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

Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian*

Addendum

Communications to and from Governments
(From 1 July 2009 to 2 August 2010)

* The present report is circulated as received.

Contents

| | <i>Paragraphs</i> | <i>Page</i> |
|--|-------------------|-------------|
| I. Introduction..... | 1–2 | 3 |
| II. General observations..... | 3–6 | 3 |
| III. Summary of communications on alleged human rights violations sent to the Governments and responses received..... | 7–79 | 4 |
| A. Kazakhstan..... | 8–25 | 5 |
| B. Mauritania..... | 26–46 | 7 |
| C. United Kingdom of Great Britain and Northern Ireland..... | 47–63 | 11 |
| D. Uzbekistan | 64–77 | 13 |

I. Introduction

1. Pursuant to the Human Rights Council resolution 6/14, the Special Rapporteur on contemporary forms of slavery, including its causes and its consequences, may send Governments communications on individual cases and general situations of concern, based on reliable and credible information received from victims or other persons acting on behalf of the victims. This addendum sets out summaries of such communications sent from 1 July 2009 to 1 June 2010 by the Special Rapporteur. It also includes summaries of Government replies received from 1 July 2009 to 2 August 2010.

2. For reasons of protection, the names of some of the victims appear only in initials in this report. The Special Rapporteur also used initials for a number of other persons concerned in order to minimise their risk of possible further victimization. Moreover, with a view to preserve the presumption of innocence, only initials are used for the names of alleged perpetrators.

II. General observations

3. During the period under review, five communications were sent by the Special Rapporteur together with the following mandates: the Special Rapporteur on the sale of children, child prostitution and child pornography; the Special Rapporteur on violence against women, its causes and consequences; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on trafficking in persons, especially women and children, and the Special Rapporteur on the situation of human rights defenders. The Special Rapporteur received three replies to the communications as of 16 June 2010 and regrets that she still has not received replies to the remaining two communications. The Special Rapporteur wishes to recall the obligations of the Governments under the Human Rights Council resolution 8/12 to provide her with all the necessary information related to the mandate to enable her to fulfill the mandate effectively, and urges the Governments to submit replies to her communications in a timely manner to this end.

4. In framing her interventions in these cases, the Special Rapporteur was guided by the 1956 United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to slavery which declares that “no one shall be held in slavery or servitude”. With regard to the issue of forced marriage, the Special Rapporteur recalled: article 16 (2) of the Universal Declaration of Human Rights which prohibits forced marriage; article 1 (1) of the Supplementary Convention on the Abolition of Slavery which prohibits any institution or practice whereby “a woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family, or any other person or group”; and article 2 of the Supplementary Convention on the Abolition of Slavery which requires State Parties to “encourage the use of facilities whereby the consent of both parties to a marriage may be freely expressed in the presence of a competent civil or religious authority, and to encourage the registration of marriages”.

5. The Special Rapporteur was also guided by ILO Convention No. 182 on the worst forms of child labor, which calls on States Parties to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. “The worst forms of child labour” comprise, inter alia, all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, as well as the use, producing or offering of a child for prostitution, for production of pornography or for performance.

6. The Special Rapporteur recalled Resolution 12/2 of 12 October 2009, in which the Human Rights Council expresses concern on “continued reports of intimidation and reprisals against individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights” and “urges Governments to prevent and refrain from all acts of intimidation or reprisal against those who: (a) Seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them; (b) Avail or have availed themselves of procedures established under the auspices of the United Nations for the protection of human rights and fundamental freedoms, and all those who have provided legal or other assistance to them for this purpose; and (c) Submit or have submitted communications under procedures established by human rights instruments, and all those who have provided legal or other assistance to them for this purpose.”

III. Summary of communications on alleged human rights violations sent to the Governments and responses received

7. The following table sets out the overview of the communications sent by the Special Rapporteur during the period under review: From 1 July 2009 to 2 August 2010.

| <i>Date</i> | <i>Country</i> | <i>Type of comm.</i> | <i>Individuals concerned</i> | <i>Alleged violations / Human rights issues</i> | <i>Government reply</i> | <i>Date of government response</i> |
|-------------|----------------|----------------------|---|---|-------------------------|------------------------------------|
| 20.10.2009 | Kazakhstan | JUA | Boys of Uzbek nationality, including B.I. | Trafficking of children for the purpose of labour exploitation. | Yes | 20.12.2009 |
| 22.02.2010 | Mauritania | JAL | Mr. Biram Ould Dah Ould Abeid | Violation of rights of Human rights defenders, Slavery. | Yes | 04.05.2010 |
| 27.04.2010 | Mauritania | | Mr. Biram Ould Dah Ould Abeid | Violation of rights of Human rights defenders, Slavery. | No | ... |
| 04.05.2010 | U K | JUA | Ms. B.G., a rejected asylum-seeker | Deportation, arbitrary detention, violation of right to family and private life, health, physical and moral violence. | No | ... |
| 20.10.2009 | Uzbekistan | JAL | Boys of Uzbek nationality, including B.I. | Trafficking of children for the purpose of labour exploitation | Yes | 25.11.2009 |

A. Kazakhstan

1. Communication of 20 October 2009

8. By letter dated 20 October 2009, the Special Rapporteur, jointly with Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Rapporteur on trafficking and the Special Rapporteur on human rights of migrants sent an urgent appeal to the Government of Kazakhstan concerning an Uzbek boy who was trafficked to Kazakhstan to work in a forced labour situation and whose whereabouts were unknown.

