

REPORT ON SLAVERY

by Mohamed Awad

Special Rapporteur on Slavery

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NOTE

The *Report on Slavery* was prepared by the Special Rapporteur, Mohamed Awad (United Arab Republic) pursuant to resolution 960 (XXXVI) of 12 July 1963 and resolution 1077 (XXXIX) of 28 July 1965 of the Economic and Social Council. The Report brings up to date the Engen Report on Slavery (E/2673) prepared in 1955.

The views expressed in the report are those of the author.

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Part I

HOW THE REPORT WAS PREPARED

1. The Economic and Social Council at its thirty-sixth session adopted, on 12 July 1963, resolution 960 (XXXVI), entitled "Slavery", which reads in part:

"The Economic and Social Council,

"Recalling its resolutions 525 A (XVII) of 29 April 1954 and 564 (XIX) of 7 April 1955 and article 4 of the Universal Declaration of Human Rights, which states that no one shall be held in slavery or servitude and that slavery and the slave trade shall be prohibited in all their forms,

"Believing that slavery, the slave trade, and all institutions and practices similar to slavery should be abolished,

"Considering that there exists a need for accurate, comprehensive and up-to-date information of the extent to which slavery, the slave trade, and institutions and practices similar to slavery still persist today,

"1. Requests the Secretary-General:

"(a) To appoint a special rapporteur on slavery, who shall bring up to date the Engen report¹ by collating information on slavery from Governments of Member States of the United Nations, specialized agencies and non-governmental organizations in consultative status, and shall present his report to the Council at its summer session in 1965;

"(b) To formulate in consultation with the special rapporteur a questionnaire on slavery for circulation to States Members of the United Nations, the specialized agencies and interested non-governmental organizations in consultative status, with the object of putting full information on slavery at the disposal of the special rapporteur; ..."

2. The Council was informed at its thirty-seventh session (E/3897) that the Secretary-General had appointed Mohamed Awad (United Arab Republic) as Special Rapporteur on Slavery. The Council was also informed at its thirty-seventh session that the Secretary-General had formulated, in consultation with the Special Rapporteur, a questionnaire on slavery for circulation to States Members of the United Nations, the specialized agencies and interested non-governmental organizations in consultative status, with a view to putting full information on slavery at the disposal of the Special Rapporteur.

¹ *Official Records of the Economic and Social Council, Nineteenth Session, Annexes, agenda item 8, E/2673.*

3. The questionnaire was dispatched to States Members of the United Nations on 28 September 1964, to the specialized agencies on 2 October 1964, and to interested non-governmental organizations in consultative status on 30 September 1964.

4. The Governments of Member States were invited to answer the questions in the questionnaire or to transmit answers prepared by the appropriate authorities for each country or territory, independent or non-self-governing, under their jurisdiction, administration or protection, by 31 December 1964.

5. Specialized agencies and interested non-governmental organizations in consultative status were invited to supply, following the general outline of the questionnaire, any information on slavery which might be available to them, indicating clearly in each case the country or territory to which the information made reference. They were advised that the Special Rapporteur intended to request the Secretary-General to submit such information to the Government concerned for comment before using it in the preparation of his report.

6. The Special Rapporteur prepared a report on slavery (E/4056 and Add.1-3), which was submitted to the Council at its thirty-ninth session in 1965. Unfortunately the report was not available to the Council in all the working languages, and the Council therefore was unable to consider it fully.² In resolution 1077 (XXXIX), adopted on 28 July 1965, the Council noted that sixty-one Member States had not so far replied to the questionnaire on slavery; and it urged those Governments of States Members of the United Nations, specialized agencies and non-governmental organizations which had not replied to the questionnaire to submit replies as soon as possible, in order to enable the Special Rapporteur to complete his work. It requested the Special Rapporteur to continue his work, to submit a final report to it at its summer session in 1966 and to include in that report suggestions for possible action by the United Nations in the field of slavery.

7. In accordance with the above-mentioned resolution, the questionnaire was again dispatched to Member States, the specialized agencies and interested non-governmental organizations in consultative status on 2 September 1965.

8. The text of the questionnaire reads as follows:

QUESTIONNAIRE

I. What legislative, administrative or other measures have been, or are being, taken and what other methods have been, or are being, applied to prevent slavery and institutions or practices similar to slavery, or to eliminate them? In particular :

1. Do any of the following acts constitute a criminal offence, and, if so, what punishment is imposed on persons convicted thereof :

(a) Owning a slave or a person of servile status ;

(b) Enslaving another person or placing him in servile status ;

² See E/AC.7/SR.522-524 and E/SR.1392.

- (c) *Inducing another person to place himself, or a person dependent upon him, in slavery;*
 - (d) *Inducing another person to place himself, or a person dependent upon him, in servile status;*
 - (e) *Mutilating, branding or otherwise marking a slave or a person of servile status in order to indicate his status, or as a punishment, or for any other reason (indicate the reason);*
 - (f) *Attempting any of the above acts;*
 - (g) *Being accessory to any such act;*
 - (h) *Being a party to a conspiracy to accomplish any such act?*
2. *What measures have been, or are being, taken with a view to bringing to an end the mutual obligations between slaves or persons of servile status and their masters?*
 3. *What measures have been, or are being, taken to assist persons freed from servile status:*
 - (a) *To make them aware of the fact of their freedom and to establish themselves under the new conditions;*
 - (b) *To return to their home country or to be reunited with their families, if they so desire;*
 - (c) *To have necessary subsistence or care, in particular in the case of the aged, infirm or children?*
 4. *What remedies and sanctions are provided to prevent a person freed from servile status from being returned to such status?*
 5. *What have been the results of these efforts?*
 6. *If these results have been disappointing, what were the reasons for this?*

II. Does slavery or any institution or practice similar to slavery, as defined above, exist in the country? If so:

1. *What is the nature and extent of the existing institution or practice?*
2. *What are the causes or reasons for its existence?*
3. *What obstacles or impediments hamper its elimination?*
4. *What steps has your Government taken, or contemplated, for its elimination?*
5. *How many prosecutions have there been? Do these include any prosecutions of persons in absentia?*

III. Does any form of slavery, or any institution or practice similar to slavery, other than those defined above, exist in the country? If so:

1. *What is its nature and extent?*
2. *What are the causes or reasons for its existence?*
3. *What obstacles or impediments hamper its elimination?*
4. *What steps have been taken, or are being taken, to eliminate it?*

IV. What legislative, administrative or other measures have been, or are being taken, and what other methods have been applied to prevent or eliminate the slave trade? In particular:

- 1. Are the acts referred to in the definition of the slave trade above criminal offences? If so, what punishment is prescribed for persons convicted thereof?*
- 2. Is the act of conveying or attempting to convey slaves into, or out of the country, by whatever means of transport, or of being accessory thereto, a criminal offence? If so, what punishment is prescribed for persons convicted thereof?*
- 3. What measures have been taken to prevent ships and aircraft authorized to fly the national flag from conveying slaves? Have such measures proved effective? How are persons guilty of such acts, or of using the national flag for the purpose of carrying out such an act punished?*
- 4. What measures have been taken to ensure that the ports, airfields and coasts of your country are not used for the conveyance of slaves? Have such measures proved effective? If not, what were the reasons?*
- 5. Are you satisfied that a substantial proportion of cases occurring of slave trade, and of attempts to commit any of the criminal offences mentioned above are brought to the notice of your Government? Has your Government had any opportunity to inform another Government of any such cases which came to its notice? Has such an exchange of information resulted in practical co-ordination of measures taken to combat the slave trade?*
- 6. Has there been any other form of co-operation with contiguous States, or other States, to eliminate the slave trade? Is any current police action aimed at the pursuit, arrest or bringing to justice of slave raiders or slave traders operating in common frontier regions?*
- 7. Is any slave who takes refuge on board any vessel or aircraft of your country or in any part of the territory of your country ipso facto free, and what action is taken and by whom, to make such freedom permanent?*
- 8. What provisions exist under your laws placing responsibility on either the pilot/master or the owners of an aircraft/ship or on both for carrying slaves?*

V. Does the slave trade exist in law or in fact? If so:

- 1. What is its nature and extent?*
- 2. What are the causes or reasons for its existence?*
- 3. What obstacles or impediments hamper its elimination?*
- 4. What steps have been taken, or are being taken, to eliminate it?*
- 5. How many prosecutions have there been? Do these include any prosecutions of persons in absentia?*

VI. Do the answers to questions IV and V apply also to traffic in persons of servile status, as defined above, or as determined by law or practice, who may

not be slaves? If not, what is the situation in law and in fact regarding such persons?

VII. Has any warship of the country had occasion to board a foreign merchant ship on reasonable ground for suspecting her to be engaged in the slave trade, as provided in article 22 of the Convention on the High Seas of 1958?³ If so, did the warship proceed to verify the merchant ship's right to fly its flag? What examination on board the merchant ship was carried out, and what were the consequences?

VIII. Are any particular authorities of the country entrusted with responsibilities with respect to control of slavery, the slave trade, or institutions and practices similar to slavery? If so, who are the authorities and what are their relevant functions and powers?

IX. What are the political, economic, social, historical or other causes which may constitute an obstacle to the elimination of, or which may lead to the recurrence of slavery, the slave trade or institutions and practices similar to slavery? What measures have been taken to deal with these causes? Have any significant economic reforms or social changes contributed effectively to the elimination of such institutions or practices?

X. What educational or other measures have been, or are being taken to stimulate public awareness of the need, and importance of, eliminating slavery, the slave trade and institutions and practices similar to slavery?

XI. If your country is not yet a party to the International Slavery Convention of 1926 or the Supplementary Convention of 1956:

- 1. Does it contemplate becoming a party to either of both Conventions, and, if so, when?*
- 2. What steps have been taken with a view to ratification of, or accession to, either or both Conventions, such as bringing any of them before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action? What have been the results?*

³ Article 22 of the Convention on the High Seas of 1958 reads as follows:

"1. Except where acts of interference derive from powers conferred by treaty, a warship which encounters a foreign merchant ship on the high seas is not justified in boarding her unless there is reasonable ground for suspecting:

"(a) That the ship is engaged in piracy; or

"(b) That the ship is engaged in the slave trade; or

"(c) That, though flying a foreign flag or refusing to show its flag, the ship is, in reality, of the same nationality as the warship.

"2. In the cases provided for in sub-paragraphs (a), (b) and (c) above, the warship may proceed to verify the ship's right to fly its flag. To this end, it may send a boat under the command of an officer to the suspected ship. If suspicion remains after the documents have been checked, it may proceed to a further examination on board the ship, which must be carried out with all possible consideration.

"3. If the suspicions prove to be unfounded, and provided that the ship boarded has not committed any act justifying them, it shall be compensated for any loss or damage that may have been sustained."

3. *What obstacles or impediments delay or prevent ratification of, or accession to, either or both Conventions? Under what conditions would ratification of, or accession to, either or both Conventions be possible?*

XII. What further measures, governmental or non-governmental, could usefully be taken, at the international or regional level, to combat and eliminate slavery, the slave trade, and institutions and practices similar to slavery?

XIII. What legal, technical, administrative, financial or other assistance or co-operation would be desirable in eliminating or reducing conditions conducive to slavery, the slave trade, or institutions and practices similar to slavery? Do you consider that any such assistance or co-operation should be rendered under the auspices of the United Nations and the specialized agencies?

XIV. What role can be played by non-governmental organizations in combating and eliminating slavery, the slave trade, and institutions and practices similar to slavery? Should such organizations be encouraged to sponsor or to participate in regional or other meetings to consider methods of dealing with problems relating to the combating and eliminating of slavery, the slave trade and institutions and practices similar to slavery?

XV. Any further information or observations with regard to slavery, the slave trade, and institutions and practices similar to slavery will be received with appreciation.

9. As can be seen, the questionnaire is limited to matters relating to slavery, the slave trade, and institutions and practices similar to slavery. In so far as possible, it avoids dealing with matters covered by the Convention for the Suppression of Traffic in Persons and the Exploitation of Prostitution of Others of 1949, the Convention and Consent to Marriage, Minimum Age for Marriage and Registration of Marriages of 1962, or the conventions and recommendations on forced labour of the International Labour Organisation.

10. The questionnaire is based primarily upon texts appearing in the Slavery Convention of 1926 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956. However, due account has also been taken of other relevant texts, including the Questionnaire on Slavery and Institutions and Customs Analogous Thereto, prepared by the *Ad Hoc* Committee on Slavery and transmitted to Governments by Economic and Social Council resolution 276 (X) of 6 March 1950,⁴ the questions on slavery which appear in the Questionnaire of the Trusteeship Council,⁵ and article 22 of the Convention of the High Seas of 1958.⁶ The reports of the two sessions of the

⁴ See *Official Records of the Economic and Social Council, Fifteenth Session, Annexes*, agenda item 18, document E/2357, pp. 77-78.

⁵ *Official Records of the Trusteeship Council, Special Supplement (T/1010/Rev.1)*,

⁶ *United Nations Conference on the Law of the Sea*, official records, plenary meetings, summary records of meetings and annexes. Geneva, 24 February-27 April 1958 (United Nations publication, Sales No.: 58.V.4), vol. 2, p. 135.

Ad Hoc Committee on Slavery,⁷ as well as the report prepared in 1955 by Mr. Engen, were also borne in mind.

11. The definitions adopted for the purpose of the questionnaire are taken directly from the provisions of the Slavery Convention of 1926 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956.

12. The questionnaire lays particular stress upon legal stipulations, administrative measures, police action, control of transportation and the creation of mechanisms for watching airports, harbours and sea approaches to territories. It is based on the assumption that, if the legal system of a country where slavery exists is fully reformed and implemented and the slave trade is suppressed by bilateral or multilateral agreements, the absence of fresh supplies of slaves will ultimately lead to the extinction of all slavery. The great importance of provisions imposing heavy penalties upon the culprits who carry on slavery and the slave trade is stressed.

13. The object of the questionnaire is to elicit further information supplementing that which appeared in the report prepared by the late Mr. Hans Engen on the absence or existence in every country of slavery or practices analogous to slavery. The information provided in answer to the questionnaire should also help in determining the extent to which States Members of the United Nations have implemented the principles of the Slavery Convention of 1926, the Protocol thereto of 1953 and the Supplementary Convention of 1956. The questionnaire was carefully drawn up with a view also to determining what each State Member of the United Nations has done to combat slavery and similar practices, either by law or by administrative or educational measures, in order that the results might indicate what further line of action might be taken by the United Nations.

14. The report submitted to the Council in 1955 by Mr. Engen could only reflect conditions as they existed at that time. Since then the Supplementary Convention has been drawn up and has come into force. In view of this fact and of the interest taken by the Council in the question of combating slavery, the slave trade and all forms of servitude similar to slavery, it is important that Members of the Council should have available to them as clear a picture as possible of any developments which may have occurred since the presentation of the Engen report. Another reason making it highly desirable for a new assessment to be made is the recent increase in the membership of the United Nations, which now includes many newly independent States, which are in a position to write their own replies to the questionnaire and to send them directly to the Secretary-General. The request for replies to such a questionnaire probably also has a psychological effect in that it brings home to Member States the interest which the United Nations retains in such a vital question.

15. The present report incorporates all the replies received from Governments, specialized agencies and non-governmental organizations in consultative status with the Economic and Social Council.

⁷ See *Official Records of the Economic and Social Council, Tenth Session, Annexes*, supplementary item 3, document E/1617; and *Thirteenth Session, Annexes*, agenda item 21, document E/1988.

16. As of 10 June 1966, replies had been received from the Governments of the following seventy-five Member States: Afghanistan, Algeria, Argentina, Australia, Austria, Bulgaria, the Byelorussian Soviet Socialist Republic, Cameroon, Canada, Ceylon, Chad, Chile, China, Congo (Democratic Republic of), Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, France, the Gambia, Ghana, Greece, Guatemala, Hungary, India, Iran, Iraq, Italy, Ivory Coast, Jamaica, Japan, Kuwait, Laos, Luxembourg, Madagascar, Malawi, Malaysia, the Maldives Islands, Mali, Malta, Nepal, the Netherlands, New Zealand, the Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Spain, the Sudan, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Arab Republic, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Venezuela, Yugoslavia and Zambia.

17. The Special Rapporteur later received from the Ambassador of Yemen in the United Arab Republic the following information: "... The Revolution of 1962 in the Yemen destroyed the old reactionary despotism and established full equality of all citizens on the basis of democracy and justice, as proclaimed in the Constitution of 29 April 1964. In that Revolution, the system of slavery was swept away and all slaves were immediately freed. The Yemen Arab Republic today co-operates with the United Nations and other organizations in combating slavery".

18. Thus it will be seen that replies have been received from 25 countries in Africa, 20 countries in Asia and the Far East, 22 countries in Europe, 9 countries in Latin America and 2 countries in North America.

19. No reply to the questionnaire had been received, up to 10 June 1966, from the following thirty-nine Member States of the United Nations: Albania, Belgium, Bolivia, Brazil, Burma, Burundi, Cambodia, the Central African Republic, Colombia, Costa Rica, El Salvador, Ethiopia, Finland, Gabon, Guinea, Haiti, Honduras, Iceland, Ireland, Jordan, Kenya, Lebanon, Liberia, Libya, Mauritania, Mexico, Mongolia, Morocco, Nicaragua, Panama, Paraguay, Portugal, Saudi Arabia, South Africa, Sweden, Trinidad and Tobago, the United Republic of Tanzania, the Upper Volta and Uruguay. The replies received from Israel and Congo (Brazzaville) and the additional information from Bulgaria were transmitted too late to be included within the present report.

20. All of the Governments listed in paragraph 16 above replied to question I of the questionnaire, requesting details of the legislative, administrative or other measures which have been, or are being, applied to prevent slavery and institutions or practices similar to slavery, or to eliminate them. While a number of Governments also replied in detail to the remaining questions, others either replied only in a fragmentary way, refrained from answering, or made cross-references to the answer to an earlier question.

21. Very little information of any importance was received from other quarters. The replies submitted by the specialized agencies were rather disappointing, since they supplied no new information with regard to the question of slavery and contained no suggestions of co-operation with

regard to the eradication of this evil. The International Labour Organisation, the Food and Agriculture Organization of the United Nations and the World Health Organization stated that they had no substantive information on slavery and similar practices. The United Nations Educational, Scientific and Cultural Organization, while stating that it had no information available on the subject, added: "However, within the framework of the Associated Schools Projects in the Education for International Understanding Programme, a few institutions have given attention to the subject of slavery . . ."

22. It is nevertheless quite obvious that the activities of these agencies throughout the world are such as to enable them to render valuable help in combating any form of human degradation. The United Nations Educational, Scientific and Cultural Organization, in its campaign against illiteracy and in its promotion of educational programmes in many parts of the world, could spread the ideals of mutual respect for human rights and fundamental freedoms. The Food and Agriculture Organization of the United Nations, which works closely with agricultural communities all over the world and deals with problems of land tenure, could help to combat abuses which occur within this field of specialization. The ILO, which is doing good work in combating forced labour, might undertake further responsibility for dealing with certain types of servitude which affect indigenous workers in particular. It would seem to be a good thing if a programme of close co-operation could be arranged between the United Nations and the specialized agencies with a view to combating the abuses inherent in slavery and similar practices. The ILO has managed to co-operate with the United Nations and other specialized agencies in a far-reaching community development programme for the people of the Andean plateau; it would appear that a similar programme of co-operation might be developed with regard to the elimination of slavery and similar practices. However, in these matters it would be for the Economic and Social Council to take the initiative.

23. As of 10 June 1966, information had been received from the following non-governmental organizations in consultative status;

Category A

World Veterans Federation.

Category B

Anti-Slavery Society, The.

Associated Country Women of the World.

Friends World Committee for Consultation.

International Abolitionist Federation.

International Council of Social Democratic Women.

International Council of Women.

International Union of Socialist Youth.

Women's International League for Peace and Freedom.

24. This information was also disappointing. The Special Rapporteur consulted personally with representatives of a number of non-governmental organizations in consultative status, in London and in Geneva, with a view to stimulating their interest in the question of the elimination of slavery

and in expediting their replies to the questionnaire. However, as will be seen from the scanty materials from non-governmental sources included in the present report, he was not completely successful.

25. The Anti-Slavery Society of London prepared an extensive memorandum, dealing with a number of areas of the world. The portions of the memorandum which relate to the situation in particular countries were submitted to the Governments concerned for comment. In this connexion, the Special Rapporteur must seize this opportunity to state his indebtedness to this great Society for the services which it has rendered to him in the course of his assignment.

26. In addition to the answers which the Special Rapporteur has been fortunate enough to secure from the sources of information referred to in resolution 960 (XXXVI) of the Council, he has come across some private information concerning slavery presented to him by individuals whose integrity he does not in the least doubt, but who unfortunately are unable to allow their names or circumstances to be known. For this reason, their testimony to him is of little value. There may be, however, some semi-official statements which, although they do not emanate from a Government, nevertheless must be respected. For example, the attention of the Special Rapporteur has been drawn to a debate in the House of Lords on 14 July 1960, which is naturally reproduced in *Hansard* (vol. 225, No. 104). The subject of the debate was "Slavery in Africa and Arabia".

27. Now, although the information supplied in the course of the debate and the description of the cruel practices witnessed by men like Lord Shackleton, and particularly by Lord Maugham, is exceptionally interesting it cannot be described as strictly "official", since it is not contained in a communication from any Government. Hence this part of the debate will not be reproduced in the present report. Although it would certainly be of great interest to read it, nevertheless it refers to incidents occurring six years ago, and conditions have changed in both Africa and Arabia. But the debate was not confined to the condemnation of slavery and giving instances of the inhumanity which accompanied slavery; the speeches of the noble Lords also contained some interesting suggestions which might be of interest since they refer to the United Nations and what the United Nations could do about the question of slavery.

28. The first quotation is from Lord Maugham:

"My Lords, what is the solution? I think it can only be, as we have heard from my noble friend Lord Shackleton, through the United Nations. I should like to stress what he has said: that international Conventions are useless unless they have the machinery for supervising their application. An international Convention is a mere piece of paper if no agency exists for translating its terms into action. I believe that there should be a committee of experts to advise the Economic and Social Council of the United Nations on the decisions they should take about slavery each year. The members of this committee—no more than nine or ten—should be of different nationalities, and preferably not of the nationality of the former tutelary Power. They should be chosen for

their knowledge of the problems concerned, and they should be there for an indefinite period to ensure continuity. They would be only advisory: the final decisions would still rest with the Economic and Social Council.

“Lastly, I believe that every one of the experts and technicians and advisers needed by African countries should be sent to them by the United Nations. These people should be international not only in outlook but in fact—white or black, red, yellow or brown—and they should owe allegiance directly to the United Nations. I think they should go to the Africans as friends, not as patrons. Because, in the final analysis, to the Africans as well as to the Arabs, politics are less important than personalities; and deep down, political equality is less important than social equality and friendship.”

29. The second quotation, which is equally interesting, is from the speech of Lord Birdwood:

“It is on the assumption that we have an international conscience in this matter that one asks whether the machine can be strengthened so as to make it more effective. In the last report of the Anti-Slavery Society, last month, the Director insisted (I think the noble Lord, Lord Shackleton, referred to this) that while the Convention looks well enough on paper, it is meaningless in its implementation. One sentence from the report, I think, is sufficient to bring home this point:

“‘None of the States concerned, which are under an obligation to furnish the United Nations with information under article 8 of the Slavery Convention of 1956, have done so and it is nobody’s business to remind them of their obligation.’

“This, I suggest, indicated future conditions. The Director’s solution is the appointment of either a small expert committee of three to five members—the noble Viscount, Lord Maugham, mentioned ten—or a single expert. The function would be to sit at the elbow of the Economic and Social Council, receive reports and information, interpret them, advise generally and operate as an expert pressure group in the international sense. I find this extremely sensible, but I want to suggest an extension of its function.

“To drive home my point I shall have to make a diversion for a moment. Your Lordships will recall that under the Trusteeship System those responsible for Trust Territories have to receive every so often, about once every three years, a mission from the United Nations, which reports to the Trusteeship Council. In this way, we ourselves have received United Nations visitors in Togoland, the Cameroons and Tanganyika, and I think that on the whole we have managed to satisfy them. Surely it is equally rational that a similar system of inspection should be introduced by the Economic and Social Council in attempting to get on top of this problem of slavery.”

30. These suggestions, although they do not form a State report, are not devoid of interest to the Economic and Social Council, especially when

it comes to consider what further measures could be taken in its long struggle in the elimination of slavery in all its forms and aspects and all practices similar to slavery.

31. Further, the Council will recall that Mr. Engen, in preparing his report, was forced to have recourse to certain publications such as the ILO handbook *Indigenous Peoples*, in order to fill the gap left by inadequate reports, or in some cases no report at all, from some States in Latin America. The Special Rapporteur hopes that in the present case adequate answers will be forthcoming from such countries, especially since agrarian reform has been spreading among the Andean States, which is the particular area in which servitude is alleged to have existed. Agrarian reform will not remove all abuses in a year or so, but once the reforming zeal has commenced, the atmosphere is created which will eventually sweep away the past abuses.

32. It was the understanding of the Special Rapporteur, in accepting the appointment, that, when he had secured answers to the questionnaire from a fairly large number of States, specialized agencies and non-governmental organizations, he would attempt to collate the information in a form similar to that adopted by Mr. Engen, and would draw up a report to be submitted to the Council at its summer session in 1965. In that way, the Engen report would be brought up to date.

33. Like Mr. Engen, the Special Rapporteur decided to include in his report only those statements, extracted from the information supplied to him, which indicate that slavery, the slave trade or other forms of servitude, or vestiges of these institutions or practices, subsist or may subsist in certain specified countries or territories of the world despite all measures taken to eradicate them. The selected material is arranged according to subject-matter, following in so far as possible the main divisions of the Questionnaire and the manner in which the replies and supplementary information were furnished by Governments and by non-governmental organizations in consultative status.

34. As indicated above, the Special Rapporteur submitted to all Governments directly concerned the full text of extracts from the information furnished by non-governmental organizations which were to be embodied in the report and requested their comments. These comments have been presented in the present report in connexion with the relevant extracts.

35. Accordingly, the information which the Special Rapporteur presents to the Council has been extracted from the following sources:

- (a) The replies of Governments to the questionnaire;
- (b) The information furnished by non-governmental organizations in consultative status, following the general outline of the questionnaire; and
- (c) The comments of the Governments concerned on the information furnished by the non-governmental organizations.

36. The information which the Special Rapporteur has eliminated from the report, in order to make it as clear and concise as possible, following the practice adopted by Mr. Engen, includes:

(a) Information which does not describe a practice which may be considered as slavery, the slave trade or a form of servitude resembling slavery in its effects;

(b) Information which does not refer to a specific country or territory, or which refers to vague geographical areas (such as " The Far East " or " The Americas "); and

(c) Information which is of purely historical interest and does not throw any light upon the present state of affairs.

Part II

INFORMATION RECEIVED FROM GOVERNMENTS, SPECIALIZED AGENCIES AND NON-GOVERNMENTAL ORGANIZATIONS

QUESTION I

What legislative, administrative or other measures have been, or are being, taken, and what other methods have been, or are being, applied, to prevent slavery and institutions or practices similar to slavery as defined above, or to eliminate them? In particular:

1. *Do any of the following acts constitute a criminal offence, and, if so, what punishment is imposed on persons convicted thereof:*
 - (a) *Owning a slave or a person of servile status;*
 - (b) *Enslaving another person or placing him in servile status;*
 - (c) *Inducing another person to place himself, or a person dependent upon him, in slavery;*
 - (d) *Inducing another person to place himself, or a person dependent upon him, in servile status;*
 - (e) *Mutilating, branding or otherwise marking a slave or a person of servile status in order to indicate his status, or as a punishment, or for any other reason (indicate the reason);*
 - (f) *Attempting any of the above acts;*
 - (g) *Being accessory to any such act;*
 - (h) *Being a party to a conspiracy to accomplish any such act.*
2. *What measures have been, or are being, taken with a view to bringing to an end the mutual obligations between slaves or persons of servile status and their masters?*
3. *What measures have been, or are being, taken to assist persons freed from servile status:*
 - (a) *To make them aware of the fact of their freedom and to establish themselves under the new conditions;*
 - (b) *To return to their home country or to be reunited with their families, if they so desire;*
 - (c) *To have necessary subsistence or care, in particular in the case of the aged, infirm or children.*
4. *What remedies and sanctions are provided to prevent a person freed from servile status from being returned to such status?*

5. *What have been the results of these efforts?*

6. *If these results have been disappointing, what were the reasons for this?*

AFGHANISTAN

[Original : French]

11 January 1966

Reply to questions I to IV

37. The codification of the civil law of Afghanistan, which was being studied during the period of the transitional Government (March 1963-October 1965), has not yet been completed. Once it is completed the comprehensive nature of this code will do much to promote the liberty, dignity and equality of all Afghans.

ALGERIA

[Original : French]

29 December 1965

38. The Ambassador, Permanent Representative of the Democratic and Popular Republic of Algeria, has the honour to point out, as our representative did in his statement before the Social Committee of the Economic and Social Council on 20 July 1965⁸ that slavery does not exist in Algeria in any form whatsoever. In this connexion, the Algerian Government would be ready to offer its assistance and co-operation to the United Nations should that be considered useful.

ARGENTINA

[Original : Spanish]

14 June 1965

39. Slavery was abolished throughout the entire territory of the Argentine Republic even before the promulgation of the National Constitution (1 May 1853). Article 15 of the Constitution states :

“In the Argentine nation there are no slaves ; the few that exist today are free with effect from the promulgation of this Constitution ; and a special law shall regulate whatever indemnifications this declaration may give rise to. Any contract for the purchase or sale of persons is a crime for which those committing it, and the notary or officer authorizing it, shall be responsible. And slaves, whatever the manner in which they shall be introduced, shall be free by the mere fact of setting foot on the territory of the Republic.”

⁸ See E/AC.7/SR.523.

40. Furthermore, under the Criminal Code any violation of individual freedom is an offence. Thus, article 140 provides that :

“Anyone who reduces a person to servitude or any similar condition, and anyone who receives a person in a state of servitude with a view to keeping him in that condition, shall be liable to a penalty of three to fifteen years’ rigorous imprisonment or imprisonment.”

AUSTRALIA

[Original : English]
24 May 1965

41. Slavery is not recognized under the laws of Australia and its Territories; and a slave while in Australia or its Territories (or their territorial waters) is a free man, and may secure his freedom by *habeas corpus* or maintain an action for ill-treatment or detention.

42. The non-recognition of slavery in Australia is supported by the Slavery Abolition Act, 1833, which provides that “slavery shall be and is hereby utterly and forever abolished and declared unlawful”.

43. In addition, for the Trust Territory of Papua and New Guinea, the Papua and New Guinea Act 1949-1963 specifically prohibits the slave trade; and for Christmas Island and the Cocos (Keeling) Islands, the penal code also prohibits the slave trade and prescribes terms of imprisonment for people engaging in the trade.

44. None of the institutions or practices similar to slavery exist in Australia or in its Territories. 1 (a) (b) Any attempt to effectively “own” a slave or person of servile status or to enslave a person or place him in servile status would involve an offence under the criminal law. For example, section 355 of the Criminal Code of the State of Queensland provides as follows :

“355. Any person who unlawfully confines or detains another in any place against his will or otherwise unlawfully deprives another of his personal liberty, is guilty of a misdemeanour and is liable to imprisonment with hard labour for three years.”

45. There are similar laws in other parts of Australia and its Territories.

46. In addition, section 3 of the Slave Trade Act, 1824, which applies in most Territories (including Papua and New Guinea and Nauru) makes it an offence to “carry away or remove or contract for the carrying away or removing of slaves or other persons, as order to their being dealt with as slaves”. (c) (d) Criminal responsibility would attach to a person who aids in the commission of any criminal act involved in owning a slave or person of servile status or enslaving another person or placing him in servile status.

47. Section 3 of the Slave Trade Act, 1824, referred to above, applies the penalty laid down by the section to persons who procure, counsel, aid or abet the commission of an offence under the section.

48. (e) The provisions of the general criminal law relating to offences against the person would apply to any mutilation, branding or other marking.

49. (f) (g) (h) Criminal responsibility would extend to any person who attempted or was an accessory to the criminal act in question, and to any person who was a party to a conspiracy to accomplish the act in question.

50. (2-6) Not applicable.

51. The International Council of Women, a non-governmental organization in consultative status, states :⁹

“ There is no slavery in Australia.

“ Slavery as such has never been a practice in the primitive culture of the indigenous peoples under Australian protection, namely, the Australian aborigines and the people of the Territory of New Guinea and Papua.”

AUSTRIA

[Original : English]
8 December 1964

and

[Original : German]
1 March 1965

52. In Austria, every kind of slavery, the slave trade, and institutions and practices similar to slavery were abolished long ago.

53. Article 16 of the generally applicable Civil Code of 1 June 1811 provides that slavery and serfdom and the exercise of any power based thereon shall not be allowed in Austria. The Civil Code in an earlier passage sets out the constitutional principle that every human being possesses inherent rights as proved by reason and consequently shall be treated as a person.

54. In pursuance of these basic provisions, the Court Decree of 19 August 1826 specified that any slave becomes free as soon as he becomes an Austrian national. The same provisions are also applicable in respect of prisoners of war who are treated as slaves by the belligerent by whom they are captured.

55. The texts of the aforementioned provisions are as follows :

⁹ The material presented by the International Council of Women was submitted to the Government by a note verbale dated 19 March 1965.

“Article 16. Every human being possesses inherent rights as proved by reason and consequently shall be treated as a person. Neither slavery nor serfdom nor the exercise of any power based on slavery or serfdom is allowed in these territories.”

Court Decree of 19 August 1826 :

“His Majesty has been pleased to approve the annexed Order against the slave trade and the maltreatment of slaves and to direct that it be duly proclaimed as law in all His Imperial Majesty's States and that for the purpose of strict application it be brought to the knowledge of all authorities having jurisdiction over the coasts of His Imperial Majesty's territory, and of all His Imperial Majesty's consuls ; and to direct further that henceforth every Austrian master of a ship shall, when receiving his licence, be provided with a copy of the said Order in the German, Italian and Illyrian languages ; that a copy of it shall be given to every Austrian master now in command of a ship ; and lastly that the Order shall be posted in an accessible and visible place on every Austrian ship and proclaimed before every departure, on which occasion the attention of all the ship's crew and of all persons present on the ship shall be drawn to article 74 of the Penal Code, second part. His Majesty has further been pleased to add that this Order shall not, of course, have any retroactive effect.”

56. The Court Decree is further supplemented by “Provisions against the Trade in and Maltreatment of Slaves”, which are worded as follows :

“With the object of curbing the traffic in slaves as much as possible, especially in so far as it might be carried on by His Imperial Majesty's subjects or by means of His Imperial Majesty's Austrian ships, and of protecting slaves from maltreatment, in conformity with the Austrian laws already in force (viz., article 16 of the Civil Code, which provides that every human being, in virtue of his inherent rights as proved by reason, should be treated as a person, and that consequently slavery, and the exercise of any power based on slavery, are not permitted in His Imperial Majesty's States ; and article 78 of the Penal Code, first part, which states that any action to prevent the use of personal freedom constitutes the crime of public violence), His Imperial Majesty has been pleased to enact more particular provisions in the following order :

“Article 1. A slave becomes free as soon as he enters His Imperial Majesty's territory or boards an Austrian ship. Likewise, in foreign territory, a slave obtains his freedom upon being transferred, for whatever reason, as a slave to one of His Imperial Majesty's Austrian subjects.

“Article 2. If an Austrian subject who has acquired a slave prevents him from exercising his personal freedom, or disposes of him as a slave either in Austrian territory or abroad, or if an Austrian master of a ship undertakes merely to convey a slave or slaves, or either personally or through others prevents a slave who has boarded an Austrian ship from exercising the personal freedom thereby

acquired, that subject or that master shall be guilty of the crime of public violence and liable to rigorous imprisonment for a term of not less than one nor more than five years under articles 78 and 79 of the Penal Code, first part. If, however, the master of an Austrian ship or any other of His Imperial Majesty's Austrian subjects engages in the slave trade continuously, the term of rigorous imprisonment shall be extended to ten, and in particularly aggravating circumstances, to twenty years.

"Article 3. Since, under article 4 of the Penal Code, first part, it is the deliberate intent of the offender and not the character of the victim which constitutes the offence, consequently any of His Imperial Majesty's subjects who at any place restricts the personal freedom of a slave in any other manner declared to be criminal by the Austrian Penal Code shall be liable to the same penalties as those applicable for similar acts under the first part of the Penal Code.

"Article 4. If an Austrian subject commits less serious acts of maltreatment against a slave, he shall be liable, under article 173 of the Penal Code, second part, to a fine of not less than five nor more than one hundred gulden, or to a term of imprisonment of not less than three days nor more than one month. In the case of a repetition of the offence, or in the case of particularly harsh maltreatment, the imprisonment shall be made more rigorous by a reduction of the food allowance and stricter confinement.

"Article 5. The present provisions shall also be applicable in respect of prisoners of war who are treated as slaves by the belligerent by whom they are captured.

"Article 6. If an alien commits, within the boundaries of the Austrian States or on an Austrian ship, the crime of public violence against slaves or any of the other offences mentioned above, he shall be liable, in accordance with the general principle expressed in article 31 of the Penal Code, first part, to the same penalties as Austrian subjects. If, however, an alien has committed any such crime as aforesaid abroad, then he shall, if he enters any of His Imperial Majesty's States, be placed under detention pursuant to articles 33 and 34 of the Penal Code, first part, and shall be offered for extradition to the Government of the State in which the crime was committed. If that Government refuses to accept him, proceedings shall be instituted against him as prescribed by the Austrian Penal Code, and in each case the sentence shall be associated with a deportation order to be carried out after the penalty has been served. Nevertheless, if under the legislation of the place where the crime was committed a lighter penalty is applicable than under Austrian law, the penalty shall be determined in accordance with the more lenient legislation."

57. The freedom of the individual from any kind of slavery has furthermore been constitutionally guaranteed for a very long time. In particular, articles 4, 6 and 7 of the State Constitution of 21 December 1867 provide as follows :

"Article 4. The freedom of movement of persons and property within the territory of the State is not subject to any restriction.

"Every citizen resident in a commune who pays tax on his real property, business or income in that commune shall have the right to vote for members of the communal assembly (*Gemeindevertretung*) and shall be eligible to that body, under the same conditions as persons born in the commune.

"Freedom to emigrate is not limited by any duty owed to the State other than the duty to perform military service.

"Charges shall not be imposed on persons leaving the territory except under reciprocal arrangements.

"Article 6. Every citizen is free to establish his residence or domicile in any part of the territory of the State, to acquire and to dispose of real property or any kind in the said territory and to carry on any occupation whatsoever therein, subject to the conditions stipulated by statute."

Paragraph 2 of this article has no bearing on the reply to the questionnaire.

"Article 7. Every relationship of vassalage and servitude is abolished in perpetuity. Every encumbrance or charge attaching to real property by reason of the division of ownership shall be redeemable, and in future no land shall be encumbered with an irredeemable charge."

58. These provisions are supplemented by article 7 of the Federal Constitution Act of 1 October 1920, as reissued in 1929, which establishes the equality of all Austrian citizens before the law.

59. Article 95 of the current Austrian Penal Code reiterates the principle laid down in the aforementioned Court Decree of 1826 and, in addition, provides for the punishment of any person who, in preventing a slave acquired by him from exercising his personal freedom, or in disposing of him as a slave in Austrian territory or abroad, commits the crime of public violence by treating a human being as a slave. The same offence is committed by any master of a ship who undertakes merely to convey a slave or slaves or who, either personally or through others, prevents a slave who has boarded an Austrian ship from exercising the personal freedom thereby acquired. These offences are punishable by rigorous imprisonment for a term of one to twenty years.

60. Attention is drawn in this connexion to article 84 of the 1960 Code of Criminal Procedure, which provides that all public officials and authorities are obliged to notify the public prosecutor of the competent court forthwith of any criminal offence observed by them or otherwise coming to their notice. In conformity with the principle of legality embodied in article 34 of the Code of Criminal Procedure, public prosecutors are obliged to institute proceedings *ex officio* in respect of all criminal offences coming to their notice—other than criminal offences

which may be tried and punished only on the application of a person directly involved — and to take necessary steps to ensure the trial and punishment of such offences by the competent court.

61. Under articles 212 and 213 of the Austrian Penal Code, a person who, in any case where a human being is treated as a slave, maliciously fails to prevent the commission of the offence is liable to punishment as an accessory.

62. Slavery and every kind of vassalage and servitude are prohibited, as a matter of constitutional law, by the State Constitution Act of 21 December 1867 (RCBI. No. 142) concerning the general rights of citizens. Article 7 of that Act provides that every relationship of vassalage and servitude shall be abolished in perpetuity, that every encumbrance or charge attaching to real property by reason of the division of ownership shall be redeemable, and that in future no real property shall be encumbered with any such irredeemable charge.

63. The relevant passages of the Penal Code are as follows :

“Article 95. Tenth case. Since slavery and the exercise of any power based on slavery are not permitted in the Austrian Republic, and since every slave is free as soon as he enters the territory of the Austrian State or boards an Austrian ship, and since likewise in foreign territory he obtains his freedom if, for any reason whatsoever, he is transferred as a slave to an Austrian national, any person who prevents a slave acquired by him from exercising his personal freedom, or who disposes of him in Austrian territory or abroad, and any master of a ship who undertakes merely to convey a slave or slaves or who, either personally or through others, prevents a slave who has boarded an Austrian ship from exercising the personal freedom thereby acquired, shall be guilty of the crime of public violence and liable to rigorous imprisonment for a term of not less than one nor more than five years.”

“If, however, the master of an Austrian ship or any other Austrian national engages in the slave trade continuously, the term of rigorous imprisonment shall be extended to ten, and in particularly aggravating circumstances, to twenty years.”

“Article 212. First case. If any person maliciously fails to prevent the commission of a crime, even though he could easily have prevented it without exposing either himself or his dependants (article 216), or the persons under his statutory protection to any danger,”

“Article 213. If the crime in question is high treason, espionage, unauthorized recruitment or the treatment of a human being as a slave, a person who fails to prevent its commission in the circumstances described above shall be deemed to be an accessory and dealt with as prescribed in articles 60, 67, 92 and 95. In the case of other crimes, the offender shall be liable to imprisonment for a term of not less than six months nor more than one year, though if the crime

in question is punishable by death or life imprisonment, he shall be liable to rigorous imprisonment for a term of not less than one and not more than five years."

64. In conclusion, it is pointed out once again that for more than 100 years no slavery of any kind whatsoever has existed in Austria either legally or in fact. The passages from the legislation quoted above should make this unmistakably clear.

65. Furthermore, Austria has always steadfastly opposed the maintenance of institutions and practices similar to slavery in other States, because every human being possesses inherent rights and an inherent dignity by virtue of which he should never be reduced to the status of a chattel. Austria supported all the efforts of the League of Nations in this regard just as it is now anxious to further the efforts of the United Nations. Lastly, it should not be overlooked that Austria, as early as the Vienna Congress, as well as subsequently, took a firm stand against any kind of slavery and has come out squarely for the freedom of all men.

BOLIVIA

66. The Anti-Slavery Society, a non-governmental organization in consultative status, states :

"The extreme poverty of the American Indians in Bolivia drives them to give away or sell some of their children, and a high percentage of the young domestic servants in the cities of those countries are American Indian children who have either been given or sold by their parents. Laws have been passed prohibiting the practice but it continues. A Bolivian sociologist has estimated the number of these children at 200,000."

67. The Permanent Representative of Bolivia in commenting on the above material stated the following :

"I have read these comments with amazement and I should like to rectify them immediately and categorically. While it might be true that, in some cases, some American Indian children or young persons were adopted in order to work as domestic servants in private houses, an arrangement representing a kind of family life, it is absolutely untrue that there is any kind of slave market in which Indian children may be bought or sold, as the comments I have mentioned seem to imply.

"Despite the political and financial difficulties facing any developing community, Bolivia is a civilized nation which is continually improving its institutions, whose corner-stone is respect for the freedom and dignity of the human person.

"In the certainty that this rectification will suffice to eliminate from any document or discussion the fanciful commentary which gave rise to it, I ask you, Sir, to accept the assurances of my highest consideration."

BRAZIL

68. The Anti-Slavery Society, a non-governmental organization in consultative status, states :

“ In 1962...obtained photographs of Kayabi Indians whose arms had been tattooed with numbers to facilitate identification in the event of escape and subsequent recapture. The tattooing had been done by rubber pickers on the Rio São Mancel who had enslaved them for their labour.

“...later helped to rescue sixty such Indians when they were being pursued by a reprisal band.”

69. The Permanent Representative of Brazil in commenting on the above material stated the following :

“ The Permanent Representative of Brazil wishes to inform the Secretary-General that the matter referred to in the above-mentioned part of the report has been investigated by the Brazilian agency concerned, the “ Serviço de Proteção aos Índios ” (Service for the Protection of the Indians). This investigation produced no evidence to substantiate the information relating to Brazil in the report in question.”

BULGARIA

*[Original : French]
13 January 1965*

70. In the People's Republic of Bulgaria a socialist society has been established. All nationals of the Republic are equal before the law. No privileges based on national or social origin, religion or property are recognized. All propagation of racial, national and religious hatred is punished by law (article 71 of the Constitution). The country's social and economic structure, by its very nature, not only excludes the existence of slavery as an institution or a practice, but does away entirely with exploitation of man by man. Socialist legislation and policy create all the necessary conditions for the harmonious development of every individual. Therefore, it has not been necessary in the People's Republic of Bulgaria to promulgate special laws relating to slavery.

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

*[Original : Russian]
6 January 1965*

71. No institutions or practices similar to any form of slavery exist in the Byelorussian SSR. The very nature of socialism, which became established in the Byelorussian SSR as a result of the victory of the Great October Socialist Revolution, rules out any possibility of the appearance or existence of such institutions and practices.

72. Wishing as it does to contribute to the elimination of slavery wherever it still exists, the Byelorussian SSR attaches great importance to co-operation to this end within the framework of the United Nations.

CAMEROON

*[Original : French]
14 September 1965*

73. Human rights are solemnly recognized by the Constitution of the Federal Republic of Cameroon, which affirms in Title I "its attachment to the fundamental freedoms enshrined in the Universal Declaration of Human Rights and the United Nations Charter". It is, therefore, the responsibility of the competent administrative authorities, invested with police powers, to ensure that those fundamental freedoms are respected for all citizens throughout Cameroon.

74. The Anti-Slavery Society, a non-governmental organization in consultative status, states :

"... As you know, the Cameroon became an independent State on 1 January 1960. The President, Ahmadou Ahidjo, is a Moslem. He is personally against slavery and the large harems. But he needs the support of the Fulanis in North Cameroon for elections, and he doesn't want to hurt them by radical reforms touching the social structure of their community. Many of his ministers are Christians from South Cameroon, but they know little of what is going on in the North. We have had some slave affairs since independence, but the officials have supported us, and it has been easier to have slaves declared free than before. In July 1961 the Prime Minister, who is a Presbyterian, visited Ngaoundéré. He is of course entirely against slavery. Two days after his visit the Prefect, who is also a Christian, sent a bull-dozer and levelled with the ground the Lamido prison where so many slaves and free people too have suffered. A short time afterwards the Lamido was deposed on account of different affairs, and a very old man was installed. The Prefect told me that they tried to put in old Lamidos now so that the feudal system be weakened and disappear little by little. The system is not mentioned at all in the Constitution.

75. "Actually the Administration not only tolerate, but even favour that the mission helps slaves to obtain freedom. The Government itself has not done anything effective to emancipate them... The High Commissioner in North Cameroon let it be proclaimed in a great administrative meeting in Ngaoundéré on 13 November 1952 that all citizens of Cameroon are free people. But this should be repeated by the Government of the independent State.

76. "In the interregnum between the removal on 14 November 1961 of Lamido Djeilani and the installation on 22 November of Lamido Ibrahim Tafida as Lamido of Ngaoundéré seventy wives of

the harem seized the opportunity to escape — fortunately not to the mission station. They had sufficient time to get farther away. Police were sent to bring them back again. (The harem is inherited by the successor of the Lamido.) They probably managed to catch most of the wives and put them inside the walls again. But no long time passed before they began running away a second time and now to the mission station — one by one. On their arrival we took them to the Sub-Prefect and in case they declared their unwillingness to remain in the harem of the Lamido, they were not forcibly sent back.

77. "During our visit to the Lamido he complained that we sheltered wives who had escaped from his harem. Soon all of them would run away, he said. We advised him not to detain any of them against their will, but to release all those who wanted to leave.

78. "... seven runaways came to the station, the following night one more. I took the eight wives to the bureau but the Sub-Prefect was not present, so that we had to return without accomplishing our errand. In the afternoon I had no time to spare so I left it to my assistant to go with them. The Sub-Prefect was not willing to release so many wives at the same time, and he sent them back to the Lamido in spite of violent protests, ordering, however, that they were to be set free one by one. In that way he hoped to save the Lamido loss of face by making it appear that he released them voluntarily.

79. "... one of the wives escaped to the station again. She told us that nine years earlier, just as she had married, she was taken forcibly away from her husband and put in the harem of the Lamido to be confined there all those years. The first time she took refuge at the station, her husband was informed of it and came at once to get her back. They were extremely glad to meet again but unfortunately their happiness was of no long duration.

80. "Atadjumba — that was the name of the wife — reported that on their return to the Lamido, he forced them all to swear with their hand on the Koran that they would run away no more. Guards were placed at every point where the wall was in poor condition. The Lamido showed no sign of willingness to set them free as he had been ordered to do. Atadjumba could not bear it any longer. One night, unseen, she took with her two bamboo beds, and placed them on top of each other against the sixteen-foot-high wall. She succeeded in climbing it and reached the top which was full of thorn branches. Regardless of her wounds she jumped in the direction of a mango tree and caught hold of some branches which eased the fall. She was hurt but got to her feet and turned to the mission station.

"She implored me to help her so that she should not for the third time be locked up in the harem of the Lamido. She would prefer to die.

"I wrote at once to the Sub-Prefect, informing him that Atadjumba for the second time had sought refuge with us, and that she flatly refused to go back to the Lamido. I asked him to declare her to be free, but received neither an answer nor a summons. It was arranged that her marriage to the young man who had been waiting for her for nine years was legalized; so far it had only been contracted according to the native ritual.

"After this she could safely return to her husband at the little farm near Ngaoundéré. Her parents too were waiting for her. We were delighted to see them a couple of days later. How they enjoyed being together again and being allowed to live their life in safety.

"Atadjumba told us that immediately after her flight the Lamido hastened to set free the seven other wives, fearing that they would run away too.

"Slaves do not escape to the missionaries only at Ngaoundéré. Even in other districts the mission station is the place of refuge for slaves in distress. At Tibati in the course of time lots of slaves have been set at liberty thanks to the missionaries.

81. "There has also been a steady increase in the number of old people, who had to be fed and lodged by the missionaries. Permanent old age homes were needed, not only at Ngaoundéré but at nearly all the stations.

82. "... Besides the old people who cannot shift for themselves there are only a few of the liberated slaves left at the station in Ngaoundéré. Most of them remain only until their case has been settled. At present they live and work in town or in the country. Now and then they come to see us and some go to church.

83. "I have been asked about the total number of slaves liberated by the mission. As we have no complete statistics I cannot give the exact number. I only know that hundreds of men, women and children, having been saved from slavery or harem life, now lead a normal life in safety as free citizens of Cameroon.

84. "But there are still thousands left toiling as slaves or sitting cooped up behind harem walls. I have not been able to ascertain their total number as in the census lists they are named in connexion with their masters under various designations. The work of liberation on the part of the Mission is only a beginning. Free Cameroon itself must carry the work to completion.

85. "... The harem is not at all the only important type of slavery practised in Cameroon. It is only that the last affairs I personally had to do with concerned women who ran away from the harem. Slavery in Cameroon is described in the first part of my lecture. Its character has not changed. It has only become a little easier to help slaves to obtain their freedom. But the Government has not abolished slavery. As I say at the end of the last pages I sent you, some hundred slaves have been freed by the Mission, but there are many thousands left."

86. The Minister for Foreign Affairs of the Federal Republic of Cameroon, in commenting on the above material, stated the following :

“ With reference to the information on slavery collected by the Anti-Slavery Society and transmitted to the United Nations Special Rapporteur, two comments appear called for:

“ The author of the note undoubtedly confuses slavery with polygamy; polygamy is not peculiar to North Cameroon, but is practised in many other African countries.

“ It is in fact the custom for the Lamibe of North Cameroon to have several wives and also to have a number of men in their service (their servants). The informant considers this to be slavery.”

I. Servants

87. With regard to labour relations in general, the Cameroonian legislator recognizes two categories of jurisdiction: civil jurisdiction (Labour Code) and tribal jurisdiction.

Civil jurisdiction

Decree No. 65-DF/247 of 9 June 1965 makes the Minister of Labour “ responsible for questions relating to the *condition of workers* and occupational relations ”. By virtue of this provision, he exercises jurisdiction over employers and wage-earning workers to the extent that there exists between them an employment relationship which, in the terms of article 1 of the Act of 15 December 1952 establishing the Labour Code, is characterized essentially by the concomitant existence of subordination and remuneration, and also to the extent that there is not between the parties any tribal labour relationship, it having been the desire of the legislator to remove such relationships from the field of application of the Labour Code.

Tribal law

Those workers who exercise their activity within the traditional framework of the family or the village are considered to be subject to tribal law. It is a question of an exchange of services between members of the same social group, rather than of remunerated work. It is not impossible that work performed under tribal law may camouflage some form of exploitation of one individual by another, simply as a result of the existence of social and economic differences between the parties within the same group, without entailing any form of slavery.

II. The problem of polygamy

88. This problem is deeply rooted in tradition, and may be reduced to the question of polygamy versus monogamy. The absence of consent on the part of the woman has often led to polygamy, and it is a deba-

table point whether polygamy should be tolerated, or condemned in the name of freedom or because of the emergence of new standards of civilization originating in contacts with Europe.

It may, indeed, be argued that polygamy is an aspect of African civilization — a point which the Nigerian delegation did not fail to make at the United Nations rostrum. On the other hand, no one could affirm that monogamy is un-African.

The problem is, *a priori*, of a social and even philosophical nature. Polygamy has existed in all societies, some of which have evolved to monogamy.

It is therefore less a question of condemning polygamy as an institution than of restoring to women their lawful rights, so that marriage may be freely contracted solely on the basis of the free will of the spouses. Cameroon will leave the problem of polygamy versus monogamy to be resolved by evolution.

The Ministry of Foreign Affairs considers that the author of the note, being unfamiliar with the framework of the African family structure and the relevant African traditions, has inevitably distorted the true nature of the problem.

The Ministry of Foreign Affairs has referred to the competent authorities the questionnaire, and will be pleased to transmit the reply to the Special Rapporteur in due course."

CANADA

[Original : English]
29 December 1964

89. Canada does not and will not permit institutions of slavery or other servile status to exist in circumstances over which Canada has control. The existing civil and criminal laws of Canada would be a practical answer to attempts to enforce a servile status in Canada. These laws are considered adequate to deal with and suppress any foreseeable complicity in enforcing a servile status. If any unforeseen situations should arise, which are not sufficiently covered by existing law and administrative practice, immediate consideration would be given to appropriate remedies.

CEYLON

[Original : English]
19 July 1965

90. (1) Slavery was abolished in Ceylon in 1844 by the Abolition of Slavery Ordinance No. 20 of 1844 (Cap. 75 L.E.). Section 2 of this Ordinance is as follows :

"Slavery shall no longer exist in Ceylon and all persons being slaves shall become free and entitled in every way to all the rights

and privileges of free persons, any other law or enactment to the contrary now in force notwithstanding :

“Sections 361 and 362 of the Ceylon Penal Code provide for the following offences in regard to slavery. These provisions should be read along with sections 490, 101-113A which provide for attempts, abetment and conspiracy to commit these offences.

“Section 361. Whoever imports, exports, removes, buys, sells or disposes of any person as a slave or accepts, receives or detains against his will any person as a slave shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to a fine.

“Section 362. Whoever habitually imports, exports, removes, buys, sells, traffics or deals in slaves shall be punished with imprisonment of either description for a term which may extend to fifteen years and shall also be liable to a fine.”

91. (2) Does not arise in view of above.

92. (3) Apart from what is set out above, there is no material on which to answer this question.

93. (4) *Vide* answer to 1 above (paragraph 90).

94. (5) and (6) Unable to answer these questions.

CHAD

[Original : French]
25 November 1964

95. Most of the (answers) are in the negative, for, since the abolition of slavery by the colonial Power, France, this institution no longer exists in Chad.

96. Furthermore, these very principles of the freedom and equality of all citizens have been reaffirmed in the Constitution of our Republic. Consequently, at the present time there are no legislating enactments punishing slavery.

97. However, the Government mentioned in the pertinent answers, institutions or practices similar to slavery which are in accordance with the tradition of Chad ; as to the Question XI, our Government is not at this time in a position to reply.

98. *Reply to Question I*

(1) No, these offences are not provided for in the Criminal Code.

(2) None, unnecessary.

(3) None, unnecessary.

(4) None, unnecessary.

(5) Question redundant.

(6) Question redundant.

[Original : Spanish]
22 November 1965

99. In Chile there has been no slavery, slave trade or similar institutions or practices since 1823.

The provision at present in force in this connexion is contained in article 10, paragraph 1, of the Political Constitution of 1925, which states :

“ The Constitution ensures to all the inhabitants of the Republic :

“ 1. Equality before the law . . .

“ In Chile there are no slaves, and he who sets foot upon its territory becomes free. The slave traffic may not be engaged in by Chileans. The alien who does so may not live in Chile or be naturalized in the Republic.”

As evidence that in our country slavery was never widespread, a brief historical survey of some of the relevant legislation from independence until the adoption of the 1925 Constitution is given below.

100. In 1811, the Congress adopted the so-called “ Free Wombs Act ”, which reads as follows :

“ The Supreme Government hereby declares :

“ Although slavery, being alien to the Christian spirit, humanity and morality, being without purpose, and even bad for domestic service, which has been the apparent reason for its retention, should disappear in a land whose rulers wish only to banish misery in so far as lies within their capacity ; nevertheless, with a view to reconciling these feelings with the desires and interests of the present owners of this wretched form of property, the Congress has agreed that from this day onwards no slaves shall come to Chile and that any who pass through on their way to countries where this harsh law still prevails and stop for any reason, remaining in the Kingdom six months, shall become *ipso facto* free and that those who are at present in bondage shall remain in that condition, which will become tolerable to them through habit, through the realization of the difficulty of suddenly finding means of subsistence without becoming public charges, through the good treatment they generally receive from their masters, and above all through the consolation that any children born to them from this day onwards shall be free, this being expressly established as an unalterable rule. In order to avoid fraud by the covetous and to prevent mothers sold abroad from being deprived of the benefits of this provision, it is hereby declared that the womb is free and that its fruit must therefore be so in any place whatever and that this shall be noted as a binding provision in the deeds that are issued and in customs permits, the responsible officials being duly informed, etc. Santiago, 15 October 1811.”

101. Later, the Constitution of 1818, in title I, article 1, paragraph 12, stated that “ The declaration issued by the Congress on the free wombs

of slaves shall remain in full force and all persons of this class born since its promulgation shall benefit from it”.

The Act of 24 July 1823 contained the following relevant provisions :

“Whereas I have received from the Senate a decree stating as follows :

“1. Any persons who have been born since 1811 and any persons who may be born in the territory of the Republic shall be free ;

“2. Any persons who set foot on the territory of the Republic and were brought there from elsewhere shall be free ;

“3. Any persons who until now have been slaves shall be absolutely free as of the publication of this decision ;

“Accordingly, I order that this text shall be promulgated as a law and reproduced in the Bulletin.”

102. The Political Constitution promulgated on 29 December 1823 stated in article 8 :

“In Chile there are no slaves : he who is on Chilean soil for the space of twenty-four hours shall be free. Anyone who engages in this trade may not live here more than a month nor may he ever be naturalized.”

103. The Constitution of 1828 stated in article 11 that “In Chile there are no slaves ; if any sets foot on the territory of the Republic, he shall thereby regain his freedom”.

104. Article 132 of the Political Constitution of 25 May 1833 expressly stated that :

“In Chile there are no slaves and he who sets foot upon its territory becomes free. The slave traffic may not be engaged in by Chileans. The alien who does so may not live in Chile or be naturalized in the Republic.”

105. As will have been seen above, the present Fundamental Charter of 18 September 1925 contains a similar provision.

106. Regarding the crimes that may be committed in connexion with slavery, the slave trade and similar practices, it may be noted that, under article 5 of the Courts Code, such cases are heard by the lower courts.

107. Offences of this kind are subject to the provisions of the Criminal Code, especially title III of book II, concerning serious and less serious offences which affect rights guaranteed by the Constitution, and title VIII of the same book, concerning serious and less serious offences against persons.

108. There is no special clause on offences relating to slavery, which is further proof that this institution has been virtually non-existent in Chile since the country became independent.

109. In answer to some of the questions in the questionnaire, certain articles from the Chilean Criminal Code are reproduced below :

“ *Article 7.* Not only a serious or less serious offence which is committed, but also one which is frustrated or attempted shall be punishable.

“ An offence is deemed to be frustrated when the offender takes all the steps necessary on his part for the commission of the offence but fails to commit it for reasons independent of his will.

“ An offence is deemed to be attempted when the offender initiates the execution thereof by direct acts, but fails to take one or more acts necessary to complete it.

“ *Article 8.* Conspiracy and invitation to commit a serious or less serious offence shall be punishable only when penalties are specifically provided by law.

“ There is conspiracy when two or more persons plot together to commit an offence.

“ There is invitation when a person who has decided to commit an offence invites one or more other persons to carry it out.

“ A person shall be exempted from any penalty for conspiracy or invitation to commit an offence if he desists from carrying it out before he has taken any action and before judicial proceedings are instituted against the guilty party, provided that he informs the public authorities of the plan and the attendant circumstances.

“ *Article 14.* The following shall be criminally liable for offences :

“ 1. Perpetrators ;

“ 2. Accomplices ;

“ 3. Persons who conceal the offence.

“ *Article 15.* Persons are considered to be perpetrators :

“ 1. If they take part in the execution of the act, whether immediately and directly or by preventing or seeking to prevent any attempt to stop it.

“ 2. If they force or directly cause another person to execute it.

“ 3. If, having plotted with others to carry it out, they provide the means whereby it is executed or witness it without taking part in it directly.

“ *Article 16.* Persons are considered to be accomplices if, not being covered by the preceding article, they collaborate in the commission of the offence by means of prior or simultaneous acts.

“ *Article 17.* Persons are considered to have concealed an offence if, having knowledge of the commission of an offence or of acts carried out with a view to its commission, but without having participated in it either as perpetrators or as accomplices they intervene, after it has been committed, in any of the following ways :

“ 1. Profiting themselves or providing the offenders with the means to profit from the effects of the offence ;

" 2. Concealing or destroying the object, the effects or the instruments of the offence in order to prevent its discovery ;

" 3. Sheltering, concealing or making possible the flight of the guilty party, provided that one of the following conditions is present :

" (i) The concealer commits an abuse of public office ;

" (ii) The offender is guilty of treason, parricide or homicide committed with any of the aggravating circumstances set forth in paragraphs 1, 2, 3, 4, 5, 6, 9 and 11 of article 12, if they were known to the concealer or if the offender is known to have habitually committed other serious or less serious offences.

" 4. Habitually taking in, sheltering, or protecting evil-doers, knowing them to be such, even if unaware of the specific offences they have committed, or providing them with the means of meeting or of hiding their weapons or effects, or providing them with assistance or information so that they may be on their guard, take precautions or escape.

" Persons shall not be liable to the penalties for concealment if they conceal the acts of their spouses or their legitimate relatives by blood or marriage in the direct line, and in the collateral line up to the second degree inclusive, or of their recognized natural or illegitimate parents or children, with the sole exception of those covered by paragraph 1 of this article."

CHINA

[Original : Chinese]
12 January 1965

110. There is no serf system in China, but in the past the farmers, owing to their precarious economic position, were frequently at the mercy of the landlords. Seeking to improve the life of tenant farmers, the National Government, when adopting the Civil Code in 1929, included a special chapter on the Right of *Yung-tien* in the Part concerning Rights Over Things. To raise the level of living of the farmers still further and to enforce land reform, the Government promulgated on 7 June 1951 the Regulations Governing Reduction of Farm Rent to 37.5 per cent and on 26 January 1953 the Land-to-the-Tiller Act. Since the enforcement of these laws, there is no longer any situation of landlords oppressing farmers, and the life of farmers is also steadily improving. The tenant farmer whose position was in some respects comparable to serfdom has now passed into history.

111. As to the slavery system, the Chinese society considers it not only immoral and contrary to decent customs, but also a criminal offence. Under the provisions of article 296 of the Criminal Code, a person who enslaves another or places him in a position without freedom, similar to

slavery, shall be punished with imprisonment for not less than one and not more than seven years.

112. When any person violates the provisions of article 296 of the Criminal Code, the victim can seek justice from the Court. In addition, any person, upon discovery of such violation, may report it to the police or the procurator. The procurator, after an investigation and finding the report accurate, shall initiate a public prosecution.¹⁰

APPENDIX I. CIVIL CODE

Chapter IV. *Yung-tien*

Article 842. *Yung-tien* is the right to cultivate or to raise livestock permanently on the land of another person by paying a rent.

When a *yung-tien* is created for a definite period of time, it is deemed to be a lease, and the provisions concerning lease shall apply.

Article 843. A *yung-tien* holder may transfer his right to another person.

Article 844. A *yung-tien* holder is entitled to claim a reduction or a cancellation, of his rent, if, owing to *force majeure*, his profits have decreased or disappeared entirely.

Article 845. A *yung-tien* holder cannot lease the land to another person.

If a *yung-tien* holder acts contrary to the provision of the preceding paragraph, the landowner may revoke the *yung-tien*.

Article 846. Where payment of the rent has been delayed by the *yung-tien* holder and the accumulated amount in arrears is equivalent to the total rent for two years, the landowner may revoke the *yung-tien*, unless otherwise provided for by custom.

Article 847. The revocation specified in the two preceding articles shall be made by a declaration of intention to the *yung-tien* holder.

Article 848. The provisions of article 839 apply *mutatis mutandis* to *yung-tien*.

APPENDIX II. REGULATIONS GOVERNING REDUCTION OF FARM RENT TO 37.5 PER CENT (PROMULGATED ON 7 JUNE 1951 AND REVISED ON 9 DECEMBER 1954)

Article 1. The lease of farm land shall conform to the provisions of these Regulations. Matters not provided for in these Regulations shall be governed by the Land Law and the Civil Code.

Article 2. The amount of farm rent shall not exceed 37.5 per cent of the total annual yield of the principal product of the main crop. If the rent originally agreed upon exceeds 37.5 per cent, it shall be reduced to 37.5 per cent; and if it is less than 37.5 per cent, it shall not be increased.

In the preceding paragraph, the term "main crop" shall mean the crop most commonly grown or the rotation crop actually grown according to local farming practices, and "principal product" shall mean the chief article for which the crop is grown.

Article 3. A Farm Tenancy Committee shall be established by each *Hsien* (or Municipal) Government and by each Village (*hsiang*), Township (*chen*), or District (*chu*) Office. The number of members representing tenant farmers on the Committee

¹⁰ For the texts of laws see Appendices I to IV below.

shall be no fewer than the total number of members representing landowners and owner-farmers. Rules for the organization of such Committees shall be drawn up by the Provincial Government and submitted to the Executive *Yuan* for approval.

