

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/Sub.2/447
20 August 1980

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Thirty-third session
Item 11 of the provisional agenda



QUESTION OF SLAVERY AND THE SLAVE TRADE IN ALL THEIR PRACTICES
AND MANIFESTATIONS, INCLUDING THE SLAVERY-LIKE PRACTICES
OF APARTHEID AND COLONIALISM

Report of the Working Group on Slavery
on its sixth session

Chairman-Rapporteur: Mr. Justice Abu Sayeed Chowdhury

I. ORGANIZATION OF THE SESSION

Introduction

1. The Working Group on Slavery was established by the Sub-Commission in resolution 11 (XXVII) of 21 August 1974, as authorized by the Economic and Social Council in decision 17(LVI) of 17 May 1974. ^{1/}
2. The Group held its sixth session at Geneva on 11 to 15, and 20 August 1980.

Participation

3. At its thirty-second session, the Sub-Commission decided that the Working Group would be composed of the following members: Mr. Mario Amadeo, Mr. Beverly Carter, Mr. Dumitru Ceausu, Mr. Justice Abu Sayeed Chowdhury and Mr. Ibrahim Jimeta. ^{2/} Following the resignation of Mr. Amadeo and the illness of Mr. Carter, the Chairman of the thirty-second session of the Sub-Commission appointed Mr. José Martínez Cobo and Mrs. Erica Daes as replacements. Mrs. Daes was able to attend only the last two meetings of the Working Group, on 15 and 20 August 1980 because the invitation was late in the circumstances. Mr. Jimeta attended the seventh meeting of the Working Group, on 20 August 1980.

^{1/} For information concerning the establishment and terms of reference of the Group, see E/CN.4/Sub.2/AC.2/3.

^{2/} Decision adopted at the 854th meeting on 7 September 1979 (E/CN.4/1350, chapter XVI, B, para. 7).

4. The following were represented at the session: United Nations Centre for Social Development and Humanitarian Affairs (represented by Mr. William Angel); International Labour Organisation (represented by Mr. Lee Swebston and Mr. M. Kern). The United Nations Educational, Scientific and Cultural Organization and the Food and Agriculture Organization of the United Nations informed the Secretary-General that they were unable to send representatives to attend the session.

5. The following non-governmental organizations in consultative status attended the session: The Anti-Slavery Society for the Protection of Human Rights (represented by Mr. Peter Davies, Mrs. Leah Levin, Col. Patrick Montgomery); the Minority Rights Group (represented by Mr. Tim Bon, Mr. H. Hannum, Mr. Rod Pasion and Ms. Jacqueline Thibault); the International Abolitionist Federation (represented by Mr. François Pignier); the International Federation of Women Lawyers (represented by Ms. Hélène Pfander); the International Union for Child Welfare (represented by Mrs. Evi Underhill).

Election of Officers

6. At the first meeting, on 11 August 1980, Mr. Justice Abu Sayeed Chowdhury was elected Chairman-Rapporteur of the Working Group.

Documentation

7. The Working Group had before it the following documentation:

(a) Provisional agenda (E/CN.4/Sub.2/AC.2/31);

(b) Reports submitted by States concerning the situation with respect to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 (E/CN.4/Sub.2/AC.2/24/Add.2 and E/CN.4/Sub.2/AC.2/32 and Add.1);

(c) Reports submitted by States concerning the situation with respect to the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others of 1949 (E/CN.4/Sub.2/AC.2/25/Add.2 and E/CN.4/Sub.2/AC.2/33 and Add.1);

(d) Note by the Secretary-General containing the comments received from the Government of Morocco on a report on child labour in Morocco submitted by the Anti-Slavery Society for the Protection of Human Rights to the fourth session of the Working Group, as requested in Sub-Commission resolution 6B (XXXI) (E/CN.4/Sub.2/AC.2/26/Add.2);

(e) A note by the Secretary-General containing comments received from the Government of the Dominican Republic on a report on migrant workers in the Dominican Republic submitted by the Anti-Slavery Society for the Protection of Human Rights to the fifth session of the Working Group (E/CN.4/Sub.2/AC.2/30);

(f) Information received from United Nations agencies, intergovernmental and non-governmental organizations (E/CN.4/Sub.2/AC.2/34 and Add.1);

(g) A note by the Secretary-General containing comments received from the Government of Australia on a statement concerning the condition of Aborigines in Australia made by a representative of the Minority Rights Group to the fifth session of the Working Group (E/CN.4/Sub.2/AC.2/35);

(h) Information received from the International Criminal Police Organization (INTERPOL) pursuant to Economic and Social Council resolution 1695 (LII) (E/CN.4/Sub.2/448);

(i) Information on the exploitation of child labour submitted by United Nations agencies pursuant to Sub-Commission resolution 7B (XXXII) (E/CN.4/Sub.2/451 and Add.1 and 2);

(j) Papers submitted by the Anti-Slavery Society for the Protection of Human Rights and the Minority Rights Group.

II. REVIEW OF DEVELOPMENTS IN THE FIELD OF SLAVERY AND THE SLAVE TRADE IN ALL THEIR PRACTICES AND MANIFESTATIONS

A. Slavery and the slave trade

8. The Working Group took note with satisfaction of the response transmitted to the Secretary-General by the Government of Australia to the allegations contained in the statement made by the representative of the Minority Rights Group to the fifth session of the Working Group concerning the condition of Aborigines in Australia (document E/CN.4/Sub.2/AC.2/35).

