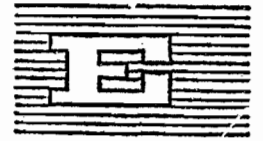


UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/Sub.2/1983/27
17 August 1983

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities

Thirty-sixth session
Agenda item 13

SLAVERY AND SLAVERY-LIKE PRACTICES:

- A. 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 ninth 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 its decision 17 (LVI) of 17 May 1974. ^{1/}
2. The Group held its ninth session at Geneva from 8 to 12 August 1983.

Participation

3. At its thirty-fifth session, the Sub-Commission decided that the Working Group would be composed of the following members: Mr. Dumitru Ceăusu, Mr. Justice Abu Sayeed Chowdhury, Mrs. Odio-Benito, Mr. Mubanga-Chipoya and Mr. Benjamin Whitaker.
4. The following States Members of the United Nations were represented by Observers: Brazil, Ethiopia, Haiti, India, Japan, Mauritania, Morocco, Peru, Senegal and the United States of America.
5. The following United Nations organs and agencies were represented at the session: United Nations High Commissioner for Refugees and the International Labour Organisation.

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

6. The following non-governmental organizations in consultative status with the Economic and Social Council attended the session: Anti-Slavery Society for Protection of Human Rights, International Abolitionist Federation, International Alliance of Women, International Catholic Child Bureau, International Commission of Jurists, International Council on Social Welfare, International Council of Women, International Federation of Women Lawyers, Minority Rights Group and National Lawyers Guild.

Election of Officers

7. At the 1st meeting, on 8 August 1983, Mr. Justice Abu Sayeed Chowdhury was unanimously re-elected Chairman-Rapporteur of the Working Group on the proposal of Mr. Mubanga-Chipoya. The proposal was seconded by Mr. Whitaker.

8. The representative of the Secretary-General made an introductory statement at the opening of the meeting.

Organization of work

9. The Working Group held seven meetings during which statements were made by Observers from India, Japan, Ethiopia, Mauritania and the United States of America.

10. The Chairman speaking for the Working Group paid tribute to the late Mr. George Brand, a former staff member of the Centre for Human Rights who had served the Working Group for many years. The Working Group expressed its deep sympathy to the family of Mr. George Brand and its appreciation for his devoted service.

11. Statements were also made by Observers for the United Nations High Commissioner for Refugees and the International Labour Organisation.

12. At its 1st meeting the Working Group adopted the following agenda:

1. Opening of the session
2. Election of officers
3. Adoption of the agenda
4. Review of developments in the field of slavery and the slave trade in all their practices and manifestations, including:
 - (a) Slavery and the slave trade
 - (b) The sale of children
 - (c) The exploitation of child labour
 - (d) Debt bondage
 - (e) The traffic in persons and the exploitation of the prostitution of others
 - (f) The slavery-like practices of apartheid and colonialism

5. Adoption of the report of the Working Group to the Sub-Commission

Recommendations

13. The Working Group made a number of recommendations to the Sub-Commission on Prevention of Discrimination and Protection of Minorities which are contained in chapter IV below.

Documentation

14. The Working Group had before it the following documents:

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| E/CN.4/Sub.2/AC.2/1982/12/Add.4 | Reports prepared in accordance with paragraph 6 of resolution 1982/20 of the Commission on Human Rights |
| E/CN.4/Sub.2/AC.2/1982/5/Add.2 | Information received from non-governmental organizations |
| E/CN.4/Sub.2/AC.2/1983/1 | Provisional agenda |
| E/CN.4/Sub.2/AC.2/1983/2 | Status of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery |
| E/CN.4/Sub.2/AC.2/1983/3 | Status of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others |
| E/CN.4/Sub.2/AC.2/1983/4 | Reports by States concerning 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.2/1983/5 | Reports by States concerning the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others |
| E/CN.4/Sub.2/AC.2/1983/5/Add.1 | Reports by States |
| E/CN.4/Sub.2/AC.2/1983/6 | Information received from United Nations bodies, regional commissions and specialized agencies |
| E/CN.4/Sub.2/AC.2/1983/6/Add.1 | Information received from the International Labour Office |
| E/CN.4/Sub.2/AC.2/1983/7 | Information submitted by the International Criminal Police Organization (INTERPOL) |
| E/CN.4/Sub.2/AC.2/1983/8 | Reports submitted by Governments in accordance with paragraph 18 of Sub-Commission resolution 1982/15 |
| E/CN.4/Sub.2/AC.2/1983/8/Add.1 | Reply received from the Government of the Philippines |
| E/CN.4/Sub.2/AC.2/1983/9 | Information received from non-governmental organizations |

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

A. Slavery and slave trade

15. The representative of the Anti-Slavery Society recalled that the current year was the sesquicentenary of the Act to Abolish Slavery in the British Colonies and Possessions, which gave freedom to 800,000 slaves in the British possessions. In referring to this anniversary, he wanted to remind the Group that if 800,000 slaves were freed 150 years ago, there were nevertheless close to 100 million people enduring slave-like conditions today all over the world.

