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UPDATING OF THE REPORT ON SLAVERY SUBMITTED
TO THE SUB-COMMISSION IN 1966

Report by Mr. Benjamin Whitaker, Special Rapporteur

Foreword

Introduction: Mandate and preparation of the report

Part one: General observations: The scope of the problem.

Part two: Action taken at the national level in the field of slavery */

*/ Parts three and four of the report and the annexes to it will appear in an addendum to this document.

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Approved by the General Assembly in its resolution 317 (IV) of 2 December 1949

*/ Parts III and IV of the report and the annexes to it will appear in an addendum to the present document.

FOREWORD

The foreword consists of two statements, as follows:

"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." 1/

"The Working Group on Slavery 2/ has an important role to play in United Nations activities dealing with such complex issues as the exploitation of prostitution, the sale of children, the exploitation of child labour, debt bondage and certain institutions and practices affecting women. It is a fallacy to assume that slavery and slavery-like practices were common only in previous centuries. I still think that today many people in the world are being exploited - and there are two common phenomena in this which run across the field of work of this Group: that those who are being exploited are usually the most vulnerable people in their society, particularly children and women, but also workers with often no means of subsistence; and it is because of the economic and social position of these people that they are being exploited and often find insufficient or no protection whatsoever either in their societies or the international community. Another common phenomenon is that most of these people are being exploited for economic profit, and I myself am convinced that a link exists between economic matters and human rights. In particular, many violations of human rights are carried out because of considerations of economic profit often on a very large scale; and if this has to be proven anywhere, then I think it is particularly here in this Working Group on Slavery. It goes without saying, therefore, that since this fate of exploitation of the weakest, the vulnerable ones, affects millions of people and in certain societies has mass implications - there is a heavy responsibility placed on this Group, and for that matter, on the Sub-Commission and the Commission on Human Rights ...

"The Group has become the object of heightened expectations about the possibility of international action to deal concretely with problems which are in most cases long-standing and deep-seated. Many of the problems falling within the Group's mandate require in fact, not only the adoption and enforcement of appropriate legislative and correctional or administrative measures, but also long-term structural reforms in the society and economy of the countries concerned. Particularly in the last few years of the human rights programme we have discovered that many violations of human rights are symptoms of deeper causes of injustice which are related to the structures of societies and the international society. For instance, it has, time and time again been stressed that the present international economic order is an unjust one which has a great effect on many people living in the Third World and in the world at large; but there are also grave patterns of inequality and injustice within national societies. In the long run, of course, only structural measures can provide the necessary remedial relief. That, however, does not mean that we should close our eyes to the immediate sufferings of which many people in the world are victims." 3/

1/ Reply of the Government of Jamaica to Question XV of the questionnaire used for Mr. Mohamed Awad's Report on Slavery (United Nations publication, Sales No. 67.XIV.2), p. 296, para. 1552.

2/ Group established in accordance with Economic and Social Council decision 16 (LVI).

3/ Mr. Theo Van Boven, the then Director of the Division of Human Rights, in a statement made on 10 August 1981 to the Working Group on Slavery at its seventh session.

INTRODUCTION

Mandate and preparation of the report

1. By resolution 6 A (XXXI) entitled "Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism", adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on 13 September 1978, the Sub-Commission recommended that it be authorized to entrust the author of the present report as its Special Rapporteur with the honour of the further extension and updating of the Report on Slavery 3A/ in the light of the comments made at its thirty-first session. By its decision 1980/123 of 2 May 1980, the Economic and Social Council gave the necessary authorization. The report referred to had been prepared in 1966 by Mr. Awad, the previous Special Rapporteur of the Sub-Commission on the question of slavery.

2. In order to carry out the task entrusted to him, the Special Rapporteur prepared a revised version of the questionnaire used by Mr. Awad for his report. The questionnaire is reproduced as annex I to this report. At the request of the Special Rapporteur, the Secretary-General transmitted, by note verbale dated 7 April 1981, the revised questionnaire to all the States Members of the United Nations as well as other States. In his note, the Secretary-General indicated that he would be grateful to the Governments consulted for any help they could give the Special Rapporteur in the preparation of his report; he added that the Special Rapporteur wished in particular to receive information and observations on each of the points mentioned in the questionnaire. As of 1 May 1982, substantive replies had been received from the following States: Algeria, Barbados, Cameroon, Colombia, Costa Rica, Cuba, Denmark, Djibouti, Dominican Republic, Egypt, Germany, Federal Republic of, Jordan, Kuwait, Mexico, Nicaragua, Niger, Nigeria, Norway, Papua New Guinea, Philippines, Qatar, San Marino, Singapore, Spain, St. Vincent and the Grenadines, Sudan, Switzerland, Sweden and the Syrian Arab Republic. In addition, by a letter dated 16 April 1981, the Director of the Division of Human Rights transmitted the questionnaire for observations and comments to the heads of secretariat of the Food and Agriculture Organization of the United Nations, the International Labour Organisation, the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, and the World Health Organization. The questionnaire was also transmitted to the heads of the Branch for the Advancement of Women (Vienna), the Crime Prevention and Criminal Justice Branch (Vienna), the Centre against Apartheid, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the United Nations Council for Namibia. As of 1 May 1982 replies had been received from the following United Nations organs: the Centre against Apartheid, the Branch for the Advancement of Women and the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, the United Nations High Commissioner for Refugees, and the United Nations Development Programme.^{4/} The following specialized agencies also sent replies: the International Labour Office, the Food and Agricultural Organization, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization. On 16 April 1981, a similar letter was sent to the following regional intergovernmental organizations: the Council of Europe, League of Arab States, Organizations of African Unity, and the Organization of American States. As of 1 May 1982, a reply had been received from one organization only: the Inter-American Commission on Human Rights of the Organization of American States.

^{3A/} United Nations publication, Sales No. 67.XIV.2.

^{4/} A reply, dated 22 June 1982, has now been received from the Department of Political Affairs, Trusteeship and Decolonization.

3. The Director of the Division of Human Rights also sent a similar letter, dated 16 April 1981, to a number of non-governmental organizations in consultative status with the Economic and Social Council which have competence in the matter. Replies have been received from the following non-governmental organizations: All India Women's Conference, Anti-Slavery Society, Asian Youth Council, Association of African Universities, Caribbean Association of Industry and Commerce, Caritas Internationalis, Commission of Solidarity with Uruguayan Missing Persons and Political Prisoners, European Union of Women, International Abolitionist Federation, International Co-operative Alliance, International Council of Jewish Women, International Council of Women, International Defence and Aid Fund for Southern Africa, International Federation of Business and Professional Women, International Federation of University Women, International League for the Rights and Liberation of Peoples, Inter-Parliamentary Union, International Union of Family Organizations, International Union of Police Federations, the Minority Rights Group, OXFAM, Salvation Army, World Confederation of Organizations of the Teaching Profession, World Federation of Teachers' Unions, the World Organization of the Scout Movement, and the World Young Women's Christian Association. The substance of replies received from the non-governmental organizations varied considerably; some of them only made reference to the format of the questionnaire. By a letter dated 11 April 1981, the Director of the Division of Human Rights also sent the questionnaire to the experts on slavery mentioned in the list established under Economic and Social Council resolution 1330 (XLIV) of 31 May 1968, as approved by the Commission on Human Rights at its twenty-seventh session 5/ and updated 6/ in accordance with resolution 6B (XXXI) of 13 September 1978 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. As of 1 May 1982, replies had been received from seven experts: Mr. Asbjørn Eide (Norway), Mr. Carlos Floria (Argentina), Mr. K. Göthe S. Johansson (Sweden), Mr. François-Xavier Mbouyon (Cameroon), Colonel Patrick Montgomery (United Kingdom), Mr. Marcel Nguini (Cameroon) and Mr. Olof G. Tandberg (Sweden). The Special Rapporteur is grateful to all those who answered.

4. In view of the very small number of replies received prior to August 1981, only a preliminary report could be prepared for the thirty-fourth session of the Sub-Commission. The Sub-Commission accordingly authorized the Special Rapporteur to report to it at its thirty-fifth session, which he is pleased to do herewith. The text has necessarily been compressed by restrictions imposed on space. The Special Rapporteur would like, finally, to state that while the limitations and the opinions of the report are his alone, his grateful thanks go to all those who helped in its preparation.

5/ Official Records of the Economic and Social Council, Fiftieth Session, Supplement No. 4 (E/4949), paras. 303-305.

6/ See document E/CN.4/1299 and Add. 1-4.

PART ONE

GENERAL OBSERVATIONS: THE SCOPE OF THE PROBLEM

Chapter IApproach to the study

5. To comply with the mandate instructing him to extend as well as to update the Auad report, the Special Rapporteur has included in the present report discussion of institutions and practices similar, or analogous, to all manifestations of slavery and the slave trade, including the slavery-like practices of apartheid, colonialism, traffic in persons and the exploitation of prostitution.
6. The mandate also requires him to extend and update the previous report "in the light of comments made in the Sub-Commission at its thirty-first session". At that session, one of the sponsors of Sub-Commission resolution S A (XXXI) of 15 September 1978 (subsequently adopted by the Commission without a vote as resolution 15 (XXXVI) on 29 February 1980, and thereafter endorsed by the Economic and Social Council in its decision 1980/125 on 2 May 1980, when introducing it, defined the mandate to extend the report as meaning "not extension in length, but in the scope of the report, so that it would cover new forms of slavery which had emerged since the production of the original report" (E/CH.4/Sub.2/SR.824, para. 127). As an expert member of the Sub-Commission at its thirty-first session, Mr. Carter (whose loss is much lamented), commented: "Just as neo-colonialism had in some cases taken the place of colonialism, slavery had been replaced by slavery-like practices which were as abominable and repugnant as any considered by the Sub-Commission. Slavery had not been eradicated, but now existed in new and more subtle forms". ^{7/}
7. The over-all plan of this report is as follows: Part I, after a consideration of the definition of slavery and slavery-like practices and more general observations, contains an outline of the contemporary prevalence of various slavery-like practices; Part II (paras. 73-112) contains a summary of action to deal with the problem taken at the national level, compiled with the help of those Governments which responded to the questionnaire; Part III (paras.) contains a record of the international action taken to date to deal with the problem by the United Nations and specialized and intergovernmental agencies as well as of the activities of non-governmental organizations in the field of slavery; finally, Part IV (paras.) concludes with some recommendations for further measures which the Special Rapporteur suggests are necessary in the light of the current situation.

^{7/} As reported in the summary record of the 812th meeting of the Sub-Commission (E/CH.4/Sub.2/SR.812, para. 24).

Chapter II

Definition of slavery and slavery-like practices

8. The Slavery Convention of 1926 states, in article 1, the definition accepted by the United Nations: "Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised." The Shorter Oxford Dictionary defines slavery as being "servitude, bondage. The condition of being entirely subject to, or dominated by, some power or influence. A state of subjection or subordination comparable to that of being a slave". 8/

9. At its second session, in 1975, the Working Group reported that "in its manifold and indirect manifestations, the phenomenon of slavery presented great complexity. The definitions in the existing relevant conventions did not, therefore, cover the concept of slavery under all its present aspects. After a further study, the Working Group or the Sub-Commission itself should attempt to elaborate a new and broader definition of the concept. In that connection, the opinion was expressed that a definition of slavery should include any form of dealing with human beings leading to the forced exploitation of their labour. According to another opinion, the definition should embrace all institutions and practices which, by restricting the freedom of the individual, are susceptible of causing severe hardship and serious deprivations of liberty. It was generally agreed that the definition should be flexible enough to be applicable to any new form of slavery which might emerge in the future and not to limit the scope of investigation of all its possible manifestations." 9/

10. Human nature is liable to find new ways to gain and maintain complete control of other people. Mr. van Doven, then an expert member, urged the Sub-Commission at its twenty-ninth session: "Slavery should, therefore, not be studied from the standpoint of a static concept. Constant attention should be given to the ways in which the exploitation of man by man might develop". 10/ The expert member from Romania, Mr. Cristescu, at the same meeting, agreed: "He was even more convinced than he had been previously of the need for further study ... slavery was assuming new forms and the Working Group had therefore been led to consider the necessity of modifying the definition of the term itself". 11/ At the following meeting, another expert member, Mr. Singh, observed: "The real problem was that old and evil practices frequently assumed new guises". 12/

8/ Other definitions of a slave proposed by the Anti-Slavery Society in 1975 are "One who, working for another, is not free to withhold his labour", or "One who is owned and thus has neither freedom nor rights".

9/ E/CN.4/Sub.2/AC.2/5, para. 12.

10/ As reported in the summary record of the 758th meeting of the Sub-Commission (E/CN.4/Sub.2/SR.759, para. 34).

11/ As reported in the summary record of the 759th meeting of the Sub-Commission (E/CN.4/Sub.2/SR.759, para. 34).

12/ As reported in the summary record of the 760th meeting of the Sub-Commission (E/CN.4/Sub.2/SR.760, para. 31).

