



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/Sub.2/2003/31  
27 June 2003

Original: ENGLISH

---

COMMISSION ON HUMAN RIGHTS  
Sub-Commission on the Promotion  
and Protection of Human Rights  
Fifty-fifth session  
Item 6 (b) of the provisional agenda

**SPECIFIC HUMAN RIGHTS ISSUES**

**CONTEMPORARY FORMS OF SLAVERY**

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

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

---

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

\*\* The annexes are circulated in the language of submission only.

## CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction .....	1 - 2	4
I. ORGANIZATION OF THE SESSION .....	3 - 9	4
A. Opening and organization of the session.....	3 - 6	4
B. Documentation .....	7	5
C. Election of the Chairperson-Rapporteur .....	8	5
D. Adoption of the agenda .....	9	5
II. CONTEMPORARY FORMS OF SLAVERY RELATED TO AND GENERATED BY DISCRIMINATION, IN PARTICULAR GENDER DISCRIMINATION (SUCH AS FORCED MARRIAGE, CHILD MARRIAGE, SALES OF WIVES).....	10 - 21	5
III. REVIEW OF THE IMPLEMENTATION AND FOLLOW-UP TO THE CONVENTIONS ON SLAVERY .....	22 - 28	7
A. Status of the conventions.....	22 - 26	7
B. Review of information received regarding the implementation of the conventions and programmes of action.....	27 - 28	8
IV. 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 .....	29 - 47	9
A. Economic exploitation.....	29 - 34	9
B. Sexual exploitation.....	35 - 45	10
C. Other forms of exploitation .....	46 - 47	12
V. ACTIVITIES OF THE UNITED NATIONS VOLUNTARY TRUST FUND ON CONTEMPORARY FORMS OF SLAVERY .....	48 - 52	12

**CONTENTS** (*continued*)

	<i>Paragraphs</i>	<i>Page</i>
VI. RECOMMENDATIONS ADOPTED AT THE TWENTY-EIGHTH SESSION .....	53 - 57	13
A. General considerations .....	53 - 56	13
B. Recommendations .....	57	14

**Annexes**

I. Provisional agenda for the twenty-ninth session .....	30
II. List of observers.....	32

## **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 concerning the limitation of the number of pages 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-eighth session from 16 to 20 June 2003, over nine meetings. The Deputy United Nations High Commissioner for Human Rights opened the session and made a statement, in which he underlined the valuable contribution the Working Group had made during its twenty-eight-year history, including the initiation of a number of special procedures of the Commission on Human Rights, the calling of attention to the issue of human trafficking, and pioneering efforts to secure free compulsory primary education.

4. The members of the Working Group at its twenty-eighth session were: Mr. Emmanuel Decaux, Mr. Stanislav Ogurtsov, Mr. Paulo Sérgio Pinheiro, Mr. Abdul Sattar and Mrs. Halima Embarek Warzazi. A list of other participants that attended the session as observers is annexed.

5. In view of the reduced number of meeting days and the heavy schedule of the Working Group, a provisional timetable for the session was distributed at the first meeting.

6. Mr. Sattar made a statement, as it was the first time he participated as a member of the Working Group. He noted that while norms in the area of slavery were well established, there remained a problem with the implementation of those norms, which seemed to be almost inversely proportional to the norms. The answer, he felt, lay in the 1968 Proclamation of Tehran and what it said about the indivisibility of rights. The root causes of slavery, such as population growth, poor governance and corruption, and resource issues needed to be addressed in order to tackle the phenomenon.

## **B. Documentation**

7. 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.

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

8. At the first meeting, the Working Group appointed Mr. Pinheiro Chairperson-Rapporteur of its twenty-eighth session. In his introductory remarks, he underlined the continuing challenge of slavery and slavery-like practices, noting that while they may be thought to be problems associated with the nineteenth and twentieth centuries, the work of the Working Group had shown that slavery not only remained a global problem, but was growing in some areas. Speakers paid tribute to the outgoing Chairperson, Mrs. Warzazi.

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

9. At the first meeting, the Working Group adopted its agenda on the basis of the provisional agenda (E/CN.4/Sub.2/AC.2/2003/1).

## **II. CONTEMPORARY FORMS OF SLAVERY RELATED TO AND GENERATED BY DISCRIMINATION, IN PARTICULAR GENDER DISCRIMINATION (SUCH AS FORCED MARRIAGE, CHILD MARRIAGE, SALE OF WIVES)**

10. A large number of participants spoke under this item, some giving personal testimonies. In her capacity as Special Rapporteur of the Sub-Commission on harmful traditional practices, Mrs. Warzazi cautioned participants not to single out certain cultures or religions in this sensitive area. She was supported by Mr. Pinheiro and Mr. Sattar, the latter noting that Islamic law does not condone these acts. Examples should be chosen judiciously to avoid the perception that a single country was being targeted. The challenge was to increase the capacity of Governments to fight those practices. While agreeing, some participants underlined the fact that the Working Group was dealing with universal values and that cultural differences could not be used to avoid addressing these abuses. One example was polygamy in Africa, which historically served to increase the size and, thus, the sustainability of the family. Mr. Decaux pointed out that it was possible to highlight the positive aspects of certain cultural traditions in human rights terms.

11. During the discussion on forced and child marriages, it was asserted that gender inequality, lack of a culture of education of girls, and lack of self-esteem of girls were conducive to their perpetuation. Some participants noted that gender inequality started even before birth, with sex selection of foetuses. A number of testimonies were heard concerning women of Pakistani and Bangladeshi descent living in the United Kingdom who were forced to marry men in Pakistan and Bangladesh, often with the view to the men emigrating to the United Kingdom. A short television documentary on the subject was screened, and the Working Group heard from members of the United Kingdom police and criminal detective agencies on their initiatives to

combat the phenomenon and the assistance provided to victims of forced marriage. The observer for the United Kingdom described a unit created in its Foreign and Commonwealth Office in order to assist victims which had helped over 250 victims in the past year. A meeting with Governments of the European Union on the issue had taken place in June. A personal testimony was also heard from a victim of a forced marriage in Cameroon.

