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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola*

Summary

The present report is submitted in accordance with Human Rights Council resolution 24/3, in which the Council decided to renew the mandate of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences. The Special Rapporteur was appointed in May 2014 and assumed her functions as Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on 2 June 2014. This is her first report to the Council.

The report provides a summary of the activities undertaken by the previous Special Rapporteur on contemporary forms of slavery, including its causes and consequences, since her report to the Human Rights Council at its twenty-fourth session until the completion of her tenure in May 2014. During that period, she undertook three official country visits: to Ghana, to consult on contemporary forms of slavery, and to Mauritania and Kazakhstan, to follow up and assess new developments and the initiatives taken by the respective governments in response to her recommendations made on earlier visits.

The report also outlines the priorities on which the new Special Rapporteur on contemporary forms of slavery, including its causes and consequences, intends to focus during her tenure.

* Late submission.

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I. Introduction

1. The mandate of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, was established by the Human Rights Council at its sixth session, in 2007, in resolution 6/14. It was renewed by the Council in resolution 15/2 and more recently, on 26 September 2013, in resolution 24/3 for an additional period of three years.

2. In May 2014, the Human Rights Council appointed Urmila Bhoola from South Africa as the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; she assumed her mandate on 2 June 2014. The Special Rapporteur gratefully acknowledges the trust that has been placed in her by the Human Rights Council in appointing her as mandate holder. She also thanks the Office of the United Nations High Commissioner for Human Rights (OHCHR) and its staff for their continuing support and assistance.

3. Given the short time between the appointment of the Special Rapporteur and the report submission deadline, the present report contains her preliminary reflections on her priorities for the first term of her mandate.

4. The present report also contains a review of the activities of the previous mandate holder, Gulnara Shahinian, from the time of the submission of her report to the Human Rights Council at its twenty-fourth session until the completion of her tenure. During that period, the mandate holder undertook an official mission to Ghana and two follow-up missions to Mauritania and Kazakhstan.

5. The report on the Special Rapporteur's follow-up mission to Mauritania from 24 to 27 February 2014 is contained in Addendum 1 to the present report and the report of the follow-up mission to Kazakhstan from 25 to 27 March 2014 is contained in Addendum 2.

6. The Special Rapporteur wishes to express her deep appreciation and admiration to her predecessor for her important work in combating slavery and slavery-like practices during her two terms as mandate holder. Through her thematic work, for example on forced labour, bonded labour and child labour, domestic servitude and servile marriages, she contributed greatly to promoting anti-slavery action and law and significantly enhanced the understanding of the United Nations and the international community of contemporary forms of slavery by identifying challenges as well as good practices. Through her country-specific work and 12 official country visits, she not only provided valuable analysis and insight into country situations and drew attention to the concerns and issues of slavery and slavery-like practices therein, but also made constructive and action-oriented recommendations.

II. Activities of the mandate

7. The six-year tenure of the previous mandate holder, Gulnara Shahinian, ended on 1 June 2014. During the reporting period, she continued her work towards the eradication of contemporary forms of slavery through a range of activities.

8. On 13 September 2013, during the twenty-fourth session of the Human Rights Council, the previous Special Rapporteur participated, as a panellist, in a side event, "Challenges and lessons learned in combating contemporary forms of slavery", which she had organized jointly with the Board of Trustees of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery. At that side event, she gave a speech entitled "Key challenges and recommendations in combating contemporary forms of slavery". On

the basis of observations from the numerous activities carried out in the performance of the mandate, the Special Rapporteur highlighted the challenges that need to be addressed in order to combat contemporary forms of slavery, gave an analysis of issues relating to legislation, awareness-raising, discrimination and rehabilitation, and an overview of various multi-stakeholder initiatives to combat contemporary forms of slavery. In the ensuing panel discussion, participants reflected on the different challenges, effective practices and lessons learned in combating slavery-like practices, from different perspectives. Drawing on the Special Rapporteur's remarks, a central point of the discussion related to good practices that could be promoted by civil society organizations and governments in combating slavery and slavery-like practices.

9. From 25 to 27 September 2013, the previous Special Rapporteur participated, as a key speaker, in a conference on the theme "Data protection and right to privacy for marginalized groups: a new challenge in anti-trafficking policies" organized in Berlin by DataACT (data protection in anti-trafficking action). The conference brought together experts from the political sphere, academia and civil society to discuss issues relating to data protection and privacy rights for marginalized groups. During a panel discussion on "Data protection, human rights and anti-trafficking politics: a new challenge in the digital age?", the Special Rapporteur pointed out that data collection on slavery-like practices was a challenge, particularly because of the social and economic invisibility of those in slavery. She also highlighted the gender dimension of the phenomenon, as women and girls were often denied their right to identity documents. Moreover, most victims of slavery were not registered as part of the labour force and their contribution to the economy was invisible because the work they did, such as domestic work, was not included in the labour laws of some countries.