9. The Working Group received a report from the Anti-Slavery Society for the Protection of Human Rights entitled Guatemala - Deprivation of Indigenous Peasants' Land, Livelihood, Liberty and Lives, 1978-1980. Referring to earlier reports on Guatemala submitted to the Working Group, the representative of the Anti-Slavery Society stated that the human rights situation in Guatemala had continued to deteriorate. Political violence, alleged to be officially tolerated by the authorities and even to be carried out directly by the Government's security forces, had increased. He quoted recent press, church and other reports to the effect that such killings and abductions had reached unprecedented levels since 1979. He indicated that the report submitted to the Working Group had been researched in the country during 1979 and provided background information to the current social unrest in Guatemala. This included the situation of plantation workers, said to be reduced to a position of virtual servitude at the hands of landowners and labour contractors; the repression of highland Indians; and the growing phenomenon of disappearances. In conclusion, the Anti-Slavery Society recommended that a United Nations investigative committee be appointed to study as a matter of urgency the alleged human rights violations in Guatemala, with a view to identifying the causes and making recommendations.

10. One member of the Working Group pointed out that, without passing judgement on the truth of the information submitted by the Anti-Slavery Society, the report in question concerned a political situation which was outside the terms of reference of the Working Group on Slavery. He pointed out that the conditions of peasants in Guatemala, as in other countries of Latin America, were based on traditional practices which could not be strictly assimilated to slavery. He agreed, however, that the Indians in Guatemala, as in other parts of the region, were subject to discrimination, and stated that this information should be made available to the Sub-Commission for its consideration of the problem of discrimination against indigenous populations. He expressed his opposition to any recommendation concerning the creation of a special investigative body on the situation in Guatemala.

11. Another member of the Group, supporting that position, stated that reports submitted by non-governmental organizations were often based on press reports which could not be verified by the Working Group. Noting that the documentation assembled by the Secretariat included a report submitted by the Government of Nicaragua, he suggested that the Secretariat might include additional information in its documents, such as whether a Government was submitting a first report or a supplementary report; whether a report contained additional elements with respect to earlier ones; and what progress had been made from one report to the next.

12. In reply, the representative of the Anti-Slavery Society explained that the Society had always attempted to carry out its research in all areas of the world, as shown by the reports it had submitted to the Working Group over the years. He expressed the hope that the Working Group would continue to take the view that historically slavery took different forms and that while traditional chattel slavery had almost disappeared, other slavery-like practices continued to exist, so that it was necessary to give a broad and flexible interpretation to the definitions under the relevant Conventions and to the Working Group's mandate. He expressed regret that the Working Group was not given the necessary resources and mandate to carry out on-the-spot investigations of the allegations made to it in order to verify them.

13. The Working Group also heard a statement by a representative of the Minority Rights Group, who alleged that thousands of girls and young women were being murdered to vindicate the "family honour" in some countries in the Middle East and North Africa. She declared that she had been able to verify personally a number of case histories in these countries. According to her information, these girls and young women, aged thirteen and over, were slaughtered, burned alive, poisoned, or eviscerated by their father, brother, a relative or a paid killer because they had engaged in sexual relations, whether voluntarily or not, outside of marriage. Rape would equally result in a death sentence on the victim, and so would the simple suspicion that the young woman in question was having a sexual relationship with a man, simply for having been seen to be talking with him.

14. According to the same representative, the practices in question did not have a religious origin, since they were found practically in all major religions, but resulted from very ancient social traditions. She estimated that these forms of violence resulted in the deaths of hundreds of young women every day. In support of her statement, she gave a detailed account of several case histories of young women who had been murdered, or whose life had been attempted upon, by their families or communities, for the reasons mentioned. She alleged that the police in the countries in question rarely took an interest in these occurrences and when it did, its intervention was so limited that nobody really worried about it. She indicated that court sentences for crimes "in revenge of family honour" were usually mild and that most families preferred two or three years in prison for one of their members to a perceived stain on their honour.

15. The Minority Rights Group representative recommended that the Working Group, through the Sub-Commission, call on the countries concerned to ratify relevant United Nations instruments, including the Convention on the Elimination of All Forms of Discrimination Against Women; and to promulgate and strictly enforce laws imposing severe penalties for such crimes committed against women and to adopt educational programmes aimed at eradicating the social attitudes toward women which made such crimes possible. She expressed the view that women who wanted to leave their countries because they felt threatened by their families or communities would find countries of asylum if provided with the necessary papers. She therefore recommended that the Sub-Commission call on the High Commissioner for Refugees to consider the feasibility of granting refugee status under the relevant Convention to women who had fled their countries under such circumstances.

16. The Working Group was also informed that, according to recent press reports, the Government of Mauritania had declared on 5 July 1980 that it had taken measures to eliminate slavery in the country. The Government, however, had not sent a formal communication to the Secretariat to inform it of that fact. One participant pointed out that, although slavery in Mauritania had been declared illegal under the French colonial rule and formally banned after independence, the economic and social realities of the country had resulted in a situation in which the freed slaves continued to live in a situation of dependence on their former masters. The opinion was expressed that the Government of Mauritania should be congratulated on its decision and invited to supply information to the Working Group on the actual situation and on the measures being taken.

