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**SPECIFIC HUMAN RIGHTS ISSUES**

**CONTEMPORARY FORMS OF SLAVERY**

**Report of the Working Group on Contemporary Forms of Slavery  
on its twenty-ninth session\* \*\***

**Chairperson-Rapporteur: Mr. Paulo Sérgio Pinheiro**

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\* The present report was submitted after the deadline established by the General Assembly because of the dates of the twenty-ninth session of the Working Group.

\*\* The annex is circulated in the language of submission only.

## Summary

The Working Group on Contemporary Forms of Slavery held its twenty-ninth session from 28 June to 2 July 2004. The session was attended by representatives of Member States as well as some participants supported by the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, other non-governmental organizations and a number of students who organized an exhibit on slavery around the world in order to commemorate the International Year to Commemorate the Struggle against Slavery and its Abolition.

At its present session, the Working Group devoted priority attention to the issue of forced labour. It co-organized, with the International Labour Organization Special Programme of Action on Forced Labour, a special discussion on the issue. Panellists from the ILO identified key challenges concerning old and emerging forms of forced labour, while another presentation focused on advocacy issues. Representatives of the Office of the United Nations High Commissioner for Human Rights added contributions on trafficking for the purpose of forced labour and sexual exploitation. The special discussion also provided an opportunity for all participants to share their experiences either from the Government perspective or from the civil society one.

During its session, the Working Group reviewed developments in contemporary forms of slavery and heard testimonies on sexual and economic exploitation in various countries and regions. On economic exploitation, the Working Group was presented with information on exploitation of the labour of those in vulnerable circumstances as well as on the continuing problems of bonded labour and its linkage to violations of various rights, in particular the rights to education, health and adequate housing.

The issue of trafficking in persons and the exploitation of the prostitution of others was discussed at length. Besides the information provided on the matter during the day of special discussion, the Working Group received information on the draft convention on trafficking in persons being discussed under the auspices of the Council of Europe and on the impact of demand in the increase of trafficking and sexual exploitation. Other issues such as so-called honour killings, forced marriages, and international adoption of children for commercial gain were raised.

Regarding the review of implementation and follow-up to the relevant conventions, the working group expressed concern at the lack of ratification of relevant conventions. It decided therefore to re-initiate a more structured, serious dialogue with Member States on the status of ratification of all pertinent instruments to identify obstacles to ratification. The Working Group also held an informal dialogue with all participants on its working methods and on how to best face new challenges.

At the end of the session, the Working Group adopted a set of recommendations on the various issues it considered. They include general recommendations calling for the ratification of relevant instruments and requesting strengthened cooperation with other human rights mechanisms, in particular in light of the thirtieth anniversary of its establishment next year in 2005. Recommendations were also adopted on the activities of the Trust Fund, the role of corruption in the perpetuation of slavery, traffic in persons, sexual exploitation of women and children, the misuse of Internet for the purpose of sexual exploitation, forced and child labour, and migrant workers.

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## **Introduction**

1. In its decisions 16 (LVI) and 17 (LVI) of 17 May 1974, the Economic and Social Council authorized the Sub-Commission to establish a five-member working group to review developments in the fields of slavery, the slave trade and slavery-like practices, of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others, as defined in the 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 of 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. The Working Group on Contemporary Forms of Slavery was established in 1975 and, by decision of the Economic and Social Council, has met regularly before each session of the Sub-Commission.

2. Because of restrictions on the length of the report, the Chairperson-Rapporteur of the Working Group regrets that it has not been possible for the report to contain an exhaustive account of the discussions. It attempts, however, to give an extensive account of the debate concerning the priority issue.

### **I. ORGANIZATION OF THE SESSION**

#### **A. Opening and organization of the session**

3. The Working Group held its twenty-ninth session from 28 June to 2 July 2004, over nine meetings. A representative of the Acting United Nations High Commissioner for Human Rights opened the session, paying tribute to the presence and participation of non-governmental and community-based organizations as well as victims of slavery-like practices. Their participation had reinforced the dynamism of the Working Group and had strengthened the accuracy of the information it considered and had given a profound and human dimension to its work. He noted that combating slavery involved not only its direct prohibition by law but also fighting poverty, illiteracy, economic and social disparities, gender discrimination, violence against women and children, harmful traditional practices and many other factors linked to its contemporary forms.

4. The members of the Working Group at its twenty-ninth session were: Mr. Emmanuel Decaux, Ms. Iulia-Antoanella Motoc, Mr. Paulo Sérgio Pinheiro, Mr. Abdul Sattar and Mrs. Halima Embarek Warzazi. A list of participants attending the session as observers is annexed.

