

SLAVERY, SERVITUDE AND FORCED LABOUR

IV. CONCLUDING OBSERVATIONS, CONTINUED

CERD

- Austria, CERD, A/57/18 (2002) 15 at para. 24.

24. [The Committee] notes...the continuation of the work of the Reconciliation Fund for Victims of National Socialism which so far has received and approved some 50,000 applications for compensation from persons who have suffered from forced labour during the Nazi era.

- Nepal, CERD, A/59/18 (2004) 24 at para. 133.

133. The Committee is concerned that, although the system of agricultural bonded labour known as *Kamaiya* was abolished in July 2000, the emancipated *Kamaiyas* are facing many problems, including lack of housing, land, work and education for their children.

The Committee recommends that the State party ensure effective enforcement of the Bonded Labour Prohibition Act 2002 and programmes adopted to put an end to the practice and discrimination against *Kamaiyas*.

- Madagascar, CERD, A/59/18 (2004) 58 at para. 320.

320. The Committee regrets that despite the abolition of slavery and the caste system in 1896, discrimination against the descendants of slaves persists.

The Committee recommends that the State party take the necessary steps to put an end to discrimination based on descent, including the steps enumerated in its general recommendation XXIX...

- Mauritania, CERD, A/59/18 (2004) 61 at paras. 342, 343, 350 and 352.

342. The Committee notes with concern that vestiges of the caste system persist in Mauritania. While welcoming the fact that slavery was abolished by a law dated 9 November 1981, it remains concerned about information on the persistence of slavery-like practices, which constitute serious instances of discrimination based on descent. It is concerned that no implementing orders have been issued subsequent to the 1981 law and that there is no provision in criminal law that expressly punishes slavery.

SLAVERY, SERVITUDE AND FORCED LABOUR

The Committee draws the State party's attention to its general recommendation XXIX concerning racial discrimination based on descent...It strongly recommends that the State party launch, in cooperation with non-governmental organizations and religious leaders, a wide-ranging information and public-awareness campaign to put an end to slavery-like practices. The State party should ensure that the perpetrators of such practices, which are already prohibited by law, are systematically prosecuted in the courts, including in cases where they have seized the property of deceased former slaves.

343. The Committee notes that the information on the adoption of practical measures designed specifically to combat slavery-like practices remains inadequate.

Taking note of the delegation's statement that the anti-poverty programme is helping to eradicate the legacy of slavery, the Committee considers that other actions specifically targeting the populations concerned should be taken. The State party should conduct a study, in cooperation with civil society, to determine the economic and social situation of the descendants of slaves, including how many of them have title to land.

...

350. The Committee notes that no case of racial discrimination has been brought before the national courts and is concerned that victims' opportunities to obtain a remedy are inadequate. It recalls that the fact that victims of racial discrimination do not complain to a court is not necessarily a positive indicator, and can be the result of, *inter alia*, the limited resources available to victims, their lack of awareness of their rights, their lack of confidence in the police and the judicial authorities, or the authorities' lack of attention or sensitivity to cases of racial discrimination.

The Committee recommends, in particular, that the State party conduct an independent and impartial inquiry when allegations of discrimination and slavery-like practices are brought to its attention. The State party should inform the victims of all remedies available to them, facilitate their access to justice, guarantee their right to just and adequate reparation, and publicize the relevant laws.

...

352. The Committee regrets that it did not receive sufficient information on the training of judges, lawyers and law enforcement officers, in particular, training to combat discrimination, including discrimination based on descent, and to combat the vestiges of slavery.

The Committee recommends that the State party adopt a specific strategy in this respect.

SLAVERY, SERVITUDE AND FORCED LABOUR

- Bahrain, CERD, A/60/18 (2005) 22 at para. 85.

85. The Committee is concerned about allegations of substantial prejudice against women migrant domestic workers, in particular those coming from Asia, especially as regards their working conditions, and about the fact that these women do not benefit from the protection of the Labour Code.

In light of its general recommendation XXX and of its general recommendation XXV on gender-related dimensions of racial discrimination, the Committee requests the State party to take effective measures to prevent and redress the serious problems commonly faced by female domestic workers, including debt bondage, passport retention, illegal confinement, rape and physical assault, and to report on measures taken for the protection of their rights.

- Venezuela (Bolivarian Republic of), CERD, A/60/18 (2005) 71 at para. 381.

