

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL



Distr.
GENERAL

E/2540/Add.1
3 March 1954

ORIGINAL: ENGLISH

Seventy-first session
Item 15 (a)

SLAVERY

CONSULTATIONS CONCERNING THE DESIRABILITY OF A SUPPLEMENTARY CONVENTION ON SLAVERY AND ITS POSSIBLE CONTENTS

The Secretary-General of the United Nations has the honour to communicate to the Economic and Social Council herewith, in connexion with his report on consultations concerning the desirability of a supplementary convention on slavery and its possible contents (E/2540), the following communication, dated 25 February 1954, from the United Kingdom delegation to the United Nations:

"The Head of the Permanent Delegation of the United Kingdom of Great Britain and Northern Ireland to the United Nations presents his compliments to the Secretary-General and in reply to His Excellency's Note No. SOA/321/05 of the 18th of June has the honour to inform him that Her Majesty's Government have the following comments on the desirability and contents of a Supplementary Convention on Slavery.

"2. Her Majesty's Government have long taken a leading part in the institution of measures, both international agreements and practical action, for the abolition of slavery and servitude. They believe that the Convention signed at Geneva in 1926 represented the maximum obligation that the signatories could accept at that time but that sufficient progress has been made to warrant extension of the provisions of that Convention. They are accordingly in favour of the conclusion of a Supplementary Convention, as has already been stated by the United Kingdom Delegation to the Economic and Social Council.

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"3. They are in broad agreement with the recommendations put forward by the ad hoc committee and contained in Section B of Chapter III of document E/1988.

The following paragraphs contain Her Majesty's Government's detailed comments on these recommendations, and in view of the importance which they attach to the Subject they are also preparing a draft based upon these recommendations which they hope may eventually serve as a basis for the conclusion of a Supplementary Convention. In its preparation, they are having the benefit of the views of the Anti-Slavery Society, which has been active in this field for more than a century and a half.

"4. Her Majesty's Government consider, however, that as certain of the practices in Recommendation B of the Ad Hoc Committee's report may involve work or services of the nature of forced labour, it would be desirable before finally determining the detailed content of the proposed Supplementary Convention to consider in co-operation with the I.L.O. how far such practices, or certain aspects of them, would best be treated internationally either as forced labour practices or more generally.

"5. Her Majesty's Government also believe that it should be left to Governments to decide, in the light of domestic circumstances, whether and what legislative or other action is necessary in order to enable them to comply with the requirements of the Convention, and that it would be inappropriate that the Convention should contain a specific obligation to enact laws for this purpose. Any state becoming party to the Convention would automatically accept under international law the obligation to ensure that its domestic law contained such provisions as might be necessary to fulfil its purposes. But the nature of the requisite legislation would in the opinion of Her Majesty's Government be a matter for each State Party.

"6. Recommendations of the ad hoc committee

Section B

1. I(a) and (b)

(i) Subject to the general considerations set out above, Her Majesty's Government agree that the practices of debt bondage and serfdom mentioned in these two sections should be subjects of the Supplementary Convention.

I (c)

(ii) Her Majesty's Government believe that great importance attaches to the avoidance of duplication of work already undertaken by other organs of the United Nations and Specialised Agencies. They believe that the practices which this section describes are, rather than slavery, either forms of forced labour, which would more appropriately be dealt with as such by the International Labour Organisation, or kinds of civic obligations which are generally accepted and in no way resemble slavery in their effects.

I (d) and (e)

(iii) Her Majesty's Government are firmly convinced of the necessity of abolishing as early as possible the practices whereby the persons of women and children are disposed of without their consent. It is however their view, based on experience, that attempts to abolish long established customs and practices of any kind, including such practices as these, can only lead to the disintegration of the local social structure unless they are carried out gradually, with extensive educational preparation and with full regard to the wishes and feelings of the local inhabitants. They therefore believe that the proposed convention should provide that the contracting parties should undertake all practical measures, including legislation where appropriate, to bring the institutions or practices defined to an end progressively and as soon as possible.

II

(iv) Her Majesty's Government agree that the exchange of information between States members of this Convention could serve a useful purpose and that such exchange could best be effected through the Secretary-General of the United Nations. They do not, however, feel that it would be desirable in this connexion to depart from the provisions of the 1926 Convention.

III

(v) Her Majesty's Government also agree that the Parties should undertake to co-operate with one another, but do not believe it would be appropriate to include in this Convention a general undertaking to co-operate with any agency which may be created, in advance of its creation.

IV

(vi) Her Majesty's Government believe that the Convention of 1926 remains in full force and they consider that it would be superfluous - and indeed undesirable since it might cast doubts on the validity of other international agreements not thus reaffirmed - to reaffirm it as a whole or in part. Moreover the conclusion of a Protocol transferring to the Secretary-General of the United Nations the functions formerly performed by the Secretary-General of the League of Nations under the Convention of 1926 makes it clear that the Convention is fully operative. Some reference to this situation might however be included in the preamble to the draft Supplementary Convention.

2.

(vii) Her Majesty's Government agree that slave raiding and trading should be declared to be a crime similar to piracy. As regards the requirement to enact laws, their views on responsibility for domestic legislation have been set out in paragraph 5 above.

3.

(viii) Her Majesty's Government agree with the recommendation on mutilation etc. subject to the reservations already expressed on the question of domestic legislation.

4.

(ix) Her Majesty's Government agree in general with the recommendation on actions accessory to enslavement, subject to their reservations on the question of domestic legislation.

5.

See sub-paragraph (iv) above.

6 and 7.

(x) Her Majesty's Government warmly support the principles which inspire the recommendations on marriage but adhere to the view expressed in sub-paragraph (iii) above that the practices in question can only be eradicated gradually, and principally by means of education. In particular they believe that no law should be enacted unless it is enforceable, and

suggest, by way of an example, that patriarchal systems existing in many countries cannot be abruptly changed, nor is it desirable that attempts should be made to change them suddenly by legislation, but that education and continual legislative advances should proceed together. They also consider, having regard to the documentation submitted to the Commission on the Status of Women (E/CN.4/185 and addenda) and discussion of this subject in the Commission on Human Rights (E/CN.4/SR.383 and 384) that an international convention should not lay down the age of consent in marriage but that this should be laid down in domestic legislation according to the needs of each territory."
