

Tanzania - United States Department of State

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 identifying and referring to care significantly more victims and increasing public awareness campaigns. The government also increased investigations and convictions compared to the previous year. In partnership with international organizations, the government facilitated several trainings for officials and created a National Guideline for Safe Houses. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government did not amend its law to remove sentencing provisions that allow fines in lieu of imprisonment. The government initiated fewer prosecutions than the past three years. The government failed to allocate resources to implement the 2018-2021 national action plan through the Anti-Trafficking Secretariat (ATS) and other government entities. The government did not fully implement the creation of the anti-trafficking fund nor disperse funds for implementation. The government lacked formal victim identification and protection mechanisms, consequently, penalizing victims and compromising their safety. Although the government maintained strong relationships with civil society for the protection of victims, the government's disparate and erratic usage of data collection and sharing systems impeded the success of law enforcement efforts and the protection of victims. Therefore Tanzania remained on Tier 2 Watch List for the second consecutive year.

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 allocating resources to the victim assistance fund. • Continue to develop and implement standard operating procedures (SOPs) for victim identification and referral to services and train officials on SOPs, especially to identify vulnerable populations including impoverished and orphaned children, Tanzanians migrating for work abroad, and Burundian refugees. • 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. • 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 ATS to implement the national action plan to combat trafficking. • 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. • Increase public awareness campaigns to families, schools, and community leaders. • Implement a systematic victim-witness support program.

PROSECUTION

The government maintained mixed 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 shillings (TZS) (\$2,180 to \$43,610), 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 \$65,420), 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. The ATS drafted an amendment to the 2008 anti-trafficking law; parliament had not yet reviewed the amendment by the end of the reporting period. The 2008 anti-trafficking act 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 did not maintain comprehensive law enforcement statistics on trafficking. The government investigated 19 trafficking cases during the reporting period, compared with zero investigations during the previous reporting period. The government prosecuted at least 13 defendants and convicted at least five traffickers under the 2008 anti-trafficking act for sex trafficking; this is compared with 24 prosecutions and three convictions in the previous period. The government sentenced one sex trafficker to three years' imprisonment for exploiting two girls in the Singida region and sentenced two other traffickers to two years' imprisonment each; the government did not report the sentencing of the remaining two traffickers. 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 crimes remained significant concerns and inhibited law enforcement action during the year.

Previously, the government worked with an international organization to develop and implement a data collection and reporting system, which uploaded and integrated national and regional information on trafficking cases and victim and trafficker profiles. The government reported utilizing aspects of the system during the reporting period; however, the government reported that due to outdated technology, disparate capacities amongst government ministries and entities, and the lack of training on the system, usage of the data system was erratic and minimal. The government continued to provide support for human trafficking modules in ATS training curricula, which invited law enforcement and other stakeholders, but the government did not report how many new police recruits received this training during the reporting period. The government reported incorporating information on how traffickers target vulnerable victims and effective use of victim referral manuals into the standard law enforcement training curricula during the reporting period. In collaboration with an international organization and with foreign donor support, the government trained 181 police officers, immigration officials, prosecutors, social welfare professionals, community leaders, and NGOs on human trafficking,

including victim identification, and separately supported and facilitated workshops for 70 police, immigration officials, prosecutors, social welfare, community leaders, and NGOs. In partnership with foreign donors, the government also facilitated and supported six trainings for 218 government officials over the course of the reporting period.

PROTECTION

The government increased protection efforts. The government reported identifying 161 potential trafficking victims, a significant increase compared with 13 victims during the previous reporting period. The implementing regulations of the 2008 anti-trafficking act required police and immigration authorities to use standardized procedures and forms for case investigation and victim identification and referral. The government drafted standardized forms for identification and referral in a previous reporting period; however, the procedures were not fully implemented because the government did not fund their dissemination. The government reported referring all of the potential victims to assistance during this reporting period. Of the 170 government identified victims, 159 were female, two were male, one was an adult, and nine remained unknown. Additionally, NGOs reported assisting at least 87 identified victims during the reporting period. The 2008 anti-trafficking act mandated the government provide victims with psycho-social counseling, family tracing, family reunification, and temporary shelter. The government reported providing case management and services to victims it referred during the reporting period. The government reported coordinating information sharing between the ATS and the Department of Social Welfare. The government continued to rely on government-vetted NGOs to provide the vast majority of victim assistance. The government did not operate any domestic trafficking shelters; however, the government vetted and approved a new organization and its shelter, bringing the number of government accredited organizations to five, thence, eight government-vetted and accredited shelters. The government maintained referral agreements with vetted NGOs that manage shelters. The government, in collaboration with an international organization, created a national guideline for shelters on how to effectively operate safe shelters. NGO-run shelters provided medical care, psycho-social counseling, and family tracing for victims. The government continued to place children in specialized shelters, where they were enrolled in government schools or given vocational training and had separate accommodations for boys and girls. Although NGOs continued to report female adult trafficking victims could seek assistance at a shelter dedicated to young girls, there were no shelters available for adult male trafficking victims. Foreign victims were allowed the same access to assistance, counseling, medical care, and training as domestic victims; however, an international organization reported some NGO-run shelters do not accept foreign victims. Civil society, NGOs, and government officials reported close collaboration amongst one another in efforts to identify and refer victims to care and assistance.

The government assisted in the repatriation of seven Tanzanian victims and three foreign victims; two of the foreign victims were repatriated to Mozambique and one to South Africa, compared with eight total repatriations in the previous reporting period. The government identified and referred to care and assistance ten Tanzanian additional trafficking victims abroad including one in Uganda, two in Thailand, two in Iraq, and five in Kenya. 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 any trafficking victims. The government reported it was able to provide assistance to foreign victims, by facilitating travel documents, providing secure passage to a border, and resettling victims to a third country when their return to countries where their safety or that of their families may be endangered.

