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2022 Trafficking in Persons Report: Tanzania

Tanzania (Tier 2)

The Government of Tanzania does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared with the previous reporting period, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Tanzania was upgraded to Tier 2. These efforts included investigating significantly more trafficking cases, convicting more traffickers, and identifying more trafficking victims. The government officially established and allocated funds to an expenditure account for the Anti-Trafficking Fund and provided more funding for anti-trafficking programs led by the Anti-Trafficking Secretariat (ATS). The government, in partnership with international organizations, provided more training to law enforcement officials on victim-centered investigation practices and finalized the 2021-2024 anti-trafficking national action plan (NAP). However, the government did not meet the minimum standards in several key areas. Although the government convicted more traffickers during the reporting period, the lenient sentencing for the majority of convicted traffickers and the failure to sentence many convicted traffickers consistent with the 2008 anti-trafficking law weakened deterrence and did not adequately address the nature of the crimes. Due to inconsistent use of formal identification procedures and limited protection services, authorities reportedly deported, detained, and arrested potential trafficking victims, including children, for alleged prostitution or immigration violations without screening for trafficking indicators. Government efforts to protect Tanzanian trafficking victims abroad, particularly migrant workers, remained minimal, and the government did not report any efforts to hold fraudulent recruitment agencies criminally accountable for facilitating trafficking crimes.

PRIORITIZED RECOMMENDATIONS:

- Amend the 2008 anti-trafficking law to remove sentencing provisions that allow fines in lieu of imprisonment and align the procedural law pertaining to trafficking-related arrests within the act with the requirements for other serious crimes.
- While respecting due process of law and human rights, increase efforts to investigate and prosecute trafficking offenders, including complicit officials, and seek significant prison terms for convicted traffickers.
- Using the established standard operating procedures, systematically and proactively identify trafficking victims by screening for trafficking indicators among vulnerable populations, including

individuals involved in commercial sex, refugees, and foreign workers from Cuba and North Korea, and refer all trafficking victims to appropriate services.

- Implement a systemic victim-witness program to increase protective services for victims participating in the criminal justice process and prevent re-traumatization.
- Allocate increased financial and personnel resources for the Anti-Trafficking Committee and Anti-Trafficking Secretariat to execute its mandate fully, including to expand the provision of services for victims in partnership with NGOs.
- In Zanzibar, adopt the 2008 anti-trafficking law.
- Provide adequate funding and resources to implement the 2021-2024 NAP.
- Implement and consistently enforce strong regulations and oversight of labor recruitment companies, including training labor inspectors to identify and report trafficking crimes and holding fraudulent labor recruiters criminally accountable.
- Develop and implement a comprehensive and centralized database on trafficking that allows for the disaggregation of data, including the demographics of victims and type of exploitation.

PROSECUTION

The government increased anti-trafficking law enforcement efforts. The 2008 Anti-Trafficking in Persons Act criminalized sex trafficking and labor trafficking and prescribed punishments of two to 10 years' imprisonment, a fine between 5 million and 100 million Tanzania shilling (TZS) (\$2,170 to \$43,440), or both for offenses involving adult victims, and 10 to 20 years' imprisonment, a fine between 5 million and 150 million TZS (\$2,170 to \$65,160), or both for those involving child victims. These penalties were sufficiently stringent, but, with regard to sex trafficking, by allowing a fine in lieu of imprisonment, the penalties were not commensurate with those for other serious crimes, such as rape. During the reporting period, the government enacted amendments to the 2008 anti-trafficking law. The amendments criminalized attempted trafficking and required some trafficking cases to be tried in the High Court. The 2008 anti-trafficking law contained a separate procedural provision that required police to obtain a warrant before making a trafficking-related arrest; this provision created a higher threshold for law enforcement that does not exist for other similarly serious crimes, which may hinder prosecution efforts. The government reportedly drafted an amendment to the 2008 anti-trafficking act to remove the option of a fine in lieu of imprisonment; however, the amendment had not been sent to Parliament at the end of the reporting period.

