



Research Triangle Institute (RTI) International

Trafficking in Persons Project Report

Project Title: *Strengthening and Sustaining Tanzania's Response to Trafficking in Persons, Ensuring Access to Justice and Fair Treatment for TIP Victim*

Tanzania

Board Meeting Report

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Acronyms

MoU	Memorandum of Understanding
NGO	Non-Governmental Organization
RTI	Research Triangle Institute
TAWLA	Tanzania Women Lawyers Association
TIP	Trafficking in Person

Introduction

RTI International (www.rti.org) is one of the world's leading independent, not-for-profit research institutes. With over 3,800 staff providing research and technical services to governments, research organizations, and businesses throughout the world, RTI has implemented more than 12,000 client-funded research and international development projects in over 70 countries. RTI has the financial, managerial, and personnel systems to effectively handle complex international work.

RTI has been working in Africa for more than 40 years and has a corporate regional office in Nairobi, Kenya that supports projects in the region. Dr. Lyungai Mbilinyi, the proposed Project Director, is a Native of Tanzania with an extensive network of partnerships in government, non-government, and private sectors. Her strong networks within Tanzania will help ensure the involvement and participation of strong, local partners needed to achieve the project goals. Dr. Mbilinyi also has 18 years of experience conducting gender based violence research, including of Tanzanian immigrants in the US experiencing domestic and sexual violence.

RTI also has extensive experience in trafficking in persons for both sex and labor. RTI has directed several trafficking projects funded by both the National Institute of Justice (NIJ) and the Administration for Children and Families. Dr. Barrick, the proposed co-PD, is currently directing research on the labor trafficking of migrant farmworkers for NIJ. Her prior research on trafficking has included seeking to understand law enforcement perceptions of labor trafficking in their communities. Dr. Barrick has also participated in expert working groups on trafficking research convened by the United Nations Office on Drugs and Crime and NIJ.

Justin Dawson was a Department of Justice prosecutor for 8 years, he spent 4 years in El Salvador working with the Attorney General's office and national police to train and implement new investigation and prosecution techniques, as well as develop better relationships between the two law enforcement agencies. The areas of training focused on gang-related crimes, including trafficking in persons, drugs, murder and extortion. Dr. Robert Ssengozi has decades of experience leading multi-million-dollar research projects in Africa.

Edwin Muga, is a country project coordinator, he holds Master's Degree in Law from the University of Dar es salaam. Before joining Research Triangle institute (RTI) he worked as consultant in various NGOs in and outside Dar es salaam and an assistant Lecturer at Tumaini University Dar es salaam college where he has been teaching Human Rights Law, Criminal Law, Constitutional Law, Law of Torts & Insurance Law. His specialized areas of practice include Human Rights Law, International Law, International Criminal Law, Cyber Crimes Law, Competition Law, Intellectual Property Law, Law of torts, and Immigration & Refugee Law. He has been involved in conducting research and consultancies on Child Rights, Gender Based Violence, (GBV), Violence against Children (VAC), Policy analysis and review, Human rights laws and constitutional reforms.

Project Summary

RTI International, implements its 3-year project (2016-2019) *Strengthening and Sustaining Tanzania's Response to Trafficking in Persons, Ensuring Access to Justice and Fair Treatment for TIP Victims*, funded by the US Department of State, Office to Monitor and Combat Trafficking in Persons (J/TIP).

The project's overall goal is to strengthen and sustain Tanzania's national criminal justice system's response to trafficking in persons (TIP) and to ensure access to justice and fair treatment for all victims of TIP in Tanzania. The project's three objectives are to: (1) Strengthen the Legal Framework to Combat TIP; (2) Strengthen National Coordination; and (3) Build Institutional Government Capacity to Sustain Prosecution of TIP cases.

