



09 AUG 2018

THE REPUBLIC OF UGANDA

STATEMENT TO PARLIAMENT

ON

**THE ARREST OF UGANDA WOMEN TRADERS ON THE
BUSIA KENYAN SIDE OF THE BORDER**

BY

**HON. MAGANDA WANDERA JULIUS
MINISTER OF STATE FOR EAST AFRICAN COMMUNITY
AFFAIRS**

8TH AUGUST 2018

INTRODUCTION

Rt. Hon. Speaker and Hon. Members, this statement is in response to a question by Hon. Macho Geoffrey on 31st July, 2018 regarding the arrest of Uganda Women Traders on the Kenyan Side of the border during market days and their subsequent imprisonment. Under Rule 46 of our Rules of Procedure. This statement provides an update on the Current State of Affairs at Busia Border, what the Ministry of East African Community is doing to handle such situations, the Commitment by the Government of Kenya and the way forward.

Current Status at Busia Border

The Ministry of East African Community Affairs is aware of the forty (40) girls from Uganda who were arrested in Kenya on 8 June 2018 at a place called Bumala Korinda town approximately 20 kilometers into Kenya from the border. These girls were found in three different vehicles but all destined for Nairobi, Kenya.

14 girls were under age (below 18 years), among them 3 Samia girls from Bulumbi, Buyanga and Buhehe, four (4) girls were from Busoga, two (2) girls from Mubende and five (5) girls from Karamoja, they all confirmed that they were being taken to work as house girls. (**See Annex 1**).

Some of the girls had Ugandan National Identification Cards but traveled without going through the Immigration point to endorse and secure Interstate Passes.

While others had passports but with forged Ugandan/Kenya Immigration Stamps. Their Leader and alleged trafficker was Ms. Nekesa Nanyaga from Busia.

Rt. Hon. Speaker, immediately the information reached our office, we contacted our staff at the border who liaised with the RDC, DPC and Immigration Officer at Busia to discuss on how to handle the matter.

The Border Security Committee was called upon to carry out verification under the leadership of Busia- Kenya County Commissioner and our RDC. They agreed on the following:

1. Release Fourteen (14) Young girls unconditionally since they were underage and looked innocent.
2. Girls with Identity Cards but lacked Interstate Passes be punished with Community work of two (2) days and released.
3. Girls without Identity Cards and had travelled beyond the agreed border entry distance of 10 kms be fined 2000Kshs.
4. Girls with forged travel documents or forged stamps will face the Kenyan law.

Twenty-six (26) girls were repatriated and handed over to the Ugandan Authorities' who also linked up with their families for handover. **(See Annex 2)**

Rt. Hon. Speaker; It is not true that Ugandans are being arrested while in Kenyan Markets, It is also not true that every Ugandan arrested has no case to answer. We need to appreciate that EAC is implementing the Common Market Protocol, which has in it the free movement of goods, people and services. It has also introduced the use of National Identity Cards as travel documents but require authentication by Immigration to endorse and issuance of Interstate Passes.

The Existing Legal Provision

- A)** The Protocol for the Establishment of the East African Community Common Market (CM) was signed in 2009 and became operational in July, 2010. The strategic thrust of the CM Protocol is to create one flawless single market across the EAC Partner States. The protocol seeks to accelerate regional economic growth and development by introducing the free movement of goods, persons, labour, capital, services, as well as the rights of establishment and residence. It is also expected that the Protocol will strengthen, coordinate and regulate the economic and trade relations among the Partner States.
- B)** Recognizing the importance of labor mobility, the EAC Common Market Protocol establishes that governments should guarantee the free movement of workers and their dependents, citizens of any of the partner states, within their territories. Partner states shall also ensure that workers should not be discriminated on the basis of their nationalities in relation to employment, remuneration, and other conditions of work and employment, and be entitled to rights and benefits of social security as accorded to workers of the host partner state. Furthermore, partner states agreed to mutually recognize academic and professional qualifications; harmonize labor policies, laws, and programs; guarantee the right to access and use of land and premises; and establish residence and self-employment. In regard to capital mobility, partner states agreed to eliminate all restrictions on the free movement of capital and payments connected to such movement.
- C)** Generally, during most of the Plan period 2011/12 – 2015/16, Partner States were in the process of amending their respective national policies, laws and regulations to conform to the

Common Market Protocol. Furthermore, according to the Common Market Scorecard (CMS) for 2016, the EAC Partner States implemented significant reforms in the free movement of capital, goods and services. In the case of free movement of goods, Non-Tariff Barriers (NTBs), which often emerge when tariffs have been eliminated, were addressed more quickly, especially during the period of 2014 - 2016.

D) Rt. Hon. Speaker, in order to enjoy the freedom of movement under the Common Market Protocol, citizens of East African Community Partner States must enter and leave the East African Country they are visiting through legal entry points and processes, contrary to the above; you would not enjoy the benefits of freedom of movement of persons. If you wish to enter another Partner State you must present to the immigration officer at the official border point with valid travel documents, these include: -

- i) National Passports.
- ii) East African Passports.
- iii) Machine readable National Identity Cards

Ministry of East African Community Affairs Interventions

In order to strengthen the EAC Common Market Protocol the Ministry of East African Community is undertaking the following measures: -

1. Bilateral Security Committees were formed at all border Points to mitigate on issues pertaining to the Community, for Uganda it's the RDC, Kenya - County Commissioner and Rwanda it is the provincial Governor. We have a bilateral arrangement between Busia Kenya and Busia Uganda to fight human trafficking and we have a signed protocol regarding the same of which those intercepted are interrogated and handed back to Ugandan authorities for further investigations.

