



**C O N T E N T S**

	Page
Evidence of existence of forced labour ( <i>continued</i> ).....	297

**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. MENDES DE ALMEIDA (Brazil) pointed out that the Afghan representative had raised two objections to the joint draft resolution (A/C.3/L.395). In reply to the first, he wished to point out that the Afghan representative himself had voted for a similar text in connexion with freedom of information. With regard to the second, the political nature of the draft resolution, the Afghan representative himself had said that the draft was procedural. In fact, all the subjects the Committee had discussed during the session had been political. The question of the political rights of women in territories where those rights were not enjoyed, the question of assistance in the prevention of discrimination and protection of minorities and all problems relating to the report of the Commission on Human Rights (E/2447), especially the question of the right of peoples to self-determination, were political.
2. Brazil had always defended the principle of respect for human rights in all countries and would therefore support the United Nations' effort to denounce forced labour. The problem was not purely humanitarian; it was also social, cultural and political. It did not merely involve pity for the victims of forced labour, but also respect for the right of every individual to choose his own work. A political violation of human rights had been perpetrated. Freedom was an essentially political question and an attempt to re-establish liberty where it had been destroyed was therefore a noble political act, which should not be confused with political struggles between parties.
3. Although a theoretical distinction could be drawn between procedure and substance, it was difficult to make the distinction in specific cases. With regard to the question before the Committee, it was impossible to submit a procedural question to an international body such as the General Assembly without referring to the substance of the matter. That was why the joint draft resolution referred to the preamble of the United Nations Charter, specified the subject which would be considered by the Economic and Social Council and the International Labour Organisation and referred to

forced labour in the third paragraph of the preamble and paragraph 1 of the operative part.

4. Moreover, the joint draft resolution merely referred to principles which were already embodied in the Charter. The Afghan representative, speaking as he did for a considerable group of States, could not abjure his faith in those principles, deny the fact that the existence of forced labour threatened the enjoyment of human rights, or allege that the abolition of systems of forced labour was unimportant.

5. The Universal Declaration of Human Rights prohibited slavery in all its forms and proclaimed that everyone had the right to work, to choose his work freely, to just and satisfactory working conditions and to protection against unemployment. Similar provisions would be included, in greater detail, in the covenants on human rights; the draft covenant on civil and political rights provided that no one should be held in slavery or servitude or should be required to perform forced or compulsory labour. Those provisions had undoubtedly led the American Federation of Labor to ask that ILO should make a study of the existence of forced labour in Member States, recommend an effective programme to combat the evil and secure the protection of human rights in that respect. The decision had also been prompted by the fact that since the Second World War forced labour had become an institution in many countries, where it involved nearly one-third of productive labour, and was used as a means of punishing political opposition against the State, in violation of the 1930 International Labour Convention (No. 29) concerning forced or compulsory labour and the judgment of the Nürnberg Tribunal with regard to forced labour.

6. The Brazilian delegation had been pleased to note that the *Ad Hoc* Committee on Forced Labour, which had carried out its task with admirable impartiality, had refuted the slanderous charges brought against Latin-American countries. The Peruvian representative at the twelfth session of the Economic and Social Council had protested strongly on behalf of the Latin-American countries against accusations made by the World Federation of Trade Unions in a report which could only be described as a tissue of lies. Although the Latin-American countries had inherited feudal practices from the former colonial system, the last vestiges of those practices had been removed by the middle of the nineteenth century, when improved communications and education had made it possible fully to apply legislative provisions guaranteeing freedom to all citizens. The Peruvian Minister of External Relations had therefore been right to state in his reply to the Committee (E/2431, p. 298) that the allegations could well have been ignored, since they were unsupported by any evidence. The Committee had concluded, as was stated in paragraph 247 (d) of the report, that the examination of the allegations and of documents before it did not reveal the existence in any of the nine Latin-American coun-

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

tries concerned of a system of forced labour within the meaning of the Committee's terms of reference.

7. The statements in respect of which the conclusions had been reached alleged that forced labour in Latin America was to be found in agriculture, mining, domestic work and the construction of public buildings and roads and chiefly affected the Indian and Negro populations. It was further alleged that the practice of *siringuaje* in Bolivia, Colombia, Peru, Venezuela and Brazil was tantamount to slavery. The term *siringuaje* was unknown in Brazil; the nearest word to it was *seringa*, which denoted the professional activity of extracting latex from rubber trees and had no bad meaning. The fact that it did not constitute the deplorable practice of forced labour was clearly stated in the *Ad Hoc* Committee's conclusions. Moreover, such practices would never be tolerated by the Brazilian Government. Its attitude was clearly proved by the articles of the Constitution on social order and the articles of the penal code on the violation of labour regulations, which provided for heavy penalties for any use of forced labour. The Brazilian Constitution and laws were based on respect for man as an end in himself, and not as a tool for the ends of the State.

