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(PART IV)

International Labour Conference

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Third Item on the Agenda

**Information and Reports on the Application
of Conventions and Recommendations**

**REPORT OF THE COMMITTEE OF EXPERTS
ON THE APPLICATION OF CONVENTIONS
AND RECOMMENDATIONS**

(Articles 19, 22 and 35 of the Constitution)

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PART THREE

FORCED LABOUR

**General Conclusions on the Reports relating
to the International Labour Conventions and Recommendations
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GENERAL CONCLUSIONS ON THE REPORTS RELATING TO THE INTERNATIONAL LABOUR CONVENTIONS AND RECOMMENDATIONS DEALING WITH FORCED LABOUR AND COMPULSION TO LABOUR

GENERAL INTRODUCTION

1. Forced labour has no doubt existed at all times in various forms. For a long time, however, many other forms of economic, social and political constraint, and above all, slavery, prevented the peculiar features of forced labour as such from being discerned; thus world opinion has only relatively recently become conscious of the existence of systems of forced labour in certain countries.

2. It was mainly forms of forced labour for purposes of economic development which were first denounced, and dealt with in the Forced Labour Convention, 1930 (No. 29). This Convention, although of general application, took particular account of the situation in certain colonial countries and some independent States at a similar stage of development. Experience seems to have shown that recourse to forced labour for economic purposes scarcely seems to be possible without the use of other forms of constraint.

3. The existence of systems of forced labour as a means of political coercion was not revealed until very much later, mainly in fully self-governing countries. The abolition of such systems of forced labour was one of the principal objectives of the Abolition of Forced Labour Convention, 1957 (No. 105). Forced labour had of course been used in earlier times for the punishment of political opponents, but it hardly seems to have been used systematically for purposes of political coercion until recent times. In many countries persons convicted of political offences in fact have enjoyed—and still sometimes enjoy¹—a privileged position; their struggle was often identified with the fight to acquire “civil and political rights” and “fundamental freedoms”. It was thought scarcely conceivable to punish them with forced labour, far less to use forced labour as a means of their “political re-education”.²

4. It soon became clear, however, that the political liberation of the individual was not enough and that he had also to be liberated from certain economic, social and cultural constraints. In some countries an attempt was made to work towards this new objective while respecting as much as possible the fundamental freedoms which were already recognised. In other countries, however, it was thought that the rights of the individual must give way before those of the State; giving priority to economic independence, it was purported to improve the lot of man by placing restrictions particularly on the exercise of the civil and political rights of citizens. In some of these countries all fundamental freedoms were suppressed and ideological opposition to the established system became legally impossible. In others, civil and political rights could be exercised solely in one direction considered to be in accordance with the interests of the community, and all ideological opposition thus became

¹ See below, Chapter IV, para. 163.

² Until at least the eve of the First World War in certain countries persons convicted of political offences seem to have enjoyed a privileged position in public opinion, which distinguished them from
(footnote continued overleaf)

riminal. In both cases systems of forced labour for purposes of political coercion developed.

5. When reviewing in 1961 certain "aspects of social evolution in present and former non-metropolitan territories"¹, the Committee already described in broad outline the evolution over the past 40 years of the problem of forced labour mainly for economic purposes in a large number of countries where the 1930 Convention is in force. That review showed how the use of forced labour had progressively diminished in a large number of countries, and even disappeared, under the influence of movements of thought, international standards, the gradual political emancipation of the people and the general progress which had taken place in the economic and social sphere. The information available to the Committee this year on the whole confirms these findings. It also indicates the not inconsiderable progress which has been achieved in various countries in which the U.N.-I.L.O. *Ad Hoc* Committee on Forced Labour in 1953 found that there existed systems of forced labour for purposes of political coercion or economic development.

6. Yet, these forms of forced labour which the International Labour Organisation and the United Nations have unreservedly condemned are still rife in some countries. This is the conclusion which emerges from the information available on the situation of 168 countries²; a large part of this information has been supplied by governments in their reports on ratified Conventions (article 22 of the Constitution) or on unratified Conventions and on Recommendations (article 19). However, for various reasons, indicated below, the present review is only of a very preliminary character.

7. It is to be hoped, however, that this review will enable governments better to appreciate the extent of their international obligations and will inspire them to renounce the use of forced labour in all its forms, particularly in the furtherance of their country's economic development. For its part, in compliance with its terms of reference, the Committee, while noting the various political, economic and social conditions in different countries, and without expressing any view on the systems in these countries, will continue to examine from a purely legal point of view to what extent the countries which have ratified the Conventions on forced labour give effect in their national legislation and practice to the obligations deriving therefrom.

* * *

8. One member of the Committee, Mr. Gubinski, made reservations concerning certain statements contained in the report. These reservations were made primarily because he considered that the report went beyond the scope of the Conventions and Recommendations dealing with forced labour and compulsion to work. In his view, Article 2, paragraph 2 (c), of Convention No. 29 had excluded from the legal definition of "forced or compulsory labour" cases in which any work or service was exacted from any person as a consequence of a conviction in a court of law. He was of the opinion that Convention No. 105 had made no change on this point. Con-

common criminals. They were regarded rather as patriots fighting for national independence, political liberty or social progress. This privileged position manifested itself in various forms: favourable treatment in prison (no obligation to work, etc.); recognition of the right to political asylum abroad, etc.

¹ International Labour Conference, 45th Session, 1961, Report (III) (Part IV): *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Part Four, Chapter I, pp. 250-258 (available in offprint form). References to the reports of the Committee of Experts are hereafter indicated by the abbreviation "R.C.E.", followed by the year.

² Ninety-four States Members of the I.L.O. out of 102, and the 74 non-metropolitan territories.

sequently, Mr. Gubinski felt that the report had gone beyond the scope of the present study. He had in mind the parts analysing criminal jurisdiction and dealing with the problem of the imposition of penalties by courts of law. According to Mr. Gubinski this could not be justified by the fact that, under the various penitentiary systems, punishments might in certain cases involve an obligation to work.

9. The Committee is not able to accept the view expressed by Mr. Gubinski.

10. The Committee notes that the Convention of 1930 already in fact prohibits forced labour as a punishment if there is no conviction by a court of law; this is so, for example, in certain of the cases mentioned in the 1957 Convention, such as punishment for the expression of political views, labour discipline, or punishment for having participated in a strike. The Committee wishes to point out that, while the 1957 Convention supplements that of 1930, the two instruments are independent of each other and either or both of them may be ratified by different States. On the basis of the text of the 1957 Convention, the preparatory work leading to its adoption (including, in particular, the report of the U.N.-I.L.O. *Ad Hoc* Committee on Forced Labour), and the foregoing considerations, the Committee considers that, in referring to the use of "any form" of forced labour in the five cases mentioned in Article I, the Convention prohibits forced labour resulting from a conviction in a court of law as well as other forms of forced labour. On the other hand, the Convention of 1957 is not concerned with forced labour imposed in cases other than those mentioned in Article I and, for example, does not prohibit prison labour as a consequence of the conviction in a court of law of common offenders.

11. The Committee accordingly wishes to emphasise its conclusion: the imposition of forced labour in any of the five cases mentioned by the 1957 Convention is contrary to the Convention even if it results from a conviction by a court of law.

THE VARIOUS FORMS OF FORCED LABOUR

12. Forced or compulsory labour in the world takes a wide variety of forms: work done under threat of some kind of punishment, and work for which individuals do not offer themselves of their own free will. Some forms of work of the latter type—for example minor communal services, work or service exacted in cases of emergency, certain normal civic obligations—are not prohibited by the international standards so long as certain criteria are observed. Others may only be resorted to under certain conditions or in certain circumstances: this is the case as regards work or service exacted in virtue of compulsory military service laws, depending on whether or not it is of a purely military character; prison labour, depending on whether there has been a conviction in a court of law or not, whether private undertakings are involved or whether the work is done for the State, depending on whether such labour is exacted as a means of punishment or rehabilitation of offenders under common law, as a means of political coercion, as a means of labour discipline or as a punishment for having participated in strikes; forced labour resulting from various forms of compulsion to work which are more or less systematic or cumulative: enforcement of laws concerning vagrants and beggars, poll taxes, compulsory transfer of workers, compulsory prolongation of contracts, prohibition of a worker from terminating a contract of indefinite duration, compulsory or forced recruitment, passes or work-books, deportation or restricted residence. Finally, other types of forced or compulsory labour ought to be abolished: forced labour for general or local public works (building or maintenance of roads, bridges, irrigation, prevention of erosion, etc.); for compulsory cultivation; for transport; for underground work in mines;

forced labour for the benefit of private individuals; forced labour by way of collective punishment; forced labour as a means of racial discrimination; etc.

MAGNITUDE OF RESEARCH REQUIRED AND DIFFICULTIES ENCOUNTERED

13. The above list, which does not claim to be exhaustive, gives an idea of the difficulties met with in any comprehensive review of the forced labour problem. Firstly, it is very rare for forced labour to be dealt with in a single all-embracing enactment. It is therefore necessary, for each country, in addition to examining the constitutional provisions and enactments concerned particularly with labour questions (Labour Code, organisation of employment or recruitment services, legislation on trade unions and labour disputes, etc.), to seek out, translate and examine a very wide variety of texts: Penal Code and Code of Criminal Procedure; legislation on sedition or acts prejudicial to the security of the State; legislation on the press, censorship, societies, meetings, etc.; prison labour regulations; legislation on cases of *force majeure* and emergency; legislation on public works (soil conservation, construction and maintenance of roads, bridges, dams, canals, etc.); legislation on compulsory military service; legislation on vagrants and "anti-social" individuals; legislation on specific ethnic groups (aborigines or migrants). Annexed to this review will be found a list of the texts taken into consideration for each of the countries studied (Appendix I).

14. Another difficulty, peculiar to certain countries but which deserves mention, is that the legislative provisions currently in force have not all been published, or are never published, and sometimes are communicated only to the authorities responsible for enforcing them.

15. With reference particularly to the very far-reaching provisions of the Abolition of Forced Labour Convention, 1957 (No. 105), it is not always possible to appreciate the scope of the legislative texts examined simply by reading them. It is only by studying carefully the way in which these legislative texts are actually implemented in practice—particularly the court decisions by which effect is given to them—that one can be certain that the standards laid down by this Convention are really being observed. Furthermore, some of the forms of forced labour mentioned in this Convention may result from the systematic or simultaneous use of various forms of indirect compulsion, and it is therefore necessary in evaluating the position to be in possession of various factual data (statistics, etc.).

16. Finally, it should be borne in mind that the 1957 Convention is a recent instrument. In respect of the 1930 Convention, the Committee has over the years, as new ratifications took effect, been able to indicate the manner in which it seemed necessary to ensure its application, but this has not yet been possible for the 1957 Convention. The latter instrument was adopted by the International Labour Conference less than five years ago and has been in force for a little over three years. While some first reports on the application of this Convention were examined by the Committee in 1961, most of them were not received and examined until this year. Consequently, governments have not yet had an opportunity of supplying all the supplementary information requested of them, and the Committee has not yet been able to consider numerous points.

17. All these difficulties explain why this year's review will still be preliminary in character. The insufficient information available in respect of many countries has not made possible the thorough examination of legislation and practice which would

have been necessary. Although this review refers to the situation in a large number of countries, it does not contain equally detailed indications for each of them. The review is accordingly based mainly on examples, both as regards the situation in the various countries with respect to the problem of forced labour and as regards the difficulties to which the application of the 1957 Convention may give rise. It is only in the light of experience gained over a number of years that the application of this new Convention will be capable of more detailed analysis, drawing upon the documentation which it will have been possible to bring together and the information on the factual situation which governments, employers' and workers' organisations and possibly also other governmental and non-governmental organisations will supply to the I.L.O.

PLAN OF THE REVIEW

18. It seems possible to group the various forms of forced or compulsory labour under three main headings: forced labour for economic purposes; forced labour for social purposes, and forced labour for political purposes. The analysis of the available information will be given under these headings in three chapters. This division has been adopted only for the convenience of exposition, and does not imply that some particular form of forced labour reviewed here under one heading might not, depending on the way in which it is actually used, also find its place under another heading.¹ The analysis of the information available on the various forms of forced labour is preceded by a chapter dealing with forced labour in general (definitions; general prohibition of forced labour; general obligation to work; exceptions). Before proceeding to discuss these various questions, it will be useful to sketch briefly the international action taken in the field of forced labour, give a short outline of the international standards which are the subject of the present review—details of the provisions they contain being given in the chapters which follow—and state which countries are bound by both Conventions on forced labour. These Conventions, as will be seen, are in the forefront of those which have been accepted to the widest extent through the ratifications of member States and through the declarations prescribed by the I.L.O. Constitution in respect of non-metropolitan territories: almost half the member States and more than two-thirds of the non-metropolitan territories are bound by both Conventions.

INTERNATIONAL ACTION

19. Although as far as slavery was concerned the first texts adopted on the international level date back to the beginning of the 19th century, to the Congress of Vienna, the question of forced labour properly so called only became the subject of systematic study and standard-setting at the international level as a consequence of the work of the League of Nations as regards Mandated territories and of the discussions which took place at the League of Nations in regard to the Slavery Convention. In 1926 the I.L.O. Governing Body appointed a Committee of Experts on Native Labour, whose first task was the study of the systems of forced or compulsory labour existing at that time, especially in countries which were not self-governing. Its work led to the adoption in 1930 of the Forced Labour Convention

¹ To minimise this inconvenience, a large number of footnotes and cross-references have been included; this should make it possible to obtain a sufficiently complete over-all picture. It should also be recalled that, as observed by the U.N.-I.L.O. *Ad Hoc* Committee on Forced Labour, a combination of various practices or institutions may result in the establishment of a system of forced labour (see the report of that Committee (Geneva, 1953), pp. 125-127, paras. 553 ff.).

(No. 29), the Forced Labour (Indirect Compulsion) Recommendation (No. 35) and the Forced Labour (Regulation) Recommendation (No. 36). Even though that Convention took special account of the problems existing at that time in a certain number of colonial territories and in certain independent States at a similar stage of economic and social development, the Conference decided that it should be of general application.

20. The 1930 Convention came into force on 1 May 1932, or nearly 30 years ago. Since 1934 the Committee of Experts has dealt with a growing number of reports on the measures taken by States which have ratified it both for their metropolitan territory and for the territories for whose international relations they were responsible. Having due regard to the special character of this Convention, which authorised as a transitional measure the exaction of certain forms of forced labour "for public purposes and as an exceptional measure", in the initial stage the Committee endeavoured to make sure that the forms of forced labour prohibited by the Convention were not in fact used and to find out whether in countries where the legislation still authorised recourse to certain forms of forced or compulsory labour the use of such forced labour was governed by complete and precise regulations, as required by the Convention. Later on, by pointing to the achievements in this field of certain countries, and indicating how certain difficulties had been overcome, the Committee increasingly urged the governments concerned, in keeping with their international commitments, to suppress progressively all forms of forced labour.

21. In 1947 the question of forced labour was brought before the United Nations. Following the discussions which took place on this subject in the Economic and Social Council, the Governing Body of the I.L.O. and the United Nations Economic and Social Council set up the "U.N.-I.L.O. *Ad Hoc* Committee on Forced Labour", which was entrusted with carrying out an inquiry into certain forms of forced labour which had been alleged to exist both in States Members of the I.L.O. and in States which were not Members of that Organisation.

22. Meanwhile the Committee of Experts had observed that various forms of compulsory service and compulsion to work had been introduced in a number of countries where the 1930 Convention was in force under emergency measures adopted during the Second World War. However, as the situation reverted to normal, the Committee, which had not failed to draw the matter to the attention of governments, had the satisfaction of seeing these different forms of forced or compulsory labour gradually being abolished.

23. The inquiries carried out in 1951-53 by the U.N.-I.L.O. *Ad Hoc* Committee on Forced Labour, and subsequently by the I.L.O. Committee on Forced Labour (1956-59), revealed the existence in the world of systems of forced labour of a serious nature as a means of political coercion or for economic purposes. These vast surveys of forced labour paved the way for the adoption of a new Convention, the Abolition of Forced Labour Convention (No. 105), which was adopted unanimously, with one abstention, by the International Labour Conference in 1957.

DESCRIPTION OF INTERNATIONAL STANDARDS ON FORCED LABOUR

24. The Forced Labour Convention, 1930 (No. 29), provides for the progressive suppression of forced labour and, pending its suppression, its use only for public purposes and as an exceptional measure, subject to the conditions and guarantees set forth in detail in the various Articles of the Convention. Forced labour is defined in

such a way as to exclude certain clearly defined obligations (compulsory military service, certain civic obligations, certain forms of prison labour, work exacted in cases of emergency and minor communal services). The Convention calls, however, for the immediate abolition of forced labour in certain instances: for women; for men under 18 years of age; for men over 45 years of age; for disabled persons; where the work is for the benefit of private individuals or associations; in the case of work underground in mines; in the case of work for public purposes which is not of present or imminent necessity; in the case of compulsory cultivation which is not of present or imminent necessity and is not a precaution against famine or a deficiency of food supplies; when used as a method of collective punishment. Furthermore, it is forbidden to give persons who do not exercise administrative functions the power to exact forced labour. In all other cases, recourse to forced labour may be authorised provided that the work is of present or imminent necessity, only for public purposes and as an exceptional measure, subject to certain guarantees designed to protect the health, safety and welfare of the workers involved and ensure the continuance of normal family life and social relationships. Finally, various effective measures must be taken to ensure the application of the standards established by the Convention (detailed regulations, complaints procedures, penalties in the event of the illegal exaction of forced labour).

25. The Abolition of Forced Labour Convention, 1957 (No. 105), which is couched in very general terms, contains two substantive Articles. It calls for the immediate and complete abolition of five forms of forced labour:

- it is prohibited to make use of forced labour (1) “ 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 political, social or economic system ”;
- it is likewise prohibited to make use of forced labour (2) “ as a method of mobilising and using labour for purposes of economic development ”;
- it is, finally, prohibited to make use of forced labour (3) “ as a means of labour discipline ”, (4) “ as a punishment for having participated in strikes ”, or (5) “ as a means of racial, social, national or religious discrimination ”.

Moreover, the countries bound by this Convention must take effective measures to abolish these various forms of forced or compulsory labour.

26. It should be pointed out that neither the 1930 Convention nor the 1957 Convention contains provisions limiting the scope of their application in any way or excluding certain categories of workers. Intended to guarantee respect for certain fundamental rights of human beings, these Conventions are of general application and are designed to protect the entire population of the countries where they are in force.

27. The Forced Labour (Indirect Compulsion) Recommendation, 1930 (No. 35), exhorts governments, *inter alia*, to avoid taking measures resulting in indirect compulsion to labour through the imposition of excessively heavy taxation, through restrictions on the possession, occupation or use of land, through extension of the meaning of vagrancy or through the adoption of pass laws. Finally, the Forced Labour (Regulation) Recommendation, 1930 (No. 36), recommends the taking of certain measures to ensure that the regulations on forced labour receive sufficient publicity, to avoid the imperilling of the food supply, to ensure that the imposition of forced labour does not lead indirectly to the illegal employment of women and children on forced labour, to reduce the necessity for recourse to forced labour for transport and to see that no alcoholic temptations are placed in the way of workers engaged in forced labour.

RATIFICATIONS AND DECLARATIONS OF APPLICATION

28. Of all the Conventions adopted up to now by the International Labour Organisation, the Forced Labour Convention, 1930 (No. 29), has received the greatest number of ratifications by member States, and its provisions have been accepted in respect of the greatest number of non-metropolitan territories. In all, 147 countries are bound by this Convention: it has been ratified by 80 States, or nearly 80 per cent. of member States¹; it has been declared applicable to 67 territories, or more than 90 per cent. of non-metropolitan territories.² Twenty-two States³ and seven territories⁴ are not bound by that Convention. The Abolition of Forced Labour Convention, 1957 (No. 105), for its part, is applicable to 106 countries. Ratified by more than half the member States (54 ratifications)⁵ less than five years after its adoption, it is among the ten Conventions out of the 116 adopted which have received up to now the greatest number of ratifications; it has been declared applicable to 52 non-metropolitan territories.⁶ Forty-eight States⁷ and 22 terri-

¹ *Albania, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussia, Cameroun, Central African Republic, Ceylon, Chad, Chile, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, Finland, France, Gabon, Federal Republic of Germany, Ghana, Greece, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Japan, Liberia, Libya, Malagasy Republic, Malaya, Republic of Mali, Mauritania, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Peru, Poland, Portugal, Rumania, Senegal, Sierra Leone, Somali Republic, Spain, Sudan, Sweden, Switzerland, Syrian Arab Republic, Tanganyika, Togo, Ukraine, U.S.S.R., United Arab Republic, United Kingdom, Upper Volta, Venezuela, Viet-Nam, Yugoslavia.*

² *Australia*: Nauru, New Guinea, Norfolk Island, Papua; *Belgium*: Ruanda-Urundi (with modification); *Denmark*: Faroe Islands, Greenland; *France*: Algeria, Comoro Islands, French Guiana, French Polynesia, French Somaliland, Guadeloupe, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon; *Netherlands*: Netherlands Antilles, Surinam, Netherlands New Guinea; *New Zealand*: Cook Islands and Niue, Tokelau Islands; *Spain*: Spanish Guinea, Spanish West Africa; *United Kingdom*: Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jamaica, Jersey, Kenya, Malta, Isle of Man, Mauritius, Montserrat, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Trinidad and Tobago, Uganda, Zanzibar.

³ *Afghanistan, Bolivia, Canada, China, Colombia, Ethiopia, Guatemala, Iraq, Jordan, Kuwait, Lebanon, Luxembourg, Panama, Paraguay, Philippines, El Salvador, Republic of South Africa, Thailand, Tunisia, Turkey, United States, Uruguay.*

⁴ *Republic of South Africa*: South West Africa; *United States*: American Samoa, Guam, Trust Territory of Pacific Islands, Panama Canal Zone, Puerto Rico, Virgin Islands.

⁵ *Argentina, Australia, Austria, Belgium, Canada, Chad, China, Costa Rica, Cuba, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, Finland, Gabon, Federal Republic of Germany, Ghana, Guatemala, Guinea, Haiti, Honduras, Iceland, Iran, Iraq, Ireland, Israel, Ivory Coast, Jordan, Kuwait, Libya, Malaya, Mexico, Netherlands, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, El Salvador, Senegal, Sierra Leone, Somali Republic, Sweden, Switzerland, Syrian Arab Republic, Tanganyika, Tunisia, Turkey, United Arab Republic, United Kingdom.*

⁶ *Australia*: Nauru, New Guinea, Norfolk Island, Papua; *Belgium*: Ruanda-Urundi; *Denmark*: Faroe Islands, Greenland; *Netherlands*: Netherlands Antilles, Surinam, Netherlands New Guinea; *United Kingdom*: Aden, Antigua, Bahamas, Barbados, Basutoland (with modification), Bechuanaland (with modification), Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jamaica, Jersey, Kenya, Malta, Isle of Man, Mauritius, Montserrat, North Borneo, Northern Rhodesia (with modification), Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands (with modification), Southern Rhodesia, Swaziland (with modification), Trinidad and Tobago, Uganda, Zanzibar.

⁷ *Afghanistan, Albania, Bolivia, Brazil, Bulgaria, Burma, Byelorussia, Cameroun, Central African Republic, Ceylon, Chile, Colombia, Congo (Brazzaville), Congo (Leopoldville), Czechoslovakia,*

tories¹ are not bound by this Convention. Out of a total of 176 countries (102 States Members and 74 non-metropolitan territories), only 19 countries (12 States Members² and seven non-metropolitan territories³) are bound by neither of these two Conventions.

REPORTS EXAMINED

29. It is particularly to be regretted that eight of the States which are bound by neither of these two Conventions—Afghanistan, Colombia, Ethiopia, Lebanon, Panama, Paraguay, Thailand and Uruguay—should not have sent the reports requested on unratified Conventions and on Recommendations under article 19 of the Constitution, and that it should therefore not have been possible to take account of the situation in these eight States. On the other hand, information has been supplied in respect of all non-metropolitan territories. As usual the present review takes into account all the available information, in particular the information supplied by governments in their reports, whether these were submitted under article 22 of the I.L.O. Constitution in respect of the application of ratified Conventions or under article 19 in respect of unratified Conventions or Recommendations. Annexed to this review may be found a table (Appendix II) showing the reports requested and received under article 19.

RELATIONSHIP BETWEEN THE TWO CONVENTIONS

30. In all, 96 countries—44 member States⁴ and 52 non-metropolitan territories⁵—are bound by both Conventions on forced labour. As noted by the Committee on Forced Labour in its report to the Conference in 1957, the new Convention and the Forced Labour Convention, 1930, are quite independent. The new Convention may be regarded as supplementing the 1930 Convention but does not constitute a formal

Ethiopia, France, Greece, Hungary, India, Indonesia, Italy, Japan, Lebanon, Liberia, Luxembourg, Malagasy Republic, Republic of Mali, Mauritania, Morocco, New Zealand, Nicaragua, Panama, Paraguay, Rumania, Republic of South Africa, Spain, Sudan, Thailand, Togo, Ukraine, U.S.S.R., United States, Upper Volta, Uruguay, Venezuela, Viet-Nam, Yugoslavia.

¹ *France* : Algeria, Comoro Islands, French Guiana, French Polynesia, French Somaliland, Guadeloupe, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon; *New Zealand* : Cook Islands and Niue, Tokelau Island; *Republic of South Africa* : South West Africa; *Spain* : Spanish Guinea, Spanish West Africa; *United Kingdom* : Fiji; *United States* : American Samoa, Guam, Trust Territory of Pacific Islands, Panama Canal Zone, Puerto Rico, Virgin Islands.

² *Afghanistan, Bolivia, Colombia, Ethiopia, Lebanon, Luxembourg, Panama, Paraguay, Republic of South Africa, Thailand, United States, Uruguay.*

³ *Republic of South Africa* : South West Africa; *United States* : Virgin Islands, American Samoa, Guam, Trust Territory of Pacific Islands, Panama Canal Zone, Puerto Rico.

⁴ *Argentina, Australia, Austria, Belgium, Chad, Costa Rica, Cuba, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, Finland, Gabon, Federal Republic of Germany, Ghana, Guinea, Haiti, Honduras, Iceland, Iran, Ireland, Israel, Ivory Coast, Libya, Malaya, Mexico, Netherlands, Niger, Nigeria, Norway, Pakistan, Peru, Poland, Portugal, Senegal, Sierra Leone, Somali Republic, Sweden, Switzerland, Syrian Arab Republic, Tanganyika, United Arab Republic, United Kingdom.*

⁵ *Australia* : Nauru, New Guinea, Norfolk Island, Papua; *Belgium* : Ruanda-Urundi; *Denmark* : Faroe Islands, Greenland; *Netherlands* : Netherlands Antilles, Surinam, Netherlands New Guinea; *United Kingdom* : Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jamaica, Jersey, Kenya, Malta, Isle of Man, Mauritius, Montserrat, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Trinidad and Tobago, Uganda, Zanzibar.

revision of that Convention.¹ Countries which are bound by both Conventions must therefore ensure the cumulative application of both Conventions. The information supplied by governments in their reports makes it possible to appreciate the scope of the obligations deriving from this cumulative application of the two Conventions. The subject will be gone into in more detail in the chapters which follow.

CHAPTER I

Forced Labour

General Comments: Definitions; General Prohibitions; Obligation to Work; Exceptions

INTRODUCTION

31. Before the information available on forced labour imposed for economic purposes, forced labour imposed for social purposes, and forced labour imposed for political purposes, is examined, the scope of this study should be clearly indicated through consideration of certain questions. The international or national definitions of forced labour must be taken into consideration. Mention must also be made of the general legal provisions existing in certain countries, either to prohibit forced labour and state the penalties for non-compliance, or to establish the principle that all citizens must work. A definition must also be given of certain specific exceptions to the general prohibition of forced labour, such as compulsory military service, civic obligations, prison labour, work in the case of *force majeure* and minor communal services.

DEFINITIONS OF FORCED LABOUR

32. The Forced Labour Convention, 1930 (No. 29), gives the following definition of forced or compulsory labour:

... all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

However, certain obligations (compulsory military service, certain civic obligations, certain forms of prison labour, work exacted in cases of *force majeure* and minor communal services) are not considered as forced or compulsory labour for the purposes of this Convention. These exceptions will be examined in detail below.

33. A further distinction had already been established between forced labour as such and various forms of indirect compulsion to labour, some of which were listed in the Forced Labour (Indirect Compulsion) Recommendation, 1930 (No. 35). Other forms of compulsion to labour (recruitment, long-term employment contracts, penal sanctions for breach of employment contracts) were subsequently dealt with by other Conventions whose scope was limited to specific categories of workers.² The application of these Conventions in a number of countries where they are in force was covered in a general study by the Committee in 1961.³

¹ See International Labour Conference, 40th Session, Geneva, 1957: *Record of Proceedings* (Geneva, I.L.O., 1958), Appendix VII, p. 708: Report of the Committee on Forced Labour, para. 6.

² Recruitment of Indigenous Workers Convention, 1936 (No. 50); Contracts of Employment (Indigenous Workers) Convention, 1938 (No. 64); Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65); Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86); Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104).

³ *R.C.E.*, 1961, pp. 258-262.

34. It has been found from experience, as the Committee has already pointed out¹, that it is not always possible to distinguish between law and practice as regards forced labour in the strict sense and practice with regard to the various forms of compulsion to labour. This was also noted in 1953 by the U.N.-I.L.O. *Ad Hoc* Committee on Forced Labour, whose report stated—

the systems of forced labour . . . found to exist in some . . . countries . . . raise new problems. . . . Such systems of forced labour affecting the working population of fully self-governing countries result from various general measures involving compulsion in the recruitment, mobilisation or direction of labour . . . these measures, taken in conjunction with other restrictions on the freedom of employment and stringent rules of labour discipline—coupled with severe penalties for any failure to observe them—go beyond the “general obligation to work” . . . contemplated in . . . Convention No. 29.²

35. When they were questioned by the International Labour Office regarding the definition of forced labour to be included in the proposed new Convention³, certain governments suggested that the scope should be extended.⁴ It was decided, however, to limit the prohibition under the new Convention to three specific categories—and subsequently five categories—of forced labour. It was thus considered pointless to insert a definition in the Abolition of Forced Labour Convention, 1957 (No. 105). The Convention stipulates, however, that in the five cases listed, “any form of forced or compulsory labour” must be abolished.

36. In a fairly large number of countries legislation does not seem to include any definition of forced or compulsory labour. However, in most non-metropolitan territories and in most States which have become independent since the end of the Second World War, legislation contains a definition which frequently reproduces word for word or follows very closely the terms of the definition in the 1930 Convention.⁵

RIGHT TO FREE CHOICE OF EMPLOYMENT, PROHIBITION OF COERCION, ETC.

37. In many countries, even in the absence of any precise legislative definition, the national Constitution, whether written or unwritten, proclaims or “acknowledges” individual rights or prohibits certain actions, with varying scope and precision. Taken together with the provisions of the Penal Code or with the possibility of *habeas corpus* proceedings, these provisions seem on the whole sufficient to protect individuals against *unlawful* imposition of forced labour.⁶ It is clear, however, that

¹ *R.C.E.*, 1961, p. 250.

² See *Report of the Ad Hoc Committee on Forced Labour*, op. cit., pp. 126-127, paras. 557 ff.

³ Cf. I.L.O.: *Forced Labour*, Report VI (1), International Labour Conference, 39th Session, 1956 (Geneva, 1955), pp. 18-19 and p. 28, questions 4 and 5.

⁴ *Idem*, Report VI (2) (Geneva, 1956), pp. 14-17 and p. 72.

⁵ It should be noted that the definition of forced labour in the Labour Code of the French Overseas Territories (I.L.O., *Legislative Series*, 1952—Fr. 5) repeats the definition given in the 1930 Convention, but without the exceptions authorised in this text. However, certain former French Overseas Territories appear to have restored some of these exceptions in the new Labour Codes promulgated since their independence. Some have even brought in new exceptions which seem incompatible with the Convention. (See below, Chapter II, paras. 78 and 79.)