381. The Committee notes with concern that, according to the report by the State party, the indigenous peoples of the upper Orinoco and the Casiquiare and Guainia-Río Negro basins have problems of various kinds. More particularly, in the centres of illegal gold prospecting, there is evidence that indigenous children and adolescents are subjected to labour exploitation and the worst forms of child labour, including servitude and slavery, child prostitution, trafficking and sale.

The Committee recommends that the State party adopt urgent measures to tackle this situation...

ICCPR

- Ukraine, ICCPR, A/57/40 vol. I (2002) 32 at para. 74(18).

(18) The Committee remains concerned about the continuation of practices involving the trafficking of women in Ukraine.

The State party should take measures to combat this practice, including through the prosecution and punishment of those found responsible, and give full effect to the provisions of article 8 of the Covenant.

SLAVERY, SERVITUDE AND FORCED LABOUR

- Azerbaijan, ICCPR, A/57/40 vol. I (2002) 47 at para. 77(15).

(15) The Committee is deeply concerned that it received no information on the extent of the problem of trafficking in women, as the State party is reportedly a country of both origin and transit. While acknowledging the need for legislation to combat trafficking of women, the delegation noted that trafficking is not defined as a separate criminal offence if the victim is not a minor; moreover, the delegation gave no conclusive information on action to combat such trafficking (articles 3 and 8 of the Covenant).

The State party should take resolute measures to combat this practice, which constitutes a violation of several Covenant rights, including those in articles 3 and 8, by imposing sanctions against those found responsible.

- Georgia, ICCPR, A/57/40 vol. I (2002) 53 at para. 78(15).

(15) The Committee remains concerned at the continuation of practices which involve trafficking in women in Georgia.

The State party should take measures to prevent and combat this practice by enacting a law penalizing trafficking in women, and should fully implement the provisions of article 8 of the Covenant. The Committee recommends that preventive measures be taken to eradicate trafficking in women and provide rehabilitation programmes for the victims. The laws and policies of the State party should provide protection and support for the victims.

- Yemen, ICCPR, A/57/40 vol. I (2002) 72 at para. 83(7).

(7) The Committee notes with concern the situation of discrimination against women in matters of personal status, particularly in matters of marriage and divorce and the rights and duties of spouses.

The State party should review its legislation to ensure that, in all fields in the life of society, women enjoy complete equality with men, both in law and in fact, so as to comply with its obligations under the Covenant (articles 3, 7, 8, 17 and 26 of the Covenant).

- Republic of Moldova, ICCPR, A/57/40 vol. I (2002) 76 at para. 84(10).

(10) The Committee is concerned that, despite recent attempts by the State party to halt the activities of persons involved in the smuggling of individuals, there continue to be

SLAVERY, SERVITUDE AND FORCED LABOUR

widespread reports of extensive trafficking, particularly of women, in violation of article 8 of the Covenant.

The State party should reinforce its efforts to put a stop to the trafficking of individuals, particularly of women, both originating in and in transit through its territory.

- Mali, ICCPR, A/58/40 vol. I (2003) 47 at paras. 81(16)-81(18).

(16) The Committee regrets that the State party has not given a clear response to the reports of slavery-like practices and hereditary servitude in the north of the country. While domestic law does not authorize such practices, the Committee is seriously concerned about their possible survival among the descendants of slaves and the descendants of slave-owners. The Committee stresses that the lack of complaints about such practices cannot be adduced as proof that the practices themselves do not exist (article 8).

The State party should conduct a careful study of the relations between the descendants of slaves and the descendants of slave-owners in the north of the country, with a view to determining whether slavery-like practices and hereditary servitude still continue...

(17) Recalling the efforts undertaken by the State party in this regard, the Committee remains concerned about the trafficking of Malian children to other countries in the region, in particular Côte d'Ivoire, and their subjection to slavery and forced labour (article 8).

The State party should take action to eradicate this phenomenon...

(18) While welcoming the various programmes adopted by the State party, the Committee is very concerned about the situation of migrant girls leaving the countryside for the towns to work as domestic servants and who, according to some reports, work an average of 16 hours a day for very low or non-existent wages, are often the victims of rape and ill-treatment, and may be forced into prostitution (article 8).

The State party should intensify its efforts to punish those responsible for the exploitation of these migrant girls. The State party should adopt and develop appropriate complaint and protection mechanisms...

