



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/Sub.2/AC.2/2005/4
3 June 2005

Original: ENGLISH

**COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion and
Protection of Human Rights
Working Group on Contemporary
Forms of Slavery
Thirtieth session
6-10 June 2005
Item 3 of the provisional agenda**

**REVIEW OF DEVELOPMENTS IN THE FIELD OF CONTEMPORARY FORMS OF
SLAVERY AND MEASURES TO PREVENT AND REPRESS ALL CONTEMPORARY
FORMS OF SLAVERY**

Report of the Secretary-General

Summary

The report is based on a summary of responses to a note verbale sent to Governments and concerned intergovernmental and non-governmental organizations, inviting them to provide information on various slavery-related issues in accordance with resolution 2004/19 of the Sub-Commission on the Promotion and Protection of Human Rights. The Working Group has decided to assess its results since its creation at its thirtieth session and to pay particular attention as to how to continue its activities in order to efficiently address existing challenges remaining in areas covered by its mandate.

In its resolution, the Sub-Commission reiterated its appeal to Governments, international organizations, national institutions and non-governmental organizations to provide the Working Group with information relevant to its work. Responses received from Governments contained information regarding legal, administrative and other measures taken to deal with slavery-like practices such as trafficking in human beings, sexual exploitation of children and forced labour.

CONTENTS

| | <i>Paragraphs</i> | <i>Pages</i> |
|---|-------------------|--------------|
| Introduction | 1 – 3 | 4 |
| I. INFORMATION RECEIVED FROM GOVERNMENTS ... | 4 – 25 | 5 |
| Lebanon | 4 – 5 | 5 |
| Philippines | 6 – 15 | 5 |
| Slovakia | 16 – 20 | 8 |
| Syrian Arab Republic | 21 – 25 | 9 |
| II INFORMATION RECEIVED FROM INTERNATIONAL ORGANIZATIONS | 26 – 27 | 10 |
| International Labour Organization | 26 – 27 | 10 |

Introduction

1. By its resolution 2004/19, the Sub-Commission for the Promotion and Protection of Human Rights requested the Secretary-General to submit information on various issues relating to slavery.
2. The Secretary-General, on 9 February 2005, addressed request for information to Governments and concerned intergovernmental and non-governmental organizations. As of 23 May 2005, replies have been received from the Governments of Lebanon, the Philippines, Slovakia and the Syrian Arab Republic. A reply was also received from the International Labour Office.
3. The present report contains a summary of the substantive replies received.

I. INFORMATION RECEIVED FROM GOVERNMENTS

Lebanon

[11 May 2005]
[Original: Arabic]

4. Lebanon recalls that it has ratified the 1926 Slavery Convention, as well as the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention on the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others. It has also ratified the relevant Conventions of the International Labour Organization (ILO). The principle of non-discrimination based on origin, colour, language, religion, sex or any other element is recognized and its implementation ensured. The labour market is open to all without discrimination.

5. Lebanese legislation provides for tough sanctions against employers who mistreat their employees. This is particularly true for migrant workers. In this regard, the Lebanese authorities work in cooperation with CARITAS and the Council of the Churches of the Middle East to monitor the situation. A Memorandum of Understanding was signed on 12 January 2005 between CARITAS, the International Catholic Council and the Lebanese authorities to deal with the situation of women migrant workers whose rights are violated. The Memorandum aims at monitoring of the situation of the workers, ensuring that their rights are protected and, in case of violations, that appropriate sanctions are taken.

Philippines

[30 May 2005]
[Original: English]

6. The Philippines provided detailed information based on data received from several national agencies, namely the National Commission on the Role of Filipino Women, Council for the Welfare of Children, National Bureau of Investigation, Department of Justice, Department of Labour and Employment, the Office of the Under-Secretary for Migrant Workers' Affairs, and the Department for Foreign Affairs.

Trafficking in persons

7. The National Commission on the Role of Filipino Women underlined that the Philippines has one of the most comprehensive laws against human trafficking, regulated by the Republic Act (RA9208, Anti-Trafficking in Persons Act of 2003), which criminalizes trafficking in human beings, especially women and children, for the purposes of prostitution, sexual exploitation and slavery. This law provides a definition of trafficking based on the Protocol to Prevent, Suppress

and Punish Trafficking in Persons, especially Women and Children, provides legal protection for trafficked persons as well as other sorts of assistance (counselling, temporary shelter, health care etc.). It also imposes penalties on those who use trafficked persons for prostitution. Furthermore, the law considers trafficked persons as victims rather than offenders and recognizes their right to privacy during investigation, prosecution and trial.

8. The Department of Justice pays particular attention to the needs of trafficked persons by ensuring their recovery, rehabilitation and reintegration in society.