12. The issue of honour killings was raised in the context of forced marriages, Mr. Sattar pointing out that there was nothing “honourable” about them.

13. A number of testimonies were also heard in relation to: (i) a child bride from Côte d’Ivoire; (ii) a Pakistani woman forced into marriage in her country; (iii) a young Sri Lankan woman trafficked into sexual slavery; and (iv) a woman from Russia who was selected as a bride over the Internet by a man from the United States. Although the four situations were different, it was clear that any woman who is deprived of the most basic rights and freedoms and subjected to brutality and control in intimate partner relationships is in a situation of enslavement.

14. A presentation on the issue of child marriages in India, which were still prevalent despite legislation adopted in 1929 and amended in 1978, was made. Statistics on the number of child marriages by age groups and urban and rural areas were presented. It was also underlined that the main factors influencing child marriage were social and traditional beliefs, lack of a culture of providing education to girls, poverty and domestic violence against girls. The Stop Child Marriage Campaign launched by the Government had been successful in preventing child marriages.

15. The Working Group was apprised of the activities of a Pakistani organization in combating discriminatory laws in the country, particularly the Hudood Ordinance which criminalizes extramarital sexual relations and discriminates against women. Information was also provided on the issue of forced and child marriages in Zambia. The importance of the role of free compulsory education, especially for girls, was repeatedly highlighted as a means of combating forced and child marriages.

16. A number of other testimonies were presented concerning children of dual Saudi Arabian and United States nationality who were children abducted from the United States to Saudi Arabia by the Saudi fathers although custody had been given to the mothers. The Working Group heard the testimonies of a former victim and of the mother of an abducted girl. The observer for Saudi Arabia made a detailed presentation of the cases and warned against using the terms “slavery” and “abduction” in these cases as custody had been awarded to the fathers by a national court. He also noted that there are seven cases of Saudi children taken out of Saudi Arabia by their mothers, thus denying the fathers’ access.

17. The issue of discrimination against minority and indigenous communities in regions of India, Pakistan and Nepal as a factor promoting bonded labour was discussed. A participant noted that 95 per cent of the mineworkers in Rajasthan (India) were dalits or indigenous people, and that virtually all the victims of bonded and forced labour in the three countries were either dalits, low caste or indigenous people or from other minority groups. These slavery-practices

were based on and maintained through societal discrimination. Another participant confirmed that there was discrimination against so-called “tribal peoples” in India. Information was also provided on the situation of various ethnic groups in Niger.

18. The situation of children orphaned as a result of HIV/AIDS in South Africa was discussed.

19. Two representatives of the World Health Organization (WHO) addressed the Working Group on the health consequences of forced or early marriages. The presentation highlighted the many physical and psychological traumas experienced by girls and adolescents in this situation, in particular the adverse consequences of early pregnancies such as maternal mortality, maternal morbidity, infant mortality, sexually transmitted infections and violence.

20. Mr. Decaux and other members of the Group suggested that United Nations agencies could be asked to provide written submissions to the Working Group in advance, so that the dialogue during the session could be more fruitful.

21. The Working Group met with the Special Rapporteur of the Commission on Human Rights on adequate housing as a component of the right to an adequate standard of living, Mr. Miloon Kothari. The Special Rapporteur outlined his mandate, his approach to the issue and his current work, particularly in terms of gender discrimination. He underlined the importance of non-discrimination to his mandate. His preliminary report to the Commission pointed out that the lack of rights to property is the single most defining factor of women having to live in poverty. He also highlighted problems with high-density living (domestic violence, incest), violence in forced evictions (including as a result of development projects) and the psychological impact on women. His mandate also covered persons who lived in slavery-like conditions (such as plantation workers), child labour, street children, and people where home is also their workplace. The Special Rapporteur also referred to the links between housing issues and violence against women.

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

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

22. Under item 4 (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.2/2003/2 and E/CN.4/Sub.2/AC.2/2003/3) and the list of countries which had not ratified the conventions.

23. The observer for an NGO informed the Working Group that, despite a promise made at the last session, the Government of the United Kingdom had not contacted it regarding the ratification of the 1949 convention. The observer for the United Kingdom said that his Government had not been approached by the NGO. He reiterated the Government’s position that the 1949 convention had been superseded by the Palermo Protocol.

24. The members of the Working Group, supported by various participants, emphasized the importance of that particular agenda item. The status of ratification of the conventions and the information provided on the implementation of the programmes of action were among the key indicators of the success of the fight against slavery and slavery-like practices. Appropriate time would be devoted to this item at subsequent sessions.

25. Mr. Decaux proposed:

(a) That the Working Group review conventions other than the slavery conventions, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention on Transnational Organized Crime (Palermo Protocol);

(b) That, the Working Group take up one of its previous recommendations that protocols be drafted to update the conventions;

(c) That the countries that have not ratified the slavery conventions and other related conventions be asked what barriers they saw to ratification.

26. Mr. Pinheiro and Mr. Sattar agreed that the Working Group should explore means of encouraging ratification of the relevant conventions. Mrs. Warzazi recalled that from 1995 to 1999, the Working Group had engaged in informal consultations with non-ratifying States.

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

27. Under this item the Working Group had before it information provided by States, United Nations bodies and NGOs on slavery-related issues (E/CN.4/Sub.2/AC.2/2003/4), notably the implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography (E/CN.4/Sub.2/2003/26). The members commented on this information, underlining the importance of including material on corruption and international debt. They also noted the importance of ensuring appropriate follow-up. Comments were made on the application of laws extraterritorially, as in France and Cyprus. The experts also noted with interest the French report on pornography and minors, the Internet and paedophilia, the proposed laws on domestic violence in Namibia, and the establishment of a committee on child labour in Paraguay. It was noted with concern that it was stated that there was no child labour involving children under 12 in Uganda, suggesting that children were allowed to work after that age. The report indicating an increase in the sale of children in that country was also disturbing. The United Nations Educational, Scientific and Cultural Organization programme on contemporary forms of slavery was welcomed and underlined the need for UNESCO and the Working Group to work together.

