



**Tuesday, 24 November 1953,
 at 3.45 p.m.**

New York

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Chairman: Mr. G. F. DAVIDSON (Canada).

**Evidence of existence of forced labour (A/2430,
 chapter V, A, section VIII, E/2431, A/C.3/
 L.395) (*continued*)**

[Item 69]*

1. Mr. NURUL-HUDA (Pakistan) observed that a system of forced labour was analogous to the slavery which had flourished before the birth of Christianity. The Prophet of Islam had made strenuous efforts to abolish slavery and Moslems were enjoined by the Koran to emancipate slaves. The slave system had at one time been largely ended in Arabia, but had subsequently been reintroduced in Moslem North Africa. Later, there had been anti-slavery legislation and action in the United Kingdom and elsewhere and international action against slavery had culminated in the General Acts of the Berlin (Congo) Conference of 1885 and of the Brussels Conference of 1890.
2. The historical survey of international action concerning forced labour in the *Ad Hoc* Committee's report (E/2431) showed the relevant work of the League of Nations, the Economic and Social Council of the United Nations and the International Labour Organisation. The report revealed the existence of forced, compulsory or coercive labour, which was a direct challenge to the principles embodied in the United Nations Charter and in the Universal Declaration of Human Rights.
3. He would not enter into the controversial question whether the penal code and legislation of the United States of America were better than those of the USSR and whether the latter had been distorted or misquoted, but he regretted that aspirations had been cast on certain countries and that the *Ad Hoc* Committee, composed of highly qualified and impartial experts, had found that two types of forced labour actually existed. The United Nations was the highest tribunal for the protection of human rights; the provisions of the Charter had to be strictly adhered to, fundamental human rights and the equality of man had to be conceded, adequate remuneration for services freely rendered had to be guaranteed, legitimate trade-union rights had to be protected, private enterprise for the sole purpose of self-enrichment had to be discouraged and overcrowded labour camps had to be abolished.
4. If the Charter and the Universal Declaration were to be respected, the General Assembly could not fail

to request the countries against which allegations of the existence of systems of forced labour were being made to reply to the questionnaire or provide information in response to the *Ad Hoc* Committee's request for comments and observations on the allegations concerning them. The Economic and Social Council and the International Labour Organisation should be requested to take the matter up at their forthcoming sessions and to report to the General Assembly at its ninth session.

5. If benevolent despots had once tried to wipe out the slave-trade in the barbarous Middle Ages, the United Nations should attempt to eradicate an analogous evil in more advanced times. To adopt the *Ad Hoc* Committee's conclusions without taking practical action would be inconsistent with the purposes of the United Nations as enunciated in the Charter and the Universal Declaration of Human Rights. His delegation had co-sponsored the joint draft resolution (A/C.3/L.395), which did not require any drastic change in the outlook or policy of the United Nations, but merely sought to put into practice the very principles on which the United Nations took its stand and to arouse public opinion against an evil which every right-thinking person and nation condemned.

6. Mr. LOPEZ VILLAMIL (Honduras) said that discrimination and inequality had been condemned in many national and regional instruments, particularly in the Americas. A society could not be free if the individuals composing it were not free. It was true that any penal system might be regarded as of domestic concern, but international law and its responsible organs, such as the United Nations, should see that such systems did not jeopardize human life and dignity and violate the elementary rights which international law aspired to protect. Although his delegation had proclaimed the principle of non-intervention on many occasions, that did not mean that it defended institutions which outraged human rights, nor that it was indifferent to the plight of all persons or groups suffering under despotic systems imposed on them to forward a political ideology.

7. The impartiality of the *Ad Hoc* Committee's report could not be doubted. Its authors came from various geographical regions; any aspersions on them should be construed as an insult not only to those regions, but to the trust which the Third Committee had placed in their ability to perform the work.