Article 4. The standard amount of the total annual yield of the principal article of the main crop of farm land shall be appraised, with reference to the grade to which it belongs, by the Farm Tenancy Committee of the Village, Township or District Office, and the appraisal shall be submitted to the Farm Tenancy Committee of the *Hsien* (or Municipal) Government for confirmation, and to the Provincial Government for final approval.

Article 5. The tenure of farm lease shall not be less than six years. If the agreed tenure stipulated in the original lease is longer than six years, it shall remain valid.

Article 6. After the enforcement of these Regulations, all farm lease contracts shall be in writing, and the lessor and the lessee shall jointly apply for the registration of the signing, amendment, termination or renewal of their farm lease contract.

Rules governing the registration referred to in the preceding paragraph shall be drawn up by the Provincial Government and submitted to the Executive *Yuan* for approval.

Article 7. The amount, kind, quality and standard of farm rent, the date and place of payment and other relevant matters shall be specified in the lease contract. If the rent payable in kind is to be delivered by the lessee, the lessor shall pay the cost of delivery according to the distance covered.

Article 8. The lessee shall pay the rent when due. On accepting the rent paid in kind, the lessor shall make measurement thereof only with officially certified measures of volume or weight.

Article 9. If some other crop is planted instead of the stipulated main crop during its growing season, the lessee shall nevertheless pay the rent in terms of the stipulated main crop; but he may, with the consent of the lessor, pay the rent either in cash or in terms of the crop actually planted, by duly converting it at the local market price at the time of payment.

Article 10. If the lessor refuses without legitimate reason to accept the rent paid according to the provisions of these Regulations and the terms of the lease contract, the lessee may, with the cognizance of the Hamlet (*tsun*) and Section (*li* or *pao*) Chiefs and of the farmers' association, deliver the crop rent to the Village, Township or District Office for safekeeping, and notify the lessor to pick it up within ten days. If he fails to do so, the said Office may, if necessary, sell the crop by tender at the current local market price and hold the proceeds therefrom in safekeeping for the lessor. This procedure shall have the same validity as a formal deposit with the court.

Article 11. If a crop failure on any farm land is caused by natural disaster or other *force majeure*, the lessee may request the Farm Tenancy Committee of the Village, Township or District Office to investigate and ascertain the extent of the crop failure and to decide on measures for the reduction of rent, and the Committee must take action within three days.

If a general crop failure occurs in any given area, the local Tenancy Committee shall immediately investigate and ascertain the extent of the crop failure in the area affected and submit a report thereon to the Farm Tenancy Committee of the *Hsien* (or Municipal) Government with the request that measures for the reduction of rent be adopted.

If owing to crop failure, the total yield is less than 30 per cent of the normal yield, the entire rent payment shall be exempted.

Article 12. The farmhouse of the lessee which has been originally provided unconditionally by the lessor shall continue to be used by the lessee after the enforcement of these Regulations. The lessor shall not under any pretext whatever refuse such use or charge any fee therefor.

Article 13. The lessee may freely make special improvements on the leased farm land, but shall give the lessor a written notice of the particulars and the amount of the outlay incurred. When the farm land is returned to the lessor on the termination of the lease contract, he shall repay to the lessee the cost of that part of the improvements which has not yet lost its utility.

The "special improvements on farm land" referred to in the preceding paragraph shall mean improvements resulting from the increased application of labour and capital which, besides preserving the original qualities and utility of the land, increases its productivity or facilitates its cultivation.

Article 14. The lessor shall not collect the farm rent in advance or demand any security deposit. Any security deposit already paid before the enforcement of these Regulations shall be returned to the lessee in instalments or deducted in instalments from the rent payable by the lessee.

If the deposit referred to in the preceding paragraph has been paid in cash, it shall be converted in terms of farm products by the Farm Tenancy Committee of the *Hsien* (or Municipal) Government at the local market price of the time when the deposit was paid.

Article 15. If a farm land is offered for sale or *tien*, the lessee shall have the preferential right to accept the offer and the lessor shall give him a written notice of the terms thereof. If the lessee makes no written reply to the said offer within fifteen days, he shall be deemed to have waived his preferential right.

If the said farm land is offered for sale or *tien* for the second time at a lower price because no one has accepted the sale or *tien* at the original price, the lessor shall again be required to comply with the provisions of the preceding paragraph.

If the lessor signs a contract with a third party in violation of the provisions of the preceding two paragraphs, the contract shall be invalid as against the lessee.

Article 16. The lessee shall cultivate the leased land himself and shall not sublease the whole or part thereof to another person.

If the lessee violates the provisions of the preceding paragraph, the lease contract shall become null and void and the lessor may take back the leased land for his own cultivation or lease it to another person. If such violation occurred before the enforcement of these Regulations, the actual cultivator of that part of the land which has been subleased and the original lessee cultivating the other part which has not been subleased shall, individually and separately, sign new lease contracts with the original lessor and these new contracts shall expire on the date when the original contract expires.

If, during the period of the lessee's military service, which causes a shortage of farm labour, he entrusts the whole or part of the leased farm land to another person for cultivation, the land so entrusted shall not be regarded as having been subleased.

Article 17. Farm lease contracts shall not be terminated before the expiration of the period of the contracts, except in one of the following circumstances:

(1) When the lessee dies without heir;

(2) When the lessee gives up his right of cultivation by migrating elsewhere or changing his occupation;

(3) When the cumulative amount of the farm rent the lessee has failed to pay is equivalent to the total of two years' rent.

Article 18. The termination of a farm lease contract shall take place after the harvest season and before the next planting season. If special customs of the locality provide otherwise, the termination may be made according to local customs.

Article 19. Upon the expiration of the lease contract, the lessor may not take back leased land for his own cultivation :

- (1) If the lessor is unable to cultivate the land himself ;
- (2) If the lessor's total income is sufficient to support his family ; or
- (3) If the lessor's action in taking back the land will deprive the lessee's family of its livelihood.

In case the lessor's total income is insufficient to support his family and at the same time the situation mentioned in sub-paragraph (3) in the preceding paragraph may arise, he may request the Farm Tenancy Committee of the Village, Township or District Office to mediate the case.

Article 20. If on the expiration of the farm lease contract the lessee is willing to continue the lease, the contract shall be renewed, unless the lessor takes back the land for his own cultivation in accordance with the provisions of these Regulations.

Article 21. The lessor who forces the lessee to waive his right of cultivation by means of duress or violence shall be punished by imprisonment for a term of not more than three years.

Article 22. The lessor shall be punished by imprisonment or detention for a term of not more than one year :

- (1) If he terminates the lease contract in violation of the provisions of article 17 ;
- (2) If he takes back the land for his own cultivation in violation of the provisions of article 19 ; or
- (3) If he refuses to renew the lease contract in violation of the provisions of article 20.

Article 23. The lessor shall be punished by detention or a fine of not more than \$200 :

- (1) If he collects excessive rent in violation of the provisions of article 2 ; or
- (2) If he collects rent in advance or demands a security deposit in violation of the provisions of article 14.

Article 24. The lessee shall be punished with detention or a fine of not more than \$200 if he violates the provisions of paragraph 1 of article 16.

Article 25. If the lessor transfers the ownership of the leased land to, or creates a *tien* over it in favour of, a third party before the expiration of the lease contract, the contract shall remain valid in respect of the transferee or *tien*-holder, and the transferee or *tien*-holder shall, jointly with the original lessee, apply for the registration of the amendment of the said contract.

Article 26. If any dispute concerning the lease of a farm land arises between the lessor and the lessee, it shall be submitted to the Farm Tenancy Committee of the Village, Township or District Office for mediation. In the event of the mediation failing, the dispute shall be submitted to the Farm Tenancy Committee of the *Hsien* (or Municipal) Government for mediation. If the second mediation fails, the Farm Tenancy Committee of the *Hsien* (or Municipal) Government shall refer the dispute to the local court for settlement. The court shall immediately try the case without charging any judicial fee.

No judicial action shall be taken in regard to the dispute referred to in the preceding paragraph before it has been submitted to mediation and re-mediation. If the dispute is settled by mediation or re-mediation, a written statement to that

effect shall be issued by the Farm Tenancy Committee of the *Hsien* (or Municipal) Government.

Article 27. If the dispute referred to in the preceding article is settled by mediation or re-mediation and one of the parties refuses to carry out his obligations, the other party may apply to the local court for compulsory execution without having to pay the execution fee.

Article 28. The provisions of these Regulations shall apply *mutatis mutandis* to farm land subject to *yung-tien*.

Article 29. After the enforcement of these Regulations, the Provincial Government shall, with due consideration of local conditions, formulate measures for the protection of farm labourers and submit them to the Executive *Yuan* for approval.

Article 30. The areas in which these Regulations are applicable shall be decided by the Executive *Yuan* by decree.

Article 31. These Regulations shall come into force from the date of their promulgation.

APPENDIX III. THE LAND-TO-THE-TILLER ACT

(PROMULGATED ON 26 JANUARY 1953; ARTICLE 16 AMENDED AND PROMULGATED ON 22 APRIL 1954; ARTICLE 28 AMENDED AND PROMULGATED ON 24 DECEMBER 1954)

Chapter I. General provisions

Article 1. For the implementation of the Land-to-the-Tiller policy, this Act is hereby adopted.

Matters not provided for in this Act shall be governed according to provisions of the Land Law and other related laws.

Article 2. The responsible organs for enforcing this Act shall be the Ministry of the Interior for the Central Government, the Land Bureau of the Department of Civil Affairs for the Provincial Government, and the *Hsien* (or Municipal) Government for the *Hsien* (or Municipality).

Article 3. After this Act goes into effect, the present Farm Tenancy Committee in each *Hsien* (or Municipal) Government and in each Village, Township or District Office shall assist in the execution of this Act.

Article 4. The term "present tillers" as used in this Act shall mean tenant farmers and farm hands.

Article 5. The term "cultivated land" as used in this Act shall mean privately owned paddy field and cultivated dry land.

Article 6. The term "landlord" as used in this Act shall mean a landowner who rents his land to other person or persons for cultivation. Any land which the owner does not cultivate by himself or which is cultivated largely by the owner's farm hands shall be deemed to be tenant land, except that portion under the owner's own cultivation. However, orchards, tea plantations, land used for growing industrial materials, land under mechanical cultivation and land under reclamation, though operated by farm hands, shall not be considered to be tenant land.

A landowner or his dependant who entrusts his land to others for cultivation because he or his dependant is in military service shall be considered to be an owner-cultivator during the period of such service.

Article 7. The landlord from whom land shall be purchased for this Land-to-the-Tiller programme by the Government, or by whom part of his land may be

retained in accordance with this Act, shall be the landowner who has been registered as chief of his household in the Government land cadastre as of the first day of April 1952. Land transfers effected after 1 April 1952 shall not be recognized except for the following :

- (1) Land transferred by act of succession ;
- (2) Land transferred as a result of court decision made prior to the effective date of this Act ;
- (3) Land purchased by its present tiller or tillers ;
- (4) Land purchased by the Government in accordance with law.

Chapter II. Government purchase of cultivated land

Article 8. Tenant-cultivated land of the following categories shall be purchased by the Government for resale to the present tillers :

- (1) Land owned by the landlord in excess of the retention acreage prescribed in article 10 of this Act ;
- (2) Land under joint ownership ;
- (3) Private portion of any land owned jointly by private individuals and the Government ;
- (4) Land under Government trusteeship ;
- (5) Land owned by private individuals or family clans for purposes of ancestral worship and land owned by religious organizations ;
- (6) Land owned by the *Shenming Hui* and land owned by other juridical persons and corporate bodies ;
- (7) Land which the landlord does not wish to retain and requests the Government to purchase ;

The land referred to in sub-paragraphs (2) and (3) above may be retained, upon Government approval, by its lessor in accordance with the retention standard set forth in article 10 of this Act, if the lessor is old and infirm, widowed, orphaned or disabled and depends upon the land for his or her livelihood ; or if a joint ownership of the land originally under individual ownership is created by an act of succession with the joint owners being husband and wife, blood relations, brothers or sisters.

The retention acreage for land owned for ancestral worship and land owned by religious organizations referred to in sub-paragraph (5) above shall be twice as much as the retention acreage allowed for individual landlords. However, the right to retain such land shall be accorded only to those ancestral worship bodies and religious organizations established prior to the effective date of this Act.

Article 9. Cultivated land of the following categories shall not be subject to purchase by the Government under this Act when approved by the Provincial Government :

- (1) Tenant land within the announced area of city planning ;
- (2) Newly reclaimed land and land on which crop harvests are obviously unreliable ;
- (3) Land used for experiment, research or agricultural extension purposes ;
- (4) Land needed by educational and philanthropic organizations ;
- (5) Land required by public or private enterprises for growing necessary raw materials.

The Provincial Government, in granting such approval, shall report to the Executive Yuan.

Article 10. After the effective date of this Act, the acreage of tenant-cultivated land that may be retained by a landlord shall be three (3) *chia* of paddy field of the seventh to twelfth grade inclusive. Retention acreage for paddy field and dry land of other grades shall be converted according to the following scale :

(1) Every half *chia* of paddy field of the first to sixth grade inclusive shall be equivalent to one *chia* of paddy field of the seventh to twelfth grade inclusive ;

(2) Every one and a half *chia* of paddy field of the thirteenth and eighteenth grade inclusive shall be equivalent to one *chia* of paddy field of the seventh to twelfth grade inclusive ;

(3) Every two *chia* of paddy field of the nineteenth to twenty-sixth grade inclusive shall be equivalent to one *chia* of paddy field of the seventh to twelfth grade inclusive ;

(4) Every one *chia* of dry land of the first to sixth grade inclusive shall be equivalent to one *chia* of paddy field of the seventh to twelfth grade inclusive ;

(5) Every two *chia* of dry land of the seventh to twelfth grade inclusive shall be equivalent to one *chia* of paddy field of the seventh to twelfth grade inclusive ;

(6) Every three *chia* of dry land of the thirteenth to eighteenth grade inclusive shall be equivalent to one *chia* of paddy field of the seventh to twelfth grade inclusive ;

(7) Every four *chia* of dry land of the nineteenth to twenty-sixth grade inclusive shall be equivalent to one *chia* of paddy field of the seventh to twelfth grade inclusive.

The land to be retained shall be examined and defined by the Farm Tenancy Committee of the Village, Township or District Office according to the above scale of retention, with the results thereof reported to the *Hsien* (or Municipal) Farm Tenancy Committee for confirmation and then forwarded to the *Hsien* (or Municipal) Government for approval. The Farm Tenancy Committees, in making the examination and confirmation, may increase or decrease the actual retention acreage by not more than 10 per cent of the scale, as may be necessitated by the shape and terrain of the land in question.

A landlord who does not wish to retain the land may request the Government to purchase such land.

Article 11. In the case of a landlord's holdings consisting of land leased out and land under his own cultivation, the retained portion of the land leased out, together with the acreage of land under his own cultivation, shall not exceed the retention limit referred to in the preceding article. If the acreage of land under his own cultivation already exceeds the retention limit, no portion of the land leased out shall be retained by the landlord.

Article 12. One year after the effective date of this Act, the present tiller, if he wishes to purchase the landlord's retained land referred to in article 10 of this Act, may apply to the Government for a loan. Procedures for granting such loans shall be formulated by the Provincial Government and submitted to the Executive Yuan for approval. When a landlord wishes to sell his retained land, the present tiller on such land shall have first priority of purchase. The purchase price of such land shall be negotiated by the parties concerned, or decided by a ruling of the Farm Tenancy Committee if the negotiation fails.

Article 13. Farmhouses, drying grounds, ponds, fruit trees, bamboos, woods, etc., and the sites thereof which are accessory to the land under Government pur-

chase and used by its present tenant farmer shall be purchased by the Government together with the land.

The purchase price of the above accessory properties and their sites shall be appraised by the Farm Tenancy Committee of the Village, Township or District Office, confirmed by the *Hsien* (or Municipal) Farm Tenancy Committee and approved by the Provincial Government. The purchase price of such accessory properties and their sites shall be included in, and paid together with, the purchase price of the land. When local custom requires no compensation for such accessory properties, the local custom shall prevail.

Article 14. The purchase price of the land shall be 2.5 times the amount of its total annual main crop yield for the respective land grades.

The amount of the total annual main crop yield referred to in the preceding paragraph shall be calculated according to the standards as appraised and approved in the various localities during the implementation of the 37.5 per cent rent reduction programme.

Article 15. The purchase price for the land shall be paid 70 per cent in land bonds repayable in kind and 30 per cent in Government enterprise stock shares.

Article 16. Land bonds repayable in kind shall be issued by the Provincial Government in accordance with law. They shall bear interest at the rate of 4 per cent in kind *per annum* and shall be redeemable in equal annual amounts over a period of ten years. The actual handling of the issuance, redemption, and interest payment of the land bonds shall be entrusted to the Land Bank in the province.

Holders of the said bonds shall be exempted from paying the stamp tax, income tax on interests, and the household tax as a special tax.

Article 17. The procedure for Government purchase of cultivated land shall be as follows :

(1) The *Hsien* (or Municipal) Government shall investigate the land to be purchased, prepare a list thereof, and announce it to the public for a period of thirty days ;

(2) Upon discovery of any errors in the said list, the owner of any land which is to be purchased by the Government and other parties concerned may within the stipulated period of public announcement request the local Government to make due corrections ;

(3) After the expiration of the period of public announcement, the *Hsien* (or Municipal) Government shall notify the landowner to surrender, within a prescribed period, the ownership certificate and other relevant documents. If the landlord fails to surrender such certificate and relevant documents, they shall be declared null and void ;

(4) The landlord, after surrendering the ownership certificate and relevant documents, or after such certificate and documents have been declared null and void, shall take the purchase price in accordance with this Act. For any landowner who fails to take the purchase price within a prescribed period, the Government shall, according to law, deposit the price in the local court.

The procedures for the purchase of accessory properties and their sites referred to in article 13 of this Act shall be the same as those set forth in the preceding paragraph.

Article 18. Other rights originally created on the cultivated land shall be liquidated after the purchase of the land by the Government in accordance with the following provisions :

(1) Rights of servitude and superficies shall be transferred together with the land ;

(2) Rights of *yung-tien*, *tien* and mortgage shall become null and void ; but such rights shall be compensated and paid for to the holder thereof by the *Hsien* (or Municipal) Government on behalf of the landowner in stock shares and land bonds from the amounts to be paid to that owner as the Government purchase price for the land, in the same ratio of stock shares to land bonds as the landowner receives. However, the price paid for the liquidation of such rights shall not exceed the total purchase price of the land in question.

Chapter III. Resale of Government-purchased land

Article 19. Cultivated land purchased by the Government shall be resold to the present tiller. The accessory properties and their sites purchased together with the land under article 13 of this Act shall also be resold to the present tiller.

Article 20. The resale price of the land shall be computed according to standards set forth in article 14 of this Act. The resale price, together with the price of accessory properties and their sites, shall bear interest at the rate of 4 per cent in kind *per annum*. Beginning from the season in which the land is purchased, the purchaser shall pay the price and its interest in ten annual equal instalments in kind, or in those land bonds in kind falling due in the same period. The average annual burden to the purchaser shall not exceed the burden on the same grade of land at present borne by the tenant farmer under the 37.5 per cent rent reduction programme. The purchaser may pay a part or the whole of the price and interest in advance. Measures encouraging such early payment shall be formulated by the Provincial Government and submitted to the Executive *Yuan* for approval.

Article 21. Procedures for reselling the cultivated land purchased by the Government shall be as follows :

(1) The *Hsien* (or Municipal) Government shall investigate the names and status of the present tillers to whom the land is to be sold and shall compile a purchasers' list thereof ;

(2) The purchasers' list shall be examined by the Farm Tenancy Committee of the Village, Township or District Office, confirmed by the Farm Tenancy Committee of the *Hsien* (or Municipal) Government, and announced by the *Hsien* (or Municipal) Government to the public for a period of thirty days ;

(3) Upon discovering any errors in the purchasers' list, the purchaser and other interested parties may, within the stipulated period of public announcement, request the local Government to make due corrections ;

(4) The land purchaser shall submit a purchase application within twenty days after expiration of the period of public announcement. The *Hsien* (or Municipal) Government shall, after examining the application, notify him to fulfil the required procedures of purchase within a prescribed period, and to pay the first instalment of the purchase price ;

(5) Any purchaser who fails to observe the provisions of sub-paragraph (4) of this article shall lose his right of purchase.

Article 22. After the purchaser has completed the purchase procedures, the *Hsien* (or Municipal) Government shall register the transfer of the ownership title and shall issue a land ownership certificate to the purchaser.

In registering the ownership title transfer referred to in the preceding paragraph, the land purchaser shall be exempted from paying property transfer tax and witness fees.

Article 23. The Government shall, after selling the land to the present tillers, establish a special production fund to grant low-interest loans to the tillers in order to improve land use and to increase farm production.

Article 24. The Government shall, after selling the land, encourage the purchasers to operate the land on a co-operative basis with improved techniques.

Article 25. The purchaser may apply through proper channels to the Provincial Government for reduction or exemption of the unpaid portion of the purchase price on the land he has purchased, when such land has lost, owing to *force majeure*, a part or the whole of its usefulness.

Reduction or exemption of the purchase price as approved by the Provincial Government under the preceding paragraph shall be reported annually to the Ministry of the Interior for reference.

Article 26. After investigation and approval by the Government, the purchaser may postpone for one or more payment periods the instalment payments of the purchase price when, during such periods, the land has suffered seriously from catastrophe or harvest failure. Immediately after expiration of the amortization period of the total purchase price, the instalment payments thus postponed shall be paid in the same number of payments as those for which the postponement was granted.

Article 27. Instalment payments of the principal of the land bonds and interest that fall due shall be paid to the bond holders through the Land Bank from the instalment payments of the purchase price and interest paid by the land purchasers. However, they may be paid from the Land Bond Redemption Guaranty Fund in any of the following circumstances :

(1) When the land purchaser is permitted to reduce or to postpone the payment or to be exempted from payment ;

(2) When the land purchaser defaults in the payment of the price.

Measures for the establishment of the Guaranty Fund shall be formulated by the Provincial Government and submitted to the Executive *Yuan* for approval.

Chapter IV. Restrictions and penal provisions

Article 28. Any purchaser who has acquired land under this Act shall not transfer the land to another person before the purchase price is fully paid ; transfer of land after its purchase price is fully paid shall be permitted only when the transferee can till the land himself or can use it for industrial purposes.

Any transfer of land ownership made in violation of the provisions of the preceding paragraph shall be null and void.

Article 29. In the event that the purchaser cannot till the land himself before its purchase price is fully paid, he may request the Government to purchase the land for resale to other farmers. The Government shall, in such case, reimburse to the purchaser in one lump sum the purchase price already paid.

Article 30. The Government shall take back the land sold to a purchaser and shall not refund any purchase price already paid if he is found to have committed any of the following acts :

(1) Used the name of another person to purchase the land ;

(2) Lease out the land after purchase ;

(3) Failed to make an instalment payment for more than four months after it falls due.

Article 31. Any person committing any of the following acts shall be punished by the Court with a term of imprisonment not exceeding three years :

(1) Interference with the purchase of land by the Government under this Act by violence, duress or fraud ;

(2) Interference with the resale of land under this Act by violence, duress or fraud ;

(3) Damaging the land subject to Government purchase under this Act to such an extent as to render it unusable or less productive ;

(4) Demolishing or removing the properties accessory to the land subject to Government purchase under this Act.

Article 32. Any purchaser who fails to pay any instalment that falls due shall be fined according to the following scales :

(1) A fine of 2 per cent of the instalment amount for a delay of less than one month ;

(2) A fine of 5 per cent of the instalment amount for a delay of over one month but less than two months ;

(3) A fine of 10 per cent of the instalment amount for a delay of over two months but less than three months ;

(4) A fine of 15 per cent of the instalment amount for a delay of over three months but less than four months.

In addition to the provisions of article 30 of this Act, any purchaser who fails to pay any instalment for more than four months shall be reported to the Court for the enforcement of payment.

Chapter V. Supplementary provisions

Article 33. Regulations governing the implementation of this Act shall be formulated by the Provincial Government of the province wherein this Act shall be enforced and shall be submitted to the Executive Yuan for approval.

Article 34. The provisions of this Act shall apply, *mutatis mutandis*, to the disposition of private cultivated land situated within municipalities under the direct jurisdiction of the Executive Yuan.

Article 35. The areas in which this Act shall be enforced shall be decided and announced by a decree of the Executive Yuan.

Article 36. This Act shall come into force from the date of its promulgation.

APPENDIX IV. THE CODE OF CRIMINAL PROCEDURE

Article 31. I. If the minimum punishment is not less than five years or if a high court takes jurisdiction over the first trial and no advocate has been engaged, the presiding judge shall assign a publicly provided advocate to defend the accused ; if it is considered necessary, the same rule shall apply to other cases.

II. If in a case specified in the preceding paragraph an engaged advocate fails to appear without good reason on the date of hearing, the presiding judge may assign a publicly provided advocate.

III. One advocate may be assigned to defend several accused unless their interests conflict.

IV. After an advocate has been assigned, such assignment shall be cancelled upon the engagement of a lawyer as advocate.

Article 207. I. If a procurator because of complaint, information, voluntary surrender, or other reason knows there is suspicion of an offence having been committed, he shall immediately begin an investigation of the offender and the evidence.

II. In the course of an investigation, a procurator shall not first summon or interrogate an accused unless it is necessary.

Article 21. I. Application for the withdrawal of a judge shall be determined by a ruling of the whole court to which the judge belongs; if a quorum of the whole court is lacking, the ruling shall be made by the president of the court; if it is impossible for the president to make a ruling, the court which is immediately superior to such court shall make it.

II. A judge for whose withdrawal an application is made shall not participate in the ruling specified in the preceding paragraph.

III. If a judge for whose withdrawal an application is made considers that such application is well-grounded, he must thereupon withdraw, and a ruling is not necessary.

Article 22. If application is made for the withdrawal of a judge, the proceedings shall be suspended except for emergency measures or when the application is based upon item 2 of article 18.

CONGO (DEMOCRATIC REPUBLIC OF)

[Original : French]
24 February 1966

113. The Government of the Democratic Republic of the Congo, desirous of adding its contribution to the efforts of the United Nations to wipe out every trace of slavery in the world, hereby makes available to the Secretary-General and the Special Rapporteur certain information drawn from the legislation in force in the Democratic Republic of the Congo, by means of which the Government of that country has, from the earliest days of colonialism in Central Africa, been fighting all forms of slavery and all vestiges thereof throughout the territory of the Republic.

114. Congolese jurisprudence relating to the suppression of slavery goes back to 1891. Furthermore, the promulgation of the new constitution, which marked the country's independence, also confirmed this state of affairs. The relevant provisions of the laws in force are the following :

Article 16 of the Congolese Constitution :

“No one shall be held in slavery or servitude nor under any conditions analogous thereto.

“No one may be condemned to forced or compulsory labour except in the cases provided by law.”

Article 67 of the Criminal Code :

“Any person who, by means of violence, fraud or threats, abducts or causes to be abducted, arrests or causes to be arrested arbitrarily, detains or causes to be detained another person shall be liable to a

term of penal servitude of one to five years. If the person abducted, arrested or detained is subjected to physical torture, the guilty shall be liable to a term of penal servitude of five to twenty years. If such torture results in death, the guilty shall be sentenced to penal servitude for life or to death."

Article 68 of the Criminal Code :

"Any person who abducts or causes to be abducted, arrests or causes to be arrested, detains or causes to be detained another person for the purpose of selling him into slavery or who disposes of a person placed under his authority for the same purpose shall be liable to the penalties provided by law, and the distinctions established in the preceding article shall apply."

*Decree of the King-Sovereign of 1 July 1891
concerning the slave trade*

The abduction of slaves

"1. Any person who abducts another by means of violence, fraud or threats for the purpose of trade or slavery shall be liable to a term of penal servitude of not less than one nor more than five years and to a fine of not less than 500 nor more than 2,000 francs.

"2. The abduction of slaves effected by associations of armed men shall be punishable by death or by penal servitude for life.

Trading in slaves

"3. Any person who engages in any slave trading transaction shall be liable to a term of penal servitude of not less than six months nor more than three years and to a fine of not less than 200 nor more than 2,000 francs.

"4. Any person who knowingly and wilfully conveys or transports one or more slaves obtained by abduction or trade shall be liable to a term of penal servitude of not less than three months nor more than three years and to a fine of not less than 100 nor more than 1,000 francs.

"5. Any person who habitually carries on the activities referred to in articles 3 and 4 shall be deemed to be a slave-dealer and shall be liable to a term of penal servitude of not less than five nor more than ten years and to a fine of not less than 1,000 nor more than 5,000 francs.

Persons having a financial interest in a slave trading undertaking

"6. Any person who knowingly and wilfully takes a financial interest in an undertaking the object of which is to carry on the slave trade or operations to procure slaves for the slave trade shall be punishable as principal.

Receivers of slaves obtained by trade

“ 7. Any person who knowingly and wilfully receives one or more slaves obtained by abduction or trade shall be liable to a term of penal servitude of not less than three months nor more than one year and to a fine of not less than 100 nor more than 500 francs, or to one only of these penalties.

Fraudulent use of the flag for the purpose of carrying on the slave trade

“ 8. The penalties applicable under article 13 of the Decree of 25 February 1886 to the master of a vessel flying the State flag without proper ship's papers may be increased to twice the maximum laid down in that article if such fraudulent use of the flag was made for the purpose of carrying on the slave trade or operations to procure slaves for the slave trade.

Associations formed for the purpose of slave trading

“ 9. The formation of any association for the purpose of carrying on the slave trade or operations to procure slaves for the slave trade shall constitute an offence by reason of the mere organization of the band. The leader of the band and any person who has knowingly and wilfully held any command therein shall be liable to a term of penal servitude of not less than one nor more than five years and to a fine of not less than 100 nor more than 1,000 francs ; any other person who is knowingly and wilfully a member of the band shall be liable to a term of penal servitude of not less than one month nor more than two years and to a fine of not less than 50 nor more than 200 francs.

Crimes against liberated slaves

“ 10. Whoever shall have used fraud or violence to deprive a liberated slave of his letters of freedom or of his liberty, shall be considered a slave dealer and shall be liable to the penalties laid down in article 5.

“ 11. Any person who commits the crime of castration shall be liable to the penalties laid down in article 67 of the Criminal Code, in accordance with the distinctions determined in that article.

“ 12. Any person guilty of the offences referred to above who inflicts physical torture on slaves shall also be liable to the penalties laid down in article 67 of the Criminal Code.

Participation in crimes and offences relating to the slave trade

“ 13. Save as otherwise more particularly provided, the joint principals in and accomplices to the various offences referred to above shall be liable to the following penalties :

“ In the case of joint principals, to the penalty which is by statute applicable to principals ;

" In the case of accomplices, to a penalty which shall not exceed one half of the penalty to which they would have been liable if they had themselves been principals ;

" Where the penalty provided by statute is death or penal servitude for life, the penalty to which an accomplice shall be liable shall be a term of penal servitude of not less than ten nor more than twenty years.

Prosecution and trial of offences covered by this Decree

" 14. In modification of the Decree of 12 April 1886 concerning extradition, a national of any of the Powers signatories to the General Act drawn up by the Conference of Brussels, who has committed abroad an offence covered by this Decree and is discovered in the territory of the State shall be arrested by the national authorities empowered to do so, either on communication of the incriminatory evidence by the foreign authorities who have ascertained the violation of the law, or on production of any other evidence of liability and shall, without other formality, be held at the disposal of the competent tribunals, in accordance with the accepted extradition procedure.

" 15. Any Congolese subject who, having committed abroad any of the offences covered by this Decree, is discovered in the territory of the State, shall be prosecuted and tried in accordance with national law.

The security to be furnished by persons liable for any of the offences covered by the General Act of Brussels

" 16. In accordance with the provisions of article 19, paragraph 2, of the General Act drawn up by the Conference of Brussels, any person having incurred, inside or outside the territory of the State, a penalty in consequence of an offence covered by the General Act, shall be required to furnish security, at a rate and on conditions to be subsequently described by Us, before he is allowed to undertake any commercial operation in countries where the slave trade is carried on."

CUBA

[Original : Spanish]
20 January 1965

115. In the Constitution of Guáimaro of 10 April 1869 the right of all inhabitants of the Republic to individual freedom was formally proclaimed and recognized.

116. The abolition of slavery in Cuba dates from 1880 and, at the beginning, was a gradual process ; it was not until 1886 that the total and final abolition of this odious institution was achieved.

117. The right to individual freedom has been proclaimed from then onwards — directly or indirectly — in all Cuban constitutional texts and in all the branches of Cuban legislation.

118. The Fundamental Law of the Republic of 7 February 1959 proclaims in article 20 that all Cuban citizens are equal before the law and that special jurisdictions and privileges are not recognized. It likewise declares that any discrimination by reason of sex, race, colour or class or any other discrimination injurious to human dignity is illegal and a penal offence, and it lays down that penalties for breach of this provision shall be prescribed by statute.

119. Since slavery is outlawed in our country, the commission of offences consisting in violations of the right of every human being to be free and respected as such is unlikely. Hence the various acts referred to in the first question of the questionnaire are not listed in our penal legislation as constituting criminal offences, i.e. they are not provided for at all and no penalty is prescribed for them. Nevertheless, should any of these criminal acts be committed — which, we repeat, is theoretically unlikely — the Cuban courts of law would impose the penalties laid down for offences against individual rights, threats and coercion, having regard to the particular characteristics and circumstances of the offence in question.

120. There is likewise in Cuba no kind of servile status, and no other institutions or practices similar to slavery.

121. We must, however, point out that, in the legislation prior to the Revolution which was victorious in 1959, some institutions showing certain feudal characteristics were still maintained, such as particular forms of *censo* (ground-rent), *aparcería* (sharecropping), *colonato* (tenant farming) etc., and although the relationships between the landowner and the peasant who worked the land could not be regarded as production relationships of a truly feudal type, the fact is that the Cuban peasant in such circumstances was in a servile situation with respect to the landlord or owner of the land. This was manifest in the fact that if the peasant did not fulfil his obligations — and in some cases even though he fulfilled them — he was evicted from the land with his family, without consideration, and thus placed in a state of complete destitution.

122. The Agrarian Reform Act of 17 May 1959 abolished these institutions and practices constituting remnants or survivals of feudalism, in order to promote the nation's economic development. This Act prohibits the conclusion of *aparcería* contracts or any other contract providing for the payment of rent for a rural holding in the form of a share of the products of the holding. In addition, privately owned lands and State-owned lands were given free of charge to the *colonos*, *sub-colonos*, tenants, sub-tenants, *aparceros* or *precaristas* (persons with precarious tenure) cultivating or occupying them, as the case might be in the form and under the conditions provided in the same Act.

123. It must be pointed out that the specific questions in section I of the questionnaire cannot be given a categorical answer, in view of the considerations of a legal nature already mentioned.

CYPRUS

[Original : English]
22 January 1965

124. The reply of the Government of the Republic of Cyprus to the questionnaire is a general one, in view of the fact that in Cyprus, where civilization dates far back into three thousand years, slavery and institutions and practices similar to slavery, if they had ever existed, have been wiped out long ago, because they cannot in any way be accepted or even tolerated by the Cypriot people whose sense of human dignity is very high.

125. The Constitution of the Republic of Cyprus consists, *inter alia*, of some articles which deal with the fundamental human rights (articles 4-35). For instance, article 8 of the Constitution reads as follows : "No person shall be subjected to torture or to inhuman or degrading punishment or treatment."

126. Article 9 runs as follows : "Every person has the right to a decent existence and to social security". Article 10 reads specifically : "No person shall be held in slavery or servitude. No person shall be required to perform forced or compulsory labour".

127. In addition, the Secretary-General may note that the Criminal Code of the Republic of Cyprus (Cap. 154) makes some detailed provision for forced labour in section 254, which reads as follows : "Any person who unlawfully compels any person to labour against the will of that person is guilty of a misdemeanour, and liable to imprisonment for one year".

128. Again, for instance, as regards section 3 of the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery, the Secretary-General may note that the Republic of Cyprus applied, in this respect, section 9 of the Slave Trade Act, 1824, which provides : "For any (citizen of the Republic of Cyprus) or person within (Cyprus Territory) knowingly to carry away or convey any person as a slave or for the purpose of being imported or brought as a slave to any place, or being sold or dealt with as a slave, or knowingly and wilfully to ship or detain or confine in a ship, any person as a slave or for any such purpose". This offence is made piracy. Piracy under the foregoing statute is a felony punishable by "imprisonment for life or if accompanied by any assault with intent to murder any person on or belonging to the ship, or by wounding, or endangering the life of any person, by death". (Piracy Act 11837, ss. 2, 3.)

129. It is apparent from the above that Cyprus is not confronted with any problem of "slavery" and a detailed reply to the questionnaire on "Slavery" could not serve any useful or practical purpose in the case of Cyprus.

[Original : English]
20 May 1966

130. On 10 September 1930, Czechoslovakia ratified the Slavery Convention of 20 September 1926, and on 13 June 1958, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery.

131. Article 20 of the Constitution of the Czechoslovak Socialist Republic of 11 July 1960 provides that :

- (1) All citizens shall have equal rights and equal duties.
- (2) The equality of all citizens without regard to nationality and race shall be guaranteed.
- (3) Men and women shall have equal status in the family, at work and in public activity.
- (4) The society of the working people shall ensure the equality of all citizens by creating equal possibilities and equal opportunities in all fields of public life.

Article 30 of the Constitution guarantees inviolability of the person.

The Czechoslovak Penal Code dealing in Chapter Eight with crimes against liberty and human dignity punishes restriction of personal liberty (para. 232), abduction abroad (para. 233), extortion (para. 235), restriction of the freedom of confession (para. 236), oppression (para. 237), traffic in women (para. 246) and any acts in contravention of the aforementioned international Conventions.

Under the Czechoslovak Penal Code whoever prepares and attempts, supports or approves such acts or instigates them shall also be punished.

DAHOMEY

[Original : French]
19 December 1964

132. Acts of slavery such as those defined in the questionnaire have never come to the attention of the Government of Dahomey, and situations such as those described are very rare in this country.

133. However, any agreement for the purpose of enslaving another person, placing him in servile status or in slavery is of course illegal or in violation of public order and consequently subject to the provisions of the Civil Code, which render it null and void.

134. The parties to such an agreement and those accessory thereto are liable, under article 341 (Decree of 10 November 1947) of the Penal Code, as criminals, to a term of hard labour, the maximum sentence always being given if the person against whom the agreement was directed is under fifteen years of age.

135. Any person who places or receives another person in pledge, for whatever reason, is liable to a term of imprisonment of not less than one month or more than two years and a fine of from 2,400 to 24,000 francs, or to one or the other of those penalties. The prison sentence may be extended to five years if the person placed or received in pledge is under fifteen years of age. Persons guilty of those offences may also, in all cases, be deprived of the rights mentioned in article 42 of the Penal Code for a period of not less than five and not more than ten years.

136. In addition, any attacks on the human person such as coercion, violence, assault and battery, deliberate injury, mutilation or even mere threats, etc., are criminal offences under the Penal Code.

137. It may be noted that statutes regulating the emigration and immigration of persons and the movements of persons under eighteen years of age make it possible to keep track of their "comings and goings" and that the old customs which might allow of situations such as those referred to are either dying out or have already disappeared.

DENMARK

*[Original : English]
26 January 1965*

138. Under Danish law no person can exercise the right of ownership in another person. Institutions and practices similar to slavery as defined in the questionnaire are not recognized and do not exist in Denmark.

139. With regards to territory under Danish jurisdiction, slavery last existed in the former Danish West Indies (the Virgin Islands) where it was abolished in 1848, but trade in Negro slaves was prohibited by a decree issued as early as 1792.

140. In the past, personal liberty was restrained in various forms which, however, cannot be described as slavery. From the fifteenth century, all tenant farmers in Denmark were subject to adscription : the immediate heir of a tenant farmer was under obligation to take over the farm after his father, but this obligation was abolished in 1702.

141. Villein service was introduced in the eighteenth century when young farmers were forbidden to leave the estate where they were born. This form of restraint on personal liberty was repealed in 1788.

142. In the eighteenth century the great majority of Danish peasants were tenant farmers who held their farms under contracts with the estate owner. These contracts involved, among other things, tenant farmers that had to perform a certain amount of villein service. This obligation was also repealed.

143. Tenancy contracts did not generally vest any powers of life and death over tenant farmers, but in actual fact many estate owners usurped such powers. This state of affairs was brought to an end by the land reforms enacted in the late eighteenth century.

144. [1 (a)-(d)]

The Danish Criminal Code, sections 261 and 262, contains the following provisions :

Section 261.

“(1) Any person who deprives any other person of liberty shall be liable to imprisonment for any term not exceeding four years or, in extenuating circumstances, to simple detention.

“(2) If the deprivation of liberty has been effected for the purposes of gain, or if it has been of long duration, or if it consisted in any person being unlawfully kept in custody as insane or feeble-minded, or being enlisted for foreign military service or being taken into captivity or any other state of dependence in any foreign country, the penalty shall be imprisonment for not less than one nor more than twelve years.”

Section 262.

“(1) Any person who, through gross negligence, brings about a deprivation of liberty of the nature referred to in sect. 261, subsec. (2), of this Act shall be liable to a fine or to simple detention, or, in aggravating circumstances, to imprisonment for any term not exceeding one year . . .”

145. [1 (e)]

Under section 245 of the Criminal Code

“any person who injures the person or health of others shall be guilty of inflicting bodily harm and liable to simple detention or to imprisonment for any term not exceeding three years or, in particularly extenuating circumstances, to a fine. If the bodily harm has been inflicted without provocation or has been associated with cruelty or has resulted in death or grievous bodily harm, the penalty shall be imprisonment for any term not exceeding eight years”.

Under section 246,

“any person who injures some other person in such manner that the latter loses or suffers a substantial impairment of his vision, hearing, speech or power of procreation, or becomes unfit, for ever or for a long, indefinite time, to discharge his professional duties or to attend to the pursuits of daily life, or who inflicts on his person or health any other injury of similar consequence, shall be guilty of inflicting grievous bodily harm and liable to imprisonment for not less than one nor more than twelve years”.

146. [1 (f)-(h)]

Under the Danish Criminal Code any person attempting to or being an accessory to any offence covered by that Code shall, in principle, be punishable as if the offence had actually been committed or, as the case may be, as an original offender.

From the details given under item I, it will be seen that there is no need in Denmark for implementation of measures of the nature referred to in questions 2-4, and no such need has existed in the recent past either.

To carry a former slave, staying in Denmark, back into slavery or conditions similar to slavery by taking him out of the country by force or threat will be punishable under section 261, subsection 2, or section 262 of the Criminal Code (quoted in para. 144 above).

DOMINICAN REPUBLIC

[Original : Spanish]
18 February 1965
and 6 October 1965

148. Since 1 March 1844 — the date of Act No. 5, “Declaration of the Provisional Governing Junta of the Dominican Republic”, issued immediately after independence — slavery has been eradicated in our country.

149. As regards other aspects of the matter, the Dominican Republic is a party to the conventions on the subject and faithfully observes their provisions.

ECUADOR

[Original : Spanish]
15 February 1965

150. As the Government of Ecuador has stated in previous replies, slavery was legally abolished in Ecuador by the Supreme Decree of 25 June 1851, issued by General José María Urbina. Subsequently, article 107 of the 1852 Constitution laid down the principle that all men are born equal and that consequently no one can be reduced to slavery. By the Legislative Decree of 25 September of the same year, the Constituent Assembly adopted the Act on the freeing of slaves, which enabled the aforesaid constitutional principle to be implemented.

151. Since 1851, the freedom of the individual has been established as a basic constitutional provision of our State, and all the inhabitants of Ecuador have been free and equal before the law, with no discrimination on grounds of race, colour, religion or language.

152. By the Legislative Decree of 20 October 1918, the Ecuadorian State abolished *concertaje*¹¹ and imprisonment and human bondage for debt.

¹¹ *Translator's note* : Contract whereby an indigenous inhabitant undertook to work as a day-labourer.

153. In 1938 the Labour Code was promulgated, to protect the rights of workers.

154. Agricultural labour has been raised to the level of free contracting. The old types of labour arrangement, under which certain unsatisfactory procedures were preserved were amended by the Land Reform and Settlement Act, promulgated in July 1964 and designed to improve the status of the agricultural worker and the peasant through the abolition of institutions known by such names as *huasipungo*,¹² *yanapa*, *huasicamía*, etc.

155. At the present time, the agricultural worker may freely negotiate his work contract (no matter who his employer may be), stipulate conditions, pay, length of service, etc., and enjoy the rights and benefits granted by law.

156. With a view to furnishing specific replies to the various points raised in question I, the relevant provisions of the 1946 Political Constitution and of the Land Reform and Settlement Act are given below :

Political Constitution

“ *Article 191.* The State shall guarantee to the inhabitants of Ecuador :

“ ...

“ 3. Personal freedom. No one may be imprisoned for debts, whether they be termed costs, fees, taxes, fines or anything else. This provision does not apply to debts for payment of compulsory alimony.

“ *Article 165.* No contract shall be valid which places one person at the disposal of another, in an absolute and indefinite manner ; nor may the law prescribe conditions to the detriment of human dignity.

“ *Article 173.* In seeking legal protection, all persons shall be held equal in the eyes of the law. No one may have rights granted him or obligations imposed on him which place him at an advantage or disadvantage compared with others ...

“ *Article 172.* ... The law shall make no discrimination on religious, ideological or racial grounds.”

Land Reform and Settlement Act

“ 65. Agricultural labour shall be paid for in cash. It shall be prohibited to pay in kind or to provide the labourer, in total or partial payment for his labour, with the usufruct of land or water use rights.

“ 67. Within the twelve months following the entry into force of this Act, every employer shall pay to his *huasipungo*, *yanapa*, or *ayuda* labourers and other labourers working under similar labour

¹² *Translator's note* : Piece of land allotted by estate-owners to native workers.

arrangements in his employ, all sums due to them as reserve funds and for holidays not taken.

“ 68. The payments referred to in the preceding article shall be made before the appropriate Labour Inspector and shall be calculated in the following manner :

“(a) If the *huasipungo* labourer has been working on the holding for ten years, the amount of payment shall be deemed equal to the price of the *huasipungo*, which shall consequently become his property ;

“(b) If the period of service after 1938, calculated in accordance with the provisions of the Labour Code, is greater, the employer shall also pay, in cash, for each additional year, the value of the reserve fund calculated on the minimum cash wage for *huasipungo* labourers in force as of that date ;

“(c) If the period exceeds five years but is less than ten years, the *huasipungo* shall become the property of the *huasipungo* labourer, who shall be obliged to pay to the employer, within a period not exceeding five years, the balance of the price thereof, considering that the amount of his rights for each year is equivalent to one tenth of the price of the *huasipungo* ;

“(d) If the period of service of the *huasipungo* labourer was less than five years, the employer may pay him the amount of his final payment in cash, but shall be obliged to transfer ownership of the *huasipungo* to him if the *huasipungo* labourer undertakes to pay him the difference in value, on a delayed-payment basis, in a manner similar to that provided under (c) above ;

“(e) If the total area of the owner's land is less than 100 hectares, he may make the final payment in cash ;

“(f) In respect of holidays not taken, the four years prior to the entry into force of this Act shall be considered, and the legal minimum wage shall also be taken as the basis ;

“(g) Final payments to be made in respect of holdings of the Social Welfare Service transferred to the Ecuadorian Institute of Land Reform and Settlement (IERAC) under this Act shall be made at the time when special resettlement programmes in favour of such *huasipungo* labourers are carried out, without prejudice to the right of such labourers to continue in precarious tenure of the parcels now occupied thereby until that time. On expiration of twelve months from the entry into force of this Act, labour relationships with the respective employers which originated under the *huasipungo* system shall be considered extinguished.

“Tenants, subtenants and former tenants of holdings of the Social Welfare Service who have labour obligations pending shall proceed to liquidate the claims of the labourers concerned within the twelve-month period provided for in the preceding article, and liquidation payments shall continue annually for the term of the lease.

“ Amounts corresponding to reserve funds and holidays not taken shall be deposited with the IERAC to the account of the respective *huasipungo* labourer. Other amounts shall be paid directly to the labourers.

“ When liquidation has been completed, if the amounts related thereto have not been deposited, the IERAC shall issue credit documents and shall collect therefor through restraint proceedings.

“ Amounts corresponding to reserve funds and holidays not taken, deposited with the IERAC, shall be applied to the special resettlement programmes.

“ 69. In calculating the period of service of the *huasipungo* labourer, account shall be taken of the period during which his direct ascendants furnished services as *huasipungo* labourers on the holding, unless it is fully proved that such ascendants or their heirs have been paid the amount corresponding to the obligations of the employer. Transfers of ownership which are to be made in compliance with the provisions of this section shall be recorded in acts drawn up before the Executive Director of the IERAC or his delegate, and such acts shall be entered in the Property Register.

“ Agricultural labourers who cease to be *huasipungo* labourers and receive ownership of land shall continue permanently to enjoy water use rights, rights of way and the right to gather wood for their personal requirements. In addition, they shall be entitled to make use of pasture land in the same manner as they were accustomed to do prior to liquidation, at the place provided by the owner, for a period of five years after liquidation has been completed, provided, however, that they continue to be workers on the holding concerned.

“ 71. When the number of *huasipungo* labourers is fifteen or more, the owner shall be bound to assign, without charge, a sufficient area of land for the establishment of a civic centre.

“ 73. When for any reason the *huasipungo* labourer receives his compensation in cash, the employer shall be obliged to sell to him, upon his request, at the cadastral value and subject to the conditions of article 70, a parcel of land for the construction of his dwelling and the formation of a family garden . . .

“ 74. The IERAC shall give preference in its resettlement programmes to *huasipungo* labourers who have not been duly settled on the estate on which they were working.

“ Until the resettlement is carried out, and within the period provided in article 67, the *huasipungo* labourer shall continue in enjoyment of the *huasipungo*, and the pasturage and other similar rights which have been traditionally maintained for the *huasipungo* and other agricultural labourers shall subsist.

“ 76. For the purposes laid down in article 68, a *huasipungo* labourer shall be considered to be an agricultural worker who has

worked on a holding against a wage which he received partly in cash on a daily basis and partly in the right of use of a parcel provided by the owner...

"77. Traditional forms of labour such as *ayuda* or *yanapa*, *huasicamía*, *ordeñadores*, *cuentarios*, *hortelanía*, *arrieraje*, *ragadío*, etc., shall be subject to contracts entered in freely, and the day-wages paid shall be those established by the Minimum Wage Commission and further guaranteed by the Labour Code.

"79. For the purposes of this Act an *arrimado* shall be an agricultural worker who pays in his labour for the use and enjoyment of a parcel on the estate of a third party.

"80. Within the sectors in which the *arrimado* system remains in force, the owners of holdings in which this form of tenure has subsisted shall turn over to the IERAC an area of land equal to 10 per cent of the total area of the holding, all soil qualities being proportionately represented.

"The owners of areas smaller than 100 hectares may comply with the requirement established in the preceding paragraph by making a cash payment which shall be turned over to the IERAC for use thereby in the settlement of the *arrimados* concerned.

"With the delivery of the said 10 per cent or cash, all possible obligations of an employment nature of the owner toward the *arrimado* shall be cancelled....

"95. Share-cropping contracts shall be subject to the following provisions:

"(a) In addition to the land, the owner shall provide the seed and cover the other costs necessary for production, so that the share-cropper has no obligation other than to contribute his labour;

"(b) The entire crop shall be divided in equal parts between the owner and the sharecropper. Such contracts shall in every case be drawn up in writing, and in all other matters the provisions of the Labour Code shall apply in so far as they are not in contradiction with this Act....

"96. Agricultural workers, in addition to collecting in cash the wages to which they are entitled, shall receive a 7 per cent share in the liquid profits of the enterprise, at the time and in the manner prescribed in regulations which shall be issued by the Ministries of Development and of Social Welfare.

"97. There is hereby recognized to permanent agricultural workers the right to enjoy annual holidays, calculated on the basis of two and one half days per two months of work; such holidays may be accumulated over a maximum period of four years, or the worker may collect equivalent pay therefor in cash.

"98. Contracts of engagement, and contracts under which agricultural workers of one zone are transferred to another, shall be

drawn up in writing, and shall include conditions guaranteeing the worker sanitary housing, medical care, and return transportation to his place of origin. The said requirements shall be obligations upon the employer.

" 99. In compliance with the Act on Compulsory Social Insurance, the National Welfare Institute shall incorporate the agricultural workers into the Social Insurance system.

" The said insurance shall be covered by employer and employee contributions, under the conditions and in the percentages established by the said Institute.

" Pending the establishment of Social Insurance for agricultural workers, employers shall deposit the reserve fund provided for in the Labour Code as a trust in the National Insurance Fund.

" 161. Any act or contract proved to have been executed with a view to evading the provisions of this Act shall be null and void, without prejudice to any penal action.

" 172. The provisions of this Act shall be without prejudice to the responsibilities, jurisdiction and competence of the Ministry of Social Welfare under the Administrative Organization Act, the Labour Code, the Co-operative and Communes Acts, and the Legal Statute of Farm Communities.

" 179. The Minimum Wage Commissions provided for in the Labour Code shall, within ninety days from the entry into force of this Act, establish the minimum wages of the agricultural workers in each region."

157. Since there are no slaves or persons of servile status in Ecuador, the Ecuadorian Penal Code does not mention the crimes of slavery, serfdom or bondage and therefore prescribes no penalties or punishment for them. If such practices were to occur, it would not even be possible to assimilate them to other classes of offence, since the Penal Code prohibits assimilation by extension.

158. If such practices actually occurred, they might be considered as offences of other types and classes, covered in a general way by crimes against the liberty or the physical or moral integrity of the person, such as kidnapping, abduction, abandonment of minors, etc. All such criminal acts involve offences for which, under the provisions of the Code, penal responsibility is incurred. The relevant provisions of the Code are set out below :

Penal Code

" 2. No one may be punished for an act which is not expressly declared to be an offence by the penal law, or undergo a penalty which is not prescribed therein.

" Both the offence and the penalty must have been defined before the commission of the act . . .

"4. Assimilation by extension in penal matters shall be prohibited. Judges must adhere strictly to the letter of the law . . .

"156. Any civil servant, trustee or agent of the authorities or of a military or police force, who illegally and arbitrarily arrests or causes to be arrested, detains or causes to be detained one or more persons, shall be punished by jailing for a period of from six months to two years and by a fine of from eighty to 200 sucres.

"They may, in addition, be condemned to the loss of rights of citizenship for a period of from two to three years.

"157. Any official who orders a person's restraint under surveillance, in contravention of constitutional precepts, shall be punished by jailing for a period of from six months to two years.

"158. Any public official who detains a person, held in custody or in prison, whose release he should have ordered or effected, and any public official who illegally prolongs the detention of a person without placing him at the disposal of the competent judge, shall be punished by jailing for a period of from six months to two years.

"159. Any person who, without orders from the constituted authorities and apart from cases in which the law and the regulations permit or order the arrest or detention of individuals, arrests or causes to be arrested, detains or causes to be detained any person, provided that such arrest or detention does not constitute a crime which is punished more severely, shall be punished by jailing for a period of from two months to two years and by a fine of from forty to eighty sucres.

"160. If the illegal and arbitrary detention lasts for more than ten days, the punishment shall be jailing for a period of from six months to three years and a fine of from forty to 100 sucres.

"161. If the illegal and arbitrary detention lasts for more than one month, the punishment shall be jailing for a period of from one to four years and a fine of from 100 to 300 sucres.

"162. If the arrest is effected by means of a false order of a public authority, or with contempt, or in the name of one of its agents, or if the arrested or detained person is threatened with death, the punishment shall be medium-term rigorous imprisonment for a period of from three to six years.

"163. If the arrested or detained person has undergone physical torture, the punishment shall be medium-term rigorous imprisonment for a period of from three to six years . . .

"If the torture has caused any of the permanent injuries set forth in the chapter on injuries, the punishment shall be medium-term rigorous imprisonment for a period of from six to nine years.

"If the tortures result in death, the punishment shall be long-term rigorous imprisonment.

“ 164. The crime of kidnapping is committed by taking possession of another person by means of violence, threats, seduction or deceit, in order either to sell such person or place him against his will in the service of another, or to force him to pay ransom, surrender movable property or extend, surrender or sign a document which produces or may produce legal effects, or to force third parties to perform any of the above acts, for the purpose of the liberation of the person kidnapped.

“ 165. Kidnapping shall be punished by extraordinary medium-term rigorous imprisonment, or, in specific cases, by the following penalties :

“ (1) Jailing for a period of from six months to two years, if the victim is restored to liberty spontaneously by the kidnapper, before legal proceedings are brought, without having suffered ill-treatment, and if none of the further acts listed in the preceding article have occurred ;

“ (2) Jailing for a period of from one to three years, if restoration to liberty, subject to the provisions of the preceding subparagraph, occurs after legal proceedings have been brought and the kidnapper has not been detained or arrested ;

“ (3) Jailing for a period of from two to five years, if restoration to liberty occurs in the circumstances described in subparagraph (2) above but the kidnapper has been detained or arrested ;

“ (4) Medium-term rigorous imprisonment for a period of from three to six years if, in the case described in subparagraph (1), the victim has suffered ill-treatment ;

“ (5) Medium-term rigorous imprisonment for a period of from six to nine years if, in the case described in subparagraph (2), the victim has suffered ill-treatment ;

“ (6) Long-term rigorous imprisonment for a period of from four to eight years if, in the case described in subparagraph (3), such ill-treatment has taken place ;

“ (7) Long-term rigorous imprisonment for a period of from eight to ten years, if the victim has not recovered his liberty before the date of the sentence ; and

“ (8) Extraordinary long-term rigorous imprisonment, if the death of the victim occurs during or in consequence of the kidnapping.

“ The minimum penalties prescribed in the first seven subparagraphs shall be increased by two years if the kidnapped person is a minor aged under two.

“ 166. Although the sentence may have been confirmed, in the case mentioned in subparagraph (7) of the preceding article the punishment shall be reduced by half if the kidnapper restores his victim to liberty.

“ 504. Any person who for unchaste purposes, by means of violence, deceit or threat, abducts or causes to be abducted a minor aged over seven shall be punished by jailing for a period of from one to five years and by a fine of from forty to 100 sucres.

“ 505. If the abducted person is a female minor aged under sixteen, the punishment shall be medium-term rigorous imprisonment for a period of from three to six years.

“ 506. Any person who abducts or causes to be abducted a non-emancipated female aged over sixteen and under twenty-one who has consented to her abduction and voluntarily followed her abductor shall be punished by jailing for a period of from one to five years.

“ 507. Any abductor who marries the minor whom he has abducted or caused to be abducted, and those who took part in the abduction, may be proceeded against only after the marriage has been finally declared null and void.

“ 450. Anyone who abandons or causes the abandonment of a child in a non-solitary place, and anyone who abandons or causes the abandonment of a child provided that it is not in an orphanage or a foundling home shall be punished by jailing for a period of from one month to one year and by a fine of forty sucres.

“ 451. The crimes set forth in the preceding article shall be punished by jailing for a period of from six months to two years and by a fine of from forty to 100 sucres, if they were committed by the parents or the guardians of the child.

“ 452. If the abandonment results in mutilation or crippling, the guilty persons shall be punished :

“ In the cases mentioned in article 450, by jailing for a period of from three months to two years and by a fine of from fifty to 200 sucres ; and

“ In the case mentioned in article 451, by jailing for a period of from two to five years and by a fine of from 100 to 300 sucres.

“ 453. If the abandonment causes the death of the child, the punishment shall be :

“ In the cases mentioned in article 450, jailing for a period of from one to three years ; and

“ In the case mentioned in article 451, jailing for a period of five years.

“ 454. Anyone who abandons or causes the abandonment of a child in a solitary place shall be punished by jailing for a period of from six months to three years.

“ 455. If the persons causing the abandonment in a solitary place are the parents or guardians of the child, jailing shall be for a period of from two to five years.

"456. If abandonment results in mutilation or crippling of the child, the punishment shall be the maximum penalties prescribed in the two preceding articles.

"If the abandonment has caused death, in the case mentioned in article 454 the punishment shall be medium-term rigorous imprisonment for a period of from three to six years, and in the case mentioned in article 455 long-term rigorous imprisonment for a period of from four to eight years.

"517. Anyone who finds a new-born infant and does not within three days deliver it to the *teniente político*, or to the police authorities of the place in which it was found, shall be punished by jailing for a period of from eight days to three months.

"518. Anyone who substitutes one child for another, pretends to give or to have given birth, or usurps the civil status of any person, shall be punished by medium-term rigorous imprisonment for a period of from three to six years.

"520. Anyone who maliciously conceals or causes the concealment of a child shall, if the act is not punished more severely under this Code, be punished by jailing for a period of from one to five years and by a fine of from forty to eighty sucres."

159. However, the act of mutilating any person or branding him by fire or other means constitutes a crime, irrespective of the motives of the perpetrator or the condition of the victim. This offence is defined in the Ecuadorian Penal Code, and the relevant provisions are the following :

"439. Anyone who wounds or strikes another person, causing injury to health or incapacity for work for more than three but less than eight days, shall be punished by jailing for a period of from fifteen days to three months and by a fine of from forty to eighty sucres.

"If any of the circumstances enumerated in article 426 are present, the punishment shall be jailing for a period of from two to six months and a fine of from fifty to 100 sucres.

"440. If the blows or wounds cause injury to health or incapacity for work for more than eight days but not more than one month, the punishment shall be jailing for a period of from two months to one year and a fine of from eighty to 200 sucres.

"If any of the circumstances enumerated in article 426 are present, jailing shall be for a period of from six months to two years and the fine from 100 to 300 sucres.

"441. If the blows or wounds cause injury to health or incapacity for work for more than thirty but not more than ninety days, the punishment shall be jailing for a period of from six months to two years and a fine of from 100 to 300 sucres.

"If any of the circumstances enumerated in article 426 are present, jailing shall be from one to three years and the fine from 100 to 400 sucres.

"442. If the blows or wounds cause injury to health or incapacity for work for more than ninety days, or permanent incapacity for the work previously carried out by the injured party, or serious illness, or the loss of a non-principal organ, the punishment shall be jailing for a period of from one to three years and a fine of from 100 to 500 sucres.

"If any of the circumstances enumerated in article 426 are present, the punishment shall be jailing for a period of from two to five years and a fine of from 200 to 800 sucres.

"443. The punishment shall be jailing for a period of from two to five years and a fine of from 200 to 800 sucres, if the blows or wounds cause illness which is certainly or probably incurable, or permanent incapacity for work, or serious mutilation, or the loss of or inability to use a principal organ.

"If any of the circumstances enumerated in article 426 are present, the punishment shall be medium-term rigorous imprisonment for a period of from three to six years and a fine of from 100 to 1,000 sucres."

160. With regard to sub-paragraphs 2, 3, 4, 5 and 6 of this question, it should be noted that, since the institution of slavery and practices similar to slavery have disappeared, both in law and in fact, no new measures are needed for their prevention.

FRANCE

[Original : French]
25 January 1965

161. As early as the beginning of the fourteenth century, royal edicts proclaimed that "there shall be no slaves in France" (Edicts of 1315, 1318 and 1553).

162. Later, slavery was expressly declared to be abolished in the French colonies and possessions by the Decree of 27 April 1848, the substance of which was incorporated in the Constitution of the same year.

163. Under article 8 of that Decree, French nationals were forbidden to own, buy or sell slaves, even abroad.

164. Later, article I of the *Sénatus-Consulte* of 3 May 1854 provided that slavery could never be re-established in the territories under French rule. These principles were applied on 26 September 1896, when a Decree of the Resident-General of France in Madagascar, which had become a French possession in 1895, proclaimed the emancipation of the slaves.

165. Special provisions applicable to the former French colonies and possessions were enacted in due course to prohibit, under pain of criminal penalties, debt bondage, marriage not based on the consent of both

spouses, and the marriage of a girl under marriageable age, even with her consent (such marriages were deemed to place a person in servile status).

166. It should be added that forced or compulsory labour was absolutely prohibited in all France's overseas territories, most recently by the Act of 11 April 1946 and by the Act of 15 December 1952 enacting a Labour Code for those territories. This prohibition is enforced by correctional penalties (article 228 of the aforesaid Act of 1952).

167. An examination of the judicial precedents reveals that the above-mentioned principle, according to which the soil of France frees the slave who touches it, was declared applicable to aliens. The latter, accordingly, in the event of an infringement of that principle, are within the jurisdiction of the French courts (Court of Cassation, 1 December 1854).

168. It was also held that the kidnapping of a person with intent to reduce him to slavery constituted an unlawful arrest or arbitrary imprisonment punishable by the criminal penalties laid down in article 341 *et seq.* of the above-mentioned Criminal Code (Order of the Court of Cassation).

169. With regard to the penalties incurred, prosecutions may be instituted for wilful infliction of grievous bodily harm (article 309 *et seq.* of the Criminal Code) in the case envisaged in paragraph I, 1 (e) of the questionnaire.

170. Under articles 59 and 60 of the Criminal Code, accessories to these offences are liable to the same penalties as those who commit the offences.

171. Furthermore, an attempt to commit the crimes of unlawful arrest and imprisonment constituting enslavement is punishable by the penalties provided for the crime itself (articles 2 and 341 *et seq.* of the Criminal Code).

172. Generally speaking, it may be said that in France the problem of slavery has become purely theoretical at the judicial level.

173. In fact, since the above-mentioned Decree of 1854, the French criminal courts have apparently had no such cases to handle.

174. It may be noted, however, that, in the domain of private international law, French court decisions do not recognize the relations of master and slave which exist abroad as having any legal effect, since these relations are deemed to be contrary to French public policy. In particular, the designation of the master as heir to the estate of the slave is not recognized.

175. *Imprisonment for civil or commercial debts* or to compel aliens to fulfil their obligations was abolished by the Act of 22 July 1867. Since the Order of 23 December 1958, the criminal courts may no longer

sentence a person to imprisonment in order to ensure the execution of sentences requiring the payment of damages or compensation to private persons who have lodged civil complaints in those courts.

GAMBIA

*[Original : English]
13 December 1965*

176. All acts listed constitute criminal offences and are punishable as follows :

- (a) to (d) 7 years' imprisonment ;
- (e) 5 years' imprisonment ;
- (f) to (g) 2 years' imprisonment ;
- (h) 7 years' imprisonment ;
- (2) to (6) do not arise as slavery no longer exists.

GHANA

*[Original : English]
15 January 1965*

177. As far back as 1874, the Legislature passed the Slaves' Emancipation Ordinance (Cap. 108) and Slave-Dealing Abolition Ordinance (Cap. 109).

178. Section 2 of the Slave-Dealing Abolition Ordinance provided that every person who as a slave was brought in or induced to come to this country to be dealt with or traded in, sold, purchased, bartered, transferred or taken or to become or became a slave, or placed in servitude or transferred as a pledge or security for debt should become and was declared to be a free person.

179. Section 3 of the same Ordinance provided : " Any contract or agreement or stipulation made in pursuance of or in furtherance of the above should be and was declared to be null and void ".

180. Section 2 of the Slaves' Emancipation Ordinance provided that any person who after the fifth day of November 1874 would have been or would be born within the Gold Coast Colony who under native customary law would have been liable to become a slave or to be held in slavery should be and was declared a free person to all intents and purposes.

181. By section 1 of the Re-affirmation of the Abolition of Slavery Ordinance, the provisions of these two legislations were extended to apply to the Gold Coast, now Ghana, and slavery as such as by section 2 of that Ordinance unequivocally declared unlawful and the legal status of slavery non-existent.

182. The provisions of these legislations have been re-enacted in section 314 of the Ghana Criminal Code 1960 (Act 29) which reads as follows :

See 314

“(1) Whoever . . .