28. It was suggested that the Working Group should establish a system to appropriately follow up on the information submitted on the implementation of the Programme of Action. Such follow-up would help to assess progress and identify obstacles and would also encourage States to continue to submit information.



**IV. 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**

29. The head of the International Labour Organization's Special Action Programme to Combat Forced Labour outlined the work of the programme and presented some recent publications of the programme. He drew particular attention to workshops on forced labour held in the Russian Federation and China, partnership with the Government of Pakistan aimed at combating bonded labour, and work on trafficking in Europe and the United States. He noted that the 2005 Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work would be forced labour. In the report the ILO would attempt to estimate the incidence of the problem worldwide. ILO desired greater cooperation with the Working Group, particularly in relation to its priority theme of forced labour for its 2004 session. The Working Group proposed that a round table on the topic with representatives of the ILO be held at the next session; it would therefore be important to avoid holding the next session during the International Labour Conference. Other participants, supported by Mrs. Warzazi, raised concerns at the attitude of the ILO towards prostitution as a form of work.

30. The following issues were raised by participants under this item:

- (a) The situation and exploitation of Afro-Asian migrant workers in Lebanon. Participants and Mrs. Warzazi underlined the importance of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and of receiving countries ratifying the instrument;
- (b) The trafficking of boys to the United Arab Emirates to be used as camel jockeys;
- (c) The situation of agricultural workers and workers in brick kilns in Pakistan;
- (d) Forced labour and slavery in the Sudan and the continuing abduction of women and children in that country;
- (e) The growing situation of child labour in Argentina following the economic crises of recent years, and a project supported by the Voluntary Trust Fund to assist such children;
- (f) The issue of the so-called "industrial school system" which had operated in Ireland involving both the Government and the Catholic Church which has subjected children to mistreatment, child labour and sexual abuse;
- (g) The situation and treatment of illegal migrants in the United States, especially in the agricultural sector and in the southern states; an NGO suggested that the United States Department of Justice could be more attentive to debt bondage cases;

(h) The forced labour of workers in remote regions of Brazil; the observer for Brazil responded that the Government was aware of the problem and listed a number of initiatives that it is undertaking to address it;

(i) Domestic workers; Mrs. Warzazi proposed that the Working Group also consider the exploitation of domestic staff by diplomats.

31. On the issue of bonded labour and child labour, the observer for India made comments regarding the lack of seriousness of some organizations which did not verify the data they used. Although he acknowledged the unfortunate occurrence of bonded labour and child labour, he highlighted the positive steps and achievements of his country. Surveys were being conducted in 120 districts and over 55 million dollars were being spent to rehabilitate working children. He also mentioned that his country had established free and compulsory education for children between 6 and 14.

32. On the issue of migrant workers, the observer for Bangladesh denounced the inhuman treatment, discrimination and racism facing migrant workers. She emphasized the particular vulnerability of women and supported Mrs. Warzazi in her assertion that it was important for developed countries to ratify the Migrant Workers Convention; ratification by sending countries only would undermine its effectiveness.

33. The observer for Pakistan recalled that bonded and forced labour were prohibited by the law and the Constitution of his country. He regretted that the Working Group was regularly provided with figures and data which were not based on any scientific research. He acknowledged the unfortunate occurrence of bonded and forced labour in the country and emphasized the ongoing commitment of the Pakistani authorities to combat those phenomena.

34. Working Group members also recalled the importance of considering the impact of corruption and international debt as contributing factors to slavery. On the issue of corruption, the observer for Nigeria, supported by the observers for Bangladesh and Pakistan, said that the international community should acknowledge the importance of repatriating to the country of origin money and assets gained through corruption which had been taken abroad. The funds could be used to set up mechanisms and procedures aimed at fighting exploitation, trafficking and slavery.

## **B. Sexual exploitation**

35. The Working Group heard the results of a project supported by the Voluntary Fund for the repatriation and integration of trafficked children in India. One of the findings was that reintegration with family members is not sufficient by itself.

36. The observer for UNICEF outlined the work of the organization in the area of child protection. She referred to the move from a focus on children's circumstances towards looking at a child's environment. That approach sought to change attitudes and address customs; strengthen Governments' commitment; ensure an open discussion of issues through the media and civil society; ensure that legislation is in place and implemented; build the capacity of professionals working with children; work with children themselves (through NGOs); provide adequate monitoring and reporting systems; and support services for victims of abuse. She

outlined the UNICEF follow-up to the second World Congress against Commercial Sexual Exploitation of Children held at Yokohama, Japan. Responding to a question from a participant, she stated that currently the organization's budget for child protection is approximately US\$ 145 million; however, that did not include projects of which child protection was just one component.

37. The Working Group also heard from the Director of the Migration Management Service of the International Organization for Migration (IOM) on its work to combat trafficking in human beings. The twofold strategy of prevention and assistance to victims includes: research and mass information campaigns; technical assistance, ad hoc training and capacity-building with authorities, establishing and supporting informal networks of service providers; empowering local partners; and providing shelter and assistance to victims wishing to return to their country of origin.

38. A participant raised the issue of trafficking and sexual exploitation of aid workers and peacekeepers, particularly in West Africa, as outlined in a United Nations report (A/57/465). She said that there had been little follow-up to the findings of the report, with few reprimands and no criminal charges filed.

39. The Palermo Protocol was discussed. A number of participants raised their concerns over a document entitled "An Annotated Guide to the new UN Trafficking Protocol" which they felt undermined and weakened the Protocol. An NGO presented the results of a survey of national support and assistance initiatives as spelt out in the Protocol. One finding was that allowing victims to stay in the receiving country to recover coincided with higher rates of conviction for traffickers in that country. Initiatives of the European Union and a group of Eastern European and Balkan States were also described.