According to the Anti-Slavery Society representative, slavery and similar practices arise essentially from two factors: poverty and greed. It is the urgent need and despair generated by poverty which makes people available for exploitation by the greedy. He appealed for continued efforts in order to be able to celebrate one day the reality of the end of slavery throughout the world.

Mission to Mauritania

16. It will be recalled that at its thirty-fourth session, in 1981, when considering the item relating to slavery and the slave trade, the Sub-Commission heard a statement by the Observer for Mauritania who commented on allegations against his country made by non-governmental organizations before the Working Group on Slavery at its seventh session. On behalf of his Government, the Observer for Mauritania invited the Sub-Commission to send experts to verify the efforts made by the Government of Mauritania, as regards the question of slavery and the slave trade.

17. By resolution 16 (XXXIV) adopted on 10 September 1981, the Sub-Commission recommended to the Commission on Human Rights that it decide "pursuant to an invitation by the Government of Mauritania, to authorize the Sub-Commission to send a delegation not exceeding two persons to be appointed by the Chairman of the Sub-Commission in consultation with the Government of Mauritania, to visit Mauritania in order to study the situation and ascertain the country's needs;". In resolution 1982/20 adopted on 10 March 1982, the Commission on Human Rights so decided. The Commission's decision was subsequently endorsed by the Economic and Social Council (decision 1982/129 adopted on 7 May 1982). On 17 May 1982 the Secretary-General communicated the decisions taken by the Commission and the Council to the Government of Mauritania.

18. The Observer from Mauritania made a statement in which he recalled that slavery in Mauritania was not fundamentally different from what took place in other Sudano-Sahelian societies during the past. Mauritania, being situated on the commercial axis linking the Mediterranean and European countries to Africa, was for a long time a transit zone for all trade including the slave trade.

19. He pointed out that in Mauritania slavery never had, as it was often said, a racial aspect, and the colour of the skin was not a criterion whatsoever. Slavery was in fact, a historical phenomenon known in all societies of the subregion but was never practised on as big a scale as it had been during the slave trade.

20. When the colonial period arrived, nothing really changed and although in 1905 a law abolishing slavery had been passed, it never had any effect on that practice.

21. In 1960, Mauritania became independent and the promulgation of the new constitution in 1961 recognized the equality of all citizens. In reality nothing had changed. Nevertheless, the socio-economical changes in the country entailed a complete degradation of the economic basis of the system of slavery and altered fundamentally the old social structure and concepts. The old socio-economical system based on slavery was replaced by a new one based on wage-earning. This tendency was strengthened by the "new emerging social elite" bringing new ideas of progress and justice. The opening of the country to the outside world, the dissemination of modern education as well as the struggle of the live forces inside the country (youth, trade unions, etc.) played a central role in the course of evolution.

22. Under the combination of all these factors, slavery evolved favourably, since 1960 no public sale of slaves had been registered.

23. Actually slavery had become an intolerable institution for large sectors of the public opinion. Slave sales occurred secretly, not so much because of fear of reprisals from the administrative and judicial authorities, but because of the pressure of the public opinion.

24. This was the situation up to July 1980 when the Mauritanian authorities decided definitely to abolish slavery in all its forms and practices.

25. In taking this decision, the Mauritanian Government was perfectly aware of the difficulties it would have to face because of the particularly serious economic situation Mauritania was going through after so many years of drought which destroyed a large part of the rural economy from which 80 per cent of the population of the country gained its livelihood.

26. The representative of Mauritania informed the Working Group that the Government of Mauritania welcomed the visit of the two experts designated by the Sub-Commission, Mr. Bossuyt and Mr. Mudawi, and would collaborate fully with them.