#### **B. Documentation**

5. The Working Group had before it a number of background documents relating to the issues being discussed, as well as documents prepared for the session. A provisional timetable for the session was distributed at the first meeting.

#### **C. Election of the Chairperson-Rapporteur**

6. At the first meeting, the Working Group appointed Mr. Pinheiro Chairperson-Rapporteur of its twenty-ninth session. In his introductory remarks, he underlined the continuing challenge of slavery and slavery-like practices, noting that slavery not only remained a global problem, but

was a growing phenomenon. He welcomed the suggestion put forward by the Acting High Commissioner and endorsed by the Working Group to devote the thirtieth session to a review of its achievements and an identification of future challenges.

7. The Chairperson also presented the slightly revised format of the present session. He explained that the members of the Working Group had decided to modify the organization of the session on a trial basis. Among the innovations were the organization of a special discussion on the priority theme of forced labour and the holding of an informal exchange with participants on the activities and working methods of the Working Group, especially in light of its thirtieth anniversary in 2005. The Chairperson also highlighted the importance for the Working Group of exploring means through which its work could best complement that of the special rapporteurs of the Commission on Human Rights. In this regard, he made specific mention of the Special Rapporteurs on the human rights of migrant workers, on the sale of children, child prostitution and child pornography and on violence against women and the new Special Rapporteur on trafficking in persons, whose respective mandates were relevant to that of the Working Group.

#### **D. Adoption of the agenda**

8. At the first meeting, the Working Group adopted its agenda on the basis of the provisional agenda (E/CN.4/Sub.2/AC.2/2004/1).

### **II. ACTIVITIES OF THE UNITED NATIONS VOLUNTARY TRUST FUND ON CONTEMPORARY FORMS OF SLAVERY**

9. Mr. José de Souza Martins, a member of the Board of Trustees of the Voluntary Trust Fund, presented a general and financial update on the Trust Fund. He said that the Board of Trustees regretted the lack of awareness about the persistence of slavery and slavery-like practices and strongly believed that that was one of the main reasons for its perpetuation. The Board considered that there was a pressing need to raise greater awareness within the international community on contemporary forms of slavery and slavery-like practices, with a view to achieving its complete abolition. In this connection, the Board of Trustees had recommended the publication of a brochure on its activities and on contemporary forms of slavery in general, which was expected to be published in the course of this year.

10. Mr. de Souza Martins was pleased to inform the Working Group that the Secretary-General, upon recommendation by the Board, had approved nine travel grants to allow representatives of non-governmental organizations (NGOs), including two victims of contemporary forms of slavery, to attend the present session. The Board also recommended the allocation of 20 project grants to local NGOs for a total amount of about US\$ 150,700. These grants would assist victims of child labour, sexual slavery, trafficking and bonded labour in 15 different countries.

11. He closed by expressing his appreciation to the donor Governments, organizations, trade unions and individuals, including students, who regularly contributed to the Fund and appealed to all regular and potential donors to contribute generously to it before the end of the year to enable the Fund and the Board of Trustees, at its next session in 2005, to recommend new grants to assist victims of contemporary forms of slavery worldwide.

### **III. FORCED LABOUR, IN PARTICULAR IN LIGHT OF THE ILO PROGRAMME OF ACTION**

12. At its twenty-eighth session in 2003, the Working Group had decided to consider as a matter of priority the issue of forced labour at its twenty-ninth session. In that regard, and using a different format than at previous sessions, the Working Group decided to co-organize, with the International Labour Organization Special Action Programme to Combat Forced Labour, a special discussion on various aspects of forced labour and, in particular, the challenges associated with the new manifestations of forced labour in a changing world affected by globalization and technological change. Panellists from ILO made presentations on the “old” and “new” forms of forced labour; two staff members of the Office of the United Nations High Commissioner for Human Rights (OHCHR) referred to the issue of trafficking in women, and the Director of Anti-Slavery International spoke on advocacy work. Presentations were followed by comments and questions from the members of the Working Group and the participants.

13. The discussion highlighted that forced labour persists despite national efforts in many countries to tackle the problem. The adoption of legislation and implementation of various policies and programmes to eliminate the practice have, in many cases, met resistance because the structures within which forced labour was embedded continued to exist. Poverty, discrimination and unequal access to resources all contributed to the complex dimensions of forced labour. Certain patterns of abuse which occurred within the context of labour did not reach the level of forced labour. In that regard, the ILO experts conducted a review of the sources providing the most authoritative definition of forced labour.

