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Anti-Slavery Model Legislation

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The authors welcome inquiries about the *Anti-Slavery Model Legislation* and accompanying guidance, including on the implementation of these provisions in States' domestic legal systems. For those interested in implementing anti-slavery legislation, please contact the authors.

The *Anti-Slavery Model Legislation* was launched by its authors on 25 September 2026, the centenary of the date of the adoption of the 1926 Slavery Convention, at the United Nations Conference Centre, UN House, Bangkok, Thailand.

Foreword by Mandate Holders of the UN Special Rapporteurship on contemporary forms of slavery, including its causes and consequences

It is with pleasure that we, the three individuals who held the mandate of United Nations Special Rapporteur on contemporary forms of slavery, including its causes and consequence—from its creation in replacing the Working Group on Contemporary Forms of Slavery in 2007 to April 2026, when the mandate merged with that of the Special Rapporteur on trafficking in persons, especially women and children—provide this Foreword to the *Anti-Slavery Model Legislation.*

Assisting States in their domestic efforts to combat contemporary forms of slavery was always central to the mandates given to us by the UN Human Rights Council. From the original call in 2007 for the Special Rapporteur to "promote the effective application of relevant international norms and standards" related to contemporary forms of slavery, this came to include, from 2016 onwards, an encouragement "to compile and analyse examples of national legislation relating to the prohibition of slavery and slavery-like practices". Throughout each of our Mandates, we have been faithful to that call, engaging with States through our Thematic Reports and country visits to develop stronger domestic legal frameworks to address contemporary forms of slavery.

This attention to domestic legal frameworks reflects more than fidelity to the mandate. It demonstrates the central importance of law as a tool for ending the most severe forms of human exploitation, everywhere they take root. For the millions of people around the world subjected to contemporary forms of slavery, the law provides a critical pathway out of exploitation and towards justice. For the many more people in situations of precarity and vulnerability, the law builds vital safeguards against abuses. And for those that subject others to the worst forms of exploitation, the law provides a mechanism for accountability.

Over the last decade, Schwarz and Allain have gathered the domestic legislation of every UN Member State, culminating in the development of the *Anti-Slavery in Domestic Legislation Database*, launched at the UN Headquarters in 2020. Through this work, they brought to light the persistent and widespread gaps between States' international commitments and their domestic legal frameworks, which continue to hamper the complete eradication of contemporary forms of slavery around the world. This is a challenge that calls for a global solution.

A coordinated global solution is exactly what this *Anti-Slavery Model Legislation* and accompanying guidance developed by Allain and Schwarz offers: a legislative roadmap to address gaps in domestic law, informed by a human rights approach. The *Model Legislation* is a valuable, practical, tool to assist those States that have yet to prohibit slavery, practices similar to slavery, servitude, and/or forced labour in their domestic legal orders.

We commend the *Anti-Slavery Model Legislation* as an important tool for States to ensure that their international commitments to fight contemporary forms of slavery finds voice in their domestic laws. We therefore call on States to reflect on this moment of the centenary of the adoption of the 1926 Slavery Convention to reinvigorate their anti-slavery efforts by reviewing and reforming their domestic law to deliver effective prohibition.

Gulnara Shahinian
(2008–2014)

Urmila Bhoola
(2014–2020)

Tomoya Obokata
(2020–2026)

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Introduction

This *Anti-Slavery Model Legislation* has been developed with an eye to assisting States in giving effect to their international undertakings with regard to the prohibitions of slavery, the slave trade, servitude, forced or compulsory labour, and institutions and practices similar to slavery. It provides information as to the legal obligations a State has in the anti-slavery domain, and offers a template for addressing the issue within its domestic legal order.

Implementing this *Anti-Slavery Model Legislation* within the domestic legal order provides an opportunity to reinforce commonalities between States in their domestic approach to anti-slavery laws. This enables harmonisation of approaches to the various types of exploitation, which can be invaluable in regard to international cooperation in criminal matters. This includes the application of extra-territorial jurisdiction and dual-criminality in cases of extradition; transnational law related to anti-trafficking, and international criminal law touching on enslavement or sexual slavery.

The *Anti-Slavery Model Legislation* is meant to assist States in filling gaps in their existing domestic legal frameworks that are not covered by their current anti-trafficking legislation. While most States have anti-trafficking legislation on the books, often those provisions fail to criminalise the stand-alone prohibitions of slavery, the slave trade, servitude, forced or compulsory labour, or institutions and practices similar to slavery, as mandated by specific international legal instruments.

Thus, the *Anti-Slavery Model Legislation* acts as a guide, meant to facilitate the process of reviewing and amending existing domestic legislation or adopting new legislation, to ensure the internationally recognised notion of *effectivité*. In ensuring that domestic legislation is effectively implemented, the *Anti-Slavery Model Legislation* sets out a number of Guiding Principles to assist in aligning a State's current domestic law with its established international undertakings. The Guiding Principles help ensure an effective basis of legislation is in place that: has full jurisdictional reach; recognises the duty a State has in regard to investigation, prosecution, and punishment of perpetrators; and provides a remedy for victims.

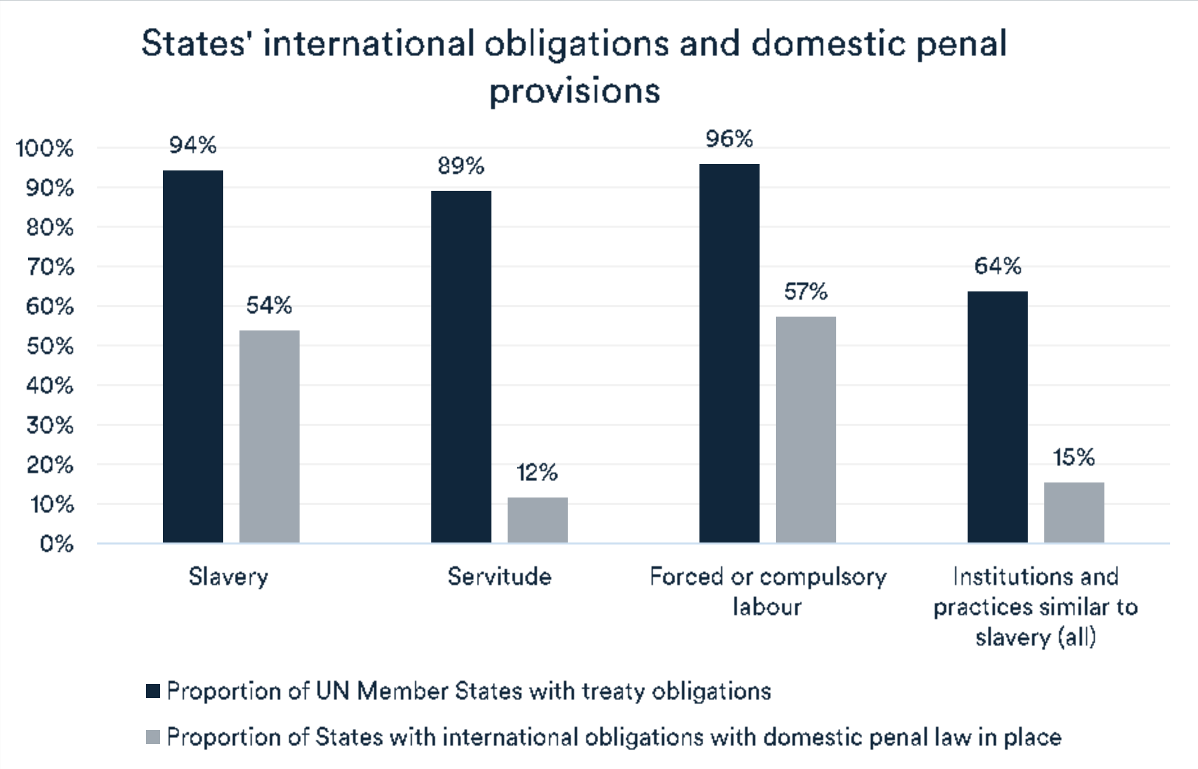
As a means of providing guidance on current international standards, each provision of the *Anti-Slavery Model Legislation* is accompanied by a Commentary that traces the parameters and evolution of that provision through its relevant legal history, including case-law and pronouncements of authoritative bodies.

The *Anti-Slavery Model Legislation* is designed to ensure ease of adaptability to the legislative requirements of any State, whatever its legal tradition or geographical region. As a guide, it is both a starting point and a checklist of what is necessary to ensure that a State's domestic law is in line with its international undertakings. In so doing, the *Anti-Slavery Model Legislation* safeguards the State by ensuring that the commitments it has undertaken internationally are recognised as having been implemented domestically.

While the *Anti-Slavery Model Legislation* sets out criminal provisions, it should be emphasised that where the prohibitions of slavery, the slave trade, servitude, and forced or compulsory labour are concerned, a State may have undertaken additional international obligations flowing from international human rights instruments and/or international labour conventions. This is so, as the majority of States are party to one or more of the following instruments: the 1926 Slavery Convention, the 1930 Forced Labour Convention, the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, the 1999 Worst Forms of Child Labour Convention; and the 1966 International Convention on Civil and Political Rights; as well as regional human rights instruments.

The *Anti-Slavery Model Legislation* was developed as a result of a study of each United Nations Member States' international obligations to prohibit slavery, servitude, forced labour, institutions and practices similar to slavery, and trafficking in persons, and the extent to which their domestic legislation addresses these prohibitions.[1] The 2020 study, *Antislavery in Domestic Legislation,* found that, despite obligations to prohibit slavery and the slave trade in general international law and the specific requirement of States party to the 1926 Slavery Convention to criminalise the prohibitions, more than 90 States did not have such legislation in place.

In regard to forced or compulsory labour, the number of States without legislation decreased to 82 States without penal provisions governing the practice, accounting for penalties enacted through labour laws as well as criminal law. With regard to servitude, States' domestic law was limited—only 20 States had enacted domestic penal sanctions addressing this practice, despite 172 States having undertaken obligations to do so through the 1966 International Covenant on Civil and Political Rights, European Convention on Human Rights, or the American Convention on Human Rights. Finally, for States party to the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, only 19 States parties to this Convention have fulfilled their obligation to establish penal sanctions for each of the institutions and practices similar to slavery.



With this in mind, the *Anti-Slavery Model Legislation* provides a roadmap for closing this gap between a State's international commitments to prohibit slavery and related forms of exploitation, and its domestic legislative frameworks where such provisions have yet to be promulgated.

The *Anti-Slavery Model Legislation,* as set out, underlines the contemporary willingness of ensuring that a State has in place domestic criminal legislation addressing the stand-alone wrongs of slavery, the slave trade, servitude, forced or compulsory labour, and institutions and practices similar to slavery.

[1] Katarina Schwarz and Jean Allain, *Antislavery in Domestic Legislation: An Empirical Analysis of National Legislation Globally* (2020).

Guiding principles in establishing anti-slavery legislation

Introduction to the guiding principles

To assist legislators in aligning a State's domestic legislation with its international undertakings, the Anti-*Slavery Model Legislation* sets out a number of Guiding Principles. These Principles provide guidance in promulgating legislation that is effective in prohibiting slavery, the slave trade, servitude, forced or compulsory labour, and institutions and practices similar to slavery.

The Guiding Principles achieve this guidance, in part, by drawing attention to international commitments, which may already have been undertaken, to ensure that anti-slavery legislation extends to the full coverage of its criminal law. Further, the Principles guide legislators in ensuring that their overall domestic legal frameworks are effective in addressing both perpetrators and victims. This is achieved by providing support in crafting legislation that has: full jurisdictional reach; recognises the obligations a State has in regard to investigation, prosecution, and punishment of perpetrators; and provides a remedy for victims.

