

COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

COUNCIL UPDATE – ITEM 3 CONTEMPORARY FORMS OF SLAVERY HUMAN RIGHTS COUNCIL, 12TH SESSION 16 SEPTEMBER 2009

Overview	1
Presentation by the Special Rapporteur	1
Interactive dialogue.....	2
Further information.....	3

Overview

On 16 September 2009 the Human Rights Council (the Council) held an interactive dialogue with the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Ms Gulnara Shaninian. Ms Shaninian presented her annual report, which focused on the topic of bonded labour and included a summary of the Special Rapporteur's recent country visit to Haiti. The report was generally well received by States and NGOs.

Overall, the Special Rapporteur was very successful in focusing the dialogue on the topic of bonded labour, and States seemed quite receptive to engaging in a discussion on the topic.

Presentation by the Special Rapporteur

The Special Rapporteur on contemporary forms of slavery, Ms Shaninian's, presentation focused on the need to raise awareness about bonded labour. She explained that bonded labour is distinct from other forms of forced labour because it occurs when a person offers their labour services in exchange for the repayment of a debt. The person then loses control over the conditions of work, including the length of the arrangement and the amount of labour needed to offset the debt. As a result, the Special Rapporteur argued, the debtor becomes entrapped indefinitely in a form of slavery. The debt of a bonded worker may even pass from generation to generation, creating an endless cycle of servitude.

The Special Rapporteur emphasised that although discussions about forced labour often focus on human trafficking, bonded labour is a distinct form of forced labour that must be specifically addressed outside of the context of human trafficking. She recommended that countries employ strategies to raise awareness about bonded labour and that they develop laws specifically addressing it. Ms Shaninian also emphasised that various forms of slavery, including bonded labour, exists everywhere in the world, including Europe and North America. In addition, some groups, such as children, women, and lower social castes, are particularly vulnerable. Insufficient use of human rights mechanisms prevents persons in such groups from exercising their legal rights and contributes to the continuance of forced labour practices.

Ms Shaninian also gave a brief summary of her visit to Haiti. Her work there focused on the plight of 'restavek' children. These are children from poor families whose parents place them in the custody of wealthier persons in

order to ensure that the children's basic needs are met. The Special Rapporteur explained that such children labour in the households where they are placed in exchange for nothing more than basic food and shelter. This traditional practice is becoming increasingly commercialised and widespread. The Special Rapporteur commended Haiti's commitment to addressing this problem. However, given the scarcity of Haiti's resources, she stressed the need for international efforts towards eliminating the practice. She also noted that in Haiti, as in other countries, one of the root causes of bonded labour is the extreme poverty. Focusing on poverty reduction and development is one way of combating this traditional practice.

Interactive dialogue

The Special Rapporteur's call to **raise awareness about bonded labour** was generally very well received by States and NGOs. The discussion was generally open and constructive, focusing on the root causes of forced labour and on the national and international processes, which might be useful in combating it. Ms Shaninian had also stated in her opening remarks that the causes of slavery and forced labour have not changed over time. The most common causes are still poverty, migration, and discrimination based on race, ethnicity, caste, and gender. There was general agreement on this point among the States and NGOs that took the floor.

India particularly stressed the **economic causes of bonded labour** and expressed the view that poverty reduction and development would empower people to break through traditional practices which can lead to bonded labour.

A number of comments were made on the situation of **vulnerable groups**. Pakistan drew attention to the specific relevance of the discussion to migrants, both documented and undocumented. Brazil, recognised that undocumented migrants are some of the persons who are most vulnerable to forced labour, and provided information on its recent comprehensive legislation relating to migrants and forced labour. The United Kingdom emphasised the role of discrimination in perpetuating bonded labour. It pointed out that while discrimination can be a reason that a person might become a victim of bonded labour, it could also prevent affected individuals from accessing methods of legal redress. Several NGOs welcomed the Special Rapporteur's focus on vulnerable groups in general and pointed out that gender inequalities and discrimination make women especially vulnerable to forced labour.¹