14. The ILO experts referred to the need to reconsider the definition of forced labour and reviewed its development since the League of Nations adopted the Slavery Convention in 1926 concerning chattel slavery. Later, in 1956, the United Nations adopted the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, which addressed the slavery-like practices of serfdom and debt bondage. Parallel to the efforts of the United Nations, the ILO adopted its first convention on the question in 1930. In ILO Convention (No. 29) Concerning Forced or Compulsory Labour, forced labour was defined as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”. This definition did not embrace emergency cases and military service. The lack of consent or choice in the employment relationship constituted the key element of forced labour, followed by the threat of some form of sanction. Under the second ILO Convention (No. 105) concerning the Abolition of Forced Labour, adopted in 1957, the earlier definition of forced labour remained unaltered while a call for its immediate abolition for ideological or political purposes, or as a method of mobilizing labour for the purposes of economic development, was stressed.

15. During the discussion it was established that there existed two forms of forced labour: State-imposed forced labour, such as prison labour, and forced labour imposed by private agents in the form of bonded labour, debt bondage, forced domestic work and various forms of servitude. Research into the issue has shown that forced labour involved patterns of socio-economic dependency and exploitation which sometimes encompassed a psychological dimension.

16. Although many of the contemporary problems connected with human exploitation as manifested through slavery and slavery-like practices were defined under the above-mentioned conventions, the challenge remained that of identifying global situations which were camouflaged under certain guises and yet constituted forced labour.

17. In this regard, the OHCHR staff evoked the challenges linked to migration and trafficking in persons for the purpose of forced labour or sexual exploitation. Although victims of forced labour were not necessarily trafficked, participants reiterated the well-established observation that many of the new manifestations of forced labour were directly connected to the increased movement of people and goods across borders and that this movement had given rise to a new form of forced labour based on trafficking. The migration of persons from their countries of origin to other countries through traffickers using fraud and deceit with the intent to subject such persons to conditions of economic exploitation and/or sexual exploitation, imposed upon the international community the need to establish additional international standards to combat trafficking. The adoption, in 2000, of the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol) represented an important step in responding to the problem. It was noted that if the main purpose of trafficking in persons in Western countries remained sexual exploitation, the purposes in developing countries ranged from sexual exploitation to economic exploitation, including domestic work, work in hazardous conditions, and work in the agricultural industry.

18. While in aforementioned conventions, the element of consent constituted a fundamental criterion, under the Palermo Protocol, the consent of the individual being trafficked was not significant as long as the act of recruiting the person led to abuses, deception, fraud, force or violence against her/him. Notwithstanding this distinction with respect to trafficking, the most important feature of forced labour remained coercion, which could take on different shapes.

19. The members and other participants expressed their belief that in light of its global dimension, the problem had attained a level of complexity which could only be effectively tackled through a holistic approach involving a comprehensive range of interventions focused on prosecution of traffickers, prevention of trafficking and protection of victims. Such measures constituted the most promising means of reducing and eliminating the violations of human rights which ensued from trafficking. However, such interventions must be established within an unambiguous legal framework, accompanied by strong criminal enforcement mechanisms, the implementation of labour standards, the social empowerment of persons who were socially and economically vulnerable, and viable economic alternatives for employers and employees.

20. The members and other participants also considered the important role of advocacy in combating forced labour effectively. One participant explained that advocacy was not only useful in raising international attention, setting standards and holding to account, but also to ensure the effective implementation of such measures, as the real challenge resided in actual implementation. In order to support such implementation, effective advocacy required strategies designed to engage the target audience, whether Governments or society as a whole, to recognize and identify the issue as a problem, and to achieve an effective commitment on the part of the actors to work towards long-term sustainable solutions.



21. Several government observers participating in the special discussion shared with the participants the steps they had undertaken to combat forced labour and to suppress trafficking. Some Governments had enacted domestic legislation in accordance with their international law obligations by prohibiting forced labour, including trafficking for labour exploitation. They also had undertaken steps to ensure the strict enforcement of labour laws. Additionally, they had been allocating more resources to combat the root causes of forced labour by prosecuting persons involved in the practice, amending their policies regarding forced labour and migration as the latter depleted skilled labour in countries of origin, promoting social empowerment and awareness through education and training, and promoting sustained economic and social development and creating awareness.

22. The Working Group was pleased by the outcome of the special discussion and looked forward to increased cooperation with ILO with respect to building awareness as to the need for effective laws and procedures which could enhance the effectiveness of the struggle against forced labour and other contemporary forms of slavery.

