

THE ANTI-TRAFFICKING IN PERSONS ACT, 2008

ARRANGEMENT OF SECTIONS

Section *Title*

PART I

PRELIMINARY PROVISIONS

1. Short title and commencement.
2. Application.
3. Interpretation.

PART II

PROHIBITION OF TRAFFICKING IN PERSONS

4. Acts of trafficking in persons.
5. Acts that promote or facilitate trafficking in persons.
6. Severe trafficking in persons.
7. Trafficking in persons by intermediary.
8. Use of trafficked persons.

PART III

INVESTIGATIONS AND JUDICIAL PROCEEDINGS

9. Confidentiality.
10. Reporting of offences.
11. Interrogation by police officer.
12. Arrest by police officer.
13. Commission of second and subsequent offences.
14. Confiscation and forfeiture of proceeds and instruments derived from trafficking in persons.
15. Compensation.
16. Identification of victims.

PART IV

RESCUE, REHABILITATION, PROTECTION AND ASSISTANCE TO VICTIMS

17. Rescue, care, rehabilitation and canceling of trafficked persons.
18. Protection and assistance to victims.
19. Assistance and protection to child victims.
20. Centers for protection of victims.
21. Repatriation of victims.
22. Repatriation of child or a disabled person victim.
23. Repatriation of foreign citizens etc.
24. Programs that address trafficking in persons.

PART V
THE ANTI-TRAFFICKING FUND

25. Establishment of Anti-Trafficking Fund.
26. Sources of the Fund.
27. Use of funds.
28. Management of the Fund.
29. Funds, accounts and annual estimates of Secretariat.

PART VI
ANTI-TRAFFICKING COMMITTEE

30. Establishment of the Anti-Trafficking Committee.
31. Composition of the Anti-Trafficking Committee.
32. Functions of the Anti-Trafficking Committee.
33. Meetings of the Anti-Trafficking Committee.

PART VII
MISCELLANEOUS PROVISIONS

34. Legal protection to trafficked persons.
35. Indemnity of members.
36. Application of other laws.
37. Regulations.

PART VIII
CONSEQUENTIAL AMENDMENTS

38. Repeal of section 139A.
39. Amendment of Section 148.
40. Amendment of Section 10.
41. Amendment of Section 3.

THE UNITED REPUBLIC OF TANZANIA



No. 6 OF 2008

I Assent,


[.....]

President

[06 June, 2008
.....]

PREAMBLE

WHEREAS the United Republic values dignity of every human person and guarantees respect of individual rights;

AND WHEREAS the United Republic recognizes equal rights and inherent human dignity of people as enshrined in the Constitution of the United Republic of Tanzania of 1977, and in the United Nations Convention Against Transnational Organized Crime together with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, and children and other universally accepted human rights instruments and international conventions to which the United Republic is signatory.

AND WHEREAS the United Republic accords highest priority to the enactment of measures and development of programme that promotes human dignity, protects the people from any threat of violence and exploitation, eliminates trafficking in persons and mitigates pressures for involuntary migration and service of persons with a view to ensuring their recovery, rehabilitation and re-integration into the mainstream of the society;

AND WHEREAS the United Republic is convinced that despite the existence of a variety of international instruments containing rules and practical measures to combat exploitation of persons, there is a need to put in place a comprehensive legislation to address all aspects of trafficking in persons;

NOW THEREFORE BE IT ENACTED by Parliament of the United Republic of Tanzania as follows:

PART I

PRELIMINARY PROVISIONS

- Short title and commencement 1.-(1) This Act may be cited as the Anti-Trafficking in Persons Act, 2008.
- (2) This Act shall come into operation on the date on which the Minister may, by notice published in the *Gazette*, appoint.
- Application 2.-(1) This Act shall apply to Mainland Tanzania as well as to Tanzania Zanzibar.
- Interpretation 3. In this Act unless the context otherwise requires -
- Cap 16 "abduction" in relation to offences relating to trafficking in persons, means to compel or induce a person to move from one place to another;
- "authorized officer" means an immigration officer, a police officer or any other public officer exercising the powers of law enforcement agency;
- "basic material support" includes education, health care, clothing, shelter, counseling and nutritional requirements;
- "bonded placement" means placement by a trafficker of a person for exploitative purposes with a promise of subsequent payment to the trafficker by the user of the trafficked person;
- "care and protection" shall have the same meaning as basic material support;
- "child" means a person below the age of eighteen years;
- "debt bondage" means the pledging by the debtor of his personal services or labour or those of a person under his control as security or payment for a debt, where the length and nature of services is not clearly defined or the values of the services as reasonably assessed is not applied toward the liquidation of the debt;
- "disabled person" means a person who is unable to fully take care of, or protect himself from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability;
- "exploitation" in relation to trafficking in persons means people smuggling, prostitution and other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- "forced labour and slavery" means the extraction of work or services

from any person by means of enticement, violence, intimidation or threat, use of force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-bondage or deception;

