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# TANZANIA'S RESPONSE TO TRANSNATIONAL ORGANIZED CRIMES WITHIN INTERNATIONAL CRIMINAL JUSTICE AND HUMAN RIGHTS FRAMEWORKS: A CRITICAL APPRAISAL

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## ABSTRACT

This article critically appraises Tanzania's response to transnational organized crimes (TOC) within the framework of international criminal justice and international human rights law. Tanzania being a State Party to the United Nations Convention against Transnational Organized Crime (UNTOC), the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the United Nations Convention against Corruption (UNCAC), has undertaken binding obligations to criminalize organized criminal conduct, strengthen international cooperation, and protect victims in accordance with global standards. The country has domesticated these commitments through legislative and institutional reforms, notably the Anti-Trafficking in Persons Act, the Prevention and Combating of Corruption Act, and anti-money laundering legislation, alongside the establishment of specialized enforcement and coordinating bodies. Notwithstanding these normative and institutional advances, the article argues that Tanzania's implementation record reflects a complex interplay between compliance and constraint. While legislative frameworks broadly align with international standards, persistent challenges, including limited investigative capacity, resource constraints, corruption vulnerabilities, inconsistent victim identification procedures, and weak inter-agency coordination, undermine effective enforcement. Moreover, the securitization of migration control and border management occasionally risks tension with Tanzania's human rights obligations, particularly due process, non-refoulement, and victim-centered protection. Through doctrinal analysis, the article assesses the extent to which Tanzania's response embodies an integrated approach that harmonizes criminal justice objectives with human rights guarantees. It finds that although Tanzania demonstrates formal adherence to international instruments, practical enforcement gaps and structural limitations continue impeding full realization of the rule-of-law-based model envisioned by global conventions. The conclusion and recommendations propose targeted reforms, including enhanced prosecutorial independence, strengthened regional cooperation within the East

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African Community, improved data collection mechanisms, and deeper institutionalization of victim protection frameworks. Ultimately, Tanzania's experience illustrates both the transformative potential and the implementation challenges inherent in aligning domestic anti-crime strategies with international criminal justice and human rights regimes.

**Keywords:** Transnational organized crime, international criminal justice, human rights, UNTOC, rule of law.

## 1. Introduction

Transnational organized crimes have emerged as one of the most complex challenges facing contemporary criminal justice systems. Criminal networks involved in drug trafficking, human trafficking, wildlife crimes, arms smuggling, money laundering, and cybercrime operate across national borders, exploiting globalization, technological advancement, and weak governance structures.<sup>3</sup> These crimes undermine state sovereignty, distort economies, and often result in serious human rights violations. Tanzania's strategic geographical position in East Africa, serving as a transit hub for regional and international trade, has exposed it to various forms of transnational organized crimes.<sup>4</sup> In response, Tanzania has adopted legislative, institutional, and policy measures aimed at suppressing these crimes, largely influenced by international obligations under the United Nations Convention against Transnational Organized Crime (UNTOC) and related instruments.

This article critically appraises whether Tanzania's response to TOCs aligns with international criminal justice standards and human rights frameworks. It adopts a doctrinal and analytical methodology, drawing on international treaties, domestic legislation, policy documents, and comparative scholarship.

## 2. International Criminal Justice and Human Rights Frameworks on Transnational Organized Crimes

Transnational organized crime (TOC) refers to structured criminal groups operating across borders for material benefit. The contemporary legal response is built upon two interlocking frameworks: **international criminal justice mechanisms** aimed at

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<sup>3</sup> Williams, P., *Transnational Organized Crime and International Security*, 36 *Survival* 96, 1994, pp. 98–100.

<sup>4</sup> UNODC, *Transnational Organized Crime in Eastern Africa*, 2013, pp. 21–24.

suppression and prosecution, and **international human rights law** ensuring that crime control respects fundamental rights.