The government did not maintain a centralized law enforcement data system on trafficking crimes, hindering the government's ability to disaggregate national human trafficking statistics. The government investigated 113 trafficking cases, a significant increase compared with 19 investigations during the previous reporting period. The government initiated seven prosecutions involving 18 alleged traffickers under the 2008 anti-trafficking law, compared with 18 alleged traffickers prosecuted in the previous reporting period. The government convicted 13 traffickers, compared with three convictions in the prior year. Of the 13 convictions, courts sentenced one trafficker to one year imprisonment; one trafficker to two years' imprisonment or a 5 million TZS (\$2,170) fine; ten traffickers to two years imprisonment or a 500,000 TZS (\$220) fine; and one trafficker to one year imprisonment or a 500,000 TZS (\$220) fine. The failure to sentence many convicted traffickers consistent with the 2008 anti-trafficking weakened deterrence, may have undercut broader efforts to hold traffickers accountable, and did not adequately address the nature of the crime. Courts dismissed or withdrew three cases due to inability to gather sufficient evidence, and one case remained pending at the end of

the reporting period. Officials did not disaggregate data to distinguish between sex and labor trafficking cases. In some cases, families or village elders continued to settle many criminal allegations, possibly including sex trafficking and child domestic servitude, informally through traditional means without recourse to the formal criminal justice system.

The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. The government did not provide updates on investigations into five police officers for complicity in human trafficking initiated during the previous reporting period. Although not explicitly reported as human trafficking, the UN reported there were two new allegations submitted in 2021 of alleged sexual exploitation with trafficking indicators by Tanzanian peacekeepers deployed to the UN peacekeeping mission in the Democratic Republic of the Congo (MONUSCO). UN investigations into both allegations were pending at the end of the reporting period, and the government had not yet reported accountability actions taken, if any. Investigations and accountability actions also remained pending for similar allegations reported in previous years, including two in 2020, one in 2019, and two in 2018.

The government, both independently and in partnership with international organizations, trained law enforcement officials, immigration officials, social welfare officers, and magistrates on trafficking trends and vulnerabilities, victim-centered investigations and prosecutions, and victim identification. Despite these trainings, observers reported officials' limited understanding of trafficking hampered law enforcement efforts and led to some potential trafficking crimes being misidentified and prosecuted as migrant smuggling or kidnapping. The government continued to collaborate with the Government of Botswana to arrange for three Tanzanian witnesses to testify against an alleged Tanzanian trafficker in a child trafficking case in Botswana; courts convicted the trafficker in December 2021.

PROTECTION

The government slightly increased protection efforts. Due to the lack of coordinated data collection at the national level, the government did not report comprehensive data and only provided data representative of shelters that have a formal memorandum of understanding (MOU) with ATS. The government identified 185 potential trafficking victims, compared with 165 victims during the previous reporting period. Of the 185 identified victims, 166 were female, 19 were male, 29 were adults, and 156 were children; this compared with 143 female, 22 male, 28 adults, and 132 children identified in the previous reporting period. The government did not provide disaggregated data on victim nationality or type of trafficking. The government coordinated information sharing between ATS and the Department of Social Welfare; social welfare officers often worked closely with police and designated "gender desk officers" to identify and refer victims to assistance. Although the government maintained formal standard operating procedures (SOPs) to guide officials in the proactive identification of victims and their subsequent referral to care, relevant officials did not consistently use these SOPs, and few officials were trained to do so; in practice, officials routinely bypassed written SOPs and directly contacted NGOs to provide victim assistance. In May 2021, in collaboration with the Director of Refugee Services, ATS conducted trafficking screening in the Nduta and Nyarugusu refugee camps; however, the government did not provide information on the number of victims identified during these specific screenings, nor did it proactively screen vulnerable populations in refugee camps throughout the year.

The government continued to rely on government-vetted NGOs to provide the vast majority of victim services, and some NGOs continued to provide services to victims without government support. The government reported referring all 185 identified victims to NGO-operated shelter services; the Department of Social Welfare (DSW) reported directly providing medical assistance and psycho-social counseling to victims in addition to referring them to NGO-provided services. The government did not operate any trafficking-specific shelters; however, ATS maintained MOUs with eight NGO-operated shelters that could provide shelter, medical assistance, psycho-social counseling, and family tracing to trafficking victims. Some NGO shelters for children provided access to government schools, vocational training, and separate accommodations for boys and girls. While most NGO shelters were dedicated to children, female adult trafficking victims could seek assistance at a shelter dedicated to young girls; however, there were no shelters available for adult male trafficking victims. In 2021, the government opened an expenditure account for the Anti-Trafficking Fund, as required by the 2008 anti-trafficking law and approved by the Ministry of Finance and Planning in 2020, to provide assistance to trafficking victims. The government allocated 3 million TZS (\$1,300) to set up the fund; however, the government did not disperse funds to assist victims by the end of the reporting period.

