The Working Group on Contemporary Forms of Slavery held its 28th session at Palais Wilson in Geneva, from 16 to 23 June 2003. Ms Halima Embarek Warzazi (Morocco), Mr Stanislav Ogurtsov (Belarus), Mr Emmanuel Decaux (France), Mr Abdul Sattar (Pakistan) were elected by the Sub-Commission in 2001 to participate in the 28th session, with Mr Paulo Sergio Pinheiro (Brazil) appointed as chairperson.

Continuing the tendency of past years, a large number of NGOs attended the meeting, often proving to be the most active participants. Some State delegations also were present, but few gave concrete and comprehensive information about their Governments’ actions and experiences in tackling contemporary forms of slavery. However, several States intervened to respond to NGO allegations.

The absence of all UN specialised agencies – with the exception of the World Health Organisation (WHO) – spurred the secretariat to invite to the meeting relevant agencies interested in the issues addressed by the Working Group, resulting in the presence, albeit brief, of representatives from the United Nations Children’s Fund (UNICEF), the International Labour Organisation (ILO) and the International Organisation for Migration (IOM).

As agreed by last year’s Working Group, priority at this session was given to the topic of contemporary forms of slavery related to and generated by discrimination, in particular gender discrimination (such as forced marriage, child marriage and the sale of wives).

Opening of the session

The acting High Commissioner for Human Rights, Mr Bertrand Ramcharan, opened the session by recalling the recent developments and the strong rights-based position of the Office of the High Commissioner for Human Rights (OHCHR) in relation to the issue of contemporary forms of slavery. He noted that “the problems of slavery and slavery-like practices remained unresolved”. New forms of oppression have emerged over the years in which victims are generally characterised by their poverty and their vulnerability. The acting High Commissioner stressed that combating slavery not only includes “its direct prohibition by law but also fighting against poverty, illiteracy, economic and social disparities, gender discrimination, violence against women and children, harmful traditional practices and many other factors leading up to its contemporary forms”. He paid special tribute to the role of NGOs in the Working Group and praised the Working Group’s close co-operation with the Board of Trustees of the Voluntary Trust Fund on Contemporary Forms of Slavery. Foreseeing the 30th anniversary of the establishment of the Working Group in 2005, he suggested that this session be used as an opportunity for an overall assessment of its work.

Contemporary forms of slavery related to and generated by discrimination, in particular gender discrimination (such as forced marriage, child marriage, sale of wives)

Under this agenda item, the Working Group mainly focused on the issue of gender-based slavery, but the more general issue of forced and bonded labour was also touched upon. Ms Warzazi stressed from the beginning that the Working Group members “were only there to listen” and urged especially NGOs to make “wise, practicable and feasible recommendations” at the end of their statements so that they be further elaborated and included in the Working Group’s recommendations at the end of the session.

For the most part, the Working Group members were rather passive, making little concrete input with the exception of Mr Decaux, who made several suggestions such as on the issue of forced marriage. He argued that States should be asked to account for not having ratified the 1962 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (only 49 States have ratified it so far). Reasons should be given in
the case of non-ratification and whether they are of a legal or political nature. On the whole, he attempted to focus on concrete issues such as urging the Working Group to identify "good practices" which could be the basis of the Working Group’s recommendations.

Anti-Slavery International raised the problem of forced and bonded labour especially in India, Nepal and Pakistan, highlighting that "societal control is more important than debt in understanding and combating the bonded labour system". In their view, other societal factors help to maintain the system even though it is prohibited by law in all three countries. Anti-Slavery International asked for more legislative measures, training of Government officials and technical assistance in implementing the relevant legislation.

On the question of gender-based slavery, many NGOs intervened. Like last year, many participants and also victims of early and forced marriages took the floor on behalf of Action for Children Campaign, who together with several other NGOs, introduced numerous "daily life" examples of gender-based slavery occurring in all parts of the world.

The Coalition Against Trafficking in Women underlined that gender-based slavery often occurs within the same social class, be it amongst wealthy or poorer people. They called for sensitising the criminal justice systems, for community education aimed at prevention and intensive and comprehensive (social and legal) services to be provided to victims. Moreover, States should be further encouraged to ratify the relevant conventions and harmonise their legislation.