10. On 19 and 20 November 2013, the Special Rapporteur participated in the International Labour Organization Regional Tripartite Conference "Preventing forced labour, human trafficking and slavery-like practices in Africa", held in Lusaka. She spoke on governments taking action against forced labour.

11. On 3 and 4 March 2014, the previous Special Rapporteur participated in a two-day international conference, "Enforcement of international human rights law through the mechanism of UN special rapporteurs", hosted in Bologna, Italy, by Johns Hopkins University. The purpose of the conference was to examine the work of United Nations special rapporteurs and analyse their impact on the implementation of international human rights law in States. In her presentation, the Special Rapporteur addressed the issue of constructive diplomacy and other methods developed to work with States.

12. On 14 March 2014, the previous Special Rapporteur delivered a lecture at the University of California, Berkeley, United States of America, entitled, "Modern-day slavery – a reality close to home?", which was sponsored by the Institute of Slavic, East European and Eurasian Studies and the Armenian Studies Program, with the support of Stanford Armenian Students Association and the International Justice Mission, Stanford University. The Special Rapporteur elaborated on the clandestine nature of modern slavery and explained that it often occurred in remote areas within States or in the "private realm" in homes or in the community. She said that the victims often lived in secluded areas and in fear of social, legal and financial consequences, such as stigmatization. She pointed out that identifying, locating and accessing those victims and, at the same time, protecting data and privacy rights, presented a major challenge. The Special Rapporteur also addressed the need to adopt a human rights-based approach and employ existing legal and practical instruments to help prevent human rights abuses.

13. From 2 to 4 April 2014, the previous Special Rapporteur participated in the International Juridical Conference on Contemporary Forms of Slavery, held at the University of Granada, Spain, of which she gave the opening lecture. The conference

focused on, inter alia, new slavery and forced labour and considered institutional and jurisdictional action at the international level, human trafficking as an instrumental crime leading to other forms of exploitation, with particular attention to sexual slavery through the prostitution and non-consensual sexual exploitation of minors. Finally, the conference addressed victim assistance and protection.

Country visits

14. From 22 to 29 November 2013, the previous Special Rapporteur conducted an official mission to Ghana, where she visited various fishing communities in the Lake Volta region, a rehabilitation centre, outdoor markets as well as other areas in Accra. She pointed out that the Government of Ghana had taken the important step of recognizing the existence of slavery and had adopted a legislative framework and put in place a number of institutional mechanisms and programmes to address the problem. However, she noted that further progress on eradicating the various forms of modern-day slavery and exploitation that existed in Ghana could only be achieved by addressing the root causes that sustained those practices, including poverty, regional disparities and the lack of access to livelihoods, education and health care. Despite the adoption of the National Plan of Action for the Elimination of the Worst Forms of Child Labour, which aims to eradicate such practices by 2015, the Special Rapporteur remains particularly concerned about widespread child labour in Ghana.

15. From 24 to 27 February 2014, the previous Special Rapporteur undertook a follow-up mission to Mauritania to assess new developments since her first visit to the country in 2009 and the initiatives taken by the Government in response to her recommendations (see A/HRC/15/20/Add.2). She noted that her follow-up mission was a continuation of the frank and fruitful human rights dialogue that had been initiated in 2009. Reflecting on and acknowledging the very good progress made so far, the Special Rapporteur said that she would report on the commitment of the Government of Mauritania to the eradication of all forms of slavery and slavery-like practices. She applauded the Government for the adoption of a road map on the implementation of her recommendations resulting from her mission and said that the road map would determine the way forward in addressing the remaining challenges, as the cohesive cooperation of all stakeholders was required in order to work towards its full implementation. The report on the follow-up mission to Mauritania will be issued as document A/HRC/24/53/Add.1.

16. From 25 to 27 March 2014, the previous Special Rapporteur conducted a follow-up mission to Kazakhstan to assess new developments since her first visit to the country in 2012 and to discuss the measures adopted and their impact on ending slavery and slavery-like practices, such as forced labour and bonded labour, in Kazakhstan. The Special Rapporteur noted that the follow-up mission provided her with an opportunity to support the Government in its fight against slavery. She commended the Government for the swift action taken in response to some of her recommendations and its continuous cooperation, emphasizing that it was essential to urgently put in place enforcement and monitoring mechanisms to ensure the full implementation of the new laws and policies for eliminating all forms of slavery in the country. The report on the follow-up mission to Kazakhstan will be issued as document A/HRC/24/53/Add.2.

