

**UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL**



Distr.
GENERAL

E/2357
27 January 1953

ORIGINAL: ENGLISH

Fifteenth session
Item 18

SLAVERY, THE SLAVE TRADE, AND OTHER FORMS OF SERVITUDE

The Secretary-General of the United Nations has the honour to communicate to the Economic and Social Council herewith his report to the Council on slavery, the slave trade, and other forms of servitude, submitted pursuant to the Council's resolution 388 (XIII) of 10 September 1951.

TABLE OF CONTENTS

Paragraphs

INTRODUCTION

A. Terms of reference of the Secretary-General under Resolution 388 (XIII) of 10 September 1951 of the Economic and Social Council	1
B. Organization of this Report	2
C. Background of the Problem of Slavery, the Slave Trade, and Other Forms of Servitude	3 - 14
D. Action taken by the Secretary-General pursuant to Resolution 388 (XIII)	15 - 18
E. Relevant Materials Collected to date	19 - 23

CHAPTER I: EXAMINATION OF THE REPORT AND RECOMMENDATIONS OF THE
AD HOC COMMITTEE ON SLAVERY

Introductory Statement on Method of Work	24 - 28
A. Examination of sections of the <u>ad hoc</u> Committee's Report, and its recommendations, on international instruments for combatting slavery, the slave trade, and other forms of servitude	
Introductory statement on the need for continuing international concern	29 - 31
1. Examination of the problem of definitions	32 - 39
2. Examination of the problem of supplementing the provisions of existing international instruments	40
Introductory statement on the present situation	41
(a) Examination of proposed supplementary undertakings relating to emancipation procedures	42 - 44
(b) Examination of proposed supplementary undertakings relating to the submission of information to the United Nations	45
(c) Examination of proposed supplementary undertakings relating to further co-operation with the United Nations	46

Paragraphs

(d) Examination of proposed supplementary undertakings relating to repression of slave raiding and slave trading	47
(e) Examination of proposed supplementary undertakings relating to the prohibition of mutilation, brandings, or otherwise marking of persons of servile status	48
(f) Examination of proposed supplementary undertakings relating to marriage legislation, aimed at the elimination of servitude of women arising from marriage customs	49
(g) Examination of proposed supplementary undertakings relating to reaffirmation of the International Slavery Convention of 1926	50
3. Examination of the possible procedures for supplementing the provisions of existing international instruments	51
4. Examination of the desirability of transferring to the United Nations the functions and powers exercised by the League of Nations under the International Slavery Convention of 1926	52 - 58
B. Examination of sections of the <u>ad hoc</u> Committee's Report, and its recommendations, on recommendations to be addressed by the Council to governments relating to legislative and administrative measures aimed at combatting slavery, the slave trade, and other forms of servitude	
1. Measures, proposed by the <u>ad hoc</u> Committee, to be taken to assist newly-freed individuals during the period of transition from servile status to a status of full participation in a free society	59 - 60
2. Principles, formulated by the <u>ad hoc</u> Committee, to be incorporated in legislation aimed at the elimination of debt bondage	61
3. Economic measures, proposed by the <u>ad hoc</u> Committee, to be taken for the elimination of serfdom and agricultural debt bondage	62
4. Educational measures, proposed by the <u>ad hoc</u> Committee, aimed at the elimination of ignorance and illiteracy which produce slavery and other forms of servitude	63
5. Police measures, proposed by the <u>ad hoc</u> Committee, to be taken for the elimination of slave raiding and slave trading in States in which these practices still occur	64

Paragraphs

- C. Examination of sections of the ad hoc Committee's Report, and its recommendations, on the creation of international supervisory machinery to combat slavery, the slave trade, and other forms of servitude 65
- D. Examination of sections of the ad hoc Committee's Report, and its recommendations, on regional arrangements to combat slavery, the slave trade, and other forms of servitude 66
- E. Examination of sections of the ad hoc Committee's Report, and its recommendations, on action to be taken by the International Labour Organisation to combat slavery, the slave trade, and other forms of servitude. 67

CHAPTER II: SUPPLEMENTARY SUGGESTIONS OF THE SECRETARY-GENERAL
AS TO FURTHER ACTION THE UNITED NATIONS AND SPECIALIZED AGENCIES
COULD APPROPRIATELY TAKE TO ELIMINATE SLAVERY, THE SLAVE TRADE,
AND OTHER FORMS OF SERVITUDE

- Introductory statement 68
- A. Suggestion I of the Secretary-General, on completion of the survey of slavery, the slave trade, and other forms of servitude 69
- B. Suggestion II of the Secretary-General, on the preparation of drafts of separate and additional conventions aimed at the elimination of such institutions or practices resembling slavery in their effects as are not already covered by the International Slavery Convention of 1926 70
- C. Suggestion III of the Secretary-General, on establishment of a reporting procedure on the subject of slavery, the slave trade, and other forms of servitude, on a continuing basis 71
- D. Suggestion IV of the Secretary-General, on assistance which the United Nations and specialized agencies may furnish to States in order to enable them to eliminate slavery, the slave trade, and other forms of servitude 72 - 75

CHAPTER III: RECAPITULATION OF PROBLEMS DEALT WITH IN THIS REPORT,
FOR CONSIDERATION BY THE COUNCIL

- Introductory statement 76
- A. Question concerning completion of the survey of slavery, the slave trade, and other forms of servitude 1

Questions

Questions

- B. Questions relating to international instruments for combatting slavery, the slave trade, and other forms of servitude 2 - 4
- C. Questions relating to the establishment of a reporting procedure on slavery, the slave trade, and other forms of servitude, and the creation of an international supervisory machinery. 5 - 6
- D. Question relating to regional arrangements for combatting slavery, the slave trade, and other forms of servitude 7
- E. Questions relating to recommendations to be addressed to governments on legislative and administrative measures to combat slavery, the slave trade, and other forms of servitude. . 8 - 14
- F. Questions relating to assistance which the United Nations and specialized agencies may furnish to States in order to enable them to eliminate slavery, the slave trade, and other forms of servitude 15 - 18

ANNEX I: Questionnaire on Slavery and Servitude, Prepared by the
ad hoc Committee on Slavery

ANNEX II: List of available materials on slavery, the slave trade,
and other forms of servitude

- A. List of materials received from governments
- B. Ancillary memoranda prepared individually by Members of the ad hoc Committee
- C. Materials furnished by the International Labour Organisation
- D. List of summary records of United Nations organs containing discussions of the problem under consideration

SLAVERY, THE SLAVE TRADE, AND OTHER FORMS OF SERVITUDE
(Report Submitted by the Secretary-General pursuant
to Resolution 388 (XIII) of the Economic and
Social Council, of 10 September 1951)

INTRODUCTION

A. Terms of Reference of the Secretary-General

1. This Report has been prepared by the Secretary-General pursuant to Resolution 388 (XIII) of the Economic and Social Council, of 10 September 1951, on the Report of the ad hoc Committee on Slavery (second session), which reads:

"The Economic and Social Council

"1. Takes note of the report (E/1988) submitted by the ad hoc Committee on Slavery appointed by the Secretary-General in accordance with Council resolution 238 (IX), together with the ancillary memoranda (E/AC.33/R.11 to 14) prepared individually by the members of the Council;

"2. Expresses its thanks to the members of the ad hoc Committee for their work;

"3. Notes, however, that the material is not at present in such a form as to allow the Council to act upon it at this session; and

"4. Requests the Secretary-General to obtain such information, including information from governments, as is necessary in order to supplement the material presented by the Committee, to examine the Committee's report and recommendations in the light of that information, of the documentation already assembled by the Committee, and of the discussions on this subject during the thirteenth session of the Council (E/SR.544 and E/AC.7/SR.205 to 208), and to report thereon to the Council as soon as practicable, indicating what action the United Nations and specialized agencies could most appropriately take in order to achieve the elimination of slavery, the slave trade and forms of servitude resembling slavery in their effects."

B. Organization of this Report

2. This report is divided into three Chapters, and is followed by two Annexes, as follows:

In Chapter I the Secretary-General examines the report of the second session of the ad hoc Committee on Slavery (E/1988), and the recommendations contained therein, in the light of the available information and documentation and of the relevant discussions during the thirteenth session of the Economic and Social Council.

In Chapter II the Secretary-General, as requested by the Council, submits supplementary suggestions as to further action the United Nations and specialized agencies could take to eliminate slavery, the slave trade, and other forms of servitude.

In Chapter III the Secretary-General recapitulates the problems dealt with in this report, for consideration by the Council, arranging them in an orderly sequence of questions. The Council may wish to use this Chapter as a tentative basis for discussion.

Annex I reproduces the Questionnaire on Slavery and Servitude, prepared by the ad hoc Committee on Slavery and transmitted to governments under an authorization of the Council to be found in its resolution 276 (X) of 6 March 1950, on the Interim Report of the ad hoc Committee.

In Annex II, the available materials on slavery, the slave trade, and other forms of servitude are listed.

C. Background of the problem of Slavery, the Slave Trade, and Other Forms of Servitude

3. The Secretary-General has published separately an historical account of the suppression of slavery and of the slave trade by means of international agreement, and of the work of the League of Nations for the suppression of slavery (see "The Suppression of Slavery," United Nations publication ST/SOA/4 of 11 July 1951). Texts of the substantive provisions of the General Act of Berlin (1885) and of the International Slavery Convention of 1926 are reproduced in Part I of this publication. These are supplemented by a presentation of the substantive provisions of the General Act of the Brussels Conference for the Repression of African Slave Trade (1890), and of the Convention on Slavery signed at St. Germain-en-Laye in 1919. In addition, an appendix is provided in this publication for convenience in examination of data to be found in the reports of the Slavery Committees which functioned under the League of Nations.

4. The problem of slavery has been considered previously by the United Nations, notably in the preparation of the International Bill of Human Rights. It has also been dealt with independently by the General Assembly and by the Economic and Social Council.

5. The Universal Declaration of Human Rights, adopted and proclaimed by the General Assembly of the United Nations on 10 December 1948, contains the following article:

"ARTICLE 4^{1/}

"No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms."

6. The draft covenant on civil and political rights, prepared at the eighth session of the Commission on Human Rights, contains the following article (E/2256, Annex I, Part B, p. 47):

"ARTICLE 7

"1. No one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited.

"2. No one shall be held in servitude.

"... "

7. The General Assembly considered the problem of slavery at its third session. By resolution 278 (III) of 13 May 1949 the General Assembly requested the Economic and Social Council "to study the problem of slavery at its next session."

8. The Economic and Social Council considered this problem at its ninth session. In its resolution 238 (IX) of 20 July 1949, the Council instructed the Secretary-General:

"... after consultation with the bodies having special competence in this field, to appoint a small ad hoc Committee of not more than five experts:

"1. to survey the field of slavery and other institutions or customs resembling slavery.

"2. to assess the nature and extent of these several problems at the present time;

^{1/} For a detailed account of the development of this article, see E/AC.33/5.

- "3. to suggest methods of attacking these problems;
- "4. having regard to the recognized fields of competence of the various bodies within the framework of the United Nations, to suggest an appropriate division of responsibility among these bodies; and
- "5. to report to the Council within twelve months of its appointment."

9. Pursuant to this resolution, the Secretary-General consulted with a number of bodies having special competence in this field, and in particular requested these bodies to suggest the names of qualified experts. From among those suggested, he appointed the following persons to serve, in their capacity as experts, as members of the Committee:

Mr. Moises Poblete Troncoso of Chile (Chairman, both sessions, and rapporteur, first session);

Mr. C.W.W. Greenidge of the United Kingdom (Rapporteur, second session);

Mr. Bruno Lasker of the United States of America; and

Madame Jane Vialle of France.

10. The ad hoc Committee on Slavery held its first session at the Interim Headquarters of the United Nations, Lake Success, from 13 February to 23 March 1950. On 21 February, before the close of its first session, it submitted an interim report (E/1617) to the Council. The interim report contained a draft questionnaire on slavery and servitude (paragraph 12), to be submitted to governments.

11. After considering the interim report, the Council adopted its resolution 276 (X) of 6 March 1950, which reads:

"The Economic and Social Council,

"Having taken note of the interim report of the ad hoc Committee on Slavery,

"Considering that the Council has examined otherwise or that it has referred to other bodies for action or report such issues as forced labour and trade union rights,

"Returns to the ad hoc Committee the questionnaire on slavery and institutions or customs analogous thereto with the request to revise it in the light of the discussions on the subject in the course of the tenth session of the Council (E/SR.373 and 374) and in keeping with the present resolution;

"Authorizes the ad hoc Committee to transmit the revised questionnaire to Governments, Members and non-members of the United Nations, subject to resolution 39 (I) of the General Assembly;^{1/} and

"Considers that the next session of the ad hoc Committee should be held not earlier than November 1950 with a view to the submission of a final report to the Council in 1951."

12. Pursuant to resolution 276 (X) of the Council, the ad hoc Committee on Slavery revised its draft questionnaire before adjourning its first session. It requested the Secretary-General to transmit the revised questionnaire to governments in accordance with the terms of the resolution.^{2/}

13. The ad hoc Committee decided that the following principal methods of securing information for the survey of the field of slavery and other institutions or customs resembling slavery should be used (E/1660, paragraph 8):

"A. Submission to Governments of Members of the United Nations, and of non-Member States, of the Questionnaire on Slavery and Servitude;

"B. Invitation to certain non-governmental organizations to submit to the Committee written reports, or to present information orally;

"C. Invitation to certain research institutions and organizations to assist the Committee in making its survey;

"D. Invitation to certain individual experts, with special knowledge or competence in the field of slavery and other forms of servitude, to present information in reply to particular questions addressed to them; and

"E. Submission to the International Labour Organisation of a special request for information."

Arrangements for the use of these methods were completed at the first session of the ad hoc Committee. They are set forth in detail in the Report of that session (E/1660, paragraphs 10 to 44).

^{1/} This resolution, adopted by the General Assembly on 12 December 1946, deals with relations of Members of the United Nations with Spain.

^{2/} The revised Questionnaire on Slavery and Servitude is reproduced in Annex I, which follows this report.

