



General Assembly

Distr.
GENERAL

A/HRC/Sub.1/58/AC.2/4*
31 July 2006

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-eighth session
Working Group on Contemporary
Forms of Slavery
Thirty-first session
8-11 August 2006

**REVIEW OF DEVELOPMENTS IN THE FIELD OF CONTEMPORARY
FORMS OF SLAVERY AND MEASURES TO PREVENT AND REPRESS
ALL CONTEMPORARY FORMS OF SLAVERY**

Report of the Secretary-General

Summary

The present report is based on a summary of responses to a note verbale sent to Governments and concerned intergovernmental and non-governmental organizations inviting them to provide information on various slavery-related issues in accordance with the resolution 2005/29 of the Sub-Commission on the Promotion and Protection of Human Rights. The responses received contained information regarding legal, administrative and other measures taken to deal with slavery-like practices such as trafficking in human beings, sexual exploitation of children and forced labour.

At the time of drafting this report, responses were received from 13 States, 4 international organizations and 1 non-governmental organization.

* Pursuant to General Assembly resolution 60/251 of 15 March 2006 entitled "Human Rights Council", all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights, including the Sub-Commission, were assumed, as of 19 June 2006, by the Human Rights Council. Consequently, the symbol series E/CN.4/Sub.2/_ , under which the Sub-Commission reported to the former Commission on Human Rights, has been replaced by the series A/HRC/Sub.1/_ as of 19 June 2006.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
I. INTRODUCTION	1 - 3	3
II. INFORMATION RECEIVED FROM GOVERNMENTS	4 - 42	3
Albania	4 - 5	3
Colombia	6 - 7	3
Cuba	8	4
Estonia	9 - 11	4
Guatemala	12 - 13	4
Lebanon	14 - 16	5
Mauritius	17 - 19	5
Mexico	20 - 25	5
Philippines	26 - 28	6
Portugal	29 - 34	7
Russian Federation	35 - 38	8
Spain	39	8
Slovenia	40 - 42	8
III. INFORMATION RECEIVED FROM UNITED NATIONS AGENCIES	43 - 51	9
Office of the United Nations High Commissioner for Refugees	43 - 45	9
United Nations Educational, Scientific and Cultural Organization	46 - 48	9
United Nations Office on Drugs and Crime	49 - 51	10
IV. INFORMATION RECEIVED FROM INTERGOVERNMENTAL ORGANIZATIONS	52	10
Organisation for Economic Co-operation and Development	52	10
V. INFORMATION RECEIVED FROM NON-GOVERNMENTAL ORGANIZATIONS	53 - 54	10
Urban Justice	53 - 54	10

I. INTRODUCTION

1. By its resolution 2005/29 entitled “Report of the Working Group on Contemporary Forms of Slavery”, the Sub-Commission on the Promotion and Protection of Human Rights requested the Office of the United Nations High Commissioner for Human Rights to bring the resolution to the attention of States, international organizations and national human rights institutions, and that the information received be forwarded to the Working Group.
2. Pursuant to this resolution, on 27 March 2006 the Office of the High Commissioner for Human Rights addressed requests to Governments and relevant international and non-governmental organizations for information.
3. The present report contains a summary of the replies received as of 10 July 2006.

II. INFORMATION RECEIVED FROM GOVERNMENTS

Albania

4. The Government of Albania reported that a number of measures were taken in 2005/2006 in the field of human trafficking. In particular, a national strategy combating trafficking in children was adopted and a committee on the fight against trafficking in human beings was established.
5. The Government also recalled that, in the past, actions had already been taken on this issue. For example, Albania ratified the Convention on Transnational Organized Crime and a national strategy on trafficking in human beings was adopted.

