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Contemporary Slavery and International Law

Abstract

In this essay, the definition of contemporary slavery is derived from Kevin Bales in his book, *Disposable People*, which states that contemporary slavery is “The complete control of a person, for economic exploitation, by violence, or the threat of violence.” Contemporary slavery includes the slave labor of men, women, and children, forced prostitution, pornography involving both children and adults, the selling of human organs, serfdom, debt bondage, and the use of humans for armed conflict.

Keywords

Human rights, Slavery, Contemporary slavery

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Contemporary Slavery and International Law

By Jessica Bell

Contemporary Slavery Defined

In this essay, the definition of contemporary slavery is derived from Kevin Bales in his book, *Disposable People*, which states that contemporary slavery is “The complete control of a person, for economic exploitation, by violence, or the threat of violence.” Contemporary slavery includes the slave labor of men, women, and children, forced prostitution, pornography involving both children and adults, the selling of human organs, serfdom, debt bondage, and the use of humans for armed conflict.

Introduction

During the twentieth century, significant efforts were made to address issues of contemporary slavery through international law. Prior to these efforts, conflicts repeatedly arose between states regarding enslaved persons. As a result, states came to the realization that a system of laws was needed to provide an infrastructure that would manage conflicts and disputes over slavery. Related anti-slavery initiatives started to take form.

Transnational conventions and organizations established in the twentieth century, such as the League of Nations and the United Nations Working Group on Contemporary Slavery, have brought issues of contemporary slavery to the forefront. They have been instrumental in defining, combating, and solving issues of contemporary slavery through the creation of conventions and international laws. However, due to lack of enforcement and regulation of these conventions and laws, the identification and means of addressing contemporary slavery continue to pose dilemmas for those working towards a world in which slavery is not defined concurrently.

League of Nations

The League of Nations, created in 1919, was the first international body to assemble major conventions regulating contemporary slavery. It was an international organization that was focused on mediation, disarmament, and the prevention of war in pursuit of global welfare, but also was responsible for initiating steps toward the eradication of slavery. It provided a basic definition of slavery, which stood as a model for many states. Importantly, the League of Nations was responsible for the initial creation of conventions that focused specifically on slavery. These conventions were sanctioned following the findings of the Temporary Slave Commission.

Temporary Slave Commission

In 1924, the Temporary Slave Commission was established. It was responsible for the worldwide exploration and appraisal of the existence of slavery. Upon the completion of its appraisal, the Temporary Slave Commission found the existence of slavery to be internationally prevalent. Based

on these findings, the Temporary Slave Commission encouraged the League of Nations to create an international convention, the sole focus of which would be the issue of slavery. As a result, the League of Nations sanctioned the creation of the Slavery Convention of 1926.

The Slavery Convention of 1926

The Slavery Convention of 1926 provided a definition of contemporary slavery, which established a basis by means of which states could measure slavery within their borders. The definition asserted that slavery consists of a situation in which an individual is under the complete control of another, as if this individual was the property of the other. In conjunction with a basic definition of contemporary slavery, the main concern of the 1926 Convention was to monitor efforts towards its prohibition.

Despite the definition and outline provided by the 1926 Commission, a governing body responsible for the evaluation and monitoring of human rights violations in the form of contemporary slavery did not exist. Additionally, there was an absence of a universal set of laws and protocols that would abolish contemporary forms of slavery on an international level. In 1930, an Advisory Commission was created to address some of these failings, but was limited in its effect due to confidentiality agreements with states that dictated what could and could not be publicly revealed.

United Nations

In 1945, the United Nations was established as the successor of the League of Nations. Three years after its establishment, Article Four mandated the prohibition of all forms of slavery. However, it was not until the 1953 Slavery Convention that the United Nations was authorized to regulate issues of contemporary slavery. The 1953 Slavery Convention expanded upon the 1926 Convention's definition of slavery to involve international cooperation in addressing the economic and social factors that supported the existence of contemporary slavery.

