



OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS



Report of the Working Group on Contemporary Forms of Slavery

Sub-Commission resolution 1996/12

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its twenty-first session (E/CN.4/Sub.2/1996/24 and Corr.1) and in particular the recommendations contained in chapter VI,

Deeply concerned at the information it contains relating to child and bonded labour, sexual exploitation, in particular of children, the traffic in persons, illegal and pseudo-adoptions, the alleged practice of removal of organs, migrant and domestic workers and sexual slavery during wartime,

Noting that the status of ratification of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 is still unsatisfactory,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery for its valuable work and in particular for its continued broad approach and flexible methods of work;

I. PREVENTION OF TRAFFIC IN PERSONS AND EXPLOITATION OF THE PROSTITUTION OF OTHERS

2. Welcomes once again the convening of the World Congress against Commercial Sexual Exploitation of Children in Stockholm from 27 to 31 August 1996;

3. Welcomes the approval by the Commission on Human Rights of the Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others (E/CN.4/Sub.2/1995/28/Add.1);

4. Requests the Secretary-General to invite all States to report periodically to the Sub-Commission on measures adopted to implement the Programme of Action and on the effectiveness of such measures;

5. Recommends that Governments prohibit the advertising or publicizing of sex tourism and that they do not facilitate other commercial activities involving sexual exploitation;

6. Encourages Governments, in cooperation with the World Health Organization and the Joint United Nations Programme on HIV/AIDS, to establish specific projects for the protection of the victims of traffic in persons and of prostitution from the risk of infection with HIV and the spread of AIDS;

7. Recommends that States take urgent measures, including measures of criminal law and of cooperation with other States, designed to protect minors from exposure to or involvement in pornography and requests the Secretary-General to invite States to provide information on measures taken or already applicable;

8. Invites the Secretary-General, in cooperation with the International Telecommunication Union, to examine the adverse effect on children of new technologies, such as the Internet, that are used to promote, inter alia, child pornography and sex tourism;

9. Recommends that national institutions for the prevention of prostitution be established in all States in order to assist in the rehabilitation and reintegration of victims of prostitution;

II. SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

A. Special Rapporteur on the sale of children, child prostitution and child pornography

10. Takes note of the information on these problems submitted by the Special Rapporteur in her report to the Commission on Human Rights (E/CN.4/1996/100);

11. Also takes note of the information on these problems submitted by the participants at the twenty-first session of the Working Group and requests the Centre for Human Rights to transmit the information to the Special Rapporteur, along with the recommendations relating to her mandate;

12. Requests the Special Rapporteur, within the framework of her 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;

13. Invites the Special Rapporteur to participate in the twenty-second session of the Working Group;

B. Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

14. Encourages the working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography to continue its work in elaborating a draft optional protocol, and calls upon the Working Group to outline a framework for international cooperation to bring to an end all practices relating to the sexual exploitation of children, including child sex tourism;

15. Requests the Secretary-General to invite all States 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 and to submit a report thereon to the Sub-Commission at its forty-ninth session and to the Commission at its fifty-fourth session;

16. Encourages all Governments to consider, in the context of the Programme of Action, the creation of programmes aimed at the social rehabilitation of all victims of trafficking, prostitution and pornography, in particular children, and requests international cooperation for establishing and implementing such programmes;

C. Traffic in human organs and tissues

17. Welcomes the adoption of Commission on Human Rights resolution 1996/61 of 23 April 1996, in which the Commission requested the Secretary-General to examine, in cooperation with relevant United Nations agencies, in particular the World Health Organization, as well as the International Criminal Police Organization and all relevant non-governmental organizations, the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes in order to enable the Commission to decide on possible follow-up in this matter;

18. Encourages the World Health Organization to continue to pay special attention to this issue, and welcomes the recommendation of the World Health Organization Advisory Committee on Health Research to set up a task force on organ transplantation;

19. Decides to continue to examine this matter at its forty-ninth session;

III. ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR

20. Decides to study further the possible appointment of a special rapporteur on the exploitation of child labour and debt bondage, having due regard to the importance of a study on child labour;

21. Urges all States, while attempting ultimately to eliminate the phenomenon of child labour, to adopt measures and regulations to protect child labourers, to ensure that their labour is not exploited and to prohibit their labour in hazardous occupations;

22. Urges States that have not yet done so to ratify the relevant International Labour Organization conventions, in particular the Forced Labour Convention, 1930 (No. 29) and the Convention concerning the Minimum Age for Admission to Employment, 1973 (No. 138);

23. 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 Elimination of the Exploitation of Child Labour;

IV. ERADICATION OF BONDED LABOUR

24. Takes note with satisfaction of the promulgation of laws against bonded labour, and appeals to Governments to adopt all the necessary measures to implement and follow up the implementation of such laws;

25. Requests the specialized agencies, in particular the international financial institutions and the development agencies of the United Nations, to ensure that the projects they support do not, in any way, use bonded labour, and notes with appreciation the information submitted by the United Nations Development Programme in that regard;

26. Recommends that Governments cooperate with trade unions and employers' organizations at the national level to address the problem of bonded labour and that trade unions and employers' organizations at the local, national and international levels utilize the existing structures of the International Labour Organization dealing with violations of the relevant conventions concerning forced labour, and encourages concerned non-governmental organizations to strengthen their activities for disseminating information and advising trade unions in this regard;

27. Decides to keep this question under consideration and to assess the progress achieved, with a view to eliminating this intolerable practice;