- Philippines, ICCPR, A/59/40 vol. I (2003) 15 at para. 63(13).

(13) The Committee notes with concern numerous instances of trafficking (art. 8) of women and children in the Philippines, both within the country and across its borders. While noting

SLAVERY, SERVITUDE AND FORCED LABOUR

the importance of existing legislation (R.A. 9208) in this domain, it is concerned that insufficient measures have been taken actively to prevent trafficking and to provide assistance and support to the victims.

The State party should take appropriate measures to combat trafficking in all its forms, by ensuring effective enforcement of the relevant legislation and imposing sanctions on those found responsible. The Committee encourages the State party to ensure gender-specific training to sensitize the officials involved with problems faced by victims of trafficking, in accordance with articles 3, 8 and 26 of the Covenant.

- Russian Federation, ICCPR, A/59/40 vol. I (2003) 20 at para. 64(10).

(10) The Committee is concerned about the large number of persons in the State party who are being trafficked for sexual and labour exploitation, mainly to destinations outside the borders of the State party. In this context, the Committee notes that the State party has given increasing attention to the problem in recent years. In particular, the Committee notes that anti-trafficking legislation has been drafted and that the State party is working towards the ratification of relevant United Nations treaties in this field.

The State party should reinforce measures to prevent and combat trafficking in women through, *inter alia*, enacting legislation penalizing such practices and providing protection and support, including rehabilitation programmes, for the victims (art. 8).

- Latvia, ICCPR, A/59/40 vol. I (2003) 25 at para. 65(12).

(12) The Committee notes the efforts made by the State party to address the situation regarding trafficking in persons, in particular by amending legislation, the adoption of a preventive strategy by providing information to potential victims, and through international cooperation. However, the Committee is concerned about the slow progress made in implementing those policies and notes that it has received only limited statistical information from the State party (arts. 3 and 8).

The State party should take measures to combat this practice, which constitutes a violation of several Covenant rights, including article 3 and the right under article 8 to be free from slavery and servitude. Strong measures should be taken to prevent trafficking and to impose sanctions on those who exploit women in this way. Protection should be extended to women who are victims of this kind of trafficking so that they may have a place of refuge and an opportunity to give evidence against the persons responsible in criminal or civil proceedings. The Committee encourages the State party to continue its cooperative efforts with other

SLAVERY, SERVITUDE AND FORCED LABOUR

States to eliminate trafficking across national borders...

- Sri Lanka, ICCPR, A/59/40 vol. I (2003) 30 at para. 66(14).

(14) The Committee is concerned about recurrent allegations of trafficking in the State party, especially of children (art. 8).

The State party should vigorously pursue its public policy to combat trafficking in children for exploitative employment and sexual exploitation, in particular through the effective implementation of all the components of the National Plan of Action adopted to give effect to this policy.

- Germany, ICCPR, A/59/40 vol. I (2004) 39 at para. 68(18).

(18) The Committee is concerned that, despite positive measures adopted by the State party, trafficking in human beings, especially women, persists within the territory of Germany (art. 8).

The State party should strengthen its measures to prevent and eradicate this practice, as well as to protect victims and witnesses.

- Uganda, ICCPR, A/59/40 vol. I (2004) 47 at para. 70(20).

(20) The Committee has observed with concern the forced employment of children in activities harmful to their health and well-being, as well as the ineffectiveness of the measures adopted to deal with this problem (arts. 8 and 24).

The State party should adopt measures to avoid the exploitation of child labour and to ensure that children enjoy special protection, in accordance with article 24 of the Covenant. It should also provide for effective sanctions against those involved in such practices.

- Lithuania, ICCPR, A/59/40 vol. I (2004) 52 at para. 71(14).

(14) The Committee is concerned at the situation regarding trafficking in persons, in particular the low number of criminal proceedings instituted for documented cases of trafficking (arts. 3 and 8).

SLAVERY, SERVITUDE AND FORCED LABOUR

The State party should reinforce measures to combat trafficking of women and children and impose sanctions on those who exploit women for such purposes. The Committee encourages the State party to continue to protect women who are victims of trafficking to enable them to seek refuge and testify against the persons responsible in criminal or civil proceedings. The State party should also cooperate with other States in eliminating trafficking across national borders...

- Serbia and Montenegro, ICCPR, A/59/40 vol. I (2004) 68 at para. 75(16).

