

No. 1358

AUSTRALIA, AUSTRIA, CANADA, CEYLON, CHILE, etc.

International Convention for the Suppression of the White Slave Traffic, signed at Paris on 4 May 1910, and as amended by the Protocol signed at Lake Success, New York, 4 May 1949

Official text: French.

Registered ex officio on 14 August 1951.

AUSTRALIE, AUTRICHE, CANADA, CEYLAN, CHILI, etc.

Convention internationale relative à la répression de la traite des blanches, signée à Paris le 4 mai 1910, et amendée par le Protocole signé à Lake Success (New-York, le 4 mai 1949

Texte officiel français.

Enregistré d'office le 14 août 1951.

TRANSLATION — TRADUCTION

No. 1358. INTERNATIONAL CONVENTION¹ FOR THE SUPPRESSION OF THE WHITE SLAVE TRAFFIC, SIGNED AT PARIS ON 4 MAY 1910,² AND AS AMENDED BY THE PROTOCOL SIGNED AT LAKE SUCCESS, NEW YORK, 4 MAY 1949³

Article 1

Any person who, to gratify the passions of others, has hired, abducted or enticed, even with her consent, a woman or a girl who is a minor, for immoral purposes, even when the various acts which together constitute the offence were committed in different countries, shall be punished.

Article 2

Any person who, to gratify the passions of others, has by fraud or by the use of violence, threats, abuse of authority, or any other means of constraint, hired, abducted or enticed a woman or a girl of full age for immoral purposes, even when the various acts which together constitute the offence were committed in different countries, shall also be punished.

Article 3

The Contracting Parties undertake, if their legislation is not at present adequate to punish the offences mentioned in the two preceding articles, to

¹ Came into force on 14 August 1951, the date on which the amendments to the Convention, as set forth in the annex to the Protocol of 4 May 1949, entered into force in accordance with article 5 of the said Protocol.

States Parties to the Convention as amended by the said Protocol:

| | |
|----------------|-------------------------------------|
| Australia | France |
| Austria | India |
| Canada | Iraq |
| Ceylon | Netherlands |
| Chile | Norway |
| China | Switzerland |
| Czechoslovakia | Turkey |
| Denmark | Union of South Africa |
| Egypt | United Kingdom of Great Britain and |
| Finland | Northern Ireland |
| | Yugoslavia |

² De Martens, *Nouveau Recueil général de Traités*, troisième série, tome VII, p. 252. League of Nations, *Treaty Series*, Vol. III, p. 278; Vol. XI, p. 429; Vol. XXIV, p. 207; Vol. XXXV, p. 335; Vol. CIV, p. 545; Vol. CVII, p. 556; Vol. CXI, p. 419; Vol. CXVII, p. 334; Vol. CLX, p. 453; Vol. CLXIV, p. 445; Vol. CLXXII, p. 437, and Vol. CXC VII, p. 426.

³ United Nations, *Treaty Series*, Vol. 30, pp. 23 and 367; Vol. 31, p. 488; Vol. 32, p. 400; Vol. 42, p. 367; Vol. 43, p. 341; Vol. 44, p. 342; Vol. 45, p. 331; Vol. 47, p. 363; Vol. 65, p. 317; Vol. 70, p. 273; Vol. 71, p. 331; Vol. 87, p. 388, and Vol. 92, p. 399.

take or to propose to their respective legislatures, the necessary measures to punish such offences in accordance with their gravity.

Article 4

The Contracting Parties shall communicate to each other, through the Secretary-General of the United Nations, such laws as have already been, or may in the future be, promulgated in their countries relating to the subject of the present Convention.

Article 5

The offences mentioned in articles 1 and 2 shall, as from the day on which the present Convention comes into force, be deemed *ipso facto* to be included among the offences giving cause for extradition according to already existing Conventions between the Contracting Parties.

In cases where effect cannot be given to the above stipulation without changing existing legislation, the Contracting Parties agree to take, or to propose to their respective legislatures, the necessary measures.