9. The implementation of the Anti-Trafficking in Persons Act is ensured by Inter-Agency Council, established for that purpose. It is composed of various government agencies such as the Department of Justice, the Department of Social Welfare and Development, the Department for Foreign Affairs, the Department of Labour and Employment, the Philippine Overseas and Employment Agency, the Bureau of Immigration, the Philippine National Police, the National Commission on the Role of Filipino Women, and three non-governmental organizations representing women, children and overseas Filipino workers.

10. The Office of the Under-Secretary for Migrant Workers Affairs of the Department of Foreign Affairs supports the call upon all States to recognize trafficked persons as victims and ensure their protection, particularly when victims are children, as a cornerstone of any anti-trafficking policy, as well as the request to provide protection and assistance on humanitarian considerations and not contingent on their cooperation with the prosecution of their traffickers. Issuance of temporary residence permits for reasons of social protection, introduced in Italy in 1998, is certainly a good example of a measure aimed at helping the victim since it enables him/her to escape from violence and does not depend on the obligation of the victim to file an incriminating report.

11. The Government of the Philippines acknowledges the need for support programmes and services for trafficked persons, especially women and children, and has carried out several activities through various national and local government units in cooperation with NGOs and private partners. Regarding Filipino workers abroad, church groups provide counselling, referrals and crisis care through their international network. Laws that pertain to the protection and support of trafficked persons are Republic Act No.9028 (Anti-Trafficking in Persons Act of 2003) and Republic Act No. 8042 (Migrant Workers and Overseas Filipino Act). The Legal Assistance Fund provides legal services to migrant workers abroad, the Assistance-to-Nationals Fund under the Department for Foreign Affairs pays repatriation costs to Filipinos in distress or victims of trafficking, the Filipino Workers Resource Centres, established in countries with a large presence of Filipinos, provide counselling and welfare assistance. Repatriation of trafficked persons is undertaken by the Foreign Service, although temporary refuge is assured at the Resource Centres. The Overseas Workers Welfare Administration of the Department of Labour and Employment maintains its counter at international airports to assist workers repatriated to the Philippines.

12. Furthermore, rehabilitation and reintegration programmes are provided by the Department of Social Welfare and Development crisis intervention. Project Haven (Hospital-assisted crisis intervention for women victims/survivors of violent environments) is an inter-agency Government project of the National Commission on the Role of Filipino Women, the

Department of Health Women Crisis Centre and East Avenue Medical Centre. It is a first Government/NGO hospital-based crisis centre which incorporates documentation gathered from cases through pilot-testing forms in the hospital and conducts training for health professionals on assessment and intervention work for victims of violence. Part of the output of this project was the development of protocols on properly handling victims. Counselling therapies are ensured by the Reintegration Project for Trafficked Victims, established in 2003 and funded by the United Nations Centre for International Crime Prevention.

Misuse of the Internet

13. The National Bureau for Information informed that particular attention has been devoted to the problem of misuse of the Internet. In February and March 2005, agents of the National Bureau for Information carried out two search warrants, which resulted in a seizure of a computer server and paraphernalia linked to sexual exploitation and the dissemination of pornographic materials through different websites. In order to strengthen the existing legislation, several new laws were proposed in Congress and in the Senate of the Philippines (Act Prohibiting Publication of Lewd Photographs (HB445), Acts of Prohibiting Publication, Sale and Distribution, Production, Importation and Exhibition of Obscene Pornographic Materials and the Demonstration, Performance or Exhibition in Public of Indecent and Sexual Acts and Providing penalties for Violation thereof (HB 1278 and HB 2031), Act Providing for the Creation of Local Print Media Monitoring Boarding All Municipalities and Cities, to Prevent Proliferation of Obscene Publications and for Other purposes (HB 2838), Act of Prohibiting Publication, Sale and Distribution, Production, Importation and Exhibition of Obscene Pornographic Movies and Materials and the Exhibition of Live Sexual Acts, amending for that purpose Article 201 of the revised Penal Code (HB288).) Texts of the above-mentioned acts were attached to the response of the Government of the Philippines.

Forced labour

14. The Department of Labour and Employment acknowledged the deep concern expressed in resolution 2004/19 of the Sub-Commission regarding forced labour, exploitation of children, child labour, exploitation of migrants and domestic workers, sexual exploitation of children and the abusive use of Internet. The following laws are in force to combat this practice:

- Republic Act 9108 (An act to institute policies to eliminate trafficking in persons especially women and children, establishing the necessary institutional mechanisms for the protection and support of trafficked persons, providing penalties for its violations and for other purposes), which criminalizes trafficking in persons for purposes of sexual exploitation, forced labour or services, slavery and servitude;
- Republic Act No.7610 (An act providing for stronger deterrence and special protection of children against child abuse, exploitation and discrimination, providing penalties for its violations and for other purposes), underlines that protection of children from all forms of abuse is a State policy, provides sanctions for violations and envisages a programme for prevention and deterrence of child abuse and crisis interventions;

– Republic Act No.9231 (An act providing for the elimination of the worst forms of child labour and affording stronger protection for the working child, amending RA 7610) determines working hours for children below 15 years of age, and for those between 15 and 18. It prohibits worst forms of child labour, imposing harsher penalties, and also penalizes parents and guardians who violate these provisions. In order to prevent worst forms of child labour, the Government of the Philippines has based its anti-child labour campaign on a highly committed multifaceted approach.