(16) The Committee notes that Serbia and Montenegro is a main transit route for trafficking in human beings and increasingly a country of origin and destination. It welcomes the efforts made by the State party and the measures taken to address the situation regarding trafficking in women and children, including the establishment of national teams to combat trafficking in Serbia and in Montenegro, as well as the introduction of a criminal offence in the criminal codes of Montenegro and of Serbia directed to trafficking in human beings, although some concerns regarding the definition of trafficking remain. The Committee is also concerned at the lack of effective witness protection mechanisms and notes the apparent lack of awareness about trafficking in women and children on the part of law enforcement officials, prosecutors and judges. The Committee notes that shelters and SOS hotlines are managed by non-governmental organizations, which have also organized awareness campaigns, and regrets the lack of adequate involvement by the authorities in these initiatives (arts. 3, 8, 24).

The State party should take measures to combat trafficking in human beings, which constitutes a violation of several Covenant rights, including articles 3 and 24 and the right under article 8 to be free from slavery and servitude. Strong measures should be taken to prevent trafficking and to impose sanctions on those who exploit women and children in this way. Protection should be extended to all victims of trafficking so that they may have a place of refuge and an opportunity to give evidence against the persons responsible in criminal or civil proceedings.

- Thailand, ICCPR, A/60/40 vol. I (2005) 83 at paras. 95(20) and 95(23).

(20) Notwithstanding the serious efforts undertaken by the State party to address the issue of trafficking in persons, including the establishment in March 2005 of the National Committee on Prevention and Suppression of Human Trafficking, and while welcoming the planned enactment of the new law on human trafficking, the Committee remains concerned that Thailand is a major country of origin, transit and destination for trafficking in persons for purposes of sexual exploitation and forced labour. The Committee is also concerned that child prostitution remains widespread. The Committee notes with concern that certain

SLAVERY, SERVITUDE AND FORCED LABOUR

groups are at a particularly higher risk of being sold, trafficked and exploited, i.e. street children, orphans, stateless persons, migrants, persons belonging to ethnic minorities and refugees/asylum-seekers (arts. 8 and 24).

The State party should continue and strengthen its measures to prosecute and punish trafficking and to adequately protect the human rights of all witnesses and victims of trafficking, in particular by securing their places of refuge and opportunities to give evidence. The State party should enact the Suppression of Human Trafficking Bill without delay.

...

(23) The Committee is concerned about the lack of full protection of the rights of registered and unregistered migrant workers in Thailand, particularly with regard to liberty of movement, access to social services and education, and access to personal documents. The deplorable conditions in which migrants are obliged to live and work indicate serious violations of articles 8 and 26 of the Covenant. The Committee notes that ethnic minorities and migrants from Myanmar are particularly vulnerable to exploitation by employers as well as to deportation by the Thai authorities. The Committee is also concerned that a significant number of migrant workers, mainly from Myanmar, are still missing in the aftermath of the tsunami in December 2004 and that others were not provided with the necessary humanitarian assistance due to their lack of legal status (arts. 2, 8 and 26).

The State party must take measures to effectively implement the existing legislation providing for the rights of migrant workers. Migrant workers should be afforded full and effective access to social services, educational facilities and personal documents, in accordance with the principle of non-discrimination. The State party should consider establishing a governmental mechanism to which migrant workers can report violations of their rights by their employers, including illegal withholding of their personal documents. The Committee also recommends that humanitarian assistance be effectively provided to all victims of the tsunami disaster without discrimination, regardless of their legal status.

ICESCR

- Estonia, ICESCR, E/2003/22 (2002) 68 at paras. 496 and 518.

496. The Committee expresses its concern that convicted prisoners in the State party are required to perform forced or compulsory work and that they face "penalties" in the form of loss of privileges, such as early release, if they refuse to do so.

...

518. The Committee recommends that the State party make work for convicted prisoners conditional on their consent, in conformity with ILO Convention No. 29 (1930) concerning forced or obligatory labour.

SLAVERY, SERVITUDE AND FORCED LABOUR

- Luxembourg, ICESCR, E/2004/22 (2003) 24 at paras. 81 and 93.

81. The Committee is concerned about the situation of prisoners who work for private companies and recalls that under ILO Convention No. 29 (1930) concerning forced or compulsory labour, when a private company is involved with work carried out by a prisoner, the latter must consent to such work and the conditions of work (including wages and social security) must be close to those of a free employment relationship.