Chapter III

Is the problem extinct?

11. The first question to be considered is whether slavery and slavery-like practices still exist.

12. Mr. Mohamed Awad's report following on Mr. Hans Engen's earlier report, 13/ collected detailed evidence of how slavery and similar manifestations continued to survive in 1966 despite the 1956 and other Conventions, and criticized the lack of permanent machinery to implement their provisions.

13. In the subsequent debates in the Sub-Commission which agreed on the evolving development of its approach to the subject and also provided the eventual genesis of the Working Group (see Part II on "Action taken by the United Nations" below), Mr. Abu Rannat, sponsoring a draft resolution on the subject in 1972, 14/ said that "The Supplementary Convention . . . , defined, and bound its signatories to eradicate, not only chattel slavery but also four kindred institutions - serfdom, debt bondage, the exploitation of children and servile forms of marriage. While chattel slavery had been prevalent and tacitly accepted as recently as 1966 throughout the Sahara, it was now almost at an end. Though some traffic continued illicitly, Governments had been enforcing their laws. Unfortunately, that had been done in some cases without first ensuring that the social and economic conditions were appropriate for the resettlement of the emancipated slaves. Indeed in one country the repatriation of the slaves from their masters had been carried out by the army and the slaves, unaware of what was intended, had resisted. In other countries the slaves, deprived of their only source of maintenance, migrated in search of food. That might serve to explain the recent traffic in African labour to Europe which had attracted the attention of the Economic and Social Council in July 1972. . . . However, in the opinion of many people, much less suffering was involved in chattel slavery than in some of the kindred practices forbidden under the Convention. There were many countries in both Asia and Latin America where serfdom and debt bondage embraced an appreciable percentage of the population. In some of those countries Governments had, in recent years, with the aid of the specialized agencies, made impressive efforts to transform the situation. In others there had been little progress. In that regard he supported the statement in paragraph 140 of the most recent report by the Special Rapporteur (E/CN.4/Sub.2/322) that in some countries where land reforms had been undertaken, political power was in fact in the hands of those who themselves exploited the tenants and it was rare for Governments to make a real effort to enforce the land reform legislation they had passed. That was a revealing statement and indicated the real reason why no machinery yet existed to implement the slavery Conventions. It was for the same reason that social development lagged, with such deplorable effects, behind the development of technology. The origins of the social strife in many countries today was directly

13/ Official Records of the Economic and Social Council, Nineteenth Session, Annexes, agenda item 8, E/2673. See also United Nations surveys (E/1988 (1951) and E/2357 (1953)) and Mr. Awad's subsequent report (E/CN.4/Sub.2/322).

14/ See document E/CN.4/Sub.2/L.578/Rev.1 and Mr. Abu Rannat's statement as reported in the summary record of the 660th meeting of the Sub-Commission (E/CN.4/Sub.2/660, pp. 88-90).

attributable to various forms of slavery. Recently large-scale massacres in several countries had been perpetrated by peoples formerly enslaved against those who had once been their masters. The Sub-Commission would naturally consider the question not only in its political context but also in its historical and juridical contexts and would wish to seize the opportunity offered by the draft resolution in document E/CN.4/Sub.2/L.578/Rev.1 to minimize the risk of yet more retributive massacres in the future. As was stated in the preamble of that resolution, the Economic and Social Council had directed the Sub-Commission to make recommendations with a view to seeking better implementation of the United Nations instruments concerned. He wished only to observe that 16 years had elapsed since the adoption of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery and 81 States had ratified it before the Sub-Commission had been directed to consider machinery for its implementation." In the same debate, a fellow expert member, Mr. James, pointed out that "contrary to what might be supposed, slavery was still a very serious problem in the contemporary world. In a 1971 statement by a representative of the Anti-Slavery Society it had been asserted that there was evidence to show that slavery had a major part in society in 17 African, 15 Asian and 6 Latin American countries," 15/ and another expert member, Mr. Yerdokeyev concurred: "No one could deny that slavery was one of the most shameful institutions of the present time, and it was deplorable that that practice, which had been widespread during the colonialist era, should still persist in the modern age of technological progress". 16/

14. Eight years later, during subsequent Sub-Commission debates on the same question, expert members, including Mr. Sadi and Mr. Justice Chowdhury, were still urging the need for more vigorous action regarding the protection of human rights in this field. 17/

15. Even one case of slavery remaining the world in the 1980s is one too many. "Either be wholly slaves or wholly free". 18/

Chapter IV

Sources of information

16. This is only one amongst the most serious areas of human rights work which faces a continuing problem regarding the availability of accurate data. This inadequacy requires rectification as a first priority (see Recommendations in Part IV). Critics whose attitude towards human rights is less than positive, on the one hand point to the scarcity of reliably attested sources, while with their other hand denying the resources required to improve this situation.

17. If the facts concerning some of the allegations considered in this report are unclear or disputed, this serves to emphasize the need for impartial investigators who might disprove or confirm them. The hitherto limited resources and channels for monitoring situations also urgently need improvement and extension. Those Governments which reply to questionnaires are not generally the same ones that are most vulnerable to criticism. Thirty-nine Member States to which Mr. Awad sent his questionnaire made no response at all, and some of the replies

15/ E/CN.4/Sub.2/SR.661, p. 102.

16/ Ibid, p. 99

17/ E/CN.4/Sub.2/SR.864-866.

18/ John Dryden, The Hind and the Panther.

he received were evasive or otherwise less than informative. The present Special Rapporteur's own experience has been similar. Rare indeed is the Government which admits at the United Nations to any imperfections in its own country; and several intergovernmental organizations, in their concern to avoid criticizing Governments so that their own projects (and even funding) shall not be affected, tend to leave it to non-governmental organizations - with their far more limited resources - to describe abuses. If knowledge about some areas is no longer to be less than adequate, either independent experts must be sent to report back, or the means must be provided for witnesses from those areas to attend at the United Nations, with guarantees for their safety and immunity.

Chapter V

Perceptions of slavery

18. Examples of the problems cited below originate from most parts of the world, with few exceptions. Edmund Burke described slavery as "a weed that grows in every soil". ^{19/} The characteristics of human behaviour involved are not the monopoly of any area, race, religion, social system or culture. Human society united however, can, if it wishes, find solutions. Examination of individual cases is necessary not so much in order to condemn, but to illuminate and lead to better understanding of specific problems and their causation in depth and in all their dimensions. United Nations bodies, the Special Rapporteur suggests, have a special responsibility and trusteeship for the victims of such practices because these victims are among those who are least likely to be able to appear in person, or often even to communicate with United Nations bodies.

19. Slavery can persist as a state of mind after its normal abolition. While traditional chattel slavery (paras. 70-77 below) appears almost to have disappeared - certainly from official statistics, although it can persist clandestinely ^{20/} - debt bondage (paras. 50-58 below), in its most oppressive and extreme form, is hardly distinguishable in its effects. Indeed unjust economic exploitation underlies many of the most serious violations of human rights, including apartheid: if a dominant stratum forces others either to work on sub-human terms or to starve, it may be said to be employing a slavery-like practice.

20. In a significant number of cases, examination reveals that (a) poverty and (b) lack of enforceable rights provide the roots for an interconnected structural relationship between several different slavery-like practices, such as, for example, debt-bondage, the sale of children and the exploitation of prostitution.

21. Several questions, involving the indefensible abuse and exploitation of women and children's human rights, have not until very recently received sufficiently detailed attention. The reason why low priority is almost always paid to injustices affecting this majority of the world's population may not be unconnected with women's under-representation both in virtually every international and diplomatic forum and also in the higher posts at the United Nations.

^{19/} Conciliation with America (London, 1775).

^{20/} See, e.g., A. G. B. Fisher and Humphrey J. Fisher, Slavery and Muslim Society in Africa: The Institution in Saharan and Sudanic Africa and the Trans-Saharan Trade (New York, Doubleday, 1971); John Mercer, Slavery in Mauritania Today (Edinburgh, Human Rights Group, 1982); and K. Glaser and S. Possony, Victims of Politics: The State of Human Rights (New York, Columbia University Press, 1979).

22. The Special Rapporteur suggests that if we do not learn from our past, we (or our children) are condemned to repeat or relive it, and that this is quintessentially true concerning situations involving abuses of human rights.

23. Arnold Toynbee, in his A Study of History 21/ compared several societies where a dominant group attempted to deny or devalue the common humanity of another more vulnerable group, by alleging their cultural nullity (often having ignored their beliefs): as the Hellenes did towards the "barbarians", and imperialists towards "savages". "The serf had no rights, no privileges and no family name; he was rated equally with the cattle that browsed upon the meadow and the deer that bounded through the glen. He wore a peculiar dress, and had his head shaven bare, as an ever-present reminder of his social inferiority; his evidence was not accepted against a freeman in the Court of Justice. Marriage could not be contracted amongst the servile classes, who were simply regarded as cattle or stock, and joined or separated, as it suited the interest and convenience of the masters". 21A/ That is a description, not of 18th century Jamaica, but of 14th century Scotland: slavery and racialism, although often combined, are separate evils.

23A. As in the aberration called apartheid, slave traders, in their attempts to excuse the economically profitable practice in which they were engaged, fabricated the concept of the racial inferiority of those they enslaved. Slavery was originally an economic venture in which the colour of the slaves was immaterial, but people, often professing themselves to be religious, who were engaged in the slave trade devised the theory of racial superiority in an attempt to rationalize an inhuman practice which was anathema to any respectable religion. The same smoke-screen is currently being used by the defenders of apartheid. The dehumanizing denial of human rights can in this way be disguised as cultural or religious paternalism, which is presented to cloak the economic and political exploitation of colonial or subject groups - which are in reality a negation of the "civilization" in whose name this manipulation takes place. Although slavery existed both in Europe and in Africa before the European invasions of Africa and Latin America, the Europeans developed it in a way which set back the development of Africa and Latin America for several generations. 22/

24. "Until recently", W. E. B. Du Bois said, "in few subjects have historians been more content to go on indefinitely repeating current traditions and uninvestigated facts". 23/ But lately a growth in both the quantity and quality of study of the history of slavery has developed in several parts of the world. This has increased comprehension of the phenomenon's implications, including its links with racism and apartheid and colonialism, besides widening understanding of the universality of its incidence. Professor Sir Moses Finley 24/

21/ London, Oxford University Press, 1972.

21A/ Thomas Johnson, The History of the Working Classes of Scotland (London, E. P. Publishing Ltd., 1974).

22/ Rene Dumont, L'Afrique noire est mal partie, (Paris, Senil, 1962).

23/ W. E. B. Du Bois Speaks (New York, Pathfinder, 1970).

24/ M. Finley, Ancient Slavery and Modern Ideology (London, Chatto and Windus, 1980). See also, Prof. Hugh Tinker, A New System of Slavery: The Export of Indian Labour Overseas (London, Oxford University Press, 1974); Daniel Pipes, Slave Soldiers and Islam (Yale University Press, 1981); James Avery Joyce, The New Politics of Human Rights (London, Macmillan, 1978).

has examined its connections with modern ideology, and, approaching it as a moral issue, criticizes the interpretation of historians such as Joseph Vogt 25/ who views it simply as a primitive type of economic organization, comparable with other relationships of production such as serfdom. The historian Eugene Genovese has contributed important Marxist analyses of slavery. 26/ Nearly two centuries after the heroic struggle by slaves for freedom in Haiti, UNESCO has published the collection of reports and papers on The African slave trade from the 15th to 19th century 27/ delivered by the meeting of experts it organized at Port-au-Prince (Haiti) in 1978.

25. Eric Williams, 28/ C. L. R. James 29/ and F. O. Shyllon 30/ have re-examined myths surrounding Lord Mansfield's 1772 judgment in Somersett's case and revealed the economic pressures which motivated much of the abolitionist struggle in Britain prior to 1834. Similarly it was principally a desire for efficiency rather than Christianity which impelled Czar Alexander II to free the serfs in Russia in 1861. An important area of study has focussed on the domination which experience has shown can continue to be exercised even after a nominal emancipation - a phenomenon that also has contemporary relevance, as "neo-slavery" can parallel "neo-colonialism". C. L. R. James has cited Leon Litwack's description of "the techniques of terrorism that would be embellished to expedite the political emasculation of the freed man" in the case of the post-abolition United States. 31/ Significant examples have been described by Ms. W. L. Rose and others: 32/ "One way he did so was through his attitude toward the land. The typical planter again and again flatly refused to sell land to the freedman, or even rent it, even when they had the cash and much as he may have needed it. Against any form of redistribution he fought like a tiger, and of course eventually won. He needed the freedman's labor, and wanted them to work for wages. This they resisted, and what all sides generally settled for was sharecropping. But what the planter needed most, and was somehow determined to retain, was their dependency. ... The two things they wanted most were land and then education, even though many of their Yankee friends thought that what they needed most of all was the vote. Yet these were two kinds of power, the power of livelihood and the power of the word, which to them were the most immediate and concrete means of delivering them from dependency, while some kind of dependency represented the only terms the old régime was willing to offer them.