17. Concerning a report submitted by the Anti-Slavery Society to the fifth session of the Working Group on the situation of Haitian migrant workers in the Dominican Republic, and the reply of the Government of the Dominican Republic (E/CN.4/Sub.2/AC.2/30), the representative of the Society informed the Working Group that certain improvements appeared to have been made by the two Governments concerned in consultation with the ILO. However, he drew the attention of the Working Group to a recent press report, based on information provided by a priest, which indicated that the situation was still the same as described in the Society's report. He called on the Government of the Dominican Republic to keep the situation under close scrutiny.

18. In the view of one member of the Working Group, the situation of migrant workers in the Dominican Republic or elsewhere could not be assimilated to slavery. He pointed out that problems concerning seasonal and migrant workers were to be found in many countries of the world, including the developed countries of Western Europe and North America, and that the problem had been studied in depth by the Special Rapporteur of the Sub-Commission, Mrs. Warzazi. He emphasized the need to determine clearly the concept of slavery so that the Working Group would not be seized with all questions relating to human rights violations.

19. Referring to information submitted in the past to the Sub-Commission concerning the forced marriage in 1970 of four young women to members of the Revolutionary Council of Zanzibar, the representative of the Anti-Slavery Society informed the Working Group that three of the women had been able to escape and to return to their families. The fourth woman, however, had failed in her attempt and had remained under virtual house arrest, until July 1980, being forced to bear four children, despite repeated appeals and protests by the international community. A petition brought by the Anti-Slavery Society to the Commission on Human Rights under the procedure governed by Economic and Social Council resolution 1503 (XLVIII) had failed. In July 1980, however, the young woman in question had finally been released from her imprisonment and had been able to leave the country by travelling on her aunt's passport, although the Zanzibar authorities had still denied her a passport.

20. Members of the Working Group deplored the inaction of the competent authorities and of the international community in this serious case of violation of a person's freedom. The opinion was expressed that the United Nations had a special responsibility to create a sense of awareness in the international community so that influence could be brought to bear on Governments to put an end to such odious practices.

B. The sale of children

21. The Minority Rights Group submitted to the Working Group a report entitled The Price of a Child concerning the sale of children in Thailand. The report, presented by a researcher who had spent time in Bangkok and toured the northeastern provinces of Thailand, alleged that in Bangkok there was a large-scale and illegal traffic in children. It indicated that periodic drought conditions, aggravated by a feudal land tenure system, in the north east of Thailand led to a massive exodus of impoverished tenant farmers looking for work in Bangkok and nearby provinces. This situation also led to a steady migration of children from the same region to Bangkok, particularly during the dry season, resulting in a veritable market in children centred in and around the main railway station. Children were bought and sold for different kinds of work in private houses, in restaurants, in factories and in brothels.

22. The report further stated that there were a number of shops in Bangkok which specialized in the sale of children and teenagers to interested customers. Since by law nobody under 16 years of age could be issued an identity card or be offered employment, for younger children the business was carried out unofficially and secretly. The shops were reported to be working closely with professional child-catchers who intercepted children arriving at the train station to look for work and bought the children from their escorts or lured them to the shops with the promise of food, lodging and a work contract. The children were then sold by the catchers directly to prospective customers or to the shops in question for resale. A large number of child catchers were reported to scout the north east provinces to collect children from poor families and then take them to Bangkok for sale. Child catching had become a profession in itself, and thousands of these people were estimated to be active in the north east.

23. According to the report, the children were sold at prices which varied depending upon age, strength, beauty and type of sale agreement. The children could be sold on a contract basis, in which case the buyer would pay the full salary in advance plus commission to the middleman (with the family receiving part of the amount contracted, while the child received nothing); or they could be sold outright, after which the buyer would be expected to pay a salary to the child. The report indicated, however, that once the child was delivered to the buyer there was no way of exercising control over the fulfilment of the agreement by the buyer. The preferred age range of children was 7 to 15, that is, below the age at which children could be legally employed.

24. The report further indicated that there were usually between one and two hundred children under 16 years of age arriving in Bangkok by train every morning to look for work. Others might be taken straight from their villages or towns to factories or farms. A shop in Bangkok would receive and sell about 20,000 children a year, about a quarter of them under 16 years of age. In the course of an investigation in the area of origin of many of these children, the Minority Rights Group researcher found that many parents had no idea of the dangers facing their children in Bangkok, even though a number of children, particularly young girls, had never been seen or heard from again, and it was known that some had been sold to brothels.

25. Finally, the report alleged that, although laws for the protection of children existed in Thailand, there was a lack of concern by the Government and of enforcement by the police, which would accept bribes or other favours from the shops and brothels in return for their inaction.

26. In conclusion, the representative of the Minority Rights Group suggested that concerted rural development efforts, in particular the creation of irrigation systems, the improvement of road communications and the development of cottage industries, by contributing to the development of the areas in question would reduce the mass migration of the work force and the indiscriminate selling of children. He recommended that the Working Group, through the Sub-Commission, call on the Government of Thailand to adopt effective legislation and strict enforcement measures to protect the rights of children; and that it invite the competent United Nations agencies, such as UNDP and UNICEF, to look into the question with a view to elaborating appropriate measures of technical assistance in the areas concerned.

