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2019 Trafficking in Persons Report: Tanzania

TANZANIA: Tier 2 Watch List

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 significant efforts during the reporting period by adopting a new national action plan and maintaining prosecution efforts. In partnership with international organizations, the government also facilitated but did not fund several trainings for law enforcement officials and magistrates. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government did not fully implement its standardized victim identification and referral policies or the protection provisions of the 2008 anti-trafficking law, leading to the government identifying, referring, and repatriating significantly fewer trafficking victims and limiting the availability of protective services. The government did not report investigating any trafficking crimes, convicted fewer traffickers than last reporting period, and continued to offer convicted traffickers the option of a fine in lieu of imprisonment. Therefore Tanzania was downgraded to Tier 2 Watch List.

PRIORITIZED RECOMMENDATIONS

Fully implement the protection provisions of the 2008 anti-trafficking act, as outlined in the implementing regulations and the national action plan, including by allocating resources to the victim assistance fund. • Increase funding and training to law enforcement authorities for proactive victim identification and the implementation of standardized policies and procedures related to victim identification and referral to protective services. • Amend the 2008 anti-trafficking act 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 the rule of law and human rights, increase efforts to investigate, prosecute, and convict trafficking offenders, including complicit officials, and impose adequate penalties. • Implement strong regulations and oversight of recruitment companies that are consistently enforced, including prosecuting for fraudulent labor recruitment. • Increase migrant worker protections by eliminating recruitment fees charged to migrant workers, increasing employer security deposits, minimum salaries and pre-departure training for migrant workers, and establishing a mutually enforceable standard contract, a complaints mechanism for returning workers, a public blacklist of abusive employers, and requiring exit interviews and embassy approval of residency permits of migrant workers. • Implement a systematic

victim-witness support program. • Institutionalize the use of the national centralized anti-trafficking data collection and reporting tool and consider increasing information sharing. • Increase funding for the anti-trafficking committee and anti-trafficking secretariat to implement the national action plan to combat trafficking.

PROSECUTION

The government decreased 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 five million and 100 million Tanzania shilling (TZS) (\$2,180 to \$43,570), or both for offenses involving adult victims and 10 to 20 years' imprisonment, a fine between five million and 150 million TZS (\$2,180 to \$65,360), or both for those involving child victims. These penalties were sufficiently stringent but, with regard to sex trafficking, by allowing for a fine in lieu of imprisonment, the penalties were not commensurate with those for other serious crimes, such as rape. The Anti-Trafficking Secretariat (ATS) submitted a proposal to eliminate the alternative sentence of fines, which remained pending in Parliament; however, the government did not report any concrete progress in amending this provision during the current period. The government also reported that the 2008 anti-trafficking act contains a separate procedural provision that requires police to obtain a warrant before making a trafficking-related arrest. This provision creates a higher threshold for law enforcement that does not exist for other similarly serious crimes, which may hinder prosecution efforts.

The government did not report any investigations of trafficking crimes during the reporting period, nor did it report the number of investigations during the previous period. The government reported prosecuting at least 24 defendants and convicting at least three traffickers under the 2008 anti-trafficking act for sex trafficking, compared with 24 prosecutions and four convictions in the previous period. The government sentenced one convicted trafficker to 10 years' imprisonment and two traffickers to seven years' imprisonment; however, the traffickers were given the option of a fine, which they were unable to pay, resulting in prison sentences. The government did not report any investigations, prosecutions, or convictions of officials complicit in trafficking offenses; however, corruption within the judicial system and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Last reporting period, multiple NGOs reported the identification of 14 Indonesian trafficking victims aboard a Malaysian-flagged fishing vessel and 12 Tanzanian trafficking victims aboard a Chinese-flagged fishing vessel, both in Tanzanian territorial waters; there were no further reports indicating whether these victims were assisted and the government did not report undertaking law enforcement efforts to address these cases of trafficking.

With support from an international organization, the government continued limited use of a national centralized anti-trafficking data collection and reporting tool. The tool allowed the government to upload information on trafficking cases and victim and trafficker profiles; however, despite receiving additional training during the reporting period, data input was limited and was not shared. The government continued to

include human trafficking components in standard police academy training, but the government did not report how many new recruits received this training during the reporting period. The government reportedly incorporated information on how traffickers target vulnerable victims and effective use of victim referral manuals into the standard law enforcement training curriculum. In partnership with an NGO, the government facilitated the training of 86 law enforcement officials, including prosecutors, magistrates, police officers, NGOs, immigration officers, and social welfare officers, on anti-trafficking measures. In partnership with an international organization, the government helped facilitate a training for 53 law enforcement officials, including immigration and prison officers, on utilizing the centralized data collection tool, as well as a three-day anti-trafficking workshop for 38 judges. In partnership with other international organizations, the government also facilitated trainings for 96 police and 150 police, magistrates, social welfare workers, immigration officers, and prosecutors.