“(a) Deals or trades in, buys, sells, barterers, transfers or takes any slave ; or

“(b) Deals or trades in, buys, sells, barterers, transfers or takes any person in order that that person may be held or traded as a slave ; or

“(c) Places or receives any person in servitude as a pledge or security for debt, whether then due and owing or to be incurred or contingent, whether under the name of a pawn or by whatever other name that person may be called ; or

“(d) Conveys any person, or induces any person to come, to Ghana in order that such person may be dealt or traded in, bought, sold, bartered, transferred, or become a slave, or be placed in servitude as a pledge or security for debt ; or

“(e) Conveys or sends any person, or induces any person to go out of Ghana in order that that person may be dealt or traded in, bought, sold, bartered, transferred, or become a slave, or be placed in servitude as a pledge or security for debt ; or

“(f) Enters into any contract or agreement with or without consideration for doing any of the acts or accomplishing any of the aforementioned purposes ; or

“(g) By any species of coercion or restraint otherwise than in accordance with the Labour Ordinance, compels or attempts to compel the service of any person

“shall be guilty of second degree felony.

“(2) This section does not apply to any such coercion as may lawfully be exercised by virtue of contracts of service between free persons, or by virtue of the rights of parents and other rights, not being contrary to law, arising out of the family relations customarily used and observed in Ghana.”

183. The three Ordinances named above have accordingly been repealed.

184. The Ghana Police is the organ responsible for the enforcement of the law on slavery.

185. The following are answers to the sub-questions posed.

(a) Yes, second degree felony punishable with a maximum term of ten years' imprisonment.

(b) ditto.

(c) ditto.

(d) ditto.

(e) Yes, under section 69 of the Ghana Criminal Code, Act 29 of 1960, it is provided : " whoever intentionally and unlawfully causes harm to any person shall be guilty of second degree felony ".

(f) ...

(g) Yes. Section 20, sub-sections 2 and 3 of Act 29 of 1960 provide as follows ;

" Sub-section

" (2) Every person who abets a crime shall, if the crime is actually committed in pursuance of or during the continuance of the abetment, be deemed guilty of that crime.

" (3) Every person who abets a crime shall, if the crime is not actually committed, be punishable as follows, that is to say :

" (a) Where the crime abetted was punishable by death the abettor shall be liable to imprisonment for life ; and

" (b) In any other case the abettor shall be punishable in the same manner as if the crime had been actually committed in pursuance of the abetment."

(h) Yes. Section 23 (1) of the Act provides : " if two or more persons agree or act together with a common purpose for or in committing or abetting a crime, whether with or without any previous concert or deliberation, each of them is guilty of conspiracy to commit or abet that crime, as the case may be ".

186. (2) The legislation quoted above is intended to prevent slavery and persons freed from servile status from being returned to such status.

187. (3) (a) There is in fact no slavery in Ghana since it has been abolished ninety years ago. Slavery itself is abhorrent and every Ghanaian is a custodian of his status and jealous of his freedom.

(b) Any person who escaped from slavery into this country automatically becomes a free-born and is protected under Ghanaian law. He has the right to stay subject to the provisions of the laws of this country and to leave any time he so desires.

188. (4) Section 314 of Act 29 of 1960 supra provides against any person freed from servile status returning to such status and provides for the sanctions and remedies.

189. (5) So far, there is no case of slavery being practised in this country.

190. (6) There are no disappointments.

GREECE

[Original : English]
5 January 1965

191. There has never been any case of slavery or slave trade in Greece since the establishment of the Greek State.

192. All acts contributing to the trade of slaves are prosecuted according to the Greek criminal legislation (article 323 of the Greek Penal Code).

GUATEMALA

[Original : Spanish]
21 January 1966

193. Slavery, as defined in the Slavery Convention of 1926 and the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, was abolished by the Government of the United Provinces of Central America at the very dawn of the Provinces' independence, by a Decree of the National Constituent Assembly of 24 April 1824.

194. In the interests of brevity, some of the most important passages from that Decree, known as the "Law on Freedom", are given below in answer to the questionnaire. It should be noted first of all that, after this law was passed, there were no further cases of slavery in Guatemalan territory throughout the last century and that although diplomatic claims were filed for a few slaves who had taken refuge in Guatemala and obtained their freedom, these were settled through the diplomatic channel and the general statement can be made, without fear of error, that cases of slavery left no trace on the law as administered by the Courts of Justice. There has been no recurrence of such cases in this century either.

" Law on freedom

" The National Constituent Assembly of the United Provinces of Central America, *Considering* :

" 1. That one of its principal obligations is to restore to degraded human beings the rightful enjoyment of their freedom and equality by abolishing immediately and for ever the barbarous law of slavery,

" 2. That it is equally repugnant to all citizens of the United Provinces to see the race of their equals wronged in the person of men who, having the same attributes, were treated by the law as beasts, in manifest violation of the eternal principles of reason, justice and sound policy,

" 3. That, a just and philanthropic system of government having been adopted, it would be a contradiction of that system's principles to allow any man in the United Provinces to be any longer debased

by the law and prevented from rising to the highest rank of society by his own virtue and merit,

“4. That, while at the same time respecting the right of the present owners to be compensated for what they estimate to be the value of their former slaves, the Assembly could very well achieve the great purpose of abolishing slavery without jeopardizing the public peace or justice,

“Has resolved to decree and does decree the following :

“Article 1. From the publication of this law in each town, *slaves of either sex and of any age who exist anywhere in the Federated States of Central America shall be free ; henceforth no one can be born a slave.*

“Article 2. No person born or naturalized in these States may hold another person in slavery on any grounds, or trade in slaves within or outside the said States ; in the first event the slaves shall be freed, and in either event the trader shall forfeit his rights as a citizen.

“Article 3. No alien who engages in the aforesaid trade shall be admitted to these States.

“Article 4. Without prejudice to such arrangements as may be made in this matter by treaties between nations, the context of the Letters Patent or Orders of the Spanish Government, which provide that slaves entering these States from foreign realms in order to regain their freedom shall be free, is hereby ratified.

“Article 5. ...

“Article 6. ...

“Article 7. ...

“Article 8. Any slave-master who, after the publication of this law in the place or town where his slaves reside, forces them to perform any service or prevents them from proceeding to the nearest municipality in order to obtain the document of freedom shall be brought to trial, *shall suffer the penalties prescribed for offenders against the freedom of the individual, and shall also forfeit the right to be compensated* by the competent province for the value of the freed man against whom he committed the offence.

“Article 9. ...

“Article 10. ...

“Article 11. ...

“Article 12. ...

“...”

195. Late in 1542, the famous “New Laws” promulgated at Barcelona, Spain, abolished the enslavement of the Indians and their

legal equality before the Spanish Crown was solemnly declared. The relevant article reads as follows: "No Indian may be made a slave for any reason of war or on any other grounds whatsoever, including rebellion, or for ransom, or in any other manner; and we desire that they should be treated as our vassals of the Crown of Castile, for such they are." Nevertheless, historians agree that there were some specific exceptions and that the enslavement of Indians was permitted: (a) when they ate human flesh, or (b) when they attacked Indian settlements for the purpose of robbery, arson and other crimes. However, such enslavement was only temporary, generally lasting ten years, and was intended, according to noted historians, to educate the slaves and wean them away from their habitual manner of life.

196. In order to do away with the vestiges of such slavery, the first National Constituent Assembly, convened in order to lay the foundations of the State immediately after the attainment of independence, issued the Decree which was mentioned and partly reproduced above. The National Constituent Assembly was set up immediately after the Kingdom of Guatemala—which at that time covered the territory of all five of the Central American Republics of today (Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica)—became independent.

197. It should also be mentioned that the provisions of the "Law on Freedom" have in substance been recognized in all the Political Constitutions which Guatemala has had in the course of its history, as well as in separate legal provisions, and that the relevant principles are still being developed and improved in secondary laws which define the charges and prescribe the penalties for violation of the inherent rights of the human personality.

198. The present Constitution of the Republic, which was promulgated on 15 September 1965, provides that Guatemala shall be a free, sovereign and independent nation, established for the purpose of guaranteeing to its inhabitants the enjoyment of freedom, security and justice (article 1), and that in Guatemala all human beings shall be free and equal in dignity and rights. The State shall protect, as inherent human rights, life, bodily integrity, dignity, and security of the person and of property. Any discrimination on grounds of race, colour, sex, religion, birth, economic or social position or political opinion is prohibited, and no person may be subjected to servitude or to any other condition which impairs his dignity or standing (article 43). Among the principles of social justice underlying labour legislation, one of the most important is that which guarantees the right to free choice of employment and to the enjoyment of satisfactory economic circumstances in which the worker and his family can be sure of a decent life (article 114, para. 3).

199. The Law on Alienage develops the foregoing principles which, as we have pointed out, have remained unchanged throughout Guatemalan constitutional history. Article 99 of this law provides that "Piracy, white

slave traffic, blackbirding and the *slave trades*, the destruction of or damage to submarine cables and other offences of the same nature against international law, committed on the high seas, in the air or in territories not yet organized in States, shall be punished by the authorities of the Republic in accordance with its criminal laws."

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HUNGARY

[Original : English]
10 December 1964

200. Slavery in Hungary ceased centuries ago, while serfdom ceased in 1848. Therefore, the Criminal Code of the Hungarian People's Republic contains no penal sanctions against slavery or serfdom as such.

201. The institutions of slavery and serfdom are a denial or limitation of human personality, namely of personal freedom, of the right to life, corporal integrity, health and honour, and of equality before the law. The Constitution of the Hungarian People's Republic ensures these rights for all, and the Criminal Code makes any violation of these rights a punishable offence. Thus, any action violating these rights is subject to punishment.

202. The Criminal Code of the Hungarian People's Republic declares, among others, any attacks against personal freedom, life, and corporal integrity to be criminal acts.

203. The pertinent provisions of the Criminal Code of the Hungarian People's Republic are the following :

Section 144. An official person who infringes his official duty, exceeds his power or abuses his official position in any way in order to cause unlawful prejudice or to procure an unlawful advantage for himself or for another, shall be punished with loss of liberty not exceeding three years.

Section 145. An official person who, while exercising his office, inflicts bodily harm on another person shall be punished with loss of liberty not exceeding one year.

Section 147.

(1) An official person unlawfully capturing, arresting or keeping in detention another person shall be punished with loss of liberty not exceeding three years.

(2) The punishment shall be loss of liberty ranging from six months to five years if

- (a) The crime has been committed for a base motive or purpose ;
- (b) The crime entailed torture of the injured party or
- (c) Resulted in grave consequences.

Section 261. Whoever unlawfully compels another by force or threatens to do, not to do, or to suffer a thing to be done, shall be punished, if the act involved considerable prejudice, with loss of liberty not exceeding three years, provided no other crime was actually committed as a result.

Section 262.

(1) Whoever unlawfully deprives another of his personal freedom shall be punished with loss of liberty not exceeding two years.

(2) Punishment shall be loss of liberty not exceeding three years, if the crime was committed

- (a) For a base motive or purpose,
- (b) Under the pretext of an official capacity or mandate,
- (c) If the crime involved torture of the injured party, or
- (d) Resulted in grave consequences.

204. Finally, the Ministry for Foreign Affairs has the honour to communicate that attempts at any wilful crime and any wilful help in the perpetration of such crimes are in general subject to punishment under the Criminal Code of the Hungarian People's Republic.

INDIA

*[Original : English]
28 June 1965*

205. *I.1 (a-e)*: Article 23 of the Constitution of India prohibits traffic in human beings and all forms of forced labour. This is a very comprehensive constitutional provision which covers all types of cases falling under question I. In addition, adequate provisions exist under the Indian criminal laws.

Sections 370 and 371 of the Indian Penal Code penalize the importation, exportation, removal, buying, selling or disposing of any person as a slave or accepting, receiving or detaining against his will any person as a slave. The punishment prescribed for this offence is imprisonment for a term which may extend to ten years or imprisonment for life and also fine. Under Section 109 of the I.P.C. the abettors receive the same punishment as provided for the offence.

206. 1.2 : Indian laws do not recognize the obligations between masters and slaves or persons of servile status since all forms of slavery including forced labour is prohibited under the provisions of the Indian Constitution.

207. 1.3 (a) : Does not arise.

208. The Anti-Slavery Society, a non-governmental organization in consultative status states :

“ The North Eastern Provinces is a part of India in which slavery is still a heritage from the past, although it is diminishing. The Slavery Convention of 1926 was ratified by the Indian Government and the present Government of India has taken the view that it was impracticable to enforce its anti-slavery provisions in places that are not under full administration. It is estimated that there are not more than a few thousand slaves and the Indian Government spends a considerable sum in ransoming them. It also tries to get acceptance of the rule that every child of a slave born after Independence Day (15 August 1947) shall be born free. It encourages freed slaves to unite in co-operative agricultural groups.

“ Debt bondage is known in many countries of the Far East. Its legality is unchallenged by local law. In 1961 the Rajasthan Sagri System Abolition Act was enacted to bring this practice to an end in the Indian State of Rajasthan. There is evidence that the law of the State of Mysore condones the practice of debt bondage. There it is called “ Jeetha ”. Much of the slavery in the world is due to the seizing of the debtor as compensation for an unpaid debt. This is the origin of some of the remaining slavery in the North-Eastern Frontier Agency of India.”

209. The Government of India forwarded the following comments and supplementing data :

210. Slavery is not practised in India and article 23 (1) of the Constitution of India outlaws it through prohibiting traffic of human beings and “ Begar ” and other forms of forced labour. Any contravention of this provision of the Constitution is an offence and punishable under law.

211. The practice of forced labour has practically been wiped out since the promulgation in 1950 of the Constitution of India. However, in certain parts of the country the practice of “ Bonded Labour ” has lingered on, presumably as a manifestation of extensive indebtedness. Wherever in existence, this practice tends to have a connexion with educational and economic deprivation of certain segments of society. Poverty and ignorance seem to be responsible for some of these people falling prey to the usurious money-lenders.

212. The information available with the Government indicates that the system of “ Bonded Labour ” is mostly prevalent in the tribal areas of the country. This system seems to have different names in different parts of the country, “ Vet ” in the State of Andhra Pradesh, “ Jeetha ” in the State

of Mysore, "Gothi" in the State of Orissa, and "Sagri" in the State of Rajasthan. Among certain tribal people, the traditional institution of bride-price seems also to assist the continuance of this practice. Various State Governments in India which are concerned in this matter have naturally taken recourse to legislative/executive measures for the abolition of this system, wherever it lingers on. In Andhra Pradesh "The Madras Agency Debt Bondage Labour Regulations of 1940" has been enforced with a view to abolish the "Veti" system. In Orissa "The Debt Bondage Regulation of 1948" is bringing about the end of the "Gothi" system. The Rajasthan Government has enacted "The Rajasthan Sagri System Abolition Act of 1961" to abolish the "Sagri" system.

213. The various State Governments in India are, broadly speaking, trying to tackle this problem of abolishing the system of "Bonded Labour" in the following two ways :

- (i) By imposing controls on business of money-lending ;
- (ii) By providing cheap credit facilities on co-operative basis.

214. Under the Fifth Schedule to the Constitution of India, the Governor of a State is empowered to regulate the business of money-lending in the scheduled areas. The regulations under this provision have to be made in consultation with the State Tribal Advisory Council and assented to by the President of India. They need not go to the State Legislature or the Parliament. Through these regulations, the Governor can repeal or amend the existing laws on the subject and also introduce new features. As already stated above, the problem of bonded labour is linked with that of money-lending. Hence for putting an end to the system of bonded labour, wherever in existence, State Governments have taken recourse to legislative measures for regulating the business of money-lending particularly in the scheduled areas and other tribal areas. Some of the State Governments have also promulgated debt relief regulations and set up debt relief courts.

215. The material enclosed with the Secretary-General's note of 15 May 1965 mentions "North-Eastern Provinces", which presumably means the North-East Frontier Agency. In that region there used to be some slavery, which has been in the process of disappearance.

216. Government has paid compensation for release of bonded persons who were in that condition at the time of India's attaining freedom, and many of them have been freed without compensation also. On being freed they became full members of society in their tribes or clans and are resettled through facilities for educational training and employment in agricultural work. There are no separate co-operative agricultural groups, as such, of bonded persons who have been freed.

217. Children of such bonded persons who were born after independence were born free and there has been no difficulty in securing acceptance of this rule.

218. Government does not now consider anti-slavery action in NEFA impracticable and is considering further necessary measures.

IRAN

[Original : French]
21 January 1965

219. In order to prevent slavery and institutions or practices similar to slavery as defined in the United Nations questionnaire, and with a view to eliminating it within the country, the Parliament of Iran approved in the Hejra year 1307 (1928), an Act in the following terms :

“*Sole article.* In Iran no person shall be deemed to be a slave, and any slave, immediately upon entering Iranian territory or Iranian territorial waters, shall become free. Any person who engages in traffic in a human being as a slave, commits any act ascribable to ownership of him or her, or acts as an agent in the trading and transport of a slave, shall be sentenced to correctional imprisonment for a term of from one to three years.

“*Note.* Any State official, on commencing the investigation of a case of slave-trading, or as soon as any victim of such slave-trading applies to him, shall take steps to liberate the person concerned and shall notify the nearest prosecuting authority (*parquet*).”

220. (1) In accordance with the above Act, any person engaging in traffic in a human being as a slave, committing any act ascribable to ownership of him or her or acting as an agent in the trading and transport of a slave, will be sentenced to correctional imprisonment for a term of from one to three years.

(a) Ownership of a slave, and the commission on any act ascribable to ownership of a human being, are criminal offences. The punishment applicable is the same as that mentioned above.

(b) Under Iranian law, any act ascribable to ownership of a human being is a crime ; to enslave another person or place him in servile status is also, therefore, a crime. The punishment applicable is the same as that mentioned above.

(c) Since Iranian law treats slavery as a crime, it makes no mention of inducing another person to place himself, or a person dependent upon him, in slavery.

(d) See sub-paragraph (c).

(e) Anyone wilfully striking and wounding another person in such a way as to cause mutilation, fracture, disablement of a limb, chronic illness or the loss of one of the senses incurs a penalty of from two to ten years' solitary confinement. The punishment for attempting to commit this crime is two years' solitary confinement. In the event of the blow not causing mutilation, the guilty person is sentenced to correctional imprisonment.

(f) If participation in any of the above-mentioned crimes is such that the participant can be recognized as the principal author of the crime, he receives the punishment prescribed for an accessory ; but if he participates in a part of the crime only, he is sentenced to the minimum punishment prescribed for its principal author.

(g) Collusion with the criminals, or participation in a design to commit an offence against the community, is deemed to be a crime, for which the punishment is correctional imprisonment for from three months to one year. Collusion with the criminals or participation in a design, when an offence results, involves liability to the same penalty as that prescribed for the crime. Where, in an affray between several persons, injuries are caused and the person causing them is unknown, each of the participants is sentenced to imprisonment for from three months to one year. If the injury was caused wilfully with the participation of several persons, without an affray, and the perpetrator is unknown, each of the participants is liable to the punishment prescribed for the accomplice of the perpetrator of an injury.

221. (2) Since the Iranian law prohibits slavery, any obligations entered into for this purpose are void.

222. (3) No such problems have arisen in Iran, and the questions mentioned in sub-paragraphs (a), (b) and (c) are therefore not applicable.

223. (4) Under Iranian law, any slave, immediately upon entering Iranian territory or Iranian territorial waters, becomes free. Furthermore, ownership of and trading in slaves, and the fact of acting as an agent in traffic in a human being, together with the commission of any act implying ownership of a human being, are regarded as crimes. In addition, any State official, on commencing the investigation of a case of slave-trading, or as soon as any victim of such slave-trading applies to him, must take steps to liberate the person concerned and inform the nearest prosecuting authority (*parquet*) of the circumstances.

224. (5) The result is that the problem of slavery does not exist in Iran.

225. (6) In view of the reply given for sub-paragraph 5, this question does not arise.

IRAQ

[Original : English]
5 January 1965

226. The Constitution and laws of Iraq forbid slavery and slave trade, and there have been no internal or international problems in this regard. Furthermore, the necessary legislation has been and is being enacted in accordance with the provisions of the Slavery Convention of 1926, and the supplementary Conventions on the abolition of slavery, the slave trade and institutions and practices similar to slavery of 1956.

[Original : Italian]
10 December 1964

227. Italian law treats personal freedom as the most important of all the juridical freedoms since it has the practical effect of safeguarding the physical integrity of the individual and preserving him from all illegal restrictions on his movements. Article 13 of the Constitution of the Republic, which entered into force in 1948, states that personal freedom is "inviolable", while article 35 provides that labour is protected in all its forms and applications.

228. From these principles it may be deduced that slavery, being contrary to mandatory provisions of the law, to public policy and to general morality, cannot form the subject of any legally recognized act; any contract, whatever its form, drawn up in such circumstances, whether it consists of an act *inter vivos* (articles 1343 and 1418 of the Civil Code) or *mortis causa* (article 634 of the Civil Code), is always invalid. In the latter case, the testamentary provisions deemed unlawful are held to be null and void.

229. Italian criminal law also safeguards personal freedom, primarily as the attribute of the individual personality.

230. According to the Italian Penal Code, the individual personality is deemed to have been violated either when a person is actually deprived of his own individuality or when, while retaining his individuality in the strictly legal sense, he is reduced "*de facto*" to a state of complete subjugation to the power of another. The offences of "reduction to slavery" and "holding a person in a state of subjugation (*Plagio*)" are typical examples covered in Italian law. The former offence, which cannot be committed in Italy since slavery is not sanctioned by the law, consists in reducing a person to slavery or a similar state (article 600 of the Penal Code) and is punished, even when practised upon a consenting party, by imprisonment for five to fifteen years. The latter offence consists in subjecting a person to the power of another in such a way as to reduce him to a state of subjugation (article 603 of the Penal Code); in this case, as may be readily understood, a *de facto* state of slavery exists but the person's legal status (*status libertatis*) remains unchanged. Here, too, the penalty is imprisonment for five to fifteen years. Both provisions are applicable even when the act is committed abroad against an Italian citizen (article 604 of the Penal Code).

231. In connexion with the undertakings made under the Geneva Convention of 24 September 1926, recruitment for commercial purposes of and trading in slaves or persons in a state similar to slavery is suppressed (imprisonment for five to twenty years) (article 601). The Penal Code also covers the sporadic cases in which persons in a state of slavery or a similar state are transferred or disposed of, acquired or taken possession

of, or maintained in a state of slavery or a similar state (article 602), but imposes less severe penalties for such offences (imprisonment for three to twelve years).

232. These provisions of public and private law are designed to ensure that Italians enjoy the fullest possible freedom as individuals and workers and the problem of slavery has certainly not arisen in any form in Italy for an appreciable number of centuries.

IVORY COAST

*[Original : French]
2 November 1965*

233. Neither slavery nor any practices similar to slavery now exist in law or in fact in the Ivory Coast.

The laws in force provide for the suppression of all acts and practices, including slavery and all practices similar thereto, which prejudice individual liberty.

Under article 114 of the Criminal Code, any public official, agent or civil servant of the Government who orders or commits any arbitrary act which prejudices individual liberty is liable to punishment by loss of his civil rights, which may be accompanied by imprisonment for not more than five years, assuming that he has acted in the discharge of his duties but has been at fault in displaying excessive zeal.

Article 341 of the Criminal Code, which is drafted in very general terms, provides that, aside from cases in which the law provides for the arrest of a person charged, persons who, without a warrant issued by a duly constituted authority, arrest, imprison or detain anyone shall be liable to the criminal penalties described below.

The same provisions apply to officials who have ordered or carried out an arbitrary arrest or detention in their personal interests when moved by passion.

Under the said article 341, persons entering into agreement for the purpose of depriving a third person of his liberty, whether gratuitously or for gain, shall be liable to the same penalties, and the maximum penalty shall be incurred if the victim is under fifteen years of age.

The penalty for an uncompounded crime is hard labour for a term of five to twenty years.

That penalty may be increased :

If the arrest was carried out in disguise, under a false name or with a forged warrant ; if the period of detention is more than one month or if the victim's life has been threatened, the penalty is hard labour for life.

If the victim has been subjected to physical torture, the perpetrators are liable to the death penalty.

The penalty is, on the other hand, reduced when the detention has lasted less than ten days or when the perpetrators have of their own

accord released the arbitrarily detained person before the institution of *de facto* proceedings; in that case the offence is punishable by a term of imprisonment of two to five years.

Any person acting as an accessory, in particular by providing a place for such detention or confinement, is liable to the same penalty as that incurred for the principal offence, subject to the above distinctions. The same applies to any attempt to commit such offences.

Lastly, under article 341 of the Criminal Code, anyone who places or receives another person in pledge, for any reason whatsoever, is also liable to a term of imprisonment of one month to two years. The penalty may be increased to five years if the victim is under fifteen years of age.

No proceedings have been instituted in 1964 or since 1 January 1965 for any of the above offences, particularly for having entered into agreement for the purpose of depriving a third person of his liberty or placing him in pledge.

234. (1) The acts referred to in all the paragraphs of this section come under the above-mentioned criminal provisions.

235. (2) Slavery was abolished in the Ivory Coast, as in the rest of French Equatorial Africa, by the Decree of 27 April 1848. Under a Decree of 12 December 1905, in which the principle of abolition is reaffirmed, certain practices similar to slavery are held to be criminal offences. These are the offences referred to in the above-mentioned article 341 of the Criminal Code, as amended by a Decree of 19 November 1947.

236. (3) No special measures have been taken to assist persons freed from servile status; this question is in any case of little practical interest, since slavery does not exist in the Ivory Coast. It should, however, be pointed out that any person subjected to an arbitrary measure restricting his freedom is entitled to claim damages for any loss or injury incurred on that count.

237. (4) In pursuance of the general principles regarding prosecution, the victim may submit a complaint to the competent judicial or police authorities. Any person having knowledge of such an act may also report it to the said authorities.

Lastly, article 119 of the Criminal Code makes special provision regarding arbitrary detention:

Article 119 of the Criminal Code provides that "Public officials in charge of the administrative or criminal police who refuse or fail to forward a lawful claim tending to establish an illegal and arbitrary imprisonment, either in regular prisons or in any other place, and who do not prove that they have reported that act to superior authorities, shall be punished by the loss of civil rights and shall pay damages".

238. (5) No arbitrary detention and no practice similar to slavery has been reported in recent years.

239. (6) Not applicable.

[Original : English]
1 February 1965
and
18 January 1966

240. From 1833 an Act abolishing slavery and making slavery unlawful was passed in Jamaica. The Act stated that from 1 August 1834, all slaves in Jamaica should be freed. Since that time it has not been necessary to legislate against slavery, but section 13 of the Jamaica Constitution Order in Council, 1962, provides :

“Whereas every person in Jamaica is entitled to the fundamental rights and freedoms of the individual, that is to say, has the right whatever his race, place or origin, political opinions, colour, creed or sex but subject to the rights and freedoms of others and for the public interest to each and all of the following namely :

“(a) Life, liberty, security of the person, the enjoyment of property and the protection of the law ;

“(b) Freedom of conscience of expression and of peaceful assembly and association ; and

“(c) Respect for his private and family life, the subsequent provisions of this Chapter shall have effect for the purpose of affording protection to the aforesaid rights and freedoms subject to such limitations of that protection as are contained in those provisions being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.”

241. It is not necessary in Jamaica to legislate against the matters referred to in questions (a) to (h) as the institution of slavery is no longer practised. However, section 18 of the Offences against the Person Law, chapter 268, of the Revised Laws of Jamaica, 1953, makes it a criminal offence for anyone to unlawfully and maliciously wound or inflict any grievous bodily harm on any other person either with or without any weapon or instrument. The maximum punishment for this offence is imprisonment for three years. Questions 2 to 6 are not relevant to Jamaica as the institution of slavery is non-existent here.

242. On 18 January 1966, the Government of Jamaica forwarded the following supplementary information :

243. Slavery was abolished in Jamaica on 1 August 1834 by the Slavery Abolition Act 1832.

244. With respect to the request for suggestions for United Nations action in the field of slavery, it is recommended that slavery should be put on the same footing as piracy, and that slave owners and dealers should be treated as Cicero truly stated, as *communes hostes omnium*,

with the consequence that international law would give everyone the right to pursue and exterminate them without any previous declaration of war.

245. With respect to your request for texts of laws, administrative arrangements, judicial decisions and statistical data, the act referred to above is a United Kingdom Act and since, to adopt the words of Davy, Serjit., (in *Sommersett's Case* [1772] Lofft. 1) "This air is too pure for a slave to breathe in", there are no texts of laws, administrative arrangements, judicial decisions or statistical data in Jamaica on the subject of slavery.

JAPAN

[Original : English]
18 January 1965

246. No slavery or institution or practice similar to slavery as defined in the questionnaire has existed in Japan, and the Constitution of Japan guarantees to the people the fundamental human rights (article 11, the Constitution of Japan), and provides "No person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited." (Article 18, ditto.)

247. In Japan no penal provisions for slavery itself or institutional or practice similar to slavery itself exist. However, if such acts as mentioned in 1 of I or 1 or 2 of IV of the questionnaire should be committed, they would be punished under article 204 (crime of inflicting bodily injury), article 208 (crime of inflicting violence), article 220 (crime of unlawful arrest or confinement), article 222 (crime of intimidation), article 223 (crime of compulsion) or articles 224 to 228 (crime of kidnapping by force or enticement) etc., of the Penal Code (Law No. 45 of 1907) or article 5 (prohibition of forced labour) and article 117 (penal provision for violation of the provision of article 5) of the Labour Standard Law (Law No. 49 of 1947). (For attempts of these crimes see articles 43 and 44 of the Penal Code, and for complicity of such crimes see articles 60 to 65 of the said Code.)

248. Besides the above, article 34 (acts prohibited for the purpose of protecting children) of the Child Welfare Law (Law No. 164 of 1947), and article 58 (prohibition of labour contracts made by the parent or guardian in place of the minor), article 59 (prohibition of the parent, or guardian from receiving as proxy the wage earned by the minor) and article 120 (Penal provision for violation of the provision of articles 58 and 59) of the Labour Standard Law may be mentioned as penal provisions which have some relation to the institution or practice mentioned in (d) of (2) "Institutions or practices similar to slavery" in the *Definitions* in the questionnaire.

249.

APPENDIX I. LABOUR STANDARDS LAW

Law No. 49 of 7 April 1947

AMENDED BY LAW NO. 9,7 OF 1947, LAW NOS. 70 AND 166 OF 1949, LAW NO. 290 OF 1950, LAW NO. 287 OF 1952, LAW NO. 171 OF 1964, LAW NO. 126 OF 1956, LAW NO. 133 OF 1958, LAW NO. 137 OF 1959, AND LAW NO. 161 OF 1962

(Extracts)

(Prohibition of Forced Labor)

Article 5. The employer shall not force workers to work against their will by means of violence, intimidation, imprisonment, or any other unfair restraint on the mental or physical freedom of the workers.

(Labor Contracts of the Minor)

Article 58. The parent or the guardian shall not make a labor contract in place of the minor.

2. The parent or the guardian and the administrative office are authorized to cancel the contract for the future if they consider it unfair to the minor.

Article 59. The minor has the right to receive wages independently, and the parent or the guardian shall not receive as proxy the wage earned by the minor.

250.

APPENDIX II. CHILD WELFARE LAW

Law No. 164 of 1947

AMENDED BY LAW NOS. 198 AND 260 OF 1948, LAW NO. 211 OF 1949, LAW NO. 213 OF 1950, LAW NO. 202 OF 1951, LAW NOS. 219, 222 AND 305 OF 1952, LAW NOS. 10 AND 213 OF 1953, LAW NOS. 26, 95 AND 136 OF 1954, LAW NO. 148 OF 1956, LAW NO. 78 OF 1957, LAW NO. 120 OF 1958, LAW NOS. 2, 53 AND 148 OF 1959, LAW NO. 37 OF 1960, LAW NO. 154 OF 1961, LAW NO. 161 OF 1962 AND LAW NO. 169 OF 1964

(Extracts)

Article 34. No one shall perform any of the acts mentioned in the following items :

- (1) To make a show of the deformed or crippled child ;
- (2) To make a child beg or to beg by means of a child ;
- (3) To make a child under fifteen years of age do acrobatic feats or equestrian feats for public entertainment ;

(4) To make a child under fifteen years of age sing, play or make other performances from house to house, on the street or at other public places as business of public entertainment ;

(4-2) To make a child engage in the work of selling, distributing, exhibiting or collecting things or offering service from house to house, on the street or at other public places during the hours from 10 p.m. to 3 a.m. ;

(4-3) To make the child under fifteen years of age who is engaged in the work of selling, distributing, exhibiting or collecting things or offering service from house to house, on the street or at other public places enter the places of business mentioned in items (1) to (6) of article 1 of the *Fuzoku* Business, Etc. Control Law (Law No. 122 of 1948) for the purpose of making it do any of the said works ;

(5) To make a child under fifteen years of age engage in the work of waiting upon others to serve them alcoholic drinks ;

(6) To make a child perform an obscene act ;

(7) Knowingly to transfer the custody of a child to a person who is in danger of committing any of the acts mentioned in the preceding items or who is in danger of committing an act against a child in violation of the penal laws, or to transfer it to another person knowing that he may transfer it to such a person as mentioned above ;

(8) For the person other than the authorized employment exchange agent for adults and children to perform, for the purpose of profit, the act of going between for the fosterage of a child ;

(9) To perform the act of placing a child under one's own control for the purpose of making it perform the act which is injurious to its mind and body except where the child is within the fourth degree of relationship, or its control is based on the legitimate employment or approved by the Family Court, governor of "To", "Do", "Fu" or the prefecture or the chief of the Child Welfare Station.

In the Home for Dependent Children, Home for Mentally Retarded Children, Day-care Centre for Mentally Retarded Children, Home for Blind, Deaf and Dumb Children, Home for Physically Weak Children, Home for Physically Handicapped Children or Home for Juvenile Training and Education the children accommodated therein shall not be exploited contrary to the object prescribed respectively in articles 41 to 44.

251.

APPENDIX III. *Fuzoku* BUSINESS, ETC. CONTROL LAW

LAW NO. 122 OF 1948 AS AMENDED BY LAW NOS. 95 AND 163 OF 1954,
LAW NOS. 51 AND 76 OF 1955 AND LAW NO. 2 OF 1959

(Extracts)

Article 1. The expression "*Fuzoku* business" as used in this Law shall be the business falling under any one of the following items :

(1) Cabaret or any other similar business which provides place and installation for dancing by patrons and entertains them and serves them with foods and drinks at their seats ;

(2) "Machiai", restaurant, café or any other similar business which entertains patrons, letting them make pleasures and serving them with foods and drinks at their seats (excluding business falling under the preceding item) ;

(3) Night club or any other similar business which provides place and installation for dancing by patrons and serves them with foods and drinks (excluding business falling under item (2)) ;

(4) Dance hall or any other similar business which provides place and installation for dancing by patrons (excluding business falling under item (1) and the preceding item) ;

(5) Coffee shop, bar or any other similar business which serves customers with foods and drinks at a place installed for that purpose and illuminated with ten lucas (or lucas less than ten which may be fixed by by-law of the "To", "Do", "Fu" or prefecture, in case there exist special circumstances which make it difficult to observe the above) or less lucas according to the measurement at the customers' seats in accordance with provision of the Prime Minister's Office Ordinance (excluding business operated as the business mentioned in items (1) to (3)) ;

(6) Coffee shop, bar or any other similar business which serves customers with foods and drinks at boxes the inside of which is hard to be seen from outside and whose floor space is five square metres (or floorage smaller than five square metres which may be fixed by by-law of the "To", "Do", "Fu" or prefecture, in case there exist special circumstances which make it difficult to observe the above) or smaller ;

(7) Mahjong club, pin-ball game shop or any other business which provides facilities for patrons to play games which are liable to incite gambling spirit.

KUWAIT

[Original : English]
12 January 1965

252. *Legislative measures taken*

- (a) Article 185 of the Penal Code (enacted as Communiqué 16/1960).
- (b) Article 48 of the same Code.
- (c) Articles 29, 30, 31 and 42 of the Constitution.
(All previously communicated to the Secretary-General) (See document E/3796).

253. *Administrative measures*

- (a) Communiqué No. 1/63 issued by the Under Secretary of the Ministry of Finance and Industry (Customs and Ports).
- (b) Circular issued by the Minister of Interior.
Sub-paras. 1, 2, 3, 4 and 5 of this questionnaire are sufficiently answered by the Legislative and Administrative measures above indicated.

254. *Communiqué No. 1/63 dated 18 May 1963 :*

Whereas the State of Kuwait has deposited its Instrument of Adherence to the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery (done at Geneva on 7 September 1956).

The Ministry of Finance and Industry (Customs and Ports) shall collaborate closely with other Ministries in order to fulfil the obligations provided for in the said Convention. The following shall be observed :

(1) The act of conveying or attempting to convey slaves from one country to another by whatever means of transport, or being accessory thereto, shall be prohibited.

(2) Ships and boats which fly the Kuwaiti flag wherever they may be shall be prohibited from conveying slaves. Ships and boats flying the flags of foreign States shall be prohibited from performing such acts in the territorial waters of Kuwait. Ports, aerodromes and places of entry to the State of Kuwait shall not be used to convey slaves or to facilitate the conveyance of slaves.

(3) Every slave who shall seek shelter in a Kuwaiti ship shall be released with the co-operation of the Security Authorities.

(4) Information shall be exchanged with other States in order to ensure the practical co-ordination of the measures taken by them in combating the slave trade and the conveyance of slaves from one place to another, through the channels of the Ministry of Foreign Affairs and in close collaboration with it.

(5) All responsible persons in outer centres and on docks and those employed in naval control, surveying and registration of ships, every one in his own sphere of activity, shall enforce the provisions of this Communiqué. Any incident which violated these provisions shall be immediately notified to the Administration.

255. Circular issued by the Ministry of Interior

To all members of the Security Force and Policemen in Governorates and Police Stations and Frontier Areas and Aerodromes and Ports and Places of Entry in the State of Kuwait.

Whereas the State of Kuwait has deposited its Instrument of Adherence to the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery on 18 January 1963.

This Ministry shall collaborate closely with other Ministries in order to fulfil the obligations provided for in the said Convention.

All members of the Security Force in Governorates, Police Stations, Frontier Areas, Aerodromes, Ports and Places of Entry shall enforce the following provisions embodied in the said Conventions :

(1) It shall be absolutely prohibited to dispose of a human being, male or female, by all acts of disposal such as sale, pledge, gift, rent, loan and consider such acts illegal and contrary to public policy. Offenders shall be punished in accordance with article 185 of the Penal Code which notes out penalties for "whoever brings into Kuwait or takes out of it any human being for the purpose of disposing of that being as a slave, and whoever purchases or offers for sale or grants as a gift a human being on the basis of slavery".

(2) These crimes shall include the following cases prescribed in the said Convention :

(i) Debt bondage, that is to say, the status of condition arising from a pledge by a debtor of his personal services as security for a debt if the value of these services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

(ii) Serfdom, that is to say, the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person whether for reward or not, and is not free to change his status.

- (iii) A woman, without the right to refuse, is promised or given in marriage by one person to another.
- (iv) A woman on the death of her husband is liable to be inherited by another person.
- (v) Any institution or practice whereby a child or young person under the age of eighteen years is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.

It shall be prohibited to convey or attempt to convey slaves by whatever means of transport, or of being accessory thereto. Kuwaiti ships, boats, cars, trucks, and aeroplanes shall be prohibited to convey slaves. Any foreign means of transport shall be equally prohibited to commit this criminal offence in the State of Kuwait, its territorial waters, air space and to use ports and aerodromes in Kuwait to convey slaves or to facilitate the conveyance of slaves.

(3) Every slave who seeks shelter in Kuwait or any Kuwaiti ship shall be released and all possible assistance shall be extended to other governmental authorities to achieve this purpose.

(4) All information and particulars pertaining to the enforcement of this Circular shall be sent to the Ministry of Foreign Affairs for exchange with international bodies.

LAOS

[Original : French]
11 December 1964

256. Article 182 of the Laotian Penal Code, relating to attacks on the liberty, tranquillity and reputation of others, provides as follows :

“ Any person convicted of having *abducted, sold, assigned, pledged or hired out* another person, irrespective of age, sex or status, shall be liable to a penalty of hard labour for life.

“ The receiver shall be punished as an accomplice. Our penal law provides for the confiscation of the amounts received or agreed upon and their payment to the Treasury as a preventive measure against slavery and institutions or practices similar to slavery in Laos.”

LUXEMBOURG

[Original : French]
11 March 1965

257. As slavery and similar practices have long been unknown in Luxembourg, this reply is limited to a general reference to the main constitutional and penal provisions for protecting individual freedom.

[Original : French]
12 December 1964

258. Neither slavery nor any institution or practice similar to slavery exists in Madagascar, nor does the slave trade. A Decree of 26 September 1896 abolished slavery in Madagascar for all time. Furthermore, such practices are contrary to the ideals of the Malagasy people, as affirmed in the preamble of the Constitution of 29 April 1959, i.e. a belief in God and in the eminent dignity of the human person. It is stated in this preamble that "exploitation of man by man is and shall continue to be prohibited".

259. On 12 February 1964, the Malagasy Republic acceded to the Slavery Convention signed at Geneva on 25 September 1926 and amended by the Protocol opened for signature or acceptance at the Headquarters of the United Nations on 7 December 1953. Up to the present time, no problem relating to the slave trade has arisen in the Malagasy Republic, so that there has been no need to arrest or prosecute any person for engaging in that practice or to board a foreign merchant ship.

260. The text of the Decree of 26 September 1896 follows :

" *Article 1* : All the inhabitants of Madagascar are free.

" ...

" 2. Traffic in persons is prohibited. Any contract, in whatever form, written or verbal, which provides for the sale or purchase of persons shall be null and void and the parties to it shall be liable to a fine of from 500 to 2,000 francs and imprisonment for from two months to two years. In the event of a repetition of the offence, the penalties shall be trebled. The penalties shall be applicable also to the public official found guilty of having registered the contract or having helped to ensure its being carried out.

" 3. Any person who uses force to entice another person out of his province with a view to selling him, and the public official who, being aware of such use of force, fails to exercise his authority to prevent it, shall be liable to the same maximum penalties.

" 4. Persons freed as a result of this Act, who were formerly slaves, shall retain legal ownership of the movable and immovable property which they have acquired with their own money or by inheritance. The immovable property and movable property in kind which they received through the generosity of their former masters may be recovered by the latter.

" 5. Persons freed as a result of this Act, who were formerly slaves in the service of masters whom they do not wish to leave, may remain with those former masters if this is mutually agreed upon.

" 6. France shall not impose any extraordinary war levy on the people of Madagascar. Assistance in the form of territorial concessions may be granted to dispossessed landowners recognized to be in need."

[Original : English]
31 March 1965

261. The relevant section of the Chapter of the Constitution of Malawi which relates to "Protection of Fundamental Rights and Freedoms of the Individual" (Chapter II, section 14) provides as follows :

"Protection from slavery and forced labour"

"(1) No person shall be held in slavery or servitude.

"(2) No person shall be required to perform forced labour.

"(3) For the purposes of this section, the expression 'forced labour' does not include :

"(a) Any labour required in consequence of the sentence or order of a court ;

"(b) Labour required of any person while he is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained ;

"(c) Any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service ;

"(d) Any labour required during any period when Malawi is at war or a declaration of emergency under section 26 of this Constitution is in force or in the event of any other emergency or calamity that threatens the life and well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity, for the purpose of dealing with that situation ; or

"(e) Any labour reasonably required as part of reasonable and normal communal or other civic obligations."

262. This Constitution came into force on 6 July 1964 and affirms the previous position in law which had already been affirmed by the Affirmation of the Abolition of Slavery Ordinance enacted in 1930. The Constitution also affirms the position in fact since the abolition of slavery.

1. Various provisions of the Penal Code of Malawi punish acts relating to "slavery", as defined in this questionnaire. In so far as "servile status" is concerned, it is an offence unlawfully to confine any person or to compel any person to labour against his will. Kidnapping, abduction etc., are also offences. Attention is particularly drawn to Chapter XXI of the Penal Code (see appendix)—Offences Against Liberty. The sentences stated below are maximum sentences : references are to sections of the Penal Code :

238. Any person who unlawfully does grievous harm to another is guilty of a felony and is liable to imprisonment for fourteen years.

241. Any person who :

(1) Unlawfully wounds another ; or

(2) Unlawfully, and with intent to injure or annoy any person, causes any poison or other noxious thing to be administered to, or taken by, any person, is guilty of a felony, and is liable to imprisonment for seven years.

266. Whoever wrongfully confines any person is guilty of a misdemeanour, and is liable to imprisonment for five years or to a fine of £700.

267. Any person who imports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, is guilty of a felony, and is liable to imprisonment for seven years.

268. Any person who habitually imports, exports, removes, buys, sells, traffics or deals in slaves is guilty of a felony, and is liable to imprisonment for ten years.

269. Any person who unlawfully compels any person to labour against the will of that person is guilty of a misdemeanour.

398. When a person, intending to commit an offence, begins to put his intention into execution by means adapted to its fulfilment, and manifests his intention by some overt act, but does not fulfil his intention to such an extent as to commit the offence, he is deemed to attempt to commit the offence.

It is immaterial, except so far as regards punishment, whether the offender does all that is necessary on his part for completing the commission of the offence or whether the complete fulfilment of his intention is prevented by circumstances independent of his will, or whether he desists of his own notion from the further prosecution of his intention.

It is immaterial that by reason of circumstances not known to the offender it is impossible in fact to commit the offence.

399. Any person who attempts to commit a felony or misdemeanour is guilty of an offence, which, unless otherwise stated, is a misdemeanour.

402. Any person who conspires with another to commit any felony, or to do any act in any part of the world which if done in the Protectorate would be a felony and which is an offence under the laws in force in the place where it is proposed to be done, is guilty of a felony, and is liable, if no other punishment is provided, to imprisonment for seven years, or, if the greatest punishment to which a person convicted of the felony in question is liable is less than imprisonment for seven years, then to such less punishment.

403. Any person who conspires with another to commit a misdemeanour, or to do any act in any part of the world which if done in the Protectorate would be a misdemeanour, and which is an offence under the laws in force in the place where it is proposed to be done, is guilty of a misdemeanour.

Any person who becomes an accessory after the fact to a felony is guilty of a felony, and is liable, if no other punishment is provided, to imprisonment for three years.

407. Any person who becomes an accessory after the fact to a misdemeanour is guilty of a misdemeanour.

(a) An offence which in the case of owning a slave attracts 7-10 years' imprisonment (sections 367 and 368) and in the case of a person of servile status attracts 2-3 years' imprisonment (sections 266 and 269) ;

(b) As in (a) above ;

(c) An offence which attracts 5 years' imprisonment (section 130) ;

(d) As in (c) above ;

(e) No special offence of mutilating etc., a slave or person of service status ; the general law prohibits wounding, grievous harm, etc., and imposes 14 years' imprisonment (sections 238 and 241) ;

(f) Attempting any of the above acts is an offence punishable with 2-7 years' imprisonment (sections 396 and 399) ;

(g) Accessories commit an offence and are punishable as principal offenders, except that accessories after the fact are punishable with 2-3 years' imprisonment (sections 406 and 407) ;

(h) Conspiracy to accomplish any such act is an offence punishable with 2-7 years' imprisonment (sections 402 and 403).

2. Not applicable.

3. As in 2 above.

4. As in 2 above.

5. As in 2 above.

6. As in 2 above.

263.

APPENDIX

(1) Any person who, whether in writing or by words or by his behaviour or otherwise :

(a) Solicits or incites any other person to fail to comply with or to contravene any law in force in the Protectorate or in any part thereof, or

(b) Indicates or implies to any person that it would be incumbent or desirable to fail to comply with or to contravene any such law, shall be guilty of an offence and liable on conviction to imprisonment for five years.

(2) It shall be no defence to a charge under the provisions of this section that the solicitation, incitement, indication or implication, as the case may be, neither has had nor could have had any effect.

MALAYSIA

*[Original : English]
23 February 1965*

264. It is provided in article 6 of the Constitution of Malaysia that no person shall be held in slavery anywhere in Malaysia and that all forms of forced labour are prohibited.

265. Further, since there is no slavery or institution or practice similar to slavery existing in any form, the Government of Malaysia finds no necessity to make legislation to prevent or eliminate slavery or slave trade.

MALDIVE ISLANDS

*[Original : English]
14 November 1965*

266. "... I am directed in this connexion to inform you of the fact that Maldivian history up to date does not show any period, short or long,

when any 'slavery' had ever been practised in this country. At no time had even an attempt been made to introduce the subject into the territory, either by internal or external influence as far as records or even legendary tales are concerned.

267. "Admittedly there is some truth in the belief that Islam permitted slavery. But that was centuries ago and under certain circumstances and conditions. These no longer prevail today and there is absolutely no question of it being reintroduced now because the Islamic code never permits unnatural or artificial enslavement of any human being under any circumstances or conditions or situations.

268. "As such I am directed by His Excellency the Prime Minister and Minister of External Affairs to confirm that it is not necessary to adopt laws on slavery in this country, especially when the 'Basic Rights of the People' in the Constitution safeguards all such rights essential to keep man a free being by nature as far as all activities as an individual are concerned.

269. "I am therefore to say that the Maldivian Government will remain without any further comments on the subject, while deploring greatly the presence, encouragement and/or the introduction of slavery in any society."

MALI

[Original : French]
31 March 1965

1. General

270. No continent has been subjected to the horrors of slavery as much as Africa, and from time immemorial men of the black race everywhere have been its wretched victims. Consequently a unanimous condemnation of this monstrous crime by all nations of the world deserves to be acclaimed, even though the principle has not yet been translated into action by all peoples.

271. Like so many other African countries, Mali cannot remain indifferent to any action which can further the fight for man's liberation. In fact, again like so many other African countries, Mali has had long experience of this social phenomenon in its manifold forms which have varied throughout the ages :

- (1) Domestic slavery and prisoners of war in feudal times ;
- (2) The slave trade with the establishment of trading posts on the coasts of Africa in the sixteenth to nineteenth centuries ;
- (3) European domination and enslavement of colonial peoples (second half of the nineteenth and first half of the twentieth century).

Form of slavery under the African feudal system

272. In feudal times, Africans practised a form of slavery of which vestiges were still to be found on the eve of national independence in certain traditions that had become corrupt and warped : the household slave (or domestic slave) who was the result of a series of social phenomena.

273. Centuries ago the requirements of communal life made a division of social functions necessary to satisfy the economic needs of the population. Some men were thus assigned to working on the land, some to dressing hides, some to working with metal and wood, others to hunting and fishing, and others to fighting for the protection of the group. In this way, groups of farmers, warriors, smiths, shoemakers, hunters, fishermen etc., were formed. Although the first two groups predominated, the representatives of the other groups also had the legal status of free men since they were just as free to dispose of their persons and property, particularly the fruits of their labour which they distributed to the other members of the community, to each according to his needs. In return, they received the goods which they needed.

274. However, as the group developed and the chances of war increased, the "guilds" thus formed found that their numbers had grown through the addition of captives. These captives were the property of their captors who disposed of their persons and the fruits of their labour : they had the legal status of slaves. Subsequently, from force of habit, slaves became attached to their masters and physical abuse became increasingly less common.

275. This was *household or domestic slavery* which existed until the time of the colonial conquests.

276. With the establishment of trading posts on the coasts of Africa, another form of slavery appeared which was superimposed on the two original forms of slavery described above : *the slave trade*.

The slave trade

277. In feudal times there were periodic wars to capture the men needed for the economic development of the group, with the mitigating factors deriving, in the course of history, from the security which followed the establishment of great empires and kingdoms (actually in the Empires of Ghana, Mali, Songhoi and in the Kingdoms of Ségou, Macina and KénéDougou, internal peace and security prevailed, except for raids).

278. However, after Europe discovered America and the West Indies, the development of the new lands created a pressing labour problem and the great trading companies which were established at certain points on the coast of Africa instituted a new form of slavery, the most hateful form : the black slave trade, which was carried out on an international scale and which was one of the causes of the depopulation of our continent.

279. Man-hunting expeditions were regularly organized. A new type of commerce was established with its trading posts, its warehouses and its markets, in Africa and across the Atlantic : the ebony trade.

280. The slave house on the island of Gorée (Senegal), which has been declared an historic monument, bears witness to the nameless horrors perpetrated under that particularly revolting form of slavery. The slave trade is a monstrous and unparalleled crime against humanity.

The enslaved status of peoples under colonial domination

281. It is no longer disputed that colonial conquest tended to create new markets in which the conquerors could find, at their convenience, the raw materials needed for their industry with the help of the cheap labour which international law had forbidden them to export across the Atlantic.

282. At the end of the nineteenth century, the peoples of Europe had agreed to abolish the slave trade. But although, under those agreements, slaves had been freed from the form of slavery to which they had been subjected, the colonizing States soon substituted a new system of general slavery which applied to the entire population : the colonial régime. For, in fact, all men (household slaves, their masters and other individuals) were subservient to the same masters who represented the colonizing Power.

283. Consequently, the colonizers were unable to resist the temptation of substituting for the existing form of slavery which they condemned an equally reprehensible system of exploitation, aggravated by the fact that the system was general and applied to all peoples.

284. Because they have suffered from all the various forms of slavery, the peoples of the Republic of Mali, having gained national independence, have taken appropriate measures to ensure the total disappearance of this despicable practice and its results throughout the national territory.

II. Reply to the questionnaire

285. Impelled by the desire to create a socialist society based on liberty and justice, where the practice of the exploitation of one human being by another is eliminated, the Republic of Mali has taken various legislative, administrative and social measures for this purpose.

286. *In the matter of legislation*, the relevant basic principles set forth in the Constitution of 22 September 1960 have been clarified, given effect and made applicable by subsequent organic laws relating to the problem of freeing one human from the bondage of another. The principal legislation is as follows :

The Penal Code Act No. 61-99 of 3 August 1961.

The Marriage and Guardianship Code Act No. 62-17 of 3 February 1962.

The Labour Code Act No. 62-67 of 9 August 1962 and the Social Welfare Code Act No. 62-68 of 9 August 1962.

287. These texts, supplemented by other regulations of public law, constitute effective means of action to prevent the recurrence of slavery

and institutions or practices similar to slavery, and to eliminate any vestiges of such practices.

288. The organizations of the Party are carrying out a vigorous dual programme of action which is helping the public authorities to accelerate social advancement, to promote human dignity and consequently to eliminate the theory and practice of the domination of one human being by another. This action comprises :

(1) Constant and untiring efforts at all levels to inform, enlighten and teach the masses the ideals, aims and methods of the Party and their rights and duties as citizens ;

(2) The people's militia, vigilantes and other Party organizations which help the national police and security services.

289. In the light of these observations, we shall examine the questionnaire point by point :

290. To prevent slavery and institutions or practices similar to slavery as defined at the beginning of the questionnaire, the following precautions have been taken in Mali :

(1) The Penal Act which, in articles 189 and 190, reproduces and brings up to date the provisions of the French Decree of 12 December 1905 on the suppression of the " slave trade in French West Africa ", as amended by the French Decree of 8 August 1920.

(2) The Marriage Code which now guarantees that women enjoy the consideration, dignity and security which they previously lacked, by ending the transactions to which they were generally subjected and which kept them in a status of inferiority.

291. In fact, Mali's declaration of accession to the Universal Declaration of Human Rights of 10 December 1948, contained in the Preamble to the Constitution of 22 September 1960, is not purely and simply a declaration of intention. The principle of the equality of the sexes, set forth in article 16 of the Universal Declaration, is given effect by the provisions of public and private law and particularly by the Marriage Code which end age-old traditions based on man's supremacy over woman. Under the new Act, marriage has become a secular act, the minimum age to contract marriage has been fixed according to the rules laid down in the General Convention of 1962, the consent of both husband and wife expressed before the civil registrar has become compulsory as well as the civil registration of marriages, the dowry has become optional and is fixed at a specific maximum and the rights and duties of husband and wife have been made reciprocal (see articles 1, 3, 4, 5, 6, 9, 10, 15, 16, 32, *et seq.*, 44 of Act. No. 62-17 of 3 February 1962 — published in the *Journal officiel* of 27 February 1962 — special No. III).

292. Moreover, by making institutions democratic and men and women equal in politics, public and private office, public law regulations are contributing to the social advancement of women.

293. (1) Slavery and institutions and practices similar to slavery are punishable under penal law ; the punishment imposed on persons convicted thereof is set forth in articles 189 and 190 of the Penal Code as follows :

“ *Article 189.* Any person who has entered into an agreement whose object is to deprive a third person of his liberty, whether gratuitously or for gain, shall be liable to five to ten years’ hard labour. All monies, merchandise and other objects of value received in execution of the agreement, or advance payments on any future agreement, shall be confiscated.

“ Any person who brings into the Republic of Mali another person for the purpose of such an agreement, or who has taken or attempts to have taken another person out of the Republic for the purpose of entering into such an agreement abroad, shall be liable to the same penalty.

“ The term of hard labour may be increased to twenty years if the person concerned, either within Mali or abroad, is a minor under the age of fifteen.

“ In the cases referred to in this article, the Court may also order the imposition of the disabilities prescribed in article 6 hereof.

“ One to twenty years’ local banishment may also be ordered.

“ *Article 190.* The pawning of persons, for any reason, is prohibited.

“ Any agreement, of whatever form, relating to a marriage, which pledges the future children of that marriage, shall be deemed to constitute pawning.

“ Any person who has given, or received, a person in pawn shall be liable to six months’ to two years’ imprisonment and a fine of from 20,000 to 100,000 francs.

“ However, if the person given in pawn is under the age of fifteen, the penalty shall be one to five years’ imprisonment and a fine of from 50,000 to 500,000 francs.

“ The pawning of a person which compels that person to live with an individual from a different tribe, shall be deemed to constitute enslavement and punished accordingly.

“ The foregoing provisions do not detract from the rights and the authority of the father, guardian or husband over minors or married women, so long as the acts involved in the exercise of such rights or authority do not constitute temporary or definitive enslavement of such minors or married women for the benefit of a third person.”

In particular :

(a) The penalty imposed for owning a slave or a person of servile status is prescribed in article 189 (paragraphs 1 and 5) of the aforesaid Penal Code ;

(b) The penalty imposed for enslaving another person or placing him in servile status is prescribed in article 190 of the aforesaid Penal Code ;

(c) Inducing another person to place himself, or a person dependent upon him, in slavery constitutes complicity in the slave trade for which the penalties are prescribed in articles 189 and 190 of the aforesaid Penal Code ;

(d) Articles 189 and 190 (supplemented by article 19 concerning complicity) of the Penal Code are also applicable to persons inducing another person to place himself, or a person dependent upon him, in servile status.

Any person found guilty of inducing a woman or girl by promises, gifts or any other means of persuasion or corruption, shall be liable to : three months' to two years' imprisonment and a fine of from 20,000 to 400,000 francs (see article 185 of the Penal Code).

(e) Mutilating or branding a slave or a person of servile status in order to indicate his status, or as a punishment, or for any other reason, constitutes an offence under, and is punishable under, article 171 of the Penal Code, as follows :

" Article 171. Any person who, without intending to cause death, voluntarily administers substances to a person or who inflicts on that person, even with the consent of that person, injuries or bodily harm which cause, or might have caused, sickness or incapacity for work shall be liable to six months' to three years' imprisonment and may also be liable to a fine of from 20,000 to 200,000 francs and to ten years' local banishment.

" If sickness or permanent incapacity for work is caused, the penalty shall be five to ten years' hard labour. Five years' local banishment may also be ordered.

" If death has occurred, the penalty shall be five to twenty years' hard labour and possibly also one of twenty years' local banishment."

(f) Any person attempting any of the above acts is liable to the same penalties under article 3 (relating to attempted crimes and offences) and article 171 of the Penal Code (according to the distinctions established).

(g) Any person who is an accessory to any such act is liable to the same penalties under article 19 (on complicity in crimes and offences) and article 171 of the Penal Code (according to the distinctions established).

(h) The same provisions (articles 19 and 171 of the Penal Code) are applicable to persons who are parties to a conspiracy to accomplish any such act.

294. (2) The obligations which formerly existed between slaves or persons of servile status and their masters are abolished.

295. The consequences of slavery are disappearing or have disappeared as a result of the fight against parasitism, of the active democratization of institutions and of unflinching political activity.

296. (3) There have been two phases in the emancipation of slaves and persons of servile status :

297. During the French conquest and occupation, persons of such status were proclaimed free. But the colonial régime, to which the slaves thus liberated, their masters and the other members of the colonized population were subjected, became identified with a new type of slavery.

298. Consequently, the abolition of slavery and of institutions or practices similar to slavery only became a fact with national independence.

299. It was at that time that our peoples became aware that they were really free and, through their elected representatives, established social institutions opposed to slavery.

300. The entire people of Mali is creating the conditions required to protect society against slavery. Under the colonial régime, the Decree of 20 December 1905 was designed to prevent attempts by former masters to regain control of slaves or persons of servile status. But the Decree was never applied in practice, because the colonial régime substituted a collective system of slavery for the previous system and allowed the black peoples living near the Sahara to remain slaves *de jure*. The independent Republic of Mali liberated the Bellahs and Haratines.

MALTA

[Original : English]
22 March 1965

301. The Government of Malta cannot extend any help on the matter under review, in view of the fact that the subject matter is completely foreign to the Maltese way of life. The absence of text of laws, administrative arrangements, judicial decisions and statistical data is, therefore, self-explanatory.

302. The only reference to the matter is contained in the Constitution of Malta — not to slavery as such — but to protection from forced labour.

303. Section 36 (1) lays down as an entrenched human right that “no person shall be required to perform forced labour”.

304. Even this feature is completely foreign to the ingredients of the Maltese way of life and therefore no text of laws, administrative arrangements, judicial decisions or statistical data are available.

NEPAL

[Original : English]
12 January 1965

305. The institution of slavery in the Kingdom of Nepal was abolished during the Prime Ministership of Chandra Shumsher Jang Bahadur Rana on 13 April 1926. Section 17 of the Mulki Ain (code of Nepal laws) (Chapter of Human Exploitation) as amended reads :

"Whereas the Government, with a view to abolish the cursed institution of slavery from the country, has after preparing a list of slaves in the capital, the plains and the mountainous regions (that is, in the whole of Nepal), and paying out their debts, emancipated them all and abolished the system of losing community status and repealed the Provision of law in this respect, no person, after the first day of Baisakh, 1982 (13 April 1926) shall sell or buy these emancipated persons or their progenies as slaves, nor shall there be any other kind of trade with regard to these persons, nor shall any person be brought (to Nepal) from any foreign country and kept or bought or sold as slave."

306. The amount of money involved in any such transaction shall be confiscated from the seller or, if the purchaser has not handed over the amount to the seller, from the buyer. Furthermore

"... any person committing any of the above-mentioned offences shall be punished with imprisonment for seven years for every slave so rendered. If the offence is committed for the second time the punishment shall be increased to one and a half time of the first punishment, and for the third time one and a half time the punishment to be given for the second offence and from then onward in the same proportion until the punishment amounts to twenty years imprisonment. Any person who abets the above-mentioned offences shall be punished with imprisonment for two years for every slave so rendered. Any person who alleges (to any public authority) that another person has committed any such offence and can prove such allegation shall be punished with half of the punishment to which the person complained against would be liable, provided the punishment in no case be more than four years."

307. The Constitution of Nepal provides :

"Article 13. *Right against exploitation*

Traffic in human beings, slavery and forced labour are prohibited."

308. The new Mulki Ain which came into effect on *Bhadra 1, 2020* provides for the punishment of persons trading in or keeping slaves.

309. *Chapter on human traffic and trade*

Section 1. No person shall, with the intention of trading in human beings, entice another person out of the territory of Nepal or having so removed him trade in such person. Any person arrested before such trade is completed within foreign territory shall be punished with imprisonment extending from three to seven years. In case the buyer is found within the territory of Nepal, he shall be liable for punishment equal to that of the seller.

Section 3. No person shall render another person a slave : neither shall any person sell or buy another person as slave. In case any person is so rendered or sold or bought, the person committing such act of rendering

another person a slave or of selling or buying, shall be liable to punishment for every such person so rendered with imprisonment extending from five to seven years.

Section 4. Any person abetting the offences mentioned in sections 1, 2, and 3 (section 2 is not relevant in the present context) of this chapter shall be given half of the punishment which the principal offender would get.

Section 5. Any person buying or selling (in contravention of sections 1 and 3 of this chapter) shall be liable to confiscation of the amount involved if he is a buyer, and for punishment with fine up to the amount involved in addition to punishment to be given under the relevant section.

310. (I.2) See answer to I.1.

311. (I.3) Since the institution of slavery was abolished as early as 1926, this country has, by now, no problem of rehabilitation of freed slaves etc. Moreover, as explained in I.1, penalty provision exists in the Mulki Ain (the Code).

NETHERLANDS

*[Original : English]
8 March 1965*

312. (a-d) The Criminal Code, in particular Title XVIII thereof, which deals with offences against personal freedom, contains several provisions that could be applied in the event of persons being enslaved or placed in servile status. Pursuant to Sections 282 and 283 of the Criminal Code, unlawfully depriving a person of his freedom, or keeping him deprived thereof, is prohibited. In these sections the word "unlawfully" means: "except in cases in which the law expressly allows deprivation of freedom, i.e. except for purposes of criminal procedure or for the execution of a decision given by a civil court judge". As regards unlawful deprivation of freedom, where this is intentional, sentences of up to twelve years' imprisonment can be imposed. Further, in pursuance of Section 284 of the Criminal Code, any person who unlawfully compels another person by force or by some other act of coercion to do, not to do, or to endure something, is liable to a term of imprisonment not exceeding nine months or a fine not exceeding three hundred guilders.

Enforcing slavery or personal servitude is unlawful in all circumstances, since Section 2 of the Civil Code lays down that all persons within the territory of the State of the Netherlands are free, and adds that slavery or any other form of personal servitude, under whatever name, shall not be tolerated in the Netherlands.

313. (e) The penal provisions of Title XX of the Criminal Code relating to the offence of maltreatment could also be applied to the mutilation or branding of slaves and persons of servile status. The penal sanctions for maltreatment vary from imprisonment for a period not exceeding two years or a fine not exceeding three hundred guilders to imprisonment for a period not exceeding twenty years.

314. (f) Under a general provision (Section 45) of the Criminal Code, an attempted offence is punishable and liable to the penalties impossible for the perpetrated offence, reduced by one-third.

315. (g and h) Title V, in particular Sections 47 and 48 of the Criminal Code, is concerned with participation in the commission of punishable offences. In Section 47 a person who causes a punishable offence to be committed, who takes part in its commission or who intentionally incites it in a determinate way, is equated with the principal of such an offence, and is liable to the same punishments. Section 48 is directed against persons who are accomplices in an offence. An accomplice can be sentenced to the same punishments to which the perpetrator is liable, reduced by one third.

316. (2) In the reply to the preceding question it was remarked that Section 2 of the Civil Code prohibits slavery and other kinds of personal servitude. Consequently, any agreement that would compel a person to such servitude is in violation of the law and its observance could not be enforced by law.

317. (3) Since servitude has not existed in this country for centuries, there is no call for measures such as those mentioned in this question.

318. (4) In view of Netherlands criminal law (see reply to question I), no one can be compelled to accept a state of servitude. The possibility of anyone entering into such a state voluntarily in the Netherlands may be ruled out. Not only are all the prevailing social ideas in this country opposed to it, but we have evolved a system of social securities that enables everyone to lead an existence worthy of a human being, if necessary with Government assistance.

319. (5 and 6) In view of what has been stated under 3 and 4, these questions need not be dealt with separately.

Netherlands Antilles

320. Sections 3 and 102 of the Constitution of the Netherlands Antilles read respectively :

“All persons within the territory of the Netherlands Antilles shall have equal rights to protection of their persons and goods.