1956 Supplementary Convention

Additional conventions followed the 1953 Slavery Convention. These conventions led to worldwide efforts to enforce the eradication of all forms of slavery. Established in Geneva in 1956, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery expanded the definition of contemporary slavery to include debt bondage, serfdom, the selling of women by their families for marriage, certain forms of abuse of women, and the buying and selling of children for labor or prostitution.

The Role of the Economic and Social Council

The Economic and Social Council within the United Nations was instrumental in monitoring the 1926 and 1956 Conventions, in addition to dealing with other issues of contemporary slavery. The

Economic and Social Council was responsible for the establishment of the Sub-Commission to explore ways in which the 1926 and 1956 Conventions could be carried out. Eventually, the Sub-Commission realized the need for a governing body that would be solely responsible for exploring the information available on slavery. Then, based on that information, the Commission would create effective proposals on ways to address the issues uncovered. In 1974, the Sub-Commission, alongside the Economic and Social Council, went on to establish the United Nations Working Group on Slavery.

United Nations Working Group on Slavery

The Working Group was established in order to see that the agreements of the Conventions were carried out. In addition, the Working Group was responsible for receiving information on slavery from states, along with researching and monitoring the existence of slavery globally. It continues to expand ways of addressing contemporary slavery by building upon present information through continual documentation, interviews, and work conducted by other organizations.

Conclusion

From the groundwork laid by the League of Nations to the 1926 Convention to the 1956 Supplementary Convention, the United Nations Working Group on Slavery expanded the defining factors of slavery, creating a broader distinction of what comprises contemporary slavery. Parallel to the existence of the Working Group, there have been numerous campaigns, intergovernmental organizations, and non-profit organizations that also have been directed toward researching and monitoring the existence of contemporary slavery. However, contemporary slavery remains difficult to identify across international boundaries and cultures. Although new policies and international laws have been proposed and created, there has yet to be an effective method established for the proper identification of contemporary slavery, nor an effective means created by which international law can be enforced. This is, in part, a consequence of the lack of an international governing body, with the requisite political power over sovereign states to properly enforce the international laws on contemporary slavery mandated by international conventions and the Working Group on Slavery.

Annotated Bibliography

Aitken, Jonathan. 2007. "The Broken and Crushed." *American Spectator* 40(5): 56-57.

Annotation: The author discusses the differences between slavery in the eighteenth century and the ways in which it exists in its contemporary forms. The Dalits, who are considered untouchables in India, are discussed as an example contemporary slavery's existence. The author provides estimates of how many Dalits are enslaved. Details of the different forms of slavery the Dalits face are provided and the importance of educating others about the existence of contemporary slavery is discussed. This is a good article if an example of contemporary slavery is needed.

“American Slavery and the Conflict of Laws.” 1971. *Columbia Law Review* 71(1): 74-99.

Annotation: This essay examines the origins of laws pertaining to slavery and slave distribution in America. An assessment is made of the social context in which slavery existed in the nineteenth century. The role of law during this time is also discussed. This article is beneficial if a historical context of slavery and corresponding legal issues is needed.

Altman, Andrew. 2004. “International Law and Crimes Against Humanity.” Conference Papers-Midwestern Political Science Association. Annual Meeting, Chicago, IL.

Annotation: In this piece, a background of the creation of international laws pertaining to crimes against humanity is given. These laws address subjects such as torture and slavery. Aspects of punishment towards those committing crimes against humanity are provided, as are details on international criminal norms.

Azmy, Baher. 2002. “Unshackling the Thirteenth Amendment: Modern Slavery and a Reconstructed Civil Rights Agenda.” *Fordham Law Review* 71(3): 981-1061.

Annotation: The author of this article challenges existing societal notions that assert the non-existence of slavery. Documentation is given for existing forms of slavery in the United States and globally. The original purpose and brief history of the Thirteenth Amendment is also provided in relation to slavery and its role discussed. The author also addresses slave labor in Latin America and the United States.

