Fourth Item on the Agenda:

FORCED LABOUR
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INTRODUCTION

On 28 June 1956 the International Labour Conference, meeting in its 39th Session at Geneva, adopted the following resolution by 199 votes to 0, with no abstentions:

The Conference,

Having approved the report of the Committee appointed to examine the sixth item on the agenda,

Having in particular approved as general conclusions, with a view to the consultation of governments, proposals for a Convention relating to forced labour,

Decides to place on the agenda of its next general session the question of forced labour for a second discussion, with a view to a final decision on a Convention on the subject.

In view of this decision the Office is required, under article 39, paragraph 6, of the Standing Orders of the Conference, to prepare a draft text of an international instrument on the basis of the first discussion by the Conference and to communicate this text to governments so as to reach them not later than two months from the closing of the session of the Conference, asking them to state within three months whether they have any amendments to suggest or comments to make.

The purpose of the present report is to transmit to governments, for any amendments or comments they may wish to make, a proposed Convention based on the Conclusions adopted by the Conference at its 39th Session. Governments are requested, in accordance with the timetable laid down in the Standing Orders of the Conference, to send any amendments or comments on the text of the proposed Convention as early as possible and in any case so as to reach the Office not later than 28 November 1956. Governments which have no amendments or comments to put forward are requested nevertheless to inform the Office by the same date whether they consider that the proposed text forms a suitable basis for discussion at the 40th Session of the Conference.

In submitting the report of the Committee on Forced Labour to the plenary sitting of the Conference the Reporter of the Committee drew particular attention to the mention of concentration camps and the deportation of national minorities contained in the introductory sentence of point 3 of the proposed Conclusions; to the term "labour discipline"
in clause (c); and to the proposal of the United States Government suggesting the inclusion of provisions relating to the prohibition of the products of forced labour in international commerce. During the discussion in the plenary sitting several speakers also drew particular attention to clauses (d) and (f) of point 3 of the proposed Conclusions relating to participation in strikes and methods of payment. Governments are therefore requested, in making comments on the proposed Convention, to pay special attention to these provisions.
CHAPTER I

THE PROCEEDINGS OF THE 39th SESSION
OF THE CONFERENCE RELATING TO FORCED LABOUR

Extracts from the Report of the Conference Committee

The Committee on Forced Labour, set up by the Conference at its third sitting on 7 June 1956, consisted of 99 members (54 Government members, 18 Employers’ members and 27 Workers’ members). To achieve equality of voting, each Government member had one vote, each Employers’ member three votes and each Workers’ member two votes.

The Committee had before it Report VI (2) : Forced Labour, prepared by the Office, and also Report VI (2) (Supplement) : Report of the I.L.O. Committee on Forced Labour, containing the Committee’s report on the work of its first session (March 1956). The Committee took Report VI (2) as the basis for its discussion of the points to be considered in the preparation of a new international instrument concerning forced labour.

General Discussion

In general, the speakers representing the three groups of the Committee were in favour of the complete abolition of forced labour in its various forms, but there were certain differences of opinion as to the best means of achieving this end. Most members thought that it would be desirable to have a short, very clearly worded Convention, which might or might not be supplemented by a Recommendation. A number of them took the view that the proposed Conclusions directed towards a Recommendation were so closely linked up with the Forced Labour Convention, 1930, that it would be more appropriate not to deal with them at this stage but to hold them over until such time as the Conference was considering the revision of that Convention.

Some members referred to the difficulty of defining forced labour in exact terms which could ensure strict application of any Convention which might be adopted, but it was widely felt that a definition in general terms was not really necessary provided the text clearly stated which forms of forced labour were contemplated. In this connection a number
of members held that the three types of forced labour mentioned in the proposed Conclusions of the Office were not sufficiently comprehensive and that several other forms of forced labour should be included in the scope of the future instrument. The U.S.S.R. Government member and several other members of the Committee indicated that the proposed Conclusions followed too closely the report of the Ad Hoc Committee on Forced Labour, which they said was both incomplete and unfair and therefore not a suitable basis for an international instrument to abolish all forms of forced labour. The U.S.S.R. Government member consequently urged the Committee to elaborate a comprehensive and radical instrument which would provide for the abolition of all existing forms of forced labour anywhere, both in metropolitan and in non-metropolitan territories. Other members did not agree that the Ad Hoc Committee’s report was unfair or that forced labour was to be found in non-metropolitan territories particularly but agreed that it was necessary for forced labour to be suppressed in all territories, both metropolitan and non-metropolitan, and expressed the view that the proposed instrument should deal with particular forms of forced labour in all areas, both metropolitan and non-metropolitan. These members, moreover, considered that the report of the Ad Hoc Committee contained valuable information on the extent of forced labour throughout the world and did therefore provide a useful background for the Committee’s work.

Form of the International Instrument

There was general agreement that a Convention was the most appropriate form of instrument for abolishing forced labour practices, and that it should be drafted in clear, simple and emphatic terms. There was, however, a difference of views as to what the Convention should contain. The report of the Office suggested a short Convention for the abolition of certain types of forced labour, supplemented by a Recommendation prescribing restrictions on the use of the forms of work or service which were excluded from the scope of the Forced Labour Convention, 1930. An amendment was submitted by the Byelorussian Government member to the effect that the Conclusions prepared by the Office directed towards a Convention and those directed towards a Recommendation should be fused into a single text directed towards a Convention. In support of this view it was pointed out that if all the provisions were incorporated in a Convention they would be binding on all ratifying States, whereas if some were left in a Recommendation there was no guarantee that they would be enforced. Moreover, the 1930 Convention appeared to deal largely with practices in non-metropolitan territories, and it was important that the restrictions to be
imposed on the forms of work and service excluded from its scope should take the form of a Convention so as to ensure the fullest possible protection for workers in those territories. On the other hand it was argued that if an attempt was made to bring too much into the proposed Convention this would lead to confusion, and might simply provide excuses for governments for not ratifying it. On a vote being taken, the Byelorussian amendment was rejected by 10 votes to 100, with 9 abstentions. The Committee then unanimously adopted the Office text: “The instrument should take the form of a Convention.”