40. Participants' attention was drawn to paragraph 201 of the Durban Programme of Action which recommended that the General Assembly consider declaring a United Nations year or decade against trafficking in persons.

41. The issue of Nigerian women trafficked to Europe, in particular to Italy, was again discussed, including the specific issue of the cost of passports issued by the Nigerian Embassy in Rome. The observer for Nigeria said that the Government would endeavour to lower the costs, however, there were a number of reasons for keeping the current level of fees, including maintaining the "value" of the document in peoples' eyes. The legal framework for trafficking in Italy was criticized by one organization. The observer for Italy reiterated the concern of the Italian authorities, expressed at the last session of the Working Group, on the situation of girls trafficked into the country and victims of sexual abuse. He recalled that his country had ratified the Palermo Protocol and the Rome Statute of the International Criminal Court, which includes slavery as a crime against humanity. He gave specific information on the technical cooperation projects financed by Italy and on the implementation of the law which provided protection and temporary residence permits to victims who cooperated with the authorities in identifying traffickers.

42. In that regard, many participants called for legislation that would grant protection and residence status to victims of trafficking which would not be contingent on the cooperation of the victims.

43. The Working Group also discussed the situation of trafficking and prostitution in:

(a) Central America, especially from/through El Salvador, Honduras and Nicaragua to Mexico, Guatemala and the United States. The responsibility of truck drivers was mentioned, as well as the fact that society as a whole turns a blind eye. The representative of Mexico described measures taken by her country to combat trafficking in women and girls;

(b) France, in the context of the enlargement of the European Union;

(c) Nigeria, particularly the plight of street children;

(d) India, particularly in the cities of Delhi, Mumbai and Kolkata;

(e) In Guatemala, especially the issue of girl prostitutes in the street.

44. The Working Group discussed the question of the legalization of prostitution. It heard the results of a study on the clients of prostitutes. It was argued that putting an end to the demand for prostitutes was key to ending prostitution. Mr. Ogurtsov referred to a study of the effects of the legalization of prostitution in the State of Victoria in Australia, and recalled the situation in the former Soviet Union. The positive experiences in Sweden and the Philippines were discussed.

45. The observer for the Russian Federation challenged the figures of the number of Russian women victims of trafficking noting that many women from the former USSR republics were usually assimilated to Russian citizens because of the language.

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

46. The issue of adoption was raised, emphasis being placed on the priority often given to the interests of the adopting couple over those of the adopted child. A report on trafficking in children's organs was introduced by an NGO, referring to alleged instances in India and Italy.

47. A participant raised the case of a British citizen held at the United States military base at Guantánamo Bay, Cuba, claiming that his status as an "enemy combatant" without recourse to a court was akin to slavery. The observer for the United States queried whether it was appropriate for the Working Group to discuss this matter. Mr. Decaux noted, without entering into the substance of the matter, the conclusions of the Working Group on Arbitrary Detention (see E/CN.4/2003/8) that these prisoners were entitled to prisoner of war status. He also noted that slavery was mentioned in the Rome Statute of the International Criminal Court, both as a crime against humanity and as a war crime.

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

48. A member of the Board of Trustees of the Voluntary Trust Fund presented a general and financial assessment of the activities of the Board of Trustees. He stated that, on the basis of activities in 2002 and 2003, the Fund would need at least US\$ 300,000 in donations before the next session of the Board of Trustees in January 2004.

49. Appeals were made by a number of participants for donations to be made to the Fund by Governments, NGOs and individuals. One participant highlighted the £10,000 donation to the Fund by the United Kingdom.

50. The member of the Board of Trustees shared with the Working Group his concern regarding information according to which the unit of the Secretariat in charge of the administration of the United Nations Voluntary Trust Funds would be dismantled. Although the Trust Funds would theoretically continue to function, it was feared that this decision would have negative implications for the future of the Trust Fund.

51. All participants expressed their dismay at this worrying information. They regretted the lack of transparency and clarity of the process. It was recalled that the existence of the Trust Fund and its financing of victims to participate at the sessions of the Working Group had given a new impetus to the activities of the Group. The testimonies of victims and the participation of grass-roots organizations had enriched the debate of the Group and had given it a human dimension in line with human rights principles. All participants agreed that the Trust Fund was essential in ensuring rich and lively debates at the Working Group.

52. The members of the Working Group decided that the Chairperson would send a letter to the High Commissioner to share the concerns expressed during the session on this matter.

## **VI. RECOMMENDATIONS ADOPTED AT THE TWENTY-EIGHTH SESSION**

### **A. General considerations**

53. The Working Group on Contemporary Forms of Slavery considers that slavery, in all its forms and practices, is a crime against humanity and that any acquiescence by a State in such practices, irrespective of whether it has acceded to the conventions on slavery or any other relevant conventions, constitutes a grave violation of basic human rights.

54. A review of the information provided to the Working Group showed that serious forms of slavery still existed and new insidious forms of slavery were emerging. The Working Group considered as a matter of priority the question of contemporary forms of slavery relating to and generated by discrimination, in particular gender discrimination, with a focus on forced marriages and early marriages. The issues on its agenda, including the activities of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, were extensively examined.

55. The Working Group took note with appreciation of the increased participation of non-governmental organizations in its session, in particular thanks to funding from the Trust Fund, and expressed appreciation for their valuable contributions to its work. The Working Group welcomed the extremely positive participation of numerous government representatives. It wished to express its gratitude in particular to all those who not only attended the session but also answered queries from the participants in a strong spirit of cooperation. The Working Group deeply regretted the recurrent absence of representatives of UNESCO. The Working Group welcomed the participation, even though brief, of representatives of UNICEF and IOM. In that regard, it strongly reiterated the need for them to attend its future sessions. It

welcomed the participation of the ILO, in particular the head of the new Special Action Programme to Combat Forced Labour, and the information provided on its activities, as well as the participation of WHO and the information provided on the effects of child marriage. It also welcomed the participation at one of its meetings of the Special Rapporteur of the Commission on Human Rights on adequate housing. It also expressed the hope that other special rapporteurs, in particular the Special Rapporteurs on the sale of children, child prostitution and child pornography and on violence against women would be given adequate financial means to participate at its future sessions. The Working Group recalled the need to work closely with mechanisms of the Commission on Human Rights, especially those focusing on economic, social and cultural rights.