#### **IV. REVIEW OF THE IMPLEMENTATION AND FOLLOW-UP TO THE CONVENTIONS ON SLAVERY**

##### **A. Status of the conventions**

23. Under item 5 (a) of its agenda, the Working Group had before it reports on the status of the conventions on slavery (E/CN.4/Sub.2/AC.2/2004/2 and E/CN.4/Sub.2/2004/3). In addition, Mr. Decaux submitted a note on the state of ratification of the slavery conventions and linked its content to the study on the universal application of treaties relative to human rights, as requested by the Commission on Human Rights in its decision 2004/123. The note was subsequently circulated as conference room paper (E/CN.4/Sub.2/AC.2/2004/CRP.1). He proposed that the Working Group examine the lack of ratification of the relevant conventions and that it attempt to determine whether non-ratifying States behaved in a manner consistent with the content of those conventions, whether they had ratified them or not, considering that the prohibition against slavery had attained the status of *jus cogens*.

24. Mr. Decaux explained that such an examination would allow for a structured, serious dialogue with Member States on the status of ratification of all relevant instruments and that it would be useful to be able to refer to a table showing the status of ratifications and then compile information on how States were meeting their international obligations through national legislation and to identify the obstacles to ratification. This study could involve NGOs, national human rights institutions and other interested parties. On the basis of the information available, each year the Working Group could engage in a dialogue on a voluntary basis with non-ratifying States and interested NGOs. He proposed that 10 States could be invited to the next session of the Working Group to begin this process, and he concluded by stressing the particular usefulness of the approach since the slavery conventions could be considered as “orphan” conventions under the United Nations human rights machinery.

25. Ms. Warzazi related the past history of the Working Group and efforts which had been made to engage some non-ratifying States in informal consultations. In spite of expressed criticism that the Working Group was overstepping the bounds of its mandate, some States had engaged in this informal dialogue. The informal nature of such discussions, the reluctance of

some States to respond to the invitation of the Working Group, together with its already heavy agenda had limited such consultations, and had led the Working Group to abandon the practice.

26. While regretting it, some participants acknowledged the “orphan” nature of the slavery conventions and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, and supported the proposal made by Decaux. The thematic priority of the thirtieth session would offer an opportunity for a systematic review of these international commitments, with national responses and working papers submitted by experts circulated in good time before the session.

#### **B. Review of information received regarding the implementation of the conventions and programmes of action**

27. Under this agenda item the Working Group had before it the report of the Secretary-General on the implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour (E/CN.4/Sub.2/2004/34). Mr. Decaux, supported by Ms. Warzazi, regretted that the Working Group did not have enough time to review in depth the contributions submitted by States and organizations. Members of the Working Group should reflect on a better way to make use of the contributions submitted to engage with a dialogue with States and organizations that had submitted them.

### **V. REVIEW OF DEVELOPMENTS IN THE FIELD OF CONTEMPORARY FORMS OF SLAVERY AND MEASURES TO PREVENT AND REPRESS ALL CONTEMPORARY FORMS OF SLAVERY, INCLUDING THE CONSIDERATION OF CORRUPTION AND INTERNATIONAL DEBT AS PROMOTING FACTORS OF CONTEMPORARY FORMS OF SLAVERY**

#### **A. Economic exploitation**

28. Under this item the Working Group had before it a report containing information provided by States, United Nations bodies and international organizations on slavery-related issues (E/CN.4/Sub.2/AC.2/2004/4). Statements made during the session focused on migrant workers, domestic workers and practices such as debt bondage and the impunity associated with these situations. A number of statements and testimonies were also heard in relation to:

(a) The trafficking of boys from Bangladesh to the United Arab Emirates to be used as camel jockeys, despite the minimum age having been officially raised;

(b) The slavery-like situation and treatment of illegal migrants and poor African Americans in the United States of America, especially in the agricultural sector and in the southern States, and corporate responsibility therefor;

(c) Slavery in Mauritania and the impact on women and children in particular;

(d) The continuing problem of bonded labourers in India and Pakistan which, in the case of Pakistan, also involved Afghani refugees and was continuing despite the Bonded Labour Abolition Act of 1992;

- (e) Abuse of rights of foreign domestic workers in Lebanon;
- (f) Conditions of work in salt mines in Colombia, mostly done by indigenous peoples and mainly children, and its linkage to violations of the right to education, health and adequate housing; and
- (g) Forced labour in Brazil, and actions the Government was taking to eliminate the practice.

29. Representatives from a number of States (Bangladesh, Brazil, India, Lebanon, Mauritania and Pakistan) responded to statements made by NGOs and beneficiaries of the Trust Fund, often describing initiatives being taken by their Governments to address the problems described. Poverty and the lack of legal ownership of land were cited as contributing factors to such practices. The impact of poverty in terms of the right to education and indebtedness was also described. In that regard, the members of the Working Group expressed their appreciation to the Government representatives for their presence and their willingness to respond to the concerns expressed by NGOs present and members of the Working Group.