## 2.1. International Criminal Justice Framework

The cornerstone of the global response to TOC is the United Nations Convention against Transnational Organized Crime (UNTOC).<sup>5</sup> UNTOC defines an “organized criminal group” and requires States Parties to criminalize participation in such groups, money laundering, corruption, and obstruction of justice.<sup>6</sup> It also establishes detailed mechanisms for extradition, mutual legal assistance, joint investigations, and asset confiscation.<sup>7</sup> UNTOC is supplemented by three Palermo Protocols, notably the Trafficking in Persons Protocol, which provides the internationally accepted definition of trafficking.<sup>8</sup>

Although primarily focused on core international crimes, which are genocide, crimes against humanity, war crimes, aggression, the International Criminal Court (ICC) may exercise jurisdiction where transnational organized crime reaches the threshold of crimes against humanity, such as widespread or systematic enslavement through trafficking networks.<sup>9</sup> However, ordinary TOC offences fall outside the ICC’s subject-matter jurisdiction.<sup>10</sup> Institutional coordination is supported by bodies such as the United Nations Office on Drugs and Crime (UNODC), which monitors implementation and provides technical assistance.<sup>11</sup>

## 2.2. UNTOC Protocols

The **United Nations Convention against Transnational Organized Crime (UNTOC)**,<sup>12</sup> is supplemented by three legally binding protocols. These protocols address specific manifestations of transnational organized crime and must be read in

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<sup>5</sup> 2225 U.N.T.S. 209 (2000).

<sup>6</sup> Art. 2(a) and Art. 5.

<sup>7</sup> *Ibid.*, Arts. 12, 16–19.

<sup>8</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000), Art. 3.

<sup>9</sup> Rome Statute of the International Criminal Court (1998), Art. 7(1)(c) (enslavement).

<sup>10</sup> *Ibid.*, Art. 5.

<sup>11</sup> UNODC, *Legislative Guides for the Implementation of the UN Convention against Transnational Organized Crime*, 2004.

<sup>12</sup> (Adopted 15 November 2000, entered into force 29 September 2003) 2225 UNTS 209.

conjunction with the parent Convention.<sup>13</sup>

### 2.2.1. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol)<sup>14</sup>

This Protocol provides the first internationally agreed definition of trafficking in persons. It defines trafficking as the recruitment, transportation, transfer, harbouring or receipt of persons by means such as coercion, fraud, deception, abuse of power, or vulnerability for the purpose of exploitation.<sup>15</sup> Exploitation includes, at a minimum, sexual exploitation, forced labour, slavery or practices similar to slavery, servitude, or organ removal. The Protocol establishes three core objectives are **prevention** of trafficking; **protection and assistance** to victims, with full respect for their human rights; and **promotion of cooperation** among States Parties.<sup>16</sup> It also emphasizes child protection by removing the means requirement, like coercion, when the victim is under 18.<sup>17</sup>

### 2.2.2. The Protocol against the Smuggling of Migrants by Land, Sea and Air<sup>18</sup>

This Protocol criminalizes the procurement of illegal entry of a person into a State Party of which the person is not a national or permanent resident, for financial or material benefit.<sup>19</sup> Its key purposes are to prevent and combat migrant smuggling; to promote cooperation among States Parties; and to protect the rights of smuggled migrants.<sup>20</sup> The Protocol distinguishes smuggling from trafficking by emphasizing consent, which means that smuggled migrants generally consent to the smuggling process, and profit as a defining element.<sup>21</sup> It also includes detailed provisions concerning maritime interdiction and the suppression of smuggling by sea.<sup>22</sup>

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<sup>13</sup> United Nations General Assembly, *United Nations Convention against Transnational Organized Crime*, GA Res. 55/25 (15 Nov. 2000), Art. 37.

<sup>14</sup> 2237 U.N.T.S. 319 (2000).

<sup>15</sup> Art. 3(a).

<sup>16</sup> *Ibid.*, Art. 2.

<sup>17</sup> *Ibid.*, Art. 3(c).

<sup>18</sup> 2241 U.N.T.S. 507 (2000)

<sup>19</sup> Art. 3(a).

<sup>20</sup> *Ibid.*, Art. 2.

<sup>21</sup> *Ibid.*, Art. 3(a); see also interpretative notes, UN Doc. A/55/383/Add.1.

<sup>22</sup> *Ibid.*, Arts. 7–9.