IDEAL Internationale drew attention to General Assembly Resolution 843 of 1954, which stresses the incompatibility of principles enshrined in the Universal Declaration of Human Rights with the practise of forced marriage. They emphasised that "the notion of nubility is inseparably linked to the one of consent, which implies the necessary education in order to build up the intellectual capacity to have a critical mind and the knowledge of oneself" and thus to be able to make a free choice.

Only one UN specialised agency, the WHO, took the floor on this item. The representative made a presentation on the adverse health consequences of early marriages and of child prostitution. She explained that the WHO has assumed a technical, a research and an advocacy role in the fight against these practises. The WHO is in close co-operation with Governments, all of which have to report to the World Health Assembly.

Review of the implementation of follow-up to the conventions on slavery

Little has been achieved in the monitoring of the implementation of the three Slavery Conventions - an important part of the Working Group’s mandate - except stating that five countries reported on the way they have implemented or will implement the conventions (Cyprus, France, which was described as having a very good implementation, Namibia, Paraguay and Uganda). Ms Warzazi asked that the Working Group receive more concrete information on the issue of corruption and on the problem of international debt. Apart from this, it was only agreed that the review of the implementation be enlarged to all relevant international legal instruments that exist.

Review of developments

The most pertinent statements under this agenda item were made on the problems of migrant workers, trafficking and exploitation (mainly of women), forced and bonded labour and child labour as well as child abuse.

All participants welcomed the entry into force on 1 July 2003 of the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families. However, none of the major receiving countries has yet ratified the convention. The representative from Bangladesh emphasised that without the ratification and implementation by the employer States, the Convention on Migrant Workers will have very little if any effective impact at all.

A major part of the debate focussed on examples in various regions of the world of
trafficking and the exploitation of mainly women and children, including sexual exploitation. As in the previous year, several NGOs raised concerns with regard to the trafficking of women and young girls especially from Nigeria to Italy for prostitution.

Associazione Iroko Onlus had prepared an in-depth study on the evolution of the trafficking situation in Italy in light of the recent Government proposal to legalise brothels. The paper called for a "cultural re-education of the people, in which culture is intended as a reconstruction on values and norms of social exchange, interaction and behaviour, which goes beyond mere emanation of laws, legal instruments and regulations". As a positive sign on the part of the Nigerian Government, the NGO noted that passports for Nigerian victims of trafficking have become cheaper in order to facilitate their repatriation to Nigeria, however, the request for free passports for these victims was reiterated.

The Mouvement pour l’Abolition de la Prostitution (MAP) gave a detailed account of the situation of prostitution in France and deplored the fact that under the new Government 85% of the financial aid to organisations helping victims had been withheld. Other NGOs commended Sweden on its very up-to-date and effective laws against prostitution and the Philippines for its leadership as a principal sponsor of anti-trafficking resolutions.

Presenting a paper on why men look for prostitution and who such men are, the International Council of Women stressed the importance of the client side. They argued that this demand side needs to be primarily addressed, since "without the male demand, there is no female prostitution".

The representative from the IOM, gave its intergovernmental perspective, stating that the organisation undertakes "research and massive information campaigns in the area of counter-trafficking". The IOM provides technical advisory services, ad hoc training for law enforcement, shelter management and follow-up services once victims have returned to their home countries.

Linking the issue of trafficking to child abuse and exploitation, Guatemala was highlighted as an example of a "trafficking and receiving country". A major problem for the implementation of any laws there appears to be the frequently occurring corruption of the police in the region.

An NGO from Argentina made a comprehensive presentation on the situation of child labour in the country. The number of child labourers has increased enormously and their occupations are becoming ever more risky. The NGO deplored the absence of any real State policy on child labour. In order to address the problem, the NGO called for strategies that focus on the human capital and include educational as well as legislative measures.

Economic exploitation, child forced labour and sexual exploitation in Ireland was an issue of concern for One In Four – Ireland, which focused on exploitation in church premises, in particular premises under authority of the Holy See. So far, no enforceable procedures exist under the Canon Law, which require reporting of all suspicions or allegations of child abuse or exploitation perpetrated in institutions under the Holy See’s governance. One In Four considers this unacceptable, especially taking into account the cases of abuse that have taken place in the past and the continuing extraordinary role that the Vatican State plays in the provision of health and education services to children and vulnerable people everywhere in the world.