25/ J. Vogt, Ancient Slavery and the Ideal of Man (Oxford, Blackwell, 1974).

26/ See, e.g. E. Genovese, Roll, Jordan, Roll: The World the Slaves Made (New York, Pantheon, 1974), and the article by Herbert Shapiro in the Journal of Ethnic Studies, 9:4.

27/ UNESCO, 1979.

28/ E. Williams, Capitalism and Slavery (London, Lowe and Brydone, 1944). This has been challenged by, e.g., Howard Temperley, British Anti-Slavery (London, Longman, 1972).

29/ C. L. R. James, The Black Jacobins (New York, Vintage, 1963).

30/ F. O. Shyllon, Black Slaves in Britain (London, Oxford University Press, 1974).

31/ Leon F. Litwack, Been in the Storm so Long: The Aftermath of Slavery, (New York, Vintage Books, 1980); C. L. R. James, "How Free was Free?" in New Society, 19 February 1981; see also W. E. B. Du Bois, Black Reconstruction (New York, Harcourt, Brace and Company, 1935).

32/ Stanley Elkins, "How to Understand Slavery" in The New York Review of Books, 29 April 1982; Willie Le Rose, ed. William W. Freehling, Slavery and Freedom (London, Oxford University Press, 1981).

Dependency: this after all was the main issue, no matter what form it took, and this is the organizing principle for much of what the blacks did in Reconstruction. It even accounts to some extent for the conservative nature of the 'revolution' they were engaged in. They did not want vengeance. They behaved with generosity, and when they had anything to say about it they generally resisted the disfranchisement of whites by Radical Reconstruction régimes. They would have been happy to settle for the one thing that the planters, even the best disposed of them, found least possible to imagine their having: the conditions for their own independence".

26. A new journal, Slavery and Abolition, 33/ devoted to comparative studies of the "demographic, socio-economic, historic and psychological aspects of human bondage from ancient times down to our own era", was founded in 1980.

27. The first and essential prerequisite for any understanding (whether of slavery, or anything else) is an acknowledgement of facts and recognition of the accurate truth, whether about the past or the present. Contemporary Germans, particularly of younger generations, are coming to terms with the facts about the Nazi-administrated slave camps. Albert Speer has documented 34/ that, between 1942-1945, no fewer than 7,652,000 people were forcibly deported from occupied countries to work as Zwangsarbeiter in Germany. Hitler's and Himmler's economic plans for "Lebensraum up to the Urals" postulated using prisoners for 80 per cent of the construction work, which required 14.5 million slaves to be continuously active. Since slave labourers died at the rate of 10 per cent a year, the total involuntary human work force necessary was planned to be 29 million - a figure equivalent to some estimates of the overall total of slaves transported from Africa during the whole of the period between the tenth and nineteenth centuries. 35/ In the Soviet Union, Nikita Khrushchev revealed and denounced the extensive system of labour camps which had been developed under one of his predecessors, Josef Stalin. 36/ The Japanese Government in April 1982 admitted for the first time that forcible biological experiments had been carried out during the Second World War on, not only Chinese, Russian, United States and Mongolian prisoners, but also ordinary civilians: indiscriminately rounded up as slave-like guinea-pigs by the military police. More than 3,000 victims of this human vivisection died. 37/ The British people have only recently been presented with documentation 38/ of its unique former national policy over several centuries prior to 1928 of shipping many thousands of vagrant white children (some as young as four years old) overseas as cheap indentured labour in its colonies.

28. These varied examples are, the Special Rapporteur suggests, evidence of: (a) the near-universality of such phenomena; (b) the recentness of some of the most grave instances, both in terms of numbers and of atrocity; and (c) the failure of people - including of so-called developed nations - always to recognize the fact of such events happening within their own borders, even in countries which possess the benefit of considerable press and academic resources.

33/ Edited by Prof. J.R. Willis and Prof. C.D. Rice, and published by Frank Cass, Gainsborough Road, London, E.11.

34/ The Slave State (London, Weidenfeld, 1981).

35/ UNESCO, op.cit.

36/ The Ad hoc Committee on Forced Labour was informed, in 1953, that these held more than 10 million people. See Report of the Ad hoc Committee on Forced Labour, Official Records of the Economic and Social Council, Sixteenth Session, Supplement No. 13 (E/2431), pp. 426-528, in particular pp. 440-443. The Ad hoc Committee was also informed that the concentration camps in the German Democratic Republic contained at that time a greater population than they had under Hitler. Ibid., pp. 258-276, in particular p. 260.

37/ S. Morimura, The Devil's Gluttony (Tokyo, 1981); John Powell, "Japan's Biological Weapons 1930-1945" in The Bulletin of Atomic Scientists.

38/ Gillian Wagner, Children of the Empire (London, Weidenfeld, 1982).

Chapter VI

Contemporary manifestations of slavery and slavery-like practices

29. Because of the limitation both on the length of reports and on the sources of information (para. 7 supra), it is obviously not possible to render here a full account of the present-day incidence of slavery. The cumulative evidence presented to successive Working Groups and sessions of the Sub-Commission is summarized in Part III of this report. The following paragraphs instance, for the most part, additional reports of various cases, compiled from replies to the questionnaire and other sources, that can be held to qualify for consideration as being analogous to slavery and slavery-like practices.

A. Apartheid

30. Apartheid is in the opinion of many people the most oppressive manifestation of slavery that exists in the world today. Apartheid and colonialism, in many of their effects, are forms of collective or group slavery that fundamentally oppress the human rights of several million people. A particularly virulent evil of its immorality is that the victims are condemned, involuntarily, to their predicament from the day of their birth and without redress.

31. As Mr. Awad said in his 1971 report, "South Africa is the only country in the world that proclaims the inequality of its citizens in its laws. The South Africa Act of 1961 declares that only white persons may become members of the all-powerful parliament. The Native Land Act, 1912, provides that Africans may not own land in 87 per cent of the country's territory. The Group Areas Act, 1956, empowers the Government to proclaim ghettos for ownership and occupation by people of mixed descent and origin; the Native Urban Areas Act, 1945, restricts the entry of Africans into the towns and compels Africans in the cities to live in locations subject to the control of white superintendents. The Native Abolition of Passes Act, 1952, makes it compulsory for every African man or woman over sixteen to carry and produce on demand to any policeman a book containing his photograph, number, and the various permissions he needs in connection with residence, movement and work. The Population Registration Act, 1950, obliges every South African to have himself racially classified, and creates special race courts for investigation of borderline cases. The Reservation of Separate Amenities Act expressly authorizes separate but unequal facilities in public places for persons of different races." 39/

32. Substantial documentation concerning apartheid's abuses is available; but to date unfortunately effective remedial action is rarer. In 1979 the Secretariat prepared for the Working Group at its request a comprehensive study of Apartheid as a collective form of slavery 40/ which concluded inter alia that: (a) apartheid, which was introduced in 1948 as official Government policy, represented a systematization and formalization of controls over the black people of South Africa and was extended to the entire country with a view to maintaining the slavery and the slavery-like practices imposed by the white settlers during the early stages of their penetration and settlement of South Africa; (b) the present régime in South Africa has continued, through repressive legislation since 1948, to enforce the system of apartheid as a slavery-like practice despite the growing

39/ E/CN.4/Sub.2/322, para. 167.

40/ E/CN.4/Sub.2/AC.2/28.

resistance of the black population in South Africa; and (c) that in agriculture, the conditions of exploitation of black workers similar to those indicated in the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, and in the Forced Labour Convention of 1930, continue to exist on white farms of South Africa. In the study the Secretary-General first analysed the historical development of the apartheid system in terms of the different phases of colonial penetration and economic development. It was seen that, at the root of the "bantustan" policy of the present régime, is the inequitable distribution of land imposed through colonial conquest and the establishment of African "reserves" with the main function of serving as reservoirs of cheap labour for the white areas of the country. The Africans and other black people have been increasingly denied any political or other rights in the country as a whole, with the ultimate aim of making them foreigners in the country of their birth. The study showed how colonial penetration and settlement were accompanied by measures aimed at forcing the black population into the service of the settlers. Initially, this was accomplished through the imposition of slavery. After the emancipation of the slaves, legislative and other measures were adopted to exercise control over the movement of black labour and to direct it into the areas of the economy where it was needed, at wages and conditions imposed by the white employers. The study found that while these indirect forms of compulsion changed with the changing requirements of the economy, the system remained essentially based on coercion. Thus the evidence shows that the apartheid policy, introduced as official Government policy after 1948, represented a systematization and formalization of the pre-existing network of legislative and other controls over the black population, and its extension to the entire country, with the same goal of maintaining the black people in the role of a cheap and suppressed labour force. 41/

B. Colonialism

33. Colonialism as a cause of slavery and slavery-like practices has been widely documented and analyzed. Colonialism may be defined as the status of a country and its inhabitants when they are subjected to foreign rule. The extent to which the dominant Power's social, cultural, economic and even political interests are

41/ See also, inter alia, the following UNESCO publications: Anti-development: South Africa and its Bantustans (1981); Apartheid's Effects on Education, Science Culture and Information (2nd ed., 1972); Apartheid: Power and Historical Falsification (by Marianne Cornevin, 1980); Apartheid: a Teacher's Guide (by Godfrey Brown, 1981); Namibia: The Effects of Apartheid on Culture and Education (by Marion O'Callaghan, 1977); and Apartheid and Social Research (Ed. John Rex, 1981).

imposed upon a certain area may be regarded as the yardstick for colonialism and its effects. 42/ As regards the analogy of colonialism with slavery and servitude, the acquisition of colonies by imperialist Powers had significant parallels to the acquisition of slaves, to be exploited by their master. 43/

34. The most serious contemporary example of colonialism is the illegal occupation of Namibia in defiance of numerous resolutions of the General Assembly. The history of Namibia throughout the colonial period is one of exploitation, of the country's vast natural resources and of its human potential. Africans in Namibia continue to be regarded as no more than a reservoir of cheap labour deprived of the benefits of the economic system. 44/ The conditions under which the vast majority of Namibia's black workers are forced to live, and the web of restrictions and controls which binds them from moving freely around the country, have often been described as akin to slavery. 45/ In this connection attention may be drawn to the report of the United Nations Council for Namibia submitted to the General Assembly at its thirty-sixth session 46/ which deals with the inhuman, political, economic and social conditions under which the Namibian people are forced to live. Subordinate positions in employment, discrimination in education, exploitation of their resources, unsanitary living conditions are incompatible with their right to self-determination.

42/ In a study on the relationship between early capitalism in Great Britain, the general colonial trade of the seventeenth and eighteenth centuries and Negro slavery and the slave trade, Eric Williams (Capitalism and Slavery (London, Lowe and Brydone Ltd.)) gives proof of the economic origins of slavery. Although designed as a case study of Great Britain, the conclusions drawn from his book could also be applied to other capitalist systems at that time. One of the conclusions states: "The commercial capitalism of the eighteenth century developed the wealth of Europe by means of slavery and monopoly". See also, for a general introduction to colonialism in the United Nations context, Remnants of the Empire: The United Nations and the End of Colonialism (published for the Council of Foreign Relations) (New York and Evanston, Harper and Rowe, 1960). For a full account of United Nations action in the field of colonialism and self-determination, see: United Nations Action in the Field of Human Rights (United Nations publication, Sales No. E.79.XIV.6), pp. 23-44; Jonathan Derrick, Africa's Slaves Today (London, Allen and Unwin Ltd., 1975), p. 203; Hubert Gerbeau, Les Esclaves Noirs: Pour Une Historique du Silence (Paris, André Ballad), p. 205.

43/ E/CN.4/Sub.2/322, paras. 226-290.

44/ A/AC.109/655, para. 8.

45/ See Gillian and Suzanne Cronje, The Workers of Namibia (London, International Defence and Aid Fund for Southern Africa, 1979).

46/ A/36/24.

35. In several United Nations bodies dealing with human rights the question of the similarity of the position of the Palestinians to that of people living under colonialism has been raised.

36. In connection with the question of colonialism as a collective form of slavery, the attention of the Working Group on Slavery was drawn at the Group's sixth session, to the situation in East Timor. 47/

37. The Working Group itself has been given comparatively little evidence on colonialism, no doubt from a desire not to duplicate the detailed work being done in this field by other bodies of the United Nations.