C. The exploitation of child labour

27. The Working Group received the following country monographs on child labour submitted by the Anti-Slavery Society for the Protection of Human Rights:

1. Child labour in South Africa

28. The report indicated that child labour was widespread throughout South Africa but the scale and manner in which it occurred remained largely hidden. The majority of working children, all of them black, were to be found in agriculture; they were generally the offspring of farmworkers more or less permanently resident on white farms or of migrant workers recruited from the "bantustans" or the so-called "black spots". Child labour in agriculture, which dated back to the days of slavery, was an integral feature of the apartheid system since black children inherited the barrage of laws confining them and their families from birth to the "bantustans" and limiting their freedom of movement within South Africa. Because of the resulting poverty and deprivation, children were forced to accept whatever work was available, usually on white farms at extremely low wages, under unsatisfactory conditions and with practically no legal protection. Some children managed to escape to the cities and were found working as traders, newspaper vendors, supermarket and garage attendants and domestic workers and gardeners, but their presence in urban areas was illegal and they were subject to deportation and again recruitment for farmwork, so that they were locked in a vicious circle which could not be broken so long as the apartheid system continued.

29. In its recommendations to the Working Group, the Anti-Slavery Society stated that the Government of South Africa should be urged to appoint a Commission to examine legislation affecting children and the administrative machinery for its implementation with a view to adopting measures necessary to ensure proper and efficient protection of children, and to put a stop to this pernicious system.

30. Members of the Working Group, however, commented that the apartheid system could not be reformed and that the Government of South Africa had always been impervious to international appeals and United Nations resolutions. It was therefore most earnestly felt that the United Nations should take effective measures to ensure the total eradication of apartheid.

2. Child labour in Spain

31. In its report, the Anti-Slavery Society indicated that, although child labour had been declining, there were more than 200,000 children under fourteen at work in Spain, the vast majority of whom were working as wage earners rather than family helpers. Although Spain had ratified the ILO Convention on Minimum Age for Admission to Employment, 1973 (No. 138) and had adopted a Labour Relations Law in 1976, raising the minimum age for admission to employment to sixteen, the law was not yet in force and there were conflicting views concerning the legal minimum age. Labour inspection was insufficient and there was a lack of enforcement of legal provisions concerning the protection of apprentices. It appeared, therefore, that in practice the most generally recognized minimum age was not in line with Spain's obligations under her international undertaking. Most of the children were to be found working in the manufacturing sector, especially in small workshops or as outworkers, often doing work subcontracted by larger firms which had no responsibility for Social Security, health and safety precautions, hours of work or wages. Many children were also working in the city streets, the children of the very poor and gypsy children being confined to certain types of work such as shoe-shining.

32. In its recommendations to the Working Group, the Society stated that the Government of Spain should be urged to implement existing legislation and to make every effort to comply with its international obligations.

33. The representative of the ILO informed the Working Group that, in March 1980, the Government of Spain had adopted new labour legislation (Estatuto de Trabajadores) replacing the Labour Relations Act. The new law, which raised the minimum age for admission to employment to 16, appeared to go a long way toward improving the situation. The ILO Committee of Experts on the Application of Conventions and Recommendations, however, had not yet reviewed and evaluated the new legislation.

34. In this respect, a member of the Working Group expressed the view that the Government of Spain should be commended for the adoption of the new legislation and requested to supply information on the matter.

3. Child labour in Italy

35. This study indicated that Italy had the highest number of child workers in the European Economic Community, totalling half a million children, who were reported to be working in all sectors of the economy. However, few of these children were recognized or mentioned in the official labour force statistics and many worked illegally as part of the growing black labour market. The report stated that, as in other countries, child labour in Italy was concomitant with high adult unemployment, with a schooling system which discriminated against the disprivileged and with inadequately implemented labour laws.

36. According to the report, child labour in industry was to be found primarily in small-scale enterprises which were labour-intensive and used simple technology, such as firms involved in the production and finishing of leather goods, textiles and garments and in certain stages of production within the motor and electrical industries. These small firms operated from unregistered premises and recruited labour through clandestine channels and on casual terms. This enabled them to avoid the payment of taxes and social insurance, thereby lowering production costs and increasing profits. Children working in these firms were unprotected by the trade unions and largely overlooked by the Labour Inspectorate. It was reported that since the contribution of these small workshops to the Italian economy was increasing, so did the demand for the cheap illegal labour of children.

37. The study further stated that child labour was most prevalent in the regions of high unemployment and extensive poverty; children's earnings represented a necessary supplement to the family income. Although legal provision was made for free compulsory schooling for at least eight years, many families preferred to send their children to work because in practice the schools fulfilled neither their social nor their educational responsibilities. The study further indicated that legislation adopted in 1967 to protect children and young persons was inadequately implemented and that there was a lack of information which rendered it difficult to identify the areas in which legislation was most deficient. Italy had not yet ratified the ILO Convention on the Minimum Age for Admission to Employment, 1973 (No. 138) although the Government had reported that proposals for ratification were in progress.

38. The Anti-Slavery Society recommended to the Working Group that the Government of Italy should be invited to investigate the situation of working children; to review the relevant legislation and bring it into conformity with the terms of Italy's obligations under international treaties; to ratify the ILO Convention on the Minimum Age for Admission to Employment, 1973 (No. 138) and accept the relevant Recommendation No. 146; to ensure that the labour inspectorate was trained, equipped and empowered to undertake all measures necessary for the protection of working minors; and to consider which reforms were both necessary and possible in the education system and in the provision of recreational facilities.

