



**The amendments of the Anti-trafficking in Persons Act No.6/2008 has come at the right time and is a great relief to Victims of Human trafficking**

**By Edwin Mugambila**

Trafficking in Persons (TIP) also known as human trafficking is one of the heinous crimes that constitute gross violation of Human rights. It is an ignominious crime that deprives a Victim of his/her dignity. It is a crime that agonizes the victim and inflicts lifetime psychological/ trauma damage. The UNODC Global Reports on human trafficking, 2020 indicate that, 65% of Victims of human trafficking are girls and Women who are recruited and exploited in Sex schemes. The US Department of State to Combat trafficking states that, those who are involved in human trafficking make as huge sums of money as \$ 150 Billion Per year making it a third most profitable Criminal enterprise in the World. It is preceded by Drugs trafficking and illegal arms Dealing. Tanzania has been a source, transit and Country of destination for human trafficking Victims.

According to the US Department of State Global status Report on human trafficking, From June 2021 to June 2022 there were 185 reported cases of TIP in Tanzania: 166 victims were female, 19 were male, 29 were adults and 156 were children or youth. Out of these cases, only 113 were investigated and only 13 perpetrators were convicted, all of which paid fines in lieu of imprisonment. Although these figures paint a weak response to TIP in Tanzania, the Tanzanian government has demonstrated a strong impetus to curb TIP. In October 2021 the parliament partly amended the TIP Act. The Written laws Miscellaneous Amendments (NO.5) Act of 2021 amends the TIP Act to among other things, to include an offence of **'attempt to commit a TIP offence'** under section 8A of the Act. The addition of this provision has brought success within a short period of time. In the Case of **Republic vs Kulwa S/o Sangijo Ivungusa, Criminal Case no. 23 of 2022 before the District Court of Kahama at Kahama** an accused was charged of an offence under section 8A and convicted to pay a fine of 1,000,000/= or imprisonment for six months on default of fine. The culprit paid the fine and was set free. This year in March, the government launched the National Anti-trafficking Plan of Action 2021-2024 which provide for coordinated framework for human trafficking prevention in Tanzania. Through the NPA the government commits itself to establish 3 safe houses for TIP Victims in Tanzania. One for Zanzibar, one for Dar es salaam and one for Dodoma. This is an unprecedented achievement in TIP Victim protection.

Among the challenges that had always impeded TIP prevention in Tanzania has been the lenient laws that do not sufficiently deter traffickers. As noted above, Previously the law gave room for traffickers to pay small pecuniary fines in lieu of imprisonment- this always gave a safe haven to traffickers to commit the prohibited crimes and escape the legal pains. Theories of Punishment demands that **pain upon the offender ought to outweigh the social benefits consequently enjoyed**. As a result of joint work done by state and non-state actors in advocating for further legal reforms to strengthen the punishments and accord stronger Protections to those affected by the TIP crimes, the Parliament has passed an amended law. I commend the Ministry of Home Affairs for assuming the agenda and setting the reforms in motion in the Parliament. I further commend the good job of the Parliament for seeing it fit and worthy adopting and passing the amendments (Written Laws Miscellaneous Amendments No. 2 Act of 2022) which among other things; removes an option of fine in lieu of imprisonment but rather makes imprisonment mandatory in addition to pecuniary fines. The amended law

also elevates the Punishments/penalties. Sections 4, 5,7, 8A and 13 are amended to vary the TIP penalties. Before the amendments, the ordinary crime of human trafficking was punishable under section 4(1) and 4(5). The person who committed crimes under these sections was liable to fine of not less than five million shillings but not more than one hundred million shillings or to imprisonment for a term of not less than two years and not more than ten years or both. For previous cases decided, all culprits have opted to pay fines and escaped the imprisonment. Section 4 of the written laws miscellaneous Amendments No.2 Act of 2022 amends section 4(5) of the TIP Act No.6/2008. It provides for a minimum sentence of 20 years imprisonment and maximum sentence of thirty years .in addition to imprisonment, the Court may order the convicted Person to pay a fine of not less than fifty million shillings but not more than ten hundred million shillings (*sic*) .it is a good step that will deter perpetrators of human trafficking and related offences. Further, section 6(4) of TIP Act which punishes a crime of ‘*severe trafficking in Persons*’ is amended to replace the former penalty from a fine of 5-150 million shillings or imprisonment for a term not less than ten years but not more than twenty years or to both replaced with imprisonment for a term of not less than thirty years but not more than life imprisonment provided that, the court may, in addition to imprisonment, order the convicted person to pay a fine of not less than fifty million shillings but not exceeding three hundred million shillings.” The section covers vulnerable group of Victims including Children and Persons with disabilities. I am optimistic that, imposing severe penalty will help to reduce the incidents of Child trafficking and exploitation of people with disabilities in forced begging and other sectors of exploitation. Further, the punishment for attempt to commit TIP offence under section 8A of the Act has been amended from a fine of not less than one million shillings but not exceeding five million shillings or imprisonment for a term of not less than six months but not exceeding one year, or to both.” To imprisonment for a term of not less than five years but not exceeding ten years provided that, the court may, in addition to imprisonment, order the convicted person to pay a fine of not less than five million shillings but not exceeding fifteen million shillings.” The amendments has taken away the discretion given to magistrates to decide the small penalty. Previously, this discretion gave possible room for abuse and corruption consequently being detrimental to Victims of trafficking. The elevation of penalties and removal of optional fines in lieu of imprisonment has been received positively by all who wish to see human trafficking on its knees in Tanzania. Tanzania Relief initiatives in Collaboration with the ministry of home affairs and with financial support from the Hanns Sediel Foundation (HSF) and the Embassy of Canada through the CFLI Program has program of training the law enforcement officers on the new laws and best practice on trauma-informed and Victim-centred approaches in human trafficking response in Tanzania. These programs have been implemented in regions that are disproportionately affected by human trafficking including Dar es salaam, Arusha, Mwanza, Shinyanga, Kagera, Singida and Mbeya. It is strongly expected that, good laws with well-trained officers to man them will significantly lead to dismantling of TIP criminal syndicates and will enhance efficiency in protection of those affected by the crime.

Edwin Mugambila is the Executive director for Tanzania Relief Initiatives

[Edwinmuga79@gmail.com](mailto:Edwinmuga79@gmail.com)

+255659577955