8. The rise to power of European dictatorships had presented the world with the dreadful spectacle of totalitarian States making total war not only against the foreign foe, but against their own people, leaving them without any possibility of recourse. That tyranny had been based on Hegelianism, which had replaced the principles of justice by arbitrary decisions ignoring the rule of law. He believed in scientific positivism in law, but not in that blind positivism which subordinated the individual to the arbitrary jurisdiction of State power. Scientific positivism could only be understood within the legal philosophy derived from a constantly

* Indicates the item number on the agenda of the General Assembly.

evolving natural law. On that basis, he could not remain silent when faced with the iniquitous system of forced labour.

9. The question why the cause of freedom should be defended was far more important than the question against whom. The former question embraced the whole philosophical basis of man's thought from generation to generation, whereas the latter was of fleeting application. Ancient Greek philosophy and art had shown the answer to all such fallacious philosophical systems as dialectical historical materialism and fascism.

10. The Third Committee was considering an attempt to eradicate a crime against humanity. Jurists had drawn a distinction between war crimes and crimes against humanity. Kaiser Wilhelm II of Germany had escaped punishment for lack of an applicable international penal rule, of a definition of penalties for war crimes and of a competent court. Consequently, a compromise had been reached in the Moscow Declaration of 30 October 1943 during the Second World War, but that had been based on force rather than on law. A military Power's force and consequent victory should never be used as a reason for it to claim impunity for violations of human rights and freedoms. Military victory was not at all the same thing as blind aggression against the basic principles of humanity. That a Power should sign a declaration authorizing it to impose even the extreme penalty on its criminal enemies but in peace time should bitterly oppose the mere denunciation of similar crimes committed on its own territory or that of the countries subjected to it should be cause for general reprobation. It was bad enough for military forces sometimes to commit crimes for the sake of victory, but it was far worse for such crimes to be committed in peace time, in breach of natural and international law. War crimes were only of passing interest, whereas crimes against humanity were of lasting concern.

11. An attempt had been made by certain delegations to claim that the State had to advance, regardless of what it might destroy in its path, and at the same time to dazzle and confuse the Committee by innumerable irrelevant and variegated details in a sombre depiction of conditions in other countries. That made a closer examination of the *Ad Hoc* Committee's report imperative.

12. If it was held, with modern jurists, that persons who injured human life in any of its aspects in the interests of a political ideology should be treated as common criminals, the report was most revealing, as the Cuban representative had shown. It was hard to see how countries could square their signing of the Moscow Declaration and article 8 of the Charter of the Nürnberg Tribunal with the conclusions drawn in paragraph 437 of the report (E/2431), unless the principles embodied in those two instruments were to apply only to those vanquished in war. The terms of General Assembly resolution 96 (I) on the crime of genocide were also germane to the argument.

13. Anything the Committee could do to disclose the evil of forced labour would be feeble in comparison with the horror of the system itself. The least it could do was to adopt the joint draft resolution (A/C.3/L.395). He would oppose any amendment not designed to strengthen it; to accept any dilution would be almost tantamount to complicity with those who had not the least regard for man's nobles condition—to be a man, not a slave.

14. Mr. CAÑAS (Costa Rica) observed that, while the proceedings of United Nations organs concerned with political questions often gave rise to pessimism, the Third Committee's activities, concerned with human beings and with the common man's hopes of redress of injustice rather than with governments, gave grounds for optimism.

15. Despite the contrary view expressed by some delegations, forced labour represented a vast problem, as stated in the third paragraph of the preamble to the draft resolution (A/C.3/L.395), of which Costa Rica was a sponsor. The United Nations was not a mere investigating organization; it had to take effective measures to combat the evils revealed in the report of the three well-known jurists composing the *Ad Hoc* Committee on Forced Labour. The Economic and Social Council's inability to consider the report at its sixteenth session did not mean that the General Assembly could treat it with indifference.

