

Convention to Suppress the Slave Trade and Slavery (Slavery Convention)

Canada has ratified the Convention to Suppress the Slave Trade and Slavery (Slavery Convention).

Adoption: The Slavery Convention was adopted by the Assembly of the League of Nations on September 25, 1926. The Convention was amended by the Protocol amending the Slavery Convention on December 7, 1953.

Entry into force: The Slavery Convention entered March 9, 1927. The Protocol amending the Slavery Convention entered into force July 7, 1955.

Number of signatories and ratifications/accessions: 99 parties

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Summary information

The 1926 Slavery Convention banned slavery and the slave trade and created concrete measures States parties agree to undertake to eliminate these practices. The Convention, which was created under the auspices of the League of Nations, requires signatories to eliminate slavery and the slave trade in their territories.

The Protocol amending the Slavery Convention updates terminology to incorporate references to the institutions of the United Nations system, replacing references to League of Nations bodies.

Article 1 of the [Slavery Convention](#) defined slavery “as the status or condition of a person over which the powers of ownership are applied;” and the slave trade as “acts involving the capture, selling, or transport of enslaved people . . . in general, every act of trade or transport in slaves.”

The Slavery Convention was adopted by the Assembly of the League of Nations on September 25, 1926. It entered into force internationally on March 9, 1927. Canada [signed the Convention on September 25, 1926 and ratified it on August 6, 1928.](#)

History

Although slavery and the slave trade has been practiced throughout human history, organized social movements calling for an end to these practices began to gather momentum in the 18th and 19th centuries, particularly in the United States, the United Kingdom and what was then the British Empire.

The legal origins of the banning of slavery date back to the British 1807 Abolition of Slavery Act that abolished, in Great Britain and its colonies around the globe, chattel slavery, whereby people are treated as personal property of an owner and are bought and sold as if they were commodities. In 1863 the United States President Abraham Lincoln issued the [Emancipation Proclamation](#), proclaiming the freedom of 3 million slaves in the ten states that were still in rebellion against the U.S. government.

The League of Nations, created in 1919, was the first international body to address the issue of slavery. In 1924, the League of Nations created the [Temporary Slave Commission](#). The Commission was responsible “for the worldwide exploration and appraisal of the existence of slavery.” After the Commission found slavery to be internationally prevalent, it encouraged the League of Nations to create an international convention focusing on the eradication of slavery.

The Temporary Slave Commission’s recommendations led to the creation of the League of Nations Slavery Convention of 1926. The Convention banned slavery and slave trade and created concrete measures States parties agree to undertake to eliminate slavery and the slave trade in their territories. It serves as the foundation for the prevention and suppression of the slave trade.

Despite its aspirational language, the Slavery Convention failed to establish procedures for reviewing the incidence of slavery in states that are parties to the Convention, and neglected to create an international body that could evaluate and pursue allegations of violations. However, as a [summary](#) by the office of the UN High Commissioner for Human Rights notes, the League of Nations was successful in encouraging the implementation of legislation abolishing slavery in countries such as Burma (1928) and Nepal (1926).

In 1934 the League established the Advisory Committee of Experts on Slavery. However its membership was composed of the representatives from the seven European colonial powers – usually retired or former colonial officials. The Advisory Committee’s work was ended by the outbreak of the Second World War.

In 1945, the United Nations was established as the successor of the League of Nations. In 1948, the [Universal Declaration of Human Rights](#) stipulated in Article Four that “No

one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.”

The post-war political commitment to human rights, as well as movements for national independence in many former colonies contributed to a renewed focus on issues related to slavery.

In 1949 the United Nations Economic and Social Council (ECOSOC) appointed an Ad Hoc Committee of Experts on Slavery to examine the Slavery Convention. They found that there was “not sufficient reason for discarding or amending the definition contained in Article 1 of the Slavery Convention 1926.” However, the Committee did point out that the definition in the Slavery Convention did not cover the full range of practices related to slavery and that there were other equally repugnant forms of servitude that should be prohibited. The Committee therefore recommended that a supplementary convention be drafted to cover practices analogous to slavery.

Consequently, the Slavery Convention was amended by the [Protocol Amending the Slavery Convention](#), done at UN headquarters in New York, on December 7, 1953. The Protocol [came into force for Canada](#) the same day. The amendment ensured that the duties and functions created by the 1926 Slavery Convention under the League of Nations are continued by the United Nations.

The [Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery](#), is a 1956 United Nations treaty that builds upon the 1926 Slavery Convention and the ILO Forced Labour Convention of 1930. Article 1 expanded the definition of slavery from one of “chattel slavery” to a definition including a ban of debt bondage, serfdom, servile marriage and child servitude. Similar to the 1926 Slavery Convention slave trafficking, enslavement and giving others into slavery are also prohibited by the Supplementary Convention. The Supplementary Convention entered into force April 30, 1957.

