

18 September 2007
(United Kingdom)

Draft resolution for a Special Rapporteur on Contemporary Forms of Slavery

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights which states that no one shall be held in slavery or servitude and that slavery and the slave trade shall be prohibited in all their forms;

Recognising the various international instruments, including the 1926 Slavery Convention, the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery and the 1930 ILO Convention on Forced or Compulsory Labour, which prohibit all forms of slavery and call on Governments to eradicate such practices;

Acknowledging that contemporary forms of slavery is a global issue which affects all continents and most countries of the world;

Deeply concerned that the minimum estimate of the number of people in slavery is over 12 million and that the problem appears to be increasing;

Taking note with great appreciation of the work, reports and recommendations of the Working Group on Contemporary Forms of Slavery since its establishment in 1975;

Considering the proposals to replace the UN Working Group on Contemporary Forms of Slavery with a Special Rapporteur as a mechanism for better addressing the issue of contemporary forms of slavery within the UN system which were made in May 1998 in a review of the implementation of the conventions on slavery for the 24th session of the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/AC.2/ 1999/CRP.1); in the UN Office of the High Commissioner for Human Rights' report Abolishing Slavery and its Contemporary Forms, 2002 (HR/PUB/02/4); and in the recommendations of the Working Group on Contemporary Forms of Slavery itself at the 31st Session in 2006;

Bearing in mind that 2007 marks the 200th anniversary of the beginning of the abolition of the transatlantic slave trade;

Convinced that the mandates of existing Special Rapporteurs do not adequately cover all slavery practices, and that the issue of contemporary forms of slavery needs to be given greater prominence and priority within the UN system if these practices are to be eradicated once and for all;

1. Decides to appoint, for a three-year period, a Special Rapporteur on Contemporary Forms of Slavery, including its causes and its consequences, to replace the Working Group on Contemporary Forms of Slavery;
2. Decides that the Special Rapporteur shall investigate and report on all contemporary forms of slavery, but in particular those defined in the 1926 Slavery Convention, and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and

3
Practices Similar to Slavery, as well as all other issues covered by the Working Group on Contemporary Forms of Slavery. In the discharge of his/her mandate, the Special Rapporteur will:

(a) Promote the effective application of relevant international norms and standards on slavery;

(b) Request, receive and exchange information on contemporary forms of slavery from Governments, treaty bodies, special procedures, specialised agencies, intergovernmental organisations, and non-governmental organisations and other relevant sources, including on slavery practices and, as appropriate, and in line with the current practice, respond effectively to reliable information on possible human rights violations with a view to protecting the human rights of actual or potential victims of slavery;

(c) Recommend actions and measures applicable at the national, regional and international levels to prevent and eliminate slavery practices wherever they occur, including remedies which address the causes and consequences of the relevant forms of slavery, such as poverty, discrimination and conflict;

3. Requests the Special Rapporteur, in carrying out his/her mandate, to give careful consideration to specific issues within the scope of the mandate and to include examples of effective practices as well as recommendations which are tailored to the specific situation of the country or region in question;

4. Requests all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated and to furnish all information requested, including by reacting promptly to his/her urgent appeals and providing the Special Rapporteur with an open invitation to visit their countries;

5. Encourages the United Nations, including its specialised agencies, regional intergovernmental organisations, Governments, independent experts, interested institutions, and non-governmental organisations to co-operate to the fullest extent possible with the Special Rapporteur in the fulfilment of his mandate;

6. Requests the Special Rapporteur to co-operate fully with other existing human rights mechanisms and Treaty Bodies, including the Special Rapporteur on Trafficking, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, the Special Rapporteur on Violence Against Women, and the Special Representative of the Secretary-General on Children in Armed Conflict, as well as the Board of Trustees for the United Nations Voluntary Fund on Contemporary Forms of Slavery, taking full account of their contribution, and complementing but not duplicating their work;

7. Requests the Special Rapporteur to submit annual reports on the activities of the mandate to the Human Rights Council together with recommendations on measures that should be taken to combat and eradicate contemporary forms of slavery and protect the human rights of actual or potential victims of such practices;

8. Requests the Secretary-General to give the Special Rapporteur all necessary human and financial assistance for the effective fulfilment of his/her mandate.

Draft Concept Paper

Reform of the UN's human rights mechanisms – the case for replacing the Sub-Commission Working Group on Contemporary Forms of Slavery with a Special Rapporteur

Introduction

The minimum estimate of the number of people in slavery around the world today is 12.3 million. There is currently no UN human rights mechanism established to address this. This represents a clear protection gap on a key human rights issue.

The creation of the UN Human Rights Council provides a real opportunity to improve the effectiveness of the UN's special procedures for tackling slavery by replacing the former Sub-Commission Working Group with a Special Rapporteur on Contemporary Forms of Slavery. The benefits of this approach are outlined below.

The June 2007 Human rights Council Institution Building document stated that the Council will decide at its sixth session on the most appropriate mechanism to continue the work of the Sub-Commission working groups, including the Working group on Contemporary Forms of Slavery

The UN Working Group on Contemporary Forms of Slavery

The UN Working Group on Contemporary Forms of Slavery was established in 1975. However, during those 30 years, its deliberations and recommendations have had little impact on contemporary forms of slavery in the States where these practices continue to occur.

While the Working Group has acted as an important forum for presenting testimonies about contemporary forms of slavery, the value of this has been undermined by limited attendance, and no outcomes to meetings.

The problem of contemporary slavery has not diminished despite the efforts of the Working Group and the profile of the issue of contemporary forms of slavery within the United Nations human rights machinery remains low.

The arguments for a Special Rapporteur on Contemporary Forms of Slavery

- There is no dedicated UN human rights mechanism to deal exclusively with contemporary forms of slavery within the UN system. And there are no treaty bodies to review States' compliance with their obligations arising out of the principal anti-slavery Conventions.

- A Special Rapporteur on Contemporary Forms of Slavery reporting directly to the Human Rights Council would greatly increase the profile of the issue within and beyond the United Nations system. Such a mandate can take a holistic look at all slavery like practices, assessing where and why they exist as well as what action States could take to address these issues.
- The mandate of a Special Rapporteur allows both thematic and country specific reports, as well as country visits, which would provide detailed assessments of slavery like practices, including examples of good practice, as well as recommendations which are tailored to the specific situation of the country or region in question.
- A Special Rapporteur would also be able to take testimonies and engage directly with NGOs, which means this function of the Working Group would not be lost.
- None of the existing Special Rapporteur mandates adequately covers slavery practices. Some look at human rights issues of which slavery would only be a small part (e.g. the Special Rapporteur on violence against women) and others only look at specific types of slavery practices (e.g. the Special Rapporteur on trafficking in persons, especially in women and children). Other slavery like practices are not covered at all.

Proposed mandate for a Special Rapporteur on Contemporary Forms of Slavery

In the discharge of his/her mandate, the Special Rapporteur would:

- a) Take action on contemporary forms of slavery and on situations in which there has been a failure to protect their human rights of the individuals affected
- b) Undertake country visits in order to study the situation in situ and formulate recommendations to prevent and/or combat contemporary forms of slavery and protect the human rights of its victims in specific countries and/or regions
- c) Submit annual reports on the activities of the mandate to the Human Rights Council together with recommendations on measures that should be taken to combat and eradicate contemporary forms of slavery and protect the human rights of actual or potential victims of such practices