



Corvinus University of Budapest
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THESIS BOOK

Veronika Gyurác

Contemporary Slavery in West Africa

The Shaping Elaboration of Contemporary Slavery

Doctoral dissertation

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Supervisor:

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Institute of International Relations

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1. Research and justification of the topic

The main topic of the research is contemporary slavery that I got involved in during my research in the International Public Administrations MA program at The Faculty of Law of Pázmány Péter Catholic University. After my inspirational MA studies, I concluded to continue the research in the field of human rights in a PhD school. The first actual evidence for the research about contemporary slavery that also helped me build up the framework of the research appeared on CNN's program of Modern Day Slavery in 2012 about child labour on the cocoa plantations of Ivory Coast.

Then further data appeared in worldwide media about different forms of contemporary slavery confirming that the international community has not been able to resolve this problem yet. Primarily, the most shocking numbers were presented by the Australian Walk Free Foundation's Global Slavery Index in 2013 that claimed that 29, 8 million people lived in slavery all around the world. The main motivation for focusing the research on West Africa was the fact that on the one hand, there were several African countries among the first thirty of the 162 analysed ones. On the other hand, the Index also showed that contemporary slavery is widespread in nine of the fifteen member states of the Economic Community of West Africa (ECOWAS) with hundreds of thousands of victims. Therefore, the research argues that West Africa is the hotbed of not only the African but also the European and Asian organised crime and human trafficking networks through the survival of illegal forms of labour exploitation.

As a PhD scholar of Corvinus University of Budapest, I got the chance to experience the academic discourse about contemporary slavery at the international conference of *Slavery in Africa, Past, Legacies, and Present* in 2014, where I presented non-governmental initiatives in Ghana targeting the

rescue of the victims of contemporary slavery. Here I gained personal experience about the polarized academic community about the issue of slavery. The discussions with participants of the conference proved that most of them still consider slavery as a past, already abolished phenomenon and question the *raison d'être* of researching its modern forms. As a result, this multidisciplinary research challenging the existence and the meaning of contemporary slavery can be significantly relevant on the field of social sciences, international law, and the international protection of human rights. The multidisciplinary research had been considerably enhanced by the semester that I spent in the Centre of International Law of the Jean Moulin Lyon 3 University in Lyon in 2015 in the frame of the Erasmus+ program, where I found useful literature corresponding to the research. Thanks to being the student of the university in Lyon I got in contact with Mr. Gerad Aivo, the researcher at the University Abomey-Calavi in Coutounou, Benin who helped me find a local organization that completed my questionnaire about contemporary slavery.

2. Methodology

Primarily, the research argues that the way the international protection of human rights elaborates contemporary slavery is not appropriate for its elimination. In order to prove it, we have set up three hypothesis based on the academic literature. Then we make a decision about their acceptance or rejection based on the analysis of the international human rights conventions in force, the reports of international organizations and NGOs dealing with contemporary slavery, and the case studies about slavery in five West African countries.

The main goal of the research is to see what kind of tools the international protection of human rights has for the elimination of contemporary slavery, and before that, it looks into the forms of exploitation that are currently considered as contemporary slavery by international law. One of the academic novelties of the present work is that contemporary slavery is examined here from a multidisciplinary point of view. Our goal is to depict a relevant problem worth being investigated for the experts of international law, human rights, and social sciences. We would like to call the members of these fields of science for debate about the future protection of the victims of slavery.

The research connects to the previous works on slavery by agreeing that the international community has not been able to eliminate definitely slavery in the frame of the human rights conventions already signed by the UN and the ILO. Nevertheless, the research intends to go beyond this idea by accentuating the new challenges the international protection of human rights has faced since decolonization. The cheap supply of labour force has enabled slavery to survive, so millions of people have been suffering from illegal working conditions nowadays. Therefore, we are convinced that international law shall react to these new circumstances firstly by accepting the existence of contemporary slavery and secondly by outlawing it in the frame of an international convention defining what the international community understands as contemporary slavery. Consequently, this instrument can be reference point for all the future efforts targeting the elimination of contemporary slavery.