8. Mrs. CALDWELL (Canada) said that she would support the joint draft resolution (A/C.3/L.395) because it was purely procedural, stressed the urgency of the problem and requested the Council and ILO to give it due priority. That was the only kind of resolution that the Third Committee could adopt for the time being, when the *Ad Hoc* Committee's report (E/2431) was not officially before it and the findings of the Council and ILO were not yet available.

9. It was therefore unwise to undertake a detailed debate on the report and the *Ad Hoc* Committee's conclusions, some of which were controversial. Nevertheless, some facts had emerged on the legislation and policy of certain countries. For example, section 36 of the Czechoslovak penal code, quoted on page 228 of the report, was entitled "Committal to Forced Labour Camps" and expressly described those camps as places where additional sentences were served if the offender had "failed" during his prison sentence "to show an improvement such as to justify the hope that his future conduct will be satisfactory". The fact that the name of the camps had been changed to "transitional institutions" did not alter their nature. Many similar facts should be borne in mind when voting on the draft resolution.

10. The problem was urgent because the situation had deteriorated, rather than improved, since the Council had begun to deal with it. The report amply proved that in six countries, with a total population of hundreds of millions, the legislative systems permitted forced labour.

11. The importance of the problem had been acknowledged by many delegations, including those of the USSR, Czechoslovakia, the Ukrainian SSR and Poland, whose representatives had dealt with the substance of the question. All Member States should co-operate with the United Nations in devising concrete measures to solve a problem of such vast human importance.

12. Mr. JOUBLANC RIVAS (Mexico) said that the *Ad Hoc* Committee's report (E/2431) had led him to the conclusion that the Third Committee should not discuss the substance of the question until the Economic and Social Council and ILO had submitted their conclusions on it. Mexico had been unable to reply to the

questionnaire before the publication of the report, but the provisions of articles 2, 4 and 123 of the Mexican Constitution, which prohibited slavery and said that no one could be prevented from choosing his work or compelled to render personal services except for just remuneration, precluded the possibility of the establishment of a system of forced labour. Article 123 of the Constitution further guaranteed satisfactory working conditions. Some sporadic cases of exploitation might exist, but in no event could they reach such proportions as to be described as forced labour.

13. The definition of forced labour in Economic and Social Council resolution 350 (XII) made it possible to draw a clear distinction between countries where forced labour and exploitation were abetted by the State authorities and countries where sincere attempts to eradicate survivals of oppressive agricultural and other systems of exploitation were thwarted by lack of material resources. In the latter case, much could be done through increased international co-operation.

14. His Government was much concerned about the conditions of Mexican workers migrating to the United States of America and was collaborating with the United States authorities to remedy the situation. The most effective remedy would be to impose penalties on the persons who employed Mexican illegal immigrants with full knowledge of their status, or induced them to cross the border to work. As the situation existed the illegal immigrants were sentenced to imprisonment and deportation, while their employers suffered no inconvenience beyond that of having to find other workers.

15. Mr. YU (China) said that the problem of forced labour was a question of right and wrong, affecting the very basis of the United Nations and requiring the full attention of all Members. It was unfortunate that some Member States, through their laws and regulations, and sometimes through sheer lawlessness, worked in direct opposition to Article 1, paragraph 3, of the Charter. Forced labour in the modern form was a new departure in history, and a challenge to the United Nations and ILO.

16. The *Ad Hoc* Committee's report (E/2431) was not, as some had said, an invention or distortion, but a compilation of data from different sources, among which the American Federation of Labor had made a valuable contribution. Two notable deficiencies of the report, however, were a lack of current data on the forced labour situation in different countries and insufficient facts on communist China.

17. The Chinese Government's reply to the *Ad Hoc* Committee's questionnaire made it plain that his country's legislation made no provision for forced labour. Working conditions were as free in its territory as in any democratic country. The communist mainland, however, was one vast forced labour camp. Limitation of the *Ad Hoc* Committee's terms of reference to forced labour based on laws and regulations had probably prevented the Committee from studying the facts concerning the so-called People's Republic of China. There was comparatively little written legislation there, and indeed law in the Soviet empire was merely the instrument of the ruling dictatorship, couched in the broadest possible terms to permit of arbitrary interpretation. Mr. Vyshinsky had pointed out in 1937 that Soviet law embodied concepts unknown in bourgeois systems of law; and in communist China the "judiciary" and the secret police were not separate agencies. It was im-

portant to take account, not only of legislative texts, but of forced labour in practice.

