement of disputes, promotion of inter-state cooperation on general security issues which include combating of illegal proliferation of small arms and prevention and combating of organised transnational criminal activities (IC/GLR,2006). The areas are in line with the objectives of this study. Members of the signatory states committed themselves to an annual regional conference to be chaired on rational basis to share ideas and experiences from all institutional organisations from the member states (IC/GLR, 2006).
Part of the Memorandum of Understanding included community participation in counter trafficking strategy. This is in line with the conclusion drawn from this study which suggests that grass root participation by cross border community members in the fight against human trafficking is key in combating this crime. This is important because the perpetrators of these crimes live among the community members and also some community members engage in these illegal activities. If community members are kept at bay they develop resentment and resistance for any government initiative and end up siding with criminals who work hand in hand with them.

Local opinion leaders are also important and should be empowered to conduct cross border consultation with border communities. This way they can be able to monitor and report any illegal cross border activities because government officials might not have the capacity to do so especially at illegal crossings.

2.2 Human Trafficking

This is the recruitment, transportation, transfer, harbouring or receiving of persons by means of threats or use of force or other forms of coercion or abduction, fraud, deception or abuse of power or of a position of vulnerability. The four major types of human trafficking are: payment of money to the relatives of the victim so as to hand over the person, bonded placement of victims as reimbursement for debt, placement for a token sum for a specified duration, as gift items or enrolment for a fee by an agent at the request of the caretaker (Veil, 1998). For the purpose of this study, human trafficking has been taken as any form of migration especially across the border using an agent with the prospect of better life on the other side. In this context, human trafficking also refers to movement of persons across the Kenya-Uganda border with or without the help of an agent. The transatlantic slave trade involved the movement of Africans to America from the 17th century to the 19th century and it was the second largest trans-oceanic migration. Slaves were physically transshipped over considerable distances. Slaves brought by the Dutch Curacao and by the English to Jamaica were transshipped to Cartagena, Portobello and other Spanish colonies (Ball, 2000).

The Trans Saharan slave trade was between North Africa and Sub-Saharan Africa. It began with the start of the Trans Saharan caravan trade route and the introduction of the camel in the 7th century. Extending from the Sub Saharan West African kingdom and across the Sahara desert to Europe, the trade route connected many African empires like Ghana, Mali and Sahara to the European world (Muhammad, 2000). The Eastern Africa Coast slave trade was first centred on Zanzibar and later developed to Eastern Africa and the entire coastal region before early 18th century. In the same period, the Omani Arabs imposed their sovereignty on Zanzibar and progressively took over the entire Coast (Vernet, 2000). For ethical reasons, France, Great Britain, Netherlands, Scandinavia, Sweden, Denmark, Germany and other countries that authorised slave trade adopted an ideology that slaves were incapable of ruling themselves and hence needed Europeans to govern them (Vernet, 2000). For this reason, some countries justify human trafficking yet clearly most African countries have proved themselves capable of governing themselves.

Although slavery was formally abolished from the world, the trade of humans continues to date. Rough estimates suggest that between 700,000 to 2 million women are trafficked across international borders annually (Brunch, 2004). Trafficking in persons is dynamic, adaptable and opportunistic. It can either be internal or cross border. It takes advantage of conflicts, humanitarian disasters and the vulnerability of the persons in situation crisis. It is multi-disciplinary and involves a wide range of actors. The national actors include the government, media, Non-Governmental Organisations (NGO), Civil Society Organisations (CSO), health and public service, government agencies such as...
law enforcement, judiciary and immigration and the private sector. International actors are the United Nations Agency System, Multi-lateral development banks such as African Development Bank (ADB), International Development Bank (IDB) and Interpol. Much as there are actors who should be responsible for human trafficking, this vice has gone on unnoticed for a long time. Perhaps it is because of the fact that most victims enter into an agreement only to discover later that the terms are not what they had expected. The immigration policy in most countries deals majorly with formal and informal immigrants and totally ignores this disturbing issue of human trafficking. For this reason, any issue regarding human safety can only be dealt with once it reaches catastrophic levels (UNGIFT Report, 2008).