Bales, Kevin. 1999. Disposable People. Berkeley: University of California Press.

Annotation: This seminal book provides a detailed and thorough account of contemporary slavery around the globe. Slavery in a historical context is compared to its existence in contemporary forms. The connection between contemporary slavery and world economies is made.

Bales, Kevin and Robbins, Peter T. 2001. “No One Shall Be Held in Slavery or Servitude: A Critical Analysis of International Slavery Agreements and Concepts of Slavery.” *Human Rights Review* 2(2): 18.

Annotation: The authors of this article discuss in detail the construction and evolutions of the definition of slavery. They begin with the origin of the term and progress to a discussion of how it exists in the twenty-first century. Background information on and definitions of international laws relating to slavery are discussed, as are the organizations from which they were created. An in-depth discussion of the various types of slavery can also be found. The acknowledgement is

made that contemporary slavery is still improperly addressed, even with the establishment of certain international laws.

Beydoun, Khaled Ali 2006. "The Trafficking of Ethiopian Domestic Workers into Lebanon: Navigating Through a Novel Passage of the International Maid Trade." *Berkeley Journal of International Law* 24(3): 1009-1045.

Annotation: The author explores issues of migrant workers in the domestic field from Ethiopia to Lebanon. International law and definitions regarding the trafficking of persons for slavery are discussed. Notions of contemporary slavery are explored within a historical context. An explanation is given of the "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children." This is a good article for understanding issues of the domestic slave trade in human beings.

Blagbrough, Jonathan. 1997. "Eliminating the Worst Forms of Child Labour- a New International Standard." *International Journal of Children's Rights* 5(1): 123-127.

Annotation: The author highlights the necessity of reexamining child labor laws. Present expectations of child labor laws are summarized and the contributions of human rights conventions and non-governmental organizations (NGOs) are discussed with regard to child labor and slavery. Aspects of the more difficult and dark hazards of child labor are emphasized. Statistics are also provided regarding the number of children who are working as slaves or under conditions that are not endorsed by the conventions of the United Nations.

du Plessis, Max. 2003. "Historical Injustice and International Law: An Exploratory Discussion of Reparation for Slavery." *Human Rights Quarterly* 25(3): 624-659.

Annotation: A background of international law and slavery is discussed with regard to reparation. Aspects of international law and the gaps in it are acknowledged and proposals for reparation are given. This is a brief but informative article.

Fleck, Fiona, Nicole Gaouette, and Farhan Bokhari. 1999. "Chipping Away at Child Labor." *Christian Science Monitor* 91: 145.

Annotation: The authors of this article provide information on a variety of topics related to contemporary forms of slavery, including specific countries where the practice is prevalent, the economic impact of the practice on these countries, and the sensitivity that must be used when confronting countries on this issue. Work done by the former President Bill Clinton and organizations such as Save the Children is also discussed.

Herzfeld, Beth. 2002. "Slavery and Gender: Women's Double Exploitation." *Gender & Development* 10(1): 50-55.

Annotation: The author gives clear, concise definitions of contemporary slavery. Also highlighted are the ways in which contemporary slavery can affect people of all ages and races. An in-depth discussion is provided of gender-related forms of contemporary slavery, with regard to their existence in West Africa, along with crimes associated with them. Also discussed are the steps being taken to eradicate slavery, as are pertinent conventions and organizations. Additional focus is given to issues affecting the enslaved, such as poverty and marginalization. The topic of trafficking is also touched on briefly. On the whole, this is a very well-rounded and well-organized article.

Lerner, Natan, ed. 2003. Group Rights and Discrimination in International Law. London: Kluwer Law International

Annotation: This book contains a description of the United Nations conventions that pertain to human rights and slavery. International law is discussed regarding human rights. The UNESCO Convention is discussed along with the International Labour Organization Conventions. Issues of racism, migrants, and genocide are presented. This is a good book for an outline and explanation of the conventions and international laws surrounding human rights abuses, which includes slavery.