C. Slavery-like practices involving women

38. A considerable corpus of evidence relates to slavery-type practices of which women are the particular victims. M. Wollstonecraft 48/ and J.S. Mill 49/ compared the unjust power of men and their attitudes to women with those of slave-masters, and Gunnar Myrdal 50/ has pointed out that the ninth commandment in the Biblical Old Testament, which links women with servants, mules and other property, was used to justify slavery. Men who think of woman's rights as a comparatively recent recognition or movement may be surprised to know that Mary Astell said as long ago as 1700: "If all men are born free, how is it that all women are born slaves? As they must be, if being subjected to the inconstant, uncertain, unknown, arbitrary will of men be the perfect condition of slavery." Janet Radcliffe Richards more recently and specifically has pointed out: "Slavery can be not only enforced, unpaid, labour, but also underpaid work into which people are coerced by the unfair power of others. This description can apply to a great number of women, especially housewives and even mothers: but it can also be extended to the situation of many others." 51/ Simone de Beauvoir and others have described "the colonization of women" which is economically so profitable to men. 52/ Certainly in this sense, virtually every society oppresses women, albeit in different ways and guises.

47/ E/CN.4/Sub.2/447, para. 65.

48/ A Vindication of the Rights of Women (London, 1792).

49/ On the Subjection of Women (London, 1869).

50/ An American Dilemma (New York, Harper, 1944).

51/ J.R. Richards, The Sceptical Feminist (Harmondsworth, Middlesex, Penguin Books Ltd., 1982).

52/ Le Deuxième Sexe (Paris, Gallimard, 1949). See also eg. G. Greer, The Female Eunuch (London, MacGibbon and Kee, 1970).

Equally certainly, men in reality will benefit as much as women from such issues being constructively examined, since the attainment by women of their full rights would enable half the human population to contribute their just potential to a more civilized and equal society. "Human rights" must not be diminished into being merely "the rights of men". There should, therefore, be no feeling of cultural sensitivity or sectional solidarity when looking at such problems: the consideration of abuses of the dowry system, for example, which has been strongly condemned by Mahatma Gandhi, is not a denigration of the characteristics of any particular country. Overdue efforts to end discrimination against women in general are being undertaken elsewhere in the United Nations. Here it is right to consider only certain of the most extreme forms of exploitation and abuse, although too often these would appear to be merely the most dramatic symptoms 53/ of a wider cultural malaise compounded of unjust and often violent male psychology, which needs to be remedied by a comprehensive change in social and educational attitudes. (The inherent difficulty of achieving such reforms while the structures of power are controlled by men was illustrated in Switzerland in 1982, when the all-male assembly of the Canton of Appenzell voted once again to deny women votes).

(i) Involuntary marriage and abortion

39. Involuntary marriages are oppressive when a woman has no option or right to refuse, or when she is transferred against her will to another person, or on the death of her husband is automatically inherited by another man. As an unusual contrast, in June 1982 a number of shotgun or forced marriages of men were reported to have taken place recently in Bihar because of soaring dowry demands. 54/

40. A multiple example of a different violation, the involuntary termination of motherhood, has recently been reported as having taken place in China in 1981, when 47,000 pregnant women in eastern Guangdong province were kidnapped, handcuffed and despite their protests and screams, forcibly aborted as State policy. 55/

(ii) Traffic in women: recent trends

41. In 1974 INTERPOL sent a report to the United Nations Sub-Commission on "Traffic in Women: recent trends" 56/ which concluded that "Disguised traffic in women still exists all over the world", including as examples that: South American women - mostly Argentine women or women who have visited that country - are

53/ For a comprehensive collection of such examples, see Kathleen Barry, Female Sexual Slavery (New York, Prentice Hall, 1979).

54/ The Guardian, 29 June 1982.

55/ Jonathan Mirsky, New Society, 18 February 1982.

56/ E/CN.4/Sub.2/362.

"exported" to Puerto Rico, to the European Mediterranean countries, or to the Middle East. ... There is a European regional "market", mainly in French women who "work" in neighbouring countries, mostly in Luxembourg and Federal Germany (in "Eros Centres"), but women from South America and other countries are sometimes involved. There are links between this "market" and other regions, notably the Middle East ... Some traffic networks apparently recruit women in Europe send them to certain African countries which have reached a point in their development which allows the international exploitation of prostitution (Ivory Coast, Senegal) ... There is an East Asian market which recruits women - mostly from Thailand, but also from the Philippines - and sends them to other countries. ... The statistics received from Lebanon give reason to believe that there is a concentration of prostitution in this country. The women involved come mainly from other Arab countries, but also from many other countries. The situation would appear to be the same in Kuwait.

42. Several further specific cases, involving Indonesia, were described by INTERPOL in evidence to the Working Group at its fifth session (1979). ^{57/} On 8 May 1981 the following resolution was adopted by the Economic and Social Council:

"1981/40. Combating the traffic in persons and the exploitation of the prostitution of others

The Economic and Social Council

Recalling its resolution 1980/4 of 16 April 1980, in which it requested the Secretary-General to prepare a report on the application of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,⁶⁹

Recalling also resolution 1 (XXVII) of 4 April 1978 of the Commission on the Status of Women,⁷⁰

Considering the provisions of resolution 43 on the exploitation of the prostitution of others and traffic in persons, adopted by the World Conference of the United Nations Decade for Women,⁷¹

Considering that slavery may be defined as the condition of a person who is entirely under the domination of another,

Having been informed that, for these reasons, the Working Group on Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities has been invited to collaborate in the preparation of a study on procuring,

Considering further that these practices, frequently condemned by various United Nations bodies, constitute a flagrant violation of human rights.

^{57/} E/CN.4/Sub.2/419, annex.

Considering that the combating and suppression of such traffic involves a number of different national and international organizations,

Requests the Secretary-General to undertake an inquiry among the Governments of Member States and the international organizations concerned - the regional commissions, the Office of the United Nations High Commissioner for Refugees, Interpol and the international non-governmental organizations concerned - on the status of the question and to report thereon to the General Assembly at its thirty-seventh session so that, with full knowledge of the facts, joint measures can be envisaged to put an end to this form of slavery."

43. Recent examples of the fact that such traffic is not extinct include recent reports that in February 1982 the Australian police arrested an Argentine white-slave gang organizing South American prostitutes in Melbourne 58/; that in April 1982 the United States police were investigating allegations that over 150 young female singers from Hawaii and California had been forced into prostitution in Yakuza brothels in Japan, 59/ and that in May 1982 the Swedish police asked for INTERPOL's help against a Singapore-based gang who had been abducting Scandinavian girls and forcing them into prostitution in the Far East. 60/

(iii) Exploitation of prostitution

44. Although attitudes towards the practice of prostitution often involve hypocrisy (when, for example, only female offenders are punished and the responsibility of men ignored), participation in voluntary prostitution can be considered a matter of personal moral choice, whereas its exploitation (involving coercion of children, for example) falls fully within the terms of the present report. The exploitation of prostitution can be termed sexual slavery where a woman or child is owned, unable to change her residence, or forced to do acts she does not wish to perform. Her owner may turn her into a drug addict and then withhold drugs until she agrees to do whatever she is told. 61/ Some women, especially in some Moslem societies, who have been raped or seduced are thereafter compelled involuntarily to work in houses of prostitution because they are ostracized by their families and neighbourhoods. The Observer for the Commission on the Status of Women, Ms. Cockcroft, told the Sub-Commission at its thirty-first session (1978) 62/ that the Commission considered enforced prostitution to be a form of slavery, expressed grave concern concerning the enticement and abduction of young girls for such

58/ The Guardian, London, 15 February 1982.

59/ Sunday Times, London, 25 April 1982.

60/ The Observer, London, 9 May 1982.

61/ S. Barlay, Bondage: The Slave Traffic in Women Today, (New York, Funk and Wagnalls, 1968) pp. 8-9.

62/ E/CN.4/Sub.2/SR.812, para.4.

purposes, and reported that there was evidence of a continuous and possibly increasing traffic in young females in and between several countries in the world. Several members of the Sub-Commission drew attention to the additional problems of the growth of reported male and child prostitution. A non-governmental organization described to the Working Group at its fifth session (1979), the consequences in human terms of this situation in parts of north-eastern Brazil, where some 50,000 young people (some aged only 12 or 14) struggled to survive in brothels of extreme exploitation - often being condemned to this existence through being bought from their parents or because they had been raped when working as domestic servants. Their fees are paid not to them but to madams who extort exorbitant amounts for food, clothes and lodging; the girls are thus kept in a form of bonded labour, sometimes being physically locked up or forced to become dependent on drugs. While prostitution is illegal in Brazil, redress under the law is rarely accessible to the poor, and those who exploit prostitution operate mostly outside the reaches of the police. ^{63/} A representative of another non-governmental organization told the Working Group at its seventh session (1981) about the exploitation of male children and adolescents for prostitution in certain south-east Asian countries, often organized on behalf of tourists from developed countries in Europe. The representative of the Sri Lanka Government confirmed to the Working Group his Government's concern at this burgeoning practice. It is in general the tour organizers who benefit economically from the traffic of sex tourism, rather than the women or children who are trapped in economically desperate circumstances. But it has been estimated that the 15,000 prostitutes in Thailand and 7,000 in the Philippines who cater for foreign male tourists form less than 7 per cent of the total number of prostitutes in each country, and that the most extreme forms of exploitation exist in the less visible "closed" brothels operated for the nationals in certain countries. ^{64/} The present Special Rapporteur, when in India, saw a study on prostitution in Bombay prepared by an Indian medical team working for the Bombay Municipal Corporation which indicated that 25 per cent of prostitutes in the Bombay area (many of them from Nepal) were actually slaves, i.e. having been sold by agents to brothels.

(iv) The double disadvantage of women living under apartheid

45. It should not be forgotten that black women in South Africa suffer the double disadvantage of living under apartheid while also being exploited as women, with their labour being used in white areas while they are forbidden by law to live with their husbands and families. ^{65/}

^{63/} E/CN.4/Sub.2/AC.2/27, annex II.

^{64/} Jane Cottingham, "Sex included", in Development Forum (Geneva, June 1981), p. 16.

^{65/} See, e.g., Elizabeth Landis, Apartheid and the Disabilities of African Women in South Africa (New York, United Nations, Unit on Apartheid, 1973), and Hilda Bernstein, For Their Triumph and Their Tears (London, International Defence and Aid Fund, 1978).

(v) The genital mutilation of female children

46. A Ghanaian woman, speaking on behalf of a non-governmental organization, the Minority Rights Group, raised before the Working Group at its seventh session (for the first time at a United Nations forum), the massive problem of the genital mutilation of female children, a practice devoid of rational justification which permanently, painfully, and involuntarily affects many million women in over 20 countries. ^{66/} If assaults of such a degree had been carried out on men, action would have been taken long ago. Consideration of such problems does not imply any imposition of outside cultural views: it is the wish of many Africans (both male and female) that the United Nations should provide assistance in the fields of health and education to reform such negative traditions. Article 5 of the 1956 Supplementary Convention outlaws the act of mutilating slaves. By law, girls of so young an age cannot be capable of validly consenting to such assaults; and under the Convention on the Elimination of Discrimination against Women ^{67/} States Parties undertake "to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women". The following is an extract from the statement of the representative of UNESCO to the Sub-Commission at its 910th meeting, as reported in the summary record of that meeting: "With respect to sexual mutilation of female children, it should be pointed out that such practices were generally not based on deep ethical and religious traditions among the societies following them, as had too often been thought. Research work undertaken by UNESCO on the place given to human rights in cultural and religious traditions rather tended to show that the principles and values on which world traditions and religions were based were of an eminently humanistic character and showed respect for the most fundamental human rights. As Mr. Whitaker had pointed out at the preceding meeting, and as the Working Group on Slavery had also observed, the background of such mutilations was not merely cultural: it was psychosexual, sociological and pseudo-hygienic and a part of the phenomena of discrimination against women which had existed in every age and in most societies. It was on those lines that UNESCO was pursuing its research with the assistance of the persons concerned, and it was on the basis of such work that information and educational programmes, designed to persuade rather than to prohibit, could be planned." ^{68/}

47. Differing views were expressed in the Sub-Commission as to the most appropriate forum in which to pursue this question, but there was unanimity as to its importance.

^{66/} See, e.g., Female circumcision, excision and infibulation: facts and proposals for change, ed. S. McLean, (London, Minority Rights Group, 1980).

^{67/} General Assembly resolution 34/180 of 18 December 1979.

^{68/} E/CN.4/Sub.2/SR.910.