4. Child labour in West Malaysia

39. The study, based on research conducted on Penang Island, stated that there was widespread employment of children in both rural and urban areas. In the urban areas, children made up one third of the work-force in the catering and small-scale industries. The study pointed out that in Malaysia there was no law totally forbidding the employment of children and that the country had not ratified any of the five ILO Conventions on conditions of employment of young persons. It also stated that employment of children and young persons was regulated by the Children and Young Persons (Employment) Act, 1966, which was applicable to West Malaysia only; the Act did lay down the type of work and hours of work for children and young persons but it did not stipulate a minimum wage. Children were alleged to be ill-protected by the legislation and, despite being recognized as part of the work-force, they were precluded from trade-unions as the minimum age for membership was sixteen. They therefore tended to be neglected and unacknowledged as a category within the labour force and their plight had passed unnoticed.

40. According to the same study, the demand for cheap child labour in West Malaysia was perpetuated and even increased by the uneven nature of economic growth in Malaysia which had made small enterprises increasingly dependent upon keeping the wages of the work-force as low as possible in order to remain viable. Social and economic inequalities in Malaysia, where there were no legal minimum wages and most workers were very poorly paid, forced children to enter employment in order to earn additional incomes for their families. The children worked for extremely low wages, in most cases without a work contract, for very long hours and with very few holidays, and were often subject to extreme dangers and risks in the course of their work.

41. In conclusion, the Anti-Slavery Society recommended that the Government of Malaysia be called upon to: consider undertaking or commissioning an intensive study of child labour, its causes and effects, and of the practicability of its progressive elimination; to review existing legislation and to enact and implement legislation in order to give to children effective protection from exploitation; to take steps to promote the conditions necessary to the fulfillment of the terms of the ILO Conventions relating to the employment of children and young persons; and to consider ratification as soon as possible of the ILO Convention on the Minimum Age for Admission to Employment, 1973 (No. 138), and implementation of the relevant Recommendation No. 146.

42. On the same issue, the representative of the Anti-Slavery Society informed the Working Group that the Welfare Services Ministry of Malaysia had indicated an awareness of the problem of child labour and had expressed its intention to take appropriate measures.

5. Child labour in Thailand

43. According to this study, Government estimates had put the number of working children in Thailand in the 11-14 years age group at just under one million; unofficial estimates, however, indicated a much higher figure of 3.5 million. Most of these children worked on farms with their parents. While the children working in rural areas, in spite of extreme poverty, at least received parental care and attention, most of those working in the cities were at the mercy of their employers. There were at least 5,000 unregistered small factories and workshops employing children illegally, but those managed to escape detection and conviction under the law. Referring to the role played by private employment agencies in the exploitation of children (already referred to in section B above), the report indicated that the Government of Thailand had recognized that a large number of these agencies were illegally established and considered children only as a source of profit, without being concerned about their welfare.

44. Children in Thailand were employed in industries producing glass, canned food, confectionery, garments, torch-lights, ornaments and toys. Many of the factories employing children were registered and though the children were not ill-treated as in the unregistered "sweatshops", they were nevertheless discriminated against in many ways, in particular in wage scales. An additional problem was the insufficiency of the labour inspection system.

45. In unregistered factories children suffered the worst conditions. Even when known, these factories were not by law subject to supervision. Working hours were very long, ranging from nine to twelve hours a day; the children were confined to the workshop premises, all sleeping in the same room where they worked during the day. Because of the cramped, unsafe and unhygienic working conditions, many children were reported to have become crippled and even to have died.

46. In its conclusions, the Anti-Slavery Society pointed out that public opinion in Thailand was conditioned to regard the severe exploitation of child labour as, at best, a necessary evil and that prohibition of child labour would at present only bring the law into disrepute. The Society also expressed the view that exploitation could be significantly reduced only by remedying its basic cause, namely, the poverty of north-eastern Thailand. On these premises, it recommended that the Government of Thailand be urged to request UNDP assistance in providing programmes for the development of that area; to invite the ILO to advise on the most effective measures to prevent recruitment and exploitation of child labour by unregistered factories; and to invite ILO and UNESCO jointly to consider and recommend an education policy which would commend itself to the people of Thailand and be enforceable.

47. Emphasizing the importance and urgency of the concrete situations submitted to the Working Group by the non-governmental organizations, one member of the Working Group pointed out that the Sub-Commission, as well as several United Nations agencies, were paying increasing attention to the problem of child labour, which was linked to the socio-economic conditions of the countries concerned and violated basic human rights of children such as the rights to education, health and a minimum standard of living. He stated that the reports received by the Working Group should be made available to the Sub-Commission as a whole and its Special Rapporteur on Child Labour, Mr. A. Bouhdiba.

