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SPECIFIC HUMAN RIGHTS ISSUES

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Mr. Dos Santos Alves, Mr. Eide, Ms. Frey, Ms. Hampson, Mr. Kartashkin,
Ms. Koufa, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Ogurtsov,
Mr. Park, Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi,
Mr. Yimer, Mr. Yokota and Ms. Zerrougui: draft resolution**

2002/... 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-seventh session (E/CN.4/Sub.2/2002/33) and in particular the recommendations contained in chapter VII,

Deeply concerned at the information it contains relating to the exploitation of children, the traffic in persons, the exploitation of the prostitution of others, the exploitation of domestic and migrant workers, slave and child labour, the sexual exploitation of children, the abusive use of the Internet for the purpose of sexual exploitation, the sale of children, child prostitution and child pornography and the role of corruption in the perpetuation of slavery and related practices,

Noting that poverty, social exclusion, illiteracy, ignorance, armed conflicts and discrimination in all its forms are the main causes of contemporary forms of slavery,

Noting also that the status of ratification of 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 its valuable work and in particular for its continued attention to the problems submitted to it;

2. *Welcomes* the priority attention devoted by the Working Group to the issue of exploitation of children, particularly in the context of prostitution and domestic servitude, at its twenty-seventh session;

I. EXPLOITATION OF CHILDREN, PARTICULARLY IN THE CONTEXT OF PROSTITUTION AND DOMESTIC SERVITUDE

3. *Calls upon* all States that have not already done so to ratify International Labour Organization Convention (No. 182) concerning the Prohibition of and Immediate Action for the Elimination of the Worst Forms of Child Labour (which includes trafficking, forced labour, debt bondage, forced recruitment into armed conflicts, commercial sexual exploitation and hazardous work), and calls upon States parties to this Convention to harmonize their national legislation with the Convention;

4. *Calls upon* States to ensure that the worst forms of child labour, including all forms of sexual exploitation, trafficking, domestic servitude and any form of forced labour, are prohibited and that the penalties are commensurate with the crimes committed and that this legislation is properly enforced;

5. *Urges* States, while attempting ultimately to eliminate child labour and child domestic labour by, inter alia, enacting and implementing laws on compulsory and free primary education, to adopt and enforce measures and regulations to eliminate all discrimination against girls in education, skills development and training and to protect child workers, in particular child domestic workers, and to ensure that they are not exploited;

6. *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 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;

7. *Requests once again*, in the context of the commemoration of the tenth anniversary of the adoption of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, a non-governmental organization to prepare and submit to the Working Group at its twenty-eighth session, in 2003, an assessment of its implementation, based on information provided by Governments and non-governmental organizations;

8. *Takes note* of the report of the new Special Rapporteur on the sale of children, child prostitution and child pornography, Mr. Juan Miguel Petit, to the Commission on Human Rights at its fifty-seventh session (E/CN.4/2002/88) and requests him, within the framework of his 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, and to participate at the twenty-eighth session of the Working Group;

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

9. *Calls upon* States to recognize that human trafficking is a gross violation of human rights and fundamental freedoms and, hence, to criminalize it in all its forms;

10. *Urges States* to ensure that their policies and laws do not legitimize prostitution as the victims' choice of work;

11. *Calls upon* States to provide protection, assistance and temporary residence permits to victims that are not contingent on their cooperation with the prosecution of their exploiters, as articulated in articles 6, 7 and 8 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

12. *Urges* sending, transit and receiving States to establish or reinforce their cooperation with the goal of preventing trafficking and prostitution, prosecuting traffickers and other sexual exploiters and providing assistance and rehabilitation to victims;

13. *Recommends* the creation of special observatories at the national and regional levels to gather information from non-governmental organizations and individuals with relevant expertise in order to further the goals of the Programme of Action on the Traffic in Persons and the Exploitation of the Prostitution of Others (E/CN.4/Sub.2/1995/28/Add.1);

14. *Calls upon* United Nations bodies and agencies to develop and implement codes of conduct that prohibit all forms of sexual exploitation by United Nations employees and contract workers and humanitarian aid workers;

15. *Recommends* that the General Assembly consider declaring a United Nations year against trafficking in persons, especially women, youth and children, in order to protect their dignity and human rights;

III. PREVENTION OF THE TRANSBORDER TRAFFIC IN CHILDREN IN ALL ITS FORMS

16. *Welcomes* the fact that over 100 States have signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention on Transnational Organized Crime and urges these and other States to ratify this instrument as soon as possible;

17. *Encourages* States to cooperate on a bilateral, regional and international basis, especially in the framework of South-South cooperation and with the assistance of non-governmental organizations, in order to address the problems associated with trafficking in children and the worst forms of child labour and to benefit from good practices in other countries;

18. *Calls upon* States to set action against trafficking within a human rights framework, so that the victims of child trafficking are fully protected and not treated as illegal immigrants;