16. The comments of the Catholic Association for International Peace on the report conjured up a tragic picture. After an age-long trend away from slavery, the totalitarian States had reversed that trend at an ever increasing rate. The Soviet Union alone employed between ten and twenty million persons as slave labour, and the communist satellite countries were its apt pupils. Those States, whose systems of forced labour violated the Charter and the Universal Declaration of Human Rights, nevertheless used the United Nations as a forum at which to claim the liberation of the masses. No believer in God, the law of nature and the dignity and rights of man could condone such mass crimes. The report was not, as some had said, explosively premature. The United States delegation had done well to ask for its inclusion in the agenda and the General Assembly should instruct the Council to discuss it fully at its next session. Documentation on the current situation should be produced regularly by a permanent committee, with wider terms of reference than those of the *Ad Hoc* Committee. The United Nations should seek to formulate workable covenants on human rights, to set up an adequate exchange of information, and to institute programmes for the universal protection of human rights. International criminal law should be developed, and an international criminal court set up. As the Pope had pointed out, the fact that a settlement of the problem could not be imposed by force did not exclude the hope of settlement; the crime of forced labour was on the increase, and immediate action was needed to overcome it.

17. The problem was not insoluble, and the joint efforts of ILO and the Economic and Social Council might yet bear fruit through a broadening of the scope of international law and insistence on the enactment of reforms in domestic legislations. Adoption of the procedural draft resolution (A/C.3/L.395) by the Third Committee would be, not an encroachment on the preserves of ILO and the Council, but a sign to the common man that the United Nations had not abandoned him to the mercies of tyrannical governments.

18. Mr. PAZHAWAK (Afghanistan) said that he would speak on the draft resolution, first because the *Ad Hoc* Committee's report (E/2431) referred to Afghanistan at several points, notably in appendix II (p. 161, para. 3 (1)), where the constitutional provision that there should be no forced labour in the country was recorded; and, secondly, because the subject of the draft resolution was closely bound up with

Articles 55 *c* and 56 of the Charter, article 4 of the Universal Declaration of Human Rights and the draft covenants. It was therefore of concern to all Members of the United Nations. Thirdly, some Members were directly concerned, and the very basis of the United Nations was the interest of all Members in one another's problems.

19. The draft resolution had been called a procedural measure; but the statements of the United States, Soviet Union and other representatives had shown that it had a political aspect. The Third Committee had been set up to deal separately with social, humanitarian and cultural questions and, as he had pointed out whenever political issues had been raised, should eschew the political approach. It was not part of the Committee's duty to deal with the substance of the question except in so far as that was necessary to explain the need for the procedural measure.

20. That the draft resolution should condemn the practice of forced labour was a matter of principle, which all would support; it should be altered to strengthen the statement of principle and to eliminate the political in favour of the purely humanitarian approach. The following suggestions were made to that end.

21. The first and third paragraphs of the preamble and paragraphs 1 and 3 of the operative part were unexceptionable, and served to show the concern of the United Nations with forced labour from the humanitarian standpoint. The second, fourth and fifth paragraphs of the preamble, however, were premature and unnecessary. The reference in the fifth paragraph to "certain governments", which might have very good reasons for their failure to provide information, was uncalled for. With regard to paragraph 2 of the operative part, it was not United Nations practice to state for urgency or priority of a matter unless there had been intentional delay; and the last paragraph was superfluous. It was therefore suggested that the fifth paragraph of the preamble and paragraph 2 of the operative part should be deleted and the second and fourth paragraphs of the preamble and paragraph 4 of the operative part replaced respectively by the following texts:

"*Considering* that the exploitation of man by man in any form and anywhere is against the humanitarian principles of the United Nations and should be strongly condemned,

"*Expressing* the firm belief that forced labour should be abolished everywhere in any form or any guise,

"*Urges* all States to abolish forced labour in any form in which it may exist by taking all necessary measures, including legislative measures, which would lead to the abolition of forced labour."

22. The question should be kept within the Third Committee's proper province; if that could not be done, and it had to go before a political organ, it was to be hoped that that organ would likewise try to discuss it from the humanitarian standpoint. Furthermore it was the concern of his country and of all Members of the United Nations which were also members of ILO not to weaken the *Ad Hoc* Committee's standing as a three-member, non-political body by confronting it with partisan political issues. The interests of ILO, which had achieved so much, should transcend political considerations.