(vi) The sale of women

48. The sale of women is not extinct. Mr. Ashwani Sarin, an Indian journalist, proved this in 1981 by purchasing a 25 year-old woman for 2,300 rupees (equivalent then to £130 or \$306) at Morena in Madhya Pradesh. 69/

(vii) Killings for reasons of dowry

49. Several incidents of other practices have been reported from India. But it should be remembered that India's total population is twice that of the whole of Europe, and benefits from a lively free press as well as an independent legal system. At least seven cases of "Sati" or "Suttee" (the burning of widows) were reported in 1980 and gave rise to fears of a revival of this practice. 70/ The Indian Express, in its edition of 1 November 1981, also reported details of 38 recent cases alleging unnatural deaths involving suspected killings for reasons of dowry. Ajoy Bose alleges that there were at least 200 cases in New Delhi during 1981 of young wives who were either forced to commit suicide or murdered by their husbands or in-laws for not bringing enough dowry. 71/

. D. Debt bondage

50. Ms. Judith Ennew, in a report published in 1981 72/, traces the history of debt bondage in different areas of the world and states:

"If slavery is viewed as a labour system it differs from capitalism in only two respects. The first is the legal code of slavery which differentiates between free and unfree labour. The second is the provision of wages to free labour under capitalism. In classical Marxist terms the modes of exploitation in each case are remarkably similar in that it is unpaid labour which provides the surplus value for both slave owner and capitalist. But the slave's labour time seems to be totally unpaid whereas the wage worker appears to receive full recompense for his labour time. The wage labourer, because he is a free agent, is not the responsibility of the capitalist, unlike the slave who is maintained by the slave owner as part of his fixed capital. Southern slave owners claimed that slavery was a proper system because, if benevolently governed and administered, it could ensure the welfare of the labour force in work, sickness and old age. Under capitalism, the work force is entirely at the mercy of the market and has no guarantee of wages, subsistence or welfare benefits. Yet, on the other hand, it is precisely the legal freedom of labour through which the buyer and seller of labour are equal in law, which enables labour movements to

69/ The Times, London, 18 August 1981.

70/ S.K. Singh, in Women's International Network News, (Lexington, Mass., Summer 1981).

71/ The Guardian, 29 April 1982.

72/ Judith Ennew, Debt Bondage - A Survey (London, Anti-Slavery Society, 1981). See also the Report for 1981 submitted by the Anti-Slavery Society to the Working Group on Slavery (E/CN.4/Sub.2/AC.2/50/Add.1).

secure wages, working conditions and State welfare systems in the face of capitalist exploitation. Emancipation from legal systems of chattel slavery is tied to the necessity for labour to bargain for the conditions of its existence, as much as it is tied to any abstract notion of an inalienable, essential human right to freedom.

"It is in the passage from modern slave systems in the aftermath of emancipation that certain forms of debt bondage occur, and the influence of legal structures upon the structure of labour systems is an important aspect of this transition. Emancipation does not de facto produce a free wage labour force because the slave owner/capitalist seeks new legal forms through which he can exploit the former slave workforce at the same rate. Failing that he imports a new labour force under new legal conditions. The forms taken by both expedients are similar to those which evolved in the South American situation after slavery failed to develop.

"Two strategies emerged in the historical situation, both of which appeared in the preceding case studies and both of which concern the manipulation of debt in order to tie labour to exploitation by a particular employer. These strategies are well documented for the post-emancipation period in North America and the Caribbean. In the first strategy slave owners, who wished to retain former slaves who were unwilling to perform plantation labour, were forced to draw upon new sources of labour from another area by means of indentures or contracts to labour for specific periods of time. Contract labour systems manipulate debt in three ways. First, in recruitment, debts may be incurred through the activities of recruiting agents or through direct taxation in order to press recruits into signing contracts. Second, the debts may be incurred for travel, subsistence and housing, in order to retain workers and force them to sign on for another term. Finally debt at the workplace may be encouraged through gambling or drinking as was the case described above for Sumatra. The legal situation in Sumatra has been repeated in many other parts of the world and exhibits a pattern historically, in which the interests of emergent capitalist colonial enterprises conflicted with those of more liberal central governments.

"Legal devices which aid the abuse of contract labour are emigration laws, vagrancy ordinances and poor law regulations. The first circumscribe whole migrant populations and the last two ensure that labour is bound to work to avoid legal sanctions. Indeed, it is common for convicted 'vagrants' to be punished by forcing them into new indentured contracts. From the evidence of actual prosecutions in nineteenth century British Guiana, for instance, it is demonstrated that:

'The planters ... pretty well orchestrated the law without regard to actual offences and primarily for the purpose of labour discipline'
(Adamson: 1978: 470).

Contract labour appears to have been the principal means by which plantation and large scale mining enterprises either delayed or modified the transition from slavery to freedom until the conditions for the successful operation of capitalist relations were secured. While contract labour systems do not necessarily involve the manipulation of debt to enslave the labour force, they are clearly open to abuse in this way. This is particularly likely to be the case where the contract labour is drawn from a different ethnic group which is politically or economically dominated by the local population and employer classes. Effective, well-administered, legal safeguards are necessary to

avoid contract labour systems developing into debt slavery and it might not be too strong to suggest that contract labour systems should be abolished entirely.

"The second strategy adopted to tie labour after emancipation was the most long-lasting and effective. It is not a strategy limited to post-emancipation but can be found almost universally as in the transition from feudalism to capitalism in Europe and as the outcome of colonial land reforms in India. The general descriptive term I apply to this practice is peasant bondage. Even if one takes into account arguments over the definition of 'peasantry' the worldwide incidence of this type of bondage is linked with the existence of small-scale agricultural and fishing enterprises and with petty commodity production. The principle upon which this is based in agriculture is share-cropping but what it amounts to is shared ownership of the principal means of production, with the exception of labour. This should be at the disposal of the free labourer unless or until debt forces him to place it indefinitely at the disposal of a creditor-master ...

"In the post-emancipation South of the United States new sources of credit were supplied by merchant storekeepers who had access to Northern credit and markets. They rapidly established 'territorial monopolies' over credit in particular areas in which they could charge two sets of prices to cash and credit customers respectively. Many merchants eventually invested in land and all came to be seen as oppressors and exploiters. To the detriment of both the land and peasant self-sufficiency, they tended to insist upon the cultivation of a single crop, usually cotton, for which they had ready markets. This led to further indebtedness on the part of farmers who had no choice but to purchase subsistence goods from the local merchant at inflated prices."

51. In the United States today, the offence of peonage is committed if a worker is prevented from leaving a job because a debt to his employer has not been repaid. It is immaterial whether the debt is real or imaginary. The Workers Defense League estimates that there are some 10,000 cases of peonage at present in the United States each year 73/, often amongst illegal aliens who are susceptible to blackmail.

52. In Itaipu, the district capital of Serra Pelada (Rio Grande do Norte, Brazil), it is reported that: "Labour contractors from the booming Amazon basin would pass through, offering 'free' transport, food, shelter and clothes in exchange for two years bonded labour without wages. At the end of this period, the man would in theory be free. In fact he would have run up more debts for food supplies and remain in bondage until he got too old or sick to be able to work well. I was told in the Amazon basin that if a man tried to escape and was caught, he would often be killed." 74/ Dwarko Sundrani has highlighted the oppression that can result: "In slavery, the master has a responsibility to feed the slave; here the (bonded)

73/ WDL News, Winter 1982 (Workers Defense League, 15 Union Square, New York, N.Y. 10003).

74/ Paul Harrison, Inside the Third World: The Anatomy of Poverty (Harmensworth, Middlesex, Penguin Books Ltd., 1979).

labourer cannot go and work on another's land. But on the landlord's land, that labourer will get food only on the day that he has worked. If there is no work, no food. Suppose there is rain, there is no work. That day he will not eat".

53. Some bonded labourers in present-day India are tricked and have been paid nothing for seven years. 75/ A recent campaign against bonded labour, which recently led to the freeing of 100 slave families from a stone quarry in Haryana, met stiff resistance from the state government. 76/ Mr. Singhvi, the Indian expert member, told the Sub-Commission 77/: "Debt bondage existed in India in spite of legislation prohibiting it. In my country's experience, very few cases were ever brought to court, because both debtor and creditor were reluctant to disclose information on the subject, even though holding persons in such bondage was an offence punishable by imprisonment and the debt would be cancelled. The problem was not peculiar to India and even in such advanced economies as that of the United States a form of debt bondage existed, whereby purchasers could be exploited. But it was in countries with transitional economies that the practice was most prevalent."

54. Mr. Peter Davies of the Anti-Slavery Society subsequently wrote in The Times: "This important topic is perhaps the closest modern equivalent on a large scale to the chattel slavery, which now exists only in relatively small, though still important, pockets. Although the phenomenon of bonded labour is by no means confined to India, the sheer size of the subcontinent naturally ensures that the numbers involved are proportionately great. At the same time it is in India that serious efforts are being made to understand and to abolish the practice: the recent conference in Delhi organized jointly by the National Labour Institute and the Gandhi Peace Foundation is a good example of the attention which is now being focused on the problem by influential academics, and others. There are those who believe that Mrs. Gandhi's attempt to outlaw the system in 1975 contributed at least as much to her temporary downfall as Sanjay Gandhi's over-enthusiasm for sterilization. It is to be hoped that this experience will not deter her from attempting once more to eradicate a practice which is deeply embedded in the rural society of India. The causes are various and cannot easily be separated from other seemingly permanent elements in India's traditional way of life: these include caste, the dowry system and the large family as well as the pressures of poverty and of antiquated systems of agriculture and manufacture."

75/ The Times, London, 3 June 1981.

76/ The Guardian, 13 May 1981.

77/ As reported in the summary record of the 812th meeting of the Sub-Commission (E/CN.4/Sub.2/SR.812).

55. The Government of India submitted the following report to the Working Group at its seventh session: 78/

"1. The system of bonded labour as it existed in India involved certain restrictions on the persons concerned in their participation in the labour market. Its prevalence was largely an economic phenomenon. The bonded labourer rendered by himself, or through any member of his family, labour or service to the creditor in consideration of the advance obtained by him or in pursuance of any customary or social obligation. This did not give any legal right to the creditor to sell such labour to any other person for a price which is a characteristic of slavery. The worst that could happen to a bonded labourer was to face a suit the creditor could file for recovery of the amount advanced by him.

2. Conscious of the need to eradicate this evil, the President of India promulgated the Bonded Labour System (Abolition) Ordinance on 24 October 1975, which was later replaced by the Bonded Labour System (Abolition) Act, 1976. In this Act, the 'bonded labour system' has been taken care of in all its manifestations and the widest possible definitions have been given to different expressions, such as 'bonded debt', 'bonded labour', 'bonded labourer' and 'bonded labour system'. With the enforcement of this Act from 25 October 1975, the bonded labour system stands abolished and every bonded labourer stood free and discharged from any obligation to render any bonded labour. Any agreement entered into between a creditor and a debtor stood void. The Act also forbids any person from making any advance under, or in pursuance of, the bonded labour system or to compel any person to render any bonded labour or other form of forced labour. Offences under the Act are cognizable and can be tried summarily by a Magistrate. Deterrent penalties are provided for offenders, by fine and imprisonment.

3. Powers have been conferred and duties imposed on District Magistrates to ensure proper enforcement of the Bonded Labour (Abolition) Act, 1976, and they are made responsible for eradication of forced labour under debt-bondage. Statutory Vigilance Committees have also been constituted at district/sub-divisional levels for aiding and advising the enforcement authorities and providing, through co-ordination of functions, economic and social rehabilitation of the freed bonded labourers.

4. Action by Government: The problems of the bonded labour system, which is basically an economic malady, are linked with the conditions of the rural poor, particularly those belonging to groups of scheduled castes and scheduled tribes, and unemployment and underemployment. The sixth five-year-plan 1980-1985 envisages a massive allocation of resources in favour of rural areas and the beneficiary-oriented scheme with an in-built redistributive character in almost all relevant programmes. The programmes like integrated rural development, national rural employment programmes, the tribal sub-plan and the scheduled castes component plan are further directed to achieve tangible results in raising the level of living of the rural poor and

in particular those belonging to scheduled castes and scheduled tribes. It is hoped that with the three-pronged strategy of legislation, prevention of exploitation and positive socio-economic measures, the obnoxious system of bonded labour will be eradicated completely in due course of time."

56. According to a national survey by the National Labour Institute and the Gandhi Peace Foundation, there are believed to be still over two million bonded labourers in India, despite the abolition by law of the bonded labour system. The survey showed that 84 per cent were Harijans or tribal people. This is only one example in this whole subject of the limited effects that even well-intended laws and conventions have in the absence of proper implementation and other measures. Colonel Patrick Montgomery, whose work has done so much to place the eradication of slavery on the United Nations agenda, wrote in The Times: 79/

"Article 23 (1) of the Indian Constitution states: 'Traffic in human beings and begar (bonded labour) ... are prohibited ...'. Yet every annual report of the Commissioners for Scheduled Castes and Scheduled Tribes since this office was established in 1947 has drawn the Government's attention to the continuing prevalence of bonded labour in the country. In 1975 Mrs. Gandhi, as Prime Minister, said 'Bonded labour is barbarous and will be abolished'. The law is not enforced because the land-owners and money leaders, whose wealth and power derive from debt-bondage, control the panchayats (councils) at village and all higher levels, the only tribunals to which bonded labourers can take their grievances. Government officials generally share a caste back-ground approximating to that of the land-owner and are unlikely to implement laws which might weaken their power."