Colombia

6. The Government of Colombia recalled that the Constitution of the country prohibits slavery and that in 2001 the 150-year anniversary of the law abolishing slavery in Colombia was celebrated. Aware of the development of new forms of slavery, Colombian authorities have been taking a number of initiatives to fight these phenomena. In 1996 the Inter-Institutional Committee for the Fight against Trafficking in Women and Children was established. The mandate of this Committee is to review existing policies and make proposals to develop a coherent and systematic governmental policy for the prevention and repression of the exploitation, abuse and sexual trafficking of women and children.
7. Colombia has adopted a number of laws on the issue of trafficking. The most recent, Law 985 of 2005, indicates that an individual found guilty of human trafficking can be sentenced to from 13 to 23 years in prison. In addition, the Law stipulates that the consent of the victim cannot exonerate the perpetrator of his criminal responsibility. The Law also foresees the adoption of a public policy on the issue of trafficking, which should include the following elements: prevention, protection and assistance to the victims, and enhancement of the investigation and the justice process. The Law also established the Inter-Institutional Committee on the Fight against Trafficking in Human Beings (formerly the Inter-Institutional Committee for the Fight against Trafficking in Women and Children). This Committee serves as a consultative organ for the Government and coordinates actions taken by the State in the fight against trafficking.

Cuba

8. In its reply, the Government of Cuba recalled that it has ratified the Slavery Convention, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. In addition, contemporary forms of slavery such as forced labour, trafficking in human beings, forced marriage, child labour or sexual slavery were said to be problems that do not exist in Cuba. The Government said that children under 17 years of age are not allowed to work, with the exception of 15- and 16-year-old adolescents who can enter the labour market due to their incapacity to study and the need to be trained. The Government also reported that Cuba carried out a number of activities to commemorate the proclamation by the General Assembly of 2004 as the International Year to Commemorate the Struggle against Slavery and its Abolition.

Estonia

9. On the issue of trafficking in human beings, the Government of Estonia recalled that in August 2005 the Ministers of Internal Affairs and Justice declared the fight against organized crime, especially trafficking in human beings, to be one of the priorities of the police and the Prosecutor's office.

10. In January 2006, the National Action Plan against Trafficking in Human Beings was approved by the Government. It focuses on prevention, prosecution, reporting and protection of victims. The authorities stressed the importance of regional cooperation in the fight against trafficking and indicated that Estonia is represented in the Nordic-Baltic Task Force against Trafficking in Human Beings.

11. The Government also indicated that the fight against crimes involving children is one of the priorities for the police for 2006 and referred to a number of laws protecting children's rights. In particular, article 173 of the Penal Code stipulates that "the sale or purchase of children is punishable by one to five years' imprisonment ...".

Guatemala

12. The Government of Guatemala said that it is conscious that practices such as trafficking in persons - in particular of children - do exist in the country. It referred to the country's specific geographical situation, which makes it attractive to smuggling networks as a country of transit for migrants going to the north of the continent, and as a country of destination for others.

13. The Government reported that it is making important efforts to fight these illegal practices. In 2001, the authorities adopted the National Action Plan against Sexual Exploitation of Children. The "Coordination Group", which includes governmental and non-governmental institutions, is in charge of its implementation. This mechanism has promoted actions towards prevention, protection and criminal prosecution. In 2004, a comprehensive public policy for the full protection of children was adopted with the objective of building the necessary conditions to allow current and future generations of children to live in dignity. The Government also referred to the action of other institutions in fighting trafficking, notably civil society and the Ombudsmen for children and migrants.

Lebanon

14. The Government of Lebanon indicated that the general security section has adopted a series of procedures to protect both legal and illegal migrants present in the territory. In particular, enquiries are being carried out on trafficking networks. The authorities also inform the population on the interdiction to host or to employ illegal migrants.

15. The general security section signed a memorandum of understanding with Caritas Lebanon on 12 January 2005 establishing a shelter for victims of trafficking. Information regarding the rights of domestic workers is also provided to the population.

16. The authorities also stressed that human rights training will be carried out for law enforcement personnel and that specific training on trafficking in persons will be organized in cooperation with local non-governmental organizations.