Where a State is party to human rights instruments that address slavery, the slave trade, servitude, institutions and practices similar to slavery, or forced or compulsory labour, it should also ensure that its domestic law not only prohibits the criminal conduct under consideration, but also has legislation and other measures in place to ensure human rights protection. In such instance, a State is called upon to meet the standard of 'due diligence' in line with its positive obligation to protect individuals from being held in slavery, the slave trade, servitude, institutions and practices similar to slavery, or forced or compulsory labour.[2]

This is so, as a State "may be held responsible if they permit or fail to take appropriate measures or to exercise due diligence to prevent, investigate, or redress harm caused by acts by private persons or entities".[3]

The threshold for meeting the standard of due diligence is an "obligation of results",[4] that is to say the standard is met not so much by a State's conduct, but rather by its demonstrable result of having acted with due diligence in protection those who might fall prey to slavery or other forms of exploitation.[5]

Where there has been a breach of the prohibitions of slavery, the slave trade, servitude, forced or compulsory labour, or institutions and practices similar to slavery, the violation is required to be addressed within a State's domestic legal order. Such requirements entail the protection of people at risk of violations of the various prohibitions, and right to a remedy—which may include compensation—for victims.

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[2] Dinah Shelton and Ariel Gould, 'Positive and Negative Obligations' in Dinah Shelton (ed), *The Oxford Handbook of International Human Rights Law* (Oxford University Press, 2013), 567. The regional human rights systems have affirmed the obligation of due diligence in the context of positive obligations of States in *Decisions of the Communication submitted by Minority Rights Group International and SOS-Esclaves on behalf of Said Ould Salem and Yarg Ould Salem against the Government of the Republic of Mauritania*, African Committee of Experts on the Rights and Welfare of the Child, 15 December 2017; *Velásquez Rodríguez v Honduras* (Merits), Inter-American Court of Human Rights Series C No 4, 29 July 1988; and *Tanis and others v Turkey*, European Court of Human Rights, 2 August 2005.

[3] United Nations, Human Rights Committee, *General Comment Number 31: The Nature of the General Legal Obligation imposed on States Parties to the Covenant*, 26 May 2004, UN Doc. CCPR/C/21/Rev.1/Add.13, para 8.

[4] *Decisions of the Communication submitted by Minority Rights Group International and SOS-Esclaves on behalf of Said Ould Salem and Yarg Ould Salem against the Government of the Republic of Mauritania*, African Committee of Experts on the Rights and Welfare of the Child, 15 December 2017, para. 54.

[5] *Decisions of the Communication submitted by Minority Rights Group International and SOS-Esclaves on behalf of Said Ould Salem and Yarg Ould Salem against the Government of the Republic of Mauritania*, African Committee of Experts on the Rights and Welfare of the Child, 15 December 2017, para. 54.

Guiding principle 1: Effective legislation

Each State has a legal requirement to ensure that its domestic legislation gives effect to its international obligations as it relates to the prohibition of slavery, the slave trade, servitude, forced or compulsory labour, or institutions and practices similar to slavery.

Guiding principle 2: Full jurisdictional reach

Each State should ensure that its domestic legislation gives effect, to the full reach of its jurisdiction, to the prohibition of slavery, the slave trade, servitude, forced or compulsory labour, or institutions and practices similar to slavery.

Guiding principle 3: Effective investigation, prosecution and punishment

Each State has a legal obligation to investigate, prosecute, and punish violations of the prohibition of slavery, the slave trade, servitude, forced or compulsory labour, or institutions and practices similar to slavery.

Guiding principle 4: Effective remedies

Each State has an obligation to provide an effective remedy to victims of slavery, the slave trade, servitude, forced or compulsory labour, or institutions and practices similar to slavery.

The principles and their commentary

Guiding principle 1: Effective legislation

The principle

Each State has a legal requirement to ensure that its domestic legislation gives effect to its international obligations as it relates to the prohibition of slavery, the slave trade, servitude, forced or compulsory labour, or institutions and practices similar to slavery.

Commentary

Having undertaken obligations of international law, a State has always had a requirement to ensure that these are carried out in good faith.[6] Customary international law, reflected in the 2001 *Articles on the Responsibility of States for Internationally Wrongful Acts*, holds that where a violation of international law transpires, be it through "an action or omission", the State in question is in breach of international law.[7]

Also established in international law—as reflected in the provisions of Article 27 of the 1969 *Vienna Convention on the Law of Treaties*—a State party "may not invoke the provisions of its internal law as justification for its failure to perform a treaty".[8]

Reading these two provisions together, it may be said that a State may not invoke a lack of internal legislation (an omission) as justification for its failure to carry out its international obligations.

In more succinct terms, the Inter-American Court of Human Rights has stated: "under international customary law, a customary norm stipulates that a State that has acceded to an international convention must introduce into its domestic law the necessary modifications to ensure the execution of the obligations it has assumed".[9] The Court having noted in a previous case that "this general obligation of the State Party implies that the measures of domestic law must be effective (the principle of *effet utile*)".[10]

Where the prohibitions of slavery, the slave trade, servitude, and forced or compulsory labour are concerned, the vast majority of Members of the United Nations are party to the 1966 International Covenant on Civil and Political Rights.[11]

Article 2 of this International Covenant mandates that States Parties "respect and ensure to all individuals [...] the rights recognized in the present Covenant". To that end, Article 2 continues:

> Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

[6] Article 26 (*Pacta sunt servanda*), Vienna Convention on the Law of Treaties, 1969.
[7] See Article 2 (Elements of an internationally wrongful act of a State), *Responsibility of States for Internationally Wrongful Acts*, United Nations, International Law Commission, annex to General Assembly Resolution 56/83, 12 December 2001.
[8] Article 27 (Internal law and observance of treaties), Vienna Convention on the Law of Treaties. This rule is also reflected in article 3 of the Articles on the Responsibility of States for Internationally Wrongful Acts, *ibid*, which states that the characterisation of conduct as internationally wrongful is "not affected by the characterization of the same as lawful by internal law" and article 32 which declares that a State "may not rely on the provisions of its internal law as justification for failure to comply with its obligations" in relation to internationally wrongful conduct.
[9] *Case of Fornerón and Daughter v. Argentina*, Inter-American Court of Human Rights, 27 April 2012, para. 130.
[10] *Case of "The Last Temptation of Christ" (Olmedo-Bustos et al.) v. Chile*, Inter-American Court of Human Rights, 5 February 2001, para. 87.
[11] As of September 2026, 174 States are party to the International Covenant on Civil and Political Rights.

In considering, specifically, the obligation to *give effect* to the rights within the ambit of Article 2 of the International Covenant on Civil and Political Rights, the United Nations Human Rights Committee has stated that "unless Covenant rights are already protected by their domestic laws or practices, States Parties are required on ratification to make such changes to domestic laws and practices as are necessary to ensure their conformity with the Covenant".[12]

While the Human Rights Committee has yet to comment on this requirement of effective legislation specifically in the context of the rights under consideration in the *Anti-Slavery Model Legislation*, the European Court of Human Rights has noted that the States of the Council of Europe have a specific obligation "to penalise and prosecute effectively any act aimed at maintaining a person in a situation of slavery, servitude or forced or compulsory labour".[13] In 2016, the European Court of Human Rights was more specific, determining that "it is penal law which constitutes the adequate recourse for those pleading treatment which can be proven contrary to" the prohibition of slavery, the slave trade, servitude, or forced or compulsory labour.[14]

The specific requirement to have criminal law provisions in domestic legislation to address incidents of slavery, the slave trade, forced or compulsory labour, and institutions and practices similar to slavery – but not servitude – are found in the 1926 Slavery Convention, the 1956 Supplementary Convention, and the 1930 Forced Labour Convention.[15]

With regard to servitude, the obligation is derived from the International Covenant on Civil and Political Rights, as well as the American Convention on Human Right and European Convention on Human Rights for a State party to those instruments.

While recognising that penal law is fundamental to ensuring that effective legislation is in place, international human rights law requires more.

To ensure that a State respect, protect, and fulfil its obligations with regard to the prohibition of slavery, the slave trade, servitude, forced or compulsory labour, and institutions and practices similar to slavery, a State must ensure that its domestic legislation gives full effect to these prohibitions, that is: to the full reach of their domestic jurisdiction. States must ensure both that individuals are protected from violations (prevention) and that effective remedies are available when violations of international human rights transpire.[16] Therefore, establishing full jurisdictional reach will include provisions of civil and/or administrative law, including labour law. Effectiveness also creates requirements related to holding perpetrators to account by way of effectively investigating, prosecuting, and punishing violations; and providing a remedy to victims of slavery, the slave trade, servitude, forced or compulsory labour, or institutions and practices similar to slavery, in such a way as to redress the wrong.

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[12] United Nations, Human Rights Committee, General Comment Number 31, *The Nature of General Legal Obligations Imposed on States Parties to the Covenant*, UN Doc. CCPR/C/21/Rev.1/Add. 13, 26 May 2004, paras. 14 and 13.

[13] *Rantsev v Cyprus and Russia*, European Court of Human Rights, 7 January 2010, para. 285.

[14] *L.E. v Greece*, European Court of Human Rights, 21 January 2016, para. 121.

[15] For the 1926 Convention, Article 6 requires – in regard to slavery – that States Parties:

> […] whose laws do not at present make adequate provision for the punishment of infractions of laws and regulations enacted with a view to giving effect to the purposes of the present Convention undertake to adopt the necessary measures in order that severe penalties may be imposed in respect of such infractions.

The 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, clarifies the obligation in regard to slavery by stating that it "shall be a criminal offence under the laws of the States Parties to this Convention and persons convicted thereof shall be liable to punishment." See Article 5 and 6(1), Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.

Where institutions and practices similar to slavery are concerned, the 1956 Supplementary Convention applies the same provisions. See Article 6(2), Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.

For its part, the 1930 Force Labour Convention notes that "forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced". See Article 25, Forced Labour Convention. See also the mention of the same provisions in the Preamble to Protocol of 2014 to the Forced Labour Convention, 1930.

[16] The African Committee of Experts on the Rights and Welfare of the Child set out its understanding of 'effective' in a case relating to the prohibition of slavery in Mauritania, as:

> adequate to accomplish a purpose; producing the intended or expected result", or "functioning, useful, serviceable, operative, in order; practical, current, actual, real, valid". As the [African] Commission [on Human and Peoples' Rights] underscored, a remedy is effective if it offers a prospect of success. If its success is not sufficiently certain, the remedy cannot meet the requirements of availability and effectiveness. A remedy is considered to be sufficient if it is capable of redressing the complaint.

Decisions of the Communication submitted by Minority Rights Group International and SOS-Esclaves on behalf of Said Ould Salem and Yarg Ould Salem against the Government of the Republic of Mauritania, African Committee of Experts on the Rights and Welfare of the Child, 15 December 2017, para. 23.

Guiding principle 2: Full jurisdictional reach

The principle

Each State should ensure that its domestic legislation gives effect, to the full reach of its jurisdiction, to the prohibition of slavery, the slave trade, servitude, forced or compulsory labour, or institutions and practices similar to slavery.

Commentary

In regard to criminal law, the jurisdictional reach of the domestic legislation of a State can extend in a number of dimensions. In law, these various jurisdictional planes are often expressed by their Latin idiom: jurisdiction *ratione materiae* or subject-matter jurisdiction; jurisdiction *ratione personae*, the power to act in regard to specified entities; jurisdiction *ratione loci* or jurisdiction in regard to a geography place; and jurisdiction *ratione tempori*, that is: temporal jurisdiction. Each of these jurisdictional dimensions will now be considered in turn to assist in establishing the full jurisdictional reach that a State should seek in extending its domestic legislation to ensure the effective prohibition of slavery, the slave trade, servitude, forced or compulsory labour, and institutions and practices similar to slavery.