23. Until the final form of the draft resolution was known, he was unable to say how he would vote on it. If it was put to the vote in its existing form, he would ask for a roll-call vote on each paragraph.

24. Mr. McGUIRE (Australia) said that the Committee's discussions on the draft covenants had reflected the differences of view which always arose when moral obligations had to be incorporated in legal instruments; in contrast, the question of forced labour was a grim practical issue. The Council had taken its decision to establish the *Ad Hoc* Committee after careful deliberation and when it had been satisfied that, deplorable though it was, there was need for such an inquiry. No country alive to the principles of justice and conscientiously supporting the Charter of the United Nations had anything to fear from that step, or any reason not to co-operate with the Committee, as Australia had done.

25. The Council's decision to defer consideration of the *Ad Hoc* Committee's report until its seventeenth session, which Australia had supported, had been the only wise course, and had given governments time to submit their comments on the Committee's findings.

26. The statement of principle in the first paragraph of the preamble to the draft resolution, of which Australia was a sponsor, would be unreservedly acceptable to all, and served to put the practice of forced labour in the proper perspective. The second paragraph implied no reflection on the Council for postponing its study. In connexion with the phrase "systems of forced labour" in the third paragraph, it should be noted that the Council had been careful to distinguish between forms of labour strictly limited and defined under criminal legislation, and systems of forced labour used as a means of political coercion or punishment for political views and constituting an important element in a country's economy. Any country which used such a system placed in jeopardy the freedom and status, not only of its workers, but of all its citizens, and in practice would countenance violations of other human rights also. Such a country regarded its citizens as of no more value than the tools and machines with which they worked; the citizen's primary duty was to conform to the state ideology, and any deviation was at once repressed.

27. The USSR representative's attacks on two members of the *Ad Hoc* Committee were to be deplored and cast doubt on his other remarks.

28. He would, if necessary, comment later on the Afghan representative's suggestions.

29. Mrs. TSALDARIS (Greece) said that her delegation had joined in sponsoring the draft resolution (A/C.3/L.395) because her country felt that it was absolutely essential to put an end to the systems of forced labour made evident in a report by persons whose impartiality and integrity were universally recognized. She had not been persuaded that forced labour did not exist in certain countries by the statements of the representatives concerned. The mere thought that such amoral and inhuman measures could be applied in modern times as a means of political coercion or punishment was repugnant to the conscience of mankind. It was inadmissible that workers should be deprived of the free choice of their work and of free association, that persons who could not work for reasons of age or health should be forced to do so, that highly cultured and intelligent persons who could contribute to the cultural and scientific progress of mankind should be

condemned to forced labour as a punishment for their beliefs and in particular, that children, whom an effort was being made to surround with every care and solicitude in order to shape a future generation, healthy in mind and body, which would take up the torch of international understanding, should be exploited by such inhuman systems, unworthy of free peoples.

30. In paragraph 51 of the report (E/2431), the *Ad Hoc* Committee stated that it had been unable to complete its study of allegations relating to Albania and the People's Republic of China. Her delegation was especially interested in investigations with regard to Albania, where inhuman measures had been and were being taken against persons of Greek origin who, owing to their persistent retention of their opinions and national sentiment, often ended their days in labour camps or in prison.

31. The sad fate of the thousands of Greek children forcibly taken from their country by communist bands in 1947 and 1948 should also be recalled in that connexion. Despite several General Assembly resolutions (193 C (III), 288 B (IV), 382 C (V), 517 (VI) and 618 (VII)) and the efforts of the International Red Cross, only 900 of those children who had been in Yugoslavia had been returned to their homes. According to the report of the United Nations Special Committee on the Balkans¹, the children had been subject to compulsory military service from the age of fourteen in labour camps and boys and girls had been forced to enrol in Communist bands to fight against their own country.