30. Regarding migrant workers, Ms. Warzazi expressed her disappointment that receiving countries had not been as involved as she had hoped in the drafting of the International Convention on the Rights of All Migrant Workers and Members of Their Families and were not well represented among the States parties. She expressed deep regret that the Convention would remain ineffective if receiving countries did not ratify it. She stressed that receiving countries would increasingly need foreign workers and, therefore, had an obligation to sign the Convention.

## **B. Sexual exploitation**

31. Issues relating to trafficking in persons and the sexual exploitation of women and children were raised and statements were made on related issues such as the draft convention on trafficking in persons under the auspices of the Council of Europe, which was under discussion. Participants expressed the wish that the draft would remain as it was, as it went beyond the Palermo Protocol in terms of preventive and protective measures and used the same definition.

32. With regard to the Palermo Protocol, some participants recalled that it did not supersede, but supplemented the 1949 Convention, which addressed not only transnational trafficking in persons but all trafficking in persons and exploitation of the prostitution of others, and which established human rights norms of importance, especially given the growth, expansion and increasing legitimization of the global sex industry.

33. The situation in Europe was discussed, especially regarding the legalization of prostitution. Other issues pertinent to the region included the worrying developments in the Czech Republic concerning a move to withdraw ratification of the 1949 Convention, the growing sex industry in Hungary, various States that ignored their legal obligations, and the need to elaborate a legal anti-trafficking instrument. Statements were made on the role of demand in fuelling trafficking for sexual exploitation, and on a conference on child abuse and neglect that had taken place in China in November 2003.

### **C. Other forms of exploitation**

34. As a follow-up to the priority theme of its previous session on contemporary forms of slavery related to and generated by discrimination, in particular gender discrimination, such as forced marriage, child marriage and sale of wives, presentations were made on forced marriages and so-called honour killings. Concerning this type of killing in Pakistan, the speaker stressed the impunity enjoyed by the perpetrator owing to a law allowing retribution, “*Qisas*”, and one allowing “blood money, or “*diyat*”, to be paid to settle a murder as a crime against a person or family rather than the State or society. This traditional dispute system favoured more powerful families and men over women. It was recommended that domestic violence and murders should be dealt with as crimes against the State and that laws based on gender should be repealed.

35. A former victim made a presentation on the issue of trafficking in children in West Africa and on the issue of forced marriages. Besides the terrible abuse and mistreatment she had faced, she stressed the consequences of her having been trafficked and exploited. She regretted that she had had to leave school, was separated from her family and taken away from her country.

### **VI. INFORMAL DISCUSSION ON THE FORMAT OF THE SESSION**

36. In light of some modifications having been made to the format of the session, one afternoon was devoted to an informal discussion so that Working Group members could receive feedback from participants. The discussion was extremely lively and participants made some concrete proposals on how the Working Group could, in using its long experience, face the growing challenges of slavery and slavery-like practices.

37. Many participants took advantage of this informal meeting to pay tribute to Ms. Warzazi and to express their appreciation for her strong commitment to eradicating contemporary forms of slavery and for her participation in the Working Group over the years.

38. The Chairperson informed participants that a parallel event would be held on 5 August 2004 during the fifty-sixth session of the Sub-Commission on the Promotion and Protection of Human Rights on irregular migration, trafficking and forced labour, during which he would brief participants on the outcome of the present session of the Working Group.

### **VII. RECOMMENDATIONS ADOPTED AT THE TWENTY-NINTH SESSION**

39. Recalling the recommendations it adopted at its twenty-eighth session (see E/CN.4/Sub.2/2003/31), the Working Group on Contemporary Forms of Slavery decided, at its twenty-ninth session, to draw attention, in particular, to the following conclusions and recommendations.

#### **The Working Group on Contemporary Forms of Slavery:**

##### ***General***

1. **Recalls that slavery, in all its forms and practices, is a crime against humanity and reaffirms that every woman, man and child has a fundamental right to be free from all forms of slavery and servitude.**

2. **Affirms once again that discrimination, especially gender discrimination and violence against women, are among the many factors perpetuating slavery.**

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 people, people of descent-based groups and migrant workers.**

4. **Considers that poverty, social exclusion, illiteracy, ignorance, rapid population growth, HIV/AIDS, poor governance, corruption, impunity, discrimination in all its forms and armed conflicts are the main causes of contemporary forms of slavery and urges the specialized agencies of the United Nations to include in their technical assistance programmes activities designed to eliminate slavery and slavery-like practices, as well as their causes. It also considers that sustainable development and globalization processes should be based on equity, equality, non-discrimination, access to public services, transparency and good governance.**