18. The "Common Programme", the basic document of the Chinese communist régime, established in article 7 the doctrine of "reform by labour", and bluntly admitted the use of forced labour as a means of political coercion. Persons could be punished not only for crimes, but also for their previous social status; the Statute on the Punishment of Counter-Revolutionaries of February 1951 grouped together under the heading of counter-revolutionaries such diverse elements as bandits and reactionary individuals and groups, making it possible for the State to prosecute virtually anyone it chose. The so-called Central People's Government had provided in October 1951 for the deferment of the death penalty for counter-revolutionary activities for two years; an official newspaper had explained that the deferment was intended to compel persons so sentenced to engage in productive work for the country's benefit. The period of the sentence in such cases might be life, and the death sentence could be imposed at any time.

19. The Chinese communist régime did not seek to conceal its forced labour policy. Implementation of that policy was fully reported in the Press, and his Government had detailed information, from the mainland Press, from persons escaping from the régime and from other services, as to the numbers, geographical distribution and employment of persons engaged in forced labour. There were some 4,252,000 men, 1,148,000 women and 671,000 children so employed in mining, land reclamation, road construction, river conservancy, irrigation, and sometimes in concentration camps, throughout the Chinese mainland. Forced labour was largely used for the five-year plan.

20. The civil and criminal codes established in China under the National Government had been discarded. Sentences fell into five categories: administrative disciplinary measures, reformation by forced labour, imprisonment, life imprisonment and the death penalty. The second category covered the largest number of offenders, owing to the commutation of the other types of sentence to provide a labour force which enabled communist China to pursue an aggressive policy in Korea and South-East Asia generally. The forced labourers' living conditions were very bad, and the policy was more than a violation of human rights; it was a threat to world peace.

21. It was the duty of the United Nations to investigate the situation thoroughly; only so could the purposes and principles of the Organization be fully met. In their study of the question of forced labour, ILO and the Economic and Social Council should consider the establishment of a permanent committee to replace the *Ad Hoc* Committee. In order to provide geographical representation, the new body should have five members and, in order to enable the General Assembly to keep the question of forced labour under continuous review, it should be an organ of the Assembly. Its terms of reference should be broad enough to permit of the study, not only of laws and regulations, which in communist countries were largely deficient, but of forced labour in practice.

22. It was the General Assembly's duty to regard forced labour as a major issue so long as it persisted. The Assembly often had greater responsibilities even than the Security Council, but to fulfil those responsibilities, it had to show courage and combat evils wherever they occurred.

23. It was unfortunate that some representatives had sought to ease international tension by adopting certain attitudes. Each member of the *Ad Hoc* Committee was a national of a certain country, but he had contributed to the report as an individual, and the representative of his country should state whether the report was accurate or not, instead of confining his remarks to disclaiming responsibility for the member's views.

24. The main issue before the Third Committee was not the substance of the matter but the question of right or wrong, courage or cowardice. The United States President had recently remarked that citizens should face their accusers boldly, speak their minds freely and bear in mind the paramountcy of spiritual values: to paraphrase him, it was the Committee's duty and privilege to live up to the ideals of the United Nations. When accusations of lying were made, the facts had to be ascertained. The problem of forced labour was of concern not only with regard to human rights, but also with regard to world security.

25. Mrs. NOVIKOVA (Byelorussian Soviet Socialist Republic) observed that reactionary circles in the United States of America and its satellites were once again carrying on a campaign of slander against the Soviet Union and the peoples' democracies in order to divert attention from the wretched conditions of the workers in their own countries and in their colonial possessions. It was no accident that the campaign had coincided with the attempt to revive German militarism and the failure to obtain immediate ratification of the treaty establishing the European Defence Community. It was an attempt to screen the inhuman offensive begun against the workers in the United States and in the colonial countries, where persecution of trade unions and progressives had been the immediate response to the discontent caused by falling standards of living, growing unemployment and increasing prices for consumer goods. It was an attempt to head off the increasing popularity of the USSR and the peoples' democracies among the workers in the capitalist countries and their dependencies.