Where subject-matter jurisdiction is concerned, beyond the legislative provisions developed in this *Anti-Slavery Model Legislation*, each State should consider the extent to which it will legislate for offences ancillary to these provisions. Examples of such ancillary offences may include a person who aids and abets, who conspires, who is an accessory or an accomplice to an offence, or is party to joint criminal enterprise. This may also involve consideration of ancillary offences specific to the context of exploitation offences, such as the knowing use of the services of a victim.[17]

It should also be noted that the text of the 1956 Supplementary Convention specifically requires a State party to establish criminal liability for: being accessory to slave trading, or mutilating, branding or marking a person held in slavery or institutions and practices similar to slavery; and, being accessory or conspiracy to, or attempting to commit the offences of slavery, inducing to slavery, institutions and practices similar to slavery, or inducing a person into the institutions and practices similar to slavery.

A State party to international instruments in regard to specific groups—such as children, the elderly, indigenous peoples, migrant workers, persons with disabilities, refugees, or women—should also review its legislation specific to these groups to ensure that any obligations touching on the prohibitions of slavery, the slave trade, servitude, forced or compulsory labour, and institutions and practices similar to slavery, are addressed to the fullest extent possible within its domestic legislation.

A State should ensure that its system of military justice includes provisions that prohibit slavery and servitude, and forced or compulsory labour to the extent provided for by international humanitarian law in regard to prisoners of war.[18]

[17] Such a provision may cover situations in which a person uses or derives benefit from an individual subjected to slavery, servitude, institutions and practices similar to slavery, or forced labour, without the elements of the primary offence (for instance the relationship of control required for the offence of slavery).
[18] Article 4(2)(f), Additional Protocol II to the Geneva Conventions of 1949 Relating to the Protection of Victims of Non-International Armed Conflicts. Note the determination in *Prosecutor v Milorad Krnojelac*, International Criminal Tribunal for the former Yugoslavia, 15 March 2002, p. 147, which reads:

> "International humanitarian law does not prohibit all labour by protected persons in armed conflicts. Generally, the prohibition is against forced or involuntary labour".

Where a State seeks to give full effect to the prohibitions under consideration within its domestic legal order, jurisdictional reach should be extended to all entities that may violate any of these prohibitions. This jurisdiction, *ratione personae*, is the power of the courts to adjudicate in regard to a specific entity. While a State will establish jurisdiction *ratione personae* over individuals suspected of a violation of the norms under consideration, a State should extend its jurisdictional reach beyond the natural person by ensuring there is also legislation in place creating corporate criminal liability where responsibility can be attributed, be it in the corporation's operations, supply chains, or elsewhere.

Such jurisdiction should also extend to public authorities in respect of violations of international human rights law. This where a State agent has violated the prohibition; where there is a failure of due diligence to investigate and prosecute; or in protecting the possible victim after a credible claim has been brought to the attention of a State agent.[19]

A State should further ensure that immunities or special procedural protections are not a bar to exercising jurisdiction over State agents, irrespective of their official capacity, with regard to enslavement or sexual slavery and as an international crime.[20]

Turning to consider criminal jurisdiction where a State has jurisdictional reach in other locations, beyond its own territory (jurisdiction *ratione loci*) in regard to the prohibition of slavery, the slave trade, servitude, forced or compulsory labour, or institutions and practices similar to slavery. In certain circumstances a State will have inherent jurisdiction to exercise competence beyond its territory, for instance, in regard to diplomatic and consular agents and premises, and on flag ships and aircraft. Beyond this, each State should ensure that its criminal jurisdiction is made effective in regard to any situation in which it might exercise public power on the territory of another State.[21]

The historical nature of a sea-based slavery—the transoceanic slave trades—is such that discrete powers to act have, over the years, been established for States party to the 1926 Slavery Convention, the 1956 Supplementary Convention, and the 1982 Convention on the Law of the Sea.[22]

That said, as the provisions of the 1982 United Nations Convention on the Law of the Sea reflect customary law, it may be said that each State—irrespective of having ratified the Convention—has an obligation to ensure that "any slave taking refuge on board any ship, whatever its flag, shall *ipso facto* be free" and to "take effective measures to prevent and punish the transport of slaves in ships authorized to fly its flag".[23]

States may also move to enact, within their domestic legal order, *extraterritorial jurisdiction* to apply to situations where nationals have allegedly committed crimes related to the prohibition of slavery, the slave trade, servitude, forced or compulsory labour, and institutions and practices similar to slavery, or where nationals appear to be victims.[24]

The jurisdictional reach of the prohibitions of slavery, the slave trade, servitude, forced or compulsory labour, and institutions and practices similar to slavery may also be extended by way of

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[19] See *Decisions of the Communication submitted by Minority Rights Group International and SOS-Esclaves on behalf of Said Ould Salem and Yarg Ould Salem against the Government of the Republic of Mauritania*, African Committee of Experts on the Rights and Welfare of the Child, 15 December 2017, para. 52; and, more generally, *Juridical Conditions and Rights of Undocumented Migrants*, Inter-American Court of Human Rights, 17 September 2003, para. 140.

[20] *Questions relating to the Obligation to Prosecute or Extradite* (Belgium v. Senegal), International Court of Justice, 20 July 2012.

[21] *Al-Skeini and Others v. the United Kingdom*, European Court of Human Rights, 7 July 2011.

[22] For States party to the 1926 Convention, Article 3 requires the adoption of "all appropriate measures with a view to preventing and suppressing the embarkation, disembarkation and transport of slaves in their territorial waters and upon all vessels flying their respective flags".

See Articles 3(2)(a)(b) and 4, Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.

[23] See Article 99, United Nations Convention on the Law of the Sea, 1982, which mirrors elements of the obligations flowing from the 1956 Supplementary Convention, as it requires a State party to "take effective measures to prevent and punish the transport of slaves in ships authorized to fly its flag and to prevent the unlawful use of its flag for that purpose. Any slave taking refuge on board any ship, whatever its flag, shall *ipso facto* be free."

Beyond this, the United Nations Law of the Sea Convention provides a right to visit foreign ships suspected of being engaged in the slave trade, and the modalities by which this is to take place at Article 110 (Right to Visit).

[24] This so-called 'passive personality' or 'passive nationality' principle is not uncommon for States, and has been acted upon at the regional level, by way of the 2011 European Union Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims, which establishes such jurisdiction over offences committed outside the territory of the States Parties where the offence is committed against one of its nationals. See Article 10, European Union, Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims, and replacing Council Framework Decision 2002/629/JHA, 5 April 2011, Directive 2011/36/EU.

transnational jurisdiction to situations where the crime of trafficking in persons transpires. That is, it extends for each State party to the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, and/or those States party to regional anti-trafficking instruments.[25] Specifically, with regard to the universal 2000 'Palermo' Protocol and by reference to the treaty-based obligations, jurisdictional reach covers instances where "offences are transnational in nature and involve an organized criminal group".[26]

Likewise, the 2000 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography mandates, at its Article 3, that each State party must ensure that a number of acts and activities related to the sale of children "are fully covered under its criminal or penal law, whether these offences are committed domestically or *transnationally* or on an individual or organized basis".[27]

Further jurisdictional reach may be extended to *international jurisdiction*, in regard to the international crimes of enslavement, sexual slavery, and enforced prostitution. For a State that is party to the 1998 Statute of the International Criminal Court, international criminal jurisdiction has been established in regard to individual criminal responsibility for the crimes against humanity of enslavement, and sexual slavery, and the war crimes of sexual slavery and enforced prostitution.[28] As a result, a State party to the Statute should ensure that its legislation reflects the obligations in regard to the international crimes of enslavement and sexual slavery, or modify its domestic legislation accordingly.

Beyond the treaty-based jurisdiction established by the International Criminal Court, each State should consider establishing *universal jurisdiction* by incorporating provisions within its domestic legal order instituting criminal jurisdiction over those persons accused of a serious crime touching on the prohibition of slavery or the slave trade, regardless of their nationality or country of residency, or where the alleged crime took place. In such cases, the United Nations has called on each State to legislate to "facilitate extradition or surrender offenders to other States and to appropriate international judicial bodies and provide judicial assistance and other forms of cooperation in the pursuit of international justice".[29]

A further manner in which the jurisdictional reach of the *Anti-Slavery Model Legislation* should extend, to ensure it is given effect, is in regard to temporal jurisdiction (jurisdiction *ratione tempori*). Such temporal jurisdiction comes into play for each State in relation to states of emergency. Where the prohibitions of slavery and servitude are concerned, the International Covenant on Civil and Political Rights establishes – as do regional human rights instruments – that these internationally recognised human rights are non-derogable, and may not be suspended at any time, including in wartime.[30] In light of this recognition holding in general customary international law, all States should ensure that any legislation governing states of emergency recognises this requirement of non-derogation of the right not to be held in slavery or servitude.

Temporal jurisdiction may also be extended by reference to statutes of limitations. Where the prohibition of slavery constitutes the war crime or the crime against humanity, no statutes of limitations should be applicable. For those States party to the 1970 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, their legislation should reflect this obligation where slavery meets the threshold of a crime against humanity or a war

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[25] See the ASEAN Convention against Trafficking in Persons, especially Women and Children, 2015; and the Council of Europe Convention on Action against Trafficking in Human Beings, 2005.

[26] See Article 4, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, 2000.

[27] See Article 3, Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000.

[28] See Articles 7(1)(c), (g), 8(2)(b)(xxii), and 8(2)(e)(vi), Statute of the International Criminal Court, 1998.

[29] United Nations, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, General Assembly, UN Resolution 60/147, 16 December 2005, para. 5.

[30] See Article 4, the International Covenant on Civil and Political Rights, 1966.

crime of either enslavement or sexual slavery, that "no statutory limitation shall apply [...] irrespective of the date of their commission".[31] Beyond the States Parties to the 1970 Convention, each State (and more so, a State party to the 1998 Statute of the International Criminal Court) should consider extending its domestic jurisdiction by ensuring there are no statutory limits on enslavement or sexual slavery as a crime against humanity or war crime.

In the context of international human rights law, the Inter-American Court of Human Rights has also declared that States must ensure the non-applicability of statutes of limitation, at least with regard to "international crime[s] whose prohibition has *ius cogens* status".[32]

In the *Case of the Hacienda Brasil Verde Worker*, the Inter-American Court declared the application of prescription in the context of slavery and similar practices is "incompatible with the obligation of [a State] to adapt its internal law to international standards".[33] Thus, a State should consider ensuring the extension of temporal jurisdiction over these offences to disallow the application of statutes of limitation of legal remedies.

The 1966 International Covenant on Civil and Political Rights requires, at Article 2, that each State Party "respect and ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant". While the *Anti-Slavery Model Legislation* sets out the legislative provisions related to slavery, the slave trade, servitude, forced or compulsory labour, and institutions and practices similar to slavery, each State should ensure that such provisions are given effect to the fullest extent possible within their domestic legal order.

Before considering the extent of the full jurisdictional reach of the criminal law in regard to the prohibitions under consideration, it should be emphasised that, beyond the criminal law, States must ensure that where there is a violation of the law, victims have access to remedy within the domestic legal order. In regard to the prohibitions under consideration, failing to extend jurisdictional reach to effectively provide redress within a State's domestic law, beyond criminal provisions, by way of civil and/or administrative (including labour law) provisions, will constitute a breach of a State's international law obligations, carrying State Responsibility.[34]

[31] Article 1, Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, 1970.

[32] *Case of the Hacienda Brasil Verde Workers v Brazil*, Inter-American Court of Human Rights Series, 20 October 2016, para. 412.

[33] *Ibid.*, para. 413.

[34] See Article 2(3)(b), read in conjunction with Articles 14 and 16 of the International Covenant on Civil and Political Rights, 1966. Article 14(1) states, in part: "All persons shall be equal before the courts and tribunals", while Article 16 notes "Everyone shall have the right to recognition everywhere as a person before the law". For its part Article 2(3)(b) reads in part that each State Party will "ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities".