The government did not report penalizing victims for unlawful acts traffickers forced them to commit; however, due to a lack of formal identification procedures, authorities reportedly deported or detained some unidentified trafficking victims. Observers reported 1,324 Ethiopians, who they believed to show indicators of trafficking, had been arrested and remained in detention for immigration violations; the government did not investigate or screen these cases for trafficking. The government signed an agreement with the Government of Ethiopia to commute the sentences of the detained Ethiopians in order for an international organization to repatriate them with foreign donor funding. The sentences were commuted and the Ethiopians were removed in 14 groups over the course of February and March 2020 through an airline's assistance. The government also reported that children and adults are frequently incarcerated in the same detention centers, increasing children's risk for further exploitation and abuse; ATS continued to advocate for changing this policy. The government took proactive measures to restructure ATS to increase the number of staff and its budget allocation. By the end of the reporting period, the government had not allocated funding for the anti-trafficking fund for victim assistance.

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 a crime, including trafficking victims, the option to refuse to participate in prosecution efforts. The government took steps to implement a witness protection program, but by the end of the reporting period, it did not fully implement it, deterring some victims from testifying in court. Victims could testify during trial in private sessions or via video testimony; however, the government did not report victims using private sessions during trial or video testimony to protect trafficking victims' confidentiality and privacy during the reporting period. 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 minimally maintained efforts to prevent trafficking. The government allocated a budget of 100.5 million TZS (\$43,830) to the ATS, the working level anti-trafficking body, a similar amount as the year prior in 2019. The anti-trafficking committee, the governmental entity responsible for the oversight and direction of ATS, had a mandate to meet quarterly but only met once during the reporting period due to a lack of funds. The government implemented some aspects of its 2018-2021 national action plan. ATS partnered with an NGO to organize and facilitate a training for teachers, community development officers, police officers from gender desks, social welfare officers, and representatives from local government. ATS offered in-kind support to an NGO on a collaborated awareness-raising program in the eastern region in November 2019. The government co-organized and offered support and resources for a public awareness event in which over 500 members of the government and public attended; the event was also broadcast on national television. The government continued to fund and publicize a national hotline operated by a local NGO to report child abuse, including child

trafficking. The government reported victims identified from the hotline received assistance, although it was not able to provide disaggregated data on the number of trafficking victims it referred.

Government agencies in mainland Tanzania and Zanzibar performed periodic inspections of large employers in an effort to detect cases of forced labor, but they did not report identifying any forced labor cases. During the previous reporting period, the Ministry of Labor, Employment, and Youth Development suspended the registrations of all labor recruitment agencies and required them to reapply to ensure proper vetting. During the reporting period, the government provided 30 business licenses to labor recruiting agencies, which are usually one-year operating licenses. During the reporting period, the government did not report pursuing any investigations or prosecutions for fraudulent labor recruitment.

The government continued to recognize 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 needed to protect Tanzanian migrant workers who remained vulnerable to trafficking; however, the government did not report efforts to implement these migrant worker protections. The government reportedly 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 continued to require Tanzanians to have valid passports and labor contracts with salary, leave, and health care provisions in order to obtain the necessary training certificate, a letter of permission, and an exit permit to migrate for work. The government continued to suspend the issuance of travel documents to departing Tanzanian migrant workers who could not provide a relevant training certificate for the overseas job; while positively intentioned, this step may have increased their vulnerability to trafficking when some subsequently chose to migrate through unregulated ways. 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 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 continued to report that, in practice, recruitment agencies were not providing pre-departure training to migrant workers, and an NGO previously argued the deposit amount was too small and an insufficient incentive for employers to present migrant workers upon arrival to the Tanzanian embassy. Observers continued to report ongoing challenges faced by migrant workers, including 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. The government continued to lack a complaint mechanism for returning migrant workers. While the government continued to provide anti-trafficking training to its diplomatic personnel, the staff at foreign embassies were not always trained to identify and assist trafficking victims. The government did not make efforts to reduce the demand for commercial sex acts.

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 often dupe family members, friends, or intermediaries into aiding traffickers' in their exploitive tactics by offering assistance with education and better living conditions or securing employment in urban areas and abroad. The government reported that brokers sometimes enter into communities to recruit and transport victims into trafficking situations. Impoverished and orphaned children from the rural interior remain most at risk 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 coerce the girls in sex trafficking to business people 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 gold and gemstone 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.

Tanzanian fishermen work on fishing vessels with indicators of trafficking. In 2017, an NGO reported 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. 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 (UAE) and to pay for their transportation fees with a kidney.

Traffickers sometimes subject Tanzanians to forced labor, including in domestic service, and sex trafficking in other African countries, the Middle East, Europe, Asia, and the United States. Observers reported traffickers and their victims increasingly transited Zanzibar en route for forced labor in domestic service in Oman and the UAE. In 2019, there were reports of Burundians identified as meeting indicators of trafficking en route to the UAE and Kenya, whom Tanzanian immigration officers deported to Burundi. Citizens of neighboring countries may transit Tanzania before traffickers subject them to domestic servitude or sex trafficking in Kenya, South Africa, Europe, and the Middle East. Children from Burundi and Rwanda are increasingly subjected to child forced labor in Tanzania. Trafficking victims subjected to forced labor in Tabora were reportedly from rural areas of Kigoma—the location of refugee camps and settlements. During 2019, North Koreans working in Tanzania may have been forced to work by the North Korean government.