27. The Members of the Working Group individually and the Chairman on behalf of the Working Group as a whole expressed deep appreciation to the Government of Mauritania for the positive attitude adopted towards the mission. They took note with satisfaction of the exemplary decision of the Government of Mauritania to help the Sub-Commission in the discharge of its functions. The Working Group also expressed hope that the United Nations and other international organizations would come forward to help the Government of Mauritania to solve those age-old problems which were causing anxiety to independent Mauritania.

Female circumcision

28. The Working Group heard a statement made by the representative of the Anti-Slavery Society on female circumcision, in which she expressed doubt as to whether this Working Group was the right forum to speak about female circumcision, since no African ever regarded female circumcision as slavery. She nevertheless felt that since no other forum existed, the Working Group was the only place where the question could be discussed. She noted that female circumcision was a

practice perpetuated for centuries, although it was bad and dangerous for the health of women. She expressed the doubt that it would disappear with education since female circumcision was still prevalent among educated people in many parts of Africa. She also gave some information on the action undertaken by her association in order to provide financial support for the programme set up by nationals concerned about that problem, in different countries.

29. She welcomed the nomination of Mrs. Warzazi and Mr. Mudawi to make a study on female circumcision.

30. One of the members of the Working Group urged that a special body to discuss female circumcision should be established and expressed the wish that the study to be made by Mrs. Warzazi and Mr. Mudawi would help in the search for an appropriate solution to this question. He then proposed that the question should be discussed as a separate item in the Sub-Commission.

31. The representative of Ethiopia made a statement in which she informed the Working Group that the Ethiopian Government had taken all necessary steps to combat the problem. She also expressed the view that an adequate forum should be found to discuss the question. She suggested that the Sub-Commission should discuss the subject or establish a sessional Working Group for that purpose.

B. Debt bondage

32. The representative of the International Commission of Jurists made a statement in which he referred to the question of debt bondage in India. Debt bondage in India, he said, had been an historical phenomenon and still remained an integral part of the contemporary Indian socio-economic structure. As stated in the 1976 Bonded Labour Abolition Act, the principal characteristics of bonded labour in India were: (a) the loss of freedom to work in consideration of an advance or social obligation; (b) acceptance of work for a below free-market wage in consideration of an interest-bearing loan. The Act declared the system of bonded labour illegal, annulled debts incurred in this manner and discharged all bonded labourers from the obligation to meet labour service requirements. But the implementation of this Act met the opposition of powerful landholders employing bonded labourers.

33. According to current estimates the number of bonded labourers in India ranged between 2.6 and 5 million. A large number of which are employed in the urban industrial sector, in brick kilns and construction sites of Punjab and Haryana. Bonded labourers also existed in the agrarian sector of 10 States in the Indian Union. In the context of the intense competition for employment, debt bondage was becoming the predominant method whereby large capitalist farmers secured both permanent and seasonal farm-workers cheaply, i.e. in a situation where free-market wage levels would otherwise tend to rise. That was the reason why the Anti-Slavery Society stressed the importance of regarding debt bondage as a process, induced coercively either as a result of low wages, mass poverty and landlessness or as a consequence of increased commercialization. The speaker also stated that the practice of debt bondage would remain ineffective so long as the conditions which made it possible were left intact i.e. immunity to prosecution, inspection, as well as non-application of State regulations.

34. At the request of the representative of the Anti-Slavery Society, slides on bonded labourers in India were projected. However, the question was raised as to whether the projection of films or slides could be regarded as a proper way for non-governmental organizations to provide information to the Working Group.

35. The Working Group also heard a statement by the representative of India stressing that the Government of India was particularly concerned about the problem of bonded labour. She recalled that the phenomenon was a legacy of colonialism which resulted in the progressive impoverishment of rural India, the break-down of traditional interpersonal, social and economic links in village communities. Independent India, she stated, could not in a few years eradicate this deep-rooted evil. She drew the attention of the Working Group to the action of the Government on the matter. Since 1975 legislation had been passed to further combat the phenomenon. With the passage of the Bonded Labour System Abolition Act of 1976, bonded labourers were freed and discharged from any obligation. However, the most important aspect of the problem was the rehabilitation of bonded labour. The Sixth Five-Year Plan 1980-1985 envisaged a massive allocation of resources in favour of rural areas since it was realized that at best, the debt-bondage system was the condition of the rural poor and a concomitant of both unemployment and underemployment.

36. In the view of one member of the Group, the exploitation of workers and debt bondage are not unique to India. He therefore urged prompt and speedy action wherever such abuses existed.