14. The second session of the ad hoc Committee on Slavery was held at the Headquarters of the United Nations, New York, from 2 to 27 April 1951. The report of that session (E/1988), containing a series of recommendations which the Committee had adopted unanimously (Chapter III), was submitted to the thirteenth session of the Economic and Social Council. The report did not contain a definitive survey of the field of slavery and other institutions or customs resembling slavery for reasons which the Committee set forth (E/1988, paragraphs 20 and 21). However,

"... Each Member of the Committee undertook primary responsibility for study of that region of the world best known to him, and prepared a memorandum summarizing his conclusions with respect to the existence of slavery or other forms of servitude in that region at the present time. Mr. Poblete Troncoso dealt with the Americas (restricted document E/AC.33/R.12); Madame Vialle with central and southern Africa (restricted document E/AC.33/R.13); and Mr. Lasker with Asia, Oceania and Australia (restricted document E/AC.33/R.11). Because of the lack of time, the Committee did not consider these individual memoranda in detail or adopt them as its own. It decided, however, to draw them to the attention of the Economic and Social Council without assuming any collective responsibility for their contents. Mr. Greenidge prepared a more comprehensive memorandum which the Committee considered to be an interesting and valuable study, but did not have the time to examine in full (restricted document E/AC.33/R.14). Mr. Greenidge considered his study to be a 'minority report.' The Committee decided to draw it to the attention of the Council without assuming any collective responsibility for its contents."

The resolution adopted by the Council on the Report of the second session of the ad hoc Committee on Slavery (Resolution 388 (XIII) of 10 September 1951) has been quoted in paragraph 1 of this Report.

D. Action taken by the Secretary-General pursuant to Resolution 388 (XIII)

15. The Secretary-General examined the Report of the second session of the ad hoc Committee on Slavery, together with the ancillary memoranda prepared individually by the members of the Committee, with a view to determining what action was required in order to comply with the request which the Council had addressed to him, "to obtain such information, including information from governments, as is necessary to supplement the material presented by the Committee..."

The Secretary-General noted in particular that the ad hoc Committee on Slavery had submitted to the Council the replies which it had received from governments (listed in E/1988, paragraph 5), together with its comments on these replies which are as follows:

"(a) Twelve Member Governments had not replied to the Questionnaire up to the end of the Committee's session; it is suggested that the Council request these governments to reply to the Questionnaire;^{1/}

"(b) governments generally based their replies solely on the legal status of various forms of servitude in their territories, contending that their political constitutions or laws prohibit slavery or servitude; it is suggested that the Council request these governments to furnish information also on the application of the laws enacted and the practices actually prevalent in their territories;

"(c) a number of governments submitted information concerning only their non-self-governing territories; it is suggested that the Council request these governments to submit information concerning their metropolitan territories as well;

"(d) a number of governments submitted information in ambiguous terms that the Committee did not wish to interpret without further data from the government concerned; it is suggested that the Council might request these governments to submit more detailed and informative replies; and.

^{1/} SECRETARIAT NOTE: The Governments from which replies had not been received at that time were: Afghanistan, Cuba, Czechoslovakia, Guatemala, Haiti, India, Liberia, Nicaragua, Paraguay, Saudi Arabia, Ukrainian SSR, and Yemen. Replies have subsequently been received from the Governments of Afghanistan, Czechoslovakia, Guatemala, and India.

"(e) only a few non-governmental organizations having consultative status submitted replies to the Questionnaire; it is suggested that the Council might request these organizations, particularly those interested in labour conditions, to submit replies as soon as possible."

The Secretary-General also noted the view expressed by the ad hoc Committee on Slavery (E/1988, paragraph 21):

"that even when all the above-mentioned information had been obtained, a complete and up-to-date survey of slavery still would not be possible unless a body of the United Nations were given authority to verify its information by appropriate means and to study such actual conditions of slavery or servitude as might exist in the world today."

The Secretary-General decided that, as a first step toward obtaining such information as is necessary in order to supplement the material presented to the Council by the ad hoc Committee on Slavery, he would address circular letters requesting such information to all governments. These circular letters were of five types, addressed respectively:

1. to certain governments from which no reply to the Questionnaire on Slavery and Servitude had been received;
2. to certain governments the replies of which did not refer to all countries or territories for the foreign relations of which they were responsible;
3. to certain governments which had achieved independent status subsequent to the date of the ad hoc Committee's first enquiry and to which, therefore, the Questionnaire had not been sent earlier;
4. to certain governments to which, for some other reason, the Questionnaire had not been sent earlier; and
5. to all other governments.

16. In each of the circular letters referred to above, the Secretary-General requested full replies to the Questionnaire on Slavery and Servitude, including up-to-date information on the actual prevalence of any of the institutions or practices under study, and on any action taken to end such institutions or practices. He further invited all governments to send him a list of documents,

including official reports, books, articles, or other sources of information which, in the opinion of the government concerned, could be considered relevant to the questions under study. He also requested them to indicate their views as to what action the United Nations and specialized agencies could most appropriately take in order to achieve the elimination of slavery, the slave trade, and forms of servitude resembling slavery in their effects.

17. The Secretary-General further addressed circular letters, requesting supplementary information relevant to the questions under study, to those non-governmental sources which had participated in, or indicated an interest in, the work of the ad hoc Committee on Slavery.

18. The problem of slavery was on the agenda of the fourteenth session of the Economic and Social Council. On the suggestion of the Secretary-General (E/2296) the Council decided at its 650th plenary meeting on 18 July 1952, to postpone consideration of the item until its fifteenth session.

E. Relevant materials collected to date

19. The available materials on slavery, the slave trade, and other forms of servitude are listed in Annex II, which follows this Report. Up to 31 December 1952 no governmental information or reply to the Questionnaire on Slavery and Servitude had been received in respect of the following countries or territories:

Members of the United Nations

Cuba, Haiti, Liberia, Nicaragua, Paraguay, Poland,^{1/}
Saudi Arabia, the Ukrainian SSR,^{2/} and Yemen.

^{1/} The Government of Poland returned the Questionnaire without reply.

^{2/} Although the Government of the Ukrainian SSR did not reply to the Questionnaire on Slavery and Servitude, the attention of the Council is drawn to the reply of the Union of Soviet Socialist Republics (E/AC.33/10/Add.51), informing the Secretariat "that the problem of slavery... does not arise in the Soviet Union."

Non-Member States and other territories

Albania, Andorra, the Sultanate of Muscat and Oman, Portugal and territories under its jurisdiction,^{1/} Romania, San Marino, and Spain and territories under its jurisdiction.^{2/}

20. The information received from governments subsequent to the close of the second session of the ad hoc Committee on Slavery, including such information as was received in response to the Secretary-General's circular letters referred to in paragraphs 15 and 16 of this Report, has been circulated as documents E/AC.33/10/Add. 64 to 98. This Report is based on all materials available to the Secretary-General up to 31 December 1952.

21. The information received from non-governmental sources before the close of the second session of the ad hoc Committee on Slavery was considered by the Committee, which stated in its Report (E/1988, paragraph 20) that:

"in some cases the information furnished by governments was not wholly in agreement with that received from unofficial sources or furnished by Members of the Committee. On the basis of the personal knowledge of its Members of conditions of servitude existing in the world today, the Committee agreed that it could not in all cases accept the information furnished by these sources as being complete and satisfactory for its purposes. However, since it had no way of verifying the information which reached it from unofficial sources, it could not in good conscience put forward such information as its own."

^{1/} On 9 August 1951 the Portuguese Embassy in Washington stated in its reply to the the Secretary-General's note of 14 December 1950, transmitting the Questionnaire on Slavery and Servitude, that "... in view of the fact that Portugal is not a member of the United Nations, the Portuguese Government feel that the Questionnaire... goes somewhat beyond the scope of the relations which at present exist between Portugal and the United Nations and for this reason regret that they are precluded from giving a direct reply to the said Note... " (E/AC.33/10/Add.71).

^{2/} The Questionnaire was not sent to the Government of Spain (see resolution 276 (X) of the Economic and Social Council of 6 March 1950, quoted in paragraph 11 of this Report.)

The information received from non-governmental sources subsequent to the close of the second session of the ad hoc Committee has been dealt with by the Secretary-General in accordance with resolution 75 (V) of 5 August 1947 of the Council, as amended, on communications concerning human rights.

22. The special request for information submitted by the ad hoc Committee on Slavery to the International Labour Organisation (see paragraph 13 (E) of this Report) invited the ILO (E/1660, paragraph 23):

1. "...to communicate to it all the information on slavery and other forms of servitude which it may have at its disposal, and any further information which may be collected in the course of the inquiry to be undertaken in accordance with paragraph 2 below;"
2. to assist it "in determining how the existence of slavery or of other forms of involuntary servitude in any area reacts on the general conditions of employment of other labour in that area; and how the existence of slavery or of other forms of involuntary servitude in any area affects the possible establishment of an effective trade union movement..."

Upon receiving this request, the Governing Body of the International Labour Office at its 112th session (June 1950) gave consideration to these questions and decided to inform the United Nations (E/AC.33/11, p.2):

- "(i) That the ILO has always accepted the proposition that slavery or other forms of involuntary servitude affect adversely both general conditions of life of other labour in the area and the possible establishment of an effective trade union movement;
- "(ii) That it deals with them as social evils involving abnormally low labour standards, unfair labour practice and denial of the right of association;
- "(iii) That the ILO seeks to secure their eradication by all appropriate measures within its competence rather than to assess in precise terms for each region their effect on labour conditions generally or on the development of trade union organizations; and
- "(iv) That for these reasons the International Labour Office may not be able to supply full information in the exact form desired by the

ad hoc Committee, but will furnish all relevant information in its possession and will continue to co-operate fully with the ad hoc Committee in its work."

The Assistant Director-General of the International Labour Office further drew attention to the fact that the ILO Committee of Experts on Indigenous Labour would be convened for its first session in December 1950, and stated that he would communicate in due course, for transmittal to the ad hoc Committee on Slavery, all relevant information prepared for the first session of the Committee of Experts. He added (E/AC.33/11, p.3):

men "I shall also communicate to you in due course any helpful material relating to continuing slavery and bondage for debt in areas mentioned in paragraph 2 (a) and (d) of the ad hoc Committee's request which is available to the International Labour Office.

"The Governing Body has further decided that, while supplying to the United Nations all available information on (i) exploitation of children under the form of adoption, (ii) the pledging of third persons, usually children and young adults, and (iii) conditions of involuntary servitude arising out of contracts of employment or training of young persons entered into on their behalf by parents or guardians, the Director-General should draw attention to the fact that there are difficulties at the present time in obtaining reliable information from the areas where these practices are known to exist in other than isolated cases."

Subsequently the International Labour Office communicated to the second session of the Ad hoc Committee on Slavery a General Report on "Indigenous Workers in Independent Countries" (ILO document CEIL/I/3 of January 1951).

23. The materials on slavery, the slave trade, and other forms of servitude which have been collected to date from the various sources mentioned in paragraphs 19 to 22 above (listed in Annex II, which follows this Report) cannot be considered as complete for reasons which have already been indicated. In particular, certain countries and territories, Members and non-Members of the United Nations, have not yet supplied full information in response to the Questionnaire on Slavery and Servitude. Further, certain available materials

are unverified and in some cases contain contradictory statements. Since the tentative conclusions and suggestions presented later in this Report are necessarily based only upon the materials at hand and in their present unverified state, these conclusions and suggestions should not be considered at this stage as being either final or complete. Indeed, the question may be raised whether the Council should take any definitive action before exhausting every possibility of completing the survey of slavery, the slave trade, and other forms of servitude undertaken by the ad hoc Committee on Slavery in accordance with its terms of reference (see paragraph 9 of this Report).

CHAPTER I

EXAMINATION OF THE REPORT AND RECOMMENDATIONS OF THE AD HOC COMMITTEE ON SLAVERY

Introductory Statement on Method of Work

24. In its resolution 388 (XIII) of 10 September 1951, on the report of the ad hoc Committee on Slavery (second session), the Economic and Social Council requests the Secretary-General, inter alia:

"to examine the Committee's report and recommendations in the light of that (supplementary) information, of the documentation already assembled by the Committee, and of the discussions on this subject during the thirteenth session of the Council (E/SR.544 and E/AC.7/SR.205 to 208), and to report thereon to the Council as soon as practicable...."

25. In this Chapter the Secretary-General, pursuant to the above-quoted request of the Council, examines the report and recommendations of the second session of the ad hoc Committee on Slavery in the light of the available information listed in Annex II, which follows this Report.

26. The ad hoc Committee's report (E/1988) consists of an introduction, three chapters, and an Annex containing draft resolutions submitted to the Council. No comment is necessary on the Introduction, which is purely historical in character. Chapter I, entitled "Study and Definition of Slavery and other Institutions or Customs Resembling Slavery; Evaluation of the Nature and Extent of these Practices at the Present Time," and Chapter II, entitled "Suggestions as to Methods of Attacking and Resolving these Problems," contain substantive discussions setting forth the views of the Committee and explaining the reasoning underlying the formulation of its conclusions and recommendations, and are therefore closely linked with Chapter III and the Annex, which set forth the Committee's recommendations. The Secretary-General therefore will examine Chapters I, II and III together, basing his examination primarily upon the Committee's recommendations and the corresponding draft resolutions, and taking into account the relevant parts of the remainder of the Report.

27. In accordance with the terms of resolution 388 (XIII) of the Council (see paragraph 1 of this Report), the Secretary-General does not at this stage examine the ancillary memoranda prepared individually by the members of the Committee (restricted documents E/AC.33/R.11 to 14), or the recommendations which appear therein. It will be recalled (see paragraph 14 of this Report) that the ad hoc Committee on Slavery did not consider these individual memoranda in detail or adopt them as its own, but drew them to the attention of the Economic and Social Council without assuming any collective responsibility for their contents. The Secretary-General has however borne these ancillary memoranda in mind, as part of the documentation assembled by the ad hoc Committee, in his examination of the Committee's Report and recommendations.

28. In order to facilitate his work, and the work of the Council, the Secretary-General has found it convenient to proceed with his examination of the Report and recommendations of the ad hoc Committee in an orderly sequence which differs somewhat from that established by the Committee. The sequence adopted by the Secretary-General is as follows:

- A. Examination of sections of the ad hoc Committee's report, and its recommendations, on international instruments for combatting slavery, the slave trade, and other forms of servitude;
- B. Examination of sections of the ad hoc Committee's report, and its recommendations, on recommendations to be addressed by the Council to governments relating to legislative and administrative measures aimed at combatting slavery, the slave trade, and other forms of servitude;
- C. Examination of sections of the ad hoc Committee's report, and its recommendations, on the creation of international supervisory machinery to combat slavery, the slave trade, and other forms of servitude;
- D. Examination of sections of the ad hoc Committee's report, and its recommendations, on regional arrangements to combat slavery, the slave trade, and other forms of servitude;
- E. Examination of sections of the ad hoc Committee's report, and its recommendation, concerning action to be taken by the International Labour Organisation to combat slavery, the slave trade, and other forms of servitude.

A.

Examination of sections of the ad hoc Committee's report, and its recommendations on international instruments for combatting slavery, the slave trade, and other forms of servitude

Introductory Statement on the need for continuing international concern

29. In the Report of the second session of the ad hoc Committee on Slavery, the unanimous conclusion of its members is stated (E/1988, paragraph 23):

"that slavery, even in its crudest form, still exists in the world today, and that it should continue to be a concern of the international community. Other forms of servitude exist in practically all regions of the world. They are rapidly subsiding in some, with favourable judicial or legislative action and an aroused public opinion; but in others they appear to be growing. The Committee felt that they should equally be a concern of the international community, particularly because the number of people affected and the suffering caused by these practices is much more significant at present than that resulting from crude slavery."