### 2.2.3. The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition<sup>23</sup>

This Protocol was adopted in 2001 and entered into force in 2005. It addresses the illegal manufacturing and trafficking of firearms. It requires States Parties to criminalize illicit manufacturing and trafficking, establish marking requirements for firearms, maintain records, and strengthen international cooperation in tracing firearms.<sup>24</sup> The Protocol aims at promoting, facilitating, and strengthening cooperation among States Parties to prevent, combat, and eradicate illicit firearms trafficking.<sup>25</sup>

Generally, the three UNTOC Protocols operationalize the broader framework of the Convention by targeting specific criminal markets, human trafficking, migrant smuggling, and illicit firearms trafficking. Collectively, they reinforce international criminalization standards, victim protection measures, and cross-border cooperation mechanisms essential to combating organized crime.<sup>26</sup>

## 2.3 International Human Rights Law Framework and Constraints

### 2.3.1 International Human Rights Law Framework

While international criminal law focuses on repression, human rights law ensures that counter-crime measures respect fundamental guarantees. The International Covenant on Civil and Political Rights (ICCPR)<sup>27</sup> protects due process rights, liberty and security, and prohibits arbitrary interference with privacy, all of which are directly implicated in anti-organized crime enforcement.<sup>28</sup> The principle of non-refoulement, central to both refugee law and the Convention against Torture (CAT), limits extradition or deportation where individuals face a real risk of torture.<sup>29</sup> Victim-centered approaches are reinforced through the Trafficking Protocol and broader human rights jurisprudence recognizing positive obligations to prevent trafficking, protect victims, and provide

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<sup>23</sup> 2326 U.N.T.S. 208 (2001).

<sup>24</sup> *Ibid.*, Arts. 5–8.

<sup>25</sup> *Ibid.*, Art. 2.

<sup>26</sup> UNTOC, Art. 1; see also UNODC, *Legislative Guides for the Implementation of the UNTOC and its Protocols* (2004).

<sup>27</sup> 999 U.N.T.S. 171 (1966).

<sup>28</sup> Arts. 9, 14, 17, pp. 175–178.

<sup>29</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), Art. 3, p. 114.

remedies.<sup>30</sup> Regional human rights courts, such as the European Court of Human Rights, have further clarified that aggressive anti-crime measures must comply with proportionality and legality principles.<sup>31</sup>

Modern governance of TOC rests on three pillars, which are criminalization and prosecution (UNTOC framework), international cooperation (extradition, Mutual Legal Assistance (MLA), joint investigations), and human rights compliance (due process, victim protection, proportionality). The interaction between these regimes reflects a broader shift from purely security-based responses toward rule-of-law-based transnational governance.<sup>32</sup>

### 2.3.2 The Constraints

International human rights law imposes binding limits on state responses to TOCs. The International Covenant on Civil and Political Rights (ICCPR) guarantees rights relevant to criminal justice, including liberty, fair trial, equality before the law, and protection from arbitrary detention.<sup>33</sup> The Human Rights Committee has consistently held that security concerns, including the fight against organized crime, do not justify arbitrary or disproportionate restrictions on these rights.<sup>34</sup> Similarly, the African Charter on Human and Peoples' Rights underscores the centrality of human dignity, legality, and due process in law enforcement activities.<sup>35</sup>

## 3. Tanzania's Legal and Policy Response to Transnational Organized Crimes

### 3.1. International Legal Commitments

As already intimated before, Tanzania is a State Party to the United Nations Convention Transnational Organized Crime (UNTOC) and its three.<sup>36</sup> By ratifying UNTOC, Tanzania undertook to criminalize participation in organized criminal groups, money laundering, corruption, obstruction of justice, and to strengthen mutual legal assistance

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<sup>30</sup> Gallagher, A. T., *The International Law of Human Trafficking*, Cambridge University Press, 2010. P. 221–230.

<sup>31</sup> *Rantsev v. Cyprus and Russia*, ECtHR, App. No. 25965/04 (2010). Paras. 282–289.

<sup>32</sup> Neil, B., *An Introduction to Transnational Criminal Law*, 2nd ed., Oxford University Press, 2018, p. 35–42.

<sup>33</sup> Arts 2, 9 and 14.

<sup>34</sup> Human Rights Committee, General Comment No 35 (2014). Paras 12–18, pp 6–9.

<sup>35</sup> African Charter on Human and Peoples' Rights 1981. Arts 4–7.

<sup>36</sup> United Nations Treaty Collection, Status of UNTOC (Tanzania ratification, 2006).

and extradition frameworks.<sup>37</sup> Not only that but also Tanzania is a party to the UN Convention against Corruption (UNCAC)<sup>38</sup> and other various regional instruments under the African Union (AU) and East African Community (EAC) frameworks addressing trafficking, corruption, and terrorism.<sup>39</sup> These commitments have significantly shaped domestic legislative reform.