Due to the inconsistent use of formal identification SOPs, authorities reportedly deported, detained, and arrested potential trafficking victims, including children, for alleged prostitution or immigration violations without screening for trafficking indicators. Additionally, given the limited availability of protection services, the government sometimes held potential victims in detention facilities for extended periods of time, often alongside traffickers; authorities did not always separate children from adults. The 2008 anti-trafficking law required authorities to consider legal alternatives for foreign trafficking victims who believed they may face hardship or retribution if returned to their country of origin, but the government did not report providing this protection to victims during the reporting period. The government allowed foreign victims the same access to services, such as counseling, medical care, and training, as domestic victims and facilitated travel documents for repatriation and family reunification. In 2021, the government partnered with an international organization and local NGOs to repatriate Tanzanian trafficking victims exploited in Iraq and Kenya; the government also collaborated with the Government of Burundi to repatriate Burundian victims exploited in Tanzania. Victims typically testified in trafficking cases, but the Whistle Blowers and Witness Protection Act of 2015 and the 2008 anti-trafficking law allowed any crime victim, including trafficking victims, the option to refuse to participate in prosecution efforts. Victims could testify during trial in private sessions or via video testimony. The government did not provide witness protection to victims during criminal proceedings, deterring some victims from testifying in court. The anti-trafficking law entitled victims to restitution from convicted traffickers; however, the government did not report awarding restitution during the reporting period.

PREVENTION

The government maintained efforts to prevent trafficking. ATS, the government's national coordinating task force composed of working-level officials, continued to lead anti-trafficking efforts. The Anti-Trafficking Committee (ATC), composed of 19 senior-level representatives from various government agencies, maintained oversight over ATS; however, ATC's efforts were limited during the reporting period. The law mandated ATC to meet quarterly; however, ATC met only once in 2021, the same number of meetings as the previous year. For the second consecutive year, the government provided an increased allocation for anti-trafficking programs led by ATS; the 2021 federal budget provided 150 million TZS (\$65,160) to ATS, compared with 120.3 million TZS (\$52,260) in 2020. Despite the increase in funding, observers reported the change was insufficient for ATS to undertake all of its planned anti-

trafficking activities, and the need for increased personnel and financial resources remained. The government, in partnership with international organizations and local civil society, finalized the 2021-2024 NAP in March 2022. ATS, in partnership with international organizations and local civil society, held awareness campaigns throughout the country targeting religious leaders, law enforcement officials, social welfare officers, teachers, journalists, and community leaders to discuss trafficking trends and potential vulnerabilities in communities. The government continued to fund and publicize a national hotline operated by a local NGO to report child abuse, including child trafficking. The hotline identified and referred to the Department of Social Welfare 16 cases of child trafficking in 2021, compared with 35 cases in 2020.

The Ministry of Labor performed periodic inspections of large employers; however, the government did not report identifying any cases of potential trafficking during these inspections or if it had inspectors trained to do so. The Companies Act of 2002 required recruitment agencies to be registered and licensed, and the government required recruitment agencies to provide migrant workers with training on worker rights and destination countries' laws prior to departure. Tanzanian embassies abroad continued to require employers to submit security deposits to the embassy to ensure the employer would register the migrant worker upon arrival, so the embassy could verify the worker arrived and possessed the proper documentation, including contract and passport. Despite these requirements, the government continued to report recruitment agencies often did not provide pre-departure training to migrant workers, and an NGO previously reported the small deposit amount was an insufficient incentive for employers to present migrant workers upon arrival to the Tanzanian embassy. The government cooperated with a foreign donor to provide Tanzanian troops with anti-trafficking training prior to their deployment abroad on international peacekeeping missions. The government did not make efforts to reduce the demand for commercial sex acts.