56. The Working Group congratulated all participants on the fruitful dialogue, the spirit of cooperation they had demonstrated and the positive atmosphere in which the deliberations had been conducted, and expressed the hope that this general attitude would continue in the future so as to fully develop the Working Group's potential to foster international cooperation in the consideration of these matters.

## **B. Recommendations**

57. **The following recommendations were adopted by the Working Group at its twenty-eighth session.**

### **1. General**

*The Working Group on Contemporary Forms of Slavery,*

*Having devoted its twenty-eighth session to an overall evaluation of various contemporary forms of slavery,*

*Reaffirming that every woman, man and child has a fundamental right to be free from all forms of slavery and servitude,*

*Concerned 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,*

*Considering that a larger number of non-governmental organizations participated in the twenty-eighth session of the Working Group and that time did not permit them to make their full contribution to the work of the Group,*

1. *Expresses its gratitude to all participants for the information relating to all forms of exploitation brought to its attention;*

2. *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;*

3. *Also considers* that sustainable development and globalization processes should be based on equity, equality, non-discrimination, access to public services, transparency and good governance;

4. *Recommends* that all States which are not parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others of 1949, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights be called upon to become parties as soon as possible and to enact any legislation necessary to ensure that their laws conform to the terms of those treaties;

5. *Requests* the Secretary-General to provide the Working Group, along with the list of States that have not ratified the 1956 and 1949 conventions, with a list of States that have not yet ratified the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization;

6. *Expresses the hope* that the Working Group will receive cooperation from all States, particularly the States most concerned, with regard to the annual issue selected by the Working Group, i.e. forced labour in 2004, and invites non-governmental and intergovernmental organizations to provide information and testimonies with regard to the particular issue selected for consideration at the annual session of the Working Group;

7. *Decides* that, in the context of the thirtieth anniversary of the establishment of the Working Group, the priority issue for 2005 will be an assessment of the activities of the Working Group;

8. *Requests* the Commission on Human Rights to consider allocating two more working days for the meetings of the Working Group.

2. Contemporary forms of slavery related to and generated by  
discrimination, in particular gender discrimination

*The Working Group on Contemporary Forms of Slavery,*

*Acknowledging* that discrimination, especially gender discrimination, is one of the many factors perpetuating slavery,

*Recognizing* 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,

***Concerned at the testimonies on forced and child marriages, which mainly affect girls and young women,***

***Recalling article 16 of the Convention on the Elimination of All Forms of Discrimination against Women and general comment 21 on equality in marriage and family relations, adopted by the Committee on the Elimination of Discrimination against Women,***

***Recalling also article 24, paragraph 3, of the Convention on the Rights of the Child,***

***Taking note of the new general comment 4 adopted in June 2003 by the Committee on the Rights of the Child on adolescent health and development in the context of the Convention on the Rights of the Child,***

**1. *Urges Governments which have not yet ratified the International Convention on the Elimination of All Forms of Racial Discrimination to do so;***

**2. *Also 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;***

**3. *Further 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;***

**4. *Urges States that have not yet ratified the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages of 1962 to do so;***

**5. *Recommends information campaigns on the Convention;***

**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.***



### **3. Traffic in persons and exploitation of the prostitution of others**

*The Working Group on Contemporary Forms of Slavery,*

***Gravely concerned* at the evidence of trafficking in human beings for the purpose of exploitation presented to the Working Group,**

***Noting* that trafficking in human beings is a global phenomenon affecting every continent and stressing that countries of origin, transit and destination all have a responsibility to address this problem,**

***Reaffirming* that prostitution is incompatible with the dignity and worth of the human person and constitutes a source of serious violations of human rights,**

***Recognizing* that international sex trafficking and prostitution within countries are interconnected parts of the global sex industry and must be addressed together,**

***Aware* that the elimination of trafficking requires concrete measures against prostitution and other practices of sexual exploitation,**

***Concerned* that some States have legalized or regulated prostitution,**

***Convinced* that the legalization of prostitution aggravates sexual exploitation and increases trafficking in women and children,**

***Convinced* that prostitution can never be considered legitimate work,**

***Disturbed* at reports that some receiving countries are using concerns about trafficking as a pretext to restrict migration and access to political asylum,**

***Taking note* that in certain countries convicted traffickers are awarded sentences that are not proportionate to the gravity of the crimes they committed,**

***Recognizing* that national, regional and international databases containing information on convicted traffickers are essential for the effective enforcement of laws against trafficking,**

***Concerned* that the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) has not yet entered into force,**

***Noting 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,**

***Convinced* 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,**

***Noting with interest* the successful implementation in several countries of anti-trafficking laws, as well as the public education campaign striving to establish zero tolerance for prostitution and trafficking,**

***Aware* that trafficking in persons and prostitution is a growing problem also in large urban areas,**

***Taking note* of the Recommended Principles and Guidelines on Human Rights and Human Trafficking of the Office of the High Commissioner for Human Rights,**

***Deeply concerned* that certain organizations are purportedly distributing “guides” to the Palermo Protocol that minimizes the significance of the Protocol and suggests that it addresses only trafficking using force, fraud, or deception,**

**1. *Calls upon* the Office of the High Commissioner for Human Rights to review the Recommended Principles and Guidelines on Human Rights and Human Trafficking, especially guideline 2 which states that trafficking requires coercion, force and/or deception, and thus is inconsistent with the definition of trafficking in the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention on Transnational Organized Crime (Palermo Protocol);**

