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THIRD 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

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CHAPTER I

Organization and opening of the Third 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 third session at the European Office of the United Nations, Geneva, from 14 October to 22 November 1952.
2. Sir Ramaswami Mudaliar, Mr. Paal Berg, and Mr. E. Garcia-Sayan were present as members of the Committee.
3. The session was opened by Sir Ramaswami Mudaliar, elected Chairman and Rapporteur at the Committee's First Session.
4. Mr. M. Simon was the Secretary of the Committee and Mr. H. Zwahlen its Technical Adviser.
5. The following non-governmental organizations in consultative status with the Economic and Social Council were represented at public meetings of the Committee:  
Category B and Register:  
Anti-Slavery Society  
Catholic International Union  
for Social Service
6. The Committee confirmed its previous decision (E/2153, para.7) to hold all meetings in closed session unless it decided otherwise. It also continued the practice established at its first session (E/2153, para.8) of having 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 eighteen meetings, two of them in public session. The summary records of the meetings are contained in documents E/AC.36/SR.27-44 but only the records of the public meetings have been given general distribution.

## CHAPTER II

### Adoption of the agenda

7. At its twenty-eighth meeting, the Committee considered and adopted the provisional agenda (E/AC.36/14) as follows:

1. Opening of the session.
2. Adoption of the agenda.
3. Further study of the problem of forced labour in the light of additional government replies, documentation assembled by the Secretariat, and documentation submitted by non-governmental organizations.
4. Hearings of non-governmental organizations and other witnesses invited by the Committee.
5. Other business.
6. Third progress report of the Committee.

## CHAPTER III

### Hearings of Non-Governmental Organizations and other Witnesses invited by the Committee

8. During its Second Session in New York the Committee heard a number of non-governmental organizations and other witnesses invited by the Committee in accordance with the procedure laid down in Resolution II. The Committee had then felt that these hearings had yielded additional information on certain aspects of the problem of forced labour which had not been covered by the documentary evidence in its possession, and had decided to hear four non-governmental organizations and one individual who had requested to appear before the Committee during its Third Session in Geneva. At the same time it had invited two other organizations to submit further information on the basis of which it would be decided whether or not they also should be invited to send representatives to be heard in Geneva.<sup>1/</sup>

9. At the beginning of its Third Session, the Committee decided to hear a representative of one of these two organizations which had, in sufficient time, submitted a more detailed memorandum in response to the Committee's request. It

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<sup>1/</sup> A more detailed account of these decisions and of the general procedure followed by the Committee in connection with its hearings may be found in Chapter III (D) and Chapter IV of its Second Progress Report (E/2276).

also considered two further memoranda submitted after the conclusion of the Second Session and decided to invite the authors of these memoranda, an organization and an individual respectively, to appear before the Committee for hearing and questioning.

10. The list of organizations which were heard and examined by the Committee during its Third Session is as follows: Anti-Slavery Society, Commission Internationale contre le Régime Concentrationnaire, Committee of Free Jurists, International Federation of Free Journalists, National Committee for a Free Albania and the Polish Association of Former Soviet Political Prisoners. It also heard two individuals who had been invited in accordance with the aforementioned decisions.

11. The Committee again emphasized that the purpose of these hearings was to supplement the main documentary material already before it.

#### CHAPTER IV

##### Further Study of the Problem of Forced Labour

12. In continuing its study of the problem of forced labour, the Committee had before it the following documentation and information:

- (a) the replies of 46 governments to its questionnaire<sup>1/</sup> (E/AC.36/11 and Add. 1-21), together with the legal texts cited in those replies;
- (b) allegations and replies to allegations made in the course of the debates on forced labour in the Economic and Social Council (Official Records of the Eighth to the Twelfth Sessions of the Council);
- (c) documentation transmitted by governments and by one non-governmental organization (E/AC.36/4 and Add.1 and 2) relating to the allegations made in the debates of the Council;
- (d) documentation assembled by the Committee relating to and supplementing the above-mentioned sources of information;
- (e) documentary material and information submitted by non-governmental organizations and individuals in conformity with Resolution II (E/2153, paragraph 20).

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<sup>1/</sup> Forty-two governments had replied by the end of the Second Session. A list of these governments was given in paragraph 11 of the Second Progress Report (E/2276). Since that time replies have also been received from Australia, Burma, Indonesia and New Zealand.