⁶ See, for example, *Austria* (Basic Law of 21 December 1867, articles 6, 7, 8, 18; Constitution, article 149; Penal Code, sections 98-100, 101, 103); *British Guiana* (Summary Jurisdiction (Offences) Ordinance, section 27); *British Honduras* (Labour Ordinance, section 151); *Brunei* (Penal Code, section 374); *Burma* (Constitution, section 19; Penal Code, section 374); *Cameroun* (Labour Code, sections 2, 228; Act of 11 April 1946, sections 1, 3); *Central African Republic* (Labour Code, sections 4, 228; Act of 1946, sections 1, 3); *Chad* (Constitution, article 5; Labour Code, sections 2, 228; Act of 11 April 1946, sections 1, 3); *Congo (Brazzaville)* (Labour Code, sections 2, 228; Act of

(footnote continued overleaf)

any such provisions become inoperative when legislation itself stipulates that forced labour may be imposed¹, or when the absence of any "rule of law" leaves the individual at the mercy of the established authorities or their representatives. The information available in respect of certain countries is not sufficient to show whether effect is given to Article 25 of the 1930 Convention and Article 2 of the 1957 Convention.²

OBLIGATION TO WORK

38. In several national Constitutions the provisions declaring human rights are supplemented by reference to citizens' obligations. These sometimes include the obligation to work.³ In some countries this obligation is stated or confirmed in special legislative provisions.⁴ Most of the governments questioned regarding the practical consequences of obligations thus defined in their Constitution or law, state that they amount to a "moral obligation". In some countries the moral obligation to work seems to have scarcely any practical consequences. However, it is necessary that such provisions should not take more specific forms resulting in the imposition

11 April 1946, sections 1, 3); *Cyprus* (Penal Code, section 248); *Dahomey* (Labour Code, sections 2, 228; Act of 11 April 1946, sections 1, 3); *Denmark* (Penal Code, sections 150, 154, 260, 261, 262); *Dominican Republic* (Penal Code, sections 114, 186, 341, 416); *Ecuador* (Constitution, articles 161, 170, 187; Labour Code, section 3); *Fiji* (Labour Ordinance, section 57); *Finland* (Penal Code, Chapter XXV, sections 9, 12, and Chapter XL, section 2); *Gabon* (Labour Code, sections 2, 228; Act of 11 April 1946, sections 1, 3); *Gambia* (Criminal Code, section 242; Forced Labour Ordinance, sections 4, 5); *Federal Republic of Germany* (Basic Law, article 12; Penal Code, section 240); *Ghana* (Labour Ordinance, section 110); *Gilbert and Ellice Islands* (Labour Ordinance, sections 57, 58); *Greece* (Constitution, article 4); *Greenland* (Criminal Code, sections 66, 67); *Guinea* (Labour Code, section 291); *Haiti* (Constitution, article 23; Labour Code, sections 2, 4, 8; Penal Code, sections 289-293); *Hong Kong* (Criminal Intimidation Ordinance); *India* (Constitution, article 23; Penal Code, article 374); *Israel* (Criminal Code Ordinance, section 291); *Ivory Coast* (Labour Code, sections 2, 228; Act of 11 April 1946, sections 1, 3); *Japan* (Constitution, articles 18, 22; Penal Code, sections 220, 223; Labour Standards Law, sections 5, 117); *Kenya* (Penal Code, section 261); *Malaya* (Constitution, article 6; Penal Code, section 374); *Republic of Mali* (Labour Code, sections 2, 228; Act of 11 April 1946, sections 1, 3); *Mauritania* (Labour Code, sections 2, 228; Act of 11 April 1946, section 1); *Netherlands* (Civil Code, section 2; Penal Code, section 284); *Curaçao* (Civil Code, section 2); *Netherlands Antilles* (Penal Code, sections 297, 381); *Niger* (Labour Code, section 2; Act of 11 April 1946, section 1); *Nigeria* (Labour Code Ordinance, sections 115-116; Criminal Code, sections 366-367); *North Borneo* (Penal Code, section 374); *Norway* (Penal Code, Chapter XXI, sections 222, 225); *Poland* (Penal Code, sections 248-252); *El Salvador* (Penal Code, sections 451, 319, 324); *Sarawak* (Penal Code, section 374); *Senegal* (Labour Code, sections 3, 249; Act of 11 April 1946, sections 1, 3); *Seychelles* (Penal Code, section 251); *Sierra Leone* (Sierra Leone Constitution; Order-in-Council, 1961, section 15; Prohibition of Forced Labour Ordinance, section 3); *Singapore* (Penal Code, section 374); *Solomon Islands* (Labour Regulation, section 75); *Switzerland* (Penal Code, sections 181, 182, 312); *Tanganyika* (Employment Ordinance, sections 22, 122); *Togo* (Labour Code, sections 2, 288; Act of 11 April 1946, sections 1, 3); *Tunisia* (Penal Code, sections 103, 105; Act of 14 December 1960, section 6); *Turkey* (Constitution, articles 40, 42; Code of Obligations, section 29; Penal Code, section 188); *Uganda* (Penal Code, section 243; District Administration (District Councils) Ordinance, 1955, section 36); *United Kingdom* (Habeas Corpus Acts, 1640-1816); *Upper Volta* (Labour Code, sections 2, 228; Act of 11 April 1946, sections 1, 3); *Viet-Nam* (Constitution, article 14; Labour Code, sections 8, 352).

¹ Unless the law has been formally declared unconstitutional or repealed.

² This appears to be the case in particular for the following countries: *China, Congo (Leopoldville), Cuba, Czechoslovakia, Hungary, Jamaica, Isle of Man, Morocco, Portugal, Ruanda-Urundi, Rumania, Swaziland, Ukraine, U.S.S.R., United Arab Republic, Venezuela*.

³ *Albania* (article 13); *Brazil* (article 145); *Bulgaria* (article 14); *Byelorussia* (article 12); *Costa Rica* (article 56); *Ecuador* (article 170); *Guatemala* (article 112); *Hungary* (article 9); *Nicaragua* (article 93); *Poland* (article 14); *Rumania* (article 15); *Spain* (Charter, article 24); *Turkey* (article 42); *Ukraine* (article 12); *U.S.S.R.* (article 12); *Yugoslavia* (article 32).

⁴ *Malagasy Republic* (Labour Code, section 2); *Portugal* (Native Labour Code, section 3); *Spanish Guinea* (Native Labour Ordinance of 9 November 1953); *U.S.S.R.* (Decree of the Praesidium of the Supreme Soviet of the R.S.F.S.R., dated 4 May 1961).

of forced labour. The authorities should not find any justification to put a broad interpretation on legislative provisions that are vaguely worded.¹

THE "EXCEPTIONS" UNDER THE 1930 CONVENTION

39. The absence of any definition of forced or compulsory labour in the 1957 Convention led certain governments² to question the effective scope of this Convention. They were particularly concerned to know to what extent ratification of the Convention might result in their being prohibited from applying any form of forced labour in the cases covered by the exceptions under the 1930 Convention. This is a matter of particular importance for the numerous countries bound by both Conventions and therefore required to apply their provisions cumulatively. The following brief indications show in what cases and subject to what conditions the 1957 Convention still permits recourse to be had to the exceptions laid down in the 1930 Convention.

Compulsory Military Service

40. The first exception stated in the 1930 Convention relates to work or service performed during compulsory military service. Article 2, paragraph 2 (a), of the Convention states that the term "forced or compulsory labour" shall not include "any work or service exacted in virtue of compulsory military service laws for work of a purely military character".

41. In most countries having a system of compulsory conscription it seems that the army is generally used for work of a "purely military character", in accordance with the Convention. The army may be used and is used in a number of these countries for work in cases of *force majeure* which most often is not of a "purely military character". Where these are genuine cases of *force majeure*, as defined in the Convention³, the Committee felt that there was no cause for comment: in cases of *force majeure* all citizens, including persons performing military service⁴, may be required to work.

42. A certain number of countries have not yet supplied the necessary information regarding the application of this provision of the 1930 Convention.⁵

43. In some of the countries for which information has been supplied, some doubt has arisen regarding the nature of work performed by an army recruited through compulsory conscription, for it is obvious that when the army is composed solely of "volunteers" the question of forced labour cannot in principle arise.⁶ In

¹ See paras. 58 to 64, below (forced labour in cases of *force majeure*; Chapter II, paras. 85 and 86; Chapter III, para. 122; Chapter IV, paras. 167 and 168).

² In particular, the Government of Japan. See I.L.O.: *Summary of Reports on Unratified Conventions and on Recommendations*, Report III, Part II, International Labour Conference, 46th Session, Geneva, 1962 (Geneva, 1962), p. 18.

³ See paras. 58 to 64, below.

⁴ Similarly, in wartime, many persons subject to mobilisation are not drafted into the army but are either "directed" to perform non-military work or "requisitioned" to perform such work. This is clearly a case of *force majeure*.

⁵ This is the case, for example, in *Brazil, Byelorussia, Costa Rica, Czechoslovakia, Ecuador, Haiti, Pakistan, Rumania, Sudan, Ukraine, U.S.S.R., Venezuela*. There is information suggesting that consideration is being given in France to a project whereby the army would be used for economic development purposes in some of the Overseas Departments.

⁶ Provided, of course, that contracts of a fixed term are not unilaterally extended by the State, that contracts of unspecified duration can be terminated, and that the conditions laid down in the contracts are respected. Regarding this question, see below, Chapter II, para. 82.

some cases¹, it appears that the army is used for work which is not of a purely military character, such as bridge and road building or agricultural work.² In such cases it is clear that, in accordance with the 1930 Convention, the use of the army for work of this nature must be abolished "within the shortest possible period"³ and under the 1957 Convention "abolished immediately". A very similar problem, which arose in 1930 at the time of the adoption of the Convention, concerning the use in public works of general interest of persons liable to conscription not called up for the army⁴, arises today in one country.⁵ Additional information is necessary for some countries where the available legislation appears to admit of differing interpretations.⁶

44. It was also necessary to decide to what extent work or services to which conscientious objectors are directed in countries where their status is recognised should be considered as forced labour under the terms of the 1930 Convention. In this connection the Committee took into consideration the fact that in such cases conscientious objectors are in a more favourable situation⁷ than in countries where their status is not recognised and where refusal to wear uniform is considered an offence (and is therefore punishable by imprisonment—accompanied by prison labour—after trial by a court of law, which normally comes within the terms of the exception provided for under Article 2, paragraph 2 (c), of the Convention).⁸

45. In as far as work or service performed under laws concerning compulsory military service is in fact of "a purely military character", it does not seem that any problem could arise regarding application of the 1957 Convention.⁹

Normal Civic Obligations

46. The application of Article 2, paragraph 2 (b), of the 1930 Convention concerning the "normal civic obligations" of citizens has not so far caused any particular difficulties. In practically all countries, apart from the civic obligations covered by particular provisions of the Convention (minor communal services, work or service exacted in case of *force majeure*, military service), there are certain additional legal obligations such as jury service, the obligation to assist a person in danger, or a representative of the public law and order and, in certain cases, the obligation to vote and to participate in an electoral college.¹⁰ However, it is obvious that, contrary to

¹ *Bolivia, Greece, Guatemala, Honduras, Israel.* See below, Chapter II, paras. 77 ff.

² In some countries (see in particular the report of *Guinea* for the period 1960-61), the army is used for agricultural work to provide food for the army, or, in a case of emergency or famine, for the population at large. Such practices may clearly lead to abuse, and the Committee has found it necessary to request information regarding the extent of such work.

³ In the meantime, such work must naturally be strictly regulated in accordance with the 1930 Convention. See below, Chapter II, para. 99.

⁴ See *R.C.E.*, 1961, p. 256.

⁵ *Bulgaria*—see *R.C.E.*, 1961, p. 43. See also below, Chapter II, para. 77.

⁶ *Norway, Sierra Leone, Tunisia* (see below, Chapter II, para. 76).

⁷ Article 19, para. 8, of the Constitution of the I.L.O.

⁸ See below, paras. 47-57.

⁹ See, however, concerning forced labour as a means of labour discipline, as a punishment for striking and as a means of discrimination, Chapter III. It would not be impossible to use compulsory military service as a form of political coercion, as a means of discrimination, etc. This being so, and since the 1957 Convention prohibits "any form of forced or compulsory labour" in five specific cases, such discriminatory practices would seem to come within the terms of the Convention.

¹⁰ Certain countries have supplied no information on normal civic obligations; e.g. *Austria, Brazil, Byelorussia, Czechoslovakia, Guinea, Honduras, Hungary, Iceland, Iran, Pakistan, Venezuela.*

what has been suggested¹, it is not possible to consider as "normal civic obligations" of citizens, as covered by the 1930 Convention, work undertaken for public purposes that is covered by other provisions in the Convention, such as public works of general or local importance (as opposed to minor communal services), compulsory cultivation, etc. In addition, the use of such work is prohibited by the 1957 Convention in so far as it constitutes "a method of mobilising and using labour for purposes of economic development".² The 1957 Convention does not, however, contain any provision prohibiting normal civic obligations in the limited sense described above.³

Prison Labour

47. Prison labour is dealt with in Article 2, paragraph 2 (c), of the 1930 Convention, according to which the term "forced or compulsory labour" shall not include "any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations".⁴

48. By stipulating that persons forced to perform work should have been convicted "in a court of law", the Convention implicitly demands that all the guarantees prescribed by the general principles of law recognised by civilised nations be granted: presumption of innocence; equality before the law; regularity and impartiality of proceedings; independence and impartiality of courts; guarantees necessary for defence; non-retroactivity and clear definition of criminal law, etc.⁵ Nevertheless, the Committee does not consider that the information at its disposal enables it to be certain that this situation obtains in every country in which the Convention is in force.⁶

49. In some countries persons under detention who have not been convicted by a court of law may be required to perform work (apart from the normal jobs connected with cleaning their cells, etc.).⁷ As the Committee has pointed out, such practices are not in conformity with the Convention. On the other hand, there is no objection to detained persons having the right to work *at their own request*, in accordance with the recommendations of the United Nations Congress on the Prevention of Crime and the Treatment of Offenders.⁸

50. The question has also arisen as to whether, under the 1930 Convention, conviction by a court of law is necessary in all cases in order that prison labour should be exacted. In a number of countries some delinquents (children or adoles-

¹ R.C.E., 1961, p. 43 (*Bulgaria*). If this suggestion were accepted, the 1930 Convention would become pointless and the requirement stated in the preceding paragraphs that work should be of "a purely military character" would have no further meaning.

² In *Gambia (United Kingdom)* certain obligations of this type have been abolished to permit application of the Convention. See below, para. 191.

³ It hardly seems conceivable that *normal* civic obligations could be used for any of the prohibited purposes mentioned in the 1957 Convention.

⁴ Certain countries have not supplied sufficient information on the application of this provision, e.g. *Brazil, Guinea, Iraq, Portugal, Viet-Nam*.

⁵ See, in particular, Articles 7 to 11 of the Universal Declaration of Human Rights, and Articles 14 and 15 of the Draft Covenant on Civil and Political Rights (as adopted by the Third Committee of the United Nations General Assembly).

⁶ See, however, Chapter IV, para. 175, below.

⁷ *Mexico, Portugal* (see also para. 47, above).

⁸ See in particular the Standard Minimum Rules for the Treatment of Prisoners, as approved by the First Congress, Geneva, 1955.

cents) are not actually *convicted*, if they are found guilty of an offence, but are sent to an institution (or for re-education)¹ or for corrective treatment, by simple *judicial* decision. This is frequently the case also for persons guilty of certain offences (such as vagrancy, mendicancy, alcoholism).² In this connection, the Committee has taken into account the fact that these simplified procedures are generally instituted in the interests of the delinquents themselves, who thus enjoy a "more favourable" situation, but it believes that it should still insist that *all guarantees of defence* should be granted in view of the special circumstances.³

51. However, persons who have not been found guilty by judicial decision of an offence should not be required to do forced labour, even as a result of a decision by a court of law in the absence of a finding of guilt.⁴ As regards decisions which are not given by a court of law, including in particular administrative decisions, labour imposed thereunder must be considered forced labour to be suppressed in accordance with the 1930 Convention. The Committee has already found it necessary to draw attention to this matter.⁵

52. The Committee has also considered several questions regarding the system of work for convicted persons. Should a distinction be made between the system of hard labour and the "normal" work exacted from persons sentenced to imprisonment? The 1930 Convention makes no distinction here. Examination of the information available shows that as regards compulsion to labour there is no fundamental difference between the two systems if regulations applying in countries where "hard labour" has been abolished⁶ are compared with those in countries where the distinction is still made.⁷

53. The Committee has been faced with other more complex questions in connection with labour by convicted persons: may they in certain cases work for private individuals? It should be noted in this connection that, whereas Article 4 of the 1930 Convention prohibits forced labour "for the benefit of" private individuals, Article 2, paragraph 2 (c), only states that convicted persons shall not be "hired to or placed at the disposal of private individuals"; it is also stated, however, that work must always be carried out "under the supervision and control of a public authority".

54. The available information shows that in most countries the various systems of prison labour⁸ are in accordance with the above requirements of the Convention. This clearly applies to all systems in which private interest plays no role (*régie*).⁹

¹ The discipline of these institutions varies considerably from country to country or between different areas or establishments in the same country (pilot or experimental institutions); however, in most cases there is compulsion to work and there does not always seem to be a clear distinction between this and the type of compulsion in prisons.

² A similar problem arises in the case of mental patients for whom work is used as a form of therapy. It is not certain that all the necessary guarantees are ensured in all cases.

³ The taking of such decisions by administrative authorities should *a fortiori* be excluded.

⁴ See para. 49 above. See also below, Chapter IV; deportation, forced residence, etc., paras. 174 ff. It is not clear from the information supplied by the following countries whether prison labour may be exacted only after conviction by a court of law: *Bulgaria, Byelorussia, Cameroun, Ecuador, Hungary, Iran, Japan, Pakistan, Ukraine, Venezuela*.

⁵ In the case of *Sweden*, for instance, R.C.E., 1960, p. 32.

⁶ E.g. *United Kingdom*.

⁷ E.g. *France*.

⁸ For a detailed description of these systems, see *Prison Labour*, United Nations, 1955, ST/ SOA/SD/5.

⁹ The state account system; the state use system; and the public works and ways system. See below, Chapter II, para. 104. The last of these systems seems the most likely to be used in particular circumstances for economic development purposes.

The same situation seems to apply in systems where individuals are neither "hired to" nor "placed at the disposal of" private undertakings which provide the raw materials and sell the products and in addition, the work by convicted persons is performed under the supervision and control of the prison authority.¹

55. On the other hand, the lease system practised by certain countries² does not offer the guarantees stipulated under the Convention; under this system outside work is performed for the benefit of private individuals who are either wholly or partly responsible for the maintenance and supervision of prisoners and for control of their work. There are, however, in certain countries³ forms of lease work which are covered by numerous guarantees (remuneration corresponding to existing wage levels plus social security contributions; consent of trade unions, etc.) and which are based exclusively on the labour of *volunteers*. Such systems do not appear to be incompatible with the Conventions. As the Committee pointed out in 1955, the employment of convicted persons by private individuals or associations does not fall within the scope of the provisions of the Convention where such persons *voluntarily* accept such employment and where there exist all necessary safeguards to ensure that this condition is observed.⁴

56. The same conclusion applies for the systems used in recent years in certain countries⁵ where, during the period preceding release, certain selected convicted persons agree to work for private employers outside the prison.

57. Since the 1957 Convention was to supplement the 1930 Convention⁶, it does not contain any general prohibition of forced labour. It only provides for the abolition of forced or compulsory labour, in "any form", when it is used as a means of political coercion, for purposes of economic development, as a means of labour discipline, as a punishment for having participated in strikes, or as a means of discrimination.⁷ The 1957 Convention does not therefore prohibit forced or compulsory labour, and *a fortiori* prison labour, except when it is used in one of the above five instances; for example, it does not prohibit the exaction of prison labour from a common offender found guilty of theft, fraud, murder, assassination, etc. From the consideration of the available information, in the following three chapters, it will be possible to see in what circumstances and to what extent prison labour which may be used for one of the five purposes specified in the 1957 Convention must be abolished in accordance with that Convention.

Work in Cases of "Force Majeure"

58. Work and services exacted in cases of *force majeure* are not considered as forced labour for the purposes of the 1930 Convention, which defines such work as being exacted:

in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population.

¹ These systems are the "contract system" and the "piece-price system". See footnote 8 of this paragraph (p. 208).

² E.g. *Republic of South Africa*. It is not possible to judge, on the basis of the information available with regard to the following countries, whether in this respect the guarantees laid down in the Convention are observed: *Brunei, Burma, Canada, Central African Republic, Dominican Republic, Guatemala, Honduras, Liberia, Seychelles, Sudan, Tunisia*.

³ E.g. *United Kingdom*.

⁴ *R.C.E.*, 1955, p. 43.

⁵ E.g. *Denmark, France, Netherlands, Norway, Sweden, United Kingdom*.

⁶ See above, General Introduction, para. 30.

⁷ See para. 25 above.

59. In most countries for which sufficient information is available legislation providing the possibility to direct persons to work in cases of *force majeure* and decisions taken under such legislation come within the above definition. However, decisions under such legislation are not always communicated in reports and the Committee regrets therefore that it is unable in such cases to be sure that the legislation is, in practice, applied in accordance with the Convention. In many cases the law establishes various guarantees to prevent the authorities from misusing the powers conferred on them in the case of *force majeure*: these include the requirement that, unless it is absolutely impossible, decisions should be taken in accordance with certain procedures¹; strict limitation of the duration for which a state of emergency may be declared²; possibility of appeal to judicial or other tribunals. Obviously, the need to obtain as full information as possible regarding practical application is even more pressing when there are no legal guarantees of this kind.

60. The legislation relating to cases of *force majeure* in force in certain countries is so broad that it does not exclude the possibility of recourse to forced labour in certain circumstances which are not truly cases of *force majeure*.³ In some other countries the legislation purporting to deal with these questions is so general that it may be used to impose forced labour irrespective of the circumstances.⁴ In such cases the Committee must naturally insist that existing legislation be modified or supplemented.

61. Finally, the available information relating to a certain number of countries does not make it possible to determine to what extent and in what manner certain work or services may be exacted in cases of *force majeure*, or to visualise clearly the circumstances considered as constituting such cases.

62. In view of the above comments, it will of course be necessary in the following chapters to refer to the situation in the various countries concerned with regard to forced labour for economic purposes⁵, forced labour as a means of labour discipline or as a punishment for having participated in strikes⁶, and forced labour as a means of political coercion.⁷

63. The application of Article 2, paragraph 2 (*d*), of the 1930 Convention has raised various questions which have made it possible to explain more clearly to governments the exact scope of these provisions. With regard to compulsory cultivation, for example, the Committee has had to stress the fact that compulsory cultivation "of present or imminent necessity"⁸ intended "as a method of precaution against famine or a deficiency of food supplies" is expressly covered by Article 19 of the Convention and should not be considered as coming within the scope of work which may be exacted in the case of *force majeure*.⁹ Similarly, concerning public works—

¹ Consultation of specific bodies or assemblies; obligation to report to particular authorities; adequate publicity for the decision; requirement to announce each requisition of labour, etc.

² The maximum duration often decreases in descending order of the governmental or administrative hierarchy; also, the formal consent of the superior authorities is frequently required for a new decision relating to the same situation or to renew the original decision.

³ See below, Chapter II, para. 85.

⁴ See below, Chapter II, para. 86.

⁵ See below, Chapter II, paras. 85 to 87 and 89.

⁶ See below, Chapter III, paras. 115, 119 and 132 to 134.

⁷ See below, Chapter IV, paras. 167 and 168.

⁸ Article 9 (*b*) of the Convention.

⁹ See the observations and direct requests to various countries. However, it does seem that compulsory cultivation which might have to be imposed as the result of disasters jeopardising the harvest would come within the terms of cases of *force majeure*, provided that it was imposed in order to preserve the existence or well-being of the whole or part of the population.

whether of local ¹ or of general importance—it has had to be pointed out ² that the Convention establishes a distinction between:

- normal construction and maintenance work which, although for public purposes, is not “of present or imminent necessity”; use of forced labour for such work is absolutely prohibited under the 1930 Convention;
- work for public purposes “of present or imminent necessity”, which, while having a certain character of urgency, is not intended to combat a calamity or threatened calamity; use of forced labour for such work is authorised by the 1930 Convention only “as an exceptional measure” and subject to the conditions laid down in various Articles of the Convention; and
- work to combat a calamity or threatened calamity, that is to say work in actual cases of *force majeure*; use of forced labour for such work is authorised by the 1930 Convention.

64. Apart from enabling the meaning of the term “*force majeure*” to be more exactly determined in applying the 1930 Convention, these indications should also permit governments to realise that the 1957 Convention, which contains no general prohibition of forced labour, does not prohibit use of forced labour in cases of *force majeure* as thus defined, when there are guarantees to prevent abuse.³ Even if certain work performed in cases of *force majeure* may contribute to the economic development of a country, use of forced labour in case of *force majeure* does not appear to be prohibited by the 1957 Convention, which states that forced or compulsory labour must be abolished “as a method of mobilising and using labour for purposes of economic development”. However, it must be a genuine case of *force majeure* endangering “the existence or the well-being of the population” and not aimed at economic development.⁴

Minor Communal Services

65. The 1930 Convention does not treat “minor communal services” as forced labour. The Convention defines these terms as follows:

minor communal services . . . performed by the members of the community in the direct interest of the said community . . . provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

66. According to the available information, it seems that in an increasing number of countries the possibility of using coercion to impose such minor services has disappeared. Such work is now performed by paid voluntary labour employed by the community or concessionary undertakings (or outside contractors). However, in a large number of countries—and particularly in regions where the population still lives in a subsistence economy—“minor communal services” are still widely used. Some questions have arisen regarding the exact scope of this expression and the Committee has on several occasions had to specify ⁵ criteria in order to ensure that the limits laid down in the Convention are observed:

- the services must be “minor”, that is to say essentially maintenance work and, in exceptional cases, the erection or improvement of buildings to improve the

¹ Which should be distinguished from “minor communal services”. See paras. 65 to 67 below.

² E.g. direct request to *India* in 1960.

³ See para. 59 above.

⁴ If legislation relating to so-called cases of *force majeure* makes it possible to impose forced labour in one or the other of the four other cases specified in the 1957 Convention, such legislation should be modified or supplemented.

⁵ See in particular *R.C.E.*, 1961, p. 256.

social conditions of the population of the community itself (a small school, a medical consultation and treatment-room, etc.);

- the services must be “communal” services performed “in the direct interest of the community” of the village and not works intended to benefit a much wider group;
- finally, the population “itself”, i.e. the members of the community which has to perform the services or their “direct” representatives, e.g. the village council, must have the right to be consulted in regard to the need for such services.

67. If it is correct, as stressed by the Committee itself in 1961, that social development is itself a factor in economic development, should it be concluded that the 1957 Convention requires the abolition of forced labour for such “minor services”? It seems that the answer must be in the negative if certain conditions are respected: such minor services cannot be considered as constituting by themselves measures sufficient to “mobilise” manpower and to use it for economic development purposes¹, provided that they are decided upon by the members of each community or their “direct” representatives.

CHAPTER II

Forced Labour for Economic Purposes

INTRODUCTION

68. The temptation to have recourse to forced labour to ensure the economic development of a country is not new. History offers us many examples, and one need not look far into the past to find them. As the Committee recalled in 1961, development needs were invoked in colonial territories after the abolition of slavery to justify the use of certain forms of compulsion: forced labour, penal sanctions, etc.² More recently, between the two world wars, one country in Europe instituted a compulsory labour service for all young persons not conscripted into an army whose strength was limited by treaties.³ Finally, the existence in certain countries of systems of forced labour for purposes of economic development was established in 1953 by the U.N.-I.L.O. *Ad Hoc* Committee on Forced Labour.

69. However, it was essentially forms of forced labour for economic purposes whose immediate or gradual suppression was provided for by the Forced Labour Convention, 1930 (No. 29). As has been noted⁴, the 1930 Convention provides for the immediate abolition of the following main forms of forced labour: for the benefit of private individuals (whatever the nature of the work); for underground work in mines; for public works (which are not of present or imminent necessity), for com-

¹ When the population itself or its direct representatives decide to perform such work it hardly seems conceivable that forced labour falling within one of the five cases specified in the Convention of 1957 could be involved.

² R.C.E., 1961, op. cit. p. 321.

³ See especially the Act of 26 June 1935 on the Reich Labour Service and the Decree of the Führer-Chancellor (I.L.O., *Legislative Series*, 1935, Ger. 8). It would appear that this system developed into a system of forced labour for political indoctrination (see paras. 2 and 18 above).

⁴ See above, para. 25.

pulsory cultivation (other than that of present or imminent necessity or as a method of precaution against famine or a deficiency of food supplies). It also provides for the gradual suppression of all other forms of forced labour not yet abolished, especially for local or general public works and for compulsory cultivation. Finally, it is clear that, by undertaking to "suppress the use of forced or compulsory labour in all its forms within the shortest possible period"¹, governments bound by this Convention have forgone all possibility of recourse to any new forms of forced labour or to any forms which have already been abolished (except in genuine cases of *force majeure* in accordance with the provisions of this Convention examined above²).

70. The Abolition of Forced Labour Convention, 1957 (No. 105), provides for the immediate abolition of any form of forced or compulsory labour "as a method of mobilising and using labour for purposes of economic development". This provision of course covers the various forms of forced labour for economic ends for whose abolition, immediate or gradual, the 1930 Convention provided; but it also refers to other forms of forced labour revealed by the inquiry of the U.N.-I.L.O. *Ad Hoc* Committee on Forced Labour in 1953, on which the 1957 Convention was based.

71. As has been seen³, in the period before the Second World War attempts were made to distinguish between forced labour proper (defined in the 1930 Convention) and various means of compulsion to labour. The inquiries made after the war established that in fact vast systems of forced labour for economic purposes could result from the combination of various methods of compulsion to work: measures of a general nature involving a certain degree of constraint in recruiting, assigning or transferring labour; preventing workers from terminating their employment contracts or compulsorily extending contracts; penal sanctions for breaches of contracts or for maintaining labour discipline; restrictions on freedom of movement or employment by means of passes and workbooks; abusive application of vagrancy laws, etc.⁴

72. In so far as these various methods of compulsion to labour—or certain of them—are used more or less systematically or simultaneously, they may in practice lead to the establishment of systems of forced labour permitting the mobilisation and use of labour for purposes of economic development.⁵

73. The examination of available information for the different countries will therefore first deal with the forms of forced labour for economic purposes covered by both the 1930 and the 1957 Conventions. Various other methods of coercion can then be briefly reviewed, the use of which may be contrary to the Convention of 1957 and some of which were already mentioned in the Forced Labour (Indirect Compulsion) Recommendation, 1930 (No. 35).

FORMS OF FORCED LABOUR COVERED BY THE TWO CONVENTIONS

74. Among the various forms of forced labour for economic purposes covered by the two Conventions one may identify, on the basis of the available information: systems relying upon a compulsory labour service (including work not of a purely

¹ Article I, para. 1, of the 1930 Convention.

² See above, paras. 58 to 64.

³ See above, paras. 33 and 34.

⁴ *Report of the Ad Hoc Committee on Forced Labour*, op. cit. paras. 553 ff.

⁵ Provided, of course, that it is not a matter of labour in actual cases of *force majeure*. See above, paras. 58 to 64.

military character performed by an army recruited by compulsory conscription); forced labour required for public purposes under general or special legal provisions (public works, compulsory cultivation, portage); forced labour for the benefit of private individuals.

Compulsory Labour Services

75. In the large majority of countries no organised system of compulsory labour service exists; furthermore, as has already been indicated, in those countries in which the army is recruited by compulsory conscription the work done by the army seems generally to be of "a purely military character".¹ However, some countries have not provided the information requested in this connection by the Committee; it therefore regrets that it is not able to confirm that in these countries a compulsory labour service for work of a "purely military character" is not in fact imposed under the laws governing military service.²

76. In some countries the legislation does not permit one to ascertain whether, within the framework of their military duties, certain persons may not, in peacetime, be forced to perform work or services of a non-military character.³

77. Repeatedly questioned on whether, in compliance with the 1930 Convention, work and services required under compulsory military service legislation had "a purely military character", the government of one country admitted that all persons liable to call-up under the Act of 1958 concerning regular military service could not be enrolled in the armed forces, by virtue of the restrictions imposed by a Peace Treaty, and that those who could not be assigned to military service were enlisted in the Special Labour Services (construction work and agricultural work, the period of labour service being two years).⁴ The Committee was therefore bound to indicate that such compulsory labour services were expressly forbidden by the 1930 Convention because the work was not of "a purely military character". It further underlined that, contrary to what the government seemed to suggest, such work could also not be considered as part of the citizens' "normal civic obligations".⁵

78. The Committee regrets to note that in some other countries various forms of compulsory labour services which may be used for economic development have recently been instituted.⁶ In several cases the formula adopted is that instituted in Madagascar in 1927 and extended to certain other French territories: all young men liable to call-up who were not enlisted in the armed forces to perform their compulsory military service constituted a "second contingent" used at the Government's discretion for public works in the general interest. As the Committee has indicated⁷, this

¹ See above, para. 41.

² E.g. *Brazil, Byelorussia, Costa Rica, Czechoslovakia, Ecuador, Haiti, Pakistan, Rumania, Sudan, Ukraine, U.S.S.R., Venezuela.*

³ *Norway* (Act. of 17 July 1957, sections 7 and 13); *Sierra Leone* (Constitution, section 15); *Tunisia* (Act of 10 January 1957, section 4).

⁴ *R.C.E.*, 1961, pp. 43-44 (*Bulgaria*).

⁵ See above, para. 46.

⁶ *Chad* (Ordinance No. 2 of 27 May 1961, sections 4 and 7); *Congo (Brazzaville)* (Act No. 16/61 of 16 January 1961, section 4, and Act No. 17/61, section 4, of the same date); *Gabon* (Legislative Decree of 6 December 1960, section 7, and Act No. 19/61 of 12 May 1961, section 4); *Ivory Coast* (Act 61-209 of 12 June 1961, section 19, and Act No. 61-210, section 2, of the same date); *Malagasy Republic* (Labour Code, section 2, and Ordinance No. 60-118 of 30 September 1960, section 5); *Mali* (Act of 11 June 1960, section 1, and Decree No. 301 of 29 October 1960, sections 1 and 2); *Senegal* (Ordinance No. 60/54 of 14 November 1960, sections 21 and 26).

⁷ See especially *R.C.E.*, 1961, p. 256.

system was, after much debate, not accepted by the Conference in 1930: under the 1930 Convention work of this kind executed under the laws governing military service, but not of "a purely military character", must be considered as forced labour and suppressed in compliance with the Convention.

79. France, which had originally made its ratification of the Convention subject to a modification for certain non-metropolitan territories providing for the use of this second military contingent, subsequently cancelled this modification with a view to the complete application of the Convention.¹ All the countries in question which are bound by the 1930 Convention² are obliged, in compliance with Article 1, to "suppress the use of forced or compulsory labour in all its forms within the shortest possible period". They are therefore bound not to institute new forms of forced labour and not to reintroduce those already abolished. Two other countries³ have indicated that the creation of a compulsory civic service is under consideration or envisaged; the Committee hopes that in view of the above comments these plans will be abandoned.

80. One fairly similar system is found in other countries where the army, recruited by compulsory conscription, is used for work not of "a purely military character" (construction work on roads⁴; agricultural work⁵). In one case the Government has indicated on different occasions that this work was to provide "vocational training" with a view eventually to carrying out work of a purely military character, that more and more civilian workers were being employed on such work⁶, and finally that it was done by the army "mainly for financial reasons".⁷

81. In most countries students wishing to obtain a diploma or a permanent position in certain professions are bound to serve a limited preparatory or probationary period in the profession concerned. This kind of obligation, whose non-fulfilment is generally sanctioned only by the refusal of the diploma or position desired, cannot be regarded as constituting forced labour. This is also the case where, before undertaking certain lengthy and expensive studies financed by the State or by other public or private bodies, students must agree to be employed for a specific period in certain positions when they have completed their studies, subject to repayment of the costs of their education on their failure to do so.⁸ It likewise seems unobjectionable, when admission to higher forms of education is gained by competition, that a number of the places available should be reserved for students who have not been successful in previous competitions and who have accepted certain forms of employment during a

¹ I.L.O.: *Official Bulletin*, Vol. XXXVII, pp. 372-373.