57. Other significant cases have been cited to the Working Group in some areas of the Middle East and involving several Central and South American countries (see below, Part II). Paul Harrison commented about the problem's continuation:

"The liberal régimes of the nineteenth century passed legislation restricting the worst of these forms of personal servitude, and abolishing slavery. The landlords ignored the laws, and introduced indentured labour and debt bondage to take the place of slavery. Peasants would be given loans to pay for food and clothing, which had to be bought at inflated prices in the landlord's own shops. The loans would be repaid with labour, but they never grew any less, and when a man died his debt would be inherited by his son." 80/

79/ The Times, London, 20 March 1982. See also, "Workers who are paid in prison", The Guardian, 14 April 1982.

80/ Paul Harrison op. cit.

58. The effective abolition of this practice is likely to require: economic development which assists the poorest peoples; suitable measures of land reform and the provision of adequate credit, co-operative and marketing facilities; educational programmes about rights; legal aid; and the proper enforcement of relevant legislation. Some welcome programmes of land reform have been commenced in India, Bangladesh, a number of areas of the Middle East and Latin America, and elsewhere. But, as was pointed out at the 1966 World Land Reform Conference, in some countries where land reforms have been undertaken which should help to abolish these forms of serfdom, political power is in fact in the hands of those who themselves exploit the tenants, and a number of Governments are failing to make a real effort to enforce the land reform legislation they have passed. ^{81/} The experience of FAO in the abolition of semi-feudalistic land-tenure systems in various parts of the world together with the eradication of debt-slavery through the development of credit and marketing co-operatives should be drawn upon more widely. The ad hoc Committee on Slavery in 1951 formulated basic principles for incorporation into national legislation to abolish debt bondage, and requested that the Economic and Social Council should recommend them to Governments. ^{82/}

E. Exploitation of child labour

59. The situation regarding the exploitation of child labour has been excellently analysed in a recent report by Mr. Bouhdiba. ^{83/} His study documents show considerable number of children are being exploited, including for bonded service and child prostitution. Much of the evidence for his analysis had been given by non-governmental organizations to the Working Group on Slavery, and it has been suggested that the Working Group can continue to perform a constructive role by considering future evidence and monitoring progress in this field.

60. The children of migrant workers, and pro tanto illegal immigrants, are especially liable to exploitation, being for the most part outside the protection of labour and safety regulations. After the death of two 10-year-old children in the mines in 1970, the Federal Republic of Germany found 97,800 children were working illegally.

61. The ILO in its recent valuable studies Child Work, Poverty and Underdevelopment: ^{84/} and Minimum Age ^{85/} estimate that 75 million children aged from eight to fifteen are at work in developing countries, with a few being bonded for life at 8 years old in part-payment for debts ^{86/}, often to the serious detriment of their health and educational opportunities. The first-mentioned ILO study concludes: "Some child work is clearly highly exploitative, and particularly so by virtue of children's weakness as a group. Children are highly exploitable, and it is right to be concerned to focus on those circumstances in which their vulnerability is manipulated to their lasting disadvantage." The 1981 United Nations Economic and Social Survey of Asia and the Pacific condemned the "unscrupulous abuse of child

^{81/} Report of the World Land Reform Conference, 1966 (United Nations publication, Sales No. E.62.IV.10), p.46.

^{82/} E/1988, chap. III, recommendation C.

^{83/} E/CN.4/Sub.2/479.

^{84/} Ed. G. Rodgers and G. Standing (Geneva, ILO, 1981).

^{85/} Geneva, ILO, 1981.

^{86/} Despite, e.g. The Children (Pledging of Labour) Acts of 1933, 1950 and 1951 in India.

labour" widely practised in some poorer countries of Asia, reporting examples where "many thousands of children, some as young as six years, are virtually sold into annual or lifetime work in farms, homes, factories or brothels". Cases are also reported from advanced countries, particularly since increases in unemployment: in the United Kingdom it was reported in 1980 that a 12-year-old girl was working in Birmingham 56 hours for £5 a week. 87/

F. Forced labour

62. The Abolition of Forced Labour Convention 1957 (No. 105) is wider in scope than the 1930 Forced Labour Convention (No. 29). The ILO's most recent survey of compliance in 1979 88/ reports that "While certain forms of compulsion to work now encounter general disapproval, new provisions adopted on economic and social grounds may lead to the exaction of work, under the menace of a penalty from persons who have not offered themselves voluntarily for this ... Similar compulsion may arise from penal provisions on vagrancy or similar offences which are too widely worded ... Certain countries still impose compulsory labour on unconvicted prisoners or permit administrative authorities to impose penalties involving compulsory labour ... The 1957 Convention supplements the earlier instrument in requiring the abolition of any form of compulsory labour that would be imposed as a punishment or means of coercion or education on persons who have infringed labour discipline, participated in a strike or expressed certain political or ideological opinions; the Committee has considered that the Convention protects these persons against the imposition of any form of compulsory labour, including compulsory prison labour ... Punishment involving compulsory labour for participation in a strike ... applies more generally to strikes in the public sector or even throughout the economy ... The 1957 Convention also prohibits any form of compulsory labour as a means of political coercion or education or as a punishment for expressing certain views. The survey has reviewed the range of activities thus protected and the limitations that must be accepted as normal guarantees against abuse. In its previous survey, made during the International Human Rights Year, the Committee reached the conclusions that in a number of countries penal provisions enforced by sanctions falling under the Convention prohibited the manifestation of any political or ideological opposition or of particular doctrines, and that, sometimes too, problems in the application of the Convention appeared to arise from wide discretionary powers of preventive control granted to administrative authorities and not subject to any judicial review, yet enforced by penalties involving compulsory labour. Eleven years later, certain cases mentioned in the present survey call for a similar conclusion." 89/

87/ Labour Weekly. (London, 18 July 1980).

88/ International Labour Conference, 65th session, Report III (4B), 1979.

89/ Ibid. Conclusions.

63. Evidence to the Working Group at its seventh session by a NGO, the International Defence and Aid Fund, described the abuses of the leasing of prison labour in South Africa to private employers. Although such practices were abolished in the United Kingdom in 1802 and in the United States in 1929, at present approximately 60 per cent of working prisoners in South Africa are contracted to outside bodies. 90/

64. In some respects, oppressive contract labour systems can be more exploitative than chattel slavery, because a slave is a valuable possession whose health and life are worth caring for, whereas contract labourers are expendable.

G. Illicit traffic in migrant workers

65. By its resolution 1789 (LIV), the Economic and Social Council requested the Sub-Commission at its twenty-sixth session to consider this question as a matter of priority, and to recommend what further measures might be necessary for the protection, without distinction, of the human rights of foreign workers. At the twenty-sixth session of the Sub-Commission, Mr. Martinez Cobo said that illicit labour trafficking was assuming highly disquieting proportions in modern times, and was a universal problem not confined to any one part of the world. 91/ Mr. Santa Cruz cited the recent example of "the discovery in the Mont Blanc tunnel of two lorries carrying Africans virtually forced to work in France. The issue, in fact went beyond the question of the exploitation of labour through illicit and clandestine trafficking and had rather to do with slavery". The case referred to was the discovery of 59 illegal migrant workers from Mali, packed into a sealed lorry in June 1973. 92/ Mme Warzazi pointed out that the exploitation of foreign workers was carried out by unscrupulous private individuals, not by Governments. Mr. Capotorti stated that the exploitation of labour through illicit trafficking could take place even within an advanced country, such as between the south and north of Italy. The selling for foreign currency of those who wish to leave the Germany Democratic Republic was criticized at the thirty-second session of the Sub-Commission. 93/ More recently there have been reports of illicit clandestine trafficking in migrant labour (involving deaths in the Arizona desert) from Latin America into the United States. 94/

90/ E/CN.4/Sub.2/AC.2/50/Add.2.

91/ E/CN.4/Sub.2/SR.692/Add.1.

92/ J. Power, *Western Europe's Migrant Workers* (London, Minority Rights Group, 1978).

93/ E/CN.4/Sub.2/SR.844, para. 13.

94/ Regarding the situation of migrant workers in the Dominican Republic, see the Anti-Slavery Society's evidence to the Working Group and the Dominican Government's reply (E/CN.4/Sub.2/AC.2/44). Some of the Haitian migrant workers are reported to have been sold.

66. Illegal immigrants are also extremely vulnerable to exploitation in their place of work. 95/ There are estimated to be 10 million illegal immigrants in all, with some 5-7 million in the United States and perhaps one million in Western Europe. Traffickers and unscrupulous employers of them often retain their passports in order to blackmail them, and siphon off the bulk of their wages. Some who have paid exorbitant sums to be smuggled into a country are abandoned, with no work available. Illegal migrant workers are not eligible for welfare or safety protection, and have no legal recourse against blackmail or oppressive exploitation. Their families also live in permanent fear. The penalties imposed on traffickers or oppressive employers are almost invariably smaller than their profits, so the practice continues. 96/

H. Exploitation of hard-drug addicts

67. The spread of trafficking in a number of addictive drugs is not only a source of increasing concern for many countries, but may be viewed as having the effect of creating a whole new segment of a modern type of slavery amongst users whose dependence makes them vulnerable to unscrupulous and illegal exploitation.

I. Traffic in children

68. A substantiated example of this was described to the Working Group at its sixth session which heard evidence from a social worker in Bangkok, speaking on behalf of a non-governmental organization, the Minority Rights Group, that considerable numbers of young Thai children are sold each year for prices from 150 to 1000 baht (\$7.50 to \$50) in a professionally-organized market that supplies factories, brothels and massage-parlours. The witness testified that more than 500 children each week were changing hands for money at Bangkok railway station alone, from professional "child-catchers" who exploited poverty in the rural areas. 97/ The Thai Government subsequently on 3 December 1980, expressed its concern and promised to put a stop to this. 98/

69. Growing concern is being expressed at the separate practice of the sale of children for adoption, generally by developing to advanced countries. A lawyer was recently charged in Bogota with buying two children for \$600 and then selling them illegally for adoption for \$10,000 each, and was accused of having sold 500 Colombian and 100 peruvian children in this way. 99/ Some children had disappeared without their parents' consent. Ecuador has recently forbidden the adoption of children by foreigners in an attempt to stop such exploitation, but in

95/ See the study by Mrs. H.E. Warzazi, "Exploitation of labour through illicit and clandestine trafficking" (E/CN.4/Sub.2/351, 352, 629, 636 and 640).

96/ See also John Crewdson, New York Times, 19 and 20 October 1980.

97/ See "The price of a child", a report submitted by the Minority Rights Group to the Working Group on Slavery at its sixth session. For a summary of the statement made by the representative of the Minority Rights Group see document E/CN.4/Sub.2/447.

98/ E/CN.4/Sub.2/461.

99/ Newsweek, 2 November 1981.

central America many children, left as orphans after their parents had been killed in guerilla fighting, remain vulnerable. Terre des Hommes has called attention to unregulated private agencies in the Netherlands and the Federal Republic of Germany which offer babies from poorer countries for adoption by mail order. 100/ In May 1982 the Swiss federal authorities began an inquiry into allegations of a baby-smuggling syndicate between Sri Lanka and Switzerland, which charges Sw. frs. 10,000 (£2,800) for a baby, but pays only Sw. frs. 25 to its mother. 101/

J. Traditional slavery and other serious cases

70. As recently as 1966 Germaine Tillion, one of the best informed European ethnological authorities on the francophone Sahara, stated that slavery, though forbidden by both secular and Islamic law in eight named countries, was still widely practised and tolerated in all of them. Today this is no longer true. There is no doubt that the action of newly independent Governments to eliminate slavery has been encouraged both by publicity and by discussion at the United Nations.

71. The Commission on Human Rights at its thirty-eighth session, by resolution 1982/20, decided "pursuant to an invitation by the Government of Mauritania, to authorize the Sub-Commission to send a delegation not exceeding two persons ... to visit Mauritania in order to study the situation and ascertain the country's needs." This resulted from evidence submitted to the Working Group at its seventh session and Sub-Commission at its thirty-fourth session by a NGO, the Anti-Slavery Society, contending that, despite the formal abolition of slavery in Mauritania on independence in 1960 and again by a decree of 6 July 1980, there were estimated to be 100,000 slaves there out of a population of approximately one million, besides a further 300,000 who are part-slaves or ex-slaves and subject to severe racial discrimination. 102/ A Mauritanian diplomat replied that although progress is being made, "we are aware of the fact that a 1000-year-old social practice cannot be eradicated with the stroke of a pen." More, however, appears to remain to be done both to prevent the sale of former slaves' children, and to formulate concrete proposals to reintegrate the former slave population. 103/ The Information Minister, Dahane Ould Ahmed Mahmoud, states "Slavery is the most primitive, hateful form of exploitation of man by man. We know it still exists in our country. The previous colonial and neocolonial régimes tried to cover up the practice. It will take a long process before we are finally rid of it." 104/ Colonel Patrick Montgomery, one of the United Nations' panel of experts in this field, comments "Because of poverty, particularly in rural areas, former slaves often continue to live in a state of semi-dependence on their erstwhile masters ... Traditional slavery, in this case chattel-slavery, has left a legacy of human problems that have to be dealt with today." The Mauritanian Government has shown by its attitude to the discussion at the United Nations a highly commendable responsibility that is more mature than that of other Governments which seek to pretend they never have any problems within their borders. The Special Rapporteur

100/ New Statesman, London, 15 January 1982.

