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COMMISSION ON HUMAN RIGHTS  
Sub-Commission on the Promotion and  
Protection of Human Rights  
Working Group on Contemporary  
Forms of Slavery  
Thirtieth session  
6-10 June 2005

**ANNOTATIONS TO THE PROVISIONAL AGENDA**

**Prepared by the Secretary-General pursuant to paragraph 13  
of resolution 1988/31 of the Sub-Commission**

**1. Election of officers and adoption of the agenda**

1. Rule 23 of the rules of procedure of the functional commissions of the Economic and Social Council provides that unless the Commission decides otherwise, its subsidiary organs shall elect their own officers.
2. Rule 7 of the rules of procedure provides that the agenda shall be adopted at the beginning of each session, after the election of officers, on the basis of the provisional agenda. The provisional agenda for the present session of the Working Group on Contemporary Forms of Slavery is contained in document E/CN.4/Sub.2/AC.2/2005/1.

**2. Activities of the United Nations Voluntary Trust Fund  
on Contemporary Forms of Slavery**

3. The United Nations Voluntary Trust Fund on Contemporary Forms of Slavery was established pursuant to General Assembly resolution 46/122 of 17 December 1991. Its purpose is to assist representatives of non-governmental organizations from different regions dealing with issues of contemporary forms of slavery to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and to extend,

through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery. The Fund is administered in accordance with the financial regulations of the United Nations by the Secretary-General, with the advice of a Board of Trustees. The Fund can receive voluntary contributions from Governments, non-governmental organizations and other private or public entities.

4. The Board of Trustees held its tenth session from 7 to 11 March 2005. During the session it examined information regarding the implementation of recommendations, financial situation of the Fund and new projects. The Board recommended that the already existing cooperation with the Working Group on Contemporary Forms of Slavery should continue. The Board of Trustees examined 63 applications and recommended 25 project grants. At its present session, the Working Group, will have before it the report of the Board of Trustees to the Working Group, which contains information on the activities of the Trust Fund (E/CN.4/Sub.2/AC.2/2005/5).

### **3. Priority theme: review and assessment of the activities of the Working Group since its establishment**

5. At its twenty-eighth session, the Working Group decided to consider as a matter of priority at its thirtieth session in 2005, in the context of its thirtieth anniversary, an assessment of its activities and work. In its resolution 2003/3, the Sub-Commission welcomed this decision. At its present session, the Working Group will have before it the report of the Secretary-General which contains a review of developments in the field of contemporary forms of slavery and a review of the major achievements of the Working Group, as well as remaining challenges (E/CN.4/Sub.2/AC.2/2005/4).

### **4. Review of the implementation of human rights standards on contemporary forms of slavery**

#### **(a) Status of the conventions on slavery and other related instruments**

6. The Commission on Human Rights, in its resolution 1994/25, and the Sub-Commission, in its resolution 1993/5, requested the Secretary-General to invite States parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 to submit to the Sub-Commission regular reports on the situation in their countries, as provided for under the conventions and in Economic and Social Council decision 16 (LVI) of 17 May 1974.

7. Information relating to the status of ratification of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery and of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others is contained in two notes by the Secretary-General (E/CN.4/Sub.2/AC.2/2005/2 and E/CN.4/Sub.2/AC.2/2005/3, respectively).

**(b) Economic exploitation**

**(i) Forced and bonded labour**

8. Sub-Commission resolutions relevant to bonded labour are 6 B (XXXI) of 13 September 1978; 8 (XXXIII) of 10 September 1980; 1982/15; 1985/25; 1988/31 and 1990/30.

9. By resolution 1993/5, the Sub-Commission decided to keep the question of debt bondage under consideration to assess the progress achieved, with a view to achieve eradication of this practice.

10. At each of its sessions, the Working Group has reaffirmed that forced labour is a contemporary form of slavery, expressed its concern at allegations that this practice has not yet been eliminated, and decided to continue to give consideration to this item at its next sessions.