9. According to the information received, B.I., aged 17, is a resident of the Khiva town of the Khorezm region, Uzbekistan. In May 2008, B.I. and four young Uzbek men were recruited by B.B., a citizen of Uzbekistan aged 56, to travel to Kazakhstan as labour migrants. B.B. promised them and their parents that he would take care of their employment in Kazakhstan. He also assured them that being the oldest in the group; he would look after the young men during their stay in Kazakhstan.

10. Upon their arrival in Kazakhstan, the young men were taken to a house of N.M., located in Zhalagash aul, Kizil-Ordinski oblast. N.M. is a citizen of Kazakhstan and a member of the local council in Zhalagash aul. B.B. received \$5,000 from N.M. in exchange of the young men and handed over their passports to N.M. before he disappeared. The young men were forced to carry out a variety of work in N.M.'s house, including construction work. They were forced to work under harsh conditions and without appropriate food and compensation. Approximately two months after the young men left for Kazakhstan, B.B. appeared in Khiva. B.I.'s mother went to see B.B. to ask how her son was. B.B. assured the mother that all the young men were well and that they would soon be sending money they earned in Kazakhstan. However, B.I.'s mother never heard from her son, as all the young men were not given any opportunity to contact their families in Uzbekistan. The young men except B.I. eventually managed to escape the house and return to Khiva.

11. In December 2008, B.I.'s mother lodged an appeal to the Department of Internal Affairs in the Khiva district and to the Embassy of the Republic of Kazakhstan in Uzbekistan to search for her son. However, she did not receive any responses from the authorities. Concerned for her son's safety and desperate to find him, she travelled to N.M.'s house in Zhalagash aul, Kizil-Ordinski oblast on 12 June 2009. When she arrived at N.M.'s house, he shouted at her in the Kazakh language, throwing the passports of the young Uzbek men who were forced to work in his house. He told her that B.I. was taken by a Police Major from Shimkent city in Yuzhno-Kazakhstanskaya oblast.

12. The Special Rapporteurs asked the Government to verify the accuracy of the facts alleged in the summary. They also requested the Government to provide the full details of any actions or measures undertaken to identify the whereabouts of B.I. and to ensure his safety and protection. They further asked whether complaints were lodged by or on behalf of the alleged victims against N.M.

13. The Special Rapporteurs also requested the Government to provide the details of any actions taken against N.M. in his alleged involvement in the crime of trafficking as well as the details of any actions taken to ascertain the identity of the Police Major and his role in the trafficking and disappearance of B.I., and in particular whether B.I. was being held in captivity by him.

14. Furthermore, the Special Rapporteurs requested the Government to provide the details, and where available the results, of any other investigation, judicial or other inquiries which may have been carried out in relation to this case. They also requested information on the details of any measures or actions undertaken by the Embassy of the Republic of

Kazakhstan in Uzbekistan in response to the appeal submitted by B.I.'s mother and whether the victims or the families of the victims had access to adequate procedures of compensation for damages from those legally responsible.

15. The Special Rapporteurs asked information on the current policies and the preventive and awareness raising measures taken to tackle the issue of human trafficking in Zhalagash aul, Kizil-Ordinski oblast, Kazakhstan. They also asked information on whether law enforcement agencies, especially the Police, Immigration, Border Guards and Labour Inspectors, had received appropriate training on identification of victims of trafficking and protection of their human rights. Finally, the Special Rapporteur requested the Government to provide statistical information on prosecution of cases of trafficking in court, including the number of cases in which conviction was secured.

2. Response of the Government of 20 December 2009

16. By letter dated 20 December 2009, the Government replied to the communication sent on 20 October 2009, highlighting that the internal affairs organs of the Republic of Kazakhstan were conducting investigations in order to ascertain the facts regarding the economic exploitation of a citizen of the Republic of Uzbekistan by N.M., a citizen of the Republic of Kazakhstan. With a view to making a thorough and objective appraisal of the evidence and issuing a procedural ruling, the Office of the Procurator and the Department of Internal Affairs of the province of Kyzylorda were preparing a request to the law enforcement agencies of the Republic of Uzbekistan that they question B.I. in order to fully clarify the circumstances of the case.

