



REPUBLIC OF ZAMBIA



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POSITION PAPER BY

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HUMAN RIGHTS COUNCIL**

AT

**THE 15TH REGULAR SESSION OF
THE HUMAN RIGHTS COUNCIL ON
CONTEMPORARY FORMS OF
SLAVERY INCLUDING ITS CAUSES
AND CONSEQUENCES**

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Quo Vadis, Homo sapiens Sapiens? Where are you going, Rational man ? It is a question to be asked to all of mankind when in the 21st century we are still fight against such a shameful crime, Slavery and Human trafficking are possibly the crimes that violate more human rights in one act. This crimes does not happen just in the Africa portrayed by the international media, the so called Africa of Disgrace, it happens in the Europe of Justice and Equality and in the America of the Free. Clearly this Council must not heed the call of those that do not understand the fight the world lives, the struggle our people hold every day and for certainty they do not understand completely the problem of slavery and how We the peoples of the United Nations uphold our principles to abolish such an infamous act.

In our august progress for human rights we are just beginning to coordinate our efforts against the enemies of freedoms, the merchants of life. Through Human history we have seen what slavery can do to peoples, over the 16th to the 19th centuries we saw our people suffering of the Transatlantic slave trade, the loss of freedom and the journey without return to oblivion the so called civilized world granted us. It is somehow impossible to believe that such inhuman acts still take place in our world, and it is more impossible to believe them when we look at **Article 4 of the Universal Declaration of Human Rights, Article 8 of the International Covenant on Civil and Political rights (ICCPR), Article 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)**. Furthermore it is incredible to believe that there are violations that will never be shown to the world when we have constructed the **Human Right Treaty Bodies**, the Regional Human rights systems and **the Complaint Procedure** of this Honorable Council.

One of the main problems being faced under this situation is how difficult it is to access an adequate, prepared and capable justice system that has the capability of judging adequately, and granting the remedy the victims need and claim. Criminal Justice staff, police staff and legislators must all work together against the continuation of such crimes, and there is where we see the need of a framework for coordination and implementation of guidelines and priorities set in international instruments to correctly address the problem. In this Matter sexual exploitation, child labor and domestic slavery still maintain their difficulty to be properly and effectively address, on 2009 According to **UN.GIFT (United Nations Global Initiative to Fight Human Trafficking)** reported that of all victims of human trafficking **79%** were accounted to the first activity, and a sum of **18%** for the other 2 activities, giving us the uncomfortable reality that slavery still stalks our streets. If after this numbers we do not look to improve the access to justice we will not address correctly this situation.

The United Nations Office on Drugs and Crime (UNODC) initiatives have a great initial step in the fight against slavery and human trafficking they have correctly engaged the criminal problems related to those activities and created milestones to stand up against the advance of slavery. **The Office of the High Commissioner for Human Rights (OHCHR)** has also made enormous progress in the area of protection human rights during the struggle against human trafficking **with its 11 guidelines approved the Economic and Social Council on May 2002**, but, is the international Community paying attention to what those initiatives try to do? The answer is yes, but not effectively. The need for a Human rights approach on the **UNODC** initiatives and the adequate implementation of the **OHCHR** guidelines over national instruments is a must in order to address the problems of victim identification and offender identification that are so different according to each form of contemporary slavery, namely domestic servitude, farm slavery, sexual exploitation, child slavery, and so on.

What has the Council done since its foundation? It revitalized the mandate of the **Special Rapporteur on Contemporary Forms of Slavery**, including its causes and consequences through **Resolution 6/14**, giving the council a great mechanism to act in coordination with other states in matters of research, protection and better reporting in the **Universal Periodic Review (Resolution 5/1)**. We saw the first steps in a human rights approach to the problem of human trafficking with **Decision 13/117**, Zambia Believes that the council walks over the road to freedom but there are still questions without answer and problems without solution that interfere in our work. Do we need another Supplementary Convention to improve the 1956 convention? Do we need to improve the mandate holders? Is the Palermo Protocol (**Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime**) enough? Do we need a Better Approach? Are the communications of the Treaty bodies really as effective as they seem to be when it is related to slavery? Is the complaint procedure sensitive enough to this communications?

