



A Survey of Slavery & the Slave Trade

A Compendium of ASP Member States' Domestic Law on Slavery Crimes

METHODOLOGY

This Report was researched, and slavery crimes and related laws were compiled and analyzed by law clinic students of the Benjamin N. Cardozo School of Law's Benjamin B. Ferencz Human Rights and Atrocity Prevention (HRAP) Clinic from 2020 to 2024. The goal of the research was to understand the extent to which Assembly of States Parties (ASP) to the Rome Statute prohibited slavery and the slave trade and other related crimes in their domestic legal systems. Toward that end, law clinic students researched and analyzed domestic laws in each of the ASP member countries that prohibit or criminalize slavery crimes—including slavery, enslavement, the slave trade, and sexual slavery—and other related crimes—including inter alia human trafficking, forced labor, and forced conscription of children.

Researchers located and compiled a list of laws by ASP country and region. Once each region was complete, researchers analyzed the laws within each country and comparatively across each region. For the country-specific findings, analysis includes the legal definitions of slavery and the slave trade under each ASP country's domestic law. Additionally, the analysis considers: (1) whether that country maintains a prohibition of slavery and the slave trade as a stand-alone provision, (2) whether the prohibition of the slave trade is wholly incorporated or partially incorporated into domestic legislation, and (3) whether the prohibition of slavery is nested under domestic legislation provisions prohibiting human trafficking. Further, the analysis presents each country's Rome Statute domestic incorporation statute, universal jurisdiction legislation, and their compliance with international humanitarian law instruments that prohibit slavery and the slave trade.

Researchers also prepared comparative country analyses of domestic legal definitions and prohibitions of slavery, sexual slavery, and the slave trade by ASP country region. The analysis covers general impressions and prohibitions of slavery and/or the slave trade contained in each country's constitution, penal or criminal code, and other national acts based on our research. The original texts of the domestic laws are also included along with the translations, and comparative analysis assesses any commonalities in the domestic legislation between and among countries in the region. Researchers identified trends in the legal definitions and any perceived countries' views on the prohibitions of slavery and the slave trade. Each regional analysis contains a regional summary providing a list of which countries prohibit slavery, sexual slavery, or the slave trade in their constitutions, criminal or penal codes, or other national acts.

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For those we have lost and for those who survive—

“Acknowledge the tragedy,

Consider the Legacy,

Lest we forget” .

*—Ark of Return: The Permanent Memorial at the United Nations in Honour of the
Victims of Slavery and the Transatlantic Slave Trade (New York City)*

Rodney Leon

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AFRICA



AFRICAN REGIONAL ANALYSIS

This section provides an analysis of the African ASP countries' domestic legislation on slavery and the slave trade. It provides an overview of the existing domestic legislation on slavery and the slave trade while underscoring similarities and trends among different States' laws. Additionally, this section considers both regional and international treaty commitments by the African ASP countries and the implementation of those treaties through domestic law.

There are thirty-three (33) ASP countries in African region. Ten (10) countries are States Parties to the 1926 Slavery Convention. Twenty-one (21) countries are States Parties to the 1956 Supplementary Slavery Convention. Twenty-two (22) countries have a provision in their Constitutions on slavery. Four (4) countries prohibit the slave trade or dealing in slaves in its Constitution. Seventeen (17) countries contain some form of a prohibition against slavery in their Penal Codes. Tunisia, not included in this number, has a separate criminal act that prohibits slavery. Of these sixteen countries, thirteen (13) also contain a prohibition on the slave trade or substantially similar acts in their Penal Codes. Twenty-nine (29) countries are States Parties to the Palermo Protocol.

The Gambia, Ghana, Malawi, and Nigeria contain comprehensive and extensive language regarding prohibitions of slavery and the slave trade. Tunisia, Mali, and Madagascar lack in both provisions on slavery and the slave trade prohibitions in their Constitutions and Penal Codes.

A complete list of states in each category can be found in the **African Regional Summary**.

1. Constitutional Provisions: Slavery and the Slave Trade

Of the 23 countries containing provisions on slavery, the majority (18) of African ASP countries Constitutions' provide that "no person shall be held in slavery or servitude."¹ Guinea, Djibouti, Central African Republic, Cabo Verde, and Benin do not explicitly mention slavery but protect an individual's right to personal liberty or recognize the sacredness of the human person.² Tanzania's Constitution of 1977 (with Amendments through 1995) only prohibits forced labor but omits an article banning slavery.

The Constitutions of Comoros, Gabon, Madagascar, Mali, Senegal, and Tunisia do not contain provisions on slavery.

¹ E.g., [Botswana](#), art. 6(1) ("No person shall be held in slavery or servitude."); [Chad](#), art. 20 ("No one may be held in slavery or servitude."); [Congo](#), art. 33 ("No one may be submitted to slavery."); [Democratic Republic of Congo](#), art. 16 ("No one may be held in slavery or an analogous position."); [Gambia](#), art. 20 ("No person shall be held in slavery or servitude."); [Ghana](#), art. 16(1) ("No person shall be held in slavery or servitude."); [Kenya](#), art. 30 ("A person shall not be held in slavery or servitude."); [Liberia](#), art. 9 ("No person shall be held in slavery or servitude."); [Malawi](#), art. 27 ("No person shall be held in slavery or servitude."); [Mauritius](#), art. 6(1) ("No person shall be held in slavery or servitude."); [Namibia](#), art. 9(1) ("No person shall be held in slavery or servitude."); [Niger](#), art. 14 ("No one shall be submitted to torture, to slavery or to cruel, inhuman or degrading abuse [services] or treatments."); [Nigeria](#), art. 34(1)(b) ("No person shall be held in slavery or servitude."); the [Seychelles](#), art. 17(1) ("Every person has a right to not be held in slavery or bondage."); [Sierra Leone](#), art. 19(1) ("No person shall be held in slavery or servitude or be required to perform forced labour or traffic or deal in human beings."); [South Africa](#), art. 13 ("No one may be subjected to slavery, servitude, or forced labour."); [Uganda](#), art. 25(1) ("No person shall be held in slavery or servitude."); and [Zambia](#), art. 14(1) ("No person shall be held in slavery or servitude.").

² [Guinea](#), art. 5 ("The human person and their dignity are sacred. The State has the duty to respect them and to protect them."); [Djibouti](#), art. 10 ("The human person is sacred. The State has the obligation to respect it and to protect it. Every individual has the right to life, to the liberty, to the security and to the integrity of his person."); [Central African Republic](#), art. 3 ("Everyone has the right to life and physical integrity."); [Cabo Verde](#), art. 26 ("Human life and the physical and moral integrity of persons shall be inviolable."); [Cabo Verde](#), art. 27 ("The right to liberty shall be inviolable."); [Benin](#), art. 8 ("The human person is sacred and inviolable. The State has the absolute obligation to respect it and protect it.").

The vast majority of countries do not have a prohibition against the slave trade included in their Constitutions. Only Malawi's Constitution (of 1994 with Amendments through 2017) explicitly prohibits the slave trade.³ Liberia and Sierra Leone have an article that prohibits the dealing in slaves or in humans.⁴ Benin prohibits the slave trade through an incorporation of the African Charter:

Article 7 of Benin Constitution

The rights and duties proclaimed and guaranteed by the African Charter on Human and Peoples' Rights adopted in 1981 by the Organization of African Unity and ratified by Bénin on January 20, 1986 shall be an integral part of the present Constitution and of Béninese law.⁵

Article 5 of the African Charter

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.⁶

2. Penal Code Provisions: Slavery

The Penal Codes contain articles that either explicitly or implicitly prohibit slavery. Seventeen (17) countries contain articles outlawing slavery, implicitly or explicitly, in their Penal Codes.⁷ Niger is the only country that defines slavery with the exact wording of the 1926 Slavery Convention, to which it is State Party.

Article 270.1

"Slavery" is the state or condition of an individual on whom the attributes of the right of property are exercised.⁸

The Democratic Republic of Congo also includes similar language and includes wording similar to the crime of sexual slavery:

Article 174(e)

Shall be punished by a sentence of five to twenty years' imprisonment and a fine of two hundred thousand constant Congolese francs, or anyone who has exercised all the powers associated with ownership of a person, including holding or by imposing a similar

³ [Malawi](#), art. 27(2) ("Slavery and the slave trade are prohibited.").

⁴ [Liberia](#), art. 12 ("No person shall be held in slavery or forced labor within the Republic, nor shall any citizen of Liberia nor any person resident therein *deal in slaves* or subject any other person to forced labor, debt bondage or peonage.") (emphasis added); and [Sierra Leone](#), art. 19(1) ("No person shall be held in slavery or servitude or be required to perform forced labour or traffic or *deal in human beings*.") (emphasis added).

⁵ [Constitution of Benin](#), art. 7.

⁶ [African Charter on Human and Peoples Rights](#), art. 5.

⁷ [Cabo Verde](#), [Democratic Republic of Congo](#), [Gabon](#), [The Gambia](#), [Ghana](#), [Guinea](#), [Kenya](#), [Lesotho](#), [Malawi](#), [Mauritius](#), [Niger](#), [Nigeria](#), the [Seychelles](#), and [Uganda](#). [Benin](#) and [Comoros](#) prohibit slavery and sexual slavery as crimes against humanity, and they prohibit sexual slavery as a war crime.

⁸ [Niger](#), art. 270. ("L' « esclavage » est l'état ou la condition d'un individu sur lequel s'exercent les attributs du droit de propriété ou certains d'entre eux"); [1926 Slavery Convention](#), art. 1(1) ("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.").

deprivation of liberty or by purchasing, selling, lending, bartering such a person for sexual purposes, and will be forced to perform one or more acts of a sexual nature.⁹

The Gambia contains one of the most extensive codifications of a prohibition against the slave trade which encompasses slavery:

Article 230(A)

A person who—

- (a) sells, purchases, gives or takes in barter, transfers or receives any slave or other person, in order that such slave or other person may be held or treated as a slave;

...

- (f) ships, transships, embarks, receives, detains or confines on board, or contracts for, or authorises the shipping, transshipping, embarking, receiving, detaining or confining on board of any ship, vessel, boat or canoe, slaves or other persons for the purpose of their being carried away or removed from any place whatsoever, or imported or brought into any place;¹⁰

Burkina Faso, Central African Republic, Chad, Congo, Côte d'Ivoire, Liberia, Namibia, Sierra Leone, and South Africa outlaw slavery in some form in their Constitutions but lack an accompanying penal code provision for individual acts of slavery. Burkina Faso, Central African Republic, Chad and Côte d'Ivoire do prohibit slavery and sexual slavery as crimes against humanity in their penal codes. Guinea and Tanzania do not explicitly mention slavery in their constitutions but contain language prohibiting slavery in their penal codes.¹¹ Tunisia's Criminal Code is silent on slavery, but the country does have a decree from May 28, 1890 that prohibits slavery and imposes criminal penalties on any person who enslaves another person.¹²

In Cabo Verde and Gabon, there is a prohibition against "reduction to slavery," but Gabon views reduction into slavery as possible evidence of a crime against humanity.¹³ Ghana does not mention slavery but

⁹ [Democratic Republic of Congo](#), art. 174(e).

¹⁰ [The Gambia](#), art. 230(A)(a), (f) ("Whosoever-sells, purchases, gives or takes in barter, transfers or receives any slave or other person, in order that such slave or other person may be held or treated as a slave...", "ships, transships, embarks, receives, detains or confines on board, or contracts for, or authorises the shipping, transshipping, embarking, receiving, detaining or confining on board of any ship, vessel, boat or canoe, slaves or other persons for the purpose of their being carried away or removed from any place whatsoever, or imported or brought into any place whatsoever, as or in order to their being bought, sold, bartered, transferred or held or treated as slaves").

¹¹ [Gabon](#), art. 330 ("Any of the following acts also constitutes a crime against humanity afterwards when it is committed in the execution of a concerted plan against a group of the population in the context of a generalized or systematic attack-reduction into slavery, sexual slavery."); [Guinea](#), art. 337 ("A person who has entered into an agreement for the purpose of alienating, free of charge or for consideration, the liberty of a third person, shall be punished."); [Tanzania](#), art. 250 ("Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, is guilty of a felony.").

¹² Human Rights Committee, *Consideration of Reports submitted by States Parties under Article 40 of the Covenant* (40).

¹³ [Cabo Verde](#), art. 271 ("A penalty of six to twelve years imprisonment shall be imposed as punishment upon anyone who reduces another person to the state or condition of a slave"); [Gabon](#), art. 330 ("Any of the following acts also constitutes a crime against humanity afterwards when it is committed in the execution of a concerted plan against a group of the population in the context of a generalized or systematic attack-reduction into slavery, sexual slavery.")

prohibits customary or ritual servitude.¹⁴ Guinea also does not mention slavery, but its penal code prohibits the agreement to alienate the liberty of a third person.¹⁵ Benin does not have an act addressing slavery, but they issued a decree establishing a National Commission to implement and respect International Humanitarian Rights Law in the Republic of Benin.¹⁶

Namibia, Sierra Leone, and South Africa do not have comprehensive criminal codes; instead, these countries use separate bills and rely on the common law. Through our research, we have not found any bill or act on the prohibition of slavery and the slave trade.

3. Penal Code Provisions: Slave Trade

Fifteen (13) countries contain penal code provisions on the slave trade in some form. Benin,¹⁷ Burkina Faso, Central African Republic, Chad, Comoros, Congo, the Ivory Coast, Djibouti, Lesotho, Liberia, Madagascar, Mauritius, Niger, Namibia, Senegal, Sierra Leone, South Africa, and Tunisia do not have any penal code provisions on the slave trade.

Many of the States' Criminal codes seem to blend the prohibition of slavery and the slave trade with slave-trade like provisions. For example, eight (8) countries (Botswana, the Democratic Republic of the Congo, Kenya, Malawi, Seychelles, Tanzania, Uganda, and Zambia) contain an article that criminalizes the kidnapping or abduction of a person for that person to be subject to "grievous harm, or slavery." For example:

Article 256, Botswana Penal Code

Any person who kidnaps or abducts any person in order that such person may be subjected to grievous harm, or slavery, or knowing it to be likely, is guilty of an offense.¹⁸

¹⁴ [Ghana](#), art. 314(A)(1) ("Whoever-sends to or receives at any place any person; or participates in or is concerned in any ritual or customary activity in respect of any person with the purpose of subjecting that person to any form of ritual or customary servitude or any form of forced labour related to a customary ritual commits an offense and shall be liable.").

¹⁵ [Guinea](#), art. 337 ("A person who has entered into an agreement for the purpose of alienating, free of charge or for consideration, the liberty of a third person, shall be punished.").

¹⁶ [Benin](#), Decree n ° 98-155 of April 27, 1998 establishing the National Commission for the Implementation of International Humanitarian Law (IHL).

¹⁷ Benin had an ordinance to suppress the slave trade in 1920, but it was repealed by [Ordinance no. 73-37](#) of April 17, 1973 modifying the provisions of the Penal Code with regard to trafficking in persons and kidnapping of minors, and that was repealed by Law no. 2006-04 on the conditions for the movement of minors and the suppression of child trafficking in the Republic of Benin.

¹⁸ [Botswana](#), art. 256; *accord* [Democratic Republic of the Congo](#), art. 68 ("Is punishable by the penalties provided that who has abducted or caused to be abducted, arrested or caused to be arrested, detained or had persons detained to sell them as slaves or who disposed of people under his authority for the same purpose."); [Kenya](#), art. 260 ("Any person who kidnaps or abducts any person in order that the person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous harm, or knowing it to be likely that such person will be so subjected or disposed of, is guilty of a felony...."); [Malawi](#), art. 263 ("Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or ransom or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be guilty of a felony...."); [Seychelles](#), art. 245 ("Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of

Ten (10) countries (Botswana, Cabo Verde, The Gambia, Ghana, Malawi, Nigeria, Seychelles, Tanzania, Uganda, and Zambia) have a provision on the importing, exporting, removing, buying, selling, or disposing of any person as a slave.¹⁹ Those same countries also have provisions against habitual importation, exportation, removal, purchase, sale, trafficking, or dealing in slaves.

The Gambia is the most comprehensive coverage of the slave trade by far.²⁰ Both Ghana and Guinea prohibit the pledging of people and customary servitude.²¹

being subjected, to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, is guilty of felony...."); [Tanzania](#), art. 250 ("Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, is guilty of a felony...."); [Uganda](#), art. 245 ("Any person who kidnaps or abducts any person in order that such person may be subjected or may be so disposed of as to be put in danger of being subjected to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, commits a felony...."); and [Zambia](#), art. 257 ("Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, is guilty of a felony....").

¹⁹ [Botswana](#), art. 261 ("Any person who buys, sells, or disposes of any person as a slave, or who traffics or deals in slaves, is guilty of an offense."); [Cabo Verde](#), art. 271 ("A penalty shall be imposed upon anyone who [...] sells, transfers or buys another person, with the intent of keeping that person in a state of slavery."); [The Gambia](#), art. 230(A) ("Whosoever-sells, purchases, gives or takes in barter, transfers or receives any slave or other person, in order that such slave or other person may be held or treated as a slave."); [Ghana](#), art. 314(1) ("Whoever-deals or trades in, buys, sells, barter, transfers, or takes any slave; or deals or trades in, buys, sells, barter, transfers, or takes any person in order that that person may be held or treated as a slave."); [Malawi](#), art. 267 ("Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, shall be guilty of a felony, and shall be liable to imprisonment for seven years."); [Nigeria](#), art. 369 ("Any person who- (1) deals or trades in, purchases, sells, transfers or takes any slave; (2) deals or trades in, purchases, sells, transfers or takes any person in order or so that such person should be held or treated as a slave..."); [the Seychelles](#), art. 249 ("Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, is guilty of a felony, and is liable to imprisonment for ten years."); [Tanzania](#), art. 254 ("Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, is guilty of a felony, and is liable to imprisonment for seven years."); [Uganda](#), art. 249 ("Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, commits a felony and is liable to imprisonment for ten years."); and [Zambia](#), art. 261 ("Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, is guilty of a felony and is liable to imprisonment for seven years.").

²⁰ [The Gambia](#), arts. 230(A), 230(B), 237, 240, 241. The texts of these provisions can be found, *infra* The Gambia, at 63-64.

²¹ [Ghana](#), art. 314(A) ("Whoever—sends to or receives at any place any person; or participates in or is concerned in any ritual or customary activity in respect of any person with the purpose of subjecting that person to any form of ritual or customary servitude or any form of forced labour related to a customary ritual commits an offence and shall be liable on conviction to imprisonment for a term not less than three years."); [Guinea](#), arts. 338, 339 ("Whatever the reason, the pledging of a person by a debtor to his creditor is formally prohibited. Any agreement made in the course of a marriage and involving the fate of the children to be born of the marriage shall be treated as a pledge."); ("Anyone who has placed or received a person as a pledge for any reason shall be liable to imprisonment from one month to two years and a fine of between 50,000 and 360,000 Guinean francs,") and art. 337 ("A person who has entered into an agreement for the purpose of alienating, free of charge or for consideration, the liberty of a third person, shall be punished.").

Some countries contain slave-trade-like prohibitions in their Penal Codes. In Botswana and Tanzania, for example, one cannot detain a person as a slave or kidnap someone to subject them to slavery.²²

Benin, Djibouti, and the Central African Republic provide for personal liberty, or something akin to it, in their Constitutions. However, Benin, Djibouti, and the Central African Republic do not have any actual mention of slavery or the slave trade in their Constitutions or Penal Codes. Comoros seems to be the only country without any mention of slavery, the slave trade, or the right to personal liberty in either their Constitution or their Penal Code.

4. Other Relevant Acts and Provisions:

Enslavement

Djibouti outlaws enslavement within a discussion similar to genocide but without using the term genocide.²³ Niger contains two separate provisions on enslavement; one is in the context of crimes against humanity.²⁴ The Central African Republic, Lesotho, and Mali have provisions on enslavement, but in the context of crimes against humanity only.²⁵ Djibouti and the Central African Republic do not explicitly enumerate slavery or the slave trade, they do provide acts on enslavement.²⁶

²² [Botswana](#), art. 256 (“Any person who kidnaps or abducts any person in order that such person may be subjected to grievous harm or slavery,”); art. 260 (“Any person who detains any person as a slave against his will is guilty of an offense and is liable...”); [Tanzania](#), art. 250 (“Any person who kidnaps or abducts any person in order that such person may be subjected to grievous harm, or slavery, is guilty of a felony,”) and art. 254 (“Any person who accepts, receives, or detains against his will any person as a slave, is guilty of a felony.”).

²³ [Djibouti](#), art. 482 (“Deportation, enslavement or the mass practice and systematic summary executions, kidnappings followed by their disappearance, torture or acts of barbarism, inspired by political, philosophical, racial or religious motives and organized to against a group of civilian population carry the penalty of life imprisonment.”).

²⁴ [Niger](#), art. 270(2) (“The act of enslaving or of inciting others to alienate their liberty or dignity or that of their dependents to be enslaved is punishable by imprisonment.”); and art. 208(2) (“Constitute crimes against humanity, deportation, enslavement or of massive and systemic practices of summary executions, kidnapping of persons for their disappearance, torture or other inhumane acts inspired by political, philosophical, racial or religious motives organised in the execution of a concerted plan against a group of the civil population.”).

²⁵ [Central African Republic](#), art. 153 (“It is a crime against humanity, any of the following acts when committed as part of a widespread or systematic attack against any civilian population with knowledge-enslavement”); [Lesotho](#), art. 94 (“A person commits an offense of a crime against humanity if he or she engages in the following attacks as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack-enslavement.”); [Mali](#), art. 29 (“Crimes against humanity may be one of the following acts committed by a general and involving a systematic attack launched against a civilian population-enslavement.”).

²⁶ [Djibouti](#), Penal Code art. 482 (“Deportation, enslavement or the mass practice and systematic summary executions, kidnappings followed by their disappearance, torture or acts of barbarism, inspired by political, philosophical, racial or religious motives and organized to against a group of civilian population carry the penalty of life imprisonment.”); [The Central African Republic](#), Penal Code art. 153 (“It is a crime against humanity, any of the following acts when committed as part of a widespread or systematic attack against any civilian population, with knowledge of the attack: Murder; Extermination; Deportation or forcible transfer of population; Enslavement; The massive and systematic practice of summary executions; Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of comparable gravity of sexual violence; The persecution of any group or any identifiable collectivity of political, racial, national, ethnic, cultural, religious or according to other universally recognized as impermissible under international law, according to the provisions of the Rome Statute; All other inhumane acts of a character similar intentionally causing great suffering, or serious injury to body or physical or mental health.”).

Trafficking:

Every country has a domestic prohibition against trafficking. Madagascar is the only country that does not have a separate piece of legislation against trafficking but does include trafficking in its criminal code.²⁷ The majority of countries define exploitation as including acts of slavery or practices similar to slavery. Notably, both Djibouti and Niger mirror the Rome Statute language regarding enslavement, but these countries do so within their definitions of trafficking.²⁸

The Gambia, Djibouti, the Democratic Republic of Congo, Cabo Verde, and Liberia all mention pimping in relation to trafficking. Every country except the Congo, Chad, and Benin explicitly prohibits the trafficking of children or minors. Ghana and Botswana use the term “procuring” in their penal codes in lieu of trafficking, but both countries have a separate, specific act on trafficking as well.²⁹

Malawi’s trafficking act of 2015 does not mention slavery or practices similar to slavery but instead focuses on forced labor. The Seychelles trafficking act of 2014 defines exploitation as including practices similar to slavery, but not slavery itself. Comoros, Lesotho, Liberia, Niger, Nigeria, Sierra Leone, Tanzania, Tunisia, Uganda, and Zambia all specifically protect against debt bondage within their trafficking acts.³⁰

²⁷ See [Madagascar](#), art. 333(B).

²⁸ [Djibouti](#), Law No. 133, 2016, On the Fight Against Trafficking in Persons and Illicit Smuggling of Migrants art. 1 (“The term “slavery” means a situation in which the powers generally exercised over a property are exercised on a person.”); [Niger](#), Fight Against Trafficking in Persons Ordinance 2010: (““slavery” : state or condition of an individual on which the attributes of the right to property are exercised or some forms of them.”).

²⁹ [Botswana](#), art. 149(a)-(d) (“Any person who- procures or attempts to procure any person to have unlawful carnal connection, either in Botswana or elsewhere, with any other person or persons; procures or attempts to procure any person to become, either in Botswana or elsewhere, a common prostitute; procures or attempts to procure any person to leave Botswana, with intent that the procured person may become an inmate of or frequent a brothel elsewhere; or procures or attempts to procure any person to leave that person’s usual place of abode in Botswana with intent that the person may, for the purposes of prostitution, become an inmate of or frequent a brothel either in Botswana or elsewhere; is guilty of an offence.”); [Ghana](#), art. 1(a)-(d) (“Whoever—procures any person under twenty-one years of age, not being a prostitute or of known immoral character to have carnal or an unnatural carnal connexion in Ghana or elsewhere with any other person; or procures any person to become a prostitute in Ghana or elsewhere; or procures any person to leave Ghana with the intention that the person becomes an inmate of a brothel elsewhere; or procures any person to leave his usual place of abode (not being a brothel) in Ghana with the intention that the person becomes an inmate of a brothel in Ghana or elsewhere for prostitution; is guilty of a misdemeanor.”).

³⁰ [Comoros](#), Law No. 14-034 / AU of 22 Dec. 2014 Concerning Fight Against Child Labor and Child Trafficking, art. 6(a); [Lesotho](#), Anti-Trafficking in Persons Act 2011, art. 3(a); [Liberia](#), Act to Ban Trafficking in Persons within the Republic of Liberia 2005, art. 104; [Niger](#), Fight against Trafficking in Persons Ordinance, 2010, art. 1; [Nigeria](#), Trafficking in Persons Law, 2015, art. 25; [Sierra Leone](#), Anti-Human Trafficking Act 2005, art. 1; [Tanzania](#), Anti-Trafficking in Persons Act, 2008, rt. 3; [Tunisia](#), Organic Law No. 2016-61 on the Prevention of Trafficking in Persons, art. 2(5); [Uganda](#), 2009 Prevention of Trafficking in Persons Act, art. 2(d); [Zambia](#), 2008 Anti-Human Trafficking Act, art. 1(c) (but note Zambia explicitly limits this to children).

AFRICAN REGIONAL SUMMARY

There are **Thirty-three ASP States** in Africa. These countries are:

Benin	Gabon	Nigeria
Botswana	Ghana	Senegal
Burkina Faso	Guinea	Seychelles
Cabo Verde	Kenya	Sierra Leone
Central African Republic	Lesotho	South Africa
Chad	Liberia	The Gambia
Comoros	Madagascar	Tunisia
Congo	Malawi	Uganda
Côte d'Ivoire	Mali	United Republic of Tanzania
Democratic Republic of the Congo	Mauritius	Zambia
Djibouti	Namibia	
	Niger	

Of those States there are **ten parties to the 1926 Slavery Convention**.[†] These countries are:

Lesotho	Nigeria	United Republic of Tanzania
Madagascar	Sierra Leone	Zambia
Malawi	Tunisia	
Mauritius	Uganda	

[†] Five countries have signed but not ratified the 1926 Convention: Guinea, Liberia, Mali, Niger, South Africa

There are **twenty-one parties to the 1956 Supplementary Convention on the Abolition of Slavery**.^{††}
These countries are:

Lesotho	United Republic of Tanzania	Ghana
Madagascar	Zambia	Senegal
Malawi	Central African Republic	Seychelles
Mauritius	Congo	Guinea
Nigeria	Côte d'Ivoire	Mali
Sierra Leone	Democratic republic of the Congo	Niger
Tunisia	Djibouti	
Uganda		

^{††} One country has signed but not ratified the 1956 Convention on the Abolition of Slavery: Liberia.

There are **twelve non-parties to both the 1926 Slavery Convention and 1956 Supplementary Convention on the Abolition of Slavery**. These countries are:

Benin	Chad	Namibia
Botswana	Comoros	The Gambia
Burkina Faso	Gabon	Liberia*
Cabo Verde	Kenya	South Africa**

* Liberia has signed both the 1926 Slavery Convention and 1956 Supplementary Convention on the Abolition of Slavery

** South Africa has signed the 1926 Slavery Convention

There are **twenty-two (22) countries that prohibit slavery in their constitution**. These countries are:

Benin	Ghana	Nigeria
Botswana	Kenya	Seychelles
Burkina Faso	Lesotho	Sierra Leone
Chad	Liberia	South africa
Congo	Malawi	The Gambia
Côte d'Ivoire	Mauritius	Uganda
Democratic Republic of the Congo	Namibia	Zambia
	Niger	

There are **four (4) countries that prohibit slave trade or dealing in slaves in their constitution**. These countries are:

Benin	Malawi
Liberia	Sierra Leone

There are **seventeen (17) countries that prohibit slavery as an individual act or crime against humanity in their penal or criminal codes**. These countries are:

Benin	Côte d'Ivoire	Lesotho
Burkina Faso	Democratic Republic of the Congo	Mali
Cabo Verde	Djibouti	Niger
Central African Republic	Gabon	Senegal
Chad	Guinea	Seychelles
Comoros		Sierra Leone

There are **thirteen countries that prohibit the slave trade or substantially similar acts in their penal or criminal codes**. These countries are:

Benin	Ghana	Tanzania
Botswana	Kenya	The Gambia
Cabo Verde	Malawi	Uganda
Democratic Republic of the Congo	Mali	Zambia
	Nigeria	

There are **twenty-six countries prohibit slavery as a form of exploitation under an offense of human trafficking**. These countries are:

Benin	Ghana	Senegal
Burkina Faso	Guinea	Seychelles
Central African Republic	Kenya	Sierra leone
Chad	Lesotho	South Africa
Comoros	Liberia	Tunisia
Congo	Mali	Uganda
Côte d'Ivoire	Mauritius	United Republic of Tanzania
Djibouti	Namibia	Zambia
Gabon	Nigeria	

BENIN

Benin prohibits slavery and sexual slavery as crimes against humanity. Benin also prohibits sexual slavery as a war crime. Benin partially prohibits the slave trade. Benin prohibits slavery as a form of exploitation under an offense of human trafficking. Benin is not a state party to either the 1926 Slavery Convention or the 1956 Supplementary Slavery Convention. Benin's constitutional implementation of treaties suggests it is a monist state.³¹

5. Constitutional Provisions: Slavery and the Slave Trade

Article 7 of Benin's Constitution states "The rights and duties proclaimed and guaranteed by the African Charter on Human and Peoples' Rights . . . shall be an integral part of the present Constitution and of Béninese law."³² Article 5 of the African Charter states "All forms of exploitation and degradation of man particularly slavery, slave trade . . . shall be prohibited."³³

6. Penal Code Provisions: Slavery

Article 464 of Benin's Penal Code prohibits "reduction into slavery" and "sexual slavery" as crimes against humanity.³⁴ Article 465 defines "reduction into slavery" as "the fact of exercising over a person any or all of the powers linked to the right of property, including in the context of trafficking in human beings."³⁵ Article 466 of Benin's Penal Code prohibits sexual slavery as a war crime.³⁶

7. Penal Code Provisions: Slave Trade

While Benin's Penal Code does not prohibit the slave trade explicitly, Article 502 prohibits "enter[ing] into an agreement in [Benin] for the purpose of alienating the freedom of a third person for consideration."³⁷ Article 503 further prohibits "introducing, or attempting to introduce in [Benin] individuals destined to be the subject of the [agreements in Article 502] or to remove or attempt to remove individuals from [Benin] in view of such agreements entered into abroad."³⁸

³¹ [Constitution of the Republic of Benin \(1990\)](#), art. 147 ("Treaties or agreements lawfully ratified shall have, upon their publication, an authority superior to that of laws, without prejudice for each agreement or treaty in its application by the other party.").

³² [Constitution of the Republic of Benin \(1990\)](#), art. 7.

³³ [African \[Banjul\] Charter on Human and Peoples' Rights](#) art. 5, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force Oct. 21, 1986.

³⁴ [République du Bénin, Code Pénal \(2018\)](#), art. 464 ("Est coupable de crime contre l'humanité, celui qui commet, dans le cadre d'une attaque généralisée ou systématique lancée contre toute population civile et en connaissance de cause de cette attaque, l'un quelconque des actes ci-après: . . . - réduction en esclavage; . . . - viol, esclavage sexuel, prostitution forcée, grossesse forcée, stérilisation forcée ou toute autre forme de violence sexuelle de gravité comparable").

³⁵ *Id.*, art. 465 ("constitue un acte de réduction en esclavage, le fait d'exercer sur une personne l'un quelconque ou l'ensemble des pouvoirs liés au droit de propriété, y compris dans le cadre de la traite des êtres humains, en particulier des femmes et des enfants").

³⁶ *Id.*, art. 466(2).

³⁷ *Id.*, art. 502 ("Quiconque a conclu, en République du Bénin, une convention ayant pour objet d'aliéner à titre onéreux la liberté d'une tierce personne, est puni de la réclusion criminelle à perpétuité.").

³⁸ *Id.*, art. 502 ("Est puni de la même peine le fait d'introduire, ou tenter d'introduire en République du Bénin, des individus destinés à faire l'objet de la convention citée en l'article précédent ou de faire sortir ou tenter de faire sortir des individus de la République du Bénin en vue d'une telle convention à contracter à l'étranger.").

8. Penal Code Provisions: Slavery as an Element of Exploitation or Human Trafficking

Article 499 of Benin's Penal Code prohibits slavery as a form of exploitation for a human trafficking offense.³⁹

9. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.⁴⁰

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).⁴¹ Benin is a state party to Additional Protocol II.⁴²

³⁹ *Id.*, art. 499 (“L’exploitation comprend au minimum, l’exploitation de la prostitution d’autrui ou d’autres formes d’exploitation sexuelle, le travail ou les services forcés, l’esclavage ou les pratiques analogues à l’esclavage, la servitude ou le prélèvement d’organes.”).

⁴⁰ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC;; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁴¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁴² [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.

BOTSWANA

Botswana's Constitution prohibits slavery. Botswana does not have domestic legislation on slavery. Botswana prohibits some acts of the slave trade. Botswana includes slavery as a form of exploitation for the offense of human trafficking. The Embassy of Botswana in Brussels confirmed that Botswana is a dualist state.⁴³

1. Constitutional Provisions: Slavery

Article 6 of Botswana's Constitution prohibits slavery.⁴⁴

2. Penal Code Provisions: The Slave Trade

While Botswana does not prohibit the slave trade explicitly, Article 256 of Botswana's Penal Code prohibits kidnapping or abducting persons "in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or slavery."⁴⁵ Article 260 of Botswana's Penal Code prohibits the detaining of persons as slaves against their will.⁴⁶ Additionally, Article 261 of Botswana's Penal Code prohibits buying, selling, disposing, trafficking, and dealing in slaves.⁴⁷

3. Other Relevant Acts and Provisions: Slavery as an Element of Exploitation or Human Trafficking

Article 2 of Botswana's Anti-Human Trafficking Act of 2014 includes "keeping a person in a state of slavery" and "subjecting a person to practices similar to slavery" as forms of exploitation for the offense of human trafficking.⁴⁸

4. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.⁴⁹

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).⁵⁰ Botswana is a state party to Additional Protocol II.⁵¹

⁴³ [Note. No. 118/11 EB 9/3/4 IX \(13\) B8](#), Letter from the Botswana Embassy in Brussels to the Secretariat of the ASP (2011) ("Botswana is a Roman/Dutch and Common Law jurisdiction and therefore a 'dualist' state.").

⁴⁴ [Constitution of Botswana \(rev. 2016\)](#), art. 6 ("6. Protection from slavery and forced labour [:] 1. No person shall be held in slavery or servitude.").

⁴⁵ [Botswana Penal Code](#), art. 256 ("Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, is guilty of an offence . . .").

⁴⁶ [Id.](#), art. 260 ("Any person who detains any person as a slave against his will is guilty of an offence . . .").

⁴⁷ [Id.](#), art. 261 ("Any person who buys, sells, or disposes of any person as a slave, or who traffics or deals in slaves, is guilty of an offence . . .").

⁴⁸ [Anti-Human Trafficking Act \(2014\)](#), art. 2.

⁴⁹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

⁵⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁵¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT'L HUMANITARIAN L. DATABASES.

BURKINA FASO

Burkina Faso prohibits slavery and slavery-like practices in its constitution. Burkina Faso prohibits slavery and sexual slavery as crimes against humanity. Burkina Faso also prohibits sexual slavery as a war crime. Burkina Faso includes “slavery or slavery-like practices” as forms of exploitation for an offense of human trafficking. Burkina Faso is not a state party to either the 1926 Slavery Convention or the 1956 Supplementary Slavery Convention. Burkina Faso’s constitutional implementation of treaties suggests that it is a monist state.⁵²

1. Constitutional Provisions: Slavery

Article 2 of Burkina Faso’s Constitution prohibits “slavery” and “slavery-like practices.”⁵³

2. Penal Code Provisions: Slavery and Sexual Slavery

Article 411-4 of Burkina Faso’s Penal Code prohibits “sexual slavery” as a war crime.⁵⁴ Article 422-1 of Burkina Faso’s Penal Code prohibits “slavery” and “sexual slavery” as crimes against humanity.⁵⁵ Article 513-1 of Burkina Faso’s Penal Code prohibits “sexual violence,” including “sexual slavery” as defined in Article 513-4, specifically committed against women and girls.⁵⁶

3. Penal Code Provisions: Slavery as an Element of Exploitation for Human Trafficking

Article 511-1 of Burkina Faso’s Penal Code includes “slavery or practices similar to slavery” as forms of exploitation for an offense of human trafficking.⁵⁷

4. Other Relevant Acts: Slavery as an Element of Exploitation for Human Trafficking

Article 1 of Burkina Faso’s Law No. 029-2008 on the Fight Against Trafficking of Persons and Similar Practices includes “slavery or slavery-like practices” as forms of exploitation for an offense of human trafficking.⁵⁸

⁵² [Constitution of Burkina Faso \(rev. 2015\)](#), art. 151 (“The treaties and agreements regularly ratified or approved have, on their publication, an authority superior to that of the laws, under reserve, for each agreement or treaty, of its application by the other party.”).

⁵³ *Id.*, art. 2 (“The protection of life, security, and physical integrity are guaranteed. Slavery, slavery-like practices . . . are forbidden and punished by the law.”).

⁵⁴ [Burkina Faso Code Pénal \(2018\)](#), art. 411-4 (“Chapitre 1: Des Crimes De Guerre Communs Aux Conflits Armes Internationaux Et Non Internationaux . . . Article 411-4: Est puni . . . l’esclavage sexuel . . . commis à l’encontre de personnes protégées.”).

⁵⁵ *Id.*, art. 422-1 (“Constitue un crime contre l’humanité et puni d’une peine d’emprisonnement à vie, le fait pour quiconque de commettre l’un quelconque des actes ci-après en exécution d’un plan concerté dans le cadre d’une attaque généralisée ou systématique lancée contre toute population civile : . . . - la réduction en esclavage . . . – le viol, l’esclavage sexuel . . .”).

⁵⁶ *Id.*, art. 513-1 (“Au sens du présent chapitre, on entend par : . . . -violences sexuelles : toute atteinte sexuelle commise avec violence, contrainte, menace, sur une femme ou une fille.”), art. 513-4 (“Constitue un délit d’esclavage sexuel, le fait de conduire par la contrainte une fille ou une femme à se soumettre ou à s’adonner à diverses pratiques sexuelles.”).

⁵⁷ *Id.*, art. 511-1 (“L’exploitation comprend, notamment, l’exploitation de la prostitution d’autrui ou d’autres formes d’exploitation sexuelle, le travail ou les services forcés, l’esclavage ou les pratiques analogues à l’esclavage, la servitude ou le prélèvement d’organes.”).

⁵⁸ [Loi No. 029-2008/AN Portant Lutte Contre La Traite Des Personnes Et Les Pratiques Assimilees](#) [Law No. 029-2008/AN on the Fight Against Trafficking Of Persons and Similar Practices], art. 1 (“L’exploitation comprend, notamment, l’exploitation de la prostitution d’autrui ou d’autres formes d’exploitation sexuelle, le travail ou les services forcés, l’esclavage ou les pratiques analogues à l’esclavage, la servitude ou le prélèvement d’organes.”).

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.⁵⁹

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).⁶⁰ Burkina Faso is a state party to Additional Protocol II.⁶¹

⁵⁹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁶⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁶¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.

CABO VERDE

Cabo Verde prohibits individual acts of slavery, slavery as a war crime, and slavery as an act of genocide. Cabo Verde is not a state party to either the 1926 Slavery Convention or the 1956 Supplementary Slavery Convention. Cabo Verde's constitutional implementation of international law suggests that it is a monist state.⁶²

1. Penal Code Provisions: Slavery and the Slave Trade

Article 271 of Cabo Verde's Penal Code prohibits slavery.⁶³ Article 271 of Cabo Verde's Penal Code also prohibits acts of the slave trade.⁶⁴

Article 268 of Cabo Verde's Penal Code prohibits slavery as an act of genocide.⁶⁵ Article 272 of Cabo Verde's Penal Code prohibits slavery as a war crime.⁶⁶

2. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.⁶⁷

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).⁶⁸ Cabo Verde is a state party to Additional Protocol II.⁶⁹

⁶² [Constitution of Cabo Verde \(2010\)](#), art. 12(2) (“2. Os tratados e acordos internacionais, validamente aprovados ou ratificados, vigoram na ordem jurídica cabo-verdiana após a sua publicação oficial e entrada em vigor na ordem jurídica internacional e enquanto vincularem internacionalmente o Estado de Cabo Verde. [2. International treaties and agreements, validly approved or ratified, come into force in the Cape Verdean legal order after their official publication and entry into force in the international legal order and as long as they internationally bind the State of Cape Verde.]”).

⁶³ [Cabo Verde Penal Code \(2004\)](#), art. 271 (“Quem reduzir outra pessoa ao estado ou à condição de escravo, alienar, ceder ou adquirir outra pessoa ou dela se apossar com a intenção de a manter na situação de escravo será punido com pena de prisão de 6 a 12 anos. [Whoever reduces another person to the status or condition of a slave, alienates, transfer or acquire another person or take possession of him with the intention of keeping him in the situation of slavery, he will be punished with a prison sentence of 6 to 12 years.]”).

⁶⁴ *Id.*, art. 271.

⁶⁵ *Id.*, art. 268(b) (“Quem, em execução de um plano concertado, e com a intenção de destruir, total ou parcialmente, um grupo nacional, étnico, racial, religioso ou outro, determinado a partir de qualquer critério arbitrário, praticar em relação a membros desse grupo um dos actos seguintes, será punido com pena de prisão de 15 a 25 anos: . . . b) Deportação, redução à escravidão ou sequestro seguido de desaparecimento [Whoever, in execution of a concerted plan, and with the intention of destroying, in whole or in part, a national, ethnic, racial, religious or other group, determined on the basis of any arbitrary criteria, performs in relation to members of that group one of the acts following, will be punished with a prison sentence of 15 to 25 years: . . . b) Deportation, reduction to slavery or kidnapping followed by disappearance]”).

⁶⁶ *Id.*, art. 272 (“Quem, em violação das normas de direito internacional, em caso de conflito armado, praticar sobre qualquer pessoa objecto de protecção: . . . d) Deportação, sujeição a escravidão ou raptos e sequestros [Whoever, in violation of the norms of international law, in the event of an armed conflict, commits acts on any person subject to protection: . . . d) Deportation, subjection to slavery or kidnappings and kidnappings]”).

⁶⁷ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁶⁸ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁶⁹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.

CENTRAL AFRICAN REPUBLIC (CAR)

The Central African Republic (CAR) does not have domestic legislation on the slave trade. The CAR prohibits slavery and sexual slavery as crimes against humanity. The CAR includes slavery as a form of exploitation for the offense of human trafficking. The CAR is not a state party to the 1926 Slavery Convention. The CAR is a state party to the 1956 Supplementary Slavery Convention. The CAR's constitutional implementation of treaties suggests that it is a monist state.⁷⁰

1. Penal Code Provisions: Slavery and Sexual Slavery

Article 153 of the CAR's Penal Code prohibits slavery and sexual slavery as crimes against humanity.⁷¹

2. Penal Code Provisions: Slavery as an Element of Exploitation or Human Trafficking

Article 151 of the CAR's Penal Code includes slavery as a form of exploitation for the offense of human trafficking.

3. Other Relevant Acts and Provisions: Slavery

Article 263 of the CAR's Labor Code prohibits "the worst forms of child labor."⁷² Article 262 of the CAR's Labor Code defines "the worst forms of child labor" to include "all forms of slavery or similar practices such as the sale and trafficking of children."⁷³

4. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁷⁴

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).⁷⁵ The CAR is a state party to Additional Protocol II.⁷⁶

⁷⁰ [Constitution of the Central African Republic \(2016\)](#), art. 94 ("The Agreements or Treaties regularly ratified or approved have, on their publication, an authority superior to that of the laws, under reserve, for each agreement or treaty, of its application by the other party.").

⁷¹ [Code Pénal de la République centrafricaine \(2010\)](#), art. 153 ("Constitue un crime contre l'humanité, l'un quelconque des actes ci-après lorsqu'il est commis dans le cadre d'une attaque généralisée ou systématique lancée contre toute population civile et en connaissance de cette attaque : . . . - La réduction en esclavage ; . . . - Le viol, l'esclavage sexuel").

⁷² [Loi n° 09-004 du 29 janvier 2009 portant Code du travail de la République centrafricaine](#) [Law No. 09-004 of January 29, 2009 Regarding the Labor Code of the Central African Republic], art. 263 ("Les pires formes de travail des enfants sont interdites sur toute l'étendue de la République Centrafricaine.").

⁷³ *Id.*, art. 262 ("L'expression pires formes de travail des enfants s'entend : - toutes formes d'esclavage ou pratiques analogues tels que la vente et la traite des enfants").

⁷⁴ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

⁷⁵ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁷⁶ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT'L HUMANITARIAN L. DATABASES.

CHAD (TCHAD)

Chad does not have domestic legislation on the slave trade. Chad prohibits individual acts of slavery in its Constitution and Penal Code, as well as slavery as a crime against humanity in its Penal Code. Chad also prohibits sexual slavery as both a war crime and a crime against humanity. Chad is not a state party to either the 1926 Slavery Convention or the 1956 Supplementary Slavery Convention. Chad's Constitutional implementation of treaties suggests it is a monist state.⁷⁷

1. Constitutional Provisions: Slavery

Articles 19 and 21 of Chad's Constitution prohibit slavery and keeping a person in slavery.⁷⁸

2. Penal Code Provisions: Slavery

Article 286 of Chad's Penal Code prohibits sexual slavery as a war crime in international armed conflicts.⁷⁹ Article 288 of Chad's Penal Code prohibits sexual slavery as a war crime in non-international armed conflicts.⁸⁰ Article 292 of Chad's Penal Code Prohibits slavery and sexual slavery as crimes against humanity.⁸¹

Article 328 of Chad's Penal Code prohibits individual acts of slavery.⁸² Article 332 of Chad's Penal Code proscribes accomplice liability for acts of slavery.⁸³

3. Other Relevant Acts and Provisions: Slavery as an Element of Exploitation or Human Trafficking

Article 5 of Chad's Combatting Trafficking in Persons Law includes slavery as a form of exploitation for the offense of human trafficking.⁸⁴

⁷⁷ [La Constitution de la Republique du Tchad \(2018\)](#), art. 225 (“Les Traités ou Accords régulièrement ratifiés ont, dès leur publication, une autorité supérieure à celle des lois nationales, sous réserve pour chaque Accord ou Traité de son application par l'autre partie.”).

⁷⁸ [Id.](#), art. 19 (“L'esclavage, la traite des êtres humains . . . ainsi que toutes les autres formes d'avilissement de l'être humain sont interdits.”), art. 21 (“Nul ne peut être tenu en esclavage ou en servitude”).

⁷⁹ [Code Pénal du Tchad](#), art. 286(y) (“Est coupable de crime de guerre et est puni de l'emprisonnement à vie, quiconque se livre aux violations graves, ci-après indiquées, des lois et coutumes applicables aux conflits armés internationaux dans le cadre établi du droit international : . . . y) le viol, l'esclavage sexuel . . .”).

⁸⁰ [Id.](#), art. 288(f) (“Est coupable de crime de guerre et est puni de l'emprisonnement à vie, quiconque se livre aux violations graves des lois et coutumes applicables aux conflits armés ne présentant pas un caractère international . . . f) le viol, l'esclavage sexuel . . .”).

⁸¹ [Id.](#), art. 292(e),(i) (“Est coupable de crime contre l'humanité et est puni de l'emprisonnement à vie quiconque, dans le cadre d'une attaque généralisée ou systématique lancée contre toute population civile en connaissance de cause, commet l'un des actes suivants : . . . e) la réduction en esclavage; . . . i) le viol, l'esclavage sexuel Au sens du présent article, on entend par : . . . c) « réduction en esclavage » le fait d'exercer sur une personne l'un quelconque ou l'ensemble des pouvoirs liés au droit de propriété, y compris dans le cadre de la traite des êtres humains, en particulier des femmes et des enfants”).

⁸² [Id.](#), art. 328 (“Est puni . . . quiconque prive une personne de sa liberté et exerce sur elle un ou les attributs inhérents au droit de propriété.”).

⁸³ [Id.](#), art. 332 (“Les auteurs, co-auteurs et complices des infractions d'esclavage, de trafic, gage et traite des personnes sont, en outre condamnés aux peines complémentaires prévues par l'article 28 du présent Code.”).

⁸⁴ [Ordonnance n° 006/PR/2018 Portant Lutte Contre la Traite des Personnes en République du Tchad](#) [Ordonance No. 006/PR/2018 Relating to the Fight Against Human Trafficking in the Republic of Chad], art. 5 (“Aux fins de la présente ordonnance: . . . «Exploitation de la personne» désigne: . . . c) l'esclavage, au sens de l'état ou condition d'une personne sur laquelle s'exercent un ou plusieurs des attributs du droit de propriété, don't la vent; d) les pratiques analogues à l'esclavage”).

4. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.⁸⁵

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).⁸⁶ Chad is a state party to Additional Protocol II.⁸⁷

⁸⁵ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁸⁶ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁸⁷ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.

COMOROS

Comoros does not have domestic legislation on the slave trade. Comoros prohibits slavery and sexual slavery as crimes against humanity. Comoros prohibits sexual slavery as a war crime in international armed conflicts. Comoros includes slavery as a form of exploitation for the offense of human trafficking. Comoros is not a state party to either the 1926 Slavery Convention or the 1956 Supplementary Slavery Convention. Comoros' constitutional implementation suggests that it is a monist state.⁸⁸

1. Penal Code Provisions: Slavery and Sexual Slavery

Article 28 of Comoros' Penal Code prohibits slavery and sexual slavery as crimes against humanity.⁸⁹ Article 30 of Comoros' Penal Code prohibits sexual slavery as a war crime in international armed conflict.⁹⁰

2. Penal Code Provisions: Slavery as an Element of Exploitation or Human Trafficking

Article 266-11 of Comoros' Penal Code includes "slavery or practices analogous to slavery" as forms of exploitation for the offense of human trafficking.⁹¹

3. Other Relevant Acts and Provisions: Slavery as an Element of Child Trafficking

Article 6 of Comoros' Law Relating to the Fight Against Child Labor and Child Trafficking includes "slavery or similar practices such as the sale and trafficking of children" in the definition of the worst forms of child labor as prohibited by the Law.⁹²

4. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.⁹³

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).⁹⁴ Comoros is a state party to Additional Protocol II.⁹⁵

⁸⁸ [Constitution of Comoros \(2018\)](#), art. 12 ("The treaties or agreements regularly ratified have, from their declaration, an authority superior to that of the laws of the Union, with reservations, for each agreement or treaty, of its application by the other party.").

⁸⁹ [Code Pénal De l'Union des Comores \(2020\)](#), art. 28(c), (g) ("On entend par crime contre l'humanité l'un des actes ci-après, commis dans le cadre d'une attaque généralisée ou systématique lancée contre une population civile et en connaissance de cette attaque : . . . c) Réduction en esclavage ; . . . g) Viol, esclavage sexuel . . .").

⁹⁰ [Id.](#), art. 30(i)(22) ("Le crime de guerre peut être défini comme étant une violation du droit de la guerre d'une gravité particulière. . . i) Les autres violations graves des lois et coutumes applicables aux conflits armés internationaux dans le cadre établi du droit international, à savoir les actes-ci après : . . . 22) Le viol, l'esclavage sexuel . . .").

⁹¹ [Id.](#), art. 266-11 ("L'exploitation comprend . . . l'esclavage, ou les pratiques analogues à l'esclavage . . .").

⁹² [Loi N° 14-034/AU, du 22 décembre 2014, portant lutte contre le travail et la traite des enfants](#) [Law No. 14-034/AU of December 22, 2014, Relating to the Fight Against Child Labor and Child Trafficking], art. 6 ("Au sens de la présente loi sont considérés comme pires formes de travail d'enfant, toute activité ayant trait a) aux formes d'esclavage ou pratiques analogues telles que la vente et la traite des enfants . . .").

⁹³ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

⁹⁴ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁹⁵ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT'L HUMANITARIAN L. DATABASES.

CONGO (REPUBLIQUE DU CONGO-BRAZZAVILLE)

The Republic of the Congo's Penal Code does not have domestic legislation on the slave trade. Congo prohibits submitting a person to slavery. Congo includes slavery as a form of exploitation in the offense of human trafficking. Congo prohibits slavery and sexual slavery as crimes against humanity. Congo is not a state party to the 1926 Slavery Convention, but Congo is a state party to the 1956 Supplementary Slavery Convention. Congo's constitutional implementation of treaties suggests that it is a monist state.⁹⁶

1. Constitutional Provisions: Slavery

Article 33 of Congo's Constitution prohibits slavery.⁹⁷

2. Other Relevant Acts: Slavery as an Element of Exploitation or Human Trafficking

Article 4 of Congo's Law No. 22-2019 Supporting the Fight Against Human Trafficking includes "slavery" and "practices analogous to slavery" as forms of exploitation for an offense of human trafficking.⁹⁸

3. Other Relevant Acts and Provisions: Slavery and/or Slave Trade

Article 6 of Congo's Law No. 8-98 Pertaining to the definition and repression of Genocide, War Crimes and Crimes Against Humanity (1998) prohibits enslavement and sexual slavery as crimes against humanity.⁹⁹ Article 4 of the Law prohibits "other serious violations of the laws and customs within the established framework of international law" for both international and non-international armed conflicts.¹⁰⁰

4. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹⁰¹

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).¹⁰² Congo is a state party to Additional Protocol II.¹⁰³

⁹⁶ [Constitution of the République du Congo \(2015\)](#), art. 223 ("The treaties or the agreements, regularly ratified or approved, have, from their publication, an authority superior to that of the laws, under the reserve, for each agreement or treaty of its application by the other Party.").

⁹⁷ *Id.*, art. 33 ("No one may be compelled [astreint] to forced labor, except in the case of a penalty deprivative of liberty pronounced by a jurisdiction legally established. No one may be submitted to slavery.").

⁹⁸ [Loi N° 22-2019 du 17 juin 2019 portant lutte contre la traite des personnes](#) [Law No. 22-2019 of June 2019 Supporting the Fight Against Human Trafficking], art. 4 (1) ("L'exploitation par le travail, qui s'entend des pratiques suivantes: . . . - l'esclavage, au sens de l'Etat ou condition d'une personne sur laquelle s'exercent un ou plusieurs des attributs du droit de propriété, dont la vente; . . . -les pratiques analogues à l'esclavage : la servitude et le servage.").

⁹⁹ [Loi N° 8-98 du 31 octobre 1998 protant définition et repression du genocide, des crime du guerre et des crimes contre l'humanité](#) [Law No. 8-98 Pertaining to the definition and repression of Genocide, War Crimes and Crimes Against Humanity], art. 6 ("On entend par crime contre l'humanité, l'un quelconque des actes ci-après, . . . c°/ la reduction en esclavage . . . g°/ le viole, l'esclavage sexuel . . .").

¹⁰⁰ *Id.*, art. 4 ("On Entend par «crimes de guerre» . . . b°/ les autre violations graves des lois et coutumes applicables aux conflits armés internationaux dans le cadre établi du droit international. . . . d°/ et d'autres violations graves reconnues comes applicables aux conflits armées ne présentat pas un caractère international, dans le cadre établi du droit international.").

¹⁰¹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

¹⁰² [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁰³ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT'L HUMANITARIAN L. DATABASES.

COTE D’IVOIRE

Côte d’Ivoire’s Constitution prohibits slavery. Côte d’Ivoire prohibits individual acts of slavery in its domestic legislation. Côte d’Ivoire also prohibits slavery and sexual slavery as crimes against humanity. Côte d’Ivoire prohibits sexual slavery as a war crime in both international and non-international armed conflicts. Côte d’Ivoire prohibits some acts of the slave trade. Côte d’Ivoire includes slavery as a form of exploitation for the offense of human trafficking. Côte d’Ivoire is not a state party to the 1926 Slavery Convention. Côte d’Ivoire is a state party to the 1956 Supplementary Slavery Convention. Côte d’Ivoire’s constitutional implementation of treaties suggests it is a monist state.¹⁰⁴

1. Constitutional Provisions: Slavery

Article 5 of Côte d’Ivoire’s Constitution explicitly prohibits slavery.¹⁰⁵

2. Penal Code Provisions: Slavery

Article 441 of Côte d’Ivoire’s Penal Code prohibits individual acts of slavery.¹⁰⁶

Article 137 of Côte d’Ivoire’s Penal Code prohibits slavery and sexual slavery as crimes against humanity.¹⁰⁷ Article 138 of Côte d’Ivoire’s Penal Code defines “slavery” for the purposes of crimes against humanity.¹⁰⁸

Article 139 of Côte d’Ivoire’s Penal Code prohibits sexual slavery as a war crime for both international and non-international armed conflicts.¹⁰⁹

3. Penal Code Provisions: The Slave Trade

While Côte d’Ivoire does not explicitly prohibit the slave trade, Article 437 of Côte d’Ivoire’s Penal Code prohibits the entering into agreements for the alienation of another’s liberty.¹¹⁰

¹⁰⁴ [Constitution of Côte d’Ivoire \(2016\)](#), art. 123 (“Upon their publication, treaties or agreements duly ratified have an authority superior to that of domestic laws, subject, with respect to each treaty or accord, to the exercise thereof by the other contracting party.”).

¹⁰⁵ [Id.](#), art. 5 (“Slavery, human trafficking, forced labor, physical or moral torture, inhumane, cruel, degrading and humiliating treatment, physical violence, female genital mutilation as well as all other forms of degradation of a human being are prohibited.”).

¹⁰⁶ [Côte d’Ivoire Code Pénal \(2019\)](#), art. 441 (“Constitue une réduction en esclavage, l’exercice à l’encontre d’une personne d’un des attributs du droit de propriété. Est puni d’un emprisonnement de dix à vingt ans quiconque réduit une personne en esclavage.”).

¹⁰⁷ [Id.](#), art. 137 (“Est puni de l’emprisonnement à vie, quiconque, dans le cadre d’une attaque généralisée ou systématique lancée contre toute population civile et en connaissance de cette attaque, commet l’un quelconque des actes ci-après : . . . 3° réduction en esclavage ; . . . 7° viol, esclavage sexuel . . .”).

¹⁰⁸ [Id.](#), art. 138 (“Au sens de l’article 137, on entend par : . . . 3° réduction en esclavage, le fait d’exercer sur une personne l’un quelconque ou l’ensemble des pouvoirs liés au droit de propriété, y compris dans le cadre de la traite des êtres humains, en particulier des femmes et des enfants”).

¹⁰⁹ [Id.](#), art. 139 (“Constituent des crimes de guerre : . . . 2) Les autres violations graves des lois et coutumes applicables aux conflits armés internationaux dans le cadre établi du droit international, à savoir l’un quelconque des actes ci-après : . . . • le viol, l’esclavage sexuel . . . 4) Les autres violations graves des lois et coutumes applicables aux conflits armés ne présentant pas un caractère international, dans le cadre établi du droit international, à savoir l’un quelconque des actes ci-après : . . . • le viol, l’esclavage sexuel . . .”).

¹¹⁰ [Id.](#), art. 437 (“Est puni d’un emprisonnement de cinq à dix ans et d’une amende de 500.000 à 5.000.000 FCFA, quiconque conclut une convention ayant pour objet d’aliéner, soit à titre gratuit, soit à titre onéreux, la liberté d’une tierce personne.”).

4. Other Relevant Acts and Provisions: S Slavery as an Element of Exploitation or Human Trafficking

Article 4 of Côte d'Ivoire's Fight Against Human Trafficking Law includes slavery as a form of exploitation for the offense of human trafficking.¹¹¹

5. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹¹²

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).¹¹³ Côte d'Ivoire is a state party to Additional Protocol II.¹¹⁴

¹¹¹ [Loi n° 2016-111 du 8 décembre 2016 relative à la lutte contre la Traite des personnes](#) [Law No. 2016-111 of December 8, 2016 Relative to the Fight Against Human Trafficking], art. 4 (“L'exploitation, mentionnée à l'alinéa I du présent article, est le fait de mettre la victime à sa disposition ou à la disposition d'un tiers, même non identifié, afin, soit de permettre la commission contre la victime des actes . . . de réduction à l'esclavage . . .”).

¹¹² [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

¹¹³ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹¹⁴ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.

DEMOCRATIC REPUBLIC OF THE CONGO (DRC)

The Democratic Republic of the Congo (DRC)'s Constitution prohibits slavery. The DRC prohibits slavery and sexual slavery as crimes against humanity. The DRC also prohibits sexual slavery as a war crime. The DRC explicitly prohibits slavery and sexual slavery of children. The DRC prohibits elements of the slave trade. The DRC is not a state party to the 1926 Slavery Convention, but it is a state party to the 1956 Supplementary Slavery Convention. The DRC's constitutional implementation of treaties suggests that it is a monist state.¹¹⁵

1. Constitutional Provisions: Slavery

Article 16 of the DRC's Constitution prohibits slavery.¹¹⁶ Article 61 of the DRC's Constitution prohibits derogation from the prohibition against slavery in times of emergency.¹¹⁷

2. Penal Code Provisions: Slavery

Article 222 of the DRC's Penal Code, as amended, prohibits slavery and sexual slavery as crimes against humanity.¹¹⁸ Article 223 of the DRC's Penal Code, as amended, prohibits sexual slavery as a war crime in both international and non-international armed conflicts.¹¹⁹

3. Penal Code Provisions: The Slave Trade

While the DRC's Penal Code does not explicitly prohibit the slave trade, Article 68 of the DRC's Penal Code prohibits the commission of or causing to commit kidnapping, arrests, or detention of persons for the purpose of selling or disposing of such persons into slavery.¹²⁰

4. Other Relevant Acts and Provisions: Slavery as an Element of Child Labor

Article 3 of the DRC's Labor Code prohibits "the worse forms of child labor," which includes "all forms of slavery or similar practices, such as the sale and trafficking of children."¹²¹

¹¹⁵ [Constitution de la République Démocratique du Congo](#), art. 153 ("The civil and military Courts and Tribunals apply the duly ratified international treaties, the laws, [and] the regulatory acts, provided that they are in conformity with the laws as well as customary [law] unless the latter is contrary to the public order or to morality."), art. 215 ("The international treaties and agreements, regularly concluded, have, on their publication, an authority superior to that of the laws, under reserve for each treaty and agreement, of its the application by the other party.").

¹¹⁶ [Id.](#), art. 16 ("The human person is sacred. The State has the obligation to respect it and to protect it. . . . No one may be held in slavery or in an analogous condition.").

¹¹⁷ [Id.](#), art. 61(3) ("In no case, even when the state of siege or the state of urgency has been proclaimed in accordance with Articles 85 and 86 of this Constitution, can there be derogation of the rights and fundamental principles enumerated as follows: . . . 3. the prohibition of slavery and of servitude.").

¹¹⁸ [Loi n° 15/022 du 31 décembre 2015 modifiant et complétant le Décret du 30 janvier 1940 portant Code pénal](#) [Law No. 15/022 of December 31, 2015 Modifying and Supplementing the Decree of January 30, 1940 Relating to the Penal Code], art. 4 (adding Penal Code article 222, which states "Aux fins de la présente loi, on entend par « crime contre l'humanité » l'un quelconque des actes ci-après lorsqu'il est commis dans le cadre d'une attaque généralisée ou systématique lancée contre toute population civile et en connaissance de cette attaque : . . . 3. la réduction en esclavage, entendue comme le fait d'exercer sur une personne l'un quelconque ou l'ensemble des pouvoirs liés au droit de propriété, y compris dans le cadre de la traite des êtres humains, en particulier des femmes et des enfants; . . . 8. le viol, l'esclavage sexuel . . .").

¹¹⁹ [Id.](#), art. 4 ("Aux fins de la présente loi, on entend par « crimes de guerre » : . . . v) le viol, l'esclavage sexuel . . .").

¹²⁰ [Code Pénal Congolais](#), art. 68 ("Est puni des peines prévues par et selon les distinctions de l'article précédent celui qui a enlevé ou fait enlever, arrêté ou fait arrêter, détenu ou fait déténir des personnes quelconques pour les vendre comme esclaves ou qui a disposé de personnes placées sous son autorité dans le même but.").

¹²¹ [Loi n° 015/2002 du 16 octobre 2002 portant Code du travail](#) [Law No. 015/2002 of October 16, 2002 relating to the Labor Code], art. 3 ("Toutes les pires formes de travail des enfants sont abolies. L'expression « les pires formes de travail des enfants » comprend notamment: a) toutes les formes d'esclavage ou pratiques analogues, telles que la vente et la traite des enfants, la servitude pour dettes . . .").

Article 53 of the DRC's Child Protection Law prohibits "the worse forms of child labor," which includes "all forms of slavery or similar practices, such as the sale and trafficking of children."¹²² Article 183 of the DRC's Child Protection Law prohibits "sexual slavery of children."¹²³

5. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.¹²⁴

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).¹²⁵ The DRC is a state party to Additional Protocol II.¹²⁶

¹²² [Loi n° 09/001 du 10 janvier 2009 portant protection de l'enfant](#) [Law No. 09/001 of January 10, 2009 Regarding the Protection of Children], art. 53 ("Les pires formes de travail des enfants sont interdites. Sont considérées comme pires formes de travail des enfants: b) toutes les formes d'esclavage ou pratiques analogues, telles que la vente et la traite des enfants, la servitude pour dettes et le servage ainsi que le travail forcé ou obligatoire").

¹²³ [Id.](#), art. 183 ("L'esclavage sexuel d'un enfant est puni . . . L'esclavage sexuel est le fait pour une personne d'exercer un ou l'ensemble des pouvoirs assimilés au droit de propriété sur un enfant notamment en détenant ou en imposant une privation de liberté ou en achetant, vendant, prêtant, troquant l'enfant pour des fins sexuelles, et de le contraindre à accomplir un ou plusieurs actes de nature sexuelle.").

¹²⁴ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

¹²⁵ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹²⁶ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT'L HUMANITARIAN L. DATABASES.

DJIBOUTI

Djibouti prohibits slavery as a crime against humanity. Djibouti does not have domestic legislation on the slave trade. Djibouti includes slavery as a purpose for the offense of human trafficking. Djibouti is not a State Party to the 1926 Slavery Convention. Djibouti is a State Party to the 1956 Supplementary Slavery Convention. Djibouti's constitutional implementation of treaties suggests it is a monist state.¹²⁷

1. Penal Code Provisions: Slavery

Section 482 of Djibouti's Penal Code prohibits enslavement as a crime against humanity.¹²⁸

2. Other Relevant Acts and Provisions: Slavery as an Element of Exploitation or Human Trafficking

Articles 1 and 5 of Djibouti's Law on the Fight Against Trafficking in Persons and Illicit Smuggling of Migrants include "slavery" as a purpose for the offense of human trafficking.¹²⁹

3. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹³⁰

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹³¹ Djibouti is state party to the Additional Protocol II.¹³²

¹²⁷ [La Constitution de la Republique de Djibouti](#), art. 37 ("Les traités ou accords régulièrement ratifiés ont, dès leur publication, une autorité supérieure à celle des lois sous réserve, pour chaque accord ou traité, de son application par l'autre partie et de sa conformité avec les dispositions pertinentes du droit des traités.").