Mauritius

17. In its reply, the Government of Mauritius referred to the specific situation of children. In this regard, Mauritius has ratified the Convention on the Rights of the Child as well as the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. It is also a party to the African Charter on the Rights and Welfare of the Child. The Child Protection Act which was enacted in 1994 makes specific provisions for all cases of child trafficking and abduction. A National Action Plan to fight against commercial and sexual exploitation of children has been adopted.

18. Regarding women, Mauritius has ratified the Convention on the Elimination of All Forms of Discrimination against Women and signed the Southern African Development Community Declaration on Gender and Development as well as its Addendum on the Prevention and Eradication of Violence against Women and Children.

19. In addition, Mauritius is also a party to the Slavery Convention; the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the Forced Labour Convention; the Abolition of Forced Labour Convention; the Worst Forms of Child Labour Convention; and the Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

Mexico

20. The Government of Mexico transmitted to the Office of the United Nations High Commissioner for Human Rights a detailed report on the implementation of resolution 2005/29 of the Sub-Commission on the Promotion and Protection of Human Rights. The Secretary of the Interior, via the National Institute of Migration (INM) and in cooperation with institutions at the federal, State and municipal levels, leads the fight against illegal trafficking in human beings. To prevent and fight human trafficking, in particular of migrants, INM heads at the national level the sub-committees for migration control. Different institutions working in the area of security participate in these sub-committees. The Government has also

reinforced its control at the major points of entry on the Mexican territory. In August 2005, the Governments of Mexico and the United States of America amended the agreement on anti-drug cooperation, which foresees US\$ 8.2 million to assist in combating human trafficking in Mexico.

21. On the trafficking of people without documentation, the authorities reported that INM actively participates in the Operation Against Smugglers (and Traffickers) Initiative on Safety and Security (OASISS).

22. In April 2004, the Governments of Mexico and Guatemala signed a memorandum of understanding for the protection of victims of trafficking, in particular women and children victims, on the border of the two countries. In 2005, a similar agreement was signed with the Government of El Salvador. Mexico also cooperates with the International Organization for Migration in providing assistance to women victims of trafficking.

23. Mexico also participated in the establishment of the Inter-American programme for the Promotion and Protection of the Human Rights of Migrants Including Migrant Workers and Their Families.

24. With regard to the protection of children, the Government adopted a National Plan of Action for the prevention and eradication of sexual exploitation of children. The objective of this Plan of Action is to promote policies and actions for the prevention and protection of children victims of sexual trafficking with the participation of the three levels of government as well as public and private institutions, and civil society organizations, and in cooperation with international institutions. In 2003, 2004 and 2005, activities were carried out in the following fields: information and awareness-raising; harmonization and regulation of the legal framework; and direct assistance to victims and institutional reinforcement.

25. In the area of labour exploitation, Mexico has developed programmes to prevent and combat labour exploitation of children. For example, the national programme for the prevention and the fight against labour exploitation foresees activities of promotion of equality in the work sphere as well as awareness-raising activities. The programme also foresees activities for the reinforcement of the institutions and the enhancement of the legal framework and investigation processes.

Philippines

26. In its reply, the Government recalled that it has acceded to the Slavery Conventions of 1926 and 1953 and has ratified the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others. It also indicated that slavery and servitude are penalized in the domestic criminal system.

27. On the issue of trafficking, the Government stated that the Anti-trafficking Act was adopted in 2003 and that an Inter-Agency Council Against Trafficking in Persons, led by the Department of Justice and the Department of Social Welfare and Development, was established to formulate a comprehensive and integrated programme to prevent and suppress trafficking in persons, promulgate rules and regulations, and monitor the implementation of the law. Last year, for the first time, three persons were convicted for trafficking in persons.

28. The Government also referred to the Programmes of the Philippine Overseas Employment Administration, which provides legal assistance to victims of trafficking, conducts pre-employment orientations seminars in schools and universities, maintains a trafficking database and conducts community education programmes.