5. **Notes with concern that the treaties forbidding slavery and slavery-like practices, as well as other instruments relevant to the work of the Working Group, have not been universally ratified and recommends that States ratify such instruments, and, in particular, the Slavery Conventions of 1926 and 1956, the 1949 Convention, ILO Conventions No. 29 and No. 105, as well as ILO Convention No. 182 on the Worst Forms of Child Labour Convention, the United Nations Convention against Transnational Organized Crime and the Palermo Protocol, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

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 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 women and girls, and to set up information campaigns on the devastating effects and consequences of such practices.**

8. **Notes with great satisfaction the increased number of participants at its session, in particular Governments and NGOs, and expresses its appreciation to all participants for the information provided to it relating to all forms of exploitation. It also welcomes the support provided by ILO to the special discussion it held on forced labour, and notes the desirability of continuing to hold such special thematic discussions during future sessions.**

9. **Recalls the need to work closely with the mechanisms of the Commission on Human Rights, especially those focusing on economic, social and cultural rights, and invites the Special Rapporteurs of the Commission on trafficking, on violence against women, on human rights and migrants, and on sale of children to participate in its future sessions, especially in the context of the thirtieth anniversary of the Working Group.**

10. **Decides also to continue to invite Governments, international organizations, national institutions and NGOs which have information relating to the agenda items of the Working Group to assist by providing it with such information, preferably in advance of the session.**

11. **Calls upon the United Nations Children's Fund, the World Health Organization, ILO, the United Nations Development Programme and other competent United Nations organs, specialized agencies, development banks and intergovernmental agencies to develop programmes, including joint ones, in order to break the cycle of poverty and social exclusion which makes people vulnerable to exploitation through forced labour and to contribute to the elimination of debt bondage, in particular by the provision of access to education, land reform, alternative sources of credit, access to justice, provision of stable employment, etc.**

12. **Requests the Secretary-General to transmit to the concerned committees, special rapporteurs and working groups the recommendations of relevance to them as well as the report of the Working Group, and invites NGOs and the media to disseminate information about the work of the Working Group as widely as possible.**

13. **Recalls that at its thirtieth session, the Working Group will assess its activities since its creation, and will focus on a review of the status of ratification of the relevant treaties and the identification of crucial gaps and challenges remaining in areas covered by its mandate.**

*United Nations Voluntary Trust Fund on Contemporary Forms of Slavery*

14. **Invites the Board of Trustees of the Fund to continue to promote the participation at the annual sessions of the Working Group of individuals and organizations from as large a number of countries as possible and to contribute to projects implemented at the grass-roots level that directly assist victims of contemporary forms of slavery.**

15. **Expresses its gratitude to all those who contributed to the Fund and strongly encourages them to continue doing so, especially in light of the thirtieth anniversary of the Working Group and, recalling the appeal made by the General Assembly in its resolution 46/122 to all Governments to respond favourably to requests for contributions to the Fund, urges them and NGOs and other private or public entities and individuals to contribute to the Fund, and encourages them to do so if possible by September 2004, in order to enable the Fund to fulfil its mandate effectively in the year 2005.**

*The role of corruption in the perpetuation of slavery and slavery-like practices*

16. **Notes with concern the impact of corruption on the continuation and spread of slavery and slavery-like practices, especially the trafficking in persons and sexual exploitation, and its impact on migrant workers, and urges States to adopt and enforce legislation that prohibits corruption, including that committed by public officials.**

17. **Recommends closer international cooperation for the prevention, sanction and suppression of corruption, as well as money-laundering resulting from trafficking and from the sexual exploitation of women and children.**

18. **Encourages States to take measures to improve the human rights training of law enforcement officers.**

*Trafficking in persons and exploitation of the prostitution of others*

19. **Reaffirms that prostitution is incompatible with the dignity and worth of the human person and constitutes a source of serious violations of human rights.**

20. **Expresses grave concern at the increasing evidence of trafficking in human beings for the purpose of exploitation presented to the Working Group, notes that trafficking in human beings is a global phenomenon affecting every continent and stresses that countries of origin, transit and destination all have a responsibility to address this problem.**

21. **Expresses its concern at reports that some receiving countries are using concerns about trafficking as a pretext to restrict migration and access to political asylum.**

22. **Recognizes that international sex trafficking, procuring and prostitution within countries are interconnected with the global sex industry and must be addressed together.**

23. **Regrets that some States have legalized or regulated prostitution, as it believes that such measures aggravate sexual exploitation and increase trafficking in women and children, and that prostitution can never be considered legitimate work, and therefore, 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.**

24. **Recalls that the demand for prostitution and all other forms of sexual exploitation plays a critical role in the growth and expansion of trafficking in women and children, and calls upon Governments to take effective measures to punish those who purchase the sexual services of others, which is not superseded by the Palermo Protocol.**