PROTECTION

The government decreased protection efforts. The government reported identifying 13 potential trafficking victims, but did not report referring any victims to assistance; a significant decrease from the 59 victims the government identified and referred in the previous reporting period. However, an NGO shelter reported the government identified and referred at least 10 victims to care. NGOs reported assisting 90 victims during the reporting period. An international organization reported that the government facilitated, but did not fund, the repatriation of eight Tanzanian trafficking victims during the reporting period; this compared to 33 facilitated repatriations in the previous reporting period. An international organization reported identifying, funding, and facilitating the repatriation of two Tanzanian sex trafficking victims from Thailand and providing assistance; the Ministry of Home Affairs and ATS met the victims at the airport and escorted them to the shelter. Thirteen potential trafficking victims from Nepal and India were identified by immigration officials; they were voluntarily repatriated but the government did not report providing the victims with assistance and did not facilitate or fund their repatriations.

The government continued limited use of a centralized data collection tool during the reporting period, which allowed officials to track and compile information on victims identified and supported law enforcement efforts. The implementing regulations of the 2008 anti-trafficking act required police and immigration authorities to follow standardized procedures and use standardized forms for case investigation and victim identification and referral; however, the procedures were not widely used because the government did not fund their dissemination. The 2008 anti-trafficking act mandated the government provide victims with psycho-social counseling, family tracing, family reunification, and temporary shelter, but the government did not report providing those services to any victims during the reporting period. The government continued to rely on NGOs to provide the vast majority of victim assistance. The government did not operate any domestic trafficking shelters, but it previously published a nationwide guidebook with information on NGOs and had referral agreements to four vetted and accredited NGO shelters. NGO-run shelters provided medical care, psycho-social counseling, and family tracing for victims. The government placed children in special

shelters, where they were enrolled in government schools or given vocational training, and had separate accommodations for boys and girls. However, NGOs reported that while female adult trafficking victims could seek assistance at a shelter dedicated to young girls, there were no shelters available for adult men; furthermore, it was unclear which ministry was responsible for assisting adult trafficking victims. An international organization reported that the Tanzanian embassy in Oman provided temporary shelter to an unknown number of migrant workers, including potential trafficking victims.

Without national implementation of standard identification procedures or proactive screening of vulnerable populations by immigration officials, it is likely authorities detained and deported many unidentified trafficking victims for smuggling or illegal immigration charges. For example, in February 2019, the Government of Tanzania reported initiating the return of more than 2,000 Ethiopian nationals held in detention centers in Tanzania; however, the government did not report screening any detainees to determine if any were trafficking victims. The government also reported that children and adults are frequently incarcerated in the same detention centers, a practice the ATS continued to advocate changing. Thirteen trafficking victims from Nepal and India were detained by police for illegal immigration; they were eventually repatriated but the government did not report providing the victims with assistance or facilitating or funding their repatriations. Despite requirements in the 2008 anti-trafficking law, the government did not fund the anti-trafficking fund for victims during the reporting period and has not to date. The anti-trafficking law provides foreign victims legal alternatives to their removal to countries where their safety or that of their families may be endangered; however, during the reporting period, the government did not grant residency or temporary stay to trafficking victims. Victims typically testify in trafficking cases, but the Whistle Blowers and Witness Protection Act of 2015 and the 2008 anti-trafficking act gave any victim of crime and trafficking victims the option to refuse to participate in prosecution efforts. The government does not have a witness protection program, which has deterred some victims from testifying in court. Trafficking trials may be held in private or by camera to protect victim confidentiality and privacy. The anti-trafficking law entitled victims to restitution from convicted traffickers; however, the government did not report awarding compensation during the reporting period.

PREVENTION

The government maintained efforts to prevent trafficking. The government allocated a budget of 100.5 million TZS (\$43,790) to the ATS, the working level anti-trafficking body, a similar amount as the year prior. The Anti-Trafficking Committee, responsible for the oversight and direction of the ATS, met twice during the reporting period. The government adopted a new national action plan, effective from 2018-2021; however, efforts to implement the new plan or allot funding for its implementation remained minimal throughout the reporting period. Due to lack of adequate funding, the ATS did not conduct any public awareness campaigns on trafficking during the reporting period. The government funded a national hotline operated by a local NGO to report child abuse, including trafficking victims.

Several government agencies in Tanzania and Zanzibar conducted periodic inspections of large employers to detect cases of forced labor but did not report whether any investigations or prosecutions had been initiated as a result of the inspections. During the reporting period, the Ministry of Labor, Employment, and Youth Development (MOL) in Tanzania suspended the registrations of all labor recruitment agencies and required them to reapply to ensure proper vetting; the MOL had approved 17 of 100 registration applications by the end of the reporting period. In accordance with the Non-Citizens (Employment Regulations) Act of 2015, the MOL temporarily closed three labor recruitment agencies due to a lack of proper regulations and controls. During the reporting period, the government did not report pursuing any investigations or prosecutions for fraudulent labor recruitment. The government recognized that additional bilateral labor agreements with destination countries, a comprehensive labor migration law, pre-departure and vocational skills training, and funding for labor attachés at diplomatic missions abroad were critical protections that needed to be implemented for Tanzanian migrant workers who remained vulnerable to trafficking; however, the government did not report efforts made toward the implementation of these migrant worker protections.

