

Convention for the Suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of Others, 1950

At its ninth session, in 1930, the standing Advisory Committee on the Traffic of Women and Children of the League of Nations recommended the formation of a Sub-Committee to “study the laws and regulations tending to the more effectual punishment of souteneurs, and especially the nature of the penalties that should be imposed for that purpose”. This recommendation was approved by the Council of the League of Nations on May 13th, 1930 (Official Journal of the League of Nations, vol. 11 (1930), p. 508). A Sub-Committee was subsequently appointed. It met in Paris in December 1930, following which it presented a report to the Advisory Committee. In this report the Sub-Committee concluded that the most practical means of ensuring the effective punishment of souteneurs would be through the creation of an additional protocol to the International Convention for the Suppression of Traffic in Women and Children of 1921. The Sub-Committee simultaneously submitted a “Preliminary Draft Additional Protocol” (League of Nations, Advisory Committee on Traffic in Women and Children, Report of the Sub-Committee of the Traffic in Women and Children Committee, “Penalties to be Inflicted on Persons Living on the Immoral Earnings of Women”, C.T.F.E./C.J./2).

At its tenth session, in 1931, the Advisory Committee discussed and revised this preliminary draft protocol (Advisory Committee on Traffic in Women and Children, Revised Draft of the Additional Protocol Concerning the Souteneur, C.T.F.E. 522; and Advisory Committee on Traffic in Women and Children, Draft Report on the Work of the Tenth Session, C.T.F.E. 523). The draft protocol was submitted for observation to members of the League of Nations.

In 1932, the Secretariat of the League of Nations submitted the observations it had received by Governments to the Advisory Committee for consideration at its eleventh session (C.T.F.E. 538). The Advisory Committee in turn referred the observations to a Legal Sub-Committee (C.T.F.E. 547 (I)).

The Legal Sub-Committee met from 20 to 21 January 1933 in Geneva, and submitted a report to the Committee on Traffic in Women and Children at its twelfth session in April 1933. In the report the Legal Sub-Committee made several recommendations relating to the draft convention in light of the views expressed by Governments (C.T.F.E. 584).

At its thirteenth session in April 1934, the Advisory Committee on Traffic in Women and Children passed a resolution asking the International Bureau for the Unification of Penal Law to collaborate with the League of Nations in drafting a convention on the suppression of *souteneurs* (C.T.F.E. 638(1)). The International Bureau for the Unification of Penal Law met in Paris from 5 to 7 January 1935 to discuss the draft convention. On the basis of these discussions, it proposed a new draft convention (C.T.F.E. 645). Following this, the Secretariat of the League of Nations collected, in a single document, the texts proposed by the Legal Sub-Committee and by the International Bureau for the Unification of Penal Law, and submitted this document to the Advisory Committee on the Traffic in Women and Children at its fourteenth session in 1935 (C.T.F.E. 657).

At its fourteenth session, the Advisory Committee appointed a new Sub-Committee for further study of the draft convention. The Sub-Committee was to be assisted by two experts representing the International Bureau for the Unification of Penal Law and the International Criminal Police Commission (C.T.F.E. 669). The Sub-Committee met on 7 May 1935, and 23 to 25 January 1936, during which time they prepared a preliminary draft convention (C.T.F.E/674).

At its fifteenth session in May 1936, the Advisory Committee proposed a new and amended draft convention, which was communicated to Member and non-Member Governments of the League of Nations as a basis for fresh comments (C.Q.S/A/6 and Addendum). In 1937, the Advisory Committee on Traffic of Women and Children was subject to internal reorganization, and was absorbed into a larger “Advisory Committee on Social Questions”. At its first session, on 17 April, 1937, the Advisory Committee on Social Questions invited two experts representing the International Bureau for the Unification of Penal Law and the International Criminal Police Commission to study the answers of the governments, in collaboration with a representative of the Legal Section of the Legal Secretariat. This group, the Sub-Committee of Experts, reported to the Advisory Committee on Social Questions (C.Q.S./A/9).

The Advisory Committee on Social Questions subsequently decided that the question of reservations to the convention required fuller consideration from a legal point of view. It appointed a new Sub-Committee for this purpose, which was to report to the Council of the League of Nations by September 1937 (C.235.M.169.1937.IV). The Sub-Committee met in Paris in June 1937, following which it submitted a revised draft “Convention for Suppressing the Exploitation of the Prostitution of Others” (hereinafter, the “1937 draft convention”) to the Council of the League of Nations on 14 September 1937 (C.331.M.223.1937.IV, Annex 1665). The Council instructed the Secretary-General

to send the draft to Governments with the request that they should submit any comments by 1 May 1938. The Secretary-General was also instructed to place the question of calling an inter-governmental conference to conclude a convention on the agenda of the 1938 session of the Assembly of the League of Nations (Official Journal of the League of Nations, vol. 18 (1937), p. 890).

At its nineteenth ordinary session, at its eleventh plenary meeting held on 29 September 1938, the Assembly of the League of Nations adopted resolution 5, recommending that a conference for the conclusion of a convention should be convened for 1940 (Special Supplement No. 183 of the Official Journal of the League of Nations, Annex 7, pg. 131). The outbreak of the Second World War interrupted any further development of the Convention by the League of Nations.