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

37. The Working Group heard statements by the representatives of the International Abolitionist Federation who pointed out that almost everywhere throughout the world, although the act of prostitution was not punishable by law, the person benefiting from someone's prostitution was subject to punishment. It was well known that a prostitute always had an agent living on the proceeds of prostitution. It was added that very often prostitutes were placed in houses for prostitutes, called Eros-Centres, in certain countries. However, they were not generally allowed to keep the money they earned. The close link existing between procuring and the underworld was also pointed out.

38. The representative of the International Council of Women made a statement on prostitution in Great Britain. In Great Britain, the speaker said that the Council's policy was mainly to seek equality of the sexes before the law, to obtain protection for children, the weak and vulnerable (amongst them women) from violence and exploitation, to uphold standards of morality and the institutions of a civilized society and to safeguard citizens from gratuitous affront in public places. While the Council did not believe that prostitution should be made a criminal offence, it nevertheless should be regarded, she said, as an undesirable activity which was degrading both for the prostitute and the client. She also evoked the question of sex tourism which was developing throughout the world and particularly in developing countries. Reference was made to the Philippines and Thailand. It may be significant she said, that in a recent series of advertisements, a book advertising "homosexual joys in 150 countries" contained extensive information as to where to find boys, gays hotels and the like. According to the speaker, a strong legal action at the national and international levels was required.

39. Members of the Working Group expressed great appreciation to the Special Rapporteur, Mr. Jean Fernand Laurent, for his report on the suppression of the traffic in persons and the exploitation of the prostitution of others which focused on concrete and positive actions to be taken as regards prostitution. Members were particularly concerned about the fact that male prostitution was growing almost everywhere, even sometimes amongst teenagers. They urged that strong action should be undertaken. They earnestly felt that the Sub-Commission would give its utmost consideration to the valuable report and take effective and speedy measures as called for by it.

40. The representative of Japan made a statement explaining the measures taken by the Government in order to combat the problem of sex tourism. One member of the Working Group observed that a seminar on prostitution should be organized at regional levels in order to discuss policies to be implemented along the lines suggested by Mr. Fernand Laurent in his recommendations.

D. The exploitation of child labour and the sale of children

41. The Group considered these two questions together and various non-governmental organizations made statements in which they referred to the situation in a number of countries.

42. The representative of the Anti-Slavery Society drew the attention of the Group to the situation of children used as soldiers in the war between Iraq and the Islamic Republic of Iran. Referring to the Declaration of the Rights of the Child, she expressed the hope that international organizations would do their utmost to find a solution to this situation. The attention of the Group was also drawn to the situation of child labour in the agricultural section in the United States. It was estimated, in that connection, that in the United States between 400,000 and 1 million children were currently employed in agricultural jobs. In spite of the prohibition of child labour by law, children under 12 continued to work in conditions detrimental to their health.

43. In reply, the Observer from the United States noted the efforts made by her Government in this field and noted that child labour was prohibited by law. She added that her Government was aware of the situation and had it under constant consideration.

44. Furthermore, representatives of various other non-governmental organizations expressed concern at child labour in India, the situation of Turkish migrants in the Federal Republic of Germany and as regards the growing intolerance to the presence of migrant workers in a number of Western countries. Reference was made furthermore to the situation of child labour in the match industry in Sivakasi, India, and in the State of Tamil Nadu, India. It was observed, as indicated in the reports submitted by the International Commission of Jurists and the Anti-Slavery Society, that working conditions are very poor and the occupational hazards in the various production stages endangered considerably the health and even the lives of these children. It was stressed that child labour exacerbated the educational problems of children who already faced many disadvantages. These organizations recommended to the Working Group that the Governments concerned should be invited to investigate and take into consideration the effects of child labour in their policies.

45. The Group heard a statement made by the representative of the International Labour Organisation in which he made reference to numerous activities carried out by his organization. He stated that the policy of the International Labour Organisation aimed at the elimination of the problem of child labour, by dealing with the root causes of the problem and by encouraging the ratification and application of international instruments in this field.

46. During the discussion, members of the Working Group felt that the international community should become active in this field. Referring to the final report "Exploitation of Child Labour" submitted by Mr. Abdelwalab Bouhdiba, one member suggested that the Working Group should recommend to the Sub-Commission that it take action on concrete proposals in this matter.

E. The slavery-like practices of apartheid and colonialism

47. One member of the Working Group stated that the mandate of the Group would not be fulfilled without dealing with slavery practices like apartheid and colonialism in fuller detail. In this regard, it was stressed that apartheid was more than simple racial discrimination. It embodied the violation of all human rights. That was why effective measures should be taken in order to eradicate those evils in South Africa and Namibia. It was suggested that the Group should make strong recommendations with a view to making the combat against apartheid more efficient and implementing the various resolutions adopted by the United Nations and other United Nations fora.