“foreign authority” means a person designated by a foreign government as competent authority to act on behalf of a foreign government for purposes of this Act;

“Government” means an authority by which the executive authority of the United Republic is exercised;

“injury” includes physical, emotional and psychological hurt;

“Minister” means the Minister responsible for home affairs;

“NGO” shall have a meaning ascribed to it under the Non-Government Organizations Act;

Cap.56

“organs” include any part of the human body which can be removed and used to sustain life or for any purpose;

“place of safety” means premises where the welfare of a victim of trafficking is assured;

“placement as service” means the placement of a person by a trafficker for exploitative purposes where the service of that person is not remunerated;

“police officer” includes an officer from another security service;

“pornography” refers to any representation, through publication, exhibition, cinematography, indecent show, information technology or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes;

“prostitution” means transaction, scheme or design involving the use of a person by another for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration;

“security services” includes the Police, Tanzania Revenue Authority, Immigration and the Tanzania Intelligence and Security Services;

“social welfare officer” includes a probation officer;

“temporary placement” means the transfer of a trafficked person for a limited period for exploitative purposes;

“sex tourism” means -

- (a) program organized by travel or tourism related establishment or an individual, which consists of tourism packages or activities, utilizing and offering escort and sexual services as enticement for tourists;

(b) sexual services or practices offered during rest or recreation periods for members of the military;

“sexual exploitation” means participation by a person in prostitution or the production of pornographic materials as a result of being subjected to a threat, deception, coercion, abduction, force, abuse of authority, debt bondage, fraud or through abuse of a victim’s vulnerability.

PART II

PROHIBITION OF TRAFFICKING IN PERSONS

4.-(1) A person commits an offence of trafficking in person if that person -

- (a) recruits, transports, transfers, harbours, provides or receives a person by any means, including those done under the pretext of domestic or overseas employment, training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labour, slavery, involuntary servitude or debt bondage;
- (b) introduces or matches a person to a foreign national for marriage for the purpose of acquiring, buying, offering, selling or trading the person in order that person be engaged in prostitution, pornography, sexual exploitation, forced labour, slavery, involuntary servitude or debt bondage;
- (c) offers or contracts marriage, real or simulated, for the purpose of acquiring, buying, offering, selling or trading a person in order that person be engaged in prostitution, pornography, sexual exploitation, forced labour or slavery, involuntary servitude or debt bondage;
- (d) undertakes or organizes sex tourism or sexual exploitation;
- (e) maintains or hires a person to engage in prostitution or pornography;
- (f) adopts or facilitates the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced-labour and slavery, involuntary servitude or debt bondage;
- (g) recruits, hires, adopts, transports or abducts -
 - (i) a person, by means of threat or use of force, fraud, deceit, violence, coercion or intimidation for the purpose of removal or sale of organs of the person; or

- (ii) a child or a disabled person for the purposes of engaging the child or the disabled person in armed activities.

(2) Trafficking in persons shall also be constituted upon placement for sale, bonded placement, temporary placement or placement as service where exploitation by some other person is the motive.

(3) Where a victim of trafficking in persons is a child, consent of the child, parent or guardian of the child shall not be used as a defence in prosecution under this Act regardless of whether there is evidence of abuse of power, fraud, deception or that the vulnerability of the child was taken advantage of.

(4) A consent of a victim of trafficking in persons shall be immaterial where any of the means referred to under subsection (1) has been used against the victim.

(5) A person who commits any of the offences or acts specified under this section shall, on conviction, be liable to a 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 to both.

5.-(1) A person who promotes, procures or facilitates the commission of trafficking in persons commits an offence.