² Certain of these countries (*Chad, Gabon, Ivory Coast, Senegal*) are also bound by the Convention of 1957, which obliges them to abolish forced labour as a method of mobilising or using labour for purposes of economic development.

³ *Cameroun, Niger*. See Report III (Part II) 46th Session, 1962, op. cit., pp. 15 and 23. According to certain information, plans for using the army for economic development purposes would seem to be under consideration in France for some of the Overseas Departments.

⁴ *Greece*. See especially *R.C.E.*, 1960, p. 30.

⁵ *Israel*. Direct requests made in 1960, 1961 and 1962 regarding the 1930 Convention and in 1961 and 1962 regarding the 1957 Convention.

⁶ *Greece*. See *R.C.E.*, 1961, p. 44.

⁷ *Greece*. See I.L.O.: *Record of Proceedings*, International Labour Conference, 45th Session (Geneva, 1961), Appendix VI, Second Report of the Committee on the Application of Conventions and Recommendations, p. 747 (Geneva, 1962).

⁸ On the other hand, the unilateral prolongation of such a contract would, except in cases of emergency (see paras. 58 to 64 above), have to be regarded as forced labour falling within the Conventions (see para. 82 above).

specific period.¹ In some countries, on the other hand, all students who have completed their studies, including often young workers who have finished their vocational training may, on pain of various punishments, be compulsorily impressed—sometimes for periods which may be as long as three years—into forms of employment which need not necessarily bear any relation to the technical or professional training which they have received.² Such a system appears to constitute forced or compulsory labour within the meaning of the international labour Conventions.

82. It appears also that one must regard as forced labour the systems in operation in certain countries³ whereby, subject to various penalties, contracts of employment of indefinite duration may not be terminated by the worker by reasonable notice and the period of fixed-term contracts may be unilaterally prolonged by the public authorities.⁴ The same is true of cases in which workers may, subject to various penalties, be transferred without their consent from one undertaking to another which the public authorities regard as requiring “priority”.⁵

83. Finally, in some countries the combined application of various *compulsory* administrative formalities (recruitment or registration, passes, workbooks, etc.) and certain punishments (work discipline, strict or abusive application of laws relating to vagrants or other provisions for the suppression of “idleness”) may lead and often in fact leads to a system of forced labour.⁶ Thus in one country⁷ all young persons from 18 to 23 years of age who have been resident for more than six months in urban centres and who cannot give proof of regular employment are liable to compulsory service either in rural settlement centres or on works of national interest.⁸ The Committee is of course aware that in a number of countries where a great proportion of the people are still living in a subsistence economy there exist various problems of transition, particularly with regard to young people attracted to urban centres. The Committee nevertheless considers that nothing justifies the adoption of such coercive measures, which may in practice be used in order to obtain cheap labour, and which are contrary to the Conventions on forced labour; it should, in the Committee’s view, be possible to adopt a policy for the creation of employment and to have recourse to techniques of persuasion.

*Possibility of Requiring Forced Labour for Public Purposes
under Emergency Provisions, etc.*

84. Disregarding the various cases of compulsion considered in Chapter I (military service, normal civic obligations, prison labour, *force majeure* and minor communal services), which, subject to the observance of certain criteria, are not regarded as forced or compulsory labour, it appears that in the great majority of countries no legal possibility exists for having recourse to forced labour for economic purposes.

¹ This seems to be the system recently introduced in the U.S.S.R.

² E.g. *Rumania* (Decision of the Council of Ministers No. 1434 of 1956, section 23).

³ E.g. *Hungary* (Labour Code, sections 28, 30, 32 and 36).

⁴ *Spanish Guinea* (unless he receives permission from the administration, a native is *bound* to conclude a contract; Ordinance of 9 November 1953 regulating native labour, sections 27, 47 and 55).

⁵ E.g. *Czechoslovakia* (Act of 17 October 1958, sections 5 and 6).

⁶ See also paras. 105 to 108 below.

⁷ *Congo (Brazzaville)* (Act No. 44/59 of 2 October 1959, sections 2 and 5).

⁸ In this country (see paras. 78 and 79 above) young persons liable to compulsory military service may also be assigned to civilian work.

85. In some countries¹, however, as has been shown, the law governing *force majeure* is so broad that the possibility of imposing forced labour for economic purposes (beyond cases of *force majeure* proper) is not excluded. Thus under emergency legislation, which provided for the requisitioning of employees of the essential services, it was possible for one of these countries to order the requisitioning of hotel and restaurant employees. In these countries it is desirable that the law be revised and clarified to avoid all interpretations of this kind and that the possibility be considered of providing adequate guarantees to this effect. In any case it is obviously imperative that the governments endeavour to give in their annual reports as complete information as possible on the different cases in which the legal provisions under consideration have been invoked.

86. The laws in other countries are couched in such general terms that it seems possible to invoke them to prescribe forced or compulsory labour in all or nearly all circumstances; as, for example, when the law provides for the requisitioning of persons "when circumstances warrant it"² or "to carry out shock operations or work of extreme urgency which cannot be delayed by reason of its importance"³, or "to avoid a menace to the country's economy"⁴, or in cases "of shortage of labour in carrying out important state work"⁵. It is clearly not sufficient in such cases that governments in their reports give the assurance that these provisions are obsolete⁶ or are only used in cases of *force majeure* properly so-called⁷; it is absolutely imperative, for the application of international standards, to repeal, to modify or to supplement the legal provisions in question.⁸

¹ E.g. *Cyprus* (Supplies and Services (Transitional Powers) Order, 1946, section 79 A); *British Guiana* (Emergency Order, section 49); *British Honduras* (Constitution Ordinance, cap. 3); *India* (various state laws and regulations); *Israel* (Emergency Regulations (Mobilisation of Manpower) Ordinance, 1948); *Kenya* (Preservation of Public Security Ordinance); *New Zealand* (Protection of Public Security Ordinance, 1932); *Singapore* (Emergency Regulations Ordinance); *Southern Rhodesia* (Emergency Powers Act, 1960); *Zanzibar* (Emergency (Miscellaneous) Regulations, 1961).

² *Congo (Brazzaville)* (Act No. 24/60, section 1).

³ *Czechoslovakia* (Government Order No. 40 of 1953, section 1).

⁴ *Hungary* (Labour Code, section 139).

⁵ *Ukraine* (Labour Code, section 11); *U.S.S.R.* (Labour Code of the R.S.F.S.R., section 11).

⁶ *U.S.S.R.*

⁷ *Hungary*.

⁸ Governments might have regard, for example, to the following provisions which, subject to minor variations, are in force in several countries:

(a) *Requisitioning of Persons.*

Compulsory services "to maintain public safety, peace and health in exceptional circumstances due to accident, commotion, shipwreck, flood, fire, epidemic or other calamities, or in cases of brigandage, looting, the actual commission of offences or disturbances".

(b) *Proclamation of a State of Emergency.*

"1. If at any time it appears to the Government that any action has been taken or is immediately threatened by any persons or body of persons of such a nature and on so extensive a scale as to be calculated, by interfering with the supply and distribution of food, water, fuel, or light, or with the means of locomotion, to deprive the community, or any substantial portion of the community, of the essentials of life, the government may, by proclamation, declare that a state of emergency exists.

No such proclamation shall be in force for more than one month, without prejudice to the issue of another proclamation at or before the end of that period.

2. Where a proclamation of emergency has been made the occasion thereof shall forthwith be communicated to the Houses of the Legislature.

3. The Houses of the Legislature shall meet immediately.

4. (1) Nothing in this Act shall be construed to authorise the making of any orders imposing any form of compulsory military service or industrial conscription.

(2) Nothing in this Act or any order made under this Act shall make it an offence for any person or persons to take part in any strike or peacefully to persuade any other person or persons to take part in a strike."

87. Finally, information concerning some countries¹ is not sufficient to allow the Committee to ascertain whether labour or services required under the law governing cases of *force majeure* are effectively required only in cases of *force majeure* properly so called, or whether these provisions could be used to impose forced labour. The same applies for countries² which have not yet given the information requested on this subject.

Forced Labour for Public Works

88. In some countries³ the law expressly provides for the possibility in normal times of requiring the population or a part of the population⁴ to perform forced labour for the execution of public works such as building and repairing roads, bridges, dams, etc., laying irrigation and drainage systems, protecting soil against erosion, etc. The Committee considers that these obligations should now be abolished.

89. In some cases⁵, public works of this nature may be required under legal provisions which clearly give too wide a scope to the notion of *force majeure*. In others these public works may be required under provisions which, while purporting to relate to "minor communal services" in reality permit the execution of work of only indirect benefit to the members of the community from whom the work is required, or which is for the benefit of more than the village community.⁶ In this connection, the Committee has already stressed the various criteria for work to be considered as "minor communal services" properly so called.⁷ It also wishes to underline especially that one of the fundamental guarantees in this respect consists in the right of the population itself or its direct representatives to take the decision calling for work of this kind.⁸

90. Local or general public works can also, contrary to the provisions of the Convention, be required in the various countries mentioned above whose legislation allows all kinds of forced labour to be imposed for public purposes, under general provisions which can apparently be invoked whatever the circumstances and whatever the work.⁹

91. Finally, the Committee must recall that under the 1957 Convention all forms of forced or compulsory labour for economic purposes must be abolished immediately in all countries where the Convention is in force. When only the 1930 Convention is

¹ Japan, Mali, Malta, Mauritania, Morocco, Tunisia.

² E.g. Austria, Brazil, Guinea, Haiti, Iceland, Pakistan, Portugal, Rumania, Venezuela.

³ This seems to be the case in Burma, China, Congo (Leopoldville), Fiji, Kenya, Liberia, Northern Rhodesia, Portugal (Overseas Provinces), Ruanda-Urundi, Solomon Islands, Southern Rhodesia, Sudan, Swaziland.

⁴ In some of these cases the question arises to what extent the forced labour thus required ought not to be considered forced labour "as a means of discrimination". See below, Chapter III.

⁵ See above, paras. 86 and 87.

⁶ Basutoland, Bechuanaland, Canada, Cook Islands, Denmark, Gilbert and Ellice Islands, India, Kenya, Nigeria, Sarawak, Solomon Islands, Tokelau Islands.

⁷ See above, Chapter I, paras. 65 to 67.

⁸ The information concerning certain countries is insufficient to indicate whether minor communal services in fact exist; e.g. Dominican Republic, Ecuador, Greenland, Spain, U.S.S.R. Moreover, the following countries have provided no information on the subject: Austria, Brazil, Byelorussia, Costa Rica, Czechoslovakia, Guinea, Iceland, Iran, Pakistan, Portugal, Rumania, Sudan, Ukraine, United Arab Republic, Venezuela.

⁹ See above, para. 86.

in force, the legislation permitting the imposition of this sort of work should contain precise regulations under which all the guarantees provided for in the various Articles of the Convention are granted.¹

Compulsory Cultivation

92. The power to impose compulsory cultivation is expressly provided for in the legislation of a number of countries.² In certain of these countries the law contains fairly precise provisions giving, in compliance with the 1930 Convention, all the necessary guarantees to the people of whom such forced labour may be required. In some of the countries, the legislation concerning compulsory cultivation applies only to a part of the agricultural population.³

93. Finally the question arises whether and to what extent, under various legal provisions, a system of compulsory cultivation is required of private farmers and members of co-operatives of agricultural producers in certain countries.

94. The Committee considers that the international standards require that all forms of compulsory cultivation be abolished.

Forced Labour for Transport

95. Provisions permitting the imposition of forced labour for transport are at present in force only in a very few countries.⁴ In one case the law permits the requisitioning of porters in situations which apparently cannot be considered cases of *force majeure*.⁵

96. In one case ⁶ the Committee has repeatedly pointed out that the legislation relating to portage—which moreover does not contain all the guarantees laid down in the 1930 Convention—is still in force more than 30 years after the entry into force of the Convention for the country concerned. A no less serious case is that of a country where this form of forced labour had been legally abolished and where new legislation permits the requisitioning for these purposes of inhabitants of regions deprived of mechanised transport.⁷

Forced Labour for the Benefit of Private Individuals

97. In accordance with the international standards, this form of forced labour must in all cases be immediately abolished. In fact it appears that this form of forced labour exists only in a small number of countries, and often in a very limited form.

¹ See below, para. 99.

² *Bechuanaland* (African Administration Proclamation 1956, section 25); *Central African Republic* (Act No. 60-109 of 27 June 1960, section 28 and Act No. 60-112 of 20 June 1960, section 1); *Congo (Leopoldville)* (Decree of 10 May 1957, section 72); *India* (Mysore Irrigation Act, section 16A); *Liberia* (Aborigines Law, section 423); *Federation of Malaya* (Straits Settlement Rice Cultivation Ordinance, Malacca Lands Customary Rights Ordinance, Cultivation of Rice Enactment of the Negri Sembilan); *North Borneo* (Native Rice Cultivation Ordinance); *Nyasaland* (Native Authority Ordinance, section 10); *Northern Rhodesia* (Native Authority Ordinance, section 9); *Portugal* (Native Labour Code, section 296); *Ruanda-Urundi* (Decree of 10 May 1957, section 72); *Sarawak* (Local Authority Ordinance, 1948, section 27); *Southern Rhodesia* (Native Land Husbandry Act, section 53; Native Affairs Act, section 50); *Uganda* (Native Authority Ordinance, section 10).

³ *India, Liberia, Federation of Malaya, North Borneo, Nyasaland, Portugal, Uganda.*

⁴ *Fiji, Sarawak, Tanganyika, Uganda.*

⁵ *India* (Regulation No. 11 of 1953 of the Naga Hills District (requisitioning of porters)).

⁶ *Liberia* (Aborigines Law, sections 240 to 248).

⁷ *Congo (Brazzaville)* (Act No. 24/60 of 11 May 1960, section 3).

In some cases this possibility is provided for only in the case of persons convicted by a court of law or detained in prison.¹

98. In one case this form of forced labour results from the intervention of tribal chiefs in the recruiting of labour for the benefit of private persons.² Finally, in one case it seems to result indirectly from provisions for the repair and maintenance of irrigation works.³

Need for Precise Regulations on Forced Labour

99. The 1930 Convention required that the various forms of forced labour to which recourse was permitted as a transitional measure should be the subject of very precise regulations⁴, which should determine the authorities competent to decide on recourse to forced labour⁵, the maximum period of such labour in any year⁶, the daily and weekly duration of such labour⁷, the remuneration of forced labourers⁸, their protection against work accidents and occupational diseases⁹, the opportunity of persons performing forced labour to forward complaints¹⁰ and the penal sanctions for illegal exaction of forced labour.¹¹ In all countries where these various forms of forced labour—or some of them—still exist, the Committee must insist upon the promulgation and strict application of such regulations.

FORMS OF FORCED LABOUR COVERED BY THE 1957 CONVENTION

100. The systematic or simultaneous use of various forms of compulsion to work and certain administrative formalities may lead in practice to the establishment of systems of forced labour as “a method of mobilising and using forced labour for purposes of economic development”. Some of these forms of compulsion were dealt with in the Forced Labour (Indirect Compulsion) Recommendation 1930 (No. 35). The existence of other forms of compulsion has been revealed by the inquiry carried out by the U.N.-I.L.O. *Ad Hoc* Committee on Forced Labour and also by the information available to the Committee.

101. Some of the forms of indirect compulsion to work whose existence was pointed out by the International Labour Conference already in 1930—such as the imposition of excessive taxes and of restrictions on the possession, occupation or use of land—are hardly likely to play an important part in this regard in countries where a subsistence economy has more or less disappeared. On the other hand, in countries where large sections of the population are still living within a subsistence economy, these forms of compulsion may still in practice be used to establish more or less organised systems of forced labour.

¹ *Ivory Coast, Republic of South Africa.*

² *Liberia* (Aborigines Law).

³ *India* (Act of 1948 on compulsory work in the state of Orissa, modified by Act No. 10 of 1955).

⁴ Article 23 of the Convention. See also the Forced Labour (Regulation) Recommendation, 1930 (No. 36).

⁵ Articles 7, 8 and 10.

⁶ Article 12.

⁷ Article 13.

⁸ Article 14.

⁹ Article 15.

¹⁰ Article 23.

¹¹ Article 25.

102. The information available concerning the use of land relates principally to non-metropolitan territories.¹ Generally such information would suggest that this indirect form of compulsion is rarely used now in any systematic way to make persons still living in traditional rural communities take wage-earning employment. On the contrary, very often various measures of protection² have been taken to prevent rural inhabitants from disposing of their land at excessively low prices.

103. With regard to taxation, the available information is generally too fragmentary for any definite conclusion on each case or for any detailed analysis of the situation in the various countries in this connection. Moreover, it should be borne in mind that certain new forms of taxation³, which are tending increasingly to replace the capitation taxes whose effect in compelling persons to work has often been denounced, appear capable in practice of producing similar results. Sufficiently detailed information in this regard should therefore be supplied by governments in their reports on the application of the 1957 Convention.

104. The work of the U.N.-I.L.O. *Ad Hoc* Committee on Forced Labour showed that in certain cases prison labour may become an important factor in a country's economy. The position differs greatly, however, from one country to another with regard to the more or less precise definition of various offences, the periods of punishment and the actual practice followed by both courts of law and prison authorities. The only way of reaching a conclusion is therefore to obtain information on the numerical size of prison labour, the conditions of work (hours of work, etc.), the nature of the work on which prisoners are employed, etc. For a number of countries, it would not be difficult to supply these particulars, since the prison authorities publish periodically—in most cases annually—a report on the operation of the prison services containing all such information.

105. One form of compulsion to work which is most frequently used now seems to be the extension of the meaning of vagrancy. There are great differences from one country to another in the legal definition of vagrancy. In view of this great variety of definitions, it is often very difficult to determine in what cases the notion of vagrancy may be applied abusively as a means of compulsion to work or of obtaining cheap labour. However, certain very broad definitions of vagrancy, in respect of which, in addition, there exist no judicial procedures ensuring all necessary guarantees for protecting the right of defence⁴, would appear to permit the establishment of systems of forced labour as a means of mobilising or using labour for purposes of economic development. This seems to be the case also when prisoners—particularly persons convicted of vagrancy—are placed at the disposal of private persons.⁵ In other cases, only information on the practical application of vagrancy laws (the number of convicted persons, period of work, etc.) would indicate the cases in which these laws might be open to abuse.

¹ The principal source is provided by the reports on the application of the Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82), which is to be revised this year by the Conference so as to permit its ratification and application by independent States.

² Establishment of "family property", prohibition of purchase of land by persons not belonging to the area, development of agricultural credit schemes, etc.

³ Income tax with a minimum rate which all persons must pay when their income does not exceed a certain amount; real property tax; tax on the area of land occupied (or cultivated); tax on dead or live stock, etc.

⁴ *Dominican Republic* (Penal Code, sections 270 and 271); *U.S.S.R.* (Ukase of the Praesidium of the Supreme Soviet of the R.S.F.S.R. of 4 May 1961 (I.L.O. *Legislative Series*, 1961, U.S.S.R. 1)).

⁵ *Republic of South Africa*.

106. The obligation of all or of some classes of persons to be in possession of a "pass" or of an internal "passport" seems to exist only in a comparatively small number of countries.¹ In some countries², there is an obligation for all workers to have a "workbook" which is usually kept by the management of the undertaking where the person is employed and in which the reasons for the worker's departure must be entered. Finally, in one country³, all "natives" must be supplied with a "document" which appears to contain, *inter alia*, the information required both in a "pass" and in a "workbook". The existence of such provisions would appear to facilitate the use of forced labour for purposes of economic development contrary to the Convention. This seems to be the case when such compulsory administrative formalities are supplemented by other indirect forms of compulsion such as, for example, extension of the meaning of vagrancy.⁴

107. The combination of a system of compulsory recruitment and of sanctions certainly constitutes a form of forced labour which is prohibited by the two Conventions.⁵ But even when the recruitment of labour is not generally of a compulsory nature, experience shows that it leads in practice to a similar result if certain guarantees are not provided and effectively applied. This is especially so in the case of populations still living within a subsistence economy. Apart from pressure exerted by the authorities (whether administrative or tribal) certain more or less fraudulent devices employed by some recruiting agents may in practice vitiate a recruited worker's consent to such an extent that one may consider that he has not "offered himself voluntarily". The guarantees called for in this respect have been indicated in the Recruiting of Indigenous Workers Convention, 1936 (No. 50). Most of the information available on this matter relates to non-metropolitan territories or certain newly independent States and seems to indicate that in general the required guarantees exist.⁶ However, in certain cases, the existing legislation appears to contain only a relatively small number of the guarantees provided for in the international standards.⁷

108. Penal sanctions for breach of labour discipline (or breach of contracts of employment), which also constitute a form of indirect compulsion to work, will be considered in Chapter III below.

109. Finally, it should not be overlooked that the various forms of forced labour considered in greater detail in the chapters which follow may also, if employed intensively and systematically, constitute forced labour for economic purposes. It is accordingly also necessary to obtain as full information as possible on the manner in which the legislative provisions in question are applied in practice to ascertain whether they constitute an important factor in the economy of the respective countries.

¹ E.g. *Southern Rhodesia*.

² E.g. *U.S.S.R.* (Decree of 20 December 1938).

³ *Republic of South Africa*.

⁴ See para. 105 above.

⁵ See also para. 83 above.

⁶ See, e.g., *R.C.E.*, 1961, pp. 258 ff.

⁷ *Liberia* (Labour Recruitment Law, 1961).

CHAPTER III

Forced Labour for Social Purposes

INTRODUCTION

110. Forced labour for economic purposes and forced labour as a means of political coercion are, undoubtedly, the two main forms of forced labour. However, there are also various other forms of forced labour whose use for economic or political ends is not necessarily precluded but whose principal common characteristic seems to be of a social nature: individual or collective labour relations, relations among groups or individuals of different racial or social origins, religions or nationalities.

111. The three main forms of forced labour of this kind are specifically covered in the Abolition of Forced Labour Convention, 1957 (No. 105): forced labour "as a means of labour discipline", "as a punishment for having participated in strikes", or "as a means of racial, social, national or religious discrimination". Most of the information available relates to these three forms of forced labour, the abolition of which is provided for in the 1957 Convention. In a small number of countries, however, there is still forced labour for the benefit of the chiefs of traditional tribal groups.¹ This kind of forced labour was to be gradually abolished under the 1930 Convention.

SECTION I. FORCED LABOUR AS A MEANS OF LABOUR DISCIPLINE

112. In the general observations with which it concluded its report, the U.N.-I.L.O. *Ad Hoc* Committee on Forced Labour stated that in its opinion the problem of penal sanctions for breaches of contracts of employment, which the International Labour Organisation had already considered in connection with indigenous workers², should also be examined in connection with workers in fully self-governing countries.³ It was on the basis of this recommendation, in particular, that it was suggested that "forced or compulsory labour as a means of labour discipline should be abolished".⁴

113. The penal sanctions involving forced labour which the *Ad Hoc* Committee had found to exist in various countries were imposed in most cases by courts of law and sometimes by administrative authorities. In either case a worker who had stayed away from work without a valid reason, who had arrived too often late for work, who had been guilty of negligence, who had not reached the prescribed labour norms or who had not observed rules was sentenced and served his sentence in the same way as ordinary offenders. The same penalties were applicable if workers did not accept a transfer to other undertakings or did not continue to work in the undertakings to which they were assigned.

114. On the basis of the indications contained in the report of the *Ad Hoc* Committee and the text of the Convention, which provides for the abolition of "any form

¹ *Bechuanaland* (African Administration Proclamation), *Swaziland*.

² Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65). That Convention was subsequently revised by the Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104). See in this connection above, Chapter I, para. 33, footnote 2.

³ *Op. cit.*, para. 559.

⁴ See *Forced Labour*, Report VI (1), *op. cit.*, pp. 9, 20 and 29.

of forced . . . labour . . . as a means of labour discipline", it is clear that the 1957 Convention covers forced labour by persons sentenced to imprisonment as well as any other form of forced labour which could be used as a means of labour discipline. Moreover, in countries where the 1930 Convention is in force, penalties involving forced labour may in principle be imposed only by a court sentence.¹

115. In most countries there exist penal sanctions involving forced labour which apply in particular circumstances (to persons requisitioned for work in emergencies², persons sentenced to prison labour³ for common law offences, etc.) or when the particular nature of the profession or employment calls for special rules of discipline (members of the armed forces⁴ or the police, prison warders, firemen, coastguards, customs officials) or are imposed to prevent desertion from an essential post from the point of view of security in circumstances which may cause serious accidents (lighthouse keepers, pointsmen, etc.). Although, as has been seen, the 1957 Convention is of general application⁵ and does not provide for any exceptions, the Committee considers that it would be reasonable to recognise that the Convention does not have the effect of prohibiting the possibility of laying down sanctions involving forced labour in these special cases. However, the possibility of imposing penal sanctions involving forced labour should be allowed only in exceptional circumstances. In cases not involving similar gravity, it is always possible, without contravening the Convention, to have recourse to other disciplinary penalties since, in so far as labour discipline is concerned, the Convention relates only to forced labour (including prison labour).

116. Thus it does not seem compatible with the Convention to prescribe—as do the laws of certain countries—penal sanctions involving forced labour as a punishment for anyone employed in certain undertakings who breaks his contract without notice. Mention may be made, by way of example, to the legislation which in certain countries applies generally to all postal⁶ or railway⁷ employees. Such provisions should accordingly be re-examined to determine whether it is necessary to keep them in force in respect of employees of these services occupying posts essential for security and, if so, to limit their application to such employees.

117. In a large number of countries, legislation governing conditions of work of merchant seamen or fishermen⁸ contains various provisions permitting the imposition of penal sanctions involving forced labour in respect of certain breaches of labour discipline. In certain cases these sanctions apply in circumstances more or less similar to those previously mentioned with respect to posts essential for safety and the special nature of certain occupations. This is the case, for example, when they aim at the maintenance of discipline on board ship at sea. However, in certain cases penal sanctions involving forced labour apply to breaches of labour discipline in circum-

¹ See above, Chapter I, paras. 47 to 57.

² See above, Chapter I, paras. 58 to 64.

³ See above, Chapter I, paras. 47 to 57.

⁴ See above, Chapter I, paras. 40 to 45. The question might, however, arise with regard to conscientious objectors in relation to Article 1, para. (a), of the 1957 Convention.

⁵ See above, General Introduction (para. 26).

⁶ For example, *Iraq* (Post Office Act 1930, section 48); *Sarawak* (Post Office Ordinance, section 60); *Singapore* (Post Office Ordinance, section 607). On the other hand, it seems that in *India* (Post Office Act, section 50), the punishment would take the form of simple imprisonment not involving an obligation to work.

⁷ *Iran* (Railway Administration Rules, sections 35 and 36).

⁸ Including state-owned merchant ships and fishing boats. As regards warships, see para. 115 above.

stances in which there is no justification for recourse to such coercive measures. It accordingly appears desirable that governments of countries in which the 1957 Convention is in force should undertake a careful review of the provisions of their national legislation concerning conditions of employment of seamen, if possible in consultation with the shipowners and seamen of their countries, to seek to determine the cases in which the maintenance in force of certain sanctions involving forced labour may be justified by special circumstances or the special characteristics of the occupation, so that all provisions merely surviving from the past which provide similar sanctions in other cases may be repealed. It may be noted in this connection that in certain countries¹ the legislation concerning seamen appears to provide for no sanctions involving forced labour.

118. Subject to the above remarks, it would appear from the information available that in the large majority of countries there exist no legal provisions permitting recourse to forced labour as a means of labour discipline.² However, the information in regard to certain countries is not sufficient to determine whether this is the position.

119. In countries where there are not sufficient safeguards for emergencies in the strict sense³, where work exacted in virtue of compulsory military service laws is not of a purely military character⁴, where work in prisons is not exacted as a consequence of a conviction in a court of law⁵ or where "minor communal services" are not decided at the village level⁶, penal sanctions involving forced labour in these cases should be repealed under the Convention.

120. In a certain number of countries the obligation on a worker to reimburse any advances on his wages is still subject to sanctions involving forced labour. In certain cases such provisions are accompanied by presumptions against the worker; for example, when the worker's fraudulent intention is proved by the mere fact that his work has not been done within the agreed time limit.⁷ Such provisions are not compatible with the Convention.

121. In a certain number of other countries, workers, or certain among them⁸, may be subject to penal sanctions, often—contrary to the provisions of the Convention—involving forced labour, for various breaches of their contracts of employment.⁹

¹ E.g. *United States*.

² With the exception, in certain countries, of the existence of sanctions involving forced labour in respect of seamen (see above, para. 117).

³ See above, Chapter I, paras. 58 to 64.

⁴ See above, Chapter I, paras. 40 to 45.

⁵ See above, Chapter I, paras. 47 to 57.

⁶ See above, Chapter I, paras. 65 to 67.

⁷ *Dominican Republic* (Act No. 3143 of 11 December 1951, sections 1 to 3).

⁸ When such provisions affect only certain workers they are of a discriminatory nature. See below, para. 149.

⁹ For example: *Bahamas* (Contracts of Service Ordinance, section 16); *Basutoland* (Native Labour Proclamation, sections 23 and 40—the fine may be converted into imprisonment with an obligation to work); *Bechuanaland* (Native Labour Proclamation, 1942, section 40); *Canada* (North-West Territories) (Masters and Servants Act, section 4—the fine may be converted into a sentence of imprisonment); *Ecuador* (Labour Code, sections 115 and 172); *Iraq* (Penal Code of Baghdad, section 30 (c)); *Criminal Procedure Rules* modified in 1919); *Kenya* (Employment Ordinance, section 67); *Netherlands New Guinea* (Ordinance of 3 October 1911, section 6); *Sarawak* (Penal Code, section 490); *Southern Rhodesia* (Native Labour Regulation Act, section 23; Masters and Servants Act, sections 47, 48, 63 and 64); *Turkey* (Labour Code, section 130); *Zanzibar* (Penal Decree, section 118).

122. In addition, in a few countries various provisions of a general character are so drafted that they seem capable of being applied to exact forced labour as a means of labour discipline.¹

SECTION II. FORCED LABOUR AS A PUNISHMENT FOR HAVING PARTICIPATED IN STRIKES

123. The 1930 Convention has no express provision relating to participation in strikes, but under that Convention forced labour as a punishment for having participated in strikes may be exacted only as a result of a conviction in a court of law. The 1957 Convention, on the other hand, requires the abolition of "any form" of forced labour on this ground, accordingly including prison labour. Account should however, be taken of the discussions which took place at the Conference when the Convention was adopted. This matter gave rise to lengthy discussion both in committee and in plenary sittings of the Conference, and it was agreed in this connection "that in certain circumstances penalties could be imposed for participation in illegal strikes and that these penalties might include normal prison labour".² The difficulty therefore seems to lie in determining what are the "circumstances" in which participation in a strike may validly be deemed "illegal" and punished with forced labour.

124. It seems that forced labour as a punishment for having participated in strikes is not to be prohibited in the following cases:

- (a) if the strikes occur during work performed in emergencies which it is essential to carry out owing to circumstances that seriously endanger the existence of the whole or part of the population (on condition, of course, that there are all the necessary safeguards to prevent abuses)³;
- (b) if the work is of a purely military character⁴;
- (c) in the case of prison labour imposed on common law offenders in consequence of a conviction in a court of law⁵;
- (d) in the case of "minor communal services" decided on by the population itself or by its representatives.⁶

125. It seems that it should also be accepted that the Convention does not preclude the possibility of imposing penal sanctions involving forced labour in order to punish certain breaches of the ordinary law when such breaches are committed *in connection* with a strike (assault, intentional destruction of equipment and goods, etc.).

¹ For example, *Haiti* (Decree of 8 December 1960, section 3); *U.S.S.R.* (R.S.F.S.R.: Penal Code, section 69; Ukase of the Praesidium of the Supreme Soviet dated 4 May 1961 (I.L.O., *Legislative Series*—U.S.S.R. 1)).

² I.L.O.: *Record of Proceedings*, International Labour Conference, 40th Session, Geneva, 1957, op. cit., p. 709, Report of the Committee on Forced Labour, para. 14.

³ See above, paras. 58 to 64.

⁴ See above, para. 115. This issue will not be considered here in relation to members of the armed forces and the police, etc.; under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the extent to which the guarantees provided for shall apply to these particular categories are to be determined by national laws and regulations.

⁶ See above, para. 115.

126. As explained by the Governing Body Committee on Freedom of Association¹ and by this Committee itself², strikes are an essential means for workers of defending their occupational interests. In many countries, however, it is sought to arrive at a system adapted to national conditions that will enable the parties to reach agreement without the workers having to go on strike in support of their claims. The systems used for the purpose vary considerably from one country to another, but it seems possible to distinguish between, first, procedures which must statutorily be followed *before* a strike and where ultimately there is no prohibition of the strike; secondly, procedures which constitute an alternative to a strike either because the parties agree to follow them voluntarily or because they are imposed in "essential services"; and thirdly, cases in which all strikes are forbidden.³ Nor should it be forgotten that the 1957 Convention is not intended to provide for the workers' right to strike; it merely prohibits the use of forced labour as a punishment for having participated in strikes. Finally, it should be noted that in quite a considerable number of countries sanctions which may be applied in the case of illegal strikes are not penal sanctions and do not involve any form of forced labour. They are merely civil sanctions (damages, dismissal without notice, etc.).

Procedures to Be Followed before Calling a Strike

127. In many countries it is sought to prevent strikes by various means—mediation, conciliation, arbitration. When such procedures are created by agreement between the parties the question of penalties involving forced labour does not seem to arise.⁴

128. When the procedures to be followed before a strike are laid down by law⁵ it is very common for them to be accompanied by penalties, which may in certain cases involve prison labour, applicable to persons who have taken part in an "illegal" strike because they have not followed the prescribed procedures *before* going on strike. Such procedures do not lead to a prohibition of strikes; their effect is merely to ensure that every effort will be made to avoid a strike, if possible. These procedures should, however, be simple and speedy, as is recommended by the international instruments

¹ Cf. First Report, Case No. 32 (*United Kingdom/Uganda*), paras. 87-92; Fourth Report, Case No. 29 (*United Kingdom/Kenya*), paras. 137-139; Sixth Report, Case No. 11 (*Brazil*), para. 75, and Case No. 40 (*France/Tunisia*), paras. 384-564; 17th Report, Case No. 73 (*United Kingdom/British Honduras*), para. 72; 22nd Report, Case No. 148 (*Poland*), paras. 66-106; 24th Report, Case No. 146 (*Colombia*), paras. 259-284; 26th Report, Case No. 136 (*United Kingdom/Cyprus*), paras. 112-145; 27th Report, Case No. 143 (*Spain*), paras. 85-187; 30th Report, Case No. 172 (*Argentina*), para. 178; 54th Report, Case No. 179 (*Japan*), para. 54; 58th Report, Case No. 192 (*Argentina*), para. 447; 60th Report, Case No. 143 (*Spain*), paras. 54-55; Case No. 191 (*Sudan*) paras. 155-160, and Case No. 274 (*Malaya*), paras. 266-270.