25. **Notes with satisfaction that the definition of trafficking in persons used in the Palermo Protocol is not restricted to situations where force, fraud, or deception has been used but also covers "the abuse of power or of a position of vulnerability", consistent with the principles of the 1949 Convention.**

26. **Calls upon United Nations human rights bodies to address as a matter of urgent priority situations of human rights violations relating to prostitution and trafficking in persons, in accordance with the 1949 Convention.**

27. Urges Governments to ensure that traffickers and other actors of the sex industry and their accomplices, as well as those involved in trafficking for all purposes, receive adequate punishment, including sentences which are proportionate to the gravity of their offences, and to confiscate the property and assets of convicted traffickers and other perpetrators of sexual exploitation, as well as their accomplices, and use the proceeds to compensate their victims, and to follow up on compensation issues.

28. Calls upon all States to ensure that the protection and support of the victims are at the centre of any anti-trafficking policy and calls upon them to provide protection and assistance to victims based on humanitarian considerations and not contingent on their cooperation with the prosecution of their exploiters, including the provision of free legal services to pursue compensation, reparation and other relief.

29. Calls upon all States to ensure that the protection and support of the victims are at the centre of any anti-trafficking policy, and specifically to ensure that:

(a) No victim of trafficking is removed from the host country if there is a reasonable likelihood that she will be re-trafficked or subjected to other forms of serious harm, irrespective of whether she decides to cooperate in a prosecution;

(b) All necessary steps are taken to protect trafficked persons and their close relatives from intimidation, threats and reprisals, especially those trafficked persons who cooperate with the authorities in a prosecution;

(c) This protection is also made available to individuals and non-governmental organizations assisting victims of trafficking, where necessary;

(d) Counter-trafficking measures do not negatively impact on regular migrants or the rights of refugees under the Convention relating to the Status of Refugees of 1951 and its 1967 Protocol.

30. Urges States to initiate prevention programmes that are local, national, regional and international in scope in order to educate the public about the negative consequences of prostitution and trafficking.

31. Calls upon United Nations human rights bodies to address as a matter of urgent priority situations of human rights violations relating to sexual exploitation and trafficking in persons. Also 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 NGOs to do the same in their sphere of competence.

#### *Sexual exploitation of children*

32. Recalls that poverty, illiteracy, gender inequality, misuse of some ritual practices and, above all, the low status of women and girls in society contribute to their being trafficked and exploited.



33. **Deplores the persistence and growth of the sale of children, prostitution of children and child pornography, and highlights the necessity of combating these practices.**

34. **Also deplores that the misguided term “sex work” has even been extended to sexually exploited children, who have inappropriately and dangerously been designated as “child sex workers”.**

35. **Calls upon States to ensure that the best interests of the child are at all times paramount in any programme or policy related to children subject to exploitation and encourages them to cooperate on a bilateral, regional and international basis, with the assistance of NGOs 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.**

*Misuse of the Internet for the purpose of sexual exploitation*

36. **Expresses its conviction that the right to freedom of expression cannot excuse or justify flagrant violations of human rights and expresses its alarm that multiple forms of sexual exploitation, such as prostitution, sex tourism, trafficking in persons for sex or marriage, pornography, paedophilia and other forms of child sexual abuse and exploitation, live sex shows and rape videos for sexual entertainment are promoted on the Internet by a growing number of individuals, groups and organized crime.**

37. **Urges that Governments, as a matter of priority, act more forcefully to prevent the misuse of the Internet for trafficking for the purposes of sexual exploitation of women and children, including to review, amend and enforce existing laws, or enact new ones, especially criminal laws, and urges Governments to set up monitoring systems aimed at a better control of the Internet.**

38. **Decides to devote priority attention at its thirty-first session in 2006 to the issue of the impact of the media and Internet on contemporary forms of slavery.**

*Elimination of forced labour*

39. **Welcomes the information provided by the ILO about its Special Programme of Action to Combat Forced Labour, in particular its technical and cooperative programmes and encourages States to support its work, and takes note with satisfaction of its activities in combating and eliminating forced labour in several countries, in particular under the Special Programme.**

40. **Takes note of information received at the special discussion held during this session about positive measures aimed at combating forced labour in several countries and recalls the commitment expressed by States to tackle the problem through the adoption and implementation of national plan of actions against forced labour.**

41. **Expresses its conviction that the provision of compulsory primary education for all, especially in rural areas, will reduce the number of forced labourers.**

42. **Urges States to take urgent action to implement the provisions of international law and their own constitutions which prohibit the practice of forced labour by enacting or amending legislation, accompanied with implementation mechanisms which facilitate the identification of forced labour in its various manifestations.**