Scope

Under this head the Workers’ members proposed an amendment to the effect that the proposed Convention should lay down the principle that forced labour was a violation of human rights as defined by the Charter of the United Nations. It was pointed out that this might properly be included in the preamble of the future Convention and that the exact wording should be carefully examined to make sure, in particular, that it did not imply that forced labour in prisons was a violation of human rights. The U.S.S.R. Government member proposed a subamendment to specify that forced labour “in all its forms and anywhere” constituted a violation of human rights. Various speakers agreed with this statement but doubted the wisdom of inserting it in the text, as it suggested an intention of widening the scope of the proposed instrument which, in their view, should deal with the forms of forced labour which the Economic and Social Council had said should be abolished as a matter of urgency. The subamendment was voted on in two parts: the words “in all its forms” were rejected by 50 votes to 77, with 4 abstentions; the words “and anywhere” were rejected by 59 votes to 59, and the subamendment as a whole was therefore rejected. The amendment of the Workers’ members was then adopted nem. con. with one abstention (on the understanding that its exact formulation and its proper place in the text would be considered by the Drafting Committee) in the following terms:

The proposed Convention should lay down the principle that forced or compulsory labour constitutes a violation of the rights of man as defined by the Charter of the United Nations.

There were two proposals to amend the initial phrase in point 2 of the Office text, which stated simply that no person should be required to perform forced or compulsory labour and was followed by an enumeration of three cases to which the introductory words applied. The amendment put forward by the U.S.S.R. Government member would have expanded the text so as to make it clear that it applied equally
to self-governing and non-metropolitan territories; it also introduced the concept of labour becoming compulsory as a consequence of the personal and economic dependence of the worker on the employer. In support it was pointed out that, under article 35 of the Constitution, States which ratified the future Convention would not be obliged to apply it to their non-self-governing territories, and it was therefore necessary to ensure that workers in these territories would be effectively protected against forced labour. Other speakers pointed out that this was not the place to revise article 35, which moreover provided that States which ratified a Convention and did not apply it to their non-self-governing territories must give an account of their reasons to the Conference. The amendment was rejected by 22 votes to 103, with 3 abstentions.

The second amendment to the initial phrase in point 2, submitted by the Danish and Swedish Government members, combined the obligation to suppress forced labour with an obligation not to make use of concentration camps and the deportation of national minorities as a means of political coercion, etc. The Danish and Swedish Government members argued that the use of concentration camps and the deportation of minorities constituted a serious danger to the population of a similar character to forced labour. In this connection, the Representative of the Secretary-General drew attention to the obligation of the I.L.O. to consult the United Nations before including in any instrument references to matters which might properly fall within the competence of the latter body, as was the case with concentration camps and the deportation of minorities. The Secretary-General had authorised him to express the view that these subjects were entirely outside the scope of the activities of the I.L.O. It was beyond question that everyone detested the practices referred to, but the issue was the orderly conduct of the relations between the I.L.O. and the United Nations. The I.L.O. expected the United Nations to respect its competence and, clearly, the I.L.O. must reciprocate. These matters fell within the sphere of activity of the United Nations and were not part of the item on the agenda of the Conference. A representative of the United Nations pointed out that his Organisation was at present preparing a Convention on Human Rights and had earlier adopted a Convention on Genocide.

It was argued, however, that there was ample time for consultation between the United Nations and the I.L.O. between this session and the next session of the Conference. An attempt by the Workers' members to resolve the difficulty by deleting the reference to deportation and referring to concentration camps only when they involved forced labour was rejected by 53 votes to 60, with 16 abstentions. The Committee then adopted, by 69 votes to 62, with 7 abstentions, the introductory phrase proposed in the amendment in the following terms:
Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress forced or compulsory labour and not to make use of concentration camps or, in the future, of the deportation of national minorities.

The Committee took this decision on the understanding that the fullest consultation of the United Nations and of governments would be necessary before the second discussion next year.

The Committee then went on to discuss the types of forced labour which should be specifically mentioned after this introductory phrase. There was general agreement on the three types mentioned in the proposed Conclusions of the Office. The first of these was forced labour as a means of political coercion or education or as a punishment for holding or expressing political views, to which was added, without opposition, on the proposal of the Brazilian and Italian Government members, the words—

or for ideological opposition to the established political, social or economic system.

The next clause of the Office text dealt with forced labour as a normal method of mobilising labour for purposes of economic development. The Committee unanimously decided, on the proposal of the Brazilian and Italian Government members and the Workers' members, to delete the word "normal" as being unduly restrictive, and to insert after the word "mobilising" the words "and employing" or "and using", the exact wording being left to the Drafting Committee. The third clause of the Office text was: "as a means of labour discipline". This was agreed to on the understanding that the attention of governments should be drawn to the question of whether it was necessary to clarify the term "labour discipline". In this connection the Committee took note of the amendment submitted by the Government members of Brazil, Italy and Yugoslavia to insert after the words "labour discipline" the words "imposed on workers for failure to comply with the contract, to observe works rules or to carry out orders".

There were a number of proposals for additions to this list of types of forced labour which should be mentioned in the text. Certain members of the Committee took the view that the proposed instrument should deal only with the three types already mentioned, which had been described by the Economic and Social Council as requiring urgent action by the I.L.O., and that the situation should not be confused by references to other types of forced labour. They therefore opposed any extension of the scope of the proposed instrument. Other members argued that the Economic and Social Council, in the same resolution, had condemned all forms of forced labour, wherever they existed, and that the proposed Convention should, therefore, deal with all the main forms of forced
labour. The Committee adopted three additional clauses defining types of forced labour which should be abolished. One refers to forced labour “as a policy of racial, social, national or religious discrimination”. All members who spoke declared themselves in sympathy with the principle of this amendment, but certain members opposed its inclusion in the text on the grounds that it would create a precedent for the adoption of other clauses. The U.S.S.R. Government member’s amendment referring to forced labour as remnants of slavery in the form of racial discrimination and as a consequence of discrimination on grounds of nationality, sex, language or religion was withdrawn in favour of this amendment. The movers of the amendment (the Brazilian and Italian Government members) stressed the fact that this was one of the most undesirable forms of forced labour. The clause was adopted by 78 votes to 5, with 52 abstentions. The second proposed addition referred to forced labour “as a punishment for having participated in strikes”. The U.S.S.R. Government member’s amendment referring to forced labour as a consequence of judicial or administrative measures which limit, prohibit or punish participation in strikes was withdrawn in favour of the amendment submitted by the Workers’ members. This was the subject of a prolonged debate, the original amendment by the Workers’ members having referred also to the prohibition or limitation of strikes. Several members found this reference unacceptable on the grounds that many national laws prohibited strikes in certain sectors or during conciliation proceedings, and that in other countries trade unions voluntarily agreed to renounce the right to strike in certain circumstances. In reply it was pointed out by the Workers’ members that the question at issue was not the right to strike, which they cherished. They agreed that strikes could be declared illegal in certain circumstances. All that they were asking was that the penalty for having participated in a strike should not be forced labour. Some members stated that the penalty for taking part in an illegal strike might be imprisonment, which might involve hard labour. The Workers’ members indicated that they were not concerned with this position, which they regarded as being outside the scope of the intention of this amendment. The Committee finally adopted the amendment in its more limited form by 70 votes to 58, with 10 abstentions. The third addition to the list of types of forced labour to be abolished was forced labour resulting from delays in the payment of wages which prevented the worker from changing his employment, or from debt bondage or systems of peonage. This addition represented a combination of amendments originally submitted by the U.S.S.R. and Yugoslav Government members and the Workers’ members. Those opposed to this amendment, including the spokesman for the Employers’ members, pointed out that so far the Committee had been considering
forms of forced labour imposed by the competent authorities; this amendment referred to matters arising out of the employer-worker relationship and was therefore out of place in the proposed instrument. It was also argued that debt bondage was being dealt with in a proposed supplementary Convention on Slavery, which was to be discussed in the near future by a conference convened under the auspices of the United Nations. In reply it was emphasised that these were all very real forms of forced labour which in many countries completely tied the worker (and often his family) to the employer. Peonage still existed in a number of countries, and its effects were just as tragic for the worker as work in a forced labour camp. The amendment was finally adopted by 74 votes to 65, with 5 abstentions.