Article 6

The transmission of rogatory commissions relating to the offences covered by the present Convention shall take place :

1. Either by direct communication between the judicial authorities;
2. Or through the diplomatic or consular agent of the country making the application in the country to which application is made; that agent shall send the rogatory commission direct to the competent judicial authority and shall receive direct from that authority the documents showing that the rogatory commission has been carried out;

(In both the above cases, a copy of the rogatory commission shall always be sent at the same time to the superior authority of the State to which application is made);

3. Or through the diplomatic channel.

Each Contracting Party shall state, by means of a communication sent to each of the other Contracting Parties, which of the above-mentioned methods of transmission it accepts for rogatory commissions coming from that State.

All difficulties which may arise in connection with transmissions affected under (1) and (2) of the present article shall be settled through the diplomatic channel.

Unless there is agreement to the contrary, the rogatory commission must be drawn up either in the language of the authority to which application is made, or in the language agreed upon between the two States concerned, or

it must be accompanied by a translation in one of those two languages, certified as authentic by a diplomatic or consular agent of the State making the application, or by a sworn translator of the State to which application is made.

No charges or expenses of any kind shall be refunded in respect of the execution of rogatory commission.

Article 7

The Contracting Parties undertake to communicate to each other notification of sentence in the case of offences covered by the present Convention the constituent acts of which have been committed in different countries. These documents shall be transmitted direct by the authorities appointed in accordance with article 1 of the Agreement concluded in Paris on 18 May 1904,¹ to the similar authorities of the other Contracting States.

Article 8

Non-signatory States may accede to the present Convention. For this purpose, they shall notify their intention by an instrument which shall be deposited in the archives of the United Nations. The Secretary-General of the United Nations shall send a certified copy to each of the Contracting States and to all the Members of the United Nations, and shall at the same time inform them of the date of deposit. The said instrument of notification shall also transmit any laws promulgated by the acceding State relating to the subject of the present Convention.

Six months after the date of deposit of the instrument of notification, the Convention shall come into force in the whole territory of the acceding State, which shall thus become a Contracting State.

Accession to the Convention shall entail *ipso facto*, and without special notification, simultaneous and complete accession to the Agreement of 18 May 1904, which shall come into force, on the same date as the Convention itself, in the whole territory of the acceding State.

The above provision shall, however, be without prejudice to article 7 of the aforesaid Agreement of 18 May 1904, which remains applicable in cases where a State may prefer to accede to that Agreement only.

Article 9

The present Convention, supplemented by a Final Protocol which forms an integral part thereof, shall be ratified and the ratifications shall be deposited at Paris,² as soon as six of the Contracting States are in a position to do so.

¹ League of Nations, *Treaty Series*, Vol. I, p. 84; Vol. III, p. 254; Vol. XI, p. 354; Vol. CVII, p. 456; Vol. CXI, p. 402; Vol. CXVII, p. 42; Vol. CLXXII, p. 388; Vol. CXC VII, p. 282; and United Nations, *Treaty Series*, Vol. 31, p. 493, and Vol. 92, p. 399.

² *Note by the Secretariat.*—It will be recalled that the functions exercised by the French Government, under the terms of the Convention of 1910, have now been transferred to the United Nations by the Protocol of 4 May 1949. See: United Nations, *Treaty Series*, Vol. 30, p. 23.

There shall be established for every deposit of ratification a Protocol, of which a certified true copy shall be transmitted through the diplomatic channel to each of the Contracting States.

The present Convention shall come into force six months after the date of deposit of the ratifications.

Article 10

Should one of the Contracting States denounce the Convention, such denunciation shall take effect only in respect of such State.

The denunciation shall be notified by an instrument which shall be deposited in the archives of the United Nations. The Secretary-General of the United Nations shall send a certified copy to each of the Contracting States and to all the Members of the United Nations, and shall at the same time inform them of the date of deposit.

Twelve months after that date, the Convention shall cease to be in force in the whole territory of the State which has denounced it.

The denunciation of the Convention shall not *ipso facto* entail simultaneous denunciation of the Agreement of 18 May 1904, unless that is expressly mentioned in the instrument of notification; otherwise, the Contracting State must, in order to denounce the said Agreement, proceed in accordance with article 8 of that Agreement.