“Convicted persons shall not be liable to civil death or to the confiscation of all their goods as punishment or result of punishment.”

Further, Sections 2 and 4 of the Civil Code read respectively :

“All persons within the territory of the Netherlands Antilles shall be free and entitled to enjoy civil rights. Slavery or any other form of personal servitude, under whatever name, shall not be tolerated in the Netherlands Antilles.

“No punishment of whatever kind shall result in civil death or loss of all civil rights.”

321. The relevant penal provisions are contained in Sections 287 to 296 inclusive of the Netherlands Antilles Criminal Code — corresponding to Sections 274 to 283 inclusive of the Netherlands Criminal Code — in pursuance of which the slave trade, kidnapping and unlawful deprivation of freedom are punishable. Those provisions furnish the answers to the questions under item 1 of the questionnaire.

322. With regard to question I, subsection *e*, there is no special penal provision against the branding etc., of slaves, but acts of this kind are punishable as forms of maltreatment.

323. No cases of a prosecution for any such act have ever occurred.

Surinam

324. (1) In the Surinam Penal Code all acts prejudicial to human liberty are classed as major criminal offences. Any person engaged in slavery or the slave trade will be prosecuted and severely punished. The maximum punishment imposed on persons convicted of the offences described in the questionnaire under :

- (a) 12 years' imprisonment
- (b) 12 years' imprisonment
- (c) 12 years' imprisonment
- (d) 12 years' imprisonment
- (e) 8 years' imprisonment
- (f) Two thirds of the above-mentioned maxima
- (g) same as for (f)
- (h) Maxima given for *a*, *b*, *c*, *d* and *e*.

325. (2) No special measures are taken, since there has been no slavery since 1 July 1863, when all slaves were freed. Under the Civil Code every person in the country is free and is entitled to all civil rights.

326. (3) As under 2.

327. (4) In view of the Surinam criminal law no one can be compelled to accept a state of servitude. Therefore, the possibility of anyone entering into such a state voluntarily may be ruled out.

328. (5 and 6) In view of the above-mentioned, these questions need not be dealt with separately.

NEW ZEALAND¹³

*[Original : English]
19 August 1965*

329. Compendious legislation has been in force for many years prohibiting slavery and similar practices, the most recent being the Crimes Act 1961. Section 98 of the Act (of which a copy was transmitted to the

¹³ The reply of the New Zealand Government is relevant to New Zealand and the Cook, Niue and Tokelau Islands.

Secretary-General in September 1962) prohibits certain practices to bring New Zealand legislation more closely into line with the supplementary Convention on the abolition of slavery, the slave trade and institutions and practices similar to slavery. New Zealand is a party to this Convention and to the League of Nations Slavery Convention 1926. Slavery and similar practices have never existed in New Zealand or the Cook, Niue and Tokelau Islands.

(1) Yes. Section 98 of the Crimes Act provides for a penalty of up to fourteen years for the acts listed (a) to (h), with the exception of (e) which would be covered by the sections of the Act dealing with assaults and injuries to the person.

(2-6) Not applicable.

330. The International Council of Women, a non-governmental organization in consultative status, states :¹⁴

“Slavery and institutions or practices similar to slavery do not exist in New Zealand. In order, however, to allow New Zealand to ratify the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1956) a clause was introduced into the Crimes Act of 1961 dealing with this.

“1 (a) to (h). Yes. In all cases a maximum term of imprisonment of 14 years.

“2. Not applicable.”

NIGER

*[Original : French]
24 November 1964*

331. Under its Constitution, the Republic of Niger is a secular, democratic and social State.

332. Its principle is government of the people, by the people and for the people.

333. All citizens of Niger of both sexes who are of full legal age and in full possession of their civil and political rights have the right to vote.

334. The Republic ensures equality before the law for all without distinction as to origin, race, sex or religion.

335. Slavery and institutions and practices similar to slavery are forbidden by the Constitution and other legal provisions.

336. Under article 269 of the Penal Code, any person who places or accepts a person in bondage, for whatever reason, is punished by a term of imprisonment of two months to two years, or a fine of 10,000 to

¹⁴ The material presented by the International Council of Women was submitted to the New Zealand Government by a note verbale dated 19 March 1965.

100,000 francs, or both, or by imprisonment up to five years if the person placed or accepted in bondage is under the age of thirteen years.

337. Article 270 of the Code provides for a term of imprisonment of ten to thirty years for any person who deprives another person of his freedom, with or without payment. The penalty for depriving a person under the age of thirteen years of his freedom is life imprisonment. The penalty for depriving a number of people of their freedom is death.

338. Finally, the Labour Code absolutely forbids forced or compulsory labour.

NIGERIA

*[Original : English]
8 January 1965*

339. (Question I.1 (a) to (h)) such acts constitute criminal offences under S.369 of our Criminal Code Act and the punishment varies from 1-14 years.

340. (Question I, para. 2) None. Because slave trade does not exist in Nigeria.

341. (3) See paragraph 340 above.

342. (4) See paragraph 340 above.

343. (5) See paragraph 340 above.

344. (6) See paragraph 340 above.

345. The Anti-Slavery Society, a non-governmental organization in consultative status, states :

“... Nigeria is doing more to check the departure and return of Moslem pilgrims to Mecca than any other African country. Mr. John Osman reported in 1963 that, by requiring the production of a return ticket before departure for every pilgrim leaving for Mecca and a deposit of £100 before leaving to travel overland, the Nigerian Government had virtually stopped the traffic in slaves. He reports that whereas the numbers of pilgrims from that country who reached Arabia in 1961 was 15,000, in 1962 it had fallen to 5,000.”

346. The Permanent Representative of Nigeria forwarded the following supplementary data :

“Whilst it is true that pilgrims are now required by the Saudi Arabian Authorities to carry return tickets or book return passages to Mecca it is not correct to suggest that such restrictions have any bearing on alleged traffic in slaves. The sole objective of the Federal Government has always been to eliminate the sufferings and discomfort which are occasioned when intending pilgrims to Mecca fail to make adequate provisions for their travels. The Federal Government has,

in the past, been obliged to arrange repatriation to Nigeria of a large number of pilgrims who, for lack of funds, were unable to return home. The Government of the Federal Republic of Nigeria is not aware of any traffic in slaves among persons going on pilgrimage to Mecca. Under Section 20 of the Constitution of the Federation, 'no person shall be held in slavery or servitude and no person shall be required to perform forced labour'. It is an offence under Section 369 of the Criminal Code, Chap. 42 and similar provisions in the Regions for any person to deal or trade in, purchase, sell, transfer or take any slave or receive any person in servitude as a pledge or security for debt or to convey or send or induce any person to go out of the limits of Nigeria in order to be traded in as a slave. Any person found guilty under that provision is liable to imprisonment for 14 years. Although in few instances certain persons have been convicted of attempted slave dealing, slavery is not practised in Nigeria nor is it permitted under our laws."

NORWAY

[Original : English]
30 March 1965

347. The only law in Norway which specifically concerns slavery etc., is paragraph 225 of the Penal Code of 22 May 1902, reading as follows :

" Anyone placing a person in servile status or is accessory thereto shall be punished with imprisonment from 5 years to life.

" Similarly is punished anyone who carries out slave trade or the transportation of slaves or persons intended for slave trade, or is accessory thereto.

" Anyone allying himself with others with the intention of carrying out or taking part in any act mentioned in this section, shall be punished with imprisonment up to 10 years."

348. According to paragraph 12, points 3 (a) and 4 (a) of the Penal Code, the provisions of paragraph 225 also apply to acts committed by Norwegians and foreigners abroad.

349. (1 (a-d)) : Paragraph 225 applies to acts with respect to slavery but not to institutions or practices similar to slavery mentioned in item 2 of the " Definitions ". In these last-mentioned cases, however, the general rule in paragraph 223 of the said Code will be applicable. Paragraph 223 reads as follows :

" Anyone who illegally deprives another of his freedom, or is accessory thereto, is punished with imprisonment up to 5 years.

" If the deprivation of freedom has been of more than one month's duration, or has caused extraordinary pain or substantial injury to body or health, or has caused anyone's death, imprisonment of at least 1 year shall be imposed."

Paragraph 224 might also be mentioned :

“Up to ten years’ imprisonment is inflicted on anyone who by force, threat or wily conduct illegally brings another under his or another’s power with the intention to put him in a helpless state or in foreign military service, or in captivity, or in any other position of subjection in a foreign country, or, with the purpose of prostitution, to bring him to a foreign country, or is accessory thereto.”

350. (e) Acts of mutilating, branding etc. are punishable in accordance with the general rules concerning bodily injuries in paragraphs 229-231 of the Penal Code. The punishment ranges from 21 days to life imprisonment.

351. (f) Acts of attempts are punishable in accordance with paragraph 49 of the Code. The attempt is subject to less severe penalty than the completed felony.

352. (g) Acts of accessory are punishable. The scope of the penalty is the same as for the principal acts.

353. (h) See paragraph 347 above.

354. (2-6) Since these problems do not exist in Norway it has not been necessary to adopt other measures than those mentioned.

PAKISTAN

*[Original : English]
6 April 1965*

355. Slavery in any form is non-existent in Pakistan. Fundamental Right No. 3 of the Constitution of the Islamic Republic of Pakistan, 1962 prohibits slavery (appendix I).¹⁵ According to this right, no person shall be held in slavery, and no law shall permit or in any way facilitate the introduction into Pakistan of slavery in any form. The Constitution of Pakistan of 1956 also prohibited slavery by article 16 of that Constitution.

356. Besides, Pakistan has ratified the ILO Forced Labour Convention, 1930 and the Abolition of Forced Labour Convention, 1957, which imply that national law should provide sufficient safeguard against the introduction of forced labour in Pakistan.

357. (1) (a) Acceptance, receipt and detention of a person against his will as a slave is an offence under section 370 of the Pakistan Penal Code which is reproduced in appendix II. To own a person in servile status is not a criminal offence. A person convicted under section 370 of the Pakistan Penal Code is liable to 7 years’ imprisonment of either description and fine, and a person who is convicted under section 371 of the Pakistan Penal Code, reproduced in appendix II ^{15/16} is liable to imprisonment of up to 10 years and fine ;

¹⁵ See paragraph 370 below.

¹⁶ See paragraph 371 below.

358. (b) Kidnapping or abducting a person in order that such person may be subjected to slavery is punishable with 10 years' imprisonment of either description and fine *vide* section 367 P.P.C., reproduced in appendix II. Where a child under 10 years is involved, it is punishable with death or transportation for life and in no case less than 7 years' *vide* section 364 A.P.P.C. (reproduced in appendix II). Placing of a person in servile status does not appear to be a criminal offence ;

359. (c) Inducing a person to place himself in slavery appears to be covered by sections 367 and 364 A.P.P.C. referred to above. It also appears that a person inducing his dependant to slavery may be punished under sections 370 and 371 of P.P.C., alluded to above ;

360. (d) It does not appear to be a criminal offence ;

361. (e) An act would be a criminal offence if done to a free man on the pretext of his being in the condition of slavery *vide* section 4 of the Slavery Act, 1843, reproduced in appendix III.¹⁷ It may here be stated that the injuries referred to in this Clause are offences under the Penal Code if done to a free man ;

362. (f) Attempts to commit offence are punishable under section 511 of the P.P.C. (reproduced in appendix II). It would follow that the acts which have been found to be criminal offences will entail penal consequence if attempted ; the penalty for an attempt is generally speaking half of the penalty prescribed for the offence ;

363. (g) Will be punishable in the same manner and to the same extent as in principal offence *vide* section 109 P.P.C., reproduced in appendix II ; and

364. (h) Punishable in the same manner as in section 1204 of the P.P.C., reproduced in appendix II.

365. (2) Does not arise as no slavery exists in Pakistan.

366. (3) (a) Does not arise.

(b) ...

(c) ...

367. (4) Does not arise.

368. (5) Does not arise.

369. (6) Does not arise.

370.

¹⁷ See paragraph 372 below.

*Constitution of Pakistan**Fundamental Right No. 3. Slavery and forced labour prohibited*

(1) No person shall be held in slavery, and no law shall permit or in any way facilitate the introduction into Pakistan of slavery in any form.

(2) All forms of forced labour are prohibited.

(3) Nothing in this paragraph shall be deemed to affect compulsory service :

(a) By persons undergoing punishment for offences against any law ; or

(b) Required by any law for public purposes.

371.

APPENDIX II.

Relevant provisions from the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

3. Any person liable, by any Pakistan law, to be tried for an offence committed beyond Pakistan shall be dealt with according to the provisions of this Code for any act committed beyond Pakistan in the same manner as if such act had been committed within Pakistan.

4. The provisions of this Code apply also to any offence committed by :

(1) Any citizen of Pakistan in any place without and beyond Pakistan ;

(2) ...

(3) Any servant of the State, whether a citizen of Pakistan or not, within the territories of any Acceding State or the tribal areas ;

(4) Any person on any ship or aircraft registered in Pakistan wherever it may be.

Explanation : In this section the word " offence " includes every act committed outside Pakistan which, if committed in Pakistan would be punishable under this Code.

34. When a criminal act is done by several persons, in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.

107. A person abets the doing of a thing, who :

First. Instigates any person to do that thing ; or,

Secondly. Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing ; or

Thirdly. Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1. A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Explanation 2. Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

108A. A person abets an offence within the meaning of this Code, who, in Pakistan, abets commission of any act without and beyond Pakistan which would constitute an offence if committed in Pakistan.

109. Whoever abets an offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with the punishment provided for the offence.

120A. When two or more persons agree to do, or cause to be done :

(1) an illegal act, or

(2) an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy :

Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof.

120B. (1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, transportation or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.

(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.

359. Kidnapping is of two kinds : kidnapping from Pakistan and kidnapping from lawful guardianship.

360. Whoever conveys any person beyond the limits of Pakistan without the consent of that person, or of some person legally authorized to consent on behalf of that person, is said to kidnap that person from Pakistan.

362. Whoever by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

364A. *Kidnapping or abducting a person under the age of ten*

Whoever kidnaps or abducts any person under the age of ten, in order that such person may be murdered or subjected to grievous hurt, or slavery, or to the lust of any person or may be so disposed of as to be put in danger of being murdered or subjected to grievous hurt, or slavery, or to the lust of any person shall be punished with death or with transportation for life or with rigorous imprisonment for a term which may extend to fourteen years and shall not be less than seven years.

367. Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous hurt, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

368. Whoever, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or confines such person, shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention of knowledge, or for the same purpose as that with or for which he conceals or detains such person in confinement.

370. Whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

371. Whoever habitually imports, exports, removes, buys, sells, traffics or deals in slaves, shall be punished with transportation for life, or with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

511. Whoever attempts to commit an offence punishable by this Code with transportation or imprisonment, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall, where no express provision is made by this Code for the punishment of such attempt, be punished with transportation or imprisonment of any description provided for the offence, for a term of transportation or imprisonment which may extend to one half of the longest term provided for that offence, or with such fine as is provided for the offence, or with both.

372.

APPENDIX III. THE SLAVERY ACT, 1843, ACT NO. V OF 1843

An Act for declaring and amending the Laws regarding the condition of Slavery within the Territories of the East India Company.

Prohibition of sale of persons or right to his labour on ground of slavery

1. No public officer shall, in execution of any decree or order of Court, for the enforcement of any demand of rent or revenue, sell or cause to be sold any person, or the right to the compulsory labour or services of any person, on the ground that such person is in a state of slavery.

Bar to enforcement of rights arising out of alleged property in person as a slave

2. No rights arising out of an alleged property in the person and services of another as a slave shall be enforced by any Civil or Criminal Court or Magistrate within the territories of the East India Company.

Bar to dispossession of property on ground of owner's slavery

3. No person who may have acquired property by his own industry, or by the exercise of any art, calling or profession, or by inheritance, assignment, gift or bequest, shall be dispossessed of such property or prevented from taking possession thereof on the ground that such person or that the person from whom the property may have been derived was a slave.

Penal offence against alleged slavery

4. Any act which would be a penal offence if done to a free man shall be equally an offence if done to any person on the pretext of his being in a condition of slavery.

373.

APPENDIX IV.

List of British statutes applicable or of possible application to Pakistan.

(1) The Slave Trade Act, 1824.

(2) The Trade Act, 1873.

(3) The Slave Trade (East African Courts) Act, 1873.

(4) The Slave Trade Act, 1876.

(5) The Slave Trade (East African Courts) Act, 1879.

PERU

[Original : Spanish]
7 December 1965

374. *Legislative and administrative measures to eliminate slavery and institutions or practices similar to slavery*

The legislative measures taken in Peru to eliminate slavery or practices similar to slavery date back to the last century. The most important of them are cited below :

Decree No. 1139 of 28 August 1821, article 1 of which provides as follows :

“The services which Peruvians hitherto known by the name of Indians or natives have performed under the title of *mitas*, *pongos*, *encomiendas* and *yanaconzgos*, and all other forms of personal servitude, are hereby abolished and no one may force them to render service against their will.”

Decree No. 1140, of 4 July 1825, which provides that : “No one in the State shall directly or indirectly require any personal service of the indigenous Peruvians except under the terms of a contract freely entered into for the remuneration of such service.”

Decree No. 1588 of 3 December 1854, promulgated by Marshal Ramón Castilla, the sole article of which provides that :

“As from today all men and women, regardless of their age, who have hitherto been held in Peru to be slaves or serfs, whether their condition as such is due to their having been sold into slavery or having been born into slavery, or who for any other cause find themselves subjected to perpetual or temporary servitude, shall be for ever completely free.”

Article 55 of the Political Constitution of the State, which has been in force since 9 April 1933, provides as follows :

“No one may be obliged to perform personal service without his free consent and without due recompense.”

The Agrarian Reform Act No. 15037, of 21 May 1964, in conformity with earlier enactments, abolished anti-social systems of labour and land working, providing as follows :

Article 237.

“With effect from the promulgation of this Act, all contracts whereby the use of land is granted subject to the performance of services, even if such services are remunerated in cash, are hereby revoked. Personal service of any kind shall automatically be subject to labour legislation.”

375. As can be seen from the provisions here quoted, slavery and institutions or practices similar to slavery have been totally abolished in Peru.

376. (1) *Definition of certain practices similar to slavery as criminal*

The Peruvian Penal Code defines certain practices similar to slavery as punishable offences. Thus, article 225 provides that :

“ Any person who, taking advantage of the ignorance and moral weakness of a certain class of indigenous inhabitants or of other persons of similar condition, reduces them to a condition equivalent or similar to servitude shall be punished by rigorous or ordinary imprisonment for a term not exceeding one year or by a fine of thirty to ninety days’ income and, in either case, by the special disabilities provided for in article 27, paragraphs 1, 2 and 3, for a period not exceeding five years.”

The paragraphs of article 27 referred to provide for the following :

(1) Dismissal from any public office, post, employment or commission even where held by popular election.

(2) Forfeiture of the right to be elected, the right to elect and all other political rights.

(3) Disqualification from holding any public office, post, employment or commission.

The acts enumerated in sub-paragraphs (a), (b), (c), (e), (f), (g) and (h) of the questionnaire constitute offences within the meaning of the above-mentioned article 225.

377. (2) Slavery having been abolished by the Constitution, no measures have been, or are being taken today, with a view to bringing to an end the mutual obligations between slaves or persons of servile status and their masters.

378. (3) Similarly, no measures are needed to assist persons freed from servile status to make them aware of the fact of their freedom, to return to their home country or to be reunited with their families, or to have necessary subsistence or care, because there is no class of persons recently freed from servile status. Provisions of this sort were made as early as 1854, when Negro slavery, the last surviving form of this evil, was abolished.

379. (4) Since the promulgation of the constitutional provisions concerning the abolition of personal servitude no additional measures have been necessary, because no attempt has ever been made to return a person freed from servile status to such status.

PHILIPPINES

[Original : English]
22 April 1966

380. Conditions of slavery do not exist in the Philippines.

381. The Philippine Revised Penal Code provides :

Article 272. *Slavery*. The penalty of *prision mayor* and a fine of not exceeding 10,000 pesos shall be imposed upon anyone who shall purchase, sell, kidnap or detain a human being for the purpose of enslaving him.

If the crime be committed for the purpose of assigning the offended party to some immoral traffic, the penalty shall be imposed in its maximum period.

Article 273. *Exploitation of child labour*. The penalty of *prision correccional* in its minimum and medium periods and a fine not exceeding 500 pesos shall be imposed upon anyone who, under the pretext of reimbursing himself of a debt incurred by an ascendant, guardian or person entrusted with the custody of a minor, shall, against the latter's will, retain him in his service.

Article 274. *Service rendered under compulsion in payment of debts*. The penalty of *arresto mayor* in its maximum period shall be imposed upon any person who, in order to require or enforce the payment of a debt, shall compel the debtor to work for him, against his will, as household servant or farm labourer.

The following are the periods corresponding to each penalty mentioned in the herein-cited provisions :

Arresto Mayor :

Maximum. 4 months and 1 day to 6 months

Medium. from 2 months and 1 day to 4 months

Minimum. 1 month and 1 day to 2 months

Prision Correccional :

Maximum. 4 years, 2 months and 1 day to 6 years

Medium. 2 years, 4 months and 1 day to 4 years and 2 months

Minimum. 6 months and 1 day to 2 years and 4 months

382.

“By the provisions of the three above-quoted articles, the Legislature intends to abolish the slave trade, slavery and conditions analogous thereto, including all forms of debts slavery — the enslaving of a minor under the guise of the adoption of children ; white slavery, or the purchase of girls under the guise of payment of dowry, etc. Among the acts penalized by the statute is included that form of forced labour known as ‘peonage’, by which labourers become involved in debt which they can never repay, and so are compelled to work for life for their creditors.

“Slavery denotes a condition of enforced, compulsory service of one to another...”. (Commentary by Mariano A. Albert on The Revised Penal Code.)

383. The International Council of Women, a non-governmental organization in consultative status, states :¹⁸

384. "[Answer to 1 (a), (b), (c) and (d). Yes.]

"Article 2071, otherwise known as the Anti-Slavery Act enacted on August 7, 1911, as amended by Acts 2300 and 2399 (approved November 28, 1913 and March 27, 1914 respectively) also provides that :

"Section 1. Whoever, except in pursuance of the judgment of a court of competent jurisdiction or 'other lawful authority', *shall hold any person in slavery or involuntary servitude, or deliver any person to be held in slavery or involuntary servitude*, shall, on conviction thereof, be punished by imprisonment for not less than one year nor more than twenty years and by a fine of not less than five hundred pesos and not more than five thousand pesos, in the discretion of the court.

"Section 2. *Whoever shall compel another person, against his will, to render labor or services in payment of a debt, or whoever accept labor or services for such purpose performed under such compulsion*, with knowledge of that fact, shall upon conviction thereof, be punished by imprisonment for not less than six months nor more than five years, or by a fine of not less than one hundred pesos and not more than one thousand pesos, or by both such imprisonment and fine in the discretion of the court.

"Section 3. *Whoever shall sell or barter or cause to be sold or bartered, and whoever shall buy or barter or cause to be bought or bartered*, any human being, shall upon conviction thereof, be punished by imprisonment for not less than one year nor more than twenty years or by a fine of not less than five hundred pesos and not more than ten thousand pesos, or both in the discretion of the court (italics ours).

385. "(e) Yes. Article 262 of Act 3815 provides that the penalty of 'reclusion temporal' to 'reclusion perpetua' (i.e. from 12 years and 1 day to life imprisonment) shall be imposed upon any person who shall intentionally mutilate another by depriving him, either totally or partially, of some essential organ for reproduction. Any other intentional mutilation shall be punished by 'prision mayor' in its medium and maximum periods (i.e. from 8 years and 1 day to 12 years' imprisonment).

386. "(f) Yes. Article 51 of the same act provides that a penalty lower by two degrees than that prescribed by law for the consummated felony shall be imposed upon the principals in an *attempt to commit felony*.

¹⁸ The material presented by the International Council of Women was submitted to the Government of the Philippines by a note verbale dated 19 March 1965.

387. “(g) Yes. The same Act 3815 provides :

‘Article 53. Penalty to be imposed upon the accessories to the commission of a consummated felony. The penalty lower by two degrees than that prescribed by law for the consummated felony shall be imposed upon the accessories to the commission of a consummated felony.

‘Article 55. Penalty to be imposed upon accessories of a frustrated crime. The penalty lower by two degrees than that prescribed by law for the frustrated felony shall be imposed upon the accessories to the commission of a frustrated felony.

‘Article 57. Penalty to be imposed upon accessories of an attempted crime. The penalty lower by two degrees than that prescribed by law for the attempt shall be imposed upon the accessories to the attempt to commit a felony.

‘Article 58. Additional penalty to be imposed upon certain accessories. Those accessories falling within the terms of paragraph 3 of article 19 of this Code who should act with abuse of their public functions, shall suffer the additional penalty of absolute perpetual disqualification if the principal offender shall be guilty of a grave felony, and that of absolute temporary disqualification if he shall be guilty of a less grave felony.’

388. “(h) Yes. Act 3815 likewise provides :

‘Article 52. Penalty to be imposed upon accomplices in a consummated crime. The penalty next lower in degree than that prescribed by law for the consummated felony shall be imposed upon the accomplices in the commission of a consummated felony.

‘Article 54. Penalty to be imposed upon accomplices in a frustrated crime. The penalty next lower in degree than that prescribed by law for the frustrated felony shall be imposed upon the accomplices in the commission of a frustrated felony.

‘Article 56. Penalty to be imposed upon accomplices in an attempted crime. The penalty next lower in degree than that prescribed by law for an attempt to commit a felony shall be imposed upon the accomplices in an attempt to commit the felony.’

389. “(2) Since both slavery and involuntary servitude are prohibited in the Philippines, the law does not recognize any mutual obligation between slaves or persons of servile status and their masters. On the other hand, sec. 5 of Act 2071 (Anti-Slavery Law) provides that one half of any fine collected under the provisions of this act shall be paid to the injured person and *such payment shall not operate to extinguish in whole or in part any civil action which such injured person may have for damages.*”

390. (3) (a), (b) and (c): Persons freed from servile status are referred to government and non-government agencies (as Social Welfare

Administration, Red Cross, Local Police, health, and education offices) to expedite their return to their respective families and assist them in their total rehabilitation.

In view of the fact that cases of slavery and involuntary servitude are isolated and few in number, there exists no particular agency or arm of the Government nor any private organization specifically dedicated or servicing persons freed from servile status.

391. (4) The freed person is returned to his family and assisted in his total rehabilitation and the "master" is criminally prosecuted in court and meted the penalty imposed by law.

392. (5) To date no formal study has been undertaken to determine the results of these efforts, although offhandedly it has been observed that no apprehended and duly convicted "master" after release from prison, has repeated the offence.

393. (6) As stated above, in the absence of any study on the subject, data regarding matter cannot be verified.

394. Other Philippine laws touching on slavery are :

(1) The Civil Code of the Philippines Republic Act No. 386 which took effect on 30 August 1950 provides among other things that a person has the right to be free from involuntary servitude in any form.

(2) The Revised Penal Code, article 272, provides that "the penalty of 'prision mayor' and a fine not exceeding 10,000 pesos shall be imposed upon anyone who shall purchase, sell, kidnap or detain a human being for the purpose of enslaving him".

POLAND

*[Original : English]
21 January 1965*

395. Slavery as well as any institution or practice similar to slavery are not allowed under Polish laws nor do they exist in Poland. For this reason the problems raised in the questionnaire do not, in principle, apply to Poland.

ROMANIA

*[Original : French]
4 June 1965*

396. Under the political, economic, social and legal system of the Romanian People's Republic, reflected in the Constitutions of 1948 and 1952 and in all its ordinary laws, there has not been and cannot be such phenomena as slavery or institutions and practices similar to slavery in the Romanian People's Republic.

397. Although there has been no slavery, practices similar to slavery, or slave trade in Romania since the last century,¹⁹ the Romanian People's Republic, being a party to the Geneva Slavery Convention of 1926 and Supplementary Convention of 1956, intends to co-operate in the abolition of slavery and maintains in its penal laws a special text (article 491 of the 1936 Criminal Code, reissued on 27 February 1948, with the subsequent amendments) to punish those acts, should they be committed abroad or on Romanian territory.

398. Consequently, the parts of the questionnaire to which our replies would obviously be negative have been omitted.

399. *Reply to question I. 1 (a) and (b)*

Yes. Article 491 of the Criminal Code: "Anyone who reduces a person to, or keeps him in, slavery or a similar condition or takes part in the slave trade or in the conveyance of slaves commits the offence of slavery and shall be liable to a term of one to five years' correctional imprisonment.

400. *Reply to question I. 1 (c) and (d)*

Yes. The acts to which the question refers may constitute, according to the circumstances, the acts of an accessory covered by article 121(1) of the Criminal Code or the acts of an accessory covered by article 121(3) of the Criminal Code, with reference to article 491 of the Criminal Code, and are liable, in accordance with article 123, second paragraph, of the Criminal Code, to a term of one month to one year correctional imprisonment.

401. *Reply to question I. 1 (e)*

The acts to which the question refers, if committed on Romanian territory (or on territory belonging to a country which likewise does not recognize the institution of slavery) against any person whatsoever, would constitute, according to the circumstances, the offences of injury to the integrity of the person or to health (Criminal Code, article 471) or serious injury to the integrity of the person or to health (Criminal Code, article 473), with the aggravating circumstances set forth in articles 474 and 475 of the Criminal Code. No special text to make these acts a crime and to punish them has been introduced into the Romanian criminal laws, since slavery and institutions and practices similar to slavery have been completely abolished in the Romanian People's Republic; under article 5 of the 1956 Convention, countries where slavery has been abolished are no longer required to provide penalties for the acts referred to in this question.

¹⁹ Bondage of the gipsy minority was the only form of personal dependence similar to slavery that ever existed in Romania.

The bondage of the gipsies was gradually abolished for various categories of persons in bondage (gipsies in bondage to the State, gipsies in bondage to the monasteries, and gipsies in bondage to individuals) from 1844 to 1856.

402. *Reply to question I. 1 (f)*

Attempts are not punished.

403. *Reply to question I. 1 (g)*

Yes. (a) In the cases referred to in question I, 1 (a) and (b), being an accessory is punishable, under article 121 of the Criminal Code in connexion with article 491 thereof, the penalty being, through the application of article 123, second paragraph, of the Criminal Code, correctional imprisonment for a term of one month to one year.

(b) In the situations contemplated in question I, 1 (e), in the hypothetical case described in the answer, article 121 of the Criminal Code is applicable in connexion with articles 471, 472 or 473 thereof, the penalty being through application of article 123, second paragraph, of the Criminal Code, correctional imprisonment for a term of one month to two years, and in the more serious cases article 121 of the Criminal Code would be applied in connexion with articles 474 or 475 of the Criminal Code, the penalty being, through the application of article 123 of the Criminal Code, correctional imprisonment for a term of one month to three years.

(c) In the cases covered by question I, 1 (c) and (d), the criminal acts, as indicated in the answers thereto, are punishable as the acts of an accessory.

404. *Reply to question I. 1 (h)*

Article 315, first or second paragraph, of the Criminal Code. The penalty: correctional imprisonment for terms of two to six years, or three to eight years respectively.

RWANDA

[Original : French]
28 December 1964

405. Legislative provisions in force for the prevention of slavery and practices similar to slavery:

Article 25 of the Constitution:

"All forms of slavery shall be abolished and may not be restored."

Article 40 of the Constitution:

"Forced labour, except as a criminal penalty, shall be abolished and may not be restored."

Title II of the Constitution:

This title provides for public freedoms, under the following headings: the human person; foundations of the family and society; education of the young; religion and religious communities; organization of labour and freedom of employment.

406. *Paragraph 1 : Penal legislation*

A new Rwandese penal code is in the process of being drafted. Meanwhile, the legal provisions concerning slavery which date from the period of Belgian trusteeship still apply, in particular the following, in chronological order :

(a) Decree of the King-Sovereign of 1 July 1891 suppressing the slave trade.

(b) Legislative Order No. 28/128 of 28 March 1923 abolishing domestic slavery and providing for penal servitude of one to five years for anyone reducing another person to slavery or maintaining him in that state.

(c) The International Slavery Convention of 25 September 1926 approved by the Belgian Act of 18 July 1927.

(d) The Penal Code of 30 January 1940, article 68 of which states :

“The penalties and qualifications of the previous article shall apply to anyone who has abducted or caused to be abducted, apprehended or caused to be apprehended, or detained or caused to be detained any persons whatsoever in order to sell them as slaves, or who has disposed of persons placed under his authority for the same purpose.”

Article 67 of the Penal Code reads as follows :

“A person who by violence, fraud or threats has abducted or caused to be abducted, arbitrarily apprehended or caused to be apprehended, or detained or caused to be detained any person whatsoever shall be liable to a term of penal servitude of one to five years.”

If the person abducted, apprehended or detained has been subjected to physical torture, the person convicted shall be liable to a term of penal servitude of five to twenty years. If the torture has resulted in death, the person convicted shall be sentenced to penal servitude for life or to death.

407. Paragraphs 2-6 : Not applicable, since slavery no longer exists in Rwanda.

SAUDI ARABIA

408. The Anti-Slavery Society, a non-governmental organization in consultative status, states :

409. “Saudi Arabia was the last country in Arabia to abolish the legal status of slavery. This was done by a Royal Decree in November 1962. Saudi Arabia is a very difficult country for travellers to enter and little information has come out of it indicating whether this Decree is being enforced or complied with. Entry is possible only with a visa granted by the Government of Saudi Arabia and non-Muslims are still regarded by Saudi Arabians, whose religion is

Islam, as infidels and for that reason they are, with a few rare exceptions, permitted to enter only the port of Djedda and are not allowed to reside in either of the capitals, Mecca or Riyadh.

410. "Saudi Arabia has never published a census, still less a census of its slave population and the number of each can only be estimated. The total population has been estimated at 8 million and one of the most responsible people in Saudi Arabia informed a European traveller in that country in 1963 that the slave population was about 250,000. (Unfortunately I am unable to disclose the identity of either person.)

411. "Except for one statement in the English Press (*Sunday Express*) in 1963 that the Government of Saudi Arabia had paid £1,785,000 in the compensation for 1,682 slaves no more information is available outside Saudi Arabia that any other slaves have been freed as a result of the Decree of November 1962. It is known that Prince Feisal, the virtual ruler of Saudi Arabia, has no slaves and that he freed his slaves before the Decree of November 1962 was made. It is also known that King Saud, the King of Saudi Arabia, has a few hundred slaves, and that many other exalted persons in the country have them.

412. "The *Sunday Telegraph* of 17 March 1963, in an article on slavery by John Osman, who spent some months in Saudi Arabia, says that Prince Feisal told him just before the Decree of November 1962 establishing the legal status of slavery was promulgated, that 'the slave population numbered many thousands' and that a semi-official estimate put the figure at a quarter of a million, of whom 60 per cent were foreigners who had been enslaved illegally.

413. "The following information was given to the Anti-Slavery Society by a traveller in Arabia :

"(i) Slavery in Saudi Arabia is not regarded as a crime, in fact it is a well-known trade, with recognized centres for collection, and selling of slaves is conducted openly.

'(ii) There is a recognized slave route from Dubai, Muscat, Buraimi, Al Hasa, Riyadh. Merchants make seasonable trips to Dubai and Muscat, returning with a group of 50 to 60 slaves at a time. They are first put up for sale at Al Hasa and later, if unsold there, sold through brokers at Riyadh. A slave trader tells the story of how they kidnap slaves from towns and villages in the Qatar and Buraimi area. The slaver contacts groups of entertainers and musicians, who give performances outside the village or town, arranging for a dancing party on a certain day. The slaver then gets in touch with the tribe living in the vicinity to arrange for a raid on the dancing party and to kidnap the girls for whom an agreed sum is paid per head to the Sheikh of the tribe. The slaver then takes over. Alternatively, if such a scheme is not considered desirable, the slaving party arranges for certain persons in the town or village to point out to

them personnel that they can kidnap and arrangements are made for paying for each individual selected to be brought to a rendezvous in the desert outside. When they have been paid for by the slaver they are taken to Al Hasa and handed over to brokers. The surplus not required by the brokers in Al Hasa are taken to Riyadh where the brokers, who meet the slaving party outside the town, either sell them individually in Riyadh or take them to Hijaz for sale there. The price of slaves increases every time they change hands.

414. '(iii) Once in the hands of the brokers the slaves are sold openly in the markets. At Mecca there is a slave market called *Dakkat Al Abeed* (the slave platform) and at Riyadh the slaves are taken around following their dealer yoked like cattle, six or seven at a time.

415. '(iv) The brokers keep their slaves in a small room in their houses, feeding them on bread and water and taking them out for a demonstration whenever a customer calls in to inspect them. If they are unsold, they are returned and paraded the next day.'

416. The Permanent Representative of Saudi Arabia in commenting on the above material stated the following :

417. "Even a cursory reading of the document entitled 'Saudi Arabia' submitted by the Anti-Slavery Society reveals it as a tendentious report with fantastic allegations which are based merely on hearsay and rumours derived from a 'traveller' and sensational articles appearing in the Western Press.

418. "The Permanent Representative of Saudi Arabia wishes to draw the attention of the Secretary-General to the fact that the Anti-Slavery Society, by submitting to the Economic and Social Council such ill-founded and malicious reports, is abusing the consultative status granted to it as a non-governmental organization, as in so doing a grave precedent would be set whereby a sovereign Member State of the United Nations may easily become the target of such non-governmental organizations motivated either by a fanatic zeal which makes them susceptible to all sorts of falsehoods and fabrications or allowing themselves wittingly or unwittingly to be utilized as an instrument of some faction or factions who, for ulterior motives of their own, wish to malign a State Member of the United Nations. Hence, in this instance, the Permanent Representative of Saudi Arabia would like to make it clear that should such reports, as are submitted by the Anti-Slavery Society or any other non-government organization for that matter, be admitted for consideration by the United Nations or its subsidiary bodies, the United Nations and its subsidiary bodies would then, indeed, become the arena for engaging in vindictive and acrimonious allegations instead of initiating policies yielding constructive and fruitful results.

419. "Therefore, it behooves the Permanent Representative of Saudi Arabia to state in unequivocal terms that if the Anti-Slavery

Society or any other non-governmental organization should be allowed to set such a serious precedent with the acquiescence of the Economic and Social Council or any other body of the United Nations, he would have no alternative, not only to vehemently refute allegations based on hearsay, but also to ask for a debate in the Council regarding the prerogatives which all non-governmental organizations with consultative status may arrogate for themselves without restraint."

420. The Anti-Slavery Society forwarded the following supplementary information :

"... On 6 November 1962 Prince (now King) Feisal became Prime Minister and at once decreed slave-owning illegal. He took steps to ensure that his intention to enforce the decree was understood by the leaders of opinion both religious and secular.

"The Society wishes to place on record its admiration for this courageous act which goes far to destroy the argument, so often heard, that it is undesirable to interfere with so integral an element of Arabian society as slavery. It is hoped that this example will be followed by other rulers in South Arabia.

"... Bearing in mind that in order to eradicate slavery it is necessary to educate public opinion to disapprove of it sufficiently to help the administration to enforce the law, it must be recognized that, if hardship is to be avoided, the transition from slavery to emancipation must be gradual.

"The Society understands that former slave-owners have been offered indemnification for their loss of property and that plans are being made for the resettlement of emancipated slaves. It would welcome an assurance that the envoys of slave-source countries are accorded facilities to enable them to find and to interview such of their nationals as may have entered Saudi harems in their childhood. It is at least possible that some of them may have found it impossible to adapt themselves to their new life and if given the chance might welcome repatriation."

SENEGAL

[Original : French]
14 December 1964

421. *Legislative measures* : Decree of 12 December 1905 concerning the suppression of the *slave trade* (*Journal Officiel de l'Afrique-Occidentale Française* 1906, page 17), amended by the Decrees of 8 August 1920 and 30 April 1946.

Decree of 20 February 1946, making *the marriage of a woman under marriageable age or without her consent* tantamount to her enslavement. (J.O.S. 1946, page 334).

Article 341 of the Penal Code, amended by the Decree of 19 November 1947, prohibiting the *enslaving* or the *pledging of a third person*.

Articles 3 and 249 of Act No. 61-34 of 15 June 1961, establishing a labour code (*Journal Officiel* 1961, page 1015), which define and provide penalties for *forced labour*.

422. (1) (a) *Yes*, in the case of illegal restraint or if the agreement on the enslaving does not date back more than ten years or if the pledging does not date back more than three years.

Penalties: Five to twenty years' hard labour, the maximum penalty being imposed when the slave is under fifteen years of age.

One month to two years' imprisonment for pledging a person, the maximum being increased to five years if the person pledged is under fifteen years of age.

(b) *Yes*, see (a).

(c) *Yes*, see (a) provided that the inducement fulfils the conditions of.

(d) *Yes*, see (a) aiding and abetting as defined by law.

(e) *Yes*, by application of the provisions of ordinary law relating to the deliberate infliction of bodily harm or wound or to mutilation (the penalties vary according to the gravity of the wound or mutilation).

(f) *Yes*, provided that the act is a criminal act or that, in the case of a correctional offence, it has been expressly stated that to attempt such an act is punishable (this is not so in the case of pledging a person).

(g) *Yes*, by application of ordinary law the accessory is subject to the same penalties as the chief perpetrator of the act.

(h) *Yes*, if aiding and abetting has been established. Not a specific offence unless the conspiracy is also to accomplish acts such as violence, pillage, etc.

423. (2) Such obligations, which are against law and morals, are null and void *ipso facto* as contrary to public policy.

- | | | |
|-----|---|---|
| (3) | { | Not within our competence. Moreover, these problems do not appear to arise in Senegal, where servile practices have completely disappeared. |
| (4) | | |
| (5) | | |
| (6) | | |

SIERRA LEONE

[Original : English]
16 December 1964

424. Section 6 of the Provinces Act Cap. 60 provides for the abolition of slavery status or slavery in any form whatsoever, and section 7 and its sub-sections enact the measures to be adopted for the punishment of those dealing in slavery — whether those persons are received or placed in any service as a pledge or security for debt, or induced to go to the Provinces in order that such persons may be dealt with or traded in, or whether a contract or agreement is entered into or not.

425. Furthermore Section 15 (1) of the Constitution of Sierra Leone P.N. No. 78 of 1961 which came into operation on 27 April 1961 offers protection from slavery whereby any person held in slavery would be deemed to have lost his fundamental rights and freedoms afforded every individual under the Constitution.

SINGAPORE

[Original : English]
8 December 1965

426. Slavery and slave trade have been abolished in Singapore for many years now. The statutory provisions against slavery, which it has not been necessary to enforce in recent years, are to be found in the Penal Code, Sections 370 to 374 of which are reproduced in an annex. Neither slavery nor any institution or practice similar to slavery exists in Singapore.

427. The practice of *mui-tsai* which is similar to child-slavery has been discontinued in Singapore and stringent provisions exist for the control and supervision of transferred children under the Children and Young Persons Ordinance (Cap. 128).

428. The International Convention for the Abolition of Slavery and the Slave Trade was ratified by the Government of the United Kingdom in June 1927 on behalf of the Government of Singapore. The Convention on the Abolition of Slavery, 1956 was also acceded to by the Government of the United Kingdom on behalf of the Government of Singapore in September 1957.

429. Answer to question I : slavery has been abolished.

I. (1) See Penal Code Ss. 370-374.

I. (2) Not applicable.

I. (3) Not applicable.

I. (4) No.

I. (5) No.

430.

ANNEX

" Buying or disposing of any person as a slave

" 370. Whoever imports, exports, removes, buys, sells, or disposes of any person as a slave, or accepts, receives, or detains against his will any person as a slave, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

" Habitual dealing in slaves

" 371. Whoever habitually imports, exports, removes, buys, sells, traffics, or deals in slaves, shall be punished with imprisonment for life, or with imprisonment for a term not exceeding ten years, and shall also be liable to fine.

" Selling minors for purposes of prostitution, etc.

" 372. Whoever sells, lets to hire, or otherwise disposes of any person under the age of twenty-one years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

" *Explanation.* When a female under the age of twenty-one years is sold, let for hire, or otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, the person so disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution.

" Buying minors for purposes of prostitution, etc.

" 373. Whoever buys, hires or otherwise obtains possession of any person under the age of twenty-one years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

" *Explanation.* Any prostitute, or any person keeping or managing a brothel, who buys, hires or otherwise obtains possession of a female under the age of twenty-one years shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution.

" Importing by fraud with intent — Importing with intent to sell, etc., or buying or selling — Penalty

" 373A. Whoever, by any false pretence, false representation, or fraudulent or deceitful means, brings, or assists in bringing, into Singapore any woman with intent that such woman may be employed or used for the purpose of prostitution; and whoever brings, or assists in bringing, into Singapore any woman with intent that such woman may be sold or bought for the purpose of prostitution; and whoever sells or buys any woman for the purpose of prostitution, shall be punished with imprisonment for a term not exceeding ten years, and shall also be liable to fine.

" Unlawful compulsion

" 374. Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment for a term which may extend to one year or with fine, or with both."

SOMALI REPUBLIC

*[Original : English]
14 December 1965*

431. In the Somali Republic, there is no slavery, or institution or practice similar to slavery. The Constitution and the Penal Code (Legislative Decree No. 5 of 16 December 1962) prohibit them.

The Constitution provides in Article 17 :

“ 1. Every person shall have the right to personal liberty.

“ 2. Subjection to any form of slavery or servitude shall be punishable as a crime . . . ”

Crimes relating to slavery :

The Penal Code has prescribed punishments for the following crimes relating to slavery :

“ Article 455. Reduction to Slavery.

Whoever reduces a person to slavery or to a similar condition, shall be punished with imprisonment from five to twenty years.

“ Article 456. Dealing and Trading in Slaves.

Whoever deals or in any manner trades in slaves or persons in a condition similar to slavery, shall be punished with imprisonment from five to twenty years.

“ Article 457. Sale and Purchase of Slaves.

Whoever, other than in the cases referred to in the preceding article, disposes of or transfers a person who is in a state of slavery or a similar condition, or takes possession of or purchases or holds such person in such state, shall be punished with imprisonment from three to twelve years.

“ Article 458. Enforced Subjection.

Whoever compels another to submit to his own power, so as to reduce him to a total state of subjection, shall be punished with imprisonment from five to fifteen years.

“ Article 459. Crimes Committed Abroad.

Notwithstanding the provisions of Article 8, the provisions of this Section shall also apply when the act is committed abroad to the prejudice of a Somali national, provided that the offender is within the territory of the State when criminal proceedings are initiated.”

Attempts :

Attempts to commit any of the aforesaid mentioned crimes will be punished with the punishment prescribed in respect of the crime reduced by one third to two thirds (Article 125 (3) Penal Code).

Participators in an offence :

Where more than one person participates in the same offence, each of them will be liable to the punishment prescribed therefor (Article 71 Penal Code).

The punishment to be imposed for the offence will be increased :

(a) Where more than five persons participate in committing an offence ;

(b) In the case of persons who have promoted or organized participation in the offence or have directed the action of persons who participated in that offence (Article 73 Penal Code).

432. Since there is no slavery or institution or practice similar to slavery in this Republic, the other questions referred to in the questionnaire do not arise.

SPAIN

[Original : Spanish]

17 February 1965

Preliminary observations

433. The introduction to the questionnaire recapitulates the definitions of "slavery", "institutions or practices similar to slavery", "a person of servile status" and "slave trade" given in the 1926 Convention on Slavery and the 1956 Supplementary Convention on the Abolition of Slavery.

434. In view of those definitions and the lengthy list of questions in the inquiry, the difficulty that immediately arises is how to reply in terms of Spanish criminal law. The latter is intended to govern behaviour which is actually possible and does not cover most of the situations to which the definitions and questions refer because they have disappeared from Spain, in cases, in the Middle Ages.

435. Civil and labour legislation naturally exclude legal relationships such as slavery and similar institutions and practices. What is more, those institutions and practices are not classified as specific illegal acts in criminal law, the sole exception (defined in international instruments as one of the "institutions or practices similar to slavery") being the practice whereby a minor eighteen years of age or under is delivered, whether for reward or not, with a view to his exploitation.

436. It follows from the foregoing that a great many of the replies necessarily reflect the fact that Spanish criminal law scarcely mentions the subject, except perhaps to the extent that it deals with :

(1) Acts, classified as offences in Spanish law, which may conceivably give rise to a *de facto* situation of slavery : illegal detention, abduction of minors, etc.

(2) Situations, prohibited and punishable under Spanish law, which may come within the category of so-called "institutions and practices similar to slavery" : the promotion of prostitution, the white slave trade and the exploitation of minors (to the extent that the above-mentioned delivering of a young person eighteen years of age or under with a view to his exploitation, may be regarded as an "institution or practice similar to slavery").

(3) Finally, the consequences of a possible conflict between Spanish law and situations of slavery originating abroad (entry into or transit through Spanish territory of residents of other countries who are in situations of slavery or situations similar thereto).

437. *Question I. (a)* Acts such as those described below, punishable under criminal law, are to some extent akin to the situations to which the question refers ("owning a slave or a person of servile status") :

(1) Any person who holds another person in prostitution or in any other type of immoral traffic against the latter's will is liable to the maximum penalty (article 452 bis (a))²⁰ of medium-term imprisonment (six months and one day to six years), a fine of 5,000 to 25,000 pesetas and absolute disqualification from holding public office, in the case of a public body or official, or special disqualification, in other cases.

(2) Parents or guardians who ill-treat their children or wards under sixteen years of age in order to induce them to beg, or for not having earned enough from begging, are liable to the penalty of short-term detention (one day to one month) and a fine of 250 to 2,000 pesetas or to a reprimand by a judge in closed court. Persons who cause such activities to be carried out are also liable to the same penalties. These penalties also apply to persons who cause children under sixteen years of age to perform dangerous balancing exercises or feats of strength, and to professional acrobats, tight-rope walkers, divers and other such persons who employ minors other than their own children or descendants (article 584).

(3) The Rogues and Vagabonds Act of 4 August 1933 lays down that the following security measures are to be applied successively to persons who live on the mendicancy of others or who exploit minors, the sick or the lame :

(a) Internment in a workhouse or agricultural labour camp for an indeterminate period not exceeding three years ;

(b) Banishment from a specified place or territory and the obligation to report their domicile for the period specified by the Court ;

(c) Subjection to police surveillance for a period of one to five years, or the deposit of money as a guarantee of good behaviour.

These security measures are not punishments and may be imposed (in addition to the appropriate penalties, if the acts to which the security measures apply are also offences) when the statutory sentence has been served.

438. *Question I. (b)* The following acts are regarded as offences under Spanish law which may create a "status" such as those described in subparagraph (a) above or may conceivably be used to subject a person to slavery or servile status :

(1) Under articles 480 to 483, any person who detains or confines another person and thus deprives him of his liberty is liable to long-term imprisonment (six years and one day to twelve years) plus a fine of 5,000 to 10,000 pesetas if the period of confinement or detention is over twenty days.

If the whereabouts of the detained person are not divulged or if it is not proved that he has been set free (in which cases there are grounds for

²⁰ Articles cited without reference to any body of law are from the Spanish Penal Code.

assuming that he has been sent abroad, perhaps into slavery), the penalty is long-term imprisonment with forced labour (twelve years and one day to twenty years).

(2) Under articles 484 to 486, the penalty for the abduction of minors is long-term imprisonment with compulsory labour (six years and one day to twelve years) and medium-term rigorous imprisonment with forced labour (twelve years and one day to twenty years) if the minor is in the offender's care and the latter fails to hand him over to his parents or guardians or to offer satisfactory explanation for his disappearance.

(3) In addition, article 489 of the Penal Code lays down the punishment for any person who, being responsible for the upbringing or education of a minor, hands him over to a public institution or to another person without the consent of the person who entrusted the minor to his care.

(4) The penalty for rape, when the whereabouts of the victim are not disclosed and no satisfactory explanation is given for her (death or) disappearance, is long-term rigorous imprisonment with forced labour (twenty years and one day to thirty years).

(5) The Act of 26 July 1878 prescribes short- and medium-terms of correctional imprisonment and a fine of 5,000 to 25,000 pesetas for ascendants, guardians, teachers and persons in any way responsible for a minor under sixteen years of age who surrender him to persons engaged in certain professions or to habitual vagrants or beggars. If this is done for a consideration, the maximum term of imprisonment is imposed.

(6) In the chapter dealing with offences related to prostitution, the penalties specified in section 2 (a), second paragraph, are prescribed both for the acts described therein and also for participating in or protecting the recruitment of one or more persons for purposes of prostitution and recruiting for the same purposes.

The same penalties (except that the medium or maximum terms of medium-term imprisonment are imposed) are prescribed for any person who promotes, encourages or facilitates the prostitution of another person over twenty-three years of age and for any person who, by means of promises or compacts, even seemingly legitimate ones, causes the prostitution of another person under twenty-three years of age either in Spanish territory or with the intent of despatching that person abroad for the same purposes.

439. *Question 1. (c)* Since the Penal Code does not deal with slavery as a specific phenomenon, it does not cover inducing to slavery.

However, one person may induce another person to commit the offences described above. Under Spanish criminal law, inducing to commit an offence is deemed to be an offence usually involving the same penalty as that prescribed for commission of the offence.

In one case, a specific penalty is provided for inducing: the Act of 26 July 1878, prescribes minimum and medium terms of correctional imprisonment and a fine of 5,000 to 25,000 pesetas for any person who induces another person under sixteen years of age to abandon the domicile of his ascendants, guardians or tutors to follow persons engaged in certain

professions (acrobats, tight-rope walkers, animal trainers etc.) or habitual vagrants or beggars.

The question also refers to inducing a person to place himself in slavery. Under the Spanish Penal Code, any person who induces a woman to place herself in prostitution is liable to a maximum prison term of six years and one day.

440. *Question I. (e)* It goes without saying that, since the phenomenon of slavery does not exist in Spain, the practice of mutilating to mark slaves is unknown and consequently the Penal Code does not refer thereto, although it naturally lays down penalties for the infliction of injuries in general which range from one day's detention to medium-term rigorous imprisonment with forced labour (twelve years and one day to twenty years in cases of castration or sterilization).

441. *Question I. (f)* Any person attempting to commit any of the offences described is liable to a penalty one or two degrees—at the discretion of the court—less rigorous than that prescribed by law for commission of the offence.

442. *Question I. (g)* Accessories to an offence are liable to the penalty one degree less rigorous than that prescribed by law for commission of the offence.

443. *Question I. (h)* The same penalty is imposed as for persons attempting an offence.

444. *Question II.* None because, as stated, slavery as such does not exist in Spain.

445. *Question III.* Ditto.

SUDAN

[Original : English]

21 March 1965

446. Ever since the beginning of the twentieth century it has been the policy of the Sudan Government to secure the complete suppression of slavery of every kind and description in the Sudan. Then there was no special legislation dealing with slavery except Act XI of the now repealed Agreement for the Administration of the Sudan 1899 which absolutely prohibited slavery, importation or exportation of slaves in the Sudan. Now the Transitional Constitution of the Republic of Sudan which is the supreme law of the country firmly safeguards the freedom and equality of the individual.

Section 4 of the Transitional Constitution reads as follows :

“ 4 (1) All persons in the Sudan are free and equal before the law.

“ (2) No disability shall attach to any Sudanese by reason of birth, religion, race or sex in regard to public or private employment or in the admission or in the exercise of any occupation, trade, business or profession.”

447. (1) (a-h) as mentioned above the Transitional Constitution which is the supreme law of the country, following the previous legislation, safeguards the freedom and equality of the individual. The High Court is the sole guardian of such Constitutional rights.

Relevant sections of our Penal Code make certain acts which tend to interfere with the freedom of the individual as offences as follows :

Section 313. Whoever for money or money's worth, transfers or purports to transfer the possession on control of any person to another with intent to enable such other person to confine such person unlawfully or to compel him unlawfully to labour against his will, shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.

Section 311. Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

Since these acts constitute criminal offences under our Penal Code attempts to commit such offences or the abetment of such offences constitute also offences punishable under the Penal Code.

448. (2) Strict legislative and administrative measures were taken a long time ago to abolish entirely the slavery and slave trade—now there is no sign of slavery in the whole country. In respect of person of servile status, the Sudan Government is anxious and vigorously managing to eradicate such institutions from the country.

449. (3) In pursuance of our Government's policy to consolidate the position of women in the Sudan recently they were given full political rights.

450. (4) As mentioned above there is no recognized servile status in the Sudan. All persons are equal before the law and all are entitled to the protection of their rights by the courts of justice.

451. (5) Not disappointing.

SYRIAN ARAB REPUBLIC

[Original : English]
28 February 1966

452. Syrian legislation does not deal with slavery, as slavery does not exist in Syria and is not recognized. Constitutional clauses provide that citizens are equal before law in rights and duties. Therefore no judicial or administrative jurisprudence relating to slavery exists.

THAILAND

[Original : English]
18 December 1964

453. Section 312 of the Thai Penal Code provides that "whoever, in order to turn any person into slavery or a status similar to slavery,

brings into or sends out of the Kingdom, transfers, buys, sells, disposes of, receives or detains any person shall be punished with imprisonment not exceeding seven years and fine not exceeding fourteen thousand baht ”.

454. Mutilating, branding or marking a slave or a person of servile status is punishable as committing bodily injury.

455. Any attempt to commit or being an accessory to any offence (including that provided by Section 312) is punishable in accordance with general provisions of the Penal Code.

456. According to Section 210, a conspiracy of five or more persons to commit any offence provided in Book II of the Penal Code (including Section 312) is punishable with imprisonment not exceeding five years or fine not exceeding ten thousand baht or both.

TOGO

*[Original : French]
20 April 1965*

457. (1) We would reply by quoting article 341 of the Penal Code, as contained in the Decree of 19 November 1947 ; accessories are liable to penalties under articles 59 and 60 of the Penal Code.

“ Article 341. Anyone who, without an order from the properly constituted authorities and in cases other than those where the apprehension of accused persons is prescribed by law, arrests, detains or confines any person whatsoever shall be liable to a term of imprisonment with hard labour.

“ Anyone providing a place for such detention or confinement shall be liable to the same penalty.”

(DD 19 November 1947) “ Anyone who concludes an agreement for the purpose of depriving a third person of his liberty, either without payment or for payment, shall also be liable to the same penalty. Money, property or valuables received for carrying out such an agreement shall be confiscated if the person regarding whom the agreement is concluded is under fifteen years of age.

“ Anyone who hands over or receives another person as a pledge, for any reason whatsoever, shall be liable to a term of imprisonment of from one month to two years and/or a fine of from 3,600 to 36,000 francs. The term of imprisonment may be increased to five years if the person handed over or received as a pledge is under fifteen years of age. The guilty person may also, in all cases, be deprived of the rights referred to in article 42 of the present Code for a period of not less than five and not more than ten years.”

458. Question I, 2 and 3 do not call for a reply, since slavery does not exist in Togo.

459. Slavery in Tunisia is nothing more than a thing of the past.

460. The Decree of 23 January 1846 freed the slaves and enacted measures to give effect to their emancipation.

461. This Decree stated, *inter alia*, that most Tunisians were abusing their property rights over their slaves and were mistreating these harmless creatures, that our sacred law gave any slave who was mistreated by his master the right to freedom and that legislation showed a marked trend towards the enlargement of freedom.

462. It was therefore decided that notaries would be appointed to deliver to any slave making such a request, letters of manumission which would be submitted to the Bey for his seal.

463. The Sharia magistrates, for their part, were to refer to him any slavery cases that came before them, and were to prevent any slave-owner from repossessing his slaves . . . because the effects of slavery were contrary to religion and must be avoided, especially as the matter was one of considerable political importance.

464. A circular of 29 March 1887 recommended, *inter alia*, that the Qaids should check all caravans coming from the south and bring any slave-holders before the courts.

465. Any women seized were to be placed in respectable houses until they found a means of livelihood, the costs of their maintenance being borne by the buyer and the seller.

466. The Decree of 28 May 1890, which consolidated all the various regulations prohibiting and punishing slavery, provided that slavery did not exist and was prohibited in Tunisia ; all human beings in the country, without distinction as to nationality or colour, were free and had equal recourse to the law and the magistrates if they felt they had been wronged.

467. Persons convicted of having bought, sold or kept any human being as a slave were to be punished with imprisonment for a term of three months to three years. In the event of a second conviction the offender was liable to the maximum penalty, which could even be doubled.

468. Two circulars of 26 June 1890 and 23 April 1891 specified the provisions of the law and laid down the form of the letter of manumission to be delivered to a freed slave ; the fees were to be borne by the slave-owner.

469. With particular regard to the questionnaire submitted by the United Nations :

470. (I, 1) All the acts mentioned in I, 1 are criminal offences punishable under the Decree of 28 May 1890, as stated above, and under the Penal Code. Under the terms of the latter, accessories are liable to the same

penalties as the perpetrator of the offence; the infliction of physical injuries is punishable with imprisonment for three years (five years if the act was premeditated); and acts of violence resulting in mutilation are punishable with hard labour for a term of ten years.

471. (I, 2 and 3) The measures taken to bring to an end the obligations of slaves or persons of servile status and to assist them were indicated in the above-mentioned Decrees and circulars.

TURKEY

[Original : Turkish]
11 February, 27 April
and 7 December 1965

472. There is in Turkey neither slavery nor any institution or practice similar to slavery.

473. The Constitution lays down in its article 10: "Every individual is entitled in virtue of his existence as a human being to fundamental rights and freedoms, which cannot be usurped, transferred or relinquished". Article 12 provides that "All individuals are equal before the law irrespective of language, race, sex, political opinion, philosophical views, religion or religious sect". In the drafting of statutes, freedom and equality before the law between individuals are mandatory principles which must be observed.

474. In addition, Turkey has a great many legal provisions which prohibit practices similar to slavery and thus help to protect children.

The Turkish Civil Code, taking into account the possibility that parents may abuse the right of guardianship over their children, lays down protective provisions in this regard. Similarly, articles 473 *et seq.* of the Turkish Criminal Code contain provisions relating specifically to the protection of children.

"Article 473: Any person who deliberately abandons a child under twelve years of age entrusted to his protection or a person under his protection who, owing to a mental or physical illness, is incapable of taking care of himself, shall be subject to imprisonment for a term of not less than three and not more than thirty months.

"If such act of abandonment results in serious bodily injury to the person abandoned, the serious impairment of his health or the disturbance of his mental faculties, the person committing the act shall be subject to imprisonment with hard labour for not more than ten years.

"Article 474: The penalties laid down in the preceding article shall be increased by one third:

"1. If the act of abandonment has been committed in a solitary place;

“2. If a person abandons his legitimate child or a child whom he has acknowledged to be his or an adopted child, and vice versa.

“*Article 476* : If a person finds either an abandoned child under seven years of age or an abandoned person who, owing to a mental or physical illness, is incapable of taking care of himself and he does not immediately inform the competent authority or government officials, he shall be subject to a heavy fine of not less than five and not more than fifty liras.”

Under article I of Act No. 6972 of 15 May 1957, concerning children in need of protection, “children who are :

(a) Orphans,

(b) Foundlings,

(c) Abandoned,

(d) Neglected by their parents and exposed to the danger of prostitution, mendicancy, the use of alcoholic beverages or narcotic drugs, or vagrancy, and whose physical, mental and moral development is thus endangered, shall be defined as ‘children in need of protection’.

“The justice of the peace courts of the districts in which such children are found shall take the necessary measures to ensure that until they attain their majority they are cared for and educated in the institutions established under the provisions of this Act and taught a trade.”

Under article 2 of this Act, “Police, State or municipal officials, or *muhtars* learning of the existence of a child as defined in article 1 must so inform the highest civil authority of the district.

“Where immediate protective measures in respect of such a child are required pending a court decision, the civil authority shall place the child in one of the institutions established under this Act or in a charitable institution, or, in the absence thereof, with a suitable family, the expenses entailed being covered by the authority.

“In cases which are not urgent the civil authority shall deliver the documentation prepared concerning the child to the local justice of the peace court so that the requisite decision may be taken. If either or both of the child’s parents are available, they shall be notified.”

475. The concern for the supervision and upbringing of children which finds expression in the Turkish Criminal Code is clearly indicated in articles 477 and 478.

“*Article 477* : Any person who, abusing his authority to correct or discipline a person who is under his care or who has been entrusted to him to be brought up, educated, cared for, protected or trained for an occupation or profession, causes the latter’s health to be impaired or endangered shall be subject to imprisonment for a term not exceeding eighteen months.

“Article 478: Any person who, in circumstances other than those indicated in the foregoing article, mistreats either a child under twelve years of age who is living with such person’s family or a member of the family, in a manner contrary to the dictates of compassion and solicitude, shall be subject to imprisonment for a term of not more than thirty months.”

“If such mistreatment is directed against ascendants or descendants or relatives by marriage in the direct line the penalty shall be imprisonment for a term of not less than three months and not more than three years.”

Article 182 of the Criminal Code makes it a criminal offence to abduct a child from his parents or from persons to whose care he has been entrusted.

“Article 182: Any person who, motivated by lust or not having the intention to contract marriage, abducts a child who has not yet reached the age of fifteen years, with the latter’s consent, from such child’s parents or guardian or from a person who is temporarily taking care of or protecting such child, or who unlawfully detains such child with the child’s consent, shall be subject to imprisonment for a term of not more than one year.”

“If such act is committed without the consent of the child abducted or detained, or if such child has not yet completed his twelfth year, the provisions of the foregoing articles shall be applied as appropriate.”

476. It should be noted in particular that Turkey’s legislation also includes provisions prohibiting mendicancy and penalizing beggars. Actually, mendicancy was the subject of a regulation enacted in the nineteenth century and the provisions of that regulation were subsequently, under the Government of the Republic of Turkey, made applicable to a number of municipalities by Act No. 772. Also, articles 544 and 545 of the Turkish Criminal Code, which are cited below, prescribe penal sanctions in respect of beggars and of persons who cause others to beg.

“Article 544: Any person who, being fit to work, is found begging shall be subject to light imprisonment for a term of not less than one week and not more than one month. If the offence is repeated the sentence of light imprisonment shall be for not less than one month.”

“Article 545: Any person who recruits children under fifteen years of age and causes them to beg, or who permits a child under fifteen years of age who is under his guardianship or has been entrusted to his protection and supervision to beg or to be used by another person for the purpose of begging, shall be subject to light imprisonment for a term of not less than three months and to a light fine of not less than 100 liras.”

477. It might also be pointed out in this connexion that Turkey’s visa legislation prohibits the granting of visas to beggars seeking to enter Turkey.

[Original : English]
22 January 1965

478. "Slavery", "slave trade" and most of the "institutions or practices similar to slavery" as defined in the questionnaire do not exist in Uganda. Consequently, the questions relating to those practices which are unknown to Uganda are left unanswered. The answer to applicable questions appear in the order in which the questions are set out in the questionnaire. [See later questions.]

UKRAINIAN SOVIET SOCIALIST REPUBLIC

[Original : Russian]
22 October 1965

479. The social and State system existing in the Ukrainian SSR has eliminated the exploitation of man by man and guarantees equal rights for all citizens in all fields of economic, State, cultural, social and political activity, which precludes the possibility of any manifestations of slavery or similar practices.

480. Nevertheless, being guided by the spirit of international co-operation and wishing to achieve as quickly as possible the final and universal abolition of all forms and manifestations of slavery, the slave trade and institutions and practices similar to slavery, the Ukrainian SSR became a party in 1956 to the Slavery Convention of 1926 and on 31 October 1958 ratified the Supplementary Convention on the Abolition of Slavery of 1956.

481. Regarding slavery in all its forms as a shameful social phenomenon incompatible with the elementary rules of modern international law and as an obstacle to the social progress of mankind, the Ukrainian SSR firmly supports all international efforts to bring about the final elimination of slavery, the slave trade and institutions and practices similar to slavery in those countries where they still exist.