17. The Government also highlighted that the Criminal Police Committee of the Ministry of Internal Affairs of Kazakhstan received an application from a human rights group based in Khorezm for assistance in the search for B.I. It further added that the internal affairs agencies of Kazakhstan spearheaded the hunt for the missing person by undertaking criminal investigations and inquiries. Medical institutions also made some checks in an endeavour to establish his whereabouts.

18. In its response, the Government informed that pursuant to paragraph 27 of the Instruction concerning a unified procedure for conducting interstate searches for persons, which was approved by the decision of the Council of Ministers of Internal Affairs of the States Parties of the Commonwealth of Independent States of 7 September 2007, the above-mentioned application was forwarded to the Central Department for Criminal Investigation and Counterterrorism of the Ministry of Internal Affairs of Uzbekistan with a view to initiating investigations and an international search for B.I. It further highlighted that the staff of the internal affairs agencies of Kazakhstan again contacted the human rights group in order to exchange information on B.I.'s whereabouts. According to the letter from the human rights group dated 3 December 2009, B.I. was then at home.

19. The Government also stated that in May 2008, B.B. approached N.M. in order to propose the services of his 10-person "team" to work on building sites – to which N.M. agreed. In June 2008, B.B. and his building team, which did not include B.I. who was then at another N.M.'s building site, received the sum of US\$3,000 and vanished without completing the building. B.I. stayed on for two to three months.

20. During that time, he regularly spoke to his parents by telephone. He received food and clothing and did odd jobs. They did not subject him to pressure or force. In the autumn of 2008, B.I. left the house and did not return. N.M. tried in vain to find him. In the spring of 2009, B.I.'s mother went to the town of Kyzylorda to search for her son. On meeting her, N.M. explained that B.I. had worked for him and lived at his house, but that he did not possess any information regarding his current whereabouts. B.I. did not file a complaint with law enforcement agencies or officials of the Department of Internal Affairs of South

Kazakhstan or any other official in the province of Kyzylorda regarding any unlawful actions on the part of N.M.

21. The Government also provided information and contact details of the Police Major and highlighted that no information was available about any investigations, judicial proceedings or other inquiries in relation to this case. According to information supplied by the Embassy of the Republic of Kazakhstan in Uzbekistan, it did not receive any oral or written complaints from B.I.'s mother, or anyone else, in connection with this case at any point in 2008.

22. The Government also referred to some of the provisions of the national code of criminal procedure, notably article 163 and 162, paragraphs 1 and 2 and described the governmental structure in place to deal with human trafficking.

23. In its response, the Government also highlighted that it was gradually implementing plans to combat and prevent crimes related to human smuggling and have launched information campaigns to counter human trafficking. It further stated that in 2009, as a result of the latest steps, anti-trafficking units initiated criminal proceedings in 265 cases. The Government also provided extensive information on the activities and programmes being implemented in its territory.

24. Finally, the Government informed the Special Rapporteur that according to the statistical data supplied by the Legal Statistics Committee and in particular by the Office of the Procurator General on enforceable sentences for crimes under article 128 of the Criminal Code (human trafficking), the number of convictions was as follows: in 2007, three persons; in 2008, five persons; and in the first nine months of 2009, five persons. The number of convictions for crimes under article 133 of the Criminal Code (trafficking in minors) was as follows: three people in 2007; one person in 2008; and six people in the first nine months of 2009.

3. Observations

25. The Special Rapporteur appreciates the detailed response provided by the Government of Kazakhstan and commends its efforts in successfully locating B.I. who was missing at the time. The Special Rapporteur regrets, however, that the reply did not include sufficient information concerning any actions against the citizens of Kazakhstan who were potentially implicated in the disappearance and trafficking of B.I. The Special Rapporteur continues to monitor the situation in the country, particularly the steps taken by the Government to combat and prevent forced labour.

B. Mauritania

1. Communication du 22 février 2010

26. Le 22 février 2010, la Rapporteuse spéciale sur les formes contemporaines d'esclavage, y compris leurs causes et leurs conséquences, conjointement avec le Rapporteur Spécial sur la situation des défenseurs des droits de l'homme, ont envoyé une lettre d'allégation au Gouvernement de la Mauritanie concernant la situation de M. Biram Ould Dah Ould Abeid, conseiller auprès de la Commission nationale mauritanienne des droits de l'homme, président de l'Initiative de résurgence du mouvement abolitionniste en Mauritanie (IRA) et chargé de mission auprès de SOS-Esclaves.

27. Selon les informations reçues M. Biram Ould Dah Ould Abeid aurait été invité à participer au Festival du film et forum international sur les droits humains (FIFDH), organisé à Genève du 5 au 14 mars 2010, afin de présenter le documentaire « Chasseurs d'esclaves » consacré au travail mené par l'organisation SOS-Esclaves. Afin de se rendre en

Suisse, M. Biram Ould Dah Ould Abeid, détenteur d'un passeport de service en sa qualité de conseiller auprès de la Commission nationale mauritanienne des droits de l'homme, aurait fait une demande de renouvellement de passeport auprès de la Direction de la sûreté nationale. Or, le 6 février 2010, cette demande aurait été arbitrairement rejetée par ladite Direction.

