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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Twenty-eighth session
Agenda item 13

REPORT OF THE WORKING GROUP ON SLAVERY ON ITS FIRST SESSION

Chairman-Rapporteur: Mr. Bali Ram Bhagat

I. ORGANIZATION OF THE SESSION

1. In paragraph 2 of resolution 13 (XXIII) of 21 March 1967, the Commission on Human Rights requested the Sub-Commission to undertake regular consideration of the question of slavery in all its forms, including the slavery-like practices of apartheid and colonialism, and to report to the Commission its recommendations on measures designed to help the United Nations and Member States which so accepted in dealing with problems of slavery and the slave trade, in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism.
2. In paragraph 12 of its resolution 1695 (LVI) of 2 June 1972, the Economic and Social Council directed the Sub-Commission to examine the possibility of the establishment of some form of permanent machinery to give advice on the elimination of slavery and on the suppression of the traffic in persons and the exploitation of the prostitution of others, and to make recommendations with a view to seeking the better implementation of the United Nations instruments concerned. In its resolution 7 (XXVI), the Sub-Commission recommended that the Commission on Human Rights request the Economic and Social Council to authorize the Sub-Commission to appoint a group of five of its members to meet for not more than three working days, prior to each session of the Sub-Commission, to review developments in the field of slavery and slavery-like practices, the traffic in persons and the exploitation of the prostitution of others as they are defined in the Convention on Slavery of 1926, 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. The Sub-Commission decided to revise its decision when the International Covenant on Civil and Political Rights came into force. Supported by the Commission on Human Rights, this recommendation was approved by the Council at

its 1809th meeting on 17 May 1974. At the same meeting, by decision-17 (LVI), the Council authorized the outgoing Chairman of the twenty-seventh session of the Sub-Commission to appoint the members of the Working Group after the election of the members of the Sub-Commission by the Commission at its thirty-first session.

3. At its twenty-seventh session the Sub-Commission, by its resolution 11 (XXVII), adopted on 21 August 1974, established the Working Group and decided on the geographical basis on which the members would be selected. At its 1332nd meeting, on 7 March 1975, the Commission elected the new members of the Sub-Commission. The outgoing Chairman, after consultations with members of the Sub-Commission of the various regional groups, then appointed Mr. Bali Ram Bhagat (India), Mr. José Joaquin Caicedo Perdomo (Colombia), Mr. Branimir M. Jankovic (Yugoslavia), Mr. Justice Freddie A. Short (Sierra Leone), and Mr. Benjamin Charles George Whitaker (United Kingdom) as members of the Working Group.

4. Also by resolution 11 (XXVII) the Sub-Commission requested the Working Group, at its meeting in 1975, to prepare a report for consideration at the twenty-eighth session, pursuant to its resolution 7 (XXVI), including proposals for the future method of work of the Working Group and the Sub-Commission in their examination of this question.

Attendance

5. The Working Group held its first session at the Office of the United Nations in Geneva from 20 to 22 August 1975. All the members of the Working Group mentioned in paragraph 3 above attended the session.

6. The Anti-Slavery Society was represented at the session.

Election of officers

7. At its first meeting, on 20 August 1975, Mr. Bali Ram Bhagat (India) was unanimously elected as Chairman-Rapporteur of the Working Group.

Agenda

8. At its first meeting, on 20 August 1975, the Working Group adopted the following agenda:

1. Opening of the session
2. Election of Officers
3. Adoption of Agenda
4. Organization of work

5. Consideration of the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism.
6. Adoption of the report of the Working Group to the Sub-Commission.