Guiding principle 3: Effective investigation, prosecution and punishment

The principle

Each State has a legal obligation to investigate, prosecute, and punish violations of the prohibition of slavery, the slave trade, servitude, forced or compulsory labour, or institutions and practices similar to slavery.

Commentary

To give effect to the legislative provisions set out in this *Anti-Slavery Model Legislation*, each State must investigate, prosecute, and punish perpetrators of potential violations of the prohibitions of slavery, the slave trade, servitude, institutions and practices similar to slavery, forced or compulsory labour – be they committed by natural or legal persons, or a State agent.

In regard to the *investigation element* of this Principle, the United Nations Human Rights Committee has stated, in seeking to give effect to the rights of the International Covenant on Civil and Political Rights, that a State must "investigate allegations of violations promptly, thoroughly and effectively through independent and impartial bodies".[35]

The courts of the European and Inter-American human rights systems concur that an investigation should be triggered "as soon as a matter has come to the attention of the authorities".[36] That is to say, beyond the requirement of each State to ensure that victims are able to bring claims concerning violations to a competent authority, and that investigation should not be dependent upon reports or accusations being made by the victims.

In the context of the prohibition of slavery, servitude, and forced or compulsory labour, the European Court of Human Rights has noted that the victim or the next of kin must be involved in the investigation "to the extent necessary to safeguard their legitimate interests"; and that authorities are to take reasonable steps "to collect evidence and elucidate the circumstances of the case". The latter, with the aim of conducting an investigation that is "based on thorough, objective and impartial analysis of all relevant elements".[37]

The Inter-American Court of Human Rights has determined that States must carry out an investigation *ex officio* in order to establish individual responsibilities when it becomes aware of an act constituting slavery.[38] Likewise, in regard to the prohibition of slavery, servitude, and forced or compulsory labour within the framework of the Council of Europe, the European Court of Human Rights has established that:

> For an investigation to be effective, it must be independent from those implicated in the events. It must also be capable of leading to the identification and punishment of individuals responsible, an obligation not of result but of means. A requirement of promptness and reasonable expedition is implicit in all cases but where the possibility of removing the individual from the harmful situation is available, the investigation

[35] *The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, General Comment Number 31, Human Rights Committee, UN Doc. CCPR/C/21/Rev.1/Add. 13, 26 May 2004, paras. 18 and 15.
[36] *J. and Others v. Austria*, European Court of Human Rights, 17 April 2017, para. 105. See also see also *Case of the Río Negro Massacres v. Guatemala*, Inter-American Court of Human Rights, 4 September 2012, para. 225.
[37] *F.M. and Others v Russia*, European Court of Human Rights, 10 March 2025, paras. 307 and 308.
See also, *J (Represented by the Initiative for Strategic Litigation in Africa (ISLA) & Kenya Legal and Ethical Issues Network on HIV & AIDS (KELIN)) v. Namibia*, African Commission on Human and Peoples' Rights, 8 March 2024.
[38] *Case of the Río Negro Massacres v. Guatemala*, Inter-American Court of Human Rights, 4 September 2012, para. 225.

> must be undertaken as a matter of urgency. The victim or the next-of-kin must be involved in the procedure to the extent necessary to safeguard their legitimate interests.[39]

The requirement to give effect to the obligations found in the *prosecute and punish* element of this Principle is implicit in the requirement that each State, when exercising its due diligence, give effect to the provisions developed in this *Anti-Slavery Model Legislation*.[40] With regard to the 'principle of effective prosecution', the United Nations Human Rights Committee has noted that where an investigation reveals a violation, States Parties to the International Covenant on Civil and Political Rights "must ensure that those responsible are brought to justice" and that the failure to do so would "in and of itself give rise to a separate breach of the Covenant".[41]

In 2017, the Court of the Economic Community of West African States found a State in violation of the effective prohibition of slavery through its "tolerance, passivity, inaction and abstention", emphasising that investigative judges had "the obligation to bring criminal prosecution or punish this crime or offences as need be".[42] In 2005, the European Court of Human Rights noted that in regard to the prohibition of slavery, servitude, and forced or compulsory labour, the Members of the Council of Europe require an "effective prosecution of any act aimed at maintaining a person in such a situation".[43] The Inter-American Court of Human Rights, for its part, as far back as 1988, noted that a State has a duty to take "reasonable steps to identify those responsible [and] to impose the appropriate punishment".[44]

[39] *Rantsev v Cyprus and Russia*, European Court of Human Rights, 7 January 2010, para. 288.
[40] Dinah Shelton and Ariel Gould, 'Positive and Negative Obligations' in Dinah Shelton (ed), *The Oxford Handbook of International Human Rights Law* (Oxford University Press, 2013), 567.
[41] *The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, Human Rights Committee, General Comment Number 31, UN Doc. CCPR/C/21/Rev.1/Add. 13, 26 May 2004, para. 15.
[42] *Hadijatou Mani Koraou v The Republic of Niger*, ECOWAS Community Court of Justice, 27 October 2008, paras. 85 and 84.
[43] *Siliadin v France*, European Court of Human Rights, 26 July 2005, para. 112.
[44] *Velásquez-Rodríguez v. Honduras*, Inter-American Court of Human Rights, 29 July 1988, para. 174.

Guiding principle 4: Effective remedies

The principle

Each State has an obligation to provide an effective remedy to victims of slavery, the slave trade, servitude, forced or compulsory labour, or institutions and practices similar to slavery.

Commentary

Beyond remedial action with respect to the investigation, prosecution and punishment of perpetrators; there is also an obligation in international human rights law to provide an effective remedy for victims. This right flows from the International Covenant on Civil and Political Rights, wherein a State Party must "ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy". The Covenant goes on to say that such a remedy must be determined by a competent authority provided by the legal system of the State and highlights the possibility of judicial remedy.[45]

For its part, the African Committee of Experts on the Rights and Welfare of the Child, has noted that a remedy must be "available, effective and sufficient" and, to that end, noted that a remedy is considered to be available if the petitioner can pursue it "without impediment or if he/she can make use of it in the circumstances of his/her case". The Committee then continued by underscoring – in a 2017 case related to the prohibition of slavery – that "a remedy is effective if it offers a prospect of success. If its success is not sufficiently certain, the remedy cannot meet the requirements of availability and effectiveness. A remedy is considered to be sufficient if it is capable of redressing the complaint".[46]

Beyond the possibility of a victim seeking compensation as against the perpetrator – be it a natural or legal person – where a State has failed in its legal obligation to effectively investigate, prosecute, punish a perpetrator for a violation of the prohibition of slavery, the slave trade, servitude, forced or compulsory labour, or institutions and practices similar to slavery, a victim has a right to a remedy as against the State itself, which becomes liable, as a matter of international law.

International human rights law creates both positive and negative obligations on the State. Negative obligations consist, in this instance, of the requirement that a State not violate the prohibitions under consideration. A State also has positive obligations: to ensure that others, within its full jurisdictional reach, do not breach of the prohibitions under consideration. As the Human Rights Committee has noted, Covenant rights "will only be fully discharged if individuals are protected by the State, not just against violations of Covenant rights by its agents, but also against acts committed by private persons or entities" in any instance resulting from a State "permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities".[47]

[45] Article 2(3)(a), International Covenant on Civil and Political Rights, 1966, the provision of Article 2(3) then goes on to say:

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

[46] See *Decisions of the Communication submitted by Minority Rights Group International and SOS-Esclaves on behalf of Said Ould Salem and Yarg Ould Salem against the Government of the Republic of Mauritania*, African Committee of Experts on the Rights and Welfare of the Child, 15 December 2017, para. 23.

[47] *The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, Human Rights Committee, General Comment Number 31, UN Doc. CCPR/C/21/Rev.1/Add. 13, 26 May 2004, para 8.

These positive obligations derive from the law of State Responsibility and require a State to undertake activities which effectively secure the enjoyment of internationally recognised human rights.[48] The failure to do so creates victims.

Leaving aside a State's obligations with regard to perpetrators covered by *Guiding Principle 3*, where victims are concerned, the exercise of due diligence by the State entails a preventative function: where a possible violation has come to the attention of the authorities, a State must ensure that the victim is removed from that situation. In this context, where State agents—typically first responders—come face-to-face with possible or actual victims of slavery, the slave trade, servitude, forced or compulsory labour, or institutions and practices similar to slavery, such victims should be "treated with compassion and respect for their dignity" and "appropriate measures should be taken to ensure their safety, physical and psychological well-being and privacy".[49]

More than 40 years ago, the United Nations General Assembly endorsed the 1985 *Declaration of Basic Principles and Justice for Victims of Crime and Abuse of Power,* which speaks to the assistance which victims should be informed of, and receive, that is: "the necessary material, medical, psychological and social assistance". With this in mind, the "police, justice, health, social service and other personnel concerned should receive training to sensitize them to the needs of victims".[50]

Beyond the requirement for States to take measures to cease continuing violations, there is also an obligation to prevent recurrence of such a violation.[51] This may be most evident in situations where victims are seeking a remedy through a State's domestic legal system. This is so, as a fundamental tenet of effective remedies for victims is "equal and effective access to justice".[52] Specific to the recurrence of a violation, the *Declaration of Basic Principles* speak of a State's responsiveness to the needs of the victim in judicial and administrative processes by taking measures which ensure their safety "from intimidation and retaliation".[53] More generally, the *Declaration* speaks of victims having "access to mechanisms of justice and to prompt redress" that are "expeditious, fair, inexpensive and accessible".[54]

The redress provided to victims through judicial and administrative processes is meant to repair the harm caused by the violations of the prohibitions under consideration. This may include restitution by the perpetrator including, in the context of forced or compulsory labour, stolen wages. Reparation for the harm caused to a victim should also come in the guise of compensation. To that end the 1985 *Declaration of Basic Principles and Justice for Victims* encourages the "establishment, strengthening and expansion of national funds for compensation to victims".[55]

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[48] Dinah Shelton and Ariel Gould, 'Positive and Negative Obligations' in Dinah Shelton (ed), *The Oxford Handbook of International Human Rights Law* (Oxford University Press, 2013), 563.

[49] See *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, United Nations General Assembly, UN Doc A/RES/40/34, 29 November 1985, para. 14 and *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, United Nations General Assembly, UN Doc. A/RES/60/147, 16 December 2005, para. 8.

Note: While the 2005 *Basic Principles and Guidelines* relate to gross violations of international human rights law and serious violations of international humanitarian law, and thus touch on the prohibitions under consideration, they do so only to the extent they meet that threshold. Despite the fact that they are clearly an update of the 1985 *Declaration of Basic Principles*, mirroring its language; and recognising that they "do not entail new international or domestic legal obligations but identify mechanisms, modalities, procedures and methods for the implementation of existing legal obligations under international human rights law and international humanitarian law", their provisions are simply noted in appropriate footnotes, rather than constituting effective remedies for victims of any and all prohibitions of slavery, the slave trade, servitude, forced and compulsory labour, or institutions and practices similar to slavery.

[50] *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, United Nations General Assembly, UN Doc A/RES/40/34, 29 November 1985, paras. 15 and 16.

[51] See Article 30 (Cessation and non-repetition), *Responsibility of States for Internationally Wrongful Acts*, United Nations, International Law Commission, annex to General Assembly Resolution 56/83, 12 December 2001.

[52] *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, United Nations General Assembly, UN Doc. A/RES/60/147, 16 December 2005, para. 3(c).

[53] *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, United Nations General Assembly, UN Doc A/RES/40/34, 29 November 1985, para. 6(d).