48. The representative of the ILO stated that the exploitation of child labour had been of concern to the ILO since its establishment in 1919. ILO standards in this field had continued to develop, the most recent being the Convention on the Minimum Age for Admission to Employment, 1973 (No. 138) which was intended eventually to replace earlier instruments. He emphasized that the exploitation of child labour, more than child labour as such, should be of concern to the international community, although the long-term goal of the ILO was the elimination of child labour. Referring to the ILO contributions (issued in documents E/CN.4/Sub.2/34 and E/CN.4/Sub.2/451), he informed the Working Group that the Governing Body of the ILO had requested member States, in accordance with article 19 of the ILO Constitution, to report in 1980 on the position in their law and practice in regard to the Minimum Age Convention and Recommendation, 1973. A general survey would be undertaken on the basis of these reports by the Committee of Experts on the Application of Conventions and Recommendations and presented to the International Labour Conference in 1981. He pointed out that often the problem was more one of enforcement than of standard-setting, and that the intervention of non-governmental organizations helped the ILO form an idea of practices in various countries. In his view, the figure of 55 million children in productive employment world-wide contained in recent ILO statistics was a gross underestimation, due to the many problems of definition involved. He also referred to other areas of ILO activity, such as research, the promotion of labour inspection, and the problem of linking minimum age of admission to employment to compulsory education. In conclusion, he stated that the ILO would continue to do its best in this area and to co-operate with all relevant parts of the United Nations system in this common endeavour.

49. Commenting on some of the proposals made by the Anti-Slavery Society in the papers submitted to the Working Group, one member pointed out that most of the recommendations for action were addressed to the Governments. In his view, however, the United Nations had a responsibility to devise its own form of action to deal with the problems raised.

50. In addition, a representative of the Anti-Slavery Society informed the Working Group on supplementary research which the Society had carried out in Morocco on the question of child labour in the carpet industry, an issue which the Working Group had considered since its second session. Referring to the reply submitted to the Working Group by the Government of Morocco (E/CN.4/Sub.2/AC.2/26/Add.2), he stated that the Society's researchers had not found any improvements in the working conditions of children in the carpet factories. He urged the Working Group to recommend to the Sub-Commission that the Government of Morocco be invited to take more effective measures to ameliorate the situation.

D. Debt bondage

51. The Working Group received a report entitled Bonded and Forced Labour in India from the Anti-Slavery Society for the Protection of Human Rights. Referring to earlier reports submitted by the Society to the Working Group at its fourth and fifth sessions, as well as to the reply transmitted by the Government of India (E/CN.4/Sub.2/AC.2/26), and the information supplied by the ILO (E/CN.4/Sub.2/AC.2/34), the representative of the Anti-Slavery Society stated that information reaching his organization showed that debt bondage continued unchecked throughout much of India. In particular, it appeared that the new legislation adopted by the Government of India to eliminate bonded labour was not being effectively enforced.

52. The report now before the Working Group detailed the condition of the Adivasis (tribal peoples), which amounted to a situation scarcely different from chattel slavery. According to the report, a disturbing aspect of the practice was the continuing failure of Government administration at all levels, including the police, to protect the rights of tribal peoples. The report stated that on many occasions it had been reported that the police, in collusion with local money lenders, land owners and businessmen, had themselves committed atrocities such as rape of tribal women and the burning of their houses. In conclusion, the Anti-Slavery Society recommended that the Government of India be invited to appoint a commission to study the problems of bonded and forced labour with a view to their elimination.

E. The traffic in persons and the exploitation of the prostitution of others

53. The Working Group was informed that, during 1979, Djibouti, Ecuador and Senegal had ratified the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, bringing the total number of countries which had ratified the Convention to 49.

54. The Working Group was also informed that OXFAM, a non-governmental organization in consultative status which the previous year had submitted a statement on child prostitution in Brazil to the Working Group (issued in document E/CN.4/Sub.2/AC.2/27), had decided to withdraw the report because of its inability to supply additional information.

55. The Working Group also heard a statement by the representative of the Branch for the Advancement of Women in the United Nations Centre for Social Development and Humanitarian Affairs. He indicated that several areas of work of the Commission on the Status of Women and of the Branch for the Advancement of Women were of relevance to the mandate of the Working Group. A non-confidential list of communications submitted to the Commission on the Status of Women at its twenty-eighth session (E/CN.6/SR.25) contained information on the traffic in women for purposes of prostitution, as well as information on other forms of servitude and exploitation of women. On 16 April 1980, the Economic and Social Council had adopted resolution 1980/4 calling on the Secretary-General to prepare a report on the application of the Convention for the suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, emphasizing in particular the causes and socio-economic conditions which encourage the development of prostitution, as originally requested by the Commission on the Status of Women in resolution 1 (XXVII) of 4 April 1978. The Working Group on Slavery had been informed at its fourth session of the proposed report and had been invited to co-operate in it by Sub-Commission resolution 6B (XXXII). The representative of CSDHA was happy to inform the Working Group that the study was now in its initial stages, and that the Centre would welcome any suggestions or information which could be provided by members of the Working Group or its Secretariat.

56. In addition, the representative of CSDH/L informed the Working Group that the World Conference of the United Nations Decade for Women, meeting at Copenhagen on 14-30 July 1980, had adopted a resolution on the "Exploitation of the prostitution of others and traffic in persons" which, inter alia, deplored "the scant interest shown by Governments and international organizations in this serious problem", and expressed the belief that it would be desirable to improve the procedures and expand the activities of organs in the United Nations system, including the Working Group on Slavery, which could help to prevent prostitution, suppress its exploitation and facilitate the rehabilitation of its victims. In its operative parts, the resolution inter alia, invited Governments to ratify the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and to submit to the Secretary-General the information specified in Article 21 of that Convention; invited the Caracas Congress on the Prevention of Crime and the Treatment of Offenders to study the relationship between under-development, prostitution and slavery; recommended that the Secretary-General of the United Nations should invite the Governments of States Members to take action against international networks of traffickers and procurers; and requested the Secretary-General to submit to the twenty-ninth session of the Commission on the Status of Women and to the next session of the General Assembly of the United Nations the requested report on prostitution throughout the world, its causes and the social and economic conditions which encourage it.