28. Il est allégué que ce refus ferait suite à la participation de M. Biram Ould Dah Ould Abeid à une conférence intitulée « L'esclavage en terre d'Islam : pourquoi les maîtres mauritaniens n'affranchissent pas leurs esclaves? », organisée au Centre d'accueil de la presse étrangère (CAPE) le 17 février 2009 à Paris, au cours de laquelle M. Biram Ould Dah Ould Abeid aurait dénoncé la persistance de l'esclavage alléguée et sa légitimation par l'application de la charia en Mauritanie. Par ailleurs, M. Biram Ould Dah Ould Abeid se serait vu reprocher par les autorités mauritaniennes d'avoir fourni des informations à la Rapporteuse spéciale des Nations Unies sur les formes contemporaines d'esclavage, lors de sa visite officielle dans le pays en octobre et novembre 2009.

29. En outre, au cours du mois de novembre, le portail d'information elbidaya.net aurait publié un article anonyme contenant des propos diffamatoires à l'encontre de M. Biram Ould Dah Ould Abeid, article qui aurait été repris par plusieurs sites Internet mauritaniens. Enfin, durant cette même période, un inconnu aurait tenté de s'introduire à son domicile avant de prendre la fuite.

30. Des craintes sont exprimées quant au fait que le refus de renouveler le passeport de M. Biram Ould Dah Ould Abeid et le climat délétère dans lequel celui-ci travaille soient liés à ses activités de promotion et protection des droits de l'homme.

31. Les Rapporteurs Spéciaux ont demandé au gouvernement si les faits tels que relatés dans le résumé du cas sont exacts.

32. Les Rapporteurs Spéciaux souhaiteraient aussi que le Gouvernement indique la base légale ayant prévalu au refus de la Direction de la sûreté nationale de renouveler le passeport de M. Biram Ould Dah Ould Abeid; qu'il indique en quoi cette décision est compatible avec les normes et standards internationaux en matière de droits de l'homme contenus, *inter alia*, dans le Pacte international sur les droits civils et politiques et la Déclaration sur les défenseurs des droits de l'homme.

2. Réponse du Gouvernement du 4 mai 2010

33. Par la lettre du 4 mai 2010, le Gouvernement de la Mauritanie a répondu à la communication du 22 février 2010. Le Gouvernement précise que M. Biram Ould Abeid a bénéficié d'une invitation personnelle au Festival du film et Forum international sur les droits humains prévu du 5 au 14 mars 2010 à Genève. Que le président de la commission nationale des droits de l'homme a, par lettre n° 675 du 2 février 2010, adressé une demande de prorogation du passeport de service n° M00197773 établi au nom de Biram Ould Dah Ould Abeid. Et que cette demande a été transmise au ministère de l'intérieur et de la décentralisation par la directrice adjointe du Cabinet du premier ministre par lettre n° 012 du 3 février 2010.

34. Dans sa réponse le Gouvernement de Mauritanie précise que les passeports de service sont réglementés par le décret n° 62.160 en date du 12 juillet 1962 réglementant les titres de voyage qui dispose en son article 27: «les passeports de service sont accordés par le ministère de l'intérieur à la demande du ministère des affaires étrangères. En Mauritanie, ils sont délivrés, renouvelés ou protégés par le ministère de l'intérieur à la demande du ministère des affaires étrangères». L'article 30 de ce décret dispose: «En Mauritanie, la délivrance, le renouvellement ou la prorogation d'un passeport de service est subordonnée à la remise..., d'une ampliation de l'ordre de mission de l'intéressé». Les ordres de mission pour les fonctionnaires de l'administration mauritanienne ne peuvent être établis que par le

secrétaire général du gouvernement. Selon l'article 29: «peuvent obtenir un passeport de service pour le déplacement à l'étranger, pendant la durée de leur mission: les fonctionnaires civils et militaires voyageant pour des raisons de service et possédant dans la hiérarchie administrative ou militaire un grade jugé suffisant par les ministères intéressés; les personnes chargées par un département ministériel d'une mission importante revêtant un caractère national».

35. Le Gouvernement de Mauritanie constate qu'en l'espèce, M Briam Ould Abeid ne dispose que d'une invitation personnelle et ne pouvait sur cette base bénéficier d'un ordre de mission pris en charge par l'Etat quant aux frais de séjour et de voyage. Il ne pouvait donc pas voyager avec un passeport de service alors qu'il n'était pas détenteur d'un ordre de mission établi par les autorités administratives compétentes. Le voyage de l'intéressé étant à titre privé, il ne pouvait alors bénéficier de cette commodité accordée aux fonctionnaires en mission.

