



FIRST PROGRESS REPORT OF THE  
AD HOC COMMITTEE ON FORCED LABOUR TO  
THE ECONOMIC AND SOCIAL COUNCIL AND TO  
THE GOVERNING BODY OF THE INTERNATIONAL LABOUR  
OFFICE

TABLE OF CONTENTS

<u>Chapter</u>	<u>Paragraphs</u>
I. Appointment of the Committee and Organization of its First Session	1 - 8
II. Agenda	9
III. Consideration of the terms of reference of the Committee	10 - 14
IV. Consideration of the methods of work of the Committee	15 - 28
V. Future Sessions of the Committee	29 - 32
VI. Adoption of the First Progress Report of the Committee	33

Annex

Draft Resolution for the Consideration of the  
Economic and Social Council.

FIRST PROGRESS REPORT OF THE AD HOC COMMITTEE  
ON FORCED LABOUR TO THE ECONOMIC AND SOCIAL  
COUNCIL AND TO THE GOVERNING BODY OF THE  
INTERNATIONAL LABOUR OFFICE

CHAPTER I

Organization of the Ad Hoc Committee and of its first session

1. The Ad Hoc Committee on Forced Labour, appointed jointly by the Secretary-General of the United Nations and the Director-General of the International Labour Office in accordance with Resolution 350 (XII) of the Economic and Social Council, held its first session at the Palais des Nations, Geneva, from 8 to 27 October 1951.
2. Mr. Paal Berg, Sir Ramaswami Mudaliar and Mr. Felix Fulgencio Palavicini were chosen as members of the Committee.
3. The session was opened by Mr. S. Lall, Assistance Secretary-General, representing the Secretary-General of the United Nations and by Mr. R. Rao, Assistant Director, representing the Director-General of the International Labour Office.
4. At the first meeting of the Committee Sir Ramaswami Mudaliar was elected Chairman. The Committee decided that the Chairman would also discharge the functions of Rapporteur.
5. Mr. A. Salkin was the Secretary of the Committee and Mr. H. Zwahlen its Technical Adviser.
6. The following Non-Governmental Organizations in consultative status with the Economic and Social Council or recognized by the International Labour Organisation were represented at public meetings of the Committee:  
  
Category A: International Confederation of Free Trade Unions:  
  
Category B and Register: International Federation of Free Journalists:  
Miss De Szekula.
7. The Committee decided, at its second meeting held in closed session, that it would hold all meetings in closed session unless it decided otherwise.

8. In view of the special character of the work entrusted to it, the Committee decided to hold a number of informal discussions among members of the Committee preliminary to arriving at formal decisions. All formal decisions were taken in regularly constituted meetings of the Committee acting as a body. The Committee held seven meetings, four of them in closed session. It issued one communiqué as a result of decisions reached in closed session relating to its terms of reference (Press Release ECOSOC/521). The summary records of the meetings are contained in documents E/AC.36/SR.1-7, but only the records of the public meetings have been given general distribution.

## CHAPTER II

### Adoption of the Agenda

9. At its first meeting, the Committee considered and adopted the provisional agenda prepared by the Secretary-General (E/AC.36/1) as follows:

1. Opening of the session;
2. Election of officers;
3. Adoption of the agenda;
4. Consideration of the terms of reference and of the methods of work of the Committee;
5. Study of the problem of forced labour;
6. Report of the Committee.

### CHAPTER III

#### Consideration of the terms of reference of the Committee

10. The Committee recognized that it must be careful to avoid any possible overlapping of its functions and duplication of work with other bodies dealing with questions similar to forced labour, such as the Ad Hoc Committee on Slavery of the Economic and Social Council and the Committee of Experts on Indigenous Labour of the International Labour Organization.
11. It interpreted its terms of reference (resolution 350 (XII) of the Economic and Social Council) as including a survey and, thereafter, a study of systems of forced labour. Such systems of forced labour were alleged to take two forms. The first form was forced labour for corrective purposes, in other words, in order to correct the political opinions of those who differed from the ideology of the Government of the State for the time being, those persons being sent to prison camps for varying periods in order to enable the authorities to correct their political opinions and, during detention, being obliged to perform certain services. The second form of forced labour was exemplified where persons were obliged involuntarily to work for the fulfilment of the economic plans of a State, their work being of such a nature as to lend a large degree of economic assistance to the State in the carrying out of such economic plans. Both these forms of labour were prescribed as essential either by process of law or by administrative measures on the part of governments.
12. Accordingly, the Committee would have to investigate all the laws and regulations of the various states which might illustrate the different systems of forced labour employed in those States. The Committee might also have to investigate existing administrative practices which enable forced labour to be put into effect, whether prescribed by process of law or administrative measures.
13. A further conclusion reached by the Committee was that, while it might take the definition of forced labour embodied in ILO Convention No. 29 as a basis, it recognized that the whole perspective on the basis of which that Convention was drawn up had now changed, and that the Committee could define forced labour only if it had reviewed at least a portion of the material before it. The Committee could