### 3.2. Core Legislative Framework

Tanzania has enacted several statutes aimed at addressing organized and transnational crimes.

#### 3.2.1 The Prevention of Organized Crime Act (POCA).<sup>40</sup>

The Act is Tanzania's primary legislative response to organized crime. It criminalizes participation in an organized criminal group;<sup>41</sup> money laundering;<sup>42</sup> terrorism and terrorist financing;<sup>43</sup> racketeering activities and possession of unexplained property in a civil forfeiture mechanisms. POCA adopts a broad definition of organized crime consistent with UNTOC Article 2(a). It also provides for asset forfeiture, confiscation orders, and preservation of property linked to criminal enterprise.<sup>44</sup> It may thus be well asserted that POCA reflects substantial compliance with UNTOC criminalization requirements. However, critics note enforcement challenges, especially regarding evidentiary burdens in proving structured criminal groups and cross-border financial tracing.<sup>45</sup>

#### 3.2.2 The Anti-Trafficking in Persons Act.<sup>46</sup>

This Act was enacted following Tanzania's ratification of the Trafficking Protocol.<sup>47</sup> It criminalizes recruitment, transportation, transfer, harbouring, or receipt of persons for

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<sup>37</sup> UNTOC, Arts. 5–23.

<sup>38</sup> United Nations Treaty Collection, UNCAC status (Tanzania ratification 2005).

<sup>39</sup> African Union Convention on Preventing and Combating Corruption (2003).

<sup>40</sup> No. 10 of 2008. Cap. 256 R.E. 2002.

<sup>41</sup> Part II.

<sup>42</sup> Part III.

<sup>43</sup> Part IV.

<sup>44</sup> Ss. 32–46.

<sup>45</sup> UNODC, *Legislative Guide for the Implementation of UNTOC* (2004), pp. 45–60.

<sup>46</sup> Act No. 6 of 2008. Cap. 432 R.E. 2022.

<sup>47</sup> **Signed** the Trafficking Protocol on 13 December 2000 and **ratified** it on **24 May 2006**. It entered into force for Tanzania on 23 December 2003, binding on Tanzania following ratification.

exploitation.<sup>48</sup> The Act establishes the Anti-Trafficking Committee,<sup>49</sup> provides victim protection measures,<sup>50</sup> and criminalizes child trafficking irrespective of consent. Its definition of trafficking mirrors Article 3 of the Palermo Protocol.<sup>51</sup> Indeed, the Act demonstrates normative compliance, but implementation gaps remain in victim identification, funding for shelters, and cross-border coordination, particularly in trafficking routes linking Tanzania to Southern Africa and the Middle East. This would mean that albeit Tanzania does not fully meet the minimum standards for eliminating trafficking, it is making significant efforts to do so.<sup>52</sup>

### 3.2.3 The Anti-Money Laundering Act (AMLA).<sup>53</sup>

It establishes reporting obligations, customer due diligence, and suspicious transaction reporting by receiving and analyzing financial intelligence under the Financial Intelligence Unit (FIU).<sup>54</sup> It is explicit that the Act aligns Tanzania with Financial Action Task Force (FATF) standards. Although Tanzania has strengthened compliance following previous grey-listing concerns, enforcement capacity and inter-agency coordination remain areas for improvement.<sup>55</sup>

### 3.2.4 The Economic and Organized Crime Control Act (EOCCA).<sup>56</sup>

The Act predates POCA but continues to regulate prosecution of economic crimes through the Economic and Organized Crime Control Court.<sup>57</sup> It provides special procedural mechanisms for economic sabotage, corruption-related offenses and serious fraud.

### 3.2.5 The Prevention and Combating of Corruption Act (PCCA).<sup>58</sup>

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<sup>48</sup> S. 4.

<sup>49</sup> Part II.

<sup>50</sup> Part IV.

<sup>51</sup> Trafficking Protocol, Art. 3.

<sup>52</sup> U.S. Department of State, *Trafficking in Persons Report* (Tanzania section, recent editions).

<sup>53</sup> Cap. 423 R.E. 2022.

<sup>54</sup> S. 6.

<sup>55</sup> ESAAMLG Mutual Evaluation Report (Tanzania), pp. 10–25.