[54] *Ibid.*, paras. 4 and 5, and more generally paras. 4 to 7. See *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, United Nations General Assembly, UN Doc. A/RES/60/147, 16 December 2005, Section VIII.

[55] *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, United Nations General Assembly, UN Doc A/RES/40/34, 29 November 1985, para. 13. See also *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, United Nations General Assembly, UN Doc. A/RES/60/147, 16 December 2005, Section IX.

Anti-Slavery Model Legislation:

the provisions and their commentaries

Introduction to the model legislation

The *Anti-Slavery Model Legislation* assists a State in giving effect to its international obligations to prohibit slavery, the slave trade, servitude, forced or compulsory labour, and institutions and practices similar to slavery. The *Model Legislation* provides a roadmap for closing this gap between the international commitments a State has already undertaken to prohibit slavery and related forms of exploitation, and its domestic legislative frameworks. It facilitates the process of reviewing and adopting new, or amending existing, domestic legislation. As a guide, the *Anti-Slavery Model Legislation* is both a starting point and a checklist in ensuring that domestic law is consistent with the international obligations which a State has already undertaken.

While the *Anti-Slavery Model Legislation* sets out criminal provisions, it should be emphasised that where the prohibitions of slavery, the slave trade, servitude, and forced or compulsory labour are concerned, a State will have typically have already agreed to international requirements not only in the criminal law sphere but also those flowing from international human rights instruments and international labour conventions. This is so as the majority of States are party to one or more of the following instruments: the 1926 Slavery Convention; the 1930 Forced Labour Convention; the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; and/or the 1966 International Convention on Civil and Political Rights; as well as regional human rights instruments.

The *Anti-Slavery Model Legislation* provides information as to the legal obligations a State has in the anti-slavery domain, and provides a template for addressing the issue within its domestic legal order.

Slavery – Legislative provision and commentary

Slavery – Legislative provision

Definition of slavery
(1) Slavery means the exercise of any or all of the powers attaching to the right of ownership over a person. (2) Slave means a person in such condition or status.
Slavery unlawful
Slavery is unlawful and its abolition is maintained.
Offence of slavery
(1) A person is guilty of an offence if the person controls another individual in such a way a. as to exercise a power normally associated with the right of ownership. (2) A person guilty of an offence under this section is liable to imprisonment for no more than [X] years and a fine of up to [X].
Offence of inducing an individual into the condition or status of slavery
(1) A person is guilty of an offence if the person induces an individual – a. to give themselves into slavery, or b. to give an individual dependent upon themselves into slavery. (2) A person guilty of an offence under this section is liable to imprisonment for no more than [X] years and a fine of up to [X].
Offence of branding
(1) A person is guilty of an offence if the person mutilates, brands or otherwise marks an individual held in slavery – b. in order to indicate their status as a slave; or c. as a punishment, or d. for any other reason. (2) A person guilty of an offence under this section is liable to imprisonment for no more than [X] years and a fine of up to [X].

Slavery – Commentary

The legislative provisions on slavery are drawn from the definition first set out by the League of Nations in the 1926 Slavery Convention. That definition has been reproduced, in substance, in the 1956 United Nations Supplementary Convention and the 1998 Statute of the International Criminal Court.[56]

[56] See Article 7(a), Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956; and Articles 7(1)(c), (g), 8(2)(b)(xxii), and 8(2)(e)(vi), Statute of the International Criminal Court, 1998.

The original definition of slavery, found at Article 1(1) of the Slavery Convention, reads:

> Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.

In 2002, the International Criminal Tribunal for the former Yugoslavia became the first international court to interpret these provisions. In the *Kunarac* case it determined "that the traditional concept of slavery, as defined in the 1926 *Slavery Convention* and often referred to as 'chattel slavery', has evolved to encompass various contemporary forms of slavery which are also based on the exercise of any or all of the powers attaching to the right of ownership'.[57] For its part, the Inter-American Court of Human Rights determined in 2016 that the concept of slavery had "evolved and is no longer limited to ownership of a person".[58] The Inter-American Court went on to consider in depth the two elements of the definition.

First, in regard to 'status or condition', the Court stated that this "refers to both *de jure* and *de facto* situations". In other words, the definition holds both for "traditional slavery", where a person has the legal status of a slave; and in its modern guise – where a person is held in the condition of slavery even if slavery has been abolished in law. As the Inter-American Court stated with regard to the latter, the "existence of a formal document or a legal standard for the characterization of this phenomenon is not essential"—to be held *in fact*, rather than *in law*, was enough.[59]

With regard to the second element of the definition, the Inter-American Court of Human Rights stated that exercise of:

> ...the powers attaching to the right of ownership must be understood in the present day as the control exercised over a person that significantly restricts or deprives him of his individual liberty with intent to exploit through the use, management, profit, transfer or disposal of a person. In general, this exercise will be supported and will be obtained through such means as violence, deception and/or coercion.[60]

In making its determination as to the concept of slavery, the Inter-American Court of Human Rights relied on the *2012 Bellagio-Harvard Guidelines on the Legal Parameters of Slavery*.[61] The Inter-American Court recognised that fundamental to ownership in property law was the background relationship of control termed 'possession'. The *Bellagio-Harvard Guidelines* speak of "control tantamount to possession". In providing substance to the language of the *Guidelines,* which highlight 'control over a person in such a way as to significantly deprive that person of his or her individual liberty', the Inter-American Court of Human Rights stated that "it could be equated with the loss of one's own will or a considerable reduction of personal autonomy".[62]

Having established such control, the Inter-American Court pointed to various other powers attaching to the right of ownership: "the use, management, profit, transfer or disposal of a person".[63] Those powers are given depth of understanding in the *Bellagio-Harvard Guidelines on the Legal Parameters of Slavery.*

Consider the example of the power 'to use'. It is not enough for one person to have used another person for such an act to constitute slavery; more is required. First, overarching control over a person must be established. Once that is achieved, then such *use* constitutes a 'power attaching to

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[57] *Prosecutor v. Dragoljub Kunarac, Radomir Kovac & Zoran Vukovic*, International Criminal Tribunal for the former Yugoslavia, 12 June 2002, p. 35.
[58] *Case of the Hacienda Brasil Verde Workers v Brazil*, Inter-American Court of Human Rights Series, 20 October 2016, para. 269.
[59] *Ibid.*, para. 270.
[60] *Ibid.*, para. 271.
[61] The *Bellagio-Harvard Guidelines on the Legal Parameters of Slavery* (2012), available in each of the official UN languages at https://www.researchgate.net/publication/301671974_2012_Bellagio-Harvard_Guidelines_on_the_Legal_Parameters_of_Slavery_-_from_Slavery_in_International_Law.
Guideline 2 – The Exercise of the Powers Attaching to the Right of Ownership reads:
> In cases of slavery, the exercise of 'the powers attaching to the right of ownership' should be understood as constituting control over a person in such a way as to significantly deprive that person of his or her individual liberty, with the intent of exploitation through the use, management, profit, transfer or disposal of that person. Usually this exercise will be supported by and obtained through means such as violent force, deception and/or coercion.

[62] *Case of the Hacienda Brasil Verde Workers v Brazil*, Inter-American Court of Human Rights Series, 20 October 2016, para. 271.
[63] *Ibid.*, para. 271.

the right of ownership', in the sense of the definition of slavery. Guideline 4(b) of the *Bellagio-Harvard Guidelines* expresses this in the following terms:

> Using a person may provide evidence of slavery. Having established control tantamount to possession; the act of using that person will be an act of slavery.
>
> Evidence of such use of a person may include the derived benefit from the services or labour of that person. In such cases, a person might be used by working for little or no pay, utilised for sexual gratification, or used by providing a service.

The *2012 Bellagio-Harvard Guidelines on the Legal Parameters of Slavery* follow this approach for each of the other powers attaching to the right of ownership, that is: management, profit, transfer or disposal of a person.[64]

A State may wish to integrate this understanding of the concept of the definition of slavery into its domestic legislation by including the following provisions:

Definition of slavery
(1) Slavery means the exercise of any or all of the powers attaching to the right of ownership over a person. a. as to significantly deprive the individual of liberty, wherein b. any person obtains a benefit through the use, management, profit, transfer or disposal of the individual. (2) Slave means a person in such condition or status.

Beyond the conception of slavery, the Inter-American Court of Human Rights, in referencing the case-law of international courts (both criminal and human rights courts), went on to state "that in order to determine a situation as slavery in the present day, the manifestation of the so-called 'powers attaching to the right of ownership' should be evaluated on the basis of the following elements".[65] These *indicia* of slavery, which build on the indicators identified by the International Criminal Tribunal for the former Yugoslavia in the *Kunarac* case,[66] are:

a) restriction or control of individual autonomy;
b) loss or restriction of the freedom of movement of a person;
c) the perpetrator obtaining a benefit;
d) absence of consent or free will of the victim, or its impossibility or irrelevance due to the threat of use of violence or other forms of coercion, fear of violence, deception or fraud;
e) the use of physical or psychological violence;
f) the position of vulnerability of the victim;
g) detention or captivity;
i) exploitation.[67]

In drafting domestic legislation specific to the prohibition of slavery, the *Anti-Slavery Model Legislation* makes plain that a State should create the offence of slavery and legislate against inducing persons into a condition or status of slavery.

States Parties to the 1956 Supplementary Convention should recognise that this instrument requires what may seem to be outdated provisions relating to the criminalisation of acts of "mutilating, branding or otherwise marking a slave" where the abolition or abandonment of slavery is not yet complete.[68] However, such mutilation continues to take place, and complete abolition and abandonment of slavery has not yet been achieved in any State. Thus, provisions criminalising such

[64] Above n 61.
[65] *Ibid.*, para. 272. See also *Hadijatou Mani Koraou v The Republic of Niger*, ECOWAS Community Court of Justice, 27 October 2008, para. 77.
[66] *Prosecutor v. Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic*, International Criminal Tribunal for the former Yugoslavia, 22 February 2001.
[67] *Case of the Hacienda Brasil Verde Workers v Brazil*, Inter-American Court of Human Rights Series,, 20 October 2016, para. 272.
[68] Article 5, Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.

acts should be included in legislation related to the prohibition of slavery. Likewise, for States party to the 1956 Supplementary Convention, provisions for mutilating, branding, or otherwise marking "persons of servile status" are required.

Beyond the offences of enslaving, inducing an individual into the condition or status of slavery, and mutilating, branding or otherwise marking, the 1956 Supplementary Convention requires that the following acts be made liable to punishment as criminal offences under their domestic law in relation to these offences: "attempting [...], or being accessory thereto, or being a party to a conspiracy to accomplish any such acts".[69] Such provisions are not included within the Legislative provisions, but are considered, as with other types of ancillary offences, within *Guiding Principle 2: full jurisdictional reach.*

Where a person is found guilty of an offence under the Legislative Provision touching on slavery, Article 6 of the 1926 Convention prescribes that a State party "undertake to adopt the necessary measures in order that severe penalties may be imposed in respect of such infractions". By severe, a State should consider commensurate penalties to those ordinarily associated with the most serious offences within its domestic legal order.

Beyond obligations of criminal law, it should be noted that prohibition of slavery is recognised by the Universal Declaration on Human Rights which mirrors the legal obligations found in Article 8 of the United Nations' 1966 International Convention on Civil and Political Rights, that "slavery [...] shall be prohibited in all [its] forms".

[69] Article 6, Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.