Portugal

29. In its reply, the Government of Portugal recalled that Portugal abolished slavery in 1869, and that Portugal is a party to several international instruments prohibiting slavery, in particular: the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; International Labour Organization (ILO) Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; the Slavery Convention; the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; ILO Convention No. 29 (1930) concerning Forced or Compulsory Labour; and ILO Convention No. 105 (1957) concerning the Abolition of Forced Labour.

30. The Government also recalled that the crime of slavery is expressly punishable under the Criminal Code by a sentence of from 5 to 15 years' imprisonment. Trafficking for sexual exploitation is punishable by a term of from 2 to 10 years' imprisonment. A bill introducing a number of amendments to the provisions on trafficking was approved in April 2006 by the Council of Ministers and shall be submitted to Parliament for adoption. The bill broadens the actual definition of trafficking and will enable the prosecution of legal persons for certain crimes such as slavery and trafficking in human beings.

31. Regarding protection of victims, the Government reported that Act 93/99 ensures protection to witnesses in proceedings concerning trafficking in persons. The measures of protection apply to anyone who is aware of the relevant acts, including the victims themselves. The Decree law 244/98 foresees the possibility of waiving the visa necessary to obtain residence permits for foreigners who cooperate in investigations into organized crimes, such as trafficking in persons.

32. The authorities also referred to a pilot project in the area of prostitution and trafficking in women that began in September 2005 and aims to strengthen knowledge and increase investigation of the phenomenon of trafficking in women, and provide support to victims.

33. As a member of the European Union (EU), Portugal participates in a number of programmes on trafficking and sexual exploitation of children established by the EU, such as STOP and STOP II.

34. Portugal has also signed cooperation agreements, which foresee cooperation on matters related to trafficking in human beings, with several countries.

Russian Federation

35. The Government recalled that the Russian Federation is party to the following international instruments: the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others; the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of the Child; ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the United Nations Convention against Transnational Organized Crime and its supplementary protocols, specifically the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

36. On the issue of trafficking, the Government reported that no special statute currently exists in Russian law that protects the rights of the victims of trafficking. However, the Government has concluded a series of bilateral agreements and international instruments containing specific provisions to prevent trafficking in persons, and Russian administrative and criminal law defines certain elements of trafficking in persons and some specific acts as criminal offences. In addition, the new Code of Criminal Procedure has provisions to protect the rights of victims of trafficking or persons with information about criminal activity of this nature.

37. The Russian social welfare offices administer a number of crisis centres which offer psychological, legal, medical, educational and welfare services to adults and children living in difficult situations or experiencing violence.

38. The Government also referred to the visit carried out by the Special Rapporteur on violence against women its causes and consequences, in December 2004 and of the Organization for Security and Co-operation in Europe Special Representative on Combating Trafficking in Human Beings in June 2005.

Spain

39. In its reply, the Government of Spain recalled that the Constitution protects the standards referred to in the Slavery Conventions and in particular the right to physical and moral integrity as well as the right not to be subjected to torture and inhuman or degrading treatment. The authorities recalled that the protection of these rights is ensured by an independent justice system complemented by the Ombudsman, the Constitutional Tribunal and the European or International instances.

Slovenia

40. The Government of Slovenia reported that the country is party to the Slavery Convention, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.

41. The Slovenian legislation includes specific provisions regarding the criminal offences of trafficking in human beings, enslavement and exploitation through prostitution.

42. The Government also provided some statistical data regarding trafficking in human beings for the period 2002-2005. In 2005, for example, proceedings were brought for three cases of trafficking in human beings and four cases of enslavement. In 2004, there was only one case of trafficking and two cases of enslavement.

III. INFORMATION RECEIVED BY UNITED NATIONS AGENCIES

The Office of the United Nations High Commissioner for Refugees

43. The Office of the United Nations High Commissioner for Refugees (UNHCR) recalled that refugee protection is a specific, subsidiary form of human rights protection which comes into effect when national protection in the country of origin has failed. UNHCR advocates for a comprehensive, rights-based approach in addressing challenges related to contemporary forms of slavery and emphasizes that criminalization of trafficking and other drastic forms of exploitation must be paired with mechanisms serving the protection of victims, including access to asylum procedures.