36. La Gouvernement reconnaît avoir enregistré d'importants progrès en matière de protection et de promotion des droits de l'homme. Ceci en application des principes de liberté et d'égalité édictés par l'islam et garantis par la constitution du 20 juillet 1991. Ces principes ont permis la reconnaissance de dizaines de partis politiques et de centaines d'associations de la société civile qui exercent leurs activités en toute quiétude et souvent avec l'appui des institutions de la République. Dans ce cadre il a aussi été institué par ordonnance 2006.015 du 12 juillet 2006, la commission nationale des droits de l'homme afin de mener les investigations et entreprendre les actions nécessaires pour lutter contre toutes les formes de discrimination, notamment les séquelles de l'esclavage et autres traitements dégradants, dénoncés par les défenseurs des droits de l'homme.

37. Le Gouvernement de Mauritanie ajoute par ailleurs que M. Briam Ould Abeid s'active au nom de l'initiative pour la résurgence du mouvement anti-esclavage (IRA Section Mauritanie), une association illégale en Mauritanie puisqu'elle n'a aucune existence juridique au regard de la loi mauritanienne, pas même le dépôt du moindre dossier de reconnaissance auprès des autorités administratives. Malgré cela, M. Briam Ould Abeid a pu s'exprimer et voyager jusqu'aujourd'hui au nom de cette association sans être inquiété.

3. Observations

38. The Special Rapporteur appreciates the detailed response provided by the Government of Mauritania and commends its efforts to ensure that M. Briam Ould Abeid was able to travel to Geneva. The Special Rapporteur supports the Special Rapporteur on Human Rights Defender's position in her 2009 report to the GA (A/64/226, paragraphs 65 and 104) in which she states that "criminalization of the participation in unregistered entities is contrary to the right to freedom of association and violates a number of international human rights instruments....and that States should not criminalize or impose criminal penalties for activities in defence of human rights and for participating in unregistered entities."

4. Communication du 27 avril 2010

39. Le 27 avril 2010, la Rapporteuse spéciale sur les formes contemporaines d'esclavage, y compris leurs causes et leurs conséquences, conjointement avec la Rapporteuse Spéciale sur la situation des défenseurs des droits de l'homme et le Rapporteur Spécial sur la liberté d'expression ont envoyé un communication au Gouvernement de la Mauritanie concernant M. Biram Ould Dah Ould Abeid, Président de l'Initiative pour la Résurgence du Mouvement Abolitionniste en Mauritanie (IRA Mauritanie), une organisation qui lutte pour l'éradication de l'esclavage. M. Ould Dah Ould Abeid est également chargé de mission auprès de SOS-Esclaves. M. Ould Dah Ould Abeid

a fait l'objet d'une lettre d'allégation envoyée par la Rapporteuse spéciale sur la situation des défenseurs des droits de l'homme, la Rapporteuse spéciale sur les formes contemporaines d'esclavage, y compris leurs causes et leurs conséquences et le Rapporteur spécial sur la promotion et la protection du droit à la liberté d'opinion et d'expression le 22 février 2010.

40. Selon les nouvelles informations reçues, Le 1er avril 2010, M. Ould Dah Ould Abeid aurait été démis de ses fonctions de conseiller de la Commission nationale des droits de l'homme par son Président, M. Ba Mariam Koita. Il est allégué que ce dernier lui aurait clairement signifié que cette décision était liée à ses activités relatives à la lutte contre l'esclavage et se serait adressé en lui dans les termes suivants : "Bien que tu sois non seulement un cadre compétent mais aussi un frère auquel je dois beaucoup, contre mes conseils tu n'as pas marché avec les autorités, ce qui t'empêche maintenant de travailler avec nous".

41. Il est également allégué que le 15 avril 2010, M. Ould Dah Ould Abeid aurait été convoqué par le Directeur général des libertés publiques du Ministère de l'Intérieur, M. Mohamed Mahmoud Ould Mohamed Salah. Au cours de cet entretien, M. Ould Dah Ould Abeid se serait vu enjoint de cesser «toute déclaration ou activité de lutte contre l'esclavage» au risque de se voir arrêté et poursuivi pour activités illégales. M. Salah lui aurait également confirmé sa révocation du poste de conseiller de la Commission nationale des droits de l'homme.

42. Des craintes sont exprimées quant au fait que la révocation et la convocation de M. Ould Dah Ould Abeid susmentionnées ainsi que l'interdiction de mener des activités relatives à la lutte contre l'esclavage soient liées à ses activités non violentes de promotion et de protection des droits de l'homme, et ce dans l'exercice de son droit à la liberté d'opinion et d'expression.

43. Les Rapporteurs Spéciaux ont demandé au gouvernement si les faits tels que relatés dans le résumé du cas sont exacts, et si une plainte a-t-elle été déposée par M. Ould Dah Ould Abeid ou en son nom.

44. Les Rapporteurs Spéciaux attendent aussi du gouvernement qu'il indique la base légale de la révocation de M. Ould Dah Ould Abeid de son poste de conseiller de la Commission nationale des droits de l'homme; que le gouvernement précise aussi en quoi cette révocation est compatible avec les instruments et standards internationaux en matière de promotion et protection des droits de l'homme.