93. The Committee recommends that the State party ensure that a prisoner may only perform work for a private company when such work has been consented to and the labour conditions are close to those of a free working relationship as regards wages and social security.

- Brazil, ICESCR, E/2004/22 (2003) 28 at paras. 130 and 154.

130. In spite of the State party's successful efforts to release many workers from forced labour, the Committee is deeply concerned about the persistence of forced labour in Brazil, which is often close to slavery, particularly in the rural areas.

...

154. The Committee urges the State party to implement its National Plan for the Eradication of Slave Labour and to undertake urgent measures in this regard, especially through the imposition of effective penalties.

- Russian Federation, ICESCR, E/2004/22 (2003) 64 at para. 449.

449. The Committee welcomes the new Labour Code of 2001, which introduces further protection against forced labour and discrimination in the field of labour and employment.

- Greece, ICESCR, E/2005/22 (2004) 23 at paras. 138 and 159.

138. The Committee expresses its concern about the high numbers of trafficked women and children who are subjected to forced labour and sexual exploitation, and who are often deported to their countries of origin rather than being granted a residence permit, reportedly in an expeditious manner and without the necessary procedural safeguards.

...

159. The Committee urges the State party to ensure respect for the necessary procedural safeguards when deporting victims of trafficking in persons, particularly when such victims

SLAVERY, SERVITUDE AND FORCED LABOUR

are children. The State party should also continue and intensify its cooperation with neighbouring countries in combating trafficking in persons, provide medical, psychological and legal support to such victims...

- Kuwait, ICESCR, E/2005/22 (2004) 29 at paras. 190 and 210.

190. The Committee is...deeply concerned about the situation of domestic workers, in particular migrant workers who are excluded from the application of the Labour Code. These workers are subjected to conditions not dissimilar to forced labour, are insufficiently remunerated and are often unable to benefit from their right to rest. They are also sometimes deprived of their freedom of movement because their passports are held by their employers.

...

210. The Committee recommends that the State party include the subject of domestic workers in the Labour Code and undertake all the necessary measures to eliminate practices amounting to forced labour. The Committee also recommends that those who violate labour legislation be sanctioned and that the victims of such violations be compensated.

- Azerbaijan, ICESCR, E/2005/22 (2004) 59 at paras. 484 and 510.

484. The Committee is concerned about the use of forced labour as a corrective measure or as a penal sentence against persons found guilty of a crime, as provided for in the Penal Code and the Labour Code currently in force in the State party.

...

510. The Committee recommends that the State party abolish the use of forced labour either as a corrective measure or as a penal sentence against persons found guilty of a crime, and amend or repeal the relevant provisions of the Penal Code and the Labour Code in accordance with article 6 of the Covenant.

- China, ICESCR, E/2006/22 (2005) 25 at paras. 151 and 180.

151. The Committee is gravely concerned about the use of forced labour as a corrective measure, without charge, trial or review, under the “Re-education through Labour” (*laodong jiaoyang*) programme.

...

180. The Committee recommends that the State party abolish the use of forced labour as a corrective measure, and amend or repeal the relevant provisions of its legislation to bring them into line with the provisions of article 6 of the Covenant. In this connection, the Committee recommends that the State party consider ratifying ILO Convention No. 29 on

SLAVERY, SERVITUDE AND FORCED LABOUR

forced or compulsory labour.

- Serbia and Montenegro, ICESCR, E/2006/22 (2005) 41 at paras. 285 and 312.

285. The Committee is deeply concerned about the high numbers of trafficked women and children for purposes of sexual exploitation and forced labour, as well as about reported incidents of police involvement.

...

312. The Committee urges the State party, in addition to the recent legislative measures to combat trafficking in persons, to prosecute and punish perpetrators and corrupted law enforcement officials involved in trafficking, to provide medical, psychological and legal support to victims, to raise awareness about the dimension of the crime among law enforcement officials...The Committee also encourages the State party to proceed with the adoption of a national plan of action on trafficking in Serbia.

CEDAW

- Uganda, CEDAW, A/57/38 part III (2002) 164 at paras. 155 and 156.

155. ...The Committee is particularly concerned that many women and girls in the conflict areas have been victims of violence, including abduction and sexual slavery.

156. The Committee...recommends that the State party include in peace negotiations measures of accountability, redress and rehabilitation for women and girls who have been victims of violence, including enslavement, in those conflicts.