Another proposal, by the Yugoslav Government member, to prohibit forced labour as a consequence of the recruitment of manpower or of limitation of the free choice of employment, was rejected by 8 votes to 123, with 3 abstentions. Most members felt that the recruitment of manpower was required in many cases and did not necessarily involve forced labour, that free choice of employment was in fact non-existent for a great number of persons and that the limitation of such choice could not therefore be considered as a form of forced labour. The mover of the amendment held that it would prohibit certain important forms of forced labour for other than economic reasons, e.g. for military purposes.

The Indian Government member submitted an amendment to the effect that forced labour “for purposes of economic development” should not be deemed to refer to schemes in underdeveloped countries for the purpose of relieving unemployment. He pointed out that in India there were community development and several other schemes in which the local population participated voluntarily, receiving no wages or wages below the normal rates and with conditions of employment below the average. The Representative of the Secretary-General pointed out that without entering into great detail it could be stated that, under the text which the Committee had adopted, inferior conditions of work and lower wages did not in themselves constitute forced labour. The amendment was therefore withdrawn.

The Committee then considered point 3 of the Office text, to which there were four amendments. The most far-reaching was that of the United States Government member, which read as follows:

3. The proposed Convention should provide that international trade and commerce in goods produced by any forced or compulsory labour referred to in point 2 shall be prohibited.

4. The proposed Convention should provide that every Member of the International Labour Organisation which ratifies it should take effective measures to implement the obligation assumed under the terms of its ratification to
secure either the immediate and complete abolition of forced or compulsory labour referred to in point 2, or the prohibition of international trade and commerce in goods produced by any such forced or compulsory labour, or both.

5. The proposed Convention should provide that a Member becomes a party to this Convention upon accepting the obligations of—

(a) the whole Convention;

(b) the whole Convention with the exception of point 2; or

(c) the whole Convention with the exception of point 3.

Each Member shall specify in its ratification in respect to which of these points it accepts the obligation of the Convention.

The United States Government member explained that the purpose of his amendment was to strengthen the proposed instrument. The Office proposal of declaring forced labour to be unlawful did not go far enough. The new Convention should contain an additional provision prohibiting products of forced labour in international commerce. An article of this kind would not be basically different from provisions in existing international labour Conventions.

In view of the fact that the United States proposal was submitted only at this session of the Conference, and not earlier, a number of governments felt that more time for study was needed before a decision could be taken on this proposal. The Employers’ and Workers’ members indicated that they were not, at this stage, expressing any views either for or against the United States amendment. The Committee decided that the amendment proposed by the United States would be appropriate for consideration by the governments during the ensuing year, along with the Conclusions directed towards a Convention. The Committee, therefore, adopted a proposal that governments should be afforded time for further study of the amendment in connection with the final draft of the Convention to be prepared during the year and that the International Labour Office be requested to send the United States amendment to the governments along with the Conclusions, on the understanding that governments would consider it and that it would be taken up in connection with the final draft of the Convention at the next session of the Conference. It was pointed out that, since at this session it was the first discussion stage, no delay need be caused by the action taken by the Committee.

Two of the amendments to point 3 of the Office text were intended to strengthen it by requiring the abolition of all legislation and all practices prescribing or permitting forced labour. These amendments were opposed on the grounds that the Office text was simple, forceful and comprehensive. If ratifying States undertook to take “effective measures” for the abolition of forced labour they would clearly have to repeal any legislation permitting it. Moreover, one of the amendments referred to
forced labour in general and not merely to the types enumerated in point 2 of the text. However, the Committee accepted that amendment by 73 votes to 65, with 1 abstention, so that point 3 was amended to read—

The proposed Convention should provide that every Member of the International Labour Organisation which ratifies it should undertake to take effective measures to secure the immediate and complete abolition of all legal provisions and administrative practices and any other particular measures prescribing or permitting forced labour.

The other similar amendment was rejected by 62 votes to 64, with 6 abstentions. An amendment to provide that penal sanctions should be used to enforce the prohibition on forced labour was rejected by 8 votes to 113, with 6 abstentions, as being unnecessary, since States were required to take “effective” measures to abolish such labour.

The Committee then passed to the proposed Conclusions directed towards a Recommendation. In addition to a number of amendments on points of detail, there was an amendment by the Employers’ members to delete the whole of this section of the proposed Conclusions. The Brazilian Government member moved that the whole of this section should be held over until the revision of the Forced Labour Convention, 1930, was under consideration by the Conference, and this view was supported by a number of Government members. The Workers’ members agreed to this proposal on condition that the Committee adopted a resolution requesting the Governing Body to place the revision of the Forced Labour Convention, 1930, on the agenda of the earliest possible session of the Conference, and to instruct the Director-General to submit to the Conference at that time the proposed Conclusions directed towards a Recommendation contained in Report VI (2) and the amendments to those Conclusions submitted to the Committee at the present session. This course of action was approved by the Committee. On this account the Employers’ amendment was withdrawn.

A resolution was submitted by the U.S.S.R. Government member which—

(a) deplored the incomplete nature of the report of the Ad Hoc Committee on Forced Labour and the fact that it misrepresented the situation in various countries;

(b) drew attention to the fact that, despite the adoption of the Forced Labour Convention in 1930, forced labour in various forms still existed;

(c) appealed to governments which had not yet done so to consider ratifying that Convention as soon as possible;

(d) invited all States Members to take effective measures to abolish all existing forms of forced labour;
(e) noted that a complete and objective study of forced labour called for the substantial participation of the workers, grouped in trade union organisations;

(f) appealed to all such organisations to submit documentation on the subject to the I.L.O.; and

(g) requested the Director-General to give publicity to such documentation and to submit an analysis of it to the 40th Session of the Conference.