One of the most significant obstacles for the creation of the future contemporary slavery convention is the fact that there is not an agreement among the members of international law and the academic *communis opinio* based on what conditions contemporary slavery shall be recognized. Consequently, the *lemma* of the present research claims that *the elaboration of*

contemporary slavery of the international protection of human rights is not appropriate for its elimination. The current international human rights conventions do not guarantee successfully the protection of the victims and the criminalization of the perpetrators.

After drawing the conclusion from the shortcomings of the elaboration of slavery by the international and regional human rights conventions, we are proposing our definition of contemporary slavery along four conditions that can be identified uniformly at the different forms of contemporary slavery. In other words, this research contributes to social sciences and international law with this new definition as a benefit. It defines slavery as the violation of human rights with the restriction of free movement, the practice of property rights by an individual over an other, violence and intimidation, and the exploitation of labour force. Moreover, the particularity of the definition presented as a new academic result, is that it specifies the relationship of trafficking in human beings and contemporary slavery. The guiding concept of the research is that, although trafficking in human beings and contemporary slavery are not equivalent, trafficking in human beings can be considered as one of the forms of contemporary slavery, in case the conditions of the victim are described by the four circumstances mentioned above during being trafficked.

During the research, besides the theoretical, qualitative analysis focusing on human rights and the institutional efforts, quantitative methods have also been included in the methodology in order to emphasize the relevance of the topic for the protection of human rights. It was enabled by the comparison of surveys about the victims of contemporary slavery carried out by international and non-governmental organizations thereby making contemporary slavery measurable.

The structure of the three-level methodology is completed by five case studies confirming the theoretical arguments of the thesis. Out of the West African countries strongly involved in the survival of slavery, Benin, Ghana, Ivory Coast, Nigeria, and Togo are discussed in the dissertation based on the existing forms of exploitation. The significance of these five neighbouring countries for the research about contemporary slavery is that here slavery is widespread not only in remaining social practices, but also due to the network of illegal cross-border activities contributing to the European and Asian organized crime networks. Child labour, trafficking in human beings, forced labour, domestic servitude, and ritual slavery concern around one and a half a million people in the five analysed countries. The case studies have been built up according to an integrated structure, namely by accentuating the weaknesses of the national normative frameworks, we are looking for the local forms of contemporary slavery. To conclude, those elements of the national jurisdiction are highlighted that allow the elimination of slavery. Finally yet importantly, we present a few successful national initiatives in order to illustrate that the victims of contemporary slavery can be identified predominantly by local NGOs. The goal of the methodology is to suggest framing a new international or regional convention by ECOWAS dedicated exclusively to contemporary slavery. These agreements would take a uniform elaboration of contemporary slavery as a basis and they would target those economic and social issues that induce the spreading of contemporary slavery in West Africa.

Additionally, the value of the research has been increased by the up-to-date field information coming directly from West African human rights NGOs. In our questionnaire, we asked the regional representatives about their fight against contemporary slavery, the efficiency of their anti-slavery efforts in cooperation with international organizations and national authorities. For the purpose of better understanding contemporary slavery in West Africa, we got

in contact with local organizations fighting for the elimination of slavery, namely Caritas Benin, the National Human Rights Committee of Ivory Coast (CNDHCI), Women's Consortium of Nigeria (WOCON), and the National Human Rights Committee of Togo (CNDHTG).

3. Thesis of the research

Thesis 1

The elaboration of slavery of the international protection of human rights is not unified; thus the human rights conventions in force do not guarantee appropriately neither the protection of the victims nor the criminalization of the perpetrators. Therefore, from our point of view, a change of perspective is necessary in the approach of international law towards contemporary slavery. This new attitude shall appear in a UN convention dedicated uniquely to the denouncement of contemporary slavery.

Thesis 2

For the purpose of a more efficient international response, a unified, holistic elaboration of slavery is essential both in international law and in the academic *communis opinio*. It can come true only if contemporary slavery is considered as a unified violation of human rights where not only property rights, but also labour exploitation is practiced over the victim.

Thesis 3

The human trafficking networks being active both among West African countries and inside the countries prove the failure of the international and regional fight against contemporary slavery. There is here a widespread system of different forms of contemporary slavery, despite of the international and regional human rights conventions ratified by these countries. Human traffickers are taking care of the continuous supply of cheap labour force to be exploited in the region.