32. The USSR representative had passed over such tragic events as episodes necessary to his country's policy; those "episodes" had plunged a nation into mourning and had brought misery to thousands of families. She feared that the USSR representative had forgotten those events when he had referred to his delegation's amendment to the draft covenant on human rights, in which it was stated that the illegal use of child labour and the employment of adolescents in work liable to prejudice their health and endanger their lives should be punishable by law.²

33. Greek military personnel were still being forcibly held in several communist countries, which still refused to comply with two General Assembly resolutions (382 A (V) and 702 (VII)) urging their repatriation. The Greek delegation still hoped that those problems could be solved on the basis of the principles of the United Nations and that the USSR representative's assertions of the peaceful policy of his country would lead to the practice of the tolerant international relations essential to the happiness of mankind. It was also to be hoped that United Nations efforts to abolish forced labour would help to ensure respect for real democracy in all countries and the dignity and worth of the human person, not only by eliminating such unjust and inhuman system, but also by breaking down the barriers between peoples.

34. She reserved the right to comment later on the Afghan representative's suggestions.

35. Mr. JUVIGNY (France) stated that his delegation's interest in the subject of forced labour was intensified by the fact that many thousands of French citizens had been deported during the nazi occupation

and that many young Frenchmen had been taken away to swell the army of slave labour in Germany. France had proved its desire to abolish and to prevent the growth of such systems by ratifying the ILO Forced Labour Convention (No. 29) in 1937, and in 1946 forced labour had been absolutely and unconditionally prohibited by the French Labour Code for the Overseas Territories.

36. On both the national and international levels, the French Government had always considered that no philosophical concepts of political or economic considerations could justify the violation of a fundamental freedom without which other freedoms could not be enjoyed. No arguments about the distinction between individual and collective rights could justify or legalize the existence of forced labour systems.

37. His delegation had therefore long considered it essential to collect on a universal basis all factual data that would give an exact knowledge of the phenomenon of forced labour and to set up a universal and objective mechanism to analyse the data and draw conclusions from it. The *Ad Hoc* Committee on Forced Labour seemed to meet that need admirably, as its terms of reference showed.

38. The French delegation approved of the spirit and wording of the joint draft resolution. It should be remembered that the *Ad Hoc* Committee had been set up by the Economic and Social Council (resolution 350 (XII)) and ILO and that those two bodies had to consider its report. The records of the Council's debate on the matter and the statement made at the preceding meeting by the ILO representative showed that there was every intention of giving the problem due attention. The Council and ILO would consider the report from the juridical and technical points of view respectively, and the General Assembly could only benefit from their conclusions.

39. It was to be hoped that countries which had not yet replied to the *Ad Hoc* Committee would do so, in order to show their appreciation of the universality and the noble humanitarian scope of the problem. It seemed that some delegations were already more inclined than they had been to give the report the attention it deserved. It might be possible, after the Council and ILO had studied the matter, to find effective methods of eradicating that great evil from the face of the earth.

40. Mrs. KHOKHOL (Ukrainian Soviet Socialist Republic) stated that the obvious purpose of the United States delegation in raising the question of forced labour before the General Assembly was to increase tension among peoples and to distract world public opinion from the fact that forced labour existed in the United States of America and other capitalist countries. Reactionary circles in capitalist countries had been trying for many years to prove that forced labour existed in the USSR and the peoples' democracies; the activities of the *Ad Hoc* Committee and its report were characteristic of those attempts. Thus, the *Ad Hoc* Committee in closed session had heard ample testimony from slanderers of the USSR, but had not called upon organizations which could prove the existence of forced labour in capitalist countries. Only in its third year had the Committee considered a memorandum proving that at least 5 million persons in the southern states of the United States were working in conditions of slavery; and that memorandum was scarcely reflected in the report.

¹ See *Official Records of the General Assembly, Fourth Session, Supplement No. 8*, chap. III.

² See *Official Records of the Economic and Social Council, Fourteenth Session, Supplement No. 4*, para. 138.

