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COMMISSION ON HUMAN RIGHTS
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SPECIFIC HUMAN RIGHTS ISSUES

**Mr. Decaux, Mr. Ogurtsov, Mr. Pinheiro, Mr. Sattar,
Ms. Frey and Mr. Yimer: draft resolution**

**2003/... 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.2/2003/31) and in particular the recommendations contained in chapter VI,

Deeply concerned at the information it contains relating to the role of discrimination and gender discrimination in the perpetuation of slavery, 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, rapid population growth, HIV/AIDS virus, poor governance, corruption, impunity, discrimination in all its forms and armed conflicts 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 contemporary forms of slavery related to and generated by discrimination, in particular gender discrimination;

I. CONTEMPORARY FORMS OF SLAVERY RELATED TO AND
GENERATED BY DISCRIMINATION, IN PARTICULAR
GENDER DISCRIMINATION

3. *Recognizes* that victims of slavery and slavery-like practices frequently belong to minority groups, particular racial groups or categories of people who are especially vulnerable to a wide range of discriminatory acts, including women, children, indigenous peoples, people of descent-based groups and migrant workers;

4. *Urges* Governments to fully implement general recommendation XXIX on descent-based discrimination adopted by the Committee on the Elimination of Racial Discrimination, including by: reviewing, enacting or amending legislation to outlaw all forms of discrimination based on descent; resolutely implementing legislation and other measures in force; and formulating and implementing a comprehensive national strategy, with the participation of members of affected groups, to eliminate discrimination against members of descent-based groups;

5. *Also urges* Governments to establish and implement national policies and action plans to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations, as recommended in the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, in 2001;

6. *Invites* States to review and, where necessary, reform legislation and practice to increase the minimum age for marriage with and without parental consent to 18 years, for both girls and boys, in accordance with the new general comment No. 4 of the Committee on the Rights of the Child;

7. *Also invites* States to implement programmes and policies aimed at combating practices affecting the health of children, especially girls, and at setting up broad information campaigns on the devastating effects and consequences of certain identified practices, such as early marriages/early pregnancies, on girls;

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

8. *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 and to condemn and penalize traffickers and intermediaries;

9. *Urges* States to ensure that their policies and laws do not legitimize prostitution as the victims' choice of work, or promote the legalization or regulation of prostitution;

10. *Urges* Governments that have not yet done so to sign and ratify the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, the Convention to Eliminate All Forms of Discrimination against Women and the United Nations Convention against Transnational Organized Crime, including the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children;

11. *Calls upon* States to ensure that the protection and support provided to the victims are at the centre of any anti-trafficking policy and 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* States to allocate resources for comprehensive programmes designed to provide assistance to, protection for, and healing reintegration into society and rehabilitation of victims;

13. *Also urges* States to devise, enforce and strengthen effective measures at the national, regional and international levels to prevent, combat and eliminate all forms of trafficking through comprehensive anti-trafficking strategies which include legislative measures, prevention campaigns and information exchange;

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, and invites non-governmental organizations to do the same in their sphere of competence;

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. SEXUAL EXPLOITATION OF CHILDREN AND ACTIVITIES OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

16. *Takes note* of the report of the 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-eighth session (E/CN.4/2003/79) 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-ninth session of the Working Group;

17. *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 Prevention of the Sale of Children, Child Prostitution and Child Pornography;

IV. ERADICATION OF BONDED LABOUR AND ELIMINATION OF CHILD LABOUR

18. *Calls upon* all States that have not already done so to ratify International Labour Organization Convention (No. 182) concerning the prohibition 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;

19. *Also calls upon* States to ensure that the worst forms of child labour are prohibited and that the penalties are commensurate with the crimes committed and that this legislation is properly enforced;

20. *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 ensure that they are not exploited;

21. *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;

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

23. *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;

24. *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;

25. *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;

26. *Also 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;

27. *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, and invites the international community to cooperate in developing viable alternatives to child labour, in particular for young girls;

28. *Requests* the Secretary-General to invite all States to inform the Working Group of measures adopted to implement the Programme of Action for the Elimination of the Exploitation of Child Labour and to report thereon to the Sub-Commission and the Commission on Human Rights at their next sessions;

V. MIGRANT WORKERS AND DOMESTIC MIGRANT WORKERS

29. *Welcomes* the entry into force on 1 July 2003 of 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. *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;

31. *Also urges* States, in particular receiving countries, to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

32. *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;

33. *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;

VI. FORCED LABOUR

34. *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;

35. *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;

36. *Invites* the International Labour Organization, in cooperation with the members of the Working Group, to consider organizing, within the framework of the twenty-ninth session of the Working Group, consultations on the issue of the forced labour;

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

37. *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;

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

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

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

40. *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 purposes of prostitution, pornography and the sexual exploitation of women and children;

41. *Urges* Governments to act more forcefully to eliminate traffic in persons, exploitation of the prostitution of others, pornography and all other forms of sexual exploitation through the Internet, and in that regard to consider setting up monitoring systems aimed at a better control of the Internet;

42. *Calls* for closer cooperation among Governments, non-governmental organizations and Internet service providers in order to combat the misuse of the Internet;

IX. MISCELLANEOUS

43. *Welcomes* the decision of the Working Group to consider as a matter of priority at its thirtieth session (2005), in the context of its thirtieth anniversary, an assessment of its activities and work;

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

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

46. *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;

47. *Requests once again* the Secretary-General to transmit to the special rapporteurs and Working Groups concerned the recommendations of relevance to them and the report of the Working Group;

48. *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;

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

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