reach a final conclusion regarding a definition of forced labour only when it approached the end of its study. It should for the time being concentrate on considering the meaning of forced labour which was implied by its terms of reference.

14. The Committee proposes to discharge its task, within the limits of its terms of reference, without prejudice of any kind and with complete impartiality and objectivity, on a universal basis, with the sole aim of safeguarding human rights and improving the situation of workers.

## CHAPTER IV

Consideration of the methods of work of the CommitteeRules of Procedure and Arrangements for Consultation  
with Non-Governmental Organizations

15. The Committee was of the view that, as it came within the jurisdiction of both the Economic and Social Council and the International Labour Organisation, it should not be bound by the rules of procedure of either body, but should adopt its own rules of procedure, taking as a basis those of the Economic and Social Council and of the Governing Body of the International Labour Office. It adopted the following resolution on this question:

## I.

The Ad Hoc Committee on Forced Labour

Considering that it is a body set up jointly by the Economic and Social Council and the International Labour Organisation, and that as such, and also in view of its terms of reference and of the preparatory discussions in the Economic and Social Council and the Governing Body of the International Labour Office, it has an independent status which exempts it from applying the rules of procedure of the Economic and Social Council or the Governing Body of the International Labour Office,

Considering, therefore, that it should frame its own rules of procedure,

Noting that the Standing Orders of the Governing Body of the International Labour Office are not generally suitable for adoption and that the rules of procedure and certain resolutions of the Economic and Social Council contain provisions which should be adhered to as closely as possible, as a means of ensuring the proper conduct of the Committee's proceedings;

Decides:

1. to adopt as rules of procedure applicable to the Committee, the provisions contained in Rules 25, 35, 39, 43 (as amended by resolutions 138 (VI) and 176 (XII) of the Economic and Social Council), 44 and 79;

2. not to apply the arrangements for consultation with non-governmental organizations as approved for commissions of the Economic and Social Council but, in accordance with the right granted to ad hoc committees in paragraph 32 of resolution 288 (X) to replace them, if necessary, by special rules;

3. not to adopt as such the provisions of resolution 75 (V) of the Economic and Social Council, as amended by resolution 275 (X), concerning communications relating to human rights in respect of forced or corrective labour, as applying to such communications as may have been received or will be received after 19 March 1951, it being understood that the Committee will take all appropriate internal measures to prevent the identity of the author of any such communication from being divulged, except in cases where the author states that he has already divulged or intends to divulge his name or that he has no objection to his name being divulged.

16. The Committee noted that resolution 75 (V) of the Economic and Social Council as amended by resolution 275 (X) laid down a procedure for dealing with communications concerning human rights. It thought that, among such communications, there might be some which concerned forced labour and which might be of interest to its work. It decided that any communications concerning forced labour received after 19 March 1951, the date on which the Economic and Social Council adopted resolution 350 (XII), and dealt with in accordance with the procedure laid down in resolution 75 (V) as amended, should be brought to its attention.

17. With regard to communications concerning forced labour which might be addressed to the Committee directly or to its Chairman, members, Secretary or Technical Adviser, the Committee would decide from time to time which communications should be transmitted to the Secretary-General, and at what stage they should be transmitted to enable him to take action thereon under resolution 75 (V) as amended or under any other appropriate procedures. The Committee decided however that it would comply strictly with the provisions of these resolutions concerning the divulging of the identity of the authors of communications.

18. With regard to the arrangements for consultation with non-governmental organisations having consultative status with the Economic and Social Council or recognised by the International Labour Organisation, the Committee decided, in accordance with paragraph 32 of resolution 288 (X) of the Economic and Social Council to adopt its own rules in view of the rather special nature of the task before it.