The mover of the resolution stated that the results of the present Committee's work had clearly shown that the Ad Hoc Committee's report did not cover all the forms of forced labour which ought to be eliminated. There was no reference to various types of servitudes or to racial and other discrimination, and the general picture was distorted. It was essential to bring the workers and their trade unions into any survey of forced labour if an objective picture was to be obtained. It was essential to urge those governments which had not already done so to ratify the Forced Labour Convention, 1930 as soon as possible. If the I.L.O. did not continue to attach great importance to ratification and application of Conventions it would undermine its own position. Several members opposed the resolution as being unsuitable for consideration in the Committee. They maintained that the Ad Hoc Committee and the I.L.O. Committee had done effective work within the limits of their mandates. In any case, there was no need for the Committee to dwell on the past. There was no special need to appeal for ratification of the 1930 Convention, since there had been a number of recent ratifications which would doubtless encourage other countries to ratify in their turn. Some speakers also drew attention to the fact that several of the forms of forced labour referred to in the resolution had now been included in the text of the Conclusions directed towards a Convention, so that certain parts of the resolution were now superfluous. The Workers' members submitted an amendment which retained certain parts of the U.S.S.R. text and suggested that tripartite teams of experts should be appointed by the I.L.O. to visit countries by invitation and investigate on the spot whether forced labour existed. The U.S.S.R. resolution was rejected by 18 votes to 179, with 7 abstentions. The amendment of the Workers' members was then withdrawn. They indicated, however, that they reserved the right to pursue the matter at the next session of the Conference.

There was also submitted to the Conference a resolution, which the Committee adopted unanimously, to include the question of forced labour in the agenda of the next general session with a view to final decisions on the question.

The Committee unanimously decided to transmit to the Conference the Conclusions adopted by it.
PROPOSED CONCLUSIONS

1. The instrument should take the form of a Convention.
2. The preamble to the proposed Convention should affirm the principle that forced or compulsory labour constitutes a violation of the rights of man as enunciated by the Charter of the United Nations.
3. The proposed Convention should provide that every Member of the International Labour Organisation which ratifies this Convention shall undertake to suppress and not to make use of forced or compulsory labour, concentration camps or the deportation of national minorities—
   (a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established social political or economic system;
   (b) as a method of mobilising and using labour for purposes of economic development;
   (c) as a means of labour discipline;
   (d) as a punishment for having participated in strikes;
   (e) as a means of racial, social, national or religious discrimination;
   (f) as a consequence of the method of payment to the worker whereby his employer defers payment to a given date or postpones payment after the agreed date, thereby depriving the worker of a genuine possibility of terminating his employment, or where work is exacted from the worker in the form of bondage for debts or through systems of peonage.
4. The proposed Convention should provide that every Member of the International Labour Organisation which ratifies the Convention shall undertake to take effective measures to secure the immediate and complete abolition of such forced labour and of all legal provisions and administrative practices and any other particular measures prescribing or permitting such forced labour.

Discussion by the Conference in Plenary Sitting

The report and proposed Conclusions of the Committee on Forced Labour were considered by the Conference in plenary sitting on 27 and 28 June 1956. Before the discussion, Mr. Calderón Puig, Government delegate, Mexico, and Chairman of the Committee on Forced Labour, said that the discussions in the Committee had been conducted at a high level and had demonstrated a real wish to adopt international standards which would eradicate for ever this new form of slavery.

The report was then introduced by Father Stokman, Government delegate, Netherlands, and Reporter of the Committee. He pointed
out that while there had been general agreement in the Committee on
the condemnation of forced labour in its different forms there had been
a divergence of views regarding the scope of the proposed instrument.
Certain members would have preferred to limit this to the three forms
of forced labour listed in the text proposed by the Office, while others
sought to widen it. The Committee had adopted three new clauses in
point 3 in addition to those originally proposed by the Office. He referred
in particular to the clause which prohibited forced labour as a con­
sequence of the method of payment to the worker or of debt bondage,
as in this case it was not a question of forced labour imposed by public
authorities but forced labour which resulted from relations between
employers and workers. Referring to the mention of concentration camps
and the deportation of national minorities in the preamble to point 3,
he stated that it had been agreed that it would be necessary to consult
the United Nations on the advisability of including these references in
the proposed text. Doubts had been expressed whether these matters
were not rather for the United Nations to deal with. Governments
would have to be consulted on the desirability of clarifying the term
“labour discipline” in point 3 (c) of the proposed Conclusions, as also
on the advisability of including in the text of the Convention a new
provision banning international trade in the products of forced labour.

Two amendments were submitted bearing on the proposed Conclu­
sions. The first, submitted by the Government delegation of the
U.S.S.R., proposed the inclusion of the words “ wherever it is practised,
whether in sovereign states or in non-self governing territories ” in point 2
of the proposed Conclusions. The second amendment, submitted by
members of the Employers’ group, proposed the deletion of clause (f)
of point 3. Two further amendments were submitted by the Government
dlegation of the U.S.S.R. The first proposed to include in the resolu­
tion on the revision of the Forced Labour Convention, 1930, an appeal
to member States to ratify this Convention. This appeal, as amended
on the proposal of the Government delegations of France and Italy
during the discussion, was adopted by 174 votes to 0, with 10 abstentions.
The second amendment proposed a resolution inviting Members to
abolish existing laws directed against workers and their unions. This
was rejected by 47 votes to 143, with 20 abstentions.

Mr. de Regó Monteiro, Government delegate, Brazil, wholeheartedly
supported the proposed Conclusions. He particularly referred to forced
labour as a means of racial and religious discrimination which had
tormented humanity from the days when negro slavery had been intro­
duced until the present age. The Conclusions also opposed other forms
of de facto forced labour which were an intolerable survival of feudal
servitude but were still found in many parts of the world. He appealed
once more for the revision of article 35 of the I.L.O. Constitution, which did not make mandatory the full application of Conventions to non-metropolitan territories.

Mr. Vlahov, Government delegate, Yugoslavia, recalled the manner in which the question had first come up before the United Nations and the I.L.O. and stated his conviction that they were at present in a better position than previously to consider the matter, since relations between countries and peoples had improved. The basis of the future Convention had been broadened by a substantial majority vote so that the restricted substance of the original Office proposals had been abandoned. The examination of the most important types of labour to be excluded from the concept of forced labour had been adjourned, it being decided that this should be taken up in connection with the revision of the Forced Labour Convention, 1930. He proposed that, since there was still a year before the 40th Session of the Conference, the question should be studied thoroughly, so that they might prepare a single Convention which would cover the whole subject of forced labour.

