

Part I – International Law Issues Related to Abduction, Forced Labour and Slavery

| Factual Circumstances   | Applicable Law   | Commentary   |
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| <p><b>Abduction and Exploitation of Women and Children</b></p> <p>Attacks by the GOS and/or their allies have included abductions of women and children by militia. Some of these women escape and return to their villages or the place where their family or community has fled. Others are taken as wives or forced to work as domestic servants. Women are often repeatedly raped once abducted.</p> <p>In addition, the GOS uses militia to guard a government train loaded with supplies and ammunition for the GOS forces as it travels between Bahansa to Aweil and Wau to supply the GOS garrisons along the railway line. The militia are unpaid and take women, children, livestock and other goods as their bounty on their return.</p> | <p><b>The Slavery Convention ("SC") and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery ("Supplementary SC")</b> prohibit all forms of slavery and the slave trade and require states to take positive steps to abolish all forms of slavery including debt bondage, serfdom, institutions or practices whereby a woman may be sold into marriage, traded, inherited or whereby a child may be given up for exploitation or labour.</p> <p><b>Article 8 of the International Covenant on Civil and Political Rights ("ICCPR")</b> states inter alia:</p> <ol style="list-style-type: none"> <li>(1) No one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited.</li> <li>(2) No one shall be held in servitude.</li> <li>(3) No one shall be required to perform forced or compulsory labour</li> </ol> <p><b>Article 5 of the African Charter ("AC")</b> states:</p> <p>"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."</p> <p><b>Article 2 of the Forced Labour Convention ("FLC")</b> defines "forced or compulsory labour" as:</p> <p>"all work or service which is exacted from any person under the menace of penalty and for which the said person</p> | <p>⇒ The prohibition of slavery is also a rule of customary international human rights law and is an obligation <i>erga omnes</i>. It is an offence subject to universal jurisdiction. A violation of the prohibition against slavery is considered a gross violation of human rights. Slavery has also been cited by the International Law Commission as an international crime.</p> <p>The abduction of women by militia for marriage, sex or domestic labour is a violation of both conventional and customary international human rights law. The fact that the GOS employs unsalaried militia with knowledge that they will extract 'payment' by looting and abduction renders the GOS complicit in the violations committed by the PDF/murahaleen.</p> <p>⇒ The GOS has set up the Committee for Eradication of the Abduction of Women and Children ("CEAWAC") which has begun to locate abductees and attempt to find and return them to their families or communities. However, the GOS continues to "employ" militia both to guard the GOS train and as part of the GOS forces and thus to facilitate and condone their practice of abducting women and children.</p> <p>⇒ <b>Article 1 of the Declaration on the Protection of All Persons from Enforced Disappearance</b> adopted by the General Assembly in 1992 states that enforced disappearance is an "offence to human dignity" and a flagrant violation of human rights. It describes it as a situation in which:</p> <p>"persons are arrested, detained or abducted against their will or</p> |