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COMMISSION ON HUMAN RIGHTS
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Agenda item 6

CONTEMPORARY FORMS OF SLAVERY

Ms. Warzazi: draft resolution

Report of the Working Group on Contemporary Forms of Slavery

The Sub-Commission on the Promotion and Protection of Human Rights,

Taking note of the report of the working group on Contemporary Forms of Slavery on its twenty-fifth session (E/CN.4/Sub.2/2000/23) and, in particular, the recommendations contained in chapter VI,

Deeply concerned at the information provided on the serious situations of human rights violations affecting millions of human beings throughout the world on account of the exploitation of domestic and migrant workers, slave and child labour, the sexual exploitation of children, the traffic in persons, the abusive use of the Internet for the purpose of sexual exploitation, the sale of children, child prostitution and child pornography,

Recognizing that poverty, ignorance, discrimination and the ill-effects of corruption and international debt lead to and perpetuate contemporary forms of slavery,

Regretting that the number of States that have ratified the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 is still unsatisfactory,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery for the excellent work it performs on the basis of information, testimony and discussion within the Working Group;
2. Notes with satisfaction the decision of the Working Group to give priority, at each of its sessions, to one of the items on its agenda on account of the importance of the problem to be examined;

I. BONDED LABOUR AND DEBT BONDAGE

3. Urges States, whenever cases of debt bondage are reported in their countries, to take action as a matter of urgency to secure the release of those concerned, to develop techniques for assessing whether workers are bonded, even if they are intimidated (by threats or fear of loss of their jobs) or unwilling to reveal their bonded status, to prevent reprisals from being taken against them and to ensure they will not revert into bondage subsequently;
4. Encourages States to ensure that obstacles are not placed in the way of bonded labourers, or human rights defenders acting on their behalf, in registering formal complaints about the exploitation of bonded labour and, in the case of States in which such complaints are pending, to ensure that they are treated with the utmost urgency and seriousness;
5. Urges States to intervene as a matter of priority when human rights defenders are subjected to harassment or persecution for their involvement in trying to assist bonded labourers;
6. Strongly recommends that States which have adopted laws against debt bondage or bonded labour and in which cases of debt bondage continue to be reported ensure the effectiveness of the rule of law and fully apply legal and judicial procedures ensuring the prosecution and punishment of those involved in reducing men, women or children to bondage;
7. Invites States to review their national legislation to ensure that debt bondage is prohibited explicitly, that appropriate penalties are stipulated to deter anyone from providing a loan which has the effect of enslaving the person to whom the loan is made or others connected with them or reducing them to servile status, that loans which have the effect of reducing someone to debt bondage are considered null and void, and that law enforcement agencies are provided with appropriate instructions to enable them to identify cases of debt bondage and

secure the release of bonded labourers, notably by providing them with interim relief from the time their cases are first reported and with suitable work outside a slavery-like relationship (and not making relief contingent on the culmination of the process to confirm that they have been bonded);

8. Recommends again that Member States set up monitoring committees to investigate reports of debt bondage and to establish the number of people in their country who are subject to servile status as a result of debt bondage, giving special attention to monitoring constraints on migrant workers imposed by employers or others who advance them money and to ensuring that migrant workers are not subjected to debt bondage and that, if debt bondage is reported, Member States consider establishing special institutions to implement the law against this abusive practice, such as special law enforcement units or commissions at either national or local level;

9. Encourages States to allow current or former bonded labourers, human rights defenders and others to have access to the mass media in their country in order to draw attention to continuing patterns of debt bondage and to alert bonded labourers to their rights, and exploiters of bonded labour to the unacceptable and illegal nature of the practice;

10. Urges States to give special attention to ensuring that all children of bonded labourers complete primary education, whether or not the children themselves are bonded;

11. Recommends that Member States ratify Convention No. 117 of the International Labour Organization concerning Basic Aims and Standards of Social Policy, 1962, ratified by thirty-two States at the end of 1998, which is concerned in particular with reducing forms of wage payment that foster indebtedness and requires ratifying States to take “all practicable measures” to ensure that a series of protections for workers are implemented to prevent debt bondage occurring;