Mr. Geddes, Workers' adviser, United Kingdom, cautiously welcomed the report, the conclusions of which might and could form the basis of a good discussion next time, and possibly of a first-class Convention. The Workers' members had welcomed those amendments which they thought would improve the Conclusions. Their sole object had been to obtain a draft which could not be used by any government as an excuse for non-ratification but which would be so clear and concise that it would have to be accepted by all countries. They wanted all the workers to know that it was the free trade union movement which had initiated the fight for a new Convention and that the free trade union movement was anxious to see forced labour abolished wherever it might be.

Mr. de Freitas Mallmann, Employers' adviser, Brazil, expressed his positive agreement with the Conclusions on behalf of the Brazilian employers.

Mr. Sharp, Government delegate, Australia, while associating his Government with the work of the Committee, expressed some reservations about the proposed Conclusions. The Australian Government would support any move designed to end the types of forced labour referred to in the report of the Ad Hoc Committee. He felt that this objective would be most quickly realised if the temptation to overload the proposed instrument with other matters was resisted. He could not support the amendments submitted to the Conference by the Government delegation of the U.S.S.R., which related to matters already discussed in the Committee. He would vote for points 1, 2 and 4 of the
proposed Conclusions and for point 3 except clauses (d) and (f). These were not relevant to a document designed to eradicate forced labour as the Australian Government understood it. All that was contained in clause (d) could be comprehended by clause (c). If clause (d) was maintained it would become impossible to undertake ratification because of a mere legal technicality. He hoped that next year more attention could be paid to wording, in order to avoid the difficulty which faced his Government and almost every other government attending the Conference. He felt that clause (f) clearly related to the field of employer-employee relations. He would gladly support the inclusion of the principle in an instrument dealing with wages or industrial relations generally but could not support its inclusion in an instrument on forced labour. He therefore supported the Employers' amendment seeking the deletion of clause (f).

Mr. Licki, Government delegate, Poland, stated that the Polish delegation had come to the Conference convinced that the work on this subject should take account of characteristics arising from various economic systems and of conditions of life of the working class in various parts of the world, and should aim at abolishing forced labour in all its forms and everywhere. He would therefore support the amendments put forward by the Government delegation of the U.S.S.R. and particularly that proposing an addition to point 2 of the proposed Conclusions. He would firmly oppose the amendment proposed by members of the Employers' group. Those who in the Committee had heard the eloquent speeches of Mr. de Rego Monteiro and Mr. Pequeno describing the horrors of the kinds of forced labour referred to in point 3 (f) would not be convinced by any arguments which attempted to make them agree with Mr. Walin and his point of view.

Mr. Liang, Workers' delegate, China, fully agreed that the form suggested by the Office was the most appropriate and practicable one to meet the present requirements. There had been two conflicting attitudes on this subject. One advocated a definite and immediate stop being put to the use of certain types of forced labour and restrictions being imposed on other types. The other attitude tended to widen the scope of forced labour, including even normal and incidental employer-worker relationships. Amendments to the text had made it an incongruous document and had rendered it less clear and less forceful than was desirable. He regretted that the amendment proposed by the United States Government delegation for the prohibition of international trade in the products of forced labour had not been accepted by the Committee. He agreed with the Committee's decision to reject the resolution proposed by the Government member of the U.S.S.R. but he believed that the amendment to this resolution which the Workers' group originally
proposed and later withdrew, suggesting that tripartite teams of experts should visit countries and investigate on the spot whether forced labour existed, was an important and valuable one.

Mr. Arutiunian, Government delegate, U.S.S.R., supported the report and Conclusions submitted by the Committee but, like other delegates, reserved the right to propose amendments or additions at the second reading. He noted with satisfaction that the Committee had done more than had been expected by many persons in determining the forms of forced labour that should be prohibited. In doing so the Committee had gone considerably further than had been proposed by all sorts of restricted committees of experts and even by the I.L.O. itself. This showed that the work of such committees, consisting of three or four experts, was not objective or impartial. He would like the proposed Conclusions to be further improved and had therefore submitted an amendment to point 2. His second amendment called on governments to ratify the Forced Labour Convention of 1930 without waiting for the preparation of a new Convention. The third amendment was designed to create possibilities for trade unions to fight against the application of various forms of forced labour. There existed in certain countries anti-trade union legislation which hampered the trade unions, preventing them from fighting forced labour and helping to create conditions favourable for the practice of forced labour.

Mr. Eadouilski, Government adviser, Bulgaria, expressed his regret that the Committee had not succeeded in reaching the stage of prohibiting forced labour “in all its forms and anywhere”. The resolution adopted by the Economic and Social Council on 3 May 1956 condemned all forms of forced labour wherever it may exist, and the Bulgarian Government delegation would continue to think that the new document put forward by the I.L.O. should cover all forms of forced labour. Since article 35 of the Constitution was still in force he supported the amendments submitted by the U.S.S.R. Government delegation, as it was essential that the new instrument should have an entirely universal character and should apply equally to self-governing and to non-self-governing territories.

Mr. Delaney, Workers’ delegate, United States, recalled that it was his organisation which had first brought the question of forced labour before international organisations. He expressed his complete support of the Conclusions adopted by the Committee and hoped that next year they would be adopted in the form of a Convention which could be ratified and implemented by a majority of member States. Referring to the proposal submitted by the United States Government delegation, he said he was not in a position to commit himself regarding it but he would undertake the necessary studies through his organisation during
the coming year to see if there was any merit in it. He would dedicate himself and his organisation to doing everything possible to create the kind of public opinion in the United States which would support the full and complete ratification of the Convention on Forced Labour which might be adopted the following year.

Mr. O'Brien, Employers' delegate, Ireland, recalled that while it was the trade union organisations which had first raised the question of forced labour, the employers had always been unanimously in favour of the most rigorous and searching investigation into this problem. The employers had desired an instrument which would be short, sharp and effective. For this reason, he could not admit the desirability of any of the three amendments submitted by the Government delegation of the U.S.S.R. The Committee had decided that the best method of tackling the problem was to keep it confined to certain defined types, and it was for this reason that certain employers had submitted an amendment proposing the deletion of clause (f) of point 3. They agreed in every way with the full substance of that clause but did not consider it desirable or appropriate to include it in the proposed instrument. Moreover, the clause could not be logically or reasonably linked with the preamble of point 3 as it had been amended on the proposal of the Danish and Swedish Government members. Subject to the reservations he had stated, the Employers' group was satisfied with the Conclusions as a basis for the second discussion next year.