Slave trade – Legislative provision and commentary

Slave trade – Legislative provision

Definition of slave trade
(1) Slave trade means, and includes, any acts involving – a. the capture, acquisition or disposal of a person with intent to reduce them to slavery, b. all acts involved in the acquisition of a slave with a view to selling or exchanging them, c. all acts of disposal, by sale or exchange, of a person acquired with a view to them being sold or exchanged, and d. in general, every act of trade or transport in slaves by whatever means of conveyance.
The slave trade is unlawful
Slavery is unlawful and its abolition is maintained.
Offence of being engaged in the slave trade
(1) A person is guilty of an offence if the person is engaged in— a. the capture, acquisition, disposal, trade, or transport of an individual with the intention of making that individual a slave; or b. the capture, acquisition, disposal, trade, or transport of a person with the intention of selling, exchanging, or otherwise transferring them as a slave (2) A person guilty of being engaged in the slave trade is liable to imprisonment for no more than [X] years and a fine of up to [X].

Slave trade – Commentary

The Legislative Provisions set out above are drawn from the established definition of the slave trade, as first expressed in Article 1 of the 1926 Slavery Convention and later reproduced in Article 7(c) of the 1956 Supplementary Convention. This reads as follows:

> 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 of exchange of a person acquired with a view to being sold or exchanged; and, in general, every act of trade or transport in slaves by whatever means of conveyance.

The Legislative Provisions set out the offences of engaging in the slave trade by reference to that definition: capture, acquisition, disposal, trade and transport.

In drafting domestic legislation specific to the prohibition of the slave trade, States should create an offence of being engaged in the slave trade. Further, the 1956 Supplementary Convention requires that the act of "conveying or attempting to convey slaves [...] or of being accessory thereto, shall be a criminal offence".[70] Thus, for a State party to the 1956 Supplementary Convention, the specific provisions require that the engaging in the slave trade include accessory liabilities, that is: "A person

[70] Article 3, Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.

is guilty of an offence if the person is engaged in the act of conveying or attempting to convey slaves; or is an accessory thereto".

With regard to those found guilty of the offence of being engaged in the slave trade, the 1956 Supplementary Convention speaks of such persons as being "liable to very severe penalties".[71] Although the adjective 'very' raises the threshold beyond that of 'severe penalties' as pertains to the prohibition of slavery, the same approach as set out in *Slavery – Commentary* should be taken. That is: in regard to 'very severe penalties' related to the prohibition of the slave trade, States should consider the penalties ordinarily associated with the most serious offences set out in their domestic legal order, and legislate accordingly.

With regard to the prohibition of slavery and the slave trade at sea, it should be brought to the attention of a State party to the 1982 United Nations Convention on the Law of the Sea, that each State has an obligation to ensure that "any slave taking refuge on board any ship, whatever its flag, shall *ipso facto* be free" and that they must "take effective measures to prevent and punish the transport of slaves in ships authorized to fly its flag".[72]

Further, the prohibition of the slave trade is recognised by the Universal Declaration on Human Rights, which mirrors the legal obligations found in Article 8 of the United Nations' 1966 International Convention on Civil and Political Rights, that "slave trade shall be prohibited in all [its] forms". As the Inter-American Court of Human Rights has determined, the fundamental nature of the prohibition of the slave trade flows from its "association with slavery".[73] The prohibition of the slave trade is, in essence, a number of aggregate offences of slavery.

[71] Article 3, Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.
[72] See Article 99, 1982 United Nations Convention on the Law of the Sea mirrors elements of the obligations flowing from the 1956 Supplementary Convention, as it requires a State party to "take effective measures to prevent and punish the transport of slaves in ships authorized to fly its flag and to prevent the unlawful use of its flag for that purpose. Any slave taking refuge on board any ship, whatever its flag, shall *ipso facto* be free".
Beyond this, the United Nations Law of the Sea Convention provides a right to visit foreign ships suspected of being engaged in the slave trade, and the modalities by which this is to take place at Article 110 (Right to Visit).
[73] *Case of the Hacienda Brasil Verde Workers v Brazil*, Inter-American Court of Human Rights Series, 20 October 2016, para. 282.

Servitude – Legislative provision and commentary

Servitude – Legislative provision

Definition of servitude
(1) Servitude means that an individual is under an obligation, arising out of coercion, to provide a service for an indeterminate period.
Servitude unlawful
Servitude is unlawful.
Offence of servitude
(1) A person is guilty of an offence if the person subjects another individual to servitude. (2) A person guilty of an offence under this section is liable to imprisonment for no more than [X] years and a fine of up to [X].
Offence of inducing an individual into servitude
(1) A person is guilty of an offence if the person induces an individual – a. to give themselves into servitude, or b. to give an individual dependent upon themselves into servitude. (2) A person guilty of an offence under this section is liable to imprisonment for no more than [X] years and a fine of up to [X].

Servitude – Commentary

As a concept of international law, the right not to be held in servitude has been developed, in the main, through the case-law of regional human rights courts. While noted in the 1948 Universal Declaration of Human Rights, servitude first finds voice in law in Article 8 of the 1966 United Nations International Covenant on Civil and Political Rights, which states that 'no one shall be held in servitude'.

The definition set out in the above Legislative Provisions is drawn from the 2012 *Case of M. and Others v. Italy and Bulgaria* before the European Court of Human Rights. In setting out its understanding of servitude, the European Court stated the following:

> With regard to the concept of 'servitude', the Court has held that what is prohibited is a 'particularly serious form of denial of freedom'. The concept of 'servitude' entails an obligation, under coercion, to provide one's services, and is linked with the concept of 'slavery'.[74]

In *C. N. and V. v France*, the European Court of Human Rights distinguished servitude from forced or compulsory labour stating:

> servitude corresponds to a special type of forced or compulsory labour or, in other words, 'aggravated' forced or compulsory labour. As a matter of fact, the fundamental distinguishing feature between servitude and forced or compulsory labour within the meaning of Article 4 of the Convention lies in the victim's feeling that their condition is permanent and that the situation is unlikely to change.[75]

[74] *M. and Others v. Italy and Bulgaria*, European Court of Human Rights, 17 December 2012, para. 149. Citations in the text omitted.
[75] *C. N. and V. v France*, European Court of Human Rights, 11 January 2013, para. 91.

In its 2016 *Case of the Hacienda Brasil Verde Workers v Brazil* case, the Inter-American Court of Human Rights concurred with the previous determinations of the European Court of Human Rights in a case it characterised as dealing with "servitude of the land"; that is: serfdom. To that end, the Inter-American Court reiterated what the European Court had said previously, that servitude is to be understood as "the obligation to perform work for others, imposed by coercion, and the obligation to live on the property of another person, without the possibility of changing that condition".[76]

As servitude has evolved from case-law, there is no treaty prescription as to the penalty which should be imposed for those found guilty of the offence of holding a person in servitude. However, the Inter-American Court of Human Rights has stated that the right not to be held in servitude should carry the same protection and obligations as the prohibition of slavery. A State may therefore consider establishing a penalty for servitude commensurate with the most serious offences found within its domestic legal order, and aligned with the obligation to impose severe penalties for the offence of slavery and the slave trade.

It is worth noting that the institutions and practices similar to slavery set out in the *Anti-Slavery Model Legislation*, as originally developed by the League of Nations from 1924 until the penultimate draft of the United Nations' 1956 Supplementary Convention, were conceived and considered as instances of servitude.[77] These institutions and practices similar to slavery may therefore be used by States as an interpretative guide in establishing its domestic legislation prohibiting servitude.

[76] *Case of the Hacienda Brasil Verde Workers v Brazil*, Inter-American Court of Human Rights Series, 20 October 2016, para. 280.
[77] See Jean Allain, "On the Curious Disappearance of Human Servitude from General International Law", *Journal of the History of International Law*, Vol. 11, 2009, pp. 303-332.

Forced or compulsory labour – Legislative provision and commentary

Forced or compulsory labour – Legislative provision

Definition of forced or compulsory labour
(1) Forced or compulsory labour is the providing of labour or personal services in circumstances where – a. the individual is being forced, by menace of penalty, to provide that labour or those services, and b. the individual has not voluntarily submitted to that status or condition. (2) Slave means a person in such condition or status.
Forced or compulsory labour – exceptions
The following are not forced or compulsory labour – a. work or service normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention, b. service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors, c. service exacted in cases of emergency or calamity threatening the life or well-being of the community, d. work or service which forms part of normal civil obligations.
Forced or compulsory labour unlawful
Forced or compulsory labour is unlawful and its abolition is maintained.
Offence of forced or compulsory labour
(1) A person is guilty of an offence if the person subjects another individual to forced or compulsory labour. (2) A person guilty of an offence under this section is liable to imprisonment for no more than [X] years and a fine of up to [X].
Offence of inducing an individual into forced or compulsory labour
(1) A person is guilty of an offence if the person induces an individual – a. to give themselves into forced or compulsory labour, or b. to give an individual dependent upon themselves into forced or compulsory labour. (2) A person guilty of an offence under this section is liable to a penalty.

Forced or compulsory labour – Commentary

The Legislative Provisions in regard to the definition of forced or compulsory labour are drawn from Article 2 of the 1930 Forced Labour Convention, which is acknowledged by international courts as constituting the established definition in international law. That definition reads:

All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

The International Labour Organisation's Committee of Experts on the Application of the Conventions and Recommendations of International Labour has paraphrased this definition of forced or compulsory labour, in the following terms: "work done under threat of some kind of punishment, and work for which individuals do not offer themselves of their own free will".[78] Fundamental to forced or compulsory labour is its manifestation through a relationship of work; wherein coercion is utilised by one person to negate the right of another person to freely choose to labour.

Included within the definition of forced or compulsory labour are exceptions. The exceptions set out in the Legislative Provisions above are a slight modification of those found in the 1930 Convention, as they are drawn from the more recent 1966 International Covenant on Civil and Political Rights. The International Covenant on Civil and Political Rights establishes a prohibition on forced or compulsory labour at Article 8(3)(a), stating: "No one shall be required to perform forced or compulsory labour". Article 8(3) then goes on to prescribe exceptions to this prohibition, as follows:

(b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court.

(c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:

i. Any work or service, not referred to in sub-paragraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;
ii. Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;
iii. Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
iv. Any work or service which forms part of normal civil obligations.

The extent to which labour may be exacted under these exceptions has been considered in depth by the International Labour Organisation's Committee of Experts on the Application of the Conventions and Recommendations of International Labour.[79]

At the regional level, the European Court of Human Rights has noted that the term "'forced labour' brings to mind the idea of physical or mental coercion".[80] For its part, in a 2016 Judgement, the Inter-American Court of Human Rights reaffirmed that the definition of forced or compulsory labour consists of two basic elements: that "work or service is 'exacted under a menace of any penalty', and that these are carried out involuntarily".[81]

With regard to the first of these base elements, the Inter-American Court determined that the menace of such a penalty:

...may consist, among other possibilities, in the actual and current presence of intimidation, which may assume heterogeneous forms and gradations, of which the most extreme are those involving coercion, physical violence, isolation or confinement, as well as the threat of death directed at the victim or their family members.[82]

[78] International Labour Office, International Labour Conference, *Forced Labour*, General Conclusions on the Report relating to the International Labour Conventions and Recommendations dealing with Forced Labour and Compulsion to Labour, 1957 (No. 105), Part 3, Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III, Part IV, 1962, p. 195.
[79] See International Labour Organisation, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, 2019.
[80] *F.M. and Others v Russia*, European Court of Human Rights, 10 March 2025, para. 243.
[81] *Case of the Hacienda Brasil Verde Workers v Brazil*, Inter-American Court of Human Rights Series, 20 October 2016, para. 292.
[82] *Ibid.*, para. 293.

Less extreme menaces of penalties will include the threats of termination or suspension; or of withholding wages or other benefits in violation of labour law.

As to the second element, regarding a lack of willingness to perform such work or service, the Inter-American Court has noted that this "consists of the absence of consent or free choice at the beginning of the situation of forced or compulsory labour or at the time of its continuation. This may occur for different reasons, such as the illegal deprivation of liberty, deception or psychological coercion".[83] It should be emphasised that the ability of a person to 'offer himself or herself voluntarily' will be negated by *any* means or methods of coercion used by an employer to compel labour.