CRC

- Mauritania, CRC, CRC/C/111 (2001) 8 at paras. 76 and 77.

76. The Committee is concerned about the high number of children engaged in labour, in particular children working in agriculture, in the informal sector and in the street, including the talibés who are exploited by their teachers. While recognizing the efforts undertaken by the State party to stop cases of trafficking of children towards Arab countries, it remains concerned that girls involved in domestic service are often not paid or underpaid and that involuntary servitude is reported to exist in some isolated areas.

SLAVERY, SERVITUDE AND FORCED LABOUR

77. In light of article 32 of the Convention, the Committee recommends that the State party:

- (a) Continue to undertake measures to prevent and combat all forms of economic exploitation of children;
- (b) Complete the ratification process and implement ILO Convention No. 138 concerning Minimum Age for Admission to Employment and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; and
- (c) Seek assistance from ILO/IPEC in this regard.

- Cameroon, CRC, CRC/C/111 (2001) 71 at paras. 383 and 384.

383. While noting the recent ratification by the State party (August 2001) of ILO Convention No. 138 concerning Minimum Age for Admission to Employment, the Committee is deeply concerned that child labour in the State party is extremely widespread and that children may be working long hours at young ages, which has a negative effect on their development and school attendance. The Committee is also concerned at practices of forced labour among children belonging to certain groups of the population, such as the Pygmies and the Kirdi.

384. The Committee recommends that the State party:

- (a) Consider ratifying and implementing ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;
- (b) Adopt and implement the national plan of action to combat child labour;
- (c) Strengthen the implementation of the labour laws and increase the number of labour inspectors;
- (d) Continue to seek assistance from ILO with a view to participating in IPEC.

- Gabon, CRC, CRC/C/114 (2002) 47 at paras. 235 and 236.

235. While noting the criminalization of trafficking of children in a recent Act of 2001 and the establishment of a national inter-ministerial committee to fight against trafficking in children, and the serious commitment of the State party with regard to this issue, the Committee is deeply concerned at the large number of trafficked children, particularly

SLAVERY, SERVITUDE AND FORCED LABOUR

children coming from abroad, who are still exploited, mostly in the informal labour market, or enslaved.

236. The Committee encourages the State party to pursue its efforts:

(a) To set up a comprehensive programme to prevent and combat the sale and trafficking of children;

(b) To implement appropriate policies and programmes for the rehabilitation and recovery of child victims and for access to basic services by children who are awaiting repatriation;

(c) To monitor the bilateral agreement with Benin and extend this cooperation to other countries where trafficked children come from, as well as envisage signing agreements with these countries;

(d) To carry out an awareness-raising campaign to prevent this phenomenon.

- Niger, CRC, CRC/C/118 (2002) 37 at paras. 189 and 190.

189. The Committee is deeply concerned that child labour in the State party is widespread, particularly in the informal sector, and that children may be working long hours at young ages, which has a negative effect on their development and school attendance. The Committee is also deeply concerned at the existence of slavery in some parts of the country.

190. The Committee recommends that the State party:

(a) Adopt and implement the national plan of action to prevent and combat child labour;

(b) Provide adequate human and other resources and training to the labour inspectorate and other law enforcement agencies in order to strengthen further their capacity to monitor effectively the full implementation of child labour legislation and relevant ILO Conventions;

(c) Take all necessary measures to eliminate the worst forms of child labour, including slavery, in the State party, in conformity with article 12 of the Constitution, and raise awareness among the population on this issue, involving traditional leaders;

...

SLAVERY, SERVITUDE AND FORCED LABOUR

- Sudan, CRC, CRC/C/121 (2002) 53 at paras. 280 and 281.

280. The Committee welcomes the work of the Committee for the Eradication of Abduction of Women and Children. However, it remains concerned that the State party's legislation does not adequately prohibit slavery or sanction those engaged in it and that thousands of children have been abducted and enslaved in the context of the armed conflict as well as for commercial gain (i.e. sold as servants, agricultural labourers and concubines, or forcibly recruited as soldiers).

281. The Committee recommends that the State party:

- (a) Ensure that child slavery is prohibited under domestic legislation and in accordance with the Convention and other relevant international standards;
- (b) End all forms of slavery and abduction of children within the State party and, in this context, urgently implement the provisions of Commission on Human Rights resolution 2001/18;
- (c) Prosecute those persons engaged in the abduction, sale, purchase or illegal forced recruitment of children;
- (d) Continue and strengthen the work of the Committee for the Eradication of Abduction of Women and Children, including through making available greater financial resources and giving the Committee more authority at the regional and local levels;
- (e) Provide assistance to children returning from slavery or abduction with reintegration in their families and communities;
- (f) Seek international cooperation in this regard.