V. FORCED LABOUR

28. Reaffirms that forced labour is a contemporary form of slavery and expresses its concern at allegations that this practice has not yet been eliminated;

29. Decides to continue to give consideration to this issue at its next session;

VI. MIGRANT WORKERS

30. Notes with great concern that foreign migrant workers are frequently subject to discriminatory rules and regulations which undermine human dignity, including being forced to live separately from their spouse and their minor children, sometimes for extended periods, and are often victims of violence, racism and xenophobia;

31. Urges States to take the necessary measures to sanction employers for the confiscation of passports belonging to migrant workers, in particular migrant domestic workers;

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

33. Urges States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

34. Recommends that non-governmental organizations give attention to the grave problems affecting migrant workers and provide the Working Group with information in this regard;

VII. ILLEGAL AND PSEUDO-ADOPTIONS

35. Takes note of the information concerning cases of children adopted for commercial purposes and other forms of traffic;

36. Urges States to take adequate steps to regulate and monitor intercountry adoptions better, including by ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption;

37. Decides to continue to give consideration to this issue at its next session;

VIII. VIOLENCE AGAINST WOMEN

38. Welcomes the work of the Special Rapporteur of the Commission on Human Rights on violence against women, and takes note of her report (E/CN.4/1996/53 and Add.1 and 2);

39. Welcomes the useful information provided by the Government of Japan regarding its action in relation to the issue of women sex slaves during the Second World War;

40. Considers that the prompt establishment of a Japanese administrative tribunal to deal with persons who suffered maltreatment, in particular subjection to treatment akin to slavery, would effectively settle such grievances;

41. Recalls the recommendations adopted at its nineteenth session (E/CN.4/Sub.2/1994/33, chap. VI), in particular recommendation 13, paragraphs 1 to 4, and draws the attention of the parties concerned to the possibility of making agreements on voluntary submission to a settlement mechanism;

42. Invites the Government of Japan to cooperate with the United Nations and the specialized agencies in this matter;

43. Decides to transmit the information received concerning the sexual exploitation of women and other forms of forced labour during wartime to the Special Rapporteurs on the question of impunity of perpetrators of violations of human rights;

44. Invites the Special Rapporteur on violence against women to participate in the twenty-second session of the Working Group;

IX. MISCELLANEOUS

45. Decides to continue to consider the issue of incest at its next session and to consider ways to combat incest and sexual abuse of children inside the family, and emphasizes the urgent need for adequate help to be offered to victims of such practices;

46. Urges Governments to make confidential facilities available for children to make disclosure of the situation and to obtain advice;

47. Urges Member States to take adequate steps to punish suitably the perpetrators of this most heinous offence;

48. Decides to continue to give particular attention to the question of domestic workers, in particular the situation of girl children, and urges Governments to ensure that protective regulations govern their employment situation and provide for safe conditions of work;

49. Notes the difficult situation in which girl children are living and the need for them to be provided with protection with a view to ensuring their fullest human development and participation in the life of their community;

50. Decides to continue its consideration of the questions of early marriage and detained juveniles at its next session;

51. Welcomes Commission on Human Rights decision 1996/107 of 19 April 1996, in which the Commission endorsed the decision of the Sub-Commission to appoint Mrs. Linda Chavez as Special Rapporteur to undertake an in-depth study of the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict, and requests the Secretary-General to transmit the study to the Working Group at its next session;

52. Requests the Secretary-General to seek the views and suggestions of Member States and of intergovernmental and non-governmental organizations for the future action of the Working Group with a view to its considering their replies at its forthcoming sessions;

53. Appeals to all Governments to send representatives to the meetings of the Working Group;

54. Encourages youth organizations and young persons from various non-governmental organizations to participate in the meetings of the Working Group;

55. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining the periodic reports of States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, and include in their guidelines an item concerning contemporary forms of slavery;

56. Welcomes the written contribution made by the Committee on the Rights of the Child to the Working Group;

57. Draws the attention of the World Congress against Commercial Sexual Exploitation of Children, to be held in Stockholm in August 1996, to the work of the Working Group, in particular issues involving children, and requests the Secretary-General to forward to the Congress all relevant documentation of the Working Group;

58. Recommends that the supervisory bodies of the International Labour Organization and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

59. Requests the Secretary-General to transmit to the committees mentioned above, the special rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances the recommendations of relevance to them and the report of the Working Group;

60. Welcomes the adoption by the Commission on Human Rights of resolution 1996/61 of 23 April 1996, in which the Commission requested the Secretary-General to give effect to his decision to reassign to the Working Group a Professional staff member of the Centre 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 Centre for Human Rights on issues relating to contemporary forms of slavery;

61. Again requests the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities and the dissemination of information within the United Nations system for the suppression of contemporary forms of slavery and to report on the measures taken for that purpose to the Commission on Human Rights at its fifty-third session and to the Working Group at its twenty-second session;

62. Notes that the Economic and Social Council, in its resolution 1993/48 of 28 July 1993, approved the endorsement by the Commission on Human Rights of the recommendation made by the Sub-Commission in its resolution 1992/2 of 14 August 1992 that the arrangements regarding the organization of the sessions of the Working Group on Contemporary Forms of Slavery, as contained in Commission decision 1992/115 of 3 March 1992, be repeated in subsequent years;

63. Decides, in arranging its agenda, to make provision for adequate discussion of the Working Group's report near the commencement of each session, thereby strengthening its involvement in the activities of the Working Group.

27th meeting

23 August 1996

[Adopted without a vote.]