19. The Committee proposes to invite all such non-governmental organizations to be heard and questioned, and to submit documentary material and information relating to the terms of reference of the Committee as it has interpreted them. It will hear representatives of non-governmental organizations for the purpose of evaluating and checking the authenticity and truth of the material presented. Representatives of non-governmental organizations will therefore have to be questioned and perhaps cross-examined regarding that material. This is the difference in the procedure for consultation envisaged by the Committee and that laid down by the Economic and Social Council in resolution 288 (X).

20. The Committee adopted the following resolution on this question:

## II.

Whereas it is in the interest of its work to hear and question certain non-governmental organizations which are in consultative status with the Economic and Social Council or recognized by the International Labour Organization, and, where appropriate, to examine any documentary material and information which such organizations may have in their possession;

Whereas, however, the hearing and questioning of such organizations, and the transmission of documentary material and information, should be strictly confined to the subjects selected by the Committee in determining the scope of its study;

Whereas the Committee has already decided, in accordance with paragraph 32 of resolution 288 (X) of the Economic and Social Council, not to follow the arrangements for consultation with non-governmental organizations as approved for commissions of the Council, but, where necessary, to replace them by special rules of procedure; and



Whereas special arrangements must be made for the hearings to which the present resolution refers and the Committee must be free to decide, on the basis of the statements received in due course, which non-governmental organizations appear, all things considered, to be in a position to supply the Committee with such information as the latter deems necessary for the effective discharge of its duties;

Therefore the Ad Hoc Committee on Forced Labour,

1. Requests the Secretary of the Committee to send, on the Committee's behalf, before 1 January 1952, to all non-governmental organizations in categories A and B and on the register, which are in consultative status with the Economic and Social Council, or which have a similar status with the International Labour Organisation, a letter:

- (a) referring to resolution 350 (XII) of the Economic and Social Council;
- (b) setting forth the Committee's interpretation of its terms of reference as contained in the foresaid resolution;
- (c) inviting them to notify the Committee if they wish to be heard and questioned by the Committee at its second session and, where appropriate, to transmit to the Committee any documentary material and information they may have in their possession relating to the terms of reference as interpreted;
- (d) stating explicitly that an affirmative reply will be considered by the Committee only if it reaches the Secretary of the Committee by 31 March 1952 at the latest, and if it contains a memorandum not exceeding one thousand words, specifying the points on which the non-governmental organization concerned wishes to be heard and questioned, and indicating the precise nature of the documentary material and information which it intends to submit to the Committee; such memoranda should be submitted in at least three and, if possible in five copies, in one of the two working languages and will be distributed only to members of the Committee;

(e) pointing out that the Committee will decide at its discretion, and primarily on the basis of the contents of the foresaid memoranda, which organizations shall be invited to send representatives for hearing and questioning at the second session of the Committee or to transmit to the Committee the documentary material or information in their possession;

(f) also pointing out that non-governmental organizations will be advised as early as possible of the date and place fixed by the Committee for the hearing and questioning of representatives or for the transmission of documentary material or information, and that the Committee reserves the right both to limit the time allowed for the hearing and questioning of representatives and to select or reject as it may deem necessary from any documentary material or information transmitted;

2. Delegates expressly to the Chairman of the Committee the power to examine replies and memoranda from the non-governmental organizations and to decide which of these organizations shall be invited to send representatives for hearing and questioning at the second session of the Committee, or to transmit to the Committee the documentary material and information in their possession;

3. Requests the Chairman and the Secretary of the Committee to maintain close contact with a view to ensuring the effective implementation of this resolution.

21. The Committee considered that in addition to the non-governmental organisations mentioned above, other organizations and individuals should have the possibility of transmitting to the Committee any documentary material they might have, and of expressing the wish to be heard and questioned. It was understood that such information must relate to the terms of reference of the Committee as it had interpreted them and would be subject to the conditions laid down in resolution II above and in particular to the provisions of paragraph 1, (d), (e) and (f).

Transmission of a Questionnaire to Governments

22. The Committee recognized that its first task was to assemble legal texts and ascertain existing laws and regulations relating to forced labour. It noted that some Governments had submitted texts of their legislation regarding forced labour when replying to the Secretary General's letter, transmitted in accordance with resolutions 195 (VIII) and 237 (IX) of the Economic and Social Council, asking Governments if they would be prepared to cooperate in an impartial enquiry into the extent of forced labour in their countries. The Committee thought however that the information then furnished might now be out of date and new legislation, might have been enacted.