**2. *Urges* Governments 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;**

**3. *Calls upon* Governments to reject any form of regulation of prostitution in brothels;**

**4. *Urges* Governments to take serious note that it is the existence of the demand for the sexual exploitation of women and children that perpetuates prostitution and trafficking, and to take effective measures to punish those who purchase the sexual services of others;**

**5. *Also urges* Governments 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, including the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children;**

**6. *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 Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;**

**7. *Urges* Governments to ensure that anti-trafficking legislation contains definitions of trafficking that are at least as comprehensive as the definition in the Palermo Protocol;**

8. *Also urges Governments to ensure that traffickers receive adequate punishment, including sentences which are proportionate to the gravity of their offences;*

9. *Requests Governments to establish and maintain databases containing information on trafficking convictions and to exchange this information with other countries and with national and international law enforcement agencies;*

10. *Calls upon Governments to confiscate the property and assets of convicted traffickers and other sex industry entrepreneurs, as well as their accomplices, and use the proceeds to compensate and rehabilitate their victims;*

11. *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;*

12. *Invites the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Human Rights Committee to elaborate general recommendations in order to clarify reporting procedures with regard to victims of trafficking, in particular for purposes of prostitution and exploitation of the prostitution of others, as provided in the 1949 Convention.*

**4. Support, assistance and protection of victims of trafficking,  
in particular in host countries**

*The Working Group on Contemporary Forms of Slavery*

*Aware of the vulnerability of victims of trafficking and of the need to provide them with support and assistance,*

1. *Calls upon Governments to provide protection and assistance to victims that are based on humanitarian considerations and 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 (Palermo Protocol);*

2. *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 and to provide potential victims with warnings about the tactics of recruiters and traffickers and the risks of sexual exploitation;*

3. *Encourages municipalities to join in a common effort to develop unified strategies to prevent prostitution and trafficking, punish perpetrators and assist victims, through regional and international partnerships among cities of receiving and sending countries;*

4. *Calls upon Governments to ensure that victims of trafficking who have been rescued or have escaped from sexual exploitation can obtain replacement passports at low cost;*

5. *Encourages Governments to provide free legal services to trafficking victims to pursue compensation, reparations and other relief;*

6. *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) *Trafficked persons are not detained, prosecuted or otherwise punished for offences related to their having been trafficked, including prostitution and possession of false documents, both in host countries and upon return to their countries of origin;*

(b) *Trafficked persons are granted a waiting period in the host country during which their immigration status is temporarily regularized in order to allow them an opportunity to receive promptly advice and assistance, including secure accommodation, counselling and health, medical and legal services, from a specialized agency so that they can recover from their traumatic experiences and make an informed decision about whether they wish to cooperate in a prosecution;*

(c) *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;*

(d) *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;*

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

(f) *Victims of trafficking have the opportunity to seek legal redress and compensation for the violations they have suffered;*

(g) *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.*

#### **5. Bonded labour and debt bondage**

*The Working Group on Contemporary Forms of Slavery,*

*Recalling article 4 of the Universal Declaration of Human Rights, which proclaims that no one shall be held in slavery or servitude, and the provisions of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, in particular its article 1 (a) prohibiting debt bondage,*

***Welcoming* the efforts of Member States to combat debt bondage by adopting laws prohibiting debt bondage and by establishing procedures to investigate individual and other reports of debt bondage and to free those involved,**

***Bearing in mind* that corruption is a main factor in the perpetuation of this abhorrent practice,**

***Convinced* that basic education for all is a key condition for enabling bonded labourers to escape from servitude and that the provision of compulsory primary education for all, especially in rural areas, will reduce the number of bonded labourers,**

**1. *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 the beneficiaries' ownership and occupation of such land;**

**2. *Urges* the States concerned to carry out independent and comprehensive surveys, by regional district, to identify the number and location of people held in debt bondage; these surveys should provide a statistical breakdown of the number of men, women, children and other vulnerable groups of society in bonded labour. Broad mapping and data collection are encouraged in countries and regions where bonded labour has not already been documented to ascertain whether a problem exists and more detailed surveys are needed;**

**3. *Supports* public information campaigns which specifically target victims and perpetrators and which could explain that bonded labour is illegal, that bonded labourers do not have to repay debts and are eligible for compensation, and that those who have exploited workers through debt bondage are liable to prosecution;**

**4. *Encourages* training schemes, in cooperation with the appropriate local organizations, to ensure that all officials (district magistrates, judges, police, immigration officials, etc.) and key members of the general public understand the law and how it prohibits bonded labour, and play their role in properly enforcing it;**

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

**6. *Calls upon* United Nations bodies and 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;**

7. *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 and other practical training and basic health care; land reform and fairer leasing arrangements; provision of stable employment and the enforcement of the minimum wage;*

8. *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;*

9. *Recommends the creation of appropriate mechanisms such as an inter-agency group, operational at the 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;*

10. *Calls upon national authorities to implement strictly the legislation related to bonded labour; the number of prosecutions brought, successful convictions obtained and sentences passed against those using bonded labourers should be recorded and made public on a regular basis.*

## **6. Elimination of child labour**

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

*Convinced that compulsory and free primary education of boys and girls is an essential tool to combat child labour and the phenomenon of street children,*

1. *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;*

2. *Calls upon all States that have not already done so to ratify the Worst Forms of Child Labour Convention, 1999 (No. 182) of the ILO and calls upon States parties to this Convention to harmonize their national legislation with the Convention;*

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

4. *Urges States to make the implementation of national plans of action in line with Recommendation No. 190 accompanying ILO Convention No. 182 a priority;*

5. ***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, in accordance with the provisions of ILO Convention No. 182, unless national legislation provides for more protective standards;
6. ***Invites*** the international community to cooperate in developing viable alternatives to child labour, in particular for young girls;
7. ***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 report thereon to the Sub-Commission on the Promotion and Protection of Human Rights and the Commission on Human Rights at their next sessions;
8. ***Recommends*** that States 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 non-governmental organizations in their efforts to include employers as active partners in ending the worst forms of child labour;
9. ***Calls upon*** intergovernmental agencies such as the United Nations Development Programme, the United Nations Children's Fund, the World Health Organization, the United Nations Educational, Scientific and Cultural Organization and the International Labour Organization, as well as the International Monetary Fund and the World Bank, to assist States in their efforts to address poverty, social exclusion and illiteracy as root causes in the cycle that makes children vulnerable to the worst forms of child labour.