III. Priorities of the Special Rapporteur for the period 2014–2017

17. In accordance with Human Rights Council resolution 24/3, the newly appointed Special Rapporteur on contemporary forms of slavery, including its causes and consequences, will examine and report on all contemporary forms of slavery and slavery-like practices, in particular those defined in the Slavery Convention of 1926 and the

Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, as well as all other issues covered previously by the Working Group on Contemporary Forms of Slavery. She will also continue to promote the effective implementation of the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29) and the 2014 Protocol thereto,¹ as well as ILO Convention No. 189 (2011) and Recommendation No. 201 concerning decent work for domestic workers, which represent a significant advance in the international legal framework protecting the rights of domestic workers, including the right to education for child domestic workers.

18. During her tenure, the Special Rapporteur will continue to address the different forms of contemporary slavery, including subtler forms of slavery that deserve specific attention, such as bonded labour, domestic servitude, early and forced marriage, child slave work, servile marriages and caste-based forms of slavery, which affect the lives of many and are not confined to developing and poor countries. She will also continue to work on the remaining challenges to the eradication of contemporary forms of slavery, as highlighted by her predecessor in her report to the Human Rights Council at its twenty-fourth session (A/HRC/24/43).

19. The Special Rapporteur will continue to investigate, monitor and address, relying on the support of governments, other United Nations agencies and mechanisms, civil society organizations, trade unions, employers and activists, various contemporary manifestations of slavery involving children in agriculture, tobacco tilling, cotton picking, entertainment, construction, mining and quarrying.

20. In particular, the Special Rapporteur views the elimination of domestic servitude as a key priority of the mandate, as that form of slavery continues to exist across both developed and developing countries. Women, low-skilled migrant workers, indigenous people, internally displaced persons and other marginalized groups and groups that are discriminated against are the most vulnerable to exploitation in domestic servitude.²

21. In that regard, the Special Rapporteur will follow up on the key recommendations made by her predecessor for the elimination of all forms of domestic servitude. In her report to the Human Rights Council at its fifteenth session (A/HRC/15/20), the previous Special Rapporteur addressed the root causes of domestic servitude and its impact on women and children and made concrete recommendations for the monitoring and enforcement of labour standards. Besides the implementation of existing recommendations, which remains a key challenge, more research, notably qualitative reporting and situational analysis, is required on the often invisible workers in domestic servitude, including their existence in developed economies, which is often obscured.³

22. The Special Rapporteur is concerned about the continued high prevalence of children in domestic servitude, bonded labour and other forms of slavery. Children in domestic work present a particular concern globally, in both developed and developing countries. Many child domestic workers are not only subject to exploitation and hazardous work, but often work in circumstances amounting to slavery or bonded labour in order to fulfil debts that they or their parents have incurred to the employer or to recruitment agents.

¹ The text of the Protocol to the Forced Labour Convention, 1930 (No. 29), adopted on 11 June 2014 at the 103rd session of the International Labour Conference, held in Geneva, is available from www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_246615.pdf.

² Asia Pacific Forum on Women, Law and Development, *The New Slave in the Kitchen: Debt Bondage and Women Migrant Domestic Workers in Asia* (Chiang Mai, Thailand, 2011).

³ Anti-Slavery International, *Home Truths: Wellbeing and Vulnerabilities of Child Domestic Workers*, (London, March 2013).

An estimated 15.5 million children below the age of 18 are in paid or unpaid domestic work in the home of a third-party employer, of whom 10.5 million are estimated to be child labourers, either because they are under the legal minimum working age or are working in hazardous conditions or conditions tantamount to slavery.⁴ Furthermore, girls outnumber boys and they face specific additional vulnerabilities in the context of migration and are more likely to end up being trafficked for commercial sexual exploitation. The Special Rapporteur is committed to working with the International Labour Organization, non-governmental organizations and other stakeholders towards eliminating every vestige of child slavery in the world. Children should be at school or play, not at work; and the continued violation of their human rights should be an urgent global priority for Member States and the international community.

23. In addition to children in domestic servitude and other forms of slavery, the Special Rapporteur is concerned about the uneven implementation, and in some areas retrogression, of the human rights of women as guaranteed under international law, including the Convention on the Elimination of All Forms of Discrimination against Women. Women are disproportionately affected by forced labour. Of the estimated 21 million people in situations of forced labour, 11.4 million (55 per cent) are women and girls.⁵

24. Another area of focus for the Special Rapporteur is the role of business, in particular transnational corporations, in promoting and using forced labour in global supply chains.⁶ Recent estimates suggest that the total profits obtained from the use of forced labour in the private economy worldwide amount to US\$ 150 billion per year.⁷ Victims of forced labour exploitation, including in domestic work, agriculture and other economic activities, such as construction, manufacturing, mining or utilities, generate an estimated US\$ 51 billion in profits per year.

25. While the profit motive drives the demand for forced labour and other contemporary forms of slavery, it is underpinned by “push” factors such as increasing household vulnerability to income shocks, which push more households below the absolute poverty line; lack of education and illiteracy; as well as loss of work and deprivation of land, which force increased informal-sector work, migration and trafficking. The disproportionate impact of those factors on women and girls, who constitute more than half of the victims of forced labour, has been widely documented.