The trend is that it normally takes place within border towns and the victims of traffickers are predominantly women and children (UNGIFT Report, 2008). Children are trafficked for labour while women are sexually exploited. The movement is mostly from rural to urban areas or from poor countries to ones that are economically stable (UNGIFT 2008). Little has been mentioned on male victims of trafficking and one is left to wonder whether they are silent sufferers or are largely not affected. If that is the case, then a lot of research needs to be put in place to find out about male victims of trafficking. With the changing role of men in the society, there is a possibility that men have been ignored while they suffer in silence. If that is the case then a lot need to be established as to why they are trafficked. The hidden nature makes it difficult for researchers to access individuals and to collect data, especially quantitative data. Just like trafficking of drugs and weapons, it is a criminal activity punishable by law. Some forms of trafficking include forced labour, bonded labour, debt bondage through abuse of contract, involuntary domestic servitude, forced child labour, child soldiers, sex trafficking and prostitution, child sex tourism, removal of body parts, etc. (Martynowic et al, 2009).

The processes used by traffickers are recruitment, transportation, transfer, harbouring and finally handing over to the receiver. Most traffickers use the following means to get their victims: threat, force, coercion, abduction, fraud, deception, abuse of vulnerability and payment. It is a low risk and high profit business with ample supply and growing demand.

Some of the common factors leading to human trafficking are poverty, gender, age, limited economic and education opportunities, poor governance, lack of rule of law, political conflict and war, violence, social exclusion, socio cultural structures, marginalization, and discrimination based on ethnicity, race, disability, religion and mental health (Akers, 2009). Concerning marginalization based on disability, there has been a growing trend of albinos trafficked into Tanzania for medicinal purposes. From the information gathered from the Office of the High Commissioner of Human Rights (OHCHR) in Burundi, since 2008, 11 people have been arrested in relation to attacks against people with albinism (Report of the Office of the United Nations Commission for Human Rights, 2013). Of the 72 murders of people with albinism documented in Tanzania since 2000, only five cases resulted in successful prosecution. The killing and attack of persons with albinism with a view to using their body parts for ritual purposes are usually related to the trade in organs and human trafficking. On 31st January 2013, a seven year old boy with albinism was attacked in Tanzania while sleeping and his body dismembered using machetes. On 11th February 2013, a thirty year old woman with albinism was attacked in Tanzania by her husband who took away her arm for sale (Report of the Office of The United Nations Commission for Human Rights, 2013). Persons with mental disabilities are abducted in Tanzania and Uganda and forced to beg in Kenya. In Rwanda, families of children with disabilities, including mental, accept payment from traffickers who run forced street begging operations (Report of the Office of the United Nations Commission for Human Rights,
2013). The mentally challenged are people whose statistics would be very hard to compute because, even if they are rescued, they cannot give credible information that can lead to the arrest of traffickers. They are people who are largely ignored in the society and very little is done concerning their plight. Little statistics have been gathered on this marginalised group (Report of the Office of the United Nations Commission for Human Rights, 2013) and this leaves a large gap in the immigration policies used in Kenya and Uganda.

There are many factors that contribute to a person being trafficked. Some are individual while others are geographical. These factors are universal as explained by the neoclassical equilibrium theory. However, some are specific to certain countries. Covered below are factors that influence human trafficking between Kenya and Uganda (Kamala et al, 2001)

With regard to personal characteristics, a trafficked person is hypothesised to be already vulnerable and lacking options due to their individual circumstances (Kamala et al, 2001). Rather than a passive victim who is actively recruited by traffickers, those who become trafficked or their families are seeking help out of their situation and are, therefore vulnerable to traffickers. They are looking for better work in another area or just trying to escape their current situation. The victim are usually already living on the street, uneducated and thus without a prospect for a job, or in case of woman or girl, chased from their family home or fired due to unplanned pregnancy (Adepoju, 2005; Kamala et al, 2001, Pearson 2003) For this reason, a question arises that if these people were living in deplorable conditions and the actors did nothing about it, why should they blow a whistle when someone tries to seal a labour gap in another sector and make little money in the process?

Poverty is another cause of trafficking. There have been reports of a positive correlation between impoverishment of parents and their likelihood to believe the promises made by traffickers (Fong, 2004). Sometimes the victims are seeking for their own benefits and sometimes to increase the income of their family through remittances or a flat fee upon recruitment (Kamala et al, 2001). Parents inadvertently facilitate the trafficking of their own children when their own means of livelihood fail, having the perception that sending their children away would be a better way to ensure that their children’s needs are met (Adepoju, 2005).Women have fewer livelihood options as they are unlikely to have land and capital, leading them to seek out opportunities to migrate (Kamala et al, 2001). With the changing trend of life, this is no longer the case since the growing population means that more and more men find themselves landless. Men are just as vulnerable as women when it comes to trafficking. Some people seek to pay off debts and to earn a lot of money easily and quickly and have the perception that working in the cities is less arduous and pays better than in the countryside (Kamala et al, 2001)

People whose families have disintegrated through death or divorce are viewed to be more at risk for trafficking. Women run from violence (Adepoju, 2005). Parents who abuse alcohol or desert or neglect their children or children who quarrel with their parents lead to the disintegration of the family, and family disharmony. Having large families means that the adults in those families are not able to meet the families’ basic needs alone and require their children to work (Adepoju, 2005). Research done in West and Central Africa has shown an association between having a large family and children being trafficked (Adepoju, 2005).