There was general agreement throughout the interactive dialogue that **specific national legislation criminalising bonded labour** is a necessary step in the process of ending forced labour and other contemporary forms of slavery. In particular, Ms Shaninian drew attention to the positive experiences of Brazil and India as examples of good practice. India was the first country in Asia to enact legislation specifically combating bonded labour. Its efforts were said to be successful in reducing the number bonded labourers substantially and rehabilitating over a quarter of a million bonded labourers. Brazil's plan focuses on the elimination of 'middle men' who start the cycle leading to indebtedness. It also involves the creation of a list of 'dirty companies' involved in forced labour, which are then excluded from receiving government funding. Many workers have been set free as a result of the legislation and large sums of money have been paid in penalties. The Special Rapporteur will visit Brazil next year and can be expected to provide further details of Brazil's success. Furthermore, several States provided information about recent actions taken domestically to combat human trafficking and other forms of forced labour.²

Other issues raised included a general agreement on the helpfulness of data provided by the International Labour Organization (ILO) and of the importance of further research on the topic of bonded labour. Several states also urged others to adopt the *1926 Slavery Convention* and the *1956 Supplementary Convention on the Abolition of Slavery*.

In her concluding remarks, the Special Rapporteur announced that she plans to visit Brazil, Mauritania, Italy, and Romania in the coming year. This will also be in preparation for a report focusing on domestic servitude and on

¹ World Peace Council, Global Alliance Against Trafficking in Women and Anti-Slavery International.

² Indonesia, Australia, Bosnia and Herzegovina, Peru.

migration. The Special Rapporteur has also requested visits to Bangladesh and Uzbekistan, but she has not yet received a reply from either of these States.

Further information

For further information on the Human Rights Council, please consult the following resources:

- Follow ISHR on Twitter: [@ishr_geneva](https://twitter.com/ishr_geneva).
- Web site of the International Service for Human Rights, providing up-to-date information before, during and after sessions of the Council: <http://www.ishr.ch/council>. During the session, ISHR will provide information about the Council's proceedings on a regular but not daily basis. You can subscribe to receive alerts of our publications by sending an email to information@ishr.ch.
- Oral statements made at the Council, as well as other informal documents and draft resolutions are available on the 'OHCHR extranet' at <http://portal.ohchr.org/portal/page/portal/HRCExtranet>. Username: 'hrc extranet' Password: '1session'.
- Web site of the Office of the High Commissioner for Human Rights (OHCHR) on the 12th session of the Human Rights Council: <http://www2.ohchr.org/english/bodies/hrcouncil/12session>. For direct access to reports considered, check <http://www2.ohchr.org/english/bodies/hrcouncil/12session/reports.htm>.

NGOs and human rights defenders seeking more specific information or individual advice on the Council session, please contact the ISHR secretariat by email or phone at +41 (0) 22 919 71 00.

COUNCIL MONITOR STAFF

Eléonore Dziurzynski, Communications Officer
Michael Ineichen, Human Rights Officer
Gareth Sweeney, Deputy Manager
Katrine Thomasen, Manager International Programme

CONTRIBUTORS

Rachel Breen, intern
Joelle Dek, Intern
Dmitry Foryy, Intern
Mabel Kirabo, Intern
Ladina Knapp, Intern
Clara Martino, Intern
Isabella Ries, Intern
Peter Tubman, Intern

ABOUT THE PUBLICATION

The Council Monitor forms part of the Human Rights Monitor Series produced by ISHR. It provides you with information about all the key developments at the Human Rights Council, including Daily Updates during the session of the Council, an Overview of the session, briefings and updates on the major issues of concern in the transition from the Commission on Human Rights to the Council and other key reports. It is currently an online publication that can be found at www.ishr.ch.

SUBSCRIPTION

If you wish to receive the Council Monitor Daily Updates by e-mail during the Council session, please e-mail information@ishr.ch with 'subscribe' in the subject line. Your e-mail address and personal information will not be shared or sold to any third parties. We may from time to time send you a notification about other publications in the Human Rights Monitor Series that you may be interested in downloading or subscribing to.

COPYRIGHT, DISTRIBUTION AND USE

Copyright © 2009 International Service for Human Rights. Material from this publication may be reproduced for training, teaching or other non-commercial purposes as long as ISHR is fully acknowledged. You can also distribute this publication and link to it from your website as long as ISHR is fully acknowledged as the source. No part of this publication may be reproduced for any commercial purpose without the prior express permission of the copyright holders. ISHR accepts no responsibility for any inaccuracies arising from or connected to unapproved or unofficial translations of its publications or parts thereof.

DISCLAIMER

While every effort has been made to ensure the accuracy and reliability of the information contained in this publication, ISHR does not guarantee, and accepts no legal liability whatsoever arising from any possible mistakes in the information reported on, or any use of this publication. We are however happy to correct any errors you may come across so please notify information@ishr.ch.