¹²⁸ See [Djibouti Code Pénal](#), art. 482 ("Chapitre VIII Les Crimes Contre L'humanité[:] . . . Article 482[:] La déportation, la réduction en esclavage ou la pratique massive et systématique d'exécutions sommaires, d'enlèvements de personnes suivis de leur disparition, de la torture ou d'actes de barbarie, inspirées par des motifs politiques, philosophiques, raciaux ou religieux et organisés à l'encontre d'un groupe de population civile emportent la peine de la réclusion criminelle à perpétuité.").

¹²⁹ [Loi no 133/AN/16/7ème L portant sur la lutte contre la traite des personnes et le trafic illicite des migrants \[Law No. 133 of 2016, 133/AN/16/7ème L, on the Fight Against Trafficking in Persons and Illicit Smuggling of Migrants\]](#), art. 1 ("The term 'trafficking in persons' refers to the recruitment, transportation, transfer, accommodation or reception of persons, by the use of threat or the use of force, other forms of coercion, kidnapping, fraud, deception, abuse of authority or a situation of vulnerability or by offering or the acceptance of payments or benefits to obtain the consent of a person having authority over another for exploitation purposes. Exploitation purposes must include, at a minimum, pimping or other forms of exploitation sex, forced labor or services, slavery or practices similar to slavery, servitude or removal of organs or tissues and adoption for the purposes of exploitation as defined in this law."), art. 5 ("The offense of trafficking in persons is: the recruitment, transfer, transportation, the accommodation or reception of persons by the use of threat or the use of force or forms of coercion, by abduction, fraud, deception, abuse of authority or a situation of vulnerability, or by offering or accepting payments or benefits to obtain the consent of a person having authority over another for the purpose of exploitation. Exploitation includes the exploitation of the prostitution of others or other forms of exploitation sex, forced labor or services, slavery or practices similar to slavery, servitude or organ harvesting.").

¹³⁰ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; see also [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

¹³¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹³² [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT'L HUMANITARIAN L. DATABASES.

GABON

Gabon prohibits slavery and sexual slavery as crimes against humanity. Gabon does not have domestic legislation on the slave trade. Gabon includes slavery as a prohibited purpose for the offense of human trafficking. Gabon is not a State Part to either the 1926 Slavery Convention or the 1956 Supplementary Slavery Convention. Gabon is a monist state.¹³³

1. Penal Code Provisions: Slavery

Article 330 of Gabon's Penal Code prohibits enslavement and sexual slavery as crimes against humanity.¹³⁴

2. Penal Code Provisions: Slavery as an Element of Exploitation or Human Trafficking

Article 343 of Gabon's Penal Code includes slavery as a prohibited purpose or circumstance for the aggravated offense of human trafficking.¹³⁵

3. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹³⁶

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹³⁷ Gabon is state party to the Additional Protocol II.¹³⁸

¹³³ [Comité des Droits de l'Homme, Examen des rapports présentés par les États parties conformément à l'article 40 du Pacte - Rapport initial du Gabon](#), ¶ 40, UN Doc No. CCPR/C/SR.1543[fr] (“Les préoccupations de Mme Chanet concernent l'incorporation du Pacte dans le droit interne. Le Gabon ayant un système moniste, il est regrettable que le Pacte ne figure pas dans la Constitution, pas même comme référence dans le préambule.”).

¹³⁴ [Gabon Code Pénal \(2019\)](#), art. 330 (“Constitue également un crime contre l'humanité, l'un quelconque des actes ci-après lorsqu'il est commis en exécution d'un plan concerté à l'encontre d'un groupe de population, dans le cadre d'une attaque généralisée ou systématique: . . . la réduction en esclavage . . . le viol, l'esclavage sexuel, la prostitution forcée, la grossesse forcée, la stérilisation forcée ou toute autre forme de violence sexuelle de gravité comparable”).

¹³⁵ See [id.](#), art. 343 (“Il est puni de dix ans d'emprisonnement au plus et de 100.000.000 FCFA au plus lorsqu'elle est commise avec l'une des circonstances suivantes : . . . soit à des fins de servitude ou d'esclavage ou de prélèvement d'un ou de plusieurs de ses organes”). Article 342 defines the offense of human trafficking. [Id.](#), art 342 (“La traite des êtres humains est le fait, en échange d'une rémunération ou de tout autre avantage ou d'une promesse de rémunération ou d'avantage, de recruter une personne, de la transporter, de la transférer, de l'héberger ou de l'accueillir pour la mettre à sa disposition ou à la disposition d'un tiers même non identifié, à des fins : [1] soit de permettre la commission contre cette personne des infractions de proxénétisme, d'agression ou d'atteinte sexuelle, d'exploitation de la mendicité, de conditions de travail ou d'hébergement contraires à sa dignité ; [2] soit de contraindre cette personne à commettre tout crime ou délit ou encore, de l'aider à immigrer ou à émigrer.”).

¹³⁶ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; see also [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

¹³⁷ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹³⁸ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT'L HUMANITARIAN L. DATABASES.

GHANA

Ghana's Constitution prohibits slavery. Ghana prohibits the slave trade. Ghana includes slavery as a form of exploitation for the offense of human trafficking. Ghana is not a State Party to the 1926 Slavery Convention. Ghana is a state party to the 1956 Supplementary Slavery Convention. Ghana's court has ruled that international law is not incorporated into domestic law without an act of the legislature, suggesting it is a dualist state.¹³⁹

1. Constitutional Provisions: Slavery

Article 16 of Ghana's Constitution prohibits slavery.¹⁴⁰

2. Penal Code Provisions: The Slave Trade

Section 314 of Ghana's Penal Code prohibits "slave-dealing," which includes the elements of the slave trade under the 1926 Slavery Convention definition.¹⁴¹

3. Other Relevant Acts and Provisions: Slavery as an Element of Exploitation or Human Trafficking

Section 1 of Ghana's Human Trafficking Act of 2005 includes slavery and "practices similar to slavery" as a form of exploitation for the offense of human trafficking.¹⁴²

¹³⁹ [ARA Libertad Case, Ghana and NML Capital Limited \(joining\) v Attorney-General and Argentina \(joining\), Ruling, Civil Motion No J5/10/2013, ILDC 2547 \(GH 2013\), ¶¶ 2-3, 20th June 2013, Ghana; Supreme Court](#) ("2 . . . However, treaties, even when the particular treaty has been ratified by Parliament, do not alter municipal law until they are incorporated into Ghanaian law by appropriate legislation. 3 This position of the law is usually referred to as reflecting the "dualist" school of thought, as distinct from the monist approach followed by some other States. Under a dualist approach, orders of the Tribunal cannot be binding on Ghanaian courts, in the absence of legislation making the orders binding on Ghanaian courts.").

¹⁴⁰ [Constitution of Ghana \(rev 1996\)](#), art. 16(1) ("No person shall be held in slavery or servitude.").

¹⁴¹ [Penal Code of Ghana \(rev. 2003\)](#), art. 314(1) ("(1) Whoever— (a) deals or trades in, buys, sells, barter, transfers, or takes any slave; or (b) deals or trades in, buys, sells, barter, transfers, or takes any person in order that that person may be held or treated as a slave; or (c) places or receives any person in servitude as a pledge or security for debt, whether then due and owing or to be incurred or contingent, whether under the name of a pawn or by whatever other name that person may be called; or (d) conveys any person, or induces any person to come, to Ghana in order that such person may be dealt or traded in, bought, sold, bartered, or become a slave, or be placed in servitude as a pledge or security for debt; or (e) conveys or sends any person, or induces any person to go out of Ghana in order that that person may be dealt or traded in, bought, sold, bartered, transferred, or become a slave, or be placed in servitude as a pledge or security for debt; or (f) enters into any contract or agreement with or without consideration for doing any of the acts or accomplishing any of the aforementioned purposes; or (g) by any species of coercion or restraint otherwise than in accordance with the Labour Decree, compels or attempts to compel the service of any person, shall be guilty of second degree felony.").

¹⁴² [Human Trafficking Act, 2005 \(Act 694\)](#), § 1(2) ("Exploitation shall include at the minimum, induced prostitution and other forms of sexual exploitation, forced labour or services, [slavery] or practices similar to slavery, servitude or the removal of organs."). The text of the Human Trafficking Act's official copy has an apparent typo, which reads ("salary or practices similar to slavery."). This typo was not corrected by the Human Trafficking Amendment Act (2009), which may be evidence that the Parliament of Ghana intended the use of the term "salary" in the statute text. However, based on context and a complete reading of the provision, it seems unlikely that term "salary" would be used in the same clause and in conjunction with the phrase "or practices similar to slavery." Therefore, we assume that the term "salary" is a typo and that the term should be "slavery," but caution reliance on this assumption without further investigation.

4. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹⁴³

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).¹⁴⁴ Ghana is a state party to Additional Protocol II.¹⁴⁵

¹⁴³ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

¹⁴⁴ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁴⁵ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.

GUINEA

Guinea does not have domestic legislation on the slave trade. Guinea prohibits slavery and sexual slavery as crimes against humanity. Guinea prohibits sexual slavery as a war crime in both international and non-international crimes. Guinea includes slavery as a form of exploitation in the offenses of human trafficking and the trafficking of children. Guinea is a signatory to the 1926 Slavery Convention and a state party to the 1956 Supplementary Slavery Convention. Guinea's constitutional implementation of treaties suggest it is a monist state.¹⁴⁶

1. Penal Code Provisions: Slavery and Sexual Slavery

Article 194 of Guinea's Penal Code prohibits slavery and sexual slavery as crimes against humanity.¹⁴⁷ Article 195 of Guinea's Penal Code defines "slavery" for the purposes of crimes against humanity as "the exercise over a person any or all powers linked to the rights of property, including in the context of human trafficking, especially women and children."¹⁴⁸

Article 789 of Guinea's Penal Code prohibits sexual slavery as a war crime in international armed conflicts.¹⁴⁹ Article 792 of Guinea's Penal Code prohibits sexual slavery as a war crime in non-international armed conflicts.¹⁵⁰

2. Penal Code Provisions: Slavery as an Element of Exploitation or Human Trafficking

Article 323 of Guinea's Penal Code includes slavery as a form of exploitation for the offense of human trafficking.¹⁵¹

3. Other Relevant Acts and Provisions: Slavery as an Element of Child Trafficking

Article 385 of Guinea's Child Code includes slavery and practices analogous to slavery as forms of exploitation for the offense of trafficking children.¹⁵²

¹⁴⁶ [Constitution du Guinée](#), art. 151 ("The treaties or agreements regularly approved or ratified have, from their publication, a authority superior to that of the laws, under reserve of reciprocity.").

¹⁴⁷ [Code Pénal du Guinée](#), art. 194 ("Constitue un crime contre l'humanité, l'un quelconque des actes ci-après lorsqu'il est commis dans le cadre d'une attaque généralisée ou systématique lancée contre toute population civile et en connaissance de cause de cette attaque : . . . 3. réduction en esclavage . . . 7. viol, esclavage sexuel . . .").

¹⁴⁸ [Id.](#), art. 195 ("Au sens du précédent article, on entend par : . . . 3. réduction en esclavage, le fait d'exercer sur une personne l'un quelconque ou l'ensemble des pouvoirs liés au droit de propriété, y compris dans le cadre de la traite des êtres humains, en particulier des femmes et des enfants").

¹⁴⁹ [Id.](#), art. 789 ("Constituent également des crimes de guerre, les autres violations des lois et coutumes applicables aux conflits armés internationaux dans le cadre établi du droit international, à savoir, l'un quelconque des actes ci-après : . . . 22. le viol, l'esclavage sexuel . . .").

¹⁵⁰ [Id.](#), art. 792 ("Constituent également des crimes de guerre, les autres violations des lois et coutumes applicables aux conflits armés ne présentant pas un caractère international, dans le cadre établi du droit international, à savoir l'un quelconque des actes ci-après : . . . 6. le viol, l'esclavage sexuel . . .").

¹⁵¹ [Id.](#), art. 323 ("L'exploitation mentionnée au point 1 du présent article est le fait de mettre la victime à sa disposition ou à la disposition d'un tiers, même non identifié, afin soit de permettre la commission contre la victime des infractions . . . de réduction en esclavage . . .").

¹⁵² [Loi L/2008/011/AN du 19 Aout 2008 portant Code de l'enfant Guinée](#) [Law L/2008/011/AN of August 19, 2008, Regarding the Guinean Child Code], art. 385 ("L'exploitation comprend, au minimum, l'exploitation de la prostitution d'autrui ou d'autres formes d'exploitation sexuelle, le travail ou les services forcés, l'esclavage ou les pratiques analogues à l'esclavage, la servitude ou le prélèvement d'organes.").

4. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹⁵³

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).¹⁵⁴ Guinea is a state party to Additional Protocol II.¹⁵⁵

¹⁵³ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

¹⁵⁴ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁵⁵ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.

KENYA

Kenya prohibits slavery in its Constitution. Kenya does not have domestic legislation directly related to slavery. Kenya prohibits acts of the slave trade in its penal code. Kenya prohibits slavery and sexual slavery as crimes against humanity. Kenya prohibits sexual slavery as a war crime. Kenya includes slavery as a form of exploitation for the offense of trafficking in persons. Kenya is not a state party to either the 1926 Slavery Convention or 1956 Supplementary Slavery Convention. Kenya's constitutional implementation of treaties suggests it is a monist state.¹⁵⁶

1. Constitutional Provisions: Slavery

Article 25 of Kenya's Constitution establishes a fundamental right to be free from slavery.¹⁵⁷ Additionally, article 30 of Kenya's constitution prohibits slavery.¹⁵⁸

2. Penal Code Provisions: The Slave Trade

Section 264 of Kenya's Penal Code prohibits buying or disposing of a person as a slave.¹⁵⁹ Additionally, Section 265 of Kenya's Penal Code prohibits habitual dealing in slaves.¹⁶⁰

3. Other Relevant Acts and Provisions: Slavery and Sexual Slavery

Section 6 of Kenya's International Crimes Act prohibits crimes against humanity and war crimes as defined in the Rome Statute of the ICC or customary international law.¹⁶¹ Thus, Section 6 prohibits enslavement and sexual slavery as crimes against humanity,¹⁶² and sexual slavery as a war crime in both international¹⁶³ and non-international armed conflicts.¹⁶⁴

¹⁵⁶ [Constitution of Kenya \(2010\)](#), art. 2(6) ("Any treaty or convention ratified by Kenya shall form part of the law of Kenya under this Constitution.").

¹⁵⁷ *Id.*, art. 25(b) ("Despite any other provision in this Constitution, the following rights and fundamental freedoms shall not be limited- . . . b. freedom from slavery or servitude"). Kenya cannot derogate from the core or essential conduct of a fundamental right. *Id.*, art. 24(2)(c) ("Despite clause (1), a provision in legislation limiting a right or fundamental freedom- . . . shall not limit the right or fundamental freedom so far as to derogate from its core or essential content.").

¹⁵⁸ *Id.*, art. 30(1) ("A person shall not be held in slavery or servitude.").

¹⁵⁹ [Kenya Penal Code](#), § 264 ("Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, is guilty of a felony and is liable to imprisonment for seven years.").

¹⁶⁰ *Id.*, § 265 ("Any person who habitually imports, exports, removes, buys, sells, traffics or deals in slaves is guilty of a felony and is liable to imprisonment for ten years.").

¹⁶¹ [International Crimes Act \(Act No. 16 of 2008, rev. 2012\)](#), § 6(1),(4) ("(1) A person who, in Kenya or elsewhere, commits— (a) genocide; (b) a crime against humanity; or (c) a war crime, is guilty of an offence. . . . (4) In this section— 'crime against humanity' has the meaning ascribed to it in article 7 of the Rome Statute and includes an act defined as a crime against humanity in conventional international law or customary international law that is not otherwise dealt with in the Rome Statute or in this Act; . . . 'war crime' has the meaning ascribed to it in paragraph 2 of article 8 of the Rome Statute.").

¹⁶² [Rome Statute of the International Criminal Court](#), art. 7(1)(b),(g) ("For the purpose of this Statute, 'crime against humanity' means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: . . . (b) Enslavement; . . . (g) Rape, sexual slavery . . .").

¹⁶³ *Id.*, art. 8(2)(b)(xxii) ("For the purpose of this Statute, 'war crimes' means: . . . (b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts: . . . (xxii) Committing rape, sexual slavery . . .").

¹⁶⁴ *Id.*, art. 8(2)(e)(vi) ("For the purpose of this Statute, 'war crimes' means: . . . (e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts: . . . (vi) Committing rape, sexual slavery . . .").

4. Other Relevant Acts and Provisions: Slavery as an Element of Exploitation or Human Trafficking

Section 2 of Kenya's Counter Trafficking in Persons Act includes "keeping a person in state of slavery" and "subjecting a person to practices similar to slavery" as forms of exploitation for the offense of trafficking in persons.¹⁶⁵

5. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.¹⁶⁶

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).¹⁶⁷ Kenya is a state party to Additional Protocol II.¹⁶⁸

¹⁶⁵ [Counter Trafficking in Persons Act, 2010 \(Cap. 61, rev. 2012\)](#), § 2 (In this Act, unless the context otherwise requires— . . . 'exploitation' includes but is not limited to— (a) keeping a person in a state of slavery; (b) subjecting a person to practices similar to slavery; . . . '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").

¹⁶⁶ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

¹⁶⁷ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁶⁸ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT'L HUMANITARIAN L. DATABASES.

LESOTHO

Lesotho does not have domestic legislation on the slave trade. Lesotho's Constitution prohibits slavery. Lesotho prohibits enslavement and sexual slavery as crimes against humanity. Lesotho prohibits sexual slavery as a war crime. Lesotho includes slavery as a form of exploitation for the offense of trafficking in persons. Lesotho is a state party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Lesotho's Constitutional Court holds that Lesotho is a dualist state.¹⁶⁹

1. Constitutional Provisions: Slavery

Article 4 of Lesotho's Constitution guarantees all persons in Lesotho the freedom from slavery.¹⁷⁰ Article 9 of Lesotho's Constitution prohibits slavery.¹⁷¹

2. Penal Code Provisions: Slavery and Sexual Slavery

Article 94 of Lesotho's Penal Code prohibits enslavement and sexual slavery as crimes against humanity.¹⁷² Article 95 of Lesotho's Penal Code prohibits sexual slavery as a war crime in both international and non-international armed conflicts.¹⁷³

3. Other Relevant Acts and Provisions: Slavery as an Element of Exploitation or Human Trafficking

Section 2 of Lesotho's Anti-Trafficking in Persons Act includes "slavery or practices similar to slavery" as forms of exploitation for the offense of trafficking in persons.¹⁷⁴

4. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹⁷⁵

¹⁶⁹ [Metsing et al. v. Director of Public Prosecutions et al.](#), Constitutional Case No/27& 28/2018, ¶ 110 (2020) ("Lesotho is characteristically a dualist State. Tellingly, from the narrative made, about such a country, international law can only assume a status of law upon being domesticated through an Act of Parliament.").

¹⁷⁰ [Constitution of Lesotho \(rev. 2018\)](#), art. 4(e) ("Whereas every person in Lesotho is entitled . . . to each and all of the following-- . . . e. freedom from slavery and forced labour").

¹⁷¹ [Id.](#), art. 9(1) ("No person shall be held in slavery or servitude.").

¹⁷² [Lesotho Penal Code \(2012\)](#), art. 94(1)(c),(g) ("(1) A person commits an offence of a crime against humanity if he or she engages in the following acts as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack - . . . (c) enslavement; . . . (g) rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual or comparable gravity"); *see also* [Id.](#), art. 94(2)(c) ("‘enslavement’ means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;").

¹⁷³ [Id.](#), art. 95(b)(xxi) ("other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts— . . . (xxi) committing rape, sexual slavery"); [Id.](#), art. 95(d)(vi) ("other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts— . . . (vi) committing rape, sexual slavery . . .").

¹⁷⁴ [Anti-Trafficking in Persons Act, 2011](#), art. 2 ("‘**exploitation**’ includes exploitation of prostitution or other forms of sexual exploitation, forced labour or service, slavery or practices similar to slavery, servitude or the removal of organs;"; "‘**slavery**’ means the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised").

¹⁷⁵ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).¹⁷⁶ Lesotho is a state party to Additional Protocol II.¹⁷⁷

¹⁷⁶ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.](#)

¹⁷⁷ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.](#)

LIBERIA

Liberia's Constitution prohibits slavery and the slave trade. Liberia does not have domestic legislation on slavery or the slave trade. Liberia includes slavery as a form of exploitation for the offense of trafficking in persons. Liberia is a signatory to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. In its concluding observations on Liberia's first report to the Human Rights Committee, the Committee recognized that Liberia is a dualist state.¹⁷⁸

1. Constitutional Provisions: Slavery and the Slave Trade

Article 12 of Liberia's Constitution prohibits both slavery and "deal[ing] in slaves."¹⁷⁹

2. Other Relevant Acts and Provisions: Slavery as an Element of Exploitation or Human Trafficking

Section 102 of Liberia's Act to Ban Trafficking in Persons includes "slavery" and "practices similar to slavery" as forms of exploitation for the offense of trafficking in persons.¹⁸⁰

3. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹⁸¹

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).¹⁸² Liberia is a state party to Additional Protocol II.¹⁸³

¹⁷⁸ Hum. Rts. Comm., [Concluding Observations on the Initial Report of Liberia](#), CCPR/C/LBR/CO/1, ¶ 6 (27 Aug. 2018).

¹⁷⁹ [Constitution of the Republic of Liberia \(1986\)](#), art. 12 ("No person shall be held in slavery or forced labor within the Republic, nor shall any citizen of Liberia nor any person resident therein deal in slaves").

¹⁸⁰ [Act To Ban Trafficking in Persons Within The Republic Of Liberia \(2005\)](#), § 102(a)-(b) ("'Exploitation' shall mean: (a) keeping a person in a state slavery; (b) Subjecting a person to practices similar to slavery"); *see also* [Id.](#), § 103 ("'Slavery' shall mean the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised."); [Id.](#), § 104 ("'Practices similar to slavery' are defined in the Supplementary Convention on the Abolition of slavery, the Slave Trade, and institutions and practices Similar to Slavery and include, in general, debt bondage, serfdom, forced or servile marriages and delivery of children for exploitation.").

¹⁸¹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

¹⁸² [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁸³ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT'L HUMANITARIAN L. DATABASES.

MADAGASCAR

Madagascar does not have domestic legislation on slavery or the slave trade. Madagascar includes, in decree, slavery as a form of forced or compulsory labor. Madagascar is a state party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Madagascar's constitutional implementation of treaties suggests it is a monist state.¹⁸⁴

1. Other Relevant Acts and Provisions: Slavery

Madagascar's Law No. 2014-040 on the Fight Against Human Trafficking repealed all mentions of slavery that were added to the Penal Code by Law No. 2007-038 on Combatting Human Trafficking and Sex Tourism.¹⁸⁵

Article 15 of Madagascar's Decree 2007-563 Relative to the Child Labor includes slavery as a form of forced or compulsory labor.¹⁸⁶

2. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹⁸⁷

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).¹⁸⁸ Madagascar is a state party to Additional Protocol II.¹⁸⁹

¹⁸⁴ [Constitution de la Quatrième République de Madagascar](#), art. 137 ("The treaties or agreements regularly ratified or approved have, from their publication, an authority superior to that of the laws, under reserve, for each agreement or treaty, of its application by the other party.").

¹⁸⁵ [Loi n° 2014-040 sur la lutte contre la traite de être humains](#) [Law No. 2014-040 on the Fight Against Human Trafficking], Exposé des Motifs ("Pour la mise en conformité de sa législation nationale avec ces instruments ratifiés, Madagascar s'est doté en 2008 de la loi n° 2007-038 du 14 janvier 2008 modifiant et complétant certaines dispositions du Code pénal sur la lutte contre la traite des personnes et le tourisme sexuel. Cependant, après six années de mise en œuvre, force et de constater que rares sont les décisions de justice punissant les auteurs de la traite. Cela est dû à l'insuffisance des campagnes de sensibilisations pour porter à la connaissance du public de l'existence de cette loi et de la manière de saisir la justice. Par ailleurs, elle ne couvre pas l'ensemble de toutes les situations susceptible de constituer des infractions de la traite au regard des instruments juridiques internationaux ratifiés par Madagascar." [To bring its national legislation into compliance with these ratified instruments, in 2008, Madagascar adopted Law No. 2007-038 of January 14, 2008 amending and supplementing certain provisions of the Penal Code on the fight against trafficking in persons and sex tourism. However, after six years of implementation, strength and observation that few court decisions punish the perpetrators of trafficking. It is because of the insufficiency of awareness campaigns to make the public aware of the existence of this law and how to take legal action. Furthermore, it does not cover all situations likely to constitute trafficking offenses regard to international legal instruments ratified by Madagascar.]).

¹⁸⁶ [Décret 2007-563 du 03 juillet 2007 relatif au travail des enfants](#) [Decree 2007-563 of July, 3, 2007, Relative to the Child Labor], art. 15 ("Toutes les formes de travail forcé ou obligatoire notamment la vente et la traite des enfants, l'utilisation des enfants comme gage pour payer la dette de la famille, l'esclavage, le recrutement forcé ou obligatoire en vue de l'utilisation des enfants dans des conflits armés sont interdits.").

¹⁸⁷ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; see also [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

¹⁸⁸ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁸⁹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT'L HUMANITARIAN L. DATABASES.

MALAWI

Malawi prohibits slavery and the slave trade in its Constitution. Malawi does not have domestic legislation on slavery. Malawi prohibits kidnapping, abducting, buying, disposing, and habitual dealing in persons as slaves. Malawi is a state party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Malawi's constitutional implementation of international agreements suggest it is a dualist state.¹⁹⁰

1. Constitutional Provisions: Slavery and the Slave Trade

Article 27 of Malawi's Constitution prohibits both slavery and the slave trade.¹⁹¹

2. Penal Code Provisions: The Slave Trade

Article 268 of Malawi's Penal Code prohibits the "habitual dealing in slaves."¹⁹² Article 267 of Malawi's Penal Code prohibits the "buying or disposing of a person as a slave."¹⁹³ Article 263 of Malawi's Penal Code prohibits the "kidnapping or abducting" of persons with the intent to reduce the person to slavery.¹⁹⁴

3. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.¹⁹⁵

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).¹⁹⁶ Malawi is state party to Additional Protocol II.¹⁹⁷

¹⁹⁰ [Constitution of the Republic of Malawi \(rev. 1999\)](#), art. 211(1) ("Any international agreement entered into after the commencement of this Constitution shall form part of the law of the Republic if so provided by an Act of Parliament.").

¹⁹¹ [Id.](#), art. 27(1)-(2) ("1. No person shall be held in slavery or servitude.

2. Slavery and the slave trade are prohibited.").

¹⁹² [Malawi Penal Code \(2014\)](#), art. 268 ("Any person who habitually imports, exports, removes, buys, sells, traffics or deals in slaves shall be guilty of a felony, and shall be liable to imprisonment for ten years.").

¹⁹³ [Id.](#), art. 267 ("Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, shall be guilty of a felony, and shall be liable to imprisonment for seven years.").

¹⁹⁴ [Id.](#), art. 263 ("Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or ransom or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be guilty of a felony and shall be liable to imprisonment for ten years.").

¹⁹⁵ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

¹⁹⁶ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁹⁷ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT'L HUMANITARIAN L. DATABASES.

MALI

Mali prohibits slavery and sexual slavery as crimes against humanity. Mali also prohibits sexual slavery as a war crime. Mali prohibits some elements of the slave trade. Mali is a signatory to the 1926 Slavery Convention and a State Party to the 1956 Supplemental Slavery Convention. Mali's constitutional implementation of treaties suggests it is a monist state.¹⁹⁸

1. Penal Code Provisions: Slavery and Sexual Slavery

Article 29 of Mali's Penal Code prohibits slavery and sexual slavery as a crime against humanity but does not explicitly define the elements of slavery.¹⁹⁹ Article 31 of Mali's Penal Code prohibits sexual slavery as a war crime.²⁰⁰

2. Penal Code Provisions: The Slave Trade

While Mali's Penal Code does not prohibit the slave trade explicitly, Article 242 of Mali's Penal Code prohibits the "enter[ing] into an agreement whose object is to deprive a third person of their liberty, whether gratuitously or for gain." Article 242 also prohibits the bringing into or taking out of Mali another person for the purpose of such agreement.²⁰¹

3. Penal Code Provisions: Slavery as an Element of Exploitation or Human Trafficking

Mali prohibits "slavery or practices similar to slavery" and "servitude" as a form of exploitation for an offense of human trafficking.²⁰²

4. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by customary international humanitarian law which prohibits slavery and the slave trade in all their forms.²⁰³

¹⁹⁸ [Constitution of Mali](#), art. 116 ("Treaties or agreements regularly approved or ratified shall have, from their publication, an authority superior to that of laws, under the reservation for each treaty or agreement of application by the other party.").

¹⁹⁹ [Mali Code Pénal \(2016 as amended\)](#), art. 29.

²⁰⁰ *Id.*, art. 29.

²⁰¹ *Id.*, art. 242.

²⁰² [Loi N. 2012-023 Relative A La Lutte Contre La Traite Des Personnes Et Les Pratiques Assimilees](#) [Law No. 2012-023 on the Fight Against Trafficking in Persons and Associated Practices], art. 1 ("Au sens de la présente loi, la traite des personnes désigne le recrutement, le transport, le transfert, l'hébergement ou l'accueil de personnes à l'intérieur ou à l'extérieur d'un pays, par le recours à la menace, à la force ou à la violence, l'enlèvement, la fraude, la tromperie, l'abus d'autorité ou d'une situation de vulnérabilité, l'offre ou l'acceptation de paiements ou d'avantages pour obtenir le consentement d'une personne ayant autorité sur une autre aux fins d'exploitation qui comprend, au minimum . . . l'esclavage ou les pratiques analogues à l'esclavage, la servitude. . . .").

[“For the purposes of this law, trafficking in persons means the recruitment, transport, transfer, the accommodation or reception of people inside or outside outside a country, through the use of threats, force or violence, kidnapping, fraud, deception, abuse of authority or a situation of vulnerability, the offer or accepting payments or benefits to obtain the consent of a person having authority over another for exploitation purposes which includes, at a minimum . . . slavery or practices similar to slavery, servitude . . .”).

²⁰³ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; see also [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).²⁰⁴ Mali is a state party to Additional Protocol II.²⁰⁵

²⁰⁴ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.](#)

²⁰⁵ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.](#)

MAURITIUS

Mauritius' Constitution prohibits slavery. Mauritius does not have domestic legislation on slavery or the slave trade. Mauritius includes slavery as a form of exploitation for the offense of human trafficking. Mauritius is a state party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Mauritius' Permanent Mission of the Republic of Mauritius to the United Nations confirmed that Mauritius is a dualist state.²⁰⁶

5. Constitutional Provisions: Slavery

Section 6(1) of Mauritius' Constitution explicitly prohibits slavery.²⁰⁷

6. Other Relevant Acts and Provisions: Slavery

Article 2 of Mauritius' Combating of Trafficking in Persons Act 2009 includes "all forms of slavery or practices similar to slavery, including forced marriage" as forms of exploitation for the offense of human trafficking.²⁰⁸ The Act defines slavery as "the exercise of any or all of the powers attaching to the right of ownership over a person."²⁰⁹

7. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by customary international humanitarian law which prohibits slavery and the slave trade in all their forms.²¹⁰

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).²¹¹ Mauritius is a state party to Additional Protocol II.²¹²

²⁰⁶ Permanent Mission of the Republic of Mauritius to the United Nations, [Note No. 29/19 on the Implementation of Resolution A/HRC/39/41](#) ("Mauritius has a dualist system so that any treaty needs first to be domesticated in the legislation by an Act of Parliament before any person may avail himself of any provision of the treaty").

²⁰⁷ [Constitution of the Republic of Mauritius](#), sec. 6(1) ("6 Protection from slavery and forced labour[:] (1) No person shall be held in slavery or servitude.").

²⁰⁸ [The Combating of Trafficking in Persons Act 2009](#), art. 2 ("'exploitation' includes – (a) all forms of slavery or practices similar to slavery, including forced marriage;").

²⁰⁹ *Id.*, art. 2 ("'slavery' means the exercise of any or all of the powers attaching to the right of ownership over a person").

²¹⁰ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; see also [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

²¹¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

²¹² [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT'L HUMANITARIAN L. DATABASES.

NAMIBIA

Namibia prohibits slavery in its Constitution. Namibia does not have domestic legislation on slavery or the slave trade.²¹³ Namibia includes slavery as a form of exploitation for the offense of trafficking in persons. Namibia is not a state party to either the 1926 Slavery Convention or the 1956 Supplementary Slavery Convention. Namibia's constitutional implementation of public international law suggest it is a monist state.²¹⁴

1. Constitutional Provisions: Slavery

Article 9 of Namibia's Constitution prohibits slavery.²¹⁵

2. Other Relevant Acts and Provisions: Slavery as an Element of Exploitation or Human Trafficking

Section 1 of Namibia's Prevention of Organised Crime Act includes "slavery and practices similar to slavery" as a form of exploitation for the offense of trafficking in persons.²¹⁶ Additionally, Section 1 of Namibia's Combatting of Trafficking in Persons Act of 2018 includes "slavery or practices similar to slavery" as forms of exploitation for the offense of trafficking in persons.²¹⁷

3. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by customary international humanitarian law which prohibits slavery and the slave trade in all their forms.²¹⁸

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).²¹⁹ Namibia is a state party to Additional Protocol II.²²⁰

²¹³ It should be noted the Namibia's criminal law is not codified in a criminal or penal code. [Namibia: Return, TRAVEL.STATE.GOV](#) (last visited 5 June 2024) ("Namibia does not have a criminal code. Most of Namibia's crimes are common law crimes with penalties in the court's discretion."); [Country assessment: Namibia](#), HUM. DIGNITY TRUST (last visited 5 June 2024) ("Namibia does not have a penal or criminal code, as the criminal law is uncoded. Some sexual offences are common law offences . . ."). Namibia maintains, however, that its laws prohibit all forms of slavery. [Letter from the Permanent Mission of the Republic of Namibia to the United Nations to the OHCHR re Information in Response to Call for Inputs from the Special Rapporteur on contemporary forms of slavery, including its causes and consequences](#), ¶¶ 12 ("The laws of Namibia prohibit any form of slavery . . .")

²¹⁴ [Constitution of Namibia \(rev. 2014\)](#), art. 144 ("Unless otherwise provided by this Constitution or Act of Parliament, the general rules of public international law and international agreements binding upon Namibia under this Constitution shall form part of the law of Namibia.").

²¹⁵ *Id.*, art. 9(1) ("No persons shall be held in slavery or servitude.").

²¹⁶ [Prevention of Organised Crime Act, 2004 \(Act No. 29 of 2004\)](#), § 1 ("'Trafficking in Persons' . . . Exploitation includes, at a minimum, the exploitation or 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").

²¹⁷ [Combating of Trafficking in Persons, Act 1 of 2018](#), § 1 ("'exploitation' includes, but is not limited to . . . (c) slavery or practices similar to slavery, including debt bondage or a forced marriage").

²¹⁸ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

²¹⁹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

²²⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT'L HUMANITARIAN L. DATABASES.

NIGER

Niger's Constitution prohibits "slavery in all its forms." Niger does not explicitly prohibit the slave trade. Niger prohibits individual acts of slavery as well as slavery as a crime against humanity. Niger includes slavery as a form of exploitation for the offense of human trafficking. Niger is a signatory to the 1926 Slavery Convention and is a state party to the 1956 Supplementary Slavery Convention. Niger's constitutional implementation of treaties suggest that Niger is a monist state.²²¹

1. Constitutional Provisions: Slavery

Article 4 of Niger's Constitution prohibits "slavery in all its forms."²²² Article 14 also states that "No one shall be submitted to torture, to slavery or cruel, inhuman or degrading abuse or treatments."²²³

2. Penal Code Provisions: Slavery

Article 270.2 of Niger's Penal Code prohibits the reduction of a person into slavery.²²⁴ Article 270.1 of Niger's Penal Code defines slavery as "the state or condition of an individual over which some or all of the attributes of the right of ownership are exercised."²²⁵

Additionally, Article 208.2 of Niger's Penal Code Prohibits slavery as a crime against humanity.²²⁶

3. Penal Code Provisions: The Slave Trade

While Niger's Penal Code does not explicitly prohibit the slave trade, Article 269 of Niger's Penal Code prohibits the giving or receiving of a pledged person (i.e., pawning), whatever the reason.²²⁷ Article 270 of Niger's Penal Code prohibits the alienation of a person's liberty, whether gratuitously or for consideration.²²⁸

4. Other Relevant Acts and Provisions: Slavery as an Element of Exploitation or Human Trafficking

Article 10 of Niger's Ordinance N. 2010-86 Relative to the Fight Against Human Trafficking includes "slavery or slavery-like practices" as a form of exploitation for the offense of human trafficking.²²⁹ Article

²²¹ [Constitution of Niger \(rev. 2017\)](#), art. 171 ("The treaties or agreements regularly ratified have, from their publication, an authority superior to that of the laws, subject to[,] for each agreement or treaty[,] of its application by the other party.").

²²² *Id.*, art. 4 ("In the exercise of the power of the State, personal power, regionalism, ethnocentrism, discrimination, nepotism, sexism, the clan spirit, the feudal spirit, slavery in all its forms, illicit enrichment, favoritism, corruption, racketeering and the influence-trafficking are punished by the law.").

²²³ *Id.*, art. 14 ("No one shall be submitted to torture, to slavery or to cruel, inhuman or degrading abuse [sérvices] or treatments.").

²²⁴ [Code Pénal du Republique du Niger](#) (2004), art. 270.2 ("Le fait de réduire autrui en esclavage ou d'inciter autrui à aliéner sa liberté ou sa dignité ou celle d'une personne à sa charge, pour être réduit en esclavage, est puni . . .").

²²⁵ *Id.*, art. 270.1 ("L' « esclavage » est l'état ou la condition d'un individu sur lequel s'exercent les attributs du droit de propriété ou certains d'entre eux").

²²⁶ *Id.*, art. 208.2 ("constituent des crimes contre l'humanité, . . . la reduction en esclavage . . . inspirés par des motifs politiques, philosophiques, raciaux ou religieux et organisés en exécution d'un plan concerté à l'encontre d'un groupe de population civile").

²²⁷ *Id.*, art. 269 ("Quiconque aura mis ou reçu une personne en gage, quelqu'en soit le motif, sera puni . . .").

²²⁸ *Id.*, art. 270 ("Toute personne qui aura aliéné, soit à titre gratuit, soit à titre onéreux, la liberté de toute autre personne, sera punie . . .").

²²⁹ [Ordonnance N° 2010-86 Relative à la Lutte Contre la Traite Des Personnes](#) [Ordinance No. 2010-86 Relative to the Fight Against Human Trafficking], art. 10 ("L'exploitation comprend, au minimum, l'esclave ou les pratiques analogues à l'esclavage . . .").

2 of the Ordinance defines slavery as the “state or condition of an individual over whom some or all of the attributes of the rights of property are exercised.”²³⁰

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.²³¹

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).²³² Niger is a state party to Additional Protocol II.²³³

²³⁰ *Id.*, art. 2 (“Esclavage: état ou condition d'un individu sur lequel s'exercent les attributs du droit de propriété ou certains d'entre eux”).

²³¹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

²³² [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

²³³ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.

NIGERIA

Nigeria prohibits slavery in its Constitution. Nigeria does not have domestic legislation on slavery. Nigeria prohibits acts of the slave trade. Nigeria includes slavery as a form of exploitation for the offense of trafficking in persons. Nigeria is a state party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Nigeria's constitutional treatment of treaties makes it a dualist state.²³⁴

1. Constitutional Provisions: Slavery

Article 34 of Nigeria's Constitution establishes the right to be free from slavery.²³⁵

2. Penal Code Provisions: The Slave Trade

Article 369 of Nigeria's Criminal Code prohibits "slave dealings."²³⁶

3. Other Relevant Acts: Slavery and the Slave Trade

Section 5 of Nigeria's Trafficking in Persons (Prohibition), Enforcement and Administration Act requires the National Agency for the Prohibition of Trafficking in Persons (the "Agency") to investigate trafficking in persons including "slavery and slavery-like practices."²³⁷ Section 24 of the Act prohibits trafficking in slaves.²³⁸ Additionally, Section 25 of the Act prohibits slave dealing.²³⁹ Article 81 of the Act provides a definition of "slave" that differs from the 1926 and 1956 Slavery Conventions.²⁴⁰

²³⁴ [Constitution of Nigeria \(rev. 2023\)](#), art. 12(1) ("No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly.").

²³⁵ *Id.*, art. 34(1)(b) ("1. Every individual is entitled to respect for the dignity of his person, and accordingly- . . . b. no person shall be held in slavery or servitude").

²³⁶ [Criminal Code Act \(rev. 2004\)](#), art. 369 ("Any person who- (1) deals or trades in, purchases, sells, transfers or takes any slave; (2) deals or trades in, purchases, sells, transfers or takes any person in order or so that such person should be held or treated as a slave; (3) places or receives any person in servitude as a pledge or security for debt whether then due and owing, or to be incurred or contingent, whether under the name of a pawn or by whatever other name such person may be called or known; (4) conveys or induces any person to come within the limits of Nigeria in order or so that such person should be held, possessed, dealt or traded in, purchased, sold, or transferred as a slave, or be placed in servitude as a pledge or security for debt; (5) conveys or sends or induces any person to go out of the limits of Nigeria in order or so that such person should be possessed, dealt or traded in, purchased, sold, or transferred as a slave, or be placed in servitude as a pledge or security for debt; (6) whether or not a citizen of Nigeria holds or possesses in Nigeria any person as a slave; (7) enters into any contract or agreement with or without consideration for doing any of the acts or accomplishing any of the purposes herein above enumerated, is guilty of slave dealing and is liable to imprisonment for fourteen years").

²³⁷ [An Act to Repeal the Trafficking In Persons \(Prohibition\) Law Enforcement and Administration Act, 2003 as Amended and to Enact The Trafficking in Persons \(Prohibition\), Enforcement and Administration Act to Provide Measures Against Trafficking and for Related Matters, \(HB. 474\)](#), § 5(e) ("The functions of the Agency shall be to – . . . (e) investigate all cases of trafficking in persons including forced labour, child labour, forced prostitution, exploitative labour and other forms of exploitation, slavery and slavery – like activities, bonded labour, removal of organs, , sale and purchase of persons").

²³⁸ *Id.*, art. 24 ("Any person who recruits, imports, exports, transfers, transports, buys, sells, disposes or in any way traffics in any person as a slave or accepts, receives, detains or harbours a person as a slave, commits an offence").

²³⁹ *Id.*, art. 25 ("Any person who – (a) deals, keeps, receives or harbours any person for the purpose of holding or treating that person as a slave; (b) places, receives, harbours or holds any person as a pledge, pawn, in servitude or security for debt or benefits; whether due or to be incurred; (c) transports, transfers or in any way induces any person to come into Nigeria in order to hold, possess, deal or treat such person as a slave or to be used as a pledge or security for debt; and (d) enters into any contract or agreement with or without consideration for the purpose of doing or accomplishing any of the purposes enumerated in this section, commits an offence").

²⁴⁰ Compare *Id.*, art. 81 ("In this Act- 'Slave' means a person who is held in bondage whose life; liberty, freedom and property are under absolute control of someone"), with [1956 Supplementary Slavery Convention](#), art. 7(a) ("'Slavery' means, as defined in the Slavery Convention of 1926, the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, and 'slave' means a person in such condition or status").

4. Other Relevant Acts: Slavery as an Element of Exploitation or Human Trafficking

Section 81 of Nigeria's Trafficking in Persons (Prohibition), Enforcement and Administration Act includes slavery as a form of exploitation for the offense of trafficking in persons.²⁴¹

5. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.²⁴²

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).²⁴³ Nigeria is a state party to Additional Protocol II.²⁴⁴

²⁴¹ *Id.*, art. 81 (“‘Exploitation’ shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, deprivation of the offspring of any person, forced labour or services or practices similar to slavery, servitude or the removal of organs”).

²⁴² [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

²⁴³ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

²⁴⁴ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.

SENEGAL

Senegal prohibits slavery as a crime against humanity. Senegal does not have domestic legislation specifically on the slave trade. Senegal includes slavery as a prohibited purpose for the offense of trafficking in persons. Senegal is not a State Party to the 1926 Slavery Convention. Senegal is a State Party to the 1956 Supplementary Slavery Convention. Senegal's constitutional implementation of treaties suggests it is a monist state.²⁴⁵

1. Penal Code Provisions: Slavery

Article 431-2 of Senegal's Penal Code as amended in 2007 prohibits enslavement and sexual slavery as crimes against humanity.²⁴⁶ Article 431-2 of Senegal's Penal Code as amended in 2007 prohibits sexual slavery as a war crime.²⁴⁷

2. Penal Code Provisions: The Slave Trade

Although Senegal does not explicitly prohibit the slave trade, article 334 of Senegal's Penal Code prohibits the concluding of an agreement for the purpose of alienating the liberty of a third person.²⁴⁸

3. Other Relevant Acts and Provisions: Slavery as an Element of Exploitation or Human Trafficking

Article 1 of Senegal's Law to the Fight Against Trafficking in Persons and Related Practices includes slavery and practices similar to slavery as a prohibited purpose of the offense of trafficking in persons.²⁴⁹

²⁴⁵ [Constitution de la République du Senegal \(William S. Hein & Co., Inc. trans, rev. 2016\)](#), art. 98 (“The treaties or agreements regularly ratified or approved have, on their publication, an authority superior to that of the laws, under reserve, for each treaty or agreement, of its application by the other party.”).

²⁴⁶ [Loi n° 2007-02 du 12 février 2007 modifiant le Code pénal \[Law No. 2007-02 of February 12, 2007, Modifying the Penal Code\]](#), art. 2 (“Article 431-2 - Des crimes contre l'humanité[:] Constitue un crime contre l'humanité l'un des actes ci- après commis à l'occasion d'une attaque généralisée ou systématique lancée contre toute population civile : 1. le viol, l'esclavage sexuel, . . . 6. la réduction en esclavage ou la pratique massive et Systématique d'exécutions sommaires, d'enlèvement de personnes suivi de leur disparition”).

²⁴⁷ [Id.](#), art. 2 (“Article 431-3 - Des crimes de guerre[:] . . . **b)** les autres violations graves des lois et coutumes applicables aux conflits armés internationaux dans le cadre établi du droit international, a savoir l'un quelconque des actes ci-après: . . . 19. le viol, l'esclavage sexuel . . .); [Id.](#) art. 2 (“Article 431-3 - Des crimes de guerre[:] . . . **d)** . . . Les autres violations graves des lois et coutumes applicables aux conflits armés ne présentant pas un caractère international, dans le cadre établi du droit international à savoir l'un quelconque des actes ci-après: . . . 6. le fait desoumettre au viol, a l'esclavage sexuel”).

²⁴⁸ [Sénégal Code Pénal](#), art. 334 (“Seront également punis de la même peine ceux qui auront conclu une convocation ayant pour objet d'aliéner soit à titre gratuit, soit à titre onéreux, la liberté d'une tierce personne.”).

²⁴⁹ [LOI n° 2005-06 du 10 mai 2005 relatif à la lutte contre la traite des personnes et pratiques assimilées et à la protection des victimes \[Law No. 2005-06 of May 10, 2005, Relative to the Fight Against Trafficking in Persons and Similar Practices and to the Protection of Victims\]](#), art. 1 (“Le recrutement, le transport, le transfert, l'hébergement, l'accueil de personnes par menace ou recours à la violence, enlèvement, fraude, tromperie, abus d'autorité ou de situation de vulnérabilité ou par l'offre ou l'acceptation de paiement d'avantages pour obtenir le consentement d'une personne ayant l'autorité sur une autre, aux fins d'exploitation sexuelle, de travail ou de services forcés, d'esclavage ou de pratiques analogues à l'esclavage, de servitude est puni”).

4. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.²⁵⁰

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).²⁵¹ Senegal is state party to the Additional Protocol II.²⁵²

²⁵⁰ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

²⁵¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

²⁵² [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.

SEYCHELLES

Seychelles prohibits slavery in its Constitution. Seychelles does not have domestic legislation specific to slavery. Seychelles prohibits acts of the slave trade. Seychelles includes “practices similar to slavery” as a form of exploitation for the offense of trafficking in persons. Seychelles is not a State Party to the 1926 Slavery Convention. Seychelles is a State Party to the 1956 Supplementary Slavery Convention. Seychelles is a hybrid monist and dualist state.²⁵³

1. Constitutional Provisions: Slavery

Article 17 of the Seychelles Constitution establishes the fundamental right to be free from slavery.²⁵⁴

2. Penal Code Provisions: The Slave Trade

Section 245 of Seychelles’ Penal Code prohibits the kidnapping or abduction of a person to subject that person to slavery.²⁵⁵ Section 249 of Seychelles’ Penal Code prohibits the import, export, removal purchase, sale, disposal, acceptance, receipt or detention of a person as a slave.²⁵⁶ Section 250 of Seychelles’ Penal Code prohibits habitual dealing in slaves.²⁵⁷

3. Other Relevant Acts and Provisions: Slavery as an Element of Exploitation or Human Trafficking

Section 2 of Seychelles’ Prohibition of Trafficking in Persons Act includes “subjecting a person to practices similar to slavery” as a form of exploitation for the offense of trafficking in persons.²⁵⁸

4. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.²⁵⁹

²⁵³ Joelle Barnes, [Update: Finding the Law in Seychelles: 3. Nature of the Legal System](#), GLOBALEX (July/Aug 2021) (“The “mixed” nature of the jurisdiction means that Seychelles is not easily classified as either monist or dualist in terms of international law. International treaties and agreements executed by the president do not usually bind the Republic until ratification by the National Assembly but can do so in certain circumstances (compare Articles 48 and 64 of the Constitution). Judges are directed by Article 5 of the Constitution to take judicial notice of Seychelles’ international human rights obligations (and relevant international jurisprudence) in interpreting constitutional provisions.”).

²⁵⁴ [Constitution of the Republic of Seychelles \(rev. 2017\)](#), art. 17(1) (“1. Every person has a right not to be held in slavery or bondage.”).

²⁵⁵ [Seychelle Penal Code \(rev. 2014\)](#), § 245 (“Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, is guilty of felony”).

²⁵⁶ [Id.](#), § 249 (“Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, is guilty of a felony”).

²⁵⁷ [Id.](#), § 250 (“Any person who habitually imports, exports, removes, buys, sells, traffics or deals in slaves is guilty of a felony”).

²⁵⁸ [Prohibition of Trafficking in Persons Act, 2014 \(Act No. 9 of 2014\)](#), § 2 (“‘exploitation’ includes— . . . (c) subjecting a person to practices similar to slavery”).

²⁵⁹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).²⁶⁰ Seychelles is a state party to Additional Protocol II.²⁶¹

²⁶⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.](#)

²⁶¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.](#)

SIERRA LEONE

Sierra Leone prohibits slavery and acts of the slave trade in its Constitution. Sierra Leone does not have a written penal code. Sierra Leone includes slavery as a form of exploitation for the offense of trafficking in persons. Sierra Leone is a state party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Sierra Leone is a dualist state.²⁶²

1. Constitutional Provisions: Slavery and the Slave Trade

Article 19 of Sierra Leone's Constitution prohibits both slavery and dealing in human beings.²⁶³

2. Other Relevant Acts and Provisions: Slavery as an Element of Exploitation or Human Trafficking

Section 2 of Sierra Leone's Anti-Human Trafficking Act includes "slavery" and "practices similar to slavery" as forms of exploitation for the offense of trafficking in persons.²⁶⁴

3. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.²⁶⁵

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).²⁶⁶ Sierra Leone is a state party to Additional Protocol II.²⁶⁷

²⁶² [Submission of the Republic of Sierra Leone to the United Nations International Law Commission on the Use of Subsidiary Means for the Determination of Rules of International Law in the National Courts of Sierra Leone](#), 18 Jan. 2023, ¶ 7 ("Sierra Leone, being a dualist system, requires that international agreements and treaties are domesticated in national law. This means that, even when questions of international law arise (whether directly or indirectly), they usually are dealt with by reference to the national law of Sierra Leone or based on judicial decisions from other common law jurisdictions which may provide persuasive authority.").

²⁶³ [Constitution of Sierra Leone \(rev. 2008\)](#), art. 19(1) ("No person shall be held in slavery or servitude or be required to perform forced labour or traffic or deal in human beings.").

²⁶⁴ [The Anti-Human Trafficking Act, 2005 \(Act No. 7 of 2005\)](#), § 2(3)(a)-(b) ("(3) For the purposes of subsection (2), 'exploitation' includes, at a minimum— (a) keeping a person in a state of slavery; (b) subjecting a person to practices similar to slavery"); *see also* [Id.](#), § 1 ("In this Act, unless the context otherwise requires— . . . 'practices similar to slavery' includes debt bondage, serfdom, forced or servile marriages and delivery of children for exploitation; . . . 'slavery' means the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised").

²⁶⁵ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

²⁶⁶ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

²⁶⁷ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT'L HUMANITARIAN L. DATABASES.

SOUTH AFRICA

South Africa prohibits slavery in its Constitution. South Africa does not have domestic legislation on the slave trade. South Africa prohibits slavery and sexual slavery as crimes against humanity. South Africa prohibits sexual slavery as a war crime. South Africa includes slavery as a form of exploitation for the offense of trafficking in persons. South Africa is a signatory to the 1926 Slavery Convention. South Africa is not a party to the 1956 Supplementary Slavery Convention. South Africa's constitutional implementation of international agreements and customary international law suggest that South Africa has both monist and dualist qualities.²⁶⁸

1. Constitutional Provisions: Slavery

Article 13 of South Africa's Constitution prohibits slavery.²⁶⁹

2. Other Relevant Acts and Provisions: Slavery and Sexual Slavery

Section 1 and Schedule 1, Part 2 of South Africa's Rome Statute Implementation Act prohibits enslavement and sexual slavery as crimes against humanity.²⁷⁰ Section 1 and Schedule 1, Part 3 of South Africa's Rome Statute Implementation Act prohibits sexual slavery as a war crime in both international and non-international armed conflicts.²⁷¹

3. Other Relevant Acts: Slavery as an Element of Exploitation or Human Trafficking

Section 1 of South Africa's Prevention and Combating of Trafficking in Persons Act includes "all forms of slavery or practices similar to slavery" as a form of exploitation for the offense of trafficking in persons.²⁷²

²⁶⁸ South Africa uses a dualist approach to international agreements. [Constitution of South Africa \(rev. 2012\)](#), art. 231(4) ("Any international agreement becomes law in the Republic when it is enacted into law by national legislation; but a self-executing provision of an agreement that has been approved by Parliament is law in the Republic unless it is inconsistent with the Constitution or an Act of Parliament.") South Africa uses a monist approach to customary international law; [Id.](#), art. 232 ("Customary international law is law in the Republic unless it is inconsistent with the Constitution or an Act of Parliament.").

²⁶⁹ [Id.](#), art. 13 ("No one may be subjected to slavery, servitude or forced labour.").

²⁷⁰ See [Implementation of the Rome Statute of the International Criminal Court \(Act 27 of 2002\)](#), § 1 ("a crime against humanity' means any conduct referred to in Part 2 of Schedule 1"); [Id.](#), sched. 1, part 2(1) ("A crime against humanity' means any of the following conduct when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: . . . (c) enslavement; . . . (g) rape, sexual slavery . . ."); [Id.](#), sched. 1, part 2(2)(c) ("enslavement' means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children").

²⁷¹ [Id.](#), § 1 ("a war crime' means any conduct referred to in Part 3 of Schedule 1"); [Id.](#), sched. 1, part 3(b)(xxii) ("War crimes' mean any of the following: . . . (b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following conduct: . . . (xxii) committing rape, sexual slavery, enforced prostitution, forced pregnancy as defined in paragraph (f) of item 2 of Part 2, enforced sterilisation, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions"); [Id.](#), sched. 1, part 3(e)(vi) ("(e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following conduct: . . . (vi) committing rape, sexual slavery, enforced prostitution, forced pregnancy as defined in paragraph (f) of item 2 of Part 2, enforced sterilisation and any other form of sexual violence also constituting a serious violation of Article 3 common to the four Geneva Conventions").

²⁷² [Prevention and Combating of Trafficking in Persons Act, 2013](#) (Act No. 7 of 2013), § 1 ("'exploitation' includes, but is not limited to— (a) all forms of slavery or practices similar to slavery").

4. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law which prohibits slavery and the slave trade in all their forms.²⁷³

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).²⁷⁴ South Africa is a state party to Additional Protocol II.²⁷⁵

²⁷³ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

²⁷⁴ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

²⁷⁵ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.

UNITED REPUBLIC OF TANZANIA (TANZANIA)

Tanzania does not have domestic legislation on slavery. Tanzania prohibits acts of the slave trade in its domestic legislation. Tanzania includes slavery as a purpose for the offense of trafficking in persons. Tanzania is a State Party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Study of Tanzania's implementation of treaties suggest it is a dualist state.²⁷⁶

1. Penal Code Provisions: The Slave Trade

Section 250 of Tanzania's Penal Code prohibits kidnapping or abducting a person in order to subject or dispose of the person into slavery.²⁷⁷ Section 254 of Tanzania's Penal Code prohibits import, export, removal, purchase sale, disposal, accepting, receiving, and detaining persons as slaves.²⁷⁸ Section 255 of Tanzania's Penal Code prohibits the habitual dealing in slaves.²⁷⁹

2. Other Relevant Acts and Provisions: Slavery as an Element of Exploitation or Human Trafficking

Section 4 of Tanzania's Anti-Trafficking in Persons Act includes slavery as a purpose for the offense of trafficking in persons.²⁸⁰ Section 6 of Tanzania's Anti-Trafficking in Persons Act prohibits severe trafficking in persons, which includes as a purpose "forced labour and slavery."²⁸¹ Section 3 of Tanzania's Anti-Trafficking in Persons Act defines "forced labour and slavery" to mean the "extraction of work or service" through coercive means.²⁸²

²⁷⁶ See e.g., PUB. INT. L & POL'Y GROUP, [DOMESTIC INCORPORATION OF INTERNATIONAL LAW: COMPARATIVE STATE PRACTICE](#) 11-14 (2011) (stating "[i]n practice, however, Tanzania takes a dualist approach to the incorporation of international law. As a result, in order to give full legal authority to ratified treaties and other international agreements, the legislature is required to either amend its existing domestic law or draft new law.").

²⁷⁷ [Tanzania Penal Code](#), § 250 ("Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, is guilty of a felony").

²⁷⁸ [Id.](#), § 254 ("Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, is guilty of a felony").

²⁷⁹ [Id.](#), § 255 ("Any person who habitually imports, exports, removes, buys, sells, traffics or deals in slaves is guilty of a felony").

²⁸⁰ [The Anti-Trafficking in Persons Act, 2008 \(Act No. 6 of 2008\)](#), § 4(1)(a)-(b) ("(1) A person commits an offence of trafficking in person if that person - (a) recruits, transports, transfers, harbours, provides or receives a person by any means, including those done under the pretext of domestic or overseas employment, training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labour, slavery, involuntary servitude or debt bondage; (b) introduces or matches a person to a foreign national for marriage for the purpose of acquiring, buying, offering, selling or trading the person in order that person be engaged in prostitution, pornography, sexual exploitation, forced labour, slavery, involuntary servitude or debt bondage").

²⁸¹ [Id.](#), § 6(1), 6(2)(b) ("6.- (1) Subject to the provisions of this Act, certain acts or circumstances shall be considered as severe trafficking in persons. (2) Severe trafficking in persons shall be considered to exist if- . . . (b) the adoption is effected for the purpose of prostitution, pornography, sexual exploitation, forced labour and slavery, involuntary servitude or debt bondage").

²⁸² [Id.](#), § 3 ("'forced labour and slavery' means the extraction of work or service from any person by means of enticement, violence, intimidation or threat, use of force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-bondage or deception").

3. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.²⁸³

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).²⁸⁴ Tanzania is a state party to the Additional Protocol II.²⁸⁵

²⁸³ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

²⁸⁴ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

²⁸⁵ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.

THE GAMBIA

The Gambia prohibits slavery in its constitution. The Gambia prohibits acts of the slave trade in its domestic legislation. The Gambia includes slavery as a form of exploitation for the offense of trafficking in persons. The Gambia is not a state party to either the 1926 Slavery Convention or the 1956 Supplementary Slavery Convention. The Gambia is a dualist state.²⁸⁶

1. Constitutional Provisions: Slavery

Article 20 of The Gambia's Constitution establishes a fundamental right to be free from slavery.²⁸⁷

2. Penal Code Provisions: The Slave Trade

Section 230A of the Gambia's Penal Code prohibits the transport, sale, purchase, contracting, import, export of persons as slaves, and the inducement or reduction of persons into slavery.²⁸⁸ Section 230B of The Gambia's Penal Code establishes a presumption of purchase, sale, or dealing for bringing enslaved persons into the Gambia.²⁸⁹ Section 230C of the Gambia's Penal Code requires the reporting of slaves brought into the Gambia.²⁹⁰ Section 237 of the Gambia's Penal Code prohibits kidnapping and abduction in order to

²⁸⁶ [Report On State of Compliance With International Minimum Standards Of Human Rights By The Gambia Under The Universal Periodic Review Mechanism, Third Cycle](#), § A (“As a country with a dualist legal system, international human rights legal instruments are not recognized as part of the laws of The Gambia unless they are domesticated.3 Most of these now ratified treaties are yet to be enacted into domestic legislations.”); *see also* [Constitution of the Republic of The Gambia \(rev. 2004\)](#), art. 7 (establishing the law of the Gambia, which does not include mention of international agreements, treaties, or customary international law).

²⁸⁷ [Constitution of the Republic of The Gambia \(rev. 2004\)](#), art. 20(1) (CHAPTER IV. PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOM . . . 20. Protection from Slavery and Forced Labour 1. No person shall be held in slavery or servitude.”)

²⁸⁸ [The Gambia Criminal Code \(Act No. 25 of 1933, rev. 2010\)](#), § 230A (“A person who—(a) sells, purchases, gives or takes in barter, transfers or receives any slave or other person, in order that such slave or other person may be held or treated as a slave; (b) places or receives a person in servitude as a pledge or security for debt, whether then due or owing, or to be incurred or contingent, whether under the name of pawn or by whatever other name the person may be called or known; (c) conveys a person, or induces a person to come into The Gambia in order that the person may be bought or sold, given or taken in barter, transferred, or may be held or treated as a slave, or be placed in servitude as a pledge or security for debt; (d) conveys or sends a person, or induces a person to go outside The Gambia in order that the person may be bought, sold, given or taken in barter, transferred, or held or treated as a slave, or be placed in servitude as a pledge or security for debt; (e) enters into any contract or agreement, with or without consideration, for doing or procuring to be done any of such acts or accomplishing any of such purposes; (f) ships, tranships, embarks, receives, detains or confines on board, or contracts for, or authorises the shipping, transshipping, embarking, receiving, detaining or confining on board of any ship, vessel, boat or canoe, slaves or other persons for the purpose of their being carried away or removed from any place whatsoever, or imported or brought into any place”).

²⁸⁹ *Id.*, § 230B (“A person bringing a slave into The Gambia, or purchasing, selling, or giving or taking in barter, a slave or other person, shall be presumed to have bought, sold, or otherwise dealt with the person in order that the person may be held or treated as a slave, unless the contrary be shown.”)

²⁹⁰ *Id.*, § 230C (“(1) A person who, with whatever intention— (a) brings a slave into The Gambia; (b) lodges or receives a slave so brought, or who has come into The Gambia; or (c) adopts or takes into his or her household a runaway, purchased, redeemed or liberated slaves, shall report the matter forthwith . . . in which the person resides or into which the slave is brought; and, in case of failure to do so, Law Hub Gambia Digital commits an offence”).

subject a person to slavery.²⁹¹ Section 240 further prohibits acts of the slave trade.²⁹² Section 240 of the Gambia's Penal Code prohibits the habitual dealing in slaves.²⁹³

3. Other Relevant Acts and Provisions: Slavery as an Element of Exploitation or Human Trafficking

Section 2 of the Gambia's Trafficking in Persons Act includes "slavery" and "practices similar to slavery" as forms of exploitation for the offense of trafficking in persons.²⁹⁴

4. Other Relevant Acts and Provisions: Slavery and/or Slave Trade

Section 40 of the Gambia's Children's Act prohibits acts of the slave trade when specifically committed against children.²⁹⁵

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.²⁹⁶

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).²⁹⁷ The Gambia is a state party to Additional Protocol II.²⁹⁸

²⁹¹ *Id.*, § 237 ("A person who kidnaps or abducts another person in order that the person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or slavery . . . or knowing it to be likely that the person will be so subjected or disposed of, commits a felony").

²⁹² *Id.*, § 240 ("A person who imports, exports, removes, buys, sells or disposes of another person as a slave, or accepts, receives, or detains against his or her will any person as a slave, commits a felony").

²⁹³ *Id.*, § 241 ("A person who habitually imports, exports, removes, buys, sells, traffics or deals in slaves commits a felony, and is liable on conviction to imprisonment for a term of ten years.").

²⁹⁴ [Trafficking in Persons Act, 2007 \(Act No. 11 of 2007\)](#), § 2 ("‘exploitation’ includes - (a) keeping a person in a state of slavery; (b) subjecting a person to practices similar to slavery"); *see also* *Id.* ("‘slavery’ means the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised.").

²⁹⁵ [Children's Act, 2005 \(Act No. 5 of 2005\)](#), § 40.

²⁹⁶ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

²⁹⁷ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

²⁹⁸ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT'L HUMANITARIAN L. DATABASES.

TUNISIA

Tunisia does not have domestic legislation on slavery or the slave trade. Tunisia may prohibit slavery as a form of exploitation for the offense of human trafficking. Tunisia is a State Party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Tunisia's constitutional implementation of treaties suggests it is a monist state.²⁹⁹

1. Other Relevant Acts and Provisions: Slavery as an Element of Exploitation or Human Trafficking

Tunisia defines “slavery” and “practices similar to slavery” in article 2 of its Organic Law relating to the Prevention and Fight Against Human Trafficking.³⁰⁰ The Organic Law does not, however, make direct reference to slavery or practices similar to slavery in any other provision. Similarly, it does not explicitly define trafficking in persons to include slavery or practices similar to slavery.³⁰¹

2. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.³⁰²

²⁹⁹ [Constitution of Tunisia \(2014\)](#), art. 20 (“International agreements approved and ratified by the Assembly of the Representatives of the People have a status superior to that of laws and inferior to that of the Constitution.”) (as translated by UNDP and reviewed by International IDEA).

³⁰⁰ [Loi organique n° 2016-61 du 3 août 2016, relative à la prévention et la lutte contre la traite des personnes \[Organic Law No. 2016-61 of August 3, 2016, Relative to the Prevention and Fight Against Human Trafficking\]](#), art 2(4)-(5) (“4. L’esclavage : Toute situation dans laquelle s’exercent sur une personne tout ou partie des attributs du droit de propriété. 5. Les pratiques analogues à l’esclavage : Elles englobent les cas suivants : – La servitude pour dette : La situation dans laquelle un débiteur est obligé d’accomplir un travail ou des services par lui-même ou par un de ses préposés en garantie de sa dette, si la contrepartie de ce travail ou de ces services n’est pas affectée à la liquidation de la dette ou si la nature ou la durée de ce travail ou service n’est pas limitée ou si sa nature n’est pas déterminée. – Le servage : La situation dans laquelle une personne est obligée en vertu d’un accord, de vivre et de travailler sur un domaine appartenant à une autre personne, que ce travail ou ce service soit rémunéré ou non et à condition que cette personne n’ait la liberté de changer sa situation. – Le mariage forcé des femmes – Grossesse forcée ou gestation forcée pour autrui. – Exploitation de l’enfant dans des activités criminelles ou dans un conflit armé. – Adoption de l’enfant aux fins d’exploitation, quelle que soit la forme. – Exploitation économique ou sexuelle des enfants dans le cadre de leur emploi.”).