## 7. Forced labour

*The Working Group on Contemporary Forms of Slavery,*

***Taking note*** of the International Labour Organization Programme of Action to combat forced labour, in particular its technical and cooperative programmes in various States,

***Welcoming*** information about positive measures aiming at combating forced labour in several countries,

1. ***Reaffirms once again*** that forced labour is a contemporary form of slavery;
2. ***Invites*** the States concerned to introduce consolidated legislation on forced labour;
3. ***Recommends*** that the States concerned take urgent action to speed up criminal proceedings, secure successful prosecutions and apply effective sanctions against all those using forced labour;

4. *Also recommends* that States make detailed information publicly available regarding the prosecution and punishment of those using forced labour and carry out an appraisal of the impact of such practices;

5. *Decides* to consider as a matter of priority at its twenty-ninth session (2004) the issue of forced labour, in light of the International Labour Organization Programme of Action.

#### **8. Migrant workers and domestic migrant workers**

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

*Welcoming* 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,

*Noting* that migrant workers are frequently subject to discriminatory rules and regulations which undermine their human dignity, including being forced to live separately from their spouses and their minor children, sometimes for extended periods, and that they are often victims of violence, racism and xenophobia,

*Concerned* at cases of migrant domestic workers who are unpaid, subjected to various abuses and deprived of all their rights,

*Calling attention* to the exploitation of individuals using smuggling networks, and especially debt bondage resulting from payment of smugglers,

*Taking note* of the report submitted by the Special Rapporteur on the human rights of migrants at the fifty-eighth session of the Commission on Human Rights (E/CN.4/2003/85) and addenda,

*Recognizing* that the practice of exploiting children as domestic servants violates the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, International Labour Organization Convention (No. 29) concerning Forced or Compulsory Labour and Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,

*Concerned* at increasing information and testimonies of abusive treatment of girls and women domestic workers,

1. *Strongly condemns* practices of unequal treatment of migrant workers and the denial of their human dignity;

2. *Urges* Governments to take all measures to protect migrant workers from the above practices;



3. *Also urges Governments to ensure that protective regulations govern the employment situation of migrants and provide for safe conditions of work;*

4. *Urges States to investigate and prosecute those responsible for illegal immigration channels used to purchase false documents for migrants who are being trafficked;*

5. *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, for full implementation of the Convention;*

6. *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;*

7. *Calls upon organizations such as the International Labour Organization, the International Organization for Migration and the Food and Agriculture Organization to assist States in their efforts to protect migrants from abuses.*

9. *Sexual exploitation of children and activities of the Special Rapporteur on the sale of children, child prostitution and child pornography*

*The Working Group on Contemporary Forms of Slavery,*

*Mindful that children are often trafficked both within countries and across borders in order to be exploited,*

*Stressing that the full implementation of the Convention on the Rights of the Child would be a major step towards eradicating child prostitution, child pornography, paedophilia, incest, servitude and the worst forms of child labour, both in practice and by preventing their root causes,*

*Recognizing 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,*

*Concerned at the persistence and growth of the sale of children, child prostitution and child pornography, and aware of the necessity of combating these practices,*

*Disturbed 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”,*

1. *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 these forms of exploitation;*

2. *Encourages* States to cooperate on a bilateral, regional and international basis, with the assistance of non-governmental organizations, 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;

3. *Also encourages* States to harmonize their legislation in the field of extradition to allow the extradition of traffickers to their countries of origin for prosecution;

4. *Invites* States and interested non-governmental organizations to undertake research with a view to achieving a better understanding of the misuse of some ritual practices to intimidate women and girl victims of trafficking;

5. *Calls upon* the United Nations Educational, Scientific and Cultural Organization to assist States in introducing in schools and in parents' training programmes information about concrete initiatives aiming at helping children to protect themselves from trafficking;

6. *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;

7. *Takes note* of the report of the Special Rapporteur on the sale of children, child prostitution and child pornography at the fifty-eighth session of the Commission on Human Rights (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;

8. *Strongly recommends* that the Special Rapporteur be provided with the necessary facilities to participate in the twenty-ninth session of the Working Group.

#### 10. United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

*The Working Group on Contemporary Forms of Slavery,*

*Recalling* General Assembly resolution 46/122, by which the Assembly established the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery,

*Recalling also* resolution 2002/28 adopted by the Sub-Commission on the Promotion and Protection of Human Rights,

*Recalling further* the close relationship between the mandate and the activities of the Working Group and those of the Board of Trustees of the Voluntary Trust Fund and the necessary cooperation between them, and stressing the need for continued and strengthened cooperation,

***Expressing its gratitude* to Governments, organizations, trade unions and individuals, including young students, who have contributed to the Fund and encourages them to continue doing so,**

**1. *Considers* that the participation at the twenty-eighth session of the Working Group of six representatives of non-governmental organizations working in different countries in Africa, America, Asia and Europe financed by the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, including victims of contemporary forms of slavery, is a valuable contribution to the work of the Working Group;**

**2. *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, in accordance with the priorities established in the agenda of the Working Group;**

**3. *Notes with satisfaction* that project grants were provided by the Fund to local non-governmental organizations which work on issues of contemporary forms of slavery and that four project leaders attended the session and reported on the implementation of their project;**

**4. *Welcomes* the participation of a member of the Board of Trustees of the Fund at the present session of the Working Group and encourages the members of the Board to attend the next session of the Working Group;**

