APPENDIX ONE

2012 BELLAGIO-HARVARD GUIDELINES ON THE LEGAL
PARAMETERS OF SLAVERY

We, the Members of the Research Network on the Legal Parameters of Slavery,

Recognizing that there has been a lack of legal clarity with regard to the interpretation of the definition of slavery in international law;

Conscious that the starting point for understanding that definition is Article 1(1) of the 1926 Slavery Convention which reads: ‘Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised’;

Recalling that this definition is reproduced in substance in Article 7(a) of the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery;

Also noting that the 1926 definition of slavery is once again reproduced in substance in the definition of enslavement found in Article 7(2)(c) of the 1998 Statute of the International Criminal Court and developed in more detail in the secondary legislation of the Court, in its Elements of Crimes;

Bearing in mind the provisions in international human rights law regarding slavery within the 1948 Universal Declaration and 1966 International Covenant on Civil and Political Rights; as well as the provisions regarding slavery in regional human rights conventions of the African, European, and Inter-American systems;

Considering the inclusion of slavery as an enumerated type of human exploitation in both the 2000 United Nations Palermo Protocol on Trafficking in Persons and the 2005 Council of Europe Convention on Action against Trafficking in Human Beings;

Mindful of the pronouncements and case-law related to slavery of international, regional and domestic courts;

Having met to consider the issue at the 2010 symposium entitled: ‘The Parameters of Slavery’ at the Rockefeller Foundation’s Bellagio Conference Centre in Bellagio, Italy; having further deliberated in 2011 at a meeting under the auspices of the Harriet Tubman Institute for Research on the Global Migrations of African Peoples, York University, Canada; and came together once more at a 2011 symposium entitled: ‘The Legal Parameters of
Slavery: Historical to the Contemporary’ at Harvard University, under the auspices of the Charles Hamilton Houston Institute for Race and Justice, Harvard Law School; the Harvard Sociology Department; the W.E.B. DuBois Institute;

Recommend the following Guidelines related to the legal parameters of slavery:

**Guideline 1 – The Legal Definition**

The legal definition of slavery is found at Article 1(1) of the 1926 Slavery Convention, which reads: ‘Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.’

**Guideline 2 – The Exercise of the Powers Attaching to the Right of Ownership**

In cases of slavery, the exercise of ‘the powers attaching to the right of ownership’ should be understood as constituting control over a person in such a way as to significantly deprive that person of his or her individual liberty, with the intent of exploitation through the use, management, profit, transfer or disposal of that person. Usually this exercise will be supported by and obtained through means such as violent force, deception and/or coercion.

**Guideline 3 – Possession Is Foundational to Slavery**

Where there is a right of ownership in respect of a thing, ownership implies a background relation of control. That control is the power attaching to the right of ownership known as possession.

Possession is foundational to an understanding of the legal definition of slavery, even when the State does not support a property right in respect of persons. To determine, in law, a case of slavery, one must look for possession.

While the exact form of possession might vary, in essence it supposes control over a person by another such as a person might control a thing. Such control may be physical, but physical constraints will not always be necessary to the maintenance of effective control over a person. More abstract manifestations of control of a person may be evident in attempts to withhold identity documents; or to otherwise restrict free movement or