57. The Working Group also heard a statement by a representative of the International Abolitionist Federation, a non-governmental organization devoted to the campaign for the abolition of the exploitation of prostitution and the traffic in persons. He emphasized that the exploitation of prostitution was a form of slavery, since the prostitute could not freely dispose of her body or her earnings. Prostitutes were enslaved to their customers, who treated them like merchandise; habitual prostitution was in fact characterized less by remuneration for the sexual act than by the impossibility for the prostitute, in most cases, to choose her sexual partner, or even the number of her partners. Prostitution did not really exist if there was freedom of choice even if the sexual act was still accompanied by monetary consideration or gifts. Secondly, he emphasized that habitual prostitution could not be exercised without the presence of a souteneur, hotel-keeper or house of prostitution, since independent prostitutes were usually quickly discovered by criminal rings and brought under their control.

58. Referring to the trial in Grenoble of a number of souteneurs in the spring of 1980 which had resulted in heavy sentences for most of the accused, he stated that the trial marked a turning point in the history of the struggle against enforced prostitution. Firstly, the trial had shown that the most dangerous traffickers were operating under the cover of respectable professions. Secondly, it had destroyed the myth of voluntary prostitution, based on a few highly publicized cases of prominent call girls. The trial had shown that prostitutes had been forced to continue to exercise their profession under threats, beatings and torture, which in one case had resulted in death; and that they were forced to surrender most of their earnings to the souteneurs. Finally, the trial had shown that prostitutes could organize themselves to fight against their exploiters if they were assisted by the authorities and by private organizations. He expected that other prostitutes would follow the example of the Grenoble women and that souteneurs would soon be brought to trial in a number of other cities in France. He emphasized the essential role of voluntary organizations in assisting prostitutes who wished to escape their souteneurs and to be reintegrated into society. In his view, compulsory re-education programmes had usually failed.

59. In conclusion, the representative of the International Abolitionist Federation called on the Working Group, through the Sub-Commission, to invite Governments which had not yet ratified the Convention of 1949 to do so; and to take more effective measures to put an end to the traffic in women, both within their borders and across international borders.

60. Some participants emphasized that the mandate of the Working Group was to follow developments in the question of the exploitation of the prostitution of others, and not prostitution as such, which was a matter of individual choice. It was pointed out that the situation described by the representative of the International Abolitionist Federation existed in many other countries and that the traffic in women had grown considerably, particularly from Far Eastern and other third world countries to the developed countries of Western Europe, North America and Japan. With the increase in international communications and mobility, recruitment methods had become increasingly sophisticated, and many young women were lured into prostitution through promises of employment as restaurant maids, models, dancers and the like. It was also pointed out that in some countries, socio-economic transformations through a revolutionary process had brought about the elimination of prostitution; in others, the growing sexual freedom of the young had resulted in a decrease in habitual prostitution. However, in the latter countries, changes in sexual mores had also brought about changes in the forms of prostitution, for example a drastic increase in child prostitution and in the exploitation of children for pornographic purposes.

61. The representative of the Anti-Slavery Society also informed the Working Group that he had received a report on the condition of prostitutes in Bombay, prepared by a medical team working for the municipality of Bombay. The team estimated that there were 200,000 prostitutes in Bombay, half of whom practised their profession clandestinely. They found that, of 900 prostitutes interviewed, 3 per cent had been forced to become prostitutes or had been sold, and pointed out that "in many instances, the world of prostitution is a part of a larger world of organized vice". According to the study, two-thirds of the daily earnings of prostitutes were surrendered to the souteneurs. In addition, the representative of the Anti-Slavery Society informed the Working Group of a number of case histories of young women who had been sold into prostitution in Bombay. He suggested that, if the Working Group wanted to elaborate a new definition of slavery which would cover all the various institutions and practices submitted to it in the course of its session, it might consider the following: "Slavery is the condition of a person who is completely under the control of another".

F. The slavery-like practices of apartheid and colonialism

62. The Working Group was informed that the report of the Secretary-General on apartheid as a collective form of slavery, requested by the Sub-Commission in resolution 6B (XXXII) of 13 September 1978 and presented in an interim version to the Working Group at its fifth session, had been completed and would be submitted to the Sub-Commission at its thirty-third session (E/CN.4/Sub.2/449). Unfortunately, the report could not be translated and reproduced in time for submission to the Working Group as well.

63. One member of the Working Group emphasized the importance for the Sub-Commission to make concrete proposals for the eradication of apartheid, in particular by supporting General Assembly resolutions which had called for complete economic and military sanctions against South Africa. Referring to the proposed World Conference on sanctions against South Africa, postponed to 1981 because of the opposition of certain countries, he pointed out that the apartheid régime depended on the support of these countries for its survival. He called on the Working Group and the Sub-Commission to salute the independence of Zimbabwe as a turning point in the history of self-determination of the peoples of Southern Africa.