44. UNHCR also referred to recently issued trafficking guidelines which relate primarily to refugee status determination for victims of trafficking. It considers that the development of clear standards as to non-refoulement obligations of States may help in enhancing the protection of victims, in cases where an individual may face a real risk of falling victim to contemporary forms of slavery if that individual were to be returned to another State.

45. UNHCR noted an increasingly complex intertwining of migration and asylum. It also expressed its concern that State practice globally does not yet sufficiently address the protection needs of victims of trafficking.

United Nations Educational, Scientific and Cultural Organization

46. After clarifying the link between human trafficking and contemporary forms of slavery, the United Nations Educational, Scientific and Cultural Organization (UNESCO) detailed its approach to the fight against human trafficking. The Organization encourages multidisciplinary responses to trafficking, including addressing its historical, legal, political and sociocultural dimensions. UNESCO promotes the ratification and implementation of existing international instruments to prevent trafficking and protect the victims. Regarding the sociocultural dimension of human trafficking, UNESCO has documented that traffickers exploit traditional beliefs and practices, such as voodoo rituals, to subjugate their victims. It stresses that the challenge in tackling such cultural dimensions remains in the formulation of culturally appropriate responses to prevent trafficking.

47. The UNESCO Trafficking Project contributes to systematize and share available data on trafficking. And in order to bridge the gap between knowledge and policy, UNESCO collects best practices in combating trafficking to inspire policymakers with innovative and successful experiences.

48. UNESCO also referred to its latest publication, *Poverty, gender and human trafficking in Sub-Saharan Africa: rethinking best practices in migration management*.

United Nations Office on Drugs and Crime

49. The United Nations Office on Drugs and Crime (UNODC), as the custodian of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and the Protocol against The Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime recalled that it takes great interest in the issue of contemporary forms of slavery.

50. UNODC has serviced the first two sessions of the Conference of the Parties to the Convention against Transnational Organized Crime and has gathered and analysed information on the implementation of these instruments by States parties.

51. UNODC also reported that during its second session the Conference of the parties to the Convention, it established an open-ended working group to review technical assistance needs, to provide guidance on priorities and to facilitate mobilization of resources in the areas governed by the Convention and its supplementary Protocols.

IV. INFORMATION RECEIVED FROM INTERGOVERNMENTAL ORGANIZATIONS

Organisation for Economic Co-operation and Development

52. The Organisation for Economic Co-operation and Development, noting that it does not carry out any specific work on contemporary forms of slavery, referred to new developments within the organisation regarding human rights. The Development Assistance Committee's Network on Governance (GOVNET) is undertaking work to foster consensus among donors on why and how to integrate human rights into development more systematically. In addition, their Metagora project on tools, methods and conceptual framework for evidence-based assessment of human rights and democratic governance could include contemporary forms of slavery in its potential areas for future work.

V. INFORMATION RECEIVED FROM NON-GOVERNMENTAL ORGANIZATIONS

Urban Justice

53. The organization explained the links between prostitution and trafficking in persons/contemporary slavery. For Urban Justice, political pressure and historical bias have created a conflation of prostitution and human trafficking. The organization considers that there is little indication that increased criminalization of sex work decreases instances of trafficking

for sexual exploitation. It argues that defining sex work as identical to trafficking negates sex work as voluntary choice for profession, further criminalizes sex work and exacerbates the negative conditions that harm sex workers.

54. Urban Justice also shared the findings of a study of migrant sex workers in New York City based on interviews of 52 sex workers. According to the authors, 38 per cent of those interviewed were completely undocumented and had no legal status at the time of the interview and 57 per cent had no immigration status when they entered into sex work in the United States. Thirty-eight per cent of the foreign-born respondents reportedly said they had been involved in sex work before migrating to the United States. The report concluded that, while trafficking in persons is a serious problem, it is not one which afflicts all migrant sex workers.