Project Background

Human trafficking has been recognized as the world-wide tragedy, it is an organized crime which include domestic human trafficking and unwilling movement of people from one country to another and within the country from one region to another hence it acts as a negative impact toward individual, families, community and the whole society at large. Human Trafficking has been done under the economic motive. In Tanzania, human trafficking has been practiced under both domestic and international (borders crossing) where movement from one country to Tanzania has been one of the way of conducting human trafficking and on another hand domestic trafficking of human with Tanzania region.

Different international instrument such as Palermo Protocol have been adopted by the United National to advocate for human trafficking ,whereby it is in relation to Tanzania Ant-Trafficking Act of 2008 which was enacted in collaboration with other law such as Immigration law to address all kind of human trafficking .it is presumed that human trafficking in Tanzania has increased and so the country struggles to enforce the law to the traffickers and also to ensure protection to the victim and witness while preventing human trafficking .

Project Proposed Activities

Includes the following;

1. Conduct research and legal review of the 2008 Anti-TIP law and related legislation; identify gaps and areas that could be strengthened in its implementation, including organizational and technical capacity.
2. Develop implementing regulations to strengthen protection provisions of the Anti-TIP law.
3. Develop/draft proposed amendments to strengthen Anti-TIP law and related legislation to ensure harmonization.
4. Develop guidelines to proactively identify victims of trafficking and refer them to care
5. Develop standard operation procedures (SOPs)/internal procedures for key ministries that set specific roles and provide instructions for implementation duties
6. Develop a Memorandum of Understanding (MoU) between law enforcement agencies and the Intergovernmental Organizations (IO)-Non -Governmental Organizations (NGO) sector that ensures the transfer of victims of trafficking from police custody to support and protection services operated by NGO's
7. Develop a formal protocol /interagency agreement for police and prosecutors to coordinate their respective activities.
8. Develop a training manual and conduct multidisciplinary week-long trainings on implementing victim centered Anti-TIP implementation regulations and standard operating procedures.
9. Provide case consultation follow-up sessions to training participants

10. Strengthen Government capacity to conduct internal organizational assessments, address gaps identified, and document lessons learned for future use.
11. Partner with other implementing partners to address Government institutional and human capacity needs in the prosecution of TIP's.
12. Provide assistance in the development clear timelines for project activities that are properly aligned with Government policies, technical guidelines and plans to ensure effective use of human and financial resources in the prosecution of TIP cases.

Ekama Partnership to the TIP Project

RTI International is collaborating with three partnering agencies in Tanzania: The Anti-Trafficking Secretariat within the Ministry of Home Affairs; Ekama Development Foundation; and Tanzania Women Lawyers Association (TAWLA). The collaborative will conduct a review of current TIP regulations and laws in Tanzania; compare them to international standards; propose any rewrites or amendments of the current laws; draft new laws to better protect victims and enhance national and international coordination; and train relevant sectors in implementing relevant regulations.

Overall Ekama Activities as a Partnering Agency

Ekama has partnered in the project to provide for in-country expertise on the proposed activities of the project. The organization has the following duties toward the project;

- To conduct review of the current TIP regulation and laws in Tanzania.
- To contribute in research and analysis of the current Ant-TIP law and compare the laws of TIP with the international standards.
- To provide input on training curriculum development, revision and to participate in different meetings
- To ensure input of the MoU between the NGO's and the law enforcement agencies.
- To input on guidelines of ensuring the identification of the victim of the TIP.
- To consult with the other partner (RTI) to assist on the protection of victim of TIP and other social assistance

Ekama Contributions to the TIP Project

In pursuant of the first objective to the TIP -Strengthen the Legal Framework to Combat TIP (**within January to June 2017**), Ekama in collaboration with RTI succeeded to conduct research and legal review to laws and legislation that cut across TIP. Where the research came out with the results showing that the punishment

provided to traffickers is inadequate since some form of trafficking need to be reviewed and a serious punishment to be imposed. The penalty imposed for the violation of one's, human right is less proportional compared to the felony committed.

The research shows that, many victims lacks protection due to deficiency of fund to insure security and safe environment to them, and it was observed that the parliament fund which was created to support victims of trafficking is not active whereas there is not any fund that was provided by the parliament as promised before, thus an obstacle towards protection of victims and other aspect related to trafficking in personal.