(2) A person promotes, procures or facilitates the commission of trafficking in persons if that person –

- (a) knowingly leases or subleases, uses or allows to be used any house, building or establishment for the purpose of trafficking in persons;
- (b) produces, prints, issues or distributes unissued, tampered or fake certificates, registration or stickers of any government agency which issues the certificates, registration or stickers as proof of compliance with government requirements for promoting trafficking in persons;
- (c) advertises, publishes, prints, broadcasts or distributes, or causes the advertisement, publication, printing, broadcasting or distribution by any means, including the use of information technology or

Acts that promote or facilitate trafficking in persons

- any brochure, flyer or any propaganda material that promotes trafficking in persons;
- (d) assists in the conduct of misrepresentation or fraud for purposes of procuring or facilitating the acquisition of clearances and necessary exit documents from government agencies for the purpose of trafficking in persons;
 - (e) facilitates or assists in the exit and entry from or to the United Republic a person who is in possession of unissued, tampered or fraudulent traveling documents for the purpose of trafficking in persons;
 - (f) confiscates, conceals or destroys the passport, traveling documents or personal documents which belongs to a trafficked person in furtherance of trafficking in persons;
 - (g) prevents a trafficking person from leaving the United Republic or seeking redress from the Government or appropriate authorities; or
 - (h) knowingly benefits from, financial or otherwise, or makes use of, the labour or services of a person held under a condition of involuntary servitude, forced labour or slavery.

(3) A person who commits an offence under this section shall, on conviction, be liable to a fine of not less than two million shillings but not more than fifty million shillings or to imprisonment for a term of not less than one year but not more than seven years or to both.

6.-(1) Subject to the provisions of this Act, certain acts or circumstances shall be considered as severe trafficking in persons.

(2) Severe trafficking in persons shall be considered to exist if –

- (a) the trafficked person is a child or a disabled person;
- (b) the adoption is effected for the purpose of prostitution, pornography, sexual exploitation, forced labour and slavery, involuntary servitude or debt bondage;
- (c) the crime is committed by a syndicate or in large scale;
- (d) the offender is an ascendant, parent, sibling, guardian or a person who exercises authority over the trafficked person;
- (e) the offence is committed by a public officer, an employee or a religious leader;
- (f) the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies;

- (g) the offender is a member of the military or law enforcement agencies; and
- (h) by reason or on occasion of the act of trafficking in persons, the trafficked person dies, becomes insane, suffers mutilation or is infected with Human Immunodeficiency Virus (HIV), the Acquired Immune Deficiency Syndrome (AIDS), Sexual Transmitted Diseases (STDs), communicable diseases or other diseases.

(3) For the purpose of subsection (2)(c), trafficking in persons is deemed to be committed by a syndicate if it is –

- (a) carried out by a group of two or more persons; or
- (b) committed against two or more persons, individually or as a group.

(4) A person who commits an offence under this section shall, on conviction, be liable to a fine of not less than five million shillings but not more than one hundred and fifty million shillings or to imprisonment for a term of not less than ten years but not more than twenty years or to both.

7.-(1) A person who acts as an intermediary for the purpose of trafficking in persons commits an offence.

Trafficking in person by intermediary

(2) For the purpose of this section -

- (a) “an intermediary” means a person who knowingly participates in or is concerned with any aspect of trafficking in persons under this Act; and
- (b) “to be concerned with” means to -
 - (i) submit or to take a person to a process of trafficking in persons;
 - (ii) give a consent for a person to be trafficked;
 - (iii) receive at any place a person for the purpose of making that person be a subject of trafficking in persons; or
 - (iv) enter into agreement whether oral or written for the purpose of trafficking in persons or to subject a person into trafficking in persons.

(3) A person who commits an offence under this section shall, on conviction, be liable to a fine of not less than four million shillings but not more than one hundred and fifty million shillings or to imprisonment for a term of not less than seven years but not more than fifteen years or to both.

Use of
trafficked
persons

B. A person who buys or engages the services of trafficked persons for prostitution commits an offence and shall on conviction be liable to a fine of not less than one million shillings but not more than thirty million shillings or to imprisonment for a term of not less than twelve months but not more than seven years or to both.

PART III

INVESTIGATIONS AND JUDICIAL PROCEEDINGS

Confiden-
tiality

9.-(1) The private life and identity of victims of trafficking in persons shall be secured and protected.

(2) The law enforcement organs, judges, court personnel and medical practitioners, as well as parties to the case shall, at any stage of investigation and trial of an offence under this Act, recognize the right to privacy of the trafficked person and the accused.