- Libyan Arab Jamahiriya, CRC, CRC/C/132 (2003) 74 at paras. 388 and 389.

388. The Committee is concerned about reports of trafficking of children to the State party for the purposes of prostitution and slavery. The Committee is concerned that there is a lack of information on and awareness of the trafficking and prostitution of children.

389. The Committee recommends that the State party:

- (a) Undertake a national study on the nature and extent of these phenomena;

SLAVERY, SERVITUDE AND FORCED LABOUR

(b) Take legislative and other measures to combat these practices;

(c) Carry out awareness-raising campaigns to sensitize and mobilize the general public on the child's right to respect for his/her physical and mental integrity.

- Liberia, CRC, CRC/C/140 (2004) 67 at paras. 360 and 361.

360. The Committee notes that the Comprehensive Peace Agreement of 18 August 2003 recognizes the special demobilization and reintegration needs of child combatants. However, the Committee expresses its extremely deep consternation at the very high number of children who have been forcibly recruited into armed forces and armed groups by all parties involved in the conflict, including children as young as nine years old. The Committee is also concerned that these children have been forced to carry goods and weapons, guard checkpoints and often fight in the front line, while girls have been raped and forced to become servants of the soldiers as well as combatants...

361. The Committee urges the State party:

(a) To take every feasible measure to have all child abductees and combatants released and demobilized and to rehabilitate and reintegrate them in society taking into account, in particular, the specific needs of girls and other vulnerable groups;

...

- Myanmar, CRC, CRC/C/140 (2004) 81 at paras. 442 and 443.

442. The Committee notes that the 1993 Child Law prohibits child labour, but is deeply concerned that economic exploitation is extremely widespread in Myanmar and that children may be working long hours at young ages, with very negative impacts on their development and school attendance. While noting the adoption of a joint Plan of Action for the Elimination of Forced Labour with ILO, the appointment in 2002 of an ILO Liaison Officer and the recent appointment of the ILO Facilitator, the Committee is extremely concerned at practices of forced labour among children, notably those organized by the armed forces.

443. In line with its previous recommendations ([CRC/C/15/Add.69], paras. 42 and 43), the Committee strongly recommends that the State party:

(a) Adopt and implement a comprehensive national plan of action to prevent and combat child labour;

SLAVERY, SERVITUDE AND FORCED LABOUR

(b) Amend, where necessary, and strengthen the implementation of the labour laws, notably through prosecution of those who make use of forced labour, and increase the number and quality of labour inspectors;

(c) Consider ratifying and implementing the ILO Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention 1999 (No. 182);

(d) Continue to seek assistance from ILO through the joint Plan of Action for the Elimination of Forced Labour, the ILO Liaison Officer and the ILO Facilitator, whose work should begin without delay, ensuring that clear and effective communication is reinstated with ILO.

- France, CRC, CRC/C/140 (2004) 124 at paras. 631 and 632.

631. The Committee welcomes the legislative and other efforts aimed at providing protection of children from economic exploitation. However, the Committee is concerned that illegal networks of forced labour continue to operate and that foreign children fall victims of networks which are not countered vigorously enough.

632. The Committee recommends that the State party, in accordance with article 32 of the Convention and ILO Conventions No. 138 on the minimum age for admission to employment and No. 182 on the worst forms of child labour, which the State party has ratified, vigorously pursue measures at the national and international level to dismantle trafficking and exploitation networks, in particular of foreign children, which continue to operate, as well as to strengthen its cooperation and support to non-governmental organizations working in this area.

- Nigeria, CRC, CRC/C/146 (2005) 135 at paras. 738 and 739.

738. The Committee is...gravely concerned by the reports of forced child labour taking place in the State party. While acknowledging efforts made by the State party and United Nations agencies to reduce this phenomenon, the Committee regrets that the outcomes of such efforts have been poor.