Girls and young women forced into early or child marriages migrate to escape from their husbands or parents (Kamala et al, 2001). Domestic workers abused by their employers or children abused while living on the street end up being trafficked (Kamala et al, 2001; Pearson, 2003). Children who are physically abused escape their homes (Fitzgibbon, 2003). Peer influence, particularly with regard to trafficking and commercial sex exploitation including having peers who have already migrated for
work to other areas is also a contributing factor (UNICEF. 2003). Lack of protective services for children trying to escape abusive homes, employers or early marriages is another contributing factor. Young people mention lack of recreational and social opportunities in rural communities compared to urban communities. Lack of educational opportunities makes children vulnerable to recruitment into commercial sexual exploitation (Pearson, 2003). With girls and boys being targets of sexual exploitation, the fact that more and more boys are being trafficked, should not be ignored.

In the Eastern African region, abduction of Northern Uganda, Southern Sudanese and Congolese citizens, particularly children by the Lord’s Resistance Army (LRA) is one of the highest forms of trafficking in the region. The LRA relies upon trafficking because they lack public support for their activities, they do not regularly remunerate their soldiers, and they subject them to extreme danger and hardships (Human Rights Watch, 2003). In Eastern Africa in general, trafficking for agricultural labour is mentioned (Adepoju, 2005; Fong, 2004; Pearson, 2003) as well as mining and the service industry. There is much evidence of trafficking for domestic work in Eastern Africa (Pearson, 2003) particularly in urban areas where mothers have to work outside their homes and thus need someone to take care of their children. But this should not be taken to mean that trafficking only occurs from rural to urban areas. More people in rural areas are now working outside their homes and they need labourers. For this reason, people can be trafficked from rural to rural areas. Also, life in urban areas is becoming very hard and people in urban areas find themselves vulnerable to trafficking (Pearson, 2003).

International trafficking for domestic work is also a concern. There have been reports of Ugandan and Burundian girls trafficked to the UK and of girls being trafficked into the Middle East from Tanzania and Kenya as well as in Europe and North America from Kenya (Adepoju, 2005). In East Africa, trafficking for prostitution is one of the most well documented factors (Kamala et al, 2001). Internal trafficking for domestic sex has also been identified in Tanzania and Kenya (Adepoju, 2005). Much has been documented about trafficking in Eastern Africa for the international sex industry, whether internally for sex tourists or externally to countries within the region and to the Middle East, South Asia, Europe and North America (Fitzgibbon, 2003). The demand of the sex industry in Kenya is so great that it is drawing women from other countries including Tanzania, Sudan, Ethiopia and even South Asia (US State Department, 2006). There are documented cases of sexually exploited Ugandan girls in the UK (Somerset, 2004) and South Africa and of Kenyan girls exploited in Europe (Adepoju, 2005. Pearson, 2003). With the increasing cases of homosexuality, men are also trafficked for sexual exploitation (Somerset, 2004).

There is also documentation of low class prostitution. A Tanzanian study shows that only 20% of the respondents engaged in prostitution worked for upper class clients (Kamala et al, 2001) and Kenyans form the majority of the client’s base for commercially sexually exploited children along the Kenyan coast (Jones, 2006)

Human trafficking has dire consequences especially on women and children. This is especially so for the third world countries since most of their productive population is trafficked to work in developed countries. This creates a situation where African countries have a problem in development. Locally, it means that there will be an influx in population in one country and this may cause conflict over the available resources (Kangaspunta, 2008).

The US Department of State estimates that 600,000 to 800,000 of women, men and children trafficked across international borders each year, 400,000 to 500,000 are trafficked to the US. Victims of trafficking suffer devastating physical and psychological harm but due to language barrier, lack of knowledge about services and the frequency with which traffickers move victims,
law enforcement and service providers face significant challenges in helping victims and bringing traffickers to justice (US State Department, 2006).