² *R.C.E.*, 1959, para. 68, pp. 114-115.

³ On these various systems see in particular the General Remarks of the Committee of Experts in 1959 on freedom of association and protection of the right to organise, collective bargaining and collective agreements; *R.C.E.*, 1959, pp. 101 ff.

⁴ This is the case in a large number of countries, including the *United Kingdom* and many British territories (except in essential services).

⁵ This seems to be the position in many countries—

(a) for essential services: in many United Kingdom non-metropolitan territories, e.g. *North Borneo* (Arbitration (Essential Services) Ordinance);

(b) for non-essential services: in many countries whose legislation is derived from French law. In most of these countries, however, only civil sanctions are provided for: see para. 126 above.

which deal with these matters¹, so as to ensure that in practice workers are not deprived of one of the basic methods available to them of securing their demands. In these cases, therefore, it is necessary that governments should supply information on the practical application of the law.

Procedures Intended to Constitute an Alternative to Strikes.

129. Among such procedures a distinction should be drawn between those which are accepted by the workers and those which relate to workers employed in essential services.

Procedures Accepted by the Workers.

130. In certain countries² conciliation and arbitration machinery established by law is *made available to the parties*. Workers and employers are not bound to make use of such machinery, but when they agree to do so the decisions, including arbitration awards, are binding on them. When the workers have agreed to follow such a procedure they no longer have the right to go on strike; if they do so, the strike is "illegal" and they are liable to penalties which may involve forced labour. In such cases it seems that the penalties in question are designed to punish, not participation in a strike, but the infringement of certain freely accepted rules.

131. A very similar situation exists in certain countries³ where workers' organisations which wish to obtain certain "benefits" by securing registration thereby renounce any right to strike and undertake to submit their claims to arbitration. If the workers were to go on strike in spite of these undertakings they would be liable to certain penalties, but it seems that in practice such penalties do not involve forced labour.

Procedures for Workers in Essential Services.

132. In a large number of countries workers employed in essential services may not go on strike, subject to penal sanctions which sometimes involve forced labour. However, as always recommended by the Governing Body Committee on Freedom of Association⁴, there are various procedures which generally end in arbitration, with awards binding on both parties.⁵ Provided that "essential services" are not defined in too extensive terms, that is to say when they are limited to services whose interruption would give rise to an emergency, it seems that it can be accepted that this is one of the "circumstances" in which it was agreed⁶ that the Convention does not prohibit the imposition of penalties involving prison labour for having taken part in an "illegal strike".

133. It should, of course, not be forgotten that the definition of "essential services" can vary quite considerably according to circumstances: in certain cases the operation of certain industries which do not normally have this character may

¹ The Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92), para. 3 (1); the Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84), Article 5; the Plantations Convention, 1958 (No. 110), Article 55.

² E.g. *Canada* (Industrial Relations and Labour Disputes Act).

³ E.g. *Australia* and *New Zealand*.

⁴ 24th Report, Case No. 146 (*Colombia*), para. 280; 54th Report, Case No. 179 (*Japan*), para. 55; 60th Report, Case No. 191 (*Sudan*), para. 160, and Case No. 274 (*Libya*), para. 270.

⁵ E.g. *North Borneo* (Essential Services Arbitration Ordinance); *Kenya*; *Malaya* (Trade Disputes Ordinance).

⁶ See above, para. 123.

become absolutely essential. This may be so, for example, after a very big strike that has already lasted a long time, if the particular stoppage is likely to hinder the normal operation of "essential services" in the strict sense, or to constitute a serious threat to the economic position of the entire country.

134. It seems, however, that the definition of "essential services" adopted in certain countries is extremely broad and covers industries and services which should not as a rule be regarded as such.¹

General or Special Prohibition of Strikes

135. In a few countries all strikes are forbidden, in any employment or occupation, either in virtue of express provisions² or in virtue of provisions of a general nature which may be applied to suppress strikes.³ When such a prohibition is accompanied by penal sanctions involving forced labour it is manifestly contrary to the Convention.

136. The same is true when such a general prohibition is accompanied by a variety of procedures imposed on workers⁴, on pain of forced labour, when the occupations to which they relate are not "essential services" in the strict sense⁵, or again when workers are prohibited from striking in certain cases on pain of sanctions involving forced labour.⁶

137. In addition there are a few countries in which strikes seem to be forbidden, subject to penal sanctions, for workers in certain industries which it seems hardly possible to regard as essential services. This is so, for example, in the case of the wood pulp industry.⁷ The same result obtains in other cases because the workers' unions in certain sectors may, in the event of a strike, be prosecuted for conspiracy or restraint of trade; this is often so in agriculture.⁸ All these prohibitions must, to the extent that they are punishable by forced labour, be regarded as incompatible with the 1957 Convention. In the case of seamen and fishermen the question of the right to strike is similar to that of labour discipline and should also be examined by governments.⁹ It seems, moreover, that in certain countries the law prohibits strikes

¹ This is apparently the case, *inter alia*, in *Brazil* (Penal Code, section 201; Legislative Decree No. 9070 of 14 March 1946, sections 3 and 14); *China* (Law of 1928, amended in 1953, sections 36 and 39; *Costa Rica* (Labour Code, sections 368 and 369); *Cyprus* (provisions already cited); *India* (Essential Services (Prevention of Strikes) Ordinance, 1951, although it seems that the penalty laid down under sections 4 and 5 would be one of ordinary imprisonment which does not involve an obligation to work); *Iraq* (Ordinance on Industrial Disputes and Protection of Property, sections 8 and 9); *Switzerland* (Act of the Canton of Fribourg dated 17 February 1923).

² This is apparently the case, *inter alia*, in *Portugal* (including the Overseas Provinces), Legislative Decree No. 23870, dated 18 May 1934; *Spain* (Penal Code, section 222; Law of 30 July 1959, section 2 (c), Decree of 21 September 1960, section 2); *Spanish Guinea* (Penal Code, section 222; Ordinance of 1953 relating to Native Labour, section 145, paras. 3 and 11, and section 147; *Turkey* (Labour Code, section 72; however, the new Constitution, section 47, recognises the right to strike); *United Arab Republic* (Labour Code, sections 180 to 203).

³ *Brunei* (Penal Code, sections 120 A and 120 B); *U.S.S.R.* (Penal Code of the R.S.F.S.R., sections 69, 137, 170, 171 and 194).

⁴ *Dominican Republic* (Labour Code, Book VI, Part II); *Ghana* (various statutory provisions); *El Salvador* (Decree No. 322 of 1946, sections 2, 7, 24, etc.).

⁵ See above, para. 134.

⁶ *Hong Kong* (Illegal Strikes and Lockouts Ordinance, sections 3 and 6).

⁷ *Norway* (it is not known whether the sanctions provided for involve forced labour).

⁸ *Bechuanaland*, *Guatemala* and *Southern Rhodesia*.

⁹ See above, para. 117.

only in certain circumstances (when the vessel is at sea, for example) and in other cases merely lays down certain preliminary procedures involving periods of notice.¹

SECTION III. FORCED LABOUR AS A MEANS OF DISCRIMINATION

138. Under the Abolition of Forced Labour Convention, 1957 (No. 105), "any form of forced . . . labour . . . as a means of racial, social, national or religious discrimination" must be immediately abolished. This covers prison labour as well as other forms of forced labour involving discrimination. No specific provision to this effect is contained in the Forced Labour Convention, 1930 (No. 29) which, however, provides for progressive abolition of all forms of forced labour, with the exception, *inter alia*, of prison labour.

139. An examination of the information available reveals that it is often very difficult to ascertain whether discrimination exists in a particular case. Discrimination is certainly a field in which the *de facto* situation and the way in which the law is applied in practice are matters of major importance. The inadequacy of the information available on the actual position in each country and on relations among the various racial, social, national or religious groups gives rise to many difficulties.

140. An examination of the legislation in force, even if it is applicable to all without distinction, does not always reveal whether such legislation may not in fact establish or maintain situations that are discriminatory in respect of certain groups (and even whether it has not in fact been adopted for that very purpose). The fact that an item of legislation relates only to certain racial or social groups is not in itself a criterion of discrimination. In certain cases the special provisions that apply to the group in question may be justified by the need to allow the group to maintain its traditional or religious rules. With regard to special protective measures adopted to take account of the dependence or the lesser degree of evolution of certain people, it is often possible to see that these are in fact protective measures, but one is sometimes led to wonder whether such measures do not in practice result in some measure of discrimination.

141. The information analysed in this section must, therefore, be examined in the light of the foregoing general considerations. It is not impossible that in a few cases, in view of certain facts not known to the Committee, the actual interpretation of the provisions referred to differs from the meaning which may be given to them. Conversely it is possible, and even probable, that various provisions with regard to which additional information has been requested from governments, in the case of countries where the Convention is in force, may conflict with the provisions of the Convention. Consequently the above considerations are meant only to be illustrative and of a preliminary character.

142. Nor should it be forgotten that the Convention was not intended to abolish all discrimination but merely to suppress forced labour as a means of discrimination. Next year the Committee will be called upon to consider another aspect of this matter, namely that of discrimination in respect of employment or access to occupation, which is covered by other international labour standards.²

¹ See above, para. 128.

² The Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and Recommendation, 1958 (No. 111). The subject of discrimination is also dealt with in other international instruments including the Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82), which is to be revised shortly so that it may be applied by member States on their national territory.

143. In cases where discriminatory measures are provided for in legislation, a distinction can be drawn among various forms of forced labour of a discriminatory nature: (a) cases in which certain forms of forced labour affect only particular groups; (b) cases in which the legislation lays down certain differences between groups which lead to unequal treatment in respect of forced labour; and (c) cases in which forced labour is used as a penalty to ensure the application of discriminatory measures.

Forced Labour Imposed upon Certain Groups

144. In certain countries the law permits the imposition of forced labour on certain sections of the population; in general it seems that forced labour imposed in a discriminatory manner is primarily for economic purposes. It is thus doubly prohibited by the 1957 Convention.

145. In certain cases the legislation in question relates to "natives"¹; in others, it covers the inhabitants of certain areas.² The nature of the labour which may be imposed varies very greatly—compulsory cultivation, public works (roads, action against erosion, drainage, etc.). In certain cases the law grants to certain local authorities ("native" authorities) powers which are theoretically very extensive³, but in most cases the decisions of such local authorities must be approved by a higher authority.

146. In a few cases, forced labour that can be imposed on certain ethnic⁴ or social⁵ groups is the outcome of unduly broad definitions of "emergencies" and "minor communal services" which are not accompanied by all proper safeguards to prevent abuses.⁶

147. In a few countries the law lays down certain penalties involving forced labour or provides that such penalties may be imposed in order to ensure the observance of "native" laws and customs⁷ or religious ("Moslem") laws.⁸ It is not always possible to ascertain to what extent such provisions may be discriminatory, and particularly whether they are applicable in addition to the provisions of the penal code covering the population as a whole.

148. In many countries there are special statutory provisions to protect certain ethnic groups against certain social evils such as drunkenness and drug addiction, and it is provided that offenders shall be liable to penalties involving forced labour.⁹

¹ E.g. *Basutoland* (Native Administration Proclamation, especially section 8); *North Borneo* (Native Rice Cultivation Ordinance); *Southern Rhodesia* (Native Affairs Act, No. 31 of 1959, sections 50 and 51); *Spanish Guinea* (Ordinance of 1953 on native labour, Articles 145 and 147).

² E.g. *Liberia* (Aborigines Law, sections 221, 222, 240 to 251 and 423, applicable to the Hinterland); *Republic of South Africa* (Bantu Authorities Act, 1951, section 5).

³ E.g. *Basutoland* (Native Administration Proclamation, section 15); *Gambia* (District Authority Ordinance).

⁴ *Canada* (work on the roads by Indians).

⁵ *India* (Orissa Compulsory Labour Act, 1948, as amended in 1955; North Indian Canal Act, 1873, sections 65 and 66).

⁶ See above, Chapter I, paras. 58 to 67.

⁷ *Gambia* (District Courts Ordinance); *North Borneo* (Native Courts Ordinance, sections 5 and 7).

⁸ *Brunei* (Mohammedan Laws Enactment).

⁹ E.g. *Bechuanaland* (Liquor Proclamation, 1960, section 44; Methylated Spirits Proclamation, 1949, sections 2 and 8); *Canada* (Indians Act, sections 24 and 96); *Swaziland* (Spirits Licences Proclamation, 1955, sections 24 and 26); *United States* (Indian Tribal Offences Code, sections 1149 and 1155).

Such provisions often have as their immediate object the application of various international agreements.

149. In certain countries penal sanctions which may involve forced labour for breaches of contracts of employment are applicable only to "natives".¹ Here again such provisions are doubly contrary to the Convention. In other countries there are certain restrictions on the freedom of movement of "natives", whose violation may be punished with forced labour, or the law establishes vagrancy offences which affect only certain ethnic² or social³ groups. Such provisions are contrary to the Convention.

Unequal Treatment

150. In a few countries, under statutory provisions relating to the same offence, for which forced labour may be imposed, the penalties are heavier for "natives" than for "non-natives". This seems to be contrary to the Convention. This is so, for example, in the case of affrays⁴ or the non-payment of taxes.⁵

151. In other countries, contrary to the terms of the Convention, certain ethnic⁶ or social⁷ groups do not enjoy certain "privileges" granted to other sections of the population and may thus be liable to certain penal sanctions which may involve forced labour but which cannot be imposed on members of other sections of the population.

Application of Discriminatory Measures

152. Only in a fairly limited number of countries does there seem to be statutory provision for the use of forced labour as a penalty to ensure the application of discriminatory measures.

153. The "offences" for which forced labour is most often imposed as a penalty are marriage, cohabitation, etc., among persons who are not of the same race.⁸

154. Forced labour may also be imposed as a penalty on persons who infringe provisions relating to racial segregation on means of transport⁹ or with regard to residence.¹⁰

¹ See above, Section 1, para. 121.

² *Sarawak* (Local Authority Ordinance, section 30); *Sierra Leone* (Protectorate Vagrancy Ordinance); *Solomon Islands* (Native Administration Regulation, sections 31 and 35); *Republic of South Africa* (Passport Abolition and Co-ordination of Documents Act, 1952); *Southern Rhodesia* (Native Affairs Act, section 42; Native Registration and Identity Cards Act); *U.S.S.R.* (Decree of Supreme Praesidium of the U.S.S.R. to put gypsies to work, dated 5 October 1956).

³ *Congo (Brazzaville)* (Act No. 44/59, dated 2 October 1959).

⁴ *Gilbert and Ellice Islands* (Summary Procedure Ordinance, 1929; Native Administration Ordinance, 1941).

⁵ *Solomon Islands* (Native Tax Regulation, section 7 A; Residential Tax Regulation, section 6); *Swaziland* (African Tax Proclamation, section 6; Poll Tax Proclamation, section 6).

⁶ *Republic of South Africa* (Industrial Conciliation Act).

⁷ *Bechuanaland* (Trade Unions and Trade Disputes Proclamation); agricultural workers are not immune from prosecution on charges of conspiracy and unlawful combination if they form a trade union.

⁸ *Republic of South Africa* (Immorality Act, 1957); *United States* (Louisiana, Missouri, Virginia and West Virginia).

⁹ *Republic of South Africa* (Separate Accommodation Act, 1953); *United States* (Louisiana and Virginia).

¹⁰ *Republic of South Africa* (Group Areas Amendment Act, 1957; Natives (Urban Areas) Act, 1945); *United States* (Louisiana).

155. Recourse to forced labour in the cases cited above appears clearly to be contrary to the 1957 Convention.

156. From an analysis of legislation, it seems that among the cases of discrimination envisaged by the Convention forced labour is most commonly used as a means of racial or social discrimination. However, it seems that in certain cases forms of forced labour which could be used as a means of political coercion may also be used as a means of social or religious discrimination.¹

CHAPTER IV

Forced Labour for Political Purposes

INTRODUCTION

157. The comparatively recent emergence of systems of forced labour as a means of political coercion is undoubtedly due to various factors, some of which were mentioned in general terms at the beginning of this review. In view of the extent of the ideological divergencies which exist on the international level, it is no longer always easy to distinguish at first sight between cases in which measures are designed to punish acts performed for the benefit of a foreign power and cases in which measures are intended to punish the expression of "political views" or ideological opposition to "the established political, social or economic system". This undoubtedly explains the fear expressed by the *Ad Hoc* Committee on Forced Labour that forced labour as a means of political coercion was "possible of establishment in other countries".²

INTERNATIONAL STANDARDS

158. No provision of the Forced Labour Convention, 1930 (No. 29), specifically deals with the use of forced labour for purposes of political coercion. Either the decision to impose forced labour was reached by a court of law, in which case the Convention implicitly supposed that all necessary guarantees would be granted³; or it was an administrative or other decision and such forced labour was prohibited by the Convention.⁴ On the other hand, the Abolition of Forced Labour Convention, 1957 (No. 105), expressly refers to this new type of forced labour, stating that Members must not make use "of any form of forced or compulsory labour":

- as a means of political coercion;
- as a means of political education;
- as a punishment for holding political views;
- as a punishment for expressing political views;
- as a punishment for views ideologically opposed to the established political system;
- as a punishment for views ideologically opposed to the established social system;
- as a punishment for views ideologically opposed to the established economic system.

¹ See below, Chapter IV.

² In its report, *op. cit.*, para. 549.

³ See above, Chapter I, para. 48.

⁴ See above, General Introduction, paras. 8 to 11.

Forced Labour as a Means of Political Coercion

159. In the report of the U.N.-I.L.O. *Ad Hoc* Committee on Forced Labour, which was used as a basis for the preparatory work of the 1957 Convention, the Committee gave the following description of the most serious forms of forced labour used for purposes of political coercion:

- when forced labour "is expressly directed against people of a particular 'class' (or social origin)";
- when forced labour is expressly directed even "against political 'ideas' or attitudes in men's minds";
- "where a person may be sentenced to forced labour for the offence of having in some way expressed his ideological opposition to the established political order, or even because he is only suspected of such hostility";
- "when . . . the penalty of forced labour to which he is condemned is intended for his political 'correction' or 're-education', that is, to alter his political convictions to the satisfaction of the government in power."¹

Political Coercion and Prison Labour

160. In practically all countries, persons convicted by a court of law can be required to work while serving their sentences. In the case of common criminals this need raise no problem provided that there is a conviction by a court of law.² However, as has been pointed out³, "the permitting of such labour can lead to abuses, particularly if persons may be sentenced to penal labour on account of their political or other beliefs. If such sentences were permitted prison labour could in fact become tantamount to a system of forced labour as a means of political coercion. It therefore seems essential that the proposed instrument should guard against this and forbid penal labour for crimes of political opinion." The work of the U.N.-I.L.O. *Ad Hoc* Committee had already shown that prison labour might be used for purposes of political coercion.⁴

161. The prohibition of "any form of forced or compulsory labour . . . as a means of political coercion" stated in the 1957 Convention would therefore seem to cover both prison labour used as a means of political coercion and any other form of forced labour for the same purpose.

162. It must further be borne in mind that the 1957 Convention prohibits the use of forced labour "as a means of political . . . education". Many specialists in criminal law believe that prison labour is not intended so much to "punish" convicted persons as to promote their "re-education". Re-education of common criminals thus envisaged by specialists aims at enabling them, upon release, to resume their place in society without being led by the force of circumstances to commit further offences. The various provisions adopted for purposes of social re-education must be sharply distinguished from measures of "political education" such as are prohibited under the 1957 Convention and must not contain any measures of this kind. The question is not so much one of definition as of the content of these concepts.

¹ Cf. op. cit., para. 549.

² See above, Chapter I, paras. 47 to 57.

³ *Forced Labour*, Report VI (1), op. cit., Chapter II, *Analysis of the Questionnaire*, p. 17.

⁴ See above, para. 159.

THE PENAL SYSTEM APPLYING TO PERSONS CONVICTED OF "POLITICAL" OFFENCES

163. In a certain number of countries¹ only common criminals are liable to prison labour; persons found guilty of "political" offences and sentenced to a term of imprisonment enjoy a "privileged status", which in particular does not involve any obligation to work. However, the available information does not in all cases show clearly how the application of the "political" status is decided in any particular case, what authority is competent to do so and whether prison labour may therefore still not be used in some cases for purposes of political coercion. Therefore, subject to the special status which certain persons convicted for political offences may enjoy, the situation of the countries concerned will be examined below, together with that of other countries where no such distinction is made.

164. In a large number of countries the political character which may attach to an offence is not taken into consideration when a sentence is served. If the penalties provided for under the law in respect of certain specific political offences involve prison labour, the convicted person is required to work during his term of imprisonment. In such cases it is frequently difficult to decide on the basis of legislative texts alone whether or not the provisions concerned are liable to be used for the imposition of forced labour (prison labour) for purposes of political coercion.

165. In respect of some other countries there is information to suggest that the political character of an offence constitutes an aggravating factor in the views of both legislature and judicature and that a political offence is particularly heinous.

CONSTITUTIONAL GUARANTEES ON FREEDOM OF EXPRESSION

166. In practically all countries the national constitution, whether written or unwritten, recognises freedom of expression for citizens. The wording of written constitutions stating this guarantee varies considerably from one country to another (reference to legislation in general terms; saving clauses for the rights of other citizens; need to safeguard public order; obligation to preserve certain "interests", etc.). However, even when the principle of freedom of expression is stated in unequivocal language, reference has to be made to the law and practice of each country. Apart from the fact that in the most serious situations constitutional guarantees may be suspended, there are always provisions to protect public order and defend the State against threats to its internal and external security, and in most cases the penalties provided for under such legislative provisions involve forced labour.

Suspension of Guarantees, State of Siege, State of Emergency

167. In a large number of countries there are provisions under which the authorities are granted considerably wider powers during particularly troubled periods than in normal times. The wording used in any particular country to define these cases of

¹ E.g. *Brazil* (Act No. 1802 of 5 January 1953, section 45, and Act No. 2083 of 12 November 1953, section 49); *France* (several circulars of the Ministry of Justice); *Gabon* (Act of 15 December 1959, section 67); *India* (in all cases where the penalty is "simple imprisonment"); *Mali* (Act of 23 January 1959, sections 50 and 62); *Mauritania* (Ministerial Circular of 12 October 1925); *Morocco* (Dahir of 11 April 1945, section 45); *Senegal* (Circular of 12 October 1925); *Tunisia* (according to the report of the Government, which does not refer to any text); *United Kingdom* (England: Prison Rules (S.I., 1703 of 1949), rule 136; Scotland: Prison (Scotland) Rules (S.I., 568 (S. 18) of 1952), rule 144; no provisions of this kind exist in Northern Ireland); *Upper Volta* (Circular of 12 October 1925).

force majeure varies considerably.¹ Apart from direct imposition of labour which may result from application of these laws and regulations, it very frequently happens that during the periods in question the authorities are empowered to place considerable restrictions on the right of individuals to express political views or their opposition to the established order, subject to penal sanctions involving forced labour. Thus, any meeting, even in a private house, may be prohibited²; certain "dangerous" persons or persons supposed to be so may be placed under forced residence, banished or interned by administrative decision³; certain publications may be prohibited or placed under supervision⁴; in certain cases legislation even covers the fact of possessing a prohibited publication without legal grounds.⁵ Legislation regarding a state of emergency in certain countries even gives full powers to the competent authorities, when a state of emergency has been proclaimed in accordance with the proper procedure, to prohibit any act which might be dangerous.⁶

168. The existence of such provisions seems to be necessary and it even seems likely that in as far as their utilisation is subject to certain guarantees, they constitute an indirect indication that the ordinary laws and regulations do not empower the authorities to use such measures during normal periods. As has been pointed out⁷, however, sufficiently detailed information must be provided in governments' reports on all cases in which such measures have had to be used.

PROTECTION OF THE INTERNAL AND EXTERNAL SECURITY OF THE STATE

169. At all times and in all countries there have been provisions to allow the State to defend itself against threats to its internal or external security. Some of them aim to protect the State against threats to its internal security (public order) while others aim to protect it against threats to its external security (espionage, etc.). Nevertheless, examination of the available information reveals that under the impact of various factors⁸ this distinction between internal and external security is tending to disappear. In an increasing number of countries, the fact has been taken into account that certain nationals themselves no longer make any such distinction. It is therefore frequently very difficult and sometimes even impossible on the basis of existing legislation to ascertain to what extent the activity of individuals in the service of a foreign power is meant to be covered or whether it is only their ideological

¹ See above, Chapter I, paras. 58 to 64, and Chapter II, paras. 85 and 86.

² This is the case, for example, in the following countries: *British Honduras* (Public Security Ordinance, Chapter 60, sections 2 and 3); *Cameroun* (Act of 7 May 1960); *Cyprus* (Act of 1958 concerning meetings, etc., sections 5 and 8); *France* (Act of 8 August 1849, section 9; Act of 3 April 1955, section 8); *Mauritania* (Act of 10 July 1959); *Zanzibar* (Emergency (Miscellaneous) (Amendment) Regulations, No. 7 of 1961, section 31).

³ This is the case, for example, in the following countries: *British Honduras* (Public Security Ordinance, Chapter 60, section 2); *Cameroun* (Act of 7 May 1960); *France* (Act of 3 April 1955, sections 5 and 6); *Mauritania* (Act of 10 July 1959); *Senegal* (Act No. 60-42 of 20 August 1960 and Ordinance No. 60-27 of 10 October 1960); *Viet-Nam* (Ordinance No. 6 of 11 January 1956).

⁴ This is the case, for example, in the following countries: *British Guiana* (Emergency Ordinance, sections 17 and 58); *Cameroun* (Act of 7 May 1960); *France* (Act of 8 August 1849, section 9; Act of 3 April 1955, section 11); *Zanzibar* (Emergency (Miscellaneous) (Amendment) Regulations, No. 8 of 1961, section 7 E).

⁵ This is the case, for example, in *Zanzibar* (Emergency Regulations, No. 8 of 1961, quoted above).

⁶ This is the case, for example, in the following countries: *New Zealand* (Public Safety Conservation Act, 1932, section 1); *El Salvador* (Constitution, section 176, and Decree No. 805 of 1952); *Singapore* (Emergency Regulations Ordinance, sections 3, 4 and 5).

⁷ See above, Chapter I, paras. 58 ff., and Chapter II, paras. 85 and 86.

⁸ The extent of ideological opposition in international life; integration of ideology in public order in certain countries.

opposition to the established order. Any such distinction has hardly any meaning in countries where the ideology is part and parcel of public order.

170. It appears, however, that in a certain number of countries laws on protection of the internal and external security of the State contain sufficiently precise definitions (or definitions whose scope has been settled by accepted judicial precedents), which are frequently accompanied by saving clauses so worded that it seems likely, *prima facie*, that such provisions are not intended to punish opposition to the established order by means of forced labour.¹ Thus, a great many countries expressly state in their laws regarding "seditious" publications, meetings and speeches that the law must not be interpreted or applied so as to prevent citizens from exercising their political rights, criticising government policy, or administrative action, suggesting a different policy, proposing amendments to legislation and the constitution, etc.², or relates only to cases of violence.³

171. However precise the definitions and saving clauses used in existing laws, it must not be forgotten that the State is the judge of its own cause in matters affecting its internal or external security but should always act in conformity with its international obligations. It is therefore essential that, as requested in the report form⁴, governments should endeavour to supply in their reports the fullest information concerning the practical application of the legislative provisions concerned.

172. Existing legislation in a certain number of countries⁵ contains provisions worded in such broad terms that it is impossible, in the absence of precise indications regarding the manner in which these provisions are applied in practice, to be certain that they may not be used in a manner incompatible with the Convention. In one country⁶, whoever by public statements "advocates hostile measures against the State" is liable to punishments involving forced labour. Having regard to other provisions in the legislation of this country⁷, it appears that the prohibition of

¹ *Basutoland* (Sedition and Rebellion Proclamation); *Bechuanaland* (Sedition Proclamation of 1938); *British Guiana* (Criminal Code, section 109); *British Honduras* (Criminal Code, Chapter 21, sections 244 to 246); *Brunei and North Borneo* (Sedition Enactment); *Canada* (Criminal Code, sections 60 to 62); *Cyprus* (Seditious Publications Act); *Falkland Islands* (Seditious Offences Ordinance); *Gambia* (Criminal Code, sections 51 and 52); *Hong Kong* (Sedition Ordinance); *India* (Criminal Code, sections 124 A, 153 A and various Acts (in certain cases the penalty appears to be "simple" imprisonment which imposes no obligation to work)); *Ireland* (Offences against the State Act, 1939, sections 2, 10, 12 and 27); *Israel* (Criminal Code Ordinance, sections 59 and 60); *Malta* (Seditious Propaganda (Prohibition) Ordinance, sections 2 and 10); *New Zealand* (Crimes Act, 1908, sections 118 and 119); *Nigeria* (Criminal Code, sections 50 and 51); *Seychelles* (Criminal Code, Chapter 93, sections 54 and 55; Code of Criminal Procedure, Chapter 77, sections 32 and 46); *United Kingdom* (Northern Ireland: Sedition Act; for England and Scotland, see above, para. 163).

² For example, *United States* (Codes, Title 50, section 783 (a)).

³ For example, *Japan* (Criminal Code, section 77); *Sierra Leone*; *Singapore*; *Solomon Islands*; *Swaziland*; *Switzerland* (sections 275 and 275bis of the Criminal Code); *Tanganyika*; *Zanzibar* (Penal Decree, sections 39 and 47 to 55).

⁴ Form established by the Governing Body of the I.L.O. as a basis for reports to be supplied by governments which have ratified the Abolition of Forced Labour Convention, 1957 (No. 105).

⁵ *Chad* (Act No. 35 of 8 January 1960, section 1); *Denmark* (Criminal Code, sections 100 and 136); *Finland* (Criminal Code, section 24); *France* (Criminal Code, section 76, action prejudicial to army morale); *Gabon* (Act of 5 January 1959, sections 1, 18 and 20); *Liberia* (Criminal Code, section 50); *Mali* (Ordinance of 28 March 1959 amended by Act No. 61-18 of 19 January 1961); *Norway* (Criminal Code, sections 322, 323 and 431); *Poland* (Decree of 13 June 1946, sections 5, 29, 36); *Turkey* (Criminal Code, section 142); *Upper Volta* (Act of 14 January 1960).

⁶ *Denmark* (Article 100 of the Penal Code).

⁷ *Ibid.*, Articles 98, 99, 101, 102, etc., which concern foreign occupation and domination, the declaration of war, "blockade and other coercive measures", etc.).

statements advocating hostile measures against the State might be open to very wide interpretation. Further, in another country espionage is concerned not merely with "information constituting a state secret or a military secret" but also all "other information to be used in a manner prejudicial to the interests" of the State.¹ It is clear that in such cases, when the country is bound by the 1957 Convention, it would be desirable to remove all ambiguity by amending or supplementing the legal provisions in question.²

173. Legislation in a certain number of other countries with regard to maintenance of public order also contains provisions capable of being used in a manner contrary to the Convention as they involve forced labour as a punishment. For instance, a person "who is 'likely' " to publish documents calculated to prejudice public order and safety may be forbidden to make any publication³; a person found in possession of a book or newspaper or similar publication that has been banned may be convicted unless "he proves his ignorance of its contents"⁴; a district official may, if he is of the opinion that "this is desirable in the public interest" ban any meeting (even private) and forbid any person to speak at such a meeting⁵; the definition of "subversive statements" is so broad that the possibility of expressing political opinions appears considerably restricted.⁶ In other cases legislation merely provides that district authorities should be able to take whatever decisions are necessary in order to maintain public order.⁷

174. In a certain number of countries administrative authorities—generally the government—may, independently of proceedings in a court of law, order the arrest, forced residence, etc., of all persons held to be "dangerous" to public order. It seems in particular cases that the person arrested is not obliged to perform work⁸, whereas in other cases it seems that such decisions imply a direct or indirect obligation to work⁹, contrary to the Convention. In one case¹⁰, the available information does not make it clear whether or not there is any obligation to work.

175. There are also certain countries where legislation contains various provisions worded in general terms that may be broadly interpreted¹¹, and it is expressly

¹ U.S.S.R. (Penal Code of the R.S.F.S.R., articles 64 and 65).

² Except where there exist clear, settled judicial precedents.

³ *Ghana* (Code, section 183; repeated or habitual offences of this nature are dealt with in another clause in the same section).

⁴ *Ghana* (ibid., sections 183 and 296); *Malaya* (Internal Security Act, sections 22 and 25).

⁵ *Southern Rhodesia* (Native Affairs Act, sections 53 B and 53 C).

⁶ *Southern Rhodesia* (Law and Order (Maintenance) Act, section 39).

⁷ *Gilbert and Ellice Islands* (Native Administration Ordinance, section 12); *Solomon Islands* (Native Administration Regulation, 1953, sections 18 and 21); *Sarawak* (Local Authority Ordinance, sections 27 and 54).

⁸ *Ghana* (Preventive Detention Act, 1958, sections 2-4); *India* (Preventive Detention Act, 1950, sections 3, 4 and 11 A); *Ireland* (Offences against the State Act, 1940, sections 4, 19, 41 and 42); *Southern Rhodesia* (Preventive Detention Act, Prisons Act and Regulations thereunder); *Turkey* (Code of Criminal Procedure, section 104).