23. The Committee also recognized that it would be especially difficult for it to study the administrative practices by which various laws and regulations were applied. It was of the view that the first source of information on both legal texts and administrative practices should be the governments themselves. It therefore drew up and adopted the following resolution and questionnaire for transmission to all governments whether Members of the United Nations, or of the International Labour Organization or of neither organization:

III.

Whereas it is in the interest of the study the Committee has undertaken, to assemble the texts of laws and regulations relating to systems of forced or corrective labour as defined in its interpretation of its terms of reference contained in Economic and Social Council resolution 350 (XII) and whereas it is equally important to collect as much information as possible regarding the application of such laws and regulations, by judicial or administrative methods and whereas the Committee considers that one of the most appropriate methods of assembling the above-mentioned texts and information is to request governments to communicate them, together with any comments and necessary explanations.

Therefore the Ad Hoc Committee on Forced Labour

Adopts the questionnaire annexed to the present resolution; and

Decides to request the Secretary-General of the United Nations and the Director General of the International Labour Office to transmit on behalf of the Committee the questionnaire annexed to the present resolution to all governments, whether members or not of the United Nations or of the International Labour Organisation and to request for replies as soon as possible and in any case not later than 1 April 1952 and therefore:

(a) Requests the Secretary-General of the United Nations to address the above-mentioned questionnaire both in his name and in that of the Director-General of the International Labour Office to all Member States of the United Nations and to those States which are members neither of the United Nations nor of the International Labour Organisation; and

(b) Requests the Director-General of the International Labour Office to address the questionnaire to those States which are not members of the United Nations but are members of the International Labour Organisation.

QUESTIONNAIRE

In agreement with the Governing Body of the International Labour Office, the Economic and Social Council of the United Nations adopted on 19 March 1951, at its twelfth session, resolution 350 (XII) setting up an Ad Hoc Committee on Forced Labour, to be appointed jointly by the Secretary-General of the United Nations and the Director-General of the International Labour Office.

The Committee appointed in accordance with the above resolution, at its first session, held in Geneva from 8 to 27 October 1951, interpreted its terms of reference as follows:

[See Chapter III, paragraphs 11 - 14]

The Ad Hoc Committee considered that one of its primary tasks was to study all laws and regulations, and also ordinary administrative practices, whereby the judicial or administrative authorities can compel a person to perform certain labour, either for economic or for corrective or educational purposes, for the

protection of the established political order, whether such work has to be done in camps, in reformatories, in public or private undertakings, in labour colonies, or in the person's own enterprise.

The purpose of this questionnaire, which is being transmitted to all States members or non-members of the United Nations and of the International Labour Organisation, is to collect relevant official information for the use of the Ad Hoc Committee on Forced Labour. Governments are asked to reply to the questionnaire as regards their metropolitan, trust and non-self-governing territories, the central state administrations and the regional or local public authorities.

I. Punitive, educational or corrective labour

Do your penal or administrative laws, your regulations or your administrative rules or practices as such provide that:

- a) a person convicted of an offence against the established constitutional or political order may be forced to perform certain labour?
- b) a person who has not been alleged to have committed any offence may be detained in prisons or camps or otherwise restricted in movements and subjected to educational or reformatory labour?

If so:

- a) Please give the texts of such laws, regulations and rules;
- b) By what judicial or administrative authorities and in accordance with what procedure are they applied?
- c) How are they interpreted by these authorities?
- d) What was the number of persons subjected to forced labour under these laws, regulations and rules for each of the years from 1948 to 1950 inclusive?
- e) How is such labour organized (hours of work, pay, accommodation, care and health arrangements)?

## II. Other cases of compulsion to work

Do your laws, regulations or administrative rules or practices as such, provide for any other kind of direct or indirect compulsion to work through the intervention of the Government or of the public authorities, and in particular for:

- a) Any obligatory labour service, either temporary or permanent, general or confined to certain categories of persons, for the performance of any work either in nationalized undertakings or in those directly or indirectly controlled by the public authorities, or in private undertakings, and more specifically for the performance of any work towards the fulfilment of overall plans laid down by the Government or public authorities, for public works or works in the public interest or the exploitation or production of any type of goods or resources?
- b) any restrictions on freedom of residence or movement applied in such manner and in such circumstances that their effect would be to compel persons to work in a specific area?
- c) any limitations on the freedom of workers to choose their place of work and the undertaking they work for (e.g. compulsory recruitment or a ban on changing employment without the permission of some public authority)?