At its fourth session, in 1947, the Economic and Social Council of the United Nations adopted resolution 43 (IV) on March 29, in which it instructed the Secretary-General to resume the study of the 1937 draft convention, and to make any necessary amendments in order to bring the convention up to date in view of the changes in the general situation since 1937. The Secretary-General was also instructed to ascertain from Governments whether the convention, as amended, was likely to meet their approval, and to submit the draft convention, together with any amendments made therein, to the Social Commission of the Economic and Social Council for the subsequent approval of the Council.

In resolution 83 (V) of 14 August 1947, the Economic and Social Council further requested that the Social Commission consider the possibility of the unification of the 1937 draft convention with the four existing instruments for the suppression of the traffic in women and children, namely the International Agreement of 18 May 1904 for the Suppression of White Slave Traffic; the International Convention of 4 May 1910 for the Suppression of White Slave Traffic; the International Convention of 30 September 1921 for the Traffic in Women and Children; and the International Convention of 11 October 1933 for the Suppression of the Traffic in Women of Full Age.

On 4 September 1947, the Secretary-General duly submitted a memorandum entitled “Draft Convention of 1937 for Suppressing the Exploitation of the Prostitution of Others” to Member States of the United Nations with the request that they should communicate to him any observations on the new draft no later than 15 November 1947 (E/574). The Secretary-General also submitted a full report to the Social Commission on 10 February 1948 (E/CN.5/41).

At its seventh session, after examination of the Secretary-General's memorandum, the Economic and Social Council adopted resolution 155 E (VII) of 13 August 1948, requesting that the Secretary-General prepare a new and comprehensive draft convention for the suppression of traffic in women and children and the prevention of prostitution, which would unify the four existing instruments, and also embody the substance of the 1937 draft convention. The Economic and Social Council also requested that the Secretary-General ascertain the views of Governments and international organizations specialised in the field regarding the draft, and submit the draft convention along with any views expressed to the Social Commission at its fourth session.

In the same resolution, the Economic and Social Council requested that the Social Commission give first priority to the examination of this draft convention during its fourth session, and submit its views to the Economic and Social Council by its ninth session. However, it added that if the Social Commission did not feel able to complete this task in time, it should nonetheless submit a revision of the text of the 1937 draft convention, including any amendments which the Social Commission would see fit to suggest.

The Secretary-General, in accordance with this resolution, submitted a draft "Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others" (E/1072) to the fourth session of the Social Commission on 23 December 1948, at which a Drafting Committee was appointed for the purpose of considering certain articles, and a Style Committee was set up to review the text of the entire convention. An amended draft convention was adopted by the Social Commission at its fourth session by 10 votes to none, with five abstentions. In its report to the Economic and Social Council (E/1359), the Social Commission recommended that an international convention be concluded on the basis of the proposed draft, taking into account the views expressed at the ninth session of the Economic and Social Council. It also recommended that the proposed draft be submitted to the General Assembly together with the records of the proceedings at the Economic and Social Council, and that the Secretary-General be requested to inform Member Governments and Parties to the four existing instruments of the recommendation.

At the ninth session of the Economic and Social Council, in 1949, the Social Committee of the Council considered the recommendations of the Social Commission. On 23 July 1949, the Economic and Social Council adopted resolution 243 (IX), by which it recommended the conclusion of an international convention on the basis of an amended draft, taking into account the views expressed at the ninth session of the Economic and Social Council. It also submitted the proposed draft to the

General Assembly together with the proceedings of the Council on the subject, and requested the Secretary-General to inform Member States and parties to the four existing instruments of the recommendation.

At its fourth session, in 1949, the General Assembly referred the draft convention to its Third Committee (A/989). After consideration of the draft convention, the Third Committee decided to ask the Sixth Committee of the General Assembly to give consideration to articles 8, 9, 10, 12, 13, 25, 26, 28, 29, 30, 31 and 32 of the draft convention, and to make recommendations on the text to be adopted for these articles. It also requested that the Sixth Committee consider the legal effects of deleting the clause “subject to the requirements of domestic law” in all articles of the draft convention, and to transmit any comments the Sixth Committee deemed necessary on any other legal problem arising from the draft convention (A/C.3/522, A/C.3/523, A/C.3/525 and A/C.3/526).

These questions were examined by the Sixth Committee at its fourth session in 1949. The Sixth Committee established Sub-Committee 7 to examine the questions posed by the Third Committee (A/C.6/L.88). The conclusions of these meetings were transmitted to the Third Committee in a Memorandum from the Chairman of the Sixth Committee to the Chairman of the Third Committee on questions referred to the Sixth Committee on 25 November 1949 (A/C.6/L.102).

The Third Committee examined the text proposed by the Sixth Committee at the same session in 1949, and amended the draft convention accordingly. On 28 November, the Third Committee adopted the draft convention and recommended it for approval by the General Assembly (Report of the Third Committee of the General Assembly, 30 November 1949).

At the same session, the General Assembly considered the draft convention as recommended by its Third Committee, and adopted resolution 317 (IV) on 2 December 1949, by which it approved the Convention for the Suppression of Trafficking in Persons and the Exploitation of the Prostitution of Others, and invited Member States of the United Nations and each non-member State which the appropriate organ of the United Nations might invite to become a party to the treaty. The treaty opened for signature on 21 March 1950, and entered into force on 25 July 1951, in accordance with its article 24.