The information from governments, the documentation assembled by the ad hoc Committee, and the discussions on this subject during the thirteenth session of the Council do not provide a complete and up-to-date survey of the field of slavery, the slave trade, and other forms of servitude, as noted in paragraph 23 above. However, on the basis of these available materials, the Council may wish to decide, tentatively, whether it concurs in the above conclusions of the ad hoc Committee, which constitute the basis for the recommendations which that Committee has submitted to the Council, and in particular the justification for its proposals on the further utilization of international instruments to combat slavery, the slave trade, and other forms of servitude.

30. The ad hoc Committee makes several recommendations on the use of international instruments to combat slavery, the slave trade, and other forms of servitude.^{1/} In examining these recommendations, the Council may wish to bear

^{1/} The question of transferring to the United Nations the functions and powers exercised by the League of Nations under the International Slavery Convention of 1926 is discussed in paragraphs 52 to 58 of this Report.

in mind the status of the International Slavery Convention of 1926.

On 9 July 1944 the position as to signatures, ratifications and accessions was stated to be as follows (League of Nations, Official Journal, Special Supplement, No. 193):

Ratifications or definitive accessions: Afghanistan, United States of America (with reservation), Belgium, Great Britain and Northern Ireland, Burma (with reservation), Canada, Australia, New Zealand, Union of South Africa (including South West Africa), Ireland, India (with reservation), Bulgaria, China, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Estonia, Finland, France, Syria and Lebanon, Germany, Greece, Haiti, Hungary, Iraq, Italy, Latvia, Liberia, Mexico, Monaco, the Netherlands (including Netherlands Indies, Surinam and Curacao), Nicaragua, Norway, Poland, Portugal, Romania, Spain (for Spain and the Spanish colonies, with the exception of the Spanish Protectorate of Morocco), Sudan, Sweden, Switzerland, Turkey, Yugoslavia.

Signatures or accessions not yet perfected by ratification: Albania, Colombia, Dominion Republic, Ethiopia, Iran (with reservation), Lithuania, Panama, Uruguay.

Open to accession by: Saudi Arabia, Argentine Republic, Bolivia, Brazil, Chile, Costa Rica, Free City of Danzig, Guatemala, Honduras, Iceland, Japan, Liechtenstein, Luxembourg, Paraguay, Peru, El Salvador, San Marino, Thailand, Union of Soviet Socialist Republics, Venezuela.

There is no doubt that the Convention remains binding as between the parties thereto.

The recommendations of the ad hoc Committee, dealing with the use of international instruments to combat slavery, the slave trade, and other forms of servitude appear in Chapter III of its Report as Recommendations A and B.

Recommendation A (E/1988, p.19) consists of two parts, as follows:

"1. that the definitions of slavery and the slave trade contained in Article 1 of the International Slavery Convention of 1926 should continue to be accepted as accurate and adequate international definitions of those terms; and

"2. that the United Nations should assume the functions and powers exercised by the League of Nations under the International Slavery Convention of 1926, by preparing a protocol to give effect to that decision and by inviting all States to adhere to the protocol or to the International Slavery Convention of 1926 as amended thereby."

Recommendation B (E/1988, p. 19) proposes that a "supplementary international convention" be drafted by the United Nations which would embody a number of stated principles.

The ad hoc Committee also submits to the Council a draft resolution on "Transfer to the United Nations of Functions and Powers Exercised by the League of Nations under the International Slavery Convention of 25 September 1926," based on Recommendation A (E/1988, Annex, draft resolution II); and a draft resolution on the proposed "Supplementary International Convention on Slavery and Other Forms of Servitude," based on Recommendation B (E/1988, Annex, draft resolution III). The former draft resolution includes a draft protocol whereby the functions and powers exercised by the League of Nations under the International Slavery Convention would be formally transferred to the United Nations by means of a protocol, the substantive provisions remaining intact. The latter draft resolution proposes that a drafting committee be appointed by the Council to prepare the draft of a "supplementary international convention on slavery and other forms of servitude".

31. Recommendations A and B of the ad hoc Committee raise four main problems, as follows:

- (a) are the definitions of slavery, the slave trade, and other forms of servitude resembling slavery in their effects, contained in the International Slavery Convention of 1926, accurate and adequate at the present time, in the light of the available materials on these subjects, or should they be supplemented or broadened in order to cover certain institutions or practices not covered by the present definitions?
- (b) are the undertakings of the parties to the International Slavery Convention of 1926 sufficient for the purpose of eliminating slavery, the slave trade, and other forms of servitude, or should they be supplemented or broadened?

(c) if the International Slavery Convention of 1926 is insufficient for the purpose of eliminating slavery, the slave trade, and other forms of servitude, what procedure is to be followed in order to make it sufficient for this purpose?

(d) if the International Slavery Convention of 1926 is to continue in force, is it necessary to transfer to the United Nations the functions and powers exercised by the League of Nations under that Convention, and if so, what steps should be taken to that end?

1. Examination of the Problem of Definitions

32. Articles 1 and 2 of the International Slavery Convention of 1926 read:

"Article 1

"For the purposes of the present Convention, the following definitions are agreed upon:

"1. Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.

"2. The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves."

"Article 2

"The High Contracting Parties undertake, each in respect of the territories placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage, so far as they have not already taken the necessary steps:

"(a) to prevent and suppress the slave trade;

"(b) to bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms."

33. With respect to the accuracy and adequacy of these definitions at the present time, the ad hoc Committee recommended (E/1988, p. 19, recommendation A.1)

that these definitions "should continue to be accepted as accurate and adequate international definitions of these terms."

34. The ad hoc Committee felt, however, (E/1988, para. 13):

"that it was questionable whether these definitions embraced all the types of servile status the abolition of which, in its opinion, should be promoted by the United Nations. It took note of information received from many sources which indicated that other forms of servitude, in addition to slavery and the slave trade, existed to a considerable extent in many portions of the world. When it attempted to define these forms of servitude, it discovered that a great deal of confusion had arisen because different names were applied to these practices, in different regions of the world and even in different countries. It therefore discarded the existing nomenclature for the time being, and instead attempted to describe these forms of servitude by reference to their particular characteristics."

The descriptive list of institutions or practices resembling slavery in some of their effects, prepared by the ad hoc Committee, is as follows (E/1988, pp. 19-20, Recommendation B.1.I):

"(a) the practice of debt bondage, which is the status or condition of a person arising from a pledge by a debtor of his personal services, or those of a third person under his control, where those services do not count towards the payment of the debt, or are undefined as regards the nature and length of the services to be performed, or force the person pledged to submit to conditions that do not allow such person to exercise the rights normally enjoyed by ordinary individuals within the framework of local social custom;

"(b) the legal status of serfdom, and the practice whereby an individual is by law (including customary law), custom, or agreement, attached to agricultural or pastoral land and cannot change his status or freely dispose of the produce of his labour, whether or not he may be required to perform, without compensation, duties for the landowner;

"(c) the practice whereby an individual or group of individuals who, being obliged by customary or other law, to perform services for another individual, or for the collectivity, with or without financial consideration, cannot terminate those services of their own will;

"(d) the practice whereby a woman is given in marriage, without the right to refuse, at a price and under conditions which give to the husband, or to his clan or his family, a right of disposition over herself and over her children and permit her exploitation for the advantage of others;

"(e) the practice whereby a child is transferred by its parents or guardians to a third party on payment or under conditions permitting the exploitation of the child regardless of its welfare."

It will be noted that in preparing the above list, the ad hoc Committee raised, but did not answer, the question whether or not the institutions or practices described above fall within the scope of the definitions contained in the International Slavery Convention of 1926.

35. In this connexion it will be recalled that at the time of the preparation of the International Slavery Convention of 1926, the question was examined whether certain conditions analogous to slavery should be considered as covered by the Convention. An interpretation, contained in the Report of the Rapporteur of the Sixth Committee to the 1926 Assembly of the League,^{1/} was accepted by the Assembly as the authoritative commentary on the provisions of the Convention. In this interpretation the Rapporteur stated that reference to domestic slavery and similar conditions was omitted:

"because it was believed that such conditions came within the definition of slavery contained in the first article and that no further prohibition of them in express terms was necessary. This applies not only to domestic slavery but to all those conditions mentioned by the Temporary Slavery Commission ... i.e., 'debt slavery', the enslaving of persons disguised as payment of dowry, etc. Even if

^{1/} League of Nations document A.104. 1926. VI., p.2.

these last practices do not come under the definition of slavery as it is given in Article 1, the Commission is unanimously of the opinion that they must be combatted. In a more general way, it interprets Article 2 as tending to bring about the disappearance from written legislation or from the customs of the country of everything which admits the maintenance by a private individual of rights over another person of the same nature as the rights which an individual can have over things."

36. It would appear from a study of the International Slavery Convention of 1926, and of the preparatory work leading to its adoption, that the obligations of the Parties thereto extend to all institutions or practices, whether or not designated as "slavery", provided that, as stated in Article 1 of the Convention, "any or all of the powers attaching to the right of ownership are exercised" over a person in these institutions or practices.^{1/}

If this conclusion is correct, an examination of the institutions or practices described by the ad hoc Committee on Slavery (see paragraph 34 of this Report) indicates that in the main these institutions or practices are covered by the undertaking contained in Article 2 (b) of the International Slavery Convention of 1926, interpreted in the light of the definition of slavery contained in Article 1 (1) of the same Convention. The possible exceptions are some of the institutions or practices described under (b) and (c).

37. However, the available materials on slavery, the slave trade and other forms of servitude (listed in Annex II of this Report) contain reference to many institutions or practices resembling slavery in some of their effects, about which

1/ One does not find in the travaux preparatoires of the International Slavery Convention of 1926 any precise indication of the meaning of the "powers attaching to the right of ownership" to which the drafters of that Convention intended to refer, or of the legal system by which they were guided. In the absence of such an indication, it may reasonably be assumed that the basic concept which they had in mind was that of the authority of the master over the slave in Roman law, the "dominica potestas". This authority was of an absolute nature, comparable to the right of ownership, which included the right to acquire, to use, or to dispose of a thing or of an animal or of its fruits or offspring. By virtue of this right, in its most general form,

1/ (footnote cont'd)

the master could utilize the services of the slave in his house or on his land. The children of the slave also belonged to the master, and he could sell them separately from their mother and father. As a result of the evolution of Roman law, the authority of the master over the slave was subjected successively to more and more limitations; but even though it was restricted, the master never had towards his slave the obligations that an employer has today towards his servant or employee.

This seems to have been the guiding concept in Geneva, as is apparent from the following quotation of a governmental communication to the League of Nations in 1926 (League of Nations document A.10 (a), 1926. VI., pp.5-6):

"a person is a slave if any other person can, by law or enforceable custom, claim such property in him as would be claimed if he were an inanimate object; and thus the natural freedom of will possessed by a person to offer or render his labour or to control the fruits thereof or the consideration therefrom is taken from him. The term also seems to imply a permanent status or condition of a person whose natural freedom is so taken away, for from the proprietary interest of the other person in the person to whom that status attaches is implied a right of disposal by sale, gift or exchange."

If the above interpretation is correct, the characteristics of the various powers attaching to the "right of ownership", referred to in Article I of the International Slavery Convention of 1926, may be described as follows:

1. the individual of servile status may be made the object of a purchase;
2. the master may use the individual of servile status, and in particular his capacity to work, in an absolute manner, without any restriction other than that which might be expressly provided by law;
3. the products of labour of the individual of servile status become the property of the master without any compensation commensurate to the value of the labour;
4. the ownership of the individual of servile status can be transferred to another person;
5. the servile status is permanent, that is to say, it cannot be terminated by the will of the individual subject to it;
6. the servile status is transmitted ipso facto to descendants of the individual having such status.

the information available at present may be insufficient to provide a basis for examination of the question whether or not they are covered by the definitions contained in the International Slavery Convention of 1926.^{1/}

38. It appears therefore that further study is necessary in order to ascertain to what extent such institutions or practices and similar institutions or practices, are covered by the definitions contained in the International Slavery Convention of 1926, and if not, whether these institutions or practices are of such a nature and extent as to require further international measures for their elimination. Pending such further study by the Council or an appropriate subsidiary body, it would be for the Council to decide in the light of the available materials whether it tentatively concurs in the conclusion of the ad hoc Committee on Slavery (see paragraphs 33 and 34 of this Report) that the definitions of slavery and the slave trade, contained in the International Slavery Convention of 1926, "should continue to be accepted as accurate and adequate international definitions of these terms".

39. A further proposal of the ad hoc Committee on Slavery, with respect to the problem of definitions, is contained in its Recommendation B.4 (E/1988, p. 21):

"that such early stages of dealing in slaves as may not be embraced by Article 1 of the International Slavery Convention of 1926, such as conspiracy to enslave, accessories in enslavement, attempts at enslavement and enticement to part with the liberty of oneself or of a dependent person, should be made criminal offences in the laws of States parties to the (proposed supplementary) Convention."

^{1/} Among such institutions or practices referred to in the materials listed in Annex II are, for example, the following: "anticipos", "batai", "begar", "boxadi", "casigallu", "chakran", "colonato", "compania", "concertaje", "faena", "frida", "gabar", "ghatwali", "goti", "habilitaciones", "kamiauti", "kivi", "levirate", "marichittu", "mui-tsai", "pei-nu", "ponguaeje", "prestations", "repartimento", "seringales", "varam", "yanaconazgo", and "ya-t'ou". It will be noted that the effects of institutions or practices bearing the same name may vary from country to country, and that the same or similar institutions or practices may bear different names, even in the same country.

In this connexion it may be useful for the Council to examine whether or not the definition of "slave trade", contained in Article 1 (2) of the International Slavery Convention of 1926 (see paragraph 32 of this Report), should be broadened in order to cover certain or all of the acts mentioned by the ad hoc Committee and not already included in the present definition of "slave trade". The Council will have to take into account, in particular, any decision it may have reached concerning the problem of definitions of the institutions or practices to be eliminated (see paragraphs 32 to 38 of this Report).

A further question is whether or not all of the prohibited acts should be made criminal offences, as proposed by the ad hoc Committee. It will be recalled that Article 6 of the International Slavery Convention of 1926 (see paragraph 40 of this Report) deals with the question of penal sanctions for infringements of regulations enacted with a view to giving effect to the purposes of that Convention.