45. Les Rapporteurs Spéciaux ont enfin demandé au gouvernement de préciser la base légale interdisant à M. Ould Dah Ould Abeid de mener des activités relatives à la lutte contre l'esclavage; de préciser en quoi cette interdiction est compatible avec les instruments et standards internationaux en matière de promotion et protection des droits de l'homme contenus, inter alia, dans le Pacte international relatif aux droits civils et politiques et la Déclaration sur les défenseurs des droits de l'homme. Mais surtout de fournir toute information, et éventuellement tout résultat des enquêtes, investigations judiciaires et autres menées en relation avec les faits ci-dessus mentionnés.

5. Observations

46. The Special Rapporteur regrets that the Government has not provided a reply to this communication to date. The Special Rapporteur continues to follow up on this case and therefore calls upon the Government to provide a response as soon as possible.

C. United Kingdom of Great Britain and Northern Ireland

47. By letter dated 4 May 2010, the Special Rapporteur on contemporary forms of slavery, its causes and consequences, jointly with the Special Rapporteur on the human rights of migrants, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment sent an urgent appeal to the Government concerning Ms. B. G., a rejected asylum-seeker who is a national of Iran. Ms. B.G. had exhausted most of the legal remedies available and allegedly received a deportation order to leave the country on 20 April 2010.

48. The deadline was postponed due to flight disturbances. Her deportation was rescheduled to take place on 5 May 2010 at 19.00 hrs by flight BD931. In the meantime an additional fresh claim for review of her case was submitted by her solicitor on 20 April 2010. The judicial review of the fresh claim submitted was scheduled to take place on 21 July 2010.

49. According to information received: Ms. B.G. is a national of Iran born on 10 September 1974. She allegedly fled Iran escaping from a forced marriage. She allegedly arrived in the UK on 2 October 2006. Upon her arrival, she claimed asylum on grounds of forced marriage in Iran. She had reportedly been forced into the marriage by her father in 2004 and remained in the forced marriage for approximately 2 years until she fled Iran. In addition, she allegedly faced physical and psychological maltreatment by her father, brother and uncle because she was having an extramarital affair with Mr. H. S. After filing her asylum claim, Ms. G. was reportedly taken to Holloway prison for 45 days after which she was released for the consideration of her asylum claim. The reason for her detention was never clarified.

50. In November 2006, Ms. G. reportedly met Mr. M. Z., a British national with whom she began an informal domestic partnership in October 2008. As a result of her relationship with Mr.Z., in 2007, Ms. G. became involved in political activities and begun working as a political activist with Anglo-Iranian women in the United Kingdom. She also became a supporter of the British Peoples Mojehadin Organization of Iran (PMOI) and the National Council for the Resistance of Iran (NCRI). Ms. G. campaigned on behalf of the PMOI in the United Kingdom to draw attention to the situation of political prisoners and the execution of victims in Iran during a recent unrest.

51. On 16 August 2007, Ms. B.G.'s asylum claim was rejected by the Home Office and by the Court on 16 October 2007. As a consequence, on 4 December 2007, she attempted to commit suicide by taking an overdose, and was hospitalized. She was allegedly unconscious for three days and was discharged from the hospital on 2 January 2008. Her solicitor requested a revision of the case.

52. On 29 April 2009, she was allegedly detained and removal directions were set for 4 May on the grounds of her immigration status. On 3 May, Ms. B. G.'s solicitor submitted an application for a leave to remain and she was released on 17 June 2009 as her case was accepted for judicial review. She was allegedly detained again on 11 November 2009 and removal directions were set for 16 November. On the same date she reportedly began a hunger strike. On 16 November 2009 she was taken to Heathrow airport for deportation, but the deportation was cancelled by judicial order allegedly on the grounds of the need for further time to review the case. On 2 December 2009 she was allegedly released on bail, conditional upon her presentation twice a week before the United Kingdom Border Agency (UKBA).

53. In January 2010, the UKBA authorities allegedly fixed 16 April 2010 as the date for the review of the conditions of her release. On 27 January 2010, she allegedly commenced another hunger strike after she was informed by Home Office solicitors that her claim had been rejected.

54. Given the health troubles associated with the hunger strikes she undertook, she was allegedly unable to comply with the condition of her release. Mr. M. Z. periodically provided medical certificates to the UKBA to justify that it was impossible for Ms. G. to comply with the condition of her release. The most recent medical certificate is dated 23 March 2010 and justifies one month of sick leave. Her physical and mental health was weakened considerably to the point that she was unable to walk. Following friends' and medical practitioners' advice, she allegedly ended her hunger strike on 20 March 2010.

55. On 25 March 2010 Ms. G.'s solicitor submitted a fresh claim, as the UK asylum procedure permits rejected asylum applicants to lodge a fresh claim and give the Government the prerogative of deciding whether or not the fresh submission is to be considered.