19. *Encourages* strengthened cooperation between national and international law enforcement agencies, in particular the International Criminal Police Organization, responsible for detecting and intercepting child traffickers, as well as tracing the families of the trafficked children;

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

20. *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 and exploitation of the prostitution of women and children;

21. *Urges* States to adopt and enforce legislation that prohibits corruption, including that committed by public officials;

22. *Encourages* States to take measures aimed at improving the training and professionalism of law enforcement personnel, as well as their respect for human rights;

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

23. *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 the distribution of pornographic images and for trafficking for the purpose of prostitution and the sexual exploitation of women and children;

24. *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;

25. *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;

26. *Recommends* that Governments, research institutions, enforcement authorities, industry, non-governmental organizations and others develop and make available technological filtering devices designed to eliminate the distribution of pornographic images of women and children via the Internet and to ensure the safety of children using Internet chat rooms;

27. *Calls* for new levels of cooperation among Governments and national and regional law enforcement bodies in order to combat the misuse of the Internet to promote and carry out acts of trafficking for the purpose of sexual exploitation, sex tourism, sexual violence and sexual exploitation, especially pornography involving women and children;

VI. MIGRANT WORKERS AND DOMESTIC MIGRANT WORKERS

28. *Urges* States to ensure that protective regulations govern the employment situation of migrants and provide for safe conditions of work, and also to investigate and prosecute those responsible for illegal immigration channels used to purchase false documents for migrants who are being trafficked;

29. *Also 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 of 18 December 1990;

30. *Further urges* States to take the necessary measures to prohibit and punish those who confiscate passports belonging to migrant workers, in particular migrant domestic workers;

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

VII. ERADICATION OF BONDED LABOUR AND ELIMINATION OF CHILD LABOUR

32. *Urges* States that have not yet done so to introduce comprehensive legislation to prohibit bonded labour in all its forms, as a matter of urgency, including provisions for the punishment of any future employers of bonded labourers; this legislation should include measures of compensation for having been subjected to bonded labour and debt bondage, rehabilitation assistance including, at a minimum and where applicable, the grant of enough land to sustain a single family throughout the year, and legal provisions to protect their ownership and occupation of such land;

33. *Calls upon* States to provide support to organizations assisting victims of bonded labourers, particularly when they face harassment and threats;

34. *Urges* States to design and implement effective programmes to prevent and eliminate bonded labour which will incorporate a comprehensive development programme; such programmes should address: access to education, including vocational training; other practical training; basic health care; land reform and fairer leasing arrangements; provision of stable employment and the enforcement of the minimum wage;

35. *Calls upon* United Nations specialized agencies and intergovernmental organizations, such as the United Nations Children's Fund, the World Health Organization, the

International Labour Organization, the United Nations Development Programme and others to develop joint programmes in order to break the cycle of poverty and social exclusion which makes people vulnerable to exploitation through bonded labour;

36. *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;

37. *Recommends* the creation of an inter-agency group, operational at a local level and responsible at the national level, in the affected countries which would involve the various government departments, trade unions, employers' organizations, non-governmental organizations and community groups in eliminating the practice of debt bondage;

38. *Calls upon* national authorities to implement strictly the legislation related to bonded labour; the number of prosecutions brought, successful convictions obtained and sentences passed against those using bonded labourers should be recorded and made public on a regular basis;

39. *Calls upon* States to ensure that all boys and girls benefit from free compulsory education, as provided in the Convention on the Rights of the Child and other treaties;

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

41. *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;

VIII. FORCED LABOUR

42. *Invites* the States concerned to introduce consolidated legislation on forced labour and to take urgent action to speed up criminal proceedings, secure successful prosecutions and apply effective sanctions against all those using forced labour;

43. *Requests* the Working Group to consider as a matter of priority at its twenty-ninth session (2004) the issue of forced labour, in light of the new Programme of Action of the International Labour Organization;

IX. MISCELLANEOUS

44. *Welcomes* the decision of the Working Group to consider as a matter of priority at its twenty-eighth session, in 2003, the issue of contemporary forms of slavery related to and generated by discrimination, in particular gender discrimination, focusing attention on abuses against women and girls, such as forced marriage, early marriage and sale of wives;

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

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

47. *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;

48. *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 issues related to the 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, the issue of street children, child beggars, child camel jockeys and child manual scavengers, as well as bonded labour and the traffic in persons;

49. *Requests once again* 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;

50. *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 of 26 April 1996 and 1999/46 of 27 April 1999;

51. *Requests* non-governmental organizations to disseminate information about the work of the Working Group as widely as possible;

52. *Recognizes* the advantages of continuity of the membership of the Working Group, while acknowledging that the designation of any member to participate in any working group of the Sub-Commission is the responsibility of the regional groups of the Sub-Commission;

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

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