⁹ *Congo (Brazzaville)* (Act of 7 March 1960 and Act of 11 May 1960); *Dahomey* (Act No. 61/7 concerning public security, sections 1 and 3); *Gambia* (Deportation Act, sections 2, 4 and 15); *Ghana* (Deportation (Amendment) Act, 1959, sections 2 and 4); *Haiti* (Penal Code, sections 31 to 34 and 230); *Hungary* (various provisions which the Government considers as no longer applying); *Jamaica* (Deportation Act of 1942, sections 2, 4 and 15); *Kenya* (Deportation Ordinance, Chapter 56 and various regulations issued thereunder); *North Borneo* (Restricted Residence Ordinance, sections 2 and 8); etc.

¹⁰ *Brunei*.

¹¹ U.S.S.R. (Criminal Code of the R.S.F.S.R., sections 7, 15, 64, 65, 70, and 206).

provided that the courts shall afford protection against any threat to the political and social system and the established economic order.¹

PROHIBITION, SUBJECT TO PENALTIES OF FORCED LABOUR, OF "POLITICAL VIEWS"

176. It should always be remembered that the 1957 Convention is not an international instrument to ensure freedom of expression. This Convention aims at the abolition of forced labour in any form, including prison labour resulting from a conviction by a court of law, "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 political, social or economic system". Examination of the existing provisions in certain countries shows that certain political views are prohibited, subject to penalties of forced labour²; this is often the consequence of the prohibition of political parties or organisations. When a party is prohibited the authorities are in fact often led in consequence, if they are determined to oppose the reconstitution of the banned organisation, to adopt various measures of supervision³ and to prohibit sometimes in one way or another the holding or the expression of the political views in question, on pain of forced labour. In examining the application of legislative provisions on associations and meetings, cases may be found where certain political views are prohibited. This may also lead to a clarification of the genuine bearing of laws in the countries concerned. It should however be stressed that these questions—and in particular the prohibition of one or more political parties—do not come within the purview of the Convention when they are not enforced by forced labour (prison labour).

177. In very many countries no restriction exists, in normal times, on the right of association or meeting.⁴ The dissolution of organisations is only provided for when they advocate or use violence or when they endeavour to use recognised civil and political rights for destructive purposes or with a view to appropriating such rights for their own advantage.⁵ In such cases, however, the reports should supply detailed information on the practice followed, and in particular on court decisions, as requested by the report form.⁶

178. Legislation in a certain number of countries makes it possible to dissolve and to prohibit the reconstitution of a political party and in certain cases to prohibit, on

¹ U.S.S.R. (Basic Provisions regarding judicial organisation in the U.S.S.R. and the federated and autonomous republics, section 2; cf. also sections 3 and 9).

² Including prison labour.

³ Strict supervision of all associations, of both public and private meetings and close supervision of persons believed to hold the political opinions in question. In so far as such measures are enforced by forced labour, they must themselves be considered a means of political coercion prohibited by the Convention.

⁴ The constitution of associations (and of political parties) is not subject to any formality. Private meetings are defined in very broad terms and are not restricted in any way. Public meetings are not generally subject to previous authorisation except when they are organised on the public highway.

⁵ See, particularly, Article 30 of the Universal Declaration of Human Rights. In one country (*United States*, Code, Title 50, sections 782 ff.) domestic law, as represented by the Constitution and by decisions of the Supreme Court, does not permit a political party or the organisations attached to it to be dissolved. Therefore new legislation has been adopted to provide that such organisations and their members should be registered with the Department of Justice. Further, any person helping such an organisation or promising assistance is considered as a member. However, it should be borne in mind that the decisions of the Supreme Court ensure that any encroachment on freedom of expression is prevented.

⁶ See above, para. 171, footnote.

pain of forced labour, all propaganda favourable to the ideology of the party concerned. Such legislation is sometimes worded in a very general manner and its scope can only be determined by ascertaining what use has been made of it.¹

179. In a certain number of countries, existing legislation provides that any society (therefore, any political party) must be registered², failure to do so entailing liability to penalties involving forced labour. In such cases also, it is only possible in the light of information on practical application to determine to what extent these provisions should be supplemented or modified so as to ensure that they are not applied in a manner incompatible with the Convention.

180. In a certain number of other countries where ordinary societies are practically always subject to stringent control by the administrative authorities, the law prohibits any form of anarchist³, communist⁴ or fascist⁵ propaganda, and deals severely with the establishment of associations proclaiming these ideologies or propagating them. Apart from the fact that these provisions result in the prohibition of holding or expressing "political views", subject to sanctions which may involve forced labour, they may, contrary to the Convention, be applied to any expression of opposition to the established order if they are not defined more precisely in the legislation.

181. Finally, there are certain countries⁶ where the expression of political opinions which do not conform to those held by the organisation in power (or at least in one case on certain fundamental questions) is prohibited by various legal provisions which entail forced labour, contrary to the Convention: constitutional provisions, legislation relating to associations and meetings, prohibiting all political parties or some of them, or authorising the existence of only one political organisation or only one legally recognised party as the only qualified representatives of the population in the political field.

RESTRICTIONS RELATING TO SPECIFIC PERSONS

182. In some countries public officials are forbidden, subject to sanctions involving forced labour, to engage in certain political activities. Such a provision might be incompatible with the Convention if it made it possible to impose forced labour on a

¹ E.g. *Cyprus* (Criminal Code, section 60); *Denmark* (Constitution, section 85); *Criminal Code*, section 132); *India* (Criminal Code, section 16, amended in 1908; the penalties do not seem to entail any obligation to labour); *Ireland* (Offences against the State Act, 1930, sections 18 and 21); *Japan* (Act concerning preservation of order, section 1); *Morocco* (Dahir No. 1.58.376 of 15 November 1958, sections 3, 7 and 8); *Norway* (Criminal Code, section 330); *Switzerland* (National Constitution, sections 55 and 56); *Turkey* (Criminal Code, section 141); *Zanzibar* (Criminal Code, section 64).

² *Brunei* (Societies Enactment, sections 4, 6, 9, 10, 16 and 18); *Haiti* (Penal Code, sections 236bis and 238bis); *Hong Kong* (Societies Ordinance, sections 5, 9, 12 and 16); *Malaya* (Societies Ordinance, sections 5, 10, 11 and 12); *North Borneo* (Societies Ordinance, sections 5, 9, 10, 11 and 12); *Sarawak* (Societies Ordinance, section 9).

³ *Dominican Republic* (Act No. 1443); *Haiti* (Penal Code, section 69; Legislative Decree of 1936, section 7).

⁴ *Dominican Republic* (see preceding footnote); *Haiti* (ditto); *El Salvador* (Constitution, section 158).

⁵ *Poland* (Decree of 13 June 1946, sections 29 and 35; see also same decree, section 36, and Penal Code, section 156 concerning secret societies).

⁶ *Republic of South Africa* (Suppression of Communism Act, 1950, as amended in 1951, etc.; Unlawful Organisations Act, 1960: illegality of the Pan-African Congress and the African National Congress); *Spain* (Act of 1 March 1940, sections 4 and 6; Criminal Code, section 173); *U.S.S.R.* (Constitution, sections 125 and 126; legislation concerning associations; Criminal Code of the R.S.F.S.R., provisions quoted above); *United Arab Republic* (Proclamation of 17 January 1953, Legislative Decree No. 37 of 18 January 1953, Criminal Code, section 134).

person expressing "political views" or opposition to the established order. Everything depends, however, on the manner in which the "political activities" concerned are defined: does this definition allow the political views (actual or supposed) of officials to be considered? Does it exclude every opportunity for them to express political views? What are the means of expression forbidden to them? Does this prohibition cover, *de facto*, all political views or only those in opposition to the government's? Does this prohibition relate to the attitude of the official in the discharge of his functions or does it extend to his life outside his service? However this may be, it is generally admitted that, even outside their public functions, officials are required to maintain a certain reserve as regards political activities even if only in order that those to whom their administrative activities relate should not be tempted to question the impartiality of the administration. In any event, the matter might be dealt with by disciplinary sanctions not involving forced labour.

183. In other countries¹, ministers of the church are forbidden to criticise the government in public and while discharging their functions, subject to penalties which may entail forced labour. Such provisions would seem to be incompatible with the Convention.

184. The occasional prohibition for ministers of the church to carry on correspondence, even on religious questions, with "a foreign court or power" without prior authorisation by the government, subject to sanctions which may entail forced labour, also constitutes a measure which is definitely incompatible with the Convention.²

FURTHER RESTRICTIONS ON FREEDOM OF EXPRESSION

185. As a general rule it appears that in most countries, leaving aside the provisions examined above with regard to cases of *force majeure* and the defence of the security of the State, there are scarcely any provisions under which forced labour may be imposed to punish persons for holding or expressing political views.

186. Consideration of the available information indicates, however, that by covering in general terms "political coercion" (that is to say political constraint), the Convention does not result only in forbidding the use of forced labour to punish a person with opinions contrary to the established order or expressing such opinions. Use of political coercion may also consist of prohibiting or severely regulating the use of the various means of expression in such a manner as to prevent any possibility of their use by a person in order to express opinions opposed to the established order. In so far as any violation of such a prohibition or regulation could be punished with forced labour, these provisions should, therefore, be considered as coming within the scope of the Convention. However, it should not be forgotten that the Abolition of Forced Labour Convention, 1957 (No. 105), does not constitute an international instrument to ensure freedom of expression and that, if failure to comply with a particular restriction or constraint is not punishable by forced labour, this does not come within the scope of the Convention.

187. Among the various preventive measures which may lead to the imposition of forced labour in the case of non-compliance, mention may be made of legislation on customs, prior censorship of the press and other publications, of radio, television,

¹ *Dominican Republic* (Criminal Code, sections 201 et seq.); *Haiti* (Criminal Code, sections 162-167).

² *Dominican Republic* (Criminal Code, section 207); *Haiti* (Criminal Code, sections 168 and 169).

gramophone records, the cinema, etc., censorship of private correspondence, and laws and regulations governing the use by private persons of collective means of expression administered directly by the State or under its control.

188. The documentation available to the Committee on this subject (including in particular information supplied in reports) was too fragmentary and vague to make it possible to refer to it in a detailed manner in this study. All these questions should be investigated subsequently by means of more thorough research, whereby it may be seen whether and to what extent these various means of supervision include sanctions involving forced labour and may thus come within the scope of the Convention.

189. In many countries the legislation also contains various other provisions which should be included in a comprehensive study: penalties for spreading "false" news; protection of representatives of the public authorities in a general manner or in the discharge of their functions; protection of national emblems¹; protection of "public morality"², etc. Only by detailed study of the manner in which such provisions are applied is it possible to assess their relevance to the application of the Convention.

CONCLUSION

190. When one bears in mind the wide scope of the various provisions of the Abolition of Forced Labour Convention, 1957 (No. 105), one cannot avoid being struck by the fact that less than five years after its adoption, this Convention has already entered or is about to enter into force in over 100 countries and that in numerous other countries the possibility is being explored of ratifying it (member States)³ or of accepting its provisions (non-metropolitan territories).⁴ The indications given in the various chapters of this review may enable any governments which may have doubts as to the precise effects of the provisions of the Convention to appreciate them better and, in a number of cases, governments may find that nothing in their legislation appears to prevent ratification.

191. Although the 1957 Convention entered into force less than three years ago, in several cases legislative or other measures have already been taken to abolish various forms of forced labour to which recourse was still possible, or to define more strictly the circumstances in which certain forms of work could be exacted from the population. Thus in some countries recourse to forced labour for portage⁵ or for certain public works⁶ has been discontinued. Further, a more precise definition of work which can be regarded as minor communal services⁵ has been attempted by restricting it to maintenance works (thus excluding new constructions or installations) and by requiring that these works should be for the direct and exclusive benefit of

¹ In most countries behaviour offensive to national emblems may be punished. However, in certain cases the obligation to salute the national flag is established by law and there are sanctions which may entail forced labour in the case of any violation (*Liberia*), whereas in other countries (e.g. *United States*) this obligation would be considered as a violation of freedom of expression.

² In certain cases legislation on "public morality" seems to have been applied in such a manner as to prohibit the expression of certain political opinions (ban on certain publications, etc.).

³ *Brazil, Burma, Ceylon, Chile, Greece, Mauritania, Viet-Nam*. It should also be noted that, since the reports were submitted several States have ratified the Convention: *Ecuador, Ivory Coast, Senegal*.

⁴ *Cook Islands, Tokelau Islands*.

⁵ *Tanganyika* (Circulars of 8 and 20 December 1960).

⁶ *Gambia* (Ordinances Nos. 12 and 14 of 1958 and No. 4 of 1959).

the community which carries them out. From information contained in the reports it would seem that similar measures are already in course of adoption or contemplated in other countries.

192. The indications in the various chapters of this study lead to the conclusion that the same—or more or less similar—difficulties as those which arose over the application of the 1930 Convention are likely to arise in the application of the 1957 Convention. Apart from the fact, already mentioned in the general introduction, that in some countries the relevant legislative provisions have not all been published or are not available, the chief difficulty arises from the lack of precision in laws or regulations which might permit the imposition of various forms of forced labour, especially for economic purposes or as a means of political coercion.

193. One matter with respect to which a special effort would appear to be necessary to secure a better application of the two Conventions on forced labour is the definition of the cases of "emergency" in which certain works or services may be exacted and certain restrictions placed upon the expression of political views and of ideological opposition to the established system. Too often legislative provisions on this subject are drafted in a very vague and imprecise manner and do not contain sufficient safeguards to prevent abuse.

194. The same lack of precision may be found also in certain laws designed to protect the internal and external security of the State. In some cases it would appear necessary for existing legislation to be amended and supplemented to make it clear that it is not intended in normal conditions to prohibit, under penalties involving forced labour, the expression of political views or views ideologically opposed to the established political, social or economic system.

195. In other cases too, where the legislation designed to protect state security appears to be sufficiently precise, it is still necessary to obtain full particulars of the practical application of these provisions, including decisions by the competent judicial authorities.

196. More detailed information (especially statistics) also appears to be necessary regarding the practical application of various provisions in national legislation (vagrancy laws, etc.) which cumulatively might make it possible to introduce systems of forced labour for economic purposes.

197. Finally, the examination of the information available concerning recourse to forced labour as a means of discrimination, as has been seen, raises a number of delicate problems; in the absence of specific data on the situation in each country, and on the existing relations between various ethnic, social, national or religious groups, it is very difficult, and indeed at times impossible, to obtain a precise idea of the effect of certain provisions authorising recourse to forced labour.

198. Only when it has been possible to bring together, translate and examine all legislative provisions which may be invoked to impose the various forms of forced labour, when information on the practical application of these laws, particularly by decisions of the courts of law, has been supplied and when all necessary factual information on the situation in the various countries is available, will it be possible, a few years hence, to undertake a more thorough study of the problem of forced labour in the world. The present review will, however, have made it possible to bring out the main aspects of the problem and to trace its limits. It will also have shown that the problem of forced labour continues to exist in a number of countries.

199. In the face of the condemnation expressed by the conscience of all peoples, one would have thought that the only forms of forced labour existing today would be vestiges of a dead past. Regrettably, this is far from being the case, and certain pointers give cause to fear that forced labour is being born anew in some countries. Already last year the Committee referred to the apparent recrudescence of forced labour for economic purposes in certain regions. The information which has become available this year confirms this regrettable impression. The Committee feels obliged to point out once again the retrograde character of an economic policy calling for forced labour. Moreover, the disadvantages of recourse to compulsion are well known: low output, need for close and costly supervision, strengthening of dislike for work, bad psychological, social and political consequences, etc.¹ Experience has furthermore shown that recourse to forced labour, even when strictly limited to meeting the needs of economic development, is hardly possible without simultaneous recourse to other restraints, in particular various means of political coercion. It therefore seems inconceivable that the solution for accelerating economic development should consist of the imposition of forced labour in more or less clear or disguised forms. Instead of adopting this course, which may well end in serious failure, governments should realise that the desired objectives can be attained by other means.

200. Nor must the fact be ignored that recourse to certain methods of mobilising enthusiasm may, in given circumstances, be equivalent in practice to the imposition of forced labour. These dangers are accentuated by the fact that it is sometimes possible to employ various forms of political coercion to "isolate" dissenters and to sentence them on the pretext of "sabotage". Accordingly it is essential to scrutinise as closely as possible the "voluntary" systems in force in certain countries, to examine whether these methods could be transposed elsewhere, and to ensure that, whatever the letter of the law may be, a system of forced labour has not been imposed in practice by using various forms of constraint.

201. On the other hand, persuasion or the granting of certain benefits or priorities (for example, as regards vocational training, employment opportunities and promotion prospects) may play an important part in inducing young people to devote some of their time to building their country's future. Other systems not involving the disadvantages either of forced labour as such or of "compulsory volunteering" (as suggested by the terminology to be found in certain laws) could undoubtedly be devised if the necessary effort were made.

202. In the field of international standards, the International Labour Organisation has two instruments dealing with forced labour—the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105)—which effectively supplement each other and whose concurrent application should make the survival of any form of forced labour impossible. But would it not also be useful if, for this problem as for others—and even more so in the case of this problem than with others—the standard-setting activities of the I.L.O., including mutual supervision of the application of these standards, were to be supplemented by research? Such research might relate to methods which, without involving recourse to compulsion, enabled maximum use to be made of available labour. In this way, thanks to wide circulation of the results of this research, which it would be possible to take into consideration in I.L.O. technical co-operation and educational programmes, governments could, in the light of experience gained elsewhere, find substitute methods which, while rejecting any form of direct or disguised compulsion, would be adapted to the needs of their countries.

¹ See *R.C.E.*, 1961, pp. 257-258 and 326-327.

203. By giving equal place and importance to all the rights which are now recognised as the birthright of any human being—"civil and political rights" as well as "economic, social and cultural rights"—the Declaration of Philadelphia of the I.L.O. and the United Nations Universal Declaration of Human Rights have pointed the way. Why should it be assumed that man is inevitably placed before the dilemma of choosing between compulsion and *laissez-faire*?

204. Every day new inventions are made, new techniques developed, and the social sciences are progressing too, although at a slower rate. But above all, there is now awareness of the problem of underdevelopment, largely because of the work of the international organisations, all of which are striving to find solutions for it. Because of its traditions and structure, the International Labour Organisation will undoubtedly be called upon to play a leading part in this task, if only by emphasising at all times that there can be no real economic development without parallel social development. Social development by definition means the removal of various constraints, one of the most pernicious of which is undoubtedly the modern form of slavery represented by forced labour.

APPENDIX I

LIST OF LEGISLATION TAKEN INTO CONSIDERATION BY THE COMMITTEE IN ITS SURVEY

States Members of the I.L.O.

ALBANIA

Constitution of the People's Republic of Albania, 1946, as amended.

Act No. 372 of 12 December 1946 empowering police authorities to arrest individuals and to send them to prison camps for forced labour.

Ordinance of 18 March 1948 respecting apprentices (*L.S.*,¹ 1948—Alb. 2; *Gazeta Zyrtare (G.Z.)*, 12 April 1948, No. 40).

Act No. 747 of 30 December 1949 providing for the mobilisation of the entire male population between 18 and 45 years of age for road construction and maintenance.

Decision No. 137 of 2 March 1950 of the Council of Ministers and Decision of 30 June 1951 of the Council of Ministers providing for general mobilisation of the working masses in connection with the fulfilment of the State Economic Plan.

Order No. 36 of 7 March 1951 of the Council of Ministers (*G.Z.*, 7 August 1951, No. 15) to bring rules of employment in undertakings into conformity with the provisions of Decree No. 1187 of 5 December 1950.

Penal Code of 1952 (*G.Z.*, 1 August 1952).

Decree No. 1169 of 13 May 1953 (*G.Z.*, 10 August 1953, No. 10) providing for corrective labour for minor offences, as amended by Decree No. 1781 of 14 December 1953 (*G.Z.*, 30 December 1953, No. 18).

Decree No. 1906 of 2 August 1954 (*G.Z.*, 31 August 1954, No. 13).

Act No. 2250 of 3 April 1956 to promulgate a labour code (*L.S.*, 1956—Alb. 2; *G.Z.*, 20 April 1956, No. 4).

ARGENTINA

Constitution of the Argentine Republic of 1853, revised in 1860, 1866, 1898 and 1957.

Argentine Penal Code.

Act No. 13985 to repress crimes against the security of the nation (*Boletín Oficial (B.O.)* of 16 October, 1950—*Anales Legislativos (A.L.)*, Vol. X, 1950).

Act No. 13233 prescribing measures for organising the nation in time of war, which may be applied in time of peace (*A.L.*, Vol. VIII, 1948).

Legislative Decree No. 412 of 14 January 1958 respecting the prison system (*B.O.* of 24 January 1958).

Legislative Decree No. 934 of 27 January 1958 prohibiting strikes, partial stoppages and slow-downs, as well as dismissal and transfer of personnel (*B.O.* of 29 May 1958).

Decree No. 9764 of 11 November 1958 respecting the state of siege (*B.O.* of 12 November 1958).

Decree No. 10394 of 27 November 1958 respecting mobilisation of railway employees (*B.O.* of 28 November 1958).

Decree No. 862 of 20 January 1959 respecting mobilisation of the employees of petrol undertakings (*B.O.* of 21 January 1959).

Act No. 14029 of 1951—Military Justice Code (*A.L.*, Vol. XI, 1951).

AUSTRALIA

Commonwealth of Australia Constitution Act, 1900 (63 and 64 Vict., Chapter 12).

Placitum XXXV of section 51 of the Commonwealth Constitution Act (legislative powers of the Parliament).

L.S. = *Legislative Series* published by the I.L.O.

I. *Commonwealth Laws :*

Defence Act, No. 20 of 1903, as amended.
National Service Act, No. 2 of 1951, as amended.
National Service (Discharge of Trainees) Act, No. 28 of 1960.
Judiciary Act, No. 6 of 1903, as amended.
Crimes Act, No. 12 of 1914, as amended.
Commonwealth Public Service Act, No. 21 of 1922, as amended.
Conciliation and Arbitration Act, No. 44 of 1956 (*L.S.*, 1956—Aust. 1), as amended.
Navigation Act, No. 4 of 1913, as amended.

II. *State Laws :*

(1) *New South Wales :*

Industrial Arbitration Act, No. 2 of 1940, as amended.
Crimes Act, No. 40 of 1900, as amended.

(2) *Queensland :*

Criminal Code Act, No. 9 of 1899, as amended.
Vagrants, Gaming and Other Offences Act, No. 27 of 1931, as amended.
Industrial Conciliation and Arbitration Act, No. 36 of 1932 (*L.S.*, 1933—Aust. 1), as amended
(*L.S.*, 1934—Aust. 5; *L.S.*, 1935—Aust. 1; *L.S.*, 1937—Aust. 3; *L.S.*, 1938—Aust. 3).

(3) *South Australia :*

Prisons Act, No. 2305 of 1936, as amended.
Industrial Code Act, No. 1453 of 1920 (*L.S.*, 1925—Aust. 1), as amended (*L.S.*, 1926—Aust. 1;
L.S., 1935—Aust. 10; *L.S.*, 1936—Aust. 7).
Criminal Law Consolidation Act, No. 2252 of 1935 (*L.S.*, 1935—Aust. 11), as amended.

(4) *Tasmania :*

Criminal Code Act, No. 69 of 1924, as amended.
Wages Board Act, No. 51 of 1920, as amended (*L.S.*, 1924—Aust. 1; *L.S.*, 1929—Aust. 1;
L.S., 1934—Aust. 3).

(5) *Victoria :*

Essential Services Act, No. 5263 of 1948.
Crimes Consolidating Act, 1958.

(6) *Western Australia :*

Criminal Code Act, 1913, as amended.
Industrial Arbitration Act, No. 57 of 1912, as amended.

AUSTRIA

Federal Constitution of Austria of 10 October 1920, as amended in 1925 and 1929.

Basic Law of the State of 21 December 1867 (*Reichsgesetzblatt (RGBl.)*, No. 142) respecting the general rights of citizens.

Act of 27 October 1862 for the protection of personal liberty (*RGBl.*, No. 87).

Penal Code of 29 July 1853, as amended (*RGBl.*, No. 151).

Criminal Procedure Code of 23 May 1878, as amended.

Juvenile Courts Act of 18 July 1928, as republished on 10 November 1949 (*Bundesgesetzblatt (BGBl.)*, No. 272).

Administrative Penal Code of 21 July 1925, as republished on 23 May 1950 (*BGBl.*, No. 172) and amended by the Act of 30 October 1959 (*BGBl.*, No. 231).

Vagrancy Act of 24 May 1885 (*RGBl.*, No. 89).

Act of 10 June 1932 concerning the placing of criminals in labour institutions, as republished on 24 July 1951 (*BGBl.*, No. 211).

Military Service Act of 7 September 1955 (*BGBl.*, No. 181).

Tyrolese Act for the protection of youth (*Landesgesetzblatt (LGBl.)*, 1958, No. 28), as amended by the Act of 24 May 1960 (*LGBl.*, 1960, No. 25).

BOLIVIA

Political Constitution of the State of 1945.

Labour Code of 1939 (*L.S.*, 1939—Bol. 1).

Penal Code.

Supreme Decree No. 319 of 15 May 1949 for the purpose of suppressing certain services in contracts concerning agriculture (" *ponguaeje* " and " *mitanaje* ") (Bolivian Labour Legislation C.N.S.S. La Paz, 1954).

BRAZIL

Constitution of 1946.

Penal Code (Legislative Decree No. 2848 of 7 December 1940).

Law No. 3274 of 2 October 1957 on Prison Regulations (*Collection of Laws of 1957; Acts of Legislative Power*, p. 29).

Law No. 1802 of 5 January 1953 on Crimes against the State and against Political and Social Order (*Collection of Laws of 1953*, Vol. I; *Acts of Legislative Power*, p. 5).

Law No. 2083 of 12 November 1953 on the Freedom of the Press (*Collection of Laws of 1953*, Vol. VII; *Acts of Legislative Power*, p. 64).

Legislative Decree No. 9070 of 15 March 1946 on the Suspension or Collective Abandonment of Work (*L.S.*, 1946—Braz. 2).

BULGARIA

Constitution of the People's Republic of Bulgaria.

Labour Code of 1951 (*L.S.*, 1951—Bul. 2) as amended by the Law of 15 November 1957 (*Izvestiya na Prezidiuma na Narodnoto S'branie*, No. 92, 15 November 1957) (*L.S.*, 1957—Bul. 2).

Law of 1948 concerning the organisation of aid in case of calamity (*Darjaven Vestnik*, No. 304 of 27 December 1948).

Decree on work concerning special services (*Izvestiya*, No. 26 of 30 March 1954), as amended in 1955 (*Izvestiya*, No. 86 of 25 October 1955).

Ukase No. 57 to approve an Act respecting the self-taxation of the population, dated 6 February 1958 (*L.S.*, 1958—Bul. 1), and Ordinance of 14 February 1961 adopted for the execution of this law (*Izvestiya*, No. 13 of 14 February 1961).

Law on obligatory military service (*Izvestiya*, No. 13 of 14 February 1958), as amended by the Decree of 1959 (*Izvestiya*, No. 58 of 21 July 1959).

Instruction of 10 May 1958 concerning the organisation and direction of the manpower and the notification of vacancies by undertakings, institutions and organisations (*Izvestiya*, No. 39 of 16 May 1958).

Order of the Council of Ministers of 1 October 1956, to approve an ordinance respecting the work of the manpower registration and direction offices and the placement of handicapped persons (*Izvestiya*, No. 81, 9 October 1956, and *L.S.*, 1956—Bul. 1), and the instruction adopted for the application of this Order.

Instruction concerning agricultural engineers, etc. (*Izvestiya* of 1 April 1960), adopted for the execution of the Ordinance of 1959 on the placement of young specialists.

Decision No. 83 of 4 May 1961 on the obligatory period of instruction for chauffeur-mechanics.

BURMA

Union Constitution.

Penal Code.

BYELORUSSIA

Constitution of the Byelorussian S.S.R. of 19 February 1937.

Labour Code of the Byelorussian S.S.R.

Decree of 20 December 1938.

CAMEROUN

Act No. 46-645 to suppress forced labour in the overseas territories. Dated 11 April 1946 (*L.S.*, 1946—Fr. 4).

Labour Code (*L.S.*, 1952—Fr. 5).

Penal Code (*Jurisclesseur TOM*) as amended by the Law of 27 May 1959 (*Journal officiel (J.O.)* of 27 May 1959).

Order of 8 July 1933 (*J.O.* of 15 July 1933) concerning Prison Regulations in Cameroun.

Ordinance of 11 November 1959 (*J.O.* of 18 November 1959) concerning creation of the Cameroun Army and the General Organisation of Defence.

Law of 29 July 1881, as amended by the Law of 27 May 1959 (*J.O.* of 27 May 1959) on the freedom of the press.

Ordinance 60/52 of 7 May 1960 (*J.O.* of 12 May 1960) concerning organic law on the state of emergency.

Decree of 8 May 1960 (*J.O.* of 12 May 1960) proclaiming the state of emergency in 11 Departments.

CANADA

Dominion :

Canadian Bill of Rights (Cap. 44, *Statutes of Canada*, 1960).

Criminal Code (Cap. 51, *ibid.*, 1953-54).

Penitentiary Act (Cap. 206, *Revised Statutes of Canada*).
 Prisons and Reformatories Act (Cap. 217, *ibid.*).
 Official Secrets Act (Cap. 198, *ibid.*).
 Indian Act (Cap. 149, *ibid.*).
 Canada Shipping Act (Cap. 29, *ibid.*).
 Government Vessels Discipline Act (Cap. 137, *ibid.*).
 Industrial Relations and Disputes Act (Cap. 152, *ibid.*).

Provincial :

Forest Fires Prevention Act (Cap. 152, *Revised Statutes of Ontario*, 1960).
 Statute Labour Act (Cap. 382, *ibid.*).
 Industrial Farms Act (Cap. 185, *ibid.*).
 Labour Relations Acts (Cap. 202, *ibid.*); Cap. 132 of the *Revised Statutes of Manitoba*; Cap. 17, 1954, *Statutes of British Columbia*; Cap. 167, *Revised Statutes of Alberta*.
 Civil Defence Act (Cap. 38, *Revised Statutes of Manitoba*, 1954).
 Masters and Servants Ordinance (Cap. 66, *Revised Statutes of the North-West Territories*).

CENTRAL AFRICAN REPUBLIC

Act No. 46-645 to suppress forced labour in the overseas territories. Dated 11 April 1946 (*L.S.*, 1946—Fr. 4).
 Labour Code of 2 June 1961 (*Journal Officiel (J.O.)*, special issue, August 1961).
 Penal Code, Law No. 61-239 of 18 July 1961 (*J.O.*, No. 16 of 15 August 1961).
 Law No. 60-175 of 17 January 1960 concerning suppression of offences by different authorities (*J.O.* of 1 February 1960).
 Law No. 60-107 of 20 June 1960 (*J.O.* of 15 July 1960) instituting permanent control of the active population of the Central African Republic.
 Law No. 60-109 of 27 June 1960 (*J.O.* of 15 July 1960) for the development of the rural economy.

CEYLON

Abolition of Slavery Ordinance, No. 2, 1844 (Cap. 62).
 Penal Code (Cap. 15).
 Industrial Disputes Act, No. 43, 1950 (*L.S.*, 1950—Cey. 1).
 Public Security Ordinance, No. 25, 1947, and Regulations of 12 October 1961 made thereunder.

CHAD

Constitution of 28 November 1960.
 Act No. 46-645 to suppress forced labour in the overseas territories. Dated 11 April 1946 (*L.S.*, 1946—Fr. 4).
 Labour Code of 15 December 1952 (*L.S.*, 1952—Fr. 5).
 Penal Code (*Jurisclasseur TOM*).
 Order No. 2772 of 18 August 1955 (*Journal officiel de l'Afrique équatoriale française* of 15 September 1955) regulating the functioning of the prisons establishments and the prison labour in "AEF".
 Law No. 14 of 13 November 1959 (*Journal officiel* of 1 January 1960).
 Law No. 15 of 13 November 1959 (*J.O.* of 1 December 1959) intended to suppress the acts of disobedience towards the authorities.
 Law No. 35 of 8 January 1960 (*J.O.* of 15 January 1960).
 Ordinance No. 2 of 27 May 1961 (*J.O.* of 15 June 1961) concerning the organisation and recruitment of the armies of the Republic.

CHILE

Labour Code of 1931 (*L.S.*, 1931—Chil. 1), as amended up to 1958 (*Chilean Social Legislation*, Vol. VIII, 1958, Juan Díaz Salas).
 Penal Code.
 Law of 11 February 1937 on the internal security of the State.

CHINA

Constitution of the Republic of China of 1 January 1947.
 Civil Code.

Penal Code.

Code of Penal Procedure.

Labour Service Act of 4 December 1943 (*L.S.*, 1943—Ch. 7).

Factory Law of 3 December 1932 (Labour Laws and Regulations, Ed. 1961).

Trade Union Law of 7 January 1949 (*ibid.*).

Labour Disputes Act of 1928, as amended in 1943 (*L.S.*, 1943—Ch. 1).

CONGO (BRAZZAVILLE)

Act No. 46-645 to suppress forced labour in the overseas territories. Dated 11 April 1946 (*L.S.*, 1946—Fr. 4).

Labour Code of 15 December 1952 (*L.S.*, 1952—Fr. 5).

Penal Code (*Jurisclesseur TOM*).

Order No. 2772 of 18 August 1955 (*Journal officiel de l'Afrique équatoriale française* of 15 September 1955) concerning the regulation of the functioning of prisons and prison labour in French Equatorial Africa.

Ordinance No. 2 of 7 March 1959 (*Journal officiel* of 1 April 1959) concerning residence restrictions of persons whose activities are of a nature to endanger public order.

Law No. 21/60 of 11 May 1960 (*J.O.* of 12 May 1960) allowing the Government to take measures of removal, confinement and expulsion of persons considered dangerous for public order and security.

Law No. 43/59 of 2 October 1959 (*J.O.* of 14 October 1959) anticipating the institution of a Special Criminal Code and Decree No. 59/206 of 7 October 1959 (*J.O.* of 14 October 1959) concerning the creation of the said Special Code.

Law No. 19/60 of 11 May 1960 (*J.O.* of 12 May 1960) providing for an obligation of registration of association and authorising the dissolution of associations considered to be contrary to the national interest.

Law No. 20/60 of 11 May 1960 (*J.O.* of 12 May 1960) intended to suppress certain infractions committed through publications or other means of expression.

Law No. 23/60 of 11 May 1960 (*J.O.* of 12 May 1960) on public gatherings.