Mr. Terziev, Workers' adviser, Bulgaria, supported the amendment submitted by the Government delegation of the U.S.S.R. proposing the addition of a new point to the resolution concerning the revision of the Forced Labour Convention, 1930. The amendment improved the resolution. He would, however, oppose the amendment submitted by members of the Employers' group because it did not improve the proposed Conclusions.

Mr. Geller, Government delegate, Federal Republic of Germany, stated that he would not be able to vote in favour of clauses (d) and (f) of point 3. If a strike was not regarded as a lawful means of carrying on a dispute and if the right to strike was restricted, then clause (d) would only be a branch of clause (c), which would prohibit forced labour as a means of labour discipline. The Committee had agreed that the concept of labour discipline was vague and needed better definition, but in whatever way it was defined and however clause (c) was drafted, he considered that clause (d) should be a subclause of clause (c). Repetition was not only superfluous but also dangerous and harmful. He had even greater doubts about clause (f). If this was read in connection with the preamble to point 3 it became clear how little it had to do with the remainder of the Convention. It did not deal with a form of forced
labour but related to a form of payment, so that it belonged to industrial relations. The matter of wage protection was dealt with in other Conventions and Recommendations and was out of place in the proposed text.

Mr. Rothman, Government adviser, United States, said that they should follow the Governing Body's decision to adopt a new instrument designed expressly to prohibit the particular forms of forced labour uncovered and condemned by the U.N.-I.L.O. Ad Hoc Committee on Forced Labour. He had been pleased to note the clear sentiment of nearly every delegate that the Convention not only should prohibit such forced labour but should also provide for an effective means of hastening its actual abolition. The United States proposal for the elimination of the products of forced labour in international commerce was recognised in the Committee as a valuable and effective aid to this end. During the coming year Members of the I.L.O. would have an opportunity of studying the proposal with respect to its application within the context of each nation's laws and customs. He added that the relevance and the relationship to the total document of certain specific items under point 3, particularly clause (f), remained in doubt.

Mr. Yü, Government delegate, China, agreed to the decisions made by the Committee on Forced Labour and opposed the amendments submitted to the Conference.

Mr. Terrell, Employers' adviser, United States, stated that though in general the United States employers opposed Conventions as improper for the regulation of the internal affairs of member nations, they supported a Convention in this case because of the tragic position of the millions of men, women and children held under conditions of forced labour. They hoped that an instrument might be formulated with content suitable for an international treaty and, with the introduction by the United States Government of an amendment providing for a ban on the products of forced labour in international commerce, they had become still more hopeful of the adoption of an instrument which might accomplish these objectives. The basic concept of the amendment was a step in the right direction and he hoped that in the year ahead other governments would consider this amendment and that from their deliberations a proposal would emerge to which all could agree and which would accomplish the results they sought.

Sir Guildhaume Myrddin-Evans, Government delegate, United Kingdom, said that his Government fully supported the action being taken in the matter of forced labour by the I.L.O. but he was bound to say that in certain respects the report of the Committee on Forced Labour was disappointing. It was the new and vicious forms of forced labour which called for immediate and urgent action and he had hoped
to have Conclusions leading to an instrument which would be—to use Mr. O'Brien's words—short, sharp and effective. The Committee had not done this, and certain matters had been introduced into the Conclusions which, if translated into a Convention, would make it extremely difficult for many governments to vote for or to ratify the Convention. The preamble to point 3 contained a reference to concentration camps and the deportation of national minorities which raised questions of competence between the I.L.O. and the United Nations. He would have preferred merely to take note of these matters pending the results of discussions between the Director-General and the Secretary-General of the United Nations. He did not consider that these matters really belonged in a Convention dealing with forced labour. Referring to clause (d) of point 3, he appealed to the workers to consider the great difficulties which that particular provision raised, and the possibility that as a result of its inclusion certain governments would not be able to vote for or ratify the Convention. Clause (f) of point 3 was a matter for employer-worker relations and the protection of wages. It had nothing whatsoever to do with forced labour except that it attempted, by contrast to the previous clauses, to give another and completely new definition of forced labour.

Mr. Zuev, Workers' adviser, U.S.S.R., said that though originally the question of forced labour had been brought before international organisations in a tendentious and one-sided manner, the Committee had adopted a different approach. He considered, however, that it would be possible to improve the document by ensuring that it eliminated all forms of forced labour. It was necessary to broaden it and to adopt the three amendments submitted by the Government delegation of the U.S.S.R.

Mr. Rappard, Government delegate, Switzerland, stated that the federal Government of Switzerland had carefully and sympathetically examined the draft for a Convention but had decided not to take an active part in the discussion of this draft because the matter was not of national interest.

Mr. Ismail, Government delegate, Egypt, considered that their objective should be to eliminate forced labour wherever it existed. He hoped that the instrument finally adopted would have a wider scope. He would vote for any amendment which might bring help, however slight, to persons enduring forced labour.

Mr. Dluhoš, Government delegate, Czechoslovakia, stated that the attitude of his Government was that a broad and effective international instrument should be adopted which would have a substantial influence in suppressing and abolishing forced labour in all its forms and wherever it existed. For this reason his Government desired to widen the scope of the proposed Convention as much as possible and supported the
amendments proposed by the Government delegation of the U.S.S.R.

Mr. Manevich, Employers' adviser, U.S.S.R., stated that the great majority of the Committee had adopted a whole series of progressive points including those which referred to the defence of the rights of workers in all countries. He appealed to the Conference to support the proposals of the Government delegation of the U.S.S.R., which sought to eliminate forced labour in all its forms and aspects.

Mr. Astapenko, Government delegate, Byelorussia, felt that certain persons were worried by the fact that the original draft submitted had been changed and broadened. This had been achieved through a series of positive amendments. A business-like approach to the question and the need to eliminate all forms of forced labour wherever they might exist demanded that the Conclusions should be improved by the incorporation of the amendments proposed by the Government delegation of the U.S.S.R., and he supported these amendments.