The Legislative Provisions concerning forced or compulsory labour provide that where a person is found guilty of an offence they are liable to a penalty. The 1930 Forced Labour Convention establishes that "the illegal exaction of forced or compulsory labour shall be punishable as a penal offence" and "strictly enforced".[84] While this does not entail an element of severity as articulated in the context of slavery or the slave trade, a State may consider the relationship between different forms of exploitation in establishing penalties commensurate with the severity of violations in question.

In should be noted that as early as the 1926 Slavery Convention, there was an acknowledgment that State Parties were to take "measures to prevent compulsory or forced or compulsory labour from developing into conditions analogous to slavery".[85] Thus, while forced or compulsory labour may be a precursor or gateway into slavery or institutions or practices similar to slavery, there is a distinction in law: forced or compulsory labour is limited to coercion exercised to compel work, while slavery requires more. By the pervasive nature of the control required ('control tantamount to possession'), slavery will touch the near-totality of a person's life encompassing both the workplace and beyond. The exercise of such control will manifest the powers attaching to the right of ownership, which will not be present in a case of forced or compulsory labour. Forced labour, by contrast, relates exclusively to the compelling of labour by menace of a penalty.

Further, for those States party to the 1957 Abolition of Forced Labour Convention it should be recognised that they have undertaken "to suppress and to not make use of any form of forced or compulsory labour:

a) As a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
b) As a method of mobilising and using labour for purposes of economic development;
c) As a means of labour discipline;
d) As a punishment for having participated in strikes;
e) As a means of racial, social, national or religious discrimination".

Likewise in human rights law, beyond regional instruments, States party to the United Nations' 1966 International Convention on Civil and Political Rights have undertaken obligations, under Article 8, to prohibit forced or compulsory labour.

[83] *Ibid.*, para. 293.
[84] Article 25, Forced Labour Convention, 1930.
[85] Article 5, Slavery Convention, 1926.

Institutions and practices similar to slavery – Legislative provision and commentary

Institutions and practices similar to slavery – Legislative provision

Definition of institutions and practices similar to slavery

(1) The following are institutions and practices similar to slavery –

a. debt bondage,
b. serfdom,
c. servile matrimonial transactions,
d. delivery of children for exploitation.

(2) Debt bondage means the status or condition of a person arising from an individual promising their personal services, or the personal services of another individual under their care or control, as security for a debt if –

a. the value of the services, as reasonably assessed, is not applied to the discharge of the debt, or
b. the period in which the services are to be provided, and the nature of the services, are not limited or defined.

(3) Serfdom means the status or condition of an individual who, by law, custom, or agreement–

a. is required to live and work on land belonging to a person other than the individual,
b. is required to provide some determined service to the person, and
c. is not free to change that status or condition.

(4) Servile matrimonial transactions means the status or condition by which –

a. an individual, without their consent, is passed or given in marriage, in exchange for a material benefit to their parents, guardians, family or any other person,
b. an individual is transferred to another person, in exchange for a material benefit, by their spouse, or their spouse's family or other group, or
c. an individual is liable on the death of their spouse, to be inherited by another person.

(5) Delivery of children for exploitation means the delivery of a child by an individual to another person, whether or not in return for a material benefit, with a view that the child will be exploited.

a. For the purposes of this section, exploitation includes, but is not limited to –
    i. sexual exploitation of the child,
    ii. removal or transfer of organs of the child,
    iii. subjecting the child to slavery, servitude, or institutions and practices similar to slavery,
    iv. forced or compulsory labour of the child,
    v. recruitment of the child for use in armed conflict,
    vi. use of the child for illicit activities, in particular the production and trafficking of narcotic drugs and psychotropic substances.

vii. employing the child in work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of the child.

b. For the purposes of this section –

i. Sexual exploitation includes, but is not limited to, offering, obtaining, procuring, or providing a child for child prostitution or producing, distributing, disseminating, importing, exporting, offering, selling, or possessing child pornography.

ii. Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration.

iii. Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

c. For the purposes of this section, a child is an individual under the age of 18.

d. For the purposes of this section, the issue of whether or not the child consented to either the delivery or the exploitation is irrelevant.

Institutions and practices similar to slavery unlawful

Institutions and practices similar to slavery are unlawful [and their abolition is maintained].

Offence of subjection of a person to institutions or practices similar to slavery

(1) A person is guilty of an offence if the person subjects an individual to an institution or practice similar to slavery.

(2) A person guilty of an offence under this section is liable to imprisonment for no more than [X] years and a fine of up to [X].

Offence of inducing an individual into an institution or practice similar to slavery

(1) A person is guilty of an offence if the person induces an individual –

(a) to give themselves into an institution or practice similar to slavery, or

(b) to give an individual dependent upon themselves into an institution or practice similar to slavery.

(2) A person guilty of an offence under this section is liable to imprisonment for no more than [X] years and a fine of up to [X].

Offence of branding

(1) A person is guilty of an offence if the person mutilates, brands or otherwise marks an individual held in an institution or practice similar to slavery –

(a) in order to indicate their servile status, or

(b) as a punishment, or

(c) for any other reason.

(2) A person guilty of an offence under this section is liable to imprisonment for no more than [X] years and a fine of up to [X].

Institutions and practices similar to slavery – Commentary

A State's obligations to enact the Legislative Provisions regarding institutions and practices similar to slavery are derived exclusively from the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, and thus is binding only on States Parties.

The 1956 Supplementary Convention requires that the following four institutions or practices similar to slavery be completely abolished and abandoned: debt bondage, serfdom, servile matrimonial transactions, and delivery of children for exploitation.

For its part, the provisions on 'delivery of children for exploitation' forming part of this *Anti-Slavery Model Legislation* are given further substance by reference to provisions of the 2000 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, the 1999 Worst Forms of Child Labour Convention, and the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

As originally developed by the League of Nations from 1924 until the penultimate draft of the United Nations' 1956 Supplementary Convention, the institutions and practices similar to slavery set out above were conceived and considered as instances of *servitude.*[86] Therefore, these institutions and practices similar to slavery may be used as a guide in establishing the legal parameters of servitude for States not party to the 1956 Supplementary Convention.

In drafting domestic legislation specific to address institutions and practices similar to slavery, a State Party should recognise that the 1956 Supplementary Convention requires the criminalisation of acts that may seem outdated, that is: "mutilating, branding or otherwise marking" persons held in institutions or practices similar to slavery under Article 5. However, as such mutilation continues to take place, and the complete 'abolition or abandonment' of institutions and practices similar to slavery has not yet been achieved by States, States Parties are required to enact a criminal offence entailing punishment for persons convicted thereof.

Before turning to consider the four institutions and practices, it should be recognised in general terms that the 1956 Supplementary Convention requires States Parties to have in place "criminal offences under [their] laws" and that "persons convicted thereof shall be liable to punishment".[87] The States Parties are also required, by virtue of the 1956 Supplementary Convention, to not only abolish and criminalise the acts of inducing or subjecting a person to the institutions or practice similar to slavery, but also in regard to attempting, being accessory thereto, or being a party to a conspiracy to accomplish such an act.[88]

Finally, before considering the individual institutions or practices similar to slavery, it should be noted that 1956 Supplementary Convention recognises that these institutions or practices may meet the threshold of the prohibition of slavery. As such, where cases of debt bondage, serfdom, servile matrimonial transactions, or delivery of children for exploitation, manifest control tantamount to possession, they should be considered as cases of slavery. Cross-references to this effect should exist in the development or amendment of domestic legislation.[89]

[86] See Jean Allain, "On the Curious Disappearance of Human Servitude from General International Law", *Journal of the History of International Law*, Vol. 11, 2009, pp. 303-332.

[87] Article 6(1), Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.

[88] Article 6(2), Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.

[89] Article 1, Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956 reads, in part:

> Each of the States Parties to this Convention shall take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the following institutions and practices, where they still exist and whether or not they are covered by the definition of slavery contained in article 1 of the Slavery Convention signed at Geneva on 25 September 1926.

Debt bondage

Turning first to debt bondage (also sometimes referred to as bonded labour or peonage), the Legislative Provisions use as their basis the definition set out in the 1956 Supplementary Convention, which reads:

> Debt bondage, that is to say, 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.[90]

Included in the definition is the recognition, as with of the prohibition of slavery, that both the 'status and condition' of debt bondage are to be prohibited and thus a person may not be held either *de jure* or *de facto* in debt bondage.

States Parties may wish to go beyond the provisions of the 1956 Supplementary Convention by abolishing and penalising bonded labour in broader terms. To do so, States may consider promulgating legislation which reads:

> Bonded labour means the status or condition arising from an individual promising their personal services, or the personal services of another individual under their care or control, as security for a debt.

Where a State Party allows bonded labour, procedures for a competent official to determine the value and proportion of the service rendered in discharging the debt, and a maximum number of days of labour, should be prescribed by law so as to meet the requirements of the definition set out in the 1956 Supplementary Convention.

In 1951, the United Nations made the following recommendations with respect to the regulation of debt bondage:

a) all agreements for labour in consideration of a debt should be held to be legal only if reduced to writing;
b) a procedure should be evolved whereby the correctness of the debt and the value of the services to be rendered in payment thereof should be established before a competent official and incorporated in the agreement;
c) the proportion of the value of the service to be paid towards the elimination of the debt should also be prescribed;
d) the debtor should in no circumstance be bound to work for the creditor under the agreement for more than a prescribed maximum number of days;
e) the value of the work undertaken in the agreement should not be less than what is sanctioned by usage in the district;
f) the duty of rendering services in extinguishment of the debt should not be transferable to a third person; and
g) the agreement should not bind the heirs of the debtor.[91]

In order to effectively prohibit and eradicate debt bondage, States should consider adopting a regulatory framework in line with these recommendations.

Serfdom

As with debt bondage, the basis of the Legislative Provisions on serfdom is the definition established by the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, which reads:

[90] Article 1(a), Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.
[91] United Nations, Economic and Social Council, Report of the *Ad Hoc* Committee on Slavery (Second Session), UN Doc E/1988, E/AC.33/13, 4 May 1951, p. 22.

> Serfdom, that is to say, the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status.[92]

The language of the definition of serfdom – the 'condition or status' of a tenant who is by law, custom, or agreement – requires that serfdom be prohibited both in law and in fact, that is: both *de jure* and *de facto*.

There has been no international case-law or determination by treaty-monitoring bodies as to the nature of serfdom as found in the 1956 Supplementary Convention. However, as has already been noted in regard to servitude, both the European Court of Human Rights and Inter-American Court of Human Rights understand it as "the obligation to perform work for others, imposed by coercion, and the obligation to live on the property of another person, without the possibility of changing that condition".[93] In the language of the Inter-American Court: 'servitude of the land'.[94] That language has evolved, as previously the European Court of Human Rights spoke of servitude including: "in addition to the obligation to perform certain services for others ... the obligation for the 'serf' to live on another person's property and the impossibility of altering his condition".[95]

Further insight as to safeguards to ensure that labour practices tied to the land do not develop into serfdom may be garnered from the 1968 Recommendation Number 132 of the International Labour Organisation: *Recommendation concerning the Improvement of Conditions of Life and Work of Tenants, Share-croppers and Similar Categories of Agricultural Workers.* The Recommendation notes that legislation should be adopted which ensures that rent is set at a level that: "permits a standard of living for the occupant which is compatible with human dignity"; and determines "the minimum share of the produce to which the person [...] are entitled".[96] Further, it allows for "rent adjustment in certain circumstances such as substantial changes in yield, prices and value of land" and requires postponement of the payment of rent "where circumstances so require", such as crop failure or natural disaster.[97]

Servile matrimonial transactions

The provisions on servile matrimonial transactions set out in the Legislative Provisions are drawn from the 1956 Supplementary Convention. These provisions are a subset of, and distinct from, the larger protection from child, early, and forced marriage afforded in various States' domestic law. The provisions of the Supplementary Convention relate to commodification of a person into, during, and after marriage.

