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Item 3 of the agenda

DRAFT INTERNATIONAL COVENANTS ON HUMAN RIGHTS
AND MEASURES OF IMPLEMENTATION

Observations of non-governmental organizations
received by the Secretary-General in pursuance
of resolution 501 B (XVI) of the Economic and
Social Council

Comments on the draft International Covenants on Human Rights under resolution 501 B (XVI) of the Economic and Social Council have been received from the Anti-Slavery Society and are summarized below.

XXXI. The Anti-Slavery Society

(Non-Governmental Organization with consultative status -
category B)

In letters dated 16 November 1953, 22 December 1953, 29 January 1954 and 14 February 1954 the Anti-Slavery Society has submitted certain comments on Article 8 of the draft Covenant on Civil and Political Rights. In the first letter it is stated that the Anti-Slavery Society is satisfied with Article 4 of the Universal Declaration of Human Rights but considers that slavery is dealt with more fully in the International Slavery Convention of 1926 and that a supplementary convention should be drawn up. A draft supplementary convention on slavery is enclosed. The Anti-Slavery Society states in its subsequent letters that Article 8 of the draft Covenant on Civil and Political Rights falls short of the International Slavery Convention of 1926 for the following reasons:

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"(a) That it gives no definition of slavery or servitude. By the adoption of the Convention of 1926 by the United Nations a definition of slavery will be provided in Article I of that Convention.

"(b) No definition of 'servitude' is given in the 1926 Convention but it is hoped that this will form part of the Supplementary Convention. This is provided for in Art. II and III of the Supplementary Convention which we sent to you.^{1/}

1/ The text of these two articles is as follows:

Art. II. It is hereby declared that the definition of slavery in Article I of the Slavery Convention of 1926 embraces:

(a) the status or condition arising from a pledge by a debtor of his personal services or those of a third person under his control as security for a debt where the value of service rendered is not applied towards liquidation of the debt and the person pledged has to serve the creditor until the debt is repaid to the creditor;

(b) the institutions or practice whereby a woman is given in marriage without the right to refuse on payment of a consideration in money or kind to her parents, guardian, family or clan, conferring on the husband the right to transfer her in his lifetime to another man for value received and rendering her liable on the death of her husband to be inherited by his heir-at-law who thereby becomes entitled to take her as his wife or to transfer her to another as his wife without her consent;

(c) the institution or practice whereby a child or young person is delivered by his natural parent or parents or guardian to another person who is not his natural parent, whether for reward or not, to keep and maintain such a child or young person and exercise control over him or her under the guise of adoption, thus enabling the person receiving such child or young person to exploit his or her labour.

Art. III. Serfdom is a servile hereditary tenure of land whereby the tenant is by law, custom or agreement bound to live and labour on land belonging to another and render determinate service whether for reward or not, part of his time to his landlord, but is otherwise free, save that he cannot change his status.

"(b) The inclusion of the carriage of slaves as part of the 'slave trade' is clearly stated in Article 3 of the Convention of 1926 but not in the draft Covenant. The adoption of the Convention by the United Nations will correct this.

"(c) Article 4 of the 1926 Convention provides for mutual assistance between States, in the suppression of slavery and the slave trade and Article V of the draft Supplementary Convention which we sent you includes assistance to the United Nations.^{1/} This gives an active trend to the approach to suppression which is not inherent in Art. 8 of the draft Covenant.

"(d) In dealing with Forced Labour Art. 8 of the draft Covenant does not distinguish between work for public and private purposes. Art. 5 of the Convention of 1926 does distinguish between them (although it does not entirely preclude work for other than public purposes) and makes it necessary to pay adequate remuneration and forbids the removal of labourers from their homes. Again this will be rectified by the adoption of the 1926 Convention by the United Nations."

1/ The text of this article is as follows:

Art. V. Article 4 of the Slavery Convention of 1926 is hereby amended by inserting immediately after the words "one another" in the first line thereof the words "and to the United Nations" and by inserting immediately after the word "slavery" in the second line thereof a comma and the word "serfdom".