Mr. Brown, Government delegate, Canada, said that the problem which was before the Committee for consideration was the situation in which the power of the State itself was used to exact from the worker labour or service against his will, in an attempt to correct his political or social opinions to suit the ideology of a particular government or as a regular part of the economic development programme. The Committee had allowed itself to be diverted from this purpose by taking into consideration the question of punishment for participation in strikes and another problem not very clearly set out which related to delay in payment of wages. Both these proposals were uncertain as to their full meaning and the scope of their application and were not related to forced labour. The two proposals were not consistent with the general text and might serve as a deterrent to ratifications. He also had doubts as to whether the reference to concentration camps and the deportation of national minorities in the preamble to point 3 fell within the scope of the I.L.O. He noted that the Committee had accepted this provision on the understanding that the fullest consultation of the United Nations and of governments would be necessary before the second discussion. His Government would vote against the amendments proposed by the Government delegation of the U.S.S.R. and would support the amendment proposed by the Employers' representatives. He wished to be recorded as abstaining on clause (d) of point 3. He expressed his appreciation of the willingness of the representative of the Government of the United States to defer the consideration of his amendment until the next session of the Conference. He hoped that in the meantime the Government of the United States would take another hard look at these proposals because his own Government considered that there were some very serious objections to their application.
Mr. Ago, Government delegate, Italy, was glad to see the proposals before them but felt bound to say that from the point of view of unity and logic he would have preferred the Conclusions to have been restricted to the problem of suppressing forced labour. He considered that it would have been better not to put the question of concentration camps and the deportation of national minorities in the same text as forced labour, especially as the examination of these matters was not entirely within the jurisdiction of the I.L.O. The Italian Government was obliged to make a reservation regarding clause (f) of point 3. The practices described in that clause did not have any place within the framework of an instrument on forced labour. The Italian Government therefore supported the amendment which proposed the deletion of this clause.

Mr. Weltner, Government adviser, Hungary, was glad that the question of forced labour was being discussed in the I.L.O. He thought that all forms of forced labour everywhere should be abolished and he would therefore support the additions proposed by the Government delegation of the U.S.S.R.

Mr. Naidu, Government representative, Federation of Malaya, said that certain delegates had stated that there was forced labour in some colonies. He wished to stress that there was no forced labour in Malaya.

Mr. Neklesa, Government adviser, Ukraine, supported the amendments proposed by the Government delegation of the U.S.S.R. which aimed at broadening the effect of the Convention.

The Conference then voted on the amendments before it. The first amendment submitted by the Government delegation of the U.S.S.R., proposing the addition of the words "wherever it is practised, whether in sovereign States or in non-self-governing territories" was rejected on a record vote by 58 to 114, with 37 abstentions.

A record vote was taken on the amendment submitted by members of the Employers' group proposing the deletion of clause (f) of point 3. The amendment was rejected by 62 votes to 125, with 21 abstentions.
CHAPTER II

PROPOSED TEXT

The text of a proposed Convention concerning the abolition of forced labour is given below. It is based on the Conclusions adopted by the International Labour Conference at its 39th Session. In accordance with paragraph 6 of article 39 of the Standing Orders of the Conference, governments are asked to communicate any amendments or comments so as to reach the International Labour Office in Geneva not later than 28 November 1956.

The preamble to the text of the Convention is in the standard form and takes account of point 2 of the Conclusions. Articles 1 and 2 conform to points 3 and 4 of the Conclusions.

There are certain questions to which the Committee and the Conference wished to draw the special attention of the governments. Governments are therefore particularly requested to give their views on these questions when communicating their comments on the proposed Convention.

Article 1 is in the form adopted by the Conference and includes a reference to concentration camps and the deportation of national minorities. As has been mentioned earlier, a number of governments had serious doubts as to whether such matters were within the purview of the I.L.O. and could appropriately be included in an international labour Convention. The Article was agreed to on the understanding that the Secretary-General of the United Nations would be consulted on the effect of including such a reference in an international instrument on forced labour adopted by the I.L.O., from the standpoint of the full co-ordination of effort between the United Nations and the International Labour Organisation and the avoidance of overlapping and duplication in the terms of international instruments dealing with related subjects. One element in the situation to which governments may wish to have regard is that the inclusion of provisions on these matters in the Convention would not be a mere statement of principle but would involve the International Labour Organisation assuming the responsibilities provided for in its Constitution in regard to the application of the provisions concerning concentration camps and the deportation of national minorities.

In accordance with the understanding recorded in the report of the Conference Committee and approved by the Conference, the Director-General has consulted the Secretary-General of the United Nations regarding the effect of the inclusion in the proposed Convention of refer-
ences to concentration camps and the deportation of national minorities from the standpoint of full co-ordination of effort between the United Nations and the International Labour Organisation, and the avoidance of overlapping and duplication in the terms of international instruments dealing with related subjects. By a letter of 26 July 1956 the Secretary-General has replied that, as regards this specific question, he "can do no more than endorse the position taken by both your representative and mine at the meeting of the Committee on Forced Labour, namely that any international consideration of these matters would appear to fall within the sphere of responsibility of the United Nations itself." He has also suggested that the general problem of avoiding undesirable duplication or inconsistencies in the texts of the proposed I.L.O. Convention on Forced Labour and the Draft Covenant on Civil and Political Rights, which is now under discussion by the General Assembly, should be further considered, and consultations on this subject are continuing.

The Conference agreed to clause (c) of point 3 of the proposed Conclusions, which now forms clause (c) of Article 1 of the proposed Convention, on the understanding that governments would be asked whether it was necessary to clarify the term "labour discipline". The Committee had taken note of an amendment submitted by the Government members of Brazil, Italy and Yugoslavia proposing the insertion after the words "labour discipline" of the words "imposed on workers for failure to comply with the contract, to observe works rules or to carry out orders".

With regard to clause (d) of the same Article relating to strikes, several Government delegates observed that the inclusion of this clause might make it difficult for governments, because of a mere legal technicality, to ratify the new Convention. It was also stated that this point was adequately covered by the previous clause relating to labour discipline.

With regard to clause (f) of point 3 of the proposed Conclusions, which now forms clause (f) of Article 1 of the proposed Convention, several delegates said that it did not logically follow the preamble to point 3 as it had been amended by the Committee. Other delegates, including the Government delegates of Australia, Canada, the Federal Republic of Germany, Italy, the United Kingdom and the United States, also referred to this clause and either stated that it did not properly belong in the proposed instrument as it dealt with matters which fell within the sphere of employer-worker relations and the protection of wages, or expressed reservations concerning it.

In the record vote taken on the amendment submitted by some members of the Employers' group, proposing the deletion of this clause, the delegates of the following 15 Governments voted in favour of the amendment: Australia, Canada, China, the Federal Republic of Germany, Ireland, Italy, Japan, the Netherlands, New Zealand, Norway, Portugal,
Switzerland, the Union of South Africa, the United Kingdom and the United States. The delegates of the following ten Governments abstained: Austria, Colombia, Denmark, Finland, France, India, Liberia, Mexico, Thailand and Viet-Nam. It would therefore appear that a number of governments have doubts regarding the appropriateness of this clause.

During the discussions in the Committee references were made to the fact that certain other international instruments already deal with the protection of wages and industrial relations and, in order to assist governments in considering the appropriateness of this clause, extracts from some of these instruments are given below.