³⁰¹ See [Id.](#), art. 2(1) (“art. 1– On entend au sens de la présente loi, par les termes suivants : 1. La traite des personnes: Est considérée comme traite des personnes, l’attirement, le recrutement, le transport, le transfert, le détournement, le rapatriement, l’hébergement ou l’accueil de personnes, par le recours ou la menace de recours à la force ou aux armes ou à toutes autres formes de contrainte, d’enlèvement, de fraude, de tromperie, d’abus d’autorité ou d’une situation de vulnérabilité ou par l’offre ou l’acceptation de sommes d’argent ou avantages ou dons ou promesses de dons afin d’obtenir le consentement d’une personne ayant autorité sur une autre aux fins d’exploitation, quelle qu’en soit la forme, que cette exploitation soit commise par l’auteur de ces faits ou en vue de mettre cette personne à la disposition d’un tiers.”); see, e.g., [Id.](#), art. 8 (“Est puni de dix ans d’emprisonnement et d’une amende de cinquante mille dinars, quiconque commet l’une des infractions relatives à la traite des personnes prévues par l’alinéa premier (1) de l’article 2 de la présente loi.”).

³⁰² [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; see also [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).³⁰³ Tunisia is state party to Additional Protocol II.³⁰⁴

³⁰³ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.](#)

³⁰⁴ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.](#)

UGANDA

Uganda prohibits slavery in its Constitution. Uganda's domestic legislation prohibits elements of both slavery and the slave trade. Uganda prohibits slavery and sexual slavery as crimes against humanity. Uganda prohibits sexual slavery as a war crime in both international and non-international armed conflicts. Uganda includes slavery as a form of exploitation for the offense of human trafficking. Uganda is a state party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Uganda is a dualist state.³⁰⁵

1. Constitutional Provisions: Slavery

Article 25 of Uganda's Constitution establishes the right to be free from slavery.³⁰⁶ Article 44 of Uganda's Constitution prohibits the derogation from the right to be free from slavery.³⁰⁷

2. Penal Code Provisions: Slavery

Article 249 of Uganda's Penal Code prohibits importing, exporting, removing, buying, selling, disposing, accepting, receiving, or detaining a person as a slave.³⁰⁸ This provision prohibits some indicia of the exercise of powers attaching to the right of ownership over an enslaved person, but this is not a complete prohibition of slavery.

3. Penal Code Provisions: The Slave Trade

Article 245 of Uganda's Penal Code prohibits the kidnapping or abducting of persons to subject or dispose of such person into slavery.³⁰⁹ Article 249 of Uganda's Penal Code prohibits importing, exporting, removing, buying, selling, disposing, accepting, receiving, or detaining a person as a slave.³¹⁰ Article 250 of Uganda's Penal Code prohibits the habitual dealing in slaves.³¹¹ Additionally, Article 251 of Uganda's Penal Code prohibits inducing a person into slavery and attempting or conspiring to induce a person into slavery.³¹²

³⁰⁵ Henry Onoria, [Uganda](#), in [INTERNATIONAL LAW AND DOMESTIC LEGAL SYSTEMS: INCORPORATION, TRANSFORMATION, AND PERSUASION](#) 595 (Dinah Shelton ed., 2011) ("Traditionally, as with most common law (or Anglophone African) states, Uganda adopts a dualist approach to international law").

³⁰⁶ [Constitution of Republic of Uganda \(rev. 2017\)](#), art. 25(1) ("No person shall be held in slavery or servitude.").

³⁰⁷ *Id.*, art. 44(b) ("Notwithstanding anything in this Constitution, there shall be no derogation from the enjoyment of the following rights and freedoms- . . . b. freedom from slavery or servitude").

³⁰⁸ [Uganda Penal Code](#), art. 249 ("Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, commits a felony and is liable to imprisonment for ten years.").

³⁰⁹ *Id.*, art. 245 ("Any person who kidnaps or abducts any person in order that such person may be subjected or may be so disposed of as to be put in danger of being subjected to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, commits a felony and is liable to imprisonment for fifteen years.").

³¹⁰ *Id.*, art. 249 ("Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, commits a felony and is liable to imprisonment for ten years.").

³¹¹ *Id.*, art. 250 ("Any person who habitually imports, exports, removes, buys, sells, traffics or deals in slaves commits a felony and is liable to imprisonment for fifteen years.").

³¹² *Id.*, art. 245 ("(1) Any person who induces another person to give up himself or herself as a slave commits a felony and is liable on conviction to imprisonment for ten years. (2) Any person who attempts or conspires with another person to induce a person to give up himself or herself as a slave or is an accessory thereto commits a felony and is liable on conviction to imprisonment for five years.").

4. Other Relevant Acts and Provisions: Slavery and Sexual Slavery

Article 8 of Uganda's International Criminal Court Act prohibits slavery and sexual slavery as a crime against humanity through the incorporation of Article 7 of the Rome Statute.³¹³ Article 9 of Uganda's International Criminal Court Act prohibits sexual slavery as a war crime in international armed conflicts.³¹⁴ Additionally, Article 9 of the Act prohibits sexual slavery as a war crime in non-international armed conflicts.³¹⁵

5. Other Relevant Acts and Provisions: Slavery as an Element of Exploitation or Human Trafficking

Article 2 of Uganda's Prevention of Trafficking in Persons Act includes "slavery or practices similar to slavery" as a form of exploitation for the offense of trafficking in persons.³¹⁶

6. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.³¹⁷

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).³¹⁸ Uganda is a state party to Additional Protocol II.³¹⁹

³¹³ See [International Criminal Court Act, 2010 \(Act 11 of 2010\)](#), art. 8(1)-(2) ("(1) A person is liable on conviction on indictment to the penalty specified in subsection (3) who, in Uganda or elsewhere, commits a crime against humanity. (2) For the purposes of this section, a 'crime against humanity' is an act specified in article 7 of the Statute."); [Id.](#), Sched. 1, art. 7(1)(b), (g) ("1. For the purpose of this Statute, 'crime against humanity' means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: . . . (b) Extermination; . . . (g) rape, sexual slavery . . .").

³¹⁴ See [Id.](#), art. 9(1), (2)(b) ("(1) A person is liable on conviction on indictment . . . who, in Uganda or elsewhere, commits a war crime. (2) For the purposes of this section, a 'war crime' is an act specified in— . . . (b) article 8(2)(b) of the Statute (which relates to other serious violations of the laws and customs applicable in international armed conflict)"); [Id.](#), sched. 1, art. 8(2)(b)(xxii) ("2. For the purpose of this Statute, 'war crimes' means: . . . (b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts: . . . (xxii) Committing rape, sexual slavery . . .").

³¹⁵ See [Id.](#), art. 9(1), (2)(d) ("(1) A person is liable on conviction on indictment . . . who, in Uganda or elsewhere, commits a war crime. (2) For the purposes of this section, a 'war crime' is an act specified in— . . . [Id.](#), sched. 1, art. 8(2)(e)(vi) ("2. For the purpose of this Statute, 'war crimes' means: . . . (e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts: . . . (vi) Committing rape, sexual slavery . . .").

³¹⁶ [The Prevention of Trafficking in Persons Act, 2009 \(Act 7 of 2009\)](#), art. 2(d) ("(d) 'exploitation' includes at a minimum, . . . slavery or practices similar to slavery or servitude . . ."); see also [Id.](#), art. 2(q)-(p) ("(p) '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; (q) 'slave trade' includes all acts involved in the capture, acquisition or disposal of a person with the view to selling or exchanging him or her and with the intention of reducing him or her to slavery"). The term "slave trade" is not used in the Act outside of art. 2(p).

³¹⁷ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; see also [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

³¹⁸ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

³¹⁹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT'L HUMANITARIAN L. DATABASES.

ZAMBIA

Zambia prohibits slavery in its Constitution. Zambia prohibits acts of the slave trade in domestic legislation. Zambia prohibits slavery as forms of both child labor and exploitation for the offense of trafficking in persons. Zambia is a State Party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Zambia is a dualist state.³²⁰

1. Constitutional Provisions: Slavery

Article 14 of Zambia's Constitution establishes the fundamental right to be free from slavery.³²¹

2. Penal Code Provisions: The Slave Trade

Section 257 of Zambia's Penal Code prohibits the kidnapping and abduction of any person with the intent to subject that person to slavery.³²² Section 261 of Zambia's Penal Code prohibits the buying or disposing of any person as a slave.³²³ Section 262 of Zambia's Penal Code prohibits the habitual dealing in slaves.³²⁴

3. Other Relevant Acts: Slavery as an Element of Exploitation or Human Trafficking

Section 2 of Zambia's Anti-Human Trafficking Act includes "all forms of slavery or practices similar" in the definition of child labour.³²⁵ Additionally, Section 2 includes "all forms of slavery or practices similar to slavery" as a form of exploitation for the offense of trafficking in persons.³²⁶

4. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.³²⁷

³²⁰ PMRC ZAMBIA, [STATUS OF RATIFICATION OF INTERNATIONAL AND REGIONAL TREATIES](#) 6 ("The Constitution makes no mention of the status of international law in the Zambian legal system. Zambia belongs to the dualist tradition which views international law and domestic law as two separate legal systems.").

³²¹ [Constitution of Namibia \(rev. 2016\)](#), art. 14(1) ("No person shall be held in slavery or servitude.").

³²² [Zambia Penal Code](#), § 257 ("Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to . . . slavery, or . . . knowing it to be likely that such person will be so subjected or disposed of, is guilty of a felony").

³²³ *Id.*, § 261 ("Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, is guilty of a felony").

³²⁴ *Id.*, § 262 ("Any person who habitually imports, exports, removes, buys, sells, traffics or deals in slaves is guilty of a felony").

³²⁵ [Anti-Human Trafficking Act, 2008 \(Act No. 11 of 2008\)](#), § 2 ("‘child labour’ includes all forms of slavery or practices similar to slavery such as— (a) the sale of a child; (b) trafficking of a child for the purpose of engaging the child in work away from home and from the care of the child's family, in circumstances within which the child is exploited; (c) debt bondage or any other form of bonded labour; (d) serfdom; and (e) forced or compulsory labour, including forced or compulsory recruitment of a child for use in armed conflict").

³²⁶ *Id.* ("‘exploitation’ includes— (a) all forms of slavery or practices similar to slavery, including debt bondage or forced marriage"); *see also id.* ("‘slavery’ means the exercise of any or all of the powers attaching to the right of ownership over a person").

³²⁷ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in Article 4 Subsection 2(f).³²⁸ Zambia is a state party to Additional Protocol II.³²⁹

³²⁸ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.](#)

³²⁹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\), 8 June 1977, INT'L HUMANITARIAN L. DATABASES.](#)

ASIA-PACIFIC



ASIA-PACIFIC REGIONAL ANALYSIS

This section provides an analysis of the Asia Pacific ASP countries' domestic legislation on slavery and the slave trade. It provides an overview of the existing domestic legislation on slavery and the slave trade while underscoring similarities and trends among different States' laws. Additionally, this section considers both regional and international treaty commitments by the Asia Pacific ASP countries and the implementation of those treaties through domestic law.

There are nineteen (19) ASP countries in the Asia Pacific region. Three (3) countries are parties to the 1926 Slavery Convention.³³⁰ Nine (9) countries are party to the 1956 Supplementary Slavery Convention.³³¹ Ten (10) countries are neither parties to the 1926 Slavery Convention nor the 1956 Supplementary Slavery Convention. Six (6) countries prohibit slavery but not the slave trade in their constitutions. No (0) ASP country in the Asia Pacific region prohibits the slave trade in its constitution.

Ten (10) countries prohibit slavery in their penal or criminal codes. Eight (8) countries prohibit slavery and the slave trade in their penal or criminal codes. Nine (9) countries maintain no provision on slavery, the slave trade, enslavement, or sexual slavery in their penal or criminal codes. Two (2) countries prohibit slavery and maintain a complete prohibition of the slave trade in their national acts. Four (4) countries prohibit slavery, enslavement, or sexual slavery but not the slave trade in other national acts without conflation with human trafficking. Eleven (11) countries prohibit slavery as a form of exploitation under an offense of human trafficking.

Every Asia Pacific ASP country has domestic legislation or a national act prohibiting human trafficking except for the State of Palestine. Bangladesh is the only country that maintains a partial prohibition of the slave trade as a war crime in its national act. Vanuatu is the only country with case law that conflates slavery with human trafficking. Four (4) countries do not contain any prohibition of slavery or the slave trade in their domestic legislation.

A complete list of states in each category can be found in the **Asia Pacific Regional Summary**.

1. Constitutional Provisions: Slavery

Six (6) countries prohibit slavery in their constitutions: Cyprus, Fiji, Kiribati, Maldives, Marshall Islands, and Timor-Leste. However, no ASP country in the Asia Pacific region prohibits the slave trade in its constitution.

These constitutional provisions commonly manifest through declarative statements. For example, article 10 of Cyprus's constitution states:

Article 10

1. No person shall be held in **slavery or servitude**.³³²

Other declarative statements as seen in article 6 of Kiribati, section 2 of Marshall Islands, and article 25 of Maldives' constitutions discuss slavery, servitude, and forced labor. As an example of a declarative statement on slavery, servitude, and forced labor, article 6 of Kiribati's constitution states:

³³⁰ [League of Nations, *Convention to Suppress the Slave Trade and Slavery*, 25 September 1926, 60 LNTS 253, Registered No. 1414](#). [hereinafter 1926 Slavery Convention].

³³¹ [UN Economic and Social Council \(ECOSOC\), *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery*, 7 September 1956](#). [hereinafter 1956 Supplementary Slavery Convention].

³³² [Constitution of Cyprus](#), art. 10(1).

Article 6: Protection from slavery and forced labour

1. No person shall be held in **slavery or servitude**.
2. No person shall be required to perform **forced labour**.³³³

Fiji's constitution affirms the right of persons to not be subject to slavery, servitude, forced labor, and human trafficking:

Article 10: Freedom from slavery, servitude, forced labour and human trafficking

- (1) A person must not be held in slavery or servitude, or subjected to forced labour or human trafficking.³³⁴

Timor-Leste's constitution discusses the right of persons to not be subject to "slavery or servitude" under section 25 which guarantees fundamental rights in a state of siege or state of emergency:

Section 25: State of exception

5. In no case shall a declaration of a state of siege affect...the right not to be subjected to...**slavery or servitude**....³³⁵

2. Penal Code Provisions: Slavery and Complete Prohibition of the Slave Trade

Four (4) countries prohibit slavery and maintain a complete prohibition of the slave trade without conflation with human trafficking in their penal and criminal codes: Cook Islands, Fiji, Marshall Islands, and Nauru.

Cook Islands and Nauru's criminal acts criminalize both the *actus reus* and *mens rea* elements of the slave trade. The criminal acts refer to the slave trade as "dealing in persons" for the purposes of making that person a slave.

For example, Cook Islands' Crimes Act punishes anyone who:

Article 109: Dealing in persons

- (a) Sells, purchases, transfers, barter, lets, hires, or in any way **whatsoever deals with any person as a slave**; or
- (b) **Employs or uses any person as a slave**, or permits any person to be so employed or used; or
- (c) Detains, confines, imprisons, carries away, removes, receives, transports, imports, or **brings into any place whatsoever any person as a slave or to be dealt with as a slave**; or
- (d) **Induces any person to sell, let, or give himself**, or any other person dependent on him or in his charge, **as a slave**; or

³³³ [Constitution of Kiribati](#), art. 6; *see also* [Constitution of Marshall Islands](#), § 2 ("No person shall be held in slavery or involuntary servitude, nor shall any person be required to perform forced or compulsory labor;"); [Constitution of Maldives](#), art. 25 ("No one shall be held in slavery or servitude, or be required to perform forced labour.")

³³⁴ [Constitution of Fiji](#), art. 10(1).

³³⁵ [Constitution of Timor-Leste](#), § 25(5).

(e) Builds, fits out, sells, purchases, transfers, lets, hires, uses, mans, navigates, or serves on board any ship or aircraft **for any of the aforesaid purposes...**³³⁶

Only Nauru's criminal act defines "dealing with a person" and "slave." "Dealing with a person" includes the selling, buying, transferring, hiring, and employing of a person.³³⁷ The term "slave" refers to a person "over whom another person claims, and purports to exercise, a right of ownership."³³⁸

Nauru's Crimes Acts of 2016 states:

Article 257: Dealing with person as a commodity

(1) A person commits an offence if the person:

(a) deals with a person (the 'affected person') as, or for the purpose of making the affected person, a slave; or

(b) permits another person to deal with a person (the 'affected person') as, or **for the purpose of making the affected person, a slave**; or

(c) induces a person (the 'affected person') to deal with:

(i) himself as, or for the purpose of making the affected person, a slave; or

(ii) any other person as, or for the purpose of making the affected person, a slave...³³⁹

Nauru's criminal act also enumerates enslavement and sexual slavery as crimes against humanity³⁴⁰ and enumerates sexual slavery as a war crime.³⁴¹

Fiji and Kiribati's penal codes criminalize the kidnapping or abducting of any person for the purpose of subjecting or disposing that person to slavery. For example, article 252 of Fiji's penal code states:

Article 252: Kidnapping or abducting

Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to...slavery...or knowing it to be likely that such person will be so subjected or disposed of, is guilty of a felony and is liable to imprisonment for ten years.³⁴²

3. Penal Code Provisions: Slavery as an Element of Exploitation or Human Trafficking

Four (4) countries prohibit slavery and the slave trade but conflate them with human trafficking in their penal and criminal codes: Bangladesh, Marshall Islands, Timor-Leste, and Vanuatu.

³³⁶ [Crimes Act 1969 of Cook Islands](#), art. 109(1)(c)-(d).

³³⁷ [Crimes Act 2016 of Nauru](#), arts. 257(2) ("A deal with ... a person includes: (i) sell, buy, transfer, barter, let, hire, employ or otherwise use the person; or (ii) detain, take, receive, transport or import the person."), 257(2)(b) (provides that "transport" includes "build, fit out, sell, buy, transfer, let, hire, use, operate, navigate or work on the transport.").

³³⁸ [Id.](#)

³³⁹ [Id.](#), art. 257.

³⁴⁰ [Id.](#), art. 267.

³⁴¹ [Id.](#), art. 268.

³⁴² [Penal Code of Fiji](#), art. 252; *see also* [Penal Code 1977 of Kiribati](#), art. 244("Any person who kidnaps or abducts any person in order that such person may be subjected...to...slavery...or knowing it to be likely that such person will be so subjected or disposed of, is guilty of a felony, and shall be liable to imprisonment for 10 years.")

Bangladesh's penal code criminalizes slavery and the slave trade in articles 367, 370, and 371. Article 367 and Article 370 proscribes both the *actus reus* and *mens rea* elements of the slave trade:

Article 367: Kidnapping, Abduction, Slavery and Forced Labour

Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to...slavery...or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. ³⁴³

However, because article 370 criminalizes the accepting, receiving, and detaining of any person as a slave “against his will,” this language suggests that consent could be used as a defense for the slave trader:

Article 370: Buying or disposing of any person as a slave

Whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. ³⁴⁴

Article 371 criminalizes “habitual dealing in slaves” which include habitual trafficking in slaves. This language suggests that the slave trade is conflated with human trafficking in Bangladesh's penal code:

Article 371: Habitual dealing in slaves

Whoever **habitually imports, exports, removes, buys, sells, traffics or deals in slaves**, shall be punished with imprisonment for life, or with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine. ³⁴⁵

Marshall Islands' Revised Code of 2004 Title 31 on Crimes and Punishment criminalizes kidnapping of another person with the intent to sell or hold such person as a slave:

Section 135: Kidnapping defined and punishment

Every person who forcibly or fraudulently and deceitfully, and without authority by law, imprisons, seizes, detains, or inveigles away any person (other than his minor child), **with intent to cause such person to be...sold or held as a slave or for ransom**, shall be guilty of kidnapping and shall upon conviction be liable to a term of imprisonment not exceeding ten (10) years. ³⁴⁶

However, Marshall Islands' Criminal Code of 2011 conflates slavery and the slave trade with human trafficking, reducing slavery to a form of exploitation:

Article 251.0.: Definitions.

(6) “**Trafficking in person**” means the recruitment, transportation, transfer, harboring or receipt of person, by means of the threat or use of force or other forms of coercion, of

³⁴³ [Penal Code 1860 of Bangladesh](#), art. 367.

³⁴⁴ [Id.](#), art. 370.

³⁴⁵ [Id.](#), art. 371.

³⁴⁶ [Revised Code of 2004 Title 31 on Crimes and Punishment of Marshall Islands](#), § 135.

abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, **for the purpose of exploitation**. “Exploitation” shall include...**slavery or practices similar to slavery, servitude**....³⁴⁷

Timor-Leste’s penal code punishes those who subjugates another person to slavery. Slavery is defined as:

Article 162: Slavery

3. For the purposes of applying the provisions of this article, slavery is considered to be the **state of submission of a person, even *de facto*, to powers corresponding to those of a property right**, or any real right, or linked to the destination of a thing.³⁴⁸

However, article 163 reduces “slavery or practices similar to slavery” to a form of exploitation which is an element of human trafficking:

Article 163: Human Trafficking

3. For the purposes of applying the provisions of this article, exploitation must include, at least...**slavery or practices similar to slavery**....³⁴⁹

Article 166 of Timor-Leste’s penal code criminalizes only the *actus reus* but not the *mens rea* element of the slave trade as it proscribes the sale of persons but does not mention the required intent of the slave trade to subject another person to slavery.³⁵⁰ Article 124 enumerates enslavement and sexual slavery as crimes against humanity but Articles 125-130 and 137 on war crimes do not contain provisions on the prohibition of slavery or the slave trade.³⁵¹

Vanuatu’s penal code criminalizes “slave trading” but does not define it:

Article 5: International offences

(1) The criminal law of the Republic shall apply to piracy, hijacking of aircraft, traffic in persons, **slave trading** and traffic in narcotics committed within or beyond the territory of the Republic.³⁵²

Vanuatu’s penal proscribes slavery but conflates it with human trafficking:

Article 102: Slavery

No person shall –

- (a) take or keep another in **slavery**; or
- (b) engage in any **traffic in persons**.³⁵³

³⁴⁷ [Criminal Code 2011 of Marshall Islands](#), § 251.

³⁴⁸ [Penal Code \(Decree Law No. 19/2009\) of Timor-Leste](#), art. 162.

³⁴⁹ *Id.*, art. 163.

³⁵⁰ [Penal Code \(Decree Law No. 19/2009\) of Timor-Leste](#), art. 166.

³⁵¹ [Penal Code \(Decree Law No. 19/2009\) of Timor-Leste](#), arts. 124-130, 137.

³⁵² [Penal Code 2006 of Vanuatu](#), art. 5(1).

³⁵³ *Id.*, art. 102.

4. Penal Code Provisions: Slavery

Two (2) countries prohibit slavery but not the slave trade in their penal or criminal codes: Afghanistan and Cambodia.

Afghanistan's penal code proscribes crimes against humanity, including enslavement and sexual slavery, but enslavement and sexual slavery are not enumerated under article 337 which prohibits war crimes.³⁵⁴

Cambodia's criminal code enumerates enslavement and sexual slavery as crimes against humanity but does not enumerate enslavement or sexual slavery as war crimes.³⁵⁵

5. Other Relevant Acts and Provisions: Slavery and Complete Prohibition of the Slave Trade

Two (2) countries prohibit slavery and maintain a complete prohibition of the slave trade in their national acts: Fiji and Jordan.

Fiji's Crimes Decree of 2009 expressly criminalizes enslavement and sexual slavery as crimes against humanity,³⁵⁶ correctly defines and prohibits slavery in accordance with the 1926 Slavery convention,³⁵⁷ and maintains a complete prohibition of the slave trade as seen in sections 103 and 282:

Section 103: Slavery Offences

(1) A person who, whether within or outside Fiji, intentionally—

- (a) possesses a slave or exercises over a slave any of the other powers attaching to the right of ownership; or
 - (b) engages in slave trading; or
 - (c) enters into any commercial transaction involving a slave; or
 - (d) exercises control or direction over, or provides finance for -
 - (i) any act of slave trading; or
 - (ii) any commercial transaction involving a slave; commits an indictable offence.
- Penalty — Imprisonment for 25 years.³⁵⁸

Section 282: Kidnapping or abducting in order to subject person to grievous harm, slavery, etc.

A person commits an indictable offence...if he or she kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to...(b) slavery...or knowing it to be likely that such person will be so subjected or disposed of.³⁵⁹

Jordan prohibits slavery and maintains a complete prohibition of the slave trade without conflation with human trafficking in its national act. The prohibition of the slave trade is complete under article 5 of Abolition of Slavery Act of 1929 which states:

³⁵⁴ [Penal Code Official Gazette No. 1260 of Afghanistan](#), art. 337.

³⁵⁵ [Articles 188, 193, Criminal Code 2009 of Cambodia](#), arts. 188, 193.

³⁵⁶ [Crimes Decree 2009 of Fiji](#), §§ 84, 89.

³⁵⁷ [1926 Slavery Convention](#), *supra* note 330.

³⁵⁸ [Crimes Decree 2009 of Fiji](#), *supra* note 356, § 103(1)(a)-(d).

³⁵⁹ *Id.*, § 282.

Article 5

[E]ach person who buys, sells, reciprocates another person, gives him or takes him to another in order to be acquired or treated as a slave is subject to penalty.³⁶⁰

6. Other Relevant Acts and Provisions: Slavery

Three (3) countries prohibit slavery but not the slave trade in their national acts: Cyprus, Republic of Korea, and Samoa.

Cyprus's Law amending the Rome Statute for the Establishment of the International Criminal Court (Ratification) Law of 2002 defines crimes against humanity as the acts enumerated in article 7 of the Rome Statute and defines war crimes as the acts enumerated in article 8(2) of the Rome Statute.³⁶¹

Republic of Korea's Act on the Punishment of Crimes within the Jurisdiction of the International Criminal Court of 2007 enumerates enslavement and sexual slavery as crimes against humanity and enumerates sexual slavery as a war crime.³⁶² Enslavement is defined as "the exercise of any sort of power attached to ownership over people and includes the exercise of such power in the course of trafficking people, in particular, women and children."³⁶³

Samoa's International Criminal Court Act of 2007 prohibits crimes against humanity as defined by article 7 of the Rome Statute, as well as war crimes as defined by article 8(2) of the Rome Statute.³⁶⁴

7. Other Relevant Acts and Provisions: Slavery as an Element of Exploitation or Human Trafficking

Eleven countries prohibit slavery as a form of exploitation under an offense of human trafficking: Bangladesh, Cambodia, Cook Islands, Cyprus, Fiji, Jordan, Kiribati, Marshall Islands, Tajikistan, Timor-Leste, and Vanuatu.

Only Bangladesh and Tajikistan define slavery in their national acts on human trafficking. Slavery is defined in Bangladesh and Tajikistan's human trafficking acts as the status where a person is controlled or treated as a property by another. For example, see section 2 of Bangladesh's Human Trafficking Deterrence and Suppression Act 2012:

Section 2: Definition

(6) "slavery" means the reduction of status and position of any person to a condition in which he is controlled or treated as property by another person and shall also include a condition arising from a debt or a contract made by that person.³⁶⁵

Bangladesh, Cambodia, Cook Islands, Fiji, Kiribati, Marshall Islands, Tajikistan, Timor-Leste, and Vanuatu share a common definition of human trafficking and exploitation where slavery is one form. An example of the commonly shared definition of human trafficking

³⁶⁰ [Abolition of Slavery Act 1929 of Jordan, art. 5.](#)

³⁶¹ [Law amending the Rome Statute for the Establishment of the International Criminal Court \(Ratification\) Law of 2002 of Cyprus, art. 2; see also Rome Statute of the International Criminal Court, arts. 7, 8\(2\).](#)

³⁶² [Articles 9-10, Act on the Punishment of Crimes within the Jurisdiction of the International Criminal Court of 2007 of Republic of Korea.](#)

³⁶³ [Id., art.2\(5\).](#)

³⁶⁴ [International Criminal Court Act of 2007 of Samoa, art. 6; see also Rome Statute of the International Criminal Court, art. 7.](#)

³⁶⁵ [Human Trafficking Deterrence and Suppression Act 2012 of Bangladesh, § 2\(6\); see also The Law Against Human Trafficking of Tajikistan, art. 1\(g\)](#) ("Slavery – status or position of a person towards whom some or all warranties intrinsic to the propriety title are realized....").

and exploitation among these countries is seen in sections 2 and 3 of Bangladesh's Human Trafficking Deterrence and Suppression Act 2012:

Section 2: Definition

(15) "exploitation" or "oppression" means...

(d) debt-bondage, slavery or servitude, practices similar to slavery, or servitude in household;³⁶⁶

Section 3: Human Trafficking

(1) "human trafficking" means the selling or buying, recruiting or receiving, deporting or transferring, sending or confining or harbouring either inside or outside of the territory of Bangladesh of any person for the purpose of...any other form of exploitation or oppression....³⁶⁷

Cyprus's Law no. 117(I) of 2019 on the Prevention, Fighting Against Trafficking in and Exploitation of Human Beings and Protection of Victims ("Law no. 117(I) of 2019") prohibits "[e]xploitation of persons at work," or labor exploitation, and punishes anyone who "trades a person for the purpose of [submitting them] to any form of slavery or similar practice or servitude."³⁶⁸

Jordan's Anti-Human Trafficking Law No. 9 of 2009 recognizes slavery as a form of abuse instead of an exploitation.³⁶⁹

8. Other Relevant Acts and Provisions: Enslavement as a Crime Against Humanity and Partial Prohibition of the Slave Trade as a War Crime

In addition to the prohibitions of slavery and the slave trade in Bangladesh's penal code and Human Trafficking Deterrence and Suppression Act 2012 discussed in previous sections, Bangladesh also prohibits enslavement as a crime against humanity and maintains a partial prohibition of the slave trade as a war crime in its International War Crimes (Tribunal) Act of 1973.

Bangladesh's International War Crimes (Tribunal) Act of 1973 established the International Crime Tribunal in 2010 to try and punish the perpetrators of the genocide, crimes against humanity, war crimes, and other

³⁶⁶ [Human Trafficking Deterrence and Suppression Act 2012 of Bangladesh](#), § 2; *see also* [Trafficking and Sexual Exploitation Act of 2008 of Cambodia](#), arts. 12, 15, 17, 19; [Crimes Amendment Act of 2004 of Cook Islands](#), art. 109B; [Immigration Act of 2003 of Fiji](#), § 17; [Measures to Combat Terrorism and Transnational Organised Crime Act of 2005 of Kiribati](#), art. 2; [Prohibition of Trafficking in Persons Act of 2017 of Marshall Islands](#), § 1006; [The Law Against Human Trafficking of Tajikistan](#), art. 1; [Law No. 3/2017 on the Prevention and Fight Against Human Trafficking and Fourth Amendment to the Penal Code of Timor-Leste](#), art. 34; [Counter Terrorism and Transnational Organised Crime Act of Vanuatu](#), art. 34.

³⁶⁷ [Human Trafficking Deterrence and Suppression Act 2012 of Bangladesh](#), § 3; *see also* [Trafficking and Sexual Exploitation Act of 2008 of Cambodia](#), arts. 12, 15, 17, 19; [Crimes Amendment Act of 2004 of Cook Islands](#), art. 109B; [Immigration Act of 2003 of Fiji](#), § 17; [Measures to Combat Terrorism and Transnational Organised Crime Act of 2005 of Kiribati](#), art. 2; [Prohibition of Trafficking in Persons Act of 2017 of Marshall Islands](#), § 1005; [The Law Against Human Trafficking, Tajikistan](#), art. 1; [Law No. 3/2017 on the Prevention and Fight Against Human Trafficking and Fourth Amendment to the Penal Code of Timor-Leste](#), art. 2; [Counter Terrorism and Transnational Organised Crime Act of Vanuatu](#), art. 2.

³⁶⁸ [Law no. 117\(I\) of 2019 of Cyprus](#), art. 8; *see also* [Law no. 60 of 2014 of Cyprus](#), art. 8.

³⁶⁹ [Anti-Human Trafficking Law No. 9 of 2009 of Jordan](#), arts. 3(A)-(B).

international crimes committed in the territory of Bangladesh during the Bangladesh Liberation War.³⁷⁰ Section 3 of the Act grants the tribunal jurisdiction over crimes against humanity, including enslavement,³⁷¹ and war crimes, which is defined as the “violation of laws or customs of war which include but are not limited to...deportation to slave labour.”³⁷² The Act does not define enslavement or slave labor, but “deportation” could incorporate the *actus reus* element of the slave trade.

According to the International Committee of the Red Cross’s (“ICRC”) study on customary international humanitarian law rule 94, the prohibition of “slavery and the slave trade in all their forms” is recognized as a custom of war.³⁷³ Therefore, the prohibition of the slave trade, as a custom of war, is incorporated under section 3 of the International War Crimes (Tribunal) Act of 1973. However, since the slave trade is not prohibited as a crime against humanity, the Act maintains only a partial prohibition of the slave trade where it is prohibited as a war crime but is not recognized as a crime against humanity.

9. Case Law: Slavery conflated with Human Trafficking

Vanuatu’s case law conflates slavery and human trafficking. In 2022, the Vanuatu Supreme Court sentenced four Bangladeshis for human trafficking and slavery in *Prosecutor v. Somon, 2022 Case No. 19/404 SC/CRML*.³⁷⁴ Vanuatu Supreme Court affirmed that a slave refers to “a person taken or kept (used) in slavery which means a person held as property and ‘taking or keeping (using) another in slavery’ involves an intentional use of power over that person, as though that person was the property and under the control of the taker or keeper (user).”³⁷⁵ The Supreme Court also described human trafficking and slavery as “two sides of the same coin” where human trafficking offenses “capture the means by which you brought the victim to Vanuatu for the purpose of exploiting them,” while slavery offense “capture the means by which you exploited them once here in Vanuatu.”³⁷⁶

³⁷⁰ [International War Crimes \(Tribunal\) Act of 1973 of Bangladesh](#), § 3; see also [Liberation War, Bangladesh High Commission London](#).

³⁷¹ [International War Crimes \(Tribunal\) Act of 1973 of Bangladesh](#), § 3(2)(a).

³⁷² *Id.*, § 3(2)(d).

³⁷³ [Rule 94. Slavery and Slave Trade](#), ICRC..

³⁷⁴ [Prosecutor v. Somon, 2022 Case No. 19/404 SC/CRML](#).

³⁷⁵ *Id.*, at 7, ¶ 28.

³⁷⁶ *Id.*, at 11, ¶ 60.

ASIA-PACIFIC REGIONAL SUMMARY

There are **nineteen ASP States** in Asia Pacific. These countries are:

Afghanistan	Jordan	Samoa
Bangladesh	Kiribati	State of Palestine
Cambodia	Maldives	Tajikistan
Cook Islands	Marshall Islands	Timor-Leste
Cyprus	Mongolia	Vanuatu
Fiji	Nauru	
Japan	Republic of Korea	

Of those States there are **three (3) parties to the 1926 Slavery Convention**. These countries are:

Afghanistan	Fiji
Bangladesh	

There are **nine (9) parties to the 1956 Supplementary Convention on the Abolition of Slavery**. These countries are:

Afghanistan	Cook Islands	Jordan
Bangladesh	Cyprus	Mongolia
Cambodia	Fiji	State of Palestine

There are **ten (10) non-parties to both the 1926 Slavery Convention and 1956 Supplementary Convention on the Abolition of Slavery**. These countries are:

Japan	Nauru	Timor-Leste
Kiribati	Republic of Korea	Vanuatu
Maldives	Samoa	
Marshall Islands	Tajikistan	

There are **six (6) countries that prohibit slavery in their constitution**. These countries are:

Cyprus	Kiribati	Marshall Islands
Fiji	Maldives	Timor-Leste

There are **ten (1) countries that prohibit slavery in their penal or criminal codes**. These countries are:

Afghanistan	Fiji	Timor-Leste
Bangladesh	Kiribati	Vanuatu
Cambodia	Marshall Islands	
Cook Islands	Nauru	

There are **two (2) countries that prohibit slavery but not the slave trade in their penal or criminal codes**. These countries are:

Afghanistan
Cambodia

There are **eight (8) countries that prohibit the slave trade in their penal or criminal codes**. These countries are:

Bangladesh	Kiribati	Timor-Leste
Cook Islands	Marshall Islands	Vanuatu
Fiji	Nauru	

There are **nine (9) countries that maintain no provision on slavery, the slave trade, enslavement, or sexual slavery in their penal or criminal codes**. These countries are:

Cyprus	Maldives	Samoa
Japan	Mongolia	State of Palestine
Jordan	Republic of Korea	Tajikistan

There are **two (2) countries that prohibit slavery and maintain a complete prohibition of the slave trade in their national acts**. These countries are:

Fiji
Jordan

There are **four (4) countries that prohibit slavery, enslavement, or sexual slavery but not the slave trade in other national acts without conflation with human trafficking**. These countries are:

Cook Islands	Marshall Islands
Fiji	Nauru

There are **eleven (11) countries prohibit slavery as a form of exploitation under an offense of human trafficking**. These countries are:

Bangladesh	Fiji	Tajikistan
Cambodia	Jordan	Timor-Leste
Cook Islands	Kiribati	Vanuatu
Cyprus	Marshall Islands	

There is **one (1) country that maintains a partial prohibition of the slave trade in its national act**. That country is Bangladesh.

There is **one (1) country with case law which conflates slavery with human trafficking**. That country is Vanuatu.

There are **four (4) countries that do not contain any prohibition of slavery or the slave trade in their domestic legislation**. These countries are:

Japan	Mongolia
Maldives	State of Palestine

AFGHANISTAN

Afghanistan prohibits slavery in its penal code but does not include any provisions related to the slave trade in its domestic legislation. Afghanistan is state party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Afghanistan's approach to implementing international treaties suggests that it is a dualist state.³⁷⁷

1. Constitutional Provisions: Slavery and the Slave Trade

Afghanistan's Constitution of 2004 does not contain a provision prohibiting slavery or the slave trade.³⁷⁸

2. Penal Code Provisions: Enslavement and Sexual Slavery

Article 335 of the penal code prohibits crimes against humanity, including enslavement and sexual slavery.³⁷⁹ Article 339 on war crimes ordinance subsection 22 prohibits sexual slavery but not enslavement.³⁸⁰ The penal code does not contain a provision on the slave trade. In Afghanistan, "crimes provided in the Statute of the International Court of Justice and Final Document of Diplomatic Conference of Rome" are not subject to the statute of limitations.³⁸¹

3. Other Relevant Acts and Provisions: Slavery and the Slave Trade

Afghanistan does not have other national acts related to the prohibition of slavery or the slave trade. However, article 24 of the Law on Elimination of Violence against Women ("EVAW") of 2009 prohibits the "[s]elling and buying women for the purpose of or on the pretext of marriage" and punishes anyone who "sells a woman for the purpose of marriage, or purchases a woman or facilitates the process."³⁸² Article 3 defines woman as "[a]n adult or underage female person."³⁸³ Forced marriage is prohibited under article 26 of the Law on EVAW which punishes anyone who "engages or marries a woman who has attained the legal age of marriage without her consent."³⁸⁴

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Afghanistan provides universal jurisdiction for war crimes, genocide, crimes against humanity, and torture in its Penal Code of 1976.³⁸⁵

³⁷⁷ Abdul Mahir Hazim, *A Critical Analysis of the Rome Statute Implementation in Afghanistan*, 31 FLA. J. INT'L L. 1, 11-12 (2021). Afghanistan's practice related to the application of international law suggests that it is a dualist state. For example, Afghanistan has implemented the Convention on the Elimination of All Forms of Discrimination against Women ("CEDAW") through the Law on Elimination of Violence against Women found in the Official Gazette, August 2009, No. 989.

³⁷⁸ [Afghanistan, Constitution of 2004](#).

³⁷⁹ [Afghanistan, Penal Code Official Gazette No. 1260](#), art. 335. ("[p]rovides that the commission of any of the following acts, committed intentionally or knowingly and which constitute part of widespread or systematic attack against any civilian population, is considered crimes against humanity" including enslavement and sexual slavery. Note that the penal code does not define enslavement and sexual slavery.)

³⁸⁰ *Id.*, art. 339.

³⁸¹ Patricia Gossman, *Amnesty and the Peace Process in Afghanistan* 6 (2019).

³⁸² [Afghanistan, Law on Elimination of Violence against Women \(EVAW\) of 2009](#), art.24.

³⁸³ *Id.*, art. 3.

³⁸⁴ *Id.*, art. 26.

³⁸⁵ AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 23 (2012).

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.³⁸⁶

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).³⁸⁷ Afghanistan is state party to the Additional Protocol II.³⁸⁸

³⁸⁶ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#), arts. 42, 58 (1863); [IMT Charter \(Nuremberg\)](#), art. 6 (1945) (“deportation to slave labor”); [Allied Control Council Law No. 10](#), art. II(1) (1945) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

³⁸⁷ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

³⁸⁸ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), (June 8, 1977), Int’l Humanitarian L. Databases.

BANGLADESH

Bangladesh's penal code and other national acts contain provisions on the prohibition of slavery and the slave trade. The prohibition of the slave trade is completely incorporated in Bangladesh's penal code. Slavery is included as a form of exploitation under Bangladesh's national act on human trafficking. Bangladesh is state party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Bangladesh's approach to implementing international treaties suggests that it is a dualist state.³⁸⁹

1. Constitutional Provisions: Slavery and the Slave Trade

Bangladesh's Constitution of 1972 does not contain a provision prohibiting slavery or the slave trade.³⁹⁰

2. Penal Code Provisions: Slavery and the Slave Trade

Article 367 of the Penal Code of 1860 criminalizes kidnapping and abduction of any person where "such person may be subjected, or may be so disposed of as to be put in danger of being subjected to...slavery."³⁹¹ Article 370, which criminalizes "buying or disposing of any person as a slave[.]" and punishes anyone who "imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains *against his will* any person as a slave."³⁹² (emphasis added). Article 371 criminalizes "habitual dealing in slaves" and punishes anyone who "habitually imports, exports, removes, buys, sells, traffics or deals in slaves."³⁹³

Since Bangladesh's penal code does not define slavery or the slave trade, it is unclear whether the penal code criminalizes the exercise of the powers attaching to the right of ownership.³⁹⁴ Articles 367, 370, and 371 of the penal code criminalize both the *actus reus* and *mens rea* elements of the slave trade. However, because article 370 criminalizes the accepting, receiving, and detaining of any person as a slave *against his will*, consent incorrectly could be used as a defense for slave trade perpetration. Article 90 of the penal code provides that consent is rendered invalid if "given by a person under fear of injury, or under a misconception of fact, and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception."³⁹⁵

3. Other National Acts: Slavery and the Slave Trade

Bangladesh's International Crimes (Tribunals) Act of 1973 established the International Crimes Tribunal in 2010 to punish perpetrators genocide, crimes against humanity, war crimes, and other international crimes committed in the territory of Bangladesh against the Bangladeshi people in 1971 during the Bangladesh Liberation War.³⁹⁶ Section 3 of the Act grants the tribunal with jurisdiction "to try and punish any individual or group of individuals, or any member of any armed, defence or auxiliary forces, irrespective of his

³⁸⁹ Muhammad Ekramul Haque & Azhar Uddin Bhuiyan, [Diplomatic Immunity and Privileges: Bangladesh State Practice](#), 27 ASIAN Y.B. INT'L L. 79, 79-80 (2021).

³⁹⁰ [Bangladesh, Constitution of 1972](#).

³⁹¹ [Bangladesh, Penal Code of 1860](#), art. 367 ("Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous hurt, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.") [hereinafter Penal Code].

³⁹² [Id.](#), art. 370.

³⁹³ [Id.](#), art. 371.

³⁹⁴ [Slavery Convention art. 1, Sep. 25, 1926, 60 L.N.T.S. 254](#). [hereinafter 1926 Slavery Convention].

³⁹⁵ [Penal Code](#), *supra* note 391, art. 90.

³⁹⁶ [Bangladesh, International Crimes \(Tribunals\) Act of 1973](#); see also [Liberation War](#), BANGL. HIGH COMM'N LONDON.

nationality, who commits or has committed, in the territory of Bangladesh, *whether before or after the commencement of this Act*,³⁹⁷ (emphasis added) the crimes against humanity, including enslavement,³⁹⁸ and war crimes, including deportation to slave labor.³⁹⁹

The Act does not define enslavement or slave labor, but “deportation” could incorporate the *actus reus* element of the slave trade. According to the International Committee of the Red Cross (“ICRC”) study on customary international humanitarian law rule 94, the prohibition of “slavery and the slave trade in all their forms” is recognized as a custom of war.⁴⁰⁰ Therefore, the prohibition of the slave trade, as a custom of war, is incorporated under section 3 of the International War Crimes (Tribunals) Act of 1973. However, since the slave trade is not prohibited as a crime against humanity, the Act maintains only a partial prohibition of the slave trade where it is prohibited as a war crime but is not recognized as a crime against humanity.

4. Other Relevant Acts and Provisions: Slavery and the Slave Trade as a Form of Exploitation of Human Trafficking

Bangladesh’s Human Trafficking Deterrence and Suppression Act 2012 defines slavery as the “reduction of status and position of any person to a condition in which he is controlled or treated as property by another person.”⁴⁰¹ The Act defines human trafficking as “the selling or buying, ... either inside or outside of the territory of Bangladesh[,] of any person for the purpose of sexual exploitation or oppression, labour exploitation or any other form of exploitation or oppression,”⁴⁰² where “slavery or servitude, practices similar to slavery” are a form of exploitation.⁴⁰³ The definition of slavery under the act is in line with the 1926 Slavery Convention.⁴⁰⁴ Also, the Act prohibits both the *actus reus* and *mens rea* elements of the slave trade.⁴⁰⁵ Bangladesh acceded to the Palermo Protocol in 2019.⁴⁰⁶

5. Other Relevant Acts and Provisions: Universal Jurisdiction

Bangladesh does not provide universal jurisdiction for war crimes, genocide, crimes against humanity, or torture.⁴⁰⁷

³⁹⁷ *Id.*, § 3(1).

³⁹⁸ *Id.*, § 3(2)(a).

³⁹⁹ *Id.*, § 3(2)(d).

⁴⁰⁰ [Rule 94. Slavery and Slave Trade](#), ICRC.

⁴⁰¹ [Bangladesh, Human Trafficking Deterrence and Suppression Act 2012](#), § 2(6).

⁴⁰² *Id.*, § 3(1).

⁴⁰³ *Id.*, § 2(15)(d).

⁴⁰⁴ [1926 Slavery Convention](#), *supra* note 330 (defining slavery as the “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised”).

⁴⁰⁵ *Id.* (providing that the slave trade “includes *all acts* involved in the capture, acquisition or disposal of a person *with intent to reduce him to slavery*; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves.”) (emphasis added).

⁴⁰⁶ [A Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), Nov. 15, 2000, 2237 U.N.T.S. 319.

⁴⁰⁷ AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 29 (2012).

6. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁴⁰⁸

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁴⁰⁹ Bangladesh is state party to the Additional Protocol II.⁴¹⁰

⁴⁰⁸ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#), arts. 42, 58 (1863); [IMT Charter \(Nuremberg\)](#), art. 6 (1945) (“deportation to slave labor”); [Allied Control Council Law No. 10](#), art. II(1) (1945) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁴⁰⁹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁴¹⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) (June 8, 1977), Int’l Humanitarian L. Databases.

CAMBODIA

Cambodia's criminal code and other national acts contain provisions on the prohibition of slavery and the slave trade. Slavery and the slave trade are prohibited under the national act on human trafficking where slavery is included as a form of exploitation. Cambodia is state party to the 1956 Supplementary Slavery Convention but not the 1926 Slavery Convention. Cambodia is a dualist state.⁴¹¹

1. Constitutional Provisions: Slavery and the Slave Trade

Cambodia's Constitution of 1993 does not contain a provision prohibiting slavery or the slave trade. However, article 46 of the constitution prohibits the trade of human beings and "exploitation of prostitution."⁴¹²

2. Criminal Code Provisions: Slavery

Cambodia's Criminal Code of 2009 article 188 enumerates enslavement and sexual slavery as crimes against humanity.⁴¹³ Article 193 does not enumerate slavery, the slave trade or sexual slavery as war crimes.⁴¹⁴ Article 9 of the criminal procedure code provides that crimes against humanity and war crimes charges are not subject to any statute of limitations.⁴¹⁵ The criminal code does not contain a provision on the slave trade.

3. Other National Acts and Provisions: Slavery

Article 5 of Cambodia's Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia ("ECCC") enumerates enslavement as a crime against humanity but does not contain provisions on slavery, sexual slavery, or the slave trade.⁴¹⁶ Article 5 also provides that charges for crimes against humanity are not subject to statute of limitations.⁴¹⁷ However, the Extraordinary Chambers' jurisdiction is limited to the trials of leaders of Democratic Kampuchea and those responsible for the crimes committed during the period between April 17, 1975, and January 6, 1979, in violation of "Cambodian laws related to crimes, international humanitarian law and custom, and international conventions recognized by Cambodia[.]"⁴¹⁸

4. National Acts on Human Trafficking: Slavery and the Slave Trade as a Form of Exploitation Which is an Element of Human Trafficking

The Trafficking and Sexual Exploitation Act of 2008 prohibits "slavery or practices similar to slavery" as forms of exploitation.⁴¹⁹ Article 14 of the Act criminalizes the selling, buying, and exchanging of another person, which are the *actus reus* element of the slave trade, but is silent on the *mens rea* element of the slave

⁴¹¹ COUNCIL OF ASEAN CHIEF JUSTS., *Cambodia's Approach to International Law*.

⁴¹² *Cambodia, Constitution of 1993 (rev. 2008)*, art. 46 ("Trading human beings, the exploitation of prostitution and obscenity, which affect the reputation of women, shall be prohibited.")

⁴¹³ *Cambodia, Criminal Code of 2009*, art. 188.

⁴¹⁴ *Id.*, art. 193.

⁴¹⁵ *Cambodia, Criminal Procedure Code of 2007*, art. 9 ("[C]rime against humanity and war crime has no statute of limitations.").

⁴¹⁶ *Cambodia, Law on the Establishment of the ECCC*, art. 5.

⁴¹⁷ *Id.* (providing that "[c]rimes against humanity, which have no statute of limitations, are any acts committed as part of a widespread or systematic attack directed against any civilian population, on national, political, ethnical, racial or religious grounds, such as...enslavement[.]") (emphasis added).

⁴¹⁸ *Id.*, art. 2.

⁴¹⁹ *Cambodia, Trafficking and Sexual Exploitation Act of 2008*, arts. 12, 15, 17, and 19 [hereinafter Trafficking and Sexual Exploitation Act of 2008].

trade.⁴²⁰ Articles 15, 17, and 19 of the Act criminalize both the *actus reus* and the *mens rea* elements of the slave trade as they punish acts like buying and selling another person for the purpose of “any form of exploitation,” where slavery (but not the slave trade) is one form.⁴²¹ Article 15 punishes anyone who “sells, buys or exchanges another person for the purpose of...any form of exploitation.”⁴²² Article 17 punishes anyone who “transports another person knowing that he or she has been unlawfully removed, recruited, sold, bought, exchanged or transported for the purpose of...any form of exploitation.”⁴²³ Article 19 punishes anyone who “receives, harbors, or conceals another person who has been unlawfully removed, recruited, sold, bought, exchanged, or transported for the purpose of...any form of exploitation.”⁴²⁴ Cambodia is state party to the Palermo Protocol.⁴²⁵

5. Other Relevant Acts and Provisions: Universal Jurisdiction

Cambodia provides universal jurisdiction for war crimes, genocide, crimes against humanity, and torture in its criminal code.⁴²⁶

6. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms. Rule 94 of the International Committee of the Red Cross’s study on customary international humanitarian law (“Rule 94”) provides that “slavery and the slave trade in all their forms are prohibited.” Rule 94 refers on the definitions of slavery and the slave trade under the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention and refers to the definitions of enslavement and the slave trade under the Rome Statute.

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁴²⁷ Cambodia is state party to the Additional Protocol II.⁴²⁸

⁴²⁰ *Id.*, art. 14; see also [Slavery Convention art. 1, Sep. 25, 1926, 60 L.N.T.S. 254](#) (providing that the slave trade “includes *all acts* involved in the capture, acquisition or disposal of a person *with intent to reduce him to slavery*; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves.”) (emphasis added).

⁴²¹ *Id.* (“The terms ‘any form of exploitation’ in this Article and Article 12, 15, 17, and 19 of this law shall include...slavery or practices similar to slavery....”)

⁴²² *Id.*, art. 15.

⁴²³ *Id.*, art. 17.

⁴²⁴ *Id.*, art. 19.

⁴²⁵ [A Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, Nov. 15, 2000, 2237 U.N.T.S. 319.](#)

⁴²⁶ AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 37-38 (2012).

⁴²⁷ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.](#)

⁴²⁸ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\), \(June 8, 1977\), Int’l Humanitarian L. Databases.](#)

COOK ISLANDS

Cook Islands' criminal code and amendments contain provisions prohibiting slavery and the slave trade where the prohibition of the slave trade is completely incorporated in the criminal code. Additionally, slavery is included as a form of exploitation under Cook Islands' national act on human trafficking. Cook Islands is state party to the 1956 Supplementary Slavery Convention but not the 1926 Slavery Convention. Cook Islands is a dualist state.⁴²⁹

1. Constitutional Provisions: Slavery and the Slave Trade

Cook Islands' Constitution as of 2022 does not contain a provision prohibiting slavery or the slave trade.⁴³⁰

2. Criminal Code Provisions: Slavery and the Slave Trade

Article 109 of the Crimes Act of 1969 criminalizes the “dealing in persons” and punishes anyone who “transports, imports, or brings into any place whatsoever any person as a slave or to be dealt with as a slave,” or “[i]nduces another person to sell, let, or give himself, or any other person dependent on him...as a slave.”⁴³¹ Additionally, the Act expressly prohibits both *actus reus* and *mens rea* elements of the slave trade.

3. Other Relevant Acts and Provisions: Slavery and the Slave Trade as a Form of Exploitation of Human Trafficking

The Crimes Amendment Act of 2004 prohibits slavery as a form of exploitation of human trafficking. Article 109B defines trafficking as “the recruitment, transportation...or receipt of a person for the purpose of exploitation”⁴³² and defines exploitation as including “slavery or practices similar to slavery.”⁴³³ Cook Islands is not state party to the Palermo Protocol.⁴³⁴

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Cook Islands does not provide universal jurisdiction for war crimes, genocide, crimes against humanity, and torture in its domestic legislation.⁴³⁵

5. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁴³⁶

⁴²⁹ Rhona K. M. Smith, [The Pacific Island States: Themes Emerging from the United Nations human Rights Council's Inaugural Universal Periodic Review](#), 13(1) MELBOURNE J. INT'L L. 569 (2012). (All Pacific Islands states, including Cook Islands, are dualist states.)

⁴³⁰ [Cook Islands, Constitution of the Cook Islands as of 2022](#).

⁴³¹ [Cook Islands, Crimes Act of 1969](#), art. 109(1)(c), (1)(d).

⁴³² [Cook Islands, Crimes Amendment Act of 2004](#), art. 109B.

⁴³³ *Id.*

⁴³⁴ [UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), (Nov. 15, 2000).

⁴³⁵ [Cook Islands, Crimes Act of 1969](#), *supra* note 431, arts. 5-6.

⁴³⁶

[Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#), arts. 42, 58 (1863); [IMT Charter \(Nuremberg\)](#), art. 6 (1945) (“deportation to slave labor”); [Allied Control Council Law No. 10](#), art. II(1) (1945) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁴³⁷ Cook Islands is a state party to the Additional Protocol II.⁴³⁸

⁴³⁷ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.](#)

⁴³⁸ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\), \(June 8, 1977\), Int'l Humanitarian L. Databases.](#)

CYPRUS

The Cyprus constitution and other national acts contain provisions prohibiting slavery and the slave trade. Slavery and the slave trade are conflated with human trafficking where slavery is reduced to a form of exploitation under the national act on human trafficking. Cyprus is a party to the 1956 Supplementary Slavery Convention but not the 1926 Slavery Convention. Cyprus applies both dualist and monist approaches in implementing international law.⁴³⁹

1. Constitutional Provisions: Slavery

Article 10(1) of Cyprus's Constitution of 1960 provides that "[n]o person shall be held in slavery or servitude."⁴⁴⁰ The constitution does not mention the slave trade.

2. Criminal Code Provisions: Slavery and the Slave Trade

Cyprus's Criminal Code of 1959 does not contain a provision on the prohibition of slavery or the slave trade.⁴⁴¹

3. Other Relevant Acts and Provisions: Slavery

Article 2 of the Law amending the Rome Statute for the Establishment of the International Criminal Court (Ratification) Law of 2002 defines crimes against humanity as the acts enumerated in article 7 of the Rome Statute and defines war crimes as the acts enumerated in article 8(2) of the Rome Statute.⁴⁴²

4. Other Relevant Acts and Provisions: Slavery and the Slave Trade as a Form of Exploitation of Human Trafficking

Article 2 of The Laws on the Prevention, Fighting Against Trafficking in and Exploitation of Human Beings and Protection of Victims of 2014 ("Law no. 60 of 2014") defines human trafficking as the "recruitment, hiring, transportation, transfer, harboring or receipt or harboring or receipt persons, including exchange or transfer of control and/or power over that person, by threats or use of force or other forms of coercion" for the purpose of exploiting that person.⁴⁴³ Article 6 of The Laws on the Prevention, Fighting Against Trafficking in and Exploitation of Human Beings and Protection of Victims of 2019 ("Law no. 117(I) of 2019"), amending the Law no. 60 of 2014, punishes anyone who "recruits, hires, transports, traffics, transfers, fosters or receives an adult, houses or hosts, exchanges or transfers control or authority on that person, with the aim of exploiting him."⁴⁴⁴

Exploitation is not defined within Law no. 60 of 2014. However, when article 2 of Law no. 60 of 2014⁴⁴⁵ is read together with article 8 of the Law no. 117(I) of 2019, it appears that slavery is considered a form of

⁴³⁹ [The Effectiveness and Application of EU and EEA Law in National Courts: Principles of Consistent Interpretation 495-524](#), Stéphanie Laulhé Shaelou & Katerina Kalaitzaki, (Christian N.K. Franklin ed. 2018).

⁴⁴⁰ [Cyprus, Constitution 1960 \(rev. 2013\)](#), art. 10(1).

⁴⁴¹ [Cyprus, Criminal Code 1959 \(Cap. 154\)](#).

⁴⁴² [Cyprus, Law amending the Rome Statute for the Establishment of the International Criminal Court \(Ratification\) Law of 2002](#), art. 2; *see also* [Rome Statute of the International Criminal Court](#), arts. 7, 8(2). (Article 7 of the Rome Statute enumerates "enslavement" and "sexual slavery" as crimes against humanity. Article 8(2) of the Rome Statute enumerates "sexual slavery" as a war crime.)

⁴⁴³ [Cyprus, Law no. 60 of 2014 on the Prevention, Fighting Against Trafficking in and Exploitation of Human Beings and Protection of Victims](#), art. 2 [hereinafter Law no. 60 of 2014].

⁴⁴⁴ [Cyprus, Law no. 117\(I\) of 2019 on the Prevention, Fighting Against Trafficking in and Exploitation of Human Beings and Protection of Victims](#), art. 6 [hereinafter Law no. 117(I) of 2019].

⁴⁴⁵ [Law no. 60 of 2014](#), *supra* note 443, art. 2.

exploitation.⁴⁴⁶ Therefore, slavery and the slave trade are conflated with human trafficking where slavery is reduced to a form of exploitation. Article 8 of the Law no. 117(I) of 2019 is titled “[e]xploitation of persons at work”⁴⁴⁷ which suggests that the prohibition of slavery and the slave trade under article 8 is limited to the circumstances where a person is enslaved or slave traded for the purpose of exploiting his or her labor, and when the person is subject to certain working conditions through the use of force or coercion.⁴⁴⁸ Cyprus is state party to the Palermo Protocol.⁴⁴⁹

5. Other Relevant Acts and Provisions: Universal Jurisdiction

Cyprus provides universal jurisdiction for war crimes, genocide, crimes against humanity, or torture in its criminal code and the Rome Statute for the Establishment of the International Criminal Court (Ratification) Law of 2002.⁴⁵⁰

6. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁴⁵¹

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁴⁵² Cyprus is a state party to Additional Protocol II.⁴⁵³

⁴⁴⁶ *Id.*, art. 8. (“[e]xploitation of persons at work” punishing anyone who “trades a person for the purpose of exploiting his work or services, submits him to forced labor or services, or to any form of slavery or similar practice or servitude, on his behalf or on behalf of another person and in the work performed there is an obvious difference with the working conditions of a person performing the same or similar work....”); see also [Law no. 60 of 2014](#), *supra* note 443, art. 8.

⁴⁴⁷ [Law no. 117\(I\) of 2019](#), *supra* note 444, art. 8; see also [Law no. 60 of 2014](#), *supra* note 443, art. 8 (“labour exploitation.”).

⁴⁴⁸ [Law no. 117\(I\) of 2019](#), *supra* note 444, art. 8.

⁴⁴⁹ [UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), (Nov. 15, 2000).

⁴⁵⁰ AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 45 (2012).

⁴⁵¹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; see also [Lieber Code](#), arts. 42, 58 (1863); [IMT Charter \(Nuremberg\)](#), art. 6 (1945) (“deportation to slave labor”); [Allied Control Council Law No. 10](#), art. II(1) (1945) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁴⁵² [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁴⁵³ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), (June 8, 1977), Int’l Humanitarian L. Databases.

FIJI

Fiji's constitution prohibits slavery but not the slave trade while Fiji's penal code and the Crimes Decree of 2009 prohibit both slavery and the slave trade. Importantly, the prohibition of the slave trade is completely incorporated in Fiji's penal code. Additionally, slavery is prohibited as a form of exploitation under Fiji's national act on human trafficking. Fiji is state party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Fiji is a dualist state.⁴⁵⁴

1. Constitutional Provisions: Slavery

Article 10(1) of Fiji's Constitution of 2013 provides that "[a] person must not be held in slavery or servitude, or subjected to forced labour or human trafficking."⁴⁵⁵ The constitution does not mention the slave trade.

2. Penal Code Provisions: Slavery and the Slave Trade

Article 252 of Fiji's penal code criminalizes kidnapping or abducting any person for the purpose of subjecting or disposing that person to slavery.⁴⁵⁶ The prohibition of the slave trade is complete under article 252.⁴⁵⁷

Article 187 of Fiji's Criminal Procedure Act of 2009 provides that the statute of limitations shall be one year for crimes with imprisonment not exceeding twelve months or a fine of \$1,000.⁴⁵⁸ Since article 252 imposes an imprisonment term of ten years,⁴⁵⁹ a criminal action against slavery brought under article 252 is not subject to the statute of limitations.

3. Other Relevant Acts and Provisions: Slavery and the Slave Trade

Fiji's Crimes Decree of 2009 contains provisions that expressly criminalize enslavement and sexual slavery as crimes against humanity⁴⁶⁰ and slavery, the slave trade, and debt bondage as slavery offenses.⁴⁶¹ The Crimes Decree of 2009 illustrates a complete incorporation of the prohibitions of slavery and the slave trade as the decree encompasses the elements of both slavery and the slave trade in accordance with the 1926 Slavery Convention.⁴⁶²

Sections 84 and 89 of Fiji's Crimes Decree of 2009 enumerates enslavement and sexual slavery as crimes against humanity respectively.⁴⁶³ Section 84(1) punishes a person who "exercises any or all of the powers attaching to the right of ownership over one or more persons (including the exercise of a power in the course of trafficking in persons, in particular women and children)" when committed "intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population."⁴⁶⁴ Section 84(2) provides that a person can exercise "any or all of the powers attaching to the right of ownership" through

⁴⁵⁴ [How Treaties become Law, PAC](#). ISLANDS LEGAL INFO. INST.

⁴⁵⁵ [Fiji, Constitution of 2013](#), art. 10(1).

⁴⁵⁶ [Fiji, Penal Code](#), art. 252 ("Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to...or slavery,...or knowing it to be likely that such person will be so subjected or disposed of, is guilty of a felony and is liable to imprisonment for ten years.")

⁴⁵⁷ [Id.](#) (Article 252 criminalizes both the *actus reus* and *mens rea* elements of the slave trade.)

⁴⁵⁸ [Fiji, Criminal Procedure Act of 2009](#), art. 187.

⁴⁵⁹ [Fiji, Penal Code](#), *supra* note 456.

⁴⁶⁰ [Fiji, Crimes Decree 2009](#), §§ 84, 89.

⁴⁶¹ [Id.](#), §§ 102-103, 282.

⁴⁶² [Slavery Convention, Sep. 25, 1926](#), 60 L.N.T.S. 254.

⁴⁶³ [Fiji, Crimes Decree 2009](#), §§ 84, 89.

⁴⁶⁴ [Id.](#), § 84(1).

purchase and sale of another person or through “a similar deprivation of liberty.”⁴⁶⁵ Section 89 punishes anyone who “causes another person to enter into or remain in sexual slavery” and “intends to cause, or is reckless as to causing, that sexual slavery...as part of a widespread or systematic attack directed against a civilian population.”⁴⁶⁶ Sexual slavery is defined as “the condition of a person who provides sexual services and who, because of the use of force or threats (a) is not free to cease providing sexual services; or (b) is not free to leave the place or area where the person provides sexual services.”⁴⁶⁷

Slavery and debt bondage are criminalized under section 102 of Fiji’s Crimes Decree of 2009. Section 102 defines slavery as “the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, including where such a condition results from a debt or contract made by the person.”⁴⁶⁸

The slave trade and slavery are criminalized under sections 103 and 282 of Fiji’s Crimes Decree of 2009. Section 103 criminalizes slavery offences which include possessing a slave, engaging in slave trading, entering into any commercial transaction involving a slave, and exercising control or direction over slave trading or commercial transaction involving a slave.⁴⁶⁹ Slave trading is defined as “the capture, transport or disposal of a person with the intention of reducing the person to slavery” or “the purchase or sale of a slave.”⁴⁷⁰ Section 282 prohibits “kidnapping or abducting in order to subject person to...slavery.”⁴⁷¹

4. Other Relevant Acts and Provisions: Slavery as an Element of Exploitation of Human Trafficking

Section 17 of the Fiji Immigration Act of 2003 also includes “slavery or practices similar to slavery” as a form of exploitation.⁴⁷² Human trafficking is defined by the Act as “the recruitment, transportation, transfer, harbouring or receipt of a person for the purposes of exploitation.” Section 22 of the Immigration Act provides that consent of the trafficked person cannot be used as a defense.⁴⁷³ Note that Fiji is a party to the Palermo Protocol.⁴⁷⁴

5. Other Relevant Acts and Provisions: Universal Jurisdiction

Section 99 of Fiji’s Crimes Decree of 2009 provides universal jurisdiction for crimes against humanity including enslavement and sexual slavery.⁴⁷⁵ Fiji also provides universal jurisdiction for grave breaches of the Geneva Conventions and the Additional Protocols I and III in article 3 of its Geneva Convention

⁴⁶⁵ *Id.*, § 84(2).

⁴⁶⁶ *Id.*, § 89.

⁴⁶⁷ *Id.*

⁴⁶⁸ *Id.*, § 102.

⁴⁶⁹ *Id.*, § 103(1)(a)-(d).

⁴⁷⁰ *Id.*, § 103(3)(a)-(b).

⁴⁷¹ *Id.*, § 282.

⁴⁷² *Fiji, Immigration Act of 2003*, § 17.

⁴⁷³ *Id.*, § 22.

⁴⁷⁴ *UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, (Nov. 15, 2000).

⁴⁷⁵ *Fiji, Crimes Decree 2009*, *supra* note 463, §§ 84, 89, 99; *see also* AMNESTY INT’L, *UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD* 54 (2012).