In the years following the Supplementary Convention on the Abolition of Slavery numerous other international documents emerged that confirmed the prohibition of slavery. Article 6.1 of the [International Covenant on Economic, Social and Cultural Rights](#) recognized the right to work “which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts.” The [International Covenant on Civil and Political Rights](#) guaranteed the protection from slavery, forced servitude or compulsory labour in Article 8. Article 7(2)(c) of the Rome Statute of the International Criminal Court characterizes “enslavement” as a crime against humanity falling within the jurisdiction of the Court.

More recently, the 2000 [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children](#) (the “Trafficking Protocol” developed as a supplementary document to the UN Convention Against Transnational Organized

Crime) criminalized trafficking in persons “for the purpose of exploitation” including, “at a minimum, the exploitation of the prostitution of others, or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

Although appeals have been made for a redefinition of slavery in the context of today’s world, the combined definition set forth in the Convention of 1926 and the Supplementary Convention of 1956 has remained unchanged. The United Nations has made various restatements of the definition, but, [according to the UN OHCHR](#), in the international legal context it has not been altered substantially since 1926.

Key Provisions

Article 1 of the Convention defines slavery as: “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.” It defines the slave trade as: “The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves.”

The convention requires signatories to intercept slave traffic in their territorial waters and on ships flying their flag, to assist other states in anti-slavery efforts, and to enact national anti-slavery laws and enforcement mechanisms. Article 2 requires the parties to agree to prevent and suppress the slave trade and to progressively bring about the complete elimination of slavery in all its forms. Article 5 requires the parties to promulgate severe penalties for slave trading, slaveholding, and enslavement.

Article 9 of the convention allows each signatory to exempt certain of its territories from all or parts of the convention. It states: “at the time of signature or of ratification or of accession, any High Contracting Party may declare that its acceptance of the present Convention does not bind some or all of the territories placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage in respect of all or any provisions of the Convention; it may subsequently accede separately on behalf of any one of them or in respect of any provision to which any one of them is not a Party.”
(<http://www.ohchr.org/Documents/ProfessionalInterest/slavery.pdf>)

Canada’s Commitments and Responsibilities

[Canada signed the Slavery Convention on September 25, 1926 and ratified it on August 6, 1928](#). To date, Canada has made no reservations with respect to the Convention. Canada signed the Protocol Amending the Slavery Convention on December 17, 1953.

Canada signed the Supplementary Convention on the abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery on September 7, 1956. Canada ratified the Supplementary Convention on January 10, 1963. To date, Canada has made no reservations with respect to the Supplementary Convention.

International Monitoring and Implementation

Article 7 of the Slavery Convention provides that “the High Contracting Parties undertake to communicate to each other and to the Secretary-General . . . any laws and regulations which they may enact with a view to the application of the provisions of the present Convention.” There is also a similar obligation to notify the Secretary-General of any measures implemented in national law pursuant to the provisions of the Supplementary Convention (art. 8(2)). States parties agree but are not obliged to send information on measures implemented in accordance with the slavery conventions to the Secretary-General, who in turn communicates such information to the Economic and Social Council for discussion “with a view to making further recommendations for the abolition of slavery.”

These provisions have been criticized as having little effect on the fulfillment of States’ obligations and contain no effective implementation mechanism for the provisions of the conventions aimed at abolishing slavery.

Compared with the reporting and monitoring mechanisms of other more recent human rights instruments, the reporting clauses of the Slavery Convention and the Supplementary Convention lack the requisite periodicity and specificity. Most importantly, the slavery treaties do not designate a treaty body to receive and comment on reports.

On May 17, 1974, a [Working Group on Contemporary Forms of Slavery](#) was established by the Economic and Social Council decisions 16 (LVI) and 17 (LVI). The Working Group, which began its work in 1975, was mandated to monitor the application of the Slavery Conventions and review the situation in various parts of the world; develop and study a specific theme each year; and submit proposals for action at the national and international levels.

In September 2007, the Human Rights Council in resolution [6/14](#) established a new mandate on Contemporary forms of slavery, including its causes and consequences. This mandate provided for a Special Rapporteur on Contemporary Forms of Slavery who would replace the Working Group on Contemporary Forms of Slavery in order to better address the issue of contemporary forms of slavery within the United Nations system. The Special Rapporteur could access a range of information sources, identify best practices, and recommend actions and measures to be taken at the national, regional and international level. The Special Rapporteur also coordinates his/her

activities in order to avoid duplication with other existing human rights mechanisms and treaty bodies, including the Special Rapporteur on trafficking in persons, especially women and children, the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on violence against women, its causes and consequences, the Special Representative of the Secretary-General on children in armed conflict and the Special Rapporteur on human rights of migrants, as well as the Board of Trustees for the United Nations Voluntary Fund on Contemporary Forms of Slavery.

The mandate of the Special Rapporteur was renewed by the Human Rights Council for a three-year terms on 29 September 2010, and 26 September 2013.

Canada also has obligations concerning the abolition of slavery under the ICCPR and its Optional Protocol ratified by Canada in 1976. Canada's Sixth Report to the ICCPR's Human Rights Committee was submitted February 2015 and covers the period 2005 to 2009. However this report makes little reference to Canada's efforts to abolish slavery and the slave trade.

References