ZANZIBAR

Trafficking in persons occurs in Zanzibar, a semi-autonomous region of Tanzania. Zanzibar did not adopt the 2008 anti-trafficking law. Therefore, the law did not apply within the province. Zanzibar had other laws that it could use to prosecute some forms of trafficking. The Penal Act Decree of 2004 criminalized some forms of labor trafficking and sex trafficking. The Children's Act of 2011 criminalized some forms of child labor trafficking and child sex trafficking. ATS conducted a validation meeting of the 2008 anti-trafficking law with the Attorney General of Zanzibar in November 2021; however, the law was pending submission to the Zanzibar House of Representatives at the end of the reporting period. Of the 113 investigations, 18 prosecutions, and 13 convictions the government reported, none were in Zanzibar. Of the 185 victims identified during the reporting period, 38 victims, all girls, were identified in Zanzibar. The government provided services, including shelter, medical care, and counseling, to all 38 victims at a government-operated safe house in Unguja. ATS incorporated input from officials in Zanzibar for the 2021-2024 NAP. The government hosted a three-day workshop in Zanzibar with African Union Member States to validate draft policies on the prevention of trafficking in persons on the African continent. ATS, in partnership with international organizations and local civil society, conducted awareness campaigns in Pemba and Unguja targeting religious leaders, law enforcement officials, social welfare officers, teachers, journalists, and community leaders to discuss trafficking trends and potential vulnerabilities in communities.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Tanzania, and traffickers exploit victims from Tanzania abroad. Traffickers exploit men, women, children, and individuals from underserved communities—particularly impoverished children, orphans, and children with disabilities from rural areas—in forced labor in domestic work, mining, agriculture, and forced begging and in sex trafficking in urban cities, such as Arusha, Dar es Salaam, Dodoma, Mbeya, and Mwanza. Traffickers may exploit children in sex trafficking, including child sex tourism, in Zanzibar. Traffickers and brokers often fraudulently promise family members, friends, or intermediaries to provide their children with education, better living conditions, or employment, but instead they exploit them in forced labor and sex trafficking. Some unscrupulous individuals manipulate the traditional practice of child fostering—in which parents entrust their children into the care of wealthier relatives or respected community members—and exploit children in domestic servitude. Traffickers often promise Tanzanian women and girls marriage, education, or employment in Zanzibar, facilitate their travel from the mainland, and subsequently exploit them in forced labor in domestic work and farming. Traffickers subject children to forced labor on farms—including as cattle herders and occasionally as hunters—in gold and gemstone mines and quarries, the informal commercial sector, and on fishing vessels operating in Tanzanian and international waters. Traffickers exploit women and girls in domestic servitude throughout the country and in sex trafficking, particularly in tourist hubs along the border with Kenya. Previously, NGOs reported traffickers target young girls from rural villages, pay their parents a small fee, and exploit the girls in sex trafficking, specifically targeting businesspeople. NGOs report Tanzanian fishermen working on foreign- flagged fishing vessels may experience working conditions indicative of forced labor. Increasingly, traffickers bring children and persons with physical disabilities from Tanzania to Kenya and exploit them in forced begging; traffickers often coerce victims to serve as facilitators to further such trafficking schemes. Traffickers exploit Tanzanians in forced labor and sex trafficking in other African countries, the Middle East, Europe, Asia, and the United States. Traffickers increasingly use Zanzibar to transit women to the Middle East, namely Oman and the United Arab Emirates, where traffickers subsequently exploit them in domestic servitude.

Tanzania hosts more than 240,000 refugees and asylum-seekers from Burundi and the Democratic Republic of the Congo, a population vulnerable to trafficking due to economic insecurity and lack of access to support systems. Refugee populations are particularly vulnerable to domestic servitude in Kigoma and Mwanza regions, and refugee children are vulnerable to forced labor in farming and sex trafficking. Traffickers exploit migrant children, particularly from Burundi and Rwanda, in forced labor in agriculture and girls from Burundi and Malawi in domestic servitude and sex trafficking in Tanzania. Observers report vulnerable migrants, including potential trafficking victims, from the Horn of Africa transit Tanzania en route to South Africa where they are vulnerable to trafficking. Observers also report migrants from neighboring countries, primarily Burundi, are increasingly transiting Dar es Salaam en route to the Middle East, where traffickers may exploit them in domestic servitude. Cuban medical professionals and North Korean nationals working in Tanzania may have been forced to work by the Cuban and North Korean governments, respectively.

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