Promulgation 2007.⁴⁷⁶ However, slavery, the slave trade, sexual slavery, and enslavement are not included as grave breaches of the Geneva Conventions and the Additional Protocols I and III.⁴⁷⁷

6. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁴⁷⁸

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁴⁷⁹ Fiji is state party to the Additional Protocol II.⁴⁸⁰

⁴⁷⁶ [Fiji, Geneva Convention Promulgation 2007](#), art. 3(3) (grave breaches of the Geneva Conventions and Additional Protocols).

⁴⁷⁷ *Id.* (Grave breaches are defined as the acts “committed against persons or property protected by the Convention [including]: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.”); *see also* [Geneva Convention Relative to the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field](#) art. 50, Aug. 12, 1949, 6 U.S.T. 3114, 75 U.N.T.S. 31; [Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea](#) art. 51, Aug. 12, 1949, 6 U.S.T. 3217, 75 U.N.T.S. 85; [Geneva Convention Relative to the Treatment of Prisoners of War](#) art. 130, Aug. 12, 1949, 6 U.S.T. 3316, 75 U.N.T.S. 135; [Geneva Convention Relation to the Treatment of Prisoners of War](#) art. 130, Aug. 12, 1949, 6 U.S.T. 3316, 75 U.N.T.S. 135; [Geneva Convention Relative to the Protection of Civilian Persons in Time of War](#) art. 147, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287; [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts \(Protocol I\)](#), arts. 11 ¶¶ 2-4, 85, June 8, 1977, 1125 U.N.T.S. 3; [Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem \(Protocol III\)](#), Dec. 8, 2005, 2404 U.N.T.S. 261.

⁴⁷⁸ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#), arts. 42, 58 (1863); [IMT Charter \(Nuremberg\)](#), art. 6 (1945) (“deportation to slave labor”); [Allied Control Council Law No. 10](#), art. II(1) (1945) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁴⁷⁹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609ww.

⁴⁸⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), (June 8, 1977), INT’L HUMANITARIAN L. DATABASES.

JAPAN

Japan's constitution, penal code and other national acts do not contain any provision on the prohibition of slavery or the slave trade. However, the International Military Tribunal of the Far East Charter or the Tokyo Charter prohibits enslavement as a crime against humanity.⁴⁸¹ Japan is state party to neither the 1926 Slavery Convention nor the 1956 Supplementary Slavery Convention. Japan is a monist state.⁴⁸²

1. Constitutional Provisions: Slavery and the Slave Trade

Japan's Constitution of 1946 does not contain any provision on the prohibition of slavery or the slave trade. The term "slavery" was mentioned in the preamble as the constitution expresses Japan's commitment to the preservation of international peace and respect for human rights.⁴⁸³

2. Penal Code Provisions: Slavery and the Slave Trade

Japan's Penal Code of 1907 does not contain any provision on the prohibition of slavery or the slave trade. Even though article 226-2 prohibits the buying and selling of human beings,⁴⁸⁴ the penal code provides no reference to the intent elements of the slave trade as defined by the 1926 Slavery Convention.⁴⁸⁵ Similarly, the penal code provides no reference to the intentional exercise of powers attaching to the rights of ownership over a person (the *mens rea* and *actus reus* of slavery) found in the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention.⁴⁸⁶

3. Other Relevant Acts and Provisions: Slavery

Japan's national acts do not contain any provision on the prohibitions of slavery and the slave trade. However, a prohibition of enslavement as a crime against humanity can be found in article 5(c) of the International Military Tribunal for the Far East Charter ("Tokyo Charter").⁴⁸⁷ Yet, the Charter does not define enslavement.

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Japan does not provide universal jurisdiction for war crimes, genocide, crimes against humanity, or torture in its domestic legislation.⁴⁸⁸

⁴⁸¹ [International Military Tribunal for the Far East Charter](#), (Jan. 19, 1946). (Article 5(c) "established individual responsibility for crimes against humanity, including 'enslavement.'").

⁴⁸² [Japan, Constitution of 1946](#), art. 98 ("The treaties concluded by Japan and established laws of nations shall be faithfully observed.").

⁴⁸³ *Id.* ("We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize that all peoples of the world have the right to live in peace, free from fear and want.").

⁴⁸⁴ [Japan, Penal Code of 1907](#), arts. 226-2.

⁴⁸⁵ [Convention to Suppress the Slave Trade and Slavery](#), Sep. 25, 1926, 60 LNTS 253; [Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery](#), Sep. 7, 1956, 266 U.N.T.S. 3.

⁴⁸⁶ [Slavery Convention](#), Sep. 25, 1926, 60 L.N.T.S. 254. [hereinafter 1926 Slavery Convention].

⁴⁸⁷ [International Military Tribunal for the Far East Charter](#), *supra* note 481, art. 5(c).

⁴⁸⁸ AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 67 (2012).

5. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁴⁸⁹

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁴⁹⁰ Japan is state party to the Additional Protocol II.⁴⁹¹

⁴⁸⁹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁴⁹⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁴⁹¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), (June 8, 1977), Int’l Humanitarian L. Databases.

JORDAN

Jordan's national acts contain provisions on the prohibition of slavery and the slave trade. The prohibition of the slave trade is completely incorporated in Jordan's Abolition of Slavery Act. Additionally, slavery is included as a form of exploitation under human trafficking where slavery is reduced to a form of abuse under the national act on human trafficking. Jordan is a party to the 1956 Supplementary Slavery Convention but not the 1926 Slavery Convention. Jordan is a monist state.⁴⁹²

1. Constitutional Provisions: Slavery and the Slave Trade

Jordan's Constitution of 1952 does not contain any provision on the prohibitions of slavery or the slave trade.⁴⁹³

2. Penal Code Provisions: Slavery and the Slave Trade

Jordan's Penal Code of 1960 does not contain any provision on the prohibitions of slavery or the slave trade.⁴⁹⁴

3. Other Relevant Acts and Provisions: Slavery and the Slave Trade

The Abolition of Slavery Act of 1929 aims to achieve the "abolition of slavery in all parts of Transjordan."⁴⁹⁵ Article 4 of the Act voids any contract that includes "a requirement or a pledge to buy someone, servitude, give it to another for a mortgage or insurance for debt," and article 5 punishes a person who "buys, sells, reciprocates another person, gives him or takes him to another in order to be acquired or treated as a slave."⁴⁹⁶ Article 5 is a complete incorporation of the prohibition of the slave trade.

4. Other Relevant Acts and Provisions: Slavery and the Slave Trade as an Element of Exploitation or Human Trafficking

Anti-Human Trafficking Law No. 9 of 2009 also includes the slave trade as a form of exploitation under the crime of human trafficking. Human trafficking is defined as the act of "[t]ransporting, ... or receiving of people for the purpose of abusing them" where slavery is a form of abuse.⁴⁹⁷ Jordan is state party to the Palermo Protocol.⁴⁹⁸

5. Other Relevant Acts and Provisions: Universal Jurisdiction

Jordan provides universal jurisdiction for war crimes, genocide, crimes against humanity, and torture in its penal code.⁴⁹⁹

⁴⁹² Hamzah S. Aldoghmi, *The Status of International Law in Jordan*, 7 INT'L J. HUMANS. & SOC. STUD. 252, 254-255 (2019) (case law suggests that Jordan adopts a monist approach).

⁴⁹³ [Jordan, Constitution of 1952](#).

⁴⁹⁴ [Jordan, Penal Code of 1960](#).

⁴⁹⁵ [Jordan, Abolition of Slavery Act of 1929](#), art. 2.

⁴⁹⁶ *Id.*, arts. 4-5.

⁴⁹⁷ [Jordan, Anti-Human Trafficking Law No. 9 of 2009](#), arts. 3(A)-(B).

⁴⁹⁸ [UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), (Nov. 15, 2000).

⁴⁹⁹ AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 67-68 (2012).

6. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁵⁰⁰

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁵⁰¹ Jordan is state party to the Additional Protocol II.⁵⁰²

⁵⁰⁰ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁵⁰¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁵⁰² [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), (June 8, 1977), Int’l Humanitarian L. Databases.

KIRIBATI

Kiribati's constitution contains a provision on the prohibitions of slavery and servitude but not the slave trade. However, Kiribati's penal code contains a complete prohibition of the slave trade but not slavery and servitude. Additionally, slavery is included as a form of exploitation under the national act on human trafficking. Kiribati is state party to neither the 1926 Slavery Convention nor the 1956 Supplementary Slavery Convention. Kiribati is a dualist state.⁵⁰³

1. Constitutional Provisions: Slavery

Article 6 of Kiribati's Constitution of 1979 provides that "[n]o person shall be held in slavery or servitude."⁵⁰⁴ The constitution does not contain a provision on the slave trade.

2. Penal Code Provisions: Slavery and the Slave Trade

Article 244 of Kiribati's Penal Code of 1977 punishes "[a]ny person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to...slavery."⁵⁰⁵ Accordingly, the prohibition of the slave trade under the penal code is complete as the penal code addresses both the *actus reus* and *mens rea* elements of the slave trade. However, the penal code does not contain a provision on slavery or servitude.

Article 204 of Kiribati's Criminal Procedure Code provides that the statute of limitations shall be six months for crimes with imprisonment not exceeding six months or a fine of \$100.⁵⁰⁶ Since article 244 of the penal code imposes an imprisonment term of ten years,⁵⁰⁷ an action under article 244 is not subject to the statute of limitations.

3. Other Relevant Acts and Provisions: Slavery as a Form of Exploitation of Human Trafficking

Kiribati's Measures to Combat Terrorism and Transnational Organised Crime Act of 2005 prohibits slavery as a form of exploitation of human trafficking.⁵⁰⁸ Article 2 defines human trafficking as "the recruitment, transportation, transfer, harbouring or receipt of a person for the purpose of exploitation," where "slavery or practices similar to slavery" are forms of exploitation. Note that Kiribati is a party to the Palermo Protocol.⁵⁰⁹

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Kiribati provides universal jurisdiction for grave breaches of the Geneva Conventions in its Geneva Conventions Act 1993 but the grave breaches do not provide universal jurisdiction for slavery, the slave trade, enslavement, or sexual slavery.⁵¹⁰ Kiribati does not provide universal jurisdiction for crimes against humanity in its domestic legislation.⁵¹¹

⁵⁰³ [How Treaties become Law](#), PAC. ISLANDS LEGAL INFO. INST..

⁵⁰⁴ [Kiribati, Constitution of 1979](#), art. 6.

⁵⁰⁵ [Kiribati, Penal Code of 1977](#), art. 244.

⁵⁰⁶ [Kiribati, Criminal Procedure Code](#), art. 204.

⁵⁰⁷ [Kiribati, Penal Code of 1977](#), *supra* note 505.

⁵⁰⁸ [Kiribati, Measures to Combat Terrorism and Transnational Organised Crime Act of 2005](#), art. 2.

⁵⁰⁹ [UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), (Nov. 15, 2000).

⁵¹⁰ [Kiribati, Geneva Conventions Act of 1993](#), art. 3. (Grave breaches include acts of "wilful killing, torture or inhuman treatment, including biological experiments" and "wilfully causing great suffering or serious injury to body or health" against "property protected by the First, Second or Fourth Geneva Conventions.").

⁵¹¹ AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 69-70 (2012).

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁵¹²

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁵¹³ Kiribati is not state party to the Additional Protocol II.⁵¹⁴

⁵¹² [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁵¹³ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁵¹⁴ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), (June 8, 1977), Int’l Humanitarian L. Databases.

MALDIVES

Maldives' constitution contains a provision on the prohibition of slavery. However, there are no provisions on the prohibition of the slave trade in Maldives' domestic legislation. Maldives is neither state party to the 1926 Slavery Convention nor the 1956 Supplementary Slavery Convention. Maldives is a dualist state.⁵¹⁵

1. Constitutional Provisions: Slavery

Article 25 of Maldives' Constitution of 2008 provides that “[n]o one shall be held in slavery or servitude, or be required to perform forced labour.”⁵¹⁶

2. Penal Code Provisions: Slavery and the Slave Trade

Maldives' Penal Code of 2014 contains no provision on the prohibition of slavery or the slave trade.⁵¹⁷

3. Other Relevant Acts and Provisions: Human Trafficking

Maldives' Prevention of Human Trafficking Act of 2013 prohibits human trafficking but does not include slavery or the slave trade as a form of exploitation.⁵¹⁸

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Maldives does not provide universal jurisdiction for war crimes, genocide, crimes against humanity, or torture in its domestic legislation.⁵¹⁹

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁵²⁰

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁵²¹ Maldives is state party to the Additional Protocol II.⁵²²

⁵¹⁵ [Maldives, Constitution of 2008](#), art. 93.

⁵¹⁶ *Id.*, art. 25.

⁵¹⁷ [Maldives, Penal Code \(Law No. 6/2014\)](#).

⁵¹⁸ [Maldives, Prevention of Human Trafficking Act of 2013](#).

⁵¹⁹ AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 78 (2012).

⁵²⁰ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁵²¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁵²² [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), (June 8, 1977), INT'L HUMANITARIAN L. DATABASES.

MARSHALL ISLANDS

Marshall Islands' constitution prohibits slavery and servitude but not the slave trade. Marshall Islands' Revised Code of 2004 Title 31 on Crimes and Punishment contains a complete prohibition of the slave trade, but the code does not prohibit slavery. Additionally, slavery is included as a form of exploitation under the criminal code and national act on human trafficking. Marshall Islands is state party to neither the 1926 Slavery Convention nor the 1956 Supplementary Slavery Convention. Marshall Islands is a dualist state.⁵²³

1. Constitutional Provisions: Slavery

Section 2 of Marshall Islands' Constitution of 1979 provides that “[n]o person shall be held in slavery or involuntary servitude.”⁵²⁴ The constitution does not mention the slave trade.

2. Criminal Code Provisions: Slavery and the Slave Trade

Marshall Islands' Revised Code of 2004 Title 31 on Crimes and Punishment contains a complete prohibition of the slave trade. Section 135 of the revised code punishes anyone who “imprisons, seizes, detains, or inveigles away any person (other than his minor child), with intent to cause such person to be...sold or held as a slave or for ransom.”⁵²⁵ The revised code criminalizes both the *actus reus* and *mens rea* elements of the slave trade. Section 108 provides that the statute of limitations shall be six years.⁵²⁶

The Criminal Code of 2011 include slavery as a form of exploitation under human trafficking. Section 251 of the criminal code defines trafficking as “the recruitment, transportation, ... or receipt of person, by means of the threat or use of force or other forms of coercion ... for the purpose of exploitation.”⁵²⁷ Under the same section, exploitation includes “slavery or practices similar to slavery.”⁵²⁸

3. Other Relevant Acts and Provisions: Slavery and the Slave Trade as a Form of Exploitation of Human Trafficking

Marshall Islands' Prohibition of Trafficking in Person Act of 2017 includes slavery as a form of exploitation of human trafficking. Section 1005 of the Act defines trafficking as the act of recruiting, transporting, transferring, harboring, or receiving another person “by means of the threat or use of force or other forms of coercion...to achieve the consent of a person having control over another person...for the purpose of exploitation of that person”⁵²⁹ where slavery is recognized as a form of exploitation.⁵³⁰ Marshall Islands is not state party to the Palermo Protocol.⁵³¹

⁵²³ [Marshall Islands, Constitution of 1979](#), § 4.

⁵²⁴ *Id.*, § 2.

⁵²⁵ [Marshall Islands, Revised Code of 2004 Title 31 on Crimes and Punishment](#), § 135.

⁵²⁶ *Id.*, § 108.

⁵²⁷ [Marshall Islands, Criminal Code of 2011](#), § 251.

⁵²⁸ *Id.*; see also [Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, Sep. 7, 1956, 266 U.N.T.S. 3](#) (the definition of practices similar to slavery include debt bondage, serfdom, and forced marriage, but not the slave trade which is a separate crime enumerated under article 3).

⁵²⁹ [Marshall Islands, Prohibition of Trafficking in Persons Act of 2017](#), § 1005.

⁵³⁰ *Id.*, § 1006.

⁵³¹ [UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), (Nov. 15, 2000).

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Marshall Islands does not provide universal jurisdiction for war crimes or crimes against humanity in its domestic legislation.⁵³²

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁵³³

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁵³⁴ Marshall Islands is not state party to the Additional Protocol II.⁵³⁵

⁵³² [Marshall Islands, Criminal Code of 2011](#), *supra* note 527, § 1.03; *see also* AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 79 (2012).

⁵³³ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁵³⁴ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁵³⁵ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), (June 8, 1977), INT’L HUMANITARIAN L. DATABASES.

MONGOLIA

Mongolia's constitution, criminal code and national act do not contain any provision on the prohibition of slavery or the slave trade. Mongolia is state party to the 1956 Supplementary Slavery Convention but not the 1926 Slavery Convention. Mongolia is a dualist state.⁵³⁶

1. Constitutional Provisions: Slavery and the Slave Trade

Mongolia's Constitution of 1992 does not contain any provision on the prohibition of slavery or the slave trade.⁵³⁷

2. Penal Code Provisions: Slavery and the Slave Trade

Mongolia's Criminal Code of 2002 does not contain any provision on the prohibition of slavery or the slave trade.⁵³⁸ Although article 113 of the criminal code prohibits "sale and purchase of humans," it criminalizes the sale and purchase for the purposes of organ harvesting, prostitution, trafficking, and organized crimes.⁵³⁹ Note, however, that the article does not define the term "trafficking."

3. Other Relevant Acts and Provisions: Slavery and the Slave Trade

Mongolia does not have other national acts related to the prohibition of slavery or the slave trade.⁵⁴⁰

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Mongolia provides universal jurisdiction for war crimes, genocide, and torture but not crimes against humanity in its Criminal Code of 2002.⁵⁴¹

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁵⁴²

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁵⁴³ Mongolia is state party to the Additional Protocol II.⁵⁴⁴

⁵³⁶ [Mongolia, Constitution of 1992](#), art. 10.

⁵³⁷ [Id.](#)

⁵³⁸ [Mongolia, Criminal Code of 2002](#).

⁵³⁹ [Id.](#), art. 113.

⁵⁴⁰ U.S. DEP'T OF STATE (2023), [2023 Trafficking in Persons Report: Mongolia](#).

⁵⁴¹ AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 82-83 (2012).

⁵⁴² [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

⁵⁴³ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁵⁴⁴ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), (June 8, 1977), INT'L HUMANITARIAN L. DATABASES.

NAURU

Nauru's criminal code contains provisions on the prohibition of slavery and the slave trade. The prohibition of the slave trade is completely incorporated in Nauru's criminal code. Nauru is neither a party to the 1926 Slavery Convention nor the 1956 Supplementary Slavery Convention. Nauru is a dualist state.⁵⁴⁵

1. Constitutional Provisions: Slavery and the Slave Trade

Nauru's Constitution of 1968 does not contain any provision on the prohibition of slavery or the slave trade.⁵⁴⁶

2. Criminal Code Provisions: Slavery and the Slave Trade

Nauru's Crimes Act of 2016 prohibits both slavery and the slave trade.⁵⁴⁷ Article 257 criminalizes the slave trade and punishes anyone who "deals with a person (the 'affected person') ... for the purpose of making the affected person a slave."⁵⁴⁸ The article also punishes a person who permits another person to engage in the dealing of another person for the purpose of placing that person in slavery,⁵⁴⁹ and a person who induces another person into agreeing to being slave traded.⁵⁵⁰ The term "deal" includes the act of selling, buying, transferring, hiring, and employing the person.⁵⁵¹ The term "slave" refers to a person "over whom another person claims, and purports to exercise, a right of ownership."⁵⁵² The definition of a "slave" under article 257 aligns with the definition of slavery found in the 1926 Slavery Convention.⁵⁵³ The prohibition of the slave trade under article 257 is complete where both *actus reus* and *mens rea* elements are addressed. Article 257 does not criminalize slavery as a standalone crime.

Article 267 enumerates enslavement and sexual slavery as crimes against humanity where enslavement is defined as "the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children."⁵⁵⁴ Article 268 enumerates sexual slavery as a war crime in both international and non-international armed conflicts but does not define sexual slavery.⁵⁵⁵ Articles 267 and 268 reflect Nauru's domestication of the Rome Statute's definitions of crimes against humanity and war crimes provisions.⁵⁵⁶ Article 264 provides that article 29 of the Rome Statute which concerns the non-applicability of statute of limitations shall apply to "Rome Statute offences" which include the crimes against humanity of enslavement and sexual slavery and the war crimes of sexual slavery.⁵⁵⁷

⁵⁴⁵ [How Treaties become Law](#), PAC. ISLANDS LEGAL INFO. INST.

⁵⁴⁶ [Nauru, Constitution of 1968](#).

⁵⁴⁷ [Nauru, Crimes Act of 2016](#).

⁵⁴⁸ *Id.*, art. 257(1)(a) (Provides that "[a] person commits an offence if the person ... deals with a person (the 'affected person') as, or for the purpose of making the affected person, a slave.").

⁵⁴⁹ *Id.*, art. 257(1)(b) (Punishes a person who "permits another person to deal with a person (the 'affected person') as, or for the purpose of making the affected person, a slave.").

⁵⁵⁰ *Id.*, art. 257(1)(c) (Punishes a person who "induces a person (the 'affected person') to deal with: (i) themselves as, or for the purpose of making the affected person, a slave; or (ii) any other person as, or for the purpose of making the affected person, a slave.").

⁵⁵¹ *Id.*, art. 257(2) (Provides that "[a] deal with ... a person includes: (i) sell, buy, transfer, barter, let, hire, employ or otherwise use the person; or (ii) detain, take, receive, transport or import the person." Article 257(2)(b) provides that "transport" includes "build, fit out, sell, buy, transfer, let, hire, use, operate, navigate or work on the transport.").

⁵⁵² *Id.*

⁵⁵³ [Slavery Convention, Sep. 25, 1926, 60 L.N.T.S. 254](#).

⁵⁵⁴ *Id.*, art. 267.

⁵⁵⁵ *Id.*, art. 268.

⁵⁵⁶ [Rome Statute of the International Criminal Court](#) arts. 7-8, (July 17, 1998).

⁵⁵⁷ *Id.*, art. 264.

3. Other Relevant Acts and Provisions: Slavery and the Slave Trade

Nauru does not have other national acts related to slavery or the slave trade. Nauru is state party to the Palermo Protocol.⁵⁵⁸

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Nauru does not provide universal jurisdiction for war crimes, genocide, crimes against humanity, or torture in its domestic legislation.⁵⁵⁹

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁵⁶⁰

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁵⁶¹ Nauru is state party to the Additional Protocol II.⁵⁶²

⁵⁵⁸ [UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), (Nov. 15, 2000).

⁵⁵⁹ AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 85-86 (2012).

⁵⁶⁰ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁵⁶¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁵⁶² [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), (June 8, 1977), INT’L HUMANITARIAN L. DATABASES.

NIUE

Niue's constitution and criminal code do not contain any provisions on slavery or the slave trade. Additionally, Niue is state party to the 1956 Supplementary Slavery Convention but not the 1926 Slavery Convention. Niue is a dualist state.⁵⁶³

1. Constitutional Provisions: Slavery and the Slave Trade

Niue's Constitution as of 2019 does not contain any provisions on slavery or the slave trade.⁵⁶⁴

2. Penal Code Provisions: Slavery and the Slave Trade

Niue's Criminal Law Code does not contain any provisions on slavery or the slave trade.⁵⁶⁵

3. Other Relevant Acts and Provisions: Slavery and the Slave Trade

Niue does not have other relevant acts and provisions in its domestic legislation that contain provisions on slavery or the slave trade.⁵⁶⁶

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Article 3(3) of Niue's Geneva Conventions Act of 1958 provides universal jurisdiction for grave breaches of the Geneva Conventions which are defined in article 3(2).⁵⁶⁷ However, the grave breaches of the Geneva Conventions do not include slavery, the slave trade, enslavement, or sexual slavery.⁵⁶⁸

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁵⁶⁹

⁵⁶³ [How Treaties become Law](#), PAC. ISLANDS LEGAL INFO. INST.

⁵⁶⁴ [Niue, Constitution as of 2019](#).

⁵⁶⁵ [Niue, Criminal Law Code](#).

⁵⁶⁶ [2022 FINDINGS ON THE WORST FORMS OF CHILD LABOR: NIUE](#), U.S. DEP'T OF LAB, 2-3 (2022).

⁵⁶⁷ [Niue, Geneva Conventions Act of 1958](#), art. 3. (Grave breaches are defined as the acts "committed against persons or property protected by the Convention [including]: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly."); see [Geneva Convention Relative to the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field](#) art. 50, Aug. 12, 1949, 6 U.S.T. 3114, 75 U.N.T.S. 31; [Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea](#) art. 51, Aug. 12, 1949, 6 U.S.T. 3217, 75 U.N.T.S. 85; [Geneva Convention Relative to the Treatment of Prisoners of War](#) art. 130, Aug. 12, 1949, 6 U.S.T. 3316, 75 U.N.T.S. 135; [Geneva Convention Relation to the Treatment of Prisoners of War](#) art. 130, Aug. 12, 1949, 6 U.S.T. 3316, 75 U.N.T.S. 135; [Geneva Convention Relative to the Protection of Civilian Persons in Time of War](#) art. 147, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287; [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts \(Protocol I\)](#), arts. 11 ¶¶ 2-4, 85, June 8, 1977, 1125 U.N.T.S. 3; [Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem \(Protocol III\)](#), Dec. 8, 2005, 2404 U.N.T.S. 261.

⁵⁶⁸ [Fiji, Crimes Decree 2009](#), *supra* note 460, §§84, 89, 99; see also AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 54 (2012).

⁵⁶⁹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; see also [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁵⁷⁰ Niue is not state party to the Additional Protocol II and New Zealand submitted a declaration upon its ratification of the Additional Protocol II providing that “The Government of New Zealand DECLARES that this ratification shall not extend to the Cook Islands, Niue and Tokelau.”⁵⁷¹

⁵⁷⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\) art. 4](#), adopted June 8, 1977, 1125 U.N.T.S. 609.

⁵⁷¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), (June 8, 1977), INT’L HUMANITARIAN L. DATABASES.

REPUBLIC OF KOREA

Republic of Korea's national act contains provisions on the prohibition of slavery but not the slave trade. Republic of Korea is state party to neither the 1926 Slavery Convention nor the 1956 Supplementary Slavery Convention. Republic of Korea is a monist state.⁵⁷²

1. Constitutional Provisions: Slavery and the Slave Trade

Republic of Korea's Constitution of 1948 does not contain any provision on the prohibition of slavery or the slave trade.⁵⁷³

2. Penal Code Provisions: Slavery and the Slave Trade

Republic of Korea's Criminal Code of 2013 does not contain any provision on the prohibition of slavery or the slave trade.⁵⁷⁴

3. Other Relevant Acts and Provisions: Enslavement and Sexual Slavery

Republic of Korea's Act on the Punishment of Crimes within the Jurisdiction of the International Criminal Court of 2007 ("ICC Act of 2007") contains provisions on the prohibition of enslavement and sexual slavery but not the slave trade.⁵⁷⁵ Article 9 of the act enumerates enslavement and sexual slavery as crimes against humanity and article 10 enumerates sexual slavery but not slavery as a war crime.⁵⁷⁶ Enslavement is defined as "the exercise of any sort of power attached to ownership over people and includes the exercise of such power in the course of trafficking people, in particular, women and children."⁵⁷⁷ Republic of Korea is a party to the Palermo Protocol.⁵⁷⁸

Under article 249 of the Criminal Procedure Act of 2009, the statute of limitations varies with the terms of punishment. Punishments for perpetrators of crimes against humanity are divided into two categories. First, perpetrators of crimes against humanity who "kills anyone by committing widespread or systematic attack directed against any civilian population pursuant to or in furtherance of a State or organizational policy" shall be subject to a "capital punishment, [or an] imprisonment of life or no less than 7 years."⁵⁷⁹ Accordingly, the statute of limitations for crimes punishable by a death penalty shall be 20 years.⁵⁸⁰ Second, perpetrators of crimes against humanity who committed the prohibited acts, without killing, "in pursuant to or in furtherance of a State or organizational policy to commit widespread or systematic attack directed against any civilian population," the punishment shall be an "imprisonment of life or no less than 5 years."⁵⁸¹ As such, the statute of limitations for crimes punishable by imprisonment for life shall be 15 years.⁵⁸²

Similarly, punishments for perpetrators of war crimes are also divided into two categories according to the nature of the armed conflict where war crimes were committed. First, perpetrators of war crimes in an

⁵⁷² [Republic of Korea, Constitution of 1948](#), art. 6.

⁵⁷³ [Id.](#)

⁵⁷⁴ [Republic of Korea, Criminal Code of 2013](#).

⁵⁷⁵ [Republic of Korea, Act on the Punishment of Crimes within the Jurisdiction of the International Criminal Court of 2007](#) [hereinafter ICC Act].

⁵⁷⁶ [Id.](#), arts. 9-10.

⁵⁷⁷ [ICC Act](#), *supra* note 575, art. 2(5).

⁵⁷⁸ [UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), (Nov. 15, 2000).

⁵⁷⁹ [Id.](#), art. 9(1).

⁵⁸⁰ [Republic of Korea, Criminal Procedure Act of 2009](#), art. 249(1) [hereinafter Criminal Procedure Act].

⁵⁸¹ [ICC Act](#), *supra* note 575, art. 9(2).

⁵⁸² [Criminal Procedure Act](#), *supra* note 580, art. 249(2).

international armed conflict (“IAC”) “shall be subject to capital punishment, imprisonment for life or no less than 7 years.”⁵⁸³ The criminal actions against perpetrators of war crimes in an IAC shall be subject to a 20-year statute of limitations.⁵⁸⁴ Those who commit war crimes in a non-international armed conflict (“NIAC”) “shall be subject to imprisonment of life or no less than 5 years.”⁵⁸⁵ The criminal actions against perpetrators of war crimes in an NIAC shall be subject to a 15-year statute of limitations.⁵⁸⁶

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Republic of Korea provides universal jurisdiction for war crimes, genocide, and crimes against humanity, but not torture in its ICC Act of 2007.⁵⁸⁷

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁵⁸⁸

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁵⁸⁹ Republic of Korea is state party to the Additional Protocol II.⁵⁹⁰

⁵⁸³ [ICC Act](#), *supra* note 575, art. 10(1).

⁵⁸⁴ [Criminal Procedure Act](#), *supra* note 580, art. 249(1).

⁵⁸⁵ [ICC Act](#), *supra* note 575, art. 10(2).

⁵⁸⁶ [Criminal Procedure Act](#), *supra* note 580, art. 249(2).

⁵⁸⁷ AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 94-95 (2012).

[Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁵⁸⁹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁵⁹⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), (June 8, 1977), INT’L HUMANITARIAN L. DATABASES.

SAMOA

Samoa's national acts contain provisions on the prohibition of slavery but not the slave trade. Samoa is state party to neither the 1926 Slavery Convention nor the 1956 Supplementary Slavery Convention. Samoa is a dualist state.⁵⁹¹

1. Constitutional Provisions: Slavery and the Slave Trade

Samoa's Constitution of 1962 does not contain a provision prohibiting slavery or the slave trade.⁵⁹²

2. Penal Code Provisions: Slavery and the Slave Trade

Samoa's Crimes Act of 2013 does not contain a provision prohibiting slavery or the slave trade.⁵⁹³ Part 13 of the Crimes Act criminalizes migrant smuggling, human trafficking, and dealing in persons for sexual exploitation without mention of slavery or the slave trade.⁵⁹⁴ Article 157 criminalizes dealing in persons below eighteen years of age but does not discuss slavery or the slave trade.⁵⁹⁵ Although *actus reus* elements of the slave trade are criminalized in article 157, the article does not prohibit the *mens rea* element of the slave trade.⁵⁹⁶ Note that Samoa is not state party to the Palermo Protocol.⁵⁹⁷

3. Other Relevant Acts and Provisions: Slavery

Article 6 of Samoa's International Criminal Court Act of 2007 ("ICC Act") refers to the crimes against humanity defined by article 7 of the Rome Statute, which would include enslavement and sexual slavery.⁵⁹⁸ Similarly, article 7 of the ICC Act refers to the war crimes defined by article 8(2) of the Rome Statute, which would include sexual slavery as war crimes in International armed conflicts and non-international armed conflicts.⁵⁹⁹ Article 15 of the ICC Act nullifies statutes of limitation by providing that the "crimes within the jurisdiction of the [International Criminal Court] shall not be subject to any law relating to the limitations of initiating proceedings in a court of law."⁶⁰⁰

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Samoa does not provide universal jurisdiction for war crimes or crimes against humanity in its ICC Act of 2007.⁶⁰¹

⁵⁹¹ [How Treaties become Law](#), PAC. ISLANDS LEGAL INFO. INST.

⁵⁹² [Samoa, Constitution of 1962 \(rev. 2017\)](#).

⁵⁹³ [Samoa, Crimes Act of 2013](#), arts. 153-157.

⁵⁹⁴ *Id.*

⁵⁹⁵ [Crimes Act of 2013](#), *supra* note 593, art. 157.

⁵⁹⁶ [Convention to Suppress the Slave Trade and Slavery](#), Sep. 25, 1926, 60 LNTS 253. [hereinafter 1926 Slavery Convention].

⁵⁹⁷ [UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), (Nov. 15, 2000).

⁵⁹⁸ [Samoa, International Criminal Court Act of 2007](#), art. 6. [hereinafter ICC Act]; *see also* [Rome Statute of the International Criminal Court](#) art. 7, July 17, 1998.

⁵⁹⁹ [ICC Act](#), *supra* note 598, art. 7; *see also* [Rome Statute of the International Criminal Court](#) art. 8(2), July 17, 1998.

⁶⁰⁰ [ICC Act](#), *supra* note 597 art. 16; *see also* [Rome Statute of the International Criminal Court](#) art. 29, (July 17, 1998).

⁶⁰¹ [ICC Act](#), *supra* note 597, art. 13(1) ("Where an act constituting an offence under sections 5, 6 or 7 is committed, proceedings may be instituted against that person for that offence in Samoa, if...(a) the offence is committed in Samoa; (b) the person is a citizen or permanent resident of Samoa; (c) the person has committed the offence against a citizen or permanent resident of Samoa; or (d) the person is, after the commission of the offence, present in Samoa."); *see also* AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 98-99 (2012).

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁶⁰²

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁶⁰³ Samoa is state party to the Additional Protocol II.⁶⁰⁴

⁶⁰² [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁶⁰³ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁶⁰⁴ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), (June 8, 1977), INT’L HUMANITARIAN L. DATABASES.

SOLOMON ISLANDS

Solomon Islands' constitution and national act on human trafficking prohibit slavery but not the slave trade. Solomon Islands' penal code prohibits the slave trade but not slavery. Solomon Islands is state party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Note that Solomon Islands is a dualist state.⁶⁰⁵

1. Constitutional Provisions: Slavery

Article 6 of Solomon Islands' Constitution of 1978 provides that “[n]o person shall be held in slavery or servitude.”⁶⁰⁶ However, the constitution does not prohibit the slave trade.

2. Penal Code Provisions: Slavery

Article 145 of Solomon Islands' Penal Code as amended by the Sexual Offense Act of 2016 includes slavery and practices similar to slavery as forms of exploitation of human trafficking.⁶⁰⁷ Additionally, article 251 of the penal code punishes anyone who “kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of” as a slave.⁶⁰⁸ Accordingly, article 251 prohibits discusses both the *mens rea* and some *actus reus* elements of the slave trade. However, the penal code does not prohibit or define slavery.

3. Other Relevant Acts and Provisions: Slavery as an Element of Exploitation of Human Trafficking

Article 70 of Solomon Islands' Immigration Act of 2012 defines exploitation as including “all forms of sexual exploitation (including sexual servitude and exploitation of another person's prostitution), forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs.”⁶⁰⁹ Accordingly, article 70 defines people trafficking as the recruiting, transporting, harboring, or receiving of “another person (the trafficked person) for the purposes of exploitation.”⁶¹⁰ Offenses related to human trafficking can be found in articles 76, 77 and 78 which discusses offense of people trafficking, trafficking in children, and exploitation of a trafficked person respectively.⁶¹¹ Note also that article 79 provides that consent of the trafficked person cannot be used as a defense for offenses under sections 76, 77, and 78.⁶¹²

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Solomon Islands does not provide a universal jurisdiction for slavery, the slave trade, enslavement, or sexual slavery.⁶¹³

⁶⁰⁵ [How Treaties become Law](#), PAC. ISLANDS LEGAL INFO. INST.

⁶⁰⁶ [Solomon Islands, Constitution of 1978](#), art. 6.

⁶⁰⁷ [Solomon Islands, Penal Code as amended by the Sexual Offense Act of 2016](#), art. 145 (“‘exploitation’ includes all forms of sexual exploitation (including sexual servitude), forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs.”).

⁶⁰⁸ [Id.](#), art. 251.

⁶⁰⁹ [Solomon Islands, Immigration Act of 2012](#), art. 70.

⁶¹⁰ [Id.](#)

⁶¹¹ [Id.](#), arts. 76-78.

⁶¹² [Id.](#), art. 79.

⁶¹³ AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 104 (2012).

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁶¹⁴

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁶¹⁵ Solomon Islands is state party to the Additional Protocol II.⁶¹⁶

⁶¹⁴ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁶¹⁵ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁶¹⁶ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), (June 8, 1977), INT’L HUMANITARIAN L. DATABASES.

STATE OF PALESTINE

State of Palestine's constitution, penal code and other national acts contain no provision on the prohibition of slavery or the slave trade. State of Palestine is state party to the 1956 Supplementary Slavery Convention but not the 1926 Slavery Convention. The State of Palestine applies both dualist and monist approaches to implementing international law.⁶¹⁷

1. Constitutional Provisions: Slavery and the Slave Trade

State of Palestine's Constitution of 2003 does not contain any provision on the prohibition of slavery or the slave trade.⁶¹⁸

2. Penal Code Provisions: Slavery and the Slave Trade

State of Palestine's Penal Code of 1936 does not contain any provision on the prohibition of slavery or the slave trade.⁶¹⁹

3. Other Relevant Acts and Provisions: Slavery and the Slave Trade

State of Palestine does not have any national act that contains provisions on the prohibition of slavery or the slave trade.

According to the U.S. Department of State's 2023 report on human trafficking in Israel, West Bank, and Gaza,⁶²⁰ West Bank is governed by "Jordanian, British Mandatory, and Ottoman statutes in effect before 1967, military ordinances enacted by the Israeli military commander in the West Bank, ... Palestinian Authority ("PA") law, as well as shari'a law." Gaza strip is subject to PA law, "Egyptian, British Mandatory, and Ottoman statutes, and shari'a law,"⁶²¹ while Hamas exercises *de facto* governmental control over the strip.⁶²² It is unclear whether Jordanian law which prohibits slavery and the slave trade⁶²³ applies in West Bank.⁶²⁴

Note that the Palestinian Mandate article 19 provides that "[t]he Mandatory shall adhere on behalf of the Administration of Palestine to any general international conventions already existing, or which may be concluded hereafter with the approval of the League of Nations, respecting the slave traffic."⁶²⁵ Article 19 of the Palestinian Mandate suggests that the Mandatory shall be responsible for preventing and prohibiting "slave traffic."⁶²⁶ Note also that State of Palestine is a party to the Palermo Protocol.⁶²⁷

⁶¹⁷ [Experts of the Committee against Torture Praise the State of Palestine for Supporting Female Victims of Violence, Ask about Conditions in Detention Centres and Torture Legislation](#) (July 20, 2022).

⁶¹⁸ [State of Palestine, Constitution of 2003 \(rev. 2005\)](#).

⁶¹⁹ [State of Palestine, Penal Code of 1936](#).

⁶²⁰ [2023 Trafficking in Persons Report: Israel, West Bank and Gaza](#), U.S. Department of States (2023).

⁶²¹ *Id.*

⁶²² [Global Slavery Index / Regional Findings: Arab States](#), WALK FREE [hereinafter Walk Free Database].

⁶²³ [Jordan, Abolition of Slavery Act of 1929](#), art. 2 *see also* [Jordan, Anti-Human Trafficking Law No. 9 of 2009](#), art. 3(A). (See detailed analysis of Jordanian domestic law related to slavery and the slave trade in the Jordan One-Pager memo.)

⁶²⁴ [Walk Free Database](#), *supra* note 622.

⁶²⁵ [The Palestine Mandate art. 19](#), July 24, 1922.

⁶²⁶ *Id.* (Although the term "slave traffic" is not defined within the mandate, the language suggests that a slave traffic could refer to both the slave trade and human trafficking.)

⁶²⁷ [UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), (Nov. 15, 2000).

4. Other Relevant Acts and Provisions: Universal Jurisdiction

State of Palestine does not provide for universal jurisdiction for war crimes, genocide, crimes against humanity, or torture in its Penal Code of 1936.⁶²⁸

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁶²⁹

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁶³⁰ State of Palestine is state party to the Additional Protocol II.⁶³¹

⁶²⁸ [Penal Code of 1936](#), *supra* note 619.

⁶²⁹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁶³⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁶³¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), (June 8, 1977), INT’L HUMANITARIAN L. DATABASES.

TAJIKISTAN

Tajikistan's national Law on Fight Against Human Trafficking contains provisions on the prohibition of slavery where it is included as a form of exploitation under Tajikistan's national act on human trafficking.⁶³² However, the Law on Fight Against Human Trafficking does not prohibit the slave trade. Tajikistan is state party to neither the 1926 Slavery Convention nor the 1956 Supplementary Slavery Convention. Tajikistan is a monist state.⁶³³

1. Constitutional Provisions: Slavery and the Slave Trade

Tajikistan's Constitution of 1994 does not contain any provision on the prohibition of slavery or the slave trade.⁶³⁴

2. Criminal Code Provisions: Slavery and the Slave Trade

Tajikistan's Criminal Code of 1998 does not contain any provision on the prohibition of slavery or the slave trade.⁶³⁵ Article 130 of the criminal code criminalizes kidnapping "for the purpose of sexual or other exploitation of the kidnapped person."⁶³⁶ The code does not define the term "other exploitation." This article also is named under Tajikistan's Law on Fight Against Human Trafficking as a crime related to human trafficking.⁶³⁷ An act punishable under article 130 is subject to imprisonment term of five to eight years⁶³⁸ and is considered a felony.⁶³⁹ Article 75 of the criminal code provides that the statute of limitations shall be ten years for felonies.⁶⁴⁰

3. Other Relevant Acts and Provisions: Slavery and the Slave Trade as a Form of Exploitation of Human Trafficking

Slavery also is found as a form of exploitation under Tajikistan's Law on Fight Against Human Trafficking. Article 1 defines human trafficking as the "purchasing or selling of a person either with his/her consent or not, by fraud, recruiting, concealment, transfer, transportation, kidnapping, ... in order to obtain consent of a person in control of other person as well as other forms of coercion with the purpose of ... slavery or customs similar to slavery."⁶⁴¹ Slavery is defined as the "status or position of a person towards whom some or all warranties intrinsic to the propriety title are realized."⁶⁴² The definition of slavery defined in article 1(g) is in line with the definition found in the 1926 Slavery Convention.⁶⁴³ Although article 1 describes both the *actus reus* and *mens rea* elements of the slave trade, it conflates the slave trade with human trafficking and does not prohibit the slave trade.

⁶³² [Tajikistan, The Law of the Republic of Tajikistan on Fight Against Human Trafficking](#), art. 1(k) [hereinafter The Law Against Human Trafficking].

⁶³³ [Tajikistan, Constitution of 1994 \(rev. 2016\)](#), art. 10.

⁶³⁴ *Id.*

⁶³⁵ [Tajikistan, Criminal Code of 1998](#), art. 130 [hereinafter Criminal Code of 1998].

⁶³⁶ *Id.*, art. 130(3)(b).

⁶³⁷ [The Law Against Human Trafficking](#), *supra* note 632.

⁶³⁸ *Id.*, art. 130(1).

⁶³⁹ *Id.*, art. 18(4).

⁶⁴⁰ *Id.*, art. 75(c).

⁶⁴¹ *Id.*, art. 1(a).

⁶⁴² *Id.*, art. 1(g).

⁶⁴³ [Slavery Convention art. 1, Sep. 25, 1926, 60 L.N.T.S. 254](#) ("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.").

Article 8 mentions “modern slave trade” when discussing the “[c]ompetence of the entities carrying out activities on fights against human trafficking.”⁶⁴⁴ However, there are no further mention of the slave trade within the law. Note that Tajikistan is state party to the Palermo Protocol.⁶⁴⁵

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Tajikistan provides for universal jurisdiction for war crimes, genocide, crimes against humanity, or torture in its Criminal Code of 1998 article 15(2).⁶⁴⁶

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁶⁴⁷

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁶⁴⁸ Tajikistan is state party to the Additional Protocol II.⁶⁴⁹

⁶⁴⁴ [The Law Against Human Trafficking](#), *supra* note 632, art. 8.

⁶⁴⁵ [UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), (Nov. 15, 2000).

⁶⁴⁶ [Criminal Code of 1998](#), *supra* note 4, art. 15(2) (“Foreign citizens and persons without citizenship not living constantly in the Republic Tajikistan are liable to criminal proceedings for crimes committed outside the Republic Tajikistan according to the present Code in the following cases: a) if they committed a crime prescribed by norms of International law recognized by the Republic of Tajikistan or interstate treaties and agreements; b) if they committed a felony or an especially grievous crime against citizens of Tajikistan or interests of the Republic Tajikistan.”) *see also* AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 111-12 (2012).

⁶⁴⁷ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁶⁴⁸ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁶⁴⁹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), (June 8, 1977), INT’L HUMANITARIAN L. DATABASES.

TIMOR-LESTE

Timor-Leste's constitution contains a provision on slavery while the penal code prohibits slavery and only the act of the slave trade. Timor-Leste's national act on human trafficking contains provisions on the prohibition of slavery. Slavery is included as a form of exploitation under Timor-Leste's penal code and national act on human trafficking. Timor-Leste is state party to neither the 1926 Slavery Convention nor the 1956 Supplementary Slavery Convention. Timor-Leste is a dualist state.⁶⁵⁰

1. Constitutional Provisions: Slavery

Article 25(5) of the Constitution of 2002 affirms that no “declaration of a state of siege” can affect the “right not to be subjected to ... slavery.”⁶⁵¹ The constitution contains no provision on the slave trade.

2. Penal Code Provisions: Slavery and the Slave Trade

Timor-Leste's Penal Code (Decree Law No. 19/2009) contains provisions on the prohibition of slavery and the slave trade and additionally slavery also is included as a form of exploitation under the prohibition of human trafficking.⁶⁵²

Article 162 of the penal code criminalizes slavery, defining slavery as “the state of submission of a person, even *de facto*, to powers corresponding to those of a property right, or any real right, or linked to the destination of a thing.”⁶⁵³ This definition is in line with the slavery definition found in the 1926 Slavery Convention.⁶⁵⁴ Also, because article 162 punishes an individual who “places another human being in a slave situation and uses him in that condition,” the punishments could extend to slave traders who also subject another person to slavery (i.e. perpetrate slavery).

Article 163 includes “slavery or practices similar to slavery” as a form of exploitation of human trafficking.⁶⁵⁵ The article criminalizes the recruiting, transporting, transferring, and lodging of persons by means of threats or coercion to “obtain the consent of a person who has authority over another” for the purposes of exploitation.⁶⁵⁶ Note that consent of the victim is considered irrelevant.⁶⁵⁷

Article 166 criminalizes the sale of persons, but it does not mention the required intent of the slave trade to subject another person to slavery.⁶⁵⁸ Therefore, only the *actus reus* element of the slave trade is captured under this article. The consent of the victim is also considered irrelevant.⁶⁵⁹

⁶⁵⁰ [Timor-Leste, Constitution of 2002](#), art. 9 (“Norms provided for in international conventions, treaties and agreements shall apply in the internal legal system of East Timor following their approval, ratification or accession by the respective competent organs and after publication in the official gazette.”).

⁶⁵¹ [Id.](#)

⁶⁵² [Timor-Leste, Penal Code \(Decree Law No. 19/2009\)](#) [hereinafter Penal Code].

⁶⁵³ [Id.](#), art. 162.

⁶⁵⁴ [Slavery Convention art. 1, Sep. 25, 1926, 60 L.N.T.S. 254](#) (“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.”).

⁶⁵⁵ [Penal Code](#), *supra* note 652, art. 163. (Exploitation is defined as “the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or organ harvesting.”).

⁶⁵⁶ [Id.](#), art. 163(1).

⁶⁵⁷ [Id.](#), art. 163(4).

⁶⁵⁸ [Id.](#), art. 166 (Provides that “[w]hoever, outside of the situations provided for in article 163, by any act or other form of transaction, transfers a person or group of people to another person or group of people upon payment of any amount or other consideration, reward or advantage, is punished with a prison sentence of 2 to 8 years.”).

⁶⁵⁹ [Id.](#), art. 166(3).

Article 124 enumerates enslavement and sexual slavery as crimes against humanity.⁶⁶⁰ However, articles on war crimes do not contain provisions on the prohibition of slavery or the slave trade.⁶⁶¹

3. Other Relevant Acts and Provisions: Slavery and the Slave Trade as a Form of Exploitation of Human Trafficking

Article 2 of the Law of Prevention and Fight Against Trafficking People⁶⁶² and Article 81 of Law No. 09/2003 Immigration and Asylum Act⁶⁶³ punish anyone who takes advantage of the “victim’s vulnerability” to “recruit, transfer, lodge or keep [the victims] with the purpose of exploiting them or placing them in ... slavery.” Timor-Leste is state party to the Palermo Protocol.⁶⁶⁴

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Timor-Leste provides for universal jurisdiction for war crimes, genocide, crimes against humanity, or torture in its Penal Code of 2009.⁶⁶⁵

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁶⁶⁶

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁶⁶⁷ Timor-Leste is state party to the Additional Protocol II.⁶⁶⁸

⁶⁶⁰ *Id.*, art. 124.

⁶⁶¹ *Id.*, arts. 125-130, 137.

⁶⁶² [Timor-Leste, Law No. 3/2017 on the Prevention and Fight Against Human Trafficking and Fourth Amendment to the Penal Code](#), art. 2.

⁶⁶³ [Timor-Leste, Law No. 09/2003 Immigration and Asylum Act](#), art. 81.

⁶⁶⁴ [UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), (Nov. 15, 2000).

⁶⁶⁵ [Penal Code](#), *supra* note 652, art. 8 (“Unless there is a treaty or convention to the contrary, Timorese criminal law is applicable to acts committed outside the territory of Timor-Leste in the following cases:...b) When they constitute the crimes provided for in articles 123 to 135, 161 to 169 and 175 to 178, provided that the agent is found in Timor-Leste and cannot be extradited or his non-surrender is decided.” Importantly, article 123 concerns genocide, article 124 concerns crimes against humanity including enslavement and sexual slavery, articles 125-130 concern war crimes, article 162 criminalizes slavery, article 163 criminalizes human trafficking, and article 167 concerns torture); *see also* AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 113 (2012).

⁶⁶⁶ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁶⁶⁷ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁶⁶⁸ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), (June 8, 1977), INT’L HUMANITARIAN L. DATABASES.

TOKELAU

Tokelau's constitution does not explicitly prohibit slavery or the slave trade, but it refers to the rights enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights ("ICCPR") both of which prohibit slavery and the slave trade. Tokelau is state party to the 1956 Supplementary Slavery Convention but not the 1926 Slavery Convention. Tokelau is a dualist state.⁶⁶⁹

1. Constitutional Provisions: Slavery and the Slave Trade

Article 16 of Tokelau's Constitution of 2006 recognizes the human rights stated in the Universal Declaration of Human Rights and the ICCPR both of which provides that "slavery and the slave trade shall be prohibited in all their forms."⁶⁷⁰

2. Penal Code Provisions: Slavery and the Slave Trade

Tokelau's Crimes, Procedure and Evidence Rules of 2003 does not contain a provision prohibiting slavery or the slave trade.⁶⁷¹

3. Other Relevant Acts and Provisions: Slavery and the Slave Trade

Tokelau does not have other relevant acts and provisions in its domestic legislation that contain provisions on slavery or the slave trade.⁶⁷²

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Tokelau does not provide universal jurisdiction for slavery, the slave trade, enslavement, or sexual slavery.⁶⁷³

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁶⁷⁴

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁶⁷⁵ Tokelau is not state party to the Additional Protocol II and New Zealand submitted a declaration upon its ratification of the Additional Protocol II providing that "The Government of New Zealand DECLARES that this ratification shall not extend to the Cook Islands, Niue and Tokelau."⁶⁷⁶

⁶⁶⁹ *How Treaties become Law*, PAC. ISLANDS LEGAL INFO. INST.

⁶⁷⁰ [Tokelau, Constitution of 2006](#), art. 16(1); *see also* [G.A. Res. 217 \(III\) A, Universal Declaration of Human Rights](#) art. 4 (Dec. 10, 1948); [International Covenant on Civil and Political Rights](#) art. 8, Dec. 16, 1966, 999 U.N.T.S. 171.

⁶⁷¹ [Tokelau, Crimes, Procedure and Evidence Rules of 2003](#).

⁶⁷² [2022 FINDINGS ON THE WORST FORMS OF CHILD LABOR: TOKELAU](#), U.S. DEP'T OF LAB, 2-3 (2022).

⁶⁷³ [Tokelau, Crimes, Procedure and Evidence Rules of 2003](#), *supra* note 671.

⁶⁷⁴ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

⁶⁷⁵ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁶⁷⁶ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), (June 8, 1977), INT'L HUMANITARIAN L. DATABASES.

TONGA

Tonga's constitution explicitly prohibits slavery but not the slave trade. Tonga is state party to the 1956 Supplementary Slavery Convention but not the 1926 Slavery Convention. Tonga is a dualist state.⁶⁷⁷

1. Constitutional Provisions: Slavery

Article 2 of Tonga's Constitution of 1875 prohibits slavery, stating that "[n]o person shall serve another against his will except he be undergoing punishment by law and any slave who may escape from a foreign country to Tonga (unless he be escaping from justice being guilty of homicide or theft or any great crime or involved in debt) shall be free from the moment he sets foot on Tongan soil for no person shall be in servitude under the protection of the flag of Tonga."⁶⁷⁸ However, the constitution does not mention the slave trade.

2. Penal Code Provisions: Slavery and the Slave Trade

Tonga's Criminal Offences Act as of 2016 does not contain a provision prohibiting slavery or the slave trade.⁶⁷⁹ However, article 128 criminalizes an abduction of women "with intent to marry or carnally know her or to cause her to be married or carnally known by any other person."⁶⁸⁰

3. Other Relevant Acts and Provisions: Slavery and the Slave Trade

Tonga does not have other relevant acts and provisions in its domestic legislation that contain provisions on slavery or the slave trade.⁶⁸¹

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Tonga does not provide universal jurisdiction for slavery, the slave trade, enslavement, or sexual slavery.⁶⁸²

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁶⁸³

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁶⁸⁴ Tonga is state party to the Additional Protocol II.⁶⁸⁵

⁶⁷⁷ [How Treaties become Law](#), PAC. ISLANDS LEGAL INFO. INST..

⁶⁷⁸ [Tonga, Constitution of 1875](#), art. 2.

⁶⁷⁹ [Tonga, Criminal Offences Act as of 2016](#).

⁶⁸⁰ *Id.*, art. 128.

⁶⁸¹ [2022 FINDINGS ON THE WORST FORMS OF CHILD LABOR: TONGA](#), U.S. DEP'T OF LAB, 2 (2022); *see also* [2023 Trafficking in Persons Report: Tonga](#), U.S. DEP'T OF STATE.

⁶⁸² [Tonga, Criminal Offences Act as of 2016](#), *supra* note 679.

⁶⁸³ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

⁶⁸⁴ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609. \

⁶⁸⁵ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), (June 8, 1977), INT'L HUMANITARIAN L. DATABASES.

TUVALU

Tuvalu's constitution explicitly prohibits slavery but not the slave trade. Tuvalu's penal code prohibits the slave trade but not slavery. Tuvalu is state party to neither the 1926 Slavery Convention nor the 1956 Supplementary Slavery Convention. Tuvalu is a dualist state.⁶⁸⁶

1. Constitutional Provisions: Slavery

Section 18 of Tuvalu's Constitution of 2023 provides that “no one shall...be held in slavery or servitude” where “slavery or servitude includes slavery or servitude within the meaning of any international or multinational convention or treaty prohibiting slavery or servitude to which Tuvalu is a party.”⁶⁸⁷ However, note that Tuvalu is party to neither the 1926 Slavery Convention nor the 1956 Supplementary Slavery Convention. Furthermore, the constitution does not mention the slave trade.

2. Penal Code Provisions: Slavery and the Slave Trade

Section 244 of Tuvalu's Penal Code of 2008 prohibits “[k]idnapping or abducting in order to subject person to grievous harm, slavery” where anyone who “kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to put in danger of being subjected, to grievous harm, or slavery, the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of” as a slave shall be guilty of felony.⁶⁸⁸ Accordingly, section 244 prohibits the *mens rea* and some of the *actus reus* elements of the slave trade. However, the penal code does not prohibit or define slavery.

Section 241 defines kidnapping as the act of conveying another person “beyond the limits of Tuvalu without the consent of that person, or of some person legally authorised to consent on behalf of that person” and defines abduction as the act of compelling another person by force or inducing another person by deceitful means “to go from any place.”⁶⁸⁹ The definition of kidnapping suggests that consent of the kidnapped person or “some person legally authorised to consent on behalf of that person” might be a valid defense.

3. Other Relevant Acts and Provisions: Slavery and the Slave Trade

Tuvalu does not have other relevant acts and provisions in its domestic legislation that contain provisions on slavery or the slave trade.⁶⁹⁰

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Tuvalu provides universal jurisdiction for grave breaches of the Geneva Conventions pursuant to sections 8 and 9 of Tuvalu Red Cross Society and Geneva Conventions Act 2013.⁶⁹¹ Section 8(2) defines grave breaches under the Act as grave breaches of the Geneva Conventions, Additional Protocols I and III to the

⁶⁸⁶ [How Treaties become Law](#), PAC. ISLANDS LEGAL INFO. INST.

⁶⁸⁷ [Tuvalu, Constitution of 2023](#), § 18.

⁶⁸⁸ [Tuvalu, Penal Code of 2008](#), § 244.

⁶⁸⁹ *Id.*, § 241 (“For the purposes of this Part — (a) any person who conveys any person beyond the limits of Tuvalu without the consent of that person, or of some person legally authorised to consent on behalf of that person, is said to kidnap that person; and (b) any person who by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.”).

⁶⁹⁰ U.S. DEP’T OF LAB, [2022 FINDINGS ON THE WORST FORMS OF CHILD LABOR: TUVALU](#) 2 (2022); *see also* [2022 Country Reports on Human Rights Practices: Tuvalu](#), U.S. DEP’T OF STATE.

⁶⁹¹ [Tuvalu Red Cross Society and Geneva Conventions Act 2013](#), §§ 8-9. (Section 8(1) provides that: “(1) Any person, whatever his or her nationality, who, in Independent State of Tuvalu or elsewhere, commits, or aids, abets or procures any other person to commit, a grave breach of any of the Conventions, of Protocol I or of Protocol III, is guilty of an indictable offence.”).

Geneva Conventions which do not include slavery, the slave trade, enslavement, or sexual slavery.⁶⁹² In addition, Tuvalu's penal code does not provide universal jurisdiction for slavery, the slave trade, enslavement, or sexual slavery.⁶⁹³

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁶⁹⁴

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁶⁹⁵ Tuvalu is not state party to the Additional Protocol II.⁶⁹⁶

⁶⁹² Grave breaches are defined as the acts “committed against persons or property protected by the Convention [including]: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.” See [Geneva Convention Relative to the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field](#) art. 50, Aug. 12, 1949, 6 U.S.T. 3114, 75 U.N.T.S. 31; [Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea](#) art. 51, Aug. 12, 1949, 6 U.S.T. 3217, 75 U.N.T.S. 85; [Geneva Convention Relative to the Treatment of Prisoners of War](#) art. 130, Aug. 12, 1949, 6 U.S.T. 3316, 75 U.N.T.S. 135; [Geneva Convention Relative to the Treatment of Prisoners of War](#) art. 130, Aug. 12, 1949, 6 U.S.T. 3316, 75 U.N.T.S. 135; [Geneva Convention Relative to the Protection of Civilian Persons in Time of War](#) art. 147, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287; [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts \(Protocol I\)](#), arts. 11 ¶¶ 2-4, 85, June 8, 1977, 1125 U.N.T.S. 3; [Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem \(Protocol III\)](#), Dec. 8, 2005, 2404 U.N.T.S. 261; see also AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 116 (2012).

⁶⁹³ [Tuvalu, Penal Code of 2008](#), *supra* note 688, § 5 (“[s]ubject to the provisions of this Code, this Code shall apply to every place within Tuvalu or within the territorial limits thereof.”).

⁶⁹⁴ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; see also [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁶⁹⁵ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁶⁹⁶ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), (June 8, 1977), INT’L HUMANITARIAN L. DATABASES.

VANUATU

Vanuatu's penal code prohibits slavery and the slave trade. Vanuatu's national act on terrorism and transnational organized crime prohibits slavery as a form of exploitation under a provision on the prohibition of human trafficking. Additionally, Vanuatu's case law prohibits slavery but not the slave trade. Vanuatu is state party to neither the 1926 Slavery Convention nor the 1956 Supplementary Slavery Convention. Note that Vanuatu is a dualist state.⁶⁹⁷

1. Constitutional Provisions: Slavery and the Slave Trade

Vanuatu's Constitution of 1980 does not contain any provision on the prohibition of slavery or the slave trade.⁶⁹⁸

2. Penal Code Provisions: Slavery and the Slave Trade

Vanuatu's Penal Code of 2006 contains provisions on the prohibition of slavery and the slave trade.⁶⁹⁹ Article 5 on international offenses provides that Vanuatu's criminal law shall apply to "slave trading."⁷⁰⁰ Article 102 of the code prohibits slavery, providing that "[n]o person shall (a) take or keep another in slavery; or (b) engage in any traffic in person."⁷⁰¹ However, slavery is not defined within the penal code.

Slavery is punishable by an imprisonment term of twenty years, and article 15 provides that the statute of limitations shall be twenty years for crimes punishable by imprisonment term more than ten years.⁷⁰² Article 7 provides that consent of the victim shall not be used as a defense if "the purpose of the act was to inflict serious physical or mental injury incompatible with the well-being of the victim."⁷⁰³

3. Other Relevant Acts and Provisions: Slavery as a Form of Exploitation of Human Trafficking

Slavery also is included as a form of exploitation of human trafficking. Article 34 of Vanuatu's Counter Terrorism and Transnational Organised Crime Act of 2005 prohibits trafficking in persons for the purpose of exploitation, including slavery.⁷⁰⁴ Trafficking in persons is defined in article 2 as "the recruitment, transportation, transfer, harbouring or receipt of a person for the purpose of exploitation," and exploitation is defined as "all forms of sexual exploitation (including sexual servitude and exploitation of another person's prostitution), forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs."⁷⁰⁵

4. Case Law: Slavery as a Form of Exploitation of Human Trafficking

In 2022, the Vanuatu Supreme Court sentenced four Bangladeshis for human trafficking and slavery in *Prosecutor v. Somon*, 2022 Case No. 19/404 SC/CRML.⁷⁰⁶ The four defendants were engaged in luring and trafficking 107 Bangladeshis to Vanuatu to exploit their labor.⁷⁰⁷ The victims were led to believe that they will be joining a "millionaire entrepreneur and his chain of clothing boutiques."⁷⁰⁸ Instead, the victims were

⁶⁹⁷ [How Treaties become Law](#), PAC. ISLANDS LEGAL INFO. INST..

⁶⁹⁸ [Vanuatu, Constitution of 1980 \(rev. 2013\)](#).

⁶⁹⁹ [Vanuatu, Penal Code of 2006](#).

⁷⁰⁰ *Id.*, art. 5(1).

⁷⁰¹ *Id.*, art. 102.

⁷⁰² *Id.*, art. 15(a).

⁷⁰³ *Id.*, art. 7(1).

⁷⁰⁴ [Vanuatu, Counter Terrorism and Transnational Organised Crime Act of 2005](#), art. 34.

⁷⁰⁵ *Id.*, art. 2.

⁷⁰⁶ [Prosecutor v. Somon](#), 2022 Case No. 19/404 SC/CRML [hereinafter *Prosecutor v. Somon*].

⁷⁰⁷ *Id.*

⁷⁰⁸ [Paradise prison: How 107 Bangladeshis became enslaved on a Pacific island](#), AL JAZEERA.

held captive in Vanuatu for five years⁷⁰⁹ under “harsh and repressive conditions” and were subject to “unfamiliar manual labour and excessive working hours.”⁷¹⁰ Vanuatu Supreme Court affirmed that a slave refers to “a person taken or kept (used) in slavery which means a person held as property and ‘taking or keeping (using) another in slavery’ involves an intentional use of power over that person, as though that person was the property and under the control of the taker or keeper (user).”⁷¹¹ The Supreme Court also described human trafficking and slavery as “two sides of the same coin” where human trafficking offenses “capture the means by which you brought the victim to Vanuatu for the purpose of exploiting them,” while slavery offense “capture the means by which you exploited them once here in Vanuatu.”⁷¹² Note that Vanuatu is not a party to the Palermo Protocol.⁷¹³ However, the Supreme Court recognized Vanuatu’s obligations under the Palermo Protocol despite not being a party to it.⁷¹⁴ The Supreme Court’s opinion in *Prosecutor v. Somon* illustrates a connection drawn between human trafficking and slavery within in Vanuatu’s case law. The Supreme Court did not discuss the slave trade in its opinion.

5. Other Relevant Acts and Provisions: Universal Jurisdiction

Vanuatu provides universal jurisdiction for slave trading in article 5 of its Penal Code of 2006.⁷¹⁵ Vanuatu also provides universal jurisdiction for grave breaches of the Geneva Conventions in its Geneva Conventions Act but they do not include slavery, the slave trade, enslavement, or sexual slavery.⁷¹⁶ Vanuatu does not provide universal jurisdiction for crimes against humanity in its domestic legislation.⁷¹⁷

⁷⁰⁹ *Id.*

⁷¹⁰ *Prosecutor v. Somon*, *supra* note 706, at 5-6 ¶ 18.

⁷¹¹ *Id.*, at 7 ¶ 28.

⁷¹² *Id.*, at 11 ¶ 60.

⁷¹³ [UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), (Nov. 15, 2000).

⁷¹⁴ *Prosecutor v. Somon*, *supra* note 706, at 11 ¶ 59.

⁷¹⁵ [Vanuatu, Penal Code of 2006](#), *supra* note 3, art. 5 (“(1) The criminal law of the Republic shall apply to piracy, hijacking of aircraft, traffic in persons, slave trading and traffic in narcotics committed within or beyond the territory of the Republic.”); *see also* AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 121 (2012).

⁷¹⁶ [Vanuatu, Geneva Conventions Act of 1982](#), art. 5 (“Where a person has committed an act or omission that is an offence by virtue of section 4 [grave breaches of the Geneva Conventions], the offence is within the competence of and may be tried and punished by the court having jurisdiction in respect of similar offences in Vanuatu.” Grave breaches in article 4 of the Act refer to the grave breaches defined as the acts “committed against persons or property protected by the Convention [including]: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.”); *see* [Geneva Convention Relative to the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field](#) art. 50, Aug. 12, 1949, 6 U.S.T. 3114, 75 U.N.T.S. 31; [Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea](#) art. 51, Aug. 12, 1949, 6 U.S.T. 3217, 75 U.N.T.S. 85; [Geneva Convention Relative to the Treatment of Prisoners of War](#) art. 130, Aug. 12, 1949, 6 U.S.T. 3316, 75 U.N.T.S. 135; [Geneva Convention Relation to the Treatment of Prisoners of War](#) art. 130, Aug. 12, 1949, 6 U.S.T. 3316, 75 U.N.T.S. 135; [Geneva Convention Relative to the Protection of Civilian Persons in Time of War](#) art. 147, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287.

⁷¹⁷ AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 121 (2012).

6. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁷¹⁸

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁷¹⁹ Vanuatu is state party to the Additional Protocol II.⁷²⁰

⁷¹⁸ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁷¹⁹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁷²⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), (June 8, 1977), INT’L HUMANITARIAN L. DATABASES.