101/ The Times, London, 12 May 1982.

102/ See also John Mercer. Slavery in Mauritania Today, (Edinburgh, Human Rights Group, 1982).

103/ Newsweek, 7 September 1981.

104/ New York Times, 10 September 1981.

suggests that such co-operation should be recognized and reciprocated by the United Nations mobilizing without hesitation its fullest possible assistance to help Mauritania to alleviate the problem.

72. International action might also protect refugees in South-East Asia from pirates, who are reported to have kidnapped several hundred women in 1981 as well as killing more than 600 in the Gulf of Thailand.

73. A de facto system of slavery had previously been found to exist in Equatorial Guinea. 105/

74. Individual illegal cases of traditional slavery still continue to be reported from several areas. For example, INTERPOL informed the Sub-Commission at its thirty-fourth session that its Benin and Nigeria bureaux had co-operated to track down in Nigeria the kidnapper of a 16 year-old child whom he reportedly intended to sell into slavery. 106/ In February 1981 the Pope, during his visit to the Philippines, described the low wages of some Filipino farm-workers as "virtual slavery" 107/, but physical coercion in addition to economic exploitation has been reported against bonded labourers in some quarries and brick-kilns in India. 108/ The most overt and explicit manifestation has been the organized hunting and sales of Ache Indians in Paraguay in the 1970's which were documented by Mark Munzel, Chase Sardi and others, where Ache parents were being killed and their children sold for \$5 each. 109/

75. One of the United Nations Panel of Experts, Partick Montgomery, recounts:

"In 1977 when I was Secretary of the Anti-Slavery Society, I was asked by the United Kingdom Immigrants Advisory Service to go to a hospital in north-west London to interview a Nicaraguan refugee who had arrived at Heathrow by air from Nicaragua seeking asylum. Immigration officials had told him his papers were not in order and he would be sent back. His terror was such that he was considered deranged and he was sent to hospital. I was asked to give an opinion for the information of the Home Office on whether his story was credible. It was that he had been a slave in the palace of President Somoza. When I asked what proof of this he could give he removed his shirt revealing a cruciform brand mark about two inches wide by three inches long at the top of each upper arm. He said that all of the forty slaves in the household of President Somoza were branded in this way and had their heads kept shaven to facilitate recognition in the event of escape. The penalty for attempted escape was death. I interrogated him for ninety minutes and recorded the interrogation. He spoke in pidgeon English and was clearly terrified he might be sent back. I believe his story was substantially true."

105/ See documents E/CN.4/Sub.2/373, para. 16, E/CN.4/Sub.2/AC.2/27, and E/CN.4/Sub.2/SR.844, paras. 6-8.

106/ E/CN.4/Sub.2/482 and AC.2/49.

107/ The Times, London, 23 February 1981.

108/ "Hunger strike by brick kiln slaves", The Guardian, 7 June 1979; "Indian slave families freed at quarry", The Guardian, 6 May 1981.

109/ K. Glaser and S. Possony, op. cit.

76. Another quite different problem where a number of innocent people, including children, are unjustly held captive arises as a result of inordinate delays in legal processes. At the end of 1981, the Indian People's Union for Civil Liberties successfully filed a writ of habeas corpus on behalf of Ram Chandta, who had been kept in a Bihar jail, since March 1952, without trial for 29 and a half years. The Free Legal Aid Committee of Jamshedpur (Bihar) has taken up for example the case of an eight-year-old boy who, though innocent, has spent his entire life in prison because his mother has been awaiting trial for a petty offence since before she gave birth to him. Other guiltless mothers and children have been incarcerated amongst hardcore criminals for several years, not because they are charged with any offence, but because they may be wanted as witnesses in a case and are too poor to afford bail.

77. But such cases are far from confined to developing countries. Some household servants brought into advanced countries, including Britain, by foreign diplomats and businessmen are reported to work in conditions amounting to slavery, without pay, for seven days a week with no time off being permitted. 110/ Some of such households escape investigation and regulation because of diplomatic immunity. Similar allegations were made by the Anti-Slavery Society to the Working Group at its third session (1977), concerning two diplomats at the United Nations in New York. 111/ Under the United States Federal anti-slavery statutes, involuntary servitude offences are committed when a worker is compelled, by whatever means, to keep a job he or she does not want. INTERPOL reported to the 1981 Working Group the particulars of four separate cases involving the trial and conviction of eleven people in the United States since January 1979. 112/ Since then, in February 1982, three more men were jailed, one for life, for kidnapping and holding migrant workers in involuntary servitude which resulted in the death of one worker in North Carolina. 113/ In a separate case in the same month, a man was arrested in Jakarta on a charge of smuggling and selling Indonesians as unpaid indentured domestic servants in Los Angeles. 114/

110/ The Guardian, 30 December 1981

111/ E/CN.4/Sub.2/399, para. 17.

112/ E/CN.4/Sub.2/482/Add.1 and AC.2/49/Add.1.

113/ New York Times, 23 January 1982.

114/ The Times, London, 4 February 1982.

PART TWO

ACTION TAKEN AT THE NATIONAL LEVEL IN THE FIELD OF SLAVERY

Chapter I

General legislative and other measures to abolish and prevent slavery and the slave trade

78. The problem of slavery and the slave trade was recognized, even at the beginning of the nineteenth century, to be essentially of an international character. 115/ There were few examples of action taken by individual States against slavery at that time: Denmark was the first country in 1784 to forbid its subjects to trade in slaves. France followed in 1794, the United Kingdom in 1807. Russia abolished serfdom in 1861; the United States freed its slaves in 1865 and Brazil did likewise in 1888. Ethiopia provided for the gradual elimination of slavery in 1924. These are examples of unilateral action.

79. The need for the adoption of appropriate national legislation was stipulated by both Slavery Conventions. Article 6 of the 1926 Convention required the High Contracting Parties "to adopt the necessary measures in order that severe penalties be imposed", if their laws did not already make adequate provision for the punishment of infractions under the Convention. Article 1 of the 1956 Supplementary Convention requires States Parties to take all practicable and necessary legislative and other measures for the abolition or abandonment of certain institutions and practices similar to slavery.

80. By mid-1982 93 Member Countries of the United Nations had ratified the 1956 Supplementary Convention. 116/

81. As stated in the introduction to this report, only 31 countries answered the questionnaire on slavery which was sent out in order to update the evidence contained in the earlier Report on Slavery prepared by Mr. Awad. 117/ Of the 93 Member States which are parties to the Supplementary Convention, 26 answered. There was no answer from any of the East European countries parties to the Convention. Replies were received from four countries which are not parties to the Supplementary Convention, namely Cameroon, Colombia, Costa Rica and Nicaragua. The content and substance of replies to the 15 areas covered by the questionnaire varied considerably. One country stated that it was unable to supplement the information given to the questions posed for the 1966 Report on Slavery, 118/ but some countries made a considerable effort to answer most of the questions. Almost all countries which replied stated clearly that there is no slavery in their territory and no participation in the slave trade. In some instances, slavery-like practices were reported, and the countries described the measures they are taking to suppress and prevent these practices. Most of the countries which replied gave ample evidence on the types of legislative, administrative or other measures taken or applied to prevent slavery and to eliminate and prevent slavery-like practices. In addition to mentioning the legislative measures taken, some of the countries made reference to their accession to international instruments concerning human rights and to a number of ILO Conventions. Other countries pointed to the fact that the basic freedoms granted by their constitutions would prevent any type of discrimination based on prejudice relating to sex, race and occupation. Some countries also reported that they give effect to regional agreement on human rights, i.e. the Convention on Human Rights and the Pact of San José, which was signed on 22 November 1969, article 6 of which refers to the prohibition of slavery and servitude. 119/

82. In some countries slavery is absolutely prohibited by laws that severely punish all acts likely to interfere with the exercise of the freedom of the individual, in

115/ For an account of action taken at the international level see part three below.

116/ E/CN.4/Sub.2/AC.2/1982/8.

117/ United Nations publication, Sales No. 67.XIV.2.

118/ Reply of the United Kingdom dated 16 July 1981.

119/ Reply of Colombia dated 3 June 1981.

particular the capture, acquisition or disposal within the national territory of a person with the intent to reduce a person to slavery. 120/

83. Several countries stated that slavery had been abolished at a certain time in the past, "and has never been revived". Since institutions and practices similar to slavery are unknown in a number of other countries, they stated that they see no need to introduce any legislative or administrative measures. 121/ Another country which replied that slavery and the slave trade did not exist, in any form, reported that express provision is not made in the Criminal Code for offences connected with slavery, but listed more general legislation that could be applied, i.e. capital punishment, if a person abducted has been physically tortured. 122/ A local law, the decree of 9 December 1924 on the prevention of the slave trade in French Somaliland, is still applicable. 123/

84. In Costa Rica the term "slavery" has been replaced in the penal code (article 189) by the term "servitude". With regard to enforcement measures, "servitude" is taken to mean the act of enslaving another person since legal doctrine considers that, although the name has changed, there has been no basic change in the concept. 124/ Some countries, like Denmark, gave an account of their anti-slavery legislation going far back in history. In the territory under Danish jurisdiction where slavery last existed, the Danish West Indies (Virgin Islands), negro slavery was abolished in 1848, but the slave trade had already been prohibited by a decree of 1792. A number of countries stressed the fact that, while they participate in international endeavours to eliminate slavery in all its forms, their national labour legislation also prevents any form of forced labour. "Legislation concerning the protection of workers, women and children" reflects its view that the individual is the cornerstone of society. 125/ Another country referred to its Labour Code which provides that an employment contract shall include the following elements: "willingness to be bound, performance of personal service in return for fair remuneration, including, at the very least, the guarantees and rights granted to workers by the Code and its supplementary and related laws". 126/

85. Some countries made reference to Islamic customs (Shariah) as a source of legislation. The Holy Quran urges Muslims to repudiate the enslavement of human beings. It is further stipulated that the master of a slave girl must emancipate her, if she bears him children. "Islamic legislation contains more examples of the emancipation of slaves and the prohibition of the slave trade than we have time to quote in this connection." 127/ The Kuwaiti Criminal Code considers any type of slavery as a criminal offence. "The measures currently being taken with a view to bringing to an end the mutual obligations between slaves or persons of servile status and their masters are laid down in article 185 of the Criminal Code which regards such situations as constituting a punishable criminal offence. ... Slaves have become ordinary citizens and play a role in society." 128/

86. Some countries reported in connection with legislation on slavery (or legislation that could be applied, if a case of slavery should arise), the prohibition of acts of mutilating, branding or otherwise marking a person, especially when this is done in order to indicate the status of a slave or a servile status.

120/ Reply of Nigeria dated 20 October 1981.

121/ Reply of Barbados of 15 January 1981, which was also reproduced in E/CN.4/Sub.2/AC.2/39/Annex I, p.1.

122/ Reply of Djibouti dated 17 May 1981.

123/ Idem.

124/ Reply of Costa Rica dated 3 August 1981.

125/ Reply of Egypt dated 16 September 1981.

126/ Reply of Costa Rica dated 3 August 1981.

127/ Reply of Kuwait dated 24 June 1981.

128/ Idem.

Chapter II

Action taken in specific areas

A. Debt bondage, serfdom and forced labour

87. Allied to slavery and slavery-like practices are the problems of debt bondage and serfdom as they occur in certain countries. Forced or compulsory labour, defined as work or service for which a person has not offered himself voluntarily, 129/ is a slavery-like practice which is not limited to rural areas, but has become a more modern form of exploitation.

88. Few replies were received to the questions concerning these three phenomena and their control. One country replied that, according to its Constitution (1976), debts contracted towards a landowner, in any form whatsoever, for the purpose of farming land which he works directly and personally are completely and automatically extinguished (the former "Kham assat" system), 130/ Another country reported that debt bondage is completely unknown on its territory. 131/

89. Other countries reported that they have introduced legislation which precludes the possibility of debt bondage. 132/ One country replied that none of the political, economic, social or other factors leading to slavery or slavery-like practices had ever occurred there; however, a Presidential Decree of 1972, entitled "Emancipation of Tenants from the Bondage of the Soil", had been passed in order to strengthen the fabric of its society. 133/

90. Legislation prohibiting forced labour is interconnected with the introduction of basic constitutional rights or different kinds of labour legislation. The types of basic rights that some countries reported on include the right to a choice of employment, the right of equal access to all Government jobs, the right to stability of employment, the right to equal pay for equal work, etc. Furthermore, those countries replied that conciliation procedures, labour inspectorates, democratization of labour proceedings, tribunals and trade union representation have been introduced by law. 134/ Other countries have legislative provisions for severe fines if a case of forced labour should occur. 135/ Two countries mentioned that under certain circumstances an exceptional form of forced labour is required, i.e. as an alternative to compulsory military service 136/ or as compulsory national service, which forms part of the education and training of citizens. 137/

129/ For a definition, see ILO Convention No. 29, Forced Labour Convention, art. 2, para. 1.

