

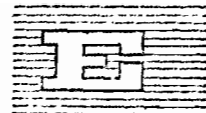
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Agenda item 14

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QUESTION OF SLAVERY AND THE SLAVE TRADE IN ALL THEIR PRACTICES
AND MANIFESTATIONS, INCLUDING THE SLAVERY-LIKE PRACTICES OF
APARTHEID AND COLONIALISM

Report of the Working Group on Slavery on its eighth session

Chairman-Rapporteur:

Mr. Justice Abu Sayeed Chowdhury

I. ORGANIZATION OF THE SESSION

Opening and duration of the session

1. The Working Group on Slavery was established by the Sub-Commission in resolution 11 (XXVII) of 21 August 1974, as authorized by the Economic and Social Council in decisions 16 (LVI) and 17 (LVI) of 17 May 1974. ^{1/}
2. The Working Group held its eighth session at Geneva from 9 to 12 August.

Attendance

3. The following members of the Sub-Commission were appointed by the Chairman of the Sub-Commission at its thirty-fourth session to serve on the Working Group on Slavery, in accordance with the procedures set out in the above-mentioned Council decision: Mr. Dumitru Ceausu, Mr. Justice Abu Sayeed Chowdhury, Mr. L.C. Mubanga-Chipoya, Mr. Julio Oyhanarte and Mr. Benjamin Whitaker. Mr. Ceausu and Mr. Oyhanarte did not attend the session. Mr. Ivan T. Ševski and Mr. Mario H. Pena, their respective alternates, attended the session.

4. The following States Members of the United Nations were represented by observers: Argentina, Brazil, Canada, Ethiopia, France, Federal Republic of Germany, India, Italy, Morocco, Netherlands, Philippines, Sudan, Senegal, Thailand and the United States of America.

4A. The following United Nations organs and agencies were represented at the session: the International Labour Organisation, the United Nations Children's Fund, the United Nations High Commissioner for Refugees and the World Health Organization.

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

5. The Palestine Liberation Organization was also represented at the meetings of the Working Group.
6. The following non-governmental organizations in consultative status with the Economic and Social Council attended the session: Afro-Asian Peoples Solidarity Organization, Anti-Slavery Society for the Protection of Human Rights, Friends World Committee for Consultation, International Abolitionist Federation, International Association of Democratic Lawyers, International Catholic Child Bureau, International Commission of Jurists, International Council of Jewish Women, International Council on Social Welfare, International Council of Women, International Federation of University Women, International Federation of Women Lawyers, International Humanist and Ethical Union, International League for Human Rights, International Movement for Fraternal Union among Races and Peoples, Minority Rights Group, Pan-Pacific and South East Asia Women's Association, Procedural Aspects of International Law Institute-International Human Rights Law Group, World Association for the School as an Instrument of Peace.

Election of officers

7. At its first meeting, on 9 August 1982, the Working Group re-elected Mr. A.S. Chowdhury as its Chairman-Rapporteur.
8. The representative of the Secretary-General made an introductory statement at the opening meeting.

Organization of work

9. The Working Group held eight meetings. The views expressed during the discussions are summarized below. The Working Group heard statements by observers from Brazil, France, Federal Republic of Germany, India, Netherlands, Senegal and Sudan.
10. A statement was made by a representative of the United Nations Children's Fund.
11. Statements were also made by representatives of the International Labour Organisation and the World Health Organization.
12. At the first meeting the following agenda was adopted:
 1. Opening of the session
 2. Election of officers
 3. Adoption of the agenda
 4. Review of developments in the field of slavery and the slave trade in all their practices and manifestations, including:
 - (a) Slavery and the slave trade
 - (b) The sale of children
 - (c) The exploitation of child labour
 - (d) Debt bondage
 - (e) The traffic in persons and the exploitation of the prostitution of others
 - (f) The slavery-like practices of apartheid and colonialism
 5. Adoption of the report of the Working Group to the Sub-Commission

Recommendations

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

Documentation

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

(a) Provisional agenda (E/CN.4/Sub.2/AC.2/1982/1/Rev.1)

(b) Reports by States concerning Supplementary Convention on the Abolition of Slavery, the Slave-Trade, and Institutions and Practices Similar to Slavery, 1956 (received too late to be presented to the Working Group at its seventh session) (E/CN.4/Sub.2/AC.2/1982/2)

(c) Additional reports by States concerning Supplementary Convention on Abolition of Slavery, the Slave-Trade, and Institutions and Practices Similar to Slavery, 1956 (E/CN.4/Sub.2/AC.2/1982/3, Add.1 and Add.2)