EASTERN EUROPE



EASTERN EUROPE REGIONAL ANALYSIS

This section analyzes the Eastern European ASP countries' domestic legislation on slavery and the slave trade, providing an overview of existing domestic legislation while underscoring similarities and trend among different states' domestic legislation when discussing slavery and slave trade. Additionally, this section considers both regional and international treaty commitments by the Eastern European ASP countries and the implementation of those treaties through domestic law.

There are eighteen (18) ASP countries in Eastern Europe. Ten (10) countries are party to the 1926 Slavery Convention. Fourteen (14) countries are party to the 1956 Supplementary Slavery Convention. Three (3) countries have a provision on slavery in their constitutions. No country in Eastern Europe prohibits the slave trade in its constitution. Six (6) countries prohibit slavery within their penal or criminal codes. Six (6) countries prohibit some form of the slave trade within their penal codes. Thirteen (13) countries include enslavement as a crime against humanity and five (5) countries include sexual slavery. One (1) country explicitly includes enslavement as a war crime, while two (2) countries include sexual slavery as a war crime. Three (3) countries incorporate trafficking instead of enslavement into their domestic incorporation of the Rome Statute, while three (3) countries incorporate sexual violence instead of sexual slavery. Twelve (12) countries include slavery as a form of exploitation under an offense of trafficking.

A complete list of states in each category can be found in the **Eastern Europe Regional Summary**.

1. Constitutional Provisions: Slavery and the Slave Trade

Three (3) countries include slavery in their constitutions: Bosnia and Herzegovina, Montenegro, and Serbia. Serbia includes a dedicated article that prohibits slavery and servitude as well as “all forms of human trafficking,” forced labor, sexual and financial exploitation, and prison labor.⁷²¹ Alternatively, Bosnia and Montenegro include slavery as components of their human rights or “dignity and inviolability of a person” protections.⁷²² None of these countries provide clear definitions for slavery, nor do they include the slave trade in their constitutional provisions.

The constitutions of Albania, Bulgaria, Croatia, Czechia, Estonia, Georgia, Hungary, Latvia, Lithuania, North Macedonia, Poland, Republic of Moldova, Romania, Slovakia, and Slovenia do not contain provisions prohibiting slavery or the slave trade.

2. Penal Code Provisions: Slavery

Six (6) countries share nearly identical penal code statutes on slavery:⁷²³ Bosnia and Herzegovina, Croatia, Montenegro, North Macedonia, Serbia, and Slovenia.⁷²⁴ For example, Article 446 of Montenegro's Criminal Code states:

⁷²¹ [Constitution of Serbia, 2006](#), art. 26 (“No person may be kept in slavery or servitude. All forms of human trafficking are prohibited.”).

⁷²² [Constitution of Montenegro, 2007 \(rev. 2013\)](#), art. 28 (“Dignity and inviolability of persons: No one can be subjected to torture or inhuman or degrading treatment.”).

⁷²³ See [Bosnia's Criminal Code \(2003\)](#), art. 185; see also [Serbia's Criminal Code \(2019\)](#), art. 390; [Republic of North Macedonia's Criminal Code \(2018\)](#), art. 418; [Montenegro's Criminal Code \(2011\)](#), art. 446; [Croatia's Criminal Code \(2004\)](#), art. 105.

⁷²⁴ [Slovenia's Criminal Code \(2005\)](#), art. 112. While the text of Slovenia's statute is identical to that of the other countries listed, they do categorize the provision as “enslavement.”

Article 446. Submission to Slavery and Transportation of Enslaved Persons

Anyone who, **in breach of rules of international law**, submits another person to **slavery or other similar position or keeps another person in such a position**, or who buys, sells, surrenders to another person or mediates in buying, selling or surrendering of such a person or who incites another person to **sell his own freedom or freedom of persons** he supports or cares for shall be punished by a prison term **from one to ten years**.⁷²⁵

These parallel statutes likely derive from these countries' historical unification as the former Yugoslavia.

3. Penal Code Provisions: The Slave Trade

Six (6) countries also share similar penal code statutes on transportation for persons in slavery: Bosnia and Herzegovina, Croatia, Montenegro, North Macedonia, Serbia, and Slovenia. Each of these provisions directly follows their slavery provisions. Bosnia, Serbia, Slovenia, North Macedonia, and Montenegro share the following language:

Article 418: Founding a slave relationship and transportation of persons in slavery:

(2) A person, who transports persons under a slavery or similar relationship from one country to another, shall be punished with imprisonment of six months to five years.⁷²⁶

Croatia's statute deviates slightly by removing the "one country to another" phrase:

Article 105: Slavery

(2) Whoever **transports people who are in slavery or similar relation**, shall be punished by imprisonment for six months to five years.⁷²⁷

Aside from these five (5) states, Albania includes a prohibition against "maltreatment or deportation for slave labor" within its war crimes provision.⁷²⁸

4. Penal Code Provisions: Slavery but not the Slave Trade

Three (3) countries include provisions on slavery but no provisions resembling slave trade: Poland, Republic of Moldova, and Romania. Poland defines slavery as "a state of dependence in which man is treated as the subject of property"⁷²⁹ and punishes anyone who causes "a person to be held in a state of slavery."⁷³⁰ Republic of Moldova and Romania share nearly identical statutes:

Article 167: Slavery and Conditions Similar to Slavery

Placing or keeping a person in conditions where another person owns him/her or forcing the person through deceit, coercion, violence or the threat of violence to enter into or remain in an extramarital or marital relationship shall be punished by imprisonment for 3

⁷²⁵ [Criminal Code of Montenegro \(2011\)](#), art. 446.

⁷²⁶ [North Macedonia's Criminal Code \(2018\)](#), art. 418.

⁷²⁷ [Croatia's Criminal Code \(2004\)](#), art.105

⁷²⁸ [Albania's Criminal Code \(2001\)](#), art. 75 ("Offences committed by different persons at war time, such as murder, maltreatment or deportation for slave labor, as well as any other inhuman exploitation to the detriment of civil population or in occupied territory, the killing or maltreatment of war prisoners, the killing of hostages, destruction of private or public property, destruction of towns, commons or villages, which are not ordained from military necessity, are sentenced with no less than fifteen years, or life imprisonment.").

⁷²⁹ [Poland's Criminal Code \(1997\)](#), art.115, § 23.

⁷³⁰ [Id.](#), art. 118A, § 2(1).

to 10 years with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.⁷³¹

Under its provisions for exploitation for forced labor or services, Lithuania criminalizes “forcing a person to work under the conditions of slavery,”⁷³² but provides no further description for such conditions.

5. Penal Code Provisions: Enslavement as a Crime Against Humanity

Thirteen (13) countries have adopted Article 7(1)(c) of the Rome Statute’s language on enslavement as a crime against humanity. Albania includes “enslaving” under its crimes against humanity section in its criminal code.⁷³³ Similarly, Latvia includes “enslavement” as a crime against humanity.⁷³⁴ Slovenia also includes enslavement within its crimes against humanity section as “performing of a particular or all justifications arising from the property right over a person carrying out such justification in trafficking in human beings, especially women and children.”⁷³⁵

6. Penal Code Provisions: Sexual Slavery as a Crime Against Humanity

Five (5) countries have adopted Article 7(1)(g) of the Rome Statute’s language on sexual slavery as a crime against humanity. Georgia includes sexual slavery among a list of enumerates crimes that mirror Article 7 of the Rome Statute.⁷³⁶ North Macedonia shifts slightly by including “sexual exploitation or slavery” among their list of crimes against humanity.⁷³⁷

7. Penal Code Provisions: Trafficking as a Crime Against Humanity

There are four (4) countries that enumerate trafficking as a crime against humanity in place of enslavement. For example, Romania’s criminal code states:

Art. 429: Crimes against humanity

(1) The act of committing, as part of a generalized or systematic attack on a civilian population, one of the following offenses:

(c) **Slavery or trafficking** in human beings, especially women or children...⁷³⁸

Lithuania does not mention slavery at all and opts for “engages in trafficking in human beings” in lieu of enslavement.⁷³⁹

⁷³¹ [Republic of Moldova’s Criminal Code \(2009\)](#), art. 167.

⁷³² [Lithuania’s Criminal Code \(2000\)](#), art. 147(1) (“A person who commits the act indicated in paragraph 1 of this Article by forcing a person to work under the conditions of slavery or under other inhuman conditions.”).

⁷³³ [Albania’s Criminal Code \(2001\)](#), art. 74.

⁷³⁴ [Latvia’s Criminal Code \(2012\)](#), § 71.2 ; *see also* [Bosnia’s Criminal Code \(2003\)](#), art. 172; [Croatia’s Criminal Code \(2004\)](#), art. 90; [Czechia’s Criminal Code \(2009\)](#), art. 401; [Serbia’s Criminal Code \(2019\)](#), art. 371.

⁷³⁵ [Slovenia’s Criminal Code \(2005\)](#), art. 101.

⁷³⁶ [Georgia’s Criminal Code \(2003\)](#), art. 408 (“Crime against humanity means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, expressed in murder, massive extermination, serious injury to body or health, deportation, forced confinement, torture, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, persecution against any identifiable group on political, racial, national, ethnic, cultural, religious, gender or other grounds, the crime of apartheid, other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health”); *see also* [Latvia’s Criminal Code \(2012\)](#), § 71.2; [Lithuania’s Criminal Code \(2000\)](#), art. 100; [Slovakia’s Criminal Code \(2005\)](#), § 425.

⁷³⁷ [North Macedonia’s Criminal Code \(2018\)](#), art. 403-A.

⁷³⁸ [Romania’s Criminal Code \(2014\)](#), art. 439; *see also* [Republic of Moldova’s Criminal Code \(2009\)](#), art. 135.

⁷³⁹ [Lithuania’s Criminal Code \(2000\)](#), art. 100; *see also* [Hungary’s Criminal Code \(2019\)](#), § 143(d).

8. Penal Code Provisions: Sexual Violence as a Crime Against Humanity

Three (3) countries decline to include sexual slavery as a crime against humanity. For example, Republic of Moldova's criminal code states:

Article 135: Offenses against humanity

The commission, in a generalized or systematic attack launched against a civil population aware of such attack, of one of the following acts:

(e) rape, sexual exploitation, coercion to prostitution, illegal detention of a woman impregnated in a forced way, for the purpose of altering the ethnic composition of a population, forced sterilization or any other form of sexual violence...⁷⁴⁰

Alternatively, Hungary's criminal code states:

Article 143: Crimes Against Humanity

f) forces another person to commit or tolerate sexual violence, forces others into prostitution or to bear a child, or into illegal abortion...⁷⁴¹

9. Penal Code Provisions: Slavery as an Element of Exploitation or Human Trafficking

Twelve (12) countries include slavery as a form of exploitation under an offense of human trafficking. Slovakia includes "slavery or practices similar to slavery" as a form of sexual exploitation under their trafficking in human beings provision,⁷⁴² while Latvia's definition of human trafficking provisions lists slavery as a form of exploitation generally.⁷⁴³ Croatia's trafficking in human beings statute includes "establishing slavery or similar status" as a method through which traffickers assert control over persons.⁷⁴⁴

Georgia's trafficking statute criminalizes subjecting a human being to practices similar to slavery or to modern-day slavery. Modern-day slavery means: "creation of such conditions when the person performs certain work or renders services in favor of another person in return for payment, inadequate payment or without payment, and he/she is not able to change these circumstances because of his/her dependence on that person."⁷⁴⁵

⁷⁴⁰ [Republic of Moldova's Criminal Code \(2009\)](#), art. 135; *see also* [Romania's Criminal Code \(2014\)](#), art. 439.

⁷⁴¹ [Hungary's Criminal Code \(2019\)](#), § 143(d).

⁷⁴² [Slovakia's Criminal Code \(2005\)](#), § 179 ("Any person who . . . by misusing his powers, or abusing of defenselessness or other vulnerable position, entices, transports, harbors, hands over or takes over another person, even upon his consent, for the purposes of his prostitution or another form of sexual exploitation, including pornography, forced labor or domestic slavery, slavery or practices similar to slavery, bondage . . . shall be liable to a term of imprisonment of four to ten years."); *see also* [Criminal Code of the Republic of Albania \(2001\)](#), art. 110(a); [Criminal Code of North Macedonia \(2018\)](#), art. 418; [Poland's Penal Code \(1997\)](#), art. 115, § 22.

⁷⁴³ [Latvia's Criminal Code \(2012\)](#), § 154(3) ("Within the meaning of this Section, exploitation is . . . the holding of a person in slavery or other similar forms thereof (debt slavery, serfdom or compulsory transfer of a person into dependence upon another person), and the holding a person in servitude . . ."); *see also* [Czechia's Penal Code \(2009\)](#), § 168; [Lithuania's Criminal Code \(2000\)](#), art. 147(1).

⁷⁴⁴ [Croatia's Criminal Code \(2004\)](#), art. 106; *see also* [Bosnia's Criminal Code \(2003\)](#), art. 135; [Republic of Moldova's Criminal Code \(2009\)](#), art. 165.

⁷⁴⁵ [Georgia's Criminal Code \(2003\)](#), art. 143-1 ("Subjecting a human to modern-day slavery shall mean creation of such conditions when the person performs certain work or renders services in favor of another person in return for payment, inadequate payment or without payment, and he/she is not able to change these circumstances because of his/her dependence on that person.").

Within its penal code, Romania uniquely criminalizes “trafficking in slaves” under its slavery provision.⁷⁴⁶

10. Victim’s Consent as a Defense to Trafficking Offenses

Seven (7) countries establish that a victim’s consent to being trafficked is neither relevant nor a valid defense available to perpetrators of trafficking offenses: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Georgia, Romania, and Slovakia.

11. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁷⁴⁷

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁷⁴⁸ All eighteen Eastern European ASP States are parties to AP II.⁷⁴⁹

⁷⁴⁶ [Romania’s Penal Code \(2014\)](#), art. 209 (“Pressing of keeping an individual in a state of slavery, as well as the trafficking in slaves shall be punishable by no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights.”).

⁷⁴⁷ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; see also [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁷⁴⁸ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, *adopted* June 8, 1977, 1125 U.N.T.S. 609.

⁷⁴⁹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.

EASTERN EUROPEAN REGIONAL SUMMARY

There are **eighteen (18) ASP countries** in Eastern Europe. These countries are:

Albania	Georgia	Poland
Bosnia and Herzegovina	Hungary	Republic of Moldova
Bulgaria	Latvia	Romania
Croatia	Lithuania	Serbia
Czechia	Montenegro	Slovakia
Estonia	North Macedonia	Slovenia

Of those States there are **ten (10) State Parties to the 1926 Slavery Convention**. These countries are:

Bulgaria	Hungary	Romania
Croatia	Latvia	Slovakia
Czechia	North Macedonia	
Estonia	Poland	

There are **seventeen (17) State Parties to the 1956 Supplementary Convention on the Abolition of Slavery**. These countries are:

Albania	Hungary	Romania
Bosnia and Herzegovina	Latvia	Serbia
Bulgaria	Montenegro	Slovakia
Croatia	North Macedonia	Slovenia
Czechia	Poland	

There are **three (3) countries that prohibit slavery in their constitution**. These countries are:

Bosnia and Herzegovina	Montenegro	Serbia
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There are **six (6) countries that prohibit slavery in their penal or criminal codes**. These countries are:

Bosnia and Herzegovina	North Macedonia
Croatia	Serbia
Montenegro	Slovenia

There are **six (6) countries that prohibit slave trade in their penal or criminal codes**. These countries are:

Bosnia and Herzegovina	North Macedonia
Croatia	Serbia
Montenegro	Slovenia

There are **thirteen (13) countries that prohibit enslavement as a crime against humanity**. These countries are:

Albania	Croatia	Latvia
Bosnia and Herzegovina	Czechia	Montenegro

North Macedonia
Poland
Republic of Moldova

Romania
Serbia
Slovakia

Slovenia

There are **five (5) countries that prohibit sexual slavery as crime against humanity**. These countries are:

Georgia
North Macedonia
Latvia

Lithuania
Slovakia

There are **four (4) countries that enumerate trafficking as a crime against humanity in place of enslavement**. These countries are:

Lithuania
Hungary

Romania
Republic of Moldova

There are **three (3) countries that enumerate sexual violence as a crime against humanity in place of sexual slavery**. These countries are:

Hungary
Republic of Moldova

Romania

There are **twelve (12) countries that prohibit slavery as a form of exploitation under an offense of human trafficking**. These countries are:

Albania
Bosnia and Herzegovina
Croatia
Czechia
Georgia
Latvia

Lithuania
North Macedonia
Poland
Republic of Moldova
Romania
Slovakia

ALBANIA

Albania does not prohibit slavery or the slave trade in its constitution. Albania does prohibit enslavement as a crime against humanity and “maltreatment or deportation for slave labor” as a war crime in their criminal code. Albania also prohibits slavery as a form of exploitation under an offense of human trafficking. Albania’s approach to implementing treaties suggests that it is a monist state.⁷⁵⁰

1. Penal Code Provisions: Enslavement and the Slave Trade

Article 74 of Albania’s Criminal Code prohibits enslavement as a crime against humanity.⁷⁵¹ The statute states that “murder, enforced disappearance, extermination, enslaving, internment and expulsion and any other kind of human torture or violence committed according to a concrete premeditated plan or systematically, against a group of the civil population for political, ideological, racial, ethnical and religious motives, shall be punishable...”⁷⁵² Additionally, Article 75 includes “maltreatment or deportation for slave labor” as a war crime.⁷⁵³ This demonstrates a partial codification of the slave trade.

2. Penal Code Provisions: Slavery as a Form of Exploitation Under an Offense of Human Trafficking

Article 110(a) of Albania’s Criminal Code identifies “slavery or similar practices” as a form of exploitation under an offense of human trafficking.⁷⁵⁴ This statute does not further define “slavery or similar practices.”

3. Other Relevant Acts and Provisions: Universal Jurisdiction

Albania provides universal jurisdiction for war crimes, crimes against humanity, genocide, and torture.⁷⁵⁵ Albania enumerates enslavement as a crime against humanity.

⁷⁵⁰ Fisnik Korenica and Dren Doli, *The Relationship Between International Treaties and Domestic Law: A View from Albanian Constitutional Law and Practice*, 24 PACE INT’L L. REV. 92, 96 (2012).

⁷⁵¹ *Criminal Code of the Republic of Albania (2001)*, art. 74.

⁷⁵² *Id.*

⁷⁵³ *Id.*, art. 75.

⁷⁵⁴ *Id.*, art. 110(a) (“The recruitment, transport, transfer, hiding or reception of persons through threat or the use of force or other forms of compulsion, kidnapping, fraud, abuse of office or taking advantage of social, physical or psychological condition or the giving or receipt of payments or benefits in order to get the consent of a person who controls another person, with the purpose of exploitation of prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or forms similar to slavery, putting in use or transplanting organs, as well as other forms of exploitation, both within and beyond the territory of the Republic of Albania, shall be punishable by imprisonment from eight to fifteen years.”).

⁷⁵⁵ *Id.*, art. 7(a) (“The criminal law of the Republic of Albania is also applicable to the foreign citizen, being in the territory of the Republic of Albania and not extradited, and having committed one of the following offenses outside of the territory of the Republic of Albania: a) crimes against humanity; b) war crimes; c) genocide; ç) offenses for terrorist purposes; d) torture; dh) financing of terrorism. The criminal law of the Republic of Albania is also applicable to the foreign citizen committing one of the criminal offenses outside of the territory of the Republic of Albania, for which specific laws or international agreements, where Republic of Albania is a party, provide for applicability of Albanian criminal law.”).

4. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁷⁵⁶

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁷⁵⁷ Albania is state party to AP II.⁷⁵⁸

⁷⁵⁶ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁷⁵⁷ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁷⁵⁸ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.

BULGARIA

Bulgaria does not prohibit slavery or the slave trade in its constitution or penal code. Bulgaria prohibits slavery as a form of exploitation under an offense of human trafficking. Bulgaria is a State Party to the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Bulgaria's approach to implementing treaties suggests that it is a monist state.⁷⁵⁹

1. Other Relevant Acts and Provisions: Slavery as a Form of Exploitation Under an Offense of Human Trafficking

Bulgaria's Law on Countering Trafficking in Human Beings (2003) prohibits slavery as a form of exploitation under an offense of human trafficking. The Law defines "exploitation" as "the illegal use of human beings for debauchery, removal of physical organs, forced labor, slavery or servitude."⁷⁶⁰

2. Other Relevant Acts and Provisions: Universal Jurisdiction

Bulgaria provides universal jurisdiction for war crimes, crimes against humanity, and genocide.⁷⁶¹ Bulgaria does not enumerate enslavement, sexual slavery, or the slave trade as war crimes or crimes against humanity.

3. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁷⁶²

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁷⁶³ Bulgaria is state party to AP II.⁷⁶⁴

⁷⁵⁹ COUNCIL OF EUROPE, Krassimira Sredkova, *The European Social Charter in Bulgaria* (2021) ("Under Article 5(4) of the [Bulgarian] Constitution, international instruments that have been ratified by and become effective for the country after their promulgation become part of the directly applicable legislation.").

⁷⁶⁰ [Law on Countering Trafficking in Human Beings \(2003\)](#), art. 1.

⁷⁶¹ [Bulgaria's Criminal Code](#), art. 6(1) ("The Criminal Code shall also apply to foreign citizens who have committed abroad crimes against peace and humanity, whereby the interests of another state or foreign citizens have been affected. The Criminal Code shall also apply to other crimes committed by foreign citizens abroad, where this is stipulated in an international agreement to which the Republic of Bulgaria is a party.").

⁷⁶² [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

⁷⁶³ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁷⁶⁴ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT'L HUMANITARIAN L. DATABASES.

CZECHIA

Czechia does not have domestic legislation on the slave trade. Czechia prohibits slavery as a form of exploitation under an offense of human trafficking. Czechia also prohibits enslavement and sexual slavery as crimes against humanity. Czechia is a State Party to the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Czechia's approach to implementing treaties suggests that it is a monist state.⁷⁶⁵

1. Penal Code Provisions: Slavery as a Form of Exploitation Under an Offense of Human Trafficking

Section 168 of Czechia's Penal Code prohibits slavery as a form of exploitation under an offense of human trafficking. This statute does not further define "slavery or servitude."⁷⁶⁶

2. Penal Code Provisions: Enslavement and Sexual Slavery as Crimes Against Humanity

Section 401 of Czechia's Penal Code fully incorporates Article 7 of the Rome Statute. The statute states "Whoever commits within an extensive and systematic attack aimed against civilians...b) enslavement...d) rape, sexual slavery...shall be sentenced to imprisonment for twelve to twenty years or to an exceptional sentence of imprisonment."⁷⁶⁷

3. Other Relevant Acts and Provisions: Universal Jurisdiction

Czechia provides universal jurisdiction for war crimes, crimes against humanity, genocide, and torture.⁷⁶⁸ Czechia enumerates enslavement and sexual slavery as crimes against humanity.

4. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁷⁶⁹

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁷⁷⁰ Czechia is state party to AP II.⁷⁷¹

⁷⁶⁵ Zdenek Kuhn, "The Czech Republic: From a Euro-Friendly Approach of the Constitutional Court to Proclaiming a Court of Justice Judgment Ultra Vires", in NATIONAL CONSTITUTIONS IN EUROPEAN AND GLOBAL GOVERNANCE: DEMOCRACY, RIGHTS, THE RULE OF LAW (2019) ("The 2001 "Euro-amendment" to the Constitution changed the original Czechoslovak and then Czech approach to international law from a dualist system to a system closer to the monist ideal.").

⁷⁶⁶ [Czechia's Penal Code \(2009\)](#), § 168 ("Whoever forces, procures, hires, incites, entices, transports, conceals, detains or consigns a child to be used by another for...d) slavery or servitude...shall be sentenced to imprisonment for two to ten years.").

⁷⁶⁷ [Czechia's Penal Code \(2009\)](#), § 401.

⁷⁶⁸ [Subsidiary Principle of Universality, Czechia's Penal Code \(2009\)](#), § 8 ("The law of the Czech Republic shall apply to assessment of criminality of an act committed abroad by a foreign national or a person without a nationality to who has not been granted permanent residence in the territory of the Czech Republic, also when the act was committed in favor of a legal entity with a registered office or branch in the territory of the Czech Republic, or in favor of a natural person who is an entrepreneur with an enterprise, branch or place of business in the territory of the Czech Republic.").

⁷⁶⁹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; see also [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

⁷⁷⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁷⁷¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT'L HUMANITARIAN L. DATABASES.

ESTONIA

Estonia does not have any domestic legislation on slavery, sexual slavery, or the slave trade. Estonia is a State Party to the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Estonia's approach to implementing treaties suggests that it is a monist state.⁷⁷²

1. Other Relevant Acts and Provisions: Universal Jurisdiction

Estonia provides universal jurisdiction for war crimes, crimes against humanity, and genocide.⁷⁷³ However, Estonia does not enumerate slavery, sexual slavery, or the slave trade as crimes against humanity or war crimes.

2. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁷⁷⁴

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁷⁷⁵ Estonia is state party to AP II.⁷⁷⁶

⁷⁷² Hannes Vallikivi, *Estonian Civil Code in European Private Law Context*, JURIDICA (2001) (“[O]n the basis of the wording of subsection 123(2) of the Constitution and the enforcement and implementation practice of treaties, we may claim that Estonia's approach to treats (at least those enforced by the *Riigikogu*) is monist.”).

⁷⁷³ [Applicability of penal law to acts against internationally protected legal rights](#), *Estonia's Penal Code* (2009), § 8 (“Regardless of the law of the place of commission of an act, the penal law of Estonia shall apply to any acts committed outside the territory of Estonia if the punishability of the act arises from an international obligation binding on Estonia.”).

⁷⁷⁴ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; . see also [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁷⁷⁵ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁷⁷⁶ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.

FORMER YUGOSLAVIA

There are six (6) states that make up the former Yugoslavia. These countries are Bosnia and Herzegovina (hereinafter “Bosnia”), Croatia, Montenegro, North Macedonia, Serbia and Slovenia. Given their historical unification, these countries share strong similarities in their domestic legislation related to slavery and the slave trade. All six countries are States Parties to the 1926 Slavery Convention and 1956 Supplementary Slavery Convention. These countries are split between dualist and monist approaches to implementing treaties.⁷⁷⁷

1. Constitutional Provisions: Slavery and the Slave Trade

Three (3) countries include slavery in their constitutions: Bosnia and Herzegovina, Montenegro, and Serbia. Serbia includes a dedicated article that prohibits slavery and servitude as well as “all forms of human trafficking,” forced labor, sexual and financial exploitation, and prison labor.⁷⁷⁸ Alternatively, Bosnia and Montenegro include slavery as components of their human rights or “dignity and inviolability of a person” protections.⁷⁷⁹ None of these countries provide clear definitions for slavery, nor do they include the slave trade in their constitutional provisions.

The constitutions of Croatia, North Macedonia, and Slovenia do not contain provisions prohibiting slavery or the slave trade.

2. Penal Code Provisions: Slavery

Six (6) countries share nearly identical penal code statutes on slavery⁷⁸⁰: Bosnia and Herzegovina, Croatia, Montenegro, North Macedonia, Serbia, and Slovenia.⁷⁸¹ For example, Article 446 of Montenegro’s Criminal Code states:

Article 446. Submission to Slavery and Transportation of Enslaved Persons

(2) Anyone who, **in breach of rules of international law**, submits another person to **slavery or other similar position or keeps another person in such a position**, or who buys, sells, surrenders to another person or mediates in buying, selling or surrendering of such a person or who incites another person to **sell his own freedom or freedom of persons** he supports or cares for shall be punished by a prison term **from one to ten years**.⁷⁸²

3. Penal Code Provisions: The Slave Trade

Six (6) countries also share similar penal code statutes on transportation for persons in slavery: Bosnia and Herzegovina, Croatia, Montenegro, North Macedonia, Serbia, and Slovenia. Each of these provisions directly follows their slavery provisions. Bosnia, Serbia, Slovenia, North Macedonia, and Montenegro share the following language:

⁷⁷⁷ [Bosnia](#), [North Macedonia](#), and [Slovenia](#) follow a dualist model while [Croatia](#), [Montenegro](#), and [Serbia](#) following a monist model.

⁷⁷⁸ [Serbia’s Constitution of 2006](#), art. 26: “No person may be kept in slavery or servitude. All forms of human trafficking are prohibited.”

⁷⁷⁹ [Montenegro’s Constitution of 2007 with Amendments through 2013](#), art. 28. “Dignity and inviolability of persons: No one can be subjected to torture or inhuman or degrading treatment.”

⁷⁸⁰ See [Criminal Code of the Federation of Bosnia and Herzegovina](#), art. 185 (2003); see also [Criminal Code of Serbia](#), art. 390; [Republic of Macedonia’s Criminal Code](#), art. 418; [Criminal Code of Montenegro](#), art. 446; see also [Criminal Code of Croatia](#), art. 105.

⁷⁸¹ [Slovenia Criminal Code](#), art. 112. While the text of Slovenia’s statute is identical to that of the other countries listed, they do categorize the provision as “enslavement.”

⁷⁸² [Criminal Code of Montenegro](#), art. 446.

Article 418: Founding a slave relationship and transportation of persons in slavery:

(2) A person, who transports persons under a slavery or similar relationship from one country to another, shall be punished with imprisonment of six months to five years.⁷⁸³

Croatia's statute deviates slightly by removing the "one country to another" phrase:

Article 105: Slavery

(2) Whoever **transports people who are in slavery or similar relation**, shall be punished by imprisonment for six months to five years.⁷⁸⁴

Besides these five states, Albania includes a prohibition against "maltreatment or deportation for slave labor" within its war crimes provision.⁷⁸⁵

4. Penal Code Provisions: Slavery as a Form of Exploitation under an Offense of Human Trafficking

Of these countries, only Croatia includes slavery as an element of human trafficking. Croatia's trafficking in human beings statute includes "establishing slavery or similar status" as a method through which traffickers assert control over persons.⁷⁸⁶

5. Penal Code Provisions: Enslavement and Sexual Slavery as Crimes Against Humanity and War Crimes

All six (6) countries fully incorporate Articles 7 and 8 of the Rome Statute in their domestic laws with some minor deviations. For example, Croatia's statute for crimes against humanity fully defines enslavement:

Article 90: Crimes Against Humanity

(1) Whoever violates the rules of international law as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(c) enslave a person so over it performs some or all of the powers attaching to the right of ownership, including the exercise of such powers in human trafficking.⁷⁸⁷

However, Serbia's statute provides a brief list of enumerated crimes from Article 7 of the Rome Statute:

Article 371: Crimes against Humanity

Whoever in violation of the rules of international law, as part of a wider and systematic attack against civilian population orders:

murder; inflicts on the group conditions of life calculated to bring about its complete or partial extermination, **enslavement**, deportation, torture, rape; forcing to prostitution;

⁷⁸³ [Republic of Macedonia's Criminal Code](#), art. 418.

⁷⁸⁴ [Criminal Code of Croatia](#), art. 105.

⁷⁸⁵ [Criminal Code of the Republic of Albania](#), art. 75 ("Offences committed by different persons at war time, such as murder, maltreatment or deportation for slave labor, as well as any other inhuman exploitation to the detriment of civil population or in occupied territory, the killing or maltreatment of war prisoners, the killing of hostages, destruction of private or public property, destruction of towns, commons or villages, which are not ordained from military necessity, are sentenced with no less than fifteen years, or life imprisonment.").

⁷⁸⁶ *Supra* note 3, [Criminal Code of Croatia](#), art. 106.

⁷⁸⁷ [Criminal Code of Croatia \(2004\)](#), art. 90.

forcing pregnancy or sterilization aimed at changing the ethnic balance of the population...shall be punished by imprisonment of minimum five years or imprisonment of thirty to forty years.⁷⁸⁸

Sexual slavery usually appears within a list of enumerated crimes. For example, see Slovenia's statute for crimes against humanity:

Article 101: Crimes against Humanity:

Whoever orders or carries out the following acts, which are part of a larger systematic attack against the civilian population and of which the perpetrators is aware:

rape, **sexual slavery**, enforced prostitution, forced pregnancy which means illegal detention of a woman who got pregnant by duress with the intention to affect ethnical structure of any population or to perform other severe violations of international law, enforced sterilization, or any other form of sexual violence of comparable gravity.⁷⁸⁹

6. Other Relevant Acts and Provisions: Universal Jurisdiction

All six (6) countries provide universal jurisdiction for genocide, war crimes, and crimes against humanity.⁷⁹⁰ Each country includes enslavement and sexual slavery as war crimes and crimes against humanity.

7. National Case Law: Sexual Slavery

In 2007, in the *Janković* case, the Appellate Panel of the Court of Bosnia and Herzegovina held that the following elements constitute the crime against humanity of sexual slavery: "(i) intentional exercise of any or all of the powers attaching to the right of ownership over a person; (ii) the perpetrator subjected [the] victim to sexual intercourse on one or more occasions."⁷⁹¹

8. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁷⁹²

⁷⁸⁸ [Criminal Code of Serbia \(2019\)](#), art. 371.

⁷⁸⁹ [Criminal Code of Slovenia \(2005\)](#), art. 101.

⁷⁹⁰ [Criminal Code of Serbia \(2019\)](#), art. 9 ("(1) Criminal legislation of Serbia shall also apply to a foreigner who commits a criminal offense against Serbia or its citizen outside the territory of Serbia other than those specified hereof, if they are found on the territory of Serbia or returned to the Republic of Serbia. (2) Criminal legislation of Serbia shall also apply to a foreigner who commits a criminal offence abroad against a foreign state or foreign citizen, when such offence is punishable by five years' imprisonment or a heavier penalty, pursuant to laws of the country of commission if such person is found on the territory of Serbia and is not returned to the foreign state. Unless otherwise provided by this Code, the court may not impose in such cases a penalty heavier than set out by the law of the country where the criminal offence was committed."); See also [Criminal Code of Bosnia \(2003\)](#), art. 9; [Criminal Code of Croatia \(2004\)](#), arts. 14(4), 5; [Criminal Code of Montenegro \(2011\)](#), art. 137; [Criminal Code of North Macedonia \(2018\)](#), art. 119; [Criminal Code of Slovenia \(2005\)](#), arts. 11, 13(2).

⁷⁹¹ International Committee of the Red Cross, "[Practice Relating to Rule 94, Slavery and Slave Trade: Bosnia and Herzegovina](#)."

⁷⁹² [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; see also [Lieber Code \(1863\)](#), arts. 42, 58; [IMT Charter \(Nuremberg\) \(1945\)](#), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10 \(1945\)](#), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁷⁹³ Czechia is state party to AP II.⁷⁹⁴

⁷⁹³ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.](#)

⁷⁹⁴ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.](#)

GEORGIA

Georgia does not have domestic legislation on the slave trade. Georgia prohibits slavery as a form of exploitation under an offense of human trafficking in both its criminal code and in a separate national act. Georgia also prohibits sexual slavery as a crime against humanity. Georgia is not a State Party to the 1926 Slavery Convention or the 1956 Supplementary Slavery Convention. Georgia's approach to implementing treaties suggests that it is a monist state.⁷⁹⁵

1. Penal Code Provisions: Slavery as a Form of Exploitation Under an Offense of Human Trafficking

Article 143 of Georgia's Criminal Code prohibits "practices similar to slavery or to modern-day slavery" as a form of exploitation under an offense of human trafficking.⁷⁹⁶ The statute further states: "Subjecting a human being to modern-day slavery shall mean creation of such conditions when the person performs certain work or renders services in favor of another person in return for payment, inadequate payment or without payment, and he/she is not able to change these circumstances because of his/her dependence on that person."⁷⁹⁷

2. Other Relevant Acts: Slavery as a Form of Exploitation Under an Offense of Human Trafficking

The Law of Georgia on Combatting Human Trafficking (2006) builds upon its criminal code provision.⁷⁹⁸ However, the Law's definition of slavery as exploitation is "putting a person in slavery-like conditions or conditions of contemporary slavery."⁷⁹⁹ The statute defines "slavery-like conditions" as "the status or condition of a person as defined in the [1956 Supplementary Slavery Convention]."⁸⁰⁰ This provision's reference is compelling considering that Georgia is not a signatory to the 1956 Convention.

Finally, the Law defines "putting a person in contemporary conditions of slavery" as "deprivation of a person of his/her identity documents, limitation to the person of his/her right to free movement, prohibition to the person of communication with his family, including written correspondence and telephone contacts, cultural isolation of a person, coercion of a person to work in degrading conditions and/or without any compensation or with inadequate compensation."⁸⁰¹

3. Penal Code Provisions: Sexual Slavery as a Crime Against Humanity

Article 408 of Georgia's Criminal Code substantially incorporates Article 7 of the Rome Statute. The statute states "Crime against humanity means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, expressed in...sexual slavery..."⁸⁰² However, enslavement is not in the list of enumerated crimes that Georgia provides in this statute.

⁷⁹⁵ Giorgi Nakashidze, *Constitution of Georgia, Primacy of International Law, and Ex Post Constitutional Review of Treaties*, 1 L.J. CONST. CT. GEOR. 81, 87 (2022) ("The legal system in Georgia adopts the principle of incorporation, as it does not require the implementation of additional legislative action to make a treaty norm a part of domestic law. In this sense, Georgia largely leans towards the monistic approach.").

⁷⁹⁶ *Georgia's Criminal Code (2003)*, art. 143.

⁷⁹⁷ *Id.*

⁷⁹⁸ The Law attributes the definition of human trafficking to Article 143 of Georgia's Criminal Code. *Law of Georgia on Combatting Human Trafficking (2006)*, art. 3(a).

⁷⁹⁹ *Id.*, art. 3(d).

⁸⁰⁰ *Id.*, art. 3(g).

⁸⁰¹ *Id.*, art. 3(h).

⁸⁰² *Crime Against Humanity, Georgia's Criminal Code (2003)*, art. 408.

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Georgia provides universal jurisdiction for war crimes, crimes against humanity, and genocide.⁸⁰³ Georgia enumerates sexual slavery as a crime against humanity.

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁸⁰⁴

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁸⁰⁵ Georgia is state party to AP II.⁸⁰⁶

⁸⁰³ [Criminal Liability for Crimes Committed Abroad, Georgia's Criminal Code \(2003\)](#), art. 5 (“(2) Citizens of Georgia and persons having a status of stateless person in Georgia who have committed abroad such act that is stipulated by this Code and that is not considered to be a crime under the legislation of the state where it was committed, shall be criminally liable under this Code, provided that the act constitutes a serious or particularly serious crime directed against the interests of Georgia or if criminal liability for this crime is prescribed by the treaties to which Georgia is a party. (3) Foreigners and stateless persons who commit crimes abroad shall be criminally liable under this Code, provided that the act constitutes a serious or particularly serious crime against the interests of Georgia or If criminal liability for this crime is prescribed by treaties to which Georgia is a party.”).

⁸⁰⁴ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; ; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁸⁰⁵ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁸⁰⁶ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.

HUNGARY

Hungary does not have domestic legislation on the slave trade. Hungary does not explicitly prohibit slavery as a form of exploitation under an offense of human trafficking. Hungary prohibits human trafficking as a crime against humanity, but not enslavement or sexual slavery. Hungary is a State Party to the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Hungary's approach to implementing treaties suggests that it is a dualist state.⁸⁰⁷

1. Penal Code Provisions: Slavery as a Form of Exploitation Under an Offense of Human Trafficking

Article 192 of Hungary's Criminal Code may provide for some prohibition of slavery as a form of exploitation under an offense of human trafficking. Section 3 states "whoever recruits, transfers, takes over, sells, buys, exchanges, transfers or takes over for the purpose of committing an act specified in subsection (2)⁸⁰⁸, acquires, transports, accommodates, hides, conceals shall be punished by imprisonment for a term of two to eight years."⁸⁰⁹

2. Penal Code Provisions: Crimes Against Humanity

Article 143 of Hungary's Criminal Code does not prohibit enslavement or sexual slavery as crimes against humanity. The statute states: "Any person who – being part of a widespread or systematic practice...d) engages in the trafficking in human beings or in exploitation in the form of forced labor...f) forces another person to commit or tolerate sexual violence...is guilty..."⁸¹⁰ While this provision demonstrates some incorporation of Article 7 of the Rome Statute, slavery has been explicitly omitted in Hungary's domestic legislation.

3. Other Relevant Acts and Provisions: Universal Jurisdiction

Hungary provides universal jurisdiction for war crimes, crimes against humanity, and genocide.⁸¹¹ Hungary does not enumerate enslavement or sexual slavery as crimes against humanity.

⁸⁰⁷ *Hungary: 4. International Agreements and the Fundamental Principles of International Law*, EUR. JUST.: NAT. LEGIS. (2020) ("The Government of Hungary may conclude international agreements with other states or the governments of other states. In Hungary, the relationship between international agreements and domestic law is based on a dualist system; that is, international agreements become part of national law via their promulgation by legal regulations.").

⁸⁰⁸ *Hungary's Criminal Code (2019)*, art. 192(2) ("Whoever, for the purpose of obtaining a regular advantage for work, the performance of a work-type activity, other services or the continuation of an illegal act (a) deceives, abuses the victim's education, supervision, care, medical treatment or any other power or influence in relation to the victim, or exploits the victim's vulnerable position, or (b) coerces by force or threat.").

⁸⁰⁹ *Hungary's Criminal Code (2019)*, art. 192(3).

⁸¹⁰ *Id.*, art. 143.

⁸¹¹ *Hungary's Criminal Code (2019)*, art. 3 ("Hungarian criminal law shall apply to: a) acts committed by persons other than Hungarian nationals abroad if the act aa) constitutes a criminal offense under Hungarian law and is also punishable under the law of the place where it was committed, ab) is a criminal offense against the State...whether or not the act is punishable under the law applicable to the locality where it was committed, ac) is...any other criminal offense to be prosecuted under an international treaty promulgated in Act.").

4. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁸¹²

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁸¹³ Hungary is state party to AP II.⁸¹⁴

⁸¹² [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁸¹³ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁸¹⁴ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.

LATVIA

Latvia does not have domestic legislation on the slave trade. Latvia prohibits slavery as a form of exploitation under an offense of human trafficking. Latvia also prohibits enslavement and sexual slavery as crimes against humanity. Latvia is a State Party to the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Latvia's approach to implementing treaties suggests that it is a monist state.⁸¹⁵

1. Penal Code Provisions: Slavery as a Form of Exploitation Under an Offense of Human Trafficking

Section 154.2 of Latvia's Criminal Code prohibits slavery as a form of exploitation under an offense of human trafficking. This statute states: "[E]xploitation is...the holding of a person in slavery or other forms thereof (debt slavery, serfdom or compulsory transfer of a person into dependence upon another person)..."⁸¹⁶

2. Penal Code Provisions: Enslavement and Sexual Slavery as Crimes Against Humanity

Section 71.2 of Latvia's Criminal Code fully incorporates Article 7 of the Rome Statute. The statute states "For a person who commits crimes against humanity, that is, for an activity which is performed as part of vast or systematic offensive to civilians and which has been expressed as...enslavement...involvement of a person into sexual slavery...the applicable punishment is life imprisonment or deprivation of liberty for a term of not less than three and not exceeding twenty years."⁸¹⁷

3. Other Relevant Acts and Provisions: Universal Jurisdiction

Latvia provides universal jurisdiction for war crimes, crimes against humanity, and genocide.⁸¹⁸ Latvia enumerates enslavement and sexual slavery as crimes against humanity.

4. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁸¹⁹

⁸¹⁵ Kristine Kruma & Sandijs Statkus, *The Constitution of Latvia – A Bridge Between Traditions and Modernity*, in NATIONAL CONSTITUTIONS IN EUROPEAN AND GLOBAL GOVERNANCE: DEMOCRACY, RIGHTS, THE RULE OF LAW (2019). ("The classification of monism and dualism is not of major importance in Latvia. Scholars have rightly classified the Latvian as de facto monism...Domestic laws refer to situations of collision between international and national law, but judges tend to prefer to apply international law.").

⁸¹⁶ [Latvia's Criminal Code \(2012\)](#), § 154.2(3).

⁸¹⁷ *Id.*, § 71.2.

⁸¹⁸ [Latvia's Criminal Code \(2012\)](#), art. 4 ("Latvian citizens and non-citizens, and aliens or stateless persons who have a permanent residence permit for the Republic of Latvia, shall be held liable in accordance with this Law for a criminal offence committed in the territory of another state. Soldiers of the Republic of Latvia who are located outside the territory of Latvia shall be held liable for criminal offences in accordance with this Law, unless it is provided otherwise in international agreements binding upon the Republic of Latvia.").

⁸¹⁹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; see also [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁸²⁰ Latvia is state party to AP II.⁸²¹

⁸²⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.](#)

⁸²¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\), 8 June 1977, INT'L HUMANITARIAN L. DATABASES.](#)

LITHUANIA

Lithuania does not have domestic legislation on the slave trade. Lithuania prohibits slavery as a form of exploitation under an offense of human trafficking. Lithuania also prohibits enslavement and sexual slavery as crimes against humanity. Lithuania is not a State Party to the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Experts believe that Lithuania contains elements of both monist and dualist models.⁸²²

1. Penal Code Provisions: Slavery as a Form of Exploitation Under an Offense of Human Trafficking

Article 147(1) of Lithuania's Criminal Code describes what constitutes exploitation under an offense of human trafficking. It states that "forcing a person to work under the conditions of slavery or under other inhuman conditions shall be punished by arrest or by imprisonment for up to eight years."⁸²³ The statute does not further explain "conditions of slavery."

2. Penal Code Provisions: Sexual Slavery as Crimes Against Humanity and War Crimes

Article 100 of Lithuania's Criminal Code substantially incorporates Article 7 of the Rome Statute. The statute states: "A person who intentionally, by carrying out or supporting the policy of the state or an organization, attacks civilians on a large scale or in a systematic way...engages in trafficking in human beings...involves in sexual slavery...shall be punished by imprisonment for a term of five to twenty years..."⁸²⁴ Additionally, Article 104 of Lithuania's Criminal Code prohibits several war crimes. It states that "a person who, in time of war or during an armed conflict or under the conditions of occupation or annexation and in violation of norms of international humanitarian law...involves them in sexual slavery...shall be punished by imprisonment for a term of three to fifteen years."⁸²⁵

3. Other Relevant Acts and Provisions: Universal Jurisdiction

Lithuania provides universal jurisdiction for war crimes, crimes against humanity, and genocide.⁸²⁶ Lithuania enumerates sexual slavery as a crime against humanity and war crime, but not enslavement.

4. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁸²⁷

⁸²² Vaidotas A. Vaičaitis, *Constitutional History, Territory, People, in THE REPUBLIC OF LITHUANIA* (2016) ("The Lithuanian national legal system and international law contains elements of both the monist and dualist models.").

⁸²³ [Lithuania's Criminal Code \(2000\)](#), art. 147(1).

⁸²⁴ *Id.*, art. 100.

⁸²⁵ *Id.*, art. 104.

⁸²⁶ ("The law of the Czech Republic shall apply to assessment of criminality of an act committed abroad by a foreign national or a person without a nationality to who has not been granted permanent residence in the territory of the Czech Republic, also when the act was committed in favor of a legal entity with a registered office or branch in the territory of the Czech Republic, or in favor of a natural person who is an entrepreneur with an enterprise, branch or place of business in the territory of the Czech Republic.").

⁸²⁷ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁸²⁸ Lithuania is state party to AP II.⁸²⁹

⁸²⁸ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.](#)

⁸²⁹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.](#)

POLAND

Poland prohibits slavery as a form of exploitation under an offense of human trafficking. Poland also prohibits slavery as a crime against humanity. Additionally, Poland has reported to the UN Human Rights Committee that it prohibits slavery, the slave trade, and servitude. Poland is a State Party to the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Poland's approach to implementing treaties suggests that it is a monist state.⁸³⁰

1. Penal Code Provisions: Slavery as a Form of Exploitation Under an Offense of Human Trafficking

Article 115 of Poland's Penal Code prohibits slavery as a form of exploitation under an offense of trafficking. The statute defines human trafficking as recruiting or transporting a person using "material or personal benefit or promise to a person who carries or supervises another person in order to use...slavery or other forms of exploitation."⁸³¹ The statute further defines slavery as "a state of dependence in which man is treated as the subject of property."⁸³²

2. Penal Code Provisions: Enslavement and Sexual Slavery as Crimes Against Humanity

Article 118A of Poland's Penal Code substantially incorporates Article 7 of the Rome Statute. The statute states: "Whoever takes part in a mass attack or even in one of repeated attacks directed against a population group taken to implement or support a policy of a state or organization 1) causes a person to commit or be held in a state of slavery...shall be punished by imprisonment for no less than 5 years..."⁸³³ This provision does not explicitly mention sexual slavery but instead prohibits "rape or violence, unlawful or deceptive conduct [that] otherwise violates sexual freedom of a person."⁸³⁴

3. State Practice: Slavery and the Slave Trade

In Poland's fifth Periodic Report to the Human Rights Committee, it stated that it "unconditionally observes the prohibition of slavery, the slave trade, and servitude" through its obligations from Article 8 of the International Covenant on Civil and Political Rights (ICCPR) and the 1956 Supplementary Slavery Convention.⁸³⁵

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Poland provides universal jurisdiction for war crimes, crimes against humanity, and genocide, and torture.⁸³⁶ Czechia enumerates enslavement as a crime against humanity, but not sexual slavery.

⁸³⁰ Lukasz Kulaga, *The Implementation of International Agreements in the Polish Legal System: The Selected Aspects of Practice in Recent Two Decades*, 9 POLISH REV. OF INT. AND EUR. L. 125 (2020) ("Although the practice is not uniform, the Polish system of implementing international agreements into the domestic law is closer to monist rather than dualist systems.").

⁸³¹ *Poland's Penal Code (1997)*, art. 115, § 22.

⁸³² *Id.*, § 23.

⁸³³ *Id.*, art. 118A.

⁸³⁴ *Id.*

⁸³⁵ International Committee of the Red Cross, *Poland*, Practice Related to Rule 94: Slavery and Slave Trade.

⁸³⁶ *Poland's Penal Code (1997)*, art. 110, § 2 ("Polish criminal law applies to foreigners who have committed a prohibited act abroad other than those listed in § 1, if, under Polish criminal law, the prohibited act is subjected to a penalty exceeding two years imprisonment where the offender is in the Republic of Poland and where no decision of his or her extradition has been taken.").

5. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁸³⁷

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁸³⁸ Poland is state party to AP II.⁸³⁹

⁸³⁷ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁸³⁸ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁸³⁹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.

MOLDOVA

Republic of Moldova does not have domestic legislation on the slave trade, but the country does prohibit slavery in its penal code. Republic of Moldova also prohibits slavery as a form of exploitation under an offense of human trafficking. Republic of Moldova also prohibits enslavement as a crime against humanity. Republic of Moldova is not a State Party to the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Republic of Moldova's approach to implementing treaties suggests that it is a monist state.⁸⁴⁰

1. Penal Code Provisions: Slavery

Article 167 of Republic of Moldova's Criminal Code prohibits "slavery and conditions similar to slavery." The provision states: "Placing or keeping a person in conditions where another person owns him/her or forcing the person through deceit, coercion, violence or the threat of violence to enter into or remain in an extramarital or marital relationship shall be punished by imprisonment for 3 to 10 years with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years."⁸⁴¹

2. Penal Code Provisions: Slavery as a Form of Exploitation Under an Offense of Human Trafficking

Article 165 of Republic of Moldova's Criminal Code prohibits human trafficking. The statute states that "the recruitment, transportation...for the purpose of commercial or non-commercial sexual exploitation...for slavery or similar conditions...shall be punished by imprisonment for 5 to 12 years."⁸⁴² The provision does not further define "slavery or similar conditions."

3. Penal Code Provisions: Enslavement and Sexual Slavery as Crimes Against Humanity

Article 135 of Republic of Moldova's Criminal Code prohibits enslavement as a crime against humanity but does not explicitly prohibit sexual slavery. The provision states: "The commission, in a generalized or systematic attack launched against a civil population aware of such attack, of one of the following acts: a) subjecting to slavery or human trafficking...e) rape, sexual exploitation, coercion to prostitution, illegal detentions of a woman impregnated in a forced way, for the purpose of altering the ethnic composition of a population, forced sterilization or any form of sexual violence...is punishable by imprisonment from 15 to 20 years."⁸⁴³

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Republic of Moldova provides universal jurisdiction for war crimes, crimes against humanity, genocide, and torture.⁸⁴⁴ Republic of Moldova enumerates enslavement as a crime against humanity, but not sexual slavery.

⁸⁴⁰ WHITE & CASE LLP, [Access to Justice for Children: Moldova](#) (2014) ("The Republic of Moldova is a monist jurisdiction, meaning that ratified international treaties automatically become part of its legal system and have the force of law.").

⁸⁴¹ [Republic of Moldova's Criminal Code \(2009\)](#), art. 167.

⁸⁴² *Id.*, art. 165.

⁸⁴³ *Id.*, art. 135 (updated in 2023).

⁸⁴⁴ [Republic of Moldova's Criminal Code \(2009\)](#), art. 11(3) ("Foreign citizens and stateless persons without permanent domicile in Moldova who commit crimes outside Moldova, provided that the crimes committed are adverse to the peace and security of humanity, or constitute war crimes including crimes set forth in the international treaties to which Moldova is a party and provided that they are not convicted in a foreign state.").

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁸⁴⁵

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁸⁴⁶ Republic of Moldova is state party to AP II.⁸⁴⁷

⁸⁴⁵ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁸⁴⁶ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁸⁴⁷ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.

ROMANIA

Romania prohibits slavery and the “trafficking of slaves” in its criminal code. Romania also prohibits slavery as a form of exploitation under an offense of human trafficking in its criminal code and as a separate national act. Romania also prohibits enslavement as a crime against humanity. Romania is a State Party to the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Romania’s approach to implementing treaties suggests that it is a dualist state.⁸⁴⁸

1. Penal Code Provisions: Slavery and the Slave Trade

Article 202 of Romania’s Penal Code states that “placing or keeping a person in slavery, as well as trafficking in slaves, shall be punished by strict imprisonment from 3 to 10 years and the prohibition of certain rights.”⁸⁴⁹ This statute does not further define slavery or “trafficking in slaves.”

2. Penal Code Provisions: Slavery as a Form of Exploitation Under an Offense of Human Trafficking

Article 204 of Romania’s Criminal Code prohibits human trafficking in adults and Article 205 prohibits human trafficking in children.⁸⁵⁰ Article 207 defines the exploitation of person to include “maintenance in slavery or other similar means of deprivation of freedom or subjection.”⁸⁵¹ This statute does not further define “maintenance in slavery or other similar means.”

3. Other Relevant Acts and Provisions: Slavery as a Form of Exploitation Under an Offense of Human Trafficking

Romania’s Law on the Prevention and Combat of Trafficking in Human Beings (2001) provides additional definitions for exploitation under an offense of human trafficking. Article 2(b) includes “keeping such persons in a state of slavery or using other ways to deprive a person of his/her freedom or to force the person into submission.”⁸⁵²

4. Penal Code Provisions: Enslavement as a Crime Against Humanity

Article 175 of Romania’s Criminal Code substantially incorporates Article 7 of the Rome Statute. The provision states: “Commission, during a generalized or systematic attack launched against the civil population of any of the following acts...d) subjection to slavery.”⁸⁵³ While sexual slavery is not explicitly mentioned, the statute includes “h) rape, forced prostitution, forced pregnancy, forced sterilization, or any other form of sexual violence” among the enumerated crimes.⁸⁵⁴

⁸⁴⁸ Directorate-General for Internal Policies, European Parliament, *Country Report on Romania for the Study on Member States’ Policies for Children with Disabilities*, at 13, PE 474.430 (June 2013) (“Romania has a dualist legal system where international agreements are not directly applicable.”).

⁸⁴⁹ *Romania’s Criminal Code (2014)*, art. 202.

⁸⁵⁰ *Id.*, arts. 204-05.

⁸⁵¹ *Id.*, art. 207.

⁸⁵² *Law on the Prevention and Combat of Trafficking in Human Beings (2001)*, art. 2(b).

⁸⁵³ *Romania’s Criminal Code (2014)*, art. 175.

⁸⁵⁴ *Id.*

5. Other Relevant Acts and Provisions: Universal Jurisdiction

Romania provides universal jurisdiction for war crimes, crimes against humanity, genocide, and torture.⁸⁵⁵ Romania enumerates enslavement as a crime against humanity, but not sexual slavery.

6. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁸⁵⁶

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁸⁵⁷ Romania is state party to AP II.⁸⁵⁸

⁸⁵⁵ [Romania's Criminal Code \(2014\)](#), art. 13 (“(1) Criminal law shall apply also to other offences than those in Article 12 para.(1), committed outside Romanian territory, by a foreign citizen or by a person without citizenship which does not reside in Romania, if: a) the act is provided as an offence also by the criminal law of the country of perpetration; b) the perpetrator is in our country. (2) For offences against the interests of the Romanian State or against a Romanian citizen, the perpetrator can be tried also in the case when his/her extradition has been obtained.”).

⁸⁵⁶ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁸⁵⁷ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁸⁵⁸ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.

SLOVAKIA

Slovakia does not have domestic legislation on the slave trade. Slovakia prohibits slavery as a form of exploitation under an offense of human trafficking. Slovakia also prohibits enslavement and sexual slavery as crimes against humanity. Slovakia is a State Party to the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Slovakia's approach to implementing treaties suggests that it has both monist and dualist qualities.⁸⁵⁹

1. Penal Code Provisions: Slavery as a Form of Exploitation Under an Offense of Human Trafficking

Section 179 of Slovakia's Criminal Code prohibits human trafficking. The provision states: "Any person who...entices, transports...another person, even upon his consent, for the purposes of his prostitution or another form of sexual exploitation, including...forced labor or domestic slavery, slavery or practices similar to slavery...shall be liable to a term of imprisonment of four to ten years."⁸⁶⁰

2. Penal Code Provisions: Enslavement and Sexual Slavery as Crimes Against Humanity

Section 425 of Slovakia's Criminal Code prohibits "inhumanity" through full incorporation of Article 7 of the Rome Statute. The statute provides: "Any person who commits within a widespread or systematic attack against the civilian population...c) enslavement...f) rape, sexual slavery, enforced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity...shall be liable to a term of imprisonment of twelve to twenty-five years."⁸⁶¹

3. Other Relevant Acts and Provisions: Universal Jurisdiction

Slovakia provides universal jurisdiction for war crimes, crimes against humanity, and genocide.⁸⁶² Slovakia enumerates enslavement and sexual slavery as crimes against humanity.

4. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁸⁶³ Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁸⁶⁴ Slovakia is state party to AP II.⁸⁶⁵

⁸⁵⁹ Dagmar Lantajova, Juraj Jankuv, and Jozef Kuslita, *Slovakia*, in INTERNATIONAL LAW AND DOMESTIC LEGAL SYSTEMS: INCORPORATION, TRANSFORMATION, AND PERSUASION (2011) ("Slovakia uses both the dualistic and monistic approaches. The monistic approach (with international law priority) can be seen in Article 7, paragraph (5) of the Constitution, but it has an 'ex-nunc effect' because it has been applied to self-executing treaties ratified after the Constitutional Act No 90/2001 came into effect, making these treaties directly applicable in domestic law.").

⁸⁶⁰ [Slovakia's Criminal Code \(2005\)](#), § 179.

⁸⁶¹ *Id.*, § 425.

⁸⁶² *Id.*, § 5 ("The criminal liability of a particularly serious crime, if the act was committed outside the territory of the Slovak Republic against a Slovak national and the act is punishable in the place of its commission or if the place of the commission of an act is not liable to any criminal competency, shall also be assessed pursuant to this Act.").

⁸⁶³ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; see also [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

⁸⁶⁴ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁸⁶⁵ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT'L HUMANITARIAN L. DATABASES.

LATIN AMERICA & THE CARIBBEAN



LATIN AMERICAN AND CARIBBEAN REGIONAL ANALYSIS

This section analyzes the Latin American & Caribbean ASP countries' domestic legislation on slavery and the slave trade, providing an overview of the existing domestic legislation on slavery and the slave trade while underscoring similarities and trends among different states' laws. Additionally, this section considers both regional and international treaty commitments by the Latin American & Caribbean ASP countries and the implementation of those treaties through domestic law.

There are twenty-eight (28) ASP countries in Latin America and the Caribbean. Twelve countries are parties to the 1926 Slavery Convention. Seventeen (17) countries are parties to the 1956 Supplementary Slavery Convention. Twenty-one (21) countries prohibit slavery in their constitutions. However, several states prohibit human trafficking and trafficking in persons in constitutional provisions. Six (6) countries prohibit slavery in their penal or criminal codes. Five countries prohibit the slave trade in their penal or criminal codes. Twenty-four (24) countries prohibit slavery as a form of exploitation under an offense of human trafficking. Eight (8) countries prohibit enslavement and/or sexual slavery in their penal codes or other legislative acts.

A complete list of states in each category can be found in the **Latin American and Caribbean Regional Summary**.

1. Constitutional Provisions: Slavery and the Slave Trade

Twenty-one (21) countries prohibit slavery in their constitutions: Antigua and Barbuda, Argentina, Barbados, Belize, Bolivia, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guyana, Mexico, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Venezuela. These constitutional provisions commonly manifest through declarative statements. For example, Article 6 of Antigua and Barbuda's Constitution states:

Article 6: Protection from Slavery and Forced Labor

(1) No one shall be held in **slavery or servitude**.⁸⁶⁶

Other declarative statements emphasize a non-presence of slaves and the existence of territorial emancipation. For example, Article 15 of Argentina's Constitution states:

Article 15

In the Argentine Nation there are no slaves; the few that exist today are free from the promulgation of this Constitution...[a]nd slaves, by whatever manner they may be introduced, **shall be free by the mere act of setting foot in the territory** of the Republic.⁸⁶⁷

Colombia is the only state with a constitutional provision that expressly prohibits the slave trade with a declaratory statement:

Article 17

(1) Slavery, servitude, and the slave trade in all forms are prohibited.⁸⁶⁸

⁸⁶⁶ [Constitution of Antigua and Barbuda](#), art. 6.

⁸⁶⁷ [Constitution of Argentina](#), art. 15.

⁸⁶⁸ [Constitution of Colombia](#), art. 17.

2. Penal Code Provisions: Slavery

Six (6) countries prohibit slavery in their penal or criminal codes: Argentina, Bolivia, Brazil, Colombia, Ecuador, and Venezuela. Most of these statutes align their definitions of slavery with Article 1 of the 1926 Slavery Convention and provide sentencing guidelines for perpetrators. For example, Article 82 of Ecuador's Criminal Code states:

Article 82: Slavery

A person who exercises all or some attributes of the property right over another, constituting slavery, shall be punished with a custodial sentence of twenty-two to twenty-six years.⁸⁶⁹

While these six states' statutes demonstrate consensus on the definition of slavery, their sentencing guidelines differ from the example above. For example, the sentencing range in both Brazil and Bolivia's statutes is two to eight years.⁸⁷⁰

Of these six states, Colombia is the only country that specifically prohibits sexual slavery during armed conflict:

Article 141A: Sexual Slavery of Protected Persons

Anyone who, on the occasion and in the course of the **armed conflict**, **exercises one of the attributes of the right to property** by means of violence against a protected person so that he or she performs one or more **acts of a sexual nature** shall be imprisoned for one hundred and sixty (160) to three hundred and twenty-four (324) months and fined from six hundred and sixty-six point sixty-six (666.66) to one thousand and five hundred (1,500) times the current monthly legal minimum wage.⁸⁷¹

Colombia does not prohibit slavery in a non-conflict context elsewhere in its penal code.

3. Penal Code Provisions: Slave Trade

Five (5) countries prohibit the slave trade in their penal or criminal codes. These countries are Barbados, El Salvador, Suriname, Uruguay, and Venezuela. There are multiple variations of these statutory prohibitions. For example, Article 33 of Barbados's Offenses Against the Person Act provides the most comprehensive legislation:

Article 33: Buying or Disposing of [a] Person as [a] Slave

Any person who **imports, exports, removes, buys, sells or disposes of any person as a slave**, or accepts, receives or detains against his will any person as a slave is guilty of an offence and is liable on conviction on indictment to imprisonment for life.⁸⁷²

Uruguay and Venezuela, on the other hand, list the slave trade among other crimes. For example, Article 280 of Uruguay's Penal Code states:

⁸⁶⁹ [Criminal Code of Ecuador](#), art. 82.

⁸⁷⁰ [Penal Code of Brazil](#), art. 149; [Penal Code of Bolivia](#), art. 291. However, Bolivia's statute provides a sentencing range of eight to sixteen years for those convicted of enslaving children or adolescents. *Id.*, art. 291.

⁸⁷¹ [Penal Code of Colombia](#), art. 141A.

⁸⁷² [Offenses Against the Person Act, Barbados](#), art. 22.

Article 280: Acquisition, Transfer, and Slave Trade and Reduction of Other Men to Slavery

Whoever reduces a person to slavery or other similar conditions, **whoever acquires or transfers slaves** and whoever traffics in them will be punished with two to six years in prison.⁸⁷³

El Salvador neglects using the word slave trade, but includes a facially similar prohibition on “commerce in persons”:

Article 367: Commerce in Persons

Any person who, per se or as a member of an international organization, **engages in trade in persons for any purpose**, shall be punished with imprisonment of four to eight years.

Article 370

Those directing or forming part of international organizations engaged in **trafficking in slaves**, trade in persons or carrying out acts of piracy, or violating provisions of the treaties approved by El Salvador to protect human rights shall be punished with imprisonment of five to fifteen years.⁸⁷⁴

4. Penal Code Provisions: Slavery as an Element of Exploitation or Human Trafficking

Twenty-four (24) countries prohibit slavery as a form of exploitation under an offense of human trafficking: Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Grenada, Guatemala, Guyana, Honduras, Mexico, Panama, Paraguay, Peru, Saint Kitts, Saint Lucia, Saint Vincent, Suriname, Trinidad & Tobago, Uruguay, and Venezuela. There are two common methods that these states employ when listing slavery as a form of exploitation. For example, the Dominican Republic lists “slavery and/or similar practices” as follows:

Article 1:

a) Trafficking in Persons: The capture, transportation, transfer, reception or reception of persons, using the threat, by force, coercion, abduction, abuse, abuse of power, or situations of vulnerability or the granting or receipt of payments or benefits to obtain the consent of a person having authority over another **for the purpose of exploitation**, so that engages in any form of sexual exploitation, pornography, debt bondage, forced labor or services, servile marriage, irregular adoption, **slavery and/or similar practices**, or the extraction of organs.⁸⁷⁵

Conversely, some countries take a more descriptive approach to facilitate interpretation of exploitation. Guyana’s statute provides the following:

⁸⁷³ [Penal Code of Uruguay](#), art. 280.

⁸⁷⁴ [Penal Code of El Salvador](#), arts. 367, 370.

⁸⁷⁵ [Law on Illicit Traffick in Migrants and Trafficking in Persons, Dominican Republic](#), art. 1.

Article 2: Interpretation

(e) "**exploitation**" means

- (i) keeping a person in a **state of slavery**;
- (ii) subjecting a person to practices **similar to slavery**;
- (iii) compelling or causing a person to provide forced labor or services;
- (iv) keeping a person in a state of servitude, including sexual servitude.⁸⁷⁶

Honduras deviates from both common methods by including slavery as a form of “commercial sexual exploitation” rather than human trafficking:

Article 148:

Incurring in the crime of pimping, who promotes, induces, facilitates, recruits or subjects others in **commercial sexual exploitation** activities, and shall be punished with imprisonment from six (6) to ten (10) years and Fine of one hundred (100) to two hundred (200) minimum wages.

The above penalties shall be increased by half (1/2) in the following cases:

- 4) When the victim is subjected to conditions of servitude or other practices similar to slavery.⁸⁷⁷

5. Other Legislative Acts: Enslavement as a Crime Against Humanity

Eight (8) countries prohibit enslavement and/or sexual slavery in their penal codes or other legislative acts: Argentina, Chile, Dominican Republic, Ecuador, Honduras, Paraguay, Trinidad & Tobago, and Uruguay. Most states include enslavement and sexual slavery as crimes against humanity in their implementing legislation for the Rome Statute. For example, Trinidad & Tobago’s International Criminal Court Act states:

Article 10: International Crimes

- (1) Every person is liable on conviction on indictment to the penalty specified in subsection (3) who, in Trinidad and Tobago or elsewhere, commits a crime against humanity.
- (2) For the purposes of this section, a “crime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:
 - (c) enslavement;
 - (g) rape, **sexual slavery**, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity.⁸⁷⁸

Chile is the only country that includes the slave trade as a crime against humanity in its implementing legislation for the Rome Statute:

⁸⁷⁶ [Combating of Trafficking in Persons Act, Guyana](#), art. 2.