PROTECTION OF WAGES CONVENTION, 1949

**Article 12**

1. Wages shall be paid regularly. Except where other appropriate arrangements exist which ensure the payment of wages at regular intervals, the intervals for the payment of wages shall be prescribed by national laws or regulations or fixed by collective agreement or arbitration award.

2. Upon the termination of a contract of employment, a final settlement of all wages due shall be effected in accordance with national laws or regulations, collective agreement or arbitration award or, in the absence of any applicable law, regulation, agreement or award, within a reasonable period of time having regard to the terms of the contract.

By 1 June 1956 the following 15 States had ratified this Convention: Austria, Bulgaria, Cuba, Ecuador, France, Greece, Guatemala, Italy, Mexico, the Netherlands, Norway, the Philippines, Poland, the United Kingdom and Uruguay.

SOCIAL POLICY (NON-METROPOLITAN TERRITORIES) CONVENTION, 1947

**Article 15**

1. The necessary measures shall be taken to ensure the proper payment of all wages earned and employers shall be required to keep registers of wage payments, to issue to workers statements of wage payments and to take other appropriate steps to facilitate the necessary supervision.

6. Unless there is an established local custom to the contrary, and the competent authority is satisfied that the continuance of this custom is desired by the workers, wages shall be paid regularly at such intervals as will lessen the likelihood of indebtedness among the wage earners.

7. Where food, housing, clothing and other essential supplies and services form part of remuneration, all practicable steps shall be taken by the competent authority to ensure that they are adequate and their cash value properly assessed.

8. All practicable measures shall be taken—

(a) to inform the workers of their wage rights ;

(b) to prevent any unauthorised deductions from wages ; and

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1 One Government delegate abstained, the other voted against the amendment.
(c) to restrict the amounts deductible from wages in respect of supplies and services forming part of remuneration to the proper cash value thereof.

By 1 June 1956 the Convention had been ratified by Belgium, France, New Zealand and the United Kingdom.

**Protection of Migrant Workers (Underdeveloped Countries)**

**Recommendation, 1955**

30. Unless there is an established local custom to the contrary, and the competent authority is satisfied, after consulting representatives of the workers or of their representative organisations, that the continuance of this custom is desired by the workers, wages should be paid regularly and at such intervals as will minimise the likelihood of indebtedness among the wage earners.

The Committee on Indigenous Populations set up by the International Labour Conference at its 39th Session held a general exchange of views on certain Conclusions submitted to it with a view to the adoption of a Recommendation. It was decided that these Conclusions would be considered by the next session of the Conference with a view to the adoption of a Recommendation by the single-discussion procedure. These Conclusions include provisions for the protection of the wages of indigenous workers, prohibiting the payment of any part of wages in the form of alcohol or other spirituous beverages or noxious drugs, and regulating the maximum amounts and manner of repayment of advances on wages and the extent to which and conditions under which deductions from wages may be permitted.

During the discussion in the Conference Committee on Forced Labour, reference was also made to the Draft Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, which is to be considered in August of this year by a Conference of Plenipotentiaries, convened under the auspices of the United Nations. Article 1 of this Draft Supplementary Convention states—

Each of the States Parties to the present Convention shall take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the following institutions and practices, where they still exist and whether or not they are covered by the definition of slavery contained in Article 1 of the Slavery Convention of 25 September 1926:

(a) debt bondage, i.e. the status or condition arising from a pledge by a debtor of his personal services or those of a third person under his control as a security for a debt, where the value reasonably assessed of those services rendered is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined;

(b) serfdom, i.e. the tenure of land whereby the tenant is by law, custom or agreement bound to live and labour on land belonging to another person and render some determinate service to his landlord whether for reward or not and is not free to change his status.
It may be recalled that at its 128th Session (Geneva, March 1955) the Governing Body welcomed the proposed adoption by the United Nations of a Supplementary Convention on Slavery and authorised the Director-General to communicate its comments on the draft text to the United Nations. At its 131st Session (Geneva, March 1956) the Governing Body expressed its satisfaction that the Committee appointed by the Economic and Social Council to prepare the text of the Draft Convention had taken fully into account the comments made by the Governing Body.

The Conference accepted the Committee's suggestion that the proposal submitted by the United States Government member relating to the prohibition of goods produced by forced or compulsory labour in international commerce should be considered during the second discussion. The proposal reads—

3. The proposed Convention should provide that international trade and commerce in goods produced by any forced or compulsory labour referred to in point 2 shall be prohibited.

4. The proposed Convention should provide that every Member of the International Labour Organisation which ratifies it should take effective measures to implement the obligation assumed under the terms of its ratification to secure either the immediate and complete abolition of forced or compulsory labour referred to in point 2, or the prohibition of international trade and commerce in goods produced by any such forced or compulsory labour, or both.

5. The proposed Convention should provide that a Member becomes a party to this Convention upon accepting the obligations of—

(a) the whole Convention;
(b) the whole Convention with the exception of point 2; or
(c) the whole Convention with the exception of point 3.

Each Member shall specify in its ratification in respect to which of these points it accepts the obligation of the Convention.

In accordance with the wishes of the Conference, governments may wish to pay special attention in their comments to the introductory sentence to Article 1, and to clauses (c) (d) and (f) of this Article, as well as to the proposal made by the United States Government representative.

Proposed Convention concerning the Abolition of Forced Labour

The General Conference of the International Labour Organisation, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fortieth Session on June 1957, and Having considered the question of forced or compulsory labour, which is the fourth item on the agenda of the session, and Having decided upon the adoption of proposals with regard to the abolition of certain forms of forced or compulsory labour, which constitutes a violation of the rights of man as enunciated by the Charter of the United Nations, and
Having determined that these proposals shall take the form of an international Convention, adopts this day of June of the year one thousand nine hundred and fifty-seven the following Convention, which may be cited as the Abolition of Forced Labour Convention, 1957:

**Article 1**

Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of forced or compulsory labour, concentration camps or the deportation of national minorities—

(a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established social, political or economic system;

(b) as a method of mobilising and using labour for purposes of economic development;

(c) as a means of labour discipline;

(d) as a punishment for having participated in strikes;

(e) as a means of racial, social, national or religious discrimination;

(f) as a consequence of the method of payment to the worker whereby his employer defers payment to a given date or postpones payment after the agreed date, thereby depriving the worker of a genuine possibility of terminating his employment, or where work is exacted from the worker in the form of bondage for debts or through systems of peonage.

**Article 2**

Each Member of the International Labour Organisation which ratifies this Convention undertakes to take effective measures to secure the immediate and complete abolition of forced or compulsory labour as specified in Article 1 of this Convention and to secure the immediate and complete abolition of all legal provisions and administrative practices and of any other particular measures prescribing or permitting such forced or compulsory labour.