(3) The court before which the complaint has been referred may, after considering all circumstances for the best interest of the parties, order the proceedings to be held in camera.

(4) The name and personal particulars of the trafficked person or any other information regarding the trafficked person shall not be disclosed to the public.

(5) Where prosecution is conducted in camera, it shall be unlawful for –

- (a) an editor, publisher, reporter or columnist;
- (b) announcer or producer;
- (c) producer or director of a film; or
- (d) any person utilizing tri-media facilities or information technology,
to cause publicity of that prosecution.

10. A victim of trafficking in person who possesses information about any person committing an offence of trafficking in persons elsewhere shall be required to, immediately, report the offence to the police officer.

Reporting of offences

11.-(1) Where a police officer receives a report pursuant to section 10, that officer shall –

Interrogation by police officer

- (a) interrogate the persons alleged to be in commission of the offence of trafficking in persons; and
- (b) record the information in detail.

(2) A police officer who comes by a victim of trafficking in person shall be under the general duty to-

- (a) assist the victim to obtain medical and psychological treatment, where it is necessary;
- (b) assist the victim to a place of safety if the victim expresses concern about safety; and
- (c) inform the victim of his rights and any basic support which may be available to assist the victim.

12.-(1) A police officer shall not arrest a person for any offence under this Act without a warrant.

Arrest by police officer

(2) Notwithstanding subsection (1), a police officer may arrest a person for trafficking in persons without a warrant if -

- (a) an act of trafficking in persons is committed in the presence of that police officer;
- (b) the police officer is obstructed by the suspect from conducting investigation;
- (c) a person is about to commit an offence of trafficking in persons and there is no other way to prevent the commission of the offence.

13. The court may, in addition to specific penalties stipulated in various provisions under this Act, impose a more severe penalty for a person who is convicted for a second or subsequent offence under this Act.

Commission of second and subsequent offences

14.-(1) In addition to the penalty imposed for the commission of an offence under this Act, the court may order the confiscation and forfeiture, to the Government of all proceeds and properties derived from the offence of trafficking in persons.

Confiscation and forfeiture of the proceeds and instruments derived from trafficking in persons

(2) All awards for damages shall be taken from the personal and separate properties of the accused person except where such properties are insufficient, in which case the balance shall be made good from the proceeds of the confiscated and forfeited properties.

(3) Where the proceeds, properties and instruments in respect of which the offence of trafficking in persons was committed are destroyed, diminished in value or otherwise rendered worthless by any act or omission, directly or indirectly, of the offender, or it has been concealed, removed, converted or transferred to prevent the same from being found or to avoid forfeiture or confiscation, the offender shall be ordered to pay the amount equal to the value of the proceeds, property or instruments of the offence.

Compensation

15.-(1) A person convicted of the offence of trafficking in persons under this Act shall be ordered by the court to pay compensation to the victim of the trafficking in persons.

(2) A person who causes injury to any person in pursuant of trafficking in persons under this Act shall be ordered to pay compensation to the injured person.

(3) The payment of compensation shall be in addition to any other punishment.

Identification of victims

16. Identification of victims of trafficking in persons shall be carried out by an authorized officer or any other person that have reasonable grounds to believe that a person is a victim of trafficking in persons.

PART IV

RESCUE, REHABILITATION, PROTECTION AND ASSISTANCE TO VICTIMS

Rescue, care, rehabilitation and counseling of trafficked persons

17.-(1) The public officers in the security services shall be responsible for the rescue of a trafficked person and provision of temporary basic material support for the care and protection of a rescued victim of trafficking in persons.

(2) Social rehabilitation of rescued victims shall be carried out by social welfare officers for the purpose of re-instating the victim back

into normal way of life and may include provision of legal assistance and material assistance, psychological, medical and professional rehabilitation, employment and a dwelling place.

(3) The Commissioner for Social Welfare shall provide counseling services to the victims of trafficking in persons with a view to assisting in the rehabilitation and re-integration of such persons.

(4) Without prejudice to the preceding provisions of this section, the best interest of the child or disabled person shall be paramount in any assistance given to rescue, rehabilitate, counsel or re-integrate a child who is a victim of trafficking in persons.

18.-(1) The Minister shall, in cooperation with the Minister responsible for social welfare, take adequate measures for protection, rehabilitation and assistance to rescued victims.

