CONVENTION ON THE SUPPRESSION OF TRAFFIC IN PERSONS AND OF THE EXPLOITATION OF THE PROSTITUTION OF OTHERS

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Note: The Convention was concurred In by the Senate, S.R. No. 82, May 5, 1932. The Philippine instrument of ratification was signed by the President, August 20, 1950 and was deposited with the UN, September 19, 1952. The Convention entered into force, July 25, 1951, and with respect to the Philippines, December 9, 1952. It was proclaimed by the President, Proc. No. 265. S. 1956

Reference: The Agreement is also published in 96 UNTS, p. 271. The Presidential proclamation of the Convention is published In 52 O.G., p. 1190 (March 1956).

PREAMBLE

WHEREAS prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community.

WHEREAS, with respect to the suppression of the traffic in women and children, the following international instruments are in force:

1. International Agreement of 18 May 1904 for the Suppression of the White Slave Traffic, as amended by the Protocol approved by the General Assembly of the United Nations on 3 December 1948,

2. International Convention of 4 May 1910 for the Suppression of the White Slave Traffic, as amended by the above-mentioned Protocol,

3. International Convention of 30 September 1921 for the Suppression of the Traffic in Women and Children, as amended by the Protocol approved by the General Assembly of the United Nations on 20 October 1947,

4. International Convention of 11 October 1933 for the Suppression of the Traffic in Women and Children, as amended by the Protocol approved by the General Assembly of the United Nations on 20 October 1947,

WHEREAS, the League of Nations in 1937 prepared a draft Convention extending the scope of the above-mentioned instruments, and

WHEREAS, developments since 1937 make feasible the conclusion of a convention consolidating the above-mentioned instruments and embodying the substance of the 1937 draft Convention as well as desirable alterations therein;

Now therefore
The Contracting Parties
Hereby agree as hereinafter provided:

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ARTICLE 1

The Parties to the present Convention agree to punish any person who, to gratify the passions of another:

1. Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person;

2. Exploits the prostitution of another person, even with the consent of that person.

ARTICLE 2

The Parties to the present Convention further agree to punish any person who:

1. Keeps or manages, or knowingly finances or takes part in the financing of a brothel;

2. Knowingly lets or rents a building or other place or any part thereof for the purpose of the prostitution of others.

ARTICLE 3

To the extent permitted by domestic law, attempts to commit any of the offences referred to in articles 1 and 2, and acts preparatory to the commission thereof, shall also be punished.

ARTICLE 4

To the extent permitted by domestic law, intentional participation in the acts referred to in articles 1 and 2 above shall also be punishable.

To the extent permitted by domestic law, acts of participation shall be treated as separate offences whenever this is necessary to prevent impunity.

ARTICLE 5

In cases where injured persons are entitled under domestic law to be parties to proceedings in respect of any of the offences referred to in the present Convention, aliens shall be so entitled upon the same terms as nationals.

ARTICLE 6

Each Party to the present Convention agrees to take all the necessary measures to repeal or abolish any existing law, regulation or administrative provision by virtue of which persons who engage in or are suspected of engaging in pros titution are subject either to special registration or to the possession of a special document or to any exceptional requirements for supervision or notification.

ARTICLE 7

Previous convictions pronounced in foreign States for offences referred to in the Convention shall, to the extent permitted by domestic law, be taken into account for the purpose of:

1. Establishing recidivism;

2. Disqualifying the offender from the exercise of civil rights.

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ARTICLE 8

The offences referred to in articles 1 and 2 of the present Convention shall be regarded as extraditable offences in any extradition treaty which has been or may hereafter be concluded between any of the Parties to this Convention.

The Parties to the present Convention which do not make extradition conditional on the existence of a treaty shall henceforward recognize the offences referred to in articles 1 and 2 of the present Convention as cases for extradition between themselves.

Extradition shall be granted in accordance with the law of the State to which the request is made.

ARTICLE 9

In States where the extradition of nationals is not permitted by law, nationals who have returned to their own State after the commission abroad of any of the offences referred to in articles 1 and 2 of the present Convention shall be prosecuted in and punished by the courts of their own State.
This provision shall not apply if, in a similar case between the Parties to the present Convention, the extradition of an alien cannot be granted.

ARTICLE 10

The provisions of article 9 shall not apply when the person charged with the offence has been tried in a foreign State and, if convicted, has served his sentence or had it remitted or reduced in conformity with the laws of that foreign State.