13. In the course of its examination of this documentation and information the Committee, at the instance of the Chairman, gave further consideration to its terms of reference with a view to ascertaining whether its interpretation of those terms of reference, as set forth in paragraphs 11 to 14 of its First Progress Report (E/2153), could be finally adopted. It decided to confirm this interpretation of its terms of reference. The Chairman also recalled that during its First Session the Committee had come to the conclusion that it could only formulate a definition of forced labour when it reached the end of its study (E/2153, para.13). The Committee discussed this question again during the Third Session and decided to consider this matter when examining the draft of its final report.

## CHAPTER V

### Letters to Governments

14. During its Second Session the Committee expressed the opinion that governments should be informed of allegations regarding the existence of forced labour in their respective countries or territories, and that letters transmitting these allegations should indicate the evidence and documentation purporting to support the allegations, particularly the laws and regulations involved; and that these letters should be despatched to governments for comments. The main task of the Committee during its Third Session was therefore to prepare a summary of allegations and of the material available to the Committee relating to the respective countries or territories of the governments concerned.

15. Documents containing these summaries were prepared by the members of the Committee in a series of informal discussions covering the major part of the Session. These documents were formally adopted by the Committee at its fortieth, forty-first and forty-second meetings.

16. The Committee emphasized that at the present stage of its work it had come to no conclusions, either on the relevancy of the allegations or on the evidential value of the information and documentary material summarized in these documents and that they were being communicated confidentially only to the governments concerned for comment.

17. At its forty-first meeting the Committee adopted the text of a standard covering letter to be sent to governments, under the Chairman's signature. The text of this letter appears as an annex to the report.

## CHAPTER VI

### Other business discussed by the Committee

#### A. On-the-spot Inquiries

18. During its first and second sessions, the Committee had agreed (E/2153, paragraph 26 and E/2276, paragraph 36) to defer any decision regarding on-the-spot inquiries. At its fortieth meeting it decided to take no action on this question at the present time.

#### B. Preparation of the Final Report

19. At its forty-first meeting the Committee held a preliminary discussion on the nature and scope of its final report. In view of the decision adopted at its First Session under which the Chairman would also discharge the functions of Rapporteur, the Committee requested him to draft the substantive part of the final report and transmit it to the other members of the Committee for comment.

20. This draft would take into consideration the replies of governments to the questionnaire, the allegations and documentary material which had been summarized and transmitted to the governments concerned at the present Session, the comments and observations which may be received from these governments prior to the Fourth Session and any further information which may be collected by the Committee.

#### C. Secretariat Programme of Work after the Third Session

21. At its forty-first meeting the Committee decided that the following assignments should be undertaken by the Secretariat after the Third Session:

1. Implementation of the Committee's decisions.
2. Administrative preparation of the Fourth Session.
3. Completion as far as necessary of the summary of government replies to the Committee's questionnaire which might be received after the Third Session.
4. Complete research concerning legal and other texts quoted in government replies, to be submitted to the Committee with the summary mentioned under point 3.
5. Assist the Chairman and Rapporteur in the drafting of the report by furnishing him with such documents and memoranda of a technical nature as required.

6. Keep members informed of progress made in preparation of the report and furnish them with such documents and memoranda of a technical nature as required.
7. Prepare an historical account of the events leading up to the establishment of the Committee and a factual statement of the Committee's work since its appointment.
8. In consultation with the Chairman take all technical measures necessary for the presentation of the draft report at the opening of the Committee's fourth session.
9. In accordance with the Chairman's directions, continue research in order to keep the Committee's documentation up-to-date and communicate the results to members.
10. Communicate to the Chairman and members all replies received from governments to the Chairman's letter of 22 November 1952.

## CHAPTER VII

### Fourth Session of the Committee

22. At its forty-first meeting, the Committee took note with appreciation of the invitation which it had received from the Director-General of the International Labour Office to hold its Fourth Session at the International Labour Office in Geneva; noted the Director-General's statement that that invitation had the approval of the Secretary-General of the United Nations, and decided to hold its Fourth Session in Geneva at the International Labour Office. The session would commence on 17 April 1953 and would probably last until 22 May 1953.

## CHAPTER VIII

### Adoption of the Third Progress Report of the Committee

23. At its forty-fourth meeting on 22 November 1952, the Committee adopted its Third Progress Report to the Economic and Social Council and to the Governing Body of the International Labour Office.