⁸⁷⁷ [Penal Code of Honduras](#), art. 148.

⁸⁷⁸ [International Criminal Court Act, Trinidad & Tobago](#), art. 10.

Article 5: Crimes Against Humanity

It will be punished with the penalty...in any of its degrees, which, concurring the circumstances described in article 1.

6) Reduces another to the condition of a slave or intervenes in the slave trade.

For the purposes of this law, **slavery** shall be understood as the exercise of some of the attributes of property over one or more persons to satisfy lucrative, sexual, labor or other similar purposes.⁸⁷⁹

⁸⁷⁹ [Law No. 20.357, Chile](#), art. 6.

LATIN AMERICAN AND CARIBBEAN REGIONAL SUMMARY

There are **twenty-eight (28) ASP countries** in Latin America and the Caribbean. These countries are:

Antigua and Barbuda	Dominican Republic	Peru
Argentina	Ecuador	Saint Kitts and Nevis
Barbados	El Salvador	Saint Lucia
Belize	Grenada	Saint Vincent and the Grenadines
Bolivia	Guatemala	Suriname
Brazil	Guyana	Trinidad & Tobago
Chile	Honduras	Uruguay
Colombia	Mexico	Venezuela.
Costa Rica	Panama	
Dominica	Paraguay	

Of those States there are **twelve (12) parties to the 1926 Slavery Convention**. These countries are:

Antigua and Barbuda	Dominica	Paraguay
Barbados	Ecuador	Saint Lucia
Bolivia	Guatemala	Saint Vincent
Chile	Mexico	Suriname

There are **seventeen (17) parties to the 1956 Supplementary Convention on the Abolition of Slavery**. These countries are:

Antigua and Barbuda	Dominica	Saint Kitts and Nevis
Argentina	Dominican Republic	Saint Lucia
Barbados	Ecuador	Saint Vincent
Bolivia	Guatemala	Trinidad & Tobago
Brazil	Mexico	Uruguay
Chile	Paraguay	

There are **twenty-one (21) countries that prohibit slavery in their constitution**. These countries are:

Antigua and Barbuda	Costa Rica	Mexico
Argentina	Dominica	Paraguay
Barbados	Dominican Republic	Peru
Belize	Ecuador	Saint Kitts and Nevis
Bolivia	El Salvador	Saint Lucia
Chile	Grenada	Saint Vincent
Colombia	Guyana	Venezuela

There are **six (6) countries that prohibit slavery in their penal or criminal codes**. These countries are:

Argentina	Colombia
Bolivia	Ecuador
Brazil	Venezuela

There are **five (5) countries that prohibit slave trade in their penal or criminal codes**. These countries are:

Barbados	Uruguay
El Salvador	Venezuela
Suriname	

There are **twenty-four (24) countries prohibit slavery as a form of exploitation under an offense of human trafficking**. These countries are:

Barbados	Dominican Republic	Peru
Belize	Grenada	Saint Kitts
Bolivia	Guatemala	Saint Lucia
Brazil	Guyana	Saint Vincent
Chile	Honduras	Suriname
Colombia	Mexico	Trinidad & Tobago
Costa Rica	Panama	Uruguay
Dominica	Paraguay	Venezuela

There are **eight (8) countries that prohibit enslavement and/or sexual slavery in their penal codes or legislative acts**. These countries are:

Argentina	Honduras
Chile	Paraguay
Dominican Republic	Trinidad & Tobago
Ecuador	Uruguay

ANTIGUA AND BARBUDA

Antigua and Barbuda prohibit slavery in their constitution but do not include any provisions related to the slave trade in any domestic legislation. Additionally, Antigua and Barbuda include slavery as a form of exploitation under their prohibitions on human trafficking. Antigua and Barbuda are state parties to the 1926 and 1956 Slavery Conventions. Antigua and Barbuda's approach to implementing treaties suggests that it is a dualist state.⁸⁸⁰

1. Constitutional Provisions: Slavery

Antigua and Barbuda's Constitution of 1981 states that "no person shall be held in slavery or servitude."⁸⁸¹ The constitution does not contain any provisions on the slave trade.

2. Penal Code Provisions: Slavery and the Slave Trade

Antigua and Barbuda's penal code does not include any provisions on slavery or the slave trade.

3. Other Relevant Acts and Provisions: Slavery as a Form of Exploitation of Human Trafficking

Antigua and Barbuda's Trafficking in Persons (Prevention) Act of 2010 includes slavery as a form of exploitation.⁸⁸² The Act defines "slavery" as "reducing a person by any means to a state of submitting to control of another person as if that other persons were the owner of the first-mentioned person."⁸⁸³ This definition, specifically its mention of "reduc[ing] a person" to a situation of slavery, mirrors the 1926 Slavery Convention's definition of the slave trade.⁸⁸⁴

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Antigua and Barbuda provide universal jurisdiction for war crimes and torture but not for crimes against humanity or genocide.⁸⁸⁵ Antigua and Barbuda do not enumerate slavery, sexual slavery, or the slave trade as war crimes.

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁸⁸⁶ Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits

⁸⁸⁰ Clive Pegus, *Review and Analysis of Compliance of the National Labour Legislation of Antigua and Barbuda with CARICOM Model Labour Laws*, INT'L LAB. ORG. (May 2007).

⁸⁸¹ *Antigua and Barbuda Constitution (1981)*, art. 6.

⁸⁸² *The Trafficking in Persons (Prevention) Act, 2010* (Act. No. 12 of 2010), § 2.

⁸⁸³ *Id.*

⁸⁸⁴ *1926 Slavery Convention*, art. 1(2) ("The slave trade includes all acts involved in the capture, acquisition, or disposal of a person with intent to reduce him to slavery.").

⁸⁸⁵ The United Kingdom's Geneva Conventions Order (1959) is still in force; *see also* AMNESTY INT'L, *UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD* 25 (2012).

⁸⁸⁶ *Practice Relating to Rule 94. Slavery and Slave Trade*, ICRC; *see also* *Lieber Code* (1863), arts. 42, 58; *IMT Charter (Nuremberg)* (1945), art. 6 ("deportation to slave labor"); *Allied Control Council Law No. 10* (1945), art. II(1) ("deportation to slave labor"); *1977 Additional Protocol II*, art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

slavery and the slave trade in all their forms in article 4 subsection 2(f).⁸⁸⁷ Antigua and Barbuda is a state party to APII.⁸⁸⁸

⁸⁸⁷ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁸⁸⁸ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

ARGENTINA

Argentina prohibits slavery and the slave trade in its constitution. Argentina prohibits slavery in its criminal code but does not include prohibitions on the slave trade. Argentina is a party to the 1956 Slavery Convention but not the 1926 Slavery Convention. Argentina's approach to implementing treaties suggests that it is a monist state.⁸⁸⁹

1. Constitutional Provisions: Slavery and the Slave Trade

Argentina's Constitution states that "there are no slaves" and that "the few that exist today are free from the promulgation of this constitution."⁸⁹⁰ The constitution further states that "any contract of purchase and sale of persons is a crime for which those performing it...shall be responsible."⁸⁹¹

2. Penal Code Provisions: Slavery and the Slave Trade

Argentina's criminal code states that "those who reduce a person to slavery or servitude, under any modality, and whoever receives it in such condition to maintain in it, shall be punished with imprisonment..."⁸⁹² This language resembles that of the 1926 Slavery Convention's definition of the slave trade.⁸⁹³

3. Other Relevant Acts and Provisions: Slavery and/or Slave Trade

Although Argentina's criminal code includes a human trafficking provision, this provision does not include slavery or the slave trade as forms of exploitation.⁸⁹⁴

Argentina has incorporated the Rome Statute's definitions of genocide, war crimes, and crimes against humanity in its domestic laws under the Law on Implementation of the 1998 ICC Statute.⁸⁹⁵ Articles 8, 9, and 10 provide prison sentence terms for crimes referenced⁸⁹⁶ in Articles 6, 7, and 8 of the Rome Statute. Therefore, enslavement as a crime against humanity and sexual slavery as a crime against humanity and war crimes are prohibited in Argentina's domestic legal system.

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Argentina provides universal jurisdiction for war crimes, genocide, crimes against humanity, and torture in its constitution and the Law on Implementation of the 1998 Rome Statute.⁸⁹⁷

⁸⁸⁹ Margarita K. O'Donnell, *New Dirty War Judgment in Argentina: National Courts and Domestic Prosecutions of International Human Rights Violations*, 84 N.Y.U. L. REV. 333; [Argentina Constitution](#), art. 75(22) ("Treaties and concordats have a higher hierarchy than laws.").

⁸⁹⁰ [Argentina Constitution](#), art. 15.

⁸⁹¹ *Id.*

⁸⁹² [Argentina Criminal Code](#), art. 140.

⁸⁹³ [1926 Slavery Convention](#), art. 1.

⁸⁹⁴ [Argentina Criminal Code](#), art. 145.

⁸⁹⁵ [Argentina's Law on the Implementation of the 1998 ICC Statute \(2006\)](#).

⁸⁹⁶ *Id.*

⁸⁹⁷ [Argentina Constitution](#), art. 18. ("Argentine courts shall exercise jurisdiction over foreigners who commit crimes abroad as long as so provided for in treaties and international conventions to which Argentina is a party."); [Argentina's Law on the Implementation of the 1998 ICC Statute \(2006\)](#).

5. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁸⁹⁸

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁸⁹⁹ Argentina is a state party to AP II.⁹⁰⁰

⁸⁹⁸ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁸⁹⁹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁹⁰⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int’l Humanitarian L. Databases.

BARBADOS

Barbados prohibits slavery in its Constitution of 2000 and prohibits slave trade in other domestic laws. Barbados also includes slavery as a form of exploitation under its prohibitions on human trafficking. Barbados is a party to both the 1926 and 1956 Slavery Conventions. Barbados's approach to implementing treaties suggests that it is a dualist state.⁹⁰¹

1. Constitutional Provisions: Slavery and the Slave Trade

Section 14 of Barbados's Constitution of 2000 states that “no person shall be held in slavery or servitude.”⁹⁰² This provision further prohibits performance of forced labor, excluding any labor required by (a) criminal sentencing or court order, (b) lawful detention, (c) military service, or (d) aftermath of a natural disaster.⁹⁰³

2. Other Relevant Acts and Provisions: Slave Trade

Section 33 of Barbados's 1994 Offences Against the Person Act states that “any person who imports, exports, removes, buys, sells, or disposes of any person as a slave, or accepts, receives, or detains against his will any person as a slave in guilty of an offence and is liable on conviction on indictment to imprisonment for life.”⁹⁰⁴ This language resembles that of the 1926 Slavery Convention's definition of the slave trade.⁹⁰⁵

3. Other Relevant Acts and Provisions: Slavery as a form of exploitation of human trafficking

Barbados's 2010 Transnational Organized Crime (Prevention and Control) Act includes slavery as a form of exploitation under the offense of human trafficking.⁹⁰⁶ Although Barbados passed a 2016 Trafficking in Persons Prevention Act, this statute does not mention slavery as a form of exploitation.⁹⁰⁷

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Barbados provides universal jurisdiction for war crimes but not for crimes against humanity, genocide, or torture.⁹⁰⁸ Barbados does not enumerate slavery, sexual slavery, or the slave trade as war crimes.

⁹⁰¹ FAO, Alejandro Morlachetti, Current State of Social Protection Legislation in Barbados and the Organization of Eastern Caribbean States from a Human Rights Perspective 8 (2015) (“Barbados and OECS Member States have received recommendations by the Working Group on the Universal Periodic Review to consider the ratification of those treaties to which they are not parties, submit overdue reports to the corresponding treaty bodies⁹ and additionally, in view of the existence of the dualist system for the implementation of international conventions, enact domestic laws to make sure that there is real enforcement of the international instruments to which they are parties.”).

⁹⁰² [Barbados Constitution \(2000\)](#), § 14.

⁹⁰³ *Id.*

⁹⁰⁴ [Offences Against the Person Act \(1994\)](#), § 33.

⁹⁰⁵ [1926 Slavery Convention](#), art. 1.

⁹⁰⁶ [Transnational Organized Crime Act \(2010\)](#), § 2(1).

⁹⁰⁷ See [Trafficking in Persons Prevention Act \(2016\)](#).

⁹⁰⁸ The United Kingdom's Geneva Conventions Order (1959) is still in force; see also AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 16 (2012).

5. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁹⁰⁹

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁹¹⁰ Barbados is a state party to APII.⁹¹¹

⁹⁰⁹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁹¹⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁹¹¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int’l Humanitarian L. Databases.

BELIZE

Belize prohibits slavery in its constitution. Belize includes slavery and “practices similar to slavery” as forms of exploitation under prohibition on human trafficking. Belize does not specifically prohibit slave trade anywhere in its domestic legislation. Belize is not a party to the 1926 or 1956 Slavery Conventions. Belize’s approach to implementing treaties suggests that it is a dualist state.⁹¹²

1. Constitutional Provisions: Slavery and the Slave Trade

Section 8 of Belize’s Constitution of 1981 states that “no person shall be held in slavery or servitude.”⁹¹³ This provision further prohibits performance of forced labor, excluding any labor required by (a) criminal sentencing or court order, (b) lawful detention, (c) military service, or (d) aftermath of a natural disaster.⁹¹⁴ This provision does not provide any additional definitions for slavery or the slave trade.

2. Penal Code Provisions: Slavery as a Form of Exploitation of Human Trafficking

Belize’s 2013 Trafficking in Persons (Prohibition) Act includes “keeping a person in a state of slavery” or “subjecting a person to practices similar to slavery” as forms of exploitation under the offense human trafficking.⁹¹⁵ The Act further defines slavery as the “status or condition of a person over whom any or all of the powers attaching to the rights of ownership are exercised.”⁹¹⁶ While Belize classifies these offenses as slavery, this statutory language adopts the 1926 Convention’s definition of the slave trade.⁹¹⁷ Additionally, Belize defines “practices similar to slavery” as those identified in the 1956 Convention⁹¹⁸ and includes debt bondage, serfdom, forced servile marriages, and delivery of children for exploitation.”⁹¹⁹

3. Other Relevant Acts and Provisions: Universal Jurisdiction

Belize provides universal jurisdiction for war crimes, but not for crimes against humanity, genocide, and torture.⁹²⁰

4. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.⁹²¹

⁹¹² Clive Pegus, Review and Analysis of Compliance of the National Labour Legislation of Belize with CARICOM Model Labour Legislation, International Labour Organization (May 2007).

⁹¹³ [Constitution of Belize \(1981\)](#), § 8.

⁹¹⁴ *Id.*

⁹¹⁵ [Trafficking in Persons \(Prohibition\) Act \(2013\)](#), § 2.

⁹¹⁶ *Id.*

⁹¹⁷ [1926 Slavery Convention](#), art. 1.

⁹¹⁸ [1956 Slavery Convention](#), art. 1.

⁹¹⁹ [Trafficking in Persons \(Prohibition\) Act \(2013\)](#), § 2.

⁹²⁰ The United Kingdom’s Geneva Conventions Order (1959) is still in force; *see also* AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 16 (2012).

⁹²¹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁹²² Belize is a state party to APII.⁹²³

⁹²² [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁹²³ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

BOLIVIA

Bolivia prohibits slavery in its constitution and penal code. Bolivia also recognizes slavery as an element of exploitation under the offense of human trafficking. Bolivia does not possess any domestic legislation on the slave trade. Bolivia is a state party to both the 1926 and 1956 Slavery Conventions. Bolivia's approach to implementing treaties suggests that it is a monist state.⁹²⁴

1. Constitutional Provisions: Slavery and the Slave Trade

Article 15 of Bolivia's Constitution states that "no person shall be subjected to servitude or slavery."⁹²⁵ While this provision affirms Bolivia's prohibition on slavery, this statement does not further articulate a definition of slavery based on the 1926 Slavery Convention.⁹²⁶

2. Penal Code Provisions: Slavery

Article 291 of Bolivia's Penal Code is entitled "Reduction to Slavery or Similar Status." This provision states "whoever reduces a person to slavery or to a similar status shall be punished by imprisonment for two to eight years."⁹²⁷ The statute provides an aggravated sentence of eight to sixteen years if the victims of the offense are children or adolescents.⁹²⁸

3. Penal Code Provisions: Slavery as a Form of Exploitation of Human Trafficking

Article 281 of Bolivia's Penal Code prohibits human trafficking. This statute prohibits the "transportation, deprivation of liberty, reception or reception of persons inside or outside the national territory...for...reduction to slavery or similar status."⁹²⁹ This provision does not further define slavery or elaborate its interpretation beyond Art. 291's sentencing guidelines.

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Bolivia provides universal jurisdiction for war crimes, crimes against humanity, genocide, and torture.⁹³⁰ Bolivia does not enumerate slavery, sexual slavery, or the slave trade as war crimes or crimes against humanity.

5. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁹³¹

⁹²⁴ Abraham Kim, *The Plight of Bolivian Coca Leaves: Bolivia's Quest for Decriminalization in the Face of Inconsistent International Legislation*, 13 WASH. U. GLOBAL STUD. L. REV. 559, 570 (2014).

⁹²⁵ [Constitution of the Plurinational State of Bolivia \(2009\)](#), art. 15.

⁹²⁶ [1926 Slavery Convention](#), art. 1.

⁹²⁷ [Penal Code of Bolivia](#), art. 291.

⁹²⁸ *Id.*

⁹²⁹ [Penal Code of Bolivia](#), art. 281.

⁹³⁰ [Penal Code of Bolivia](#), art. 1(7). Bolivian courts can exercise jurisdiction over foreigners who commit crimes abroad in cases provided for in treaties and international conventions to which Bolivia is party. AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 33 (2012).

⁹³¹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁹³² Bolivia is a state party to APII.⁹³³

⁹³² [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁹³³ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

BRAZIL

Brazil prohibits slavery as a distinct crime and as an element of exploitation under an offense of human trafficking in its criminal code. Brazil does not prohibit the slave trade in its domestic legislation, but its slavery definition incorporates elements of the slave trade's definition in the 1926 Slavery Convention. Brazil is not a state party to the 1926 Slavery Convention but is a party to the 1956 Convention. Brazil's approach to implementing treaties suggests that it is a dualist state.⁹³⁴

1. Penal Code Provisions: Slavery and the Slave Trade

Article 149 of Brazil's Penal Code is titled "Reduction of a slave-like condition."⁹³⁵ Article 149 defines this offense as "reduc[ing] a person to the condition analogous to that of a slave, whether by subjecting him to forced labor or an exhaustive journey, by subjecting him to degrading conditions of work, or by restricting by any means his movement by reason of debt contracted with the employer or agent."⁹³⁶ This definition, specifically its mention of "reduc[ing] a person" to a situation of slavery, mirrors the 1926 Slavery Convention's definition of the slave trade.⁹³⁷

2. Penal Code Provisions: Slavery as a Form of Exploitation of Human Trafficking

Art. 149-A of Brazil's Penal Code prohibits trafficking in persons. This statute describes slavery is an element of exploiting under trafficking "by means of serious threat, violence, coercion, fraud or abuse, for the purpose of...submitting it to work under conditions analogous to slavery."⁹³⁸

3. Other Relevant Acts and Provisions: Universal Jurisdiction

Brazil provides universal jurisdiction for war crimes, genocide, and torture, but not for crimes against humanity.⁹³⁹ Article 7 of Brazil's Penal Code states that perpetrators of "crimes that, by treaty or convention, Brazil is obliged to repress" are subject to Brazil's jurisdiction even if their crimes were committed abroad.⁹⁴⁰ Brazil does not enumerate slavery, sexual slavery, or the slave trade as war crimes.

4. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁹⁴¹

⁹³⁴ [How are International Treaties Created?](#), HOMA (September 2020).

⁹³⁵ [Brazil Penal Code \(1940\)](#), art. 149.

⁹³⁶ *Id.*

⁹³⁷ [1926 Slavery Convention](#), art. 1(2) ("The slave trade includes all acts involved in the capture, acquisition, or disposal of a person with intent to reduce him to slavery.").

⁹³⁸ [Brazil Penal Code \(1940\)](#), art. 149-A.

⁹³⁹ [Brazil Penal Code \(1940\)](#), art. 7.

⁹⁴⁰ [Brazil Penal Code \(1940\)](#), art. 7(II)(A).

⁹⁴¹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁹⁴² Brazil is a state party to APII.⁹⁴³

⁹⁴² [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁹⁴³ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

CHILE

Chile prohibits slavery in its constitution and as a form of exploitation under the offense of human trafficking in its penal code. Additionally, Chile maintains legislation that includes slavery and the slave trade as crimes against humanity. Chile is a state party to both the 1926 and 1956 Slavery Conventions.

1. Constitutional Provisions: Slavery

Article 19 of Chile's Constitution guarantees that "in Chile, there are no slaves, and any that sets foot on its territory will become free."⁹⁴⁴ This provision does not provide further clarification on the definition of slavery.

2. Penal Code Provisions: Slavery as a Form of Exploitation of Human Trafficking

Article 411 of Chile's Penal Code prohibits slavery as a form of exploitation under human trafficking. The statute states that "[w]hoever by violence, intimidation, coercion, deception, abuse of power, taking advantage of a position of vulnerability or dependency of the victim.... detains, transports, harbors, or receives persons to be subject to some of form of sexual exploitation, including...servitude or slavery or practices similar to it...shall be punished by penalty of imprisonment..."⁹⁴⁵

3. Other Relevant Acts and Provisions: Slavery and/or Slave Trade

Chile's Law No. 20.357 enumerates crimes against humanity, genocide, and war crimes. Under Article 5, which defines crimes against humanity, the statute includes "reduc[ing] another to the condition of the slave or intervenes in the slave trade."⁹⁴⁶ Article 5 further defines slavery as "the exercise of some of the attributes of property over one or more person to satisfy lucrative, sexual, labor, or similar purposes."⁹⁴⁷ Chile does not enumerate slavery or the slave trade as a war crime.

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Chile provides universal jurisdiction for war crimes, crimes against humanity, genocide, and torture.⁹⁴⁸

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁹⁴⁹

⁹⁴⁴ [Constitution of Chile \(1980\)](#), art. 19.

⁹⁴⁵ [Chile's Penal Code \(2014\)](#), art. 411.

⁹⁴⁶ [Law No. 20.357](#), art. 5.

⁹⁴⁷ *Id.*

⁹⁴⁸ Chile recognizes as limits on sovereignty the respect for law which are inherent in the person and provides that the authorities have the duty to promote and respect rights guaranteed by treaties ratified by Chile which are in force. [Constitution of Chile \(1980\)](#), art. 5. Courts are required to exercise jurisdiction over crimes and offenses committed outside the national territory to which are included in treaties signed by Chile. [Code on Organization of the Courts](#), art. 6. Chilean courts have jurisdiction for crimes committed on its territory, unless otherwise provided in treaties or international conventions to which Chile is a party or general principle of international law. [Criminal Procedural Code \(1906\)](#), art. 1.

⁹⁴⁹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁹⁵⁰ Chile is a state party to APII.⁹⁵¹

⁹⁵⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁹⁵¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

COLOMBIA

Colombia prohibits slavery and the slave trade in its constitution. Colombia also prohibits sexual slavery during armed conflict in its penal code. Additionally, Colombia includes slavery as a form of exploitation under its offense of human trafficking. Colombia is not a state party to the 1926 Slavery Convention or the 1956 Supplementary Slavery Convention.

1. Constitutional Provisions: Slavery and the Slave Trade

Article 17 of Colombia's Constitution prohibits "slavery, servitude, and the slave trade in all forms."⁹⁵² This provision does not further define slavery or the slave trade.

2. Penal Code Provisions: Slavery

Article 141A of Colombia's Penal Code prohibits sexual slavery of protected persons. The statute states that "whoever, through the use of force and on the occasion and in development of the armed conflict, forces a protected person to provide sexual services will incur a prison sentence of ten to eighteen years..."⁹⁵³ This provision is part of Law 599, which enumerates several war crimes punishable by imprisonment.[cite] This is evidence of Colombia's incorporation of Article 8 of the Rome Statute.⁹⁵⁴ While this is a positive development, this statute confines punishment of slavery to when an offense is sexual in nature and occurs during armed conflict.

3. Penal Code Provisions: Slavery as a Form of Exploitation of Human Trafficking

Article 141B of Colombia's Penal Code prohibits trafficking in protected persons for the purpose of sexual exploitation during armed conflict. The state states that "anyone who, on the occasion and in the course of armed conflict, captures, transfers, harbor or receives a protected person...for the purpose of sexual exploitation, shall incur a prison term..."⁹⁵⁵ However, Art. 188A, which also prohibits human trafficking, removes the armed conflict language and states that exploitation includes "slavery or practices of slavery."⁹⁵⁶ This is a notable distinction of contexts that is not seen in the prohibitions on sexual slavery seen in Article 141A.

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Colombia provides universal jurisdiction for war crimes, genocide, torture, but not crimes against humanity.⁹⁵⁷ Colombia enumerates sexual slavery as a war crime but does not include slavery and the slavery trade among these crimes.⁹⁵⁸

⁹⁵² [Colombia Constitution \(1991\)](#), art. 17.

⁹⁵³ [Law 599, Criminal Code of Colombia \(2000\)](#), art. 141.

⁹⁵⁴ [Rome Statute \(1998\)](#), art. 8.

⁹⁵⁵ [Law 599, Criminal Code of Colombia \(2000\)](#), art. 141B.

⁹⁵⁶ [Law 599, Criminal Code of Colombia \(2000\)](#), art. 188A.

⁹⁵⁷ [Law 599, Criminal Code of Colombia](#), art. 16(6) ("Colombian law will apply to foreigners who commit a crimes against another foreigner abroad if: (a) he or she is found on Colombian soil; (b) the crime is punished under Colombian law with no less than three years of imprisonment; (c) the crime is not a political one; and (d) an extradition request has not been granted with regard to that person; in those cases Colombia is obliged to investigate."). Amnesty International interprets this provision as codification of *aut dedere aut judicare*. AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 41 (2012).

⁹⁵⁸ [Law 599, Criminal Code of Colombia \(2000\)](#), art. 141.

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.⁹⁵⁹

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁹⁶⁰ Colombia is a state party to APII.⁹⁶¹

⁹⁵⁹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁹⁶⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁹⁶¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int’l Humanitarian L. Databases.

COSTA RICA

Costa Rica prohibits slavery in its constitution and its penal code. Costa Rica also prohibits slavery as a form of exploitation under an offense of human trafficking. Costa Rica does not have any domestic legislation on the slave trade. Costa Rica is not a state party to the 1926 Slavery Convention or 1956 Supplementary Slavery Convention. Costa Rica's approach to implementing treaties suggests that it is a monist state.⁹⁶²

1. Constitutional Provisions: Slavery and the Slave Trade

Article 2 of Costa Rica's Constitution states that "every person is free in the Republic, whoever is under the protection of its laws may not be a slave [*esclavo* - masculine] or a slave [*esclava* -feminine]."⁹⁶³ This provision does not further define "slave" or "slavery."

2. Penal Code Provisions: Slavery as a Form of Exploitation of Human Trafficking

Article 172 of Costa Rica's Penal Code prohibits "trafficking in human beings." This statute states that "anyone who...by means of the threat, use of force or other forms of coercion...shall be punished for...the transportation, harboring concealment, holding, delivering, or receiving of one or more persons...for the purpose of...slavery or practices similar to slavery."⁹⁶⁴ This language is reiterated in Costa Rica's Law 9095 Against Trafficking in Persons, which states that "slavery or practices similar to slavery" is a form of exploitation resulting from trafficking in persons. Article 7 of this Law defines slavery as the "status and social status in which a person is lacking freedom and rights by being subjected so absolutely to the will and dominion of others."⁹⁶⁵

3. Other Relevant Acts and Provisions: Slavery and/or Slave Trade

In 2019, Costa Rica amended its penal code to include imprisonment sentences for those found to have committed genocide, war crimes, and crimes against humanity.[cite] The crimes against humanity states that "a prison sentence of ten to twenty-five years will be imposed on whoever commits or orders to commit, as part of a generalized or systematic attack against a civilian population and with knowledge of said attack, acts that can be classified as crimes against humanity, in accordance with the provisions of the international treaties to which Costa Rica is a party, relating to the protection of human rights, and the Rome Statute."⁹⁶⁶ This demonstrates that Costa Rica prohibits the enumerated crimes against humanity listed in Article 7 of the Rome Statute, which includes enslavement.⁹⁶⁷

⁹⁶² [Constitution of Costa Rica \(1949\)](#), art. 7 ("Treaties which have been ratified and approved by the National Legislature are superior to national law."); see also Roger A. Petersen, [Update A Guide to Legal Research in Costa Rica](#), GLOBALEX (July/August 2018).

⁹⁶³ [Constitution of Costa Rica \(1949\)](#), art. 20.

⁹⁶⁴ [Penal Code of Costa Rica \(2019\)](#), art. 172.

⁹⁶⁵ [Law 9095, Against Trafficking in Persons \(2012\)](#).

⁹⁶⁶ [Law No. 4573 \(2019\)](#).

⁹⁶⁷ [Rome Statute](#), art. 7.

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Costa Rica provides universal jurisdiction for war crimes, genocide, crimes against humanity, and torture.⁹⁶⁸ Costa Rica's legislature has passed several iterations of its universal jurisdiction statute.⁹⁶⁹ While the statute specifically enumerates the slave trade, its inclusion of "any other offense against human rights and international humanitarian law" would also account for slavery and sexual slavery.⁹⁷⁰

5. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.⁹⁷¹

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁹⁷² Costa Rica is a state party to APII.⁹⁷³

⁹⁶⁸ ("Irrespective of the provisions in force in the place where the offense was committed and the nationality of the perpetrator, any person who commits acts of piracy or acts of genocide; forges coins, securities, banknotes, and other bearer instruments; participates in the trafficking of slaves, women or children; or engages in trafficking of narcotics or obscene publications, shall be prosecuted under Costa Rican law. Any person who commits any other offense against human rights and international humanitarian law, as established in the treaties signed by Costa Rica or in this Code, shall also be prosecuted.") [Law No. 8272, Penal Code of Costa Rica \(2002\)](#); *see also* [Statement from General Directorate for Foreign Policy, Information from Costa Rica on the Scope and Application of Universal Jurisdiction, UN Sixth Committee](#).

⁹⁶⁹ [Statement from General Directorate for Foreign Policy, Information from Costa Rica on the Scope and Application of Universal Jurisdiction, UN Sixth Committee](#).

⁹⁷⁰ *Id.*

⁹⁷¹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

⁹⁷² [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁹⁷³ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

DOMINICA

Dominica prohibits slavery in its constitution and as a form of exploitation under an offense of human trafficking. Dominica has no domestic legislation on the slave trade. Dominica is a state party to the 1926 Slavery Convention and 1956 Supplementary Slavery Convention. Dominica's approach to implementing treaties suggests that it is a dualist state.⁹⁷⁴

1. Constitutional Provisions: Slavery and the Slave Trade

Article 4 of Dominica's Constitution states that "no person shall be held in slavery or servitude."⁹⁷⁵

2. Penal Code Provisions: Slavery as a Form of Exploitation of Human Trafficking

Dominica's Transnational Organized Crime (Prevention and Control Act) prohibits human trafficking, including forced labor, slavery, servitude or a similar practice as forms of exploitation.⁹⁷⁶

3. Other Relevant Acts and Provisions: Universal Jurisdiction

While Dominica does not explicitly enumerate slavery, sexual slavery, or the slave trade as war crimes, it provides universal jurisdiction for war crimes and genocide but not crimes against humanity or torture.⁹⁷⁷

4. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law which prohibits slavery and the slave trade in all their forms.⁹⁷⁸

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁹⁷⁹ Dominica is a state party to APII.⁹⁸⁰

⁹⁷⁴ Clive Pegus, INT'L LAB. ORG., [Review and Analysis of Compliance of the National Labour Legislation of Dominica with CARICOM Model Labour Laws](#) (May 2007).

⁹⁷⁵ [Constitution of Dominica \(1978\)](#), art. 5. This provision further prohibits performance of forced labor, excluding any labor required by (a) criminal sentencing or court order, (b) lawful detention, (c) military service, or (d) aftermath of a natural disaster. *Id.*

⁹⁷⁶ [Transnational Organized Crime \(Prevention and Control\) Act \(2013\)](#), § 2(1).

⁹⁷⁷ The United Kingdom's Geneva Conventions Order (1959) is still in force; *see also* AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 48-49 (2012).

⁹⁷⁸ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

⁹⁷⁹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁹⁸⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

DOMINICAN REPUBLIC

The Dominican Republic prohibits slavery in its constitution. The Dominican Republic also prohibits slavery as an element of exploitation under an offense of human trafficking. The constitution of Dominican Republic also incorporated the Rome Statute into its domestic legislation and includes “enslavement” as criminal offense. The Dominican Republic is not a party to the 1926 Slavery Convention but is a party to the 1956 Convention.

1. Constitutional Provisions: Slavery and the Slave Trade

Article 41 of the Dominican Republic’s Constitution states that “slavery, serfdom, and the trade and traffic of persons are prohibited in all their forms.”⁹⁸¹ This provision does not further elaborate a definition of slavery. However, “the trade...of persons” remains ambiguous in interpreting whether this provision applies to the slave trade.⁹⁸²

2. Penal Code Provisions: Slavery as a Form of Exploitation of Human Trafficking

The Dominican Republic’s Law on Illicit Traffic in Migrants and Trafficking in Persons states that “slavery and/or similar practices” constitutes a form of exploitation under trafficking in persons.⁹⁸³ This statute does not further define “slavery” or “similar practices.”⁹⁸⁴

3. Other Relevant Acts and Provisions: Slavery and/or Slave Trade

The Dominican Republic’s Criminal Code has codified crimes against humanity based on the language of Article 7 of the Rome Statute.⁹⁸⁵ “Enslavement” and “sexual slavery” are considered to be “serious offenses against humanity and shall be sanctioned with the same penalty as that provided for genocide.”⁹⁸⁶ This statute does not provide any further definitions for these offenses.

4. Other Relevant Acts and Provisions: Universal Jurisdiction

The Dominican Republic provides universal jurisdiction for war crimes, crimes against humanity, genocide, and torture.⁹⁸⁷ Since the Dominican Republic’s criminal code enumerates enslavement and sexual slavery as crimes against humanity, courts have jurisdiction to prosecute these crimes.

⁹⁸¹ [Constitution of the Dominican Republic \(2015\)](#), art. 41.

⁹⁸² [Id.](#)

⁹⁸³ [Law on Illicit Traffic in Migrants and Trafficking in Persons \(2003\)](#).

⁹⁸⁴ [Id.](#)

⁹⁸⁵ [Criminal Code of the Dominican Republic \(Law No. 550-14\) \(2014\)](#); [Rome Statute](#), art. 7.

⁹⁸⁶ [Criminal Code of the Dominican Republic \(Law No. 550-14\) \(2014\)](#)

⁹⁸⁷ . [Criminal Procedure Code](#), art. 56 (2007)(“Criminal jurisdiction extends to foreigners in cases provided for in treaties or international conventions ratified by the Dominican Republic and under recognized principles of general international law and regional American law; national courts have jurisdiction, independent of the place of commission, to judge cases that constitute genocide, war crimes, and crimes against humanity, provided that the suspect resides, even temporarily, in Dominican Republic.”); Dominican Republic, AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 49 (2012).

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.⁹⁸⁸

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁹⁸⁹ The Dominican Republic is a state party to APII.⁹⁹⁰

⁹⁸⁸ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

⁹⁸⁹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁹⁹⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int’l Humanitarian L. Databases.

ECUADOR

Ecuador prohibits slavery in its constitution and criminal code. Ecuador also prohibits crimes against humanity and includes slavery as one of those offenses. Ecuador does not have any domestic legislation on the slave trade. Ecuador is a state party to the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention.

1. Constitutional Provisions: Slavery

Article 66(29) of Ecuador's Constitution prohibits "slavery, exploitation, bondage, smuggling and trafficking in human beings..."⁹⁹¹ This provision does not include the slave trade, nor any further definition of slavery.

2. Penal Code Provisions: Slavery

Article 82 of Ecuador's Criminal Code prohibits slavery. This statute states: "A person who exercises all or some attributes of the property right over another, constituting slavery, shall be punished with a custodial sentence of twenty-two to twenty-six years."⁹⁹² This definition appears to comport with the definition of slavery in the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention.⁹⁹³

3. Other Relevant Acts and Provisions: Slavery and/or Slave Trade

Article 89 of Ecuador's Criminal Code prohibits crimes against humanity and includes slavery as one of these offenses.⁹⁹⁴

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Ecuador provides universal jurisdiction for war crimes, genocide, crimes against humanity and torture.⁹⁹⁵ Ecuador enumerates slavery as a crime against humanity, but not sexual slavery or the slave trade.

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.⁹⁹⁶

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).⁹⁹⁷ Ecuador is a state party to APII.⁹⁹⁸

⁹⁹¹ [Constitution of Ecuador \(2008\)](#), art. 66(29).

⁹⁹² [Organic Criminal Code \(2014\)](#), art. 82.

⁹⁹³ [1926 Slavery Convention](#), art. 1.

⁹⁹⁴ [Organic Criminal Code \(2014\)](#), art. 89.

⁹⁹⁵ [Penal Code \(1971\)](#), arts. 5-7; AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 49-50 (2012).

⁹⁹⁶ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

⁹⁹⁷ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

⁹⁹⁸ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

EL SALVADOR

El Salvador prohibits slavery and denies citizenship to slave traders in its constitution. El Salvador also prohibits “commerce in persons” in its criminal code and includes slavery as a form of exploitation under its Special Law Against Human Trafficking. El Salvador is not a state party to the 1926 Slavery Convention or the 1956 Supplementary Slavery Convention.

1. Constitutional Provisions: Slavery and the Slave Trade

Article 4 of El Salvador’s Constitution states that “every person in the Republic is free. No one who enters its territory shall be a slave nor the individual who traffics in slaves be a citizen. No one shall be subjected to servitude or to any other condition that injures their dignity.”⁹⁹⁹

2. Penal Code Provisions: The Slave Trade

Article 367 of El Salvador’s Penal Code prohibits “commerce in persons.”¹⁰⁰⁰ The statute states that “any person who...engages in trade in persons for any purpose shall be punished with imprisonment of four to eight years.”¹⁰⁰¹ Article 370 further states that “those directing or forming part of international organizations engaged in trafficking in slaves, trade in persons or carrying out acts of piracy, or violating provisions of the treaties approved by El Salvador to protect human rights shall be punished with imprisonment of five to fifteen years.”¹⁰⁰² These provisions use multiple terms that may indicate their intent to criminalize either the slave trade or human trafficking. El Salvador’s separate law on human trafficking, however, does imply that the penal code provisions distinctly prohibit the slave trade.

3. Penal Code Provisions: Slavery as a Form of Exploitation of Human Trafficking

El Salvador’s Special Law Against Human Trafficking enumerates several forms of “human exploitation.”¹⁰⁰³ One form of exploitation is slavery, defined as a “state or condition of a person, which will be exercised for absolute control of another person, to the point that [they are] treated as an object.”¹⁰⁰⁴

4. Other Relevant Acts and Provisions: Universal Jurisdiction

While El Salvador does not explicitly enumerate slavery, sexual slavery, or the slave trade as war crimes or crimes against humanity, the country provides universal jurisdiction for war crimes, genocide, crimes against humanity and torture.¹⁰⁰⁵

⁹⁹⁹ [El Salvador’s Constitution \(1983\)](#), art. 4.

¹⁰⁰⁰ [El Salvador’s Penal Code \(1973\)](#), art. 367.

¹⁰⁰¹ *Id.*

¹⁰⁰² [El Salvador’s Penal Code \(1973\)](#), art. 370.

¹⁰⁰³ [Special Law Against Human Trafficking \(2014\)](#), art. 5(E).

¹⁰⁰⁴ *Id.*

¹⁰⁰⁵ (“Criminal legislation shall also apply to offenses committed by anyone whosoever in a place not subject to Salvadoran jurisdiction, provided that they affect property internationally protected by specific agreements or rules of international law or serious undermine universally recognized human rights.”) [El Salvador’s Penal Code \(1973\)](#), art. 10. AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 51 (2012).

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.¹⁰⁰⁶

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹⁰⁰⁷ El Salvador is a state party to APII.¹⁰⁰⁸

¹⁰⁰⁶ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

¹⁰⁰⁷ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁰⁰⁸ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int’l Humanitarian L. Databases.

GRENADA

Grenada prohibits slavery in its constitution. Grenada also prohibits slavery as a form of exploitation under an offense of human trafficking. Grenada does not have any domestic legislation on the slave trade. Grenada is not a state party to the 1926 Slavery Convention or 1956 Supplementary Slavery Convention. Grenada's approach to implementing treaties suggests that it is a dualist state.¹⁰⁰⁹

1. Constitutional Provisions: Slavery

Article 4(1) of Grenada's Constitution states that "no person shall be held in slavery or servitude."¹⁰¹⁰ There are no further definitions for slavery in this provision. The constitution does not prohibit the slave trade.

2. Penal Code Provisions: Slavery as a Form of Exploitation of Human Trafficking

Grenada's Prevention of Trafficking in Persons Act includes several forms of exploitation, including "forced labor, slavery, servitude or a similar practice."¹⁰¹¹ There are no further definitions for these terms in this provision.

3. Other Relevant Acts and Provisions: Universal Jurisdiction

Grenada provides universal jurisdiction for war crimes, but not for genocide, crimes against humanity, or torture.¹⁰¹² Grenada does not enumerate slavery, sexual slavery, or the slave trade as war crimes.

4. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.¹⁰¹³

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹⁰¹⁴ Grenada is a state party to APII.¹⁰¹⁵

¹⁰⁰⁹ When discussing Grenada's reporting practices under the International Covenant on Civil and Political Rights (ICCPR), the UN Human Rights Committee observed that Grenada takes a dualist approach to implementing its obligations under the ICCPR. UN Human Rights Committee, [Concluding Observations of the Human Rights Committee: Grenada](#) (August 2009).

¹⁰¹⁰ [Grenada Constitution](#), art. 4(1).

¹⁰¹¹ [Prevention of Trafficking in Persons Act \(2014\)](#).

¹⁰¹² The United Kingdom's Geneva Conventions Order (1959) is still in force; *see also* AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 59-60 (2012).

¹⁰¹³ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

¹⁰¹⁴ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁰¹⁵ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

GUATEMALA

Guatemala has no constitutional or penal code provisions on slavery or the slave trade. Guatemala includes “any form of slavery” as a form of exploitation under an offense of human trafficking. Guatemala is a state party to the 1926 Slavery Convention and 1956 Supplementary Slavery Convention.

1. Penal Code Provisions: Slavery as a Form of Exploitation of Human Trafficking

Art. 202 of Guatemala’s Criminal Code states that “for the purposes of the offense of trafficking in persons, exploitation shall be understood as...any form of slavery.”¹⁰¹⁶ This provision does not further define “any form of slavery.”

2. Other Relevant Acts and Provisions: Universal Jurisdiction

While Guatemala does not explicitly enumerate slavery, sexual slavery or the slave trade as war crimes, the state provides universal jurisdiction for war crimes and torture, but not genocide and crimes against humanity.¹⁰¹⁷

3. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹⁰¹⁸

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹⁰¹⁹ Guatemala is a state party to the Additional Protocol II.¹⁰²⁰

¹⁰¹⁶ [Guatemala Criminal Code \(1972\)](#), art. 202.

¹⁰¹⁷ [Guatemala Criminal Code \(1972\)](#), arts. 4, 5(5) (“Courts and other authorities responsible for trials must fulfill the obligations imposed on them by international treaties in the matter of respect for human rights.”). [Guatemala Criminal Procedure Code \(2011\)](#), art. 16; *see also* AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 60 (2012).

¹⁰¹⁸ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

¹⁰¹⁹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁰²⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int’l Humanitarian L. Databases.

GUYANA

Guyana prohibits slavery in its constitution. Guyana also prohibits slavery as a form of exploitation under the offense of human trafficking. Guyana does not have any domestic legislation on the slave trade. Guyana is not a party to the 1926 or 1956 Slavery Conventions. Guyana's approach to implementing treaties suggests that it is a dualist state.¹⁰²¹

1. Constitutional Provisions: Slavery and the Slave Trade

Article 140 of Guyana's Constitution provides protection from slavery and forced labor. The provision states that "no person shall be held in slavery or servitude."¹⁰²²

2. Other Relevant Acts and Provisions: Slavery as a Form of Exploitation of Human Trafficking

Guyana's Combating of Trafficking in Persons Act includes several provisions on slavery as forms of exploitation under an offense of human trafficking. Exploitation includes (1) keeping a person in a state of slavery, (2) subjecting a person to practices similar to slavery, (3) compelling or causing a person to provide forced labor or services, and (4) keeping a person in a state of servitude, including sexual servitude.¹⁰²³ The Act provides additional definitions for these terms. When using "slavery", the Act refers to "the status or condition of a person over whom any or all powers attaching to the right of ownership are exercised."¹⁰²⁴ This indicates Guyana's partial incorporation of the 1926 Slavery Convention's definition of the slave trade.¹⁰²⁵

3. Other Relevant Acts and Provisions: Universal Jurisdiction

Guyana does not provide any provisions on universal jurisdiction.¹⁰²⁶

4. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.¹⁰²⁷

¹⁰²¹ Final Report, [European Union Election Follow-Up Mission](#), Guyana (June 2023) ("[Guyana's] Constitution...establishes a dualist legal system, which means that international treaties do not have any direct effect within the national legal system until they have been incorporated by an act of the National Assembly...Only then will there be legal obligations upon the legislature and the judiciary to respect the rights set out in these instruments.").

¹⁰²² [Constitution of Guyana, \(1980\)](#), art. 140. This provision further prohibits performance of forced labor, excluding any labor required by (a) criminal sentencing or court order, (b) lawful detention, (c) military service, or (d) aftermath of a natural disaster. *Id.*

¹⁰²³ [Combating of Trafficking in Persons Act \(2005\)](#).

¹⁰²⁴ *Id.*

¹⁰²⁵ [1926 Slavery Convention](#), art. 1(2) ("The slave trade includes all acts involved in the capture, acquisition, or disposal of a person with intent to reduce him to slavery.").

¹⁰²⁶ AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 61 (2012).

¹⁰²⁷ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹⁰²⁸ Guyana is a state party to APII.¹⁰²⁹

¹⁰²⁸ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁰²⁹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

HONDURAS

Honduras prohibits slavery as a form of exploitation under an offense of “commercial sexual exploitation” and human trafficking. Honduras also incorporates slavery and sexual slavery as crimes against humanity in its criminal code. Honduras does not have any domestic legislation on the slave trade. Honduras is not a state party to the 1926 Slavery Convention or the 1956 Supplementary Slavery Convention.

1. Penal Code Provisions: Slavery as a Form of “Commercial Sexual Exploitation”

Article 148(4) of Honduras’s penal code prohibits several of “commercial sexual exploitation” activities. One of these activities includes “when the victim is subjected to conditions of servitude or other practices similar to slavery.”¹⁰³⁰ This provision does not further define servitude or slavery.

2. Penal Code Provisions: Slavery

Article 221 of Honduras’s penal code prohibits “exploitation in conditions of slavery or servitude.”¹⁰³¹ This statute states that “anyone who, by exercising a power of disposal or control over another person, imposes or keeps that person in a state of continuous submission, forcing him to perform acts, work, or provide services...shall be punished by imprisonment of six to nine years...”¹⁰³² The next paragraph defines “reduction to the status of slave[s] or servant[s]” as “when the situation of subjection is achieved through violence, intimidation, deceit or by abusing a situation of superiority or need of the victim.”¹⁰³³

3. Other Relevant Acts and Provisions: Slavery and/or Slave Trade

Article 139 of Honduras’s criminal code largely codifies Article 7 of the Rome Statute,”¹⁰³⁴ which includes “slavery” and “sexual slavery.”¹⁰³⁵

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Honduras provides universal jurisdiction for war crimes, genocide, crimes against humanity, and torture.¹⁰³⁶ Honduras enumerates slavery and sexual slavery as crimes.

5. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹⁰³⁷

¹⁰³⁰ [Honduras Penal Code \(2017\)](#), art. 148.

¹⁰³¹ [Honduras Penal Code \(2017\)](#), art. 221.

¹⁰³² [Id.](#)

¹⁰³³ [Id.](#)

¹⁰³⁴ [Honduras Penal Code \(2017\)](#), art. 139.

¹⁰³⁵ [Id.](#)

¹⁰³⁶ (“Honduran courts shall have jurisdiction over crimes committed abroad when so provided in a treaty to which Honduras is a party or the crime seriously violates human rights universally recognized. However, the state where the crime has been committed shall have preference with regard to Honduras, as long as the criminal complaint has been initiated before the one in Honduras.”) [Honduras Penal Code \(2017\)](#), art. 5(5); *see also* AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 62 (2012).

¹⁰³⁷ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹⁰³⁸ Honduras is a state party to APII.¹⁰³⁹

¹⁰³⁸ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁰³⁹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

MEXICO

Mexico prohibits slavery in its constitution. Mexico also prohibits slavery as a form of exploitation under an offense of human trafficking. Mexico does not have any domestic legislation on the slave trade. Mexico is a state party to the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Mexico's approach to implementing treaties suggests that it is a dualist state.¹⁰⁴⁰

1. Constitutional Provisions: Slavery

Article 1 of the Mexican Constitution prohibits slavery, stating that “slavery shall be forbidden in Mexico. Every individual who is considered as a slave [in] a foreign country shall be freed and protected under the law by just entering the country.”¹⁰⁴¹ There are no further provisions defining slavery in the Constitution.

2. Other Relevant Acts and Provisions: Slavery as a Form of Exploitation of Human Trafficking

The General Law on the Prevention, Punishment, and Eradication of Offenses in the Field of Trafficking of Persons includes slavery as a form of exploitation. This statute further defines slavery as “the domination of one person over another, leaving [them] without the ability to freely dispose of its own person or property and exercise...attributes of the right of ownership.”¹⁰⁴²

3. Other Relevant Acts and Provisions: Universal Jurisdiction

Mexico provides universal jurisdiction for war crimes, genocide, crimes against humanity and torture.¹⁰⁴³ Mexico does not enumerate slavery, sexual slavery, or the slave trade as war crimes or crimes against humanity.

4. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.¹⁰⁴⁴

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹⁰⁴⁵ Mexico is not a state party to APII.¹⁰⁴⁶

¹⁰⁴⁰ Marley S. Weiss, *International Treaties and Constitutional Systems of the United States, Mexico and Canada – Foreword: Proceeding of the Seminar on International Treaties and Constitutional Systems of the United States, Mexico and Canada: Laboring in the Shadow of Regional Integration*, 22 MD. J. OF INT’L L. 185, 205 (1998).

¹⁰⁴¹ [Constitution of Mexico](#), art. 1.

¹⁰⁴² *Id.*

¹⁰⁴³ [Federal Penal Code](#) (2010), art. 6; *see also* AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 81 (2012).

¹⁰⁴⁴ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

¹⁰⁴⁵ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁰⁴⁶ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int’l Humanitarian L. Databases.

PANAMA

Panama prohibits slavery as a crime against humanity in its penal code. Panama does not have any domestic legislation on the slave trade. Panama is not a state party to the 1926 Slavery Convention or the 1956 Supplementary Slavery Convention.

1. Penal Code Provisions: Slavery

Article 441 of Panama's Criminal Code prohibits slavery and sexual slavery as punishable offenses.

2. Penal Code Provisions: Slavery as a Form of Exploitation of Human Trafficking

Article 456-A of Panama's Criminal Code prohibits slavery as a form of exploitation under human trafficking.¹⁰⁴⁷

3. Other Relevant Acts and Provisions: Universal Jurisdiction

Panama provides universal jurisdiction for war crimes, genocide, crimes against humanity, and torture.¹⁰⁴⁸ Slavery is prohibited as a crime against humanity.

4. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.¹⁰⁴⁹

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹⁰⁵⁰ Panama is a state party to APII.¹⁰⁵¹

¹⁰⁴⁷ [Criminal Code](#) (2007), art. 441. The states “whoever promotes, directs, organizes, finances, advertises, invites, or manages by any means....the entry or exit of...any sex...to subject them to...slavery or practices similar to slavery...shall be sanctioned with imprisonment of fifteen to twenty years.” [Criminal Code](#) (2007), art. 456-A.

¹⁰⁴⁸ (“Panamanian law is applicable to crimes against humanity (as set out in Title XV, it includes genocide, crimes against humanity and war crimes) and enforced disappearance committed abroad by foreigners.”) [Criminal Code](#) (2007), arts. 19-21; *see also* AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 91 (2012).

¹⁰⁴⁹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

¹⁰⁵⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁰⁵¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int’l Humanitarian L. Databases.

PARAGUAY

Paraguay prohibits slavery in its constitution. Paraguay also prohibits slavery as a form of exploitation under an offense of human trafficking. Paraguay has also codified slavery as a crime against humanity within its domestic legislation. Paraguay has no domestic legislation on the slave trade. Paraguay is a state party to the 1926 Slavery Convention and 1956 Supplementary Slavery Convention.

1. Constitutional Provisions: Slavery

Article 10 of Paraguay's Constitution is titled "Of the Proscription of Slavery and Other [Forms of] Servitude."¹⁰⁵² This provision states "slavery, personal servitude, and the trafficking of persons are proscribed. The law may establish social responsibilities in favor of the state."¹⁰⁵³ This provision does not further define these terms.

2. Other Relevant Acts and Provisions: Slavery as a Form of Exploitation of Human Trafficking

Paraguay's Law Against Trafficking in Persons includes slavery as a form of exploitation under an offense of human trafficking. The statute states that those who "subject[] another to a system of servitude, servile marriage, forced labor or service, slavery or any practice analogous to slavery...shall be punished by imprisonment for up to eight years."¹⁰⁵⁴ This statute does not further define "slavery or any practice analogous to slavery."

3. Other Relevant Acts and Provisions: Slavery and/or Slave Trade

Paraguay's Law Implementing the Rome Statute Creating the International Criminal Court incorporates Article 7's enumeration of crimes against humanity into Paraguay's domestic laws.¹⁰⁵⁵ The statute defines slavery as the "exercise of the attributes of property rights, or any of them, over a person, including the exercise of those attributes in human trafficking."¹⁰⁵⁶

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Paraguay provides universal jurisdiction for war crimes, genocide, crimes against humanity, and torture.¹⁰⁵⁷ Paraguay enumerates sexual slavery as a crime against humanity.

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.¹⁰⁵⁸

¹⁰⁵² [Constitution of Paraguay \(1992\)](#), art. 10.

¹⁰⁵³ [Id.](#)

¹⁰⁵⁴ [Law No. 4788/2012 Against Trafficking in Persons \(2012\)](#).

¹⁰⁵⁵ [Law No. 588/2017 Implementing the Rome Statute Creating the International Criminal Court \(2017\)](#).

¹⁰⁵⁶ [Id.](#)

¹⁰⁵⁷ [Penal Code \(1997\)](#), art. 8(1)(6)-(7) ("Paraguayan criminal law applies to crimes committed abroad that Paraguay under an international treaty in force is required to prosecute even when they were committed abroad."); *see also* AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 91-92 (2012)

¹⁰⁵⁸ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹⁰⁵⁹ Paraguay is a state party to APII.¹⁰⁶⁰

¹⁰⁵⁹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁰⁶⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

PERU

Peru prohibits slavery in its constitution and penal code. Peru also prohibits slavery as a form of trafficking under an offense of human trafficking. Peru also prohibits slavery and the slave trade in regulations related to internally displaced persons and its military laws. Peru is not a state party to the 1926 Slavery Convention or 1956 Supplementary Slavery Convention.

1. Constitutional Provisions: Slavery and the Slave Trade

Article 2 of Peru's Constitution states that everyone has the right to freedom and security of the person.¹⁰⁶¹ This provision further states that "no restrictions whatsoever to personal freedom shall be permitted, except in cases provided by the law. Slavery, servitude, and traffic in human beings are prohibited in any form."¹⁰⁶² This provision does not provide additional definitions for these terms.

2. Penal Code Provisions: Slavery

Article 129-N of Peru's Penal Code prohibits "slavery and other forms of exploitation."¹⁰⁶³ The statute states "whoever forces a person to work in conditions of slavery or servitude, or reduces or maintains them in such conditions, with the exception of the offense of sexual exploitation, shall be sentenced to not less than ten nor more than fifteen years' imprisonment."¹⁰⁶⁴ This language resembles that of the 1926 Slavery Convention's definition of the slave trade.¹⁰⁶⁵

3. Penal Code Provisions: Slavery as a Form of Exploitation of Human Trafficking

Article 129-A of Peru's Penal Code prohibits slavery as a form of exploitation under an offense of human trafficking.¹⁰⁶⁶ The statute states that the exploitative purposes of trafficking in persons include "the sale of children or adolescents, prostitution and any form of sexual exploitation, [and] slavery or practices similar to slavery."¹⁰⁶⁷

4. Other Relevant Acts and Provisions: Slavery and Slave Trade

Peru's Regulation to the Law on Internal Displacement, part of Peru's military code, also prohibits slavery. The statute states that "internally displaced persons who return to their place of habitual residence or who have resettled in another party of the country have a right to...be protected against slavery."¹⁰⁶⁸ Furthermore, Article 4 of Peru's Manual for the Armed Forces states "no one will be subjected to slavery or servitude. Slavery and the slave trade are prohibited in all their forms."¹⁰⁶⁹ These provisions do not include additional definitions for slavery or the slave trade.

¹⁰⁶¹ [Constitution of Peru \(1993\)](#), art. 2.

¹⁰⁶² [Id.](#), art. 2(24)(b). ("No se permite forma alguna de restriccion de la libertad personal, salvo en los casos previstos por la ley. Estan prohibidas la escalvitud, la servidumbre y la trata de seres humanos en cualquiera de sus formas.").

¹⁰⁶³ [Penal Code \(Legislative Decree No. 635\)](#), art. 129-N.

¹⁰⁶⁴ [Id.](#)

¹⁰⁶⁵ [1926 Slavery Convention](#), art. 1.

¹⁰⁶⁶ [Penal Code \(Legislative Decree No. 635\)](#), art. 129-A.

¹⁰⁶⁷ [Id.](#)

¹⁰⁶⁸ [Peru's Regulation to the Law on Internal Displacement \(2005\)](#).

¹⁰⁶⁹ [Peru's Manual for the Armed Forces](#), art. 4.

5. Other Relevant Acts and Provisions: Universal Jurisdiction

Peru provides universal jurisdiction for war crimes, genocide, crimes against humanity, and torture.¹⁰⁷⁰ Peru does not enumerate slavery, sexual slavery or the slave trade as war crimes or crimes against humanity.

6. International Humanitarian Law: Slavery and the Slave Trade in all their Forms are Prohibited

States are bound by customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹⁰⁷¹

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹⁰⁷² Peru is a state party to APII.¹⁰⁷³

¹⁰⁷⁰ [Penal Code \(1991\)](#), art. 2(5) (“Peruvian courts can exercise jurisdiction over foreigners who commit crimes abroad in cases provided for in treaties and international conventions to which Peru is a party.”); *see also* AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 92 (2012).

¹⁰⁷¹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

¹⁰⁷² [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁰⁷³ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int’l Humanitarian L. Databases.

SAINT KITTS AND NEVIS

Saint Kitts and Nevis (hereinafter “Saint Kitts”) prohibits slavery in its constitution and as a form of exploitation under an offense of human trafficking. Saint Kitts has no domestic legislation on the slave trade. Saint Kitts is not a state party to the 1926 Slavery Convention or 1956 Supplementary Slavery Convention. Saint Kitts’ approach to implementing treaties suggests that it is a dualist state.¹⁰⁷⁴

1. Constitutional Provisions: Slavery

Article 6 of Saint Kitts’ Constitution prohibits slavery. The provision states “a person shall not be held in slavery or servitude.”¹⁰⁷⁵

2. Other Relevant Acts and Provisions: Slavery as a Form of Exploitation of Human Trafficking

Saint Kitts’ Trafficking in Persons (Prevention) Act includes slavery as a form of exploitation under an offense of human trafficking. The statute states that “exploitation” includes (a) keeping a person in a state of slavery and (b) subjecting a person to practices similar to slavery.¹⁰⁷⁶ This statute further defines “slavery” as the “means the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised.”¹⁰⁷⁷

3. Other Relevant Acts and Provisions: Universal Jurisdiction

Saint Kitts provides universal jurisdiction for war crimes but not for genocide, crimes against humanity, and torture.¹⁰⁷⁸ Saint Kitts does not enumerate slavery, sexual slavery, or the slave trade as war crimes.

4. International Humanitarian Law: Slavery and the Slave Trade in all their Forms are Prohibited

States are bound by customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹⁰⁷⁹

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹⁰⁸⁰ Saint Kitts is a state party to APII.¹⁰⁸¹

¹⁰⁷⁴ CLIVE PEGUS, INT’L LAB. ORG., [REVIEW AND ANALYSIS OF COMPLIANCE OF THE NATIONAL LABOUR LEGISLATION OF SAINT VINCENT AND THE GRENADINES WITH CARICOM MODEL LABOUR LAWS](#) (May 2007).

¹⁰⁷⁵ [Saint Kitts and Nevis Constitution \(1983\)](#), art. 6. This provision further prohibits performance of forced labor, excluding any labor required by (a) criminal sentencing or court order, (b) lawful detention, (c) military service, or (d) aftermath of a natural disaster. *Id.*

¹⁰⁷⁶ [Trafficking in Persons \(Prevention\) Act \(2008\)](#), § 2. These phrases also describe the *actus reus* of the slave trade as defined in the 1926 Slavery Convention. (“The slave trade includes all acts involved in the capture, acquisition, or disposal of a person with intent to reduce him to slavery.”) [1926 Slavery Convention](#), art. 1(2).

¹⁰⁷⁷ [Trafficking in Persons \(Prevention\) Act \(2008\)](#), § 2.

¹⁰⁷⁸ The United Kingdom’s Geneva Conventions Order (1959) is still in force; *see also* AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 97 (2012).

¹⁰⁷⁹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

¹⁰⁸⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁰⁸¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int’l Humanitarian L. Databases.

SAINT LUCIA

Saint Lucia prohibits slavery in its constitution and as a form exploitation under an offense of human trafficking. Saint Lucia has no domestic legislation on the slave trade. Saint Lucia is a state party to the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Saint Lucia's approach to implementing treaties suggests that it is dualist state.¹⁰⁸²

1. Constitutional Provisions: Slavery

Article 4 of Saint Lucia's Constitution prohibits slavery. The provision states "a person shall not be held in slavery or servitude."¹⁰⁸³

2. Other Relevant Acts and Provisions: Slavery as a Form of Exploitation of Human Trafficking

Saint Lucia's Counter-Trafficking Act includes slavery as a form of exploitation under an offense of human trafficking. The statute states that "exploitation" includes (a) keeping a person in a state of slavery and (b) subjecting a person to practices similar to slavery.¹⁰⁸⁴ This statute further defines "slavery" as the "means the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised."¹⁰⁸⁵

3. Other Relevant Acts and Provisions: Universal Jurisdiction

Saint Lucia provides universal jurisdiction for war crimes but not for genocide, crimes against humanity, and torture.¹⁰⁸⁶ Saint Lucia does not enumerate slavery, sexual slavery, or the slave trade as war crimes.

4. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.¹⁰⁸⁷

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹⁰⁸⁸ Saint Lucia is a state party to APII.¹⁰⁸⁹

¹⁰⁸² CLIVE PEGUS, INT'L LAB. ORG., [REVIEW AND ANALYSIS OF COMPLIANCE OF THE NATIONAL LABOUR LEGISLATION OF SAINT VINCENT AND THE GRENADINES WITH CARICOM MODEL LABOUR LAWS](#), (May 2007).

¹⁰⁸³ [Saint Lucia's Constitution \(1978\)](#), art. 4. This provision further prohibits performance of forced labor, excluding any labor required by (a) criminal sentencing or court order, (b) lawful detention, (c) military service, or (d) aftermath of a natural disaster. *Id.*

¹⁰⁸⁴ [Counter-Trafficking Act \(2010\)](#).

¹⁰⁸⁵ *Id.*

¹⁰⁸⁶ The United Kingdom's Geneva Conventions Order (1959) is still in force; AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 97-98 (2012).

¹⁰⁸⁷ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

¹⁰⁸⁸ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁰⁸⁹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

SAINT VINCENT AND THE GRENADINES

Saint Vincent and the Grenadines (hereinafter “Saint Vincent”) prohibits slavery in its constitution. Saint Vincent also prohibits slavery as a form exploitation under an offense of human trafficking. Saint Vincent has no domestic legislation on the slave trade. Saint Vincent is a state party to the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Saint Vincent’s approach to implementing treaties suggests that it is a dualist state.¹⁰⁹⁰

1. Constitutional Provisions: Slavery

Saint Vincent’s Constitution prohibits slavery. Article 4 states that “no person shall be held in slavery or servitude.”¹⁰⁹¹

2. Other Relevant Acts and Provisions: Slavery as a Form of Exploitation of Human Trafficking

Saint Vincent’s Prevention of Trafficking in Persons Act includes slavery as a form of exploitation under an offense of human trafficking. The statute states that “exploitation” includes (a) keeping a person in a state of slavery and (b) subjecting a person to practices similar to slavery.¹⁰⁹² This statute further defines “slavery” as the “means the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised.”¹⁰⁹³

3. Other Relevant Acts and Provisions: Universal Jurisdiction

Saint Vincent provides universal jurisdiction for war crimes but not for crimes against humanity, genocide, and torture.¹⁰⁹⁴ Saint Vincent does not enumerate slavery, sexual slavery, or the slave trade as war crimes.

4. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.¹⁰⁹⁵

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹⁰⁹⁶ Saint Vincent is a state party to APII.¹⁰⁹⁷

¹⁰⁹⁰ CLIVE PEGUS, INT’L LAB. ORG., [REVIEW AND ANALYSIS OF COMPLIANCE OF THE NATIONAL LABOUR LEGISLATION OF SAINT VINCENT AND THE GRENADINES WITH CARICOM MODEL LABOUR LAWS](#), (May 2007).

¹⁰⁹¹ [Constitution of Saint Vincent and the Grenadines \(1979\)](#), art. 4. This provision further prohibits performance of forced labor, excluding any labor required by (a) criminal sentencing or court order, (b) lawful detention, (c) military service, or (d) aftermath of a natural disaster. *Id.*

¹⁰⁹² [Prevention of Trafficking in Persons Act \(2011\)](#).

¹⁰⁹³ *Id.* These phrases also describe the *actus reus* of the slave trade as defined in the 1926 Slavery Convention. [1926 Slavery Convention](#), art. 1(2) (“The slave trade includes all acts involved in the capture, acquisition, or disposal of a person with intent to reduce him to slavery.”).

¹⁰⁹⁴ The United Kingdom’s Geneva Conventions Order (1959) is still in force; *see also* AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 98 (2012).

¹⁰⁹⁵ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

¹⁰⁹⁶ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁰⁹⁷ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int’l Humanitarian L. Databases.

SURINAME

Suriname prohibits the slave trade in its penal code. Suriname also prohibits slavery as a form of exploitation under an offense of human trafficking in its penal code. Suriname does not have any separate domestic laws on slavery or the slave trade. Suriname is a state party to the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Suriname's approach to implementing treaties suggests that it is a dualist state.¹⁰⁹⁸

1. Penal Code Provisions: The Slave Trade

Article 334(A) of Suriname's Penal Code prohibits the slave trade. The statute states that "the person who runs for their own account or foreign slave trade or deliberately directly or indirectly participates, shall be punished with imprisonment not exceeding fifteen years..."¹⁰⁹⁹ This statute does not further define the slave trade.