Between 800 and 1000 women aged between 25-30 years from Bangkok, Hong Kong special administration region of China, Kuala Lampur and Singapore are trafficked into SA annually. Traffickers arrange transport for the victims while the male agents in SA coordinate their arrival with brothel owners. The trafficked victims from Eastern Europe include Russian and Eastern European women lured to South Africa with offers to be waitresses and dancers. These and other victims recruited to the South Africa based Russian and Bulgarian mafia end up in Johannesburg and Cape Town brothels (Esohe, 2005).

Sub Saharan Africa is a region characterised by a variety of migration configuration including cross border movement, contract workers, labour migrants and the migration of skilled professionals, refugees and displaced persons. Human trafficking is the latest addition to this list. Insight into the phenomenon came not from statistical data but from alarm raised by activists, the media and NGOs in Nigeria, Togo and Benin in the late 1990s. Women are trafficked to Europe and forced into prostitution (Somavia, 2003).

Ghana is a transit route for Nigerian women trafficked to Italy, Germany and Netherlands for commercial sex. Young Togolese women are trafficked as prostitutes to Ghana, Gabon, Cote D’Ivoire and Lebanon (Taylor, 2002). Children are trafficked from Nigeria to Europe, the Gulf States and some African countries for domestic labour and to France for sexual exploitation. Women are trafficked particularly to Italy, France, Spain, Netherlands, Sweden, Germany, Switzerland, United Kingdom, Saudi Arabia and the United Arab Emirates for prostitution and pornography (Adepoju, 2005). They are also trafficked to Cote d’Ivoire and South Africa. Senegal is both a source and transit country for women trafficked to Europe, SA and the Gulf for commercial sex. Women from war torn Liberia and Sierra Leone are forced to prostitute in Mali just as local women are trafficked to Burkina Faso, Cote d’Ivoire and France. Mali also serves as a transit country for trafficking women from Anglophone countries to Europe (Adepoju 2005).

Trafficking in women and children for sexual exploitation is a simmering problem in Southern Africa especially in Lesotho, Mozambique, Malawi, South Africa and Zambia. South Africa is the destination for regional and extra regional trafficking activities (Taylor, 2002). Women are trafficked from refugee producing countries through the network of refugee residents in South Africa. Children are trafficked to South Africa from Lesotho’s border towns; women and girls trafficked from Mozambique are destined for South Africa, Guteng and Kwa-Zulu Natal provinces. In Malawi, women and girls are trafficked to Northern Europe and South Africa. Women are also trafficked from Thailand, China and Eastern Europe (Taylor, 2002).

In Lesotho, traffickers recruit male and female street children, victims of physical and sexual abuse at home or children orphaned by AIDS. They migrate from rural areas or border towns to Maseru (capital city) where they are trafficked by mostly South African white Afrikaans who use force or promise of employment in Eastern Free States, asparagus farms in the border region and Bloemfontein (Taylor, 2002).

Long distance track drivers also traffic their victims from Lesotho to Cape Town, Zambia and Zimbabwe with the help of corrupt immigration officials at the border posts. Mozambican traffickers are mainly local women in partnership with their compatriots and South African men who transport trafficked victims from Maputo to Johannesburg or Durban. After impounding their victims’ documents and personal properties, they exploit and abuse them sexually. They are also sold as sex workers to brothels in Johannesburg or as wives to mine workers on the West Rand (Esohe, 2005).
Middle Eastern countries such as Bahrain, Lebanon, Saudi Arabia and United Arab Emirates are the main destinations for women trafficked for labour. There is wide scale trafficking of women especially from Ethiopia to the Gulf. In Lebanon alone, there is an estimated 20,000 to 25,000 Ethiopian domestic workers. Kenyan women are also trafficked to the Middle East. In Tanzania and Uganda, women migrate to the Gulf for prostitution and domestic labour. Women trafficked to the Gulf for domestic labour go via legal and illegal employment agencies (Esohe, 2005). With illegal agencies, often women are introduced to agents via friends or families. They pay some agents fees in advance and the rest is deducted from their pay once they begin work. Migrant domestic workers become trafficked women when they are deceived as to the amount of money they will earn, the working conditions and even the types of jobs they will do. As stated by FIDA Kenya, such women suffer gross human rights violation in complete isolation, they are forbidden from communicating with anyone and their documents are confiscated (Esohe, 2005).