In January 2018, the government suspended the issuance of travel documents to all departing Tanzanian migrant workers, due to concerns over migrant worker safety abroad. In August 2018, it narrowed the scope of the suspension to exclude migrant workers who could provide a relevant training certificate for the overseas job, which left intending migrant workers with no legal means to travel abroad for work, increasing their vulnerability to trafficking. For migrant workers with the necessary training certificate, the government continued to require Tanzanians to have valid passports and labor contracts with salary, leave, and health care provisions in order to obtain a letter of permission and an exit permit. The government also required recruitment agencies to provide migrant workers with training on worker rights and destination countries' laws prior to departure and the Companies Act of 2002 required recruitment agencies to be registered and licensed by the government. Tanzanian embassies abroad required employers to submit security deposits to the embassy; the purpose of this was to ensure that the employer would present the migrant worker upon arrival, so the embassy could verify that the worker arrived and possessed the proper documentation, including contract and passport. However, the government reported that in practice, recruitment agencies were not providing pre-departure training to migrant workers and an NGO argued the deposit amount was too small and an insufficient incentive for employers to present migrant workers upon arrival to the Tanzanian embassy. An NGO also reported that Tanzanian contracts were often different from the destination country contract and usually not enforceable, sometimes migrant workers paid recruitment fees, there was no “blacklist” available for migrant workers to avoid previously abusive employers, and recruitment agencies operating in Tanzania would sometimes use “sub-agents,” thereby skirting the registration requirements. An NGO reported that there was no complaint mechanism for returning migrant workers and the staff at foreign embassies were not always trained to identify and assist trafficking victims.

The government had a bilateral labor agreement in place with Qatar but did not report implementing the agreement or signing any new agreements with other destination countries. The government did not make efforts to reduce the demand for commercial sex acts or child sex tourism during the reporting period. The government provided anti-trafficking training to its diplomatic personnel. The government did not provide anti-trafficking training to its troops prior to their deployment abroad on international peacekeeping missions.

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. Internal trafficking is more prevalent than transnational trafficking and characteristically facilitated by the victims’ family members, friends, or intermediaries offering assistance with education or securing employment in urban areas. Impoverished children from the rural interior remain most vulnerable to trafficking. Traffickers exploit girls in domestic servitude throughout the country and in sex trafficking particularly in tourist hubs and along the border with Kenya. An NGO stated that traffickers target young girls from rural and impoverished villages, pay their parents a small fee, and exploit the girls in sex trafficking to businessmen who believe a myth that having intercourse with a “virgin” will allow their business to prosper. Traffickers subject children to forced labor on farms—including as cattle herders and occasionally as hunters—and in mines and quarries, the informal commercial sector, and on fishing vessels operating on the high seas. Some unscrupulous individuals manipulate the traditional practice of child fostering—in which poor parents entrust their children into the care of wealthier relatives or respected community members—who subject children to forced labor as domestic workers.

Drug traffickers will sometimes hold humans as “bond” for varying amounts of time until payments are fulfilled. In 2017, an NGO reported that 14 Indonesian trafficking victims were identified aboard a Malaysian-flagged fishing vessel and in 2018, another NGO reported that 12 Tanzanian trafficking victims were identified aboard a Chinese-flagged fishing vessel, both in Tanzanian territorial waters; there were no further reports indicating whether these victims were assisted or whether the government undertook law enforcement efforts to address these cases of trafficking. Previous media reports indicate that traffickers transported Tanzanian children with physical disabilities to Kenya and forced them to work as beggars or in massage parlors. In 2018, the Kenyan government identified 29 female Tanzanian potential victims in Kenya; the girls were to be taken to the United Arab Emirates and to pay for their transportation fees with a kidney. Traffickers sometimes subject Tanzanians to forced labor, including domestic servitude, and sex trafficking in other African countries, the Middle East, Europe, Asia, and the United States. In 2018, in an attempt to protect its migrant workers from various abuses reported abroad, the government suspended the issuance of travel documents to some migrant workers who could not provide a relevant training certificate for the job abroad—leaving those migrant workers with no legal means to travel abroad for work, and therefore without access to protection mechanisms available through authorized travel, increasing their vulnerability to trafficking. In

February 2019, the governments of Tanzania and Ethiopia reported initiating the return of 541 Ethiopian nationals and several weeks prior, the Ethiopian diplomatic mission announced the release of 1,900 Ethiopian nationals held in detention centers in Tanzania; however, the government did not report screening any detainees to determine if there were trafficking victims. Citizens of neighboring countries may transit Tanzania before traffickers subject them to domestic servitude or sex trafficking in South Africa, Europe, and the Middle East.

ecoi.net summary:

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