UNION OF SOVIET SOCIALIST REPUBLICS

[Original : Russian]
9 December 1964 and
26 January 1966

482. There are no slavery or practices similar to slavery in the Soviet Union. The socialist social system, which is based on the elimination of private ownership of the tools and means of production and the abolition of exploitation of man by man, precludes the possibility of practices similar to slavery occurring in the Soviet Union and ensures complete equality of rights for workers in all branches of the political, economic, social and cultural life of society.

[Original : English]

26 March 1965

483. Slavery in all its types has been made illegal since 1896 in the United Arab Republic by the two Decrees issued on 21 January 1896 concerning the prohibition of slavery and penalization thereof. It has been completely abolished, with the exception of some cases of the exploitation of women in prostitution. Presently the Government is taking effective measures to eradicate this type of disguised slavery and has succeeded to a great extent.

484. (a) These types no more exist.

485. (b) It is considered a "delit". The penalty inflicted upon those who exercise the exploitation of women is imprisonment for a period ranging between one and five years and a fine for an amount ranging between 100 to 500 £.E. (Law No. 68 of 1951).

486. (c) Please refer to the aforementioned reply.

487. (d) It is considered a "delit". Its penalty is imprisonment for a period ranging between one and five years and a fine for an amount ranging between 100 to 500 £.E.

488. (e) Such cases are non-existent in the United Arab Republic.

489. (f) It is considered a "delit". The penalty inflicted is similar to the one mentioned under item B.

490. (g) Such cases are non-existent in the United Arab Republic.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original : English]

21 January 1965

Introduction

491. Neither slavery nor any other institution or practice similar to slavery has existed in the United Kingdom for many centuries. Slavery, as such, has never been recognized in English law. Although the feudal system recognized conditions of semi-servile status, these had disappeared in practice by the seventeenth century and the incidents of feudal tenure were formally abolished in 1660. Slavery was declared abolished throughout all the British possessions overseas as from 1 August 1834, by the Slavery Abolition Act, 1833. Because of the respect for the freedom of the individual and the scope for the free expression of opinion which exists in the United Kingdom, slavery and practices similar to slavery (which are, in any case, illegal) would not be tolerated. Administrative measures to ensure the freedom of the individual from any form of slavery have not therefore been found necessary.

492. (1) The law of the United Kingdom does not recognize specifically the offences listed here, since slavery and servile status have not existed in this country for many centuries. However, should any person be unlawfully deprived of his liberty the sanctions of the ordinary criminal law would apply as they would if any person were "mutilated, branded or otherwise marked", for any reason. It is not therefore possible to set down a schedule of punishments attaching to the acts listed here, but as examples, false imprisonment and kidnapping are both common law misdemeanours punishable on conviction by fine or by imprisonment.

493. (2) Full equality before the law and freedom of the individual from any form of servile status have long been established in the United Kingdom. Any person depriving or attempting to deprive another of his liberty would be liable to prosecution for a criminal offence as indicated in I. 1, above. The victim would be able to assert his liberty by means of the writ of *habeas corpus*.

494. (3) There are no persons in the United Kingdom newly freed from slavery. If an alien fled to the United Kingdom from a condition of slavery he would automatically be regarded as a free man by United Kingdom law. He would be eligible for all the educational and social welfare benefits available in the United Kingdom. He would be free to return to his family or to his home country.

495. (4) Beyond the provisions referred to in reply to questions 1 and 2 above no further remedies are required in the United Kingdom.

496. (5) and (6) In view of the preceding replies these questions do not require a reply in the case of the United Kingdom.

Rhodesia

497. The following memorandum prepared by the Government of Rhodesia was forwarded by the Government of the United Kingdom on 20 May 1965 :

Comments of the law officers of Rhodesia

498. The following is an attempt to answer the various questions put in the questionnaire of the United Nations on slavery.

At the outset it should be pointed out that the history of Rhodesia as a legal entity commenced in 1890. The law of the country is, subject to any subsequent amendments, the law of the Cape Colony in 1891. This means that the various British statutes providing for the suppression of the slave trade and the abolition of slavery, even if not applicable directly to this country because Rhodesia was not a British possession at the time of this enactment (and they apply, in fact, to all British subjects), are part of the law of Rhodesia as being part of the law of the Cape Colony in 1891. The law of this country has, accordingly, never recognized the institution of slavery.

Various ancient "institutions or practices similar to slavery" existed under the customary law of the indigenous peoples of Rhodesia. Thus

one of the tribes made captives of surrounding peoples and tribal law recognized a form of domestic slavery. The "slave" had a status similar to that of a junior member of the family who "owned" him. This institution, it is stressed, became illegal and ceased to exist in 1892. All former "slaves" are, it is thought, dead. Certain rules of customary law relating to women give rise to "institutions or practices similar to slavery" but the courts have refused to recognize the customary law in so far as this is the case, holding it to be "repugnant to natural justice or morality". (Cf. the definition of "Africa law and custom" in section 2 of the African Law and Courts Act (Chapter 104).) Certain practices are forbidden by legislation, the contravention of which results in the imposition of criminal penalties. Although practices such as the inheritance of widows, the pledging of infants in marriage and such like may be practices similar to slavery, the status of a woman in customary law is in no way akin to that of a slave and questions 1 to 3 can hardly be regarded as having any relevance in the case of such women. There is always someone who, under customary law, is liable for the care and maintenance of a woman.

Answer to question 1

499. (1) (a) Any attempt to restrain a person as a slave by physical means would constitute an assault and would be prosecuted criminally. Any person detained against his will has, of course, the usual civil remedies. As far as we can ascertain there has never been any necessity for the matter to be considered by the courts.

(b) to (d) See answer to (a). A contract whereby a person agrees that he or someone else should be a slave or be in a position similar to that of a slave is, of course, an unlawful contract and has no force and effect.

(e) The custom of mutilating, branding or marketing a slave or person of servile status is entirely unknown in this country and would constitute an assault and be criminally punishable. Prior to 1890 thieves and other criminals might be punished by mutilation. This practice was suppressed after the occupation of the country.

(f) to (h) An attempt to commit a crime is itself a crime. A *socius criminis* is guilty of the same offence as, and subject to the same penalties as, principal offender.

500. (2) With the defeat of the Ndebele in 1893 all "slaves" were released and free to return to their homes which, it is believed, most of them did. Those that remained did so voluntarily. Since then, as far as we are aware, no attempt has been made by any indigenous group in Rhodesia to hold persons in bondage. A person alleging he is held as a slave can apply to the courts under a procedure similar to the *habeas corpus* procedure of English law.

501. (3) The question has not arisen in this century. The forms of domestic slavery known in the past differed greatly from the exploitive slavery known in the Americas and elsewhere and, as far as is known, no particular problems arose when it was terminated.

502. (4) See answers to 1 above.

503. (5) Slavery is now unknown (subject to what will be said about women under customary law).

504. (6) Not applicable.

(Bechuanaland, Bermuda, British Guiana, British Honduras, British Solomon Islands Protectorate, Brunei, Falkland Islands, Fiji, Gilbert and Ellice Islands, Gibraltar, Grenada, Mauritius, St. Helena, Seychelles, Swaziland)

505. The Government of the United Kingdom of Great Britain and Northern Ireland transmitted on 24 May 1965 the following consolidated reply to the questionnaire on slavery on behalf of the above-mentioned Territories.

506. (I) Slavery is not recognized as a legal institution in any of the Territories to which this reply refers. In addition it was expressly declared by the Slavery Abolition Act, 1833, to be "unlawful throughout the British colonies, plantations and possessions abroad". In the case of some of the territories to which this reply refers additional legislation has been enacted for the suppression of slavery, for example the Proclamation by Sir R. Farquhar, chapter 47 of the Laws of Mauritius and article 4 (1) of the present Constitution which says that "No person shall be held in slavery or servitude"; the Emancipation Act, 1834 (No. 2 of 1834) of Bermuda.

(1) (a) to (h). All the offences listed constitute criminal offences under the ordinary criminal law of the Territories to which this reply refers though not, in most cases, expressly in the context of slavery since, as stated above, slavery is an illegal institution in those Territories.

507. (2) No such mutual obligations exist in the Territories covered by this reply, nor, with the existence of the *habeas corpus* procedure, can they exist.

508. (3) There are no persons recently freed from slavery in the Territories covered by this reply. Questions 3 (a) to (c) do not therefore arise.

509. (4) Apart from the measures referred to in the answer to question I above, no other measures are necessary. 5 and 6 not applicable.

Antigua, Bahamas, Hong Kong, Montserrat, New Hebrides, St. Vincent

510. The Government of the United Kingdom transmitted on 1 June 1965 replies from the above-mentioned Territories.

Antigua

511. Slavery, the slave trade and institutions and practices similar to slavery do not exist in Antigua, having been abolished by the Slavery Abolition Act of 1833 (3 and 4 Will. 4c 73). The questionnaire is therefore inapplicable.

Preliminary

512. The following acts of the Parliament of the United Kingdom apply in the Bahama Islands :

- (a) The Slave Trade Act 1824 (5 Geo. IV c. 113)
- (b) The Slavery Abolition Act 1833 (3 and 4 Will. IV c. 73)
- (c) The Slave Trade Act 1843 (6 and 7 Vic. c. 98); and
- (d) The Slave Trade Act 1873 (36 and 37 Vic. c. 88).

By the Slavery Abolition Act, slavery in the British colonies was abolished with effect from 1 August 1834, and slavery was declared unlawful throughout the British colonies.

513. The Constitution of the Bahama Islands (which came into force on 1 January 1964) declares that "no person shall be held in slavery or servitude"; and section 14 provides for enforcement of the rights of the individual. There has always been protection of the individual under the *Habeas Corpus* Act (ch. 99).

514. Neither "slavery" nor "institutions or practices similar to slavery" exist in the Bahama Islands.

Question I

515. (a), (b), (c), (d) There is no specific provision in the Penal Code (ch. 69) dealing with "slavery" because of the application of the Imperial Acts mentioned above; but s. 316 provides a penalty of ten years imprisonment for kidnapping; and s. 317 provides a similar penalty for stealing any person under 14 years of age.

(e) Punishable by provisions of Penal Code relating to assault and causing harm.

(f), (g), (h) Yes.

*Hong Kong*²¹*Question I.1 (a, b, c, d) : answers*

516. The Offences Against the Person Ordinance provides as follows :

(42). Any person who, by force or fraud, takes away or detains against his or her will any man or boy, woman or female child, with intent to sell him or her, or to procure a ransom or benefit for his or her liberation, shall be guilty of felony, and shall be liable to imprisonment for fourteen years.

(43). (1) Any person who :

(a) unlawfully, by any means, leads or takes away, or decoys or entices away, or detains any child under the age of fourteen years, with intent to

²¹ The Special Rapporteur has abridged some portions of the reply in view of the limitation of space.

deprive any parent, guardian, or other person having the lawful care or charge of such child of the possession of such child, or with intent to steal any article upon or about the person of such child, to whomsoever such article may belong ; or

(b) with any such intent receives or harbours any such child, knowing the same to have been led, taken, decoyed, enticed away, or detained as in this section before mentioned,

shall be guilty of felony, and shall be liable to imprisonment for seven years : provided that no person who has *bona fide* claimed any right to the possession of such child, or is the mother or has *bona fide* claimed to be the father of an illegitimate child, shall be liable to be prosecuted by virtue hereof on account of the getting possession of such child or taking such child out of the possession of any person having the lawful charge thereof.

(2) For the purposes of this section, the adoptive parent of a child under the age of fourteen years, and the employer of a child under the age of fourteen years, including the employer of a *mui tsai* under the age of fourteen years, shall be deemed to have had the lawful care or charge of such child, provided as follows :

(a) That nothing in this subsection shall be construed as affecting any rights vested in or conferred on the Director of Social Welfare by or under the Protection of Women and Girls Ordinance, 1938 ; and

(b) That nothing in this subsection shall be construed as conferring upon any adoptive parent or employer any right of retaining possession, custody or control of any child as against the child's parent or guardian, or as against the child.

(44). (1) Any person who takes any part in any transaction the object or one of the objects of which is to transfer or confer, wholly or partly, temporarily or permanently, the possession, custody or control of any other person for any valuable consideration shall be guilty of a misdemeanour triable summarily and shall be liable to imprisonment for two years.

(2) Any person who without lawful authority or excuse harbours or has in his possession, custody or control any person with respect to whom the temporary or permanent possession, custody or control has been transferred or conferred for valuable consideration by any other person within or without the colony shall be guilty of a misdemeanour triable summarily and liable to imprisonment for two years.

(3) Nothing in this section shall be construed as affecting the customary giving or receiving of presents on occasions of *bona fide* betrothals, weddings or adoptions.

(4) No prosecution under this section shall be instituted without the consent of the Director of Social Welfare : provided that such consent shall not be necessary for the arrest of any person suspected of having contravened this section.

(5) The consent of the person intended to be, or actually, unlawfully transferred, taken into possession, custody or control or harboured, or the receipt by such person of the consideration, or any part thereof, shall be no defence to a charge or indictment under this section.

Question 1.1 (e) : answer

517. The same ordinance provides :

(17) Any person who

(a) Unlawfully and maliciously, by any means whatsoever, wounds or causes any grievous bodily harm to any person ; or

(b) Shoots at any person ; or

(c) By drawing a trigger or in any other manner, attempts to discharge any kind of loaded arms at any person, with intent in any of such cases to maim, disfigure, or disable any person, or to do some other grievous bodily harm to any person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of felony, and shall be liable to imprisonment for life.

(19) Any person who unlawfully and maliciously wounds or inflicts any grievous bodily harm upon any other person, either with or without any weapon or instrument, shall be guilty of a misdemeanour, and shall be liable to imprisonment for three years.

Question 1.1 (f) : answer

518. Criminal Procedure Ordinance, s. 64, provides :

(64) If, on any trial for any offence, the jury are satisfied that the accused person is guilty of an attempt to commit the offence charged in the indictment, but are not satisfied that he is guilty of the full offence so charged, then and in every such case the jury may acquit the accused person of such offence and find him guilty of an attempt to commit the same, and thereupon the accused person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for attempting to commit such offence.

Interpretation Ordinance, s. 30, provides :

(30) A provision which constitutes or results in the constitution of an offence shall be deemed to include a provision that an attempt to commit such offence shall itself constitute an offence which may be dealt with and punished in like manner as if the offence had been committed.

Question 1.1 (g) : answer

519. Criminal Procedure Ordinance provides :

(90) Every person who becomes an accessory before the fact to any felony, whether the same is a felony at common law or by virtue of any Act or Ordinance, may be indicted, tried, convicted and punished in all respects as if he were a principal felon.

(91) Every person who counsels, procures or commands any other person to commit any felony, whether the same is a felony at common law or by virtue of any Act or Ordinance, shall be guilty of felony and may be indicted and convicted either as an accessory before the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon has or has not been previously convicted or is or is not amenable to justice, and may thereupon be punished in the same manner as any accessory before the fact to the same felony, if convicted as an accessory, may be punished.

(92) Every person who becomes an accessory after the fact to any felony, whether the same is a felony at common law or by virtue of any Act or Ordinance, may be indicted and convicted either as an accessory after the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon has or has not been previously convicted or is or is not amenable to justice, and may thereupon be punished in like manner as an accessory after the fact to the felony, if convicted as an accessory, may be punished.

(93) Every accessory after the fact to any felony (except where it is otherwise specially enacted), whether the same is a felony at common law or by virtue of any Act or Ordinance, shall be liable to imprisonment for two years and it shall be lawful for the court to require the offender to enter into his own recognizances, with or without sureties, for keeping the peace, in addition to such punishment : provided that no person shall be imprisoned under this section for not finding sureties for any period exceeding one year.

Question 1.1 (h) : answer

520. Punishable at common law.

521. (2, 3, 4, 5, 6) — None necessary.

Montserrat

522. (I) By the Slavery Abolition Act, 1833 (3 and 4 Will. 4, c. 73) slavery was abolished throughout British possessions abroad and declared unlawful. By the Slave Trade Act, 1824 (5 Geo. 4, c. 113) all forms of dealing in slavery have been made unlawful and offenders and their procurers, aiders and abettors are liable to imprisonment for a term not exceeding fourteen years.

Since these legislative measures have been taken, there has been no evidence of the practice of slavery and institutions or practices similar to slavery in Montserrat.

(1) No, as slavery has been abolished and there is no evidence of it in the territory.

(2) None.

(3) }

(4) } None — no evidence of slavery or servile status in the territory.

(5) }

(6) }

New Hebrides

523. Since English statutes of general application in force on 1 January 1960 apply to British subjects in the New Hebrides, the position with regard to British subjects with respect to slavery is the same as that obtaining in the United Kingdom.

St. Vincent

524. The main legislative measures taken are :

(a) The Slavery Abolition Act 1833 (Imperial) — An Act for the Abolition of Slavery throughout the British Colonies.

(b) An Act for the Abolition of Slavery in the island of St. Vincent and its Dependencies in consideration of compensation and for promoting the industry and good conduct of the manumitted slaves, was passed in St. Vincent in 1834.

(c) An Act for the more effectual suppression of the Slave Trade was passed by the Imperial Parliament in 1843.

(d) An Act for consolidating with Amendments the Acts for carrying into effect Treaties for the more effectual suppression of the Slave Trade, and for other purposes connected with the Slave Trade was passed by the Imperial Parliament in 1873.

525. Slavery as a status is not recognized and within living memory has not existed in St. Vincent.

526. Institutions or practices similar to slavery do not exist here either in law or in practice, and there is no legislation specifically prohibiting such practices as debt bondage or serfdom. However, various Ordinances deal with certain aspects of servile status as a part of the general law and in the spirit of the Constitution under which human rights are protected, for example :

The Employers and Servants Ordinance, 1937, stipulates payment of labourers to be in money and no deduction therefrom can be made as a set-off. The Juveniles Ordinance, 1952 which deals with the prevention of cruelty to juveniles and their exposure to moral and physical danger by providing that they be brought before a Court and put under the care and protection of suitable persons or be committed to an approved school.

The Law of Infants (Amendment) Ordinance (Cap. 9) deals with the appointment of guardians and the power of the Court to take away custody of a child from an unsuitable parent or guardian.

The Summary Conviction Offences Ordinance (Cap. 14) makes it an offence for a parent or guardian to ill-treat, neglect or abandon a child.

The legal duty of a parent is to maintain his or her dependants and a husband or father is obliged by the Court under the Maintenance Ordinance, 1949, to make proper provision.

Women and girls are protected from abduction and defilement under various provisions of the Indictable Offences Ordinance, 1949.

Marriage is permissible only if both parties consent thereto, and in the case of a minor, also with the consent of the parent — The Marriage Ordinance (Cap. 151).

Any unauthorized restraint on the freedom of movement of the person may, except in certain restricted instances, viz. for public safety or order or lawful detention, constitute false imprisonment or false arrest and give rise to liability for payment of damages.

Administratively free primary school education to all children is available, also public welfare under the aegis of a Ministry of Government.

527. (1) (a), (b), (c) Yes. Dealing in slaves is prohibited or aiding, abetting or counselling any person so to do. Punishment is as described below :

£100 sterling per slave and all property or pretended property in such slaves forfeited. Prosecution as a felony punishable by imprisonment for five years.

(d) Where the practice is prohibited, counselling a person to commit the offence is punishable if the offence is a felony, by imprisonment.

(e) Yes. An offence under the Indictable Offences Ordinance (Cap. 24). Punishable by imprisonment.

(f), (g), (h) Yes, as regards dealing in slaves, and where the act is an offence related to servile status.

528. (2) The law and constitution do not recognize slavery, and any person dealing in slaves is liable to be prosecuted and imprisoned. Compensation was payable when slavery was abolished. (See 1834 Act above.)

529. (3) (a), (b), (c) This problem does not exist.

530. (4) The legislation quoted at I (a) to (d) above.

531. (5) The status of slavery has not existed since 1834.

532. (6) The results have not been disappointing.

Bahrain, Qatar, Dubai, Sharjah, Ras-al-Khaimah, Ajman, Umm-al-Qaiwain, Fujairah and Abu Dhabi

533. The following memoranda prepared by the above-mentioned Governments were forwarded by the Government of the United Kingdom of Great Britain and Northern Ireland on 14 June 1965.

534. *Memorandum of the Government of Bahrain relating to United Nations questionnaire on slavery.*

535. Questions (I to V) : Neither the institution of slavery nor the slave trade exists in law or in fact.

536. *Memorandum of the Government of Qatar on abolition of slavery.*

“Early in 1952, which is more than four years before the Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery was signed at Geneva on 25 September 1956, His Highness the Ruler of Qatar, Shaikh Ali Bin Abdullah Bin Jassim Al Thani, considering that slavery is forbidden in all the civilized countries of the world, and that its practice is contrary to the principles of human dignity and social justice, and having full intention to ensure an equitable social system of life to all his subjects, issued a proclamation abolishing slavery in Qatar as from 10 April 1952.

“A copy of this proclamation is attached herewith for easy reference. This proclamation expressly declares that it is an offence punishable by law to buy, sell, import, export, give as gift, or in any way dispose of or be a part to the disposal of any person as a slave or any person who is intended by that transaction to become a slave.

“The proclamation also provided for the payment of compensation for any person who emancipated a slave.

“Prior to the specific date (10 April 1952) of abolition of slavery a number of people did produce their slaves, and were compensated at the rate of Rs. 1,500 per man and Rs. 1,000 per woman, children being rated the same. The slaves then became the property of the Ruler who immediately freed them.

“On 10 April 1952 all slaves were set at liberty. Most of the well-to-do local citizens refused compensation and merely set the slaves at liberty, themselves taking an oath that they had done so. Most of the slaves continued to live with their ex-masters, but many of these emancipated persons left later their ex-masters' homes owing to improved economic conditions in Qatar. The Government is not aware of instances where such emancipated persons were prevented from leaving their ex-masters' homes and settling their own independent life.

“Prior to the development of the oil industry, most slaves were occupied in pearling but by 1952 pearling as an industry had almost come to an end owing to the better conditions of work offered in the oil companies. Until 1952 most of the labour in the oil companies was slave labour employed through a contractor, but with the abolition of slavery this came to an end, and the persons concerned were employed as individuals and started to receive their full salary and rights.

“At the time of the abolition of slavery, as a further step to securing the law, His Highness the Ruler took under his personal care such persons who were known as slave traders. They were

mostly growing old, and with the rapidly developing prosperity in the country their business became practically nil.

“Since 1952 the Government has not known of any confirmed cases of slavery. There have been a few odd allegations by persons previously slaves, but upon investigation they were invariably found to be false, and the persons concerned merely seeking something to their own advantage.

“Today in Qatar the standard of living and civil rights of persons previously known to be slaves are the same as the remainder of the civil population. Many are still in the service of the ruling family, which they have been from the time of their birth, and the custom of either a male or female member of the ruling family of sufficient status being brought up with several negroid children still prevails. Such negroid children are treated exactly the same as the child with whom they are being brought up.

“Many persons who were originally slaves and continue to be in the service of members of the ruling family are wealthy in their own right, carrying on business, owning property and land, and are generally prosperous.

“The same standard of education is offered to negroid children as to any other child in Qatar, and quite a number have been sent overseas for advanced education and technical tuition.

“The custom of giving away slaves as presents has long since ceased.

“The marriage system is exactly the same as it is for other people. In many ways they are permitted to carry on their very ancient customs which are not in accord with the beliefs and customs of their employers.

“It is regretted that European and American low-grade Press from time to time publish articles on slavery which sometimes mention Qatar. These articles are invariably devoid of foundation.

“Doha, 27 April 1965,

“26th Zul Hijjah, 1384.”

537. Government of Qatar — Proclamation on Slavery

“Whereas slavery is forbidden in all the civilized countries of the world, the practice of it being contrary to the principles of human dignity and social justice,

“And whereas it is our intention to ensure an equitable social system of life to all our subjects, We, Ali bin Abdullah Bin Jassim Al Thani, Ruler of Qatar, hereby proclaim that

“1. Slavery shall be abolished in all territories under our jurisdiction as from 10 April 1952, corresponding 16th Rajab, 1371.

" 2. Before the 10th day of April, 1952, corresponding 16th Rajab 1371, any owner of a slave or slaves may produce the same before us and compensation will be paid for each person, according to our discretion, provided that we are satisfied that he or she is in fact a slave.

" 3. It shall be an offence after the 10th day of April, 1952, corresponding 16th Rajab, 1371, to place any constraint upon any person as a slave against his will or to contribute to hold in slavery any person previously a slave.

" 4. It is an offence to buy, sell, import, export, give as a gift, or in any way dispose of or be a party to the disposal of any person as a slave or any person whom by that transaction it is intended should become a slave.

" 5. No Court established under our jurisdiction shall, after the 10th day of April, 1952, corresponding 16th Rajab, 1371, entertain any civil suit in which any 'claim' is made or obligation alleged on the grounds that one of the parties is a slave.

" 6. Any person committing an offence under this proclamation will be punished.

" Ruler of Qatar

" 16th Rajab, 1371,

" 10th April, 1952."

538. *Trucial States*

" We, the Rulers of the Trucial States, having seen resolution 960 of the Economic and Social Council of the United Nations on Slavery, desire to bring the following to the notice of the Special Rapporteur on slavery :

" Slavery and practices similar to slavery have been abolished in all our territories. Likewise the slave trade does not exist in the Trucial States. There is full equality as between one individual and another before the law of the country, and personal freedom of the individual.

" 2. In order to place firmly on record the situation in this respect which already existed in fact, the following declaration was signed on 14 May 1963 :

' We, the Rulers of the Trucial States listed below, declare that slavery was long ago abolished in our territories (as we have already announced) and that any one who was formerly a slave is now free to conduct his life as he wishes. We declare too that the sale, purchase and transport of slaves in our territories is absolutely forbidden.'

" 3. No scale of punishments for slavery offences has been presented for our courts, since in the circumstances described this was not necessary. No slavery offences have been brought to the

notice of our courts. Had any prosecution taken place, punishment would have been imposed as the circumstances required.

"4. Slavery having been publicly abolished, no further educational and other measures to stimulate public awareness of the importance of eliminating such practices are called for.

"5. Our States are already Parties to the 1956 Slavery (Supplementary) Convention since 1957.

"Shaikh Rashid Bin Sa'id Al Maktum

"Shaikh Saqr Bin Sultan Al Qasimi

"Shaikh Saqr Bin Mohamed Al Qasimi

"Shaikh Rashid Bin Humaid Al Na'imi

"Shaikh Ahmed Bin Rashid Al Mo'alla, M.B.E.

"Shaikh Mohamed Bin Hamad Al Sharqi

"Shaikh Shakhbut Bin Sultan "

539. On 23 July 1965, the Government of the United Kingdom of Great Britain and Northern Ireland transmitted the replies from the Government of Dominica and of St. Lucia.

Dominica

540. "Slavery" was abolished in Dominica by the Slavery Abolition Act, 1833 (3 and 4 Will. 4 c. 73). United Kingdom legislation on the subject applies to this Territory. A slave may assert his freedom by a Writ of Habeas Corpus and he can sue for damages for false imprisonment or detention. "Institutions or practices similar to slavery" as included under paragraphs (a) to (c) of the Definition thereof, are not known in this Territory. By the Dominica Order in Council, 1939, (S.I. 1939/1896) the Extradition Acts were applied in relation to certain countries having Treaties with the United Kingdom for the suppression of the White Slave Traffic.

541. [1. (a)] There is no criminal offence for owning a slave, person of servile status, as such, but section 10 of the Slave Trade Act, 1824 (5 Geo. 4 c. 113) and the Writ of Habeas Corpus render the owning of such persons almost impossible.

(b) (c) and (d) No. Such legislation is unnecessary.

(e) The mutilating, branding or otherwise disfiguring of any person by another by way of punishment, or to indicate his status would constitute a criminal offence under the Offences Against the Person Ordinance, Cap. 44 Laws of Dominica Revised Edition 1961. The penalty is imprisonment from two to ten years.

(f) Every attempt to commit a felony or misdemeanour at common law whether the crime attempted is one by Ordinance or at Common Law is a misdemeanour (Section 28, Cap. 34). The penalty is the same as that for an attempted felony or misdemeanour.

(g) Accessories before the fact may be indicated as such, or as substantive felons. Accessories before the fact may be punished as principals (Section 2 of Cap. 30). Accessories after the fact may be indicated as such or as substantive felons and may be punished as for principal felony (Section 4, Cap. 30). Whosoever shall aid, abet, counsel or procure the commission of any misdemeanour shall be liable to be tried and punished as a principal offender (Section 8 of Cap. 30).

(h) Conspiracy of two or more persons to do an unlawful act, or to do a lawful act by unlawful means is a criminal offence at Common Law. The punishment is imprisonment without limit, but the sentence awarded must not be inordinate.

542. The mutual obligations between slaves and persons of servile status and their masters that were in existence in 1833 have been terminated long ago, and therefore there is no need to take measures to terminate those obligations.

543. [3. (a)] Persons freed from servile status consequent on the Act of 1833, are now all dead.

(b) Their descendants have made this territory their home.

(c) No persons freed from servile status are now living.

544. (4) There are no persons living today who have been freed from servile status and if they were, there would be little possibility of their returning to such status.

545. (5) Not applicable to this Territory.

546. (6) Not applicable to this Territory.

St. Lucia

547. (1) After 1 August, 1834, all slaves in the British Colonies were emancipated, slavery was forever abolished in all British possessions and declared unlawful (Slavery Abolition Act 1833).

548. (2) See answer to question 1, above.

549. [3. (a)] At the time of abolition all slaves were made to serve a period of apprenticeship; this was a sort of rehabilitation period.

(b) None.

(c) None.

550. (4) Such a person could demand his rights in the Courts; also those who attempted to return a person to servile status would be guilty of a criminal offence.

551. (5) Successful.

552. (6) None.

553. On 4 August 1965, the Government of the United Kingdom of Great Britain and Northern Ireland transmitted replies in respect of *Aden and the Federation of the Protectorate of South Arabia*.

Question 1: general

554. In Aden State, which still has the legal status of a colony, British legislation has always forbidden slavery and the slave trade, while Section 4 of Part I of the Aden Constitution bans slavery and forced labour as part of that section's general safeguard of human rights in Aden. Some States of the Federation have had laws in force banning the slave trade and slavery for varying numbers of years. Others have hitherto thought legislation superfluous because of the non-existence of slavery. The Supreme Council of the Federation issued a comprehensive denunciation of slavery in August 1963. The Federal Government is now considering a comprehensive law on the subject to serve as a model for legislation by states (which retain responsibility for legislation on this and other subjects). The law would provide, in relation to the first part of Question I of the questionnaire, the punishments set out below.

555. Question 1: detailed answers

1 (a) Yes. Imprisonment up to seven years and/or fine.

(b) Yes. Imprisonment up to five years and/or fine of up to 4,000 shillings.

(c) Yes. Ditto.

(d) Yes. Ditto.

(e) Such offence would be dealt with in accordance with the ordinary law relating to offences against the person.

(f), (g) and (h) Yes. Imprisonment and/or fine applicable to the Section under which the offence is attempted etc.

(The position in the Eastern Protectorate, which is outside the Federation, is broadly similar, e.g., the Qa'iti and Kathiri States consider the Acts listed in Question I. 1. (a) to (h) of the questionnaire as criminal acts. However only acts (a) and (b) have a penalty specifically attached to them by existing legislation, viz. imprisonment for up to ten years and/or a fine of 7,500 shillings.)

(2-6) These are not applicable to the territories because slavery does not exist. But it should be noted that Her Majesty's Government's authorities in the territories have always been able to manumit; that they always did so in past years when remaining slavery was still a problem; that the re-enslavement within the territories of persons freed (either under Muslim law or by manumission) was then and remains, unknown; and that the British power of manumission was very widely known. It is illustrative of the end of slavery in the territories that requests for manumission have died out.

556. On 14 September 1965 the Government of the United Kingdom of Great Britain and Northern Ireland transmitted the following reply in respect of the *Virgin Islands*.

Question 1

557. After 1 August 1834, all slaves in British Colonies were emancipated, and slavery was abolished and declared unlawful in all British possessions (Slavery Abolition Act, 1833). Slavery has not therefore existed in this Colony during the past one hundred years, and conditions of life and government are such that it will be virtually impossible for slavery in any manner or form to be attempted or carried on. In any event, the Courts are empowered to enforce (a) the Criminal Law by virtue of statute and common law, (b) Habeas Corpus and (c) all the accepted individual legal rights, in the same full measure as in the case of the Courts in England, in order to preserve individual liberty and maintain human rights. There are no statutory enactments against slavery as such, and it is not considered necessary to place such enactments on the statute book.

558. On 8 October 1965, the Government of the United Kingdom of Great Britain and Northern Ireland transmitted the following reply in respect of *St. Kitts-Nevis-Anguilla*.

559. As there have been no instances of slavery or institutions and practices similar to slavery since the imperial enactment of the Slavery Abolition Act 1833, no reply to the questionnaire has been attempted.

560. The Anti-Slavery Society, a non-governmental organization in consultative status, states :

561. "*The Federation of Southern Arabia*"

"The British colony of Aden, 75 square miles in area, is free from slavery, but the larger area of land in southern Arabia adjoining it, formerly spoken of as the Aden Protectorate, which is made up of a number of small sheikhdoms and sultanates under British military protection, is not wholly free from slavery. It is now called the Southern Arabian Federation. A few of these small States have abolished the legal status of slavery, but the majority have not. In 1951, the Government of the United Kingdom informed the United Nations that 'the complete abolition of slavery in the Aden Protectorate is a matter of some difficulty. The majority of such slaves as still exist enjoy a certain measure of security under the relatively humane provisions of the Moslem law and the harsh environment of the country renders them unwilling to change their status. In the western half of the Aden Protectorate there is comparatively little slavery and in the Qa'iti and Kathiri States of the Hadramaut the selling of slaves is forbidden and any slave has the right to manumission on application. The importation of slaves from Africa into Southern Arabia appears to have completely stopped. Of persons remaining in a state of slavery in the Protectorates only a very small number can have been born outside Arabia. It is the constant aim of Her Majesty's Government to assist the Rulers to bring about the complete abolition of slavery.

562. "The British do not control the internal administration of any of these States and can only suggest and advise reforms in their laws. It is to be regretted that when the Southern Arabian Federation was formed, with the assistance of the British, that the British did not make it a condition of their support that the legal status of slavery would be abolished throughout the Federation within a specific period.

563. "Slave-owning has long been customary among the ruling families of the States of the West and East Aden Protectorates and in many of these it persists at the present time.

564. "Though the slaves are referred to by the word 'abd' and are the children of chattel slaves of African origin, few if any are today first generation Africans and it is doubtful if any fulfils the definition of a chattel slave. The British authorities assert and the Society believes that they are normally free to leave their masters if they wish. But few, if any, it is said, exercise this right as they are provided with all the material necessities of life, in contrast to the majority of the population, and many are employed in positions of trust. They constitute a buffer between the ruling caste and the people. Their existence, in fact, facilitates the persistence of such feudal practices as for instance the taking of hostages. Men are still taken as hostages by tribes in successful raids. The system is seldom effective, as the torture and killing of hostages appear to be no longer practised. The hostages, however, remain shackled for periods of up to fifteen years. They are generally free to move about out of doors as best they can and are a sight sufficiently common as now to be taken for granted by the British troops employed for the past year in the pacification of the area.

565. "The British Government reserved the right under Article V of the Treaty of Friendship with the Amirates of the South to give mandatory advice to rulers on matters affecting the good government of their territories. Mandatory advice to abolish slave-owning has never been given, perhaps because male slaves, at least, are generally free to leave their masters if they wish and slave-owning does not disturb the 'good government' of the country."

566. The Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations, in commenting on the above material on 28 June 1965, stated the following :

567. "The Anti-Slavery Society is incorrect in its description of the relationship between Her Majesty's Government and the Sultan of Muscat and Oman. The Sultan of Muscat is a sovereign and independent ruler over whose internal and external affairs Her Majesty's Government has no control although in the past limited military assistance has been given at the Sultan's request against a rebellion fostered from outside the country. Her Majesty's Government has no commitment to give such assistance."

568. Furthermore the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland in commenting on the information relating to South Arabia stated on 12 July 1965 the following :

569. “ (1) The Protectorate of South Arabia is not now named the Federation : the Protectorate is a wider expression which includes the Federation of South Arabia (a unit comprising Aden State and sixteen protected States) and also four unfederated areas : the Upper Yafa, Qa’iti and Kathiri States and the Sultanate of Soqatra and Mahra.

570. “ (2) In regard to the States comprising the Federation, the Federal constitution leaves the question of slavery as a matter within the legislative and executive responsibility of the constituent States. It is the view of the States that the social evil of slavery does not exist in their areas and that there is therefore no need for legislation of this kind. Although the descendants of former slaves still form a distinct social class in places, and, as the Society observes, may be referred to by the word ‘abd’ meaning a slave, they are not in a state of bondage but can, and frequently do, adopt various forms of livelihood, as soldiers, artisans, farmers or clerks. Those who prefer to continue as retainers of the families their ancestors served do so for reasons of their own preference in view of the economic advantages to which the Society refers. The Society’s remarks about slave-owning among ruling families should be read in this context. In 1963 the Federal Government issued a statement [see para 573 appendix] setting out its views on slavery.

“ This statement urges the States to legislate against slavery. H.M.G. support the view of the Federal Government that all States should take legislative action against slavery, and will continue to give advice and employ their influence to securing this end.

571. “ (3) The statement that the class of ex-slaves and their descendants forms a ‘buffer between the ruling caste and the people’ gives a mistaken impression that there is in South Arabia a ruling caste. As is to be expected in a predominantly tribal society, the rulers of the States are usually tribesmen themselves, and the whole body of tribesmen in the territory would regard themselves as forming the ruling caste in so far as this exists. The ‘abd’ class is only one of a number of segments of non-tribal society.

572. “ (4) The persistence of the ‘abd’ class and of family retainers is irrelevant to the ancient tribal practice of hostages, which is being progressively replaced by the introduction of normal systems of law and order throughout the land.”

573. APPENDIX. STATEMENT ISSUED ON 2 AUGUST 1963
BY THE SUPREME COUNCIL OF THE FEDERATION OF SOUTH ARABIA

The attention of the Supreme Council has been drawn to assertions made at the United Nations last December and subsequently in the British Parliament that slavery is still practised within the boundaries of the Federation. The Supreme

Council wishes it to be known that it completely refutes this charge and maintains that the record of the Federation in this matter sets an example which could well be followed by many other countries in the Middle East and elsewhere. Mindful, however, of the damage which these assertions may do to the good name of the Federation, the Supreme Council wishes to reaffirm its belief that freedom is the birthright of every human being and its faith in the dignity and worth of the human person. Further, the Supreme Council hereby declares that the institution of slavery, the maintaining in a state of slavery of one person by another and the purchasing, selling or exchanging of one person by another, is utterly abhorrent to it and therefore urges all member States, which have not already done so, to take urgent action to legislate against the evil practice of slavery. The Supreme Council is well aware that the absence of legislation specifically directed against slavery in some States is because the necessity for such legislation has never arisen. The Council is also aware that the introduction of such legislation at this late date may be taken by misinformed persons as an admission that slavery does in fact exist within the Federation. The Supreme Council, however, wishes to record its firm belief that any such charge can be refuted by the facts and that in a matter affecting the basic human rights of every citizen, each State in the Federation should declare its abhorrence of slavery and have the means to combat it should the need ever arise.

UNITED STATES OF AMERICA

[Original : English]
2 March 1965
and 14 April 1966

574. Slavery was abolished in the United States more than a hundred years ago. Neither slavery nor any institution resembling slavery now exists in the United States, nor has it existed since 1865. Federal legislation prohibits and punishes as a criminal offence the holding of any person in involuntary servitude, or any effort to entice any person into such status. Because institutions and practices resembling slavery have not existed for many years, and every person in the United States is free, by law and in practice, sub-questions 2-6 do not apply.

575. Section 1 of the Thirteenth Amendment to the United States Constitution provides :

“Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”

576. In addition, the criminal statutes of the United States include several provisions dealing specifically with slavery and institutions or practices similar to slavery. These are sections 1581-1588 of Title 18 of the United States Code, and provide as follows :

“Section 1581. *Peonage ; obstructing enforcement.*

“(a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

“(b) Whoever obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be liable to the penalties prescribed in subsection (a).

“Section 1582. *Vessels for slave trade.*

“Whoever, whether as master, factor, or owner, builds, fits out, equips, loads, or otherwise prepares or sends away any vessel, in any port or place within the United States, or causes such vessel to sail from any such port or place, for the purpose of procuring any person from any foreign kingdom or country to be transported and held, sold, or otherwise disposed of as a slave, or held to service or labor, shall be fined not more than \$5,000 or imprisoned not more than seven years, or both.

“Section 1583. *Enticement into slavery.*

“Whoever kidnaps or carries away any other person, with the intent that such other person be sold into involuntary servitude, or held as a slave ; or

“Whoever entices, persuades, or induces any other person to go on board any vessel or to any other place with the intent that he may be made or held as a slave, or sent out of the country to be so made or held —

“Shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

“Section 1584. *Sale into involuntary servitude.*

“Whoever knowingly and wilfully holds to involuntary servitude or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

“Section 1585. *Seizure, detention, transportation or sale of slaves.*

“Whoever, being a citizen or resident of the United States and a member of the crew or ship’s company of any foreign vessel engaged in the slave trade, or whoever, being of the crew or ship’s company of any vessel owned in whole or in part, or navigated for, or in behalf of, any citizen of the United States, lands from such vessel, and on any foreign shore seizes any person with intent to make that person a slave, or decoys, or forcibly brings, carries, receives, confines, detains or transports any person as a slave on board such vessel, or, on board such vessel, offers or attempts to sell any such person as a slave, or on the high seas or anywhere on tide water, transfers or delivers to any other vessel any such person with intent to make such person a slave, or lands or delivers on shore from such vessel any person with intent to sell or having previously sold, such person as a slave, shall be fined not more than \$5,000 or imprisoned not more than seven years, or both.

"Section 1586. *Service on vessels in slave trade.*

"Whoever, being a citizen or resident of the United States, voluntarily serves on board of any vessel employed or made use of in the transportation of slaves from any foreign country or place to another, shall be fined not more than \$2,000 or imprisoned not more than two years, or both.

"Section 1587. *Possession of slaves aboard vessel.*

"Whoever, being the captain, master, or commander of any vessel found in any river, port, bay, harbor, or on the high seas within the jurisdiction of the United States, or hovering off the coast thereof, and having on board any person for the purpose of selling such person as a slave, or with intent to land such person for such purpose, shall be fined not more than \$10,000 or imprisoned not more than four years, or both.

"Section 1588. *Transportation of slaves from the United States.*

"Whoever, being the master or owner or person having charge of any vessel, receives on board any other person with the knowledge or intent that such person is to be carried from any place within the United States to any other place to be held or sold as a slave, or carries away from any place within the United States any such person with the intent that he may be so held or sold as a slave, shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

577. No institution or practice of slavery or kindred activity exists in the United States today. Occasional complaints are received by the Department of Justice wherein it is alleged that a person is being, or has been, held in the service of another against his will. A preliminary investigation is normally conducted by the Federal Bureau of Investigation at once and the results are promptly furnished to the Civil Rights Division for its determination as to whether the facts justify further federal action. During each of the past five fiscal years, the Department has received fewer than fifty complaints. Most of these complaints, upon being investigated, are found to be without merit. The Department of Justice had occasion to prosecute only one such case in 1964.

578. We are not aware of any case in which a slave has been brought into the jurisdiction of the United States. However, if this occurred, such a person would be protected by the laws of the United States forbidding slavery, and thus would be considered to have the status of a free person.

579. Section 1201 of Title 18 of the United States Code forbids the transporting of kidnap victims in interstate or foreign commerce. It provides :

"(a) Whoever knowingly transports in interstate or foreign commerce, any person who has been unlawfully seized, confined, inveigled, decoyed, kidnapped, abducted, or carried away and held for ransom or reward or otherwise, except, in the case of a minor,

by a parent thereof, shall be punished (1) by death if the kidnapped person has not been liberated unharmed, and if the verdict of the jury shall so recommend, or (2) by imprisonment of any term of years or for life, if the death penalty is not imposed.

“(b) The failure to release the victim within twenty-four hours after he shall have been unlawfully seized, confined, inveigled, decoyed, kidnapped, abducted, or carried away shall create a rebuttable presumption that such person has been transported in interstate or foreign commerce.

“(c) If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished as provided in subsection (a).”

VENEZUELA

[Original : Spanish]
4 January 1965

580. In its first Constitutions from 1811 onwards, Venezuela maintained the old principle of slavery on a strictly temporary basis; but in each case the Constitution included a condemnation of the principle of slavery, of the slave trade and of the disguised forms in which some men exert power or mastery over others—as may be seen from chapter IX (under the heading of General Provisions) of the first Constitution which grew out of the declaration of independence. Following the old custom, succeeding Constitutions granted the rights of citizenship to free men, and left all matters relating to the freeing of slaves—which was a clear and specific duty aimed at their progressive and ultimately total emancipation—to be regulated by law. When Venezuela was reconstituted as an independent Republic under its 1830 Constitution, this principle was maintained and was supported by a body of law governing the freeing of slaves, based on the ideas of Bolívar which dated back to the most trying years of the struggle for independence. It is an established fact of Venezuelan history that in 1810, at the beginning of the fight for freedom, Bolívar and the foremost men of the country granted full freedom to their slaves.

581. At a time when the anti-slavery movement had only just begun to spread in Europe and throughout the world, and well before the war between the States, the Venezuelan Congress passed the Act of 24 March 1854, which included the following articles:

“Article 1. Slavery is abolished forever in Venezuela.

“Article 2. Freed slaves shall no longer be legally bound to render service; they shall be entitled to full enjoyment of their freedom and be subject only to paternal power or any other family authority, as free men.

“Article 3. The introduction of slaves into the national territory is prohibited forever. Slaves introduced in contravention of this ban,

whatever the pretext, shall immediately and *ipso facto* be granted their freedom."

582. The other articles refer to the method of compensating former slave-holders. The Act was promulgated by the Executive on 30 March 1854.

583. The truth, according to historians, was that by that time there were less than 20,000 slaves in Venezuela ; all the others left in the colony had been freed.²²

584. Subsequently, with the constitutional reform of 1857, the abolition of slavery became a constitutional rule and no law could have, or has, changed those principles. Venezuela was thus one of the pioneers in the elimination of slavery in the mid-nineteenth century. No law can alter principles which are deeply rooted in the soul of the nation, and the Venezuelans' repugnance to the institution of slavery should be appreciated.

585. In the enumeration of the rights of Venezuelans, the constitutional provision concerning slavery was traditionally worded as follows :

"Slavery is proscribed forever, and slaves setting foot on the territory of the Republic shall be free."

586. The present Constitution, adopted in 1961, reflects the view that the legal tradition is so strong and compelling as to require no express provision regarding slavery, and confines itself to giving such broad recognition to individual rights as naturally to preclude any possible revival of an old institution dead and buried for more than a century. It goes so far as to lay down the principles which should govern up-to-date labour relations, and the exercise of individual freedom is limited only by the need to preserve public order and the security of the community. It should be noted that the concept of slavery or of labour under conditions akin to slavery is entirely alien to the customs and legal institutions of Venezuela.

587. The following extracts from the Criminal Code clearly explain the situation as regards the penalties to be imposed in cases, referred to in section I of the questionnaire, where individual freedom has been violated :

" *Article 4.* The following persons shall be subject to prosecution in Venezuela and shall be punished in accordance with Venezuelan criminal law :

" . . .

" 9. Venezuelan nationals, or aliens having entered Venezuela, who commit on the high seas acts of piracy or other offences regarded under international law as heinous or anti-human, except in cases

²² According to data of the era (see Gil Fortoul, *Constitutional History of Venezuela*, vol. I, p. 99), in 1812 there were 62,000 slaves in Venezuela, although Depons (*Voyage*, etc., vol. I, p. 261) estimated their number at 218,000, a figure which is regarded as exaggerated. In 1854, 13,000 slaves were freed and 27,000 emancipated slaves were granted full rights (Gil Fortoul, *op. cit.*, vol. III, p. 53).

where they have already been prosecuted in another country and have served their sentences.

“ 10. Venezuelan nationals who, within or outside the Republic, participate in the slave trade.

...”.

YUGOSLAVIA

[Original : English]
1 November 1965

588. The socialist system in the Socialist Federal Republic of Yugoslavia is based on relations between people acting as free and equal producers and creators ; on social ownership of the means of production, which precludes the restoration of any system of exploitation of man by man, furthermore, it provides the conditions necessary for self-management by the working people in production and in the distribution of the products of labour as well as for social guidance of economic development.

589. Under the Constitution of the Socialist Federal Republic of Yugoslavia all citizens have equal rights and obligations, irrespective of their nationality, race, religion, sex, language, education and social status. The Constitution also explicitly prohibits every form of forced labour.

590. Slavery does not exist in the Socialist Federal Republic of Yugoslavia nor whatever practices similar to it. Therefore, there is no need to enact special legislation on slavery.

591. The Socialist Federal Republic of Yugoslavia devotes special attention to the international co-operation and, in particular, to the efforts of the United Nations, directed towards speedy and complete eradication of slavery wherever it still exists. Yugoslavia was among the first countries to sign the Slavery Convention of 1926 and was among the first countries which ratified a Supplementary Convention on the Abolition of Slavery, Slave Trade and Institutions and Practices Similar to Slavery of 1956.

ZAMBIA

[Original : English]
22 December 1965

592. With reference to the circular letter of the Secretary-General of the United Nations SO 252/2 (2-1-3) of 2 September 1965, with annexes, I have the honour to submit the following information in answer to annexes I and II.

593. *Annex I: resolution 1077 (XXXIX) of the Economic and Social Council, entitled “ Slavery ”, adopted at its 1392nd plenary meeting on 28 July 1965 — paragraph 3 :*

Following the letter of the Secretary-General LE 213 of 14 December 1964 in which the International Slavery Convention of 1926 and the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery, appeared as Conventions applied to Northern Rhodesia by the United Kingdom. And, following the letter of the Zambia Government of 1 September 1965 to the United Nations with respect to the inheritance by Zambia of treaty obligations undertaken for Northern Rhodesia by the United Kingdom, the Zambia Government desires that these Conventions be presumed to have been inherited by Zambia until such time as the Secretary-General shall receive a definite communication from the Zambia Government regarding their continuity or termination.

594. Annex II : questionnaire on slavery :

Slavery, slave trade, and institutions and practices similar to slavery do not exist in the Republic of Zambia.

The following legislation relating to slavery or conditions analogous to slavery is presently in force in Zambia.

(a) Constitution of Zambia :

Section 16 :

(1) No person shall be held in slavery or servitude.

(2) No person shall be required to perform forced labour.

(3) For the purposes of this section the expression "forced labour" does not include :

(a) Any labour required in consequence of the sentence or order of a court ;

(b) Labour required of any person while he is lawfully detained, that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained ;

(c) Any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that a person is required by law to perform in place of such service ;

(d) Any labour required during any period when the Republic is at war or a declaration under section 29 of this Constitution is in force or in the event of any other emergency or calamity that threatens the life and well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity, for the purpose of dealing with that situation ; or

(e) Any labour reasonably required as part of reasonable and normal communal or other civic obligation.

Section 17 :

(1) No person shall be subjected to torture or to inhuman or degrading punishment or other treatment.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question authorizes the infliction of any description of punishment that was lawful in the former Protectorate of Northern Rhodesia immediately before the coming into operation of the Constitution.

(b) Penal Code (Cap. 6) :

Section 232 :

Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, is guilty of a felony, and is liable to imprisonment for seven years.

Section 233 :

Any person who habitually imports, exports, removes, buys, sells, traffics or deals in slaves is guilty of a felony, and is liable to imprisonment for ten years.

Section 234 :

Any person who unlawfully compels any person to labour against the will of that person is guilty of a misdemeanour.

It is hoped that this information, while not amounting to detailed answers to the questionnaire whose contents are not immediately applicable to Zambia, will help you in this valuable research project.

QUESTION II

Does slavery or any institution or practice similar to slavery, as defined above, exist in the country? If so:

- 1. What is the nature and extent of the existing institution or practice?*
- 2. What are the causes or reasons for its existence?*
- 3. What obstacles or impediments hamper its elimination?*
- 4. What steps has your Government taken, or contemplated, for its elimination?*
- 5. How many prosecutions have there been? Do these include any prosecutions of persons in absentia?*

AFGHANISTAN

595. Reply to questions II, III, V and X

In view of the provisions of the Slavery Convention signed at Geneva on 25 September 1926, to which Afghanistan became a party on 9 November 1935, and the provisions of the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery we can rightly say that Afghanistan does not tolerate slavery in any form.

Article 11 of the former Constitution of Afghanistan stated that: "There is no interference with personal liberty in Afghanistan. The practice of slavery is forbidden. No male or female may keep any person as a slave."

The new Constitution of Afghanistan which came into force in October 1964 reaffirms the provisions of the Universal Declaration of Human Rights concerning the dignity, liberty and equality of all Afghan nationals. In Title Three, "The Basic Rights and Duties of the People", article 25 states that: "The people of Afghanistan, without any discrimination or preference, have equal rights and obligations before the law", and article 26, paras. 1 and 2, that "Liberty is the natural right of the human being. This right has no limitations except the liberty of others and public interest as defined by the law. The liberty and dignity of the human being are inviolable and inalienable. The State has the duty to respect and protect the liberty and dignity of the individual".

Thus, customs and practices similar to slavery have already been prohibited both under previous legislation and under the new Constitution of Afghanistan. Today, the condition of slavery has completely disappeared.

AUSTRALIA

596. No.

597. The International Council of Women, a non-governmental organization in consultative status states :

“(1) The only possible analogy with ‘ servile status ’ could be the position of women coerced unwillingly into marriage.

“(2) The practice of arranged marriage, with or without financial consideration in the form of dowries, marriage settlements and so on, has never been prevalent in Australia. But arranged marriage has been part of the traditional way of life of both Australian aborigines and the totally different ethnic group of the Territory.

“(3) Legally, indigenous women have the same right of decision in marriage as any female citizen of Australia and may expect and get from the administrative authorities protection from coercion and intimidation. In fact, as in many other communities throughout the world, young females are subject to the domination of their male relatives. For indigenous women, real freedom of choice depends on the level of education and social development of the girl and her family. Ability to withstand family or community pressure depends on strength of character, some understanding of a wider horizon beyond the narrow domestic routine existence, and some possibility of economic independence. For the majority of adult indigenous women, there is no benefit to be obtained in wholesale interference with local custom until, through education in its widest sense, they are capable of exercising some independence, at least independence of thought.

“(4) In an endeavour to limit the role and influence of the family in the arrangement of marriages, new legislation will empower Local Government Councils to control the kind, manner, and amount of value of customary marriage settlements.”

CANADA

598. No.

CEYLON

599. Apart from above answers (see paragraphs 54 to 58), I am unable to answer this question. The question regarding the existence of an institution or practice similar to slavery (see definition) cannot be answered without the relevant facts of which I am not in possession.

CHAD

600. Yes.

1. Marriage, transfer of a woman, inheritance.

2. Tradition.
3. None.
4. None.
5. None.

CONGO (Democratic Republic of) ²³

601. The Friends World Committee for Consultation, a non-governmental organization in consultative status, states :

“We are also informed that the institution of bride-price flourishes in certain parts of the Congo (Leopoldville), especially the eastern area where, not so long ago, bride-price was actually included in the cost of living index.”

602. The Government of the Democratic Republic of the Congo in commenting on the above material stated the following :

“In view of the general context in which this information is given, it might give the impression that a form of slavery, in the shape of the institution of the ‘*dot*’, was practised in the east of the Democratic Republic of the Congo.

“(1) First and foremost, it should be pointed out that the term ‘*dot*’, properly speaking, is incorrect, for the ‘*dot*’, in the civil sense of the word (we refer to the civil law of West Europe), means the contribution brought by the wife to meet the household expenses.

“It must be noted that the donor is the wife and not the husband, in the civil sense of the term. Hence the term ‘*dot*’, applied to the more or less comparable institution to be found in the east of the Democratic Republic of the Congo and even throughout the Republic constitutes an inaccuracy, since in the Congo, to mention this one difference alone, it is the husband, and not the wife, who is the donor.

“(2) The main object of this note, however, is not so much to draw attention to the different connotations of the term ‘*dot*’ as to point out that the ‘*dot*’, in the sense given above, cannot be likened to a form of slavery.

“In fact, the notion of slavery implies essentially that of the right of the master to dispose as he pleases not only of the life and the person of the slave but also of the slave’s property.

“In the Democratic Republic of the Congo, the wife is not, and has never been, a slave. She cannot, and never could, be likened to a slave, for the institution of divorce has been widespread, very widespread indeed.

“Assault and battery by the husband against the wife could in some cases entail legal obligations for the husband or give the victim the right to leave home.

²³ For the reply of the Democratic Republic of the Congo to the questionnaire see paragraphs 113 and 114 above.

“Moreover, the ‘*dot*’ was partly or fully repayable.

“All these institutions are inconsistent with the status of a slave. On the contrary, the wife is respected by her husband.”

CUBA

603. The information (given in question I) ²⁴ relates to this question also.

DENMARK

604. The answer to this question is no.

ECUADOR

605. As has been said above, ²⁵ slavery and other institutions or practices similar to slavery, as defined in the questionnaire, do not exist in Ecuador.

FRANCE

606. (A) This question is pointless as far as France is concerned.

GAMBIA

607. (B) Questions II, III and IV do not arise.

GHANA

608. No. There is no slavery or institution or practice similar to slavery existing in Ghana.

(1) Nil.

(2) Nil.

(3) Nil.

(4) Not necessary.

(5) Nil.

INDIA

609. (II.1): Indian Constitution prohibits all forms of slavery including forced labour and consequently the existence of slavery or any

²⁴ See paragraph 115 above.

²⁵ See paragraphs 150-160 above.

institution does not arise. But a practice in the form of "bonded labour" had been in existence in some parts of India. This practice largely owed its existence to the backwardness of some communities in India. Anyway this practice is fast dying out. The system of "bonded labour" is mostly found in the tribal areas in India. It is known as "veti" in the state of Andhra Pradesh, "jeetha" in the state of Mysore, "gothe" in the state of Orrisa and "sagri" in the state of Rajasthan.

610. (II.2) : Generally, the main cause for the system is indebtedness. In some cases tribal people subject themselves to this system because they have no resources to pay the bride price and to meet other incidental expenses.

611. (II.3) : There are no impediment or obstacles to its elimination. The Government has taken adequate measures to put an end to this practice.

612. (II.4) : The State Governments concerned have taken recourse to legislative executive measures to abolish the system wherever in existence. For instance, in Andhra Pradesh, the Madras Agency Debt Bondage Labour Regulation, 1940, is in force to put an end to the practice of "veti". In Orissa, the Debt Bondage Regulation 1948 is in force to bring about an end of the "gothe" system. The Rajasthan Government has enacted the Rajasthan Sagri System Abolition Act, 1961 to abolish the "sagri" system.

Some State Governments have taken recourse to legislative measures for regulating the business of money-lending particularly in the Scheduled Areas and other tribal areas. Some of the State Governments have also promulgated debt relief courts. Steps were also taken to provide cheap credit facilities on a co-operative basis to such persons.

613. (II.5) : Nil.

IRAN

614. Slavery or any institution or practice similar to slavery, as defined in the questionnaire does not exist in Iran. The questions asked in sub-paragraphs 1 to 5 therefore are not applicable.

IVORY COAST

615. Questions II and III : see reply to question I.²⁶

JAMAICA

616. Slavery or any institution or practice similar to slavery as defined in the questionnaire, does not exist in Jamaica.

²⁶ See paragraphs 233-239 above.

KUWAIT

617. No. Therefore, sub-paragraphs 1, 2, 3, 4 and 5 do not arise.

LAOS

618. There is no slavery or any institution or practice similar to slavery as defined in question I, in Laos.

MALAWI

619. No.

MALI

620. The slave trade seems to have been definitely eliminated in the Republic of Mali. However, it is possible that particularly experienced criminals might have been able to take advantage of the good faith of certain excessively credulous persons and of administrations to take such persons out of the territory and, once outside, deprive them of their liberty. The fact that we have no specific evidence to substantiate such a hypothesis confirms the rule that the slave trade and practices similar to slavery have now been eliminated from the Republic of Mali. Consequently, in our view, questions 1 to 5 of section II do not apply to Mali.

NEPAL

621. No such institution exists.

NETHERLANDS

622. No.

Surinam

623. No.

NEW ZEALAND

624. No.

625. The International Council of Women, a non-governmental organization in consultative status states :

626. " No.

(1) None.

(2) Not applicable.

(3) Not applicable.

(4) Not applicable, but Act introduced in 1961.²⁷

(5) None."

NIGERIA

627. See answer to question I.2.²⁸

NORWAY

628. No.

PAKISTAN

629. 1, 2, 3, 4, 5 do not arise.

PERU

630. In view of the statutory provisions quoted under question I, slavery and institutions or practices similar to slavery do not exist in Peru.

PHILIPPINES

631. No. Slavery or institutions or practices similar to slavery do not exist in the Philippines.

632. The International Council of Women, a non-governmental organization in consultative status states :

633. "(1) Slavery is still practised by some non-Christians inhabiting remote and isolated places of Mindanao and Sulu (an island in the southern tip of the Philippines).

634. "Their religion does not ban slavery and because of the physical isolation and remoteness of their place of abode, they have been immune from police action.

635. "Ignorance, tolerance and general apathy of the community aggravates the physical inaccessibility of the place where slavery is practised which can be reached usually only by rude trails.

636. "The Philippine Constabulary (national police force) undertakes raids on these places. Under the present socio-economic programme, there are plans to open more roads and more welfare and educational facilities.

²⁷ See paragraph 330 above.

²⁸ See paragraph 340 above.

RWANDA

637. "(Data will have to be obtained from the Philippine Constabulary.)"

638. No form of slavery exists in Rwanda.

SAUDI ARABIA ²⁹

639. The Friends World Committee for Consultation, a non-governmental organization in consultative status, communicated the following:

"Our informant states that though both Saudi Arabia and ... have officially abolished slavery, a certain 'black market' in slaves was still going on two years ago. He was told in Taiz that it was still possible to buy both male and female slaves but that it was 'very much a hush-hush business'. He points out that in so large and loose-knit a country as Saudi Arabia, it is difficult to secure uniform application of the law. Nevertheless, he mentions that, in both Saudi Arabia and ... , 'the main problem is the freed slaves', which suggests that the Governments have had considerable success in carrying out the reforms."

SENEGAL

640. No. Paragraphs 1, 2, 3, 4 and 5 do not apply.

SINGAPORE

641. No.

SPAIN

642. (1) The delivery of a minor to another person with a view to the exploitation of the minor, a practice similar to slavery (mentioned in paragraph 2 (d) of the section entitled "Definitions" preceding the questionnaire) is not a common practice in Spain, but it did in fact occur to a certain extent in former years. The existing laws cover such cases and prescribe the relevant penalties, as indicated earlier. Occasional cases of this practice may still occur.

643. (2) When it did exist, it occurred particularly among poorer classes, largely because of the poverty in which they lived and of the want of a moral upbringing.

²⁹ The Government of Saudi Arabia has not replied to the questionnaire, nor has it commented on the material presented by the Friends World Committee for Consultation, a non-governmental organization in consultative status, which was submitted to it by a *note verbale* dated 11 March 1965.

644. (3) None in particular, except for the difficulty of proving the existence of the practices in each particular case.

645. Generally speaking, owing to the disappearance in recent years of poverty among the humbler classes of society as a result of the elimination of unemployment, the promotion of workers' economic and social rights, the construction of low-cost housing, and the general improvement in the level of living, and also to better education facilities for the masses (free compulsory primary education; the State is now responsible for building schools, previously a municipal responsibility which was not adequately carried out), cases of the delivery of minors to another person with a view to their exploitation have become much rarer.

646. In addition, there are institutions directly concerned with the protection of minors which take direct action to avoid or prevent the occurrence of such practices.

647. The Minors' Welfare Service, attached to the Ministry of Justice is an independent entity with subsidiary provincial and local Boards. Its welfare functions include inspecting centres where children are taken in, sheltered or visited, investigating the injury, cruelty, and exploitation to which children under sixteen may be subjected, and reporting and instituting legal proceedings in respect of offenders against such minors.

648. Furthermore, the Juvenile Courts, whose function is to admonish and punish minors under the age of sixteen who are guilty of acts deemed to be offences under the Penal Code, are responsible for the legal protection and defence of minors against the improper exercise of guardianship rights by their legal representatives.

649. (5) No specific statistics available.

SUDAN

650. No, not at all.

THAILAND

651. In Thailand slavery was abolished several decades ago.

TOGO

652. Do not call for a reply, since slavery does not exist in Togo.

TUNISIA

653. Neither slavery nor any institution or practice similar to slavery exists in Tunisia.

654. (1) The practice defined under (2) (c) (iii) of the "Definitions" exists as a humanitarian practice in a very small number of tribes. A man may, in those tribes, inherit his deceased brother's wife or wives.

655. (2) Originally the practice was intended to provide care for the widows.

656. (3) In the tribes in which it exists and has been practised for a long time, it has come to be part of the way of life of that particular tribe and such ways of life which have been established for a long time cannot be easily eliminated.

657. (4) Economic pressures and the tremendous expenses of maintaining more than one wife are contributing more to its elimination than any legislation could have done. Government policy is to improve the conditions of life of everybody and thus make it unnecessary for such widows to depend on other people.

658. (5) None.

UNITED ARAB REPUBLIC

659. Slavery has been abolished.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

660. Neither slavery nor any similar institutions or practices exist in the United Kingdom.

Rhodesia

661. (1) As indicated previously certain rules of the customary law of marriage and succession, although not recognized by the courts, result in practices similar to slavery, as the expression is defined for the purposes of the questionnaire. If we take Shona customary law as a typical example :

(a) The commonest form of marriage entails the passing of marriage consideration from the family of the bridegroom to the father of the bride. In customary law, although probably seldom in practice, a woman could be required to consent to these arrangements and be given in marriage without her consent.

(b) A woman on the death of her husband was liable to be inherited by another person, usually a brother of the deceased.

(c) A female child could be "pledged" in marriage to a man in return for assistance given by that person, for example, in a year of drought, to her father.

662. (2) Notwithstanding the attempts of the Government and the Courts to eradicate the above-mentioned practices, in so far as children are concerned or they take place without the consent of the woman concerned, they exist still to a limited extent in certain backward areas. The reason for the continued existence of these practices is partly the weight of tradition which is important where a society still retains much of its traditional structure and, in the case of the pledging of children in marriage, economic factors. In most areas marriages are, in fact, contracted by the parties themselves, even if the old forms are observed which means that the arranged marriages of the past and associated practices are disappearing. Social change, therefore, is assisting Government action.

663. (4) It is a criminal offence under section 14 of the African Marriages Act (*chapter 105*) "by force, intimidation or other improper means" to compel an African woman to enter into a marriage against her will. Under section 11 of that Act the pledging of children in marriage is prohibited. Historically one of the primary reasons for requiring marriage between Africans to be registered under the African Marriages Act and its predecessors was to ensure that a marriage was not entered into until the marriage officer had ascertained that the women consented to the marriage. Registration of the marriage is required before an inherited widow can become, in law, the wife of the person inheriting her and she has every right to withhold this consent. Sexual intercourse with a woman without her consent constitutes the crime of rape and it is no defence to a charge of rape to allege a marriage under customary law or the inheritance of a widow under customary law.

664. (5) Prosecutions under the African Marriages Act (*chapter 105*) occur but are not common. Persons may not be prosecuted *in absentia*.