56. On 12 April 2010, Mr. Z. brought Ms. G. to UKBA authorities in a wheelchair, in order to bring her health condition to their attention, and present a request for the renewal of her release on bail, which was to be reviewed on 16 April 2010. UKBA authorities requested Mr. Z. and Ms. G. to return in the afternoon of 16 April 2010.

57. On 16 April 2010 around 6:30 a.m., Home Office authorities allegedly arrived at Ms. G.'s place of residence with an ambulance, arrested her and detained her at Yarl's Wood. Mr. Z. reported that her health remained a concern while she was in detention.

58. Additional documentation was submitted to the Home Office by Ms. B.G.'s solicitor on 20 April 2010, who according to Mr. Z. was to submit an application for urgent injunction to request to suspend Ms. G.'s removal from the UK scheduled on 5 May 2010 pending the consideration of the judicial review of the fresh claim, which was scheduled to take place on 21 July 2010.

59. Her forcible removal from the UK was initially planned for 20 April 2010, but was postponed due to flight cancellations. Her deportation was rescheduled to take place on 5 May 2010 at 19.00 hrs by flight BD931.

60. Information received indicated that if returned to Iran, Ms. B. G. might be subjected to cruel, inhuman or degrading treatment as a result of having abandoned a forced marriage and because of the possible cultural implications. Information received also suggested that if returned to Iran, Ms. G. might encounter harassment, arrest or detention because of her political involvement with the PMOI while in the UK. Furthermore, her health might be at risk as her physical and psychological condition was considerably deteriorated, at least partly due to the possibility of being deported to Iran. Additionally, she considered that her rights to family and private life with her partner Mr. Z., who is a British national, would also be infringed.

61. The Special Rapporteurs asked the Government to verify the accuracy of the facts alleged in the summary. They then inquired whether a complaint was lodged by or on behalf Ms. G. to challenge the deportation order.

62. The Special Rapporteurs also requested information concerning the compliance of the deportation of Ms. G. with relevant provisions of international law and on the measures taken in this particular case so as to ensure that Ms. G. will be free from cruel, inhuman or degrading treatment, if deported to Iran.

Observations

63. The Special Rapporteur regrets that the Government has not provided a reply to the communication to date. The Special Rapporteur therefore calls upon the Government to provide information as soon as possible.

D. Uzbekistan

1. Communication of 20 October 2009

64. By letter dated 20 October 2009, the Special Rapporteur, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Rapporteur on trafficking and the Special Rapporteur on Human Rights of migrants sent a letter of allegation to the Government of Uzbekistan concerning the Uzbek boy who has been trafficked to Kazakhstan to work in a forced labour situation and whose whereabouts were unknown.

65. According to the information received, B.I., aged 17, is a resident of the Khiva town of the Khorezm region, Uzbekistan. In May 2008, B.I. and four young Uzbek men were recruited by B.B.; a citizen of Uzbekistan aged 56, to travel to Kazakhstan as labour migrants. B.B. promised them and their parents that he would take care of their employment in Kazakhstan. He also assured them that being the oldest in the group; he would look after the young men during their stay in Kazakhstan.

66. Upon their arrival in Kazakhstan, the young men were taken to a house of N.M., located in Zhalagash aul, Kizil-Ordinski oblast. N.M. is a citizen of Kazakhstan and a member of the local council in Zhalagash aul. B.B. received \$5,000 from N.M. in exchange of the young men and handed over their passports to N.M. before he disappeared. The young men were forced to carry out a variety of work in N.M.'s house, including construction work. They were forced to work under harsh conditions and without appropriate food and compensation. Approximately two months after the young men left for Kazakhstan, B.B. appeared in Khiva. B.I.'s mother went to see B.B. to ask how her son was. B.B. assured the mother that all the young men were well and that they would soon be sending money they earned in Kazakhstan. However, B.I.'s mother never heard from her son, as all the young men were not given any opportunity to contact their families in Uzbekistan. The young men except B.I. eventually managed to escape the house and return to Khiva.

67. In December 2008, B.I.'s mother lodged an appeal to the Department of Internal Affairs in the Khiva district and to the Embassy of the Republic of Kazakhstan in Uzbekistan to search for her son. However, she did not receive any responses from the authorities. Concerned for her son's safety and desperate to find him, on 12 June 2009, she travelled to N.M.'s house in Zhalagash aul, Kizil-Ordinski oblast by her own means. When she arrived at N.M.'s house, he shouted at her in the Kazakh language, throwing the passports of the young Uzbek men who were forced to work in his house. He told her that B.I. was taken by a Police Major from Shimkent city in Yuzhno-Kazakhstanskaya oblast.

68. It has been reported that B.B. has deceived a number of individuals from the Khorezm region in a similar manner and the Department of Internal Affairs in the Khiva district commenced criminal proceedings against him under Article 135 of the Uzbek Criminal Code (Human Trafficking). However, B.B. has not been apprehended and the whereabouts of B.I. are unknown to date.