"Modern Slavery." 2004. *Economist*. 370(8363): 81-82.

Annotation: The focus of this article is on displaced persons from Sudan in the context of the difficulties created by the war. Due to the vulnerability of displaced people of Sudan, the common practice of enslavement is highlighted in the article as an issue of concern. A case study is provided of the issue that tells the stories of individuals who have been enslaved and survived. The importance of anti-slavery campaigns is emphasized.

O'Shea, Andreas. 2002. Amnesty for Crime in International Law and Practice. London: Kluwer Law International.

Annotation: This book discusses in depth a series of treaties, crimes and trials pertinent to international human rights law. Human rights as a concept is defined. The practice of these treaties and laws is discussed, as are amnesty laws. Propositions for further development of laws are given.

Povoledo, Elisabetta. 2007. "One Woman's Crusade Against Modern Slavery; Using Her Nightmare to Help Others Escape." *The International Herald Tribune*, September 22, 3.

Annotation: A woman's story of how she was enslaved is told through her experiences as a slave. These experiences are described in detail, and the horrible things she encountered as a slave are briefly mentioned. Her case is generalized in a discussion of the ways in which people come to be enslaved, as well as ways to escape slavery. The impact of the law is also given.

Quirk, Joel. 2006. "The Anti-Slavery Project: Linking the Historical and Contemporary." *Human Rights Quarterly* 28(3): 565-598.

Annotation: Past and present forms of slavery are discussed coherently in order to illuminate issues surrounding contemporary slavery. The role of the United Nations and human rights conventions is raised. The grey area that defines what are and are not considered forms of slavery is acknowledged as a potential dilemma for addressing slavery as it exists today. This is a short but helpful article.

Rauxloh, Regina E. 2007. "Too Pure an Air: Law and the Quest for Freedom, Justice, and Equity: Essay: No Air to Breathe: Victims of Sex Slavery in the U.K." *Texas Wesleyan Law Review* 13 (749).

Annotation: The author discusses notions of slavery in terms of human rights violations. The impact of enslavement on an individual who is enslaved in the sex industry is discussed. Forms of abuse related to slavery and the sex industry are explained. Some of the ways in which the law addresses slavery are explained in addition to the ways in which the law fails to properly address it. An exploration of what is being done today regarding the issue of slavery is also provided.

Transnational Law Associates. 2005. "Political Question Doctrine." *International Law Update* 11:109-110.

Annotation: This is a short article that explores specifically a case involving international law and the sexual enslavement of "comfort women" in Japan. The case examined gives a good overview of the ways in which international law works regarding this aspect of contemporary slavery. Complications with laws pertaining to contemporary slavery issues between states are made apparent, as is the need for the implementation of more laws regarding the oversight of human rights globally.

van den Anker, Christein, ed., 2004. The Political Economy of New Slavery. New York: Palgrave MacMillan.

Annotation: The book consists of different writings on the issues surrounding contemporary slavery around the world. An emphasis is placed on several aspects of contemporary slavery,

such as the role of international law, globalization, migrant workers and slavery, and development. This is a good book for an overview of several facets of contemporary slavery.

Weissbrodt, David S. 2002. Abolishing Slavery and its Contemporary Forms. New York: Office of the United Nations High Commissioner for Human Rights.

Annotation: The existence of contemporary slavery is discussed by giving examples of contemporary forms of slavery. Methods for the abolition of contemporary forms of slavery are proposed. This book is not very helpful for readers concerned with aspects of international law in relation to contemporary slavery. However, it is very helpful if readers are concerned with the subject of contemporary slavery in general.

Wise, Steven M. 2005. Though the Heavens May Fall: The Landmark Trial that Led to the End of Human Slavery. Cambridge: Da Capo Press Books.

Annotation: This book provides a history of slavery, beginning in Africa. A discussion of the slave trade in England, as well as the abolitionist movement and important people involved in it. Featured in this book is a discussion of the creation of the law dealing with the issue of slavery, accompanied by subsequent court cases from that time.