739. The Committee recommends that the State party:

(a) Continue and strengthen its efforts to eliminate child labour, in particular by addressing the root causes of child economic exploitation through poverty eradication and to develop a comprehensive child labour monitoring system in collaboration with NGOs, community-

SLAVERY, SERVITUDE AND FORCED LABOUR

based organizations, law enforcement personnel, labour inspectors and ILO-IPEC;

(b) Make every effort, including preventive measures, to ensure that those children who do work do so in accordance with international standards, do not work under conditions which are harmful to them, receive appropriate wages and other work-related benefits and continue to have access to formal education and other developmental opportunities; and

(c) Take action to implement all policies and legislation relevant to child labour, *inter alia*, through awareness-raising and educational campaigns for the public on the protection of the rights of children.

- Nepal, CRC, CRC/C/150 (2005) 66 at paras. 284 and 373-377.

284. The Committee notes the adoption of the following laws aimed at enhancing the implementation of the Convention: (a) the Child Labour (Prohibition and Regularization) Act in 2000, which defines hazardous work and prohibits the employment of children under the age of 16 and (b) the *Kamaiya* Prohibition Act in 2002, which codified the emancipation of bonded labourers, penalized employers engaged in *Kamaiya* labour practices, and established governmental *Kamaiya* relief funds.

...

373. While welcoming the abolition in 2000 of the *Kamaiya* system of bonded labour and the enactment in 2002 of the *Kamaiya* Prohibition Act, the Committee is concerned that a large number of *Kamaiya* children remain unreleased and continue to work as bonded labourers, and that many thousands of *Dalit* bonded labourers (*haliya*), including children, are reported to be working in agriculture in Western Nepal and in the plains. The Committee is particularly concerned that they continue to face serious difficulties in the areas of the right to housing, land, work and education.

374. The Committee recommends the State party to strengthen the enforcement of the existing legislation and policies to eradicate the practice of bonded labour by children. The Committee also urges the State party to make every effort, including taking preventive measures, to ensure that those children who engage in labour do not work under conditions which are harmful to them and that they continue to have access to education. The Committee urges the State party to amend the Master Plan for Child Labour, Child Labour Act and other relevant legislation so that the necessary regulation of child labour applies to all areas of work, including the informal sector of the economy. The Committee further recommends the State party to take action to fully implement all policies and legislation relevant to child labour, *inter alia*, through public awareness campaigns and education for the public on the protection of the rights of children.

SLAVERY, SERVITUDE AND FORCED LABOUR

375. Furthermore, the Committee recommends the State party to strengthen the implementation of the *Kamaiya* Prohibition Act, and to take effective measures to ensure the social integration of the emancipated *Kamaiya* workers...

376. The Committee takes note of the various efforts undertaken by the State party to combat child trafficking and welcomes the information that police officers are being trained in issues relating to sexual exploitation and trafficking of women and children. However, the Committee remains deeply concerned about the perversity of the phenomenon of trafficking and sale of children within Nepal and across the border for the purposes of sexual exploitation and bonded labour. The Committee notes with grave concern that certain groups of children are at a particularly higher risk of being sold and trafficked, including girls, internally displaced children, street children, orphans, children from rural areas, refugee children and children belonging to more vulnerable castes. The Committee further expresses concern that the existing legal protection for victims of trafficking, most notably the Human Trafficking Control Act, is inadequate, and that its implementation is seriously inadequate...

377. The Committee recommends that the State party:

- (a) Upgrade its system of data collection on the sale, trafficking and abduction of children and ensure that all data and indicators are used for the formulation, monitoring and evaluation of policies, programmes and projects;
- (b) Develop a comprehensive legal framework to protect children from trafficking;
- (c) Take effective measures to strengthen law enforcement, and intensify efforts to raise awareness in communities about the sale, trafficking and abduction of children;
- (d) Ensure that the implementation of the National Strategy on HIV/AIDS 2002-2006, Education for All Programme 2004-2009, Master Plan of Action on Child Labour, are all linked to the National Plan of Action on Trafficking, in order to achieve a comprehensive and effective approach;
- (e) Ensure that appropriate assistance and support are provided to all child victims, including access to basic services by children who are awaiting repatriation;
- (f) Seek to establish bilateral agreements with neighbouring countries, in particular India, to prevent the sale, trafficking and abduction of children, and to facilitate their protection and safe return to their families;
- (g) Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational

SLAVERY, SERVITUDE AND FORCED LABOUR

Organized Crime; and

(h) Seek cooperation with, and assistance from, *inter alia*, UNICEF and the International Organization for Migration.