69. The Special Rapporteurs requested the Government to verify the accuracy of the facts alleged in the summary. They also asked the Government to provide full details of: any actions or measures undertaken to identify the whereabouts of B.I. and to ensure his

safety and protection, and the progress of the prosecution undertaken against B.B. Further, they requested the Government to provide the details, and where available the results, of any other investigation, judicial or other inquiries which may have been carried out in relation to this case.

70. Furthermore, the Special Rapporteurs requested the Government to provide information on the measures taken to ensure rehabilitation and reintegration of the four young Uzbek men who managed to escape from the house of N.M.. They also requested the Government to indicate whether the victims or the families of the victims had access to adequate procedures of compensation for damages from those legally responsible.

71. Finally, the Special Rapporteurs requested the Government to provide information on the current policies and the preventive and awareness raising measures taken to tackle the issue of human trafficking in Uzbekistan and on what action were being taken by the Government to address the root causes of trafficking such as poverty and high youth unemployment.

2. Response of the Government of 25 November 2009

72. By letter dated 25 November 2009, the Government of Uzbekistan responded to the Special Rapporteur's communication of 20 October 2009. The Government responded that the investigative section of the Department of Internal Affairs of Khiva district instituted criminal proceedings against B.B. The investigation revealed that B.B. deceived B.I. and other citizens of the Republic of Uzbekistan by promising monthly wages of US\$ 500 and taking them to the Kyzyl-Ordinsk province of the Republic of Kazakhstan where he forced them to work in various places without pay. On 8 November 2009, B.B. was arrested and placed in remand centre No. 6 in Urgench. Criminal proceedings were instituted against B.B. on 8 November 2009 and investigations are still continuing. It has been ascertained that B.I. returned to Uzbekistan on 8 November 2009 and he is now living with his parents in the district of Khiva.

73. The Government informed that it was taking steps to improve national legislation to counter and combat this kind of criminal activity. For example, the Act on countering the trafficking in persons was adopted on 17 April 2008 and the definition of the term "trafficking in persons" contained therein is consonant with that set forth in article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Pursuant to this law, the presidential decree of 8 July 2008 approved a national plan of action to boost the effectiveness of the fight against trafficking in persons for the period 2008–2010. The presidential decree established the Republican Interdepartmental Commission to Counter Trafficking in Persons, which is a coordination body consisting of the heads of Government bodies and community organizations, including the Ministries of Internal Affairs, Foreign Affairs, Justice, the Economy, Finances, Health and Labor and Social Welfare, the National Security Service, the State Customs Committee, the Women's Committee, the National Human Rights Centre, the Human Rights Commissioner of the Oliy Majlis (ombudsman), the Mahalla Foundation, the Central Council of the Kamolot youth movement and the Ijtimoi Fikr public opinion research centre. Local interdepartmental commissions to counter the trafficking in persons have been set up in all regions of the country.

74. As part of the implementation of the law and the national plan, the Cabinet adopted a resolution on the establishment of a national rehabilitation centre to assist and protect victims of human trafficking. The construction of the centre is almost complete and the centre has been equipped with necessary equipment to provide the victims with effective medical, psychological, legal and social support.

75. The Ministry of Internal Affairs established a special unit to counter human trafficking on 26 February 2004. The Ministry of Internal Affairs formulated and issued guidelines on the investigation of offences linked to human trafficking. In accordance with the 2008–2010 National Plan of Action to combat trafficking in persons, sociological and criminological surveys of problems connected with human trafficking are constantly conducted in conjunction with the Ijtimoi Fikr centre and the Manaviyat Va Marifat social centre. Special investigative units have been also set up in the Republic of Karakalpakstan, in the provinces and in the municipality of Tashkent for the thorough investigation of offences related to the trafficking in persons.

76. In order to stop clandestine labour migration, the Ministry of Labour and Social Welfare provides advice on the labour and migration laws in common destination countries at the Centre for Pre-departure Adaptation and Training and the Agency for Foreign Labour Migration. The Ministry also actively conducts information campaigns through television advertisements, banners, posters, theatre plays, publications, seminars and conferences.

3. Observations

77. The Special Rapporteur appreciates the detailed response provided by the Government and concurs with the comment commends its efforts in successfully prosecuting the perpetrator and identifying whereabouts of B.I. who was missing at the time. The Special Rapporteur concurs with the Special Rapporteur on Trafficking in Persons, specially women and children's position in her 2010 communications report to the Human Rights Council (**A/HRC/14/32/Add.1, paragraph 118**) and accordingly would appreciate further information "on measures implemented by the Government to ensure rehabilitation and reintegration of the children concerned upon their return to Uzbekistan" She also remains interested in receiving information on measures undertaken by the Government to address the root causes of child trafficking for the purpose of forced labour, including but not limited to, poverty and high youth unemployment.