(d) Information received from Specialized Agencies (ILO) and United Nations Agencies (FAO, UNICEF, WHO) (E/CN.4/Sub.2/AC.2/1982/4, Add.1)

(e) Information received from NGO's: Anti-Slavery Society, (Report on Haitian Labour in Dominican Republic), Anti-Slavery Society for the Protection of Human Rights on Child Labour in Brazil (E/CN.4/Sub.2/AC.2/1982/5, Add.1)

(f) Report from INTERPOL on Exploitation of Child Labour (E/CN.4/Sub.2/AC.2/1982/6)

(g) Report from the INTERPOL on the Question of Slavery and Slave Trade (E/CN.4/Sub.2/AC.2/1982/7)

(h) Status of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (E/CN.4/Sub.2/AC.2/1982/8)

(i) Status of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of others (E/CN.4/Sub.2/AC.2/1982/9)

(j) Information received on the Voluntary Fund from CSDHA (E/CN.4/Sub.2/AC.2/1982/10)

(k) Information submitted by the United Nations bodies: Branch for the Advancement of Women on the question relating to Prostitution; Economic Commission for Africa (E/CN.4/Sub.2/AC.2/1982/11, Add.1)

(l) Government replies on Slavery and Prostitution under paragraphs 6, of the resolution 1982/20 of the Commission on Human Rights (E/CN.4/Sub.2/AC.2/1982/12, Add.1-3)

(m) Inquiry on the Status of Combating of the Traffic in Persons and of the Exploitation of the Prostitution of Others (E/CN.4/Sub.2/AC.2/1982/13, Add.1)

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

A. Slavery, the slave-trade and debt bondage

15. The Working Group considered various topics under this agenda item at its first, second, fourth and sixth meetings.
16. Two non-governmental organizations, namely the Anti-Slavery Society and the Minority Rights Group raised the question of debt bondage and stated that the problem existed in several countries. They noted that although debt bondage had now been recognized to be a world problem, there were, however, regional variations brought about by differing systems of land tenure, farming methods and social customs.
17. The representative of the Anti-Slavery Society for the Protection of Human Rights referred in particular, to a statement submitted by his organization entitled "Bonded Labour in India". He observed that according to an Indian source mentioned in the statement, the National Survey of 1981, 86.6 per cent of bonded labourers came from the scheduled castes and tribes.
18. In reply, the observer from India stressed that in the constitutional, legal, administrative, social and educational fields, the Government had accorded high priority to the eradication of this evil. Part of the efforts made consisted in the establishment of a system of positive discrimination in favour of the castes. She contended that the root of the problem lay in the conditions of the rural poor, unemployment, under-employment, and the remnants of colonialism. She further stated that, as of January 1982, 133,550 bonded labourers had been freed.
19. The representative of the Minority Rights Group referred to the situation of agricultural workers from Haiti, Mexico and from other countries of the Caribbean and Latin America in the eastern part of the United States. In this connection, he submitted a paper entitled "Debt Bondage and Violence Against Migrant Farm Workers in the Eastern Part of the United States".
20. A summary of the reply of the United States to those allegations is contained in document E/CN.4/Sub.2/AC.2/1982/14. 2/
21. The Anti-Slavery Society drew once again the attention of the Working Group to the serious condition of Haitian migrant workers in the Dominican Republic. 3/ It was noted that, as most of these migrant workers entered the country illegally, it was impossible to assess their total number. It was also said that migrant workers having legal status did not enjoy better working conditions and pay.
22. The representative of the International Labour Organisation pointed out that debt bondage, as it existed in India, as well as the situation that Haitians confronted in the Dominican Republic were problems covered by a number of ILO conventions. Referring to the document E/CN.4/Sub.2/AC.2/1982/4 submitted by the ILO to the Working Group, he noted that one of the recommendations made by the Anti-Slavery Society on the organization of rural workers in India was already contained in the ILO Convention on Rural Workers' Organizations of 1975. 4/

2/ The reply from the United States was received after the end of the session on 13 August 1982.

3/ E/CN.4/Sub.2/AC.2/1982/5.

4/ On 13 August 1982, the Permanent Representative of the Dominican Republic transmitted a letter from his Government to the Secretary-General and at the same time informed the Chairman of the Working Group that his Government would participate in the discussions on the question at the ninth session of the Working Group in 1983.

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

23. The Working Group considered these two agenda items at its 3rd, 4th and 5th meetings.

(a) Exploitation of child labour

24. Various non-governmental organizations made statements in which they referred to the situation in a number of countries. Particular reference was made to the document entitled "Child Labour in Brazil", 5/ "Child Labour in Mexico", "Street Children", submitted by the Anti-Slavery Society.