Other matters

48. The representative of the Minority Rights Group drew the attention of the Working Group to the discrimination against the Buraku people, a minority in Japan. He stated that in spite of a specific law adopted by the Government of Japan, discrimination against this minority was continuing.

49. In reply, the observer from Japan stated that his Government took the situation of that people into serious consideration and was making efforts to solve the problem.

50. In that connection, the view was expressed that the Group had no mandate to deal with such a situation and that adequate fora should be found to discuss the problems of minorities. According to another opinion, however, the Working Group should deal with problems of minority groups, as no other fora were available.

51. During the discussion, the situation in some countries where there had been threats against, and the killing of, women who had engaged in sexual relations outside marriage was raised by the representative of the Minority Rights Group and she requested that the Convention relating to the Status of Refugees should be amended to give protection to those in fear on grounds of sex.

52. Referring to the statement made by the Minority Rights Group, the representative of the United Nations High Commissioner for Refugees stated that the international instruments relating to refugees contained no particular provision or definition as to the status of those persons. The High Commissioner, however, was really concerned for the safety and welfare of those women. Inasmuch as there were no adequate provisions to protect them, the best would be to make such abuses public and widely known. In making efforts to solve the status of those persons, instead of seeking to interpret instruments, humanitarian aspects should be put first.

IV. CONCLUSIONS AND RECOMMENDATIONS

The Working Group makes the following recommendations:

1. The Working Group is convinced that the various phenomena of slavery manifest some of the gravest violations of human rights, that the existence of vestiges of slavery-like practices today is an affront to professed international standards, and that respect of human rights cannot be expected to develop if the international community countenances the continuation of any slavery-like practice.
2. The Group notes that several issues, such as debt bondage and the indefensible abuse and exploitation of women and children have not until very recently received sufficient attention.
3. The Group recognizes that apartheid is a slavery-like practice and a collective form of slavery and endorses the call for mandatory economic sanctions against South Africa and appeals to States Members of the Security Council to support proposals to this effect.
4. The Group recommends that those eligible States which have not signed or ratified the relevant Conventions should be invited to do so as soon as possible, or to explain in writing why they feel unable to do so, and States should be requested to report regularly upon their compliance with the provisions of the Conventions.
5. The Working Group recommends that the Secretary-General calls upon 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 regular reports on the situation in their countries, as provided for under the Conventions, and calls upon other States, intergovernmental organizations, relevant agencies of the United Nations and non-governmental organizations concerned and the International Criminal Police Organization (Interpol) to supply relevant information to the Working Group on Slavery.
6. The Group further recommends that the Secretary-General transmit to the States concerned the statements submitted to the Working Group at its ninth session by the Anti-Slavery Society for the Protection of Human Rights, the Minority Rights Group and the International Abolitionist Federation containing allegations specifically on slavery-like practices in certain countries.
7. It also recommends that in the light of the provisions of article 4 of the Universal Declaration of Human Rights, the competent United Nations bodies and specialized agencies concerned should offer Member States such co-ordinated legal, technical, administrative, educational, financial and other practical assistance as is desirable to eliminate conditions conducive to slavery and slavery-like situations.
8. The Working Group recommends that, in particular, the Secretary-General submit to the Sub-Commission at its thirty-seventh session a report indicating how the work of the United Nations Development Programme in certain countries could be adapted so as to make a specific contribution to the struggle against slavery, including the rehabilitation of former victims.

9. The Group recommends that the United Nations Children's Fund, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization should be invited to participate actively in the work of the Working Group.

10. The Working Group also recommends that the International Labour Organisation, the Food and Agriculture Organization of the United Nations and the United Nations Educational, Scientific and Cultural Organization include in their technical assistance programmes activities designed to eliminate slavery-type problems.

11. The Working Group recommends that the Sub-Commission should involve more closely the persons whose names appear in the list of slavery experts in the work carried out by the Working Group on Slavery and other United Nations bodies combating slavery.

12. The Working Group recommends that the Economic and Social Council should be invited to consider authorizing that in future the Working Group should be called the "Working Group against Slavery, Apartheid, Gross Human Exploitations and Human Degradation".

V. ADOPTION OF THE REPORT

The Working Group unanimously adopted its report on 12 August 1983.