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

Written statement* submitted by Associazione Comunita Papa Giovanni XXIII, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 August 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Debt bondage is a real form of slavery.

Associazione Comunità Papa Giovanni XXIII welcomes the Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (A/HRC/33/46), delivered at the 33rd. regular session of the Human Rights Council.

In particular, we welcome the analysis on global trends in relation to debt bondage, the update of the previous report on bondage labour made in 2009 (A/HRC/12/21) and the conclusions and recommendations made by the Special Rapporteur Madame Urmila Bhoola.

Debt bondage is a real form of slavery, as stated in the report, and also an intergenerational and intra-generational form of slavery that affects all the marginalized groups.

The 1956 UN Supplementary Convention on the Abolition of Slavery defines debt bondage as: “the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined”.

The Special Rapporteur rightly states that such a definition “is sufficiently broad to cover the situation of workers trapped in debt bondage in systemic, archaic, feudal system of slave-labour exploitation, as well as that of migrant workers from developing countries who leave their countries accruing debt to cover the costs associated with recruitment.”¹

This unacceptable practice of debt bondage shows how a person can be reduced in servitude and becomes a slave, sacrificed in his/her dignity, in the name of money and profit. As stated in the report “in situations of debt bondage, the power imbalance between the employer (or creditor) and the worker often increases the worker’s vulnerability to further human rights abuses.”²

Slavery is prohibited in international human rights law. Article 4 of the Universal Declaration of Human Rights states that “no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms”. In addition, article 23 states that everyone has the right to just and favourable conditions of work and remuneration, and to equal pay without discrimination, and article 24 stipulates that everyone has the right to reasonable working hours.

The International Covenant on Civil and Political Rights prohibits slavery, the slave trade, and servitude and forced labour in article 8. The International Covenant on Economic, Social and Cultural Rights also protects the right to just and favourable conditions of work, in articles 6 and 7.

Nowadays, the 2030 Sustainable Development Agenda with its SDGs could be very useful to combat this form of slavery. In fact, SDG 8.7 states clearly: “Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms”. This means that all the UN Member States have a new imperative.

As stated in the report, debt bondage and bonded labour exist across countries for different causes, especially because of the persistence of poverty, widespread discrimination, harmful traditions, gender inequality, illiteracy that make large groups of people vulnerable to exploitation.

This is particularly true for the women that are on the streets for prostitution and subjected to sexual exploitation.

¹ A/HRC/33/46 p. 4

² idem

The former Special Rapporteur on trafficking in persons, especially women and children, Ms. Joy Ezeilo, during her visit to Italy in 2013, met women, victims of sexual exploitation who experienced debt bondage.³

Through its street units, APG23 has been monitoring in the last 25 years the sexual exploitation market in Italy and we can affirm that almost the totality of women on the street, exploited for sexual reasons, are under debt bondage.

This practice is often connected with the migration trip. Young women, especially coming from Africa and Asia, fall into debt to pay the traffickers. This is the beginning of a long period of slave and servitude. To pay off the loan these women are obliged to prostitution on the street.

In order to control these women, the exploiters threats them with violence, exercising physical abuse that provokes injuries and can even kill them; they withdraw their documents, exercise psychological pressure through threats towards their families (for example, the African women are threatened often with the archaic practice of “voodoo”). The exploiters keep these women in a continuous state of poverty and indebtedness ensuring that they have no freedom to move outside unaccompanied.

This commercialization of women is profoundly unjust and constitutes a great violation of their dignity. As Pope Francis repeatedly said: “Human trafficking is a crime against humanity”.

We agree with all the recommendations to Member States made by the Special Rapporteur in her report that are related to 1) Institutional and legal framework, 2) Poverty reduction, the right to education and access to decent work opportunities; 3) Prevention and elimination of discrimination; 4) Protect migrant workers and 5) Access to justice and redress.

Above all, in regard to remedies and access to justice, we underline the necessity to “develop victim protection mechanisms to protect former bounded labourers in the context of judicial proceedings”⁴ and to tackle the demand.

Fighting the “demand” is a good strategy in order to tackle the discrimination connected with the practice of debt bondage. It is possible and necessary to carry out education campaigns on the respect of the human dignity of every person.

It is also possible to fight against the demand by acting against the economic gains of debt bondage with the creation of a legal mechanism similar to the one suggested by the judges Paolo Borsellino and Giovanni Falcone in the fight against the mafia phenomenon. In Italy, a national fund for the victims of mafia has been established where the money taken from the people condemned for crimes related to “mafia” goes to the victims in terms of compensation and remedies. Similarly, a national fund could be created in favour of the victims of debt bondage by using the money taken away from the condemned exploiters. Such a national fund could work as the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, a fund established already twenty-five years ago.

³ See press news “UN Special Rapporteur urges Italy to “rekindle its fight to end human trafficking” at: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=13762&LangID=E#sthash.D3FK1cyG.dpuf>

“I met and listened to sad tales of several victims of sex and labour trafficking across Italy. X, a 21 year old Nigerian girl travelled by plane from Nigeria transiting through Turkey, Serbia, Hungary and Slovenia before arriving in Italy by train. Not only was she trafficked but was held in debt bondage as her father back in Edo Sate had put up his land as collateral for the payment of the 60,000 euros fee illegal contract to bring her to Europe. The young woman was moved from Turin to Milan and Paris to sell her body in order to repay her debt. She was rescued following a random identification check in Italy where she now benefits from assistance. However, X has to lie to her parents that she is being detained as they are asking her to send money and to ensure she keeps to terms in repaying her traffickers. The traffickers have continued to threaten her family back in Nigeria since her disappearance from their radar.”

⁴ A/HRC/33/46 p.21