Our international specialized instruments can address, in theory, all violations and situations related to slavery, **the UN Human Rights Treaty Body** system is a tool that must be even more coordinated for communications, research and report, the **Universal Periodic Review (UPR)** must be enhanced with other processes as the Standing invitation and the troikas to increase the speed in the process to identify the state capabilities that must be enhanced and to increase the effectiveness of the review process of the UPR in addressing the issues that countries need the most. On the Other hand we have the UNODC strategy, UN.GIFT, that began with the initiative of **His Royal Highness the Prince of Abu Dhabi (United Arab Emirates)** that now it's the main state stakeholder, the helps us in the creation and dissemination of awareness into our peoples, however it is quite worrying the fact that many of the members of the Human Rights Council are not part of this strategy. We see the blueprints and the tools but we still do not see the building we are trying to build.

The Republic of Zambia insists that the States members must not forget the procedures we approved, and must remember resolutions that pursue a better performance of our particular instruments all around the UN system, and their relevance in the further implementation of Human Rights Instruments at national level, **Resolutions 9/8 and 12/15** are exceptional frameworks in this endeavor, **The Mandate Holders** must be remembered as instruments for improvement of capacities and not as judges or prosecutors, their impartiality is their main virtue and it is very important to maintain such impartiality . **The Expert Mechanism on the Rights of Indigenous peoples and the Forum on Minority issues** are even more specialized bodies regarding the exercise of human rights by vulnerable groups, such as women, children, ethnical, linguistically and indigenous minorities, that in human trafficking and slavery are the ones that are most affected.

The Republic of Zambia will like to congratulate **the Advisory Committee** for its work and calls for member states to remember the power this "**think tank**" has to proved to develop, Zambia considers a great failure to waste the capacities of this organ that is the distinctive trace of the Human Rights Council. The operational horizon that is ahead of the Council is quite promising, but we must remember article of **Resolution 9/8** to no dot duplicate efforts for a better performance of the Special Procedures, in particular to prevent overwhelming the procedures with an excessive demand on reports that overlap each other. These are items the Member States of the Council must always have in consideration.

When we give a closer look to all the problems that are related to slavery, whether by cause or consequence, we already know that the inability of exercise for **1st generation rights** implies an inability to exercise **2nd generation rights**, and the persons that fall deeply in this void are the ones that must be identified, as the exercise inabilities become more common the identification of the possible victims and of the actual victims becomes a complex task to achieve. This is one of the main issues the Council must discuss by addressing:

- prevention of the trafficking of the vulnerable groups by improving identification through research;
- prevention of former victims of falling once again into human trafficking;
- protection of the victims through a human based approach that police members, legislators and criminal justice staff must understand and implement to guarantee the access to justice and remedy;
- Protection of the victim's rights through the all the process to prevent other related violations of their rights;
- Prosecution of the offenders by comprehensive and efficient legislation on the matter;
- Prosecution of slavery and trafficking activities and criminalization of their related activities i.e. sexual exploitation;
- Research of the causes and consequences of the situation inside national territory to create awareness of the problem;
- Research of the adequate processes for victim identification and implementation of Human Rights instruments and;
- International cooperation for multilateral approaches and programs to fight slavery and trafficking in their various steps (Source, transit and destination).

Our Country, Zambia with the help of the Council and the UPR review has developed and series of milestone mechanisms that have set in motion other events that have given Zambia the boost it needed in Human rights and to bolster our democracy. In first place we criminalized Human trafficking through an **amendment to the Criminal Code with the Anti Human Trafficking Act** that reinforces our capacities in the protection and prosecution items set above. As a direct operational consequence of the implementation of the Act we implemented a **Victims Support Unit (VSU)** to address correctly the human right needs the victims of trafficking have, the idea of this unit is to identify the victims and protect them during the process of the prosecution of the offender and the whole process related to the offence, and to be actively involved in the prevention of the re-victimization of former trafficked persons. Furthermore with our last constitutional reform we made official the creation of a **Human Rights Commission** that will be used in the research and prevention part of the general framework, especially with the issues regarding the needs of the tribes present in our territory and the situation of our borders. Furthermore we established a committee on the subject of Child labor inside the **Ministry of Labor** that helps with the implementation of the **International Labor Organization Convention on worst forms of Child labor**, Zambia has advanced in the fight for human rights but as we go deeper into the situation we realize that this fight cannot be won by a single state, and that cooperation is a duty enshrined in **Chapter IX** of the UN charter.