2. Examination of the Problem of Supplementing the Provisions of Existing International Instruments

40. The undertakings of the High Contracting Parties under the International Slavery Convention of 1926 are set forth in Articles 2 to 7 of that instrument. Article 2 has been quoted in paragraph 32 of this Report. The remaining articles read:

"Article 3

"The High Contracting Parties undertake to adopt all appropriate measures with a view to preventing and suppressing the embarkation, disembarkation and transport of slaves in their territorial waters and upon all vessels flying their respective flags.

"The High Contracting Parties undertake to negotiate as soon as possible a general Convention with regard to the slave trade which will give them rights and impose upon them duties of the same nature as those provided in the Convention of 17 June 1925, relative to the International Trade in Arms (Articles 12, 20, 21, 22, 23, 24 and paragraphs 3, 4, 5 of Section II of Annex II) with the necessary adaptations, it being understood that this general Convention will not place the ships (even of small tonnage) of any High Contracting Parties in a position different from that of the other High Contracting Parties.

"It is also understood that, before or after the coming into force of this general Convention, the High Contracting Parties are entirely free to conclude between themselves, without, however, derogating from the principles laid down in the preceding paragraph, such special agreements as, by reason of their peculiar situation, might appear to be suitable in order to bring about as soon as possible the complete disappearance of the slave trade."

"Article 4

"The High Contracting Parties shall give to one another every assistance with the object of securing the abolition of slavery and the slave trade."

"Article 5

"The High Contracting Parties recognize that recourse to compulsory or forced labour may have grave consequences and undertake, each in respect of the territories placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage, to take all necessary measures to prevent compulsory or forced labour from developing into conditions analogous to slavery.

"It is agreed that:

"(1) Subject to the transitional provisions laid down in paragraph (2) below, compulsory or forced labour may only be exacted for public purposes.

"(2) In territories in which compulsory or forced labour for other than public purposes still survives the High Contracting Parties shall endeavour progressively and as soon as possible to put an end to the practice. So long as such forced or compulsory labour exists, this labour shall invariably be of an exceptional character, shall always receive adequate remuneration, and shall not involve the removal of the labourers from their usual place of residence.

"(3) In all cases, the responsibility for any recourse to compulsory or forced labour shall rest with the competent central authorities of the territory concerned."

"Article 6

"Those of the High Contracting Parties whose laws do not at present make adequate provision for the punishment of infractions of laws and regulations enacted with a view to giving effect to the purposes of the present Convention undertake to adopt the necessary measures in order that severe penalties may be imposed in respect of such infractions."

"Article 7

"The High Contracting Parties undertake to communicate to each other and to the Secretary-General of the League of Nations any laws and regulations which they may enact with a view to the application of the provisions of the present Convention."

41. The ad hoc Committee on Slavery recommended to the Economic and Social Council (E/1988, pp. 19-20, Recommendation B) a series of undertakings which, in the view of the ad hoc Committee, States should assume in addition to those already set forth in the International Slavery Convention of 1926. The supplementary undertakings proposed by the ad hoc Committee fall under the following headings:

- (a) proposed supplementary undertakings relating to emancipation procedures;
- (b) proposed supplementary undertakings relating to the submission of information to the United Nations;
- (c) proposed supplementary undertakings relating to further co-operation with the United Nations;
- (d) proposed supplementary undertakings relating to repression of slave raiding and slave trading;
- (e) proposed supplementary undertakings relating to prohibition of mutilation, branding, or otherwise marking of persons of servile status;
- (f) proposed supplementary undertakings relating to marriage legislation, aimed at the elimination of servitude of women arising from marriage customs;
- (g) proposed supplementary undertakings relating to re-affirmation of the International Slavery Convention of 1926; and
- (h) proposed supplementary undertakings as to making criminal offences of certain early stages of dealing in slaves, such as conspiracy to enslave, accessories in enslavement, attempts at enslavement, and enticement to part with the liberty of oneself or of a dependent person (already considered, in paragraph 39 above).

(a) Examination of proposed supplementary undertakings relating to emancipation procedures

42. Recommendation B.I.1 of the ad hoc Committee (E/1988, p. 19), dealing with undertakings to be assumed by States under the supplementary international convention proposed by the ad hoc Committee, raises a basic question as to the procedure for emancipation when it suggests that each contracting State:

"should undertake not only to abolish the legal status of slavery, as defined in Article 1 of the International Slavery Convention of 1926, but also should undertake to abolish, at the earliest possible date, the following institutions and practices analogous to slavery or resembling slavery in some of their effects, in so far as they are not already covered by Article 1 of the International Slavery Convention of 1926..."

Recommendations C.1 and C.8 (opening paragraph) of the ad hoc Committee, dealing with recommendations for legislative and administrative measures which the Council would make directly to States, also raise a question as to the procedure for emancipation.

Recommendation C.1 (E/1988, p. 21) is:

"that abolition of slavery, serfdom, and other forms of servitude should begin with the abolition of their legal status rather than with compulsory emancipation, so as to prevent the possibility of social disorder. During the period of transition from servile status to full participation in a free society the governments concerned should take all necessary steps to insure an orderly termination of those mutual obligations between master and servant which are to be abolished."

Recommendation C.8 (opening paragraph) (E/1988, p. 23) is:

"that any State, considering that it was unable to liberate at once all slaves or persons of other servile status, in its territory, should nevertheless abolish the legal status of slavery or other forms of servitude on a given date..."

These three recommendations, all of which relate to the question of procedure for emancipation, are examined together.

43. The ad hoc Committee apparently had in view the immediate abolition, or the abolition on a given date, of the legal rights of a master over a person of servile status, while the de facto authority exercised by the former master might disappear only gradually during a transitional period. In considering this recommendation of the ad hoc Committee, the Council may wish to have regard to the human rights provisions of the Charter of the United Nations and to the terms of Article 4 of the Universal Declaration of Human Rights (see paragraph 5 of this Report).

44. Should the Council, in deference to the difficulties of the factual situation which it may find to exist in certain cases, and in view of its appraisal of the relevant social and economic conditions, be prepared to agree to the above-quoted recommendations of the ad hoc Committee, great care would have to be taken to ensure that recourse to this delayed and gradual process be had only when no other and more satisfactory solution is possible, and to see to it that any such transitional period between the abolition of slavery or other forms of servitude de jure and the emancipation of slaves or persons of servile status de facto would not extend beyond the absolute minimum time required for complete and real emancipation. In such a case it would be advisable for the Council to consider whether it should recommend measures of control by public authorities which could be adopted to prevent any abuse in the exercise of authority by the master, or former master, during the transitional period, and if so what would be the nature of such measures.

(b) Examination of proposed supplementary undertakings relating to the submission of information to the United Nations

45. Recommendations B.1.II and B.5 of the ad hoc Committee, both dealing with undertakings to be assumed by States under the proposed supplementary international convention, read:

Recommendation B.1.II (E/1988, p. 20):

"each Contracting State should undertake to transmit an annual report to the Secretary-General of the United Nations on the application of the Convention."

Recommendation B.5 (E/1988, p. 21):

"that States adhering to the International Slavery Convention of 1926 and the supplementary international convention should bind themselves to communicate to the United Nations annually information not only on any laws and regulations which they may enact to apply to provisions of those conventions but also on the enforcement of those laws, on conditions pertaining to slavery and the slave trade, and on conditions and practices analogous to slavery...."

Should the Council decide that one or more new international instruments dealing with slavery, the slave trade, and other forms of servitude are to be prepared, it may wish to consider the above recommendations in their present form. Should the Council, on the other hand, decide that no new instrument is required at this stage, it may nevertheless wish to establish a reporting procedure on a continuing basis on the institutions and practices under study (see Chapter II of this Report, Suggestion III of the Secretary-General, paragraph 71). It will be noted that the ad hoc Committee, in its Recommendation D, on international supervisory machinery, made certain proposals as to the manner in which the information submitted by governments could be handled (see paragraph 65 of this Report).

(c) Examination of proposed supplementary undertakings relating to co-operation with the United Nations

46. Recommendation B.1.III (E/1988, p. 20) of the ad hoc Committee, dealing with an undertaking to be assumed by States under the proposed supplementary international convention, reads:

"each Contracting State should undertake to co-operate with the United Nations and any agency created within the framework of the United Nations for the purpose of bringing about the abolition of slavery and other forms of servitude."

By virtue of Article 56 of the United Nations Charter, Member States have pledged themselves to co-operate with the United Nations for the achievement of the purposes set forth in Article 55.

Should the Council decide that one or more new international instruments dealing with slavery, the slave trade, and other forms of servitude are to be

prepared, it may wish to consider the above recommendation in its present form. In taking the action recommended therein, however, it would be necessary for the Council to define precisely the obligation which States would undertake, and also to state clearly the nature, powers, and functions of the contemplated agency, if this agency should be a new one different from the established organs of the United Nations. The ad hoc Committee, in its Recommendation D, has put forward certain proposals as to the machinery which could be established within the United Nations (see paragraph 65 of this Report).

(d) Examination of proposed supplementary undertakings relating to repression of slave raiding and slave trading

47. Recommendation B.2 (E/1988, p. 20) of the ad hoc Committee, dealing with an undertaking to be assumed by States under the proposed supplementary international convention, reads:

"that slave raiding and slave trading on the high seas should be declared to be a crime similar to piracy in international law and that States adhering to the supplementary convention should bind themselves to enact laws within a prescribed time declaring that all the attributes of, and penalties for, piracy shall attach to them."

It will be recalled that paragraph 2 of Article 3 of the International Slavery Convention of 1926 (see paragraph 40 of this Report) has never been implemented.

Should the Council decide that one or more new instruments dealing with slavery, the slave trade, and other forms of servitude are to be prepared, it would find it advisable in considering the above recommendation to study carefully the question whether the present situation with regard to slave raiding and slave trading on the high seas warrants a provision along the lines proposed. The available materials (listed in Annex II of this Report) appear to contain little, if any, information on the existence of slave raiding or slave trading on the high seas at the present time. If, however, the Council finds that the proposal of the ad hoc Committee is warranted, it may consider the possibility of making a recommendation along its lines to States, irrespective of whether or not it decides that one or more new international instruments are to be prepared.

- (e) Examination of proposed supplementary undertakings relating to the prohibition of mutilation, branding, or otherwise marking of persons of servile status

48. Recommendation B.3 (E/1988, p. 21) of the ad hoc Committee, dealing with an undertaking to be assumed by States under the proposed supplementary convention, reads:

"that States adhering to the supplementary convention should bind themselves to enact laws prohibiting the mutilation, branding, or otherwise marking of human beings within their territories, whether as a means to indicate their servile status or in punishment of such offences as theft or running away."

Should the Council decide that one or more new instruments dealing with slavery, the slave trade, and other forms of servitude are to be prepared, it may wish to consider the inclusion of a provision along the lines of the above recommendation, as it might contribute to the elimination of some of the practices under study.^{1/} If the Council finds that the proposal of the ad hoc Committee is warranted, it may consider the possibility of making a recommendation along its lines to States, irrespective of whether or not it decides that one or more new instruments are to be prepared.

- (f) Examination of proposed supplementary undertakings relating to marriage legislation, aimed at elimination of servitude of women arising from marriage customs

49. Recommendations B.6 and B.7 of the ad hoc Committee, both dealing with undertakings to be assumed by States under the proposed supplementary international convention, read:

Recommendation B.6 (E/1988, p. 21) is:

"that in order to speed the abandonment of practices of involuntary servitude arising from marriage customs by which women are subjected

^{1/} The attention of the Council is drawn to the fact that the recommendation of ad hoc Committee seems to go beyond the problem of eliminating slavery, the slave trade, and other forms of servitude, insofar as it proposes the prohibition of mutilation, etc. in punishment of such an offense as theft.

to a servile status, States adhering to the supplementary international convention should bind themselves to establish in all their territories, civil marriage by an easily accessible marriage officer, accompanied by registration of marriages contracted in his presence, and to encourage the inhabitants of those territories to make use of that mode of contracting a valid marriage."

Recommendation B.7 (E/1988, p. 21) is:

"that States adhering to the supplementary international convention should bind themselves to enact within all their territories laws providing that the age of consent in marriage shall be 16 years in the case of males and 14 years in the case of females."

The Secretary-General considers that the matters dealt with in these recommendations go somewhat beyond the problem of eliminating slavery, the slave trade, and other forms of servitude. For this reason he would suggest that since the customs referred to are conducive to the subjection of women to a servile status the Council may wish, in the first instance, to refer the problem of the elimination of these customs to the Commission on the Status of Women.

It will be recalled that Article 16 of the Universal Declaration of Human Rights states that:

"... 2. Marriage shall be entered into only with the free and full consent of the intending spouses..."

A similar principle is embodied in Article 10, paragraph 3, of the draft covenant on economic, social, and cultural rights, adopted by the Commission on Human Rights at its eighth session (E/2256, Annex I, Section A).

The Council may wish to consider, among measures which could be taken for effective realization of the principle embodied in Article 16 of the Declaration, the insertion in a special draft convention on marriage questions of provisions stipulating for (a) the compulsory registration of marriage by civil or religious authorities, and (b) establishment of a standard age of consent in marriage.^{1/}

^{1/} A supplementary suggestion relating to the preparation of such an instrument is made by the Secretary-General in Chapter III of this Report (Suggestion II, paragraph 70).

The Secretary-General concurs in the opinion of the ad hoc Committee on Slavery, that international obligations with respect to the compulsory registration of marriage may assist in the elimination of slavery, the slave trade, or other forms of servitude in countries where they may exist. He is further of the opinion that marriage at an age where the intending spouses are not able to give a valid, free and full consent should not be admitted, in conformity with Article 16 of the Universal Declaration. He does not however express an opinion on whether the age limits proposed by the ad hoc Committee are sufficient to guarantee this effect.

If the Council finds that the proposals of the ad hoc Committee are warranted, it may consider the possibility of making a recommendation along their lines to States, irrespective of whether or not it decides that one or more new instruments are to be prepared.

(g) Examination of proposed supplementary undertakings relating to reaffirmation of the International Slavery Convention of 1926

50. Recommendation B.1.IV (E/1988, p. 20) of the ad hoc Committee, dealing with an undertaking to be assumed by States under the proposed supplementary convention, reads:

"that the supplementary convention should affirm the Convention of 1926 as a whole."

The Council may consider this recommendation unnecessary, as the binding character of the International Slavery Convention of 1926 for parties thereto has never been questioned.

3. Examination of the possible procedures for supplementing the provisions of existing international instruments.1/

51. Recommendation B.1.I (E/1988, p. 19) of the ad hoc Committee reads in part:

"that a supplementary international convention be drafted by the United Nations... "

In a draft resolution on this question, prepared by the ad hoc Committee for consideration by the Council (E/1988, Annex, Draft Resolution III), the further

^{1/} In considering this problem, the Council will recall that the draft covenant on civil and political rights, prepared at the eighth session of the Commission on Human Rights, deals in its Article 7 with the problem of slavery, the slave trade, and other forms of servitude (see paragraph 6 of this Report).

proposal is made that the Council appoint a drafting committee to:

"... prepare the draft of a supplementary international convention on slavery and other forms of servitude, bearing in mind the recommendations concerning such a convention made by the ad hoc Committee on Slavery."