Meetings of the Working Group

9. The Working Group held five meetings from 20 to 22 August 1975 and its sixth meeting on 27 August 1975.

Documentation before the Working Group

10. The Working Group had before it:

(a) The Convention on Slavery of 1926; 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 Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949;

(b) The Report on Slavery by Mr. Mohamed Awad, Rapporteur on Slavery (United Nations Publication, Sales No. 67.XIV.2);

(c) The Report submitted by the Special Rapporteur Mr. Mohamed Awad on the Question of Slavery and the Slave Trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism (E/CN.4/Sub.2/322);

(d) The following previously circulated documents: E/CN.4/Sub.2/279 and Add.1; E/CN.4/Sub.2/290; E/CN.4/Sub.2/308; E/CN.4/Sub.2/308/Add.1; E/CN.4/Sub.2/326; E/CN.4/Sub.2/337; E/CN.4/Sub.2/342; E/CN.4/Sub.2/342/Add.1; E/CN.4/Sub.2/342/Add.2; E/CN.4/Sub.2/349; E/CN.4/Sub.2/349/Add.1; E/CN.4/Sub.2/350 and E/5446;

(e) E/CN.4/Sub.2/AC.2/1 and 2 and E/CN.4/362 and Corr.1;

(f) Papers received from the Anti-Slavery Society on "Developments in the field of slavery and institutions similar to Slavery".

II. CONSIDERATION OF THE ITEM.

11. It was generally recognized that, since the Report on Slavery of Dr. Awad was issued in 1966, there had been no substantial changes in the situation of slavery and slave trade in all their practices and manifestations which continued to exist in many parts of the world. On the contrary, the new and subtle forms of slavery which had appeared had even aggravated the position. This situation called for new efforts on the part of Governments and the international community to combat and eradicate slavery. The United Nations system should play an increased role in this field comparable to that in narcotics control and should devote more of its capability and its means to the problem. This problem was essentially twofold: the collection of evidence and the persuasion of Governments to act on it. It was thought that neither Governments nor the specialized agencies had provided more than minimal positive information about slavery throughout the long history of international abolition of slavery. It was considered that the bulk and the positive quality of the information obtained had been contributed by non-governmental organizations. The present experience was no exception. This problem could be eased by informing public opinion so that those who encountered slavery might recognize what they were seeing. Governments, however, were the only agencies able to provide remedies and to ensure their effective implementation. Further, in suitable cases, Governments could be helped by way of technical and financial aid to bring about improved economic conditions in which obnoxious institutions would no longer be regarded as inescapable. Such Governments would seek to educate public opinion against slavery.

12. It was felt that as a result of its manifold and indirect manifestations, the phenomenon of slavery presented great complexity. The definitions in the existing relevant conventions did not, therefore, cover the concept of slavery under all its present aspects. After a further study, the Working Group or the Sub-Commission itself should attempt to elaborate a new and broader definition of the concept. In that connexion, the opinion was expressed that a definition of slavery should include any form of dealing with human beings leading to the forced exploitation of their labour. According to another opinion, the definition should embrace all institutions and practices which, by restricting the freedom of the individual, are susceptible of causing severe hardship and serious deprivations of liberty. It was generally agreed that the definition should be flexible enough to be applicable to any new form of slavery which might emerge in the future and not to limit the scope of investigation of all its possible manifestations.

13. With respect to various modern forms of slavery, there was evidence that in the rural societies of various countries which have not yet been modernized and where the labourers continue to be unorganized, new forms of labour bondage are emerging.

14. Mainly in urban and industrialized societies, illicit traffic in persons and especially in women was considered as growing under concealed forms. Attention was further drawn on the spreading of the cases in which women from poorer countries had been recruited, under cover of seemingly normal contracts, for prostitution activities in the industrialized countries.

15. The situation of migrant workers was also mentioned as being able to take slavery like forms.

16. Special attention was paid to the very close links between apartheid, colonialism and slavery. Apartheid was considered as the most extended practice of slavery, since the whole population finds itself under the control of a few, through force. The opinion was expressed that apartheid and colonialism were, in themselves, forms of slavery and, therefore, the formulation "slavery-like practices of apartheid and colonialism" should be replaced by the formulation "the slavery of apartheid and colonialism". According to another opinion, only certain features of apartheid and colonialism entailed slavery. It was generally agreed that this very important question required further consideration. The lack of a comprehensive and detailed study on the relationship between apartheid, colonialism and slavery was deemed as rendering difficult the task of the Working Group of reviewing the slavery-like practices of apartheid and colonialism.