12. Invites States to adopt and implement plans of action against all the worst forms of child labour;

13. Invites the International Labour Organization to provide information on its efforts to promote implementation of the 1992 Programme of Action and on any obstacles which have impeded its implementation;

14. Also invites the International Labour Organization also to prepare draft model legislation or rules on the establishment and functioning of governmental institutions to monitor reports of debt bondage and to respond by initiating procedures to the release and rehabilitation of those concerned;

15. Further invites the International Labour Organization, together with other competent United Nations organs and specialized agencies, to consider the possibility of holding a seminar or a workshop to determine the best practices for the eradication of debt bondage, and in particular to assess what forms of international support are most appropriate for community mobilization and to enable bonded labourers to make use of their right to freedom of association, and what techniques have proved most effective in facilitating the rehabilitation and reintegration of victims of debt bondage;

16. Urges Member States in which cases of debt bondage have been reported in the past five years to implement the Programme of Action against Child Bondage of the International Labour Organization, in particular with respect to children subjected to debt bondage, but also ensuring that, if adult men or women are reported to be affected, the same or similar measures are applied with respect to them, as well as to entire families who are subjected to debt bondage;

17. Recommends that all competent United Nations organs, specialized agencies, development banks and intergovernmental agencies involved in development initiatives take action to contribute to the elimination of debt bondage, in particular by the provision of alternative sources of credit to bonded labourers;

18. Recommends once again that Governments cooperate with trade unions and employers' organizations at the national level to address the problem of bonded labour and that trade unions and employers' organizations at the local, national and international levels utilize the existing structures of the International Labour Organization dealing with violations of the relevant conventions concerning forced labour, and encourages concerned non-governmental organizations to strengthen their activities for disseminating information and advising trade unions in this regard;

19. Invites international financial institutions to encourage micro-credit as a mechanism for the eradication of debt bondage;

20. Invites Member States to provide information to the Working Group at its twenty-seventh session, in 2002, about measures taken to suppress or prevent debt bondage;

21. Decides to keep the question of debt bondage under consideration and to assess the progress achieved at future sessions, with a view to the total elimination of this abhorrent practice;

II. UNITED NATIONS VOLUNTARY TRUST FUND ON CONTEMPORARY FORMS OF SLAVERY

22. Expresses its gratitude to Governments, organizations and individuals, including young students, who have contributed to the Fund and encourages them to continue doing so;

23. Expresses its appreciation for the participation at the twenty-fifth session of the Working Group of about twenty representatives of non-governmental organizations financed by the Fund, including victims of contemporary forms of slavery, and for their valuable contribution to the work of the Working Group;

24. Invites the Board of Trustees of the Voluntary Fund to promote the participation at the annual sessions of the Working Group of individuals and organizations from as large a number of countries as possible, in accordance with the priorities established in the agenda of the Working Group;

25. Notes with satisfaction that about twenty project grants were paid by the Fund to local non-governmental organizations which work on issues of contemporary forms of slavery;

26. Expresses its support for the work of the members of the Board of Trustees of the Fund, in particular their fund-raising activities;

27. Recalls the appeal made by the General Assembly in its resolution 46/122 to all Governments to respond favourably to requests for contributions to the Fund, and urges them and non-governmental organizations, other private or public entities and individuals to contribute to the Fund and encourages them to do so in order to enable the Fund to fulfil its mandate effectively in the year 2001;

28. Expresses its deep appreciation for the participation of the President and a member of the Board of Trustees, who attended the twenty-fifth session at their own expense, and invites the Board members to participate at the twenty-sixth session of the Working Group;

III. TRAFFIC IN PERSONS AND EXPLOITATION OF THE PROSTITUTION OF OTHERS

29. Urges Governments which have not yet done so, to ratify the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, International Labour Organization Convention (No. 182) concerning the Worst Forms of Child Labour and the Convention on the Elimination of All Forms of Discrimination against Women;

30. Reiterates its recommendation that the General Assembly declare a United Nations year against trafficking in persons, allowing sufficient time before the commencement of the year for the development of national and international plans of action;