Article 11

Should a Contracting State desire the present Convention to come into force in one or more of its colonies, possessions or areas under consular jurisdiction, it shall for this purpose notify its intention by an instrument which shall be deposited in the archives of the United Nations. The Secretary-General of the United Nations shall send a certified copy to each of the Contracting States and to all the Members of the United Nations, and shall at the same time inform them of the date of deposit.

The said instrument of notification, for such colonies, possessions or areas under consular jurisdiction, shall also transmit any laws promulgated relating to the subject of the present Convention. Such laws as may subsequently be promulgated shall similarly be notified to the Contracting States, in accordance with article 4.

Six months after the date of deposit of the instrument of notification, the Convention shall come into force in the colonies, possessions or areas under consular jurisdiction to which the instrument of notification refers.

The State making application shall signify, by means of a communication sent to each of the other Contracting States, which of the above-mentioned methods of transmission it accepts for rogatory commissions to the colonies, possessions or areas under consular jurisdiction covered by the notification mentioned in the first paragraph of the present article.

The denunciation of the Convention by one of the Contracting States, for one or more of such colonies, possessions or areas under consular jurisdiction shall take place in accordance with the forms and conditions laid down in the first paragraph of the present article. It shall take effect twelve months after the date of deposit of the instrument of denunciation in the archives of the United Nations.

Accession to the Convention by a Contracting State in respect of one or more of its colonies, possessions, or areas under consular jurisdiction shall entail, *ipso facto*, and without special notification simultaneous and complete accession to the Agreement of 18 May 1904. The said Agreement shall come into force there on the same date as the Convention itself. However, the denunciation of the Convention by a Contracting State in respect of one or more of its colonies, possessions or areas under consular jurisdiction shall not, *ipso facto*, entail, unless expressly mentioned in the instrument of notification, simultaneous denunciation of the Agreement of 18 May 1904. Further, such declarations as the Powers signatory to the Agreement of 18 May 1904 may have made with regard to the accession of their colonies to the said Agreement remain valid.

Nevertheless, as from the date of the entry into force of the present Convention, accessions or denunciations in respect of this Agreement relating to the colonies, possessions or areas under consular jurisdiction of the Contracting States, shall be effected in accordance with the provisions of the present article.

Article 12

The present Convention, which shall bear the date of 4 May 1910, may be signed in Paris up to 31 July next by the Plenipotentiaries of the Powers represented at the Second Conference on the Suppression of the White Slave Traffic.

DONE in Paris on the fourth day of May, one thousand nine hundred and ten, in a single text, of which a certified true copy shall be delivered to each of the signatory Powers.

A N N E X

FINAL PROTOCOL

At the moment of proceeding to the signature of the Convention of today's date, the undersigned Plenipotentiaries deem it useful to indicate the spirit in which articles 1, 2 and 3 of this Convention are to be understood and in accordance with which it is desirable that, in the exercise of their legislative sovereignty, the Contracting States should provide for the implementation of the stipulations which have been agreed to or for their completion.

A. The provisions of article 1 and 2 must be regarded as a minimum in the sense that the Contracting Governments naturally remain absolutely free to punish other similar offences such as the hiring of persons of full age even where there is no deceit or constraint.

B. For the punishment of the offences mentioned in articles 1 and 2, it is agreed that the words " a woman or a girl who is a minor, a woman or a girl of full age " mean women or girls, who are either above or below twenty years of age. A law may, however, establish a higher age for protection on condition that it is the same for women and girls of every nationality.

C. For the punishment of the same offences, the law must provide, in all cases, for a sentence of imprisonment, without prejudice to any other main or accessory penalties; it must also take into account, independently of the age of the victim, the various aggravating circumstances which may have a bearing on the particular case, such as those mentioned in article 2 or the fact that the victim had in fact been given over to immoral practices.

D. The case of the retention, against her will, of a woman or girl in a house of prostitution could not, in spite of its gravity, be included in the present Convention, because it is exclusively a question of internal legislation.

The present Final Protocol shall be considered as forming an integral part of the Convention of today's date and shall have the same force, value and duration.

DONE and SIGNED in a single text, in Paris, on 4 May 1910.