The ad hoc Committee apparently had in mind an instrument which would cover both the institutions and practices covered by the International Slavery Convention of 1926, and certain other institutions and practices, and which would be in operation side by side with that Convention. The simultaneous operation of two separate conventions with so large a common scope of application may be considered undesirable by the Council.

Should the Council decide that a new instrument relating to slavery, the slave trade, and other forms of servitude should be prepared, it may wish to consider two alternative solutions:

- (a) that, while retaining in force the International Slavery Convention of 1926, one or more separate and additional conventions be prepared which would aim at the elimination of such institutions or practices resembling slavery in their effects as are not already covered by the International Slavery Convention of 1926; or
- (b) that a revised convention on slavery, the slave trade, and other forms of servitude be prepared; such a revised convention would supersede, as between the parties thereto, the International Slavery Convention of 1926.

The Council may wish to give preference to alternative (a), as certain States may be reluctant to become parties to a broad convention but may be prepared to become parties to a more limited separate convention or conventions, covering only particular institutions or practices.

In this connexion attention is drawn to Suggestion II of the Secretary-General, on the preparation of drafts of separate and additional conventions aimed at the elimination of such institutions or practices resembling slavery in their effects as are not already covered by the International Slavery Convention of 1926 (see paragraph 70 of this Report).

4. Examination of the desirability of transferring to the United Nations the functions and powers exercised by the League of Nations under the International Slavery Convention of 1926

52. This problem is dealt with in Recommendation A.2 of the ad hoc Committee (see paragraph 30 of this Report).

In a draft resolution on this question, prepared by the ad hoc Committee for consideration by the Council (E/1988, Annex, Draft Resolution II), a draft protocol which would give effect to the Committee's recommendation is submitted. The purpose of the draft protocol would be to effect the formal transfer to the United Nations of the functions and powers exercised by the League of Nations under the Convention, leaving the substantive provisions of the Convention intact.

The problem of transfer would of course not arise should the Council decide to prepare a revised convention on slavery, the slave trade, and other forms of servitude, as suggested in paragraph 51 of this Report. The problem would have to be considered, however, if the International Slavery Convention of 1926 remains in force, either alone or as supplemented by one or more separate and additional conventions. In the latter case the question may be raised whether the preparation of such a protocol is essential to achieve the purpose of the recommendation.

53. The Secretary-General has, since the end of the second session of the ad hoc Committee, had occasion to review the problems facing the Secretariat in respect of protocols designed to amend conventions concluded under the auspices of the League of Nations. It has lately been his view that only in cases of reasonable necessity should he recommend that an attempt be made to conclude such a protocol.

In the case of a number of the international instruments concluded under the auspices of the League of Nations, it has clearly been necessary to prepare a protocol in order that certain essential functions previously performed by organs of the League could now be carried out within the framework of the United Nations. Even in these instances, however, all States Parties to the original Convention have not become parties to the protocol. This has resulted in two separate instruments covering the same matter, with two different sets of parties. The States having become parties to the protocol are bound by the Convention as amended when the amendments enter into force; they remain also bound under the

original Convention in respect to the States Parties to the original Convention which have not become parties to the protocol. The fact that not all the parties to the original Convention become parties to the amending protocol defeats, to a large extent, the very purpose of the protocol.

For these reasons the Secretary-General has decided to set out in the following paragraphs the considerations which appear to him to have significance in the particular case of the International Slavery Convention of 1926, in order that the Council may reach an informed decision as to whether a protocol amending that Convention is necessary or advisable.

54. Articles 7 to 12 of the International Slavery Convention of 1926 have a bearing upon this question. Article 7 has been reproduced in paragraph 40 of this Report. Articles 8 to 12 read:

"Article 8

"The High Contracting Parties agree that disputes arising between them relating to the interpretation or application of this Convention shall, if they cannot be settled by direct negotiation, be referred for decision to the Permanent Court of International Justice. In case either or both of the States Parties to such a dispute should not be parties to the Protocol of 16 December 1920, relating to the Permanent Court of International Justice, the dispute shall be referred, at the choice of the Parties and in accordance with the constitutional procedure of each State, either to the Permanent Court of International Justice or to a court of arbitration constituted in accordance with the Convention of 18 October 1907, for the Pacific Settlement of International Disputes, or to some other court of arbitration."

"Article 9

"At the time of signature or of ratification or of accession, any High Contracting Party may declare that its acceptance of the present Convention does not bind some or all of the territories placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage in respect of all or any provisions of the Convention; it may subsequently accede separately on behalf of any one of them or in respect of any provision to which any one of them is not a party."

"Article 10

"In the event of a High Contracting Party wishing to denounce the present Convention, the denunciation shall be notified in writing to the Secretary-General of the League of Nations, who will at once communicate a certified true copy of the notification to all the other High Contracting Parties informing them of the date on which it was received.

"The denunciation shall only have effect in regard to the notifying State, and one year after the notification has reached the Secretary-General of the League of Nations.

"Denunciation may also be made separately in respect of any territory placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage."

"Article 11

"The present Convention, which will bear this day's date and of which the French and English texts are both authentic, will remain open for signature by the States Members of the League of Nations until 1 April 1927.

"The Secretary-General of the League of Nations will subsequently bring the present Convention to the notice of States which have not signed it, including States which are not Members of the League of Nations, and invite them to accede thereto.

"A State desiring to accede to the Convention shall notify its intention in writing to the Secretary-General of the League of Nations and transmit to him the instrument of accession, which shall be deposited in the Archives of the League.

"The Secretary-General shall immediately transmit to all the other High Contracting Parties a certified true copy of the notification and of the instrument of accession, informing them of the date on which he received them."

"Article 12

"The present Convention will be ratified and the instruments of ratification shall be deposited in the office of the Secretary-General of the League of Nations. The Secretary-General will inform all the High Contracting Parties of such deposit.

"The Convention will come into operation for each State on the date of the deposit of its ratification or of its accession."

55. The Secretary-General is of the opinion that under the terms of resolution 24 (I) of the General Assembly he may be authorized by the Council to perform the secretarial duties set forth in Articles 10, 11, and 12 of the 1926 Slavery Convention, as well as any which may arise in connexion with the circulation of information or documents between the parties to the Convention under Article 7 (see paragraph 40 of this Report).

56. However, under Article 7 the parties to the Convention have undertaken to communicate any laws and regulations which they may enact with a view to the application of the provisions of the Convention not only to each other but also to the Secretary-General of the League of Nations. The Council may therefore wish to recommend that the General Assembly invite States parties to the Convention to submit the information referred to in its Article 7 to the Secretary-General of the United Nations.

57. The question arises whether some difficulty might be encountered in connexion with Article 8 of the Convention, which provides for reference of disputes arising between the parties to that Convention to the Permanent Court of International Justice (see paragraph 54 of this Report). Article 37 of the Statute of the International Court of Justice reads:

"Whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the Permanent Court of International Justice, the matter shall, as between the parties to the present Statute, be referred to the International Court of Justice."

No problem arises, therefore, in regard to parties to the Convention who are also parties to the Statute of the International Court of Justice. As far as other parties to the Convention are concerned, the situation would be covered by the second sentence of its Article 8.

58. Under Article 11 (paragraph 2) of the Convention, the Secretary-General of the League of Nations was charged with the task of bringing the Convention to the notice of States which had not signed it before a specified date, including States not Members of the League, and of inviting them to accede thereto. Not all of the States invited to accede to the Convention did so; furthermore, a number of countries have achieved independent status in recent years. Therefore, if the

Council decides that the International Slavery Convention of 1926 should be maintained, it may, alternatively to the drafting of a protocol, consider the extension of a general invitation, either by the Council itself or by the General Assembly, to all States not yet parties to the International Slavery Convention of 1926, including States which have achieved independent status in recent years, to take the necessary steps to accede to that Convention.

B

Examination of sections of the ad hoc Committee's Report and its Recommendations, on Recommendations to be addressed by the Council to Governments on Legislative and Administrative Measures aimed at combatting Slavery, the Slave Trade, and other forms of Servitude

59. Recommendation C of the ad hoc Committee proposes a number of recommendations which the Council would address to governments on legislative and administrative measures aimed at combatting slavery, the slave trade, and other forms of servitude. It will be recalled that certain parts of Recommendation C., dealing with the procedure to be followed for the emancipation of persons of servile status, have already been examined (see paragraphs 42 to 44 of this Report).

1. Measures, proposed by the ad hoc Committee, to be taken to assist newly-freed persons during a period of transition from servile status to a status of full participation in a free society

Recommendations C.1 (second sentence), C.2, C.7 and C.8 (remainder) of the ad hoc Committee deal with the question of transitional measures, and read respectively:

Recommendation C.1 (second sentence) (E/1988, p. 21):

"... During the period of transition from servile status to full participation in a free society the governments concerned should take all necessary steps to insure an orderly termination of those mutual obligations between master and servant which are to be abolished."

Recommendation C.2 (E/1988, p. 22):

"That every State in which slavery or other forms of servitude exist or have been abolished comparatively recently should bind itself to make suitable provisions for:

- "(a) the assistance of emancipated slaves, or individuals of former servile status, to establish themselves in the free society of the country;
- "(b) the maintenance of such individuals, if they are aged or infirm or without means of subsistence;
- "(c) the maintenance, care and education of the children of such individuals if their parents are not able or willing to provide it."

Recommendation C.7 (E/1988, p. 23):

"That provision should be made for assisting freed slaves who desire to return to their home country with the parents, wives and children, if any, and rejoin their kin or tribe."

Recommendation C.8^{1/} (E/1988, p. 23):

["That any State, considering that it was unable to liberate at once all slaves or persons of other servile status, in its territory, should nevertheless abolish the legal status of slavery or other forms of servitude on a given date^{2/} and in the transitional period should take the following measures:

- "(a) the person of servile status shall be entitled, irrespective of his ability to work for reasons of age, native talent, injury or health, to all the rights enjoyed by the members of the master's household or dependents, which include the right to be fed, clothed and housed; the right to be well-treated and employed with kindness; and the right to medical attention.

-
- 1/ In connexion with this recommendation the ad hoc Committee drew attention to the Instructions concerning Traffic in Slaves, Saudi Arabia, 1936; and the Ethiopian anti-slavery legislation between 1923 and 1935.
 - 2/ The part of Recommendation C.8 in square brackets has been dealt with in paragraphs 42 to 44 above.

- "(b) the courts shall be empowered to set free any slave or other person of servile status who proves to the satisfaction of the court that he or she has been ill-treated by the owner;
- "(c) the government shall provide by law that after a prescribed date all children born of slaves or other persons of servile status shall be considered free from birth;
- "(d) the slaves or other persons of servile status shall be registered with the record of the genesis of their status; any person not so registered shall have the right to apply to a competent authority for a certificate of freedom;
- "(e) persons of servile status, when duly married, shall not be separated by their masters; no child shall be separated from his mother because of the status of either;
- "(f) mutilation and branding of slaves shall be prohibited;
- "(g) the government shall establish an Office whose function shall be to supervise the application of the laws concerning slaves and other individuals of servile status; the Office shall also conduct social services for the rehabilitation of such persons after they are freed and assistance to those who are unable to earn their own living; it shall also be a function of the Office to promote knowledge of laws concerning slavery and other forms of servitude, in language comprehensible both by persons of servile status and by their masters;

the Office shall employ an adequate staff of agents to confer with and counsel such persons;

"(h) the government shall provide funds to assist slaves in buying their freedom and to grant loans to slaves and other persons of servile status for individual rehabilitation."

60. In substance the above recommendations of the ad hoc Committee are that when persons of servile status are freed, or have recently been freed, or are to be freed "on a given date", certain measures should be taken to assist them during the period of transition from a servile status to a status of full participation in a free society, either by public authorities or by the former masters.

The Council may consider whether it agrees with the general principle underlying these recommendations. If it does, it may wish to recommend to governments that effective legislative and administrative measures be taken in accordance with this general principle, along the lines proposed by the ad hoc Committee. The Secretary-General considers that the relevant recommendations of the ad hoc Committee may be summarized briefly as follows:

- (a) that mutual obligations between a person of servile status and his master should be settled in an orderly manner, in order to reduce the possibility of social disorder; it being clearly understood that such legal obligations of the person who has been freed from servile status as flow from the servile status itself would disappear ipso jure with its abolition;
- (b) that any other existing obligations should be exactly defined, their correctness verified, and the value of the services to be rendered in payment therefor established, before a competent official and incorporated in an instrument to be drawn up before him, which should include provisions for the orderly disposal of such obligations;

- (c) that persons recently freed of their former servile status should be assisted to establish themselves under the new conditions;
- (d) that no person who is freed from his former servile status should be left without means of subsistence or care, in particular in the case of the aged, infirm, or children;
- (e) that persons freed of their former servile status, wishing to return to their home country with their family, if any, should be assisted as far as possible in doing so; and
- (f) that effective measures should be taken in order to prevent persons of former servile status, who have been freed, from being returned to their former condition, even if only de facto.

In addition to making recommendations to Governments along these lines, the Council may also wish to consider how the United Nations might assist Governments wishing to facilitate the transition of persons from a servile status to a status of full participation in a free society. The Secretary-General has included a suggestion along these lines in Chapter II of this Report (Suggestion IV, paragraphs 72-75).

2. Principles, formulated by the ad hoc Committee, to be incorporated in legislation aimed at the elimination of debt bondage

61. Recommendation C.3 (E/1988, p. 22) of the ad hoc Committee proposes that the Council recommend to Governments a number of principles to be incorporated in any basic legislation intended to abolish debt bondage, as follows:

- "(a) all agreements for labour in consideration of a debt should be held to be legal only if reduced to writing;
- "(b) a procedure should be evolved whereby the correctness of the debt and the value of the services to be

- rendered in payment thereof should be established before a competent official and incorporated in the agreement;
- "(c) the proportion of the value of the services to be paid towards the elimination of the debt should also be prescribed;
 - "(d) the debtor should in no circumstances be bound to work for the creditor under the agreement for more than a prescribed maximum number of days;
 - "(e) the value of the work as undertaken in the agreement should not be less than what is sanctioned by usage in the district;
 - "(f) the duty of rendering services in extinguishment of a debt should not be transferable to a third person; and
 - "(g) the agreement should not bind the heirs of the debtor."

In examining this recommendation of the ad hoc Committee, the Council may wish to bear in mind the work already undertaken by the International Labour Organisation with respect to the elimination of debt bondage, and in particular a number of existing international labour conventions, and recommendations of the International Labour Conference, which in part apply to non-metropolitan territories only and in part are intended for general application.

