

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

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:

### **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 prostitution 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.

## **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**