<sup>56</sup> Cap 200 R.E 2019.

<sup>57</sup> The specialized court structure was formally operationalized following the Written Laws (Miscellaneous Amendments) Act No. 3 of 2016, which introduced amendments enabling the establishment of a special High Court Division for economic crimes.

<sup>58</sup> No. 11 of 2007. Cap. 329 R.E. 2022.

The Act deals with corruption and economic crimes. It established the Prevention and Combating of Corruption Bureau (PCCB).<sup>59</sup> This Act is important in this respect because corruption is closely linked to transnational organized crime, particularly in trafficking networks and illicit trade corridors.

### 3.2.6 The Wildlife Conservation Act.<sup>60</sup>

The Act deals with wildlife and natural resource crimes and that Tanzania faces significant transnational wildlife trafficking. It criminalizes illegal possession and trade in wildlife trophies. Poaching networks linked to ivory trafficking have historically involved transnational syndicates.<sup>61</sup>

### 3.2.7 Policy Orientation and Security Emphasis

National security and crime prevention policies in Tanzania reflect a strong security-oriented approach to organized crime. While these policies recognize the seriousness of TOCs, they rarely articulate explicit human rights safeguards or mechanisms for accountability.<sup>62</sup> This approach mirrors a broader trend in which crime control is viewed primarily through the lens of national security, often at the expense of due process and proportionality.

Therefore, it can well be argued that Tanzania has developed a relatively comprehensive legislative framework to combat transnational organized crime, largely aligned with UNTOC obligations. The enactment of POCA, Anti-Trafficking legislation, AMLA reforms, and anti-corruption laws demonstrates strong normative commitment. However, enforcement capacity, institutional coordination, corruption risks, and resource limitations continue to affect operational effectiveness. More so, the study finds that Tanzania's legislative framework is fragmented, with overlapping mandates and inconsistent safeguards. Many statutes prioritize enforcement efficiency while offering limited procedural protections for suspects and affected third parties.<sup>63</sup> Apparently, continued investment in financial intelligence, cross-border cooperation,

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<sup>59</sup> S. 5.

<sup>60</sup> No. 5 of 2009. Cap. 283 R.E. 2022.

<sup>61</sup> UNODC, *World Wildlife Crime Report* (2020), pp. 70–85.

<sup>62</sup> United Republic of Tanzania, *National Crime Prevention Policy* (2013) 9–12.

<sup>63</sup> EOCCA, ss 10–25, pp 8–15.

digital forensic capacity, and judicial efficiency is essential for strengthening Tanzania's response to TOC.

#### **4. Institutional Framework and Enforcement Practices**

##### **4.1 Law Enforcement and Investigative Agencies**

The Tanzania Police Force, the Prevention and Combating of Corruption Bureau (PCCB), and the Financial Intelligence Unit play central roles in combating TOCs.<sup>64</sup> While these institutions possess broad statutory powers, concerns persist regarding coordination, resource capacity, and oversight.

##### **4.2 Prosecution and Judicial Oversight**

The Director of Public Prosecutions (the DPP) is constitutionally mandated to institute criminal proceedings.<sup>65</sup> In theory, judicial oversight serves as a safeguard against abuse of power. In practice, however, delays, limited specialization, and deference to security agencies reduce the effectiveness of judicial control in TOC-related cases.<sup>66</sup>

##### **4.3 Human Rights Implications of Enforcement Practices**

Enforcement practices such as extended pre-trial detention, preventive asset freezing, and broad search and seizure powers raise significant human rights concerns.<sup>67</sup> Asset forfeiture regimes, in particular, risk violating property rights where judicial review is delayed or ineffective.

#### **5. Critical Appraisal of Tanzania's Alignment with International Standards**

It is found here that Tanzania's response to TOCs demonstrates formal but incomplete alignment with international criminal justice and human rights frameworks. While international instruments have been ratified and relevant legislation enacted, substantive implementation remains uneven. The dominance of a security-driven paradigm has resulted in weak integration of human rights principles such as

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<sup>64</sup> Constitution of the United Republic of Tanzania 1977. Art 59B.

<sup>65</sup> Ibid.

<sup>66</sup> Kabudi, J., *Administration of Justice in Tanzania* (Mkuki na Nyota 2017) 143–146.