31. Urges States to devise and adopt comprehensive national plans of action against trafficking in persons and exploitation of the prostitution of others, based on data collection, research and analysis, and in collaboration with non-governmental organizations, which should include the following:

(a) Measures to support the plan through the allocation of necessary financial and human resources;

(b) Measures to address the root and immediate causes of trafficking, prostitution and exploitation of the prostitution of others;

(c) The adoption and enforcement of measures against new practices of the global sex industry, especially sex tourism, trade in mail order brides and trafficking in women and children, in particular through the Internet;

(d) Measures to ensure systematic and periodic review of the plan;

32. Recalls its request to the Office of the High Commissioner for Human Rights to design guidelines for the elaboration of such national plans of action and, upon request, to provide technical assistance to States in the formulation of their national plan;

33. Urges States to ensure that their national development policies do not intensify the marginalization of women and place them at risk of sexual exploitation;

34. Encourages States to enact or revise national policies, laws and strategies and other administrative measures in order to ensure that victims of sex trafficking, trafficking and other practices of sexual exploitation are not the subject of criminal proceedings or other legal or administrative sanctions;

35. Strongly recommends to States to ensure the effectiveness of the rule of law, to apply fully legal and judicial procedures, and to prosecute and penalize the criminals involved in trafficking in women and children and exploitation of the prostitution of women and children;

36. Invites States to take steps, including witness protection programmes, to enable trafficked and sexually exploited persons to make complaints to the police and to be available when required by the criminal justice system, and to ensure that during this time they have access to social, medical, financial and legal assistance, and to protection, as requested;

37. Encourages States to ensure the voluntary and safe return of trafficked persons;

38. Calls upon States, to the extent of available resources, to provide social services to the victims and survivors of trafficking and sexual exploitation, including shelter, counselling, medical care, legal services, education, job training and employment, and to take measures to prevent discrimination against and stigmatization of these victims;

39. Urges States to initiate community-based prevention programmes, especially in high-risk areas, to educate people on the tactics of recruiters and traffickers and on the risks of sexual exploitation;

40. Strongly recommends that the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime ensure that the protocol to prevent, suppress and punish trafficking in persons, especially women and children, and the protocol against the smuggling of migrants by land, air and sea do not conflict with or otherwise undermine existing international human rights obligations and standards, especially the 1949 Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;

41. Urges the Ad Hoc Committee to ensure also that the protocol to prevent, suppress and punish trafficking in persons, especially women and children is not limited to forced or coerced trafficking but includes all trafficking, irrespective of the consent of the victim;

42. Welcomes the recent adoption by the World Tourism Organization of a code of conduct against sex tourism and requests the Secretary-General to convey to the World Tourism Organization the Working Group's grave concern at the persistence and, even, the development of sex tourism;

43. Calls upon United Nations human rights bodies to focus on possible situations of human rights violations related to trafficking in persons and victims of prostitution, in accordance with the 1949 Convention on the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others;

44. Invites the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Human Rights Committee to elaborate general recommendations in order to clarify reporting procedures with regard to victims of trafficking, in particular for purposes of prostitution and exploitation of the prostitution of others, as provided in the 1949 Convention;

45. Takes note with concern that in her most recent report (E/CN.4/2000/68, para. 13) the Special Rapporteur on violence against women, offers a definition of “trafficking” that is inconsistent with the principles of the 1949 Convention;

46. Recommends that the issue of trafficking in persons, prostitution, and related practices of sexual exploitation be considered during the preparatory process of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and at the World Conference itself, which will be held in South Africa in 2001;

47. Further recommends that the International Labour office and/or the High Commissioner for Human Rights establish an international programme on the elimination of trafficking, similar to the International Programme on the Elimination of Child Labour;

48. Takes note with satisfaction of the decision of the Working Group to examine, as a matter of priority, at its twenty-sixth session, in 2001, the issue of trafficking in persons, with the active participation of non-governmental organizations and victims of trafficking, in preparation for the proposed United Nations year against trafficking in persons;

49. Welcomes the plan of the High Commissioner for Human Rights to organize an international seminar on the issue of trafficking in persons, migrants and human rights, and urges her to hold the seminar immediately prior to the twenty-sixth session of the Working Group and to invite the participation of members of the Working Group and non-governmental organizations attending the Working Group;