In each of the above or in any similar cases, please give the legal provisions or regulations applicable with details concerning their interpretation and implementation. In case (a) above, please also supply information on the number of persons affected, the nature, scope and conditions of work (hours of work, pay, accommodation, care and health arrangements).

#### Other Methods

24. While the Committee believed that the collection of legislation relating to forced labour was its first task, it nevertheless recognized that the actual situation might in fact differ from the principles laid down by law. The Committee thought that it might be necessary, as had been suggested in the Economic and Social Council debates, for it to avail itself of certain impartial consultants who could study the de jure and de facto situation regarding forced labour in certain continents, groups of countries or specific countries, and perhaps conduct investigations by on-the-spot enquiries.

25. While it did not decide at its first session whether or not consultants should be appointed, the Committee adopted the following resolution relating to their possible appointment in the interval between the first and second sessions:

#### IV.

Whereas the proper discharge of the Committee's duties may require the engagement, for a given period, of consultants to study, with due regard to the Committee's interpretation of its terms of reference, the de jure and de facto situation in respect of forced labour in certain continents, groups of countries or specific countries, and to conduct all requisite investigations, if need be by on-the-spot enquiries; and

Whereas it may be desirable to engage such consultants during the interval between the end of the Committee's first and the beginning of its second session and that, if such action appears to be indicated by the progress of enquiries and the nature of the information received during the said interval, the Chairman should be empowered to take, on behalf of the Committee, any decisions he may think fit; therefore

#### The Ad Hoc Committee on Forced Labour

Decides to delegate authority to the Chairman of the Committee in consultation with the other two members of the Committee, and during the interval between the Committee's first and second sessions, to appoint

and define more specifically the duties of such consultants and in agreement with the Secretary-General of the United Nations and the Director-General of the International Labour Office, to fix the terms and period of their engagement;

Requests the Secretary of the Committee, with the assistance of the Technical Adviser, to ensure that any decisions taken by the Chairman in accordance with such delegation of authority are implemented without delay.

26. The Committee decided to defer until its second session any decision regarding on-the-spot enquiries by the Committee itself, and also the question of whether or not it will hear and examine witnesses. It recognized however that the question of granting governments implicated the right to reply to any allegations must be discussed in this connection.

27. The Committee had before it documentation transmitted by governments and non-governmental organizations having consultative status with the Economic and Social Council (E/AC.36/4) relating to the allegations made in the debates of the Council. It also had before it further documentation relating to its terms of reference transmitted during the session by other organizations having consultative status, by organizations which had not consultative status and by individuals.

28. The Committee also defined the tasks which it wished the Secretariat to undertake between the first and second sessions of the Committee. Besides implementing the decisions taken by the Committee at its first session, the Secretariat was asked to continue to collect and verify the vast amount of documentation cited or referred to in the allegations made in the debates of the Economic and Social Council. The Secretariat was further asked to supplement this documentation by research based on the Committee's interpretation of its terms of reference and on the information received from Governments and other sources.



## CHAPTER V

### Future sessions of the Committee

29. The Committee decided to hold its second session at the Headquarters of the United Nations in New York from 26 May to 3 July 1952. The Committee thought that this would allow time for governments to reply to the questionnaire and for non-governmental organizations to submit material in accordance with Resolution II adopted by the Committee. It would also allow time for all this documentation to be analysed and for the research work to be carried out.

30. At its second session the Committee proposes to examine the replies of governments to the questionnaire and to hear and question representatives of non-governmental organizations. It will also decide whether or not it wishes to examine witnesses.

31. If the Committee decides to examine witnesses, then it plans to hold a third session in the last quarter of 1952. In order to facilitate the attendance of witnesses, the Committee considers that this session should be in two parts, one in Geneva and one in New York.

32. At a fourth session to be held early in 1953 the Committee will prepare and adopt its final report to the Economic and Social Council and to the Governing Body of the International Labour Office. If the Committee decides not to hear witnesses, then it will complete its final report at its third session, that is by the end of 1952.

## CHAPTER VI

### Adoption of the first Progress Report of the Committee

33. At its seventh meeting on 27 October 1951 the Committee adopted its first Progress Report for submission to the Economic and Social Council and to the Governing Body of the International Labour Office.

ANNEX

DRAFT RESOLUTION FOR THE CONSIDERATION OF  
THE ECONOMIC AND SOCIAL COUNCIL

The Economic and Social Council,

Takes note of the first Progress Report of the Ad Hoc Committee on Forced Labour.