In this connexion the Secretary-General also draws the Council's attention to Recommendation F of the ad hoc Committee, on action to be taken by the International Labour Organisation (E/1988, p. 26), which will be dealt with in Section V of this Chapter (paragraph 67); and to his own Suggestion IV, in Chapter II of this Report (paragraphs 72-75), concerning assistance which the United Nations and specialized agencies may furnish to States in order to enable them to eliminate slavery, the slave trade, and other forms of servitude.

3. Economic measures, proposed by the ad hoc Committee, to be taken for the elimination of serfdom and agricultural debt bondage

62. Recommendation C.4 (E/1988, pp. 22-23) of the ad hoc Committee proposes that the Council recommend:

"That States in whose territories serfdom and agricultural debt bondage, distinguishable from serfdom, exist, shall apply economic measures to solve this problem such as making land available to the agricultural workers (accompanied by the provision of financial services to enable them to cultivate it), and instruction in modern methods of cultivation and co-operative marketing of their produce; or where land is not available they should seek to make it available by reclamation of land, transfer of population or by establishing other industries into which agricultural workers could be absorbed."

It will be recalled that after the ad hoc Committee on Slavery had concluded its second session, the Economic and Social Council adopted its Resolution 370 (XIII) of 7 September 1951, on land reform. It would appear that implementation of the measures recommended by the Council in this resolution would lead to the elimination of many of the basic causes not only of serfdom and agricultural debt bondage, but also of some other forms of servitude resembling slavery in their effects. Since Resolution 370 (XIII) covers substantially the same ground as the above recommendation of the ad hoc Committee, and appears to be more comprehensive, the Council may consider it unnecessary to address a new recommendation, along the lines proposed by the ad hoc Committee, to governments.

4. Educational measures, proposed by the ad hoc Committee, aimed at the elimination of ignorance and illiteracy which produce slavery and servitude

63. Recommendation C.5 (E/1988, p. 23) of the ad hoc Committee proposes that the Council recommend:

"That, slavery and other forms of servitude being often products of ignorance and illiteracy, Governments in whose territories they exist should bind themselves to take all necessary measures for the education of children and adults, male and female."

In examining this recommendation of the ad hoc Committee, the Council may wish to bear in mind the activities already undertaken by the United Nations Educational, Scientific, and Cultural Organization with respect to promoting the education of children and adults, male and female. In view of these activities, no further action by the Council may be required.

In this connexion, the Secretary-General again would draw attention to his own Suggestion IV, in Chapter II of this Report (paragraphs 72-75) concerning assistance which specialized agencies may furnish to States in order to enable them to eliminate slavery, the slave trade, and other forms of servitude.

5. Police measures, proposed by the ad hoc Committee, to be taken for the elimination of slave raiding and slave trading in States in which these practices still occur

64. Recommendation C.6 (E/1988, p.23) of the ad hoc Committee proposes that the Council recommend:

"That, pending the creation of an international police force, States in which slave raiding and slave trading still occur, should, by agreement with contiguous States, grant to the officers of those States, engaged in the pursuit of slave traders and slave raiders, reasonable facilities to pursue persons suspected of taking part in slave trading or slave raiding across their common frontiers, to arrest such persons, and to deliver them for trial by the courts of the State where they were caught."

In the light of the available information (listed in Annex II, which follows this Report), which contains little if any reference to present-day slave raiding or slave trading, the Council may tentatively consider that at this stage it would not be warranted in making a recommendation to States along the lines proposed by the ad hoc Committee.

The Council may consider alternatively, however, whether it should recommend that contiguous States, in regions where slave raiding or slave trading may still occur, should co-operate in eliminating such practices, and in particular in any police action aimed at the pursuit, arrest, or bringing to justice of slave raiders or slave traders operating in common frontier regions.

C

Examination of sections of the ad hoc Committee's Report, and
its Recommendations, on the creation of International
Supervisory Machinery to combat Slavery,
the Slave Trade, and Other Forms
of Servitude

65. In the Report of the second session of the ad hoc Committee on Slavery, the Committee stated that it felt (E/1988, para. 33):

"that the creation of international supervisory machinery for the abolition of slavery and other forms of servitude was urgent and should be undertaken immediately. It decided that a standing body of experts on slavery would be the most practical type of organization to undertake the tasks which it envisioned for such a body ... The Committee expressed the view that an appropriate secretariat should be assigned to provide the administrative and substantive services which such a body would require."

The tasks which the proposed standing body of experts would perform were enumerated by the ad hoc Committee in its Recommendation D (E/1988, pp.24-25) as follows:^{1/}

- "(1) to examine the information communicated to the United Nations in accordance with the terms of any United Nations convention on slavery;
- "(2) to study the working of any laws, regulations, or administrative measures that may have been adopted by any of the Member States to carry out or to make effective the terms of their obligations under such conventions;
- "(3) to appoint commissioners or to set up special commissions to co-operate with the governments concerned in the study and evaluation of such measures;

^{1/} See also the ad hoc Committee's recommendations on submission of information to the United Nations by governments under the proposed supplementary Convention (Recommendations B.1.II and B.5, paragraph 45 of this Report); and its recommendation on co-operation of the parties to the proposed Convention with the United Nations (Recommendation B.1.III, paragraph 46 of this Report).

"(4) to study and make recommendations to the Economic and Social Council on social and economic measures which might be taken by governments to correct abuses of debtor-creditor and landlord-tenant relationships which have resulted, or are likely to result, in slavery and other forms of servitude;

"(5) to work out and supervise a programme of education designed to correct a social outlook that justifies the existence of slavery and other forms of servitude; and

"(6) to report on its activities to the Council at least once a year."

The reasoning of the ad hoc Committee, in submitting the above recommendation to the Council, is set forth in the corresponding draft resolution prepared by the Committee for the consideration of the Council (E/1988, Annex, Draft Resolution V). Here the ad hoc Committee recalls:

"the progress achieved in the abolition of slavery and other forms of servitude following upon the creation of previous international machinery for this purpose, such as the establishment of the Permanent Slavery Bureau by the General Act of Brussels Conference, 1890, and the later establishment of an Advisory Committee of Experts on Slavery by the Assembly of the League of Nations on 12 October 1932."^{1/}

The Council may consider the creation of a standing organ, with functions along the lines proposed by the ad hoc Committee, to be premature until further information has been collected, examined, and appraised by the Council itself or a subsidiary body, and until arrangements have been made for the periodic collection of further information. Alternatively, it may wish to entrust the performance of certain of the functions enumerated by the ad hoc Committee to another organ of the United Nations (in this connexion, see also Chapter II, Suggestion I of the Secretary-General, on completion of the survey, paragraph 69 of this Report).

^{1/} See also "The Suppression of Slavery", Publication ST/SOA/4 of 11 July 1951, paragraphs 64 to 81.

D

Examination of sections of the Committee's Report,
and its Recommendations, on Regional Arrangements
to combat Slavery, the Slave Trade,
and Other Forms of Servitude

66. In the Report of the second session of the ad hoc Committee on Slavery, the Committee stated that it had noted (E/1988, paragraph 34):

"that conditions of servitude varied greatly in different regions of the world. The problems of the Middle East, for example, appeared to be quite different from those of the Far East or of Africa. The Committee came to the conclusion that a great many of these problems might usefully be approached on a regional basis. Not only might the representatives of governments facing common problems meet and discuss the solution of these problems, but in addition they might prepare regional agreements which would establish a common standard, and a programme, for the solution of these problems."

Recommendation E of the ad hoc Committee (E/1988, pp. 25-26) proposes:

"that governments facing common problems, with respect to slavery or other forms of servitude, should organize, within the framework of the United Nations, regional conferences or seminars among peoples with a common cultural background for the following purposes:

- "(a) to consider the most effective means of eliminating slavery or other forms of servitude in the region concerned;
- "(b) to establish standards for the treatment of persons of servile status until they are able to participate in national life on a basis of full equality;

- "(c) to devise the means of utilizing the good offices of such governments in the region as have abolished slavery, the slave trade or any other form of servitude, for the assistance of such other governments in the region as may desire to undertake similar measures;
- "(d) to review customary and religious laws pertaining to slavery and other forms of servitude as understood and practised by the people in the region;
- "(e) to study movements of population, such as pilgrimages, labour migrations, etc., and their relation to the clandestine traffic in slaves; and to devise such means as may be necessary to check the exploitation of individuals participating in such population movements;
- "(f) to promote the exchange of technical information among officials and other persons concerned with problems relating to slavery, the slave trade and other forms of servitude."

The corresponding draft resolution prepared by the ad hoc Committee (E/1988, Annex, Draft Resolution VI) goes beyond the above recommendation in that it suggests that an initiative in the matter be taken by the Economic and Social Council, which is asked to request:

"the Secretary-General and the Governments concerned, with the assistance of local and foreign experts, to organize regional conferences and seminars among peoples with a common cultural background living in areas where slavery and other forms of servitude are reported to exist ..."

A regional approach to the problems under study might well yield good results if governments in any particular area desire such conferences or seminars and are willing to co-operate in sponsoring them. If that were the case, the Secretary-General would be happy to make the necessary arrangements.

The Council itself could convene such conferences or seminars under the authority of paragraph 4 of Article 62 of the Charter. However, it will be noted that under Rule 1 of the Rules of Procedure for the calling of international conferences of States, adopted by the General Assembly in its resolution 366 (IV) of 3 December 1949, the Council must first be satisfied:

"that the work to be done by the conference cannot be done satisfactorily by any organ of the United Nations or by any specialized agency ..."

The Council could also consider the possibility of enquiring as to whether non-governmental organizations, having consultative status, would be interested in sponsoring or participating in regional non-governmental conferences to consider methods of dealing with the problems under study.

E

Examination of sections of the ad hoc Committee's Report and
its Recommendations, on action to be taken by the
International Labour Organisation to combat
Slavery, the Slave Trade, and
Other Forms of Servitude

67. In the Report of the second session of the ad hoc Committee on Slavery, the Committee stated that it (E.1988, p.18):

"took due account of the recognized field of competence of the various bodies within the framework of the United Nations, and came to the conclusion that the International Labour Organisation was one of those which could be of assistance to the Economic and Social Council in dealing with slavery and other forms of servitude."

Recommendation F of the ad hoc Committee (E.1988, p.26) proposes:

"that the ILO be invited to study the implications of contracts of service for life, or for a long period of years, and other contracts of service which come within the category of 'hard bargains', with particular reference to the creation or continuance thereby of servile status".

In the corresponding draft resolution submitted to the Council (E/1988, Annex, Draft Resolution VII), the ad hoc Committee proposes that the Council transmit the Report of its second session to the International Labour Organisation, and invite the ILO to make the study referred to above.

The Secretary-General has no comments to make on this recommendation of the ad hoc Committee. If the Council adopts this recommendation, it may wish to transmit the present Report, as well as the Report of the second session of the ad hoc Committee, to the International Labour Organisation.

CHAPTER II

SUPPLEMENTARY SUGGESTIONS OF THE SECRETARY-GENERAL AS TO FURTHER ACTION THE UNITED NATIONS AND SPECIALIZED AGENCIES COULD APPROPRIATELY TAKE TO ELIMINATE SLAVERY, THE SLAVE TRADE, AND OTHER FORMS OF SERVITUDE

68. In its resolution 388 (XIII) of 10 September 1951, on the report of the ad hoc Committee on Slavery (second session), the Economic and Social Council requests the Secretary-General, inter alia, to indicate:

"what action the United Nations and specialized agencies could most appropriately take in order to achieve the elimination of slavery, the slave trade, and other forms of servitude resembling slavery in their effects."

In examining the ad hoc Committee's Report and recommendations in Chapter I above, the Secretary-General already has indicated certain action which the United Nations and specialized agencies could appropriately take with regard to the problems under study. In this Chapter he presents four supplementary suggestions as to further action which could appropriately be taken in this field. These suggestions relate respectively to:

- A. Completion of the survey of slavery, the slave trade, and other forms of servitude;
- B. Preparation of drafts of separate and additional conventions aimed at the elimination of such institutions or practices resembling slavery in their effects as are not already covered by the International Slavery Convention of 1926;
- C. Establishment of a reporting procedure on the subject of slavery, the slave trade, and other forms of servitude, on a continuing basis; and
- D. Assistance which the United Nations and specialized agencies may furnish to States in order to enable them to eliminate slavery, the slave trade, and other forms of servitude.

Suggestion I of the Secretary-General, on completion of the survey of slavery, the slave trade, and other forms of servitude

69. As pointed out in the Introduction to this Report (paragraph 23), the materials on slavery, the slave trade, and other forms of servitude which have been collected to date by the ad hoc Committee and by the Secretary-General cannot be considered as complete.

The Council may consider these materials sufficient to constitute a basis for certain provisional action at this stage; however, if its ultimate aim is the complete elimination of these institutions and practices, it may require for this purpose such additional materials as would enable it to attack the problem as a whole and to formulate the necessary concrete measures. It will be recalled that the ad hoc Committee suggested completion of the survey which it had begun (see paragraph 15 of this Report).

If the Council decides that the survey should be completed, it may wish to consider inter alia taking the following steps:

- (a) the Council could refer the materials already available, of concern to a particular government, to that government for comment, clarification, and the supply of supplementary materials; or
- (b) the Council could invite governments to co-operate with it in consultations or surveys.

While the Secretary-General could of course undertake such work of a technical nature as would be involved if either of the above steps were taken, he is of the opinion that any work in this field having political implications should be entrusted to some other organ of the United Nations. Such an organ might undertake to complete certain of the tasks originally assigned to the ad hoc Committee on Slavery, that is:

- (a) to complete, in accordance with the instructions of the Council, the survey of the field of slavery and other institutions or customs resembling slavery;
- (b) in the light of the completed survey:
 - (i) to assess the nature and extent of these several problems at the present time; and
 - (ii) to suggest further methods of attacking these problems.

Suggestion II of the Secretary-General, on the preparation of drafts of separate and additional conventions aimed at the elimination of such institutions or practices resembling slavery in their effects as are not already covered by the International Slavery Convention of 1926

70. As pointed out in Chapter I of this Report (paragraphs 37-38), the available materials on slavery, the slave trade, and other forms of servitude (listed in Annex II, which follows this Report) contain references to many institutions or practices resembling slavery in some of their effects, about which the information available at present may be insufficient to provide a basis for examination of the question whether or not they are covered by the definitions contained in the International Slavery Convention of 1926.

In considering procedures for supplementing the provisions of that Convention, the Secretary-General has discussed the possibility (paragraph 51 of this Report) that one or more separate and additional conventions be prepared which would aim at the elimination of such institutions or practices resembling slavery in their effects as are not already covered by the International Slavery Convention of 1926.