ANNEX

Text of the letter referred to in paragraph 17

22 November 1952

"Sir,

I have the honour to address you on behalf of the Ad Hoc Committee on Forced Labour established by the Economic and Social Council in co-operation with the International Labour Organisation and 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.

The terms of reference of the Ad Hoc Committee were laid down in Resolution 350 (XII) as follows:

"(a) To study the nature and extent of the problem raised by the existence in the world of systems of forced or 'corrective' labour, which are employed as a means of political coercion or punishment for holding or expressing political views, and which are on such a scale as to constitute an important element in the economy of a given country, by examining the texts of laws and regulations and their application in the light of the principles referred to above, and, if the Committee thinks fit, by taking additional evidence into consideration;

"(b) To report the results of its studies and progress thereon to the Council and to the Governing Body of the International Labour Office;"

During its First Session the Committee adopted the following interpretation of its terms of reference:



"The Committee 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.

"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.

"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.

"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." (document E/2153, paragraphs 11 to 14).

The Ad Hoc Committee on Forced Labour has now held three Sessions: the first in October 1951 in Geneva, the second in June-July 1952 in New York and the third in October-November 1952 in Geneva. It has submitted Progress Reports on the work of these three Sessions in documents E/2153, E/2276 and ... E/2341, respectively, which documents are attached for Your Excellency's convenience.

In the course of its First Session the Committee addressed a questionnaire based upon its interpretation of its terms of reference to all governments (Committee Resolution No. III, E/2153, paragraph 22); it invited all non-governmental organizations in consultative status with the Economic and Social Council or with the International Labour Organisation to notify the Committee if they wished to be heard and questioned, or to submit any documentary material and information in their possession relating to the terms of reference of the Committee as it had interpreted them (Committee Resolution No. II, E/2153, paragraph 15); this privilege was also extended to organizations other than those in consultative status and to individuals who submitted requests in conformity with the provisions laid down in Resolution II (E/2153, paragraph 21).

In the course of its Second and Third Sessions the Committee studied the replies of governments to its questionnaire (E/AC.36/11 and E/AC.36/11, Adds.1 - 21), including the legal texts cited in those replies, allegations and replies to allegations made during the debates on forced labour in the Economic and Social Council (Official Records of the Eighth to Twelfth Sessions), documentation transmitted by governments and non-governmental organizations relating to these allegations (E/AC.36/4 and addenda 1 and 2), documentary material and information submitted to the Committee by non-governmental organizations and individuals, and additional documentation assembled by the Committee itself based upon the above-mentioned sources of information.

During the Second and Third Sessions the Committee also heard a number of non-governmental organizations and individuals invited by the Committee in accordance with the procedure outlined in Resolution No. II. These hearings were intended to supplement the main documentary material already before the Committee.

At its Second Session the Committee expressed the opinion that governments should be informed of allegations regarding the existence of forced labour and that letters transmitting these allegations should indicate the supporting evidence and documentation, particularly the laws and regulations

involved, and should be despatched to governments for comments. The Committee furthermore requested me to prepare such letters for its approval at the third session (E/2276, paragraph 35).

The allegations, as well as the documentary and other material concerning Your Excellency's Government have therefore been summarized by the Committee in the annexed informal document. The Committee will take this material into consideration when drafting its final report to the Economic and Social Council and to the Governing Body of the International Labour Office. It wishes to emphasise that at the present stage of its work it has come to no conclusions either on the relevancy of the allegations or on the evidential value of the information and documentary material summarized in the attached document.

The Committee feels that the comments and observations of Your Excellency's Government would be of great value for the accomplishment of its task. It has approved this letter and requested me, in my capacity as Chairman, by a decision adopted at its forty-first meeting on 20 November 1952, to forward the said document to Your Excellency's Government and respectfully to invite Your Excellency's Government to transmit any comments or observations it may wish to make regarding the attached material. The Committee would be grateful to receive these comments and observations by 20 February 1953. It is respectfully requested that replies be sent to the Chairman of the Ad Hoc Committee on Forced Labour, c/o the United Nations, New York or the International Labour Office, Geneva.

Please accept, Sir, the assurance of my high consideration.

A. Ramaswami Mudaliar  
Chairman,  
Ad Hoc Committee on Forced Labour