Under the heading of servile matrimonial transactions are three distinct instances of commodification that, although not specific to the act of marriage, flow from the institution of marriage. They may be understood as: the purchasing of a bride or groom; the transferring of a husband or wife; and the inheriting of a widow or widower. Where a State has recognised institutions and unions beyond legal marriage, consideration should be given to extending the provisions on transfer of persons in the context of marriage to cover those unions.

States Parties to the 1956 Supplementary Convention are reminded that they have also undertaken an obligation to: prescribe suitable minimum ages of marriage – ordinarily 18 years of age in

[92] Article 1(b), Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.
[93] *Case of the Hacienda Brasil Verde Workers v Brazil*, Inter-American Court of Human Rights Series, 20 October 2016, para. 280.
[94] *Ibid.*, para. 280.
[95] *Siliadin v France*, European Court of Human Rights, 26 July 2005, para. 123.
[96] Article 10, International Labour Organisation, R132 — Recommendation concerning the Improvement of Conditions of Life and Work of Tenants, Share-croppers and Similar Categories of Agricultural Workers, 1968, (No.132), 25 June 1968.
[97] *Ibid.*

accordance with the Convention on the Rights of the Child; ensure that consent is freely expressed before a competent authority; and facilitate the registration of marriages.[98]

Delivery of children for exploitation

With regard to child exploitation, the Legislative Provisions use as their basis the definition set out in the 1956 Supplementary Convention, which reads:

> Any institution or practice whereby a child or young person under the age of 18 years is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.[99]

Exploitation within the context of this provision is not defined by the 1956 Convention. The meaning of exploitation in the context of the delivery of children for exploitation within this *Anti-Slavery Model Legislation* is given substance by reference to provisions of the 1999 Worst Forms of Child Labour Convention the 2000 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

The language of the 2000 Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography related to the sale of a child is derived from Article 1(d) of the 1956 Supplementary Convention as set out above. Article 2(a) of the 2000 Protocol, states:

> Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration.

The definition of exploitation articulated in Paragraph 5(a) of the Legislative Provisions of the *Anti-Slavery Model Legislation* with regard to delivery of children draws from the 2000 Protocol, which notes that "in the context of sale of children", States Parties are required to "ensure that, as a minimum, the following acts and activities are fully covered under criminal or penal law", within their domestic legal order:

(i) Offering, delivering or accepting, by whatever means, a child for the purpose of:

a. Sexual exploitation of the child;
b. Transfer of organs of the child for profit;
c. Engagement of the child in forced or compulsory labour;[100]

The Legislative Provisions of the *Anti-Slavery Model Legislation* also include, at Paragraph 5(a) provisions touching on recruitment of the child for use in armed conflict. This provision is drawn from Article 3(a) of ILO Convention Number 182, the 1999 Worst Forms of Child Labour Convention, which defines such worst forms of child labour as including:

> All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict.

The 2000 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict also requires States Parties prevent the recruitment and use of children in hostilities and armed conflict. This includes an obligation on States to adopt legal measures to prohibit and criminalise recruitment and use of persons under the age of 18 in hostilities by armed groups distinct from the armed forces of the State. In relation to State armed forces, States Parties must also take "all feasible measures" to ensure that members under the 18 years of age do not take

[98] Article 2, Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.
[99] Article 1(d), Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.
[100] Article 3(1), Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000.

direct part in hostilities, that there is no compulsory recruitment of people under the age of 18, and that the age of voluntary recruitment is set at a minimum of 15 years of age with safeguards for the protection of persons recruited under the age of 18.The 1999 Worst Forms of Child Labour Convention also identifies “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children” as one of the worst forms of child labour. This is also reflected in Paragraph 5(a) of the Legislative Provisions of the *Anti-Slavery Model Legislation* with regard to the delivery of children for exploitation.

For its part, the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime also provides an elaboration of the concept of ‘exploitation’, relevant (although not limited to) children. Article 3 specifies that:

> Exploitation shall include, 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.

It is with reference to these provisions drawn from the 2000 Optional Protocols to the Convention on the Rights of the Child, the 1999 Worst Forms of Child Labour Convention, and the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children that Paragraph 5(a)(i-iv) of the Legislative Provisions related to institutions and practices similar to slavery has been drafted.

Anti-Slavery Model Legislation

Slavery

Definition of slavery
(1) Slavery means the exercise of any or all of the powers attaching to the right of ownership over a person. (2) Slave means a person in such condition or status.
Slavery unlawful
Slavery is unlawful and its abolition is maintained.
Offence of slavery
(1) A person is guilty of an offence if the person controls another individual in such a way e. as to exercise a power normally associated with the right of ownership. (2) A person guilty of an offence under this section is liable to imprisonment for no more than [X] years and a fine of up to [X].
Offence of inducing an individual into the condition or status of slavery
(1) A person is guilty of an offence if the person induces an individual – c. to give themselves into slavery, or d. to give an individual dependent upon themselves into slavery. (2) A person guilty of an offence under this section is liable to imprisonment for no more than [X] years and a fine of up to [X].
Offence of branding
(1) A person is guilty of an offence if the person mutilates, brands or otherwise marks an individual held in slavery – f. in order to indicate their status as a slave; or g. as a punishment, or h. for any other reason. (2) A person guilty of an offence under this section is liable to imprisonment for no more than [X] years and a fine of up to [X].

Slave trade

Definition of slave trade
(1) Slave trade means, and includes, any acts involving – e. the capture, acquisition or disposal of a person with intent to reduce them to slavery, f. all acts involved in the acquisition of a slave with a view to selling or exchanging them, g. all acts of disposal, by sale or exchange, of a person acquired with a view to them being sold or exchanged, and

h. in general, every act of trade or transport in slaves by whatever means of conveyance.

The slave trade is unlawful

Slavery is unlawful and its abolition is maintained.

Offence of being engaged in the slave trade

(1) A person is guilty of an offence if the person is engaged in—

c. the capture, acquisition, disposal, trade, or transport of an individual with the intention of making that individual a slave; or

d. the capture, acquisition, disposal, trade, or transport of a person with the intention of selling, exchanging, or otherwise transferring them as a slave

(2) A person guilty of being engaged in the slave trade is liable to imprisonment for no more than [X] years and a fine of up to [X].

Servitude

Definition of servitude

(1) Servitude means that an individual is under an obligation, arising out of coercion, to provide a service for an indeterminate period.

Servitude unlawful

Servitude is unlawful.

Offence of servitude

(1) A person is guilty of an offence if the person subjects another individual to servitude.

(2) A person guilty of an offence under this section is liable to imprisonment for no more than [X] years and a fine of up to [X].

Offence of inducing an individual into servitude

(1) A person is guilty of an offence if the person induces an individual –

a. to give themselves into servitude, or

b. to give an individual dependent upon themselves into servitude.

(2) A person guilty of an offence under this section is liable to imprisonment for no more than [X] years and a fine of up to [X].

Forced or compulsory labour

Definition of forced or compulsory labour

(1) Forced or compulsory labour is the providing of labour or personal services in circumstances where –

c. the individual is being forced, by menace of penalty, to provide that labour or those services, and

d. the individual has not voluntarily submitted to that status or condition.

(2) Slave means a person in such condition or status.

Forced or compulsory labour – exceptions

The following are not forced or compulsory labour –

e. work or service normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention,

f. service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors,

g. service exacted in cases of emergency or calamity threatening the life or well-being of the community,

h. work or service which forms part of normal civil obligations.

Forced or compulsory labour unlawful

Forced or compulsory labour is unlawful and its abolition is maintained.

Offence of forced or compulsory labour

(1) A person is guilty of an offence if the person subjects another individual to forced or compulsory labour.

(2) A person guilty of an offence under this section is liable to imprisonment for no more than [X] years and a fine of up to [X].

Offence of inducing an individual into forced or compulsory labour

(1) A person is guilty of an offence if the person induces an individual –

c. to give themselves into forced or compulsory labour, or

d. to give an individual dependent upon themselves into forced or compulsory labour.

(2) A person guilty of an offence under this section is liable to a penalty.

Institutions and practices similar to slavery

Definition of institutions and practices similar to slavery

(3) The following are institutions and practices similar to slavery –

e. debt bondage,

f. serfdom,

g. servile matrimonial transactions,

h. delivery of children for exploitation.

(4) Debt bondage means the status or condition of a person arising from an individual promising their personal services, or the personal services of another individual under their care or control, as security for a debt if –

c. the value of the services, as reasonably assessed, is not applied to the discharge of the debt, or

d. the period in which the services are to be provided, and the nature of the services, are not limited or defined.

(3) Serfdom means the status or condition of an individual who, by law, custom, or agreement–

d. is required to live and work on land belonging to a person other than the individual,

e. is required to provide some determined service to the person, and

f. is not free to change that status or condition.

(4) Servile matrimonial transactions means the status or condition by which –

d. an individual, without their consent, is passed or given in marriage, in exchange for a material benefit to their parents, guardians, family or any other person,

e. an individual is transferred to another person, in exchange for a material benefit, by their spouse, or their spouse's family or other group, or

f. an individual is liable on the death of their spouse, to be inherited by another person.

(5) Delivery of children for exploitation means the delivery of a child by an individual to another person, whether or not in return for a material benefit, with a view that the child will be exploited.

e. For the purposes of this section, exploitation includes, but is not limited to –

viii. sexual exploitation of the child,

ix. removal or transfer of organs of the child,

x. subjecting the child to slavery, servitude, or institutions and practices similar to slavery,

xi. forced or compulsory labour of the child,

xii. recruitment of the child for use in armed conflict,

xiii. use of the child for illicit activities, in particular the production and trafficking of narcotic drugs and psychotropic substances.

xiv. employing the child in work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of the child.

f. For the purposes of this section –

iv. Sexual exploitation includes, but is not limited to, offering, obtaining, procuring, or providing a child for child prostitution or producing, distributing, disseminating, importing, exporting, offering, selling, or possessing child pornography.

v. Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration.

vi. Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

g. For the purposes of this section, a child is an individual under the age of 18.

h. For the purposes of this section, the issue of whether or not the child consented to either the delivery or the exploitation is irrelevant.

Institutions and practices similar to slavery unlawful

Institutions and practices similar to slavery are unlawful [and their abolition is maintained].

Offence of subjection of a person to institutions or practices similar to slavery

(3) A person is guilty of an offence if the person subjects an individual to an institution or practice similar to slavery.

(4) A person guilty of an offence under this section is liable to imprisonment for no more than [X] years and a fine of up to [X].

Offence of inducing an individual into an institution or practice similar to slavery

(3) A person is guilty of an offence if the person induces an individual –

(c) to give themselves into an institution or practice similar to slavery, or

(d) to give an individual dependent upon themselves into an institution or practice similar to slavery.

(4) A person guilty of an offence under this section is liable to imprisonment for no more than [X] years and a fine of up to [X].

Offence of branding

(3) A person is guilty of an offence if the person mutilates, brands or otherwise marks an individual held in an institution or practice similar to slavery –

(d) in order to indicate their servile status, or

(e) as a punishment, or

(f) for any other reason.

(4) A person guilty of an offence under this section is liable to imprisonment for no more than [X] years and a fine of up to [X].

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Published in September 2026. The University of Nottingham and Monash University have made every effort to ensure that the information in this report was accurate when published. Please note, however, that the nature of this content means that it is subject to change, therefore consider it to be guiding rather than definitive.

The authors welcome inquiries about the Anti-Slavery Model Legislation and accompanying guidance, including on the implementation of these provisions in States' domestic legal systems. For those interested in implementing anti-slavery legislation, please contact the authors at:

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