He would further suggest that, in order to facilitate the preparation of such instruments, the Council may wish to request him to prepare preliminary drafts of instruments aiming at the elimination of certain specified forms of servitude which the Council considers not to be covered by the International Slavery Convention of 1926, based upon principles which the Council would lay down, and to circulate these preliminary drafts to governments for comment.

For example, in paragraph 49 of this Report, the Secretary-General has referred to the possibility that the Council may wish to consider "the insertion in a special draft convention on marriage questions of provisions stipulating for (a) the compulsory registration of marriage by civil or religious authorities, or (b) establishment of a standard age of consent in marriage." He would be prepared to undertake the preparation of a preliminary draft of such an instrument in accordance with the instructions which the Council may formulate after consulting the Commission on the Status of Women.

As further examples, the Secretary-General would suggest that the Council, upon examination of this Report and the materials collected to date, may wish to envisage the possibility of preparing special draft conventions dealing with

such problems, raised by the ad hoc Committee, as measures to be taken for the orderly transition of individuals from a servile status to a status of full participation in a free society (see paragraphs 59 and 60 of this Report), or measures to be taken to eliminate debt bondage (see paragraph 61 of this Report). A special draft convention might also be envisaged on the problem of eliminating abuses of adoption procedure, since such abuses would appear to lead to certain forms of servitude. In these cases also the Secretary-General would be prepared to undertake the preparation of preliminary drafts of such instruments in accordance with the instructions of the Council.

Suggestion III of the Secretary-General, on establishment of a reporting procedure on the subject of slavery, the slave trade, and other forms of servitude, on a continuing basis

71. The Council may wish at some stage, as part of a long-range programme, to establish a reporting procedure by which the United Nations would receive, on a continuing basis, information which would enable the Council to appraise periodically the progress made towards the elimination of slavery, the slave trade, and other forms of servitude. Such a reporting procedure could be initiated by the Council or by the General Assembly, by means of an invitation to governments to supply such information whenever it is available. Specialized agencies and regional inter-governmental organizations and agencies, as well as non-governmental organizations having consultative status, might similarly be invited to furnish any information that is available to them.

In this connexion the Council may further wish to consider to what subsidiary organ it should entrust the tasks of supervising the collection of information, examining such information, commenting upon it when necessary, and formulating recommendations for appropriate action by the Council.

In order to eliminate any possible overlapping, any reporting procedure would have to take account of existing provisions in respect of information

transmitted by governments concerning Trust and Non-Self-Governing Territories^{1/} and would, of course, at a later stage, have to be merged with any other general procedure for reporting on the implementation of human rights which may be adopted by then.

Suggestion IV of the Secretary-General, on assistance which the United Nations and specialized agencies may furnish to States in order to enable them to eliminate slavery, the slave trade, and other forms of servitude

72. The ad hoc Committee on Slavery, after examining the possible methods of attacking and resolving the problem of slavery, the slave trade, and other forms of servitude, reported to the Council (E/1988, paragraph 26):

1/ In regard to Trust Territories, the annual reports of the Administering Authorities have hitherto been based upon the Provisional Questionnaire of the Trusteeship Council (T/44), in which appear the following two questions:

122. "Do slavery practices exist in the territory? If so, give details of preventive and repressive measures. Is there any problem of freed slaves or their descendants? If so, describe the problem and give an account of what has been done to remedy it."

123. "Is there any evidence of the existence of practices akin to slavery, such as purchase of children under the disguise of adoption, pledging for debt, child marriage, etc? State the number of prosecutions and convictions for offences of this kind during the year."

On June 1952, the Trusteeship Council adopted a Questionnaire (T/1010) to replace the Provisional Questionnaire, which includes question 82 as follows:

Ques. 82. "State whether slavery, slave trade and/or any of the following institutions or practices analogous to slavery, or resembling slavery in some of their effects, exist in the Territory:

(Footnote continued on following page)

1/ (Footnote continued)

- (a) The status or condition arising from a pledge by a debtor of his personal services, or those of a third person under his control, where those services do not count towards payment of the debt, or are undefined as regards the nature and length of the services to be performed, or force the person pledged to submit to conditions that do not allow such person to exercise the rights normally enjoyed by ordinary individuals within the framework of local social custom;
- (b) The practice whereby an individual is by law (including customary law), custom, or agreement, attached to agricultural or pastoral land and cannot change his status or freely dispose of the produce of his labour, whether or not he may be required to perform, without compensation, duties for the landowner;
- (c) The practice whereby an individual or groups of individuals who, being obliged by customary or other law, to perform services for another individual, or the collectivity, with or without financial consideration, cannot terminate those services of his or their own will;
- (d) The practice whereby a woman is given in marriage, without the right to refuse, at a price and under conditions which give to the husband, to his clan or his family, a right of disposition over herself and over her children and permit her exploitation for the advantage of others;
- (e) The practice whereby a child is transferred by its parents or guardians to a third party on payment or under conditions permitting the exploitation of the child regardless of its welfare.

If so, give details of preventive or repressive measures including:

- (i) Legal measures for the abolition of such practices and the extent and result of their application; and
- (ii) Measures for eliminating the economic and social causes of such practices, including educational measures, and their results."

The replies in future annual reports of the Administering Authorities will be based on this more elaborate question.

As regards Non-Self-Governing Territories, the Standard Form for the guidance of Members in the preparation of information to be transmitted under Article 73(e) of the Charter, adopted by the General Assembly in resolution 551 (VI), includes such topics as human rights, status of women, and labour and employment conditions.

"that abolition of slavery and other forms of servitude could no longer be accomplished by a negative programme of abolition alone; positive measures of international assistance in eliminating the economic and social causes of slavery were also necessary. It felt that the abolition of practices derogatory to the dignity of man will result in the release of human resources, more necessary today than ever for the building of nations."

The ad hoc Committee pointed out some of the difficulties faced by governments desiring to eradicate these institutions or practices, as follows (E/1988, paragraph 9):

"Governments that have inherited remnants of institutions and customs now unanimously condemned by world opinion sometimes find their financial and administrative resources unequal to the task of doing so; or even though they see their way to create appropriate instruments of law enforcement, are appalled by the costs and risks involved in speedily bringing about these economic and social changes without which conditions predisposing to involuntary servitude cannot be removed."

For these reasons governments of States wishing to eliminate slavery, the slave trade, and other forms of servitude, which have to face certain of the difficulties mentioned by the ad hoc Committee, may wish to address requests for assistance to enable them to overcome these difficulties, to the United Nations or the specialized agencies.

(a) Assistance under the Advisory Social Welfare Programme

73. In the field of social welfare, in accordance with General Assembly resolutions 58 (I) of 14 December 1946 and 418 (V), on Advisory Social Welfare Services, the Secretary-General is authorized, subject to the directions of the Economic and Social Council, to make provision for functions and services such as providing for fellowships and scholarships, expert missions, and seminars. In this connexion it will be noted that the Council, in its Resolution 385 D (XIII) of 27 August 1951, on Advisory Services for Improvement of the Status of Women, noted "that the advisory services rendered by the United Nations to governments on request may include assistance in the field of human rights, without distinction as to race, sex, language or religion."

The Council may consider it advisable to request the Secretary-General to give special attention to requests for assistance submitted with a view to reducing or eliminating conditions conducive to slavery, the slave trade, and other forms of servitude, in order to assure the governments making such requests that their applications will receive urgent consideration. Such assistance may include help in improving practices in such subjects as (a) securing compliance and implementation of laws against slavery and other forms of servitude, (b) legal aid services to persons who are subjected to such conditions, (c) social security, (d) child labour, (e) adoption, (f) treatment of migrants or aliens, and (g) treatment of female domestics.

(b) Assistance under the Expanded Technical Assistance Programme

74. According to resolution 222 A (IX) of 14 August 1949 of the Economic and Social Council, the various organizations participating in the expanded technical assistance programme should assist governments desiring to undertake social improvements that are necessary to permit effective economic development and to mitigate such social problems as may arise as a concomitant of economic development.

Under the existing arrangements for technical assistance, in particular under the above-mentioned resolution, the organizations participating in the expanded programme may, at the request of governments, provide technical assistance in fields which include public finance, public administration, measures for the purpose of improving the status of aboriginal populations, assistance in the solution of employment problems of women and young workers, development of wage policies, handling of labour and social problems of indigenous populations, and similar matters.

The particular importance of measures recommended by the Council in its resolution 370 (XIII) of 7 September 1951, on Land Reform, and endorsed by the General Assembly in resolution 524 (VI) of 12 January 1952, on the same subject, has already been emphasized by the Secretary-General when examining Recommendation C.4 of the ad hoc Committee (see paragraph 62 of this Report).

Since the use of slave or other labour of servile status has in many cases been recognized as economically unsound, the Council may consider whether it would be appropriate to recommend that the various organizations participating

in the expanded technical assistance programme give sympathetic consideration to applications of governments for assistance in achieving the elimination of slavery, the slave trade, and other forms of servitude.

(c) Further assistance which may be rendered under Article 66 (2) of the United Nations Charter

75. The Council may also wish to provide for cases in which it may be desirable that international assistance in regard to the elimination of slavery and other forms of servitude be extended in response to requests from governments, but which may not fall within the framework of existing programmes providing expert advice and assistance.

With respect to resolutions 58 (I) and 418 (V) of 1 December 1950 of the General Assembly, the Council may feel that the expression "social welfare services" in those resolutions carries with it a technical sense which may not extend to all aspects of the broad field of human rights. As regards resolutions 222 (IX) and 433 (XIV) of the Council, the requests for assistance which may be implemented under the expanded technical assistance programme are those which are likely to contribute to the economic development of the country concerned.^{1/} Accordingly, a new resolution would have to be adopted by the General Assembly to authorize the provisions of expert advice for the elimination of slavery, the slave trade, and other forms of servitude if the Council considers that that activity should be undertaken beyond the area now covered by the existing technical assistance programmes.

It will be recalled that under Article 66 of the Charter, the Economic and Social Council may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

^{1/} See Fifth Report of the Technical Assistance Committee to the Economic and Social Council - E/2304, para.37.

A general authorization might therefore be sought from the General Assembly under which the Council, through the Secretary-General, could assist governments in the elimination of slavery, the slave trade, and other forms of servitude without regard to the limitations of the existing programmes of expert advice. Such assistance could include, but need not be restricted to, expert advice regarding the drafting of legislation and the establishment of administrative and judicial machinery, and also educational programmes.

CHAPTER III

RECAPITULATION OF PROBLEMS FOR CONSIDERATION BY THE COUNCIL

Introduction

76. In this Chapter are recapitulated the various problems arising from the Secretary-General's examination of the report and recommendations of the ad hoc Committee on Slavery in Chapter I of this Report, and from the supplementary suggestions which he has put forward in Chapter II. Each of these problems should of course be considered in the light of the relevant discussions in Chapters I and II. The paragraphs in which these discussions will be found are indicated. Wherever appropriate, in these paragraphs, the Secretary-General has indicated his preference in cases where alternative actions may be contemplated.

The Council may wish to use this chapter as a working paper, and in particular as a possible basis for its preliminary examination and discussion of the problem of eliminating slavery, the slave trade, and other forms of servitude resembling slavery in their effects.

A. Question concerning the completion of the survey

Question 1: Should the survey of slavery, the slave trade, and other forms of servitude be completed, and if so:

- (a) should the Council refer the materials already available, of concern to a particular government, to that government for comment, clarification, and the supply of supplementary materials?
- (b) should the Council invite governments to co-operate with it in consultations or surveys?
- (c) to what organ of the United Nations should problems having political implications, connected with the completion of the survey begun by the ad hoc Committee on Slavery, be entrusted?

(See paragraphs 68-69 of this Report)

B. Questions relating to international instruments for combatting slavery, the slave trade and other forms of servitude

Question 2: Are the provisions of the International Slavery Convention of 1926 sufficient in order to eliminate slavery, the slave trade, and other forms of servitude resembling slavery in their effects, and in particular:

(a) are the definitions contained in that convention adequate, in the light of the available materials on these subjects, or should they be supplemented or broadened in order to cover certain institutions or practices not covered by the definitions in the 1926 Convention?

(See paragraphs 32-39 of this Report)

(b) are the undertakings of the parties to the 1926 Convention sufficient for the purpose of eliminating slavery, the slave trade, and other forms of servitude resembling slavery in their effects, or should they be supplemented or broadened by:

(1) undertakings as to the procedure to be followed for emancipation, including measures of control by public authorities during a transitional period to prevent abuse during that period?

(See paragraphs 42-44 of this Report)

(2) undertakings as to the submission of information to the United Nations?

(See paragraph 45 of this Report)

(3) undertakings as to further co-operation with the United Nations?

(See paragraph 46 of this Report)

(4) undertakings as to declaration of slave raiding and slave trading on the high seas to be a crime similar to piracy in international law?

(See paragraph 47 of this Report)

(5) undertakings as to the prohibition of mutilation, branding, or otherwise marking of persons of servile status?

(See paragraph 48 of this Report)

(6) undertakings as to making criminal offences certain early stages of dealing in slaves?

(See paragraph 39 of this Report)

(7) undertakings as to marriage legislation aimed at the elimination of servitude of women arising from marriage customs?

(See paragraph 49 of this Report)

(8) reaffirmation of the International Slavery Convention of 1926?

(See paragraph 50 of this Report)

Question 3: If the provisions of the International Slavery Convention of 1926 are to be supplemented, by what procedure should this be accomplished:

1. by the drafting of a supplementary international convention, to come into force alongside the 1926 Convention, as recommended by the ad hoc Committee on Slavery?

2. by the preparation of one or more separate and additional conventions aiming at the elimination of such institutions or practices resembling slavery in their effects as are not already covered by the 1926 Convention, this Convention remaining also in force?

3. by the preparation of a revised convention on slavery, the slave trade, and other forms of servitude which would supersede as between the parties thereto the 1926 Convention?

(See paragraph 51 of this Report)

4. if one or more separate and additional conventions are to be prepared, should the Council request the Secretary-General to prepare preliminary drafts of instruments aiming at the elimination of certain specified forms of servitude which the Council considers not to be covered by the International Slavery Convention of 1926, based upon principles which the Council would lay down, and to circulate these preliminary drafts to governments for comment?

(See paragraph 70 of this Report)

Question 4: If the International Slavery Convention of 1926 is to remain in force, either alone or together with one or more new conventions, is the preparation of a protocol necessary in order to transfer to the United Nations the functions and powers exercised by the League of Nations under the 1926 Convention, or could the necessary arrangements be effected by the Council (or the General Assembly):

(a) by authorizing the Secretary-General, under the terms of resolution 24 (I) of the General Assembly, to perform the secretarial duties set forth in Articles 10, 11 and 12 of the 1926 Convention, as well as any which may arise in connexion with the circulation of information or documents between the parties to the 1926 Convention under its Article 7?