This went together with the analysis and review of the laws and legislation that cut across human trafficking, where the research shows that the law needs to be amended so to provide effective sanctions and imposing high fine to the traffickers and in some cases the option of fine punishment need to be removed. The following are the specific recommendation that are made after the reviewing the laws and legislation made by EKAMA in collaboration with RTI and TAWLA;

- The trafficking Act need to impose more and serious punishment to the traffickers.
- The rights of trafficked victims need to be widely provided, the organisation suggested for more additional rights to be added in the trafficking Act.
- The need to have additional provisions on the admission, support, planning and treatment and care to the trafficking Act.
- The need to have amendment on the limitation on the matter of health as provided by the trafficking law where the limitations to 5 minimum people need to be reconsidered to pregnant women and children.
- Also, legal support to social workers and victims need to be well recognized by the Act
- Under the criminal procedure Act TIP need to be recognised as a serious offence
- There should not be option to punishment, where it should be fine and imprisonment or imprisonment.
- Also, the TIP crime need to be recognized as the economic crime and added to the economic crime Act.
- On the aspect of evidence to trafficking victims there need to be better way to over review the evidence especially when there is confession, generally evidence to trafficking need to be specifically observed and proved in relation to victim right to legal concerning.

The above recommendations were provided after the general review of the Trafficking in person laws. EKAMA attended and participated in different seminars which aimed to rise more awareness to the members concerning TIP project.

Meeting with the US Department of State Whitney Stewart at RTI International Dar es Salaam office on **31st July 2017**. The agenda for the meeting was; to understand more about the work Ekama have done and how the work will guide the support of the project, and to provide additional information on the current landscape of TIP in the country.

Ekama Development Foundation shared information's and experiences about Organization work in general, current activities, and other past or current activities that are related to Trafficking in Persons.

Proposed Future Activities

EKAMA as one of the organization that took part in TIP project has been participating in different activities that had to take place to ensure the TIP project is successful in terms of its achievements and goals, with the early activities that were done by EKAMA; the following are the next suggested activities that EKAMA propose to undertake in future to support effectively on the combating of TIP such as follows:

- To provide training on the law concerning TIP and all other legal aspect concerning trafficking in personal.
- To give more guidelines on how on identification of TIP victims and protects means.
- To do more research
- To review more laws and rules and redraft of the reviewed laws, this will be conducted to support the combating of Trafficking in personal.
- To give more training and seminars to the public to raise awareness on the issue concerning trafficking in personal to make the public aware of the whole matter concerning TIP and its laws.
- To be active member in trainings and workshops prepared by the TIP Country Coordinator

Expectations

EKAMA has a lot of expectation from the TIP project and the general expectation is to see awareness on TIP on both aspect economic, social cutting across legal aspect is rising to the public and victims are being protected while the law is being enforced and the increased government supports to TIP victims for a better community for everyone.

The law enforcers be strictly and adhere to the law that is harsher to a trafficker so to help in minimizing the act of TIP. And so, this will help to control the trafficking in personal crimes.

Strengthen Ekama relationship with stakeholders within the TIP project and beyond towards Organization passion to work with women and children.

Recommendations

Since EKAMA has been taking part in combating trafficking in person, there are different suggestions or recommendation that are proposed to be done to support in the smoothness of the TIP project, and to ensure every goal is being achieved as aimed, such recommendation are as follows.

- There should be more training on TIP to different groups especially police officers, judicial officers and all other law enforcers on the general knowledge about TIP.
- To cooperate in ensuring economic development in different aspects so to prevent movements of people from one place to another.
- There should be awareness raising to the public in the matter that concern the TIP so spread the knowledge on the effects of TIP to both genders and the community at large.
- The reviewed laws need to be enforced and strictly adhered so to minimize and control TIP and all other relevant law need to be reviewed so to comply with the main law.
- More focus to the protection of victims from the government need to be considered so to ensure protection to TIP victims in all places.