Protection and assistance of victims

(2) Protection and assistance services offered pursuant to subsection (1), shall not be conditioned upon willingness of rescued victims to make statements and to participate in the prosecution of perpetrators of the trafficking in persons.

(3) Protection, rehabilitation, assistance and other services to rescued victims shall be offered subject to availability of resources and may include but not limited to-

- (a) free interpreting services in the language of their choice;
- (b) free legal counsel in relation to trafficking issues;
- (c) temporary safe housing, psychological, medical and social welfare as may be necessary to provide for the needs; and
- (d) such other services as may be specified in the administrative direction.

19.-(1) The Government shall secure the protection, rehabilitation and assistance to a victim of trafficking in persons who is a child or a disabled person from the moment when grounds exist to believe that the child or the disabled person is such a victim until identification, integration and complete recovery of the child is procured.

Assistance and protection to child or disabled person

(2) Where the age of the victim is not known but there are reasons to believe that the victim has not yet reached eighteen years, it shall be presumed that the victim is a child until final verification of the age.

Centres for protection of victims

20.—(1) The Government shall, on the advice of the Task Force, establish or designate centers for protection and assistance to victims of trafficking in persons.

(2) Centres established or designated pursuant to subsection (1) shall provide accommodation, nutrition, legal assistance, psychological and medical care, security and protection to the victims of trafficking in persons as well as assistance to locate their relatives.

Repatriation of victims

21.—(1) The Government shall ensure repatriation and reception of victims of trafficking in persons who are Tanzanians or stateless persons who were entitled to permanent residence in the United Republic upon entry into the territory of another state.

(2) The Government may facilitate repatriation of victim of trafficking in persons who does not possess the necessary documents by issuance of traveling documents or any other authorization needed for the repatriation.

Repatriation of a child or disabled person

22. A child or a disabled person who is a victim of trafficking in persons shall be repatriated to his country of origin if prior to his return-

- (a) a parent, relative or legal guardian has given consent to receiving the child or the disabled person into his care; and
- (b) a government agency or child protection agency from the country of origin has given consent and is able to undertake responsibility for the child and grant the child adequate assistance and protection

Repatriation of foreign citizens etc.

23.—(1) The Government shall —

- (a) grant assistance to foreign citizens and stateless persons who are victims of trafficking in persons upon their voluntary repatriation to their country of origin; and
- (b) ensure transportation of the victims of trafficking in persons on safe conditions to the border of United Republic.

(2) Notwithstanding subsection (1), a victim of trafficking in persons may not be repatriated or expelled to his country of origin or a third state if there is a ground to believe that the repatriation or expulsion may expose him to a risk of his life or that his safety or safety of his family may be endangered.

(3) Where the victim of trafficking in persons has no traveling documents due to their loss, theft or destruction, the Government shall, upon the request by the foreign state, assist in obtaining such documents as may be necessary to enable that victim to return to his country of residence.

24. It shall be the duty of the Government to establish, implement and coordinate preventive, protective and rehabilitative programmes for trafficked persons.

Programs
that
address
traffick-
ing in
persons

(2) For the purpose of subsection (1), the Government shall-

(a) through the Ministry responsible for foreign affairs-

- (i) make available its resources and facilities overseas for trafficked persons regardless of manner of entry to the receiving country, and explore means to further enhance its assistance in elimination of trafficking activities through closer networking with government agencies in the country and overseas, particularly in the formulation of policies and implementation of relevant programs;
- (ii) establish and implement a pre-marriage, on-site and pre-departure counseling programme on intermarriages;

(b) through a Ministry responsible for social welfare-

- (i) implement rehabilitative and protective programmes for trafficked persons;
- (ii) provide counseling and temporary shelter to trafficked persons and develop a system for accreditation among Non Governmental Organizations for purposes of establishing centers and programmes for intervention in various levels of the community;

- (c) through a Ministry responsible for labour and employment—
- (i) ensure strict implementation and compliance with the rules and guidelines relating to the employment of persons locally and overseas;
 - (ii) monitor, document and report cases of trafficking in persons involving employers and labour recruiters;
- (d) through the Ministry responsible for legal affairs –
- (i) ensure the prompt prosecutions of persons involved in commission of offences in trafficking in persons;
 - (ii) designate and train prosecutors in special skills in prosecution of offences of trafficking in persons; and
 - (iii) establish a mechanism for free legal assistance for victims of trafficking in persons.