<sup>67</sup> UNODC, *Handbook on Confiscation of Proceeds of Crime* (2012) 21–25.

proportionality, accountability, and access to remedies. International standards require that counter-TOC measures be both effective and rights-respecting; Tanzania's current approach risks undermining this balance.<sup>68</sup>

## 6. Comparative and Normative Lessons

Comparative experience from jurisdictions such as South Africa, and Kenya demonstrates that effective TOC control can coexist with strong human rights protection.<sup>69</sup> Key lessons include the value of integrated legislation, specialized courts and prosecutors, and independent oversight mechanisms. For Tanzania, adopting a rights-based approach would enhance not only compliance with international obligations but also the legitimacy and sustainability of its criminal justice response.

## 7. Conclusion and Recommendations

### 7.1 Conclusion

It may well be concluded that Tanzania has taken significant steps toward addressing transnational organized crimes through legislative and institutional reforms. Tanzania has developed a commendable legislative framework aligned with UNTOC and related international instruments. However, the critical appraisal reveals that the primary gaps lie not in normative compliance but in **institutional capacity, human rights safeguards, inter-agency coordination, and operational effectiveness**. Its response remains largely security-centric and fragmented, with insufficient incorporation of international human rights standards. A recalibration toward a holistic, rights-respecting framework is essential. Strengthening judicial oversight, harmonizing legislation, and embedding human rights considerations into policy and practice will enable Tanzania to combat transnational organized crimes effectively while upholding the rule of law and human dignity.

### 7.2 Recommendations

#### 7.2.1. Harmonization of Domestic Law with UNTOC and International Human Rights

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<sup>68</sup> ICCPR, Arts 9.

<sup>69</sup> Cassese, A., *International Criminal Law*, 2nd edn, OUP, 2008. Pp. 331–335.

## Standards

Although Tanzania has enacted the **Prevention of Organized Crime Act (POCA)** and related legislation, further harmonization is required to ensure full compliance with the **United Nations Convention against Transnational Organized Crime (UNTOC)** and its Protocols. In this case, it is imperative to do the following:

### 7.2.1.1 Clarify the Definition of “Organized Criminal Group”

POCA should be amended to more explicitly reflect the structural and continuity elements found in Article 2(a) of UNTOC to reduce evidentiary ambiguity in prosecutions. UNODC’s Legislative Guide emphasizes that domestic definitions should clearly incorporate the elements of structure, duration, and concerted action to facilitate international cooperation.<sup>70</sup> Therefore, section 3 of POCA has to be amended to align textually with UNTOC Article 2(a) to improve cross-border mutual legal assistance compatibility.

### 7.2.1.2 Strengthen Procedural Safeguards in Asset Forfeiture

While POCA provides robust confiscation mechanisms,<sup>71</sup> concerns arise regarding due process protections in civil forfeiture proceedings.<sup>72</sup> Under international human rights law, particularly Article 14 of the **International Covenant on Civil and Political Rights (ICCPR)**, property deprivation must comply with fair trial guarantees. UNODC warns that non-conviction-based forfeiture must include procedural fairness safeguards.<sup>73</sup> It is therefore imperative to introduce clearer evidentiary thresholds in civil forfeiture, guarantee explicit rights to appeal and access to legal representation in confiscation proceedings, and establish judicial training programs on proportionality in asset recovery cases.

### 7.2.2. Strengthening Human Rights-Based Approaches to Anti-Trafficking Enforcement

The **Anti-Trafficking in Persons Act** aligns normatively with the Palermo Protocol,

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<sup>70</sup> UNODC, *Legislative Guides for the Implementation of the UNTOC* (2004), pp. 34–37.

<sup>71</sup> Ss. 32–46.

<sup>72</sup> The Prevention of Organized Crime Act, ss. 32–46.