Law No. 44/59 of 2 October 1959 (*J.O.* of 14 October 1959) concerning organisation of centres of adjustment, reclassification, rural assessment and employment of unemployed urban youth.

Decree No. 60/32 of 4 February 1960 and No. 60/100 of 11 March 1960 concerning organisation of officers and recruitment of the quota for obligatory civic service pertaining to youth through the application of the Law of 2 October 1959.

Decree No. 59-224 of 31 October 1959, No. 59-246 of 1 January 1959, No. 60-337 of 14 February 1960, No. 61-3 of 11 January 1961, No. 61-77 of 13 April 1961 and No. 61-81 of 13 April 1961 enacted for the application of the Law of 2 October 1959.

Law No. 24/60 of 11 May 1960 (*J.O.* of 12 May 1960) on requisitions.

Decree No. 60-170 of 28 May 1960 on essential services.

Law No. 16/61 of 16 January 1961 (*J.O.* of 1 February 1961) concerning organisation of the defence of the territory of the Republic.

Law No. 17/61 of 16 January 1961 (*J.O.* of 1 February 1961) concerning the organisation and recruitment of the Armed Forces of the Republic.

CONGO (LEOPOLDVILLE)

Fundamental Law of 19 May 1960 concerning structures of the Congo (*Moniteur congolais*, No. 21bis of 27 May 1960).

Fundamental Law of 17 June 1960 on public liberties (*Moniteur Belge* of 24 June 1960).

Civil Code, Book III, articles 40 and 428 (*Codes and Laws of the Belgian Congo*, Vol. I).

Penal Code, Decree of 30 January 1940 (*ibid.*, Vol. I).

Decree of 6 August 1959 concerning Code of Penal Procedure, articles 27 to 47 (*ibid.*, Vol. II, pp. 47-49).

Ordinance No. 11/13 of 15 January 1960 concerning prison regulations (*Moniteur congolais*, No. 10 of 7 March 1960) which aggregate the Ordinance of 15 October 1931.

Ordinance No. 15 of 20 January 1928 establishing the prison regulations concerning native conscriptions (*Codes and Laws of the Belgian Congo*, Vol. II, p. 164).

Legislative Ordinance No. 25/557 of 6 November 1959 establishing penalties to be applied in case of violation of rules of general order (*ibid.*, Vol. I, p. 344).

Decree of 17 August 1959 on freedom of association (*ibid.*, Vol. I, p. 395).

Ordinance No. 25-505 of 5 October 1959 on public manifestations and gatherings (*ibid.*, Vol. I, p. 397), and Decree of 17 August 1959 on indoor public gatherings (*ibid.*).

- Order of 11 August 1960 on exceptional measures in case of serious trouble concerning freedom of association and gathering (*Moniteur congolais*, No. 36 of 5 September 1960).
- Legislative Decree of 14 January 1961 (*ibid.*, No. 4 of 31 January 1961) intended to suppress subversive propaganda.
- Decree of 16 May 1960 (*ibid.*, No. 22 of 30 May 1960) pertaining to infractions of public order and tranquillity.
- Decree of 20 October 1959 on a state of emergency (*Codes and Laws of the Belgian Congo*, Vol. I, pp. 409-410).
- Ordinance of 19 April 1943 (*ibid.*, Vol. I, p. 414) concerning regulation on imprisonment of coloured persons.
- Legislative Law No. 1-61 of 25 February 1961 (*Moniteur congolais*, No. 8 of 9 March 1961) concerning measures for the state security.
- Ordinance of 5 March 1922 on freedom of the press (*Codes and Laws of the Belgian Congo*, Vol. III, p. 712).
- Decree of 23 May 1896 and Ordinance of 26 May 1930 on the vagrants and beggars and their placement at the disposition of the Government (*ibid.*, Vol. II, pp. 168-169).
- Decree of 10 May 1919 on the organisation of the public force, article 7, and circular of 21 February 1949 regulating the participation of the troops in public utility works (*ibid.*, Vol. II, p. 383).
- Decree of 31 July 1920 on the régime of the occupation, articles 4 and 5 (*ibid.*, Vol. I, p. 403).
- Legislative Ordinance No. 112 of 11 June 1940 on civil requisitions, articles 1, 4 and 12 (*ibid.*, Vol. I, pp. 415-460).
- Decree of 10 May 1957 on the conscriptions of natives, articles 30 (*k*), 71, 72, 82 and 98 (*ibid.*, Vol. II, pp. 215-221).
- Ordinance No. 53-5 of 9 April 1915 on the measures of conservation and preservation of destruction of forests and trees (*ibid.*, Vol. III, p. 265).
- Ordinance No. 33 of 25 March 1927 on measures for the destruction of insects and cryptogamic parasites (*ibid.*, Vol. III, p. 265).
- Legislative Decree of 1 February 1961 (*Moniteur congolais*, No. 9 of 28 March 1961) on the hire of services, articles 75 and 79 which abrogate the Decree of 25 June 1949 on employment contracts, the Decrees of 16 March 1922 and 30 June 1954 on work contract (co-ordinated by the Order of 19 July 1954) and the Decree of 30 June 1954 on recruitment.
- Decree of 27 June 1960 establishing the Book V of the Code of Maritime and River Navigation (*ibid.*, No. 36 of 5 September 1960) which abrogates the texts of previous laws on river navigation (articles 133, 134, 136 and 138).
- Decree of 25 January 1957 on the exercise of the right of association, articles 5 and 7 (*Codes and Laws of the Belgian Congo*, Vol. III, p. 223).
- Decree of 18 May 1959 regulating the obligatory conciliation and arbitration procedure in case of a collective labour conflict (*L.S.*, 1959—C.B. 3).
- Ordinance No. 22-287 of 25 May 1960 (*Moniteur congolais*, No. 28 of 11 July 1960) and Order of 6 January 1961 (*ibid.*, No. 3 of 24 January 1961) concerning the conciliation and arbitration in production works, waterworks, production undertakings, transport and electricity supply undertakings.
- Legislative Decree respecting contracts for the hire of services. Dated 1 February 1961 (*ibid.*, No. 9 of 28 March 1961, p. 71).

COSTA RICA

- Political Constitution.
- Labour Code (*L.S.*, 1943—C.R. 1).
- Penal Code.
- Police Code.
- Law No. 1161 of 2 June 1950 on individual guarantees (*Ley de Amparo*).
- Law No. 9 of 21 August 1917 on vagrants (*Ley de Vagos*).
- The General Law No. 110 of 24 August 1921 on roads, as amended in 1924, 1925 and 1931.

CUBA

- Penal Code (Social Defence Code of Cuba).
- Penal Regulation No. 1, promulgated in the Sierra Maestra on 21 February 1958 (*Folleto de Divulgación Legislativa*, Vol. IV, March 1959, Havana).
- Penal Code of the Cuban Nation in Arms of 28 July 1896 (*Folleto de Divulgación Legislativa*, Vol. IV, March 1959).
- Law No. 938 concerning work procedure and social security of 28 February 1961 (*Gaceta oficial*, No. 7, special number of 1 March 1961).

CYPRUS

Constitution of 1960.

Criminal Code (Chapter 13 of *Laws of Cyprus*, 1949 Edition).

Prison Discipline Law (Chapter 266 of Laws of 1949).

Prisons Regulations.

Seditious Publications Law (Chapter 156 of Laws of 1949).

Assemblies and Processions Law of 1958 (Laws of 1958).

Forest Law (Chapter 93 of Laws of 1949).

Governmental Waterworks Law (Chapter 305 of Laws of 1949).

Supplies and Services [Transitional Powers (Cyprus)] Order, 1946 (Subsidiary Legislation of Cyprus, 1946).

Supplies and Services (Transitional Powers) Act, 1945 (*ibid.*).

Supplies and Services (Transitional Powers) (Colonies, etc.) Order, 1946 (*ibid.*).

Essential Works (Hotels and Restaurants) Order, 1954 (*ibid.*, 1954).

Merchant Shipping Acts, 1894-1950.

Trade Disputes (Conciliation, Arbitration and Inquiry) Law (Chapter 171 of Laws of 1949).

Trade Unions Law (Chapter 172 of Laws of 1949).

CZECHOSLOVAKIA

Constitutional Laws of 9 June 1948 and 11 July 1960.

Penal Code Act No. 86 of 12 July 1950, and Ministerial Order No. 1 of 1957, adopted in pursuance of this Code.

Decree of the President of the Republic (Part II) No. 88 of 1 October 1945, respecting general compulsory labour service (Chapters II and III) (*Sbirka zákonů*, No. 40 of 17 October 1945, text 88) (*L.S.*, 1945—Cze. 2).

Governmental Order No. 40, of 28 April 1953, concerning civic service work.

Act No. 70 of 17 October 1958 respecting the duties of undertakings and the People's Committees in making provision for manpower (*Sbirka zákonů*, No. 28 of 10 November 1958, text 70) (*L.S.*, 1958—Cze. 1).

Governmental Order No. 24 of 17 April 1959 on the obligation of the administrative organs of the State and the undertakings to provide for the graduates of higher institutions and professional schools.

Administrative Penal Code No. 88 of 1950, as amended by Act No. 102 of 1953.

DAHOMEY

Act No. 46-645 to suppress forced labour in the overseas territories. Dated 11 April 1946 (*L.S.*, 1946—Fr. 4).

Labour Code (*L.S.*, 1952—Fr. 5).

Law No. 61-7 (*Journal officiel* of 21 July 1961) on public security.

Law No. 60-12 of 30 June 1960 on the freedom of the press, as amended by the Law of 20 February 1961.

Decree No. 60-328 of 11 November 1960 to create a national group of young workers (*J.O.* of 1 December 1960).

DENMARK

Constitution of 5 June 1915 as amended.

Penal Code of 1930, as amended by the Laws of 24 June 1939, 1 June and 28 August 1945 and 7 June 1952 (*Les Codes pénaux européens*, Centre français de droit comparé, Vol. I, 1958).

Act of 4 October 1919 respecting the Permanent Arbitration Court (*L.S.*, 1929—Den. 2 B).

Law No. 229 of 20 December 1929 concerning regulation and partial suppression of compulsory work in the communes (*Danmarks Love*, 1665-1949).

Act No. 5 of 18 January 1934 respecting intervention in labour disputes (*L.S.*, 1934—Den. 1).

Notification No. 15 of 28 January 1958 of the Act respecting conciliation in industrial disputes (*L.S.*, 1958—Den. 1).

Seamen's Act, No. 229 of 7 June 1952 (*L.S.*, 1952—Den. 1).

DOMINICAN REPUBLIC

Constitution of 1 December 1955 (*Gaceta oficial* (*G.O.*), 2 December 1955).

Labour Code (Act No. 2920 of 11 June 1951) (*L.S.*, 1951—Dom. 1); as amended by Act No. 4667 of 12 April 1957 (*L.S.*, 1957—Dom. 1).

- Penal Code of 20 August 1884, as amended [for consolidated text, see *Información jurídica* (Madrid), September-October 1959, Nos. 196-197, p. 1717].
 Act No. 1443 of 14 June 1947 to prohibit organisations contrary to the Constitution (*G.O.* of 16 June 1947).
 Act No. 3143 of 11 December 1951 to impose penalties on persons who, having received payment for work, do not perform it (*G.O.*, No. 7363).
 Act No. 3455 of 18 December 1952 on municipal organisation (*G.O.* of 29 January 1953).
 Act No. 3456 of 18 December 1952 on the organisation of the District of San Domingo (*G.O.* of 29 January 1953).
 Act No. 3589 of 27 June 1953 providing for the discontinuation of state agricultural settlement (*G.O.* of 4 July 1953).
 Decree No. 9563 of 5 December 1953 (*G.O.* of 9 December 1953).

ECUADOR

- Political Constitution.
 Labour Code; Decree No. 210 of 5 August 1938 (*L.S.*, 1938 and 1954—Ec. 1 B) as amended.
 Penal Code.
 Civil Code.
 Law on the organisation of the régime of the communes (*Legislación indigenista de Ecuador* (Edited by Instituto indigenista interamericano, Mexico)).

FINLAND

- Constitution of 1919 (*Suomen Asetuskokoelma—Finlands Författningssamling* (*S.A.—F.F.*), No. 94/19).
 Penal Code and Ordinance of 1889 on the execution of penalties (*Les Codes pénaux européens*, Centre français de droit comparé, Vol. II, 1958).
 Vagrancy Act of 17 January 1936 (*S.A.—F.F.*, No. 57/36).
 Alcoholics Act of 17 January 1936 (*ibid.*, No. 60/36).
 Law No. 570 of 12 July 1946 respecting conciliation in labour disputes (*L.S.*, 1946—Fin. 3 B).
 Act of 20 August 1948 concerning the ensuring of a child's maintenance in certain cases (*S.A.—F.F.*, No. 614/48).
 Seamen's Act of 30 June 1955 (*L.S.*, 1955—Fin. 2).
 Welfare Assistance Act of 17 February 1956 (*S.A.—F.F.*, No. 116/56).
 Protection of the Population Act of 31 October 1958 (*ibid.*, No. 438/58).

FRANCE

- Constitution of 4 October 1958 (*Journal officiel* (*J.O.*) of 4 October 1958).
 Penal Code.
 Criminal Procedure Code.
 Labour Code (*Petits Codes Dalloz*, 1960 edition).
 Decree of 19 January 1923 on prison regulation (*J.O.* of 31 January 1923).
 Decree of 29 June 1923—Prison Regulation (*J.O.* of 20 July 1923).
 Law of 29 July 1881 on freedom of the press.
 Decision of 29 September 1961 concerning measures to be taken in respect of persons participating in an undertaking of a subversive nature (*J.O.* of 20 September 1961, p. 8963).
 Ordinance No. 58-916 of 7 October 1958 concerning the measures to be taken for reasons of public security in respect of dangerous persons, who aid the rebels in the Algerian Department (*J.O.* of 8 October 1958).
 Decision of 27 April 1961 concerning certain publications (*J.O.* of 28 April 1961).
 Decision of 24 April 1961 extending the Ordinance of 7 October 1958 (*J.O.* of 24 April 1961).
 Legislative Decree of 19 October 1939 relating to the status of requisitioned personnel (*J.O.* of 30 October 1939).
 Law of 11 July 1938 on general organisation of the nation in time of war (*Petits Codes Dalloz—Code Pénal*, 1960 edition, p. 137).

GABON

- Act No. 46-645 to suppress forced labour in the overseas territories. Dated 11 April 1946 (*L.S.*, 1946—Fr. 4).
 Labour Code (*L.S.*, 1952—Fr. 5).
 Constitution of 21 February 1961.

- Law No. 55-59 of 15 December 1959 (*Journal officiel (J.O.)* of 15 January 1960) concerning the organisation of prisons' services and prison regulations in the Gabon Republic.
- Law No. 84-59 of 5 January 1960 (*J.O.* of 1 February 1960) on the freedom of the press and of opinion.
- Law No. 49-60 of 8 June 1960 (*J.O.* of 15 July 1960) intended to suppress subversive plots and danger to the security of the State.
- Law No. 48-60 of 8 June 1960 (*J.O.* of 15 July 1960) on public gatherings.
- Legislative Decree No. 4/PM of 6 December 1960 (*J.O.* of 1 January 1961) on the organisation and recruitment of the army of the Gabon Republic.
- Law No. 19-61 of 12 May 1961 (*J.O.* of 15 June 1961) concerning organisation of the defence of the national territory.

FEDERAL REPUBLIC OF GERMANY

- Basic Law for the Federal Republic of Germany, dated 23 May 1949 (*Bundesgesetzblatt (BGBl.)*, p. 1) (*L.S.*, 1949—Ger.F.R. 1), as subsequently amended, in particular by the Act of 19 March 1956 to supplement the Basic Law (*BGBl.*, Part I, p. 111) (*L.S.*, 1956—Ger.F.R. 1).
- Land Constitution of the Free Hanseatic City of Bremen at 21 October 1947.
- Constitution of Land Hess of 11 December 1946.
- Constitution of Land Rhineland-Palatinate of 18 May 1947.
- Constitution of Land Berlin of 1 September 1950.
- Penal Code, as published on 25 August 1953 (*BGBl.*, Part I, p. 1083) and subsequently amended.
- Assemblies Act of 24 July 1953 (*BGBl.*, Part I, p. 684).
- Act of 29 June 1956 concerning judicial procedure in cases involving deprivation of freedom (*BGBl.*, Part I, p. 599), as subsequently amended.
- Federal Social Assistance Act of 30 June 1961 (*BGBl.*, Part I, p. 815).
- Compulsory Military Service Act, as published on 14 January 1961 (*BGBl.*, Part I, p. 29).
- Substitute Civilian Service Act of 13 January 1960 (*BGBl.*, Part I, p. 10).
- Seamen's Act of 26 July 1957 (*BGBl.*, Part II, Vol. 1, p. 713).
- Association Act of 19 April 1908 (*Reichsgesetzblatt*, p. 151).

GHANA

- Prisons Ordinance (Cap. 40, *Laws of Ghana*, 1951 edition), and the Prisons Regulations made thereunder.
- Labour Ordinance (Cap. 89).
- Conspiracy and Protection of Property (Trade Disputes) Ordinance (Cap. 90).
- Control of Beggars and Destitutes Ordinance, No. 36 of 1957.
- Deportation Act, No. 14 of 1957, as amended by Act No. 65 of 1959.
- Merchant Shipping (Transitory Provisions) Act, No. 23 of 1957.
- Interpretation Act, No. 29 of 1957.
- Builders Brigade Board Act, No. 37 of 1957.
- Preventive Detention Act, No. 17 of 1958.
- Industrial Relations Act, No. 56 of 1958, as amended by Act No. 43 of 1959 (*L.S.*, 1958—Ghana 1; *L.S.*, 1959—Ghana 1).
- Criminal Code, 1960 (Republic of Ghana Act No. 29).
- Criminal Procedure Code, 1960 (Republic of Ghana Act No. 30).

GREECE

- Constitution of 1 January 1952.
- Penal Code of 1951, as amended by the Legislative Decree No. 4090 of 1960 (*Les Codes pénaux européens*, Centre français de droit comparé, Vol. II, 1958).
- Act of 1871 relating to the struggle against brigandage, as amended.
- Decree of 17 July 1923 concerning discipline in prisons.
- Decree of 30 July 1925 on the regulation of work farms and outdoor works.
- Legislative Decree of 4 May 1946 and Law No. 41 of 1946 amending the Legislative Decree of 19/21 April 1924 concerning the deportation of all persons who might give aid to robbers or perform acts contrary to public order and state security.
- Law of 19/26 February 1911 and Decree of 14/27 May 1928 concerning respectively the employment of the Army on certain works outside the scope of its proper functions and the exaction from military units of certain works of a communal nature.
- Law No. 5458 of 7 May 1932 concerning public employees (right to strike) (*L.S.*, 1932—Gre. 5).
- Act No. 6281 of 1935 completing and codifying the Act No. 512 concerning action against rats and locusts.

- Royal Decree of 7 April 1937 concerning administrative services and book-keeping in state prisons and penitentiaries.
 Law No. 3239 of 18 May 1955 to prescribe the manner of settling collective labour disputes, to set up a national advisory board on said policy, and to amend and supplement the provisions of certain labour laws (*L.S.*, 1955—Gre. 2).
 Penal and Disciplinary Code for the Mercantile Marine of 13 December 1923 (*L.S.*, 1923—Gre. 5), amended and supplemented up to 1936.
 Law No. 229 of 25 October 1936 respecting the settlement of collective disputes in connection with seafaring (*L.S.*, 1936—Gre. 5).
 Law No. 1752 of 1951 respecting employment at sea (*L.S.*, 1951—Gre. 1), as amended by Legislative Decree No. 2652 of 17 October 1953 (*L.S.*, 1953—Gre. 2).
 Law No. 2079 of 1952 ratifying the Forced Labour Convention, No. 29 (*Ephemeris tes Kyherneseos*, No. 108, Vol. 1, 1952).
 Act No. 1910 of 1951 concerning municipal revenues.

GUATEMALA

- Constitution of the Republic.
 Labour Code (*L.S.*, 1947—Guat. 1; *L.S.*, 1956—Guat. 2).
 Penal Code.
 Prison Regulations.
 Law on Public Order.
 Law on Vagrancy (Decree No. 1996).
 Law relating to agrarian reform (Decree No. 900 of the Congress).
 Regulation No. 76 on the Limitation of the Working-Day of Farm Workers (*Diario de Centroamérica*, Vol. XLIII, No. 13, 15 March 1945, p. 105) (*L.S.*, 1945—Guat. 1).
 Decree No. 102 of 15 May 1945 confirming Decree No. 75 relative to contracts of farm workers (*Diario de Centroamérica*, Vol. XLIII, No. 66, 22 May 1945, p. 501) (*L.S.*, 1945—Guat. 1-B).
 Legislative Decree No. 1995 of 7 May 1934 prohibiting the grant of advances to *colonos* or to day-labourers (*Legislación indigenista de Guatemala*, Instituto Indigenista Americano, Mexico, 1954, p. 108).
 Regulation of 1 September 1930 on the Service of Infantry Sappers of the Republic of Guatemala (*ibid.*, p. 103).

GUINEA

- Constitution of 10 November 1958.
 Labour Code of 30 June 1960.
 Ordinance No. 48 PG of 8 October 1959 (*Journal officiel (J.O.)* of 10 October 1959).
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HAITI

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HONDURAS

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INDIA

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 Prevention of Seditious Meetings Act, No. 10 of 1911.
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 Preventive Detention Act, No. 4 of 1950.
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 Territorial Army Act, No. 56 of 1948.
 Post Office Act, No. 6 of 1898.
 Merchant Shipping Act, No. 44 of 1958.
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 Preventive Detention (Continuance) Act, No. 54 of 1957.
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 Mysore Irrigation Act, No. 1 of 1932.
 Central Provinces Irrigation Act, No. 3 of 1931.
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 Hyderabad Gram Panchayat Act, 1956.
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 Prison Regulation Ordinance of 10 December 1917 (*ibid.*, 1917, No. 708), as amended.
 Ordinance of 17 December 1918 respecting the exercise of the right of association and assembly (*ibid.*, 1919, No. 29), as amended.
 State of War and Siege Regulation of 13 September 1939 (*ibid.*, 1939, No. 32).
 Ordinance of 14 November 1941 repealing the Coolie Ordinance (*ibid.*, 1941, No. 514).
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Press Law of 1955 (Mordad 1334).

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Trade Union Act No. 22 of 1941.

Trade Disputes Act, 1906 (U.K. Act, Cap. 47).

Merchant Shipping Act, 1894 (U.K. Act).

Merchant Shipping Act No. 46 of 1947.

ISRAEL

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Prisons Ordinance, 1946.

Law and Administration Ordinance, No. 1 of 1948.

Emergency Regulations (Mobilisation of Manpower) (Extension of Validity) Ordinance, No. 30 of 1948.

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Act of 11 November 1947.

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 Penal Code (*Jurisclasseur TOM*).
 Code of Penal Procedure, Law of 14 November 1960 (*Journal officiel (J.O.)* of 24 February 1961).
 Order No. 134 of 20 April 1951 (*J.O.* of 15 May 1951) concerning prison regulations.
 Law 59-118 of 27 August 1959 (*J.O.* of 1 September 1959) concerning reinforcement of protection of public order.
 Law 59-113 of 26 August 1959 (*J.O.* of 1 September 1959) concerning creation of the national service of civic and rural education.
 Law 61-209 of 12 June 1961 (*J.O.* of 13 June 1961) concerning the organisation of the defence and the Armed Forces.
 Law 61-210 of 12 June 1961 (*J.O.* of 13 June 1961) on the recruitment of the Armed Forces.

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 Prison Law Enforcement Regulation, No. 18 of 1908.
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 National Public Service Law, No. 120, 1947.
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JORDAN

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 Criminal Procedure Law, Title 8.
 Labour Law, Title 19.
 Maritime Law, Title 22.
 Patriotic Observances Law, Title 26.
 Penal Law, Title 27.
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 Public Works Law, Title 34.
 Act Regulating Recruiting, 1961.

LIBYA

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 Penal Code.
 Labour Act, 1957 (*L.S.*, 1957—Libya 2).

LUXEMBOURG

- Constitution of 17 October 1868 (*Constitution of Nations*, Peaslee).
 Penal Code (*Codes pénaux européens*, Centre français de droit comparé, Vol. II, 1958).

MALAGASY REPUBLIC

- Act No. 46-645 of 11 April 1946 to suppress forced labour in the overseas territories. (*L.S.*, 1946—Fr. 4.)
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 Decree No. 59-121 of 27 October 1959 regarding the general organisation of the prison services.
 Ordinance No. 60-118 of 30 September 1960 regarding defence organisation in Madagascar and the creation of national Service (*J.O.* of 8 October 1960).
 Law No. 59-29 of 27 February 1959 regarding the Freedom of the Press (*J.O.* of 7 March 1959).
 Ordinance No. 60-063 (*J.O.* of 23 July 1960) regarding the Dissolution of Certain Associations.
 Law No. 59-007 of 23 September 1959 (Improvements on Tax Payment) (*J.O.* of 24 October 1959).
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 Order of 7 February to regulate rural authorities.

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 Restricted Residence Enactment (Cap. 39, *Laws of the Federated Malay States*, 1935 edition), as amended by Ordinances Nos. 4 and 13 of 1948.
 Penal Code (Cap. 45, *ibid.*), extended throughout the Federation by Ordinance No. 32 of 1948.
 Minor Offences Enactment (Cap. 46, *ibid.*).
 Vagrants and Decrepit Persons Enactment (Cap. 191, *ibid.*).
 Cultivation of Rice Enactment (Cap. 214, *ibid.*; applicable only in the State of Negri Sembilan).
 Malacca Lands Customary Rights Ordinance (Cap. 125, *Laws of the Straits Settlements*, 1936 edition).
 Rice Cultivation Ordinance (Cap. 145, *ibid.*; still applicable to the States of Penang and Malacca) and the Rice Cultivation Rules, No. 53 of 1934, made thereunder.
 Vagrancy Ordinance (Straits Settlements Ordinance No. 37 of 1939; still applicable to the States of Penang and Malacca).
 Sedition Ordinance (No. 14 of 1948).
 Trade Disputes Ordinance, No. 4 of 1949, as amended by Ordinances Nos. 13 and 53 of 1956.
 Societies Ordinance, No. 28 of 1949.
 Merchant Shipping Ordinance, No. 70 of 1952.
 Prisons Ordinance, No. 81 of 1952, and the Prisons Rules 1953 issued thereunder (Legal Notice, 326 of 1953).
 Internal Security Act, No. 18 of 1960.

REPUBLIC OF MALI

Constitution of Mali, dated 22 September 1960.
 Act No. 46-645 to suppress forced labour in the overseas territories. Dated 11 April 1946 (*L.S.*, 1946—Fr. 4).
 Labour Code (*L.S.*, 1952—Fr. 5).
 Law No. 59-17 of 23 January 1959 (*Journal officiel (J.O.)* of 15 February 1959) relating to the Organisation of Prison Services and to the Penal System in the Sudan.
 Law No. 58-32 of 27 December 1958 (*J.O.* of 14 February 1959) fixing the methods of the Decree of 24 February 1957 (Industrial Accidents) to detainees carrying out penal labour.
 Ordinance No. 32 of 28 March 1959 (*J.O.* of 1 April 1959) relative to crimes and offences against the Constitution and public peace amended by Law No. 61 of 18 January 1961 (*J.O.* of 1 March 1961).
 Ordinance No. 33 of 28 March 1959 (*J.O.* of 1 April 1959), amended by Ordinance of 30 March 1959 (*J.O.* of 1 May 1959) concerning resistance, disobedience to public authorities, offences against the administrative authority and breaches of the peace.
 Law No. 60-15 of 11 June 1960 (*J.O.* of 15 July 1960) regarding the institution of a Civic Rural Service.
 Decree No. 300 of 29 October 1960 (*J.O.* of 15 November 1960) regarding the organisation of the Civic Rural Service.
 Decree No. 301 of 29 October 1960 (*J.O.* of 15 November 1960) regarding methods of recruitment to the Civic Rural Service.

MAURITANIA

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 Penal Code (*Jurisclesseur TOM*).
 Law No. 59-54 of 10 July 1959 (*Official Gazette* of 19 August 1959) on the protection of public order.
 Law No. 60-17 of 19 January 1960 (*ibid.* of 20 January 1960) concerning the suppression of certain crimes threatening security, public order and the credit of the State.

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MOROCCO

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 Residential Order, 29 June 1943, fixing conditions of work of penal labour (*B.O.*, 1943—523).
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 Dahir of 15 November 1958 relating to the right of association.
 Dahir of 10 February 1959 (*B.O.*, 5 March 1959).
 Dahir No. 1.59-437 of 28 May 1960.
 Dahir of 31 March 1961 (*B.O.*, 14 April 1961).
 Moroccan Penal Code.

NETHERLANDS

Constitution of the Kingdom of the Netherlands of 30 November 1887, as amended.
 Civil Code of 14 June 1836, as amended.
 Penal Code.
 Prisons Act of 21 December 1951 (*Staatsblad*, 1951, No. 596; *Nederlandsche Wetboeken*, 1959, p. 1752).
 Prison Regulations Decree of 23 May 1953 (*Staatsblad*, 1953, No. 237; *Nederlandsche Wetboeken*, 1959, p. 1760).
 Civil Authorities' Emergency Powers Act of 23 July 1952 (*Staatsblad*, 1952, No. 361).
 Act of 22 April 1855 to regulate and restrict the right of association and assembly (*Staatsblad*, 1855, No. 32), as amended (for revised text see *Nederlandsche Wetboeken*, 1959, p. 2355).

NEW ZEALAND

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 Crimes Act, No. 32 of 1908.
 Trade Unions Act, No. 196 of 1908.
 Police Offences Act, No. 35 of 1927.
 Shipping and Seamen Act, No. 49 of 1952.
 Public Safety Conservation Act, No. 3 of 1932.
 Aliens Act, No. 28 of 1948.
 Industrial Conciliation and Arbitration Act, No. 12 of 1954.
 Labour Disputes Investigation Act, No. 15 of 1913.

NICARAGUA

Political Constitution of Nicaragua, dated 1 November 1950 (*L.S.*, 1950—Nic. 1).
 Penal Code of Nicaragua, 1891.
 Act of 10 September 1945 (obligation of workers in the case of accident in the undertaking).

NIGER

Act No. 46-645 to suppress forced labour in the overseas territories, dated 11 April 1946 (*L.S.*, 1946—Fr. 4).
Labour Code, 15 December 1952 (*L.S.*, 1952—Fr. 5).
Ordinance No. 60-26 of 22 January 1960 to punish acts of resistance and disobedience to public authorities (*Journal officiel*, 1960, No. 2).

NIGERIA

Criminal Code (Cap. 42, 1958, edition of the *Laws of the Federation of Nigeria and Lagos*).
Criminal Procedure Ordinance (Cap. 43).
Desertion from Ships Ordinance (Cap. 49).
Labour Ordinance (Cap. 91).
Prisons Ordinance (Cap. 159), and the Prisons Regulations made thereunder.
Trade Unions Ordinance (Cap. 200).

NORWAY

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Penal Code of 1902 as amended up to 1955.
Law of 12 December 1903 on Prisons and Forced Labour, as amended (*Norges Lover*, 1682 to 1959).
Law No. 5 of 31 May 1900 on Vagrants, Tramps, and Drunkards, as amended (*ibid.*, 1682 to 1959).
Law of 5 May 1927 on Labour Disputes, as amended up to 1949 (*L.S.*, 1927—Nor. 1; 1931—Nor. 1; 1933—Nor. 2; 1934—Nor. 1; 1935—Nor. 1; 1949—Nor. 5).
Law No. 7 of 19 December 1952 respecting wages committees in labour disputes (*L.S.*, 1952—Nor. 3).
Law No. 25 of 17 July 1953 on Seamen (*L.S.*, 1953—Nor. 1).
Law No. 29 of 17 July 1953 on Military Service (*Norges Lover*, 1682 to 1959).

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Prevention of Seditious Meetings Act, No. X of 1911.
Restriction and Detention Ordinance, No. III of 1944.
Civil Services (Conditions of Service) Ordinance, No. XXXIII of 1942.
Pakistan Essential Services (Maintenance) Act, No. LI of 1952.
Code of Criminal Procedure, 1898.
Security of Pakistan Act, 1952 (*Laws and Statutes*, 1951-52).
Vagrancy (Capital of the Federation) Act, No. 74 of 1950.
Karachi Control of Disorderly Persons Act, 1952 (*Laws and Statutes*, 1951-52).
Northern India Canal and Drainage Act, 1873.
Punjab Minar Canals Act, 1905.
Transport and Bengal Troop Assistance Regulations, No. XI of 1806.
Punjab Military Transport Act, No. 1, 1961 (*Punjab Code*, 6th edition, Vol. II).
Post Office Act, 1898 (*India Code*, Vol. VI).
Merchant Shipping Act, No. XXI of 1923.
East Pakistan Essential Services Ordinance, No. XXV of 1957.
West Pakistan Essential Services Ordinance, No. VII of 1957.
Trade Union Act, No. XVI of 1926.
Industrial Disputes Ordinance, No. LVI of 1959 (*L.S.*, 1959—Pak. 1).
Indian Criminal Law Amendment Act, 1908 (*India Code*, Vol. III).
Indian States (Protection against Disaffection) Act, 1922 (*Unrepealed General Acts of India*, Vol. VII).
Police (Incitement to Disaffection) Act, 1922 (*India Code*, Vol. VI).

PERU

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Peruvian Penal Code of 1924 (*Constitución, Códigos y leyes del Perú*, ed. Gil, 1942).
Act No. 605 of 6 October 1920 prohibiting unpaid services (*ibid.*).
Act No. 479 of 2 August 1921 prohibiting unpaid services in the Central Region (*ibid.*).
Act No. 10885 of 15 March 1947 respecting “*yanaconaje*” (*Legislación Indiana Republicana*, Compilación de Legislación Indígena, Lima, 1947).

PHILIPPINES

Constitution of the Republic.

Penal Code.

Administrative Code.

Civil Code.

Commonwealth Act No. 616 respecting espionage and other offences against national security.

National Defence Law.