ARTICLE 11

Nothing in the present Convention shall be interpreted as determining the attitude of a Party towards the general question of the limits of criminal jurisdiction under international law.

ARTICLE 12

The present Convention does not affect the principle that the offences to which it refers shall in each State be defined, prosecuted and punished in conformity with its domestic law.

ARTICLE 13

The Parties to the present Convention shall be bound to execute letters of request relating to offenses referred to in the Convention in accordance with their domestic law and practice.

The transmission of letters of request shall be effected:

1. By direct communication between the judicial authorities; or

2. By direct communication between the Ministers of Justice of the two States, or by direct communication from another competent authority of the State making the request to the Minister of Justice of the State to which the request is made; or

3. Through the diplomatic or consular representative of the State making the request in the State to which the request is made; this representative shall send the letters of request direct to the competent judicial authority or to the authority indicated by the Government of the State to which the request is made, and shall receive direct from

such authority the papers constituting the execution of the letters of request.

In cases 1 and 3 a copy of the letters of request shall always be sent to the superior authority of the State to which application is made.

Unless otherwise agreed, the letters of request shall be drawn up in the language of the authority making the request, provided always that the State to which the request is made may require a translation in its own language, certified correct by the authority making the request.

Each Party to the present Convention shall notify to each of the other Parties to the Convention the method or methods of transmission mentioned above which it will recognize for the letters of request of the latter State.
Until such notification is made by a State, its existing procedure in regard to letters of request shall remain in force.

Execution of letters of request shall not give rise to a claim from reimbursement of charges or expenses of any nature whatever other than expenses of experts.

Nothing in the present article shall be construed as an undertaking on the part of the Parties to the present Convention to adopt in criminal matters any form or methods of proof contrary to their own domestic laws.

ARTICLE 14

Each Party to the present Convention shall establish or maintain a service charged with the co-ordination and centralization of the results of the investigation of offences referred to in the present Convention.

Such services should compile all information calculated to facilitate the prevention and punishment of the offences referred to in the present Convention and should be in close contact with the corresponding services in other States.

ARTICLE 15

To the extent permitted by domestic law and to the extent to which the authorities responsible for the services referred to in Article 14 may judge desirable, they shall furnish to the authorities responsible for the corresponding services in other States the following information:

1. Particulars of any offense referred to in the present Convention or any attempt to commit such offense;

2. Particulars of any search for and any prosecution, arrest, conviction, refusal of admission or expulsion of persons guilty of any of the offenses referred to in the present Convention, the movements of such persons and any other useful information with regard to them.

The information so furnished shall include descriptions of the offenders, their fingerprints, photographs, methods of operation, police records and records of conviction.

ARTICLE 16

The Parties to the present Convention agree to take or to encourage, through their public and private educational, health, social, economic and other related services, measures for the prevention of prostitution and for the rehabilitation and social adjustment of the victims of prostitution and of the offences referred to in the present Convention.

ARTICLE 17

The Parties to the present Convention undertake, in connection with immigration and emigration, to adopt or maintain such measures as are required in terms of their obligations under the present Convention, to check the traffic in persons of either sex for the purpose of prostitution.
In particular they undertake:

1. To make such regulations as are necessary for the protection of immigrants or emigrants, and in particular, women and children, both at the place of arrival and departure and while en route;

2. To arrange for appropriate publicity warning the public of the dangers of the aforesaid traffic;

3. To take appropriate measures to ensure supervision of railway stations, airports, seaports and en route, and of other public places, in order to prevent international traffic in persons for the purpose of prostitution;

4. To take appropriate measures in order that the appropriate authorities be informed of the arrival of persons who appear, prima fade, to be the principals and accomplices in or victims of such traffic.

ARTICLE 18

The Parties to the present Convention undertake, in accordance with the conditions laid down by domestic law, to have declarations taken from aliens who are prostitutes, in order to establish their identity and civil status and to discover who has caused them to leave their State. The information obtained shall be communicated to the authorities of the State of origin of the said persons with a view to their eventual repatriation.