(*Bechuanaland, Bermuda, British Guiana, British Honduras, British Solomon Islands Protectorate, Brunei, Falkland Islands, Fiji, Gilbert and Ellice Islands, Gibraltar, Grenada, Mauritius, St. Helena, Seychelles, Swaziland*)

665. Neither slavery nor practices or institutions similar to slavery exist in the above-mentioned territories. Paragraphs 1 to 5 of question II, do not, therefore arise.

Bahamas

666. Questions II and III: *No*.

Hong Kong

667. (1) The only practices which might be remotely identifiable with slavery are the following:

(a) "Mui tsai" system — the service of a female child procured by payment to her parents or guardian. This system is believed to be out of practice and is well covered by the Domestic Servants Ordinance and the Protection of Women and Juveniles Ordinance.

(b) Young girls sold by the parents or guardian to brothels and are kept and exploited for profit by the brothel-keepers. The number of cases reported in 1962, 1963 and 1964 were 6, 1 and 1 respectively.

(c) Young girls who run away or are induced to run away from home, and are controlled and exploited by undesirable elements. They are usually employed as dance hostesses in the lower type of dance halls, or as prostitutes in brothels. There were 4, 4 and 2 cases reported in 1962, 1963 and 1964 respectively.

668. (2) The social environment remains the cause for the existence of such practices. Rapid industrialization and full employment have helped to stamp out the "mui tsai" system and only very rarely are girls now sold to brothels. The rising cost of living has, however, compelled many parents to work out of home, leaving the children in need of proper care and protection. A girl may be induced by a boy friend or a professional enticer to run away from home in order to seek a more "glamorous" life.

669. (3) The lack of compulsory education, crowded housing conditions, separation from parents, and the erosion of close-knit family life which tends to occur in an industrial setting, make it difficult if not impossible to eliminate the practice.

670. (4) The Protection of Women and Juveniles Ordinance of 1951 contains extensive provisions intended to protect women and girls from exploitation and to prevent trafficking and the running of brothels. The Police Force conducts surprise inspections of dance halls at night with the aim of locating girls who appear to be under fifteen (the minimum age for employment in such establishments). If found, these girls are placed under the supervision of the Social Welfare Department or sent to institutions where vocational training is provided.

671. (5) All cases mentioned in II, section 1 above have been brought before the courts.

Montserrat

672. No.

New Hebrides

673. (1) *Nature and extent of existing practices*

Slavery does not exist in the New Hebrides but two practices similar to slavery as defined in the Supplementary Convention of 1956 are still found to a limited extent. These are the practices whereby :

A woman without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or other person or group ; and

A woman on the death of her husband is liable to be inherited by another person.

(Sub-paragraphs 2 (c) (i) and (iii) of the Definitions.)

It was formerly the general practice in New Hebridean society for the parents or guardians of a woman to arrange her marriage and for a payment known as the "bride-price" to be made for her either in money or in kind to the parents by the husband or the husband's family. The girl's consent was not required for such an arranged marriage. The worst features of this system, however, have been to a great extent eradicated as a result of the influence of the Christian churches and the Government. Although marriages are still, even in areas subject to mission influence and complete administrative control, to a certain extent arranged on behalf of women rather than at their own initiative, it can be said that the use of actual compulsion to induce a woman to marry is now rare and in the last resort a woman who has a strong aversion to her proposed husband will not in fact be forced to marry him.

The practice of women being inherited on the death of their husbands is restricted in the New Hebrides to areas where the traditional social organization is still virtually unaffected by either mission influence or administrative action. The population involved is not large and there are indications that their cultural isolation will gradually come to an end under the impact of the Government and the mission social services (health and education) that are being progressively established in these areas. It is doubtful whether this practice, although normally undesirable, constitutes a serious social problem and in local circumstances it may have some merit in that provision is then made for the care of widows.

674. (2) The reason for the existence of the practices concerned are to be found in the Melanesian concept of marriage as a contract for specific social ends.

675. (3) In the areas of the New Hebrides (mainly the relatively inaccessible inland districts of the two largest islands of Santo and Melaekula) where administrative action is not yet fully effective, the people still retain their traditional way of life and whilst the Joint Administration is conscious of the need to eliminate servile practices in these areas, it is not felt possible or desirable to impose western social organization by methods of compulsion. It is hoped by means of patient intensification of contacts between the Administration and the people concerned, particularly through the introduction of medical and educational facilities, to induce them to abandon practices which are incompatible with the concepts of modern humanistic society. The Government is hampered in this task, however, by shortages of personnel and difficulties of communications, resulting from the arduous nature of the terrain where some of the primitive communities live.

676. (4) No legislative action has yet been taken against the practices referred to in paragraph (1) although Government officers endeavour to counteract them by means of persuasion. Legislation is at the present being prepared, however, which will make it unlawful to marry any persons unless their consent has been freely and publicly given. This legislation will

shortly be submitted to the Advisory Council and it is hoped it will eradicate any remaining practices involving the use of compulsion in marriage, at least in the parts of the group where it is possible to enforce such legislation. At present no legislation is contemplated against the practice of inheritance of widows since this only exists in areas where legislation could not for the reasons already given be enforced.

The continuing of undue compulsion in obtaining the consent of women to marriage is intimately linked with the bride-price system against which the effects of the churches and Government have been devoted for a long time. There have recently been signs that in the areas where, despite conversion to Christianity, the system of bride-price still persists, its social disadvantages are now appreciated by at least the more enlightened members of Melanesian communities and it is significant that one Local Council has recently passed a by-law restricting the amount of bride-price, whether in cash or in kind, to £20 (Australian currency).

677. (5) There have been no prosecutions.

St. Vincent

678. Nos. 1, 2, 3, 4 and 5 not applicable.

Dominica

679. (1) There appears to be only a very limited practice whereby indigent persons who have large families and who cannot properly feed and maintain their children (under the age of eighteen years) deliver them to the care and custody of persons who are willing to take on the responsibility of feeding and clothing them, in return for which the child is required to perform certain domestic duties in the home. This arrangement can be terminated at any time by the parents and does not seem to be a practice similar to slavery.

680. (2) The causes are mainly due to the poor economy of the Territory, and high birth rate.

681. (3) Lack of better job opportunities, or sufficient funds available for adequate poor relief.

682. (4) Government has taken steps to make lands available to peasants at fairly low rates and also to attract new industries to the Territory to improve the economy and provide more job opportunities.

683. (5) Prosecutions would clearly be inappropriate and none have been instituted.

St. Lucia

684. No.

Virgin Islands

685. No.

UNITED STATES OF AMERICA

686. No. Neither slavery nor any institution or practice resembling slavery exists in the United States.

VENEZUELA

687. No special provision is made in Venezuela for the cases referred to in questions II, III and IV, since slavery does not exist in the country and individual freedom, in that connexion, is absolute. It is also clear that question III, concerning slavery and its existence in the country, requires no further comment.

YEMEN ³⁰

688. The Friends World Committee for Consultation, a non-governmental organization in consultative status communicated the following :

“ Our informant states that though both . . . and Yemen have officially abolished slavery, a certain ‘ black market ’ in slaves was still going on two years ago. He was told in Taiz that it was still possible to buy both male and female slaves, but that it was ‘ very much a hush-hush business ’. . . Nevertheless, he mentions that, in both . . . and Yemen, ‘ the main problem is the freed slaves ’, which suggests that the Governments have had considerable success in carrying out the reforms.”

³⁰ The Government of the Arab Republic of Yemen has not replied to the questionnaire, nor has it commented on the material presented by the Friends World Committee for Consultation, a non-governmental organization in consultative status, which was submitted to it by a *note verbale* dated 11 March 1965.

QUESTION III

Does any form of slavery, or any institution or practice similar to slavery, other than those defined above, exist in the country? If so :

- 1. What is its nature and extent ?*
- 2. What are the causes or reasons for its existence ?*
- 3. What obstacles or impediments hamper its elimination ?*
- 4. What steps have been taken, or are being taken, to eliminate it ?*

AFGHANISTAN

689. See answer to question II.³¹

CANADA

690. No.

CEYLON

691. See answer to question II.³²

CHAD

692. Paragraphs 1, 2, 3 and 4 : duplication of question II.

CUBA

693. No form of slavery or any institution or practice similar to it exists in Cuba, as has already been stated.

DENMARK

694. The answer to this question is no.

ECUADOR

695. Nor does any form of slavery or any institution or practice similar to slavery, other than those defined in the questionnaire, exist in the territory of Ecuador.

³¹ See paragraph 595 above.

³² See paragraph 599 above.

FRANCE

696. This question is pointless as far as France is concerned.

GHANA

697. (1) Nil.

698. (2) Nil.

699. (3) Nil.

700. (4) Nil.

IRAN

701. The questions asked do not arise.

IVORY COAST

702. See answer to question I.³³

JAMAICA

703. No form of slavery or any institution or practice similar to slavery, other than those defined in the questionnaire, exists in Jamaica.

KUWAIT

704. No. Therefore paragraphs 1, 2, 3 and 4 do not arise.

LAOS

705. There is no form of slavery or any institution or practice similar to slavery, as defined in question I, in Laos.

MALAWI

706. No.

MALI

707. Neither slavery nor any institution or practice similar to slavery exists in Mali in any form.

³³ See paragraphs 233-239 above.

NEPAL

708. The country being a developing country, the section of citizens who depend on agriculture being in debt to creditors was sometimes made to perform part-time labour. But this too has now been abolished by the new Mulki Ain, which provides :

" Chapter on wages

" Section 2. Except in case of consent to work gratis, wages shall be paid according to the agreement, if any, between the employer and the employee, otherwise a fair amount shall be paid as wages as is customary in that locality." The Land Reform Act, 2021 (1964) provides :

" Section 37. *Prohibition to impose labour or levy charges.* The land-holder shall not, without paying a reasonable amount as wages, employ his tenant to do any kind of work including part time work (both and begaar), or shall not levy charges of any other kind except rent due in lieu of his employing another person as his tenant to cultivate his holding."

709. Chapter 9 of the same Act *inter alia* makes provisions to save the tillers against financial bondage :

(1) The Government undertakes to relieve the agriculturalist debtor from agricultural loans by paying the debts itself and allowing an agriculturalist debtor to reimburse the amount to the Government by instalments up to a period of five years.

(2) The landholder has been forbidden to take back the bullocks and other means of agriculture from his tiller. The value of such bullocks and tools shall be deemed to be agricultural loan.

(3) To fix the amount of other loans payable by the agriculturalist debtor.

NETHERLANDS

710. No.

Surinam

711. No.

NEW ZEALAND

712. No.

NIGERIA

713. See answer to question I.2.³⁴

³⁴ See paragraph 340 above.

NORWAY

714. No.

PAKISTAN

715. Nos. 1, 2, 3, 4, do not arise.

PERU

716. Similarly, there are no institutions or practices other than those defined as slavery in the questionnaire which might constitute institutions or practices similar to slavery.

PHILIPPINES

717. No.

RWANDA

718. No forms of slavery exist in Rwanda.

719. The Friends World Committee for Consultation, a non-governmental organization in consultative status, states :³⁵

“Amongst not a few tribal groups living in remote areas or regions of low rainfall — and thus low population density — practices akin to household slavery persist. They are commonly based upon traditions of enslaving defeated enemies. The subject peoples or groups then had to give unpaid service to their overlords. The situation in Rwanda of the domination of the Babutu by the Batutsi which persisted until the revolution of January 1961, is well known.”

720. This communication was forwarded to the Government of the Republic of Rwanda for its comments.³⁶ The Permanent Representative of the Rwandese Republic to the United Nations informed³⁷ that he cannot accept such an interpretation with regard to Rwanda and stated the following :

“The fact is that there are no tribes in Rwanda, but rather three ethnic groups with the same culture, the same language, the same religion and the same customs ; what is more, they are all living together. Those facts alone exclude any idea of tribes.

“Furthermore, Rwanda has the greatest population density south of the Sahara.

³⁵ 2 February 1965.

³⁶ 11 March 1965.

³⁷ 16 March 1965.

“ It is true that the Tutsi ethnic group, very much a minority, for a long time exercised dominion over the other two ethnic groups in the form of what might be called ‘ serfdom ’ and not ‘ slavery ’ in the technical sense of the word.

“ Since Rwanda was not the first country to experience feudalism, it seems unwarranted to take its socio-political régime prior to the 1959 revolution as the prototype of ‘ slavery ’.”

SINGAPORE

721. No.

SENEGAL

722. No. Paragraphs 1, 2, 3, 4 and 5 do not apply.

SPAIN

723. (1) Keeping a person for purposes of prostitution may in certain circumstances be considered a situation somewhat similar to slavery. Occasionally houses of prostitution, often including minors, are discovered in Spain, although such houses are forbidden by law.

724. (2) The same reasons as hold good in all countries of the world.

725. (3) The desire for financial gain on the part of those who keep such clandestine establishments, together with the fact that the girls themselves wish, for various reasons, to remain in such a situation and refuse to give evidence which might lead to prosecution.

726. Recruitment is carried out by offering simple-minded girls enticing and supposedly attractive social and material inducements.

727. By the Legislative Decree of 3 March 1956, prostitution in general was declared illegal, brothels and houses of prostitution were prohibited throughout the national territory and specific provisions of the Penal Code were considered applicable to the offences described in the Decree.

728. The section of the existing Penal Code dealing with indecent offences contains a chapter on offences connected with prostitution, in which penalties are laid down for a series of miscellaneous acts relating to encouragement of prostitution, participation with, enticement, and the keeping of persons for purposes of prostitution ; such factors as the age of the victim and the use of deceit or of any type of coercion are covered.

729. The establishment of the League for the Protection of Women, a body attached to the Ministry of Justice as an independent entity with subsidiary provincial and local Boards, has as part of its basic function of providing moral and material protection for forsaken women and

women in moral danger the duty of inquiring into the existence of offences related to the corruption of minors and the traffic in minors known as "white slavery".

730. As regards international action, Spain has acceded to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, opened for signature at Lake Success, New York, on 21 March 1950.

SUDAN

731. Nothing of the kind exists.

TOGO

732. Do not call for a reply, since slavery does not exist in Togo.

TUNISIA

733. See answer to question II.³⁸

UNITED ARAB REPUBLIC

734. (1) It is found in the form of exploitation of women in prostitution.

735. (2) It was officially permitted at the time of foreign occupation and supported by foreign privileges until prostitution was annulled legally by law.

736. (3) There are no obstacles to eradicate this type of exploitation at present, particularly after the annulment of foreign occupation and abolishment of prostitution officially in 1951.

737. (4) The police charged with guarding morality are responsible for strict control. Any foreigner charged with such a crime involving exploitation of women in prostitution has to be immediately sent away from the country.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

738. Neither slavery nor any similar institution or practices exists in the United Kingdom.

Rhodesia

739. No form of slavery or any institution or practice similar to slavery, other than those mentioned earlier, exists, to our knowledge, in Rhodesia.

³⁸ See paragraph 653 above.

(*Bechuanaland, Bermuda, British Guiana, British Honduras, British Solomon Islands Protectorate, Brunei, Falkland Islands, Fiji, Gilbert and Ellice Islands, Gibraltar, Grenada, Mauritius, St. Helena, Seychelles, Swaziland*)

740. No form of slavery, or any institution or practice similar to slavery, exists in the above-mentioned territories.

Bahamas

741. No.

Hong Kong

742. No.

Montserrat

743. No.

New Hebrides

744. Not applicable. No other form of slavery exists in the New Hebrides.

St. Vincent

745. No. 1, 2, 3 and 4 not applicable.

Dominica

746. No other forms of slavery, or institution or practice similar thereto, exist in this territory. (1-4) not applicable.

St. Lucia

747. No.

Aden and the Federation of the Protectorate of South Arabia

748. In common with tribal custom elsewhere, certain marriage traditions exist in parts of the territory which may be thought relevant, among them a man's normal first claim to his female cousin in marriage and the fact that a girl's dowry may be matched by a gift to her parents from the husband or his family. These customs amount to social pressure under which the girl may be less than a free agent. In so far as they persist in religious and communal tradition they must largely be dealt with by social evolution and precept : legislation alone cannot be effective.

749. A second point should be mentioned here. The descendants of those who were slaves in the past have been assimilated into society but

can in some areas still be recognized as a social class. They are not in a state of compulsory bondage but are able freely to choose their own employment. Some have chosen (no doubt because of the economic advantage they thus enjoy) to remain as retainers with the families which their slave ancestors served ; others have become soldiers, shopkeepers, artisans, farmers and clerks. It is well known locally that persons of this class can readily obtain a certificate of manumission if they wish to do so ; but in practice very few in recent years have bothered with this technical formality.

Virgin Islands

750. No.

UNITED STATES OF AMERICA

751. No.

VENEZUELA

752. See answer to question II.³⁹

³⁹ See paragraph 687 above.

QUESTION IV

What legislative, administrative or other measures have been, or are being, taken, and what other methods have been applied, to prevent or eliminate the slave trade? In particular:

1. Are the acts referred to in the definition of the slave trade above criminal offences? If so, what punishment is prescribed for persons convicted thereof?

2. Is the act of conveying or attempting to convey slaves into, or out of, the country, by whatever means of transport, or of being accessory thereto, a criminal offence? If so, what punishment is prescribed for persons convicted thereof?

3. What measures have been taken to prevent ships and aircraft authorized to fly the national flag from conveying slaves? Have such measures proved effective? How are persons guilty of such acts, or of using the national flag for the purpose of carrying out such an act, punished?

4. What measures have been taken to ensure that the ports, airfields and coasts of your country are not used for the conveyance of slaves? Have such measures proved effective? If not, what were the reasons?

5. Are you satisfied that a substantial proportion of cases occurring of slave trade, and of attempts to commit any of the criminal offences mentioned above are brought to the notice of your Government? Has your Government had any opportunity to inform another Government of any such cases which came to its notice? Has such an exchange of information resulted in practical co-ordination of measures taken to combat the slave trade?

6. Has there been any other form of co-operation with contiguous States, or other States, to eliminate the slave trade? Is any current police action aimed at the pursuit, arrest or bringing to justice of slave raiders or slave traders operating in common frontier regions?

7. Is any slave who takes refuge on board any vessel or aircraft of your country or in any part of the territory of your country ipso facto free, and what action is taken and by whom, to make such freedom permanent?

8. What provisions exist under your laws placing responsibility on either the pilot/master or the owners of an aircraft/ship or on both for carrying slaves?

AFGHANISTAN

753. See replies to questions I and II.⁴⁰

AUSTRALIA

754. (1 and 2) The relevant legislation is to be found in the following Acts which continue to apply in Australia and to most Australian Territories (including Papua and New Guinea and Nauru) :

Slave Trade Act, 1824 ;

Slave Trade Act, 1843 ;

Slave Trade Act, 1873.

Under section 9 of the 1824 Act, any British subject or person residing within the Queen's dominions is deemed to be guilty of piracy who upon the high seas or in any place within Admiralty jurisdiction knowingly and wilfully carries away or assists in carrying away any person as a slave or for the purpose of that person being imported as a slave into any country whatsoever, or for the purpose of that person being sold, used or dealt with as a slave ; or (2) on the high seas or within the Admiralty jurisdiction ships, receives or detains or assists in shipping receiving or detaining on board ship any person for any such purpose. In the case of an offence committed in Australia, the punishment appears to be penal servitude for life or for not less than three years, or imprisonment with or without hard labour for not more than two years.

Under section 10 of the 1824 Act, any person is guilty of a felony who (1) deals or trades in slaves or persons intended to be dealt with as slaves ; (2) imports or contracts for importing into any place slaves or other persons in order that they may be dealt with as slaves ; (3) ships, receives, detains or confines on board any such persons for the purpose of their being dealt with as slaves ; (4) fits out or navigates ships for any of the above purposes ; (5) lends or becomes security for money or goods to be used for such purposes ; or (6) knowingly and wilfully becomes guarantee for agents employed with the same object, or engages in any such adventure as partner, agent or otherwise ; (7) ships money or goods to be employed for such purposes ; (8) acts as master, mate, surgeon or supercargo on any ship so employed ; or (9) insures any slaves or any property so employed. In the case of an offence committed in Australia, the punishment applicable appears to be penal servitude for not more than fourteen years nor less than three years, or imprisonment with or without hard labour for not more than two years.

Under section 11 of the Act, a seaman serving on board a ship employed for objects declared unlawful by the 1824 Act is guilty of a misdemeanour punishable by imprisonment not exceeding two years.

In addition to being punishable as piracy, felony or misdemeanour,

⁴⁰ See paragraphs 37 and 595 above.

offences relating to the slave trade are also punishable by forfeiture and pecuniary penalties.

By virtue of the 1843 Act, the provisions of the 1824 Act extend to apply to British subjects (including Australian citizens) wheresoever residing or being and whether within the Queen's dominions or any foreign country.

The 1873 Act provides, among other things, for the visitation and seizure of suspected slave ships, and for the disposal of condemned vessels and the freeing of slaves.

755. (3 and 4) In addition to the legislative provisions set out above, the Government reported in 1962 to the Secretary-General about the implementation of articles 3 and 4 of the Supplementary Convention on Slavery that in furtherance of Australia's obligations under this Convention, administrative measures have been taken to bring the provisions of articles 3 and 4 of the Convention to the attention of masters of all Australian ships proceeding overseas. No further laws, regulations or administrative measures have been found necessary to implement the provisions of the Convention.

756. (5 and 6) There have been no instances of slavery or the slave trade.

757. (7) A slave escaping to Australia becomes *ipso facto* free and will not be surrendered to his former owner. The same principle applies to slaves escaping to Australian ships.

758. (8) See the answer to question I above.

759. The International Council of Women, a non-governmental organization in consultative status, states :

760. "Stringent immigration laws, health and quarantine regulations, existing taxation and employment routines, electoral laws and other legislative and social organization, together with geographical factors constitute effective deterrents against the establishment of illegal and undesirable practices."

CANADA

761. See answer to question I.⁴¹

CEYLON

762. See above answers.⁴²

763. (1-2) None, not necessary.

764. (3) Not anticipated.

⁴¹ See paragraph 89 above.

⁴² See paragraphs 90-94, 599.

CHAD

765. (4) None.

766. (5) No.

767. (6) No.

768. (7) No action, since he is free.

769. (8) None.

CUBA

770. The slave trade does not exist in Cuba, having disappeared from our society along with slavery. The "white-slave traffic" and procuring are offences which are provided for and to which penalties are prescribed by the Code of Social Defence; however, since neither of these practices falls under the heading which we are now considering, we shall make no further reference to them.

771. As the slave trade was eliminated more than half a century ago, the concept belongs to a completely forgotten past. Consequently, existing Cuban legislation neither provides for it nor regulates it.

772. If, however, the Revolutionary Government knew or had reason to suspect that any foreign ship, aircraft or other means of transport entering a Cuban port or airport or touching Cuban shores was engaged in the conveying of slaves or in the slave trade, it would have no hesitation in adopting the appropriate measures in order to comply scrupulously with the provisions of the Slavery Convention of 1926, the Protocol of the same year amending that Convention, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, all of which have been acceded to and ratified by Cuba.

DAHOMY

773. (1 and 2) With regard to the slave trade, under a decree of 12 December 1905 which is still in force the act of conveying or attempting to convey persons into the country for the purposes of the above-mentioned agreements or of conveying or attempting to convey persons out of the territory for the purpose of entering into such agreements abroad is punishable by a term of imprisonment of not less than two and not more than five years and a fine of from 120,000 to 1.2 million francs.

DENMARK

774. (1 and 2) Reference is made to the replies given under items 1 (a)-(d).⁴³

⁴³ See paragraph 144 above.

775. (3 to 6) The Danish Criminal Code applies not only to acts committed within the territory of the State of Denmark but also on board a Danish vessel which (a) is outside the territory recognized by international law as belonging to a foreign State or (b) in the territory recognized by international law as belonging to a foreign State, if committed by persons employed on the ship or by passengers travelling on board the ship.

No special measures have been taken to prevent Danish vessels or aircraft from carrying slaves. No information has come to the knowledge of the Danish Government, evidencing that Danish ships or aircraft have been engaged in such transports.

Danish harbours, airports and coasts, being under constant supervision by police and customs authorities, cannot be assumed to be usable for transportation of slaves.

776. (7) A slave taking refuge in Denmark or on a Danish ship or aircraft would be considered free under Danish law, and a request for extradition of any such slave to his previous owner would not be complied with by Danish law courts or administrative authorities.

No general reply can be given to the question as to what action would be taken to make such freedom permanent.

777. (8) Danish law contains no special rules placing responsibility on the persons referred to in the question in connexion with ships or aircraft carrying slaves, but such acts would be punishable under sections 261 and 262 of the Criminal Code (quoted under item I, 1 (a)-(d) above).⁴⁴

ECUADOR

778. As has been seen from the reply to question I,⁴⁵ the Penal Code does not provide for the crime of the "slave trade" as such; but were that crime to occur, the penalties prescribed for crimes against the liberty or moral integrity of persons—such as kidnapping and abduction—could be applied (articles 164 and 504 *et seq.* of the Penal Code).

779. With regard to paragraph 7 of this question, it is relevant to point out that any person present in Ecuador or entering Ecuadorian territory is free and his liberty is guaranteed by the provisions of article 184 of the Political Constitution:

"Article 184. Aliens in Ecuador shall enjoy the same rights as Ecuadorians in accordance with the law, with the exception of political rights and the guarantees established by the Constitution in favour of Ecuadorians alone."

780. This provision is regulated by the Regulations for the application of the Aliens, Extradition and Naturalization Act, which state, in article 32:

⁴⁴ See paragraph 144 above.

⁴⁵ See paragraphs 150 to 160 above.

“Article 32. Aliens, on arrival in the country, shall be subject, without exception, to the laws of Ecuador; they shall accordingly respect and obey the Constitution, laws, authorities and police of the Republic, and in no case and for no reason shall they be able to make use of their alien status against the said Constitution, laws, authorities and police.”

FRANCE

781. The first French legislation on the slave trade dates from 1792 (Decrees of 11 August 1792, 27 July and 19 September 1793).

782. These provisions were followed later by others, the most important of which were the Act of 4 March 1831, the Decree of 12 December 1905 and the Decree of 12 August 1920.

783. By virtue of these two latter Decrees, the conclusion of a contract in the former French colonies and possessions, with or without payment, for the purpose of depriving a third person of his freedom, was punishable by imprisonment for two to five years and a fine of 500 to 5,000 francs (or 1,800 to 18,000 present-day francs). An attempt was liable to the same penalty as the offence itself. Money, goods and other objects or securities received in execution of the contract or as a deposit in contemplation of the execution of a contract could be confiscated.

784. The introduction of persons into these territories with the intent of making them the subject of contracts of this nature or the removal of or attempt to remove persons from these territories with a view to entering into such contracts abroad was liable to the same penalties.

785. Those committing such acts, furthermore, incurred the penalty of deprivation of civil and political rights, provided for in article 42 of the Criminal Code and forced residence for a period of five to ten years. The accession of the former colonies to independence has invalidated these provisions.

786. With reference more particularly to the maritime trade, the text now in force is the aforementioned Act of 8 March 1831: fitting out a ship for the purpose of taking part in the trade is punishable by imprisonment for two to five years if the ship is seized before its departure from the port in which it was equipped. These penalties are applicable to anyone who has fitted out a vessel or has had a vessel fitted out for this purpose, to money-lenders and underwriters who have knowingly participated in fitting out the ship, and to the captain of the ship.

787. If the ship is seized at sea before any act has been committed, the outfitters are liable to the criminal penalty of rigorous imprisonment for terms of ten to twenty years. The money-lenders and underwriters who knowingly participated in fitting out the ship, as also the captain and officers, are liable to the criminal penalty of rigorous imprisonment for terms of five to ten years.

788. The crew members, however, are liable only to imprisonment for one to five years.

789. If an act of traffic has been committed, the penalties are increased, in particular for the men of the crew, who then incur a criminal penalty. This penalty is also incurred by "all other persons who knowingly participated in or abetted acts of traffic".

790. In all cases, the ship and cargo must be seized and sold.

If it has not been possible to seize the ship and cargo, the outfitters, the money-lenders and the underwriters are sentenced jointly to pay a fine equal to the value of the ship and cargo.

791. Even if seizure has taken place, the guilty parties incur, in addition to the penalties mentioned above, a fine which may not be less than the value of the ship and cargo but must not be more than twice that amount.

792. When the act of traffic is proved, the slaves are declared free.

The penalty decreed by the Act of 1831 is applicable to French ships, no matter where the act is committed. It is also applicable to foreign ships if the act took place in French waters.

793. It should be pointed out, however, that this Act applies only to the slave trade on the coasts of Africa. For acts of traffic committed elsewhere, reference should be made to the Order of 18 January 1823, which provides for the seizure of any French ship used for the transport of slaves, orders the return of the slaves to a place where their safety and freedom will be guaranteed, and punishes the captain of the ship by disqualifying him for life from exercising any command.

794. Crimes of the slave trade have very rarely come before the courts in France. From 1830 to 1866, the courts dealt with only eight cases of this kind; moreover, in these cases the sailors were found to have acted in good faith. From that time there is no further mention of such cases in the statistics.

GHANA

795. It is not necessary; answers already provided above.⁴⁶

INDIA

796. *IV*: The position is as stated against question I (see paras. 205 to 207).

797. *IV.1*: Yes. If a person is convicted for this offence he shall be punished with imprisonment for life or with imprisonment of either

⁴⁶ See paragraphs 177-190, 608 and 697-700.

description for a term not exceeding ten years and shall also be liable to fine (Sec. 371 of the II).

798. *IV.2* : This question has not arisen so far.

799. *IV.3* : As regards the use of ports for the conveyance of slaves, the port authorities will not send out a pilot to bring a ship into the port if they are informed that it carries or is intended to carry slaves. Similarly, if they get information that a ship in the port is to take slaves they can arrange to stop the issue of port clearance and will also not depute a pilot to take her out. Similar administrative measures could be taken by the Civil Aviation authorities. However no cases have so far arisen.

800. *IV.5* : No such cases have so far arisen.

801. *IV.6* : Does not apply.

802. *IV.7* : No such case has so far arisen.

803. *IV.8* : Does not arise.

IRAN

804. Slave-trading of any kind is treated as a crime.⁴⁷

805. (1) All the factors constituting slave-trading as defined in the questionnaire, in the application to free persons, are treated as separate offences involving clearly determined (correctional imprisonment). In view of the prohibition of slavery under Iranian law, commission of the acts in question in relation to victims of slave-trading is punishable by the same penalties.

806. (2) The act of conveying slaves, or participating in such an act, is regarded as a crime and is punishable by correctional imprisonment for from one to three years, irrespective of the place where the crime is committed.

807. (3) Any State official who learns of the existence of a slave must take steps to liberate him and must inform the prosecuting authority (*parquet*) of the province concerned, with a view to the prosecution of the person responsible.

808. As mentioned above, this problem does not arise in Iran. Any persons engaging in the conveyance of slaves are liable to the penalties mentioned under paragraph 805 above.

809. (4) See paragraph 807 above.

810. (5) No slave trade or attempt to engage in slave trade has taken place in Iran, and consequently there has been no occasion to inform other States thereof.

⁴⁷ See paragraphs 220-226 above.

811. (6) In view of the above reply, the opportunity of co-operating with other States has not occurred.

812. (7) Any slave entering Iranian territory or Iranian territorial waters is deemed to be a free person, and State officials must assist him in his liberation.

813. (8) Iranian law regards as guilty those who commit such acts, and their accomplices.

IVORY COAST

814. Article 2 of the Decree of 12 December 1905 provides for a special penalty of two to five years of imprisonment and a fine of 180,000 to 1,800,000 francs for introducing or attempting to introduce into the territory a person regarding whom an agreement has been made to deprive him of his liberty, or for conveying or attempting to convey persons from the territory with a view to contracting such an agreement abroad.

815. (1) Acts referred to in the definition of the slave trade are criminal offences as laid down in article 341 of the Criminal Code in reference to detention and arbitrary confinement.

816. (2) These acts are the criminal offences defined in article 341 of the Criminal Code.

817. (3) The captain of a ship who agrees to transport slaves, by providing a place of detention, becomes an accessory to the criminal offence referred to in article 341 of the Criminal Code.

818. (4) Minors are not allowed to leave the country without paternal authorization, which must be presented to the police services at the time of embarkation. Moreover, before embarking, everyone must fill in a special form indicating, in particular, his address in the country in which he will disembark. Any person disembarking must state his profession and his address in the Ivory Coast. These measures have proved effective, since no case of slave trade from the Ivory Coast has been reported.

819. (5) No case of slave trade has been brought to the attention of the Government.

820. (6) No case of slave trade between the Ivory Coast and contiguous States, or *vice versa*, has been reported. If such a case should occur, there is no doubt that the States members of the *Organisation Commune Africaine et Malgache* pursuant to the general Convention on co-operation in judicial matters, would give each other assistance in order to put an end to such practices and to prosecute those responsible.

821. (7) Any slave taking refuge on board any vessel or aircraft of the Ivory Coast or in any part of its territory would be *ipso facto* free, and would be protected against any infringement of his liberty by the provisions of articles 114 and 341 of the above-mentioned Criminal Code.

822. (8) Article 341, paragraph 2 of the Criminal Code states: "Anyone who provides a place for detention or confinement shall be liable to the same penalties as those responsible for the said detention or confinement". In view of their general nature, these provisions could apply to the pilot, captain or owner who lent his vessel or aircraft to be used as a place of detention or confinement. Such acts, also constitute complicity in the form of aiding, abetting, or providing material means.

JAMAICA

823. It is not necessary to take legislative or administrative measures to eliminate the slave trade as no such trade is practised in Jamaica.

KUWAIT

824. For legislative and administrative measures taken with a view to preventing slave trading, reference is made to answers to questions I and II above.⁴⁸ As there is no slave trade at the moment, speaking of means to eliminate it is irrelevant.

825. Paras. 1, 2, 3 and 4 are sufficiently answered in relation to questions I and II above.

826. *Paragraph 5*: Yes the Government is satisfied, but no cases occurred, and no opportunity to inform other Governments arose.

827. *Paragraph 6*: No.

828. *Paragraph 7*: Yes, see Declaration No. 1/63 issued by Under-Secretary of the Ministry of Finance and Industry for Customs and Ports, particularly article 3 and Circular issued by the Minister of Interior, article 4.

LAOS

829. There is no slave trade, as defined in the questionnaire, in Laos. Certain methods of recruiting women for prostitution may, however, be considered to be forms of traffic in women punishable under articles 166/3 and 166/4 of the Laotian Penal Code. Procuring is spreading from South Viet-Nam and Thailand to Laos. This new social evil is favoured by the destitution suffered in particular by the poor, whose living conditions call for a reform of the Labour Code.

MALAWI

830. Please see quoted section of Constitution and answers to question I above.⁴⁹

⁴⁸ See paragraphs 252-255 and 617 above.

⁴⁹ See paragraphs 261-263 above.

831. (1) See the answers to 1 of question I above. (See paragraphs 261 and 263 above.)

832. (2) An offence punishable with seven to ten years' imprisonment (Sections 267 and 268 Penal Code.)

833. (3) Not known.

834. (4) As in 3 above.

835. (5) As in 4 above.

836. (6) As in 5 above.

837. (7) Such person would be *ipso facto* free and any attempt to return him to slavery would be punishable as set out above.

838. (8) Such persons would be punishable as accessories.

MALI

839. The slave trade has been eliminated by the measures previously set forth above in reply to the questionnaire. In particular :

840. (1) The acts referred to in the definition of the slave trade are criminal offences punishable by five to ten years' hard labour for the main offence (the penalty is doubled when the victim is a minor under the age of fifteen) (see article 189 of the Penal Code above).

841. (2) Similar penalties are prescribed for conveying slaves into, or out of, the country, by whatever means of transport and for being accessory thereto (see article 189, paragraph 2, and article 19 of the Penal Code).

842. (3) The control exercised by the police and health authorities at railway stations, bus stations, air terminals and ports is designed to prevent ships and aircraft flying the national flag from conveying slaves.

We consider that these measures proved effective.

Persons convicted of having conveyed or having caused the conveyance of slaves are liable to the penalties prescribed in article 189 of the Penal Code.

843. (4) The same control is maintained at the places mentioned above to prevent the conveyance of slaves into the country.

We consider that the measures have proved effective.

844. (5 and 6) The writer cannot answer these questions since they are outside his competence.

845. (7) Any slave who might take refuge on board any vessel or aircraft of Mali, or in any part of the national territory, would be *ipso facto* freed by the authorities responsible for the vessel or aircraft or for the administrative area of the port of call.

846. (8) Criminal responsibility may be attributed to either the pilot/master or the owner of the aircraft/ship under the aforesaid articles 19, 189 and 190 of the Penal Code. However, the question of intention is taken into account and judges may only impose penalties if the act is carried out wilfully.

NEPAL

847. See answers to questions I and III.⁵⁰

NETHERLANDS

848. (1) The Criminal Code contains four sections on the subject of the traffic in and transport of slaves. Title XVIII (offences against personal freedom) makes the following penal provisions :

Section 274. Anyone engaging in the slave trade for his own or another's account, or intentionally taking part in it directly or indirectly, is liable to a term of imprisonment not exceeding twelve years.

Section 275. 1. Anyone who signs or serves as master on a vessel in the knowledge that it is intended for the slave trade, or using it for that purpose, is liable to a term of imprisonment not exceeding twelve years.

2. If the transport results in the death of one or more slaves, the master is liable to a term of imprisonment not exceeding fifteen years.

Section 276. Anyone who signs on as a member of the crew of a vessel in the knowledge that it is intended or used for the slave trade, or who voluntarily continues to serve on the vessel after learning of such intention or use, is liable to a term of imprisonment not exceeding nine years.

Section 277. Anyone who, for his own or another's account, directly or indirectly co-operates in letting, chartering out or insuring a vessel in the knowledge that it is intended for the slave trade, is liable to a term of imprisonment not exceeding eight years.

849. (2) As regards attempts at and complicity in those offences, see the replies to question I, paragraph 1, sub-paragraph (f), (g) and (h).⁵¹

850. (3) and (4) The acts referred to in these questions are combated by the penal provisions mentioned in the replies to question I, paragraph 1, sub-paragraphs (a-d)⁵² and in the reply to question IV, paragraph 1. Pursuant to Section 3 of the Criminal Code, those provisions are applicable to ocean-going ships in all parts of the world. The general police control of ships and aircraft, in ports and on airfields, is effective enough to prevent or detect the said acts. Moreover, in respect of ocean-going shipping, Section 8, paragraph 4 of the Certificates of Registry Act lays down that

⁵⁰ See paragraphs 305, 708 and 709 above.

⁵¹ See paragraphs 314, 315 above.

⁵² See paragraph 312 above.

if a ship is used for the slave trade, for example, the Minister responsible for the implementation of the Act can withdraw its Certificate of Registry, so that it is no longer entitled to sail under the Netherlands flag.

851. (5) The reply to the questions asked here has already been partly given under point 3. The Netherlands Government has never had occasion to bring a criminal offence of this kind to the notice of a foreign Power.

852. (6) The Kingdom of the Netherlands is a Party to the 1926 and 1956 Conventions. There is no need in this part of the world for any additional forms of co-operation with other States for the purpose of eliminating the slave trade. Nor is there any reason for the Netherlands to take police action against slave-trading in the frontier districts.

853. (7) A person thus taking refuge is *ipso facto* free. On land the national and local police and other authorities will give him every assistance in preserving his freedom. On board a ship or an aircraft, the master/pilot is under the obligation to do all in his power to make such freedom permanent.

854. (8) See reply to question III.⁵³

Surinam

855. (1) and (2) According to the law of Surinam every person is free and entitled to equal rights. There is no need to take any particular measure to prevent or eliminate slave trade.

856. (3) If Surinam ships or aircraft should convey slaves, all persons guilty of complicity would be prosecuted. There have been no known cases this century.

857. (4) As under paragraph 856.

858. (5) It has not been necessary for the Government to take steps against the criminal offences mentioned, since none has been brought to its notice. The neighbouring countries are in the same position. Accordingly, an exchange of information between the Governments of those countries is not necessary.

859. (6) As under paragraph 858.

860. (7) Any slave who takes refuge in any part of the territory of Surinam is free *ipso facto*.

861. (8) The Penal Code states that the pilot/master or the owners of an aircraft/ship is also responsible if there are slaves on board.

NEW ZEALAND

862. (1-3) See answer to question I.

⁵³ See paragraph 710 above.

863. (4) It has not been found necessary to take prohibitive measures of this kind.

864. (5) Not applicable.

865. (6) No.

866. (7) Yes.

867. (8) See answer to question I.

The International Council of Women, a non-governmental organization in consultative status states :

868. “(1) Yes. Imprisonment. Maximum fourteen years.

869. “(2) Yes. Imprisonment. Maximum fourteen years.

870. “(3) Strict supervision of all ships and aircraft entering or leaving the country. Strict immigration and emigration laws. Slavery and abduction prohibited by law with a sentence of fourteen years’ imprisonment for violation.

871. “(4) Measures have been effective.

872. “(5) No cases.

873. “(6) There are no contiguous States or common frontier regions.

874. “(7) All immigrants must have a permit to enter the country. In the case of a stowaway, he would be given a hearing before a Court of Law to decide what action should be taken as to his repatriation. As this country is humane in its outlook, a refugee would be given special consideration to ensure that he was not returned into slavery.

875. “(8) This has not occurred, but pilots, masters or owners would be prosecuted under the provisions of the Crime Act.”

NIGERIA

876. Two measures have been taken to prevent or eliminate the slave trade in Nigeria : (a) S.20 (1) of our Constitution states that no person shall be held in slavery or servitude ; (b) any person who is guilty of slave dealing is liable to imprisonment for fourteen years under S.369 of the Criminal Code Act.

877. (1) The acts referred to in your definition of slave trade are criminal offences and the punishment varies from one to fourteen years.

878. (2) The act of conveying or attempting to convey slaves into, or out of the country, by whatever means of transport, or of being accessory thereto, is a criminal offence and the punishment varies from one to fourteen years.

879. (3) and (4) Under S.25 (1) of the Immigration Act, 1963, an immigration officer may examine any person who arrives at a port in Nigeria as a member of the crew of a ship or aircraft whether or not he lands or seeks to land in Nigeria and under sub-section 2, the Minister may by order make provisions requiring masters of ships and commanders of aircraft arriving at ports in Nigeria to furnish to the immigration officer particulars of the members of the crews of those ships or aircraft. With these measures the immigration officers will ensure that our ports and airfields are not used for the conveyance of slaves and the measures have proved effective.

880. (5) There is no slave trade in Nigeria, so the first paragraph of this question does not arise. The occasion has never arisen for our Government to inform another Government about necessary measures to combat the slave trade.

881. (6) None.

882. (7) The occasion does not arise.

883. (8) S.25 of the Immigration Act, 1963.

NORWAY

884. (1)-(2) Yes. See the Penal Code, paragraph 225.

885. (3) See paragraph 263. Further action has not been necessary.

886. (4) None.

887. (7) Yes.

888. (8) See paragraph 225 of the Penal Code.

PAKISTAN

889. The legislative measures appear in appendices I to IV.⁵⁴

890. (1) Yes. See appendix II.⁵⁵

891. (2) Yes. See appendix II. The Slave Trade Act, 1824 listed in appendix IV ⁵⁶ (articles 2 and 3) also refer.

892. (3) Section 3 of P.P.C. reproduced in appendix II makes the provisions of the Code applicable to offences committed by a person on any ship or aircraft registered in Pakistan wherever it may be.

893. (4) The general laws detailed in the annexes are adequate and ensure that airfields and coasts of the country are not used for the conveyance of slaves.

⁵⁴ See paragraphs 370, 371, 372 and 373 above.

⁵⁵ See paragraph 371 above.

⁵⁶ See paragraph 373 above.

894. (5) and (6) No slave trade exists in Pakistan. No problem of slavery also exists. So these matters do not arise.

895. (7) Yes. The person concerned or a person interested in him may move for a writ of *habeas corpus* (see the Slave Trade Act, 1824, mentioned in appendix IV).

896. (8) The general laws detailed in appendices will be applicable for persons found guilty of the offences.

PERU

897. Inasmuch as slavery has been abolished, no legislative or administrative measures have been or are being taken to prevent or eliminate the slave trade.

898. Nevertheless, despite the fact that the Penal Code contains no specific provisions prohibiting the slave trade, which has disappeared as an institution, the provisions contained in articles 222 and 223 of section V ("Crimes against liberty") of title I, ("Crimes against the liberty of the individual") can be applied by analogy.

899. These articles provide as follows :

Article 222. Any person who by violence or threats prevents another from doing anything which is not prohibited by law or compels him to do something or allow something to be done against his will shall be punished by imprisonment for a term not exceeding one year or to a fine of three to sixty days' income.

Article 223. Any person who unlawfully in any way deprives another of his personal liberty shall be punished by imprisonment for a term not exceeding two years and not less than one month.

PHILIPPINES

900. See I above.⁵⁷

1-2. See the cited provisions in I above.⁵⁸

3. None.

4. None.

5. There is no slave trade in the Philippines.

6. None.

7. Yes, he is *ipso facto* free.

8. None.

⁵⁷ See paragraphs 380-394 above.

⁵⁸ *Ibid.*

ROMANIA

901. *Reply to question IV.1*

Yes. Article 491 of the Criminal Code. The penalty : correctional imprisonment for a term of one to five years.

902. *Reply to question IV.2*

The conveying of slaves and being an accessory thereto are punishable under article 491 of the Criminal Code by correctional imprisonment for a term of one to five years. Attempts to commit this offence are not punishable.

903. *Reply to question IV.3*

The general customs regulations and the travel documents provided for in Decree No. 41 of 14 February 1950 on the supervision, regulation and control of maritime and river navigation are sufficient to prevent any conveying of slaves.

Those who take part, in any capacity whatsoever, in the conveying of slaves are punishable, under article 491 of the Criminal Code, by correctional imprisonment for a term of one to five years.

904. *Reply to question IV.4*

Measures for guarding the frontiers of the State and customs regulations and travel-document requirements applied in the ports and airfields of the country are sufficient to prevent any attempt to convey slaves.

905. *Reply to question IV.5*

In the Romanian People's Republic there is no slave trade and no attempts are made to commit any of the criminal offences mentioned above.

906. *Reply to question IV.6*

Such problems do not arise for the Romanian People's Republic.

907. *Reply to question IV.7*

Any person entering the territory of the Romanian People's Republic is *ipso facto* free, without other formalities.

908. *Reply to question IV.8*

Anyone who takes part in the conveying of slaves, in any capacity whatsoever, is punishable, under article 491 of the Criminal Code, by correctional imprisonment for a term of one to five years.

RWANDA

909. No forms of slavery exist in Rwanda.

SENEGAL

910. (1) Yes. Penalties prescribed : see reply to I.1 (a).⁵⁹

911. (2) Yes. Article 2 of the Decree of 12 December 1905 : two to five years' imprisonment, a fine of 120,000 to 1,200,000 francs, deprivation of civil rights and local banishment. In addition, a term of hard labour may be imposed on a person conveying a slave if he is an accessory to an agreement to deprive of liberty the person who is being transported into slavery.

912. (3) No specific regulations. No instance reported. The penalties would be those set out in the preceding paragraph.

913. (4), (5), (6) Not within our competence.

914. (7) Yes, in principle, since slavery is absolutely contrary to domestic public policy and to the rules of international law. The notion of public policy is not diminished in this case, when a person has been enslaved in another State which admits or tolerates slavery. In practice, it is difficult to distinguish between a slave who has taken refuge and a stowaway or a foreigner who has entered Senegalese territory illegally.

915. (8) Penalties (see paragraph 911) may be imposed on the members of a crew who organize or facilitate the transport of a slave, in full knowledge of the facts. The owner of the means of transport who is the employer of the captain or of the members of the crew is subject to the provisions of ordinary law concerning civil liability for an agent's acts.

SINGAPORE

916. See Penal Code.

917. (1) Yes, see Penal Code.

918. (2) Yes — seven years.

919. (3-8) Not applicable.

SPAIN

920. As has been said, the slave trade does not exist and hence there is now no need to take measures to eliminate it.

921. (1) Although slavery *per se* does not exist in Spain, there is no doubt that the criminal laws, while not specifically mentioning hypothetical cases of slave trading, do provide for the punishment of offences against the liberty of the individual, which should cover cases considered as "slave trading". It was stated above that any person who detains another person is liable to penalties which, if the whereabouts of the detained person is

⁵⁹ See paragraph 422 above.

not divulged or if it is not proved that he has been set free (in which cases there are grounds for assuming that acts of seizure were committed), involve long-term rigorous imprisonment with forced labour (twenty years and one day to thirty years).

922. With regard to traffic in persons, which is another aspect of slave trading, it is obvious that, since Spanish law does not deal with the institution of slavery, no direct punishment is prescribed for such trafficking *per se*. Nevertheless, persons committing such acts would be liable to punishment for criminal offences such as the following :

Parties to the detention of a person against his will, being guilty of illegal detention, are liable to the above-mentioned punishment of long-term rigorous imprisonment with forced labour.

If the traffic in persons is for purposes of prostitution, the appropriate provisions will also be applicable from the chapter of offences connected with prostitution. These involve penalties of up to six years and one day plus a fine of 5,000 to 25,000 pesetas and the infliction of certain disabilities.

Finally, the penalties laid down for abducting a minor may apply. These may entail medium-term rigorous imprisonment with forced labour (from twelve years and one day to twenty years). If rape has been committed, the penalty may involve long-term rigorous imprisonment with forced labour (twenty years and one day to thirty years).

923. (2) The conveying of slaves, which is another aspect included in the definition of the slave trade, is not in itself a criminal offence, although those who are parties thereto will obviously be liable to some of the penalties mentioned in the preceding answer, as offenders or at least as accessories.

924. (3) There are no known cases of ships or aircraft flying the Spanish flag having been used to convey slaves.

Supposing that such a case did arise, however, it would, as there are no relevant provisions in any specific law (e.g., the Penal Law of the Merchant Marine), come under those provisions of the ordinary Penal Code which, as indicated above, cover offences involving acts related to slavery. The criminal laws and the law enforcement and security legislation are binding on all those who reside on Spanish territory (or on ships and aircraft flying the Spanish flag).

925. (4) There are no known cases of the kind referred to in this question. If such a case did arise, the harbour-master or airport manager could, since slavery is categorically rejected by the Spanish authorities, prohibit the landing or entry into port of the aircraft or ship and, if such landing or entry took place, any persons guilty of acts deemed to constitute slavery or institutions or practices similar thereto would come under the jurisdiction of the Spanish courts⁶⁰ and would be judged in accordance with the criminal laws referred to. At the same time the victims would

⁶⁰ i.e., under the jurisdiction of Navy or Air Force courts.

be freed and protected. Naturally, any victim of slavery or servitude who enters Spanish territory must, in application of the policy principle referred to above, be considered automatically emancipated and may apply to any authority or official for the protection which is his due. No special measures to ensure that Spanish ports, airfields and coasts are not used for the conveyance of slaves have been found necessary to supplement the existing security regulations (although this security is concerned with other objectives, such as the suppression of smuggling and the maintenance of law and order).

926. (5) The premises on which this question is based do not in fact exist, so no specific answer can be given.

927. (6) Ditto.

928. (7) Obviously, yes, as was mentioned in the answer to question 4. Action is taken by the authorities to protect the freed person and to detain and punish the person who committed the offence against his freedom. Freed persons who are minors or who are of the female sex can apply to the Minors' Welfare Service or the League for the Protection of Women where, in addition to receiving moral and material help, they are eventually given a chance to earn their own living.

929. (8) They are subject to the ordinary Penal Code as offenders or accessories after the fact in respect of the offences referred to in the replies to the previous questions, and the corresponding penalties would entail the accessory penalty of being forbidden to exercise their professions.

SUDAN

930. Slave trading is strictly prohibited as mentioned in answer to question I, ⁶¹ since a long time ago.

931. (1) Yes, the relevant sections in our Penal Code constituting such acts as criminal offences and providing punishment therefor are as follows :

Section 302. Whoever takes or entices any minor, under fourteen years of age if a male or under sixteen years of age if a female, or any person of unsound mind out of the keeping of the lawful guardian of such minor or person of unsound mind without the consent of such guardian or conveys any such minor or any person of unsound mind beyond the limits of the Sudan without the consent of some person legally authorized to consent to such removal, is said to kidnap such minor or person of unsound mind.

932. Explanation.

The words "lawful guardian" in this section include any person lawfully entrusted with the care or custody of such minor or other person and authorized to consent to the taking.

⁶¹ See paragraphs 446-451 above.

Section 303. Whoever by force compels or by a deceitful means induces any person to go any place, is said to abduct that person.

Section 304. Whoever kidnaps any person shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.

Section 305. Whoever kidnaps or abducts any person in order that such person may be murdered or may be so disposed of as to be put in danger of being murdered, shall be punished with imprisonment for a term which may extend to fourteen years and shall also be liable to fine.

Section 306. Whoever kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined, shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.

Section 307. Whoever kidnaps or abducts any woman with intent that she may be compelled or knowing it to be likely that she will be compelled to marry any person against her will or in order that she may be forced or seduced to illicit intercourse or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment for a term which may extend to ten years and shall also be liable to fine.

Section 308. Whoever kidnaps or abducts any person in order that such person may be subjected or may be so disposed of as to be put in danger of being subjected or may be so disposed of as to be put in danger of being subjected to grievous hurt or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment for a term which may extend to ten years and shall also be liable to fine.

Section 309. Whoever knowing that any person has been kidnapped or has been abducted wrongfully conceals or confines such person, shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge or for the purpose as that with or for which he conceals or detains such person in confinement.

Section 310. Whoever buys, sells, hires, lets to hire or otherwise obtains possession or disposes of any person under the age of twenty-one years with intent that such person shall be employed or used for the purpose of prostitution or for any unlawful or immoral purpose or knowing it to be likely that such person will be employed or used for any such purpose, shall be punished with imprisonment for a term which may extend to ten years and shall also be liable to fine.

933. (2) Yes, the relevant sections in the Penal Code are :

Section 314. Whoever is in possession or control or any person within the Sudan having obtained such possession or control outside the Sudan by acts which would have constituted an offence if done within the Sudan, shall be punished in the same manner as if such act had been done within the Sudan.

Section 315. Whoever being in possession or control of any person within the Sudan conveys such person outside the Sudan and there transfers or purports to transfer the possession or control of such person in any manner which would constitute an offence if such transference or purported transference took place within the Sudan, shall be punished in the same manner as if such transference or purported transference had taken place within the Sudan.

Note. Both these offences are punishable with imprisonment for a term extending to seven years and also with fine (e.g., section 313, paragraph 447, above).

934. (3) Persons involved in such acts as abettors are liable to criminal prosecution for offences under sections 84/314 and 84/315 of the Penal Code above.

935. (5) No.

936. (6) We have joined international conventions and are ready to co-operate with other States in this respect.

937. (7) As explained above and according to our laws, a refugee in the Sudan would enjoy full freedom and liberty. His surrender to any other State will only be made if the Sudan is obliged to do so in accordance with provisions of an extradition treaty concluded with such State.

THAILAND

938. See answer to question I.⁶²

TOGO

939. Do not call for a reply, since slavery does not exist in Togo.

TUNISIA

940. Persons who convey slaves in the way described under IV are punishable as accessories.

941. Any slave who takes refuge on a Tunisian ship or aircraft or any part of Tunisian soil is *ipso facto* free.

UGANDA

942. (4) Immigration laws and regulations have been effective in ensuring that the status of everybody who lands at, or takes off from, the airfields is ascertained.

⁶² See paragraphs 453-456 above.

943. (7) Yes. The Courts of law backed by the Administration would assure the permanence.

UNITED ARAB REPUBLIC

944. (1) Such cases are non-existent in the United Arab Republic.

945. (2) Such cases are non-existent in the United Arab Republic. It is a crime if found. In respect to exploitation of women in prostitution see the answer aforementioned.⁶³

946. (3) Such cases are non-existent in the United Arab Republic. Inspection of planes and ships and inspecting the identification of each passenger prevents the possibility of this act.

947. (4) Such cases are non-existent in the United Arab Republic. All legal measures are taken to prevent the use of UAR ports or airports to prevent any case of illicit traffic of slaves.

948. (5) Such cases are non-existent in the United Arab Republic. None.

949. (6) Such cases are non-existent in the United Arab Republic. All types of slavery or semi-slavery are forbidden by law.

950. (7) He is legally set free.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

951. Successive Slave Trade Acts of 1824, 1843, 1873 and 1876 prohibited the trade in slaves in United Kingdom registered ships. (Under the Merchant Shipping Act of 1894, all ships owned by a British subject, or by bodies corporate established under and subject to the laws of some part of Her Majesty's dominions, and having their principal place of business in those dominions, are bound to be registered as British.) Contraventions of the Slave Trade Acts constitute criminal offences. Any ship suspected of trafficking in slaves is liable to seizure by a British vessel. There have been no recent convictions under these Acts.

952. (1 and 2) All acts concerned with the slave trade or with conveying slaves or dealing in slaves are criminal offences, punishable by imprisonment or a fine or both. Ships engaged in the slave trade, or equipped for traffic in slaves, are liable to be forfeited.

953. (3) Ships and aircraft carrying the national flag are subject to the laws and penalties already mentioned under IV 1 and 2 which have proved entirely efficacious.

⁶³ See paragraphs 483 and 734 above.

954. (4) Ports, airfields and the coast come under the jurisdiction of the police, port authorities and the customs and immigration officials who ensure that the laws described above are properly complied with.

955. (5) Any offence, or attempt to commit an offence, relating to the slave trade would come to the notice of the Government. There have, however, been no instances of such offences in recent years. Similarly, there has been no occasion recently to notify any other Government of incidents of the slave trade in the United Kingdom; all cases have now been eliminated.

956. (6) There was co-operation under the Slave Trade Acts of the nineteenth century with British possessions overseas.

957. (7) The law of the United Kingdom does not recognize slavery or servile status, and any person who took refuge on board a ship or aircraft registered in the United Kingdom, or in any part of the United Kingdom, is necessarily therefore a free person entitled in every way to be treated as such. No steps would be considered necessary to make such freedom permanent, since no one can lawfully claim to exercise a right of property over another person when within United Kingdom jurisdiction, while any attempt to enforce such a claim outside the law would necessarily be an offence.

958. (8) Under the terms of the Slave Trade Acts, those who equip a ship for slave trading (the owners) or those who are connected with actual slave dealing at sea, are guilty of felony and piracy, which are criminal offences. Any connexions whatsoever with the slave trade—advancing capital to promote it, shipping goods to be used in the slave trade, insuring slaves or slaving adventures, are criminal offences punishable by fine, forfeiture of goods or imprisonment. These general provisions place responsibility on the pilot, master and owners of any aircraft or ship.

Rhodesia

959. No trade in slaves exists in the country nor, even in the last century, has the country ever been a source of slave labour of any significance in the past. There has never been any necessity to invoke such legislation as in force in this country and no measures are necessary to suppress the trade. The following answers must, accordingly, be read in this context.

960. (1) The acts referred to in the definition of the slave trade are criminal offences and are punishable under the Slave Trade Act, 1824, of the United Kingdom and subsequent Imperial legislation. Under section 3 of that Act the penalty for dealing in slaves or exporting or importing slaves etc., is a fine of £100 for each offence, while under section 10 of the Act persons dealing in slaves are liable to penal servitude for not more than fourteen or less than three years or imprisonment with or without hard labour for more than two years in addition to any forfeiture which may be decreed under the Acts.

961. (2) Yes. See answers to 1 above.

962. (3) No measures have so far been necessary, the legislation of the United Kingdom referred to above having apparently proved a sufficient deterrent.

963. (4) The country is land-locked and has no sea coast. As far as we are aware no one has attempted to remove slaves by air nor are they likely to do so.

964. (5) See remarks above.

965. (6) See remarks above.

966. (7) A slave is *ipso facto* free and either he or anyone else could make application for his release by a procedure similar to the *habeas corpus* procedure of English law.

967. (8) The legislation of the United Kingdom referred to above is very comprehensive and it appears that any person having anything to do with the transport of slaves is guilty of an offence.

(*Bechuanaland, Bermuda, British Guiana, British Honduras, British Solomon Islands Protectorate, Brunei, Falkland Islands, Fiji, Gilbert and Ellice Islands, Gibraltar, Grenada, Mauritius, St. Helena, Seychelles, Swaziland*)

968. The territories to which this reply refers and persons belonging to those territories are covered by the Slave Trade Acts of 1824, 1843, 1873 and 1876 which prohibit the trade in slaves, including the movement of slaves in ships. Contraventions of the Slave Trade Acts constitute criminal offences. Any ship suspected of trafficking in slaves is liable to seizure by a British vessel. There have been no recent convictions under these Acts.

969. (1 and 2) Domestic legislation for the suppression of the slave trade has not in most cases been found necessary in the territories referred to in the heading to this memorandum. So far as concerns the Gilbert and Ellice Islands Colony and the British Solomon Islands Protectorate, provision is made by the Pacific Islanders' Protection Acts of 1872 and 1875 to protect natives of those Islands from being decoyed to serve as labourers in other countries.

970. (3) No specific domestic measures have been found necessary. The measures referred to in IV 1 and 2 have been found sufficient.

971. (4) The Governments concerned are satisfied that compliance with the law is ensured by the appropriate public authority in each case and that no specific measures to prevent or eliminate slavery are necessary.

972. (5) As no such cases have occurred for many years, the subsidiary questions do not arise.

973. (6) The Slave Trade Acts include provisions for co-operation with other States in the suppression of the slave trade. Because of the

facts stated in the reply to question 5 above, the remainder of this question does not arise.

974. (7) Any slave who reaches a British overseas territory or boards a ship or aircraft belonging to such a territory is *ipso facto* free.

975. (8) Any person connected with any of the territories to which this reply refers who is concerned in the financing of the slave trade or the transport of slaves, and any other person who is so concerned in any such territory, is guilty of a criminal offence punishable under the Slave Trade Acts by fine, forfeiture of property involved in the offence or imprisonment.

Bahamas

976. See preliminary and answers to question I (see paragraphs 512-515 above).

Hong Kong

Question IV.1, 2 and 8 : answer

977. In 1898, the Registrar of the Supreme Court of Hong Kong wrote as follows :

“On the 28th February, the local Ordinance, No. 1 of 1844, relating to slavery, was passed. That slavery in its worst forms existed in the Colony was an undeniable fact, and it told much in favour of the authorities that the very first enactment passed by them related to such an important subject and had reference more to the Chinese than to any other nationality. This single Ordinance alone, it was hoped, would ultimately lead to desirable changes in habits and customs of the Chinese. Not the least commendable part of the Ordinance was that which declared that the emancipated slave who was unable to earn a livelihood was to be supported by the Colony until he was put in a way to support himself ; in the case of females particularly, the propriety of this was obvious.

“But the Ordinance was subsequently disallowed by Her Majesty, as it was considered that the Imperial Statutes for the abolition of slavery extended by their own proper force and authority to Hong Kong.”

The Imperial Statutes affecting slavery are set out below. They are declared to apply to offences committed by any person in British colonies, territories and possessions abroad. Furthermore they extend to the acts of British subjects wheresoever residing or being and whether within the Dominions of the British Crown or in any foreign country.

(a) The Slavery Abolition Act, 1833, section 12 of which provides :

“That, subject to the Obligations imposed by this Act, or to be imposed by any such Act of General Assembly, Ordinance, or Order in Council as hereinafter mentioned, upon such apprenticed Labourers as aforesaid, all and every the Persons who on the said First Day of August, One thousand eight hundred and thirty-four shall be holden

in Slavery within any such British Colony as aforesaid shall upon and from and after the said First Day of August One thousand eight hundred and thirty-four become and be to all Intents and Purposes free and discharged of and from all Manner of Slavery, and shall be absolutely and for ever manumitted ; and that the Children thereafter to be born to any such Persons, and the Offspring of such Children, shall in like Manner be free from their Birth ; and that from and after the said First Day of August One thousand eight hundred and thirty-four Slavery shall be and is hereby utterly and for ever abolished and declared unlawful throughout the British Colonies, Plantations, and Possessions Abroad."

(b) The Slave Trade Act, 1824 (SS. 2 to 12, 39, 40, 47).

The Slave Trade Act, 1843 (SS. 1 and 4).

The Slave Trade Act, 1873.

The effect of this legislation is briefly as follows :

Any British subject or anyone residing within the Queen's dominions is by statute to be deemed guilty of piracy who upon the high seas or in any haven, river, creek, or place within Admiralty jurisdiction knowingly and wilfully (1) carries away or aids in carrying away any person as a slave, or for the purpose of that person being imported as a slave, into any place whatsoever, or for the purpose of that person being sold, used, or dealt with as a slave ; or (2) on the high seas or within the Admiralty jurisdiction ships, embarks, receives, detains, or confines on board ship or assists in shipping etc., any person for any such purpose.

The punishment for this offence is imprisonment for life or for any shorter term.

Every person is by statute guilty of a felony who (1) deals or trades in or contracts for the dealing or trading in slaves or persons intended to be dealt with as slaves ; (2) carries away or removes or contracts for the carrying away or removal of slaves or other persons in order that they may be dealt with as slaves ; (3) imports or contracts for importing into any place slaves or other persons in order that they may be dealt with as slaves ; (4) ships, tranships, embarks, receives, detains or confines on board or contracts for shipping etc., any slaves or other persons for the purpose of their being carried away or imported into any place in order to be dealt with as slaves ; (5) fits out, navigates, employs, lets, hires (or contracts so to do) any ship for any of the above purposes ; (6) knowingly and wilfully lends or becomes security for or contracts to lend, or become security for, money or goods to be employed for those purposes ; or (7) knowingly and wilfully becomes guarantee or contracts to become guarantee for agents employed with the same object, or engages in any such adventure as partner, agent, or otherwise ; (8) knowingly and wilfully ships or contracts to ship money or goods to be employed for those purposes ; (9) acts or contracts to act as master, mate, surgeon, or supercargo of any ship so employed ; (10) insures or contracts to insure any slaves or any property so employed. The punishment is imprisonment for a term not exceeding fourteen years.

A British subject is equally guilty of any of the foregoing offences, whether the acts alleged were committed within or without the Queen's dominions.

In addition to being punishable as felony or misdemeanour, offences with respect to slavery are punishable by forfeiture and pecuniary penalties. Any ship fitted out for the slave trade may be forfeited ; and it is lawful to seize or detain a vessel reasonably suspected of being engaged in the slave trade or any person on such vessel reasonably suspected of having been detained as a slave.

Pecuniary and other penalties to which offenders and their procurers, counsellors, aiders and abettors are liable are (1) for dealing in, carrying, importing and shipping slaves, a fine of £100 per slave for each offence, and forfeiture of all property or pretended property in the slaves or persons intended to be dealt with as slaves, and seizure of such slaves or persons ; (2) for knowingly and wilfully lending or guaranteeing money, goods, or effects for the purposes of the slave trade, a fine of double the value of the money, goods, and effects so lent or guaranteed ; (3) for knowingly and wilfully guaranteeing agents, or contracting to engage in the trade as partner, agent, or otherwise, a fine of double the value of all the money, goods and effects secured or contracted to be secured ; (4) for knowingly and wilfully shipping, receiving or putting on board any money, goods or effects for the purposes of the trade, a fine of double the value of such money, goods and effects ; (5) for knowingly and wilfully insuring, or contracting to insure, any slaves or property engaged in the trade, a fine of £100 for each such insurance or contract and treble the amount of the premium ; and each such insurance or contract is null and void.

Any vessel suspected on reasonable grounds of being engaged in or fitted out for the slave trade may be visited, seized, and detained if British or engaged in the slave trade within British jurisdiction or if not a vessel of a foreign State, by any British naval or military officer, or any customs officer in the United Kingdom, or governor of a British possession or any person authorized by such a governor.