Commonwealth Act No. 23 to define and regulate legitimate labour organisations (*Asian Labour Laws*, p. 1213; *Labour and Industrial Laws*, edited by T. C. Martin, 1952 edition, p. 277).

Republic Act No. 875 to promote industrial peace and for other purposes (*L.S.*, 1953—Phil. 1).

Republic Act No. 1700 of 20 June 1957 to outlaw the Communist Party, etc. [Anti-Subversion Act].

Pine Rice Share Tenancy Act No. 4054, as amended (*Labour and Industrial Laws*, Martin, p. 245).

Commonwealth Act No. 103 of 29 October 1936 to create a court of industrial relations (*Labour and Industrial Laws*, Martin, p. 296).

Commonwealth Act No. 358 of 22 August 1938 respecting the taking over and operation by the Government of public utilities or businesses coupled with a public interest (*Labour and Industrial Laws*, Martin, p. 364).

Republic Act No. 1167 of 18 June 1954 respecting peaceful picketing (*Official Gazette*, September 1954, p. 4096).

Standing Operation Procedure Order, issued by the Chief of Staff of the Armed Forces on 14 March 1951, for constabulary and armed forces called upon to perform strike duty.

POLAND

Constitution of the People's Republic, dated 22 July 1952.

Order of the President of the Republic, of 14 October 1927, respecting beggars and vagrants (*Dziennik Ustaw Polskiej Rzeczypospolitej Ludowej (D.U.)*, 25 October 1927, No. 92, text 823);

Order of the Minister of Labour and Social Welfare of 13 May 1950 to bring the above Order into execution in the whole country (*D.U.*, 3 July 1950, No. 26, text 238).

Order of the President of 16 March 1928 respecting contracts of employment for manual workers (*D.U.*, No. 35, text 324; *L.S.*, 1928—Pol. 3).

Order of the President of 16 March 1928 respecting contracts of employment for non-manual workers (*D.U.*, No. 35, text 323; *L.S.*, 1928—Pol. 2).

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Code of Criminal Procedure, as amended by the Act of 20 July 1950 (*D.U.*, 1 September 1950, No. 38, text 348; consolidated text in *Kodeks Postępowania Karnego*, Warsaw, 1960).

Decree of 13 June 1946 respecting particularly dangerous infractions committed during the reconstruction of the country (*D.U.*, 12 July 1946, No. 30, text 192).

Order of the Minister of Labour of 28 November 1946 respecting the registration to be carried out in accordance with the Decree of 8 January 1946 (*D.U.*, 20 December 1946, No. 70).

Decree of 12 May 1949 concerning printing concessions (*D.U.*, 1949, No. 34, text 245).

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Act of 28 April 1952 respecting seafarers (*D.U.*, 22 May 1952, No. 25, text 171; *L.S.*, 1952—Pol. 2); as amended by the Act of 5 November 1958 (*D.U.*, 20 November 1958, No. 68, text 338; *L.S.*, 1958—Pol. 3).

Decree of 4 March 1953 to prescribe penalties in case of faulty production (*D.U.*, 19 March 1953, No. 16, text 63).

Decree of 18 January 1956 respecting contracts of employment (*D.U.*, 25 January 1956, No. 2, text 11; *L.S.*, 1956—Pol. 1), as amended by the Act of 10 September 1956.

Decision No. 327 of 16 August 1957 respecting order and discipline in employment (*Monitor Polski*, 28 August 1957, No. 70, text 432).

Act of 30 January 1959 (*D.U.*, 1959, No. 14) concerning general military service and providing for the repeal of the Act of 4 February 1950.

PORTUGAL

Penal Code, approved by Decree of 16 September 1886, as amended.

Decree No. 16199 of 6 December 1928 to approve the Native Labour Code for the Portuguese colonies in Africa (*Diário do Governo (D.G.)*, first series, No. 281, 6 December 1928) (*L.S.*, 1928—Por. 3).

Legislative Decree No. 23870 of 18 May 1934 to lay down the penalties to which persons are liable who commit the offence of engaging in a lockout or a strike (*L.S.*, 1934—Por. 2).

Legislative Decree No. 24836 of 2 January 1935 to amend section 22 of the Legislative Decree of 18 May 1934 (penalties) (*D.G.*, 1935, p. 7).

Legislative Decree No. 23048 of 23 September 1933 to promulgate the national labour statute (*D.G.*, first series, No. 217, 23 September 1933) (*L.S.*, 1933—Por. 5), extended to the colonies by Decree No. 27552 of 5 March 1937 (*D.G.*, first series, No. 53, 5 March 1937).
Decree No. 43039 of 30 June 1960 to define the breaches of contracts of employment of native workers which may only be subject to civil sanctions (*D.G.*, first series, No. 150, 30 June 1960).
Legislative Decree No. 43893 of 6 September 1961 to abolish native status (*D.G.*, 6 September 1961).

Angola

Legislative Instrument No. 2797 of 31 December 1956 to issue native labour regulations for Angola (*Boletim oficial*, first series, No. 52, 31 December 1956).

Mozambique

Order No. 1180 of 4 September 1930 to approve the Native Labour Regulations of the colony of Mozambique (*Boletim oficial Companhia de Moçambique*, No. 20, 1930).

RUMANIA

Constitution of 13 April 1948.
Labour Code of 30 May 1950 (*L.S.*, 1950—Ru. 1), as modified by Decree No. 369 of 13 July 1956 (*L.S.*, 1956—Ru. 1) and Decree No. 90 of 18 February 1958 (*L.S.*, 1958—Ru. 1).
Decision of the Council of Ministers No. 1434 of 1956 relating to the organisation of professional and technical schools.

EL SALVADOR

Political Constitution of the Republic of El Salvador of 7 September 1950 (*L.S.*, 1950—Sal. 4).
Penal Code.
Decree No. 27 of 17 July 1940 concerning the repression of vagrants and malefactors (*Diario oficial (D.O.)* of 20 July 1940).
Decree No. 353 of 21 August 1951 respecting industrial associations, as amended by Decree No. 2093 of 18 April 1956 (*L.S.*, 1951—Sal. 3; 1956—Sal. 1).
Legislative Decree No. 630 of 2 April 1952 on collective bargaining (*L.S.*, 1952—Sal. 1).
Decree No. 322 of 15 January 1946 respecting collective labour disputes (*L.S.*, 1946—Sal. 2), as amended by a decree published in the *D.O.* on 19 March 1949.
Decree No. 92 of 30 August 1946 on sanctions for infringements of laws, awards, and contracts of employment (*D.O.* of 2 September 1946).
Decree No. 805 of 26 September 1952 suspending the guarantees laid down in articles 154, 158, 159 and 160 of the Constitution (*D.O.* of 26 September 1952).

SENEGAL

Act No. 46-645 to suppress forced labour in the overseas territories. Dated 11 April 1946 (*L.S.*, 1946—Fr. 4).
Labour Code of 15 June 1961 (*Journal officiel (J.O.)* of 3 July 1961).
Penal Code (*Jurisclesseur TOM*).
Law No. 60-42 of 20 August 1960 (*J.O.* of 24 August 1960) regarding state emergencies.
Ordinance 60-27 of 10 October 1960 (*J.O.* of 15 October 1960) relative to public order and security.
Ordinance 60-52 of 14 November 1960 (*J.O.* of 19 November 1960) to reinforce the maintenance of public order.
Ordinance 60-54 of 14 November 1960 (*J.O.* of 19 November 1960) on general defence organisation.

SIERRA LEONE

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The Sierra Leone (Constitution) Order-in-Council, 1961.
Prisons Ordinance, 1960.
Native Courts Ordinance (Cap. 8, 1960 edition of *Laws of Sierra Leone*).
Sedition Ordinance (Cap. 29).
Undesirable Publications Ordinance (Cap. 113).
Police Ordinance (Cap. 150).
The Protectorate Land Ordinance (Cap. 122).
The Protectorate Ordinance (Cap. 60).

Summary Convictions Offences Ordinance (Cap. 37).
 Protectorate Vagrancy Ordinance (Cap. 64).
 Tribal Administration (Colony) Ordinance (Schedules) (Cap. 78).
 Employers and Employed Ordinance (Cap. 212).
 Guides Prohibition Ordinance (Cap. 73).
 Undesirable British Subjects Control Ordinance (Cap. 87).
 Tribal Authorities Ordinance (Cap. 61).
 The Trade Disputes (Declaration of Law) Ordinance (Cap. 222).
 Merchant Shipping Act, 1894.

SOMALI REPUBLIC

Constitution of the Somali Republic, as of 1 July 1960.
 Prison Ordinance, 1952.
 Prison Rules, 1953.
 Criminal Procedure Ordinance (Cap. 6 of the *Laws of Somaliland*, 1950).
 Sedition Ordinance, Cap. 10.
 Indian Penal Code, as applicable to Somaliland in virtue of the Applied Indian Acts Ordinance, Cap. 2.
 Political Removal and Detention of Natives Ordinance, 1910, Cap. 72.
 Political Removal and Detention of Natives Rules, Cap. 72.
 Unsettled Areas Ordinance, 1948, Cap. 40.
 Unlawful Association Ordinance, 1948, Cap. 12.
 Public Order Ordinance, 1948, Cap. 78.
 Merchant Shipping Act, 1894.
 Harbours and Merchant Shipping Ordinance, Cap. 149.
 Foreign Deserters Ordinance, 1908, Cap. 95.
 Trade Union and Trade Disputes Ordinance, Cap. 111.

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 Work Colonies Act, No. 25 of 1949.
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Decree of 16 December 1950 on local administration (*ibid.*, 1950).

SUDAN

Penal Code.

Local Government Ordinance, 1951, as amended.

Locusts Destruction Ordinance, No. 1 of 1907.

SWEDEN

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Penal Code of 16 February 1864, as amended up to 1956.

Vagrancy Act of 12 June 1885, as amended.

Act No. 245 of 20 May 1920 respecting conciliation in trade disputes (*L.S.*, 1920—Swe. 6-8).

Act No. 246 of 20 May 1920 respecting the Central Arbitration Board for certain trade disputes (*L.S.*, 1920—Swe. 6-8).

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Labour Court Act of 22 June 1928 (*L.S.*, 1928—Swe. 3), as amended.

Act of 12 June 1931 respecting alcoholism, as amended by the Act of 3 June 1938.

Act of 11 September 1936 respecting the right of association and the right to collective bargaining (*L.S.*, 1936—Swe. 8), as amended.

Seamen's Act of 30 June 1952 (Act No. 530) (*L.S.*, 1952—Swe. 3).

SWITZERLAND

Federal Constitution of 29 May 1874.

Civil Code of 10 December 1907.

Code of Obligations of 30 March 1911.

Penal Code of 21 December 1937.

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Compulsory Labour Decree, No. 133 of 1952.

Labour Code, 1959 (United Arab Republic).

TANGANYIKA

Employment Ordinance, No. 47 of 1955 (Cap. 366), as amended (*inter alia*) by Ordinance No. 10 of 1960.

Employment (Forced Labour) Regulations, Government Notice No. 15 of 1957.

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Destitute Persons Ordinance (Cap. 41).

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TOGO

Act No. 46-654 to suppress forced labour in the overseas territories. Dated 11 April 1946 (*L.S.*, 1946—Fr. 4).

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Labour Code of 15 December 1952 (*L.S.*, 1952—Fr. 5).

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TUNISIA

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- Order of 25 February 1943 (*J.O.* of 4 March 1943) relating to the interior administration of disciplinary work camps.
- Decree of 10 January 1957 (*J.O.* of 22 January 1957) on the recruitment and organisation of the army.
- Decree of 26 November 1937 on collective disputes in the services subject to a concession.
- Law of 20 August 1959 (*J.O.* of 26-28 August 1959) on forestry.
- Decree of 29 April 1937 on the regulation of collective disputes in agriculture.

TURKEY

- Constitution of 27 March 1961 (*Resmî Gazete (R.G.)* of 31 May 1961).
- Code of Obligations of 22 April 1926.
- Law of 1 May 1926 relating to the Penal Code, amended by Law of 7 July 1938.
- Law of 4 April 1929 relating to a Code of Penal Procedure.
- Law of 14 June 1930 regarding the administration of prisons and places of detention.
- Law of 30 July 1931 on the press.
- Law of 8 June 1936 relating to a Labour Code, amended by Laws of 8 February 1952 and 4 March 1954.
- Law of 18 March 1926 relating to public officials.

UKRAINE

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- Constitution of Ukrainian S.S.R. of 30 January 1937 (as amended in 1947).
- Penal Code of 28 December 1960.
- Labour Code of the Ukrainian S.S.R.
- Corrective Labour Code of the Ukrainian S.S.R.
- Administrative Code.
- Decree of 20 December 1938 regarding work-book.

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- Constitution of the U.S.S.R.: basic law of the Union of Soviet Socialist Republics (with the amendments and additions adopted by the Fifth Session of the Supreme Soviet of the U.S.S.R., Moscow, 1960).
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- Act of 25 December 1958 respecting penal liability for crimes against the State (*ibid.*, 1959, No. 1, Text No. 8).
- Act of 27 October 1960 of the R.S.F.S.R. approving the Penal Code of the R.S.F.S.R. (*Vedomosti Verkhovnoy Soveta R.S.F.S.R.*, No. 40 of 31 October 1960, Text No. 592).
- Penal Code of the R.S.F.S.R. (*Zakony R.S.F.S.R. i Postanovleniya Verkhovnoy Soveta R.S.F.S.R.*, Moscow, 1960, pp. 58-160).
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- Act of 27 October 1960 respecting the organisation of the courts of the R.S.F.S.R.
- Order of 21 June 1961 of the Praesidium of the Supreme Soviet of the U.S.S.R. respecting the non-application to persons who seriously threaten the régime of the commutations of sentence envisaged in connection with the entry into force of the new Penal Code of the R.S.F.S.R. (*Vedomosti Verkhovnoy Soveta R.S.F.S.R.*, No. 25 of 29 June 1961; *Vedomosti Verkhovnoy Soveta S.S.S.R.*, No. 26 of 29 June 1961).
- Ukase of 24 April 1958 of the Praesidium of the Supreme Soviet of the U.S.S.R. respecting the liability incurred in the case of non-fulfilment of plans or of tasks connected with the delivery of manufactured goods (*Vedomosti Verkhovnoy Soveta S.S.S.R.*, 28 May 1958, Text No. 202).
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- Ukase of 25 April 1956 of the Praesidium of the Supreme Soviet of the U.S.S.R. to annul the penal liability of wage and salary earners who leave undertakings and institutions without permission or are absent from work without good reason, as amended by the Ukase of 31 January 1957 (*Vedomosti Verkhovnoy Soveta S.S.S.R.*, No. 4 of 1960, Text No. 36) (*L.S.*, 1956—U.S.S.R. 3).
- Ukase of 4 May 1961 of the Praesidium of the Supreme Soviet of the R.S.F.S.R. to intensify the campaign against persons evading socially useful work and leading an anti-social, parasitic type of life (*Vedomosti Verkhovnoy Soveta R.S.F.S.R.*, 11 May 1961, No. 18, Text No. 273) (*L.S.*, 1961—U.S.S.R. 1).
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- Ukase of 7 April 1959 respecting the participation of kolkhozes, sovkhozes, industrial, transport and other undertakings and economic organisations in the building and maintenance of motor roads (*Vedomosti Verkhovnoy Soveta R.S.F.S.R.*, No. 14 of 10 April 1959, Text No. 241, p. 373).
- Ukase of the Praesidium of the Supreme Soviet of the R.S.F.S.R. of 19 December 1956 respecting liability in mild cases of hooliganism, amended and supplemented by the Ukase of 19 April 1961 (*ibid.*, No. 16 of 1961, Text No. 246).
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- Ordinance No. 377 of 2 June 1950 of the Council of Ministers of the Turkmen S.S.R. respecting the participation of the rural population in the building of roads (*ibid.*, p. 171).
- Ordinance No. 13 of 2 January 1938 of the Council of Commissars of the People of the Turkmen S.S.R. respecting the participation of the population in irrigation work (*ibid.*, p. 170).

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- Labour Code, 1959.
- Proclamation of 17 January 1953.
- Legislative Decree No. 37 of 18 January 1953.

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- Petition of Right, 1627.
- Bill of Rights, 1688.
- Habeas Corpus Acts, 1640-1816.
- Conspiracy and Protection of Property Act, 1875 (Cap. 86).
- Merchant Shipping Act, 1894 (Cap. 60).
- Trade Disputes Act, 1906 (Cap. 47).
- Electricity (Supply) Act, 1919 (Cap. 100).
- Criminal Justice Act, 1948 (Cap. 58).
- Prison Rules, 1949 (*Statutory Instruments (S.I.)*, 1949, No. 1703).
- Prison (Scotland) Rules, 1952 (*S.I.*, 1952, No. 565 (S.18)).
- Prison Rules (Northern Ireland), 1954 (*Statutory Rules and Orders (N.I.)* 1954, No. 7).

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- A. *The United States Constitution :*
- First Amendment.
- Fourth Amendment.
- Fifth Amendment.
- Thirteenth Amendment.

B. The United States Code :

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 Title 8 (Aliens and Nationality).
 Title 18 (Crimes and Criminal Procedure).
 Title 25 (Indians).
 Title 29 (Labor).
 Title 45 (Railroads).
 Title 46 (Shipping).
 Title 48 (Territories and Insular Possessions).
 Title 50 (War and National Defense).

C. The United States Code of Federal Regulations :

Title 8 (Aliens and Nationality).
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Alaska :

48 U.S.C. Chapter 2 (Alaska).
 Digest of Labor Laws, 1954.
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Arizona :

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Arkansas :

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Kentucky :

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Louisiana :

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Maryland :

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Labor Laws, 1933.

Mississippi :

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Missouri :

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Revised Statutes, 1929.
Labor Laws Revised to 29 August 1957.

Montana :

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Labor Laws, 1949.

Nebraska :

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Labor Laws, 1957.

Nevada :

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North Dakota :

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Ohio :

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Oklahoma :

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Revised Code, 1919.

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Texas :

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Utah :

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Compilation of Labor Laws, 1937.

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Official Code, 1931.
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Wyoming :

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UPPER VOLTA

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Labour Code (*L.S.*, 1952—Fr. 5).

Penal Code (*Jurisclesseur TOM*).

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Decree of 31 December 1959 (amended by Decree of 30 January 1960) laying down the conditions of administrative internment in implementation of the Act of 31 August 1959.

Act No. 1-60 of 14 January 1960 (*Journal officiel (J.O.)* of 8 February 1960) prohibiting and repressing all publication, circulation or display of writings, signs, drawings, or symbols, tending to promote tumult, disturbance or disorders in public or to commit a breach of the peace.

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VENEZUELA

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YUGOSLAVIA

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Rhinoceros Beetle Ordinance 1954.
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Public Service Ordinance, 1961.
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New Guinea

- I. *Commonwealth of Australia Acts:*
Defence Act, 1903, as amended.
Papua and New Guinea Act, 1949-1960.
Crimes Act, 1914, as amended.
- II. *State of Queensland Act:*
Criminal Code Act, 1899, as amended.
- III. *Ordinances Applicable to New Guinea:*
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Native Plantations Ordinance (Papua) Repeal Ordinance, 1960.
Native Children Ordinance, 1950 (No. 41 of 1950).
Seamen (Foreign) Ordinance, 1952 (No. 116 of 1952).

Papua

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Defence Act, 1903, as amended.
Papua and New Guinea Act, 1949-1960 (No. 9 of 1949).
Crimes Act, 1914, as amended.
- II. *State of Queensland Act*:
Criminal Code Act, 1899, as amended.
- III. *Ordinances Applicable to Papua*:
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Native Plantations Ordinance (Papua) Repeal Ordinance, 1960.
Vagrancy (Papua) Ordinance, 1958 (No. 38 of 1958).
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- Act of 18 October 1908 on the Government of Belgian Congo applicable to Ruanda-Urundi by virtue of the Act of 21 August 1925 (*Legislation of Ruanda-Urundi*, p. 9).
Civil Code, Book III, articles 40 and 428 (*Codes and Laws of the Belgian Congo*, Vol. I).
Penal Code, Decree of 30 January 1940 (*ibid.*).
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Ordinance of 19 April 1943 on the imprisonment of coloured persons (regulations) (*Codes and Laws*, Vol. I, p. 414).
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DENMARK

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Act of 4 October 1919 respecting the Permanent Arbitration Court (*L.S.*, 1929—Den. 2 B).
Seamen's Act dated 13 May 1923 (*L.S.*, 1923—Den. 1).
Act No. 5 dated 18 January 1934 respecting intervention in labour disputes (*L.S.*, 1934—Den. 1).
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Greenland

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- Constitution of 4 October 1958 (*Journal officiel (J.O.)* of 4 October 1958).
 Metropolitan Labour Code (*Petits Codes Dalloz*, 1960), extended to Algeria by Decrees of 19 January 1915, 15 January, 14 February and 27 May 1921 and 3 August 1946.
 Metropolitan Penal Code.
 Metropolitan Code of Criminal Procedure.
 Decree of 19 January 1923 on prison regulations (*J.O.* of 31 January 1923).
 Decree of 29 June 1923 on prison regulations (*J.O.* of 20 July 1923).
 Decision of 29 September 1961 concerning measures to be taken in respect of persons engaged in subversive activities (*J.O.* of 30 September 1961, p. 8963).
 Law of 29 July 1881 on freedom of the press.
 Ordinance No. 58-916 of 7 October 1958 concerning the measures to be taken in respect of persons endangering public security by assisting the rebels in the Algerian Department (*J.O.* of 8 October 1958).
 Decision of 27 April 1961 concerning certain publications (*J.O.* of 28 April 1961).
 Decision of 24 April 1961 extending the Ordinance of 7 October 1958 (*J.O.* of 24 April 1961).
 Legislative Decree of 19 October 1939 relating to the status of necessary personnel (*J.O.* of 30 October 1939).
 Law of 11 July 1938 on general organisation of the nation in time of war (*Petits Codes Dalloz—Code Pénal*, edition 1960).

French Guiana, Guadeloupe, Martinique, Réunion

- Constitution of 1958 (*J.O.* of 4 October 1958).
 Metropolitan Penal Code extended by Decree of 24 December 1947.
 Metropolitan Code of Criminal Procedure, extended by Decree of 24 September 1947.
 Metropolitan Labour Code (extended to the overseas departments by Decree No. 48-592 of 30 March 1948).
 Decree of 19 January 1923 on prison regulations (*J.O.* of 31 January 1923).
 Decree of 29 June 1923 on prison regulations (*J.O.* of 20 July 1923).
 Law of 29 July 1881 on freedom of the press.
 Decision of 29 September 1961 concerning measures to be taken in respect of persons engaged in subversive activities (*J.O.* of 30 September 1961, p. 8963).
 Decision of 27 April 1961 concerning certain publications (*J.O.* of 28 April 1961).
 Legislative Decree of 19 October 1939 relating to the status of necessary personnel (*J.O.* of 30 October 1939).
 Law of 11 July 1939 on general organisation of the nation in time of war (*Petits Codes Dalloz—Code Pénal*, edition 1960).

OVERSEAS TERRITORIES

Comoro Islands, French Polynesia, French Somaliland, New Caledonia¹, St. Pierre and Miquelon

- Constitution of 4 October 1958 (*J.O.* of 4 October 1958).
 Metropolitan Penal Code application extended with modifications (*Jurisclassseur TOM*).
 Criminal Procedure Code application extended with modifications (*Jurisclassseur TOM*).
 Decree of 22 December 1945 suppressing the Native Code.
 Decree of 20 February 1946 suppressing the Native penalties.
 Act No. 46/465 dated 11 April 1946 to suppress forced labour in the overseas territories.
 Labour Code of overseas territories of 15 December 1952 (*L.S.*, 1952—Fr. 5).
 Law of 29 July 1881 on freedom of the press.

¹ In addition to the above list of legislation the following is also applicable to this territory: Order No. 646 of 15 May 1951 concerning the prison labour system.

NETHERLANDS

Netherlands Antilles

National Statute (*Langsregeling*) of the Netherlands Antilles (*Publicatieblad (P.B.)*, 1950, No. 139).
 Penal Code of Curaçao, as amended.¹
 Civil Code of Curaçao, as amended.¹
 Commercial Code of Curaçao, as amended.¹
 Decision of 6 February 1931 establishing prison regulations, as revised on 12 February 1958 (*P.B.*, 1958, Nos. 18 and 19), and amended by Decision of 3 December 1959 (*P.B.*, 1959, No. 185).
 Decree of 13 July 1932 (*P.B.*, 1932, No. 99).
 Decree of 4 September 1951 containing procedural rules relating to the legal status of public officials (*P.B.*, 1951, No. 134).
 Labour Disputes Decree of 23 July 1946 (*P.B.*, 1946, No. 119), as subsequently amended, in particular by the Decree of 20 December 1946 (*P.B.*, 1946, No. 188).

Netherlands New Guinea

New Guinea Legislation :

Act of 9 June 1955 respecting the regulation of the administration of New Guinea (*Bewindsregeling Nieuw-Guinea*) as revised (*Staatsblad van Nederland*, 1960, No. 582), hereinafter referred to as the New Guinea Regulation.
 Ordinance of 14 January 1953 respecting the penal law of war (*Gouvernementsblad van Nieuw-Guinea*, 1953, No. 1) (*Wetboeken van Indonesie "Wetboeken"*, Leiden 1956, p. 3211).
 Ordinance of 13 April 1954 respecting the importation and dissemination of printed publications (*Gouvernementsblad van Nieuw-Guinea*, 1954, No. 16 (*Wetboeken*, p. 3248)).

Netherlands Indies Legislation :

Statute of the Netherlands Indies (*Indische Staatsregeling*) of 2 September 1854, as amended (*Wetboeken*, p. 185).
 Penal Code of 15 October 1915, as amended (*ibid.*, p. 1297).
 Prisons Regulation Ordinance of 10 December 1917, as amended (*ibid.*, p. 1535).
 Ordinance of 17 December 1918 respecting the exercise of the right of association and assembly (*Staatsblad*, 1919, No. 29) as amended (*Wetboeken*, p. 857).
 Civil Code of 30 April 1847, as amended (*Wetboeken*, p. 395).
 Commercial Code of 30 April 1847, as amended (*ibid.*, p. 898).
 Ordinance of 3 October 1911, respecting the engagement of workers (*Staatsblad*, 1911, No. 540), as amended (*Wetboeken*, p. 2374).

NEW ZEALAND

Cook Islands and Niue

Cook Islands Act, 1915 (as amended).
 Income Tax Ordinance, 1956.

Tokelau Islands

Tokelau Islands Act, 1948 (as amended).

REPUBLIC OF SOUTH AFRICA

South West Africa

Legislation of the Republic ² :

- (a) Public Safety Act, No. 3 of 1953.
- Customs Act, No. 55 of 1955.
- Unlawful Organisations Act, No. 34 of 1960.
- Suppression of Communism Act, 1950.
- Suppression of Communism Amendment Act, 1951.
- Merchant Shipping Act, 1951.
- Native Affairs Act, No. 55 of 1959.
- Riotous Assemblies Act, No. 17 of 1956.

¹ The Netherlands Antilles were formerly known as the colony of Curaçao. Accordingly, any reference hereinafter to Curaçao applies to the Netherlands Antilles.

² Paragraph (a) of the legislation of the Republic above-noted is a list of the statutes of the Republic expressly declared applicable to the Territory. Paragraph (b) is a list of the Statutes of the Republic, the terms of which may be extended to the Territory by proclamation in the *Gazette*.

(b) Prisons Act, No. 8 of 1959.

Natives (Abolition of Passes and Co-ordination of Documents) Act, No. 67 of 1952.

Population Registration Act, 1950.

Immorality Act, No. 23 of 1957.

Defence Act, No. 44 of 1917.

Territory Legislation :

Native Administration Proclamation, No. 15 of 1928.

Native (Urban Areas) Proclamation, 1951.

Vagrancy Proclamation, No. 25 of 1920.

Control and Treatment of Natives in Mines Proclamation, No. 3 of 1917.

Masters and Servants Proclamation, No. 34 of 1920.

Wage and Industrial Conciliation Ordinance, 1952.

Curfew Regulations Proclamation, No. 33 of 1922.

Undesirables Removal Proclamation, No. 50 of 1920.

Native Administration Proclamation, No. 11 of 1922.

Native Passes (Rehoboth Gebiet) Proclamation, No. 7 of 1930.

Extra Territorial and Northern Natives Control Proclamation, No. 29 of 1935.

Native Locations: Entry of Europeans Proclamation, No. 6 of 1919.

Prohibited Areas Proclamation, No. 26 of 1928.

Suppression of Witchcraft Proclamation, No. 27 of 1933.

Immorality Proclamation, No. 19 of 1934.

Mines Works and Minerals Ordinance, No. 26 of 1954.

Native Labour Regulation (Mines and Works) Proclamation, 1929.

SPAIN

Spanish Guinea

Ordinance of 6 June 1945 extending the application of the Penal Code (*Repertorio cronológico de legislación*, ed. Aranzadi, 1945).

Ordinance of 22 February 1954 extending the application of the system of redemption of prison sentences through work (*ibid.*, 1954).

Decree of 10 November 1938 respecting the organisation of native justice (*ibid.*, 1938).

Ordinance of 22 August 1936 respecting vagrants and disaffected persons (*ibid.*, 1936).

Ordinance of 9 November 1953 regulating native labour in Guinea, as amended by the Ordinances of 8 October 1957 and 27 August 1960 (*ibid.*, 1953, 1957, 1960).

Ordinance of 3 December 1947 regulating the work of Europeans in the territories of Guinea (*ibid.*, 1947).

Act No. 46/1959 of 30 July 1959 respecting the organisation and the legal status of the African provinces (*ibid.*, 1959).

Spanish West Africa

Order of 2 March 1954 respecting the labour system (*L.S.*, 1954—Sp. 1).

Order of 30 November 1954 instituting a territorial labour regulation.

Act 8/1961 of 19 April 1961 respecting the organisation and legal status of the province of Sahara (*Repertorio cronológico de legislación*, ed. Aranzadi, 1961).

UNITED KINGDOM

Aden

Labour Ordinance (Cap. 84 of the *Laws of Aden*, 1955).

Merchant Shipping Ordinance (Cap. 95).

Penal Code (Cap. 112).

Labour Contracts Ordinance (Indigenous Workers) (Cap. 31).

Prisons Ordinance (Cap. 129).

Undesirable Persons and Vagrants Ordinance (Cap. 160).

Professional Relations Ordinance No. 6 (Conciliation and Arbitration), 1960.

Antigua

Merchant Shipping Act, 1894 (United Kingdom).

Legislation of the Leeward Islands :

Sedition and Undesirable Publications Act, 1938 (11/1938) as amended in 1941 (10/1941).
 Small Charges Act (Cap. 67), as amended in 1931 (2/1931).
 Merchant Seamen's Discipline Act (Cap. 62).
 Trade Unions Act, 1939 (16/1939).

Legislation of Antigua :

Enactment (Leeward Islands Acts) Ordinance, 1956 (32/1956).
 Prison Rules, 1956 (19/1956).
 Adaptation of Laws Regulations, 1956 (22/1956).

Bahamas

Prison Act (Ch. 26).
 Prison Rules, 1939.
 Penal Code (Ch. 69).
 Foreign Seamen Arrest Act, 1865 (Ch. 167).
 Merchant Service Act (Ch. 164).
 Vagrancy Act (Ch. 70).
 Trade Union and Industrial Conciliation Act, 1958 (No. 30 of 1958).
 Contracts of Service Act (Ch. 286).

Barbados

Prisons Act, No. 13 of 1890.
 Better Security Act, No. 6 of 1920.
 Trade Union (Amendment) Acts, No. 7 of 1943 and No. 8 of 1950.
 Emergency Powers (Amendment) Act, No. 24 of 1955.

Basutoland

Native Courts Proclamation (Cap. 6, *Laws of Basutoland*, 1949 edition).
 Sedition and Rebellion Proclamation (Cap. 18).
 Newspaper Regulation Proclamation (Cap. 37).
 Native Administration Proclamation (Cap. 54).
 Laws of Lerotholi (having force of law under the Native Administration Proclamation).
 Native Labour Proclamation (Cap. 57).
 Trade Unions and Trade Disputes Proclamation (Cap. 103), as amended by Proclamation No. 1 of 1949.
 Basutoland Prison Rules (Government Notice No. 27 of 1957).

Bechuanaland

Sedition Proclamation, Cap. 23.
 Master and Servants Acts, Cap. 47.
 Unlawful [Riotous] Assemblies Proclamation, Cap. 54, as amended by Proclamation No. 13 of 1961.
 Protection of African Labourers Proclamation, Cap. 72.
 Prison Regulations (under Cap. 65).
 African Administration Proclamation, Cap. 67.
 African Labour Proclamation, Cap. 73.
 African Courts Proclamation, No. 19 of 1961.
 Liquor Proclamation, No. 69 of 1960.
 Methylated Spirit Proclamation, Cap. 107.
 Trade Union and Trade Disputes Proclamation, Cap. 151.
 Slavery Proclamation, Cap. 76.

Bermuda

Emancipation Act, 1834 (Ch. 6).
 Criminal Code (Ch. 9).
 Bermuda Merchant Shipping Act, 1930 (Ch. 54).
 Trade Union and Trade Disputes Act, 1946 (Ch. 72).
 Merchant Shipping Act, 1894.
 Summary Offences Act, 1926 (Ch. 9).
 Criminal Justice (Variation of Punishments, Orders and Procedure) Act, 1950 (Ch. 9).
 Prisons Act, 1950 (Ch. 9).
 Prison Rules, 1951 (Ch. 9).

British Guiana

Criminal Justice Ordinance, No. 18 of 1957.
 Prisons Ordinance, No. 4 of 1957.
 Prison Rules, No. 22 of 1957.
 Criminal Law (Offences) Ordinance (Cap. 10).
 Summary Jurisdiction (Offences) Ordinance (Cap. 11).
 Expulsion of Undesirables Ordinance (Cap. 99).
 Amerindian Ordinance (Cap. 58).
 Labour Ordinance (Cap. 103).
 Indian Labour Ordinance (Cap. 104).
 British Guiana (Emergency) Order in Council, 1953 (*Statutory Instruments*, 1953 (London), p. 181 of Part I).
 Emergency Order, 1953.
 Control of Propaganda Order, No. 36 of 1954.
 Trade Unions Ordinance (Cap. 113).
 Trade Disputes (Essential Services) Ordinance (Cap. 114).
 Law of Merchant Shipping Ordinance (Cap. 3).