2. Penal Code Provisions: Slavery as a Form of Exploitation of Human Trafficking

Article 334 of Suriname's Penal Code prohibits slavery as a form of exploitation under an offense of human trafficking. Section 2 states "exploitation shall include at least the exploitation of another person in prostitution, other forms of sexual exploitation, forced labor or services, slavery or similar servitude."¹¹⁰⁰ This statute does not further define slavery.

3. Other Relevant Acts and Provisions: Universal Jurisdiction

Suriname does not have any provisions on universal jurisdiction.¹¹⁰¹

4. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.¹¹⁰²

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹¹⁰³ Suriname is a state party to APII.¹¹⁰⁴

¹⁰⁹⁸ [Constitution of Suriname \(1987\)](#), art. 103 ("Agreements with other powers and international organizations shall be concluded by or with the authority of the President, and insofar as the agreement requires, shall be ratified by the President. The National Assembly shall be notified of such agreements as soon as possible; [the agreements] shall not be ratified and they shall not come into effect until they have received the approval of the National Assembly.").

¹⁰⁹⁹ [Suriname's Penal Code \(1910\)](#), art. 334(A).

¹¹⁰⁰ *Id.*, art. 334(a).

¹¹⁰¹ See AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 107-08 (2012). However, universal jurisdiction has been used for alleged crimes committed in Suriname during the Interior War, the civil war in Suriname that took place between 1986 and 1992. On October 26, 2021, Dutch police arrested a 55-year-old man suspected of committing war crimes during the Interior War. Hayley Evans, [A Survey of Recent Developments and Trends in Universal Jurisdiction](#), Lawfare (Feb. 9, 2022).

¹¹⁰² [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; see also [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

¹¹⁰³ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹¹⁰⁴ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

TRINIDAD & TOBAGO

Trinidad & Tobago prohibits slavery as a form of exploitation under an offense of human trafficking. Additionally, Trinidad & Tobago prohibits enslavement and sexual slavery as crimes against humanity. Trinidad & Tobago has no additional legislation on slavery and the slave trade. Trinidad & Tobago is not a state party to the 1926 Slavery Convention but is a party to the 1956 Supplementary Slavery Convention. There is some evidence that suggests that Trinidad & Tobago is a dualist state.¹¹⁰⁵

1. Other Relevant Acts and Provisions: Slavery as a Form of Exploitation of Human Trafficking

Trinidad & Tobago's Trafficking in Persons Act prohibits slavery as a form of exploitation. The statute states that "exploitation" includes (a) keeping a person in a state of slavery and (b) subjecting a person to practices similar to slavery.¹¹⁰⁶ The provision further states that slavery means "the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised."¹¹⁰⁷

2. Other Relevant Acts and Provisions: Slavery and/or Slave Trade

Trinidad & Tobago prohibits numerous crimes against humanity by incorporating Article 7 of the Rome Statute into its domestic legislation. Article 10 of the International Criminal Court Act enumerates enslavement and sexual slavery as offenses.¹¹⁰⁸

3. Other Relevant Acts and Provisions: Universal Jurisdiction

Trinidad & Tobago provides universal jurisdiction for war crimes, genocide, and crimes against humanity but not for torture.¹¹⁰⁹ Article 8 of the International Criminal Court Act states that proceedings may be brought for an offense regardless of i) the nationality or citizenship of the person accused; ii) whether or not any act forming part of the offense occurred in Trinidad & Tobago; or iii) whether or not the person accused was in Trinidad & Tobago at the time that the act constituting the offense occurred or at the time a decision was made to charge that person with an offense.¹¹¹⁰ These offenses include war crimes, genocide, and crimes against humanity.

4. International Humanitarian Law: Slavery and the Slave Trade in All their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.¹¹¹¹

¹¹⁰⁵ Stephen C. Vasciannie, [Human Rights Law in the Commonwealth Caribbean](#) (2010) ("Commonwealth Caribbean systems, based on the English common law, adopt a dualist approach to the relationship between international law and municipal law... This applies to the human rights treaties to which the Caribbean States are party.").

¹¹⁰⁶ [Trafficking in Persons Act \(2011\), ch. 12:10](#). These phrases also describe the *actus reus* of the slave trade as defined in the 1926 Slavery Convention. ("The slave trade includes all acts involved in the capture, acquisition, or disposal of a person with intent to reduce him to slavery."). [1926 Slavery Convention](#), art. 1(2).

¹¹⁰⁷ [Trafficking in Persons Act \(2011\), Ch. 12:10](#).

¹¹⁰⁸ [International Criminal Court Act \(2006\)](#), art. 10.

¹¹⁰⁹ [International Criminal Court Act \(2006\)](#), art. 8; AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 114-15 (2012).

¹¹¹⁰ [International Criminal Court Act \(2006\)](#), art. 8.

¹¹¹¹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹¹¹² Trinidad & Tobago is a state party to APII.¹¹¹³

¹¹¹² [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹¹¹³ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

URUGUAY

Uruguay prohibits slavery and the slave trade in its penal code. Uruguay also prohibits slavery as a form of exploitation under an offense of human trafficking. Uruguay also prohibits sexual slavery as a war crime. Uruguay is not a state party to the 1926 Slavery Convention but is a party to the 1956 Supplementary Slavery Convention. Uruguay's approach to implementing treaties suggests that it is a dualist state.¹¹¹⁴

1. Penal Code Provisions: Slavery and the Slave Trade

Article 280 of Uruguay's Penal Code concerns the "acquisition, transfer and slave trade and reduction of other men to slavery."¹¹¹⁵ The statute states "whoever reduces a person to slavery or other similar conditions [and] whoever acquires or transfers slaves and whoever traffics them will be punished for two to six years in prison."¹¹¹⁶ The statute does not further define slavery or the slave trade.

2. Other Relevant Acts and Provisions: Slavery as a Form of Exploitation of Human Trafficking

Article 78 of Uruguay's Immigration Law concerns trafficking and includes slavery as a form of exploitation. The statute states "whoever in any manner or by any means takes part in the recruitment, transportation, transfer, harboring, or receipt of persons for forced labor or services, slavery or similar practices, servitude, sexual exploitation....be punish[ed] by a sentence of four to sixteen years in prison."¹¹¹⁷ The statute does not further define "slavery or similar practices."

3. Other Relevant Acts and Provisions: Slavery and/or Slave Trade

Uruguay incorporates its obligations under the Rome Statute in its Law on Cooperation with the International Criminal Court in the Fight Against Genocide, War Crimes, and Crimes Against Humanity. In Article 26, "sexual slavery" is included as a war crime that "constitutes a serious violation of the Geneva Conventions."¹¹¹⁸ However, neither "sexual slavery" nor "enslavement" is enumerated in the crimes against humanity provision.

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Uruguay provides universal jurisdiction for war crimes, genocide, crimes against humanity, and torture.¹¹¹⁹ Sexual slavery is enumerated as a war crime but not a crime against humanity. Slavery and the slave trade are not enumerated as war crimes or crimes against humanity.

¹¹¹⁴ Paolo Sandonato de Leon, [A Guide to Uruguay's Legal System and Research](#), GlobaLex.

¹¹¹⁵ [Uruguay's Penal Code \(1933\)](#), art. 280.

¹¹¹⁶ [Id.](#)

¹¹¹⁷ [Immigration Law \(2008\)](#), art. 78.

¹¹¹⁸ [Law on Cooperation with the International Criminal Court in the Fight Against Genocide, War Crimes, and Crimes Against Humanity \(2006\)](#), art. 26.

¹¹¹⁹ [Id.](#), art. 4.2; *see also* AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 120 (2012).

5. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.¹¹²⁰

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹¹²¹ Uruguay is a state party to APII.¹¹²²

¹¹²⁰ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

¹¹²¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹¹²² [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int’l Humanitarian L. Databases.

VENEZUELA

Venezuela prohibits slavery in its constitution and prohibits both slavery and the slave trade in its penal code. Venezuela also prohibits slavery as a form of exploitation under an offense of human trafficking. Additionally, Venezuela prohibits slavery during a state of armed conflict and prohibits sexual slavery in upholding rights for women. Venezuela is not a state party to the 1926 or 1956 Slavery Conventions.

1. Constitutional Provisions: Slavery and the Slave Trade

Article 54 of Venezuela's Constitution prohibits slavery. The provision states "no person shall be subjected to slavery or servitude."¹¹²³ There are no further definitions of slavery or servitude within the constitution.

2. Penal Code Provisions: Slavery and the Slave Trade

Article 174 of Venezuela's Penal Code prohibits slavery and the slave trade. The statute states "anyone who reduces any person to slavery or subjects them to a similar condition will be punished with imprisonment from six to twelve years. Those who intervene in the slave trade will incur the same penalty."¹¹²⁴ The statute does not further define slavery or the slave trade.

3. Penal Code Provisions: Slavery as a Form of Exploitation of Human Trafficking

Venezuela's Law Against Organized Crime and Terrorist Financing identifies "slavery or similar practices" as a form of exploitation under an offense of human trafficking.¹¹²⁵ This statute does not further define "slavery or similar practices."

4. Other Relevant Acts and Provisions: Slavery

Venezuela's Law on the State of Emergency guarantees certain rights that must not be restricted during "situations of internal and international armed conflict."¹¹²⁶ Section 8 states that individuals possess the "right to not be subjected to slavery or servitude."¹¹²⁷

Venezuela's Law on the Right of Women to a Life Free of Violence prohibits forced prostitution and sexual slavery, which "constitute degrading treatment, nullifying or limiting to a minimum the freedom of self-determination and free development of women."¹¹²⁸ Article 15 of this Law defines "sexual slavery" as "the illegitimate deprivation of freedom of women, for sale, purchase, loan or barter with the obligation to perform one or more acts of a sexual nature."¹¹²⁹

5. Other Relevant Acts and Provisions: Universal Jurisdiction

Venezuela provides universal jurisdiction for war crimes, crimes against humanity, and genocide, but not for torture.¹¹³⁰ Venezuela does not enumerate slavery, sexual slavery, or the slave trade as war crimes or crimes against humanity.

¹¹²³ [Venezuela's Constitution \(1999\)](#), art. 54.

¹¹²⁴ [Venezuela's Penal Code \(2000\)](#), art. 174.

¹¹²⁵ [Law Against Organized Crime and Terrorist Financing \(2005\)](#), art. 41.

¹¹²⁶ [Law on the State of Emergency \(2001\)](#), art. 7(8).

¹¹²⁷ *Id.*

¹¹²⁸ [Law on the Right of Women to a Life Free of Violence \(2007\)](#).

¹¹²⁹ *Id.*, art. 15.

¹¹³⁰ [Criminal Code \(2005\)](#), art. 155; [Criminal Code \(2005\)](#), art. 4(9); *see also* AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 121-22 (2012).

6. International Humanitarian Law: Slavery and the Slave Trade in all their Forms are Prohibited

States are bound by customary international humanitarian law, which prohibits slavery and the slave trade in all their forms.¹¹³¹

Additional Protocol II (APII) to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹¹³² Venezuela is a state party to APII.¹¹³³

¹¹³¹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

¹¹³² [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹¹³³ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int’l Humanitarian L. Databases.

WESTERN EUROPE & OTHER STATES



WESTERN EUROPE AND OTHER STATES REGIONAL ANALYSIS

This section will analyze Western European and Other ASP countries' domestic legislation on slavery and the slave trade, providing an overview of existing domestic legislation on slavery and the slave trade while underscoring similarities and trends among different States' laws. Additionally, this section considers both regional and international treaty commitments by the Western European and Other ASP countries and the implementation of those treaties through domestic law.

There are twenty-five (25) ASP countries in Western European and Other region. Eighteen (18) countries are party to the 1926 Slavery Convention.¹¹³⁴ Twenty-two (22) countries are party to the 1956 Supplementary Slavery Convention.¹¹³⁵ Three (3) countries are not state parties to the 1926 Slavery Convention nor the 1956 Supplementary Slavery Convention. One (1) country prohibits slavery and the slave trade in its constitution. Two (2) countries prohibit slavery but not the slave trade in their constitutions.

Nineteen (19) countries prohibit slavery in their penal or criminal codes. Three (3) countries prohibit slavery and maintain a complete prohibition of the slave trade in their penal and criminal codes. One (1) country prohibits the slave trade but not slavery in its penal code. One (1) country prohibits slavery and maintain a partial prohibition of the slave trade in its penal code. Seven (7) countries prohibit slavery and the slave trade in their penal and criminal codes as a form of exploitation of human trafficking, or as crimes linked with human trafficking. Eight (8) countries prohibit slavery but not the slave trade in their penal or criminal codes.

Five (5) countries maintain prohibitions of slavery, the slave trade, enslavement, or sexual slavery in their national acts but not the penal or criminal codes. Four (4) countries do not include slavery or the slave trade as forms of exploitation under the prohibition of human trafficking in their domestic legislation. Four (4) countries include slavery and/or the slave trade under the prohibition of human trafficking in their domestic legislation. Twenty-three (23) countries have a domestic legislation implementing the Rome Statute. Every Western European and Other ASP country has domestic legislation or national act prohibiting human trafficking.

A complete list of states in each category can be found in the **Western European and Other States Regional Summary**.

1. Constitutional Provisions: Slavery and the Slave Trade

One (1) country prohibits slavery and the slave trade in its constitution: Andorra. It is the only ASP country in the Western European and Other region that prohibits both slavery and the slave trade in its constitution.

The Constitution of 1993 of Andorra does not expressly prohibit slavery or the slave trade. Nonetheless, article 5 of the constitution provides that the Universal Declaration of Human Rights ("UDHR") creates binding legal obligations in Andorra.¹¹³⁶ Consequently, this suggests that article 4 of the UDHR which states "[n]o one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms" is also binding in Andorra.¹¹³⁷

¹¹³⁴ [Slavery Convention, Sep. 25, 1926, 60 L.N.T.S. 254](#). [hereinafter 1926 Slavery Convention].

¹¹³⁵ [Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, Sep. 7, 1956, 266 U.N.T.S. 3](#). [hereinafter 1956 Supplementary Slavery Convention].

¹¹³⁶ [Constitution of 1993 of Andorra](#), art. 5.

¹¹³⁷ [G.A. Res. 217 \(III\) A, Universal Declaration of Human Rights \(Dec. 10, 1948\)](#), art. 4.

2. Constitutional Provisions: Slavery but not the Slave Trade

Two countries expressly prohibit slavery in their constitutions: Liechtenstein, and Norway. However, no ASP country in the Western European and Other region other than Andorra prohibits the slave trade in its constitution.

Liechtenstein

Article 10(2) of Liechtenstein's Constitution of 1921 acknowledges the prohibition of slavery as a non-derogable norm:

Article 10

(2) Emergency decrees can neither limit every person's right to life, the prohibition of torture and inhuman treatment or the prohibition of **slavery** and forced labour nor place any restriction on the "no punishment without law" rule.¹¹³⁸

Norway

Article 93 of Norway's Constitution of 1814 manifests the prohibition of slavery through a declarative statement:

Article 93

No one shall be held in slavery or required to perform forced labour. The authorities of the State shall protect the right to life and oppose torture, **slavery**, forced labour and other forms of inhuman or degrading treatment.¹¹³⁹

Finland

Other Western European and Other ASP countries do not maintain a provision prohibiting slavery in their constitutions. Nonetheless, Finland stated in its report to the Human Rights Committee ("HRC") that the prohibition of slavery and servitude is covered by the right to life, personal liberty and integrity guarantee by section 7 of its Constitution of 1999.¹¹⁴⁰

The United Kingdom

The United Kingdom does not maintain a consolidated text of its constitution, but the prohibition of slavery can be found in other national acts which, as a collective, can be seen as making up parts of the United Kingdom's constitution.¹¹⁴¹

¹¹³⁸ [Constitution of 1921 \(rev. 2011\) of Liechtenstein](#), art. 10(2).

¹¹³⁹ [Constitution of 1814 \(amend. 2023\) of Norway](#), art. 93.

¹¹⁴⁰ [Finland, Fifth periodic report to the Human Rights Committee, UN Doc. CCPR/C/FIN/2003/5 \(July 24, 2003\)](#), ¶ 128: "It was not considered necessary to specifically mention slavery and servitude in the list of rights guaranteed by section 7 of the Constitution as the prohibition of slavery and servitude, which is without any doubt in force in Finland in the same way as the general prohibition of interference with the integrity of person, may undisputedly be derived from the general provision in section 7, subsection 1, of the Constitution." See also [Constitution of 1999 of Finland](#), § 7(1).

¹¹⁴¹ [The United Kingdom and Northern Ireland, THE UK CONSTITUTION A summary, with options for reform, at 5 \(Mar. 2015\)](#) ("The United Kingdom constitution is composed of the laws and rules that create the institutions of the state, regulate the relationships between those institutions, or regulate the relationship between the state and the individual. These laws and rules are not codified in a single, written document. Constitutional laws and rules have no special legal status.").

3. Penal Code Provisions: Slavery and Complete Prohibition of the Slave Trade

Three (3) countries prohibit slavery and maintain a complete prohibition of the slave trade in their penal and criminal codes: Austria, Greece, and Norway.

Austria

Austria maintains a prohibition of slavery and the slave trade in section 104 of its Criminal Code of 1974:

Section 104 Slave Trade

(1) Anyone who practices **slave trading** or otherwise deprives personal liberty from another person in the form of **slavery or a slavery-like** situation shall be punished with a sentence of 10 to 20 years' imprisonment.

(2) It is also necessary to punish who **causes another to be enslaved or brought into a slavery-like position**, or that another person shall enter into slavery or slavery-like situation.¹¹⁴²

Additionally, section 321a of Austria's Criminal Code of 1974 enumerates slavery, which includes enslaving another person as defined in section 104,¹¹⁴³ and human trafficking as a crime against humanity but the slave trade and sexual slavery are not mentioned under this section.¹¹⁴⁴ Note that slavery is not included as a form of exploitation of human trafficking within the code.¹¹⁴⁵

Greece

Greece maintains an explicit prohibition of the slave trade in article 323 and includes slavery as a crime under article 322 on abduction in its Penal Code of 1973. The prohibition of the slave trade is complete under article 323 where both *actus reus* and *mens rea* elements of the slave trade are covered by the article:

Article 323 Slave trade

1. One who deals in **slave trading** shall be punished by confinement in a penitentiary.
2. Slave trading shall include any act of seizure, attainment or disposition of an individual which is intended to subject him to slavery; any act of acquiring a slave with intent to resell or exchange him; any act of allowing a possessed slave to be sold or exchanged; and in general any act of trading or delivering slaves.¹¹⁴⁶

Slavery is prohibited under article 322 which concerns abduction:

Article 322 Abduction

One who by means of fraud or force seizes another so that he is deprived of the protection of the State, and especially **one who reduces another into slavery** or into some similar condition deprivative of liberty, shall be punished by confinement in a penitentiary.¹¹⁴⁷

¹¹⁴² [Criminal Code of 1974 of Austria](#), § 104.

¹¹⁴³ [Id.](#)

¹¹⁴⁴ [Id.](#), § 321a.

¹¹⁴⁵ [Id.](#), § 104a.

¹¹⁴⁶ [Penal Code of 1973 of Greece](#), art. 323.

¹¹⁴⁷ [Id.](#), art. 322.

Norway

Norway's Penal Code of 2017 provides complete prohibitions of slavery and the slave trade in section 259 on slavery. A similar language and prohibitions are seen in section 225 of its Civil Penal Code section 225.¹¹⁴⁸ However, neither the code defines the terms enslave or slave trading. For instance, see section 259 of the Penal Code of 2017:

Section 259 Slavery

Any person who **enslaves another person** shall be subject to imprisonment for a term not exceeding 21 years. The same penalty shall apply to any person who engages in **slave trading or the transport of slaves or persons destined for slave trading**.¹¹⁴⁹

In addition, Norway also enumerates both enslavement and sexual slavery as crimes against humanity¹¹⁵⁰ and war crimes.¹¹⁵¹

4. Penal Code Provisions: Complete Prohibition of the Slave Trade But Not Slavery

One (1) country maintains a complete prohibition of the slave trade but does not prohibit slavery in its penal code: Liechtenstein.

Liechtenstein

Liechtenstein's Penal Code of 1987 expressly prohibits the slave trade under section 104, but slavery is not mentioned within the penal code:

Section 104 Slave Trade

1) Any person engaging in the **slave trade** shall be punished with imprisonment of ten to twenty years.

2) Any person shall be punished likewise who effects that another person is enslaved or brought into a situation similar to slavery or effects that another person enters into slavery or a situation similar to slavery.¹¹⁵²

5. Penal Code Provisions: Slavery and Partial Prohibition of the Slave Trade

One (1) country maintains a prohibition of slavery and a partial prohibition of the slave trade in its penal code: Italy.

Italy

Italy's Penal Code of 1930 prohibits both slavery and the slave trade.¹¹⁵³ However, only the acts of the slave trade are criminalized and not the intent of reducing another into slavery. Nonetheless, the definition of slavery under article 600 reflects the definition of slavery found in the 1926 Slavery Convention:¹¹⁵⁴

¹¹⁴⁸ [General Civil Penal Code of 22 May 1902 \(amended in 2005\) or Norway](#), § 225.

¹¹⁴⁹ [Penal Code of 2017 of Norway](#), § 259.

¹¹⁵⁰ [Id.](#), § 102.

¹¹⁵¹ [Id.](#), § 103.

¹¹⁵² [Penal Code of 1987 of Liechtenstein](#), § 104.

¹¹⁵³ [Penal Code of 1930 \(amend. 2018\) of Italy](#), art. 600

¹¹⁵⁴ [1926 Slavery Convention](#), art. 1(1) ("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.")

Article 600 Placing or holding a person in conditions of slavery or servitude

Whoever **exercises on any other person powers and rights corresponding to ownership**; or who reduces or maintains a person in a state of constant subjection, forcing that person to work or to provide sexual services or to beg or to any other illegal activity involving exploitation or to consent to the removal of organs, shall be punished with imprisonment from eight to twenty years.¹¹⁵⁵

Although the definition of slavery is in line with the 1926 Slavery Convention, article 602 of the penal code codifies partial prohibition of the slave trade, only the conduct or *actus reus* of the slave trade is punishable under article 602:

Article 602 Sale and purchase of slaves

Whoever, in cases other than the ones referred to in article 601, purchases or sales or transfers any **person who is in any of the conditions referred to in article 600**, shall be punished with imprisonment from eight to twenty years.¹¹⁵⁶

Because article 602 concerns the “purchases or sales or transfers any person who is in any of the conditions referred to in article 600,” it only covers the sales of those who were already enslaved. Accordingly, this suggests that the article does not extend to the crimes of bringing a free person into slavery.

In addition, article 601 of the penal code prohibits the trafficking of “persons who are in the conditions referred to in article 600,” or enslaved persons.¹¹⁵⁷

6. Penal Code Provisions: Slavery, the Slave Trade, and Human Trafficking

Seven (7) countries prohibit slavery and the slave trade in their penal and criminal codes as a form of exploitation of human trafficking, or as crimes linked with human trafficking: Australia, Andorra, Finland, Netherlands, New Zealand, Portugal, and San Marino.

Australia

Australia maintains prohibitions of slavery and the slave trade in its criminal code. The definition of slavery under section 270.1 of its Criminal Code of 1995 is in line with the definition of slavery under the 1926 Slavery Convention.¹¹⁵⁸ The code defines slavery as:

Section 270.1 Definition of slavery

For the purposes of this Division, slavery is the **condition of a person over whom any or all of the powers attaching to the right of ownership are exercised**, including where such a condition results from a debt or contract made by the person.¹¹⁵⁹

The code also prohibits the slave trade as part of slavery offenses in section 270.3:

¹¹⁵⁵ [Penal Code of 1930 \(amend. 2018\) of Italy](#), art. 600.

¹¹⁵⁶ [Id.](#), art. 602; *see also* [1926 Slavery Convention](#), art. 1(2) (“The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves.”).

¹¹⁵⁷ [Penal Code of 1930 \(amend. 2018\) of Italy](#), art. 601.

¹¹⁵⁸ [1926 Slavery Convention](#), art. 1(1).

¹¹⁵⁹ [Criminal Code Act 1995 of Australia](#), § 270.1.

Section 270.3 Slavery offences

(1) A person who, whether within or outside Australia, intentionally:

- (aa) reduces a person to **slavery**; or
 - (a) possesses a slave or exercises over a slave any of the other powers attaching to the right of ownership; or
 - (b) engages in **slave trading**; or
 - (c) enters into any commercial transaction involving a slave; or
 - (d) exercises control or direction over, or provides finance for:
 - (i) any act of slave trading; or
 - (ii) any commercial transaction involving a slave;
- commits an offence.¹¹⁶⁰

Additionally, an aggravated form of slavery-like offenses where the victim is a minor is proscribed under section 270.8.¹¹⁶¹

Section 268.10 of Australia's Criminal Code of 1995 criminalizes enslavement and reflects the definition of enslavement found in article 7(2)(c) of the Rome Statute.¹¹⁶² However, section 268.10 further clarifies the meaning of the exercises of any or all of the powers attaching to the right of ownership over a person:

268.10 Crimes against humanity – enslavement

(2) In subsection (1):

[E]xercises [of] any or all of the powers attaching to the right of ownership over a person includes purchases, sells, lends or barter a person or imposes on a person a similar deprivation of liberty and also includes exercise a power arising from a debt incurred or contract made by a person.¹¹⁶³

In addition, sexual slavery is prohibited under section 268.15 as a crime against humanity,¹¹⁶⁴ as a war crime both in the context of an international armed conflict ("IAC") under section 268.60,¹¹⁶⁵ and non-international armed conflict ("NIAC") under section 268.83.¹¹⁶⁶ Unlike the Rome Statute, sections 268.15, 268.60, and 268.83 of Australia's Criminal Code of 1995 provides a definition of sexual slavery. For instance, see section 268.15 subsection 2 of the code:

268.15 Crime against humanity—sexual slavery

- (2) For the purposes of this section, sexual slavery is the condition of a person who provides sexual services and who, because of the use of force or threats:
- (a) is not free to cease providing sexual services; or

¹¹⁶⁰ *Id.*, § 270.3.

¹¹⁶¹ *Id.*, § 270.8.

¹¹⁶² *Id.*, § 268.10(1)(a) ("the perpetrator exercises any or all of the powers attaching to the right of ownership over one or more persons (including the exercise of a power in the course of trafficking in persons, in particular women and children);" see [Rome Statute of the International Criminal Court](#), art. 7(2)(c).

¹¹⁶³ [Criminal Code Act 1995 of Australia](#), § 268.10(2).

¹¹⁶⁴ *Id.*, § 268.15.

¹¹⁶⁵ *Id.*, § 268.60.

¹¹⁶⁶ *Id.*, § 268.83.

(b) is not free to leave the place or area where the person provides sexual services.¹¹⁶⁷

Slavery is also included as a form of exploitation under division 271 of Australia's Criminal Code of 1995 which concerns "[t]rafficking in persons."¹¹⁶⁸ Particularly, section 271.1A includes "slavery, or a condition similar to slavery" as a form of exploitation.¹¹⁶⁹

Andorra

Andorra's Criminal Code of 2005 defines slavery under article 134 and criminalizes both the acts and intent elements of the slave trade under article 134bis which is titled "Trafficking in human beings for the purpose of slavery or servitude." The definition of slavery provided in the code is in line with the definition of slavery under the 1926 Slavery Convention.¹¹⁷⁰

Article 134 Slavery

A person who subjects a person to **slavery or servitude** must be punished with a term of imprisonment of four to twelve years.

Slavery is the situation of the person over whom another person even, in fact, **exercises all or some of the attributes of the right of ownership**, such as buying, selling, lending or giving in exchange.¹¹⁷¹

Article 134bis Trafficking in human beings for the purpose of slavery or servitude

Whoever, **with the purpose of slavery or servitude**, recruits, transports, transfers, lodges or shelters one or more people, must be punished with a prison sentence of two to six years, without prejudice.¹¹⁷²

Although article 459 of Andorra's criminal code does not expressly enumerate enslavement or sexual slavery as crimes against humanity,¹¹⁷³ article 460 (sentences or *peines*) does provide a specific imprisonment term if the perpetrator holds another person in slavery.¹¹⁷⁴

Finland

Finland prohibits enslavement and sexual slavery as crimes against humanity¹¹⁷⁵ and sexual slavery as a war crime, both in IAC and NIAC contexts.¹¹⁷⁶ Additionally, slavery and "trades in slaves" are proscribed as aggravated forms of human trafficking in its Criminal Code of 1889:

Section 3a Aggravated trafficking in human beings

¹¹⁶⁷ [*Id.*, § 268.15.](#)

¹¹⁶⁸ [*Id.*, div. 271.](#)

¹¹⁶⁹ [*Id.*, § 271.1A.](#)

¹¹⁷⁰ [1926 Slavery Convention](#), *supra* note 1, at article 1(1).

¹¹⁷¹ [Criminal Code of 2005 of Andorra](#), art. 134.

¹¹⁷² [*Id.*, art. 134bis.](#)

¹¹⁷³ [*Id.*, art. 459.](#)

¹¹⁷⁴ [*Id.*, art. 460](#) ("1. Prisoners of crimes against humanity must be punished ... [w]ith a prison sentence of four to eight years if they subject any person to slavery or maintain them there.").

¹¹⁷⁵ [Criminal Code of 1889 of Finland](#), ch. 11 § 3.

¹¹⁷⁶ [*Id.*, ch. 11 § 5.](#)

(2) Also, a person who **enslaves or keeps another person in servitude**, transports or **trades in slaves** shall be sentenced for aggravated trafficking in human beings if the act is aggravated when assessed as whole.¹¹⁷⁷

However, Finland does not criminalize the slave trade as a stand-alone crime elsewhere in its criminal code. The criminal code does not define slavery, the slave trade, enslavement, or sexual slavery.

The Netherlands

The Netherlands prohibits “slavery or practices similar to slavery or servitude”¹¹⁷⁸ as a form of exploitation of human trafficking under section 273f of its Criminal Code of 1881. The slave trade is prohibited under section 274:

Section 274

Any person who engages in **slave trading**, for his own or another's account, or who intentionally participates in it, either indirectly or directly, shall be liable to a term of imprisonment not exceeding twelve years or a fine of the fifth category.¹¹⁷⁹

However, the criminal code does not define either slavery or slave trading.

New Zealand

New Zealand codifies the prohibitions of both slavery and the slave trade in its Crimes Act of 1961. Although referred to as the “[d]ealing in slaves,” the prohibition of the slave trade is complete under article 98 because the article covers both the *actus reus* and *mens rea* elements of the slave trade in accordance with the 1926 Slavery Convention:¹¹⁸⁰

Article 98 Dealing in slaves

(1) Everyone is liable to imprisonment for a term not exceeding 14 years who, within or outside New Zealand,—

- (a) sells, purchases, transfers, barter, lets, hires, or in any way whatsoever deals with any person **as a slave**; or
- (b) employs or uses any person **as a slave**, or permits any person to be so employed or used; or
- (c) detains, confines, imprisons, carries away, removes, receives, transports, imports, or brings into any place whatsoever any person **as a slave** or to be dealt with as a slave; or
- (d) induces any person to sell, let, or give himself or herself, or any other person dependent on him or her or in his or her charge, **as a slave**...

(2) For the purposes of this section—

[S]lave includes, without limitation, a person subject to debt-bondage or serfdom.¹¹⁸¹

¹¹⁷⁷ *Id.*, ch. 25 § 3a.

¹¹⁷⁸ [Criminal Code of 1881 of Netherlands](#), § 273f.

¹¹⁷⁹ *Id.*, § 274.

¹¹⁸⁰ [1926 Slavery Convention](#), art. 1(2).

¹¹⁸¹ [Crimes Act of 1961 of New Zealand](#), art. 98.

While the slave trade or the “[d]ealing in slaves” is prohibited as a stand-alone crime, “slavery, practices similar to slavery, servitude, forced labour, or other forced services” are included as a form of exploitation of human trafficking under article 98D of the Crimes Act of 1961.¹¹⁸²

Portugal

Portugal expressly prohibits the slave trade in its penal code. Despite the article being titled slavery, article 159 of the Penal Code Law no. 48/95 essentially prohibits the slave trade rather than slavery where both the *actus reus* and *mens reas* elements of the slave trade in accordance with the 1926 Slavery Convention:¹¹⁸³

Article 159 Slavery

Whoever:

- A) [R]educes another person to the state or the **condition of slave**; or
 - B) [D]isposes of, assign or acquire a person or to acquire [such person] with the **intention** of maintaining [such person] in the situation described in the previous paragraph;
- is punished with imprisonment from 5 to 15 years.¹¹⁸⁴

The prohibition of slavery is also seen in article 160 of Portugal’s Penal Code Law no. 48/95 where slavery is included as a form of exploitation of human trafficking.¹¹⁸⁵

Portugal’s Law No. 31/2004 adapting Portuguese criminal legislation to the Statute of the International Criminal Court enumerates enslavement and sexual slavery as crimes against humanity.¹¹⁸⁶ However, neither enslavement nor sexual slavery were recognized as a war crime under the Law.

San Marino

San Marino explicitly prohibits reduction of another person into slavery in article 167 of Law no. 17 of 25 February 1974 or its penal code.¹¹⁸⁷ The slave trade appears to be used interchangeably with human trafficking. For instance, see articles 13 and 168 of the penal code:

Article 13 Hazard alleged

- 2) [Dangerous people are those who are] convicted for crimes of association to commit a crime, **trafficking and slave trade**, extortion with kidnapping, trafficking and exploitation of people engaged in prostitution.¹¹⁸⁸

Article 168 Trafficking

Everyone who [engages in the] slave trade shall be punished by imprisonment of six degree and with the fourth degree disqualification.¹¹⁸⁹

¹¹⁸² *Id.*, art. 98D.

¹¹⁸³ [1926 Slavery Convention](#), art. 1(2).

¹¹⁸⁴ [Penal Code Law no. 48/95 of Portugal](#), art. 159.

¹¹⁸⁵ [Penal Code Law no. 48/95 of Portugal](#), art. 160.

¹¹⁸⁶ [Law No. 31/2004 adapting Portuguese criminal legislation to the Statute of the International Criminal Court of Portugal](#), annex, ch. I, art. 9.

¹¹⁸⁷ [Law no. 17 of 25 February 1974 of San Marino](#), art. 167.

¹¹⁸⁸ *Id.*, art 13.

¹¹⁸⁹ *Id.*, art. 168.

7. Penal Code Provisions: Slavery but not the Slave Trade

Eight (8) countries prohibit slavery but not the slave trade in their penal or criminal codes: Belgium, Denmark, France, Germany, Luxembourg, Malta, Switzerland, and Spain.

8. Slavery Criminalized under Human Trafficking Provisions

Denmark

Denmark's Criminal Code Consolidation Act No. 1028 of 2013, includes "slavery and slavery-like conditions" as a form of exploitation of human trafficking in section 262a.¹¹⁹⁰

Germany

Germany's Criminal Code of 1998, as amended 2009, prohibits human trafficking for the purpose of holding another person "in slavery, servitude, debt bondage or in conditions equivalent or similar to such [acts]" under article 232.¹¹⁹¹ The code also prohibits inducing another person to engage in slavery under article 232(b) which concerns forced labor.¹¹⁹²

In addition, Germany's Code of Crimes Against International Law (2002) section 7 enumerates human trafficking and enslavement as crimes against humanity.¹¹⁹³

Spain

Spain's Criminal Code of 2005, amended by the Organic Act 10/1995 of November 25, criminalizes slavery under human trafficking, crimes against humanity, and war crimes provisions. Article 177bis prohibits trafficking in human beings for the purpose of subjecting the trafficked person to "forced work or services, slavery or practices similar to slavery or servitude or begging."¹¹⁹⁴

Additionally, article 607bis of Spain's Criminal Code of 2005 prohibits slavery as a crime against humanity¹¹⁹⁵ and sexual slavery as a war crime.¹¹⁹⁶ Notably, article 607bis defines slavery in accordance with the 1926 Slavery Convention in Spanish:¹¹⁹⁷

Article 607bis.

2. Those convicted of criminal offences against humanity shall be punished:

[...]

10. With a sentence of imprisonment from four to eight years if any person is subjected to **slavery** or kept in servitude. The punishment shall be applied without prejudice to the appropriate ones for the specific violations committed against the rights of persons. Slavery shall be construed as the **situation of a person over whom another exercises, albeit de**

¹¹⁹⁰ [Criminal Code Consolidation Act no. 1028 of August 22, 2013, of Denmark](#), § 262a.

¹¹⁹¹ [Criminal Code of 1998 \(amended 2009\) of Germany](#), art. 232.

¹¹⁹² [Id.](#), art. 232b.

¹¹⁹³ [Code of Crimes Against International Law of 2002 of Germany](#), § 7.

¹¹⁹⁴ [Criminal Code of 2005, amended by the Organic Act 10/1995 of November 25 of Spain](#), art. 177bis. Article 177bis also provides that ("[t]he consent of [the] victim of human trafficking shall be irrelevant....").

¹¹⁹⁵ [Criminal Code of 2005, amended by the Organic Act 10/1995 of November 25 of Spain](#), art. 607bis.

¹¹⁹⁶ [Id.](#), art. 611.

¹¹⁹⁷ [Convención sobre la Esclavitud, Sep. 25, 1926, 60 L.N.T.S. 254, art. 1\(1\)](#), [hereinafter 1926 Slavery Convention in Spanish].

facto, all and some of the attributes of the right of property, such as buying, selling, lending or exchanging such person.¹¹⁹⁸

Accordingly, article 611 of Spain's Criminal Code of 2005 on war crimes or "criminal offences against protected persons and assets in the event of armed conflict" does not limit its scope of application to either international or non-international armed conflict. Notably, article 608 provides that the protected persons include those protected under the four Geneva Conventions of 1949, the First Additional Protocol of 1977, and the Second Additional Protocol of 1977.¹¹⁹⁹

9. Enslavement as a Crime Against Humanity and Sexual Slavery as Both Crimes Against Humanity and War Crime

Belgium, Luxembourg, and Malta prohibit enslavement as a crime against humanity and prohibit sexual slavery as both crimes against humanity and war crime in their penal and criminal codes. Importantly, these States' provisions on crimes against humanity and war crimes reflect articles 7 and 8(2) of the Rome Statute.¹²⁰⁰

Belgium

Belgium's Penal Code of 1867 enumerates enslavement and sexual slavery as crimes against humanity under article 136ter¹²⁰¹ and sexual slavery as a war crime under article 136quater¹²⁰². However, Belgium's Penal Code of 1867 does not define enslavement or sexual slavery.

Luxembourg

Luxembourg's Penal Code of 2009 prohibits enslavement and sexual slavery as crimes against humanity under articles 136ter,¹²⁰³ and sexual slavery is enumerated as a war crime in both IAC and NIAC contexts under article 136c.¹²⁰⁴

In addition, article 382-1 of the penal code recognizes "forced or compulsory labour or services, servitude, slavery or similar practices and in general in conditions contrary to human dignity" as forms of exploitation of human trafficking.¹²⁰⁵

Malta

Malta's Criminal Code of 1854 criminalizes enslavement and sexual slavery as crimes against humanity under article 54C¹²⁰⁶ where the definition of enslavement aligns with the definition of enslavement found in article 7(2)(c) of the Rome Statute.¹²⁰⁷ Sexual slavery is prohibited as a war crime under article 54D.¹²⁰⁸ Malta also includes "slavery or practices similar to slavery" as a form of exploitation under article 248A which concerns human trafficking.¹²⁰⁹

¹¹⁹⁸ [Criminal Code of 2005, amended by the Organic Act 10/1995 of November 25 of Spain](#), art. 607bis.

¹¹⁹⁹ [Id.](#), art. 608.

¹²⁰⁰ [Rome Statute of the International Criminal Court](#), arts. 7, 8(2).

¹²⁰¹ [Penal Code of 1867 of Belgium](#), art. 136ter.

¹²⁰² [Id.](#), art. 136quater.

¹²⁰³ [Penal Code of 2009 of Luxembourg](#), art. 136ter.

¹²⁰⁴ [Id.](#), art. 136c.

¹²⁰⁵ [Id.](#), art. 382-1.

¹²⁰⁶ [Criminal Code of 1854 of Malta](#), art. 54C.

¹²⁰⁷ [Rome Statute of the International Criminal Court](#), art. 7(2)(c).

¹²⁰⁸ [Criminal Code of 1854 of Malta](#), art. 54D.

¹²⁰⁹ [Id.](#), art. 248A.

10. Enslavement as a Crime Against Humanity but Does Not Include a Prohibition of Sexual Slavery

France

France's penal code does not directly incorporate the language of the Rome Statute on crimes against humanity. Under the penal code, enslavement, or *la réduction en esclavage*, is prohibited as a crime against humanity in article 212-1 but sexual slavery is omitted.¹²¹⁰ Notably, only sexual slavery is omitted from article 212-1 even though other acts enumerated under article 7(g) of the Rome Statute are included.¹²¹¹

Article 224-1A of the penal code defines enslavement as "the exercise of a control over another person as one's property."¹²¹² Accordingly, the definition of enslavement in article 224-1A is more reflective of the 1926 Slavery Convention's definition of slavery¹²¹³ than the Rome Statute's definition of enslavement which includes the "trafficking in persons, in particular women and children" as an indicum.¹²¹⁴

Furthermore, article 224-1B prohibits the exploitation of an enslaved person through "sexual assault...or forced work or service"¹²¹⁵

Article 225-4-1 recognizes enslavement as a form of exploitation under human trafficking.¹²¹⁶

Switzerland

Switzerland criminalizes enslavement as a crime against humanity in its Criminal Code of 1937 in article 264a where enslavement is defined as "[the] exercise[] [of] a right of ownership over a person, in particular in the form of trafficking in persons, sexual exploitation or forced labour."¹²¹⁷ Accordingly, the definition of enslavement in Switzerland's criminal code expands the definition of enslavement under article 7(2)(c) of the Rome Statute¹²¹⁸ to include additional forms of exercises of the right ownership over a person such as "sexual exploitation" and "forced labor."

11. Other Relevant Acts and Provisions: Slavery and/or Slave Trade

There are five (5) countries that maintain prohibitions of slavery, the slave trade, enslavement, or sexual slavery in their national acts but not the penal or criminal codes: Canada, Iceland, Ireland, Sweden, and the United Kingdom.

Canada

In its Crimes Against Humanity and War Crimes Act of 2000, Canada recognizes enslavement as a crime against humanity under sections 4(3), which concerns offenses committed in Canada, and 6(3), which concerns offenses committed outside Canada.¹²¹⁹ Sexual slavery is not expressly recognized as a war crime under the Act. Nevertheless, under sections 4(3) and 6(3) of the Act, war crimes are defined as "an act or

¹²¹⁰ [Penal Code of France](#), art. 212-1. Article 212-1(7) enumerates the following acts as crimes against humanity: ("[r]ape, forced prostitution, forced pregnancy, forced sterilization or any other form of sexual violence of comparable gravity.").

¹²¹¹ [Rome Statute of the International Criminal Court](#), *supra* note 1199, art. 7(1)(g). Article 7(g) of the Rome Statute enumerates the following acts as crimes against humanity ("[r]ape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity.").

¹²¹² [Penal Code of France](#), art. 224-1A.

¹²¹³ [Convention relative à l'esclavage, Sep. 25, 1926, 60 L.N.T.S. 254](#), art. 1(1), [hereinafter 1926 Slavery Convention in French].

¹²¹⁴ [Rome Statute of the International Criminal Court](#), art. 7(2)(c).

¹²¹⁵ [Penal Code of France](#), art. 224-1B.

¹²¹⁶ *Id.*, art. 225-4-1.

¹²¹⁷ [Criminal Code of 1937 of Switzerland](#), art. 264a.

¹²¹⁸ [Rome Statute of the International Criminal Court](#), art. 7(2)(c).

¹²¹⁹ [Crimes Against Humanity and War Crimes Act of 2000 of Canada](#), § 4(3).

omission committed during an armed conflict that, at the time and in the place of its commission, constitutes a war crime according to customary international law or conventional international law applicable to armed conflicts.”¹²²⁰ Accordingly, the sections on war crimes can be interpreted as including the prohibition of both slavery and the slave trade which has a *jus cogens* status under customary international law.¹²²¹

Iceland

Iceland maintains prohibitions of enslavement and sexual slavery as crimes against humanity¹²²² and sexual slavery as a war crime in the context of an IAC¹²²³ in its Act on Punishments for Mass Murder, Crimes against Humanity, War Crimes and Crimes against Peace Law no. 144/2018.

Ireland

Ireland contains express prohibitions of slavery and the slave trade in article 4 of its European Convention on Human Rights Act of 2003 and in its Slave Trade Act of 1824 respectively. The prohibitions under Ireland’s national acts are manifested through declarative statements:

Article 4 Prohibition of slavery and forced labour

No one shall be held in slavery or servitude.¹²²⁴

Article 2

The purchase, sale, or contract for slaves [are] declared unlawful.¹²²⁵

Furthermore, Ireland’s Criminal Law (Human Trafficking) Act 2008 recognizes enslavement as a form of labor exploitation and defines human trafficking as transfer of another person or the act of placing a person “in the custody, care or charge, or under the control” of another.¹²²⁶ Note that Ireland is party to the Palermo Protocol.¹²²⁷

Sweden

Sweden prohibits sexual slavery and recognizes it as both a crime against humanity under section 2¹²²⁸ and as a war crime section 4¹²²⁹ of its Act on Criminal Responsibility for Genocide, Crimes Against Humanity and War Crimes of 2014. However, enslavement is completely omitted.

¹²²⁰ *Id.*

¹²²¹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

¹²²² [Act on Punishments for Mass Murder, Crimes against Humanity, War Crimes and Crimes against Peace Law no. 144/2018 of Iceland](#), art. 2.

¹²²³ *Id.*, art. 3.

¹²²⁴ [European Convention on Human Rights Act 2003 of Ireland](#), § 4.

¹²²⁵ [Slave Trade Act of 1824 of Ireland](#), § 2.

¹²²⁶ [Criminal Law \(Human Trafficking\) Act 2008 \(As Amended by The Criminal Law \(Human Trafficking\) \(Amendment\) Act of 2013\) of Ireland](#), § 1.

¹²²⁷ [UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000.

¹²²⁸ [Act on Criminal Responsibility for Genocide, Crimes Against Humanity and War Crimes of 2014 \(Sweden\)](#), § 2.

¹²²⁹ *Id.*, § 4.

United Kingdom

The United Kingdom prohibits slavery and the slave trade in its national acts. The prohibition of slavery can be found in the Human Rights Act of 1998, Modern Slavery Act of 2015, Northern Ireland's Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act of 2015, and Scotland's Human Trafficking and Exploitation Act of 2015. These national acts share the following language:

Article 1 Slavery, servitude and forced or compulsory labour

(1) A person commits an offence if—

(a) the person holds another person in **slavery or servitude** and the circumstances are such that the person knows or ought to know that the other person is held in slavery or servitude...

(2) In subsection (1) the references to holding a person in slavery or servitude... are to be construed in accordance with Article 4 of the Human Rights Convention.¹²³⁰

Slavery, along with servitude and forced labor, is also prohibited as a form of exploitation of human trafficking as seen in both Northern Ireland's Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act of 2015, and Scotland's Human Trafficking and Exploitation Act of 2015.¹²³¹

The slave trade is prohibited under the Slave Trade Act of 1824.¹²³²

Additionally, enslavement and sexual slavery are prohibited as crimes against humanity¹²³³ and sexual slavery is prohibited as a war crime under the International Criminal Court Act of 2001.¹²³⁴

12. Other Relevant Acts and Provisions: Human Trafficking

Eight (8) countries in the Western European and Other region maintains a national act on human trafficking.

Four (4) countries do not include slavery or the slave trade as forms of exploitation under the prohibition of human trafficking in their domestic legislation: Greece,¹²³⁵ Norway,¹²³⁶ Sweden,¹²³⁷ and Switzerland.¹²³⁸

Four (4) countries include slavery and/or the slave trade under the prohibition of human trafficking in their domestic legislation: Australia, Canada, Ireland, and Malta. Note that these states are also parties to the Palermo Protocol.¹²³⁹

¹²³⁰ [Modern Slavery Act of 2015 of the United Kingdom](#), art. 1; *see also* [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) of 2015](#), pt. 1, § 1; [Human Trafficking and Exploitation \(Scotland\) Act of 2015](#), part 1, § 4, [Human Rights Act of 1998 of the United Kingdom](#), art. 4.

¹²³¹ [Human Trafficking and Exploitation \(Scotland\) Act of 2015](#), pt. 1, § 3; *see also* [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) of 2015](#), pt. 1, § 3.

¹²³² [Slave Trade Act 1824 of the United Kingdom](#).

¹²³³ [International Criminal Court of 2001 of the United Kingdom](#), art. 7.

¹²³⁴ *Id.*, art. 8.

¹²³⁵ [Penal Code of 1973 of Greece](#), arts. 323A, 351.

¹²³⁶ [General Civil Penal Code of 22 May 1902 \(amended in 2005\) of Norway](#), *supra* note 1149, at section 224.

¹²³⁷ [Criminal Code of 1962 of Sweden](#), ch. 4, § 1a.

¹²³⁸ [Military Criminal Code of Switzerland](#), art. 109.

¹²³⁹ [UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000 [hereinafter Palermo Protocol].

Australia

Australia reiterates the prohibitions of slavery and the slave trade codified in its Criminal Code of 1995 in its Modern Slavery Act of 2018.¹²⁴⁰ The Modern Slavery Act of 2018 does not impose individual criminal liability but rather imposes a reporting mandate upon corporate and non-corporate entities based or operating in Australia.¹²⁴¹ Additionally, as part of the Commonwealth, Australia is subject to the Slave Trade Act of 1824 which prohibits the “deal or trade in, purchase, sell, barter, or transfer, or to contract for the dealing or trading in, purchase, sale, barter, or transfer of slaves, or persons intended to be dealt with as slaves....”¹²⁴²

Canada

Canada’s bill on An Act to enact the Fighting Against Forced Labour and Child Labour in Supply Chains Act and to amend the Customs Tariff received a royal assent on May 11, 2023.¹²⁴³ The bill recognizes that forced labor and child labor are “forms of modern slavery” in its preamble. However, the Act does not discuss elements of slavery and is silent on the slave trade.¹²⁴⁴

Ireland

Ireland’s Criminal Law (Human Trafficking) Act 2008 recognizes enslavement as a form of labor exploitation and defines trafficking as transfer of another person or the act of placing a person “in the custody, care or charge, or under the control” of another.¹²⁴⁵

Malta

Malta’s White Slave Traffic law does not provide the elements of slavery or the slave trade but only includes the term slave in its title.¹²⁴⁶

¹²⁴⁰ [Modern Slavery Act of 2018 of Australia](#), § 4; *see also* [Criminal Code Act 1995 of Australia](#), divs. 270, 271.

¹²⁴¹ [Modern Slavery Act of 2018 of Australia](#), § 3.

¹²⁴² [Slave Trade Act of 1824 of Ireland](#), *supra* note 1225, art. 2; *see also* [Slave Trade Act 1824 of the United Kingdom](#), *supra* note 1232.

¹²⁴³ [An Act to enact the Fighting Against Forced Labour and Child Labour in Supply Chains Act and to amend the Customs Tariff](#), Parliament of Canada.

¹²⁴⁴ [Preamble, An Act to enact the Fighting Against Forced Labour and Child Labour in Supply Chains Act and to amend the Customs Tariff of Canada](#).

¹²⁴⁵ [Criminal Law \(Human Trafficking\) Act 2008 \(As Amended By The Criminal Law \(Human Trafficking\) \(Amendment\) Act 2013\) of Ireland](#), art. 1.

¹²⁴⁶ [Malta, White Slave Traffic \(Suppression\) Ordinance Ch. 63 Of The Laws Of Malta 1930](#).

WESTERN EUROPE & OTHER STATES REGIONAL SUMMARY

There are **twenty-five (25) ASP countries** in Asia Pacific. These countries are:

Andorra	Greece	Norway
Australia	Iceland	Portugal
Austria	Ireland	San Marino
Belgium	Italy	Spain
Canada	Liechtenstein	Sweden
Denmark	Luxembourg	Switzerland
Finland	Malta	United Kingdom
France	Netherlands	
Germany	New Zealand	

Of those States there are **eighteen (18) parties to the 1926 Slavery Convention**. These countries are:

Australia	France	New Zealand
Austria	Germany	Norway
Belgium	Greece	Portugal
Canada	Ireland	Spain
Denmark	Italy	Switzerland
Finland	Netherlands	United Kingdom

There are **twenty-two (22) parties to the 1956 Supplementary Convention on the Abolition of Slavery**.

These countries are:

Australia	Greece	Norway
Austria	Iceland	Portugal
Belgium	Ireland	San Marino
Canada	Italy	Spain
Denmark	Luxembourg	Switzerland
Finland	Malta	United Kingdom
France	Netherlands	
Germany	New Zealand	

There are three **(3) non-parties to both the 1926 Slavery Convention and 1956 Supplementary Convention on the Abolition of Slavery**. These countries are:

Andorra
Liechtenstein
Sweden

There is **one (1) country that prohibits both slavery and the slave trade in its constitution**. That country is:

Andorra

There are **two (2) countries that prohibit slavery, enslavement, or sexual slavery but not the slave trade in their constitutions**. These countries are:

Liechtenstein
Norway

There are **nineteen (19) countries that prohibit slavery in their penal or criminal codes**. These countries are:

Andorra	Germany	Norway
Australia	Greece	Portugal
Austria	Italy	San Marino
Belgium	Luxembourg	Spain
Denmark	Malta	Switzerland
Finland	Netherlands	
France	New Zealand	

There are **three (3) countries that prohibit slavery and maintain a complete prohibition of the slave trade in their penal and criminal codes**. These countries are:

Austria
Greece
Norway

There is **one (1) country that maintains a complete prohibition of the slave trade but does not prohibit slavery in its penal code**. That country is:

Liechtenstein

There is **one (1) country that maintains a prohibition of slavery and a partial prohibition of the slave trade in its penal code**. That country is:

Italy

There are **seven (7) countries that prohibit slavery and the slave trade in their penal and criminal codes as a form of exploitation of human trafficking, or as crimes linked with human trafficking**. These countries are:

Australia	Netherlands	San Marino
Andorra	New Zealand	
Finland	Portugal	

There are **eight (8) countries** that prohibit slavery but not the slave trade in their penal or criminal codes. These countries are:

Belgium	Germany	Spain
Denmark	Luxembourg	Switzerland
France	Malta	

There are **five (5) countries** that maintain prohibitions of slavery, the slave trade, enslavement, or sexual slavery in their national acts but not the penal or criminal codes. These countries are:

Canada	Sweden
Iceland	United Kingdom
Ireland	

There are **four (4) countries** that do not include slavery or the slave trade as forms of exploitation under the prohibition of human trafficking in their domestic legislation. These countries are:

Greece	Sweden
Norway	Switzerland

There are **four (4) countries** include slavery and/or the slave trade under the prohibition of human trafficking in their domestic legislation. These countries are:

Australia	Ireland
Canada	Malta

There are **twenty-three (23) countries** that have a domestic legislation implementing the Rome Statute. These countries are:

Andorra	Germany	Norway
Australia	Greece	Portugal
Austria	Italy	San Marino
Belgium	Liechtenstein	Spain
Canada	Luxembourg	Sweden
Denmark	Malta	Switzerland
Finland	Netherlands	United Kingdom
France	New Zealand	

ANDORRA

Andorra's Criminal Code of 2005 expressly prohibits slavery and the conduct of the slave trade. In addition, Andorra's Constitution of 1993 implicitly prohibits slavery and the slave trade. Andorra is a party to neither the 1926 Slavery Convention nor the 1956 Supplementary Slavery Convention. Andorra is a monist state.¹²⁴⁷

1. Constitutional Provisions: Slavery and the Slave Trade

Andorra's Constitution of 1993 implicitly prohibits slavery and the slave trade as article 5 of the constitution recognizes the Universal Declaration of Human Rights ("UDHR") as a binding legal instrument in Andorra.¹²⁴⁸ Article 4 of the UDHR provides that "[n]o one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms."¹²⁴⁹ Consequently, according to article 5 of the constitution, the prohibition of slavery and the slave trade under article 4 of the UDHR is binding in Andorra.

2. Penal Code Provisions: Slavery and the Slave Trade

Andorra's Criminal Code of 2005 defines slavery under article 134¹²⁵⁰ and criminalizes the slave trade under article 134bis.¹²⁵¹ Under article 134 of the code, slavery is defined as "the situation of the person over whom another person even, in fact, exercises all or some of the attributes of the right of ownership, such as buying, selling, lending or giving in exchange."¹²⁵² Notably, the definition is in line with the definition of slavery under the 1926 Slavery Convention.¹²⁵³

The slave trade is criminalized under article 134bis of the criminal code, titled "Trafficking in human beings for the purpose of slavery or servitude," which provides that: "[w]hoever, with the purpose of slavery or servitude, recruits, transports, transfers, lodges or shelters one or more people, must be punished with a prison sentence of two to six years, without prejudice."¹²⁵⁴ Accordingly, both *actus reus* and *mens rea* elements of the slave trade are prohibited, but the title of the act suggests that the slave trade may be seen as part of a human trafficking offense. Note that Andorra is party to the Palermo Protocol.¹²⁵⁵

3. Penal Code Provisions: Enslavement and Sexual Slavery

Andorra's Criminal Code of 2005 provides that crimes against humanity are not subject to statute of limitations.¹²⁵⁶ Although article 459 of the Andorran Criminal Code does not expressly enumerate enslavement or sexual slavery as crimes against humanity,¹²⁵⁷ article 460 (sentences or *peines*) provides a specific imprisonment term if the perpetrator held another person in slavery.¹²⁵⁸

¹²⁴⁷ [Constitution of 1993](#), art. 3.

¹²⁴⁸ [Id.](#), art. 5.

¹²⁴⁹ [G.A. Res. 217 \(III\) A, Universal Declaration of Human Rights \(Dec. 10, 1948\)](#), art. 4.

¹²⁵⁰ [Criminal Code of 2005 of Andorra](#), art. 134.

¹²⁵¹ [Id.](#), art. 134bis.

¹²⁵² [Id.](#), art. 134.

¹²⁵³ [Slavery Convention, Sep. 25, 1926, 60 L.N.T.S. 254](#), art. 1(1).

¹²⁵⁴ [Criminal Code of 2005 of Andorra](#), art. 134bis.

¹²⁵⁵ [UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000.

¹²⁵⁶ [Criminal Code of 2005 of Andorra](#), art. 81.

¹²⁵⁷ [Id.](#), art. 459.

¹²⁵⁸ [Id.](#), art. 460. ("1. Prisoners of crimes against humanity must be punished ... [w]ith a prison sentence of four to eight years if they subject any person to slavery or maintain them there.").

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Andorra provides universal jurisdiction for offenses committed outside Andorra when they are “punishable by a maximum penalty of more than six years prison” and constitute a crime of: “genocide, torture, terrorism, drug trafficking, arms trafficking, currency counterfeiting, money and securities laundering, piracy, illegal seizure of aircraft, slavery, trafficking children, sexual crimes against minors [or] the other crimes provided for in an international treaty.”¹²⁵⁹

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹²⁶⁰

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹²⁶¹ Andorra is not a state party to Additional Protocol II.¹²⁶²

¹²⁵⁹ *Id.*, art. 8(8); see also AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 24 (2012).

¹²⁶⁰ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; see also [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

¹²⁶¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹²⁶² [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int’l Humanitarian L. Databases.

AUSTRALIA

Australia prohibits slavery and the slave trade in its Criminal Code of 1995. Australia is a state party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Australia is a dualist state.¹²⁶³

1. Constitutional Provisions: Slavery and the Slave Trade

Australia's Commonwealth of Australia Constitution Act of 1901 does not contain a provision prohibiting slavery or the slave trade.¹²⁶⁴

2. Penal Code Provisions: Slavery and the Slave Trade

Australia's Criminal Code of 1995 defines slavery in section 270.1 as "the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised including where such a condition results from a debt or contract made by the person."¹²⁶⁵ Notably, this definition is in line with the definition of slavery under the 1926 Slavery Convention.¹²⁶⁶

The criminal code also describes slavery offences in section 270.3 which includes, for example, reducing a person to slavery, possessing a slave or exercising "powers attaching to the right of ownership" over an enslaved person or another free person, and engaging in "slave trading."¹²⁶⁷ Additionally, section 270.8 punishes a person for engaging in an aggravated form of slavery-like offenses where the victim is a minor.¹²⁶⁸ Note that the prosecution of a slavery crimes and slave trading are not subject to statute of limitations in Australia.¹²⁶⁹

3. Penal Code Provisions: Slavery as a Form of Exploitation of Human Trafficking

Slavery is included as a form of exploitation under division 271 of Australia's Criminal Code of 1995 which concerns "[t]rafficking in persons."¹²⁷⁰ Particularly, section 271.1A includes "slavery, or a condition similar to slavery" as a form of exploitation.¹²⁷¹

4. Penal Code Provisions: Enslavement and Sexual Slavery

Section 268.10 of Australia's Criminal Code of 1995 criminalizes enslavement and reflects the definition of enslavement found in article 7(2)(c) of the Rome Statute.¹²⁷² However, section 268.10 further clarifies the meaning of the exercises of any or all of the powers attaching to the right of ownership over a person as including "purchases, sells, lends or barter a person or imposes on a person a similar deprivation of liberty and also includes exercise a power arising from a debt incurred or contract made by a person."¹²⁷³

¹²⁶³ Emily Crawford, SYDNEY L. SCH., *Monism and Dualism – An Australian Perspective* (2012).

¹²⁶⁴ [Commonwealth of Australia Constitution Act of 1901](#).

¹²⁶⁵ [Criminal Code Act 1995 of Australia](#), § 270.1.

¹²⁶⁶ [Slavery Convention, Sep. 25, 1926](#), 60 L.N.T.S. 254, art. 1(1).

¹²⁶⁷ [Criminal Code Act 1995 of Australia](#), *supra* note 1265, at section 270.3.

¹²⁶⁸ *Id.*, § 270.8.

¹²⁶⁹ [Crimes Act 1914 of Australia](#), § 15B(1)(a), providing that a statute of limitations does not apply ("if the maximum penalty...is...a term of imprisonment of more than 6 months in the case of a first conviction.").

¹²⁷⁰ [Criminal Code Act 1995 of Australia](#), *supra* note 1265, at div. 271.

¹²⁷¹ *Id.*, § 271.1A.

¹²⁷² *Id.*, § 268.10(1)(a) ("the perpetrator exercises any or all of the powers attaching to the right of ownership over one or more persons (including the exercise of a power in the course of trafficking in persons, in particular women and children)."); see [Rome Statute of the International Criminal Court](#), art. 7(2)(c).

¹²⁷³ *Id.*, § 268.10(2).

In addition, sexual slavery is prohibited under section 268.15 as a crime against humanity,¹²⁷⁴ as a war crime both in the context of an international armed conflict (“IAC”) under section 268.60,¹²⁷⁵ and non-international armed conflict (“NIAC”) under section 268.83.¹²⁷⁶ Unlike the Rome Statute, sections 268.15, 268.60, and 268.83 of Australia’s Criminal Code of 1995 provides a definition of sexual slavery. For instance, see section 268.15 subsection 2 of the code defines slavery as “the condition of a person who provides sexual services and who, because of the use of force or threats: (a) is not free to cease providing sexual services; or (b) is not free to leave the place or area where the person provides sexual services.”¹²⁷⁷

5. Other Relevant Acts and Provisions: Slavery and The Slave Trade

Australia is subject to the Slave Trade Act of 1824 which renders the dealing or trading of slaves or of “persons intended to be dealt with as Slaves” unlawful.¹²⁷⁸

6. Other Relevant Acts and Provisions: Slavery as a Form of Exploitation of Human Trafficking

Australia’s Modern Slavery Act of 2018 adopts the definition of “trafficking in persons” under article 3 of the Palermo Protocol.¹²⁷⁹ Note that Australia is a party to the Palermo Protocol.¹²⁸⁰

7. Other Relevant Acts and Provisions: Universal Jurisdiction

Australia provides universal jurisdiction for genocide, crimes against humanity, and war crimes.¹²⁸¹ These crimes as prohibited under Division 268 of Australia’s Criminal Code of 1995¹²⁸² fall under category D jurisdiction which is defined in section 15.4 of the criminal code.¹²⁸³ Section 15.4 provides that Australian courts have “extended geographical jurisdiction” over such crimes “whether or not the conduct constituting the alleged offence occurs in Australia,” and “whether or not a result of the conduct constituting the alleged offence occurs in Australia.”¹²⁸⁴ Slavery offenses under section 270.3, including slavery and slave trading, are also subject to category D jurisdiction.¹²⁸⁵

However, Australia does not provide universal jurisdiction for other offenses under Division 270 of the criminal code,¹²⁸⁶ including “slavery-like offences of servitude (s 270.5), forced labour (s 270.6A), deceptive recruiting for labour or services (s 270.7) and forced marriage (s 270.7B)...[and]...certain offences related to trafficking in persons (ss 271.2-271.4), organ trafficking (ss 271.7B-271.7C) and debt bondage (ss 271.8-271.9).”¹²⁸⁷ These offenses are subject to category B jurisdiction, meaning that

¹²⁷⁴ *Id.*, § 268.15.

¹²⁷⁵ *Id.*, § 268.60.

¹²⁷⁶ *Id.*, § 268.83.

¹²⁷⁷ *Id.*, § 268.15.

¹²⁷⁸ [Slave Trade Act 1824 of the United Kingdom](#).

¹²⁷⁹ [Modern Slavery Act of 2018 of Australia](#), art. 3(a).

¹²⁸⁰ [UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000.

¹²⁸¹ [Australian Views on the Scope and Application of the Principle of Universal Jurisdiction](#), in letter dated Apr. 28, 2018, from the Permanent Mission of Australia to the United Nations addressed to the Secretary-General, 3, note no. 38/2018 (Apr. 28, 2018) [hereinafter *Australian Views on the Scope and Application of the Principle of Universal Jurisdiction*]; see also AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 27 (2012).

¹²⁸² [Criminal Code Act 1995 of Australia](#), div. 268.

¹²⁸³ *Id.*, § 15.4.

¹²⁸⁴ *Id.*

¹²⁸⁵ *Id.*, § 270.3.

¹²⁸⁶ *Id.*, div. 270.

¹²⁸⁷ [Australian Views on the Scope and Application of the Principle of Universal Jurisdiction](#), at 3.

Australian courts will have jurisdiction over these offenses when committed abroad only if the perpetrator is an Australian “citizen, resident or body corporate.”¹²⁸⁸

8. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹²⁸⁹ Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹²⁹⁰ Australia is a state party to the Additional Protocol II.¹²⁹¹

¹²⁸⁸ [Criminal Code Act 1995 of Australia](#), § 15.2.

¹²⁸⁹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

¹²⁹⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹²⁹¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int’l Humanitarian L. Databases.

AUSTRIA

Austria prohibits slavery and the slave trade in its Criminal Code of 1974. Austria is a party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Austria is a monist state.¹²⁹²

1. Constitutional Provisions: Slavery and the Slave Trade

Austria's Constitution of 1920 does not contain a provision prohibiting slavery or the slave trade.¹²⁹³

2. Penal Code Provisions: Slavery

Austrian Criminal Code of 1974 explicitly prohibits slavery and the slave trade under section 104.¹²⁹⁴ The section punishes anyone who “practices slave trading or otherwise deprives personal liberty from another person in the form of slavery or a slavery-like situation,” or “causes another to be enslaved or brought into a slavery-like position, or that another person shall enter into slavery or slavery-like situation.”¹²⁹⁵ Austria maintains a statute of limitations of twenty years for offenses punishable by more than ten years of imprisonment.¹²⁹⁶

3. Penal Code Provisions: Enslavement and Sexual Slavery

Section 321a of Austria's Criminal Code of 1974 enumerates slavery, which includes enslaving another person as defined in section 104,¹²⁹⁷ and human trafficking as a crime against humanity but the slave trade and sexual slavery are not mentioned under this section.¹²⁹⁸ Note that slavery is not included as a form of exploitation of human trafficking within the code.¹²⁹⁹

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Austria provides universal jurisdiction for offenses which Austria is “obliged to prosecute,” even when such offenses were committed outside Austria.¹³⁰⁰ Austrian courts have jurisdiction over slavery and the slave trade cases only when: 1) the perpetrator or the victim is an Austrian national or has a habitual residence in Austria, 2) such act violated other Austrian interests, or 3) the perpetrator who is a foreign national was present in Austria at the time the act was committed and cannot be extradited.¹³⁰¹

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹³⁰²

¹²⁹² [Constitution of 1920 of Austria](#), art. 9(1).