According to one study, 65% of female victims of sex trafficking sustain serious physical internal injuries, 24% experience head injuries and 12% report broken bones (Esohe, 2005). These women experience tenfold risk of contracting HIV, STD, TB and permanent damage to reproductive organs. In Malawi, victims are trafficked in Europe and South Africa. Those trafficked to Europe are recruited by Malawi business women or are married to Nigerians living in Malawi who employ deception and jobs offer in restaurants and hotels to lure the unsuspecting young Malawian and Zambian girls through Johannesburg to Germany, Belgium or Italy to be enlisted as prostitutes (Esohe, 2005).

The main suppliers of child labour include Benin, Ghana, Nigeria, Mali, Burkina Faso, Mauritania and Togo for domestic work in Gabon, Equatorial Guinea, Cote D’Ivoire, Congo and Nigeria (Adepoju, 2005). Togolese girls are trafficked into domestic and labour markets in Gabon, Benin, Nigeria and Niger and locally within the country while boys are trafficked in agricultural work in Cote d’Ivoire, Nigeria and Benin. Most of these children are recruited through the network of agents to work as domestic workers in informal sectors or on plantation. Some Ghanaian women and children are trafficked to neighbouring countries for labour and prostitution (Anarfi, 1998).

WAO Afrique, a Togolese Non-Governmental Organisation assisting children brought from rural areas to work as domestic servants in Lome, investigated reports on Togolese girls being trafficked abroad, especially to Gabon. In 1997, a representative of the NGO brought the report of trafficking children in West and Central Africa to the attention of the United Nations High Commission for Refugees (Anarfi, 1998).

Traffickers promise young children jobs, education, food, clothing and shelter. Trafficking in young children is encouraged from rural to urban areas by relatives because of the culture of placement of children outside the family, extended family solidarity for further education and training of children and ignorance of parents not willing to take children to school (Anarfi, 1998).

Unscrupulous labour recruitment agencies and their sub agents in migrants’ original communities in South Asia, as well as power brokers in United Arab Emirates (UAE), Oman and Iran may deceive workers into accepting work that in some instances may constitute forced labour. Many of their agencies provide fake contracts for employment either with fictitious employers or wages, and charge workers high recruitment fee (often exceeding $1000) and leaving workers vulnerable to trafficking (Oguli, 2007). Oman is also a destination country for trafficked individuals from Kenya and Uganda. In Kampala, trafficking in women was named an issue of growing concern to women in Africa during a conference held in Uganda in January 1997 (Oguli, 2007). Associates for Change, a
Kampala based human rights group, hosted the conference to make known the findings of the African study on trafficking in women, which was part of a global report prepared for the UN Special Rapporteur on violence against women. Research in Uganda shows a growing trend in trafficking of young Ugandan girls and women from Uganda to Kenya for domestic work (Oguli, 2007). Once in Kenya, these women are forced to double as prostitutes because of very low wages. Other Ugandan girls and women are recruited and taken to Mombasa to be used as prostitutes. There is significant cross border movement within East Africa for prostitution. Research in Uganda shows a growing trend in trafficking of young Ugandan girls and women from Uganda to Kenya for domestic work (Oguli, 2007). Once in Kenya, these women are forced to double as prostitutes because of very low wages. Other Ugandan girls and women are recruited and taken to Mombasa to be used as prostitutes. There is significant cross border movement within East Africa for prostitution such as from Tanzania to Kenya. Women from Ethiopia, Kenya and Uganda are trafficked to the Gulf. There have been a few cases of women trafficked from Uganda and Kenya to Europe while there are even more cases from western African countries especially Nigeria (Oguli, 2007).

Victims recruited in trafficking situations find themselves abandoned in strange cities with their travel documents, tickets, identification cards and tickets confiscated upon arrival. These women are often indebted to sponsors and are forced into prostitution and other slave like situation like forced marriage or domestic work. The receiving countries consider these women illegal immigrants, placing them in constant fear of being arrested or deported or even being imprisoned. According to literature, Eastern Africa is affected by both internal and international trafficking. Fourteen sources reviewed made reference to internal trafficking in Kenya, ten in Tanzania and eight in Uganda. Rural and poor slum communities are mentioned as points of origin and urban, intensive agricultural and tourist centres and as destinations in Tanzania and Kenya, and mining areas in Tanzania (Oguli, 2007). Kenya and Tanzania serve as transit routes for Ethiopian women being trafficked to Europe and Middle East (Adepoju, 2005).

In Uganda, the situation of internal armed conflict in Northern and Eastern Uganda which lasted for over 20 years resulted in many young people being abducted from the areas affected by the insurgency. Many children who escaped or were rescued from captivity testify of being subjected to slavery, manual labour, being trained as fighters for rebels and girls being given as sex slaves to rebel commanders. From this type of slavery, most of these children become easy prey to traffickers who promise them better life outside their country (Oguli, 2007).

