

1. Record Nr.	UNINA9910483611303321
Autore	Kahimba Nicksoni Filbert
Titolo	Human trafficking under international and Tanzanian law // Nicksoni Filbert Kahimba
Pubbl/distr/stampa	Berlin, Germany ; ; The Hague, The Netherlands : , : Springer : , : T.M.C. Asser Press, , [2021] ©2021
ISBN	94-6265-435-2
Descrizione fisica	1 online resource (xvii, 518 pages)
Collana	International Criminal Justice ; ; v.27
Disciplina	345.02551
Soggetti	Human trafficking - Law and legislation
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Nota di contenuto	Intro -- Acknowledgements -- Contents -- Acronyms and Abbreviations -- 1 Introduction to the Book -- 1.1 Introduction and Background Information -- 1.2 Objectives of the Book -- 1.3 Chapter Outlines -- References -- Part I International Anti-trafficking Legal Frameworks -- 2 Understanding Trafficking in Persons -- 2.1 Historical Perspectives -- 2.1.1 Before the League of Nations -- 2.1.2 After the League of Nations -- 2.1.3 United Nations (UN) -- 2.1.4 International Organization for Migration -- 2.1.5 European Union -- 2.1.6 Council of Europe -- 2.1.7 Organization of American States (OAS) -- 2.1.8 African Union (AU) and Asia -- 2.1.9 Report of the UN Special Rapporteur -- 2.2 Need for a New Definition of Trafficking -- 2.3 Drafting the TIP Protocol 2000 and Its Definition -- 2.4 Current Definition of Trafficking -- 2.4.1 Action Element of Trafficking -- 2.4.2 Means Element of Trafficking -- 2.4.3 Purpose Element of Trafficking -- 2.5 Conclusion -- References -- 3 International Legal Regime -- 3.1 Anti-trafficking Primary Legal Regime -- 3.1.1 Organised Crime Convention -- 3.1.2 TIP Protocol -- 3.1.3 Migrant Smuggling Protocol -- 3.2 Regional Anti-trafficking Legal Frameworks -- 3.2.1 SAARC Convention -- 3.2.2 CoE Anti-trafficking Convention -- 3.2.3 Directive 2011/36/EU -- 3.2.4 Fragmented Legal Framework of the AU -- 3.3 Human Rights Instruments -- 3.3.1 Universal Declaration of Human Rights (UDHR) -- 3.3.2 ICCPR Covenant -- 3.3.3 ICESCR Covenant --

3.3.4 CEDAW Convention -- 3.3.5 CERD Convention -- 3.3.6 CRC Convention -- 3.3.7 CoE Human Rights Convention -- 3.3.8 African Human Rights Charter -- 3.3.9 American Convention on Human Rights -- 3.3.10 Migrant Workers Convention -- 3.3.11 Refugee Convention -- 3.4 Conclusion -- References -- 4 State Responsibility for Trafficking -- 4.1 State Responsibility in International Law -- 4.2 Attribution.

4.3 Breach of an International Obligation -- 4.4 Special Considerations on State Responsibility for Trafficking -- 4.5 Legal Consequences -- 4.6 Invoking International Responsibility -- 4.7 Countermeasures -- 4.8 Conclusion -- References -- 5 Anti-trafficking Obligations -- 5.1 Obligation of a Criminal Justice Response -- 5.1.1 Obligation to Criminalise Trafficking in Persons -- 5.1.2 Criminalisation of Trafficking Related Crimes -- 5.1.3 Criminal Jurisdiction -- 5.1.4 Investigation, Prosecution and Adjudication -- 5.1.5 Sanctions and Penalties -- 5.1.6 Asset Confiscation, Recovery and Use -- 5.1.7 International Co-operation -- 5.2 Obligation to Prevent Trafficking -- 5.2.1 Preventing Trafficking through Addressing Vulnerability -- 5.2.2 Preventing Trafficking by Addressing Demand -- 5.2.3 Preventing Trafficking Lawfully -- 5.3 Obligation of Protection, Assistance, Support and Remedies -- 5.3.1 Obligation to Identify Victims of Trafficking -- 5.3.2 Obligation not to Punish Victims -- 5.3.3 Protection from Further Harm and of Privacy -- 5.3.4 Physical and Psychological Care and Support -- 5.3.5 Obligation Relating to Legal Assistance and Protection -- 5.3.6 Obligations Relating to Repatriation -- 5.3.7 Obligation of Effective and Appropriate Remedies -- 5.4 Conclusion -- References -- 6 Trafficking in Persons in Tanzania -- 6.1 Human Trafficking General Landscape -- 6.1.1 Legal and Geographical Background -- 6.1.2 Trafficking and Its Historical Underpinnings -- 6.1.3 Nature of Trafficking in Tanzania -- 6.1.4 Causes of Trafficking in Persons -- 6.2 Early Anti-trafficking Legal Response -- 6.2.1 Penal Code -- 6.2.2 Sexual Offences Special Provisions Act of 1998 (SOSPA) -- 6.2.3 Penal Act of Tanzania Zanzibar -- 6.3 Need for a Different Legal Regime -- 6.3.1 Domestication -- 6.3.2 Enactment of the 2008 Act -- 6.3.3 Constitution of Tanzania.