4. The main findings of the research

- Our research has concentrated on the phenomenon of contemporary slavery in order to show that international law and the academic society do not consider it unitedly despite of millions of people suffering from it all around the world.
- The reports about different forms of exploitation by the most important international organizations (ILO, UNODC, UN HRC) have been criticized, since these materials either focus only on separate illegal practices, or they elaborate contrarily the still flourishing forms of slavery.
- The thesis has proved that the biggest challenge in the fight against contemporary slavery is the lack of consensus both in international law and in the academic society about what kind practices shall be considered as contemporary slavery. For creating an integrated definition, the Slavery Convention of 1926 has been the *origo* for the research. However, we are concerned that the definition of slavery presented here is insufficient for the forms of exploitation of nowadays as it includes “only” the practice of property rights and mental and/or physical violence. In order to cover the new forms of exploitation that shall also be considered as contemporary slavery, the new definition shall be completed by the arbitrary exploitation of the labour force, as well.
- We urge a holistic approach in international law towards contemporary slavery in the form of a UN convention dedicated uniformly to this

phenomenon. The main task of this new convention is to define what kind of practices the international community considers as slavery.

- After having reviewed the current normative framework against contemporary slavery, this research names the exploitation of the labour force of the victim as an academic novelty beyond the practice of property rights as one of the crucial circumstances necessary to identify contemporary slavery. According to the new proposed definition, the research regards, for instance, traditional slavery in Mali, the *wahaya* system, regional form of domestic servitude in a Niger and Nigeria, child labour on Lake Volta in Ghana, sexual slavery violating the rights of Yazidi women by ISIS, forced marriage in the Indian and Pakistani families living in the United Kingdom, and trafficking in human beings, if the exploitation of labour force occurs during the transportation of the victim, as contemporary slavery.
- The case studies about Benin, Ghana, Ivory Coast, Nigeria and Togo prove that human trafficking networks supply slavery here. The active presence of contemporary slavery in the West African societies is confirmed also by the still practiced forced marriage, domestic servitude, and debt bondage. We justified the survival of slavery for instance, by the unique regional attitude of West African countries towards labour and childhood.
- The human rights organizations and national human rights committees that completed our questionnaire have reinforced the relevance of West Africa for the research of contemporary slavery. The answers from Benin, Ivory Coast, Nigeria, and Togo all named poverty, lack of respect towards human dignity and the insufficient financial support of

the protection of human rights as the main reasons for the spreading of contemporary slavery in West Africa.

- We proved that West African countries accept the existence of contemporary slavery, though in different depths. For instance, it is illustrated by the decision of the Community Court of the Economic Community of West African States (ECOWAS) in *Hajidatou Mani Kouraou v. Niger* (2008). Here the absolute prohibition of slavery has been confirmed by referring for example, to the decision of the International Criminal Tribunal for the Former Yugoslavia on the definition of the contemporary forms of slavery. The Court here contributed to the forming international and regional consensus on slavery by discussing the slave-status of the victim in details.¹

- We justified that contemporary slavery is one of the factors that discourages the region's development also by the depiction of local forms of human rights infringements, such as *vidomegon* and the *talibé-system* in Benin, child labour on the cocoa plantations of Ivory Coast, the *wahaya-system* in Nigeria, *trokosi* in Ghana, or *vudusi* in Togo. The research of these practices was worthwhile for proving our thesis from multiple point of views. On one hand, we have seen in Benin that the ratification of one of the forms of slavery, such as the Slavery Convention of 1926 does not guarantee that the national system of the protection of human rights is able to enhance the successful social integration of the victims. In Ghana, the successful activity of fishermen forcing children to work demonstrates that contemporary

¹ *Hajidatou Mani Koraou v The Republic of Niger*, ECOWAS Community Court, ECW/CCJ/APP/08/08. Judgment No. ECW/CCJ/JUD/06/08 of 27 October 2008. <http://www.refworld.org/pdfid/496b41fa2.pdf>. Downloaded 13 February 2018.

slavery means a practice where the labour force of the victim is exploited by the perpetrator. In Nigeria, slavery organized by *Boko Haram* terrorist organization (sexual slavery, domestic servitude) confirmed our argument claiming that the spreading of contemporary slavery incapacitates the trade of the region, the development of education, the empowerment of women, and the protection of children's rights in West African societies.

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