11. At its twenty-eighth session, the Working Group decided, in light of the Special Programme of Action of the International Labour Organization, to consider the issue of forced labour as a matter of priority at its twenty-ninth session (2004). During its twenty-ninth session, the Working Group held a one-day special discussion on the issue, co-organized with the Internal Labour Organization Special Programme of Action on Forced Labour. At the end of the session, the Working Group decided to merge the examination of the issues of forced and bonded labour (see E/CN.4/Sub.2/2004/36 and Corr.1).

**(ii) Rights of migrant workers including domestic workers**

12. In its resolution 2005/47, stressing the importance of promoting and protecting human rights of migrant workers recognized in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Commission on Human Rights encouraged States to consider negotiating bilateral and regional agreements on migrant workers and requested that related violations of labour law be effectively prosecuted.

13. Pursuant to Commission on Human Rights resolution 2004/53, the Special Rapporteur on the human rights of migrants paid particular attention to the problems of migrant workers in her report to the Commission at its sixty-first session (E/CN.4/2005/85 and Corr.1 and Add.1-4), stressing the need for their protection from various abuses and underlining the living, working and employment conditions of migrant workers in domestic service. The report of the Special Rapporteur on the human rights of migrant workers presented to the Commission at its sixtieth session, pursuant to Commission resolution 2003/46 (E/CN.4/2004/76 and Add.1-4), devoted particular attention to the practice of withholding migrant domestic workers' papers, which contributes to their dependency and helplessness in the face of abuse and violations. Underlining that migrant workers represent a particularly vulnerable group, the Special Rapporteur defined three major challenges of international migrations - its extent and feminization; difficulty of obtaining recognition of the migrant's human rights and the need of right-based migration management.

**(c) All forms of sexual exploitation**

14. From 1998 to 2002, the Sub-Commission recommended that Governments investigate, and use as evidence in the prosecution of criminal conduct, advertising, correspondence and other communications appearing on the Internet and promoting sex trafficking, the exploitation of prostitution, sex tourism, bride trafficking and rape. At its twenty-ninth session, the Working Group addressed issues relating to various forms of sexual exploitation, and urged Governments, inter alia, to act more forcefully to prevent the misuse of Internet for purposes of sexual exploitation, as well as to amend and reinforce existing laws.

15. In its resolution 2004/19, the Sub-Commission noted the decision of the Working Group to devote priority attention at its thirty-first session in 2006 to the issue of the impact of the media and the Internet on contemporary forms of slavery.

16. In its resolution 2005/44 on the rights of the child, the Commission on Human Rights called upon all States to criminalize and effectively penalize all forms of sexual exploitation and abuse of children, including child sex tourism, the sale of children and their organs and the use of Internet for these purposes.

**(d) Trafficking in persons**

17. Relevant Sub-Commission resolutions regarding this issue are 6 B (XXXI) of 13 September 1978; 1987/31; 1988/31; 1990/30; 1991/115 and 1992/3.

18. Relevant Economic and Social Council resolutions relating to this item are 1980/4; 1981/40; 1982/20; 1983/30; 1989/74; 1990/46; 1991/35; 1992/10; 1993/48.

19. The Working Group devoted priority attention to the issue of trafficking in women and girls, and of trafficking in persons at its twenty-fourth (1999) and twenty-sixth (2001) sessions. An NGO seminar was held prior to the twenty-fourth session, which submitted recommendations to the Working Group. The Working Group decided to continue the examination of the issue at its next sessions.

20. Pursuant to decision 2004/110 of the Commission on Human Rights, Ms. Sigma Huda was appointed Special Rapporteur on trafficking in persons, especially women and children. She submitted her first report (E/CN.4/2005/71 and Add.1) to the Commission at its sixty-first session. Aware of the complexity of the mandate and the fact that it overlaps in some respect with mandates of other special procedures of the Commission, the Special Rapporteur intends to focus on the human rights of trafficked persons and promote cooperation between relevant international actors in order to identify measures to combat trafficking effectively.