25. It was stated in this connection that in Brazil, in 1976, in addition to children working as domestic servants, an estimated 2,590,000 children were working in other fields, the majority of them in agriculture. It was emphasized that these children were generally badly paid, and that their working hours were too long.

26. In reply, the observer from Brazil noted the efforts made by his Government in the field of child welfare. He said that a National Child Welfare Foundation, to which 55 million dollars had been allocated in 1981, has been set up. He further observed that the report did not indicate that in the field of commerce and agriculture apprenticeship systems have been set up. He added that other Latin American countries were now establishing the same type of systems.

27. Non-governmental organizations expressed concern at the growing number of "street children" and felt that the international community had not sufficiently dealt with that problem. Reference was made to the situation in Brazil, Colombia, Ecuador and Turkey. In this connection, the representative of the Anti-Slavery Society stated that the phenomenon of "street children" often originated in the migration of impoverished families from rural areas into the cities where they face unemployment. Such a situation often leads to the breaking up of families and to the abandonment of children. It was observed that, as indicated in the report submitted by the Anti-Slavery Society, the situation in Mexico was not different. According to the report, the number of "street children" in Mexico was increasing regularly. These children, it was stressed, were particularly vulnerable and exposed to drug addiction, alcoholism, health deficiencies and malnutrition.

(b) The sale of children

28. Two representatives of the Minority Rights Group stated that "the abuse of child labour" and what is termed "sex tourism" were acute problems in Thailand. In this connection the Group was reminded of a report submitted by the Minority Rights Group to the Working Group at its seventh session entitled "The Price of a Child". It was alleged that since that report had been issued the known incidence of abuses of child labour had increased considerably. Because of the prevailing economic conditions, the sale of children is considered as a means of supplementing the family income. It was further stated that illegal employment agencies in Bangkok were still operating, that owners of factories and brothels were using middle-men on a percentage basis to recruit children directly from villages, and that laws against such abuses were inadequately enforced. Referring

to the question of "sex tourism", mention was made of a paper entitled "Sex Tourism; The problems and solutions", in which the Minority Rights Group described how travel agencies in Japan, the Federal Republic of Germany, the Netherlands and the United States arrange tours to Sri Lanka, Thailand and the Philippines. It was emphasized that the sexual exploitation of male and female children was part of the tour package deal.

29. During the discussion, reference was made to the report submitted by INTERPOL, 6/ in which INTERPOL stated that only three cases of child prostitution had been reported. Some speakers said that according to press reports the sale of children was realized through the fraudulent use of laws on adoption. The sale of children was possible mainly because of lack of control by competent authorities and the lack of comprehensive legislation. The Anti-Slavery Society then quoted a series of newspaper reports on the sale of children with respect to Sri Lanka, Thailand, Taiwan, Bolivia, the Seychelles, Colombia and Costa Rica. Some of these countries had in the meantime adopted draft legislation or were engaged in inquiries.

30. Members of the Working Group felt that the international community should become active in this field. The suggestion was made that a study on the sale of children should be carried out by an organ of the United Nations or by one of the experts mentioned in the list of experts on slavery established by the Commission on Human Rights.

31. In the view of the observer from the Federal Republic of Germany the question of "sex tourism" deserved continued attention by the Working Group. The observer from the Netherlands, stated that while the problem originates in developing countries, developing countries were the victims of this kind of exploitation. He said that in formulating its development policy, the Netherlands Government would pay particular attention to the struggle against poverty, especially in those countries where the problems of child exploitation are most acute.

(c) Female circumcision

32. Various non-governmental organizations noted the slow progress made in the efforts to eradicate that practice. Concern was expressed about the adverse effects of this practice on the health of millions of women and young girls in several African countries. Reference was made to the reports by the World Health Organization and the Economic Commission for Africa 7/ and by other organizations which describe the physical damage suffered by circumcised women. The representative from the World Health Organization added that serious health complications occurred very often as a result of lack of clean water during the operation. It was, however, emphasized by several speakers that efforts to bring about changes had to come from within the countries concerned themselves, which should undertake, as a first step, information campaigns about the risks of such practices.

33. The representative of the United Nations Children's Fund informed the Working Group that his Organization was prepared to lend assistance to Governments on this matter, if they so wished.

6/ E/CN.4/Sub.2/AC.2/1982/6.

7/ See also: E/CN.4/Sub.2/AC.2/1982/11, Add.1.