41. The authors of the report had been unable to obtain any real proof of the existence of forced labour in the USSR and had therefore resorted to falsifying and distorting individual provisions of the law and the opinions of USSR jurists. The *Ad Hoc* Committee's main conclusion had been that the principal purpose of the USSR system of forced labour was to remove opposition to the Government. That thesis, however, was based on the groundless premise that political opposition existed in the Soviet Union. In a close and morally united society there were no antagonistic classes and therefore no hostile political parties; the common purpose of the people was to raise the living standards for all.

42. The sanctions of Soviet penal law were directed against spies and diversionists sent into the territory of the USSR by the imperialist States and against Soviet citizens who violated the law. Penalties in the Soviet Union were so framed as to re-educate the offender and to prepare him for a new life in free society. Re-education through work was the best means of achieving rehabilitation, since it imposed discipline on the prisoners and trained them for an occupation so that on their release they could become useful members of society. The number of persons sentenced in the USSR was decreasing annually. That fact was explained by the absence of exploitation and the rising standard of living. The economic position of the Ukrainian Soviet Socialist Republic provided an illustration of the increasing well-being of the people. Of the total 1954 budget, 89.5 per cent was devoted to financing agriculture and to social and cultural measures. New industries were being developed, agricultural methods and production were being improved; houses, schools, hospitals and cultural establishments were being built; the prices of consumer goods had been reduced substantially; and the *per capita* income had risen greatly.

43. As an example of the tendentious nature of the report, she pointed out that it referred to article 7 of the penal code and article 22 of the "Basic Principles governing the Penal Legislation of the USSR and Union Republics" as measures providing for conviction on grounds of association with a criminal, even when no offence had been committed. Those provisions, however, were no longer valid and the decision whereby article 22 of the Basic Principles had been abolished definitely stated that punishment could be inflicted only if the defendant were found guilty of a specific crime. The fact that the provisions were no longer in force was admitted in the report.

44. The report criticized the principle of analogy in Soviet law, which allegedly, gave the judges excessive powers of deciding whether an act was harmful to society and therefore punishable, even if it was not

mentioned in the penal code. The application of that principle was, however, limited. Mr. Vyshinsky had written in 1937 that analogy in USSR penal law had to be confined within strict legal limits and that no gap between the law and its application was admissible. For a really wide use of analogy, which could lend itself to application with regard to a system of forced labour, the Committee should have referred to Anglo-American law, which set great store by precedents from the distant past.

45. The chapter in the report on the number and location of corrective labour camps and colonies was admittedly derived from unofficial sources. The deduction that camps and colonies existed throughout the USSR had been refuted by the USSR representative. She could only add to that refutation a statement by a member of an American trade-union delegation, to the effect that he had seen nothing remotely resembling a forced labour camp near Kiev, where there was alleged to be a large camp.

46. The purpose of such slanderous attacks was to distract attention from working conditions in the United States of America and other capitalist countries. The *Ad Hoc* Committee had received, but had not considered, evidence of illegal forced labour in the United States of America, where peonage, a basic form of slavery, still existed on a large scale. Although that evil had allegedly been abolished, employers could still enslave workers by emeshing them in debt, tricking them into accepting low wages, falsifying accounts and keeping them in perpetual bondage. The peons who managed to escape were hunted like animals. The system was legalized in certain states by the vagrancy laws. Even the report said that in some states the term "vagrancy" was defined so broadly and the punishment for the offence was so severe that it could, if extensively interpreted and applied, lead to a system of forced labour for economic purposes.

47. The position of migrant agricultural workers in certain southern states was a further example of forced labour. Those workers were not covered by social insurance, lived in camps and had to work under appalling conditions. They were exploited to the full by their employers. In Kansas and Colorado, Indian children were forced to perform unsuitable agricultural work.

48. In Kenya, 40,000 children were working for half the wages given to adults for the same work.

49. The General Assembly should reject the report (E/2431), which was merely designed to vilify the USSR and the peoples' democracies.

50. She would vote against the joint draft resolution (A/C.3/L.395).

The meeting rose at 6.20 p.m.