The issue of children from the United States of America (USA) being abducted, often by their own fathers, to Saudi Arabia and held in slavery-like conditions was introduced by International Educational Development/Humanitarian Law Project. A mother whose daughter had been abducted and a young man, a former victim of abduction, testified and tried to engage in a direct dialogue with the representative from Saudi Arabia, which proved difficult. This highlighted one of the most serious constraints in resolving such cases of abduction - the unwillingness of the Saudi Arabian Government to communicate on the matter.

The UNICEF also intervened on the issue of child protection by outlining the strategy it adopts on the field. UNICEF intends to focus on the child’s environment as a whole. It encourages a public dialogue and, more specifically, provides technical co-operation in the field of legislation and subsequent monitoring.
Concerns in other countries were raised under this issue (such as the Russian Federation, Mexico, Brazil, South Africa, etc.) but the overall emphasis was laid on recommendations to further international co-operation and to improve the implementation of legislative standards and norms. Mr Decaux praised the good work by the Organisation for Security and Co-operation in Europe (OSCE) in recent years in the field of trafficking and recommended that such work be used as an example. Mr Sattar, for his part, highlighted the close link between any form of exploitation and the problem of corruption. As an example, he suggested that NGOs launch campaigns to review secrecy banking laws.

The other main topic of debate was forced and bonded labour. Anti-Slavery International made the most substantive statements on trafficking and forced labour of children in the United Arab Emirates (especially the issue of child camel jockeys), on slavery and forced labour in the Sudan and Niger, and on the cases of India, Nepal and Pakistan. The latter three countries were also mentioned by several other NGOs in relation to forced and bonded labour.

The Ambassadors of India and Pakistan both reacted to allegations made by NGOs. Both stated that their Governments have been very active in condemning forced and bonded labour, and the Indian Ambassador denied the existence of any truth in NGO information. He underlined that there is a difference between bonded labour and contract labour, and that this distinction was neglected by NGOs or other organisations producing data. The Pakistani Ambassador acknowledged the problem of bonded labour and asked for co-operation and help by international organisations as well as NGOs in the matter. He pointed out that one of his Government’s actions has already been to create a fund in order to finance the rehabilitation and the protection of former victims of bonded labour and help with their re-education.

Briefly intervening on the same issue was the representative of the ILO who informed the Working Group on some recent ILO publications relevant to the matter. Forced labour is a major concern for the ILO and it is increasingly addressed in workshops, where emphasis is placed on traditional leaders and their link with forced labour. He recommended a stronger co-operation between the ILO and this Working Group.

Activities of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

As a member of the Board of Trustees, Mr Cheikh Saad-Bouh Kamara briefly outlined the activities of the Voluntary Trust Fund. Six NGO representatives attended the session with the Fund’s grant and four beneficiaries of a project grant also reported to this session. He called for regular and potential donors to contribute before 1 December 2003 to enable the Fund to recommend new grants. Responding to rumours of the Fund being abolished, he clarified that it would only undergo an "administrative restructuration", the details of which still had to be determined.

Recommendations and conclusions

The 85 recommendations of this year’s Working Group related to: contemporary forms of slavery related to and generated by discrimination; trafficking in persons; bonded labour and debt bondage; elimination of child labour; forced labour; migrant workers and domestic migrant workers; sexual exploitation of children; the Voluntary Trust Fund; and the role of corruption in the perpetuation of slavery and slavery-like practices.

Some specific recommendations included the Working Group urging States that have not yet done so to 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; and to ensure that their policies and laws do not legitimise prostitution as the victims’ choice of work. The Working Group also urges States to pass comprehensive legislation to prohibit bonded labour, to include measures of compensation and rehabilitation, to undertake a comprehensive survey, by regional district, of debt bondage, and to inform the
public about the illegality of such practices. (As a matter of priority at its twenty-ninth session (2004), the Working Group decided to consider the issue of forced labour). In regards to child labour, the Working Group urges all States, while attempting ultimately to eliminate child labour, to adopt measures and regulations to protect child labourers. In addition receiving countries are urged to ratify the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. In regard to the internet and sexual exploitation, the Working Group 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. On the thematic issue of the *contemporary forms of slavery related to and generated by discrimination*, in particular gender discrimination, the Working Group urges all States which have not yet ratified the *International Convention on the Elimination of All Forms of Racial Discrimination* and the *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages of 1962* to do so.