PART V

THE ANTI-TRAFFICKING FUND

Establishment of Anti Trafficking Fund

25. There is established an Anti Trafficking Fund referred to in this Act as “the Fund”.

Sources of the Fund

26. The sources of funds for the Fund shall include –

- (a) such amount of money as may be appropriated by the Parliament;
- (b) voluntary contributions from individuals, NGO’s and other private sector;
- (c) grants and donations from bilateral and multilateral organizations;
- (d) any sums of money or property which may in any manner become payable to or vested in the fund; and
- (e) such other sums of money which may be disbursed for the Fund.

Use of funds

27. The funds of the Fund shall be applied-

- (a) to support the basic material needs of victims of trafficking in persons;
- (b) for the training of victims of trafficking in persons;

- (c) for tracing the families of victims of trafficking in persons; and
- (d) for any matter connected with the rehabilitation and re-integration of victims of trafficking in persons to countries of origin to their best interest.

28-(1) The Fund shall be managed by the Secretariat.

Management of the Fund

(2) Monies of the Fund shall be paid into a bank account opened for that purpose.

(3) The books of account of the Fund shall be audited in accordance with the provisions of the Public Finance Act.

(4) The financial year for the Fund shall begin on the 1st July every year.

29-(1) The funds of the Secretariat shall include –

Funds, accounts and annual estimates of Secretariat

- (a) any sums which may be appropriated by Parliament for the purposes of the Secretariat;
- (b) any sums which may be payable to the Secretariat by way of donation, gifts or bequests; and
- (c) any sums which may accrue to the Secretariat by way of fees or other payment for services rendered by the Secretariat.

(2) The Secretary shall cause to be kept proper books of accounts and records in respect of the receipt and expenditure of funds accruing to the Secretariat.

(3) The books and accounts of the Secretariat shall be audited each year by the Controller and Auditor General.

(4) The Secretary shall, not later than three months before the end of each financial year, prepare and submit to the Minister detailed estimates of income and expenditure for the next financial year.

PART VI
ANT-TRAFFICKING COMMITTEE

Establishment of the Anti-Trafficking Committee

30.-(1) There is established an Anti-Trafficking Committee which, subject to section 33 be responsible for defining, promoting and co-ordinating the policy of the Government for prevention and control trafficking in persons.

(2) The Anti-Trafficking Committee shall be supported by a Secretariat which shall consist of not more than nine persons appointed by the Minister.

(3) The Secretariat shall advise the Anti-Trafficking Committee on matters relating to general administration of this Act and those referred to the Minister.

(4) The Secretariat shall be headed by the Secretary who shall be appointed by the President from among senior public officers.

Composition of the Anti-Trafficking Committee

31.-(1) The Anti-Trafficking Committee shall be composed of -

- (a) a Chairman who shall be appointed by the Minister from amongst persons who holds or have held the office of a Director of Immigration, Inspector General of Police or Director of Intelligence and Security Service;
- (b) a representative of the Ministry responsible for social welfare not below the designation of an Assistant Director;
- (c) a representative of the Ministry responsible for women and children not below the designation of a Assistant Director;
- (d) a lawyer from the Attorney-General's Chambers not below the designation of a Principal State Attorney;
- (e) a representative of a Ministry of Local Governments not below the designation of an Assistant Director;
- (f) five persons being representative each of the Police Force, Prisons Services, Immigration, Tanzania Intelligence Security Services and the Refugee Services;
- (g) a representative of the Ministry responsible for foreign affairs;
- (h) a representative of the Labour Department not below the designation of a Deputy Commissioner for Labour;

- (i) one person representing the private sector as recommended by association of Non-Governmental Organisations;
- (j) a representative of the Ministry responsible for social welfare in the Revolutionary Government of Zanzibar;
- (k) a representative of the Ministry responsible for women and children from the Revolutionary Government of Zanzibar;
- (l) a representative of a Zanzibar-based association of Non-Governmental Organization;
- (m) a representative from the Commission for Human Rights and Good Governance; and
- (n) two representatives from other Civil Organizations appointed by the Minister.

(2) The Chairman and other members of the Anti-Trafficking Committee shall be appointed by and responsible to the Minister.