15. The Council for the Welfare of Children considers the fight against sexual exploitation of children and trafficking in persons one of its priorities for the medium-term National Plan of Action for Children 2005-2010. Efforts are directed towards building up a concrete strategy to address the problem of pornography, including the misuse of the Internet, for which an active participation of NGOs is crucial, but unfortunately sustained at present.

Slovakia

[18 May 2005]
[Original: English]

16. Responding to the invitation of the Sub-Commission to provide information regarding slavery-related issues, the Government of Slovakia presented its legal framework for the protection from all forms of slavery.

17. The Criminal Code of the Slovak Republic defines as criminal offences the restriction and deprivation of personal freedom (sections 231-232), trafficking in children and their illegal employment (sections 216-217), trafficking in women (section 246), and pandering (section 204). Endangering morality, which includes the production, dissemination and possession of child pornography, has also been defined as criminal offence (section 205) and sentences of up to 12 years' imprisonment are imposed.

18. The Constitution provides that "No one shall be sent to perform forced labour or forced services, as defined in the Convention of the International Labour Organization concerning the Abolition of Forced Labour and the Convention of the International Labour Organization concerning Forced and Compulsory labour to which the Slovak Republic is a State Party and are therefore binding for the Slovak Republic."

19. The Constitution, the Labour Code and other legal acts in force in the country apply as well to children under the age of 18. Working conditions of juvenile employees, prohibition of overtime work, night work and standby duties, as well as definitions of work prohibited for juveniles and obligation to ensure medical examination, are included in the Labour Code.

20. A present, Slovakia does not foresee the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, either in 2005 or 2006.

Syrian Arab Republic

[10 may 2005]
[Original: Arabic]

21. On 10 May 2005, the Syrian Arab Republic sent a communication in which it described the existing Syrian legislation on slavery-related issues as well as on the functioning of the judicial system. With regard to the latter, Syria stated that its legislation provides for the independence of the judiciary and that arbitrary detention is prohibited, as is torture. Fundamental freedom and equality before the law are granted by article 25 of the Constitution. Moreover, article 28, paragraph 3, of the Constitution forbids all forms of physical and mental abuse, torture and ill-treatment. Those who would try to obtain a confession through torture or any bad treatment will be punished under article 391 of the Penal Code.
22. The Syrian Arab Republic provided a detailed list of the provisions regarding the human rights protection against abuses, sexual exploitation, trafficking, forced labour and other forms of exploitation. It stressed that the Constitution guarantees the human rights of all citizens. On the other hand, Constitutional Decree n° 148 of 1949 provides for the toughest sanctions under criminal law for crimes relating to abuse of children and of disabled persons, moral and public safety, prostitution and abuse of women.
23. The employment of children under 15 is prohibited by Law 91 of 1959, and the Minister for Social Affairs has the prerogative to prohibit certain activities to children under 16 years of age.
24. The Internet Public Company has the possibility to censor the sites that are considered to promote immorality –in accordance with the accepted values of the Syrian society-, within the limits of its technical capacities.
25. Free and compulsory education is provided by Law 35 on Compulsory Education of 1971. The right to education is granted to all children aged 6 to 15 years, without discrimination based on origin, gender, religion and colour. Education aims at protecting children from illiteracy and promoting an open-minded society. In 2004, the Syrian Arab Republic hosted a conference on early childhood and considered issues such as children's rights, education, health, protection from abuses and violence, and juvenile justice. The Syrian Arab Republic is among the first signatories of the slavery conventions and related treaties, and has ratified over 50 international instruments relating to issues including forced labour, social affairs, slavery, trafficking in persons and protection of migrant workers.

II. INFORMATION RECEIVED FROM INTERNATIONAL ORGANIZATIONS

International Labour Organization

26. In response to the request contained in resolution 2004/19 of the Sub-Commission, the International Labour Office provided extensive information prepared by the ILO Committee of Experts on the Application of Conventions and Recommendations on the application by ratifying States of the Convention, No. 29 of 1930, concerning Forced or Compulsory Labour and the Convention No. 105 concerning the Abolition of Forced Labour Convention of 1957.

27. The 2005 Global Report on Forced Labour was also submitted and contains, for the first time, a global estimate of forced labour in the world, as well as other information related to this issue.