Africa has made constant successes in the area of Human Rights, the African Human and Peoples' rights system with the Banjul Charter, that is the milestone of our Human Rights system, the Maputo Protocol or **The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa** is one of the first mechanisms to protect and promote human rights of vulnerable groups and particular one of the most vulnerable groups in Africa. As we unite

ourselves in the fight against slavery and uphold the cause of human rights the real and practical abolition of slavery ceases to be a utopia and becomes a reachable goal. A further step has been to decide the merging of the **African Court on Human and Peoples' rights** with the **African Court of Justice** this will enhance our capacities in the protection items set above. One of the advantages of our **Commission on Human and Peoples' rights** has over the **Committee of ICCPR (CICCPR)** and over the **Committee of ICESCR (CICESCR)** it's the ability to be able to initiate researches and investigation without the permission or communication of a State Party giving more autonomy to the body and the capacity to give the members that constitute the body to act over their consideration and expertise. Another advantage this Commission has over these two committees is the capability to gain information and enlightening from other actors that are not States thus making the instrument a representative and comprehensive, This checkpoint are just an overview of what Africa has achieved and that is the reason why we criticize when the international media portrays pictures of an unable Africa, that does nothing for its citizens and as time passes those critics spread to America, Asia, Eastern Europe, the Balkans the Sub Indian Continent and so on, but Zambia brings a word of advice, We African countries have dived to shift from Afro-pessimism to Afro-Optimism, we believe this council and the whole world must do it too.

Our Delegation considers that the capabilities of our council are underrated, and that our possibilities to create an integrated strategy with an adequate approach are immense. Aside from the discussion that will give a common solution to many unaddressed problems regarding slavery Zambia will like that in the next report of the **Forum on minority issues and of the Expert mechanism on the rights of indigenous people** must make a special emphasis in slavery and human trafficking with a preliminary study of its causes and consequences and particular consideration considering the point that are related to their mandate. Another instruments we must benefit ourselves from are the **Advisory Committee** and the **Mandate Holders**, a proposal for the creation of the framework should be done coordinately by these two instruments in a special meeting to be chaired by the president of the **Advisory Committee**, this meeting will consist of the members of the Committee, **Ms Gulnara Shahinian(Special Rapporteur on contemporary forms of slavery, including its causes and consequences)** and **Ms Joy Ngozi Ezeilo(Special Rapporteur on trafficking in persons, specially Women and children)** that will work for framework or strategy to be delivered in our 16th regular session, that will through expertise and research correctly address many issues that require more impartiality and dedication. We must bolster each other in our efforts so that our actions resound all over the UN system, so that our approach is implemented not only in the sphere of influence of the Human Rights Council but in other spheres such as the duty multidimensional peacekeeping operations must fulfill regarding human trafficking and slavery in the issues of preventing and protecting the human rights in this case specially during conflict. With possible results as the ones set before the Council must be put on track to engage the situation at once.

Our own experience has showed us that regarding human rights no effort can be wasted, it is why we must render ease to our initiatives, strategies, frameworks and toolkits, it is why the countries that have adopted the mechanism of **Standing invitation** of the Human Rights Council are more effective in reporting and addressing their problems that other countries, furthermore, they fulfill their pledges made in the review of the **UPR** better and faster that countries that don't adopt these procedures. A clear example in our country has been the inclusion of the needs of our native tribes in the constitutional reform process that has been set in motion by the **National Constitutional Conference**, and what we have achieved that was explained above. To do not

adhere to the mechanisms for **Mandate Holders Standing Invitations** is to slowly choke our people, is to let them wither before our eyes, is in essence, to contradict ourselves.

To be extremely careful in our struggle is also a point to be taken into consideration, the idea of many of this strategies is to apply them at national level without duplicating efforts, this means in a positive way to create standards that are flexible to our needs and actually answer to the universality of the right we chose to defend and uphold. Cooperation in this issue with the **OHCHR** is primordial.

In Africa there is an old saying, "Until Lions do not have a Historian, Hunt tales will always glorify the Hunter", Must we remain in silence when we acknowledge the presence of such atrocities, in Africa silence is only useful to call storms, and the Storm is already here. Will we keep our silence? Or will we the Historians of the Lions in this constant fight for human rights and freedom? The answer Zambia will like to give lies in its National Anthem, Victors in the struggle for the right, we have won freedom's fight, All one strong and Free.