130/ Reply of Algeria, dated 20 October 1981.

131/ Reply of Barbados, dated 15 January 1981.

132/ Replies of Cameroon, 16 March 1982; the Dominican Republic, 2 June 1981; Mexico, 20 May 1981.

133/ Reply of the Philippines, 16 June 1981.

134/ Replies of Algeria, 20 October 1981; Nicaragua, 6 May 1981.

135/ Replies of Mexico, 20 May 1981; Nicaragua, 6 May 1981.

136/ Reply of Papua New Guinea, dated 27 May 1981.

137/ Reply of Nigeria, dated 8 May 1981.

B. Forced marriage

91. Forced marriage has been defined by the Slavery Convention of 1956 as any institution or practice whereby a woman, without the right to refuse, is promised or given in marriage on payment to her family and can be transferred to another person for value or inherited by another person after her husband's death.

92. Some countries reported on the type of legislation that guarantees that such slavery-like practices do not occur. 138/ Only one country replied that over a three-year period two complaints were recorded in which pressure had been put on a girl by her family. In one case the girl was allegedly kept prisoner by her father for a few days. In both cases, the girls later withdrew their complaints. They did not agree to the marriage desired by their families. 139/ Another country reported that the minimum age for a woman to marry is 12 years, in accordance with its legislation. 140/

C. Prostitution

93. The questionnaire used for the present report, in contrast to the one used by Mr. Awad in 1966, 141/ also dealt with matters covered by the Convention for the Suppression of Traffic in Persons and Exploitation of the Prostitution of Others of 1949. It included some general points (summarized as Question XI), such as a question about legislative action directed against the exploitation of prostitution and the traffic in persons as well as the actual or potential use of different types of measures at the national, regional or international level.

94. Two-thirds of the countries which replied also reported on the general situation of prostitution in their territory. Emphasis was placed on the types of legislative measures taken and applied, including the combating of the procurement of prostitution, offences against minors and offences accompanied by acts of violence or deceit.

95. One country reported that its judicial and administrative authorities are of the view that the white slave trade has been abolished. However the same country also reported that according to a study carried out by the Faculty of Law of the University of the Country and based on a confidential source, fraud is used as an effective means of recruiting women, particularly between 12 and 25 years of age, for traffic with El Salvador, Guatemala, Panama and the United States. An offer of work abroad is the most effective form of fraud used in such traffic between Costa Rica and other countries. Since the trafficker uses appropriate methods, he is convicted not of engaging in the slave trade, but rather of forgery. 142/

138/ Replies of: Algeria, 20 October 1981; Cameroon, 16 March 1982; Costa Rica, 3 August 1981; Mexico, 20 May 1981.

139/ Reply of Djibouti, dated 17 May 1981.

140/ Reply of Spain, dated 19 May 1981.

141/ Report on Slavery (United Nations publication, Sales No. 67.XIV.2), pp. 2-6.

142/ Reply of Costa Rica, dated 3 August 1981.

96. Almost all countries which replied to Question XI gave a description of various laws and fines for prostitution and trafficking, thereby implying that there is some legislative control over these matters in their countries. Some stressed the fact that prostitution runs counter to public order and morality. 143/ One country stated that prostitution has been abolished:

"... the State is very vigilant in this respect as are mass and political organizations and also the neighbourhood councils to ensure that no practice harmful to the collective morality and the family is carried on." 144/

Prostitution in that country has therefore been stamped out not by enforcement measures but rather by the social environment which does not encourage it.

97. Another country's territory, prosecutions for procuring are said to be rare, whereas prosecutions for prostitution are fairly frequent. "The prostitutes are in fact mostly destitute refugees or immigrants". The problem therefore is one of immigration or refugees. Special social measures however have not been taken. 145/

98. Some countries simply reported that prostitution is forbidden, with the apparent implication that such cases do not arise on their territory. 146/ One country, a party to the Convention of the Suppression of the Traffic of Persons and of the Exploitation of the Prostitution of Others, reported that it has no records of the exclusion, repatriation, extradition, expulsion or deportation of foreign prostitutes or of persons engaging in the exploitation of the prostitution of others or in any form of procuring. 147/ A number of countries stated either that examples of the traffic in persons or of the exploitation of the prostitution of others do not exist in their territory 148/ or that existing relevant legislation is practically never applied. 149/

99. Another country replied that although prohibited by law prostitution exists on a very small scale. That country attributed the remnants of prostitution to under-development and economic exploitation in the past. 150/

100. Only one country out of those which answered (and one which feels very strongly about strict measures to combat prostitution) reported about social measures that should help younger people to play a stronger role in community leadership and about consciousness-raising campaigns among the general public. It also urged more co-operation at the regional level and more effective international action. 151/

101. All the countries which reported on actual cases of prostitution, stated that there is only a minor incidence of it. One country provided ample statistics on the decrease of prostitution over the years. It reported that although prostitution

143/ Reply of Algeria, dated 20 October 1981.

144/ Reply of Cuba, dated 14 April 1980; also reproduced in
E/CN.4/Sub.2/AC.2/33/Annex I.

145/ Reply of Djibouti dated 17 May 1981.

146/ Reply of Italy dated 20 March 1982; reply of Kuwait dated 9 June 1981.

147/ Reply of Mexico dated 20 May 1981.

148/ Reply of the Philippines dated 16 June 1981.

149/ Reply of Norway dated 16 March 1982.

150/ Reply of Nicaragua dated 6 May 1981.

151/ Reply of Niger dated 8 May 1981.

per se does not constitute an offence, it is an offence under certain conditions, such as "persistent loitering or soliciting for the purpose of prostitution or for any immoral purpose in any public place ...". That country has no plans to abolish brothels in designated areas or for the registration of persons engaged in prostitution. A problem consists in the illegal trafficking of foreign prostitutes from neighbouring countries (in 1979/1980 there were 880), almost all of them between 18 and 20 years of age. Juvenile prostitution has declined, but still exists in a less detectable form. The decrease in prostitution on the whole is attributed to improved education and employment opportunities for girls and women. 152/

D. Child exploitation

102. In comparison with the earlier reports mentioned, measures taken by governments specifically to prohibit the exploitation of child labour and to promote the protection of children were also for the first time covered by this inquiry into slavery. In the questionnaire, a separate question, question IV, was devoted to this theme. As may be recalled, by its resolution 7 B (XXXII) of 5 September 1979, the Sub-Commission had decided to review the question of exploitation of child labour annually and, to this end, requested the Working Group on Slavery to report each year to the Sub-Commission.

103. Child labour is prohibited under various international instruments adopted by the United Nations and by the International Labour Organization. 153/ The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 prohibits the exploitation of child labour in cases in which the child is delivered to a third person for such purpose. Article 1 of the Convention requires States parties to take

"... all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the following institutions and practices ...

...

(d) Any institution or practice whereby a child or young person under the age of 18 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."

104. Half of the governments which replied to the questionnaire commented on the measures they have taken to prohibit the exploitation of child labour and to ensure the protection of children. A number of countries referred to their adherence to some of the International Labour Organisation's instruments prohibiting child labour, especially the conventions setting a minimum age for different types of occupations. According to one country, the great increase in child labour is attributable to economic reasons. Since 1980, therefore, that country has had under consideration a statute concerning the Working Minor which is designed to prevent the exploitation of child labour by regulating children's working hours and wages and extending their access to social welfare services. 154/

152/ Reply of Singapore dated 11 June 1981.

153/ See also documents E/CN.4/Sub.2/433 and E/CN.4/AC.2/27.

154/ Reply of Colombia dated 3 June 1981.

105. One country described the problem of child exploitation as a most sensitive matter calling for more extensive treatment. 155/ That country has, since August 1978, lowered the minimum age from 18 to 16 years with respect to the socialist management of enterprises. The reasons given were that this category of personnel should benefit from the same rights guaranteed to the entire work-force: guaranteed minimum wage, protective legislation, health insurance, job stability, training, etc. At the same time, the public authorities ensure that children are not compelled to engage in employment which may be harmful to their health and education. 156/

106. Other countries referred to different minimum age levels and to the institution of labour inspectors who may have young workers examined by a doctor to ascertain whether the work given to them is suitable for their age. For certain types of work the required minimum age is flexible. 157/

Chapter III

Possible remedial action

107. The review of measures taken by Governments to combat and prevent slavery and slavery-like practices is of necessity limited to those Governments which replied to the questionnaire. The purpose of some of the 15 questions was to enable Governments to suggest ways of eliminating slavery and to provide information about measures they have taken to this end rather than a mere description of the state of affairs in their countries. Question VIII, for example, referred to possible educational measures to stimulate public awareness of the need and importance of eliminating slavery and practices similar to slavery. Among desirable measures suggested were the following: improved access of women to educational establishments and literacy programmes as well as to public and private employment; 158/ the inclusion of items about man's struggle for equality and freedom in the curricula at all levels of education; 159/ stimulation of the need to eliminate slavery, the slave trade and similar practices in religious teachings; 160/ the involvement of the Church in the matter; 161/ the creation of an international awareness that this blight exists in some areas of the world; 162/ the involvement of the news media, the organization of seminars, lectures, symposia and other means of communication; 163/ and the need to include emphasis on the importance of the elimination of slavery and similar practices as part of general education and information on human rights. 164/

108. A further question, Question VII, asked for all possible causes which constitute an obstacle to the elimination of slavery. One country attributed the perpetration or re-emergence of such shameful practices to the unfair social and economic

155/ Reply of Algeria dated 20 October 1981.

156/ Idem.

157/ Reply of Djibouti dated 17 May 1981.

158/ Reply of Algeria, dated 20 October 1981.

159/ Reply of Costa Rica, dated 3 August 1981.

160/ Reply of Kuwait, dated 13 July 1981.

161/ Reply of St. Vincent and the Grenadines, dated 3 March 1982.

162/ Reply of Niger, dated 3 July 1981.

163/ Reply of Nigeria, dated 3 July 1981.

164/ Reply of Norway, dated 16 March 1982.

conditions affecting the large majority of the world's - and Costa Rica's - population ... 165/ Only one country described the types of land reforms it has undertaken. After eliminating the exploitation of persons working the land on behalf of others, the Government tackled the problem of the shepherd system whereby livestock became the property of the person who raised it and earned his livelihood directly therefrom (abolition of the former "Azala" system in 1965). 166/

109. Some countries called for direct action against those countries which they consider uphold the system of racial discrimination and segregation as a form of slavery by measures such as the enforcement of sanctions against the Republic of South Africa. 167/ Other countries advocated the establishment of machinery for the permanent and direct supervision of the fulfilment of the obligations undertaken by those States which have ratified the Slavery Convention. Provisions for international sanctions might be included in the various instruments concluded. Information provided by the international courts of human rights (European Court of Human Rights and the Inter-American Court of Human Rights) through direct complaints might be an important means of eradicating the evils of slavery and the slave trade. 168/

110. Further measures that were suggested included: the creation of international law for the purpose of taking delinquent countries before the International Court of Justice; sanctions sponsored by the United Nations against delinquent countries; the consideration of an oil embargo through OPEC and other oil-producing countries. 169/

111. Several countries 170/ were also in favour of United Nations assistance to those countries where slavery exists. As a first step, the United Nations should make such cases known, since a nation where slavery exists is one which denies freedom and progress. However, the value of material assistance and financial aid in combating conditions of a kind likely to give rise to slavery should not be forgotten "because with a lower economic potential men cannot easily aspire to freedom". 171/

112. One country questioned the positive role of some of the non-governmental organizations, 172/ but a number of others attributed to them an important role in informing and mobilizing regional and international public opinion. They suggested that non-governmental organizations should also be encouraged to sponsor or participate in regional meetings to consider methods of dealing with the elimination of slavery and slavery-like practices. 173/

165/ Reply of Costa Rica, dated 3 August 1981.

166/ Reply of Algeria, dated 20 October 1981.

167/ Reply of Qatar, dated 18 June 1981.

168/ Reply of Costa Rica, dated 3 August 1981.

169/ Reply of St. Vincent and the Grenadines, dated 3 March 1982.

170/ Replies of: Mexico, dated 20 May 1981; Niger, dated 8 June 1981; Nigeria, dated 3 July 1981; the Philippines, dated 16 June 1981; and Spain, dated 19 May 1981.

171/ Reply of Mexico.

172/ Reply of St. Vincent and the Grenadines, dated 3 March 1982.

173/ Replies of: Niger, dated 8 June 1981; the Philippines, dated 16 July 1981; and Spain, dated 19 May 1981.