50. Encourages Governments, intergovernmental, regional and non-governmental organizations, the human rights treaty bodies, the special rapporteurs, especially the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on the human rights of migrants, to participate actively in and contribute to the discussion at the twenty-sixth session of the Working Group;

IV. INTERNATIONAL COOPERATION FOR THE PREVENTION OF
ILLEGAL TRAFFICKING IN PERSONS, PROSTITUTION AND
THE EXPANSION OF THE WORLD SEX INDUSTRY

51. Invites Member States regularly to share with their respective competent national enforcement agencies all information deemed useful for preventing and suppressing such actions, in particular data concerning individuals sanctioned because of these activities;

V. PREVENTION OF TRANSBORDER TRAFFICKING
OF CHILDREN IN ALL ITS FORMS

52. Reaffirms the provisions of its previous resolution on the issue;

VI. THE ROLE OF CORRUPTION IN THE PERPETUATION
OF SLAVERY AND SLAVERY-LIKE PRACTICES

53. Urges once again all States to take adequate steps to monitor and enforce laws, particularly as they relate to slavery, slavery-like practices and corruption, including trafficking in women and children;

54. Encourages existing international arrangements aimed at improving the training and professionalism of law enforcement personnel, as well as their respect for human rights;

VII. MISUSE OF THE INTERNET FOR THE PURPOSE
OF SEXUAL EXPLOITATION

55. Recommends that Governments, as a matter of priority, review, amend and enforce existing laws, or enact new laws, to prevent the misuse of the Internet for trafficking for the purpose of prostitution and the sexual exploitation of women and children;

56. Urges Governments to act more forcefully to eliminate traffic in persons, exploitation of the prostitution of others and sexual exploitation through the Internet, and to consider setting up a mechanism aimed at better control of the Internet when abused for those purposes;

57. Recommends that Governments and non-governmental organizations develop and implement educational programmes on the harm caused by trafficking for the purpose of prostitution and sexual exploitation on the mental and physical well-being of women and children;

58. Requests Governments to investigate and use as evidence of crimes and acts of discrimination advertising, correspondence and other communications over the Internet to promote sex trafficking, the exploitation of prostitution, sex tourism, bride trafficking and rape;

59. Calls for new levels of cooperation among Governments and national and regional law enforcement bodies in order to combat the escalating trafficking for the purpose of prostitution of women and children, the globalization of this industry and the misuse of the Internet to promote and carry out acts of sex trafficking, sex tourism, sexual violence and sexual exploitation;

VIII. IMPLEMENTATION OF THE CONVENTIONS ON SLAVERY

60. Recommends the following draft decision to the Commission on Human Rights for adoption:

“The Economic and Social Council, noting that the most recent updating of the Sub-Commission’s report on slavery (1966) occurred in 1984, that is, more than 15 years ago, and recalling Commission on Human Rights decision 2001/... of .. April 2001, decides that the updated report submitted to the Sub-Commission as documents E/CN.4/Sub.2/2000/3 and Add.1 should be put together without financial implications, into a single report, printed in all official languages and given the widest possible distribution.”

61. Recommends that all States which are not parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others of 1949, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights be called upon to become parties as soon as possible and to enact any legislation necessary to ensure that their laws conform to the terms of those treaties;

62. Expresses the hope that the Working Group will receive cooperation from all States, particularly the States most concerned, with regard to the annual issue selected by the Working Group;

63. Appeals to non-governmental and intergovernmental organizations to provide information and testimonies with regard to the particular issue selected for consideration at the annual session of the Working Group;

IX. MIGRANT WORKERS

64. Strongly condemns practices of unequal treatment of migrant workers and the denial of their human dignity;

65. Decides to continue to give special attention to the situation of migrant workers, in particular domestic workers, and urges Governments to ensure that protective regulations govern their employment situation and provide for safe conditions of work;

66. Takes note of the difficult situation in which migrant workers, especially women and children, are living and of the need for them to be provided with protection with a view to ensuring their fullest human development and participation in the life of their community;