17. It was suggested, as a method of the future work of the Working Group, that two studies should be undertaken, possibly by the Sub-Commission: one relating to the modern forms of slavery and the other to the link between apartheid, colonialism and slavery.

18. It was further suggested that for the next session of the Working Group the Secretariat should prepare the following papers relating to slavery:

1. An analysis of the information received from Governments;
2. A summary of opinions and recommendations of United Nations bodies, especially of the Committee on Apartheid and of the Special Group of Experts on South Africa;
3. A presentation of the opinions of ILO and UNESCO;
4. A summary of the information received from non-governmental organizations and of their opinions and proposals.

III. RECOMMENDATIONS

19. The Working Group adopted unanimously a number of recommendations which it submits to the Sub-Commission. These recommendations concern: 1. The status of the Working Group; 2. Measures to be taken by States; 3. Measures to be taken at the international level. Some of these measures were already recommended by the Economic and Social Council resolution 1695 (LII) of 2 June 1972.

1. The status of the Working Group

20. The Sub-Commission should recommend that the Commission on Human Rights establish and strengthen the Working Group as a continuing subsidiary body of the Sub-Commission and broaden its terms of reference so as to entitle it to: receive and consider communications; make visits, if necessary, in various regions or countries of the world and invite States, non-governmental organizations and individuals to attend its meetings and to assist it in its work. Women should be included in the composition of the Working Group since illicit traffic in persons and the exploitation of the prostitution of others are of special concern to them. The Working Group should also benefit from a longer annual period of deliberation.

21. The Working Group should be further authorized to establish its own procedures. A suitable publicity of the existence of the Working Group and of its work should be assured through the competent channels of the United Nations system.

2. Measures to be taken by States

22. All eligible States which are not yet parties should be called upon to become parties as soon as possible to the International Slavery Convention of 1926, the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949.

23. States should be called to enact any legislation necessary to prohibit slavery and slave trade in all their practices and manifestations and, especially, to ensure a strict and effective implementation of this legislation, taking into account the manifold aspects of the new forms which the concept of slavery has taken.

24. States should be called upon to increase the collection and the exchange of information, especially of information regarding slave trading and illicit traffic in persons and more effectively to co-operate among themselves with a view to the eradication of all forms and practices of slavery.

25. Since slavery in all its practices and manifestations is determined by certain economic, social and political conditions, States should be called upon to focus their attention on all measures which, in the framework of their economic and social development, would lead to the eradication of slavery. Such measures include land reforms, and reforms of the education system, with a view to ensuring the dissemination of technical knowledge, especially in the field of agriculture, and credit assistance.

26. States should be called upon thoroughly to examine situations resulting from economic dependence which engender not only the known forms of economic slavery, such as debt bondage, but also other practices leading to slavery and to take appropriate measures for their gradual elimination.

27. States should not only grant the status of refugees to persons who escaped from any form of slavery, but to grant freed slaves special assistance corresponding to their specific needs.

3. Measures to be taken at the international level

28. The United Nations system should ensure, through its competent channels, wide and effective publicity and dissemination of existing international instruments against slavery and similar institutions and of any information on existing cases of slavery.

29. Educational programmes, in consultation with UNESCO, should be elaborated and applied on as wide a scale and by using means as various as necessary.

30. A review of existing international conventions against slavery in all its practices and manifestations should be undertaken, taking into account the relationship between colonialism, apartheid and slavery, the economic and social changes within international society and the progressive development of international law.

31. Co-operation with ILO, UNESCO and INTERPOL in co-ordinating programmes, in assistance to governments and in joint actions should be further developed.

32. The inter-governmental regional organizations should be called upon to focus their attention on the various forms and practices of slavery and political, economic and social forms of dependence which might lead to slavery-like situations.

33. The non-governmental organizations should be invited to develop further their co-operation with the United Nations system, especially in the field of publicity and dissemination of information and documentation, in order to strengthen the international action aimed at the eradication of slavery in all its practices and manifestations.

IV. ADOPTION OF THE REPORT

34. At its 6th meeting, held on 27 August 1975, the Working Group considered the draft report on the work of its first session and adopted it, as amended, unanimously.