6.4 Conclusion -- References -- 7 Criminal Justice Response -- 7.1 Some Interpretational and Problematic Aspects -- 7.2 Criminalisation and Prohibition of Trafficking -- 7.2.1 First Act of Trafficking [Section 4(1)(a)] -- 7.2.2 Second Act of Trafficking [Section 4(1)(b)] -- 7.2.3 Third Act of Trafficking [Section 4(1)(c)] -- 7.2.4 Fourth Act of Trafficking [Section 4(1)(d)] -- 7.2.5 Fifth Act of Trafficking [Section 4(1)(e)] -- 7.2.6 Sixth Act of Trafficking [Section 4(1)(f)] -- 7.2.7 Seventh Act of Trafficking [Section 4(1)(g)] -- 7.2.8 Eighth Act of Trafficking (Placement) [Section 4(2)] -- 7.2.9 Acts Promoting or Facilitating Trafficking [Section 5] -- 7.3 Trafficking of Children [Section 4(3)] -- 7.4 Consent of the Victim [Section 4(4)] -- 7.5 Criminal Jurisdiction -- 7.6 Duty to Investigate Cases of Trafficking -- 7.7 Judicial Proceedings -- 7.8 Powers of the Court on Compensation -- 7.9 Sanctions and Penalties -- 7.10 Asset Confiscation, Forfeiture and Use -- 7.11 Obligation to Collect and Exchange Information -- 7.12 Obligation of International Co-operation -- 7.13 Conclusion -- References -- 8 Prevention of Human Trafficking and Protection of Victims -- 8.1 Obligation to Prevent Trafficking in Persons -- 8.1.1 Preventing Trafficking through Addressing Vulnerability -- 8.1.2 Preventing Trafficking through Addressing Demand -- 8.1.3 Preventing Trafficking by Acting Lawfully -- 8.2 Obligation of Assistance, Protection, Support and Remedies -- 8.2.1 Obligation to Identify Victims of Trafficking -- 8.2.2 Obligation Not to Punish Victims -- 8.2.3 Rescue, Protection

from Further Harm and Respect of Privacy -- 8.2.4 Obligation to Provide Physical, Social and Psychological Care -- 8.2.5 Obligation to Provide Legal Assistance and Protection -- 8.2.6 Obligation of Repatriation -- 8.2.7 Obligation of Effective and Appropriate Remedies.

8.2.8 Special Consideration on the Child Victims and Disabled Persons

-- 8.3 Centres for Protection and Assistance of Victims -- 8.4

Conclusion -- References -- 9 Institutional Framework and the Action

Plans -- 9.1 Institutional Framework -- 9.2 National Action Plans --

9.2.1 Guiding Principles -- 9.2.2 Strategic Actions -- 9.3 Case Law --

9.4 Conclusion -- References -- Part III Summary, Conclusion

and Recommendations -- 10 Summary, Conclusion

and Recommendations -- 10.1 Comprehensive Summary -- 10.2

Conclusion -- 10.3 Recommendations -- Table of Cases -- Index.