2. Sensitized people to form groups "Cross border Traders Association" to resolve Non-tariff barriers around the border points under, Ministry of Trade.
3. We carry out sensitization programmes along border Districts' and other areas to inform people on the rights and obligations under EAC and prepare them on how to undertake procedural requirements.
4. Recruited staff and posted them at border points of Busia and in the process of recruiting two more staff for Mutukula and Mirrama Hills.

Rt. Hon. Speaker; on the Elimination of Non-Tariff Barriers the EAC is implementing the Protocol on Customs Union and Common Market

1. One Stop Border Posts (OSBP) have been constructed to facilitate 24-hour operations around gazetted border points.
2. Single Customs Territory has been introduced where all customs operations systems are linked to clear cargo.
3. Reduced time of movement of goods from Mombasa to Kampala from 15 days to only 4 days as of today.
4. Introduced a Single Customs Territory and Tax collection Centre URA headquarters for collection and payment of Taxes and security for direct delivery to owners' premises at Kampala.
5. You can now report any non-tariff barriers by simply dialing *201# on your phone and the relevant authorities' are notified to resolve it.
6. Introduction of Simple Certificate of Origin to facilitate fast clearance and exemption of goods produced in EAC from Tax payment once they are below USD \$2000.

7. Stationed Officers of Agriculture, Health, Trade (UNBS) EAC at all border points to manage faster processing of goods into and out side Uganda.
8. The community has “The EAC Elimination of Non-Tariff Barriers Act,2017” of which we are implementing within Partner States and the elimination follows the mechanisms below: -
 - (a) Mutual Agreement of the concerned Partner States;
 - (b) Implementation of the East African Community Time Bound Programme for Elimination of Identified Non-Tariff Barriers and;
 - (c) Laws, regulations, directives, decisions or recommendations of the Council

Way Forward

Rt. Hon. Speaker, I beg to reiterate that we all appreciate EAC Integration agenda is implementing the Common Market and Customs Union, which has opened our market to the Region, we should also appreciate that Partners States still have their sovereignty and therefore regulate the entry of goods, services and people in their territory according to EAC Protocols. As Ministry of East African Community Affairs, we commit ourselves to further play our role to sensitize our people on the new developments and procedures as they come by with the Integration process for the benefit of our Country and EAC Community.




Ministry of East African Community Affairs

Annex 1.

**OFFICE OF THE PRESIDENT
MINISTRY OF INTERIOR AND CO-ORDINATION OF
NATIONAL GOVERNMENT**

Telephone: Busia (+254)-051-2283
Email: busiainmigration@gmail.com
Website: www.mirp.go.ke
When replying please quote



DEPARTMENT OF IMMIGRATION SERVICES
OFFICER IN CHARGE
P.O. BOX 32
BUSIA

Ref: BUS/IMM/INVDEN/VOL.1/60

11.06.2018

OFFICER IN-CHARGE,
BUSIA IMMIGRATION OFFICE (U)


RE: PERSONS INTERCEPTED IN KENYA


The following Ugandan nationals were intercepted at Bumala town on their way to various destinations. They are under the age of eighteen, did not have any travel documents and report to Immigration office on their arrival to Kenya.


1. Ang'ielia Esther
2. Akol Regina
3. Akol Betty
4. Nakiru Esther
5. Nakiru Hellen
6. Lumiria Lucia
7. Nawire Esther
8. Nakimuli Emmaculate
9. Nakia Regina
10. Pedho Sarah
11. Nachap Esther
12. Abrah Veronica
13. Loumo Maria
14. Yobuna Beatrice

They are therefore handed over to your office for further investigation and appropriate action.

Kindly acknowledge receipt.


**OFFICER IN CHARGE
BUSIA BORDER CONTROL (K)**






Annex 2.

**OFFICE OF THE PRESIDENT
MINISTRY OF INTERIOR AND CO-ORDINATION OF
NATIONAL GOVERNMENT**

Telephone: Busia (+254)-051-2283
Email: busiaimmigration@gmail.com
Website: www.mirp.go.ke
When replying please quote



DEPARTMENT OF IMMIGRATION SERVICE
OFFICER IN CHARGE
P.O. BOX 32
BUSIA

Ref: BUS/IMM/INVDEN/VOL.1/61 14/06/2018


OFFICER IN-CHARGE,
BUSIA IMMIGRATION OFFICE (U)

RE: PERSONS ORDERED REPATRIATED

The following Ugandan nationals were intercepted on their way to Nairobi and other destinations in Kenya. They never reported their arrival at the immigration office. Therefore they were arraigned in court for unlawful presence and having forged endorsements. The Chief Magistrate court, Busia, today (14/06/2018) ordered their repatriation.

It is worth noting that they are suspected victims of human trafficking.

1. TAAKA TEDDY SANDRA
2. RAE SHIKO
3. PATRICIA MAKOKHA
4. NEKESA BRENDA
5. NANKOMA SARAH
6. NASAMULA SHAMIRA
7. NACHIRANDA KAWA
8. FLORENCE ACHIENG
9. FELIX WANDERA
10. KADONGO SYLVIA
11. NAFULA BEATRICE
12. NABUMA ANGELLA
13. AJIAMBO ALICE
14. NABWIRE CHRISTINE



16. BAGOME ROSE
17. SABANO SHARON
18. OBARO ANTONY
19. MUGERWA SULA
20. EGESSA A. NGORONGE
21. SAFARI M. DEDELI
22. OUMA RODGERS
23. NAIWADDA SANDRA
24. BIRUNGI SARAH
25. NYANGOMA PATIENCE

They are therefore handed over to your office for further investigation and appropriate action.

Kindly acknowledge receipt.



**FOR OFFICER IN CHARGE
BUSIA BORDER CONTROL (K)**