64. Another member of the Working Group, while expressing support for the proposals made and some of the recommendations adopted by the Working Group at its fifth session, stated that he did not agree with the recommendation that apartheid should be studied by the Sub-Commission as a separate agenda item, since there already existed a working group of the United Nations dealing especially with apartheid.

65. A representative of the Minority Rights Group, pointing out that the Working Group at its previous session had remarked that not enough information was available on colonialism as a collective form of slavery, drew the Working Group's attention to the situation in East Timor, as described in a publication circulated to members by his organization. He stated that the process of decolonization in East Timor had not been accomplished due to Indonesia's military occupation of that country, which had resulted in great suffering for the people of East Timor and the denial of their right to self-determination in violation of the United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples. He referred to a number of Security Council and General Assembly resolutions which had opposed the annexation of East Timor by Indonesia and called for the withdrawal of Indonesian forces. Unfortunately, very little had been done by the international community to secure the implementation of these resolutions and to ensure that the people of East Timor would enjoy their right to self-determination. He recommended that the Working Group should bring the report in question to the attention of its superior organs with a recommendation that they call on the Government of Indonesia to implement the relevant United Nations resolutions on the question.

III. RECOMMENDATIONS

66. The Working Group adopted unanimously the following recommendations which it submits to the Sub-Commission for consideration:

1. General Recommendations

(a) The Sub-Commission should recommend to the Commission on Human Rights that it resolve that the United Nations and the competent specialized agencies should have a special responsibility to create a sense of awareness in the world community, so that influence might be brought to bear on Governments to put an end to such odious practices as slavery, the slave trade and the slavery-like practices of apartheid and colonialism.

(b) The mass media should also be invited to disseminate information and to make their important contribution to the rapid elimination of slavery and the slave trade in all their practices and manifestations.

2. Slavery and the slave trade

(c) The Sub-Commission should request information from the Government of Guatemala on denunciations made which would be related to slavery-like practices in that country.

(d) The Sub-Commission should bring the information on the situation of women in some countries of the Middle East and North Africa, submitted by the Minority Rights Group, to the attention of the Commission on Human Rights, the Commission on the Status of Women, the High Commissioner for Refugees, and other United Nations agencies concerned, with a view to securing effective international action and to encouraging the Governments concerned to take effective legislative and other measures to terminate such practices, including wide ratification of the Convention on the Elimination of All Forms of Discrimination against Women.

(e) The Sub-Commission should express its appreciation to the Government of Mauritania on its decision to eradicate slavery in that country and invite it to supply information to the Working Group on the measures being taken to that effect.

3. The sale of children

(f) The Sub-Commission should bring the report of the Minority Rights Group on the sale of children in Thailand to the attention of the Government of Thailand for comments.

(g) The Sub-Commission should also recommend to the Commission on Human Rights that it incite the Government of Thailand:

- (i) to adopt and officially enforce strict legislation on the prohibition of the sale of children and punishment of the perpetrators and
- (ii) to take practical measures in the economic and social field in order to eliminate the causes of this form of slavery.

(h) The Sub-Commission should once again invite the competent United Nations agencies to look into the question of the sale of children with a view to elaborating appropriate measures of technical assistance in the countries concerned, aiming at the elimination of the economic and social causes of the shameful, inhuman practice of the sale of children.

4. The exploitation of child labour

(i) The Sub-Commission should bring the reports submitted by the Anti-Slavery Society for the Protection of Human Rights on child labour in Italy, Spain, West Malaysia and Thailand to the attention of the Governments concerned for comments.

(j) The Sub-Commission should bring the report submitted by the Anti-Slavery Society for the Protection of Human Rights on child labour in South Africa to the attention of the Ad Hoc Working Group of Experts on Southern Africa, the United Nations Special Committee Against Apartheid, and the Director-General of the ILO, for consideration and appropriate action.

(k) The Sub-Commission should once again call on all Governments to ratify the ILO Convention on Minimum Age for Admission to Employment, 1973, (No. 138) and implement the relevant Recommendation No. 146, and to ensure that adequate legislation to protect the rights of working children is enacted and properly enforced.

5. Debt bondage

(l) The Sub-Commission should bring the report of the Anti-Slavery Society for the Protection of Human Rights on bonded and forced labour in India to the attention of the Government of India for comments.

6. The traffic in persons and the exploitation of the prostitution of others

(m) The Sub-Commission should invite Governments which have not yet ratified the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others of 1949 to do so.

(n) The Sub-Commission should remind States parties to the Convention of their undertaking to submit information under Art. 21, and invite them to take more effective measures to put an end to the traffic in women both within their countries and across international borders.

7. The slavery-like practices of apartheid and colonialism

(o) The Sub-Commission should condemn military, economic and other collaboration with South Africa, which contribute to the perpetuation of the slavery-like practice of apartheid, and express its support for General Assembly resolutions calling for wide and effective sanctions against the apartheid régime, including resolution 34/93C calling for the holding of an International Conference on Sanctions against South Africa, now scheduled for 1981;

(p) The Sub-Commission should bring the report of the Minority Rights Group on the situation in East Timor to the attention of the Commission on Human Rights and the Special Committee on the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, with a recommendation that the Government of Indonesia be again called upon to implement the relevant United Nations resolutions on the question.

IV. ADOPTION OF THE REPORT

67. The Working Group adopted its report at its seventh meeting, held on 20 August 1980.