43. **Encourages States to organize or facilitate the conduct of surveys to identify the use of forced labourers and number of victims involved, disaggregated by sex, age, ethnic origin, migration status, etc. Such surveys will allow prevention and protection programmes to be appropriately designed and progress towards the elimination of forced labour to be monitored.**

44. **Urges States concerned to ensure the criminalization of forced labour and its sanction in accordance with the gravity of the offences and urges the establishment by States of special machinery to facilitate prosecution of those who subject others to forced labour and the confiscation of property and assets of those convicted of such offences.**

45. **Recommends the launching of public information campaigns and of training programme for the police, magistrates and judges and other relevant officials (labour inspectors, social workers, immigration officials, etc.) to raise awareness about what constitutes forced labour and that it is prohibited by law.**

46. **Calls upon States to ensure that information is made publicly available on the number of persons prosecuted on charges of forced labour, the number of prosecutions brought, convictions obtained and sentences passed, along with the compensation awarded to victims of forced labour.**

47. **Urges States to establish programmes to provide relief and rehabilitation to freed forced labourers to facilitate their social reintegration, including through the adoption of multidisciplinary approaches and increase of unannounced inspections in sectors where forced labour is common, if necessary by strengthening labour inspection services.**

48. **Urges States to support unions and NGOs which defend the rights of forced labourers and carry out activities to allow workers, including child labourers vulnerable to exploitation, to defend themselves against forced labour.**

#### *Elimination of child labour*

49. **Recalls that compulsory and free primary education of boys and girls is an essential tool to combat child labour and the phenomenon of street children and calls upon States to ensure that all boys and girls benefit from free compulsory education.**

50. **Calls upon all States that have not already done so to ratify the ILO Convention on the Worst Forms of Child Labour and calls upon States parties to this Convention to harmonize their national legislation with the Convention.**

51. **Also calls upon States to ensure that the worst forms of child labour, trafficking, domestic servitude and any form of forced labour are prohibited, that the penalties are commensurate with the crimes committed, and that this legislation is properly enforced.**

52. **Urges all States, while attempting ultimately to eliminate child labour, to adopt measures and regulations to protect child labourers, to ensure that they are not exploited and to prohibit their labour in hazardous occupations.**

53. **Invites States to incorporate into their plans of action measures such as the systematic issuance of birth certificates; the establishment of identification mechanisms for victims of trafficking; comprehensive rehabilitation measures, including access to education and vocational training; measures to fight corruption and provision of support to NGOs in their efforts to include employers as active partners in ending the worst forms of child labour.**

*Migrant workers and domestic migrant workers*

54. **Deplores that migrant workers are frequently subjected to discriminatory rules and regulations which undermine their human dignity, and that they are often victims of violence, racism and xenophobia.**

55. **Calls upon organizations such as ILO, the International Organization for Migration and relevant United Nations bodies to assist States in their efforts to protect migrants from abuses.**

56. **Urges Governments to ensure that protective regulations govern the employment situation of migrants and migrant domestic workers, who are often unpaid, subjected to various abuses and deprived of all of their rights, and provide for safe conditions of work; and to adopt all necessary measures to protect them from discrimination and other violations of their human rights.**

57. **Urges States, in particular receiving States, to investigate and prosecute those involved in the production of false documentation provided to illegal migrants who are trafficked.**

58. **Also urges States to ban and punish the confiscation by, inter alia, traffickers and employers of the passports of migrant workers, in particular of domestic workers.**

59. **Also urges States, in particular receiving States, to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in order to ensure its effective implementation.**

**Annex**

**LIST OF OBSERVERS**

**Member States**

Australia, Austria, Bahrain, Bangladesh, Benin, Brazil, China, Congo, Costa Rica, France, Guatemala, Germany, Haiti, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Lebanon, Libyan Arab Jamahiriya, Mauritania, Mexico, Morocco, Nicaragua, Nigeria, Pakistan, Poland, Republic of Korea, Russian Federation, Saudi Arabia, Slovakia, Spain, Thailand, Turkey and the United States of America.

**Permanent Observer States**

Holy See

**International organizations**

International Labour Organization (ILO)

**Non-governmental organizations with consultative status**

Anti-Slavery International

Association of World Citizens

Coalition against Trafficking in Women

Franciscans International

International Service for Human Rights

The Salvation Army

**Other organizations**

Action for Children Campaign

Action for Modern Rights

Archway School, UK

Arya Samaj for Bonded Labour-child labour front

Bonded Labour Liberation Forum Global (BLLF)

Global March, UK

Ideal International

International Alliance of Women

International Council of Aryan Youth

International Council of Women

Institute for Modern Rights Studies

Swedish Pakistani Forum

Tomorrow Children

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