2.3 Challenges Of Cross Border Immigration Management Vis-À-Vis Human Trafficking

The major challenges of immigration management are corruption among immigration officials, porosity at the borders and regional integration without a proper policy. Trafficking and immigration are separate but interrelated issues. Immigration may take place through regular or irregular channels and may be freely chosen or forced upon a migrant as a means of survival e.g. during conflict, an economic crisis or environmental disaster. If the method of immigration is irregular, then the immigrant may be assisted by a smuggler who will facilitate illegal entry into the destination country for a fee (Kaye, 2003).

Trafficking is different as it involves movement of people for the purpose of exploiting their labour or services (Gozdziak and Collette, 2005). It is no coincidence, therefore, that the growth in trafficking has taken place during a period where there has been an increasing international demand for immigrant workers. The lack of regular immigration opportunities has left immigrants with little choice but to rely on smugglers or traffickers to access “jobs” abroad. Because of this, many governments have responded to the problem by proposing tighter immigration control, which in turn increase profitability of smuggling and trafficking, thus making the situation even worse (Kaye, 2003).
Low fertility rate and longer life expectancy in developed countries lead to labour and skills shortages and increased tax burden on the working population in order to support and provide social benefits to the wider population. Without immigration, Western, Eastern and Central Europe is said to be having a declining population. In order to stabilize the size of the working population, there needs to be constant flow of foreign workers into European Union member states (Kaye, 2003). Normally based on interviews by victims and perpetrators of trafficking, service agencies and law enforcement agencies, an overall picture of trafficking is mainly one of migration gone wrong in cases where brokers take victims to destinations different than agreed (Kaye, 2003). The East-West immigration in Europe has led to the growing phenomenon of trafficking of women in Eastern Europe (Pellegrimo, 2004) which leads to the question, does free movement of persons lead to the new nature of trafficking problems? From the demand and supply perspective, trafficking and migration are found to be analytically inseparable. Immigration pressure and legal restrictions explain the reason why immigrant women end up in vulnerable situations serving as prey to traffickers (Eder and Kaska, 2003).

Immigration and trafficking have similar characteristics and patterns such as large labour out flow from one country to another due to very low earnings, High vulnerability of young girls, women and children and a similar distribution of destination countries (Eder and Kaska, 2003). As international irregular immigration movements expand worldwide, they offer a fertile context for equally growing phenomenon of trafficking in human beings. Under the cover of immigration, regular or irregular human trafficking activities are rapidly becoming one of the most widespread forms of human right abuses. Circular immigration movements are short term and voluntary but can be used to conceal instances of trafficking (Eder and Kaska, 2003).

Migration is increasing due to various factors like uneven economic development, more open borders and demographic imbalances (El-Cherkeh et al, 2004). Shared history, social relationships and ethnicity might also be relevant immigration factors particularly in border areas. Also there has been feminization of immigration for domestic work and marriages (El-Cherkeh et al, 2004).

### 2.4 International, Regional And National Immigration Policies Used In Kenya And Uganda

For the purpose of this study, immigration refers to the process where nationals of other countries move into either Kenya or Uganda and stays for six months or more while emigration is when nationals leave either country or stays in another for more than six months. The international law provides for the right of freedom of movement. Chapter 13 of the Universal Declaration of Human Rights of 1948 to which both Kenya and Uganda are signatories states that everyone has the right to freedom of movement and residence within borders of each state as well as leave any country (Mulumba, 2009).

Article 12 of International Civil and Political rights, for which Kenya and Uganda are also signatories, states that everyone lawfully within a territory of a state shall, within that territory, has the right to liberty of movement and freedom to choose his residence. Paragraph two points out that everyone shall be free to leave any country and that the above mentioned rights shall not be subject to any restrictions except those provided by the law (Annette, 2012).

Chapter four emphasises that no one shall be arbitrarily deprived of the right to enter his own country. At regional level, African charter on human and people’s rights adopted on June 27th, 1981 Organisation of African Union article 12 states that every individual shall have the right to freedom of movement and residence within the border of a state provided that he abides by the law. Note the gender blind language which assumes that these individuals are all males (Andreas, 2013)
At national level, the Uganda constitution recognises in article 20 that fundamental rights and freedom are inherent and not granted by the state. Article 29(2) states that every Uganda shall have the right a) to move freely throughout Uganda and to reside and settle in every part of Uganda b) to leave and return to Uganda and c) to a passport or any other travel document. Chapter 16 of this constitution provides for the national citizenship and immigration board. The Immigration Control and Citizenship Act of 2004 chapter 66 were passed to, among other issues, control migration in Uganda (Koslowski, 2011).