21. One of the most significant outputs of the Office of the High Commissioner for Human Rights in this field are the Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1). The development of these principles and guidelines began in 2000 in response to the clear need for practical, rights-based policy guidance on the

issue of trafficking. The purpose of these principles and guidelines is to promote and facilitate the integration of a human rights perspective into national, regional and international anti-trafficking laws, policies and interventions. They serve as a framework and reference point for the work of OHCHR on the issue of trafficking.

22. Based on the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), adopted by the General Assembly by its resolution 55/25, and which entered into force in December 2003, the Council of Europe Convention on Action against Trafficking in Human Beings was opened for signature at the Summit of Heads of State and Government held in Warsaw on 16 and 17 May 2005. Fourteen countries signed this convention, the aim of which is to prevent and combat trafficking in human beings in all its forms, national or international, and whether or not it is linked with organized crime.

**(e) Protection of children from all forms of exploitation**

23. Under this agenda item, the Working Group follows up on the activities of the Special Rapporteur on the sale of children, child prostitution and child pornography. The mandate established by the Commission in its resolution 1990/68 has been since extended, most recently by the Economic and Social Council in its decision 2004/285. In its resolution 2005/44 on the rights of the child, the Commission on Human Rights, taking note of the report of the Special Rapporteur (E/CN.4/2005/78 and Corr.1 and 2, and Add.1-3), called upon States to criminalize and effectively penalize all forms of sexual exploitation and sexual abuse of children, including within the family or for commercial purposes, child pornography and child prostitution, child trafficking, child sex tourism, the sale of children and their organs, and the use of the Internet for these purposes, and to take effective measures against the criminalization of children who are victims of exploitation.

24. In its resolutions 1992/74 and 1993/79, the Commission on Human Rights adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and the Programme of Action for the Elimination of the Exploitation of Child Labour, respectively. The Commission recommended that all States adopt, as a matter of priority, the necessary legislative and administrative measures to implement the Programmes of Action at the national and international levels.

25. In its resolution 2000/59 the Commission adopted the text of the draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as contained in annex B to the resolution, and transmitted it, through the Economic and Social Council, to the General Assembly for approval. In its resolution 54/263, the General Assembly adopted the Optional Protocol which, at the time of writing, has been ratified or acceded to by 72 States and signed by 108. The Optional Protocol entered into force on 18 January 2002.

26. Also in its resolution 2000/59, the Commission adopted the text of the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict contained in Annex A to the resolution. The Optional Protocol, which was adopted by the General Assembly in its resolution 54/263, at the time of writing had been ratified or acceded to by 72 States and signed by 115. It entered into force on 12 February 2002.

27. In its resolution 7 B (XXXII) of 5 September 1979, the Sub-Commission decided to review the question of the exploitation of child labour annually, and in its resolutions 1998/19, 1999/17, 2000/19 and 2001/14 drew the attention of the international community to the gender dimension of child labour.

28. At its twenty-eighth session, the Working Group considered as a matter of priority the impact and role of discrimination, in particular gender discrimination, in the perpetuation of contemporary forms of slavery. Among the issues identified, the Working Group mentioned forced marriage, child marriage and the sale of wives. The Working Group decided to continue to give consideration to this issue at its next sessions.

29. In resolution 2005/43 on the abduction of children in Africa, the Commission on Human Rights strongly condemned the spread of abduction of children for various purposes, inter alia, for involvement in armed conflicts and for sexual exploitation and forced labour.

30. The progress report of the Secretary-General on the study on the question of violence against children (E/CN.4/2005/75) provides information on and a global picture of the situation on violence against children, documenting its nature, incidence, causes and consequences by considering the various settings in which such violence takes place. A questionnaire was circulated on the issue to Governments in March 2004. As of February 2005, 87 Governments had responded to the questionnaire, providing information on the national legal, institutional and policy frameworks in place to address violence against children, which will lay the groundwork for the study.

**5. Adoption of the report of the Working Group on its thirtieth session to the Sub-Commission on the Promotion and Protection of Human Rights**

31. Under rule 37 of the rules of procedure, the Working Group is to report to the Sub-Commission on the work of its session.

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