ARTICLE 19

The Parties to the present Convention undertake, in accordance with the conditions laid down by domestic law and without prejudice to prosecution or other action for violations thereunder and so far as possible:

1. Pending the completion of arrangements for the repatriation of destitute victims of international traffic in persons for the purpose of prostitution, to make suitable provisions for their temporary care and maintenance;

2. To repatriate persons referred to in article 18 who desire to be repatriated or who may be claimed by persons exercising authority over them or whose expulsion is ordered in conformity with the law. Repatriation shall take place only after agreement is reached with the State of destination as to identity and nationality as well as to the place and date of arrival at frontiers. Each Party to the present Convention shall facilitate the passage of such persons through its territory.

Where the persons referred to in the preceding paragraph cannot themselves repay the cost of repatriation and have neither spouse, relatives nor guardian to pay for them, the cost of repatriation as far as the nearest frontier or port of embarkation or airport in the direction of the State of origin shall be borne by the State where they are in residence, and the cost of the remainder of the journey shall be borne by the State of origin.

ARTICLE 20

The Parties to the present Convention shall, if they have not already done so, take the necessary measures for the supervision of employment agencies in order to prevent persons seeking employment, in particular women and children, from being exposed to the danger of prostitution.

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ARTICLE 21

The Parties to the present Convention shall communicate to the Secretary-General of the United Nations such laws and regulations as have already been promulgated in their States, and thereafter annually such laws and regulations as may be promulgated, relating to the subjects of the present Convention, as well as all measures taken by them concerning the application of the Convention. The information received shall be published periodically by the Secretary-General and sent to all Members of the United Nations and to non-member States to which the present Convention is officially communicated in accordance with Article 23.

ARTICLE 22

If any dispute shall arise between the Parties to the present Convention relating to its interpretation or application and if such dispute cannot be settled by other means, the dispute shall, at the request of any one of the Parties to the dispute, be referred to the International Court of Justice.

ARTICLE 23

The present Convention shall be open for signature on behalf of any Member of the United Nations and also on behalf of any other State to which an invitation has been addressed by the Economic and Social Council.

The present Convention shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.
The States mentioned in the first paragraph which have not signed the Convention may accede to it.

Accession shall be effected by deposit of an instrument of accession with the Secretary-General of the United Nations.

For the purpose of the present Convention the word "State" shall include all the colonies and Trust Territories of a State signatory or acceding to the Convention and all territories for which such State is internationally responsible.

ARTICLE 24

The present Convention shall come into force on the ninetieth day following the date of deposit of the second instrument of ratification or accession.
For each State ratifying or acceding to the Convention after the deposit of the second instrument of ratification or accession, the Convention shall enter into force ninety days after the deposit by such State of its instrument of ratification or accession.

ARTICLE 25

After the expiration of five years from the entry into force of the present Convention, any Party to the Convention may denounce it by a written notification addressed to the Secretary-General of the United Nations.

Such denunciation shall take effect for the party making it one year from the date upon which it is received by the Secretary-General of the United Nations.

ARTICLE 26

The Secretary-General of the United Nations shall inform all Members of the United Nations and non-member States referred to in Article 23:

(a) Of signatures, ratifications and accessions received in accordance with Article 23;

(b) Of the date on which the present Convention will come into force in accordance with Article 24;

(c) Of denunciations received in accordance with Article 25.

ARTICLE 27

Each Party to the present Convention undertakes to adopt, in accordance with its Constitution, the legislative or other measures necessary to ensure the application of the Convention.

ARTICLE 28

The provisions of the present Convention shall supersede in the relations between the Parties thereto the provisions of the international instruments referred to in sub-paragraphs 1, 2, 3 and 4 of the second paragraph of the Preamble, each of which shall be deemed to be terminated when all the Parties thereto shall have become Parties to the present Convention.

IN FAITH WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed the present Convention, opened for signature at Lake Success, New York, on the twenty-first day of March, one thousand nine hundred and fifty, a certified true copy of which shall be transmitted by the Secretary-General to all the Members of the United Nations and to the non-member States referred to in Article 23.

Parties to the Convention as of December 31, 1965:

Albania Japan

Algeria[*] Libya

Argentina Mali

Belgium [*] Malawi [*]

Brazil Mexico

Byelorussian Soviet Socialist Republic Norway

Ceylon Pakistan

Cuba Philippines

Czechoslovakia Poland

France Rumania

Guinea Ukrainian Soviet Socialist Republic

Haiti Union of South Africa

Hungary Union of Soviet Socialist Republics [*]

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India United Arab Republic

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[*] With reservations.

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