**5. *Expresses its support* for the work of the members of the Board of Trustees of the Fund and of the secretariat, in particular their fund-raising activities;**

**6. *Recalls* 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 non-governmental organizations, other private or public entities and individuals to contribute to the Fund, and encourages them to do so, if possible by September 2003, in order to enable the Fund to fulfil its mandate effectively in the year 2004;**

**7. *Decides* to discuss the activities of the Trust Fund at the beginning of its next sessions in view of the importance of its activities to the work of the Working Group.**

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

***The Working Group on Contemporary Forms of Slavery,***

***Noting with concern* the impact of corruption on the continuation and spread of slavery and slavery-like practices, especially the traffic in persons, and on migrant workers,**

***Recognizing* that corruption at different levels is facilitated by bank secrecy laws in certain countries,**

1. *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;

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

3. *Recommends* closer international cooperation for the prevention, sanction and suppression of corruption;

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

## 12. Misuse of the Internet for the purpose of sexual exploitation

*The Working Group on Contemporary Forms of Slavery,*

*Recognizing* the valuable contribution of the Internet to the spread of information and education in contemporary societies,

*Recalling* that article 19 of the International Covenant on Civil and Political Rights declares that the right to freedom of expression “carries with it special duties and responsibilities”,

*Convinced* that the right to freedom of expression cannot excuse or justify flagrant violations of human rights,

*Alarmed* that multiple forms of sexual exploitation, such as prostitution, sex tourism, trafficking in persons for sex or marriage, pornography, incest and other forms of child sexual abuse and exploitation, live sex shows and rape videos for sexual entertainment, are promoted on the Internet by individuals, groups and organized crime, that the Internet is now the preferred site for the promotion of bride trafficking, sex tourism and pornography, and that the Internet offers multiple forums facilitating the trafficking, prostitution and sexual exploitation of women and children,

1. *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;

2. *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;

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

### 13. Miscellaneous

*The Working Group on Contemporary Forms of Slavery,*

1. ***Requests*** the Secretary-General to transmit to the concerned committees, special rapporteurs and working groups the recommendations of relevance to them and the report of the Working Group;
2. ***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 and 1999/46;
3. ***Decides*** that it will invite Governments, international organizations and non-governmental organizations which have information relating to the agenda items of the Working Group to assist the Working Group by providing the information either in advance or at the session;
4. ***Requests*** non-governmental organizations and the media to disseminate information about the work of the Working Group as widely as possible.

## **Annex I**

### **PROVISIONAL AGENDA FOR THE TWENTY-NINTH SESSION**

1. Election of officers.
2. Adoption of the agenda.
3. Activities of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, including introduction of beneficiaries.
4. Forced labour, in particular in light of the ILO Programme of Action.
5. Review of the implementation of and follow-up to the conventions on slavery and other related instruments:
  - (a) Status of the conventions;
  - (b) Review of the information received regarding implementation of the conventions and programmes of action.
6. Review of developments in the field of contemporary forms of slavery and measures to prevent and repress all contemporary forms of slavery, including the struggle against corruption and the consideration of international debt as promoting factors of contemporary forms of slavery:
  - (a) Economic exploitation:
    - (i) Violation of the rights of migrant workers, especially migrant women;
    - (ii) Violation of the rights of domestic workers, especially women and girls;
    - (iii) Bonded labour and debt bondage;
    - (iv) Child labour;
  - (b) Sexual exploitation:
    - (i) Suppression of the traffic in persons and the exploitation of the prostitution of others;
    - (ii) Support, assistance and protection of victims of trafficking, in particular in host countries (including best practices);
    - (iii) Sexual exploitation of children;
    - (iv) Activities of the Special Rapporteur on the sale of children, child prostitution and child pornography;

- (c) Forced marriage, child marriage and activities of the Special Rapporteur on violence against women.
7. Other forms of exploitation:
- (a) Illegal activities of certain religious and other sects;
  - (b) Traffic in organs and tissues of children;
  - (c) Slavery-like practices related to armed conflicts;
  - (d) Miscellaneous.
8. Adoption of the report of the Working Group on its twenty-ninth session to the Sub-Commission on the Promotion and Protection of Human Rights.

## **Annex II**

### **LIST OF OBSERVERS**

#### **Member States**

Bangladesh, Benin, Bolivia, Brazil, Chile, China, Egypt, France, Germany, Haiti, Holy See, Honduras, India, Ireland, Japan, Libyan Arab Jamahiriya, Mexico, Morocco, Nigeria, Russian Federation, Saudi Arabia, South Africa, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America

#### **International organizations**

United Nations Children's Fund (UNICEF), International Labour Organization (ILO), World Health Organization (WHO), International Organization for Migration (IOM)

#### **Non-governmental organizations in consultative status**

All India Women's Conference

All Pakistan Women's Association

Anti-Slavery International

Association of World Citizens

Coalition against Trafficking in Women

Franciscans International

International Educational Development Inc.

International Service for Human Rights

International Young Catholic Students

Mouvement pour l'abolition de la prostitution et de la pornographie et de toutes formes de violences sexuelles et de discriminations sexistes

The Salvation Army

#### **Other organizations**

Action for Children Campaign

Action for Modern Rights

African Network for Prevention and Protection Against Child Abuse and Neglect

Associations for the Promotion and the Defense of Children



Associazione Iroko Onlus

Centro de Docente Jubilados y Pensionados Santiago del Estero

Childs-For The Sake Of Our Children

Comissão Pastoral Da Terra

End Sexual Exploitation of Children (Ecpat)

Erythros-Association for the Promotion and Defense of Rights

Ideal International

Initiative for Social Change and Action

International Alliance of Women

International Council of Women

Internee Lives Research Fellowship

Metropolitan Police Service (London)

National Alliance of Women-India

One In Four Ireland

Tomorrow Children

Trocaire-Working for a Just World

Washington Center for Peace and Justice

-----