British Honduras

Labour Ordinance, No. 15 of 1959.
 British Honduras Constitution Ordinance, Cap. 3 of the Laws of British Honduras, 1958.
 Laws of British Honduras, 1958.
 Prison Rules, No. 34 of 1957.
 Criminal Code, Cap. 21.
 Public Safety Ordinance, Cap. 60.
 Summary Jurisdiction (Offences) Ordinance, Cap. 23.
 Harbours and Merchant Shipping Ordinance, Cap. 149.
 Merchant Shipping Act, 1894.
 Trade Union Ordinance, Cap. 142.
 Settlement of Disputes (Essential Services) Ordinance, Cap. 146.
 Police Ordinance, Cap. 59.

Brunei

Penal Code (Cap. 22, *Laws of Brunei*, 1951 edition) as amended by Enactment No. 24 of 1953.
 Seditious Enactment (Cap. 24), as amended by Enactment No. 9 of 1957.
 Minor Offences Enactment (Cap. 30).
 Mohammedan Laws Enactment (Cap. 31).
 Prisons Enactment (Cap. 51) and Prisons Rules, 1953 (S. 30/1954).
 Societies Enactment (Cap. 66).
 Disaffected and Dangerous Persons Enactment, No. 10 of 1953.

Dominica

Prison Rules, 1954 (No. 50 of 1954).
 Seditious and Undesirable Publications Ordinance, 1940 (No. 8 of 1940).
 Public Order Ordinance, 1954 (No. 6 of 1954), as amended in 1955 (Ordinance No. 3 of 1955).
 Small Charges Act (Cap. 67).
 Merchant Shipping Act, 1894.
 Trade Unions and Trade Disputes Ordinance, 1952 (No. 12 of 1952).
 Emergency Powers Ordinance, 1951 (No. 2 of 1951).
 Public Utility Undertakings, Public Health and Other Essential Services, Arbitration Ordinance, 1951 (No. 23 of 1951).

Falkland Islands

Seditious Offences Ordinance (Cap. 63, *Laws of the Falkland Islands*, 1950 edition).
 Trade Unions and Trade Disputes Ordinance (Cap. 73).
 Prison Regulations, No. 1 of 1949.

Fiji Islands

Labour Ordinance, section 57 (Cap. 92).
 Penal Code, section 38 (Cap. 8).
 Prisons Regulations, section 15, sections 146-147 (Cap. 60).
 Preventive Detention Ordinance, section 2 (Cap. 12).
 Essential Services Ordinance, section 13 (Cap. 96).
 Fijian Affairs Regulations, Nos. 5, 6.

Gambia

Criminal Code (Cap. 21, *Laws of Gambia*, 1955 edition).
 District Authority Ordinance (Cap. 48), as amended by Ordinances Nos. 12 of 1958 and 4 of 1959.
 District Tribunals Ordinance (Cap. 49), and Native Prison Rules, No. 15 of 1940, issued thereunder.
 Deportation (Immigrant British Subjects) Ordinance (Cap. 58).
 Prisons Ordinance (Cap. 72) and the Prisons Rules, No. 2 of 1953, issued thereunder.
 Trade Union Ordinance (Cap. 88).
 Forced Labour Ordinance (Cap. 90), as amended by Ordinance No. 14 of 1958.

Gibraltar

Criminal Justice Administration Ordinance (Cap. 30).
 Prison Ordinance (Cap. 102).
 Prison Regulations (Cap. 102).
 Sedition Ordinance (Cap. 116).
 Public Order Ordinance (Cap. 107).
 Summary Conviction Ordinance (Cap. 120).
 Merchant Shipping Ordinance (Cap. 76).
 Merchant Shipping Act, 1894.
 Offences against the Person Ordinance (Cap. 88).
 Trade Union and Trade Disputes Ordinance (Cap. 128).

Gilbert and Ellice Islands

Labour Ordinance No. 6, 1951 (Cap. 18).
 Prisons Ordinance No. 12, 1952, as amended by Ordinance No. 6, 1959 (Arts. 45-47).
 Sedition Ordinance No. 7, 1940 (Cap. 3), as amended by Ordinance No. 1, 1961.
 Native Administration Ordinance No. 4, 1941 (Cap. 18) as amended.
 Ordinance concerning extension of the legislation to matters concerning natives, 1951 (Cap. 24).
 Merchant Shipping Act, 1894 (Arts. 221-225).
 Summary Procedure Ordinance No. 2, 1929 (Cap. 2).
 Trade Unions Ordinance No. 2, 1946 (Cap. 15).

Grenada

Prison Rules, 1950 (1950, No. 17).
 Public Order Ordinance No. 1, 1951.
 Sedition Ordinance No. 14, 1951.
 Public Utility Undertakings and Public Health Services Arbitration Ordinance No. 3, 1951.
 Importation of Publications (Prohibition) Ordinance No. 5, 1951.
 Trade Unions and Trade Disputes Ordinance No. 20, 1951.
 Merchant Shipping Act, 1894.
 Criminal Code (Ch. 55).
 Public Meetings Ordinance No. 10, 1959.

Hong Kong

Illegal Strikes and Lockouts Ordinance (Cap. 61 of the *Laws of Hong Kong*, 1950 edition).
 Trade Unions and Trade Disputes Ordinance (Cap. 64).
 Societies Ordinance (Cap. 151), as amended by Ordinances Nos. 3 and 25 of 1952 and No. 15 of 1959.
 Essential Services Corps Ordinance (Cap. 197), amended by Ordinance No. 27 of 1951.
 Compulsory Service Ordinance No. 24 of 1951, as amended by Ordinance No. 22 of 1961 and Proclamation No. 4 of 1961.
 Criminal Intimidation Ordinance (Cap. 205).
 Sedition Ordinance (Cap. 217).
 Prisons Ordinance, No. 17 of 1954, and the Prison Rules contained in the Schedule thereto.

Jamaica

Deportation (British Subjects) Law (Cap. 96).
 Masters and Servants Law (Cap. 240).
 Prisons Law (Cap. 207, *Laws of Jamaica*, 1953 edition) and the Prison Rules, 1947, made thereunder.
 Trade Unions Law (Cap. 389).
 Vagrancy Law (Cap. 404).

Kenya

Penal Code (Cap. 26) (revised edition of the *Laws of Kenya*, 1948).
 Penal Code (Amendment) Ordinance, No. 54 of 1960.
 Prisons Ordinance (Cap. 78).
 Preservation of Public Security Ordinance, No. 2 of 1960.
 Public Security (Restriction) Regulations 1960.
 Detained and Restricted Persons (Special Provisions) Ordinance, No. 3 of 1960.
 Detained and Restricted Persons Regulations, 1960.
 Detained and Restricted Persons (Areas of Restriction) Rules 1960.
 Deportation Ordinance (Cap. 56).
 Vagrancy Ordinance, No. 1 of 1960.
 Compulsory National Service Ordinance, No. 19 of 1951.
 Native Authority Ordinance (Cap. 97) as amended by Ordinance No. 43 of 1952.
 African District Council Ordinance, No. 12 of 1950.
 African District Council (Minor Criminal Services) By-laws.
 Trade Unions Ordinance, No. 23 of 1952.
 Essential Services (Arbitration) Ordinance, No. 4 of 1950, as amended by Ordinance No. 48 of 1958.
 Employment Ordinance (Cap. 109) (revised edition of the *Laws of Kenya*, 1956) as amended by Ordinance No. 16 of 1957.

Malta

Penal Code (Cap. 12) (Revised Edition of 1942).
 Prisons (Cap. 44).
 Seditious Propaganda (Prohibition) (Cap. 3).
 Press (Cap. 117).
 Emergency Powers (Cap. 88).
 The Trade Union and Industrial Disputes Ordinance, No. 4 of 1945, as amended.
 The Conciliation and Arbitration Ordinance, No. 38 of 1948, as amended.

Mauritius

Trade Unions Ordinance, No. 36 of 1954.
 Industrial Disputes Ordinance, No. 37 of 1954.
 District Tribunals Ordinance, No. 17 of 1947, as amended by Ordinance No. 30 of 1955.
 Penal Code (Cap. 195 of the Revised Edition of 1945).
 Prisons Ordinance (Cap. 313).
 Prison Regulations.
 Deportation (British Subjects) (Cap. 148).
 Merchant Marine (Cap. 346).
 Vagrancy Ordinance, 1889, with subsequent amendments.

Montserrat

Merchant Shipping Act, 1894 (United Kingdom).
Legislation of the Leeward Islands :
 See under Antigua.
Legislation of Montserrat :
 Enactment (Leeward Islands Acts) Ordinance, 1956 (24/1956).
 Adaptation of Laws Regulations, 1956 (15/1956).
 Prison Rules, 1956 (17/1956).

North Borneo

Interpretation (Definition of Native) Ordinance (Cap. 64, *Laws of North Borneo*, 1953 edition), as amended by Ordinance No. 20 of 1958.
 Native Courts Ordinance (Cap. 86), as amended by Ordinance No. 22 of 1959.
 Native Rice Cultivation Ordinance (Cap. 87) and Declaration No. S.72 of 1956 issued thereunder.
 Restricted Residence Ordinance (Cap. 127).
 Rural Government Ordinance (Cap. 132) as amended.
 Sedition Ordinance (Cap. 133).
 Societies Ordinance (Cap. 136).
 Trade Unions and Trade Disputes Ordinance (Cap. 143).
 Prisons Ordinance, No. 7 of 1956, and Prisons Regulations, No. S.148 of 1958.
 Penal Code Ordinance, No. 3 of 1959.
 Essential Services Arbitration Ordinance, No. 9 of 1959.

Northern Rhodesia

The Employment of Natives Ordinance (Cap. 171).
The Native Authority Ordinance (Cap. 157).
The Barotse Native Authority Ordinance (Cap. 159).
The Natural Resources Ordinance (Cap. 239).
The Penal Code (Cap. 6).
The Collective Punishment Ordinance (Cap. 11).

Nyasaland

The Native Authority Ordinance, Cap. 73, the *Laws of Nyasaland* (1917 Edition).
The Penal Code, Cap. 23 (1917 Edition).
Proclamation under the Emergency Powers Orders in Council, 1939 and 1956 (Appendix 51)
(*Nyasaland Gazette*, Supplement of 3 March 1959).
The Emergency Regulations, 1959 (*ibid.*, Supplement of 3 March 1959).
The Emergency (Amendment No. 6) Regulations, 1959 (*ibid.*, Supplement of 12 March 1959).

St. Christopher-Nevis-Anguilla

Merchant Shipping Act, 1894 (United Kingdom).

Legislation of the Leeward Islands :
See under Antigua.

Legislation of St. Christopher-Nevis-Anguilla :
Enactment (Leeward Islands Acts) Ordinance, 1956 (40/1956).
Adaptation of Laws Regulations, 1956 (19/1956).
Prison Rules, 1956 (17/1956).

St. Helena

Interpretation and General Law Ordinance (Cap. 54).

St. Lucia

Prisons Ordinance (No. 79).
Prison Rules (Ch. 19, *Revised Rules and Orders*, 1916).
Seditious Publications Ordinance, 1920 (No. 12 of 1920); as amended (No. 5 of 1938; No. 15 of 1942).
Trade Unions and Trade Disputes Ordinance, 1959 (No. 19 of 1959).
Public Utility Undertakings and Public Health Services Arbitration Ordinance, 1952 (No. 12 of 1952).
Public Order Ordinance, 1952 (No. 10 of 1952).
Merchant Shipping Act, 1894.
Prisons (Extra Mural Sentences) Ordinance, 1950 (No. 17 of 1950).
Criminal Code, 1920.

St. Vincent

Prison Rules, 1945 (No. 39/1945).
Sedition and Undesirable Publications Ordinance, 1939 (No. 20 of 1939), as amended by Ordinances Nos. 17 of 1941 and 11 of 1957.
Public Order Ordinance, 1951 (No. 27 of 1951).
Trade Unions and Trade Disputes Ordinance, 1950 (No. 3 of 1950).
Public Utility Undertakings and Public Health Services Arbitration Ordinance, 1952 (No. 4 of 1952), as amended by Ordinance No. 34 of 1954.
Merchant Shipping Act, 1894.
Summary Conviction Offences Ordinance (Ch. 14).

Sarawak

Penal Code (Cap. 61).
Prisons Ordinance (Cap. 70).
Local Authority Ordinance, 1948.
Criminal Procedure Code (Cap. 62).
Sedition Ordinance (Cap. 64).
Detention of Persons (Special Powers) Ordinance, 1950.

Societies' Ordinance, 1947.
 Merchant Shipping Ordinance, 1960.
 Vagrancy Ordinance (Cap. 66).
 Post Office Ordinance (Cap. 51).
 Native Tax Rules (Cap. 18).
 Trade Unions and Trade Disputes Ordinance, 1947.
 Essential Services Arbitration Ordinance, 1958.
 Local Authority (Provisions of Transport) Regulations, 1949.

Seychelles

Penal Code (Cap. 93 of *Laws of Seychelles*, 1952).
 Prisons Ordinance, 1941, Cap. 178.
 Prison Regulations, Cap. 178.
 Newspaper Ordinance, 1935, Cap. 25.
 Employment of Servants Ordinance, Cap. 107.
 Outlying Islands (Employment of Servants) Ordinance, Cap. 112.
 Trade Union and Trade Disputes Ordinance, Cap. 116.
 Public Utility Undertakings, etc., Ordinance, Cap. 113.
 Local Trading Vessels Ordinance, 1951, Cap. 199.
 Merchant Shipping Act, 1894.

Singapore

Prisons Ordinance (Cap. 99, *Laws of the Colony of Singapore*, 1955).
 State Prisoners Ordinance (Cap. 100).
 Penal Code (Cap. 119).
 Printing Presses Ordinance (Cap. 226), as amended by Ordinance No. 11 of 1960.
 Printing Presses (Application and Permits), Rules (Government Notice (*G.N.*) S.12/1961), as amended by *G.N.* S.78/1961.
 Undesirable Publications Ordinance (Cap. 124), as amended by Ordinances Nos. 31 of 1955, 38 of 1958, 71 of 1959 and 57 of 1960.
 Sedition Ordinance (Cap. 123).
 Societies Ordinance (Cap. 228), as amended by Ordinance No. 37 of 1960.
 Emergency Regulations Ordinance (Cap. 269).
 Preservation of Public Security Ordinance, No. 25 of 1955; as amended by Ordinance No. 65 of 1959.
 Criminal Law (Temporary Provisions) Ordinance, No. 26 of 1955; as amended by Ordinances Nos. 25 of 1958, 34 of 1959, 56 of 1959, 43 of 1960 and 56 of 1960.
 Criminal Justice (Temporary Provisions) Ordinance (Cap. 131), as amended by Ordinances Nos. 24 of 1956 and 4 of 1958; operation extended to 1 April 1962 by *G.N.* S.42/1961.
 Vagrancy Ordinance (Cap. 125).
 Admiralty Transport Ordinance (Cap. 71).
 Post Office Ordinance (Cap. 105).
 Merchant Shipping Ordinance (Cap. 207).
 Trade Disputes Ordinance (Cap. 153), as amended by Ordinance No. 19 of 1960.
 Industrial Relations Ordinance No. 20 of 1960.
 National Service Ordinance (Cap. 82).

Solomon Islands

Sedition Regulation (Cap. 9, *Laws of the British Solomon Islands*, 1948 edition).
 Constabulary Regulation (Cap. 14).
 Prisons Regulation, 1958.
 Prisons (Amendment) Regulation, 1959.
 Labour Regulation, 1960.
 Trade Union and Trade Disputes Regulation, 1946.
 Definition (Native) Regulation (Cap. 26).
 Native Administration Regulation, 1953.
 Native Administration (Amendment) Regulation, 1959.
 Native Tax Regulation (Cap. 32).
 Native Tax (Amendment) Regulation 1958.
 Produce Regulation (Cap. 56).
 Residential Tax Regulation (Cap. 69).
 Seaman Discipline (Admiralty Transport) Regulation (Cap. 89).
 Defence Force Regulation (Cap. 21).

Southern Rhodesia

Federal Legislation :

- Prisons Act, No. 9 of 1955, as amended by Acts Nos. 26 of 1956, 8 of 1957 and 42 of 1959.
- Prison Regulations, (No. 42 of 1956, as amended by Regulations Nos. 109 of 1956, 205 of 1959, and 266 of 1959.
- Prisons (Detained Persons) Regulations, No. 64 of 1959, as amended by Regulations No. 184 of 1959.

Southern Rhodesia Legislation :

- Interpretation Act (Cap. 1, 1939 edition of the *Statute Law of Southern Rhodesia*).
- Magistrate Court Act (Cap. 11).
- Criminal Procedure and Evidence Act (Cap. 28).
- Native Affairs Act (Cap. 72), as amended by Acts Nos. 25 of 1948 and 31 of 1959.
- Native Labour Regulations Act (Cap. 86), as amended by Act No. 18 of 1941.
- Masters and Servants Act (Cap. 231), as amended by Act No. 53 of 1959.
- Native Land Husbandry Act, No. 52 of 1951, as amended by Act No. 32 of 1959.
- Natives (Registration and Identification) Act, No. 27 of 1957.
- Industrial Conciliation Act, No. 29 of 1959 (*L.S.*, 1959—*S.R.*1).
- Unlawful Organisations Act, No. 38 of 1959.
- Preventive Detention Act, No. 39 of 1959.
- Vagrancy Act, No. 40 of 1960.
- Emergency Powers Act, No. 48 of 1960.
- Law and Order (Maintenance) Act, No. 53 of 1960.

Swaziland

- African Labour Proclamation, No. 45 of 1954, as amended in 1956 and 1958.
- Native Administration Proclamation, No. 79 of 1950 (amends and consolidates Cap. 60).
- Crimes Proclamation.
- Prisons Proclamation, Cap. 56, as amended in 1953 and 1957.
- Prisons Regulations, Cap. 56, as amended in 1953, 1954, 1957 and 1959.
- Sedition Proclamation, Cap. 22.
- Master and Servants Law, 1880 (*Laws of the Transvaal*), as amended by Proclamation No. 59 of 1960.
- Transvaal Law No. 1 of 1881 on Vagabondage and Vagrancy.
- Native Land Settlement Proclamation, Cap. 63.
- Native Land Settlement Rules, Cap. 63.
- Trade Union and Trade Disputes Proclamation, Cap. 125.
- Pass Laws (Exemption) Proclamation No. 38 of 1951.
- Liquor Licences Proclamation, 1955.
- Juvenile Offenders Removal and Apprenticeship Ordinance No. 45 of 1903.
- African Tax Proclamation.
- Poll Tax Proclamation, Cap. 78.

Trinidad and Tobago

- Sedition Ordinance (Ch. 16).
- Summary Conviction Offences Ordinance (Ch. 25).
- Prisons Ordinance (Ch. 94).
- Trade Disputes and Protection of Property Ordinance (Ch. 22, No. 11).
- Merchant Shipping Act, 1894.

Uganda

- The Penal Code (Ch. 22 of the *Revised Laws of Uganda*).
- Penal Code (Amendment) Ordinance, 1959.
- Penal Code (Amendment) (No. 2) Ordinance, 1959.
- Penal Code (Amendment) (No. 3) Ordinance, 1959.
- Prisons Ordinance, 1958.
- Employment Ordinance (Cap. 83), as amended.
- Trade Unions Ordinance, 1952.
- Trades Disputes (Arbitration and Settlement) Ordinance (Cap. 90).
- Trades Disputes (Arbitration and Settlement) (Amendment) Ordinance, 1952.
- African Authority Ordinance (Cap. 72).
- African Authority Rules (Cap. 72).
- African Administration Tax Ordinance (Cap. 188).
- District Administration (District Councils) Ordinance, 1955.
- Vagrancy Ordinance (Cap. 47).

Deportation Ordinance (Cap. 46).
 Deportation (Amendment) Ordinance, 1956.
 Immigration Restriction and Removal of Undesirables Ordinance (Cap. 42).

Virgin Islands

Merchant Shipping Act, 1894 (United Kingdom).

Legislation of the Leeward Islands:

See under Antigua.

Legislation of the Virgin Islands:

Adaptation of Laws Regulations, 1956 (22/1956).

Prison Rules, 1956 (25/1956).

Zanzibar

Forced Labour Decree (Cap. 131).

Prison Decree (Cap. 72) as amended by the Imprisonment Decree No. 7 of 1958.

Penal Decree (Cap. 9).

Deportation Decree (Cap. 42).

Police Decree No. 22 of 1949 (as amended by Decree No. 16 of 1959).

Volunteer Rifle Corps Decree (Cap. 73).

Government Shipping Decree (Cap. 75).

Peace Preservation Decree (Cap. 40).

Emergency Powers Decree No. 18 of 1948 (as amended by Decree No. 8 of 1950).

Emergency (Miscellaneous) Regulations, 1961, and Amendments Nos. 4, 7, and 8 of 1961.

Trade Disputes (Arbitration and Settlement) Decree No. 21 of 1954.

Trade Union Decree No. 21 of 1958.

UNITED STATES

American Samoa

The United States Constitution.

The United States Code:

Title 18 (Crimes and Criminal Procedure).

Title 50 (War and National Defense).

The Constitution of American Samoa.

Guam

The United States Constitution.

The United States Code:

Title 8 (Aliens and Nationality).

Title 18 (Crimes and Criminal Procedure).

Title 46 (Shipping).

Title 48 (Territories and Insular Possessions).

Title 50 (War and National Defense).

Civil and Penal Codes of Guam: 1953.

Government Code of Guam: 1952.

Statutes and Amendments of the Codes:

1951-52 (First Guam Legislature).

Panama Canal Zone

The United States Constitution.

The United States Code:

Title 50 (War and National Defense).

The Canal Zone Code, approved 19 June 1934.

Puerto Rico

The United States Constitution.

The United States Code:

Title 8 (Aliens and Nationality).

Title 18 (Crimes and Criminal Procedure).

Title 48 (Territories and Insular Possessions).

Title 50 (War and National Defense).

The Constitution of the Commonwealth of Puerto Rico, 6 February 1952.
Puerto Rico: Social Legislation, 1944.
Penal Code of Puerto Rico.

Trust Territory of Pacific Islands

The United States Constitution.
The United States Code:
 Title 18 (Crimes and Criminal Procedure).
 Title 48 (Territories and Insular Possessions).
 Title 50 (War and National Defense).
The Code of the Trust Territory.

Virgin Islands

The United States Constitution.
The United States Code:
 Title 8 (Aliens and Nationality).
 Title 18 (Crimes and Criminal Procedure).
 Title 48 (Territories and Insular Possessions).
 Title 50 (War and National Defense).
Virgin Islands Code, effective 1 September 1957.

APPENDIX II

REPORTS REQUESTED AND REPORTS RECEIVED BY 27 MARCH 1962

A. States Members of the I.L.O.

State	Reports requested			Reports received		
	Nos. of Conventions	Nos. of Recommendations	Reports requested	Nos. of Conventions	Nos. of Recommendations	Reports received
Afghanistan	29, 105	35, 36	4	—	—	—
Albania	105	35, 36	3	—	—	—
Argentina	—	35, 36	2	—	35, 36	2
Australia	—	35, 36	2	—	35, 36	2
Austria	—	35, 36	2	—	—	—
Belgium	105	35, 36	3	—	—	—
Bolivia	29, 105	35, 36	4	29, 105	35, 36	4
Brazil	105	35, 36	3	105	35, 36	3
Bulgaria	105	35, 36	3	105	35, 36	3
Burma	105	35, 36	3	105	35, 36	3
Byelorussia	105	35, 36	3	105	35, 36	3
Cameroon	105	35, 36	3	105	35, 36	3
Canada	29	35, 36	3	29	35, 36	3
Central African Republic	105	35, 36	3	—	—	—
Ceylon	105	35, 36	3	105	35, 36	3
Chad	105	35, 36	3	—	35, 36	2
Chile	105	35, 36	3	105	35, 36	3
China	29	35, 36	3	29	35, 36	3
Colombia	29, 105	35, 36	4	—	—	—
Congo (Brazzaville)	105	35, 36	3	—	—	—
Congo (Leopoldville)	105	35, 36	3	—	—	—
Costa Rica	—	35, 36	2	—	36	1
Cuba	—	35, 36	2	—	35, 36	2
Cyprus	—	35, 36	2	—	35, 36	2
Czechoslovakia	105	35, 36	3	—	—	—
Dahomey	105	35, 36	3	—	—	—
Denmark	—	35, 36	2	—	35, 36	2
Dominican Republic	—	35, 36	2	—	—	—
Ecuador	105	35, 36	3	105	35, 36	3
Ethiopia	29, 105	35, 36	4	—	—	—
Finland	—	35, 36	2	—	35, 36	2
France	105	35, 36	3	—	—	—
Gabon	105	35, 36	3	—	—	—
Germany (Federal Republic)	—	35, 36	2	—	35, 36	2
Ghana	—	35, 36	2	—	35, 36	2
Greece	105	35, 36	3	105	35, 36	3
Guatemala	29	35, 36	3	29	36	2
Guinea	105	35, 36	3	105	35, 36	3
Haiti	—	35, 36	2	—	35, 36	2
Honduras	—	35, 36	2	—	35, 36	2
Hungary	105	35, 36	3	105	35, 36	3
Iceland	105	35, 36	3	—	—	—
India	105	35, 36	3	105	35, 36	3
Indonesia	105	35, 36	3	—	—	—
Iran	—	35, 36	2	—	35, 36	2
Iraq	29	35, 36	3	29	35, 36	3
Ireland	—	35, 36	2	—	35, 36	2
Israel	—	35, 36	2	—	35, 36	2
Italy	105	35, 36	3	105	35, 36	3

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State	Reports requested			Reports received		
	Nos. of Conventions	Nos. of Recommendations	Reports requested	Nos. of Conventions	Nos. of Recommendations	Reports received
Ivory Coast	105	35, 36	3	105	35, 36	3
Japan	105	35, 36	3	105	35, 36	3
Jordan	29	35, 36	3	—	—	—
Kuwait	29, 105	35, 36	4	—	—	—
Lebanon	29, 105	35, 36	4	—	—	—
Liberia	105	35, 36	3	—	—	—
Libya	—	35, 36	2	—	—	—
Luxembourg	29, 105	35, 36	4	29, 105	35, 36	4
Malagasy Republic	105	35, 36	3	—	—	—
Malaya	—	35, 36	2	—	35, 36	2
Republic of Mali	105	35, 36	3	105	—	1
Islamic Republic of Mauritania	105	35, 36	3	105	35, 36	3
Mexico	—	35, 36	2	—	35, 36	2
Morocco	105	35, 36	3	105	35, 36	3
Netherlands	—	35, 36	2	—	35, 36	2
New Zealand	105	35, 36	3	105	35, 36	3
Nicaragua	105	35, 36	3	—	—	—
Niger	105	35, 36	3	105	35, 36	3
Nigeria	—	35, 36	2	—	35, 36	2
Norway	—	35, 36	2	—	35, 36	2
Pakistan	—	35, 36	2	—	35, 36	2
Panama	29, 105	35, 36	4	—	—	—
Paraguay	29, 105	35, 36	4	—	—	—
Peru	105	35, 36	3	105	35, 36	3
Philippines	29	35, 36	3	29	—	1
Poland	—	35, 36	2	—	35, 36	2
Portugal	—	35, 36	2	—	35, 36	2
Rumania	105	35, 36	3	105	35, 36	3
El Salvador	29	35, 36	3	—	—	—
Senegal	105	35, 36	3	105	35, 36	3
Sierra Leone	—	35, 36	2	—	35	1
Somali Republic	105	35, 36	3	—	—	—
Former British Somaliland	29	35, 36	3	—	—	—
Spain	105	35, 36	3	105	35, 36	3
Sudan	105	35, 36	3	—	—	—
Sweden	—	35, 36	2	—	35, 36	2
Switzerland	—	35, 36	2	—	35, 36	2
Tanganyika	—	35, 36	2	—	35, 36	2
Thailand	29, 105	35, 36	4	—	—	—
Togo	105	35, 36	3	—	—	—
Tunisia	29	35, 36	3	29	35, 36	3
Turkey	29	35, 36	3	29	35, 36	3
Ukraine	105	35, 36	3	105	35, 36	3
Republic of South Africa	29, 105	35, 36	4	29, 105	35, 36	4
U.S.S.R.	105	35, 36	3	105	35, 36	3
United Arab Republic	—	35, 36	2	—	—	—
United Kingdom	—	35, 36	2	—	35, 36	2
United States	29, 105	35, 36	4	29, 105	35, 36	4
Upper Volta	105	35, 36	3	105	35, 36	3
Uruguay	29, 105	35, 36	4	105	35, 36	3
Venezuela	105	35, 36	3	—	—	—
Viet-Nam	105	35, 36	3	105	35, 36	3
Yugoslavia	105	35, 36	3	105	35, 36	3
<i>State not a Member of the I.L.O.</i>						
Western Samoa	105	35, 36	3	105	35, 36	3
Total	23, 62	103, 103	291	11, 35	66, 67	179

B. Non-Metropolitan Territories

Country and territory	Reports requested			Reports received		
	Nos. of Conventions	Nos. of Recommendations	Reports requested	Nos. of Conventions	Nos. of Recommendations	Reports received
Australia:						
Nauru	—	35, 36	2	—	35, 36	2
New Guinea	—	35, 36	2	—	35, 36	2
Norfolk Island	—	35, 36	2	—	35, 36	2
Papua	—	35, 36	2	—	35, 36	2
Belgium:						
Ruanda-Urundi	105	35, 36	3	—	—	—
Denmark:						
Faroe Islands	—	35, 36	2	—	—	—
Greenland	—	35, 36	2	—	35	1
France:						
Algeria	105	35, 36	3	—	—	—
Comoro Islands	105	35, 36	3	—	—	—
French Guiana	105	35, 36	3	—	—	—
French Polynesia	105	35, 36	3	—	—	—
French Somaliland	105	35, 36	3	—	—	—
Guadeloupe	105	35, 36	3	—	—	—
Martinique	105	35, 36	3	—	—	—
New Caledonia	105	35, 36	3	—	—	—
Réunion	105	35, 36	3	—	—	—
St. Pierre and Miquelon	105	35, 36	3	—	—	—
Netherlands:						
Netherlands Antilles	—	35, 36	2	—	35, 36	2
Netherlands New Guinea	—	35, 36	2	—	35, 36	2
Surinam	—	35, 36	2	—	35, 36	2
New Zealand:						
Cook Islands and Niue	105	35, 36	3	105	35, 36	3
Tokelau	105	35, 36	3	105	35, 36	3
Spain:						
Spanish Guinea	105	35, 36	3	—	—	—
Spanish West Africa	105	35, 36	3	—	—	—
Republic of South Africa:						
South West Africa	29, 105	35, 36	4	29, 105	35, 36	4
United Kingdom:						
Aden	—	35, 36	2	—	35, 36	2
Antigua	—	35, 36	2	—	35, 36	2
Bahamas	—	35, 36	2	—	35, 36	2
Barbados	—	35, 36	2	—	35, 36	2
Basutoland	—	35, 36	2	—	—	—
Bechuanaland	—	35, 36	2	—	35, 36	2
Bermuda	—	35, 36	2	—	35, 36	2
British Guiana	—	35, 36	2	—	35, 36	2

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Country and territory	Reports requested			Reports received		
	Nos. of Conventions	Nos. of Recommendations	Reports requested	Nos. of Conventions	Nos. of Recommendations	Reports received
United Kingdom (<i>contd.</i>)						
British Honduras	—	35, 36	2	—	35, 36	2
British Virgin Islands	—	35, 36	2	—	—	—
Brunei	—	35, 36	2	—	35, 36	2
Dominica	—	35, 36	2	—	35, 36	2
Falkland Islands	—	35, 36	2	—	35, 36	2
Fiji	—	35, 36	2	—	35, 36	2
Gambia	—	35, 36	2	—	35, 36	2
Gibraltar	—	35, 36	2	—	35, 36	2
Gilbert and Ellice Islands	—	35, 36	2	—	35, 36	2
Grenada	—	35, 36	2	—	35, 36	2
Guernsey	—	35, 36	2	—	35, 36	2
Hong Kong	—	35, 36	2	—	35, 36	2
Jamaica	—	35, 36	2	—	35, 36	2
Jersey	—	35, 36	2	—	35, 36	2
Kenya	—	35, 36	2	—	35, 36	2
Malta	—	35, 36	2	—	35, 36	2
Isle of Man	—	35, 36	2	—	35, 36	2
Mauritius	—	35, 36	2	—	35, 36	2
Montserrat	—	35, 36	2	—	35, 36	2
North Borneo	—	35, 36	2	—	35, 36	2
Northern Rhodesia	—	35, 36	2	—	35, 36	2
Nyasaland	—	35, 36	2	—	35, 36	2
St. Christopher, Nevis and Anguilla	—	35, 36	2	—	35, 36	2
St. Helena	—	35, 36	2	—	35, 36	2
St. Lucia	—	35, 36	2	—	35, 36	2
St. Vincent	—	35, 36	2	—	35, 36	2
Sarawak	—	35, 36	2	—	35, 36	2
Seychelles	—	35, 36	2	—	—	—
Singapore	—	35, 36	2	—	35, 36	2
Solomon Islands	—	35, 36	2	—	35, 36	2
Southern Rhodesia	—	35, 36	2	—	35, 36	2
Swaziland	—	35, 36	2	—	35, 36	2
Trinidad and Tobago	—	35, 36	2	—	35, 36	2
Uganda	—	35, 36	2	—	35, 36	2
Zanzibar	—	35, 36	2	—	35, 36	2
United States:						
American Samoa	29, 105	35, 36	4	29, 105	35, 36	4
Guam	29, 105	35, 36	4	29, 105	35, 36	4
Panama Canal Zone	29, 105	35, 36	4	29, 105	35, 36	4
Trust Territory of Pacific Islands	29, 105	35, 36	4	29, 105	35, 36	4
Puerto Rico	29, 105	35, 36	4	29, 105	35, 36	4
Virgin Islands	29, 105	35, 36	4	29, 105	35, 36	4
Total	7, 22	74, 74	177	7, 9	57, 56	129