Uganda has clear legislation concerning prohibited immigrants; some who include a destitute person, any person who refuses to submit to a medical examination, a person certified by a government medical practitioner to be suffering from a contagious or infectious disease. Note that Uganda has suffered time again as a result of cross border migration (section 52). Section 54 of immigration Control and Citizenship of 2004 states that no person shall enter or remain in Uganda unless that person is in possession of a valid entry, certificate of permanent residence or pass issued under this act. A person who is not a citizen of Uganda shall not be issued with an entry permit, certificate of permanent residence or pass unless that person is in possession of a passport, certificate of identity, convention travel documents or any other valid travel documents (Mulumba, 2009).

However, because of the weakness in the implementation of immigration policies, there are many flaws as far as entry into Uganda is concerned. Uganda continues to host unspecified number of irregular immigrants. The fact that there is no legal requirement for Ugandans and aliens to be identified makes entry and residence easy for non-Ugandans. Even when the immigration control board issues permits such as certificates of residence, work permits, dependants passes, students’ permits among others; and bearers of these certificates are expected to carry them all the time lest they are required to produce them, there is laxity on the part of officials charged with this exercise (Mulumba, 2009).

According to section 59 of the Immigration Control and Citizenship Act 2004, chapter 66, employment without entry permits by foreigners is prohibited in Uganda and such a person shall not be employed in a parastatal or private body, public service or by a private person or engage in private business in Uganda. Anyone engaging in these illegally commits an offence and is liable on conviction of a fine not exceeding one hundred and fifty currency points or imprisonment not exceeding two years or both. However, there have been implementation challenges affecting entry and residing in Uganda. Irregular migratory patterns in Uganda have been influenced by existence of similar ethnicities living along colonial borders such as Pokot, Karamojong, Iteso, Bagisu and Basamia which cut across both borders of Kenya and Uganda. These communities have ethnic ties and since border surveillance is practically impossible with the current resources, unknown immigration trends happen (Koslowski, 2011).

The measurement of immigration in Uganda is characterised by lack of regular statistics and weak management of administrative sources. The last census was carried out in 2000, which poses a problem for national and international data which use census as its main source.

The government of Uganda is in the process of developing a national migration policy whose general objectives include to provide an enabling, predictable and secure environment for legal and orderly movement of people to and from Uganda, maximise benefits of migration for national development, enhance inter agency cooperation at national, bilateral, regional and international cooperation and dialogue when managing migration and to address migration related issues (Kaye, 2003).
In Uganda, trafficking of persons, as defined by the 1951 convention on the status of refugees, is expanded to include specific types of exploitation such as forced marriage, harmful child labour, use of children in armed conflict, a person involved in illegal activities involving humans, human sacrifice, removal of organs or body parts for sale or witchcraft and harmful ritual practices (Kaye, 2003).

According to the Kenyan Citizenship and Immigration Act 2011, an East African passport shall be valid for use in all partner states in the East African Community or for such other country that may be prescribed by the cabinet secretary, and for a period not exceeding ten years from the date of issue and for the case of children for a period not exceeding 5 years. A passport or travel document can be confiscated or suspended if a holder is convicted for drug trafficking, money laundering, trafficking in persons and smuggling, acts of terrorism or any other international crime. Article 33 1(b) describes a prohibited immigrant as a person engaged in human trafficking, human smuggling into and out of Kenya for the purpose of engaging in sexual exploitation (Kenyan Immigration Policy, 2011).

In Kenya, the Counter Trafficking in Persons Act became operational in 2012 but the implementers who involve law enforcement officials such as judges, prosecutors, police, immigration and children’s officers still lack adequate capacity to put it in place. During the same year, Prevention Protection and Assistance to Internally Displaced Persons and Affected Communities Act was signed by the president. Just like the trafficking in persons act, this act is yet to be fully effected. Article 104 of the treaty of establishment of the East African Community clearly states that “partner states agree to adopt measures to achieve free movement of people, labour and services and to ensure the enjoyment of the right of establishment and residence of their citizens within the community.” While the EAC Common Market Protocol has established free movement between Kenya and Uganda, the current migration policy has greatly undermined these achievements. In June 2012, the government imposed strict measures on work permits which are only granted for persons over 35 years with an annual salary exceeding 24,000 US dollars. Some categories of work permits were eliminated to prevent entry of low skilled immigrants into Kenya although included were some professional visa categories such as for lawyers (Annette, 2012).