26. There is thus a need to address the structural and systemic causes of poverty and inequality, which render the poor and marginalized most vulnerable to slavery and labour exploitation. The proposed post-2015 sustainable development goals provide a comprehensive framework for addressing those issues and setting clear targets and indicators for both developed and developing countries to eliminate labour exploitation and manifestations of contemporary forms of slavery once and for all.

27. It is essential to ensure standardized disaggregated data collection (with due regard to individuals’ rights to privacy and data protection) and the strengthening of national legislative frameworks to ensure that violations of human and labour rights resulting in slavery are effectively monitored and swiftly eradicated through strict legal, judicial and institutional enforcement of measures, with appropriate rehabilitation and remedies. In addition, the early identification and prevention of forced labour through the cooperation of

⁴ International Labour Organization (ILO), *Ending child labour in domestic work and protecting young workers from abusive working conditions* (Geneva, 2013). Available from www.ilo.org/ipecinfor/product/download.do?type=document&id=21515.

⁵ ILO, *Global Estimate of Forced Labour: Results and Methodology* (Geneva, 2012).

⁶ ILO, *Profits and Poverty: The Economics of Forced Labour* (Geneva, 2014).

⁷ *Ibid.*

multiple stakeholders, including governments, civil society organizations, the private sector, trade unions and consumers, are critical.

28. Another key area of focus of the mandate of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, is child and forced marriage. The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery obligates Member States to take all “practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment” of, inter alia, any institution or practice which amounts to forced marriage, such as when a woman, without the right to refuse, is promised or given in marriage on payment to her parents, guardians, family or another person or group; when a husband, his family or his clan transfers his wife to another person for value received or for any other reason; or the inheriting by another person of a woman on the death of her husband (see art. 1). Early and forced marriage can, under certain circumstances, constitute servile marriage or result in domestic servitude or other forms of slavery. The previous mandate holder drew links between child marriage and slavery, and pointed out that Member States were obliged to prohibit and eliminate slavery as a non-derogable and fundamental principle of international law.⁸ Child marriage is linked to the thematic issues of trafficking for forced labour, commercial sexual exploitation, migration and contemporary forms of slavery, which reinforces the need for cooperation among the respective mandate holders as part of a comprehensive multi-agency and multi-stakeholder effort to eradicate those practices from society, as women and girls in child and forced marriages may experience conditions within the marriage that meet “international legal definitions of slavery and slavery-like practices”, including forced labour. Furthermore, “a potentially high proportion of child marriage cases appear to constitute the worst forms of child labour under the 1999 ILO Convention No. 182.”⁹

29. The mandate calls for a coherent global response, involving evidence-based analysis, together with technical assistance to Member States which are committed to eradicating the scourge of contemporary slavery from their labour markets. It requires strengthening of the global partnership, involving unions, civil society organizations, non-governmental organizations, human rights advocates, the private sector, the legal sector and the judiciary, governments and public-sector institutions, United Nations agencies and mechanisms, academic and research institutions, as well as international foundations committed to research and advocacy.

30. The mandate also requires a multi-faceted approach combining law and policy frameworks which provide for prevention, protection, prosecution and redress at the national and international levels, with consumer and civil society advocacy, rejecting goods produced through forced labour or other forms of slave labour and generating consumer awareness. It also requires that business practices be congruent with human rights, ethical and environmentally sound sustainable development, and durable peace and security for all. It requires a concerted global initiative to eradicate poverty and enforce the basic principles of justice, dignity and human rights for all. At the most basic level, it requires resources, mechanisms and processes for the effective implementation of recommendations made pursuant to fact-finding missions and consultations conducted as part of the mandate.

⁸ See A/HRC/21/41; also A/HRC/24/43/Add.2, especially para. 125 and A/HRC/24/43.

⁹ A/HRC/26/22, para. 21; see also Catherine Turner, *Out of the Shadows: Child Marriage and Slavery*, (London, Anti-Slavery International, April 2013).

IV. Conclusion

31. The Special Rapporteur looks forward to fulfilling the requirements of her mandate, as outlined in Human Rights Council resolution 24/3, and to constructive and fruitful cooperation with diverse stakeholders in all regions towards that end. She particularly emphasizes her desire for constructive engagement with United Nations Member States and encourages Member States to respond positively to her requests for information or for country visits, while emphasizing that the mandate remains available to provide assistance to States and to respond to their requests, including in the area of technical cooperation, to the fullest extent possible. The Special Rapporteur reiterates the importance that she places on the role and views of non-governmental organizations, including in providing information to her and engaging with and assisting her fully as she conducts her work on slavery and slavery-like practices.