(See paragraphs 54-55 of this Report)

(b) by inviting States parties to the 1926 Convention to submit to the United Nations the information which they undertook, under its Article 7, to submit to the Secretary-General of the League of Nations?

(See paragraph 56 of this Report)

(c) by extending a general invitation to all States not yet parties to the 1926 Convention, including States which have achieved independent status in recent years, to take the necessary steps to become parties to that Convention?

(See paragraph 58 of this Report)

C. Questions concerning reporting procedures and international supervisory machinery

Question 5: Does the Council wish at this stage as part of a long-range programme and independently of any existing or proposed international instrument^{1/} for the elimination of slavery, the slave trade, or other

^{1/} Question 4 (b) above deals with reporting procedures under the 1926 Convention; Question 2 (b)(2) with reporting procedures under the proposed supplementary undertakings.

forms of servitude, to establish a reporting procedure which would enable the Council to appraise periodically the progress made towards the elimination of these institutions and practices, and if so, should it invite, to supply information:

- (a) governments?
- (b) specialized agencies?
- (c) regional inter-governmental organizations and agencies?
- (d) non-governmental organizations?

(See paragraph 71 of this Report)

Question 6: Does the Council consider it necessary that an international supervisory machinery should deal with the problem of combatting slavery, the slave trade, and other forms of servitude, and in particular supervise the collection of information, either under existing or proposed international instruments, or independently of such instruments, comment upon such information when necessary, and formulate recommendations for appropriate action by the Council;

and if so:

- (a) should a standing body of experts on slavery, with functions along the lines proposed by the ad hoc Committee on Slavery, be established?
- (b) should the task be entrusted to another organ of the United Nations?

(See paragraphs 45, 46, 65 and 71 of this Report)

D. Question relating to regional arrangements to combat slavery, the slave trade, and other forms of servitude

Question 7: Does the Council consider it advisable to treat certain or all of the problems outlined by the ad hoc Committee (see paragraph 66 of this Report) on a regional basis, and if so should it:

- (a) encourage governments to convene regional conferences or seminars to deal with such problems?

(b) convene regional conferences or seminars under the auspices of the United Nations to deal with such problems?

(c) Request an organ of the United Nations or a specialized agency to deal with such problems on a regional basis? or enquire whether non-governmental organizations having consultative status would be interested in sponsoring or participating in regional non-governmental conferences to consider methods of dealing with such problems?

(See paragraph 66 of this Report)

E. Questions relating to recommendations to be addressed to governments on legislative and administrative measures aimed at combatting slavery, the slave trade, and other forms of servitude

Question 8: If the Council agrees with the principle proposed by the ad hoc Committee, that in certain cases the procedure of emancipation should include a transitional period, what measures of control by public authorities would it recommend that States should take in order to prevent abuses of the person of servile status by his master, or former master, during that period?

(See paragraphs 42-44 of this Report. It will be noted that the same question arises in connexion with the undertakings proposed to supplement the 1926 Convention; see Question 2 (b)(i) above)

Question 9: If the Council agrees with the principle proposed by the ad hoc Committee, that when persons of servile status are freed, or have recently been freed, or are to be freed on a given date, certain measures should be taken to assist them, what effective legislative and administrative measures should the Council recommend to governments in order that the principle may be realized?

(See paragraphs 59 and 60 of this Report)

Question 10: Should the Council recommend to governments the principles to be incorporated in any basic legislation intended to abolish debt bondage, proposed by the ad hoc Committee on Slavery?

(See paragraph 61 of this Report)

Question 11: Does the Council consider it necessary, in view of its resolution 370 (XIII) of 7 September 1951, on land reform, to make a further recommendation to governments concerning economic measures to be taken to eliminate serfdom and agricultural debt bondage?

(See paragraph 62 of this Report)

Question 12: Does the Council consider it necessary, in the light of the current activities of UNESCO, to make a recommendation to governments on further measures to be taken for the education of children and adults, male and female?

(See paragraph 64 of this Report)

Question 13: Does the Council consider it necessary, in the light of the available information on slavery, the slave trade, and other forms of servitude, to make a recommendation to governments on measures to be taken for the pursuit, arrest, and delivery across common frontiers of persons suspected of taking part in slave trading or slave raiding, and if so should this recommendation be:

- (a) in the form proposed by the ad hoc Committee? or
- (b) in the form suggested as an alternative by the Secretary-General?

(See paragraph 64 of this Report)

Question 14: Should the Council make recommendations to governments on the following matters:^{1/}

- (a) declaration of slave raiding or slave trading on the high seas to be a crime similar to piracy?

(See paragraph 47 of this Report)

- (b) prohibition of mutilation, branding, or otherwise marking of persons of servile status?

(See paragraph 48 of this Report)

- (c) marriage legislation aimed at elimination of servitude of women?

(See paragraph 49 of this Report)

^{1/} The ad hoc Committee recommended inclusion of provisions on the above matters in the proposed supplementary convention. The Council may wish to consider whether recommendations to governments should also be made on certain of these matters, whether or not it decides that new instrument(s) are to be prepared.

F. Questions relating to assistance which the United Nations and specialized agencies may furnish to States in order to enable them to eliminate slavery, the slave trade, and other forms of servitude

Question 15: Should the Council, as recommended by the ad hoc Committee, invite the International Labour Organisation to study the implications of contracts of service for life, or for a long period of years, and other contracts of service which come within the category of "hard bargains," with particular reference to the creation or continuance thereby of servile status?

(See paragraph 67 of this Report)

Question 16: Should the Council request the Secretary-General to give special attention to requests for assistance submitted by governments under the General Assembly's resolutions 58 (I) and 418 (V), on Advisory Social Welfare Services, with a view to reducing or eliminating conditions conducive to slavery, the slave trade, and other forms of servitude?

(See paragraph 73 of this Report)

Question 17: Should the Council recommend that the various organizations participating in the expanded technical assistance programme (resolution 222 A (IX) of the Economic and Social Council) give sympathetic consideration to applications of governments for assistance in achieving the elimination of slavery, the slave trade, and other forms of servitude?

(See paragraph 74 of this Report)

Question 18: Should the Council seek a general authorization from the General Assembly under which the Council, through the Secretary-General, could assist governments in the elimination of slavery, the slave trade, and other forms of servitude under the provisions of Article 66 of the Charter, without regard to the conditions governing the existing programmes of expert advice mentioned in Questions 16 and 17?

(See paragraph 75 of this Report)

ANNEX I
QUESTIONNAIRE ON SLAVERY AND SERVITUDE

The International Slavery Convention of 1926 defined slavery and the slave trade in Article 1 as follows:

- "1. Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.
- "2. The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves."

The Economic and Social Council, at its ninth session, instructed the Secretary-General to appoint an ad hoc Committee of experts to survey the field of slavery and other institutions or customs resembling slavery.

The object of this questionnaire is to secure official information on the present situation of slavery and servitude for the use of the ad hoc Committee on Slavery.

1. Does slavery as defined in Article 1 of the International Slavery Convention of 1926 exist in any territory subject to the control of your Government?
2. Does the slave trade, as defined in Article 1 of the International Slavery Convention of 1926, exist in any of the territories subject to the control of your Government?
3. Do any practices exist in any territory subject to the control of your Government which are restrictive of the liberty of the person and which tend to subject that person to a state of servitude, as for instance:

- (a) Serfdom (compulsory and hereditary attachment to land accompanied by obligations to render service to the landlord);
- (b) Traditional forms of involuntary unpaid service exacted by land owners and other employers of labour;^{1/}
- (c) Debt bondage;^{2/}
- (d) Pledging and pawning of third persons as security for debt;^{3/}
- (e) Exploitation of children under the form of adoption;
- (f) Purchase of wives and inheritance of widows by the heir of the deceased husband involving involuntary subjection of a woman to a man not of her choice;
- (g) Forms of prostitution of women and children involving exercise of ownership over them?

Please describe in detail such institutions or practices which may exist.

- 4. What legislation has been passed, and what administrative methods have been applied, since 1926, to check slavery, the slave trade, or any practices which are restrictive of the liberty of the person and which tend to subject that person to a state of servitude?
- 5. What have been the results of the application of these measures and activities?

^{1/} Such as "concertaje", "servicio personal", "pongaje", or "pongueaje", "yanaconazgo", and others.

^{2/} Such as "siringales" or "cauchales".

^{3/} Such as "iwofa".

ANNEX II

AVAILABLE MATERIALS ON SLAVERY, THE SLAVE TRADE,
AND OTHER FORMS OF SERVITUDE

A. MATERIALS RECEIVED FROM GOVERNMENTS

Member States

Afghanistan:	E/AC.33/10/Add.72.
Argentina:	E/AC.33/10/Add.25 and 97.
Australia:	E/AC.33/10/Add.35 and Corr.1, 43 and 95.
Belgium:	E/AC.33/10/Add.27 31 and 93.
Bolivia:	E/AC.33/10/Add.22.
Brazil:	E/AC.33/10/Add.6.
Burma:	E/AC.33/10/Add.48 and 53.
Byelorussian SSR:	E/AC.33/10/Add.56.
Canada:	E/AC.33/10/Add.33 and 77.
Chile:	E/AC.33/10/Add.60 and 85.
China:	E/AC.33/10/Add.64 and 76.
Colombia:	E/AC.33/10/Add.37.
Costa Rica:	E/AC.33/10/Add.39.
Czechoslovakia:	E/AC.33/10/Add.84.
Denmark:	E/AC.33/10/Add.8 and 75.
Dominican Republic:	E/AC.33/10/Add.65.
Ecuador:	E/AC.33/10/Add.30.
Egypt:	E/AC.33/10/Add.18.
El Salvador:	E/AC.33/10/Add.66.
Ethiopia:	E/AC.33/10/Add.58.
France:	E/AC.33/10/Add.42 and Corr.1, 69 and 81.
Greece:	E/AC.33/10/Add.59.
Guatemala:	E/AC.33/10/Add.68.
Honduras:	E/AC.33/10/Add.13.

Member States (cont'd)

Iceland:	E/AC.33/10/Add.2.
India:	E/AC.33/10/Add.70.
Indonesia:	E/AC.33/10/Add.57 and 89.
Iran:	E/AC.33/10/Add.61.
Iraq:	E/AC.33/10/Add.62.
Israel:	E/AC.33/10/Add.41.
Lebanon:	E/AC.33/10/Add.12.
Luxembourg:	E/AC.33/10/Add.3.
Mexico:	E/AC.33/10/Add.54.
Netherlands:	E/AC.33/10/Add.28 and 82.
New Zealand:	E/AC.33/10/Add.26 and 91.
Norway:	E/AC.33/10/Add.7.
Pakistan:	E/AC.33/10/Add.44 and 74.
Panama:	E/AC.33/10/Add.63.
Peru:	E/AC.33/10/Add.52.
Philippines:	E/AC.33/10/Add.67.
Poland:	E/AC.33/10/Add.16.
Sweden:	E/AC.33/10/Add.32.
Syria:	E/AC.33/10/Add.5.
Thailand:	E/AC.33/10/Add.21.
Turkey:	E/AC.33/10/Add.49.
Union of South Africa:	E/AC.33/10/Add.45 and 92.
Union of Soviet Socialist Republics:	E/AC.33/10/Add.51.
United Kingdom:	E/AC.33/10/Add.50.
United States of America:	E/AC.33/10/Add.55 and 79.
Uruguay:	E/AC.33/10/Add.19 and 87.
Venezuela:	E/AC.33/10/Add.36.
Yugoslavia:	E/AC.33/10/Add.38 and 90.

Non-Member States

Austria:	E/AC.33/10/Add.29.
Bulgaria:	E/AC.33/10/Add.24.
Cambodia:	E/AC.33/10/Add.88.
Ceylon:	E/AC.33/10/Add.11.
Finland:	E/AC.33/10/Add.10 and 78.
Federal Republic of Germany:	E/AC.33/10/Add.20.
Hashemite Kingdom of the Jordan:	E/AC.33/10/Add.34.
Hungary:	E/AC.33/10/Add.10.
Ireland:	E/AC.33/10/Add.47.
Italy:	E/AC.33/10/Add.17 and 86.
Japan:	E/AC.33/10/Add.40.
Liechtenstein:	E/AC.33/10/Add.14.
Laos:	E/AC.33/10/Add.73.
Libya:	E/AC.33/10/Add.83.
Monaco:	E/AC.33/10/Add.4.
Nepal:	E/AC.33/10/Add.9 and 80.
Portugal:	E/AC.33/10/Add.71.
Sudan:	E/AC.33/10/Add.96.
Switzerland:	E/AC.33/10/Add.23.
Trieste:	E/AC.33/10/Add.15 for the British-United States Zone, and Add.46 for the Yugoslav Zone.
Viet Nam:	E/AC.33/10/Add.94.
The Persian Gulf States:	E/AC.33/10/Add.98.

B. ANCILLARY MEMORANDA PREPARED INDIVIDUALLY BY MEMBERS
OF THE AD HOC COMMITTEE ON SLAVERY^{1/}

1. Memorandum on Slavery and Other Forms of Involuntary Servitude in Asia, Oceania, and Australasia, Submitted by Mr. Bruno Lasker (Restricted document E/AC.33/R.11).
2. Memorandum on Slavery and Other Forms of Servitude in American Countries, Submitted by Mr. Moises Poblets Troncoso (Restricted document E/AC.33/R.12).
3. Memorandum on Slavery in African Territories, Submitted by Mrs. Jane Vialle (Restricted document E/AC.33/R.13).
4. Minority Report, Submitted by Mr. C.W.W. Greenidge (Restricted document E/AC.33/R.14).

^{1/} As noted in paragraph 14 of this Report, each of the four ancillary memoranda was prepared individually by one Member of the ad hoc Committee on Slavery, acting in his individual capacity. The views expressed in the memoranda are those of the individual authors. The ad hoc Committee on Slavery did not consider any of the memoranda in detail, but decided to draw them to the attention of the Economic and Social Council without assuming any collective responsibility for their contents (E/1988, paragraph 22).

C. MATERIALS FURNISHED BY THE INTERNATIONAL LABOUR ORGANISATION

General Report on "Indigenous Workers in Independent Countries",
(ILO document CEIL/I/3 of January 1951).

D. SUMMARY RECORDS OF ORGANS OF THE UNITED NATIONS

1. Summary Records of the discussions of the thirteenth session of the Economic and Social Council on the Report of the ad hoc Committee on Slavery (second session): (documents E/SR.544 and E/AC.7/SR.205 to 208).
 2. Summary Records of the first and second sessions of the ad hoc Committee on Slavery (documents E/AC.33/SR.1 to 34, and E/AC.33/SR.34 to 55 respectively.)
-