978. (3) See part VI, paragraphs (c) and (d), i.e., the Chinese Passenger Act, 1855, and Asiatic Emigration Ordinance, 1915. The application of this legislation does in effect prevent slaves being transported by ships authorized to fly the national flag. The measures, as provided by these laws, appeared to have proved effective over the years as far as the prevention of slavery is concerned.

979. (4) The application of the Chinese Passenger Act, 1855, and the Asiatic Emigration Ordinance, 1915 have proved to have been effective measures by ensuring that the ports of the Colony are not used for the conveyance of slaves. Regular marine patrols carried out by the Hong Kong Police ensure that the coastline of Hong Kong is not used as embarkation points for slavery purposes.

980. (5) No established case in slave trading has been found.

981. (6) We have no treaty in this regard with the Chinese People's Republic.

982. (7) The condition of slavery is not recognized by English law as existing in Hong Kong and a slave while in Hong Kong, its territorial waters or on a British warship is, *ipso facto*, a free man and may assert his freedom by a writ of *habeas corpus*, may retain money given to him and may maintain an action for illusage or detention.

With regard to (a) aircraft and merchant shipping of Britain, Hong Kong or some other place deemed by international law to be within the Queen's territorial sovereignty (the fact that a ship carries the British flag and is registered as a British ship is *prima facie* evidence that it is a British ship but if the ship is in fact owned by an unqualified person, such as a foreigner, it is not a British ship); (b) any vessel in the territorial waters of Hong Kong and therefore within Admiralty jurisdiction — section 10 of the Slave Trade Act, 1873 applies :

“Where any slaves are seized in pursuance of this Act, they shall, for the purpose only of seizure, prosecution, and condemnation, be deemed to be property, and shall be condemned as forfeited to the sole use of Her Majesty for the purpose only of divesting all other right or interest therein, and shall not be treated as slaves, but shall be provided for, pending the proceedings for their condemnation, in such manner, and shall on condemnation be disposed of in such manner, or delivered over to such persons, as the court having cognizance of the case may adjudge, subject to the regulations (if any) which are from time to time made by the Treasury ; and the Treasury may from time to time make, alter, and revoke regulations for this purpose so that they be consistent with any provisions in this behalf contained in any existing slave trade treaty.”

Montserrat

983. Other than as in I⁶⁴ — none.

New Hebrides

984. Not applicable.

St. Vincent

985. The legislation quoted above at I and Education (para. 524).

986. (1) Yes. Punishment as at I 1 (a), (b), (c) (paragraph 524).

987. (2) Yes. Punishment as at I 1 (a), (b), (c) (paragraph 524).

988. (3) As at I 1 (a), (b), (c) (paragraph 524).

989. (4) Normal immigration procedure. There has been no trading in slaves within living memory.

⁶⁴ See paragraph 522 above.

990. (5), (6) No slave trade in existence here.

991. (7) Yes.

992. (8) Legislation as at I (a) to (d) (paragraph 524).

Dominica

993. No slave trade, as far as is known, exists in this Territory. The Slave Trade Act, 1824 (5 Geo. 4 c.113), the Slave Trade Act 1843 (6 and 7 Vict. c.98), the Slave Trade Act 1873 (36 and 37 Vict. c.88) apply to this Territory.

994. (1) See sections 9 and 10 of the Slave Trade Act 1824 for acts made criminal offences thereunder. Punishment is for life or any shorter term.

995. (2) Yes. Imprisonment not exceeding fourteen years. In addition to being punishable with imprisonment, forfeitures and pecuniary penalties exist. Any ship fitted out for the slave trade may be forfeited ; and it is lawful to seize or detain a vessel reasonably suspected of having been engaged in the slave trade, or any person on such vessel reasonably suspected of having been detained as a slave. Other penalties to which offenders and other persons procuring, counselling, aiding or abetting them, are liable, are as follows :

(a) For dealing in, carrying, importing and shipping slaves, a fine of £100 per slave, and forfeiture of all property, or pretended property in the slaves, or persons intended to be dealt with as slaves, and the seizure of such slaves or persons ;

(b) For knowingly and wilfully contracting to engage in the slave trade as partner, agent or otherwise ; in this case the fine is double the value of money or goods contracted to be assured.

996. (3) Under the provision of the Slave Trade Act, 1873, sections 3 and 4, any vessel suspected on reasonable grounds of being engaged in or fitted out for the slave trade may be visited, seized or detained if British, or engaged in the slave trade within British jurisdiction, or if not a vessel of a foreign State, by any British naval or military officer, or by the Administrator of this Territory or by any person authorized by him for the purpose, or by any officer of any foreign cruiser in pursuance of an existing slave treaty between the United Kingdom and the foreign State. Subject of treaty rights, when a vessel has been so seized and condemned by a slave court, it may be taken into Crown service or broken up and sold in separate parts.

Slaves on board are forfeited to the Crown for the sole purpose of divesting all other right and interest in them. They are not to be treated as slaves but must be provided for, and disposed of as the court directs.

Provision is also made for the payment of various bounties to persons making the seizure.

997. (4) The laws prohibiting slavery previously referred to will apply in the ports, airfields and territorial waters of this Territory. These measures have proved effective.

998. (5) No cases of slave trading, or attempts to commit any criminal offences in connexion therewith have ever occurred, as far as is known. If such a case occurred it would be brought to the attention of the Government.

999. (6) There are no States contiguous with this Territory and thus no common frontier regions.

1000. (7) Yes. It is assumed that the Police or Immigration Authority concerned would grant that person entry into this Territory in order to enjoy his freedom.

1001. (8) The provisions of section 9 of the Slave Trade Act, 1824, which deal with the carrying away or aiding in carrying away any person as a slave, would apply to any master of a vessel, being a British subject, or being a person residing within the Queen's dominions.

St. Lucia

1002. The Slave Trade Act, 1843.

1003. (1) Yes. Fourteen years' imprisonment.

1004. (2) Yes. Fourteen years ; £100 : for each and every slave being dealt or traded in.

1005. (3) Slave Trade Act, 1843 ; yes ; forfeiture of ship ; fourteen years.

1006. (4) Forfeiture of the means of conveyance plus a term of imprisonment ; yes.

1007. (5) There have been no cases of trading in slaves for over a generation, and if there were the Government would be promptly informed. No.

1008. (6) No.

1009. (7) Yes. The slave may assert his freedom by a writ of *habeas corpus*.

1010. (8) None, but they are guilty of a misdemeanour and liable to be imprisoned for two years.

Aden and the Federation of the Protectorate of South Arabia

1011. See the general answer to question I above⁶⁵ which applies *mutatis mutandis* to the slave trade. Meanwhile, under existing decrees

⁶⁵ See paragraphs 554-555 above.

and laws normal law enforcement measures are taken by Police and Federal Guards.

1012. (1) Yes. Imprisonment up to five years and/or fine of up to 2,000 shillings. (The Qa'iti and Kathiri Decrees provide for punishment as listed in the answer to Section I above.)

1013. (2) Yes. Imprisonment up to seven years and/or also a fine. (The Qa'iti and Kathiri Decrees provide for punishment as listed in the answer to Section I above.)

1014. (3) Vessels belonging to the States of the Federation do not have authority to fly the Federal flag, but normally fly either State or British flags. If a case arose in the jurisdiction of a State, the laws and manumission power discussed above would apply. If a case arose or was suspected at sea and the vessel was flying the British flag the British naval authorities would not hesitate to act as they have for over a century to board, search and if necessary seize.

1015. (4) Normal law enforcement.

1016. (5) These questions are scarcely applicable. In such cases as have occurred in the past years, however, the answer to the first two questions is "Yes". As to the third question, the exchange of information has to a certain extent resulted in the practical co-ordination of measures.

1017. (6) There has been practical co-operation with Saudi Arabia in past years to check slave trading, Saudi Arabia having agreed in the Treaty of Jedda in 1927 to outlaw slave traffic over the border. Joint enforcement action was, when appropriate, agreed *ad hoc*.

1018. (7) Any slave who reaches a British overseas territory or boards a ship or aircraft belonging to such a territory is *ipso facto* free.

1019. (8) These would be subject to the sanctions of the laws above as applicable. The draft law mentioned in the answer to question I (General)⁶⁶ above also includes provision for confiscation of any vehicle, animal or property used in commission of an offence.

Virgin Islands

1020. None.

UNITED STATES OF AMERICA

1021. The slave trade does not exist in the United States. Sections 1582, 1584-8 of Title 18 of the United States Code (quoted in paragraph 576 above), specify criminal penalties for engaging in the slave trade within the jurisdiction of the United States.

With regard to the sub-questions :

⁶⁶ See paragraph 554 above.

1022. (1) All acts defined as "slave trade" are criminal offences. Legislation in effect, particularly Sections 1582 and 1584-8 of Title 18 of the United States Code, specify criminal penalties. These are quoted in paragraph 576 above.

1023. (2) Yes. The same legislation applies to conveying or attempting to convey slaves into the country, or voluntarily serving in any vessel employed in the transportation of slaves. (See paragraph 576 above.)

1024. (3) The same legislation applies. The word "vessel" as used in this legislation would apply also to aircraft.

1025. (4) Any person arriving from outside the United States must identify himself to a border official, who is alert to enforce applicable laws, including those regarding slavery.

1026. (5) Reference is made to the reply contained in paragraph 577 above.

1027. (6) Since no institution or practice resembling slavery or kindred activity exist in the United States nor in any contiguous country, this question has no application for the United States.

1028. (7) Since the United States does not recognize the institution and practice of slavery or kindred activity, any person taking refuge on an American ship or aircraft would be regarded as a free person and would be entitled to treatment as such. No action by the Government would be needed to make such freedom permanent, since no person in the United States can exercise the right of ownership over the person of another, and any attempt to exercise such a claim would be regarded as a criminal offence under Title 18 of the United States Code. Reference is invited to the United States reply contained in paragraph 578 above.

1029. (8) Reference is made to the reply contained in paragraph 576 above in which pertinent sections of Title 18 of the United States Code are enumerated. Sections 1582 and 1588 of this Code are concerned with punishment of masters, factors, and owners of vessels engaged in slave trade, and Section 1587 of the same Title deals with captains, masters or commanders of vessels engaged in transportation of slaves.

VENEZUELA

1030. The reply to question IV must be wholly in the affirmative, since Venezuela does everything in its power to suppress the slave trade and any slave, as soon as he sets foot on Venezuelan territory (which includes warships and military aircraft), *ipso facto* recovers his freedom. The Venezuelan legislation quoted earlier makes the application of principles of slavery punishable under article 174 of the Criminal Code.

QUESTION V

Does the slave trade exist in law or in fact? If so:

- 1. What is its nature and extent?*
- 2. What are the causes or reasons for its existence?*
- 3. What obstacles or impediments hamper its elimination?*
- 4. What steps have been taken, or are being taken, to eliminate it?*
- 5. How many prosecutions have there been? Do these include any prosecutions of persons in absentia?*

AUSTRALIA

1031. No.

CANADA

1032. (A). No.

CEYLON

1033. (B). See replies to questions I to IV.⁶⁷

CHAD

1034. No.

CUBA

1035. As has been stated above,⁶⁸ the slave trade does not exist in Cuba either in law or in fact.

DENMARK

1036. No.

ECUADOR

1037. In Ecuador the slave trade exists neither in law nor in fact.

⁶⁷ See paragraphs 90-94, 599, 691 and 762.

⁶⁸ See paragraphs 723-724 above.

FRANCE

1038. This question is pointless as far as France is concerned (see preceding answer).⁶⁹

GAMBIA

1039. The slave trade exists neither in law nor in fact.

GHANA

1040. The slave trade does not exist in law or in fact in Ghana.

INDIA

1041. No.

1042. (4) Does not arise.

IRAN

1043. The questions raised in this question and in its paragraphs do not arise.

IVORY COAST

1044. The slave trade exists neither in law nor in fact.

JAMAICA

1045. The slave trade does not exist in law or in fact in Jamaica.

KUWAIT

1046. No. Therefore, paras. 1, 2, 3, 4 and 5 do not arise.

LAOS

1047. See answer to question IV.⁷⁰

MALAWI

1048. The slave trade exists neither in law nor in fact.

⁶⁹ See paragraphs 781-794 above.

⁷⁰ See paragraph 829 above.

MALI

1049. The slave trade does not exist in law or in fact in the Republic of Mali.

NEPAL

1050. None.

NETHERLANDS

1051. No.

Surinam

1052. The slave trade does not exist, either in law or in fact.

NEW ZEALAND

1053. No.

1054. The International Council of Women, a non-governmental organization in consultative status states : ⁷¹

1055. " (1) None.

1056. " (2) Not applicable.

1057. " (3) Not applicable.

1058. " (4) Not applicable.

1059. " (5) None."

NIGERIA

1060. Slave trade does not exist in law or in fact, so questions 1 to 5 do not arise.

NORWAY

1061. No.

PAKISTAN

1062. No. Not at all. 1, 2, 3, 4 and 5 do not arise.

PERU

1063. In Peru the slave trade exists neither in law nor in fact, since the legal provisions mentioned in the replies to the first part of the questionnaire are carried into effect.

⁷¹ See paragraph 330 above.

PHILIPPINES

1064. No.

RWANDA

1065. The slave trade does not exist in Rwanda.

SENEGAL

1066. No, neither in law nor in fact, to our knowledge. No prosecutions for slave trading.

SINGAPORE

1067. The slave trade does not exist.

SPAIN

1068. No, unless we consider the possibility of some isolated hypothetical case where a minor is delivered for purposes of exploitation.

1069. (1) The extent (of such cases of the delivery of minors) is negligible. Only sporadic cases occur.

1070. (2) Poverty, large families and the desire for gain.

1071. (3) The irresponsibility of those who fail to report cases of exploitation of minors which come to their knowledge to the competent authorities and agencies: law enforcement officers, juridical authorities, juvenile courts, and agencies of the Minors' Welfare Service.

1072. (4) This is not a general problem, or even a major one. In any event, the measures mentioned in previous paragraphs are making it less and less acute.

1073. (5) No relevant statistics available.

TOGO

1074. Does not call for a reply since slavery does not exist in Togo.

TUNISIA

1075. The slave trade does not exist either in law or in fact.

UNITED ARAB REPUBLIC

1076. Such cases are non-existent.

1077. The slave trade exists neither in law nor in fact.

Rhodesia

1078. The slave trade exists neither in law nor in fact in Rhodesia.

(*Bechuanaland, Bermuda, British Guiana, British Honduras, British Solomon Islands Protectorate, Brunei, Falkland Islands, Fiji, Gilbert and Ellice Islands, Gibraltar, Grenada, Mauritius, St. Helena, Seychelles, Swaziland*)

1079. The slave trade does not exist in fact. Regarding the law, attention is invited to the information already given in reply to previous questions.

Bahamas

1080. No.

Hong Kong

1081. No.

Montserrat

1082. No.

New Hebrides

1083. Not applicable.

St. Vincent

1084. Slave trade does not exist and was abolished since 1834. (1), (2), (3), (4) and (5) — not applicable.

Bahrain

1085. See answer to question I.

Dominica

1086. The slave trade does not exist in fact in this Territory. As regards the law, attention is drawn to the answers to the previous questions (1) to (4) not applicable. (5) — there have been no prosecutions.

St. Lucia

1087. The slave trade does not exist in fact. As regards the law, see previous answers.⁷²

⁷² See paras. 547-552, 684, 747 and 1002-1010 above.

Aden and the Federation of the Protectorate of South Arabia

1088. The slave trade does not exist in fact. Regarding the law, attention is invited to the information already given in reply to previous questions.

Virgin Islands

1089. No.

UNITED STATES OF AMERICA

1090. Slavery does not exist in law or in fact in the United States.

VENEZUELA

1091. With regard to questions V and VI, there has never been, since the end of the colonial era in the early 1800s, any restriction having effects of any significance.

1092. There is no known case of prosecution for slavery, since, as pointed out earlier, slavery is categorically and entirely prohibited.

QUESTION VI

Do the answers to questions IV and V apply also to traffic in persons of servile status, as defined above, or as determined by law or practice, who may not be slaves? If not, what is the situation in law and in fact regarding such persons?

AUSTRALIA

1093. Yes.⁷³

CANADA

1094. Not applicable.

CEYLON

1095. See answers to questions I to V.

CHAD

1096. Yes.

CUBA

1097. There are no persons of servile status in Cuba.

DENMARK

1098. Yes.

ECUADOR

1099. As already indicated, there are no slaves or persons of servile status in Ecuador, and for that reason there are no laws or special authorities concerned with the situation of such persons.

FRANCE

1100. In view of the general wording of the texts cited in answer to question IV,⁷⁴ these texts would seem to apply to traffic in all persons in

⁷³ Reply given by the International Council of Women, a non-governmental organization in consultative status.

⁷⁴ See paragraphs 781-784 above.

a servile status similar to slavery, as strictly defined in the questionnaire. We cannot cite any case of this kind, since all the texts mentioned have in practice fallen into abeyance.

GAMBIA

1101. No.

GHANA

1102. Yes.

INDIA

1103. Yes.

IRAN

1104. There are no such persons in Iran, and as in any case, the Iranian Act on slavery is of a general nature, it covers traffic in persons of servile status.

IVORY COAST

1105. The replies to question IV and V also apply to traffic in persons of servile status who may not be slaves.⁷⁵

JAMAICA

1106. There is no such traffic in human beings in Jamaica as is mentioned in questions IV and V of the questionnaire.

KUWAIT

1107. Yes, they do apply.

LAOS

1108. There are no persons of servile status in Laos.

MALAWI

1109. The answers to questions IV and V apply equally to persons of servile status.⁷⁶

⁷⁵ See paragraphs 814-822 and 1044 above.

⁷⁶ See paragraphs 830-838 and 1048 above.

MALI

1110. The replies to questions IV and V also apply to persons of servile status.⁷⁷

NEPAL

1111. None.

NETHERLANDS

1112. Since the Criminal Code does not define the term "slave", the sections of the Code quoted under question IV, points 1 and 2, concerning the trade in and the transport of slaves, may be applied to the commission of the offences mentioned therein against persons of servile status, within the meaning of the Supplementary Convention of 1956. Moreover, the trade in and transport of such persons can in certain circumstances be regarded as unlawful deprivation of freedom (Sections 282 and 283) or as unlawful compulsion (Section 284). For the rest, the negative reply given to question V applies also to the traffic in persons of servile status.

Surinam

1113. The answers to questions IV and V⁷⁸ also apply to traffic in persons of servile status.

NEW ZEALAND

1114. Yes.

NIGERIA

1115. The occasion does not arise.

NORWAY

1116. Regarding question IV (1-3 and 8) see the answer to question I.1. (a-d).⁷⁹ For the rest the answers to questions IV and V apply.⁸⁰

PAKISTAN

1117. No. Civil law does not favour the practices which reduce a person to servile status. Such contracts are unenforceable and remedy to an aggrieved person is generally available.

⁷⁷ See paragraphs 839-846 and 1049 above.

⁷⁸ See paragraphs 855-861 and 1052 above.

⁷⁹ See paragraph 349 above.

⁸⁰ See paragraphs 884 to 888 and 1061 above.

PERU

1118. The situation as regards persons of servile status is as stated above, i.e., such persons do not exist. On the other hand, statutory recognition is granted to the institution of "domestic service", which, although in Peru it has an almost family and *sui generis* character differentiating it from domestic service in other countries, is protected by labour legislation which recognizes the rights of domestic servants to wages and social benefits such as holidays, overtime, compensation etc.

PHILIPPINES

1119. They apply.

ROMANIA

1120. See the answers to question IV. 3 (in part) and to 4 to 7.⁸¹

RWANDA

1121. The replies to questions IV and V⁸² apply also to traffic in persons of servile status.

SENEGAL

1122. Yes. For example, the marriage of a woman under marriageable age or without her consent is tantamount to enslavement (Decree of 20 February 1946); forced labour is prohibited and is subject to penalties. In practice, we have no knowledge of any prosecutions on these counts.

SINGAPORE

1123. Yes.

SPAIN

1124. The answers to questions IV and V⁸³ covered all the situations more or less similar to the slave trade, although, strictly speaking, they do not deal specifically with such trade.

SUDAN

1125. Yes, in addition there is a special section in the Penal Code incriminating acts related to traffic in women and imposes punishment. It reads :

⁸¹ See paragraphs 903 and 904-907 above.

⁸² See paragraphs 909 and 1064 above.

⁸³ See paragraphs 920-929 and 1068-1073 above.

Section 315A. Whoever, in order to gratify the passions of another person, procures, entices or leads away, even with her consent, any woman or girl for immoral purposes to be carried out outside the Sudan shall be punished with imprisonment which may extend to seven years and shall also be liable to fine.

THAILAND

1126. See answer to question I.⁸⁴

TOGO

1127. Does not call for a reply, since slavery does not exist in Togo.

TUNISIA

1128. The replies to questions IV and V⁸⁵ also apply to traffic in persons of servile status.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

1129. The replies to the questions under IV and V⁸⁶ apply equally to traffic in persons of servile status.

Rhodesia

1130. Yes.

(Bechuanaland, Bermuda, British Guiana, British Honduras, British Solomon Islands Protectorate, Brunei, Falkland Islands, Fiji, Gilbert and Ellice Islands, Gibraltar, Grenada, Mauritius, St. Helena, Seychelles, Swaziland)

1131. The answers to questions IV and V⁸⁷ apply also to traffic in persons of servile status.

Bahamas

1132. Yes.

Hong Kong

1133. *In law :*

⁸⁴ See paragraphs 453-456 above.

⁸⁵ See paragraphs 940-941 and 1075 above.

⁸⁶ See paragraphs 951-958 and 1077 above.

⁸⁷ See paragraphs 968-975 and 1079 above.

(a) *Female Domestic Service Ordinance*

Whereas certain persons have erroneously supposed that the payment of money to the parent or guardian or employer of a female child, such payment purporting to be in return for the transfer of certain parental rights, may confer certain rights of property in the child and certain rights of retaining possession, custody and control of the child as against the child's parent or guardian and as against the child herself, it is hereby declared and enacted that no such payment can confer any such rights whatsoever upon the person making such payment or upon any other person.

In this Ordinance —

mui tsai includes :

(a) Every female domestic servant under the age of eighteen years whose employer for the time being has made, directly or indirectly, within or without the Colony, any payment to any person for the purpose of securing the services of such female as a domestic servant ;

(b) Every female domestic servant under the age of eighteen years whose employer for the time being has, within or without the Colony, acquired the custody, possession or control of such female from, or upon the death of, any former employer who made any such payment as aforesaid.

No person shall have in his employment any *mui tsai*.

No person shall bring or cause to be brought any *mui tsai* into the Colony. Notwithstanding anything contained in section 26 of the Magistrates Ordinance, any complaint or information in respect of an offence against this section may be made or laid at any time.

No person shall have in his employment any female domestic servant under the age of twelve years.

Any person who contravenes any of the provisions of this Ordinance shall upon summary conviction be liable to a fine of two hundred and fifty dollars and to imprisonment for six months.

1134. *In fact :*

The Asiatic Emigration Ordinance, 1915 requires that all females and children under sixteen years who are travelling third class by ship be interviewed by the Social Welfare Department. The purpose of this enactment is to prevent trafficking in women and children. If there is any suspicion that an emigrant may be sold into slavery the authorities at the other end of the journey are notified to make further inquiries and to keep an eye on the emigrant. In 1963, the Commissioner of Labour and Welfare, North Borneo, was notified about three theatrical troupes arriving there to stage performances ; and in 1964, the Commissioner of Labour, Sarawak, was notified about one other troupe.

(b) *Employment of Young Persons and Children at Sea (Amendment) Ordinance, 1965*

Section 2. No child under fourteen years of age shall be employed or be caused or permitted to work as a member of the crew of any vessel,

other than a vessel upon which only members of the same family are so employed. . . .

Any person who contravenes any provision of this Ordinance shall be liable on summary conviction to a fine of five hundred dollars.

(c) *The Chinese Passengers Act, 1855* was passed by Parliament enabling the Government of Hong Kong to make regulations of extra-territorial application, by virtue of section 2 thereof. . . .

(d) *Asiatic Emigration Ordinance* consolidated legislation made under the above Act but it is doubtful whether this is any longer of important practical application. . . .

(e) *The Protection of Women and Juveniles Ordinance*

“Infant” means a person under the age of twenty-one; “child” means a person who is, in the opinion of the court having cognizance of any case in relation to such person, under the age of fourteen years;

“Young person” means a person who is, in the opinion of the court having cognizance of any case in relation to such person, fourteen years of age or upwards and under the age of sixteen years.

(1) Any person who :

(a) Takes part in bringing into or taking away from the Colony by force, intimidation or fraud any female for the purpose of prostitution either within or without the Colony ; or

(b) Takes part in bringing, taking, decoying or enticing any female into or away from the Colony with intent to sell, pledge, let out to hire, purchase, take in pledge, take on hire or otherwise dispose of such female for the purpose of prostitution either within or without the Colony ; or

(c) Takes part in bringing, taking, decoying or enticing any female into or away from the Colony for the purpose of prostitution either within or without the Colony knowing that such female has been sold, pledged, let out to hire, purchased, taken in pledge, taken on hire ; or

(d) Takes part in selling, pledging, letting out to hire, purchasing, taking in pledge, taking on hire or otherwise disposing of, or in obtaining possession of any female for the purpose of prostitution either within or without the Colony ; or

(e) Knowingly derives any profit from the sale, pledge, hire, purchase, taking in pledge, taking on hire or other disposal of any female who has been sold, pledged, let out to hire, or otherwise disposed of for the purpose of prostitution either within or without the Colony, shall be guilty of a misdemeanour : provided that in any prosecution under paragraph (c) where it is proved, to the satisfaction of the jury or the magistrate, as the case may be, that the female had in fact been sold, pledged, let out to hire, purchased, taken in pledge or taken on hire, knowledge thereof by the accused shall be presumed unless he satisfies the jury or magistrate that he had not such knowledge.

(f) *The Adoption Ordinance*

. . .

(g) *Immigration (Control and Offences) Ordinance*

...

(h) *Contracts for Overseas Employment Bill*

A new law entitled the Contracts for Overseas Employment Ordinance, 1965 has been enacted and will come into operation on proclamation of Her Majesty's confirmation. This Ordinance is designed to confer on manual workers recruited for service overseas the rights and protection set out in the following International Labour Conventions:

No. 50. Recruiting of Indigenous Workers Convention, 1936;

No. 64. Contracts of Employment (Indigenous Workers) Convention, 1939;

No. 86. Contracts of Employment (Indigenous Workers) Convention, 1947.

It forbids the recruitment of persons who do not spontaneously offer their services for overseas employment and marks a further stage in safeguarding the welfare of manual workers going overseas for employment. In local employment prohibition of non-spontaneous employment is provided in the Employers and Servants (Amendment) Ordinance, 1965.

Montserrat

1135. Yes.

New Hebrides

1136. Not applicable.

St. Vincent

1137. Servile status does not exist in law or fact.

Bahrain

1138. The replies to questions IV and V apply equally to persons of servile status.

Dominica

1139. Servile status of the type defined is not known in this Territory.

St. Lucia

1140. Yes.

Aden and the Federation of the Protectorate of South Arabia

1141. Not applicable, as slavery as defined does not exist.

Virgin Islands

1142. Yes.

UNITED STATES OF AMERICA

1143. Answers to questions IV and V apply also to slavery, peonage and other forms of involuntary servitude. Reference is made to paragraph 575 above.

VENEZUELA

1144. See answer to question V.⁸⁸

⁸⁸ See paragraph 1092 above.

QUESTION VII

Has any warship of the country had occasion to board a foreign merchant ship on reasonable ground for suspecting her to be engaged in the slave trade, as provided in article 22 of the Convention on the High Seas of 1958?⁸⁹ If so, did the warship proceed to verify the merchant ship's right to fly its flag? What examination on board the merchant ship was carried out, and what were the consequences?

AFGHANISTAN

1145. Questions VII and IX are not relevant in the case of Afghanistan.

CANADA

1146. No.

CEYLON

1147. Unable to answer this question.

CHAD

1148. No.

CUBA

1149. The situation to which this question refers has not arisen.

⁸⁹ Article 22 of the Convention on the High Seas of 1958 reads as follows:

"1. Except where acts of interference derive from powers conferred by treaty, a warship which encounters a foreign merchant ship on the high seas is not justified in boarding her unless there is reasonable ground for suspecting:

"(a) That the ship is engaged in piracy; or

"(b) That the ship is engaged in the slave trade; or

"(c) That, though flying a foreign flag or refusing to show its flag, the ship is, in reality, of the same nationality as the warship.

"2. In the cases provided for in sub-paragraphs (a), (b) and (c) above, the warship may proceed to verify the ship's right to fly its flag. To this end, it may send a boat under the command of an officer to the suspected ship. If suspicion remains after the documents have been checked, it may proceed to a further examination on board the ship, which must be carried out with all possible consideration.

"3. If the suspicions prove to be unfounded, and provided that the ship boarded has not committed any act justifying them, it shall be compensated for any loss or damage that may have been sustained."

DENMARK

1150. No such action has been reported to the Danish authorities.

ECUADOR

1151. So far, no case has arisen in which Ecuadorian warships have boarded foreign merchant vessels on suspicion that such vessels were engaged in the slave trade, as provided in article 22 of the Convention of the High Seas of 1958.

FRANCE

1152. As the necessary information was not received in time, the answer to this question will be transmitted at a later date.

GAMBIA

1153. No.

GHANA

1154. No.

INDIA

1155. No Indian naval warship had occasion to board any merchant ship on suspicious grounds to check slave trade.

IRAN

1156. No such cases have arisen for Iranian warships.

IVORY COAST

1157. No.

JAMAICA

1158. No warship of this country ever had occasion to board a foreign merchant ship for suspecting on reasonable grounds, that she is engaged in the slave trade as provided in article 22 of the Convention on the High Seas of 1958.

KUWAIT

1159. No occasion arose.

LAOS

1160. Laos is a land-locked country with no access to the sea.

MALAWI

1161. Not applicable since Malawi is land-locked.

MALI

1162. Since Mali is a land-locked country it has no warships at present, and its river boats have not had occasion to board a foreign merchant ship.

NEPAL

1163. None.

NETHERLANDS

1164. No.

Surinam

1165. No warship of the Kingdom of the Netherlands had occasion to board a foreign merchant ship in Surinam waters on suspicion of engagement in slave trade.

NEW ZEALAND

1166. No.

NIGERIA

1167. The occasion does not arise.

PAKISTAN

1168. No such occurrence to our knowledge.

PERU

1169. There has been no case of any kind referred to in this part of the questionnaire.

PHILIPPINES

1170. No.

ROMANIA

1171. No.

RWANDA

1172. No.

SENEGAL

1173. Not within our competence.

SINGAPORE

1174. No.

SPAIN

1175. No case of the kind described is known.

SUDAN

1176. No.

TOGO

1177. No.

TUNISIA

1178. No warship of Tunisia has had occasion to board a foreign merchant ship on reasonable ground for suspecting her to be engaged in the slave trade.

TURKEY

1179. No warship of Turkey has examined a foreign merchant ship on the high seas on the ground of indications that she is engaged in the slave trade.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

1180. There is no record of a warship of the United Kingdom having occasion to board a foreign merchant ship under article 22 of the Convention on the High Seas of 1958. It is, however, part of the everyday duties of commanding officers afloat to board or cause to be identified any ship which may give reasonable grounds for suspicion of slave trading; special records are not kept as this is part of normal routine.

Rhodesia

1181. No.

(*Bechuanaland, Bermuda, British Guiana, British Honduras, British Solomon Islands Protectorate, Brunei, Falkland Islands, Fiji, Gilbert and Ellice Islands, Gibraltar, Grenada, Mauritius, St. Helena, Seychelles, Swaziland*)

1182. No.

Bahamas

1183. No.

Hong Kong

1184. To the best of our knowledge no warship operating in or from Hong Kong has ever boarded any emigration ship or foreign merchant vessel suspected of being in the slave trade.

Montserrat

1185. No, as this Territory owns no ships of war, defence being the responsibility of the United Kingdom Government.

New Hebrides

1186. Not applicable.

St. Vincent

1187. Not applicable. No grounds for suspecting the existence of the slave trade in this area.

Bahrain

1188. Not applicable to Bahrain.

Dominica

1189. This Territory does not possess warships.

St. Lucia

1190. No.

Aden and the Federation of the Protectorate of South Arabia

1191. No.

Virgin Islands

1192. No.

UNITED STATES OF AMERICA

1193. No warship of the United States has had occasion to board a foreign merchant ship on suspicion that it might be engaged in the slave trade as provided in article 22 of the Convention on the High Seas of 1958.

VENEZUELA

1194. The Government of Venezuela is a party to the Convention on the High Seas concluded at Geneva in 1958, but has had no occasion to apply article 22 of that Convention, either in cases of piracy properly so called or in cases of slavery.

QUESTION VIII

Are any particular authorities of the country entrusted with responsibilities with respect to control of slavery, the slave trade, or institutions and practices similar to slavery? If so, who are the authorities and what are their relevant functions and powers?

AFGHANISTAN

1195. In accordance with article 22, paragraph 1 of the constitutional regulations of Afghanistan, the Ministry of Justice is responsible for supervising criminal investigations, prosecuting criminal offenders and enforcing penalties.

AUSTRALIA

1196. Questions VIII and IX: there have been no instances of slavery or the slave trade.

CANADA

1197. Should any question of control of slavery, the slave trade, or institutions and practices similar to slavery ever arise, the authorities entrusted with the enforcement of criminal law in Canada, and/or the Government of Canada would be those concerned.

CEYLON

1198. The usual law enforcement authorities.

CHAD

1199. No.

CUBA

1200. There are no such authorities, since such institutions do not exist.

ECUADOR

1201. The reply to this question can be found in the reply to question VI.⁹⁰

⁹⁰ See paragraph 1099 above.

DENMARK

1202. No.

FRANCE

1203. Questions VIII to XV : These questions are pointless as far as France is concerned.

GAMBIA

1204. No.

GHANA

1205. Not necessary.

INDIA

1206. Yes. The provisions contained in the Constitution and the Indian Penal Code are enforced by the Executive Authorities of the Central State Government.

IRAN

1207. Since the problem of slavery does not in fact exist in Iran, no such authorities for combating slavery have been established.

IVORY COAST

1208. No particular authority is entrusted with responsibility with respect to the control of slavery, the slave trade or institutions and practices similar to slavery.

JAMAICA

1209. No particular authorities of the country are entrusted with responsibilities with respect to control of slavery, the slave trade or institutions and practices similar to slavery.

KUWAIT

1210. Yes. The competent authorities entrusted with responsibilities to control slavery, slave trade and institutions and practices similar to slavery, by virtue of laws and regulations of the country are :

(a) Minister of Interior ;

(b) Minister of Finance and Industry (Customs and Ports) ;

(c) Minister of Social Affairs.

1211. In discharge of their responsibilities the declaration and circular referred to above have been issued. The authorities and functions performed by each of them are clearly indicated in the instruments attached.

LAOS

1212. There are no particular authorities entrusted with responsibilities with respect to control of slavery, but the administrative and judicial authorities responsible for the supervision of labour and the suppression of abuses (failure of employers to comply with the regulations) may be considered to be the guardians of the people's freedom.

MALAWI

1213. In so far as there is no slavery and no slave trade, no special responsibility in this regard is vested in any public authority. However, the duty to prevent any such practices is part of the general duties of Government Departments such as the Police, Immigration and Labour authorities.

MALI

1214. There are no particular authorities entrusted with responsibilities with respect to control of slavery, the slave trade, or institutions and practices similar to slavery.

NEPAL

1215. Cases under the Chapter on Human Exploitation and Trade in the Mulki Ain are to be tried by the ordinary law courts.

NETHERLANDS

1216. In the Netherlands there is no special authority responsible for controlling the practices referred to in this question.

Surinam

1217. There are no particular authorities entrusted with the special control of slavery, slave trade or similar practices. The regular police would take action if necessary.

NEW ZEALAND

1218. Questions VIII to XI : not applicable.

NIGERIA

1219. The police constables are entrusted with responsibilities with respect to control of slavery.

NORWAY

1220. No.

PAKISTAN

1221. No.

PERU

1222. There are no particular authorities in Peru entrusted with responsibilities with respect to control of slavery, the slave trade, or institutions and practices similar to slavery. However, these matters are the responsibility of the Ministry of Internal Affairs and Police and of the Migration Department of the Ministry of Foreign Affairs.

PHILIPPINES

1223. No. The responsibilities pertaining to the control of slavery are entrusted to the police agencies.

RWANDA

1224. Not applicable.

SENEGAL

1225. No particular organs.

SPAIN

1226. There are no authorities specially responsible for the control of slavery, the slave trade and institutions and practices similar to slavery. Since such situations and practices are forbidden, there is no question of controlling them.

1227. If instead of control we consider prosecution and investigation with reference to the exploitation of minors, the provincial and local boards

of the Minors' Welfare Service, which have been mentioned several times, are expressly authorized, *inter alia*, to investigate the exploitation of, and cruelty to, minors. They are obliged to report the facts to the courts of justice, which are responsible for implementing the law and imposing the relevant penalties. The Juvenile Courts also have the same powers.

1228. With reference to prostitution, although the immediate function of the League for the Protection of Women is to protect, it also has authority to investigate and report to the courts of justice facts concerning the exploitation of women.

SUDAN

1229. In answer to this question we refer to the letter No. 134/829/17 dated 29 August 1925, sent to the Secretary-General, League of Nations, by the Governor General of the Sudan at that time ; this letter shows that there had been a special department for the repression of slavery in the Sudan which functioned from the year 1898 up to the year 1921. By 1921, slave trade had been entirely abolished in the Sudan and the special department ceased to exist and its functions to the extent of prevention of crime were taken over by the ordinary police force of the Sudan.

THAILAND

1230. There is no particular authority specifically entrusted with such responsibilities.

TOGO

1231. No. Not relevant.

UNITED ARAB REPUBLIC

1232. The authority responsible includes the police guarding morality, preliminary courts for control, presenting cases to the court and passing judgements.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

1233. There is no necessity for any particular authorities to be established to deal with slavery and the slave trade within the United Kingdom. Offenders would be dealt with under the ordinary procedure of the criminal law ; the police, courts, etc.

Rhodesia

1234. Were any complaint made in regard to slavery, the slave trade or institutions and practices similar to slavery, it would be dealt with by the police in the usual way.

(Bechuanaland, Bermuda, British Guiana, British Honduras, British Solomon Islands Protectorate, Brunei, Falkland Islands, Fiji, Gilbert and Ellice Islands, Gibraltar, Grenada, Mauritius, St. Helena, Seychelles, Swaziland)

1235. No.

Bahamas

1236. Questions VIII to XV do not apply.

Hong Kong

1237. (i) Any vessel suspected on reasonable grounds of being engaged in or fitted out for the slave trade, being—
- (a) A British ship wherever situate whether the offence is committed by British subjects or foreigners or
 - (b) A ship of any country whatsoever the Queen's territorial waters which include the waters of this Colony is within Admiralty jurisdiction and may be therefore visited, seized and detained by any British naval or military officer or governor of a British possession or any person authorized by such a governor or an officer of any foreign cruise authorized in pursuance of slave trade treaties.
- (ii) A suspected vessel of a foreign State on the high seas may be visited, seized and detained by any British naval officer duly authorized in pursuance of a treaty with that State and by any officer of a cruise of that State. Any slaves so seized are forfeited to the Crown.
- (iii) The Director of Immigration has certain powers by virtue of the Immigration (Control and Offences) Ordinance.
- (iv) A police officer has power to stop, search and if necessary arrest and detain for further inquiries any person whom he may find in a public place or on board a vessel or other conveyance within this Colony and its territorial waters who acts in a suspicious manner or whom he suspects of having committed or of being about to commit or of intending to commit any offence against the laws of the Colony.

Montserrat

1238. No. Slavery does not exist.

New Hebrides

1239. See replies to question II (paragraphs 673-677 above).

St. Vincent

1240. The same authorities charged with the general responsibility of the administration of justice.

Bahrain

1241. There is no necessity for any particular authorities to be established to deal with slavery and the slave trade within Bahrain. Offenders would be dealt with under Law Courts.

Dominica

1242. No particular authorities are entrusted with the responsibility with respect to the control of slavery, the slave trade or institutions and practices similar to slavery, as the problem does not seem to exist.

St. Lucia

1243. No.

Aden and the Federation of the Protectorate of South Arabia

1244. The authorities for general law enforcement.

Virgin Islands

1245. No.

UNITED STATES OF AMERICA

1246. No institution or practice of slavery or kindred activity exists in the United States today. The United States Department of Justice is responsible for the investigation of any complaints of involuntary servitude and for the prosecution of offenders in the courts. Reference is made to the information contained in paragraph 577 above.

VENEZUELA

1247. With regard to questions VIII, IX and X, no particular authorities are required for the implementation of a law which is deeply established in the outlook of the Venezuelan people; nor are there any political or economic factors which might obstruct the implementation of a secular law, and for the reasons already given no measures are required in that connexion.

QUESTION IX

What are the political, economic, social, historical or other causes which may constitute an obstacle to the elimination of, or which may lead to the recurrence of slavery, the slave trade or institutions and practices similar to slavery? What measures have been taken to deal with these causes? Have any significant economic reforms or social changes contributed effectively to the elimination of such institutions or practices?

AFGHANISTAN

1248. See reply to question VII.

CANADA

1249. Not applicable.

CEYLON

1250. Unable to answer this question.

CHAD

1251. None.

CUBA

1252. Answer to questions IX and X: These questions as applied to Cuba are anachronistic. Nevertheless in our reply to question XII we give certain information which is relevant to these two questions.⁹¹

DENMARK

1253. Reference is made to the details given in answer to question I.⁹²

ECUADOR

1254. The Government of Ecuador considers that the main causes for the existence of slavery or of practices similar to slavery throughout

⁹¹ See paragraphs 1402-1404 below.

⁹² See paragraphs 138-147 above.

the world are poverty, ignorance, and shortage of employment opportunities. In order to combat these factors, which might cause a recurrence of practices similar to slavery, the State of Ecuador has implemented a General Plan of economic and social development which will help to raise the level of living of all its inhabitants. The State has also intensified its education and literacy programmes and has set in motion land reform with a view to improving the condition of the rural population.

GAMBIA

1255. None.

GHANA

1256. There are no political, economic, social, historical or other causes which constitute an obstacle to the elimination of or which lead to the recurrence of slavery, the slave trade or institutions and practices similar to slavery. Ghanaian legislation is sufficient deterrent.

INDIA

1257. Does not apply.

IRAN

1258. In view of the reply given above,⁹³ this question is not applicable.

IVORY COAST

1259. Institutions and practices similar to slavery have been eliminated once and for all, for the following reasons :

(a) The Act of 11 April 1946 abolishing forced or compulsory labour and also forbidding all means or procedures for imposing direct or indirect constraint for the purpose of engaging or holding an unwilling person at his place of work has eliminated certain abuses which may have been similar to the practices denounced. The African peoples welcomed the Act as representing the liberation of the individual, and any return to past conditions would therefore be impossible. Moreover, the principle laid down in the Act was reproduced in the Act of 15 December 1952 giving effect to the Labour Code and in the Act of 1 August 1964, which replaced it. Article 2 of the Act of 1 August 1964 provides that "Forced or compulsory labour is strictly forbidden".

The words "Forced or compulsory labour" refer to any work or service which is required of a person under the threat of a punishment and for which the said person has not freely volunteered.

⁹³ See paragraph 1207 above.

(b) Mass education, undertaken by the party, is promoting among our people respect for the dignity of the human person, so that every individual tends to defend himself against any measure which would impair that dignity.

(c) The Government's educational policy which, in particular, aims at achieving 100 per cent school enrolment by 1975, is certainly a factor in eliminating all practices similar to slavery, which are often made possible only by the ignorance of the victims.

(d) The publication on 7 October 1964 of civil laws abolishing the dowry system and making compulsory the consent of both spouses to a marriage has put an end to practices which maintained women in an inferior status by obliging them to accept the spouse, or even the successive spouses, chosen by their family.

(e) Improvement of the level of living of the peasant population, the Government's prime objective, has at last made it possible for every individual to become aware of his human dignity and the role he is called on to play as an economic entity.

JAMAICA

1260. There are no political, economic, social, historical or other causes which may constitute an obstacle to the elimination of, or which may lead to the recurrence of slavery, the slave trade or institutions and practices similar to slavery.

KUWAIT

1261. There are no political, economic, social, historical or other causes constituting obstacles for the elimination of slavery, slave trade, institutions and practices similar to slavery, or lead to its recurrence.

LAOS

1262. The practice of slavery has not existed in Laos since the last century and slavery is unknown to the present generation.

MALAWI

1263. Not applicable.

MALI

1264. There are no political, economic, social, historical or other causes which might constitute an obstacle to the elimination of, or which may lead to the recurrence of, slavery, the slave trade or institutions and practices similar to slavery.

NEPAL

1265. Not relevant.

NETHERLANDS

1266. Answer to questions IX and X : Since slavery, the slave trade, and institutions and practices similar to slavery have not existed in the Kingdom for centuries, these questions are not applicable to the Netherlands.

Surinam

1267. Since slavery, the slave trade, and institutions and practices similar to slavery have been eliminated in Surinam, no further comment is needed.

NIGERIA

1268. The occasion does not arise.

PAKISTAN

1269. Does not arise.

PERU

1270. Slavery and institutions or practices similar to slavery do not exist in Peru, slavery, as was stated under question I, having been abolished in 1954.

PHILIPPINES

1271. Conditions of slavery do not exist in the Philippines.

RWANDA

1272. Not applicable.

SENEGAL

1273. Not within our competence.

SINGAPORE

1274. The police force.

SPAIN

1275. In so far as this question concerns Spain at all, it is answered in the replies to the previous questions.

SUDAN

1276. In regard to slavery, difficulties had been overcome many years ago and there is now no sign of slavery nor institutions similar to slavery in the whole country. See our answers to 1, 2, 3 and 4 of question I above.⁹⁴

TOGO

1277. Does not call for a reply since the problem does not arise in Togo.

UGANDA

1278. All these factors as they apply in Uganda point to the elimination rather than the recurrence of slavery, slave trade and the accompanying institutions and practices.

UNITED ARAB REPUBLIC

1279. See answer to question III (1 and 2).⁹⁵

There are no obstacles encountering the eradication of this type of exploitation in prostitution. Circumstances which cause it include poverty, demoralization and mental weakness. Social and economic measures combined help solve the problem. These include raising the standard of living, opening working opportunities, religious education, care for the mentally weak, care for the prostitutes, including both psychological and vocational training.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

1280. Since slavery has been eliminated in the United Kingdom this question does not apply.

Rhodesia

1281. Save in so far as certain customs relating to women are concerned, which have been discussed above, slavery, the slave trade and institutions and practices similar to slavery are not known in Rhodesia.

⁹⁴ See paragraphs 446-451 above.

⁹⁵ See paragraphs 734, 735 above.

(Bechuanaland, Bermuda, British Guiana, British Honduras, British Solomon Islands Protectorate, Brunei, Falkland Islands, Fiji, Gilbert and Ellice Islands, Gibraltar, Grenada, Mauritius, St. Helena, Seychelles, Swaziland)

1282. As slavery has been eliminated in British Overseas territories, this question does not arise.

Bahamas

1283. See answer to question VIII.

Hong Kong

1284. As pointed out in II, paragraphs 2 and 3, the practice of controlling girls for profit stems from economic and social changes. The breaking down of the family unit, coupled with a strong desire to gain maximum material reward with minimum or no effort, has contributed to the cause of this practice. The expanded education and housing programmes and work on community development by this Government, together with the help of various voluntary organizations, are aimed at endeavouring to abate the growth of this practice.

Montserrat

1285. Not applicable.

New Hebrides

1286. See replies to question II.

St. Vincent

1287. There is no existing cause which may lead to the recurrence of slavery.

Bahrain

1288. Since slavery has been eliminated in Bahrain this question does not apply.

Dominica

1289. There is no slavery in this Territory. There is no likelihood of its recurrence. No slave trade exists as far as is known. There are no institutions similar to slavery. The only practice similar to slavery is where a child or young person is delivered to another person to be maintained etc., in return for domestic services rendered by the child or young person. As this arrangement can be terminated at any time by the child's parents this can hardly be described as akin to slavery. See reply under question II above.

St. Lucia

1290. None.

Aden and the Federation of the Protectorate of South Arabia

1291. As slavery has been eliminated this question does not arise.

Virgin Islands

1292. None.

UNITED STATES OF AMERICA

1293. Since the institution or practice of slavery or kindred activity does not exist in the United States this question does not apply.

VENEZUELA

1294. See answer to question VIII.⁹⁶

⁹⁶ See paragraph 1247 above.

QUESTION X

What educational or other measures have been or are being taken to stimulate public awareness of the need, and importance of, eliminating slavery, the slave trade and institutions and practices similar to slavery?

AFGHANISTAN

1295. See answer to question II.

AUSTRALIA

1296. Public awareness of the existence of slavery is maintained by United Nations publications, general education and some non-governmental authorities.

CANADA

1297. Not applicable.

CEYLON

1298. Unable to answer this question.

CHAD

1299. None, unnecessary.

CUBA

1300. See answer to question IX.⁹⁷

DENMARK

1301. Reference is made to the replies given under question I, 2-6.⁹⁸

ECUADOR

1302. The measures described in the preceding paragraph have also served to stimulate public awareness of the need and importance of

⁹⁷ See paragraph 1252 above.

⁹⁸ See paragraph 147 above.

completely eliminating the economic defects and social differences which might cause a recurrence of certain living conditions incompatible with the essential attribute of the person.

GAMBIA

1303. Questions X, XII, XIII and XIV do not arise.

GHANA

1304. It is not necessary to institute additional measures to stimulate public awareness of the need and importance of eliminating slavery, the slave trade and institutions and practices similar to slavery.

INDIA

1305. Does not apply.

IRAN

1306. The question does not arise.

IVORY COAST

1307. See the reply to question IX (paragraph 1259).

JAMAICA

1308. At present, no educational or other measures are being taken to stimulate public awareness of eliminating slavery, the slave trade and institutions and practices similar to slavery. This type of information is unnecessary as slavery is not practised in Jamaica.

KUWAIT

1309. The Islamic precepts propagated and embodied in the curriculum of schools, the broadcasting and TV programmes, the activities of the Ministry of Social Affairs are noted to be important measures conducive to the ends and objectives of stimulating public opinion on the matter.

LAOS

1310. In the educational and other fields our educational programme is similar to that of modern countries with a democratic system of government.

MALAWI

1311. Not applicable.

MALI

1312. Great importance is attached in educational programmes to the problems of slavery and institutions or practices similar to slavery; professors and teachers of history take every opportunity to condemn such acts against humanity.

Political action to inform and educate the masses goes further and condemns not only the above acts but also any act aiming at the exploitation of one human being by another, this being considered as another form of slavery.

NEPAL

1313. Not relevant.

NETHERLANDS

1314. See answer to question IX.⁹⁹

Surinam

1315. See answer to question IX.¹⁰⁰

NEW ZEALAND

1316. See answer to question VIII.¹⁰¹

NIGERIA

1317. See answer to question IX.¹⁰²

PAKISTAN

1318. Does not arise.

PERU

1319. There is no present need for educational measures to create a climate of opinion favourable to the elimination of slavery, that being a thing of the past.

⁹⁹ See paragraph 1266 above.

¹⁰⁰ See paragraph 1267 above.

¹⁰¹ See paragraph 1218 above.

¹⁰² See paragraph 1268 above.

PHILIPPINES

1320. None.

RWANDA

1321. Not applicable.

SENEGAL

1322. Not within our competence.

SINGAPORE

1323. Not applicable.

SPAIN

1324. The rare situations that may be considered similar to slavery in Spain do not constitute such an acute and widespread problem as to require any special education of the public with a view to its solution. Consequently such education is of no particular interest.

SUDAN

1325. Our Constitution and our general law, as mentioned before, implement Government policy and guide public opinion against slavery and institutions similar to it.

TOGO

1326. See answer to question IX.¹⁰³

UGANDA

1327. The history of the slave trade is studied in the schools and the inhumanity and injustices are pointed out.

UNITED ARAB REPUBLIC

1328. Emphasizing individual freedom, dignity and civil responsibility in the community and taking steps to report any such cases to the authorities.

¹⁰³ See paragraph 1277 above.

1329. The main effort to educate public opinion on the subject of slavery was made under the inspiration of William Wilberforce early in the nineteenth century. Public opinion in the United Kingdom now regards slavery as abhorrent and contrary to the underlying principles of democracy and freedom of the individual as practised in the United Kingdom.

Rhodesia

1330. Save in so far as certain aspects of customary law concerning women are concerned, educational or other measures are not needed. Missionary bodies and the Administration have constantly, from the earliest days of settlement, sought to bring about changes in the customary law relating to women by means both of propaganda and police action. These measures have been largely successful.

(Bechuanaland, Bermuda, British Guiana, British Honduras, British Solomon Islands Protectorate, Brunei, Falkland Islands, Fiji, Gilbert and Ellice Islands, Gibraltar, Grenada, Mauritius, St. Helena, Seychelles, Swaziland)

1331. In the light of public opinion which regards slavery and kindred practices as abhorrent, no special measures are considered necessary.

Bahamas

1332. See reply to question VIII (paragraph 1236).

Hong Kong

1333. None necessary.

Montserrat

1334. None.

New Hebrides

1335. See replies to question II (paragraphs 673-677 above).

St. Vincent

1336. There is no need to stimulate public awareness or to impart the importance of the elimination of slavery. It does not exist, nor does the slave trade or institutions and practices similar thereto.

Bahrain

1337. Questions X to XII : not applicable to Bahrain.

Dominica

1338. Neither slavery nor the slave trade exists in this Territory. The practice referred to in question II, if it is a practice similar to slavery, should be eliminated with the continued upward trend in the economy.

St. Lucia

1339. None.

Aden and the Federation of the Protectorate of South Arabia

1340. See in particular the general answer to question I.¹⁰⁴

Virgin Islands

1341. None.

UNITED STATES OF AMERICA

1342. Effective efforts to stimulate public awareness in the United States as to the need and importance of eliminating slavery and kindred practices were made over a century ago, resulting in the adoption of the Thirteenth Amendment to the Federal Constitution in 1865. Information in the public Press has kept the American people alert to the problem of slavery elsewhere.

VENEZUELA

1343. See answer to question VIII.¹⁰⁵

¹⁰⁴ See paragraph 554 above.

¹⁰⁵ See paragraph 1247 above.

QUESTION XI

If your country is not yet a Party to the International Slavery Convention of 1926 or the Supplementary Convention of 1956 :

1. Does it contemplate becoming a Party to either or both Conventions, and, if so, when ?

2. What steps have been taken with a view to ratification of, or accession to, either or both Conventions, such as bringing any of them before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action ? What have been the results ?

3. What obstacles or impediments delay or prevent ratification of, or accession to, either or both Conventions ? Under what conditions would ratification of, or accession to, either or both Conventions be possible ?

AFGHANISTAN

1344. In November 1935, Afghanistan became a Party to the Geneva Slavery Convention of 1926, and the question of its accession to the Supplementary Convention is at present under consideration.

AUSTRALIA

1345. The International Slavery Convention of 1926 was ratified by Australia on 18 June 1927. Australia's ratification included the Territories of Papua and New Guinea, Norfolk Island and Nauru. The Supplementary Convention of 1956 was ratified by Australia on 6 January 1958. Australia's ratification extended to all Territories for the international relations of which Australia is responsible.

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

1346. On 27 August 1956, the Byelorussian SSR became a Party to the 1924 Slavery Convention as amended by the Protocol of 7 December 1953 and ratified the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery signed at Geneva on 7 September 1956.

CANADA

1347. Canada is a Party to both Conventions.

CEYLON

1348. Does not arise.

CUBA

1349. Cuba is a Party to both Conventions.

DENMARK

1350. Denmark has ratified both Conventions, in 1928 and 1958, respectively.

ECUADOR

1351. Ecuador acceded to the Slavery Convention of 1926 on 26 March 1928, and to the Supplementary Convention of 1956 on 29 March 1960. Consequently, both Conventions form part of the law of the Republic.

DOMINICAN REPUBLIC

1352. See answer to question I.¹⁰⁶

FRANCE

1353. France has acceded to the Conventions mentioned.

INDIA

1354. XI. (1-2) India is a Party to the Slavery Convention signed at Geneva on 25 September 1926. It is still in force. India is also signatory to the Supplementary Convention on the Abolition of Slavery, Slave Trade and Institutions and Practices Similar to Slavery, signed on 7 September 1956. This was ratified by India and the instrument on ratification was deposited with the Secretary-General of the United Nations on 23 June 1960.

1355. XI. (3) Does not apply.

IRAN

1356. Iran is a Party to these Conventions.

IVORY COAST

1357. The Ivory Coast is bound by the International Slavery Convention of 1926, since that Convention had been ratified by France

¹⁰⁶ See paragraphs 148 and 149 above.

at the time, and was therefore in force in the Ivory Coast when it acceded to independence. The legislation in force at that period has been explicitly reaffirmed in the Constitution, in so far as it does not run counter to the Constitution.

JAMAICA

1358. Jamaica is a Party to the Supplementary Convention of 1956.

KUWAIT

1359. The Government of Kuwait is a Party to the said two Conventions.

LAOS

1360. As a Member of the United Nations, Laos is a party to the International Convention of 1926 and the Supplementary Convention of 1956.

MADAGASCAR

1361. See answer to question I.¹⁰⁷

MALAWI

1362. Malawi is at present considering the possibility of continuance or modification of treaties and international conventions which were applied to the former Nyasaland Protectorate by the Government of the United Kingdom or by the Government of the former Federation of Rhodesia and Nyasaland. Both the International Slavery Convention of 1926 and the Supplementary Convention of 1956 fall within this category and will shortly be reviewed as set out above.

MALI

1363. Replies to the questions XI to XIV come within the competence of other Departments.¹⁰⁸

NETHERLANDS

1364. The Kingdom of the Netherlands is a Party to the Slavery Convention of 1926 and to the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956.

¹⁰⁷ See paragraphs 258-260 above.

¹⁰⁸ In a note attached to its reply, the Government of Mali stated that the "memorandum" was prepared by the Department of Justice.

Surinam

1365. The Kingdom of the Netherlands is a Party to the two Conventions mentioned.

NIGERIA

1366. Nigeria is not a Party to the International Slavery Convention of 1926 or the Supplementary Convention of 1956. All Conventions which the United Kingdom adhered to on behalf of the Nigerian Government are still being studied.

NORWAY

1367. Norway has ratified both Conventions.

PAKISTAN

1368. Pakistan is a Party to the International Slavery Convention of 1926 and the Supplementary Convention of 1956.

PERU

1369. Peru is a signatory to both Conventions.

PHILIPPINES

1370. The Philippines is a Party to the International Slavery Convention of 1926 and the Supplementary Convention of 1956.

POLAND

1371. The Polish People's Republic has ratified the Slavery Convention of 1926, and in accordance with article 6 of the said Convention, in article 249 of the Polish Code of Criminal Law of 1932 a punishment of a five to fifteen years' jail sentence is prescribed for : enslaving another person, slave trading, or being accessory to any such criminal offence.

Poland has also ratified the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956.

RWANDA

1372. Rwanda is at present bound by the Geneva Slavery Convention of 25 September 1926, the provisions of which were extended to Rwanda by Belgium on 23 September 1927. This obligation will, however, have to be formally recognized by independent Rwanda.

SENEGAL

1373. Not within our competence.

SINGAPORE

1374. Yes.

SPAIN

1375. Spain has been a Party to the International Slavery Convention of 1926 since 12 September 1927. Spain has not yet acceded to the Supplementary Convention of 1956.

(a) Accession to the Convention of 1956 is under consideration.

(b) Study groups of the Spanish Ministry of Justice have reported favourably on accession to the Convention.

(c) There is no major obstacle to accession, and the Spanish Government may very possibly accede to the Convention, although it is not of much interest to Spain since, as has already been pointed out, the problems created by slavery hardly exist in Spain and, in so far as they may be related to the traffic connected with prostitution, they are already governed internationally by the Convention done at Lake Success on 21 March 1950.

SUDAN

1376. Sudan is a Party to the Convention of 1926 and the Supplementary Convention of 1956.

TURKEY

1377. By Act No. 2773 of 5 June 1933 the Turkish Government became a Party to the Convention on the Suppression of Slavery and the Abolition of the Slave Trade by Land and Sea drawn up at Geneva on 25 September 1926 and it has also ratified the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 7 September 1956.

UGANDA

1378. The Government is at present engaged in a massive exercise of acceding and adhering to international conventions, which exercise has become necessary since the attainment of independence.

UNION OF SOVIET SOCIALIST REPUBLICS

1379. The Soviet Union attaches great importance to international co-operation in achieving rapid and final abolition of all forms of slavery

in those countries where it still exists. The Soviet Union is a Party to the Slavery Convention of 1926 and was among the first to ratify the 1956 Supplementary Convention on the Abolition of Slavery. Although many years have now elapsed, some States have still not undertaken to abolish slavery in accordance with the provisions of these Conventions.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

1380. The United Kingdom is a Party to the International Slavery Convention of 1926 and the Supplementary Convention of 1956.

Rhodesia

1381. The country is a Party to the Conventions mentioned.

(*Bechuanaland, Bermuda, British Guiana, British Honduras, British Solomon Islands Protectorate, Brunei, Falkland Islands, Fiji, Gilbert and Ellice Islands, Gibraltar, Grenada, Mauritius, St. Helena, Seychelles, Swaziland*)

1382. The International Slavery Convention of 1926 and the Supplementary Convention of 1956 have been extended to all the British Overseas Territories.

Bahamas

1383. See reply to question VII (see paragraph 1236 above).

Hong Kong

1384. Not applicable.

Montserrat

1385. Not applicable.

New Hebrides

1386. International Conventions only apply to the New Hebrides if they are jointly ratified by Great Britain and France on behalf on this Territory.

St. Vincent

1387. Not applicable. The Supplementary Convention of 1956 applies to St. Vincent.

Dominica

1388. This Territory subscribes to the Conventions in question. Question XI (1 to 3) not applicable.

1389. Not applicable. The Conventions have been extended to the Territory.

Aden and the Federation of the Protectorate of South Arabia

1390. The International Slavery Convention of 1926 and the Supplementary Convention of 1956 have been extended to these Territories.

Virgin Islands

1391. Not applicable. The Conventions have been extended to the Territory.

UNITED STATES OF AMERICA

1392. (1) The United States is a party to the International Slavery Convention of 1926.

(2) The Supplementary Convention of 1956 was transmitted by President Kennedy to the United States Senate on 22 July 1963 with a recommendation for advice and consent to ratification. In his communication to the Senate, President Kennedy pointed out that United States law is already in conformity with the Convention and that ratification would not require any change in domestic legislation.

(3) There is no obstacle or impediment which would prevent United States ratification of, or accession to, the Supplementary Convention of 1956.

VENEZUELA

1393. For the question under XI, the Venezuelan Government's main problem has been the impossibility of reconciling Venezuela's absolute prohibition of slavery in all its forms with those provisions of the International Conventions of 1926 and 1956 which seem to leave some margin for the progressive elimination of the institution of slavery. It is felt that it would be a betrayal of Venezuelan principles to accept, through signature and ratification of those Conventions, the idea that slavery can continue to exist. Generally speaking, it is considered that acceptance of those "interim" principles would constitute a violation of the Constitution and laws of Venezuela.

1394. With specific reference to the definition of slavery and related phenomena, Venezuela has no objection to raise, since similar and even more comprehensive principles are embodied in its own legislation.

Consequently, as will be seen from the foregoing comments, Venezuela cannot become a Party to the International Conventions so long as they continue to provide for limitations or permissions — such as those which the authors of the Conventions were forced to accept — liable to conflict with the total abolition of slavery.

QUESTION XII

What further measures, governmental or non-governmental, could usefully be taken, at the international or regional level, to combat and eliminate slavery, the slave trade, and institutions and practices similar to slavery?

I. INFORMATION RECEIVED FROM GOVERNMENTS

AFGHANISTAN

1395. We are happy to state that since slavery does not exist in any form in Afghanistan, and since we therefore have no precedents and no experience, we cannot make any specific comments on this matter (replies to questions XII to XV).

AUSTRALIA

1396. There are no circumstances in Australia or its Territories requiring such action (replies to questions XI to XV).

BULGARIA

1397. The Government of the People's Republic of Bulgaria considers that vigorous measures must be taken with a view to the immediate and final abolition of all forms of slavery and practices similar to slavery wherever they still exist.

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

1398. The Byelorussian SSR gives all possible support to international measures designed to ensure the observance of the provisions of the above Conventions by all States. Slavery and practices similar to slavery, which still exist in many States, must be completely eliminated as a disgrace to humanity, which has for so long waged a noble fight to free itself of all forms of exploitation, the most degrading, infamous and inhuman of which is slavery.

CANADA

1399. Not applicable in so far as this question refers to Canada.

CEYLON

1400. Unable to answer this question.

CHAD

1401. Not necessary.

CUBA

1402. Slavery, the slave trade and all other institutions and practices similar to slavery are problems whose origin is essentially economic, as is demonstrated by development and the various stages through which human society has passed. Social, political or traditional factors, whatever they may be called, are subordinate to or rather derived from, economic factors. The rise, continued existence and elimination of slavery are determined by the system of production within a society at a given time.

1403. All these human evils are forms of exploitation which find their victims among the humble, the poor, the people. It is therefore the urgent task of the masses to fight for their rights, including the right to individual freedom in all spheres and the right to a decent and dignified life. Consequently, the elimination of these social stigmas, characteristic of retrograde States, depends in the first instance upon the resolute and decisive resistance of the peoples to abuse, exploitation and misrule.

1404. As the rules of international law may be observed or disregarded by contracting States — and our history is unfortunately replete with events and episodes which demonstrate the truth of this assertion — we are convinced that slave States or semi-slave States will accept and observe the rule calling for the elimination or decrease of slavery to the extent that their economic and political interests permit.

DENMARK

1405. The Danish Government has no experience in the combat of slavery and has had no occasion to study this question in any detail. For these reasons, no replies can be given to the questions asked in XII-XV.

ECUADOR

1406. The Government of Ecuador considers that the elimination of slavery, the slave trade and institutions and practices similar to slavery in the world depends basically on the attitude adopted by the Governments in whose countries such practices still exist. All that the international community can do is to exert moral pressure on those Governments, with a view to their reforming their laws and deciding to combat the customary practices under which the person and the work of one or more individuals are used primarily, and exploited, for the benefit of others.

GHANA

1407. It is not necessary to take any further measures or action to eliminate slavery which is non-existent in this country.

INDIA

1408. We have no specific suggestions.

IRAN

1409. Large-scale economic, social and cultural reforms are necessary for the elimination of slavery. In addition, all States should prohibit slavery, the slave trade and the conveying of slaves.

IVORY COAST

1410. Present measures appear to be sufficient, since no such practices have been brought to the knowledge of the judicial authorities.

JAMAICA

1411. At the regional level, a more strict compliance with article 4 of the Universal Declaration of Human Rights which states that "no one shall be held in slavery servitude; slavery and the slave trade shall be prohibited in all its forms".

1412. At the international level the expeditious consideration of the draft Conventions on Civil and Political Rights and Economic and Social Rights followed by their acceptance by Governments, would go a far way in the elimination of slavery, the slave trade and all institutions and practices similar to slavery.

KUWAIT

1413. Regional organizations with competent institutionalized organs should be given the responsibility of controlling the combating of such trade. In particular, the Arab League and the Organisation for Social Combat of Crimes, which has a Detective Bureau, and a Police Bureau on a regional level which can be conveniently used for such combat.