Following the report of abuse of Kenyans who have migrated to Saudi Arabia to look for employment, the Kenyan government imposed a ban on its citizens travelling to the Gulf to work as domestic workers and other blue collar labourers. According to IOM, this directive pushed agencies to direct migrants to Qatar as an alternative, using capitals of neighbouring countries such as Dar es Salaam and Kampala as departure points. An interview with IOM on 14th March 2014 revealed that this ban was not effective.

Policies and regulations can facilitate war against human trafficking. To apprehend and control this illegal activity, a proper policy and legal frame work needs to be put in place by Kenya in collaboration with Uganda. Prezelj (2013) states that lack of proper coordination and harmonisation has created lapses for criminal groups to conduct their activities unnoticed. Community awareness of the policy on human trafficking is also very low and this has created gaps for the vice to thrive. The local community is oblivious of the risk of colluding with human traffickers and the repercussions. Awareness campaigns should be put in place through the media so as to sensitize the general public. Custred (2008) states that the existence of appropriate legal framework is not enough to control human trafficking. The existence of un-harmonized policies among cooperating agencies and institutions has created a challenge in combating human trafficking across the border. Policy makers in developed countries such as America and Europe have realised the importance of having a well
formulated immigration policy and have, therefore linked these policies to security policies. As a result, immigration policies are on top of the national agenda when security matters are being scrutinised.

Improved technology, regular training of immigration officials and a well-formulated cross border policy can greatly counter the cross border challenges experienced at the Kenya Uganda border. Supporting this notion is Wachira (2013) who states that Kenya is a regional super power and this makes it vulnerable as far as illegal immigration is concerned. He asserts that the country therefore needs to embrace modern technology such as the border points.

However, installing proper technology without thorough training of personnel at immigration points is an exercise in vain. This should be done both in Nairobi and at the grass root level. Both Kenya and Uganda have only laws against human trafficking and not smuggling, which is closely connected to trafficking in persons. Field interview revealed that migrant smuggling was the biggest problem at the border because most cases become human trafficking. In most cases the smuggler goes scot free while the migrant is charged in court.

3. Conclusion

The residents of border towns live in fear of human vices infiltrating from one country to another yet they continue with their day to day activities because this expectation connects them upwards to the state and its security apparatus. The porosity of the Kenya-Uganda border embedded within the concern for security, safety and criminal activities held among ordinary residents extends both geographically into the territory of each state and mentally into the perception held by many residents. A border describes a nation’s sovereignty, identity and territoriality. Whilst at the skin of the nation, physically, in the real sense it is at its heart. The manner in which cross border communities interact greatly determines the nature of activities that go on across the border. Negative interaction gives rise vices such as human trafficking. These vices can go on unnoticed especially at border points that are considered peaceful such as the Kenya Uganda one. The study shows that there is a close relationship between human trafficking immigration policies and human trafficking between Kenya and Uganda. The past five years have seen an escalation in human trafficking between Kenya and Uganda. It was evident that the residents of these border towns live in constant fear of this vice. In one way or another, this led to the increase in this vice. Smuggling is genuine assistance, as seen by migrants. The smuggler acts as a travel agent but a majority of migrants face serious human right abuse in the hands of these agents, to the point of being physically abused when the deal is broken. Migrants report rough handling, abandonment, lack of food and water and medical support, confinement, beating, drowning, sexual harassment, extortion, detention, robbery, kidnapping and death. At this point it becomes human trafficking. Women end up in prostitution as a source of income due to unemployment. Sometimes, to escape an abusive employer, the victims may seek the help of employment agencies which might take advantage of them because of their illegal status. Many trafficked women and girls suffer rape and forced unprotected sex in the hands of agents during the process of assisted immigration. Kenyan and Uganda immigration policies are retrogressive and do not specify the punishment for human trafficking. In 2010, President Kenyatta of Kenya put into law the anti-human trafficking protocol but is yet to be effected since perpetrators are rarely brought to book. Migrants in Kenya often face several detentions without specified punishment. In most cases they bribe their way out of prosecution. Sometimes they do not understand the charges meted against them and they end up languishing in jail without being sentenced. Multiple detentions also occur between countries and the
illegal immigrants in most cases are deported to the nearest entry point where they are arrested in the next country.

About the author

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