67. Urges States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly in its resolution 45/158;

68. Also urges States to take the necessary measures to prohibit and punish the confiscation of passports belonging to migrant workers, in particular migrant domestic workers;

69. Recommends that non-governmental organizations pay attention to the grave problems affecting migrant workers and provide the Working Group with information in this regard;

70. Decides to consider this issue at its fifty-third session;

X. CHILD DOMESTIC WORKERS

71. Urges States, while attempting ultimately to eliminate the phenomenon of child domestic labour by, *inter alia*, enacting and implementing laws on compulsory and free primary education, to adopt and enforce measures and regulations to protect child domestic workers and to ensure that their labour is not exploited;

72. Recommends that the International Labour Organization give more emphasis to the issue of child domestic workers;

73. Also recommends that the International Labour Organization establish additional country programmes for these children within its International Programme on the Elimination of Child Labour;

XI. ELIMINATION OF CHILD LABOUR - A GENDER PERSPECTIVE

74. Urges all States, while attempting ultimately to eliminate the phenomenon of child labour, to adopt measures and regulations to protect child labourers, to ensure that their labour is not exploited and to prohibit their labour in hazardous occupations;

75. Calls upon States to eliminate all discrimination against girls in education, skills development and training;

76. Requests the Secretary-General to invite all States to continue to inform the Working Group of measures adopted to implement the Programme of Action for the Elimination of the Exploitation of Child Labour;

77. Invites the international community to cooperate in developing viable alternatives to child labour, in particular for young girls;

XII. FORCED LABOUR

78. Reaffirms once again that forced labour is a contemporary form of slavery;

79. Requests the Working Group to continue to give consideration to this issue at its next session;

XIII. SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

80. Requests the Secretary-General to invite all States to inform the Working Group of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, the Stockholm Declaration on Commercial Sexual Exploitation of Children and the optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and other related developments, and report thereon to the Sub-Commission on the Promotion and Protection of Human Rights and the Commission on Human Rights at their next sessions;

81. Also requests the Special Rapporteur, within the framework of her mandate, to continue to pay attention to issues relating to the traffic in children, such as organ transplantation, disappearances, the purchase and sale of children, adoption for commercial purposes or exploitation, child prostitution and child pornography;

82. Strongly encourages the Special Rapporteur to participate in the twenty-sixth session of the Working Group, in view of the importance of her contribution to its deliberations;

83. Invites States to consider the establishment of a voluntary fund aimed at assisting the Committee on the Rights of the Child in strengthening implementation of the optional protocol, in harmony with provisions of the Convention on the Rights of the Child;

84. Takes note with satisfaction of the decision of the Working Group to examine, as a matter of priority at its twenty-seventh session, in 2002, the issue of the exploitation of children, particularly in the context of prostitution and domestic servitude;

XIV. TRAFFIC IN HUMAN ORGANS AND TISSUES

85. Urges States to take measures to investigate the seriousness of the information;

XV. MISCELLANEOUS

86. Appeals to all Governments to send observers to the meetings of the Working Group;

87. Encourages youth organizations and young persons from various non-governmental organizations to participate in the meetings of the Working Group;

88. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining the periodic reports of States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, and include in their general comments and recommendations an item concerning contemporary forms of slavery;

89. Also recommends that the supervisory bodies of the International Labour Organization and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

90. Requests the Secretary-General to transmit to the committees mentioned above, the special rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances the recommendations of relevance to them and the report of the Working Group;

91. Also requests the Secretary-General to give effect to his decision to reassign to the Working Group a Professional staff member of the Office of the High Commissioner for

Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Office on issues relating to contemporary forms of slavery, in accordance with Commission on Human Rights resolutions 1996/61 and 1999/46;

92. Requests the non-governmental organizations to disseminate information about the Working Group as widely as possible;

93. Invites those Governments which have information relating to the priority issue to be discussed at the forthcoming session of the Working Group to assist the Working Group by providing the information either in advance or at that session;

94. Decides in arranging its agenda, to make provision for adequate discussion of the report of the Working Group near the commencement of each session, thereby strengthening its involvement in the activities of the Working Group.