<sup>73</sup> UNODC, *Legislative Guide*, pp. 198–205.

but implementation gaps persist in victim protection. The Trafficking Protocol requires States to ensure physical, psychological, and social recovery of victims.<sup>74</sup> The UNODC's Legislative Guide emphasizes that anti-trafficking responses must prioritize victim protection over prosecution statistics.<sup>75</sup> In this case, it is imperative to institutionalize victim-centered justice by creating a dedicated Victim Protection Fund financed partly through confiscated assets under POCA, strengthen shelter infrastructure and cross-border victim repatriation agreements, and expand witness protection programs for trafficking survivors. Doing this will ensure alignment with international human rights obligations under ICCPR.<sup>76</sup>

### 7.2.3. Enhancing Financial Intelligence and Anti-Money Laundering Compliance

The **Anti-Money Laundering Act**<sup>77</sup> reflects substantial compliance with FATF standards, yet enforcement capacity requires to be strengthened. ESAAMLG evaluations highlight gaps in beneficial ownership transparency and prosecution rates.<sup>78</sup> Since illicit financial flows remain central to organized crime networks, it is imperative to establish a centralized, publicly accessible beneficial ownership registry; strengthen inter-agency data sharing between the Financial Intelligence Unit (FIU), PCCB, and law enforcement; and enhance digital forensic capacity for cross-border tracing. UNODC has noted that financial disruption strategies significantly weaken organized criminal groups.<sup>79</sup>

### 7.2.4. Regional and International Cooperation Enhancement

Given Tanzania's geographical position as a transit hub in Eastern and Southern Africa, regional coordination is essential. Albeit POCA provides for Mutual Legal Assistance (MLA),<sup>80</sup> delays in cross-border cooperation hinder prosecutions. In this case, it is imperative to establish a specialized MLA coordination desk within the Attorney General's Chambers, digitize MLA processes to reduce procedural delays, and adopt model extradition treaties aligned with UNTOC Articles 16 and 18. UNODC

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<sup>74</sup> Art. 6.

<sup>75</sup> Pp. 267–275.

<sup>76</sup> Arts 7 and 9.

<sup>77</sup> Cap. 423 R.E. 2022.

<sup>78</sup> ESAAMLG, *Mutual Evaluation Report: Tanzania*, pp. 15–28.

<sup>79</sup> UNODC, *Legislative Guide*, pp. 150–160.

<sup>80</sup> Part V.

emphasizes that streamlined MLA systems significantly improve transnational case outcomes.<sup>81</sup>

### **7.2.5. Addressing Corruption as an Enabling Crime**

It is pretty explicit and a common knowledge that corruption undermines organized crime enforcement. The **Prevention and Combating of Corruption Act** established the PCCB, yet corruption risks persist in border management and natural resource sectors. The United Nations Convention against Corruption (UNCAC),<sup>82</sup> in its preamble, recognizes corruption as a facilitator of transnational organized crime. In this case, it is imperative to introduce integrity testing mechanisms for high-risk officials, strengthen whistleblower protections, and increase transparency in wildlife and port management sectors.

### **7.3.6. Judicial and Institutional Capacity Building**

It is logically and practically certain that complex organized crime cases require expertise in digital evidence, financial tracing, and international cooperation. UNODC highlights the importance of specialized judicial training for effective implementation of UNTOC.<sup>83</sup> In this case therefore, it is imperative to institutionalize annual training on transnational crime and human rights law, and develop a judicial bench book on organized crime and human rights safeguards.

### **7.2.7. Ensuring Proportionality and Human Rights Compliance in Counter-Terrorism Measures**

POCA includes terrorism-related offenses. However, international criminal justice standards require that counter-terrorism measures remain consistent with human rights obligations. The UN Human Rights Committee emphasizes that counter-terrorism must respect legality, necessity, and proportionality principles.<sup>84</sup> In this case therefore, it is imperative to conduct periodic human rights impact assessments of anti-terrorism

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<sup>81</sup> UNODC, *Legislative Guide*, pp. 300–315.

<sup>82</sup> (Adopted 31 October 2003, entered into force 14 December 2005) 2349 UNTS 41. This is the first legally binding global anti-corruption treaty.

<sup>83</sup> UNODC, *Legislative Guide*, pp. 12–15.

<sup>84</sup> UN Human Rights Committee, General Comment No. 29 (2001), para. 4.

enforcement and ensure independent judicial oversight over surveillance and interception measures.

#### **7.2.8. Data Collection, Research, and Policy Evaluation**

It is a plain fact that evidence-based policy remains limited due to insufficient data on organized crime trends. Here, it is imperative to establish a National Organized Crime Observatory, partner with universities for empirical research, and publish annual public reports on organized crime trends and enforcement outcomes. This may be the reason why UNODC stresses that data-driven strategies enhance prevention effectiveness.<sup>8520</sup>

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<sup>85</sup> UNODC, *Transnational Organized Crime in Eastern Africa* (2013), pp. 98–110.