LAOS

1414. Laos has no other measures, government or non-governmental, over and above our present institutions, which are modelled on those of modern countries.

MALAWI

1415. Not applicable.

NEPAL

1416. Answer to questions XII, XIII, XIV and XV :

His Majesty's Government is of the opinion that the concerned Governments should be persuaded to undertake legislative and administrative measures to abolish slavery from their lands. The United Nations can specially emphasize the fact of human rights vis-à-vis human dignity and may request the concerned Governments to become parties to the International Slavery Convention and specify a minimum target to be achieved by them by 1968, the twentieth anniversary of the adoption of the Universal Declaration of Human Rights. The co-operation of non-governmental organizations within these countries may also be sought to propagate the ideals of human rights as against the evil of slavery.

NETHERLANDS

1417. Answer to questions XII and XIII :

In the opinion of the Netherlands Government, slavery, the slave trade and institutions and practices similar to slavery can be permanently overcome only by dint of a gradual and fundamental change in the social and economic structure of the communities in which such offences occur. The development aid programmes being carried out under the auspices of the United Nations can make a valuable contribution to that end.

Surinam

1418. See answer to question IX.¹⁰⁹

NEW ZEALAND

1419. The New Zealand Government does not wish to make detailed comments on these questions. It would, however, refer to the fact that it has supported the designation of 1968 as an International Year for Human Rights and considers it most fitting that particular attention should be given by Governments through their participation in the United Nations and the specialized agencies and by non-governmental organizations to ways and means of eliminating slavery in the preparation and execution of a programme during this year (reply to questions XII-XV).

NIGERIA

1420. Efforts may be made by the world Organization to protect human rights because it is through this that we can achieve the total

¹⁰⁹ See paragraph 1268 above.

elimination of slavery and institutions and practices similar to slavery. The last-minute attempt at the Conference of San Francisco to make the United Nations responsible for the protection of human rights and fundamental freedom was largely a nominal success for the protagonists of this policy. The Universal Declaration of Human Rights should be followed by a largely binding instrument — a covenant — provided with means of international supervision and enforcement. Such a covenant will be legally binding upon Governments. Then the States voting for the convention would be legally bound to effect corresponding changes in the national legislation.

PAKISTAN

1421. Does not arise.

PERU

1422. We consider that if the replies of other countries to the questionnaire show that slavery and institutions or practices similar to slavery still exist, a concerted international effort to do away with such institutions will be essential.

PHILIPPINES

1423. Replies to questions XII to XV :

See answer to question IX above.¹¹⁰

ROMANIA

1424. We consider that the participation of all States in the International Slavery Convention of 1926 and the Supplementary Convention of 1956, the strict application of the provisions of these Conventions and the adoption of adequate measures for educating public opinion in the idea of the equality and dignity of all human beings would represent an important contribution to combating slavery and the slave trade.

RWANDA

1425. Not applicable.

SENEGAL

1426. Aid to economic development and measures aimed at producing full employment in backward areas in order to remove any reason for slavery.

¹¹⁰ See paragraph 1271 above.

1427. Land reform.

1428. International investigation of slave-trade networks.

1429. Recommendations by the United Nations to Member States which still tolerate practices similar to slavery.

SINGAPORE

1430. Not applicable.

SPAIN

1431. Strict and faithful observance of the principles set forth in the United Nations Charter should be required of every country, in addition to whatever legislative action may be necessary.

1432. An inspectorate answerable to the Economic and Social Council should be established with powers of direct control over such problems.

1433. Countries where slavery still exists should be invited once more to accede to the International Convention on Slavery and the Traffic in Persons.

1434. However, probably nothing would be more effective than raising the level of living and education in the countries, generally under-developed, where slavery is still widespread, in order to get to the root of the problem and approach a final solution.

SUDAN

1435. At international level we hope that every independent State would be a Party to international Conventions relating to slavery and institutions similar to it.

1436. Within its territory every State should take legal and other administrative measures so that slavery and institutions similar to it are completely eradicated.

UGANDA

1437. The view is held that economic development and education both of which can be carried out on international or regional levels are the answer to the problem where it exists.

UNITED ARAB REPUBLIC

1438. Women prostitutes arriving from other countries are traced and controlled by the offices guarding morality in joint collaboration with the International Police. Their visas or licences are withdrawn, they are repatriated to their countries and deported. The same applies to citizens of the United Arab Republic living in other countries.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

1439. The present action being taken by the United Nations Organization is, in the opinion of Her Majesty's Government, useful for combating and eliminating slavery, and slave trade and practices similar to slavery. The United Nations should also play an active part in encouraging its Member States to make effective those principles of the Universal Declaration of Human Rights which serve to prevent the existence of slavery. Her Majesty's Government will be ready to consider further measures when the Special Rapporteur's report is presented to the Economic and Social Council.

Rhodesia

1440. In view of the success of the measures taken, it is doubtful if any further measures are needed.

(*Bechuanaland, Bermuda, British Guiana, British Honduras, British Solomon Islands Protectorate, Brunei, Falkland Islands, Fiji, Gilbert and Ellice Islands, Gibraltar, Grenada, Mauritius, St. Helena, Seychelles, Swaziland*)

1441. None or not applicable.

Hong Kong

1442. None necessary (reply to questions XII-XV).

Montserrat

1443. None, as slavery, the slave trade and institutions and practices similar to slavery do not exist here.

New Hebrides

1444. See replies to question II (paragraphs 673-677 above).

St. Vincent

1445. Not applicable (reply to questions XII-XIV).

Dominica

1446. As far as is known, slavery, the slave trade, and institutions and practices similar to slavery do not exist in this Territory.

St. Lucia

1447. No comment.

Aden and the Federation of the Protectorate of South Arabia

1448. None is now necessary but inter-governmental co-operation has been useful and successful in the past (see reply to question IV (6)).¹¹¹ Importance is also attached to measures promoting social progress and to the value of education and respect (reply to questions XII, XIII, XIV).

Virgin Islands

1449. Not necessary.

UNITED STATES OF AMERICA

1450. The report of the Special Rapporteur (E/4056) is an enlightening and useful compendium of laws, attitudes, and practices concerning slavery. The final report to be presented at the 1966 summer session of the Economic and Social Council should be even more comprehensive.

II. INFORMATION RECEIVED FROM NON-GOVERNMENTAL ORGANIZATIONS

1451. The World Veterans Federation, a non-governmental organization (Category A) in its reply (21 October 1964) indicated its complete support for any measures which would help in achieving the objectives of resolution 960 (XXXVI) of the Economic and Social Council.

1452. The Anti-Slavery Society states :

“The Society considers that additional measures, both governmental and non-governmental, could usefully be taken at both the international and regional levels to combat slavery but that these measures should be decided only after the problem has been studied by qualified observers having, if possible, access, facilities and governmental co-operation in studying the problem in each affected region.

1453. “In this connexion, however, attention is drawn to two points :

“(a) Article 3 of the 1926 League of Nations Convention on Slavery dealt with the slave trade and contained an undertaking to negotiate another Convention for its suppression, to take the place of the Brussels Act of 1890. This has remained a vain hope for 39 years. The Society urges that the act of conveying slaves on the high seas shall be deemed an act of piracy and that appropriate measures shall be taken to prevent and to punish their transportation by air.

“(b) Commenting on the work of the Standing Advisory Committee of Experts on Slavery in January 1933, its Chairman, Lord Lugard, wrote : ‘The documents submitted to the Committee were practically valueless for the purpose of its terms of reference and it had no means of obtaining the data required. Its proceedings were saved from futility by its own recognition of the uselessness of such intermittent committees

¹¹¹ See paragraph 1017 above.

and its consequent unanimous recommendation that a permanent Committee of Experts should be established to which a small secretariat would be attached. A Permanent Bureau has been set up by the Brussels Act, and functioned until the outbreak of the First World War. It was abolished by the Convention of St. Germain-en-Laye in so far as the signatories of that Convention were concerned. The Temporary Slavery Commission of 1925 had recommended its revival, but the draughtsmen of the Slavery Convention of 1926 had substituted article VII, an injunction that participant States should communicate to the League laws and regulations they might enact regarding slavery. Few States had complied with this pledge, nor was it anyone's task to study and make practical use of such information as might be received. The creation of the Committee of Experts might in the opinion of the Committee afford a more practical means of accomplishing the task to which the League had set its hand than the appointment of a temporary committee at intervals of several years with no means of obtaining the information necessary for its task or of following it up, and whose recommendations could be conveniently pigeon-holed. Such committees are mere waste of money and of the time and effort of the distinguished people who form them.'

1454. "The position today is strikingly similar to that in January 1933."

1455. The Associated Country Women of the World draw the attention of the Special Rapporteur to a resolution on Slavery which was accepted at the Tenth Triennial Conference of the organization in Melbourne, Australia, in October 1962 :

"Believing that (ACWW) is an International Organization with the upholding of UN ideals as one of the objectives, we wish to call on (ACWW) to urge that ECOSOC (Economic and Social Council) of the United Nations should press for more effective implementation of the Supplementary Convention of the Abolition of Slavery and the Slave Trade which was adopted at the Conference of Plenipotentiaries in Geneva, in August/September 1956."

1456. It was also stated that :

"In accordance with this resolution (ACWW) is most interested in the efforts of the Economic and Social Council to secure more effective implementation of the Supplementary Convention on the Abolition of Slavery and the Slave Trade."

1457. The Friends World Committee for Consultation states :

"We have joined other non-governmental organizations in urging that the Economic and Social Council appoint a Committee of experts to supervise the implementation of the Supplementary Convention of 1956. We feel that the decision to appoint a Special Rapporteur was a step in the right direction and hope that it will be only a first step. The second step, in our view, should be the prolongation of the present appointment to enable the Rapporteur to collect more information than could be made available to him on the short notice given in 1964.

We hope that this would lead to the appointment of a permanent consultant on slavery and that this consultant could be assisted by a committee of experts, preferably constituted by persons familiar with the areas where slavery and institutions and practices similar to slavery still persist.

“We wish to point out that the machinery we suggest above is a good deal simpler and less costly than that which it has been found necessary to establish in order to curb the trade in opium and other dangerous drugs.”

1458. The International Council of Women notified that at the meeting of its Executive Committee, held in Interlaken, in July 1964, the Council had set up a Special Committee on Slavery. On 15 March 1965, the Special Rapporteur received a first report submitted by the said Committee which was composed by Miss L. C. A. van Eghen, Chairman, Mrs. K. Baxter, Great Britain and Mrs. A. Mantsoulinos, Greece. The report states that the questionnaire on slavery was sent to the fifty-six National Councils of Women and replies received from the following countries: Australia, Canada, Denmark, France, Great Britain, Greece, Israel, Malawi, Netherlands, New Zealand, Philippines, South Africa and Southern Rhodesia. All have stated that slavery is forbidden and does not exist in their country.

1459. Furthermore, the Chairman of the Special Committee on Slavery of the International Council of Women stated the following:

“The International Council of Women, Special Committee on Slavery wishes to underline the desirability expressed by the National Councils of Women of Australia, Denmark, Great Britain and New Zealand, of holding *regional meetings* and seminars on the question of slavery, at which representatives of the non-governmental organizations should be asked to *participate*. At its last general assembly in Washington, 1963, the International Council of Women passed a resolution requesting ‘its affiliated Councils to urge their respective Governments to request that a *Standing Committee of expert Advisers* should be established by the Economic and Social Council to maintain continuity of investigation of the problem and to make policy recommendations, as was done by the League of Nations in 1934.’

“The International Council of Women has welcomed with great satisfaction the appointment of Mr. Mohamed Awad as Special Rapporteur on the question of slavery, but fears, however, that it will be very difficult for one single Rapporteur to control and abolish the existence of slavery and slave traffic all over the world. In order to make the Rapporteur’s work more effective, the International Council of Women therefore stresses again the importance of the appointment of a Standing Committee of expert Advisers, who could assist the Special Rapporteur in his task, and prepare for the necessary action that will arise out of his report.”

1460. The Women’s International League for Peace and Freedom states:

1461. “...Not only is investigation necessary but the need to have

such investigation in competent hands under the objective authority of the United Nations is paramount. It is this conviction that has impelled the League to make requests — persistently — to the Economic and Social Council for the setting up of a *Committee of Experts* to make investigations and to study ways and means of combating Slavery and Slave Trading and in addition to advise the Economic and Social Council as to the necessary and practical measures to be taken to give ex-slaves the opportunity for work and decent living.

1462. "The League is very appreciative of the appointment by the Economic and Social Council of a Rapporteur on Slavery as being the first step towards the appointment of a Committee of Experts who should be at the disposal of a *Permanent Consultant* on slavery to the United Nations.

The Committee should contain experts on :

- (1) Social and psychological conditions of an area ;
- (2) Economics ;
- (3) Political situation in regions ;
- (4) Labour questions, i.e., a member of the International Labour Organisation ;
- (5) A chairman with the ability to assess and co-ordinate the relative contributions of the experts.

1463. "The problem of slavery is closely linked with the economic conditions of developing countries and newly independent countries. This points to the need for the co-operation of the specialized agencies in dealing with poverty, hunger and education. The education of girls and women and the elimination of servile forms of marriage are matters of prime importance because they are fundamental to eradicating discrimination and prejudice and laying the foundations for the good society, where women and men accept citizenship with duties and responsibilities as well as privileges (reply to questions XII and XIII)."

QUESTION XIII

What legal, technical, administrative, financial or other assistance or co-operation would be desirable in eliminating or reducing conditions conducive to slavery, the slave trade, or institutions and practices similar to slavery? Do you consider that any such assistance or co-operation should be rendered under the auspices of the United Nations and the specialized agencies?

I. INFORMATION RECEIVED FROM GOVERNMENTS

CANADA

1464. Not applicable in so far as this question refers to Canada.

CEYLON

1465. Unable to answer this question.

CHAD

1466. Yes.

CUBA

1467. The historical development of society shows that social systems based on the exploitation of man by man have engendered the various forms of slavery which mankind has experienced and which still exist today in various parts of the world. In many areas forms of exploitation survive which are characteristic of the feudal régime, including even the practice of selling land together with the families which are living on it in a condition of servitude. Only a social revolution which gives the land to the people working it would make these conditions disappear ; but the United Nations, together with its specialized agencies, could alleviate such conditions by exercising the powers conferred upon it by the Charter.

1468. Agrarian reform has become one of the standing agenda items of the Economic and Social Council's Social Commission because of its fundamental importance for the economic development of countries. The Social Commission and the Commission on Human Rights, as organs of the Economic and Social Council, should indicate what means of legal, technical, financial or other co-operation might serve to alleviate the situation.

DENMARK

1469. See answer to question XII.¹¹²

ECUADOR

1470. As already stated, the main causes of the continuance of slavery and similar practices are ignorance, poverty and unemployment. Consequently, an expansion of the United Nations Technical Assistance programmes designed to raise the people's level of living is one of the best ways of combating such institutions.

GHANA

1471. Not necessary.

INDIA

1472. Adequate provision should be made in the municipal laws of those States which may be practising slavery in some form or other. Specific instances should be brought before the organs of the United Nations and the specialized agencies. The United Nations should call upon the States concerned to eliminate such inhuman and uncivilized practices.

IRAN

1473. The conclusion of international agreements providing for judicial assistance and co-operation for the elimination of slavery would, in our opinion, be very useful.

IVORY COAST

1474. In the present circumstances there is no need for such assistance or co-operation in the Ivory Coast.

JAMAICA

1475. It seems possible that the availability of capital for social and economic development in the areas concerned could bring about some improvement of the situation. Any such action should largely be undertaken under the auspices of the United Nations and the specialized agencies. At the same time, the assistance of regional institutions, in providing advisory services, should not be overlooked.

¹¹² See paragraph 1405 above.

KUWAIT

1476. For Kuwait none.

LAOS

1477. Laos does not receive any external assistance for the prevention of procuring, which is a form of traffic in women for the purpose of prostitution.

1478. It would be helpful if regional meetings could be held to consider methods likely to solve the problems connected with this new form of slavery of our times, which is rife in the south-east of Indo-China.

MALAWI

1479. Not applicable.

NEPAL

1480. See answer to question XII.¹¹³

NETHERLANDS

1481. See answer to question XII.¹¹⁴

Surinam

1482. See answer to question IX.¹¹⁵

NIGERIA

1483. The administrative and financial assistance should be rendered under the auspices of the United Nations and the specialized agencies. Poverty is at times the cause of slavery. The Food and Agricultural Organization of the United Nations should pay more attention to improving living standards and the nutrition of peoples and the distribution of food and agricultural products. The United Nations Educational Scientific and Cultural Organization has much to do in the field of education, culture and knowledge. Member States should be encouraged to make use of the specialized agencies. The rich country should assist the less-privileged, but such assistance should be through the United Nations.

¹¹³ See paragraph 1416 above.

¹¹⁴ See paragraph 1417 above.

¹¹⁵ See paragraph 1267 above.

PAKISTAN

1484. Does not arise.

PERU

1485. In the circumstances mentioned in the preceding paragraph, the basic need would be for technical assistance aimed at the integration of all under-privileged groups into an economically active life. A major role in this respect would fall on the United Nations and the specialized agencies.

ROMANIA

1486. The United Nations and the specialized agencies should continue to render assistance and to organize co-operation at the international level with a view to eliminating the factors that bring about or promote slavery and institutions similar to slavery. Economic and social development, literacy campaigns and efforts to raise the cultural level of the masses, which should be supported by the United Nations and its specialized agencies, could help substantially to establish the necessary conditions for the waging of a more successful anti-slavery campaign.

1487. International co-operation for the elimination of slavery should be so organized that any interference in the domestic affairs of other countries is precluded and that this co-operation is not used to subject the maritime navigation of certain countries to improper inspection.

1488. The Romanian People's Republic has supported, and will continue to support, United Nations activity directed towards the organization of international co-operation for the elimination of slavery. In this connexion we recall that, in the Declaration of the Rights of the Child (principle 9), adopted by the United Nations General Assembly on 20 November 1959, a passage providing that the child "shall not be the subject of traffic, in any form" was included on the proposal of the Romanian delegation.

RWANDA

1489. Not applicable.

SPAIN

1490. Such co-operation and assistance as is indicated in the reply.¹¹⁶

SUDAN

1491. We think that the United Nations plays an important role in eliminating slavery in the whole world. Indeed its role is indispensable.

¹¹⁶ See paragraphs 723-730 and 1226-1228 above.

We hope that the answers to this questionnaire sent by all Member States will shed some light on the condition of slavery and institutions similar to it in the various parts of the world.

SENEGAL

1492. See answer to question XII.¹¹⁷ Yes, the United Nations can and should lend its assistance in eliminating conditions conducive to slavery, the slave trade and servile practices.

SINGAPORE

1493. Not applicable.

UNITED ARAB REPUBLIC

1494. The present status of prostitution is actually controlled by the police guarding morality. The size of the problem is not huge. It does not require assistance from the United Nations.

UNION OF SOVIET SOCIALIST REPUBLICS

1495. The Soviet Union supports measures to ensure the immediate implementation by all States of the provisions of the Conventions on the abolition of slavery. Slavery and practices similar to slavery, which are a disgrace to mankind and which still exist in a number of countries, must be completely eliminated.

1496. The Permanent Mission of the Union of Soviet Socialist Republics transmitted on 26 January 1966, the following supplementary information :

1497. The Permanent Mission of the USSR to the United Nations points out once again that the Soviet Union attaches great importance to the adoption of speedy and effective measures, including international measures, for the complete eradication of slavery and similar phenomena in those countries where they still exist. The Permanent Mission regards as abnormal the fact that, more than eight years after the entry into force of the Supplementary Convention of 1956 on the Abolition of Slavery, many Members of the United Nations have still not ratified the Convention. The main factors upholding and encouraging slavery at the present time are colonialism, *apartheid* and racism. It is in the Territories still under colonial rule, such as Angola, Portuguese Guinea and Mozambique, and in such countries as the Republic of South Africa and Southern Rhodesia, whose Governments are pursuing a policy of racial discrimination and *apartheid*, that slavery and similar institutions continue to exist.

¹¹⁷ See paragraphs 1426-1429 above.

1498. In the view of the Permanent Mission of the USSR to the United Nations, the report of the Special Rapporteur should not simply reproduce Governments' replies to the questionnaire on slavery but should describe the real situation in the world in this regard and include suggestions for concrete action by the United Nations in the field of slavery. The Economic and Social Council should not only expedite consideration of the question of slavery (in the light of the report of the Special Rapporteur) but also make recommendations for subsequent discussion in the United Nations General Assembly, which should condemn slavery and similar institutions, request the Governments of countries where slavery persists to eradicate that shameful phenomenon immediately and unconditionally, and formulate and approve concrete measures likely to have a real effect on the Governments guilty of maintaining slavery.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

1499. It would be desirable that States which have not yet accepted the Slavery Conventions should become Parties to them and apply their provisions within their territories.

Rhodesia

1500. None, subject to what is said in reply to question XIV.¹¹⁸

(Bechuanaland, Bermuda, British Guiana, British Honduras, British Solomon Islands Protectorate, Brunei, Falkland Islands, Fiji, Gilbert and Ellice Islands, Gibraltar, Grenada, Mauritius, St. Helena, Seychelles, Swaziland)

1501. None or not applicable.

Montserrat

1502. None, as slavery, the slave trade and institutions and practices similar to slavery do not exist here.

New Hebrides

1503. Such assistance is not thought to be required.

Dominica

1504. Not applicable.

¹¹⁸ See paragraph 1537 below.

1505. See reply to question XII.¹¹⁹

Virgin Islands

1506. Not necessary.

UNITED STATES OF AMERICA

1507. The United States favours provision of any assistance possible to Governments requesting United Nations aid in eliminating or reducing conditions conducive to slavery, the slave trade, or institutions or practices similar to slavery. Such aid would not preclude co-operation between contiguous States to eliminate the slave trade on a regional basis.

II. INFORMATION RECEIVED FROM NON-GOVERNMENTAL ORGANIZATIONS

1508. The Friends World Committee for Consultation states :

“In countries where chattel slavery has recently been abolished the freed slaves have difficulty in adjusting to their new status as wage-earners. In this specific case, we feel that the resources and experience of the International Labour Organisation would be a great assistance in helping the ex-slave to adapt to new conditions.

“In general, slavery and kindred practices seem to be endemic in regions suffering from chronic poverty. The elimination of these conditions requires a considerable investment in social and economic development, which, in our view, would be best conducted through the Expanded Programme of Technical Assistance of the United Nations and its specialized agencies.

“Our informant on East Africa draws attention to another field where assistance of a different kind could be rendered, perhaps through universities : ‘Many African countries have under consideration the codification of customary law. This, however, usually represents as far as “Civil Law” is concerned a formidable undertaking. It is appreciated too that issues of social policy are intertwined with problems of fossilizing a developing tradition. The promotion of more studies by groups combining both specialists in African law and social anthropologists, such as that being conducted under the auspices of the School of Oriental and African Studies (London), seems highly desirable’.

1509. The International Abolitionist Federation states :

“... As regards practical means of combating the surviving forms of slavery or practices similar to slavery, we continue to favour the establishment of a specialized United Nations body which would be

¹¹⁹ See paragraph 1448 above.

responsible for keeping a close watch on the enforcement of the Convention on slavery, as is now done for the control of narcotic drugs."

1510. The Anti-Slavery Society states :

"The two main causes of slavery today are traditional and economic. Those forms of slavery persisting only for traditional reasons are likely to disappear as communications and education improve. The process will be accelerated or retarded as governmental policies decide. Slavery caused by the exploitation of poverty and illiteracy for gain will be more difficult to eradicate. Destitute parents will continue to sell their children into slavery so that both children and parents may eat. Children and adults are also enslaved through trickery and remain in slavery because they are inarticulate and unable to obtain help even if help were available.

"Where slavery is illegal it persists only where public opinion does not condemn it or where privileged persons may keep slaves while enjoying immunity from the law.

"The conditions prerequisite to effective emancipation are therefore :

"(a) The education of public opinion :

- (i) To view slavery as an institution not only capable of grave abuse but essentially degrading both slave and master, and
- (ii) Actively to aid the administration in suppressing it wherever it may occur.

"(b) The establishment of economic and social conditions in which it is possible for all emancipated slaves without undue hardship to be integrated into the free economy. As an interim measure emancipated slaves should be allowed to continue as the paid and free employees of their former owners. The envoys of slave-source countries should be helped to find their nationals in servitude who should then be offered repatriation as an alternative to resettlement locally.

"(c) The existence of an efficient and uncorrupt judiciary and police force.

"(d) Legislation against all forms of slave-owning and slave-trading. The Society considers that, in any country where slavery is believed to exist, the government will be able to establish these four conditions the more effectively if experienced legal, technical, administrative and financial co-operation or assistance is given. The Society recommends that these be offered under the auspices of the United Nations."

QUESTION XIV

What role can be played by non-governmental organizations in combating and eliminating slavery, the slave trade, and institutions and practices similar to slavery? Should such organizations be encouraged to sponsor or to participate in regional or other meetings to consider methods of dealing with problems relating to the combating and eliminating of slavery, the slave trade and institutions and practices similar to slavery?

I. INFORMATION RECEIVED FROM GOVERNMENTS

CANADA

1511. Not applicable in so far as this question refers to Canada.

CEYLON

1512. Unable to answer this question.

CHAD

1513. Yes.

CUBA

1514. Non-governmental organizations can participate in and influence the struggle for the elimination of all forms of slavery and they should be encouraged to do so.

They can take part in the search for methods and procedures which will enable the bodies mentioned in the preceding question not only to suppress activities relating to the slave trade and other similar practices but also to draw attention to their fundamental causes.

DENMARK

1515. See answer to question XII.¹²⁰

¹²⁰ See paragraph 1405 above.

ECUADOR

1516. The Government of Ecuador considers that the holding of regional meetings of non-governmental bodies for the study of social programmes would contribute towards realization of the world Organization's aims, since the work of such institutions could be of very great benefit in combating slavery and other similar practices.

GHANA

1517. Not necessary.

INDIA

1518. Non-governmental organizations could also contribute to the elimination of the vestiges of slavery by holding seminars, discussions, publications etc.

IRAN

1519. For the struggle against slavery, the conveying of slaves and all activities connected therewith, non-governmental organizations can act as agencies for the laying of information and co-operate, within the framework of the law, with enforcement officers for the purpose of action against the guilty persons.

IVORY COAST¹²¹

1520. Non-governmental organizations do not have any role to play in that field, for the reason given under question XII.

JAMAICA

1521. Non-governmental organizations can be of invaluable assistance in eliminating slavery, the slave trade and institutions and practices similar to slavery by acting as pressure groups on the Governments concerned with a view to their taking appropriate legal action against persons or local institutions indulging in slavery in any of its forms. The involvement of such organizations at all levels of activity should be encouraged (*vide* latter part of the answer given to question XII).¹²²

LAOS

1522. See answer to question XIII.¹²³

¹²¹ See paragraph 1410 above.

¹²² See paragraphs 1411 and 1412 above.

¹²³ See paragraphs 1477 and 1478 above.

MALAWI

1523. Not applicable.

NEPAL

1524. See answer to question XII.¹²⁴

NETHERLANDS

Surinam

1525. See answer to question IX.¹²⁵ Private organizations do not operate in these fields, because there is no problem.

NIGERIA

1526. Under the impact of a variety of movements — religious, radical, liberal, humanitarian, nationalist and trade unionist — efforts could be made towards the total elimination of slave trade or conditions conducive to slavery.

PAKISTAN

1527. Does not arise.

PERU

1528. The non-governmental organizations also have a major role to play as allies in the effort to abolish slavery and institutions or practices similar to slavery.

ROMANIA

1529. Non-governmental organizations can play an important role in the education of national and international public opinion in favour of the elimination of slavery and the slave trade; they should be encouraged to organize meetings and other activities at the regional level in support of the measures adopted by the United Nations, the specialized agencies and the Governments of the countries concerned to eliminate slavery and institutions and practices similar to slavery.

RWANDA

1530. Not applicable.

¹²⁴ See paragraph 1416 above.

¹²⁵ See paragraph 1267 above.

SENEGAL

1531. Research and publicity

Yes, non-governmental organizations must be encouraged to sponsor meetings in areas where the problems arise.

SINGAPORE

1532. Not applicable.

SPAIN

1533. Naturally, non-governmental organizations have a prominent role to play in combating what apparently constitutes a real social canker in some countries. Cultural organizations should campaign against the practices of slavery; charitable organizations should endeavour to assist ex-victims and persons who, owing to their vulnerability, might fall into the clutches of those engaged in slavery or similar practices, and they should all report any facts which warrant reporting, and suggest to the Government whatever measures they consider effective.

SUDAN

1534. We hope that non-governmental organizations will play their role in combating slavery and/or institutions similar to it. We should encourage such organizations for they play a significant part especially in combating institutions similar to slavery. Such organizations will no doubt receive all the encouragement and support of the Governments of Member States.

UNITED ARAB REPUBLIC

1535. There are no such organizations and there is no need to establish any such organization.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

1536. Non-governmental organizations can play a valuable role in combating and eliminating slavery and practices similar to slavery, particularly in the education of public opinion. The Anti-Slavery Society has been active in the United Kingdom for many years (see answer to question X).¹²⁶

Rhodesia

1537. Missionary bodies have and will continue to play a part in eliminating practices similar to slavery. Regional or other meetings of

¹²⁶ See paragraph 1329 above.

such bodies to consider the problems arising might well serve a useful purpose.

Montserrat

1538. None, as slavery, the slave trade and institutions and practices similar to slavery do not exist here.

New Hebrides

1539. Non-governmental organizations, in particular the Christian Churches, play a large part in combating servile practices involving women. It is not known whether any regional or other meetings specifically devoted to the aspects of the problem affecting the New Hebrides are contemplated.

Dominica

1540. It is not certain what, if any, role can be played by non-governmental organizations in eliminating the practice referred to in question II.

Virgin Islands

1541. Not necessary.

UNITED STATES OF AMERICA

1542. The contribution of interested non-governmental organizations has been of great importance in this field. Some have expert capacity based on long experience and knowledge of practical conditions. Many church and civic organizations are deeply concerned. Their international representatives might usefully be invited to consult with the Special Rapporteur looking toward assistance in aid projects and any other activity for which Governments present requests.

II. INFORMATION RECEIVED FROM NON-GOVERNMENTAL ORGANIZATIONS

1543. The Friends World Committee for Consultation states :

“ We have frequently urged that use be made of the programme of advisory services in human rights to combat slavery and related practices. A regional seminar for North Africa might usefully consider the question of chattel slavery and the slave trade, while a seminar in Central and Southern Africa, involving more especially the Commission on the Status of Women, might consider the question of bride price along with other institutions which confer an inferior

status on women. We believe that non-governmental organizations have much to contribute both to the discussions at such seminars and to the follow-up work of implementing their conclusions. Seminars of the kind indicated would be of great assistance to non-governmental organizations in the educational work, which is perhaps their greatest contribution to the elimination of slavery and kindred practices, as well as in their important task of stimulating appropriate government action in this field."

1544. The International Council of Social Democratic Women states :

"...it is our experience that the more actively appropriate voluntary organizations are brought into co-operation with official national and international organizations in work of this kind, the better.

"For example, most of the evils we have to combat in the world today are seated in peoples' minds and we believe there are many instances when it is easier for workers in voluntary organizations to make an approach and an impact on people than it is for officials working in the same field."

1545. The Anti-Slavery Society states :

"The Society considers that there will continue to be a role for non-governmental organizations to play in the elimination of slavery.

"While Governments alone can legislate, administer and influence economic conditions, N.G.O.s may to a limited extent influence public opinion and so government policy. This they have always done, in the case of slavery, by obtaining information and, if the Government concerned is unwilling or unable to act on it, by resorting to publicity to induce that Government to do so.

"A second and equally important function of the N.G.O. in fighting slavery is to provide continuity. This is well illustrated in history. Between 1839 and 1890 over three hundred international conventions against slavery were signed. The Brussels Act of 1890, however, was the first to be effective. This effectiveness was due to the insistence of a non-governmental organization that machinery should be set up to implement that Act. The machinery was the Slavery Bureau, operating from Brussels, with an office at Zanzibar. The greatest progress yet made in eliminating slavery was achieved by the Slavery Bureau, whose work was brought to an end in 1914.

"After the First World War it was only the insistence of non-governmental organizations that secured the adoption of the 1926 Convention on Slavery. Six more years of constant pressure by these N.G.O.s were required to achieve the appointment of the Standing Advisory Committee of Experts on Slavery to implement the 1926 Convention, which in 1933 resumed the work abandoned by the Slavery Bureau in 1914.

"The Second World War caused a repetition of these events. Thereafter nine years of work by N.G.O.s secured the adoption of the 1956 Supplementary Convention. Nine more years have already

passed, and in spite of constant pressure from N.G.O.s the necessary machinery has not been set up to make the Convention effective.

“Official bodies, whether governmental or international, tend not to survive international catastrophes. Voluntary bodies, however small, tend to do so and serve a useful purpose.”

1546. The Women's International League for Peace and Freedom states :

“Since 1958, in every country where the WILPF has a Section and the Government of that country had not ratified the Slavery Conventions, the WILPF has approached the Government, either by letter or deputation, to point out the need for States to accede to the Slavery Conventions. With the exception of one country only, the result has been satisfactory. An international non-governmental organization thus has the ability to bring pressure to bear on Governments when it is convinced that public opinion demands action by a Government.

“The WILPF would welcome the opportunity of participating in regional or other meetings, or seminars, to consider methods of dealing with problems relating to the combating and eliminating of slavery, the slave trade and institutions and practices similar to slavery. By this means the N.G.O.s would be able to clarify what their own particular contribution could be in face of the complex situation in front of them.” (Reply to questions XIV and XV.)

QUESTION XV

Any further information or observations with regard to slavery, the slave trade, and institutions and practices similar to slavery will be received with appreciation.

CHAD

1547. Nil.

DENMARK

1548. See answer to question XII.¹²⁷

GHANA

1549. The Ghanaian legislations against slavery are effective and provide the necessary sanctions and deterrents.

INDIA

1550. We have no specific suggestions.

IRAN

1551. See replies to questions XII, XIII and XIV.¹²⁸

JAMAICA

1552. Slavery, the slave trade and institutions and practices similar to slavery, in any form whatsoever, are an outrage against society and the moral conscience of mankind and no effort should be spared in eliminating these conditions wherever they may be found on the face of the earth.

LAOS

1553. Real slavery is only of historical interest in Laos, where it used to be practised in accordance with the *Dharmasastra*, an ancient Laotian law on slavery.

¹²⁷ See paragraph 1405 above.

¹²⁸ See paragraphs 1409, 1473 and 1519 above.

MALAWI

1554. No further information or observations.

NEPAL

1555. See answer to question XII.¹²⁹

NIGERIA

1556. None.

PERU

1557. The questionnaire appears to cover the entire field of study, and we therefore have no further information to offer.

SENEGAL

1558. Nothing to report.

SINGAPORE

1559. No.

RWANDA

1560. Not applicable.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Montserrat

1561. None, as slavery, the slave trade and institutions and practices similar to slavery do not exist here.

New Hebrides

1562. No further information available.

Dominica

1563. No further observations or information.

¹²⁹ See paragraph 1416 above.

1564. None.

UNITED STATES OF AMERICA

1565. Since the legal institution of slavery has already been abolished throughout the United Nations, the problems which remain are largely matters of custom and practice which may be continuing in some areas in defiance of law or because the evil is not effectively recognized. For this reason it will be useful for the Secretary-General to analyse fields of potential need, such as means for policing areas where raids, kidnapping, or other types of disorder may provide victims to be sold into slavery and to list useful technical assistance projects which might be requested by interested Governments independently or on a regional basis. He might also analyse police action needed to interrupt and punish the transportation of persons in danger of being enslaved. Educational opportunities and improved social and economic conditions are also basic to the creation of governmental powers and agencies capable of enforcing anti-slavery laws.

Part III

SUGGESTIONS FOR POSSIBLE ACTION BY THE UNITED NATIONS IN THE FIELD OF SLAVERY

A. RELEVANT PARTS OF THE QUESTIONNAIRE

1566. In Economic and Social Council resolution 1077 (XXXIX) (see para. 6 above), the Special Rapporteur is requested to include in his report "suggestions for possible action by the United Nations in the field of slavery".

1567. In trying to comply with this request, the Special Rapporteur felt that he must, in the first place, be guided by the opinions of Member States, as expressed in their answers to the questionnaire, as well as by any advice which he might receive from non-governmental organizations in consultative status.

1568. The relevant parts of the questionnaire which particularly concern this matter are embodied in questions XII, XIII and XIV, which, for the purpose of this part of the report, should be given special consideration.

1569. Question XII asks whether "any measures could be taken, at the international or regional level, to combat and eliminate slavery, the slave trade, and institutions and practices similar to slavery".

1570. Now, the references to measures to be taken at the international level would seem to indicate that such measures would be taken by the United Nations, the specialized agencies or by an international body acting under their auspices.

1571. Question XIII asks whether any legal, technical, administrative, financial or other assistance or co-operation would be desirable in eliminating or reducing conditions conducive to slavery. Should this assistance or co-operation be rendered under the auspices of the United Nations and the specialized agencies?

1572. Question XIV concerns the international non-governmental organizations, and asks what role they may be expected to play in combating and eliminating slavery, the slave trade and practices and institutions similar to slavery.

1573. The questionnaire further suggests possible ways and means by which non-governmental organizations could be helpful, such as by sponsoring or participating in regional meetings, and by considering methods of dealing with problems relating to the combating and elimination of slavery and similar abuses.

1574. These questions, like the rest of the questionnaire, were addressed to all States Members of the United Nations, not because any one of them had within its own territory any problem connected with slavery but because the whole question of slavery was of concern to all Members of the United Nations; thus they were all invited to give their views on all aspects of the problem.

1575. In answering this part of the questionnaire, however, many Member States have made little reference to questions XII, XIII, XIV, except to say that those questions did not concern them.¹³⁰ It seems that there must be some misunderstanding, which it is not easy to explain.

1576. But, without attempting to put the blame on the language of the questionnaire, or on any Member State which may have misunderstood its meaning, it is yet permissible to express regret on being deprived of the advice of some Member States which for one reason or other have not answered the questions.

1577. There are, however, a fair number of States which have taken the trouble to answer some or all of the points raised in those questions, and whose replies do contain several interesting suggestions for possible action by the United Nations. A brief summary of these replies is given in sections B and C below.

B. SUGGESTIONS BY MEMBER STATES

1578. The following references to suggestions by Member States and by some international non-governmental organizations are given in the order in which they occur in the report, where alphabetical order is observed. The question of careful appraisal of each suggestion, and of an order of priority which may be attempted, is left to the final section of this report.

1579. Many answers received from Member States strongly urge that the United Nations take the necessary measures to eradicate slavery and all similar abuses. Such answers often display a great deal of enthusiasm, and declare that their countries will do their utmost to support whatever measures may be decided.¹³¹

1580. Although these answers do not recommend any specific measures, they are, nevertheless, extremely valuable in showing that there is much support for the United Nations to continue its interest in the question.

¹³⁰ See in particular replies by Afghanistan (paragraph 1395), Australia (paragraph 1396), Canada (paragraphs 1464 and 1511), Ceylon (paragraphs 1400, 1465 and 1512), Chad (paragraph 1401), Denmark (paragraph 1405), Ghana (paragraphs 1407, 1471 and 1517), Ivory Coast (paragraphs 1410 and 1474), Malawi (paragraphs 1415, 1479 and 1523), Pakistan (paragraphs 1421, 1484 and 1527) and Rwanda (paragraphs 1425, 1489 and 1530).

¹³¹ See replies by Bulgaria (paragraph 1397), Byelorussian SSR (paragraph 1398), Cuba (paragraphs 1402-1404), Jamaica (paragraphs 1411-1412 and 1475), Romania (paragraphs 1486-1488) and Sudan (paragraphs 1435, 1436).

1581. There are, however, in many of the answers received, some specific suggestions, or at least some statements, which could lead to some practical suggestions for action by the United Nations. To such statements our attention should now be directed.

1582. The Government of Ecuador considers that the international community should exert moral pressure on those Governments of countries where slavery, or practices similar to slavery, still exist, with a view to their reforming their laws, so as to make such practices illegal and punishable by law.¹³²

1583. It further recommends the expansion of the United Nations programme of technical assistance in order to improve economic conditions, which would be one of the best ways of combating slavery and similar abuses.¹³³

1584. The answer from Iran stresses the need for large-scale economic, social and cultural reforms for the elimination of all aspects of slavery and servitude.¹³⁴

1585. The Government of Iran further suggests the conclusion of an international agreement providing for legal assistance and co-operation in the elimination of slavery.¹³⁵

1586. The Government of India suggests that adequate provision should be made in the municipal laws of those States which may be practising slavery in some form or other, and that specific instances should be brought before the organs of the United Nations and the specialized agencies.¹³⁶

1587. Kuwait, in its answer, stresses the importance of securing the aid of regional organizations, which have competent institutionalized organs, to combat slavery and the slave trade. They give as an instance the League of Arab States. There are also other regional organizations to which the suggestion could apply.¹³⁷

1588. The answer from Laos is of special interest and should be quoted in full:

“Laos does not receive any external assistance for the prevention of procuring, which is a form of traffic in women for the purpose of prostitution.

“It would be helpful if regional meetings could be held to consider methods likely to solve the problems connected with this new form of slavery of our times, which is rife in the south-east of Indo-China.”¹³⁸

¹³² *Ibid.*, paragraph 1406.

¹³³ *Ibid.*, paragraph 1470.

¹³⁴ *Ibid.*, paragraph 1409.

¹³⁵ *Ibid.*, paragraph 1473.

¹³⁶ *Ibid.*, paragraph 1472.

¹³⁷ *Ibid.*, paragraph 1413.

¹³⁸ *Ibid.*, paragraph 1478.

In this statement we have clearly a case of a Member State complaining of an existing evil, and asking the United Nations for help in combating it.

1589. The Government of Nepal urges that all Governments concerned should be persuaded to undertake legislative and administrative measures for abolishing slavery in their respective lands.

1590. The Government of Nepal suggests further that the year 1968, marking the twentieth anniversary of the adoption of the Universal Declaration of Human Rights, should be the target for securing complete approval, by all Member States, of all instruments relating to the elimination of slavery, the slave trade, and all practices similar to slavery. In this connexion, they advise the collaboration and the aid of non-governmental organizations.¹³⁹

1591. The answer from the Netherlands emphasizes the view that slavery, the slave trade, and institutions and practices similar to slavery can only be overcome by dint of a gradual and fundamental change in the social and economic structure of the communities in which such offences occur. The development aid programmes being carried out under the auspices of the United Nations can, in the opinion of the Netherlands, make a valuable contribution to that end.¹⁴⁰

1592. The Government of New Zealand states that it has supported the designation of 1968 as the International Year for Human Rights, and considers it most fitting that particular attention should be given by Governments, working through the United Nations, by specialized agencies, and by non-governmental organizations, to ways and means of eliminating slavery in the preparation and execution of a programme during this year.¹⁴¹

1593. From Nigeria comes the suggestion that the Universal Declaration of Human Rights should be followed by a binding instrument — a covenant provided with means of international supervision and enforcement. The States voting for such a convention would, in the Nigerian view, be legally bound to effect corresponding changes in their legal systems.¹⁴² The Nigerian answer stresses also the importance of aid from specialized agencies — FAO, the ILO and UNESCO in particular — in helping to solve slavery problems.¹⁴³

1594. In the opinion of the Government of Peru, a concerted international effort to do away with slavery and institutions and practices similar to slavery will be essential.¹⁴⁴ The Government states further that the basic need would be for technical assistance aimed at the integration of all underprivileged groups into economically active life, and that a

¹³⁹ *Ibid.*, paragraph 1416.

¹⁴⁰ *Ibid.*, paragraph 1417.

¹⁴¹ *Ibid.*, paragraph 1419.

¹⁴² *Ibid.*, paragraph 1420.

¹⁴³ *Ibid.*, paragraph 1483.

¹⁴⁴ *Ibid.*, paragraph 1422.

major role in this respect would fall to the United Nations and the specialized agencies.¹⁴⁵

1595. The answer from Senegal recommends, for the eradication of slavery, the slave trade and practices similar to slavery, the following measures :¹⁴⁶

(a) Aid to economic development, and measures aiming at producing full employment ;

(b) Land reform ;

(c) International investigation of slave trade networks ;

(d) Recommendations by the United Nations to Member States which still tolerate slavery or practices similar to slavery.

1596. The answer from Spain recommends the following measures :

(a) Strict and faithful observance of the principles set forth in the United Nations Charter ;

(b) Establishment of an inspectorate, answerable to the Economic and Social Council, with powers of direct control over such problems ;

(c) Raising the level of living in the countries — generally underdeveloped ones — where slavery may still exist.¹⁴⁷

1597. The United Kingdom considers the action now being taken by the United Nations as useful for combating slavery, the slave trade and practices similar to slavery. Further, it suggests that the United Nations should also play an active part in encouraging its Member States to make effective those principles of the Universal Declaration of Human Rights which serve to prevent the existence of slavery.

1598. The concluding remark in the reply of the United Kingdom should be quoted : " Her Majesty's Government will be ready to consider further measures when the Special Rapporteur's report is presented to the Economic and Social Council ".¹⁴⁸

1599. The Soviet Union supports measures to ensure the immediate implementation by all States of the provisions of the convention on the abolition of slavery. It feels that slavery, the slave trade and practices similar to slavery, which are a disgrace to mankind and which still exist in a number of countries, must be completely eliminated.

1600. The Government of the Soviet Union further states that it regards as abnormal the fact that, more than eight years after the entry into force of the Supplementary Convention of 1956 on the abolition of slavery, many Members of the United Nations have still not ratified the Convention. In its view, the main factors upholding and encouraging slavery at the present time are colonialism, *apartheid* and racism.¹⁴⁹

¹⁴⁵ *Ibid.*, paragraph 1485.

¹⁴⁶ *Ibid.*, paragraphs 1426-1429.

¹⁴⁷ *Ibid.*, paragraphs 1431-1434.

¹⁴⁸ *Ibid.*, paragraph 1439.

¹⁴⁹ *Ibid.*, paragraphs 1495-1498.

C. SUGGESTIONS BY AND RELATING TO NON-GOVERNMENTAL ORGANIZATIONS

1601. In the preceding paragraphs an attempt has been made to sum up nearly all the important suggestions contained in the Member States' answers to the questionnaire, especially to questions XII and XIII.

1602. Here, a brief summary will be given of the suggestions made by at least four of the non-governmental organizations which have taken a special interest in the slavery problem.

1603. We have, in the first place, the report of the Anti-Slavery Society, which makes two interesting suggestions.

(a) The Society refers to article 3 of the 1926 League of Nations Convention on Slavery, which dealt with the slave trade, and contained an undertaking to negotiate another Convention for its suppression to take the place of the Brussels Act of 1890.

The Society urges that the measures to prevent and punish the conveying of slaves on the high seas shall also apply to their transportation by air.

(b) The second suggestion concerns the establishment of a permanent committee to concern itself with all the aspects of combating slavery in accordance with the wish expressed in 1933 by the Statutory Advisory Committee of the League of Nations, of which Lord Lugard was Chairman.¹⁵⁰

1604. The next suggestion comes from the Friends World Committee for Consultation, which also recommends the appointment of a committee of experts to advise on the implementation of the Supplementary Convention of 1956.

1605. The Friends Committee hopes that their suggestion will lead to the appointment of a consultant, to be assisted by the committee of experts. They point out that this machinery is far simpler and less costly than the one already established for curbing the trade in narcotics.¹⁵¹

1606. The International Council of Women, which in 1964 set up a special committee on slavery, recommends the following measures :

(a) The holding of regional meetings and seminars on the question of slavery, in which representatives of non-governmental organizations should be invited to participate ;

(b) The appointment of a standing committee of expert advisers, which would assist in the preparation of the necessary action that may be taken as a result of the interest taken by the United Nations in tackling the problem of slavery.¹⁵²

1607. The Women's International League for Peace and Freedom emphasized the need for the Economic and Social Council to set up a committee of experts to make investigations and to study ways and means of combating slavery and the slave trade, and in addition to advise the

¹⁵⁰ *Ibid.*, paragraph 1453.

¹⁵¹ *Ibid.*, paragraph 1457.

¹⁵² *Ibid.*, paragraphs 1458 and 1459.

Economic and Social Council as to the necessary and practical measures to be taken to give ex-slaves the opportunity for work and decent living.¹⁵³

1608. All of the above suggestions are, as mentioned before, in connexion with the answers to questions XII and XIII. It is sufficient to conclude this section with only a brief reference to the answers to question XIV, which concerns the role to be played by international non-governmental organizations. The very question itself suggests the possibility of encouraging these organizations to sponsor, or participate in, regional or other meetings to consider methods of dealing with the problem.

1609. Nearly all the States and organizations answering this question urged that non-governmental organizations play an important role in combating slavery and allied abuses.¹⁵⁴ Their educational role has particularly been emphasized, and their usefulness for conducting regional gatherings and seminars has been repeatedly mentioned.

1610. In addition to all this, some States have added other possibilities. Iran, for instance, considers that non-governmental organizations can act as agencies for the advancing of information within the framework of the law.¹⁵⁵ Jamaica, on the other hand, considers that non-governmental organizations can act as pressure groups to help in combating slavery and allied abuses.¹⁵⁶ Nigeria makes specific reference to all non-governmental organizations — whether religious, radical, liberal, humanitarian, nationalist or trade unionist — and considers that through their close co-operation, slavery, the slave trade and institutions and practices similar to slavery, could be more effectively studied and eliminated.¹⁵⁷ The answer from Spain mentions, in addition, that charitable organizations should endeavour to assist ex-victims who, after being liberated, might revert into slavery. This answer from Spain refers to a really important problem in the lands where slavery has been abolished.¹⁵⁸

1611. It is hardly necessary to add any reference in detail to the answers from non-governmental organizations, which also stress the importance of regional conferences, the education of public opinion and the need for independent bodies, which keep insisting on reforms and actions, and which have no ulterior motive of any kind.

1612. The Anti-Slavery Society cites the evidence of history to show how wars bring to an end treaties on slavery and the machinery set up to implement them, while independent organizations, however small, tend to survive and to provide continuity in knowledge of the subject and determination to attain their aims.

¹⁵³ *Ibid.*, paragraphs 1461-1463.

¹⁵⁴ *Ibid.*, See replies from Chad (paragraph 1513), Cuba (paragraph 1514), Ecuador (paragraph 1516), India (paragraph 1518), Peru (paragraph 1528), Romania (paragraph 1529), Senegal (paragraph 1531), Sudan (paragraph 1534) and United Kingdom (paragraph 1536).

¹⁵⁵ *Ibid.*, paragraph 1519.

¹⁵⁶ *Ibid.*, paragraph 1521.

¹⁵⁷ *Ibid.*, paragraph 1526.

¹⁵⁸ *Ibid.*, paragraph 1533.

D. EFFECTIVE LINE OF ACTION FOR THE ECONOMIC AND SOCIAL COUNCIL

1613. In the previous paragraphs, suggestions for action from Member States and non-governmental organizations have been enumerated, and it is quite obvious that they do not lack variety and even originality. The Special Rapporteur would be well advised not to attempt to add to those suggestions, but rather to try to establish some order of priority among them, and to suggest what seems to him an effective line of action for the Economic and Social Council.

1614. The suggestions received cover a vast field and a large programme of activities. The United Nations and many of its specialized agencies are called upon to act in various domains. UNESCO was requested to look after the cultural activities and ensure that all persons in a given area should receive fair treatment. The ILO is asked, *inter alia*, to pay attention to the problem of freed slaves and to help, with its resources and experience, in enabling them to become wage-earners, lest they relapse into their former state of slavery. The FAO is called upon to study the system of work on the land, as well as that of land tenure, and do its utmost to combat or eliminate a state of serfdom or quasi-serfdom, which may exist.

1615. Some authorities have even gone so far as to suggest that technical assistance should only be advanced to "developing" countries on condition that their Governments solemnly undertake to prohibit slavery, the slave trade and all institutions and practices similar to slavery.

1616. We also have suggestions that use be made of regional inter-governmental organizations, like the Arab League, the Organization of African Unity, the Organization of American States, and the like. There can be no doubt that such a course of action could be very helpful, though the way in which it could be pursued must be carefully worked out.

1617. In addition to the specialized agencies and the regional organizations, we have just considered the role of international non-governmental organizations, and need not repeat the different activities which they should undertake.

1618. All these suggestions, despite their variety, are undoubtedly of great importance. They seem, however, to need some motive power, or some machinery, to help in elaborating them and making their work effective.

1. Assistance to Member States

1619. At the risk of repetition, the Special Rapporteur believes that he must make special mention of question XIII of the questionnaire and its implications.

1620. In question XIII, Member States were asked whether "any legal, technical, administrative, financial or other assistance or co-operation, would be desirable in eliminating or reducing conditions conducive to slavery, the slave trade, or institutions and practices similar to slavery", and "whether such assistance or co-operation should be rendered by the United Nations and the specialized agencies".

1621. This important question was answered in the affirmative, often with marks of great interest by practically all the Member States which attempted to answer it.

1622. In view of this enthusiastic response from Member States, it would seem that there is some obligation to do something to meet the hopes aroused by the question.

1623. It is true that the questionnaire was composed by the Secretary-General in consultation with the Special Rapporteur, and may not be considered as legally binding. But there is surely some moral obligation to make some study of all the implications inherent in the favourable response by Member States to question XIII.

1624. Further investigation would be desirable in order to discover what line of action could be taken to render the kind of assistance to Member States implied in that question.

2. Establishment of a committee of experts on slavery

1625. There is one suggestion which has been made which could help in promoting and supervising all the other activities, namely, that the United Nations should establish a committee of experts to deal with the problem of slavery in all its aspects, and to act as an advisory body to the Economic and Social Council.

1626. The suggestion that such a committee be established seems to the Special Rapporteur to have the first priority, for the following reasons :

(a) The proposal has a long history behind it ;

(b) It is the one suggestion which can be said to embrace all the other suggestions, whether they relate to the work of specialized agencies, regional organizations, non-governmental organizations or the study of problems like those referred to in the answer from Laos, or the problems of bride price and similar abuses. Such a committee could also tackle the problem of traditional slavery ;

(c) Lastly, the creation of a committee of experts on slavery by the United Nations will be a visible symbol of the permanent and living interest of the Organization in this important domain. A great deal of the improvement achieved in the past few years in the matter of slavery has been largely due to the interest shown by the United Nations. Instead of such interest being spasmodic or intermittent, the creation of a standing committee on slavery will add to both responsibility and continuity.

1627. It will be recalled that in 1933, a Committee was established by the League of Nations, known as the Standing Advisory Committee of Experts on Slavery, with Lord Lugard as its Chairman ; it functioned for a while.

1628. Further, on 13 May 1949, the General Assembly (resolution 278 (III)) requested the Council to study the problem of slavery. In July 1949 (resolution 238 (IX)), the Economic and Social Council asked the Secretary-General to appoint an *ad hoc* committee of no more than five experts "to survey the field of slavery and other institutions and customs resembling

slavery, to assess the nature and extent of these several problems, and to suggest methods of attacking these problems". The Secretary-General established a four-member Committee, its members serving as individuals not as representatives of their respective Governments (Chile, France, United Kingdom, United States).

1629. The *Ad Hoc* Committee on Slavery held its first session at Lake Success from 13 February to 23 March 1950, and its second session in New York from 2 to 27 April 1951. It issued the following reports :

(a) Interim report to the Economic and Social Council (E/1617—21 February 1950) ;

(b) Report of the first session of the *Ad Hoc* Committee on Slavery to the Economic and Social Council (E/1660—27 March 1950) ;

(c) Report of the *Ad Hoc* Committee on Slavery (second session) (E/1988—4 May 1951).¹⁵⁹

The labours of this Committee greatly helped in the formulation of the Supplementary Convention on Slavery of 1956.

1630. In paragraph 33 of the report of the *Ad Hoc* Committee we read that "the Committee felt that the creation of international supervisory machinery for the abolition of slavery and other forms of servitude was urgent and should be undertaken immediately. It decided that a standing body of experts on slavery would be the most practical type of organization to undertake the task which it envisaged. The Committee further expressed the view that an appropriate secretariat should be assigned to provide the administrative and substantive services which such a body would require". In its recommendation *D*, the Committee gave the following particulars :

"It is recommended :

"That the United Nations should establish a standing body of experts on slavery, with an appropriate secretariat, for the following tasks :

"(1) To examine the information communicated to the United Nations in accordance with the terms of any convention on slavery.

"(2) To study the working of any laws, regulations, or administrative measures, that may have been adopted by any of the Member States to carry out or to make effective the terms of their obligations under such conventions.

"(3) To appoint Commissioners or set up special commissions to co-operate with the governments concerned in the study and evaluation of such measures.

"(4) To study and make recommendations to the Economic and Social Council on social and economic measures which might be taken by governments to correct abuses of debtor-creditor and landlord-tenant relationships which have resulted, or are liable to result, in slavery or other forms of servitude.

¹⁵⁹ The discussion of the *Ad Hoc* Committee on Slavery at its first and second sessions are summarized in documents E/AC.33/SR.1-55.

"(5) To work out and supervise a programme of education designed to correct a social outlook that justified the existence of slavery and other forms of servitude.

"(6) To report on its activities to the Council at least once a year."

1631. There is no need to give further quotations from the *Ad Hoc* Committee's report, the above being quite adequate for the purpose of elaborating the present suggestion.

1632. The Special Rapporteur has submitted to the Council the large number of suggestions, emanating from Member States and non-governmental organizations, which, in their abundance and variety, cannot, he feels, be considered conveniently by the Council.

1633. He is persuaded that the creation of some machinery, such as a committee of experts on slavery, would make adequate examination and advise on any measures to be taken with regard to those suggestions of Member States. Such a committee could be requested by the Council to undertake the following main tasks :

(a) To assist the Council in the eradication of slavery, the slave trade and institutions and practices similar to slavery ;

(b) To examine all information on these institutions and practices available to the United Nations, and prepare recommendations for further action by the United Nations to eradicate them ;

(c) To study the working of any laws, regulations or administrative measures that may have been adopted by any of the Member States to carry out and make effective the terms of their obligations under the International Slavery Convention of 1926 and the Supplementary Convention of 1956 ;

(d) To appoint experts or set up sub-committees to co-operate with Governments, at their request, in the study and evaluation of such measures ;

(e) To study and make recommendations to the Council on social and economic measures which might be taken by Governments to correct abuses of debtor-creditor and landlord-tenant relationships which have resulted, or are likely to result, in slavery or forms of servitude resembling slavery ;

(f) To work out and supervise a programme of education designed to correct a social outlook that justifies the existence of slavery or forms of servitude similar to slavery.

1634. The Special Rapporteur feels that in the preceding paragraphs he has done his best to comply with the resolution of the Economic and Social Council at its thirty-ninth session that he should include in his report " suggestions for possible action by the United Nations in the field of slavery ".

3. Other suggestions

1635. There are a few additional suggestions, of lesser priority, which the Special Rapporteur would also wish to place before the Council.

1636. First, the Special Rapporteur is strongly of the view that the Council itself should continue to be concerned directly with the problem of the eradication of slavery in all its forms, and it should establish some kind of machinery for this purpose. It is essential that the Council should keep itself fully informed of developments in this important field, and that it should have a subsidiary body of some sort to keep these developments under constant review and to suggest to the Council any further action which it should undertake.

1637. Secondly, the Special Rapporteur would like to draw the Council's attention to the proposal for the holding of regional seminars on the question of slavery. When the *Ad Hoc* Committee made this suggestion, the programme of advisory services in the field of human rights had not yet been developed. Since that time, however, more than twenty-five seminars on various aspects of human rights have been held in countries in every region of the world, and have made important contributions to the promotion and protection of human rights. No doubt, regional seminars on the question of slavery and servitude would contribute to better understanding of these problems and to a realistic consideration of how difficulties in the abolition of these practices may be overcome.

1638. The advisory services programme permits the Secretary-General to organize such seminars only when a State Member of the United Nations offers to act as host. To date no Member State has requested the Secretary-General to organize a seminar on slavery or servitude, and the reason for this reticence is easily understandable. It may therefore be appropriate for the Council to request the General Assembly to authorize the Secretary-General to organize such seminars on a regional basis, at the headquarters of the regional economic commissions, without awaiting an invitation from a host country.

1639. Thirdly, the Special Rapporteur believes that the observance of the International Year for Human Rights in 1968 offers an excellent opportunity for a full-scale review of the effectiveness of the United Nations action in the eradication of slavery and servitude, and hopes that this subject will find its proper place in the agenda of the proposed International Conference on Human Rights to be held in 1968. The Council may wish to draw this subject to the attention of the Preparatory Committee for the Conference, established by the General Assembly in resolution 2081 (XX).

1640. Finally, the Special Rapporteur would like to suggest that the Council should authorize the Secretary-General to publish this report on slavery for the use of Governments, specialized agencies, inter-governmental regional organizations, research centres, non-governmental organizations and interested persons, and to disseminate it as widely as possible in order that up-to-date information on the situation in the world today as regards slavery and servitude may be drawn to their attention.

1641. The Special Rapporteur hopes that, even if some or all suggestions should not meet with the approval of the Council, it will nevertheless decide to maintain its continued interest in the problem of the complete eradication of slavery, the slave trade and institutions and practices similar to slavery, and take some decision to this effect.

1642. The Special Rapporteur has prepared the following comprehensive draft resolution, covering his main suggestions, in order to facilitate the work of the Council.

The Economic and Social Council,

Having considered the report of the Special Rapporteur on Slavery (E/4168 and Add. 1-3), prepared in accordance with Council resolutions 960 (XXXVI) and 1077 (XXXIX),

Recalling General Assembly resolution 1841 (XVII) of 19 December 1962, and Council resolutions 772 D (XXX) of 25 July 1960, 826 E (XXXII) of 27 July 1961, 890 (XXXIV) of 24 July 1962 and 1077 (XXXIX) of 28 July 1965, on slavery,

Believing that slavery, the slave trade and all institutions and practices similar to slavery should be eradicated,

Believing further that the participation of all States Members of the United Nations and of the specialized agencies in, and the full implementation by them of, the International Slavery Convention of 1926 and the Supplementary Convention of 1956 would constitute an important advance towards the achievement of this end,

Convinced that regional seminars on the question of slavery, held under the programme of advisory services in the field of human rights, would contribute to a better understanding of the question of slavery and to the preparation of effective measures for its eradication,

Considering that the observance of the International Year for Human Rights in 1968 offers an opportunity for a review of the effectiveness of United Nations action in respect of the eradication of slavery, the slave trade and institutions and practices similar to slavery,

1. *Again calls upon* all States Members of the United Nations or members of the specialized agencies which have not yet done so to become parties, as soon as possible, to the International Slavery Convention of 1926 and the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery ;

2. *Again expresses* the hope that all States Parties to the Supplementary Convention will furnish to the Secretary-General the information called for under article 8 (2) of that Convention, and that those States Parties which, in view of their existing laws, regulations or administrative measures, have not found it necessary to enact or to put into effect new laws, regulations or administrative measures in order to implement the provisions of the Convention, will inform the Secretary-General to that effect ;

3. *Recommends* that the General Assembly authorize the Secretary-General to proceed to organize a series of regional seminars on slavery, the slave trade and institutions and practices similar to slavery, at the headquarters of each of the regional economic commissions ;

4. *Invites* the Preparatory Committee for the International Conference on Human Rights to place the question of slavery on the agenda of the Conference ;

5. *Requests* the Secretary-General to print, and circulate as widely as possible, the Special Rapporteur's report ;

6. *Decides* to establish a committee of experts on slavery, the slave trade and institutions and practices similar to slavery, composed of seven members acting in their individual capacity, elected by the Council on a basis of equitable geographical distribution ;

7. *Decides* that the term of office for members of the committee shall be three years, and that retiring members shall be eligible for re-election ;

8. *Requests* the Secretary-General to inform Members of the United Nations of the establishment of the committee and to invite them to indicate to him by 1 November 1966 if they wish to put forward candidatures for election to the committee at the resumed forty-first session of the Council ;

9. *Decides* that the terms of reference of the committee should include responsibilities for :

(a) assisting the Economic and Social Council in the eradication of slavery, the slave trade and institutions and practices similar to slavery ;

(b) examining all information on these institutions and practices available to the United Nations, and preparing recommendations for further action by the United Nations to eradicate them ;

(c) studying the working of any laws, regulations or administrative measures that may have been adopted by any of the Member States to carry out or make effective the terms of their obligations under the International Slavery Convention of 1926 and the Supplementary Convention of 1956 ;

(d) appointing experts or setting up sub-committees to co-operate with Governments, at their request, in the study and evaluation of such measures ;

(e) studying and making recommendations to the Council on social and economic measures which might be taken by Governments to correct abuses of debtor-creditor and landlord-tenant relationships which have resulted, or are likely to result, in slavery or forms of servitude resembling slavery ;

(f) working out and supervising a programme of education designed to correct a social outlook that justified the existence of slavery or forms of servitude similar to slavery ;

10. *Decides further* that the committee shall report to the Economic and Social Council, and also forward its report to the Commission on Human Rights, the Commission on the Status of Women and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in order that the Council may consider the committee's report together with the comments thereon of those bodies.

Note

1643. After considering the above report, the Economic and Social Council adopted, on 26 July 1966, resolution 1126 (XLI), entitled "Slavery" as follows :

The Economic and Social Council,

Having considered the report of the Special Rapporteur on Slavery,¹⁶⁰ prepared in accordance with Council resolutions 960 (XXXVI) of 12 July 1963 and 1077 (XXXIX) of 28 July 1965,

Recalling General Assembly resolution 1841 (XVII) of 19 December 1962 and Council resolutions 722 D (XXX) of 25 July 1960, 826 E (XXXII) of 27 July 1961, 890 (XXXIV) of 24 July 1962 and 1077 (XXXIX), on slavery,

Believing that slavery in all its forms, the trade in persons, *apartheid* and colonialism should be eradicated,

Believing that action should be taken to put an end to slavery and the slave trade in all their practices and manifestations, including the slavery-like practices and aspects of *apartheid* and colonialism,

Believing further that the participation of all States Members of the United Nations or members of all the specialized agencies and the International Atomic Energy Agency in the International Slavery Convention of 1926 and the Supplementary Convention of 1956, and the full implementation by them of those Conventions, would constitute an important advance towards the achievement of this end,

Considering that the observance of the International Year for Human Rights in 1968 offers an opportunity for a review of the effectiveness of United Nations action for the eradication of slavery,

1. *Notes with appreciation* the report of the Special Rapporteur on Slavery, Mr. Mohamed Awad ;

2. *Calls again upon* all States Members of the United Nations or members of the specialized agencies and the International Atomic Energy Agency, which are not yet parties, to become parties, as soon as possible, to the International Slavery Convention of 1926 and to the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery ;

3. *Invites* the Preparatory Committee for the International Conference on Human Rights to place the question of slavery and the slave trade in all their practices and manifestations on the agenda of the Conference ;

4. *Requests* the Secretary-General to print, if possible, and to arrange for very wide circulation of the Special Rapporteur's report ;

5. *Decides* to refer the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of *apartheid* and colonialism, to the Commission on Human Rights ;

6. *Requests* the Commission on Human Rights to submit, not later than at the forty-third session of the Economic and Social Council, a report on the question, containing specific proposals for effective and immediate

¹⁶⁰ E/4168 and Add. 1-5.

measures which the United Nations could adopt to put an end to slavery in all its practices and manifestations ;

7. *Invites* the United Nations Educational, Scientific and Cultural Organization to continue its programme of education designed to correct a social outlook that tolerates the existence of slavery or forms of servitude similar to slavery.

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