32. The Anti-Trafficking Committee shall -

Functions
of the
Anti-
Traffick-
ing
Commit-
tee

- (a) co-ordinate activities of Government departments and law enforcement organs charged with matters relating to trafficking in persons;
- (b) make recommendations for a national plan of action against trafficking in persons;
- (c) advise the Minister on policy matters connected with trafficking in persons;
- (d) provide advice on the investigation and prosecution of offences on trafficking in persons;
- (e) propose and promote strategies to prevent and combat trafficking in persons;
- (f) liaise with government agencies and NGO's to promote the rehabilitation and re-integration of victims of trafficking in persons;
- (g) keep abreast with international and regional developments and standards in prevention and combating trafficking in persons; and
- (h) prepare guidelines for disbursements from the Fund; and
- (i) deal with any other matter relating to trafficking in persons.

33.-(1) The Anti-Trafficking Committee shall meet at such times as the Chairman may determine but shall meet at least once in every three months.

Meetings
of the
Anti-
Traffick-
ing
Commit-
tee

(2) The Chairman shall preside at meetings of the Anti-Trafficking Committee but in the absence of the Chairman, a member of the Anti-Trafficking Committee elected by the members present shall preside.

PART VII MISCELLANEOUS PROVISIONS

Legal
protec-
tion to
trafficked
persons

34.-(1) Trafficked persons shall neither be the subject of prosecution trafficking in persons nor penalized for crimes directly relating to prosecution in offences stipulated under this Act .

Cap.54

(2) Notwithstanding the provisions of the Immigration Act, on the removal of an illegal immigrant, a trafficked person who is in the country unlawfully may remain in the United Republic throughout the period of a legal investigation and prosecution of a trafficker and the Government shall make arrangements for the repatriation of the trafficked person upon completion of the legal process.(3) Where it is in the best interest of the trafficked person, the trafficked person may be allowed to remain in the United Republic after the legal process with the approval of the Minister responsible for home affairs.

(4) The person who is allowed to remain in the United Republic pursuant to subsection (3) shall stay in a reception centre provided by the Government where the person shall receive basic material assistance until settled within the United Republic.

(5) Upon the conviction of a person accused of perpetrating the offence of trafficking in persons, a trafficked person shall stay in a reception centre provided by the Government where basic material assistance shall be provided until his repatriation.

Indemnity
of
members

35. No act or thing done or omitted to be done by the member of the Anti-Trafficking Committee or the Secretariat shall, if done or omitted to be done, in good faith in the performance of functions or the exercise of powers under this Act, render the member personally liable for the act or omission.

Applica-
tion of
other laws

36.-(1) A person who is not a citizen of Tanzania who commits the offence of trafficking in persons shall be the subject of extradition proceedings conducted under the Extradition Act.

(2) The provisions of this Act in so far as they relate to the powers of a police officer, shall be in addition to the powers conferred under the Police Force Act and to laws relating to criminal procedures except that, where there is conflict, this Act shall prevail.

Cap.214
Cap.20

37. The Minister may, on the advice of the Anti-Trafficking committee, make regulations prescribing -

Regula-
tions

- (a) preventive measures to be taken by various government bodies against trafficking in persons for exploitative labour;
- (b) the training for the personnel of the security services to combat trafficking in persons;
- (c) the collection of data and exchange of information on trafficking in persons;
- (d) the rehabilitation and re-integration of trafficked persons;
- (e) the procedure for protection, rehabilitation and assistance in handling of children who are victims of trafficking in persons; and
- (f) any other matter for the effective implementation of this Act.

PART VIII

CONSEQUENTIAL AMENDMENTS

38. The Penal Code is amended by repealing section 139A.

Repeal of
section
139A
Cap.16

39. The Criminal Procedure Act is amended in section 148(5) by deleting a full stop appearing in item (v) of paragraph (a) and substituting for it a semi-colon and adding immediately thereafter the following-

Amend-
ment of
Section
148 Cap.
20

“(vi) trafficking in persons under the Anti-Trafficking in Persons Act.”

40. The Immigration Act is amended in section 10(1) by deleting a full stop appearing in paragraph (k) and substituting for it a semi-colon and adding immediately thereafter the following paragraph-

Amend-
ment of
Section
10 Cap.
54


“(l) person who has committed the offence of trafficking in persons.”

Amend-
ment of
Section 3
Cap. 423

41. The Anti-Money Laundering Act is amended in section 3 by deleting paragraph (e) appearing in the definition of the words “predicate offence” and substituting for it the following paragraph-

“(e) trafficking in persons and smuggling immigrants;”

Passed in the National Assembly on the 11th April, 2008.



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Acting Clerk of the National Assembly