¹²⁹³ [Constitution of 1920 of Austria](#).

¹²⁹⁴ [Criminal Code of 1974 of Austria](#), § 104.

¹²⁹⁵ [Id.](#)

¹²⁹⁶ [Id.](#), § 57(3); see [Criminal Code of 1974 of Austria](#), § 104. Offenses under section 104 of the criminal code are punishable by ten to twenty years imprisonment.

¹²⁹⁷ [Criminal Code of 1974 of Austria](#), § section 104.

¹²⁹⁸ [Id.](#), § 321a.

¹²⁹⁹ [Id.](#), § 104a.

¹³⁰⁰ [Id.](#), § 64(1)(6); see also AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 27 (2012).

¹³⁰¹ [Criminal Code of 1974 of Austria](#), § 64(1)(4a).

¹³⁰² [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; see also [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹³⁰³ Austria is a state party to the Additional Protocol II.¹³⁰⁴

¹³⁰³ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹³⁰⁴ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

BELGIUM

Belgium's Penal Code of 1867 and Law concerning the Repression of Grave Breaches of the Geneva Conventions and their Additional Protocols of 1993 prohibit enslavement and sexual slavery as crimes against humanity. The penal code also enumerates sexual slavery as a war crime. However, neither the penal code nor the Law concerning the Repression of Grave Breaches of the Geneva Conventions and their Additional Protocols of 1993 contains an express prohibition of slavery or the slave trade. Belgium is a state party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Belgium is a monist state.¹³⁰⁵

1. Constitutional Provisions: Slavery and the Slave Trade

Belgium's Constitution of 1831 does not contain a provision prohibiting slavery or the slave trade.¹³⁰⁶

2. Penal Code Provisions: Enslavement and Sexual Slavery

Belgium's Penal Code of 1867 enumerates enslavement and sexual slavery as crimes against humanity under article 136ter¹³⁰⁷ and sexual slavery as a war crime under article 136quarter¹³⁰⁸. Nonetheless, the penal code does not define enslavement or sexual slavery. Additionally, the penal code does not prohibit slavery as a standalone crime or the slave trade.

3. Other Relevant Acts and Provisions: Enslavement and Sexual Slavery

Belgium's Law concerning the Repression of Grave Breaches of the Geneva Conventions and their Additional Protocols of 1993 enumerates enslavement and sexual slavery as crimes against humanity.¹³⁰⁹ Accordingly, the Law focuses on the grave breaches of the Geneva Conventions and their Additional Protocols, but it does not discuss war crimes, or the acts enumerated as war crimes as seen in article 8 of the Rome Statute.¹³¹⁰

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Belgian courts can exercise universal jurisdiction over offenses committed outside Belgium that are covered by "conventional or customary rule of international law" or "a rule of law derived from the European Union" which Belgium is bound by.¹³¹¹ Accordingly, Belgian courts have jurisdiction over offenses "of a serious violation of international humanitarian law defined in [B]ook II, [T]itle Ibis, of the Penal Code" that were committed outside Belgium by "any Belgian or any person having their main residence in the territory of" Belgium,¹³¹² or by a foreign national whose main residence outside of Belgium.¹³¹³ Since articles 136ter which prohibits enslavement and sexual slavery as crimes against humanity, and 136quarter which prohibits sexual slavery as a war crime are found under Book II, Title Ibis of the Belgium's Penal Code of 1867,¹³¹⁴ the Belgian courts have universal jurisdiction over these offenses.

¹³⁰⁵ PIETER VAN DIJK, COUNCIL OF EUR., [*COMMENTS ON THE IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS TREATIES IN DOMESTIC LAW AND THE ROLE OF COURTS*](#) 3 (2014).

¹³⁰⁶ [Constitution of 1831 of Belgium](#).

¹³⁰⁷ [Penal Code of 1867 of Belgium](#), art. 136ter.

¹³⁰⁸ *Id.*, art. 136quarter.

¹³⁰⁹ [Law concerning the Repression of Grave Breaches of the Geneva Conventions and their Additional Protocols of 1993 of Belgium](#), art. 1, § 2.

¹³¹⁰ [Rome Statute of the International Criminal Court](#), art. 8.

¹³¹¹ [Law containing the introductory title of the Code of Criminal Procedure of 1878 of Belgium](#), art. 12bis.

¹³¹² *Id.*, art. 6.

¹³¹³ *Id.*, art. 10.

¹³¹⁴ [Penal Code of 1867 of Belgium](#), at book II, title ibis; see also AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 30-31 (2012).

5. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹³¹⁵

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹³¹⁶ Belgium is a state party to the Additional Protocol II.¹³¹⁷

¹³¹⁵ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

¹³¹⁶ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹³¹⁷ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int’l Humanitarian L. Databases.

CANADA

Canada prohibits enslavement as a crime against humanity, and slavery and the slave trade as a matter of customary international law under its war crime provision in its Crimes Against Humanity and War Crimes Act of 2000. However, Canada does not maintain a prohibition of slavery or the slave trade as stand-alone crimes in its domestic legislation. Canadian case law recognizes that violation of the prohibition of slavery as a matter of customary international law is actionable in a civil action. Canada is a party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention.

1. Constitutional Provisions: Slavery and the Slave Trade

Canada's Constitution of 1982 does not contain a provision prohibiting slavery or the slave trade.¹³¹⁸

2. Penal Code Provisions: Slavery and the Slave Trade

Canada's Criminal Code of 1985 does not contain a provision prohibiting slavery or the slave trade.¹³¹⁹

3. Other Relevant Acts and Provisions: Enslavement

Sections 4(3) and 6(3) of Canada's Crimes Against Humanity and War Crimes Act of 2000 enumerate enslavement as a crime against humanity but they do not define enslavement.¹³²⁰ Note that section 4 concerns offenses committed within Canada while section 6 concerns offenses committed outside Canada.¹³²¹ Sexual slavery is not expressly recognized as a war crime under the Act. Nevertheless, under sections 4(3) and 6(3) of the Act, war crimes are defined as "an act or omission committed during an armed conflict that, at the time and in the place of its commission, constitutes a war crime according to customary international law or conventional international law applicable to armed conflicts."¹³²² Accordingly, the sections on war crimes can be interpreted as including the prohibition of both slavery and the slave trade which has a *jus cogens* status under customary international law.¹³²³

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Canada allows universal jurisdiction for war crimes, genocide, and crimes against humanity its Crimes Against Humanity and War Crimes Act of 2000 when these crimes are committed outside of Canada if, at the time the offence is committed: 1) "the person was a Canadian citizen or was employed by Canada in a civilian or military capacity," 2) "the person was a citizen of a state that was engaged in an armed conflict against Canada, or was employed in a civilian or military capacity by such a state," 3) "the victim of the alleged offence was a Canadian citizen," or 4) "the victim of the alleged offence was a citizen of a state that was allied with Canada in an armed conflict," or "after the time the offence is alleged to have been committed, the person is present in Canada."¹³²⁴

¹³¹⁸ [Constitution Act of 1982 of Canada](#).

¹³¹⁹ [Criminal Code of 1985 of Canada](#).

¹³²⁰ [Crimes Against Humanity and War Crimes Act of 2000 of Canada](#), §§ 4(3), 6(3).

¹³²¹ [Id.](#)

¹³²² [Id.](#); see also [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC [hereinafter ICRC Customary IHL Rule 94].

¹³²³ [ICRC Customary IHL Rule 94](#).

¹³²⁴ [Crimes Against Humanity and War Crimes Act of 2000 of Canada](#), ch. 6, § 8; see also AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 38-39 (2012).

5. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹³²⁵ Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹³²⁶ Canada is a state party to the Additional Protocol II.¹³²⁷

6. Case Law: Slavery and the Slave Trade in All Their Forms are Prohibited

In *Nevsun Resources Ltd. v. Araya*, [2020] 1 S.C.R. 166 (Can.), the Canadian Supreme Court affirmed the Chambers Judge and the Court of Appeal that civil claims arising from violation of *jus cogens* norm like the prohibition of slavery is possible in British Columbia.¹³²⁸ The case was brought by Eritrean workers who were forced to work in the Bisha mine under harsh conditions. Bisha Mining Share Company is owned by Nevsun, a Canadian company. The workers brought suit against Nevsun, claiming that it engaged in “slavery; forced labour; cruel, unusual, or degrading treatment; and crimes against humanity.”¹³²⁹ In recognizing its role in “shaping the ‘substance of international law,’” the Supreme Court addresses the question of whether customary international law claims are actionable under Canadian law.¹³³⁰ Accordingly, it held that customary international law makes up part of Canadian law and that Canadian companies could be held liable for violation of customary international law.¹³³¹

¹³²⁵ [ICRC Customary IHL Rule 94](#); see also [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

¹³²⁶ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹³²⁷ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int’l Humanitarian L. Databases.

¹³²⁸ *Nevsun Resources Ltd. v. Araya*, [2020] 1 S.C.R. 166 (Can.) ¶¶ 67-69; see also *Id.*, ¶ 101 (“The prohibition against slavery too is seen as a peremptory norm. In 2002, the Office of the United Nations High Commissioner for Human Rights confirmed that “it is now a well-established principle of international law that the ‘prohibition against slavery and slavery-related practices have achieved the level of customary international law and have attained “jus cogens” status” (David Weissbrodt and Anti-Slavery International, *Abolishing Slavery and its Contemporary Forms*, U.N. Doc. HR/PUB/02/4 (2002), at p. 3).”).

¹³²⁹ [Case in Brief: Nevsun Resources Ltd. V. Araya](#), SUP. CT. OF CANADA.

¹³³⁰ *Nevsun Resources Ltd. v. Araya*, [2020] 1 S.C.R. 166 (Can.), ¶ 72.

¹³³¹ [Case in Brief: Nevsun Resources Ltd. V. Araya](#), SUP. CT. OF CANADA.

DENMARK

Denmark's Criminal Code Consolidation Act No. 1028 of 2013 includes "slavery or practices similar to slavery" as a form of exploitation under the prohibition of human trafficking. However, the code does not mention the slave trade. Denmark is a state party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Denmark is a dualist state.¹³³²

1. Constitutional Provisions: Slavery and the Slave Trade

Denmark's Constitution of 1953 does not contain a provision prohibiting slavery or the slave trade.¹³³³

2. Penal Code Provisions: Slavery as a Form of Exploitation of Human Trafficking

Denmark's Criminal Code Consolidation Act No. 1028 of 2013 prohibits "slavery or practices similar to slavery" as a form of exploitation of human trafficking.¹³³⁴ However, the code does not mention the slave trade.

3. Other Relevant Acts and Provisions: Universal Jurisdiction

Danish courts can exercise universal jurisdiction over offenses committed outside Denmark that are "covered by an international provision according to which Denmark is obliged to have criminal jurisdiction."¹³³⁵ In addition, Denmark has "criminal authority" over offenses committed outside of Denmark if such offenses are "covered by the statute of the International Criminal Court" and if the perpetrator has: 1) Danish citizenship or residency, or 2) is present in Denmark.¹³³⁶ Danish courts' universal jurisdiction is subject to limitations enshrined in international law.¹³³⁷

4. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹³³⁸

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹³³⁹ Denmark is a state party to the Additional Protocol II.¹³⁴⁰

¹³³² Rasmus H. Wandall & Steen Rosendahl, [Researching Law in Denmark](#), GLOBALEX, (last visited April 13, 2024).

¹³³³ [Constitution of 1953 of Denmark](#).

¹³³⁴ [Criminal Code Consolidation Act no. 1028 of August 22, 2013, of Denmark](#), § 262a.

¹³³⁵ [Id.](#), § 8(5).

¹³³⁶ [Id.](#), § 8a.

¹³³⁷ [Id.](#), § 12; see also AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 47-48 (2012).

¹³³⁸ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; see also [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

¹³³⁹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹³⁴⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

FINLAND

Finland prohibits slavery and the slave trade in its Criminal Code of 1889. Finland is a party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Finland is a dualist state.¹³⁴¹

1. Constitutional Provisions: Slavery and the Slave Trade

Finland's Constitution does not contain a provision prohibiting slavery or the slave trade.¹³⁴² However, Finland issued a report to the Human Rights Committee ("HRC") stating that the prohibition of slavery and servitude is covered by the right to life, personal liberty and integrity guarantee by section 7 of its constitution.¹³⁴³

2. Penal Code Provisions: The Slave Trade

Finnish Criminal Code of 1889 recognizes the "trades in slaves" as an aggravated form of human trafficking and not as a stand-alone crime.¹³⁴⁴ Finland maintains a statute of limitations of ten years for the "trades in slaves."¹³⁴⁵

3. Penal Code Provisions: Enslavement and Sexual Slavery

Finnish Criminal Code of 1889 prohibits enslavement and sexual slavery as crimes against humanity,¹³⁴⁶ sexual slavery as a war crime,¹³⁴⁷ and enslavement as a form of aggravated human trafficking.¹³⁴⁸ However, the code does not define what constitutes sexual slavery or enslavement. Finland maintains a statute of limitations of twenty years for sexual slavery and enslavement as crimes against humanity and war crimes.¹³⁴⁹ The statute of limitations for enslavement as a form of aggravated human trafficking shall be ten years.¹³⁵⁰

4. Penal Code Provisions: Slavery as a Form of Exploitation of Human Trafficking

Finnish Criminal Code of 1889 prohibits human trafficking under chapter 25 sections 3 and 3a. As discussed above, the code prohibits enslaving another person and the trade of slaves as forms of aggravated human trafficking.¹³⁵¹

5. Other Relevant Acts and Provisions: Universal Jurisdiction

Finland provides universal jurisdiction for offenses committed outside Finland when Finland is bound by international legal instruments to punish such offenses.¹³⁵² Furthermore, Finnish law shall apply to offenses subject to "trafficking in persons, aggravated trafficking in persons" regardless of where they took place.¹³⁵³

¹³⁴¹ [KARI JOUTSAMO, THE DIRECT EFFECT OF TREATY PROVISIONS IN FINNISH LAW 35.](#)

¹³⁴² [Constitution of 1999 of Finland.](#)

¹³⁴³ [Fifth periodic report to the Human Rights Committee, UN Doc. CCPR/C/FIN/2003/5 \(July 24, 2003\)](#), ¶ 128 ("It was not considered necessary to specifically mention slavery and servitude in the list of rights guaranteed by section 7 of the Constitution as the prohibition of slavery and servitude...may undisputedly be derived from the general provision in section 7, subsection 1, of the Constitution.").

¹³⁴⁴ [Criminal Code of 1889 of Finland](#), ch. 25, § 3a(2).

¹³⁴⁵ [Id.](#), ch. 8, § 1(2).

¹³⁴⁶ [Id.](#), ch. 11, § 3.

¹³⁴⁷ [Id.](#), ch. 11, § 5(2).

¹³⁴⁸ [Id.](#), ch. 11, § 3a.

¹³⁴⁹ [Id.](#), ch. 8, § 1(1).

¹³⁵⁰ [Id.](#), ch. 8, § 1(2).

¹³⁵¹ [Id.](#), ch. 25, §§ 3, 3a.

¹³⁵² [Criminal Code of 1889 of Finland](#), at ch. 1, § 7(1).

¹³⁵³ [Id.](#), ch. 1, § 7(3); see also AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 54-55 (2012).

6. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹³⁵⁴

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹³⁵⁵ Finland is a state party to the Additional Protocol II.¹³⁵⁶

¹³⁵⁴ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

¹³⁵⁵ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹³⁵⁶ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int’l Humanitarian L. Databases.

FRANCE

France's Penal Code prohibits enslavement as a crime against humanity, but the code does not mention sexual slavery. Moreover, the penal code does not prohibit slavery or the slave trade as stand-alone crimes. France is a state party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. France is a monist state.¹³⁵⁷

1. Constitutional Provisions: Slavery and the Slave Trade

France's Constitution of 1958 does not contain a provision prohibiting slavery or the slave trade.¹³⁵⁸

2. Penal Code Provisions: Enslavement as a Crime Against Humanity and as a Form of Exploitation of Human Trafficking

France's Penal Code prohibits enslavement, or *la réduction en esclavage*, as a crime against humanity in article 212-1 but sexual slavery is omitted.¹³⁵⁹ Accordingly, article 224-1A of the penal code defines enslavement as “the exercise of a control over another person as one's property.”¹³⁶⁰ This definition of enslavement is more reflective of the 1926 Slavery Convention's definition of slavery¹³⁶¹ than the Rome Statute's definition of enslavement which includes the “trafficking in persons, in particular women and children” as an indicum.¹³⁶² Furthermore, article 224-1B prohibits the exploitation of an enslaved person through “sexual assault...or forced work or service,”¹³⁶³ and article 225-4-1 recognizes enslavement as a form of exploitation under human trafficking.¹³⁶⁴ Notably, the Penal Code does not prohibit slavery or the slave trade as stand-alone crimes.

3. Other Relevant Acts and Provisions: Universal Jurisdiction

French courts have jurisdiction over offenses which are covered by the provisions on crimes against humanity and war crimes, as defined in Chapter II and articles 461-1 to 461-31 of the Penal Code, given that the perpetrator has a “habitual residence” in France which establishes a “sufficient bond with France.”¹³⁶⁵

4. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹³⁶⁶

¹³⁵⁷ PIETER VAN DIJK, COUNCIL OF EUR., [COMMENTS ON THE IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS TREATIES IN DOMESTIC LAW AND THE ROLE OF COURTS](#), 3 (2014).

¹³⁵⁸ [Constitution of 1958 of France](#).

¹³⁵⁹ [Penal Code of France](#), art. 212-1. Article 212-1(7) enumerates the following acts as crimes against humanity: (“[r]ape, forced prostitution, forced pregnancy, forced sterilization or any other form of sexual violence of comparable gravity.”).

¹³⁶⁰ [Penal Code of France](#), art. 224-1A.

¹³⁶¹ [Convention relative à l'esclavage](#), Sep. 25, 1926, 60 L.N.T.S. 254, art. 1(1).

¹³⁶² [Rome Statute of the International Criminal Court](#), art. 7(2)(c).

¹³⁶³ [Penal Code of France](#), art. 224-1B.

¹³⁶⁴ *Id.*, art. 225-4-1.

¹³⁶⁵ [Criminal Procedure Code of France](#), art. 689-11; see also AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 55-56 (2012).

¹³⁶⁶ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; see also [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹³⁶⁷ France is a state party to the Additional Protocol II.¹³⁶⁸

¹³⁶⁷ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.](#)

¹³⁶⁸ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\), 8 June 1977, INT'L HUMANITARIAN L. DATABASES.](#)

GERMANY

Germany's Criminal Code of 1998 prohibits slavery as a form of exploitation of human trafficking. Germany is a state party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Germany is a monist state.¹³⁶⁹

1. Constitutional Provisions: Slavery and the Slave Trade

Germany's Constitution of 1949 does not contain a provision prohibiting slavery or the slave trade.¹³⁷⁰

2. Penal Code Provisions: Slavery as a Form of Exploitation of Human Trafficking

Germany's Criminal Code of 1998, as amended 2009, prohibits human trafficking for the purpose of holding another person "in slavery, servitude, debt bondage or in conditions equivalent or similar to such [acts]" under article 232.¹³⁷¹ The code also prohibits inducing another person to engage in slavery under article 232(b) which concerns forced labor.¹³⁷² However, the slave trade is not mentioned within the code.

3. Other Relevant Acts and Provisions: Human Trafficking and Enslavement as Crimes Against Humanity

Germany's Code of Crimes Against International Law of 2002 section 7 enumerates human trafficking and enslavement as crimes against humanity.¹³⁷³ Particularly, the section prohibits asserting the "right of ownership" over another person.¹³⁷⁴ However, the code does not enumerate enslavement or sexual slavery as war crimes.¹³⁷⁵

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Germany provides universal jurisdiction for "all criminal offences against international law" enumerated under sections 6 to 12 of its Code of Crimes Against International Law of 2002.¹³⁷⁶ German courts shall have jurisdiction over such offenses even when they were committed outside Germany and has no connection to Germany.¹³⁷⁷

5. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹³⁷⁸

¹³⁶⁹ PIETER VAN DIJK, COUNCIL OF EUR., [*COMMENTS ON THE IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS TREATIES IN DOMESTIC LAW AND THE ROLE OF COURTS*](#) 3 (2014).

¹³⁷⁰ [*Constitution of 1949 of Germany*](#).

¹³⁷¹ [*Criminal Code of 1998 \(amended 2009\) of Germany*](#), art. 232.

¹³⁷² *Id.*, art. 232b.

¹³⁷³ [*Code of Crimes Against International Law of 2002 of Germany*](#), § 7.

¹³⁷⁴ *Id.*

¹³⁷⁵ *Id.*, § 8.

¹³⁷⁶ *Id.*, § 1.

¹³⁷⁷ *Id.*; see also AMNESTY INT'L, [*UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD*](#) 58 (2012).

¹³⁷⁸ [*Practice Relating to Rule 94. Slavery and Slave Trade*](#), ICRC; see also [*Lieber Code*](#) (1863), arts. 42, 58; [*IMT Charter \(Nuremberg\)*](#) (1945), art. 6 ("deportation to slave labor"); [*Allied Control Council Law No. 10*](#) (1945), art. II(1) ("deportation to slave labor"); [*1977 Additional Protocol II*](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹³⁷⁹ Germany is a state party to the Additional Protocol II.¹³⁸⁰

6. Case Law: Enslavement as a Crime against Humanity

The German Federal Court of Justice convicted an Islamic State of Iraq and Syria (“ISIS”) member, Taha A.-J., for “genocide, crimes against humanity and war crimes committed against Yazidi victims in Fallujah, Iraq.”¹³⁸¹ His wife, Jennifer W., a German who converted to Islam and joined ISIS, was also convicted of enslavement as crime against humanity.¹³⁸²

¹³⁷⁹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹³⁸⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int’l Humanitarian L. Databases.

¹³⁸¹ [German Federal Court of Justice confirms the first-ever conviction of an ISIS member for genocide](#), DOUGHTY STREET CHAMBERS (Jan. 26, 2023).

¹³⁸² [German woman loses appeal of 14-year sentence for letting enslaved Yazidi girl die in Iraq](#), AP NEWS (Mar. 20, 2024).

GREECE

Greece prohibits slavery and the slave trade in its Penal Code of 1973. Greece is a state party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Greece is a monist state.¹³⁸³

1. Constitutional Provisions: Slavery and the Slave Trade

Greece's Constitution of 1975 does not contain a provision prohibiting slavery or the slave trade.¹³⁸⁴

2. Penal Code Provisions: Slavery and the Slave Trade

Slavery is prohibited under article 322 of Greece's Penal Code of 1973 under the prohibition of abduction.¹³⁸⁵ The penal code also expressly prohibits the slave trade under article 323. The slave trade is defined as "any act of seizure, attainment or disposition of an individual which is intended to subject him to slavery; any act of acquiring a slave with intent to resell or exchange him; any act of allowing a possessed slave to be sold or exchanged; and in general any act of trading or delivering slaves."¹³⁸⁶ Accordingly, the slave trade is complete under article 323 where both *actus reus* and *mens rea* elements of the slave trade are covered. Greece maintains a statute of limitations of fifteen years for both slavery and the slave trade.¹³⁸⁷

3. Other Relevant Acts and Provisions: Universal Jurisdiction

Greece provides universal jurisdiction for "[a]n act of slave-trading, human trafficking or lewd conduct with a minor for pay" and for an offense provided by international treaties Greece is party to Greece under article 8 of its Penal Code of 1973.¹³⁸⁸ Such offense is always punishable under Greece's domestic law.

4. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹³⁸⁹

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹³⁹⁰ Greece is a state party to the Additional Protocol II.¹³⁹¹

¹³⁸³ [Constitution of 1975 of Greece](#), art. 28(1) ("The generally recognised rules of international law, as well as international conventions as of the time they are ratified by statute and become operative according to their respective conditions, shall be an integral part of domestic Greek law and shall prevail over any contrary provision of the law. The rules of international law and of international conventions shall be applicable to aliens only under the condition of reciprocity.").

¹³⁸⁴ [Id.](#)

¹³⁸⁵ [Penal Code of 1973 of Greece](#), art. 322.

¹³⁸⁶ [Id.](#), art. 323.

¹³⁸⁷ [Id.](#), art. 111(2).

¹³⁸⁸ [Id.](#), art. 8; *see also* AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 59 (2012).

¹³⁸⁹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

¹³⁹⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹³⁹¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

ICELAND

Iceland's Act on Punishments for Mass Murder, Crimes against Humanity, War Crimes and Crimes against Peace Law no. 144/2018 prohibits enslavement and sexual slavery as crimes against humanity and sexual slavery as a war crime. Iceland is a state party to the 1956 Supplementary Slavery Convention but not the 1926 Slavery Convention. Iceland is a dualist state.¹³⁹²

1. Constitutional Provisions: Slavery and the Slave Trade

Iceland's Constitution of 1944 does not contain a provision prohibiting slavery or the slave trade.¹³⁹³

2. Penal Code Provisions: Slavery and the Slave Trade

Iceland's General Penal Code No. 19 of 2004 does not contain a provision prohibiting slavery or the slave trade.¹³⁹⁴

3. Other Relevant Acts and Provisions: Enslavement and Sexual Slavery

Iceland maintains prohibitions of enslavement and sexual slavery as crimes against humanity¹³⁹⁵ and sexual slavery as a war crime in the context of an international armed conflict¹³⁹⁶ in its Act on Punishments for Mass Murder, Crimes against Humanity, War Crimes and Crimes against Peace Law no. 144/2018.

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Iceland provides universal jurisdiction for offenses encompassed in the Act on Punishments for Mass Murder, Crimes against Humanity, War Crimes and Crimes against Peace Law no. 144/2018 but the perpetrator can only be prosecuted if present in Iceland.¹³⁹⁷

5. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹³⁹⁸

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹³⁹⁹ Iceland is a state party to the Additional Protocol II.¹⁴⁰⁰

¹³⁹² ICELANDIC HUM. RTS. CTR., *Icelandic Law*.

¹³⁹³ [Constitution of 1944 of Iceland](#).

¹³⁹⁴ [General Penal Code No. 19 of 2004 of Iceland](#).

¹³⁹⁵ [Act on Punishments for Mass Murder, Crimes against Humanity, War Crimes and Crimes against Peace Law no. 144/2018 of Iceland](#), art. 2.

¹³⁹⁶ *Id.*, art. 3.

¹³⁹⁷ [General Penal Code No. 19 of 2004 of Iceland](#), art. 6; *see also* AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 63 (2012).

¹³⁹⁸ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms are and shall remain prohibited").

¹³⁹⁹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁴⁰⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

IRELAND

Ireland prohibits slavery and the slave trade in the European Convention on Human Rights Act 2003. Ireland is a state party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Ireland is a dualist state.¹⁴⁰¹

1. Constitutional Provisions: Slavery and the Slave Trade

Ireland's Constitution of 1937 does not contain a provision prohibiting slavery or the slave trade.¹⁴⁰²

2. Penal Code Provisions: Slavery and the Slave Trade

Ireland's Criminal Law Act of 1997 does not contain a provision prohibiting slavery or the slave trade.¹⁴⁰³ However, it does contain amendments to the Slave Trade Act of 1824.¹⁴⁰⁴

3. Other Relevant Acts and Provisions: Slavery and the Slave Trade

The prohibitions of slavery and the slave trade under Ireland's national acts are manifested through declarative statements. The European Convention on Human Rights Act prohibits slavery under section 4 providing that "[n]o one shall be held in slavery or servitude."¹⁴⁰⁵ The Slave Trade Act of 1824 expressly prohibits the slave trade, providing that "[t]he purchase, sale, or contract for slaves [are] declared unlawful."¹⁴⁰⁶ Ireland maintains the shortest period of statute of limitations of five years for the slave trade.¹⁴⁰⁷

4. Other Relevant Acts and Provisions: Slavery as a Form of Exploitation of Human Trafficking

Ireland's Criminal Law (Human Trafficking) Act 2008 recognizes enslavement as a form of labor exploitation and defines human trafficking as transfer of another person or the act of placing a person "in the custody, care or charge, or under the control" of another.¹⁴⁰⁸ Note that Ireland is a party to the Palermo Protocol.¹⁴⁰⁹

5. Other Relevant Acts and Provisions: Universal Jurisdiction

Ireland provides universal jurisdiction for war crimes and grave breaches of the Geneva Conventions.¹⁴¹⁰

¹⁴⁰¹ [Treaties](#), DEP'T OF FOREIGN AFFS. (as of Mar. 19, 2024).

¹⁴⁰² [Constitution of 1937 of Ireland](#).

¹⁴⁰³ [Criminal Law Act of 1997 of Ireland](#).

¹⁴⁰⁴ *Id.*, § 13.

¹⁴⁰⁵ [European Convention on Human Rights Act 2003 of Ireland](#), § 4.

¹⁴⁰⁶ [1824 Slave Trade Act of Ireland](#), § 2.

¹⁴⁰⁷ *Id.*, § 47 ("All actions...under this Act, may be commenced, had, brought, sued, exhibited, or prosecuted at any time within five years after the offence committed.").

¹⁴⁰⁸ [Criminal Law \(Human Trafficking\) Act 2008 \(As Amended by The Criminal Law \(Human Trafficking\) \(Amendment\) Act of 2013\) of Ireland](#), § 1.

¹⁴⁰⁹ [UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime](#), 15 November 2000.

¹⁴¹⁰ [International Criminal Court Act 2006 of Ireland](#), § 12; *see also* AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 65 (2012).

6. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹⁴¹¹

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹⁴¹² Ireland is a state party to the Additional Protocol II.¹⁴¹³

¹⁴¹¹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

¹⁴¹² [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁴¹³ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int’l Humanitarian L. Databases.

ITALY

Italy prohibits slavery and the slave trade in its Penal Code of 1930. Italy is a state party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Italy is a dualist state.¹⁴¹⁴

1. Constitutional Provisions: Slavery and the Slave Trade

Italy's Constitution of 1947 does not contain a provision prohibiting slavery or the slave trade.¹⁴¹⁵

2. Penal Code Provisions: Slavery and the Slave Trade

Italy provides an express prohibition of slavery in its Penal Code of 1930. Article 600 of the penal code prohibits slavery and defines it as the exercise of “powers and rights corresponding to ownership” over another person, or the acts of reducing or maintaining “a person in a state of constant subjection, forcing that person to work or to provide sexual services or to beg or to any other illegal activity involving exploitation or to consent to the removal of organs.”¹⁴¹⁶ The statute of limitations is twenty years for slavery.¹⁴¹⁷

Moreover, the penal code criminalizes only the conduct of slave trade but not the intent of reducing another into slavery. Article 602 of the criminal code punishes “[w]hoever, in cases other than the ones referred to in article 601, purchases or sales or transfers any person who is in any of the conditions referred to in article 600.”¹⁴¹⁸ Consequently, because article 602 concerns the “purchases or sales or transfers any person who is in any of the conditions referred to in article 600,” it covers only the sales of those who were already enslaved. This suggests that the article does not extend to the crimes of bringing a free person into slavery. The statute of limitations is also twenty years for slave trading.¹⁴¹⁹

Article 601 of the penal code also prohibits trafficking of enslaved persons as defined under article 600.¹⁴²⁰

3. Other Relevant Acts and Provisions: Universal Jurisdiction

Italy provides universal jurisdiction for offenses that are provided by “special provisions of law or International conventions” which are applicable in Italian criminal law.¹⁴²¹

4. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹⁴²²

¹⁴¹⁴ [Mart Cartabia, *The Italian Constitutional Court and the Relationship Between the Italian Legal System and the European Community*, 12 MICH. J. OF INT'L L. 1 \(1990\).](#)

¹⁴¹⁵ [Constitution of 1947 of Italy.](#)

¹⁴¹⁶ [Penal Code of 1930 \(amend. 2018\) of Italy](#), art. 600.

¹⁴¹⁷ [Id.](#), art. 157, providing that the statute of limitations shall correspond to (“the maximum statutory penalty established by law.”).

¹⁴¹⁸ [Id.](#), art. 602.

¹⁴¹⁹ [Id.](#), art. 157.

¹⁴²⁰ [Id.](#), art. 601.

¹⁴²¹ [Id.](#), art. 7; see also AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 66-67 (2012).

¹⁴²² [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; see also [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹⁴²³ Italy is a state party to the Additional Protocol II.¹⁴²⁴

¹⁴²³ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁴²⁴ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

LIECHTENSTEIN

Liechtenstein's Constitution of 1921 addresses the nonderogable nature of the prohibition of slavery but does not discuss the slave trade. Liechtenstein prohibits both slavery and the slave trade in its Penal Code of 24 June 1987. Liechtenstein is state party to neither the 1926 Slavery Convention nor the 1956 Supplementary Slavery Convention. Liechtenstein is a dualist state.¹⁴²⁵

1. Constitutional Provisions: Slavery

Article 10(2) of Liechtenstein's Constitution of 1921 acknowledges the prohibition of slavery as a nonderogable norm, providing that "[e]mergency decrees can neither limit every person's right to life, the prohibition of torture and inhuman treatment or the prohibition of slavery and forced labour nor place any restriction on the 'no punishment without law' rule."¹⁴²⁶

2. Penal Code Provisions: The Slave Trade

Liechtenstein explicitly prohibits the slave trade but not slavery in its Penal Code of 24 June 1987.¹⁴²⁷ Article 104 punishes "[a]ny person engaging in the slave trade" and "[a]ny person...who effects that another person is enslaved or brought into a situation similar to slavery or effects that another person enters into slavery or a situation similar to slavery."¹⁴²⁸ However, the code does not define the slave trade or slavery. Note that Liechtenstein is party to neither the 1926 Slavery Convention nor the 1956 Supplementary Slavery Convention.

3. Other Relevant Acts and Provisions: Universal Jurisdiction

Liechtenstein does not provide universal jurisdiction for war crimes, genocide, crimes against humanity, or torture. Its Penal Code of 1987 provides that the jurisdiction of Liechtenstein's court over acts committed abroad "depends on the place of residence or abode of the perpetrator in Liechtenstein or the perpetrator's Liechtenstein citizenship, [and] the domicile or place of operation or establishment of the legal person shall be decisive."¹⁴²⁹

4. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹⁴³⁰

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹⁴³¹ Liechtenstein is a state party to the Additional Protocol II.¹⁴³²

¹⁴²⁵ [Constitution of 1921 \(rev. 2011\) of Liechtenstein](#), art. 92.

¹⁴²⁶ [Id.](#), art. 10(2).

¹⁴²⁷ [Penal Code of 1987 of Liechtenstein](#), § 104.

¹⁴²⁸ [Id.](#)

¹⁴²⁹ [Id.](#), § 74e.

¹⁴³⁰ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

¹⁴³¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁴³² [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

LUXEMBOURG

Luxembourg's Penal Code of 2009 prohibits enslavement and sexual slavery as crimes against humanity and sexual slavery as a war crime. Luxembourg is a state party to the 1956 Supplementary Slavery Convention but not the 1926 Slavery Convention. Luxembourg is a dualist state.¹⁴³³

1. Constitutional Provisions: Slavery and the Slave Trade

Luxembourg's Constitution of 1868 does not contain a provision prohibiting slavery or the slave trade.¹⁴³⁴

2. Penal Code Provisions: Enslavement and Sexual Slavery

Luxembourg's Penal Code of 2009 also prohibits enslavement and sexual slavery as crimes against humanity under articles 136ter,¹⁴³⁵ and sexual slavery is enumerated as a war crime in both international armed conflict and non-international armed conflict contexts under article 136c.¹⁴³⁶

3. Penal Code Provisions: Slavery as a form of Exploitation of Human Trafficking

Luxembourg's Penal Code of 2009, in article 382-1, recognizes "forced or compulsory labour or services, servitude, slavery or similar practices and in general in conditions contrary to human dignity" as forms of exploitation of human trafficking.¹⁴³⁷

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Luxembourg provides universal jurisdiction for human trafficking, where Member State of the European Union can file a complaint to the Grand Duchy of Luxembourg,¹⁴³⁸ and for offenses covered by articles 136bis to 136quinquies of the Penal Code of 2009, when the acts are committed outside Luxembourg and the perpetrator of those offenses is a Luxembourg national or is present in Luxembourg.¹⁴³⁹

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹⁴⁴⁰

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹⁴⁴¹ Luxembourg is a state party to the Additional Protocol II.¹⁴⁴²

¹⁴³³ [Constitution of 1868 of Luxembourg](#), art. 37.

¹⁴³⁴ [Id.](#)

¹⁴³⁵ [Penal Code of 2009 of Luxembourg](#), art. 136ter.

¹⁴³⁶ [Id.](#), art. 136c.

¹⁴³⁷ [Id.](#), art. 382-1.

¹⁴³⁸ [Criminal Procedure Code of the Grand-Duchy of 1808 of Luxembourg \(as amended 2020\)](#), art. 4-2.

¹⁴³⁹ [Id.](#), art. 5-1; *see also* [Law implementing the Rome Statute of the International Criminal Court of 2012 of Luxembourg](#), art. 5; AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 75-76 (2012).

¹⁴⁴⁰ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

¹⁴⁴¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁴⁴² [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

MALTA

Malta's Criminal Code of 1854 prohibits enslavement and sexual slavery as crimes against humanity and sexual slavery as a war crime. Malta's criminal code also includes slavery as a form of exploitation under its provision on human trafficking. However, Malta does not maintain a prohibition of the slave trade in its domestic legislation. Malta is a state party to the 1956 Supplementary Slavery Convention but not the 1926 Slavery Convention. Malta is a dualist state.¹⁴⁴³

1. Constitutional Provisions: Slavery and the Slave Trade

Malta's Constitution of 1961 does not contain a provision prohibiting slavery or the slave trade.¹⁴⁴⁴

2. Penal Code Provisions: Enslavement and Sexual Slavery

Malta's Criminal Code of 1854 criminalizes enslavement and sexual slavery as crimes against humanity under article 54C.¹⁴⁴⁵ Enslavement is defined under the article as "the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children."¹⁴⁴⁶ Notably, this definition of enslavement aligns with article 7(2)(c) of the Rome Statute.¹⁴⁴⁷ In addition, sexual slavery is prohibited as a war crime under article 54D.¹⁴⁴⁸

3. Penal Code Provisions: Slavery as a form of Exploitation of Human Trafficking

Malta's Criminal Code of 1854 includes "slavery or practices similar to slavery" as a form of exploitation under article 248A which concerns human trafficking.¹⁴⁴⁹

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Malta's Criminal Code of 1854 provides universal jurisdiction for the crime of genocide, crimes against humanity, and war crimes when committed against Malta citizen or permanent resident.¹⁴⁵⁰ Moreover, Maltese courts can exercise jurisdiction for cases where the perpetrator cannot be extradited.¹⁴⁵¹

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹⁴⁵²

¹⁴⁴³ [Chapter 304, Ratification of Treaties Act of Malta](#), art. 3(3).

¹⁴⁴⁴ [Constitution of 1961 of Malta](#).

¹⁴⁴⁵ [Criminal Code of 1854 of Malta](#), art. 54C.

¹⁴⁴⁶ *Id.*

¹⁴⁴⁷ [Rome Statute of the International Criminal Court](#), art. 7(2)(c).

¹⁴⁴⁸ [Criminal Code of 1854 of Malta](#), art. 54D.

¹⁴⁴⁹ *Id.*, art. 248A.

¹⁴⁵⁰ *Id.*, art. 5(1)(d).

¹⁴⁵¹ *Id.*, art. 5(1)(h); see also AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 79 (2012).

¹⁴⁵² [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; see also [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹⁴⁵³ Malta is a state party to the Additional Protocol II.¹⁴⁵⁴

¹⁴⁵³ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁴⁵⁴ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

NETHERLANDS

The Netherlands expressly prohibits slavery and the slave trade in its Criminal Code of 1881. The criminal code recognizes slavery as a form of exploitation of human trafficking. The Netherlands is a state party to both the 1926 Slavery Convention and the 1956 Supplementary Convention on Slavery. Netherlands is a monist state.¹⁴⁵⁵

1. Constitutional Provisions: Slavery and the Slave Trade

The Netherlands' Constitution of 1881 does not contain a provision prohibiting slavery or the slave trade.¹⁴⁵⁶

2. Penal Code Provisions: Slavery and the Slave Trade

The Netherlands' Criminal Code of 1881 explicitly prohibits slavery as a form of exploitation of human trafficking in section 273f subsection 2 which provides that “[e]xploitation shall at least include...slavery or practices similar to slavery or servitude.”¹⁴⁵⁷ Note that the statute of limitations for slavery is twenty years.¹⁴⁵⁸ However, the statute of limitations does not apply to the crime of human trafficking.¹⁴⁵⁹ The criminal code also criminalizes “slave trading” in section 274 which states “[a]ny person who engages in slave trading, for his own or another's account, or who intentionally participates in it, either indirectly or directly, shall be liable to a term of imprisonment not exceeding twelve years or a fine of the fifth category.”¹⁴⁶⁰ Accordingly, the statute of limitations for the slave trade is twenty years.¹⁴⁶¹

3. Other Relevant Acts and Provisions: Enslavement and Sexual Slavery

The International Crimes Act of 2003 of the Netherlands enumerates enslavement and sexual slavery as crimes against humanity under section 4 and enumerates sexual slavery as a war crime under sections 5 and 6.¹⁴⁶² The Act prohibits enslavement and sexual slavery as crimes against humanity when “committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack, is a crime against humanity.”¹⁴⁶³ Section 2 of the Act defines enslavement as “the exercise of any or all of the powers attaching to the right of ownership over a person, including the exercise of such power in the course of trafficking in persons, in particular women and children.”¹⁴⁶⁴ Sexual slavery is prohibited as a war crime when committed in the context of an international armed conflict¹⁴⁶⁵ or a non-international armed conflict.¹⁴⁶⁶

¹⁴⁵⁵ PIETER VAN DIJK, COUNCIL OF EUR., *COMMENTS ON THE IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS TREATIES IN DOMESTIC LAW AND THE ROLE OF COURTS* 3 (2014).

¹⁴⁵⁶ *Netherlands, Constitution of 1881*.

¹⁴⁵⁷ *Netherlands, Criminal Code of 1881*, § 273f(2).

¹⁴⁵⁸ *Id.*, § 70 providing that the statute of limitations shall be (“twenty years for serious offences punishable by a term of imprisonment of more than ten years.”).

¹⁴⁵⁹ *Id.*, § 71 which provides that the statute of limitations does not run for (“serious offences defined in ... [section] 273f.”).

¹⁴⁶⁰ *Id.*, § 274.

¹⁴⁶¹ *Id.*, § 70.

¹⁴⁶² *Netherlands, International Crimes Act 2003*, §§ 4-6.

¹⁴⁶³ *Id.*, § 4.

¹⁴⁶⁴ *Id.*, § 2(b).

¹⁴⁶⁵ *Id.*, § 5.

¹⁴⁶⁶ *Id.*, § 6.

4. Other Relevant Acts and Provisions: Universal Jurisdiction

The Netherlands allows universal jurisdiction for war crimes, genocide, crimes against humanity, and torture in its International Crimes Act of 2003 when: (a) “the suspect is present in the Netherlands,” (b) “if the crime is committed against a Dutch national,” or (c) if the perpetrator is a Dutch national.¹⁴⁶⁷

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹⁴⁶⁸

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹⁴⁶⁹ The Netherlands is a state party to the Additional Protocol II.¹⁴⁷⁰

¹⁴⁶⁷ *Id.*, § 2; see also AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 86 (2012).

¹⁴⁶⁸ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; see also [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

¹⁴⁶⁹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁴⁷⁰ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int’l Humanitarian L. Databases.

NEW ZEALAND

New Zealand prohibits both slavery and slave trade and recognizes slavery as a form of exploitation of human trafficking in its Crimes Act of 1961. New Zealand is a state party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. New Zealand is a dualist state.¹⁴⁷¹

1. Constitutional Provisions: Slavery and the Slave Trade

New Zealand's Constitution Act of 1986 does not contain a provision prohibiting slavery or the slave trade.¹⁴⁷²

2. Penal Code Provisions: Slavery

New Zealand codifies the prohibitions of both slavery and the slave trade in its Crimes Act of 1961. Although referred to as the “[d]ealing in slaves,”¹⁴⁷³ the prohibition of the slave trade is complete under article 98 because the article covers both the *actus reus* and *mens rea* elements of the slave trade in accordance with the 1926 Slavery Convention.¹⁴⁷⁴ Article 98 punishes anyone who: a) “sells, purchases, transfers, barter, lets, hires, or in any way whatsoever deals with any person as a slave,” b) “employs or uses any person as a slave, or permits any person to be so employed or used,” c) “detains, confines, imprisons, carries away, removes, receives, transports, imports, or brings into any place whatsoever any person as a slave or to be dealt with as a slave,” or d) “induces any person to sell, let, or give himself or herself, or any other person dependent on him or her or in his or her charge, as a slave.”¹⁴⁷⁵ According to article 98, a person who is subject to debt bondage or serfdom are also deemed to be an enslaved person.¹⁴⁷⁶ New Zealand does not maintain a statute of limitations for slavery.¹⁴⁷⁷

3. Penal Code Provisions: Slavery as a Form of Exploitation of Human Trafficking

As shared above, New Zealand recognizes slavery as a form of exploitation in its human trafficking statute. Article 98D of the Crimes Act of 1961 provides that “slavery, practices similar to slavery, servitude, forced labour, or other forced services” are a form of exploitation of human trafficking.¹⁴⁷⁸

4. Other Relevant Acts and Provisions: Universal Jurisdiction

New Zealand provides universal jurisdiction for genocide and crimes against humanity.¹⁴⁷⁹

¹⁴⁷¹ [International Law and New Zealand Domestic Law](#), THE UNIV. OF MELBOURNE.

¹⁴⁷² [Constitution Act of 1986 of New Zealand](#).

¹⁴⁷³ [Crimes Act of 1961 of New Zealand](#), art. 98.

¹⁴⁷⁴ [Slavery Convention, Sep. 25, 1926, 60 L.N.T.S. 254](#), art. 1(2).

¹⁴⁷⁵ [Crimes Act of 1961 of New Zealand](#), art. 98.

¹⁴⁷⁶ [Id.](#)

¹⁴⁷⁷ [Criminal Procedure Act 2011 of New Zealand](#), art. 25(1) (“A charging document may be filed at any time in respect of a category 4 offence”) where dealing in slaves is listed as a category 4 offense under Schedule 1 Category 4 article 98(1).

¹⁴⁷⁸ [Crimes Act of 1961 of New Zealand](#), art. 98D.

¹⁴⁷⁹ [International Crimes and International Criminal Court Act 2000 of New Zealand](#), art. 8; *see also* AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 86-87 (2012).

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹⁴⁸⁰

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹⁴⁸¹ New Zealand is a state party to the Additional Protocol II.¹⁴⁸²

¹⁴⁸⁰ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

¹⁴⁸¹ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁴⁸² [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int’l Humanitarian L. Databases.

NORWAY

Norway prohibits slavery and the slave trade in its Penal Code of 2017. Norway is a state party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Norway is a dualist state.¹⁴⁸³

1. Constitutional Provisions: Slavery and the Slave Trade

Norway prohibits slavery in its Constitution of 1814 but not the slave trade. Article 93 of the constitution provides that, “[n]o one shall be held in slavery or required to perform forced labor. The authorities of the State shall protect the right to life and oppose torture, slavery, forced labor and other forms of inhuman or degrading treatment.”¹⁴⁸⁴

2. Penal Code Provisions: Slavery and the Slave Trade

Norway’s Penal Code of 2017 provides complete prohibitions of slavery and the slave trade in section 259 on slavery which states: “Any person who enslaves another person shall be subject to imprisonment for a term not exceeding 21 years. The same penalty shall apply to any person who engages in slave trading or the transport of slaves or persons destined for slave trading.”¹⁴⁸⁵ A similar language and prohibitions are seen in section 225 of its Civil Penal Code section 225.¹⁴⁸⁶ The statute of limitations is fifteen years for the slave trade.¹⁴⁸⁷

3. Penal Code Provisions: Enslavement and Sexual Slavery

Norway also enumerates both enslavement and sexual slavery as crimes against humanity¹⁴⁸⁸ and war crimes¹⁴⁸⁹ in its Penal Code of 2017.

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Norway provides universal jurisdiction for offenses committed under section 225 of the General Civil Penal Code of 1902.¹⁴⁹⁰

5. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹⁴⁹¹

¹⁴⁸³ Iris Nguyễn-Duy, Introduction to the Norwegian Legal System Lecture 2 “[Norway & European Integration A Constitutional Perspective](#)”, FAC. OF L. UNIV. OF OSLO (2012).

¹⁴⁸⁴ [Constitution of 1814 \(amend. 2023\) of Norway](#), art. 93.

¹⁴⁸⁵ [Penal Code of 2017 of Norway](#), § 259.

¹⁴⁸⁶ [General Civil Penal Code of 22 May 1902 \(amended in 2005\) or Norway](#), § 225.

¹⁴⁸⁷ [Id.](#), § 67.

¹⁴⁸⁸ [Penal Code of 2017 of Norway](#), § 102.

¹⁴⁸⁹ [Id.](#), § 103.

¹⁴⁹⁰ [General Civil Penal Code of 22 May 1902 \(amended in 2005\) or Norway](#), § 12; *see also* AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 88-89 (2012).

¹⁴⁹¹ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹⁴⁹² Norway is a state party to the Additional Protocol II.¹⁴⁹³

¹⁴⁹² [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁴⁹³ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

PORTUGAL

Portugal prohibits slavery and the slave trade in its Criminal Code of 1995. Portugal is a state party to both the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. Portugal is a dualist state.¹⁴⁹⁴

1. Constitutional Provisions: Slavery and the Slave Trade

Portugal's Constitution of 1976 does not contain a provision prohibiting slavery or the slave trade.¹⁴⁹⁵

2. Penal Code Provisions: Slavery and the Slave Trade

Portuguese Penal Code Law no. 48/95 article 159 expressly prohibits both slavery and the slave trade.¹⁴⁹⁶ Article 159(a) punishes those who “reduce another person to the state or the condition of slave.”¹⁴⁹⁷ Article 159(b) of the penal code punishes those who “disposes of, assign[,] or acquire a person or to acquire [such person] with the intention of maintaining [such person] in the situation described in the previous paragraph.”¹⁴⁹⁸ In addition, the penal code provides a statute of limitations of fifteen years for slavery and the slave trade.¹⁴⁹⁹

3. Penal Code Provisions: Slavery as an Element of Exploitation or Human Trafficking

The prohibition of slavery is also seen in article 160 of Portugal's Penal Code Law no. 48/95 where slavery is included as a form of exploitation of human trafficking.¹⁵⁰⁰

4. Penal Code Provisions: Enslavement and Sexual Slavery

Portugal's Law No. 31/2004 adapting Portuguese criminal legislation to the Statute of the International Criminal Court enumerates enslavement and sexual slavery as crimes against humanity.¹⁵⁰¹ However, neither enslavement nor sexual slavery were recognized as a war crime under the Law.

5. Other Relevant Acts and Provisions: Universal Jurisdiction

Portuguese courts have jurisdiction over cases where an offense was committed outside Portugal and the perpetrator is present in Portugal but cannot be extradited, or “where it has been decided not to surrender the perpetrator to the International Criminal Court.”¹⁵⁰²

6. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹⁵⁰³

¹⁴⁹⁴ [Constitution of 1976 of Portugal](#), art. 8.

¹⁴⁹⁵ [Id.](#)

¹⁴⁹⁶ [Penal Code Law no. 48/95 of Portugal](#), art. 159.

¹⁴⁹⁷ [Id.](#), art. 159(a).

¹⁴⁹⁸ [Id.](#), art. 159(b).

¹⁴⁹⁹ [Id.](#), art. 118.

¹⁵⁰⁰ [Id.](#), art. 160.

¹⁵⁰¹ [Law No. 31/2004 adapting Portuguese criminal legislation to the Statute of the International Criminal Court of Portugal](#), Annex, ch. I, art. 9.

¹⁵⁰² [Id.](#), annex, ch. I, art. 5; *see also* AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 93-94 (2012).

¹⁵⁰³ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹⁵⁰⁴ Portugal is a state party to the Additional Protocol II.¹⁵⁰⁵

¹⁵⁰⁴ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁵⁰⁵ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

SAN MARINO

San Marino's penal code, Law no. 17 of 25 February 1974, expressly prohibits slavery and the slave trade. San Marino is a state party to the 1956 Supplementary Slavery Convention but not the 1926 Slavery Convention. San Marino is a monist state.¹⁵⁰⁶

1. Constitutional Provisions: Slavery and the Slave Trade

San Marino's Declaration of Citizens' Rights and of the fundamental principles of the San Marinese legal order or Law No. 59 of 8 July 1974 does not contain a provision prohibiting slavery or the slave trade.¹⁵⁰⁷

2. Penal Code Provisions: Slavery and the Slave Trade

San Marino explicitly prohibits reduction of another person into slavery in article 167 of Law no. 17 of 25 February 1974 or its penal code.¹⁵⁰⁸ The slave trade appears to be used interchangeably with human trafficking. Article 13 of the code provides that “[dangerous people are those who are] convicted for crimes of association to commit a crime, trafficking and slave trade, extortion with kidnapping, trafficking and exploitation of people engaged in prostitution.”¹⁵⁰⁹ Similarly, article 168 titled “trafficking,” provides that “[e]veryone who [engages in the] slave trade shall be punished by imprisonment of six degree and with the fourth degree disqualification.”¹⁵¹⁰

3. Other Relevant Acts and Provisions: Universal Jurisdiction

San Marino provides universal jurisdiction for, among others, offenses under article 168 of the Law no. 17 of 25 February 1974 or its penal code.¹⁵¹¹ San Marino also provides universal jurisdiction for offenses committed abroad which San Marino is bound to “repress” according to international treaties which it is a party to.¹⁵¹²

4. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹⁵¹³

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹⁵¹⁴ San Marino is a state party to the Additional Protocol II.¹⁵¹⁵

¹⁵⁰⁶ [Declaration of Citizens' Rights and of the fundamental principles of the San Marinese legal order or Law No. 59 of 8 July 1974 of San Marino](#), art. 1.

¹⁵⁰⁷ [Id.](#)

¹⁵⁰⁸ [Law no. 17 of 25 February 1974 of San Marino](#), art. 167.

¹⁵⁰⁹ [Id.](#), art. 13.

¹⁵¹⁰ [Id.](#), art. 168.

¹⁵¹¹ [Id.](#), art. 6.

¹⁵¹² [Id.](#); see also AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 99 (2012).

¹⁵¹³ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; see also [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

¹⁵¹⁴ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁵¹⁵ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

SPAIN

Spain's Criminal Code of 2005 prohibits slavery under human trafficking, crimes against humanity, and war crimes provisions. However, Spain does not maintain a prohibition of the slave trade in its domestic legislation. Spain is a state party to both the 1926 Slavery Convention and 1956 Supplementary Slavery Convention. Spain is a monist state.¹⁵¹⁶

1. Constitutional Provisions: Slavery and the Slave Trade

Spain's Constitution of 1961 does not contain a provision prohibiting slavery or the slave trade.¹⁵¹⁷

2. Penal Code Provisions: Enslavement and Sexual Slavery

Article 607bis of Spain's Criminal Code of 2005, amended by the Organic Act 10/1995 of November 25, prohibits slavery as a crime against humanity,¹⁵¹⁸ and article 611 of the same code prohibits sexual slavery as a war crime.¹⁵¹⁹ Article 607bis provides that, "[s]lavery shall be construed as the situation of a person over whom another exercises, albeit de facto, all and some of the attributes of the right of property, such as buying, selling, lending or exchanging such person."¹⁵²⁰ Accordingly, this definition is in accordance with the 1926 Slavery Convention in Spanish.¹⁵²¹ Article 611 of Spain's Criminal Code of 2005 on "criminal offences against protected persons and assets in the event of armed conflict" does not limit its scope of application to either international or non-international armed conflict.¹⁵²²

3. Penal Code Provisions: Slavery as a form of Exploitation of Human Trafficking

Article 177bis of Spain's Criminal Code of 2005 prohibits trafficking in human beings for the purpose of subjecting the trafficked person to "forced work or services, slavery or practices similar to slavery or servitude or begging."¹⁵²³

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Spain maintains universal jurisdiction where Spanish courts can exercise jurisdiction over human trafficking and offenses under international treaties, particularly international humanitarian and international human rights law, committed by a Spanish national or foreign national outside Spain.¹⁵²⁴

¹⁵¹⁶ SPAIN SUP. CT, *Sources of law in the Spanish legal System*.

¹⁵¹⁷ [Constitution of 1961 of Spain](#).

¹⁵¹⁸ [Criminal Code of 2005, amended by the Organic Act 10/1995 of November 25 of Spain](#), art. 607bis.

¹⁵¹⁹ *Id.*, art. 611.

¹⁵²⁰ *Id.*, art. 607bis.

¹⁵²¹ [Convención sobre la Esclavitud, Sep. 25, 1926, 60 L.N.T.S. 254](#), art. 1(1).

¹⁵²² [Criminal Code of 2005, amended by the Organic Act 10/1995 of November 25 of Spain](#), art. 611.

¹⁵²³ [Criminal Code of 2005, amended by the Organic Act 10/1995 of November 25 of Spain](#), art. 177bis. Article 177bis also provides that ("[t]he consent of [the] victim of human trafficking shall be irrelevant....").

¹⁵²⁴ [Law Organic 1/2009, Of 3 November, Complementary To The Law Of Reform Of Procedural Legislation For The Implementation Of The New Judicial Office, Amending The Organic Law 6/1985, Of 1 July, On The Judiciary of Spain](#), art. 1; *see also* AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 106 (2012).

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹⁵²⁵

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹⁵²⁶ Spain is a state party to the Additional Protocol II.¹⁵²⁷

¹⁵²⁵ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

¹⁵²⁶ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁵²⁷ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int’l Humanitarian L. Databases.

SWEDEN

Sweden's Act on Criminal Responsibility for Genocide, Crimes Against Humanity and War Crimes of 2014 prohibits sexual slavery as a crime against humanity and a war crime. However, Sweden does not maintain a prohibition of slavery or the slave trade as a standalone crime, or enslavement in its domestic legislation. Sweden is a state party to neither the 1926 Slavery Convention nor the 1956 Supplementary Slavery Convention. Sweden is a dualist state.¹⁵²⁸

1. Constitutional Provisions: Slavery and the Slave Trade

Sweden's Constitution of 1974 does not contain a provision prohibiting slavery or the slave trade.¹⁵²⁹

2. Penal Code Provisions: Slavery and the Slave Trade

Sweden's Criminal Code of 1962 does not contain a provision prohibiting slavery or the slave trade.¹⁵³⁰

3. Other Relevant Acts and Provisions: Sexual Slavery

Sweden prohibits sexual slavery and recognizes it as both a crime against humanity under section 2¹⁵³¹ and as a war crime section 4¹⁵³² of its Act on Criminal Responsibility for Genocide, Crimes Against Humanity and War Crimes of 2014. However, the Act does not mention slavery, the slave trade, or enslavement.

4. Other Relevant Acts and Provisions: Universal Jurisdiction

Sweden maintains universal jurisdiction over offenses that are committed outside Sweden and are "referred to in the Act on Criminal Responsibility for Certain International Offences"¹⁵³³ or "directed at the administration of justice by the International Criminal Court."¹⁵³⁴

5. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹⁵³⁵

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹⁵³⁶ Sweden is state party to the Additional Protocol II.¹⁵³⁷

¹⁵²⁸ COUNCIL OF EUR., Pieter van Dijk, [COMMENTS ON THE IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS TREATIES IN DOMESTIC LAW AND THE ROLE OF COURTS](#), 3 (2014).

¹⁵²⁹ [Constitution of 1974 of Sweden](#).

¹⁵³⁰ [Criminal Code of 1962 of Sweden](#).

¹⁵³¹ [Act on Criminal Responsibility for Genocide, Crimes Against Humanity and War Crimes of 2014 of Sweden](#), § 2.

¹⁵³² [Id.](#), § 4.

¹⁵³³ [Criminal Code of 1962 of Sweden](#), ch. 2, § 3(6)(a).

¹⁵³⁴ [Id.](#), ch. 2, § 3(6)(h); see also AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 108-09 (2012).

¹⁵³⁵ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; see also [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 ("deportation to slave labor"); [Allied Control Council Law No. 10](#) (1945), art. II(1) ("deportation to slave labor"); [1977 Additional Protocol II](#), art. 4(2)(f) ("slavery and the slave trade in all their forms" are and shall remain prohibited).

¹⁵³⁶ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁵³⁷ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

SWITZERLAND

Switzerland's Criminal Code of 1937 prohibits enslavement as a crime against humanity. However, Switzerland does not maintain a prohibition of slavery or the slave trade as a standalone crime, or enslavement in its domestic legislation. Switzerland is a state party to both the 1926 Slavery Convention and 1956 Supplementary Slavery Convention. Switzerland is a monist state.¹⁵³⁸

1. Constitutional Provisions: Slavery and the Slave Trade

Switzerland's Constitution of 1999 does not contain a provision prohibiting slavery or the slave trade.¹⁵³⁹

2. Penal Code Provisions: Enslavement

Switzerland criminalizes enslavement as a crime against humanity in its Criminal Code of 1937 in article 264a which defines enslavement as “[the] exercise[] [of] a right of ownership over a person, in particular in the form of trafficking in persons, sexual exploitation or forced labour.”¹⁵⁴⁰ Accordingly, the definition of enslavement in Switzerland's criminal code expands the definition of enslavement under article 7(2)(c) of the Rome Statute¹⁵⁴¹ to include additional forms of exercises of the right ownership over a person such as “sexual exploitation” and “forced labor.” However, the code does not mention slavery, the slave trade, or sexual slavery.

3. Other Relevant Acts and Provisions: Universal Jurisdiction

Switzerland provides universal jurisdiction for genocide, crimes against humanity, and war crimes.¹⁵⁴²

4. International Humanitarian Law: Slavery and the Slave Trade In All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹⁵⁴³

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹⁵⁴⁴ Switzerland is state party to the Additional Protocol II.¹⁵⁴⁵

¹⁵³⁸ FED. DEP'T OF FOREIGN AFFS. FDFA, [The relationship between national and international law](#).

¹⁵³⁹ [Constitution of 1999 of Switzerland](#).

¹⁵⁴⁰ [Criminal Code of 1937 of Switzerland](#), art. 264a.

¹⁵⁴¹ [Rome Statute of the International Criminal Court](#), art. 7(2)(c).

¹⁵⁴² [Criminal Code of 1937 of Switzerland](#), art. 264m; *see also* AMNESTY INT'L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 109-10 (2012).

¹⁵⁴³ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

¹⁵⁴⁴ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁵⁴⁵ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Int'l Humanitarian L. Databases.

UNITED KINGDOM

The United Kingdom maintains prohibitions of slavery and the slave trade in its national acts. The United Kingdom is a state party to both the 1926 Slavery Convention and 1956 Supplementary Slavery Convention. The United Kingdom is a dualist state.¹⁵⁴⁶

1. Constitutional Provisions: Slavery and the Slave Trade

The United Kingdom does not maintain a consolidated text of its constitution, but the prohibition of slavery can be found in other national acts which, as a collective, can be seen as making up parts of the United Kingdom's constitution.¹⁵⁴⁷

2. Penal Code Provisions: Slavery and the Slave Trade

The United Kingdom's Criminal Law Act of 1977 does not contain a provision prohibiting slavery or the slave trade.¹⁵⁴⁸

3. Other Relevant Acts and Provisions: Slavery and the Slave Trade

The United Kingdom prohibits slavery but not slave trade in its national acts including the Human Rights Act of 1998, Modern Slavery Act of 2015, Northern Ireland's Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act of 2015, and Scotland's Human Trafficking and Exploitation Act of 2015. These national acts prohibit holding another person in "slavery or servitude," and it is also an offense if the person "knows or ought to know that the other person is held in slavery or servitude."¹⁵⁴⁹

The prohibition of the slave trade is complete under the Slave Trade Act of 1824.¹⁵⁵⁰

4. Other Relevant Acts and Provisions: Enslavement and Sexual Slavery

The United Kingdom prohibits enslavement and sexual slavery as crimes against humanity in article 7¹⁵⁵¹ and sexual slavery is prohibited as a war crime in article 8 of the International Criminal Court Act of 2001.¹⁵⁵²

5. Other Relevant Acts and Provisions: Slavery as a Form of Exploitation of Human Trafficking

Slavery, along with servitude and forced labor, is also prohibited as a form of exploitation of human trafficking as seen in both Northern Ireland's Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act of 2015, and Scotland's Human Trafficking and Exploitation Act of 2015.¹⁵⁵³

¹⁵⁴⁶ Lord Jonathan Mance, Deputy President, Supreme Court of the United Kingdom, [Address to Kings College London: International Law in the UK Supreme Court](#) (13 FEB. 2017).

¹⁵⁴⁷ [The United Kingdom and Northern Ireland, THE UK CONSTITUTION A summary, with options for reform \(Mar. 2015\) at 5](#) ("The United Kingdom constitution is composed of the laws and rules that create the institutions of the state, regulate the relationships between those institutions, or regulate the relationship between the state and the individual. These laws and rules are not codified in a single, written document. Constitutional laws and rules have no special legal status.").

¹⁵⁴⁸ [Criminal Law Act of 1977 of the United Kingdom](#).

¹⁵⁴⁹ [Modern Slavery Act of 2015 of the United Kingdom](#), art. 1; *see also* [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) of 2015](#), part 1, § 1; [Human Trafficking and Exploitation \(Scotland\) Act of 2015](#), part 1, § 4, [Human Rights Act of 1998 of the United Kingdom](#), art. 4.

¹⁵⁵⁰ [Slave Trade Act 1824 of the United Kingdom](#).

¹⁵⁵¹ [International Criminal Court of 2001 of the United Kingdom](#), art. 7.

¹⁵⁵² *Id.*, art. 8.

¹⁵⁵³ [Human Trafficking and Exploitation \(Scotland\) Act of 2015](#), pt. 1, § 3; *see also* [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) of 2015](#), pt. 1, § 3.

6. Other Relevant Acts and Provisions: Universal Jurisdiction

The United Kingdom provides universal jurisdiction for genocide, crimes against humanity, and war crimes.¹⁵⁵⁴

7. International Humanitarian Law: Slavery and the Slave Trade in All Their Forms are Prohibited

States are bound by the customary international humanitarian law which prohibits slavery and the slave trade in all their forms.¹⁵⁵⁵

Additional Protocol II to the Geneva Conventions also expressly prohibits slavery and the slave trade in all their forms in article 4 subsection 2(f).¹⁵⁵⁶ The United Kingdom is a state party to the Additional Protocol II.¹⁵⁵⁷

¹⁵⁵⁴ [International Criminal Court of 2001 of the United Kingdom](#), arts 51, 53; *see also* AMNESTY INT’L, [UNIVERSAL JURISDICTION: A PRELIMINARY SURVEY OF LEGISLATION AROUND THE WORLD](#) 118-19 (2012).

¹⁵⁵⁵ [Practice Relating to Rule 94. Slavery and Slave Trade](#), ICRC; *see also* [Lieber Code](#) (1863), arts. 42, 58; [IMT Charter \(Nuremberg\)](#) (1945), art. 6 (“deportation to slave labor”); [Allied Control Council Law No. 10](#) (1945), art. II(1) (“deportation to slave labor”); [1977 Additional Protocol II](#), art. 4(2)(f) (“slavery and the slave trade in all their forms” are and shall remain prohibited).

¹⁵⁵⁶ [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) art. 4, adopted June 8, 1977, 1125 U.N.T.S. 609.

¹⁵⁵⁷ [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, INT’L HUMANITARIAN L. DATABASES.



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