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

34. The representative of the International Abolitionist Federation informed the Working Group of the establishment in France of a centre with a view to helping prostitutes who want to start a new life. Members of the Working Group wondered whether the situation of prostitutes was the same in all areas of the world, especially in the poor countries. They felt that more information was needed from third world countries in order to determine the best approach that the Group could take in its consideration of the question. According to a view strongly expressed, the first steps to be taken are the adoption of preventive measures and the undertaking of publicity campaigns. States should also be encouraged to ratify the Convention on the Suppression of the Traffic in persons and of the Exploitation of the Prostitution of Others; so far only 51 States had done so. States which have not ratified the Convention, it was said, should explain the reasons for their decisions. Furthermore the reporting system established by the Working Group could be improved by the inclusion in the questionnaires sent to Governments of some questions relating to the health aspects of the problem and to the vulnerability of prostitutes to diseases like tuberculosis.

35. In the view of the representative of the International Abolitionist Federation, in almost all States, measures against the exploitation of prostitution were far from sufficiently implemented. A coherent international policy for the prevention of prostitution with the participation of all was needed.

36. The observer for France drew the Working Group's attention to document E/CN.4/Sub.2/1982/AC.2/12/Add.2 which contains a description of the measures taken by the French Government to improve the situation.

D. Apartheid and colonialism

37. The Working Group considered this item at its sixth and seventh meetings. Members of the Group stated that they accorded a paramount importance to the subject. They pointed out that apartheid was the unique example of an institutionalized form of slavery, and that the adverse effects of colonialism could not be easily remedied. They added that in the régime of apartheid, while a legal system existed, it was used for repression. As the General Assembly has determined in several of its resolutions, the apartheid régime is an illegal form of government.

38. The representative of the International Labour Office referred to the document submitted by the ILO to the Working Group (E/CN.4/Sub.2/AC.2/1982/4) which contained in its annex the Declaration concerning the Policy of Apartheid in South Africa which was adopted by the International Labour Conference in 1981, and the establishment of a Committee on Discrimination which met in February 1982.

39. The observer for Senegal expressed the opinion that action against South Africa should not be limited to mere condemnations of apartheid. Economic sanctions should be applied, he said.

III. OTHER HUMAN ISSUES

40. The representative of the Afro-Asian Peoples Solidarity Organization referred to the situation of indigenous populations in Guatemala which, she noted, constitute a majority of the population. She said that 85 per cent of the indigenous population were still illiterate and that educated persons were not given access to certain positions, including, in particular, positions in the teaching profession. In her view, living conditions of the Indians could be assimilated to slavery.

IV. RECOMMENDATIONS

The Working Group adopted the following recommendations for consideration by the Sub-Commission:

1. All documents submitted by non-governmental organizations which contain allegations against States should be brought to the attention of the States concerned for their observations and comments.
2. The Group feels strongly that in order to perform its work in an effective manner, it needs the full co-operation of States concerned. The States against which allegations have been made should therefore, be invited to participate in the discussions during the next session of the Working Group.
3. The competent organs of the United Nations and specialized agencies should lend assistance to Governments which so request.
4. Educational and information campaigns should be undertaken by the Governments of the States concerned, with the assistance of UNESCO with a view to eradicating the evils of debt bondage, exploitation of child labour, sale of children and the exploitation of prostitution.
5. The United Nations Centre for Social Development and Humanitarian Affairs (CSDHA) should be requested to study the problems of "street children" in the context of programmes to be undertaken in relation to the International Youth Year 1985.
6. The United Nations and the specialized agencies, in particular the United Nations Development Programme and the Crime Prevention Branch of CSDHA, should be urged to co-operate in seeking an integrated approach to the various problems referred to in the report, in particular as regards the exploitation of prostitution and the sale of children.
7. A study on the sale of children should be carried out. Experts on slavery mentioned in the list approved by the Commission on Human Rights in 1979 (E/CN.4/1299 and Add.1-4) should be called upon to assist in that task.
8. It is the view of the Working Group that the primary responsibility for combating the problem of debt bondage, exploitation of child labour, and sale of children, rests on the Governments of the States concerned. These States should, therefore, be urged to take concrete measures to combat these dangerous practices.
9. With regard to female circumcision, a study should be undertaken with a view to examining all aspects of the problem.

10. With regard to apartheid and colonialism, the Working Group is of the view that the process of decolonization should continue and that more concrete measures should be taken to combat the apartheid régime of South Africa. Therefore, the Working Group urges the total isolation of the Government of South Africa. It is convinced that total economic, commercial, political and diplomatic sanctions are measures which should be taken, if the elimination of that system is to be achieved.

V. ADOPTION OF THE REPORT

The Working Group unanimously adopted its report on 20 August 1982.