26. The campaign had been opened at the sixth session of the Economic and Social Council in 1947 by the American Federation of Labor, a notorious traitor to the working class. During the discussion of its memorandum on forced labour, the slanders had been exposed, but the campaign had been carried further by the International Confederation of Free Trade Unions at the Council's twelfth session. The USSR delegation had then introduced an extensive draft resolution<sup>1</sup>, proposing the comprehensive and objective investigation of the real working conditions of workers and employees in the countries where private capitalist ownership prevailed, and also in the USSR and in the peoples' democracies, by an international commission consisting of the manual and intellectual workers united in all existing trade unions. That proposal had been rejected. The campaign had been continued at the current session with the farrago of lies and calumnies concocted by the *Ad Hoc* Committee on Forced Labour in its report (E/2431), to which the United States representative had thought fit to give publicity.

27. The USSR delegation had not been the first to enter into a discussion of the substance, as the Canadian representative had asserted; the United States representative had taken the initiative. That the authors of

<sup>1</sup> See *Official Records of the Economic and Social Council, Twelfth Session, Annexes*, agenda item 13, document E/L.165.



the report had taken a subjective view of the matter—and one dictated by the State Department at the behest of the United States monopolies—could be seen from such facts as that virtually the same space had been devoted to nine Latin-American countries, in which there was ample evidence of the existence of forced labour, as to Czechoslovakia, whose people had thrown off the yoke of capitalism; that the account of penal legislation and quotations from experts in the USSR had been distorted—there were, for instance, at least forty-three mistranslations and distortions in the Committee's account of the penal code of the Russian Soviet Federative Socialist Republic; and that the Committee had shed crocodile tears over the fate of traitors, spies, terrorists and diversionists (E/2431, para. 406), whom the United States representative had defended, as usual. The authors of the report had attempted to show that the Soviet penal system was the basis of a system of forced labour imposed to ensure the domination of the class in power (E/2431, paras. 393 and 396). That was a gross distortion. In the USSR it was held that there was no such person as an innate criminal. The highest value was placed upon the human personality, even that of a delinquent. The policy adopted towards offenders was the most humane and progressive in the world; the morally lax were re-educated and reintegrated into the community. The system had been notably successful; many prisoners on parole had even won the highest decorations.

28. The Committee had attempted to bolster its own falsified and subjective conclusions by quoting witnesses. The report itself showed what sort of persons the witnesses had been, persons prosecuted as socially or politically dangerous elements (p. 517, para. 209), or persons who in 1939-40 had set up a counter-revolutionary organization in Western Byelorussia to overthrow the Soviet régime and to restore the fascist Polish State by armed rebellion (p. 513, para. 192). Western Byelorussia had been yearning for twenty years for reunion with the USSR. It was hardly likely that traitors who had tried to subvert the régime would not meet with condign punishment. The Byelorussian SSR had openly stated, and still stated, that its foes had not received and would not receive the slightest mercy, for it had paid too high a price for a freedom that it would never relinquish.

29. The *Ad Hoc* Committee had described the flagrant instances of forced labour in the United States of America, in many Latin-American countries and in the colonial countries in Asia and Africa as irrelevant. It had barely noted the list of cases of forced labour in paragraph 512. It had thus deliberately side-stepped the real issue of forced labour in capitalist countries. The nature of labour was determined by production relationships. In capitalist countries those relationships were based on private ownership; the vast majority of people were deprived of the ownership of the means of production, and were exploited by a small minority. That was serfdom. The determining factor was that in capitalist countries the workers worked, not for their own interests but for those of the capitalists. The economic compulsion to work was accompanied by direct physical oppression by the executive instruments of the State, the judiciary, the police and the armed forces.

30. One of the prerequisites of free labour was freedom of association. In the United States of America, the State as the managing board of the ruling class was resorting to reactionary legislation such as the Taft-Hartley Act and similar laws in order to violate the

workers' right to organize freely, and to ensure acquisition of super-profits.

31. Beyond that, instances of overt forced labour had been reported by the *New York Times* in 1951 in connexion with Mexican illegal immigrants, or "wet-backs", and by the Workers' Defense League in connexion with immigrants from Italy and the West Indies. One of the cruellest forms of forced labour in the United States of America was peonage, or debt-bondage, closely linked with the racial enslavement of minorities. Inadequately paid convict labour made the United States prisons a vast commercial plant; and prisoners on prison-farms were often hired out as cheap labour to private businessmen. Evidence of the exploitation of female labour had been given during the debate on the development of political rights of women in territories where those rights were not fully enjoyed.

32. The Cuban representative had resorted to slander in order to obscure the miserable conditions in his own and other countries. Typical facts had, however, been reported in the magazine *Latin America Today* of June 1953. Sugar production in Cuba had fallen from seven to five million tons, which meant mass unemployment in an industry in which there were usually 500,000 unemployed in the off-season. That decline would affect all other branches of industry. Purchasing power had already fallen by 5.7 per cent in comparison with 1952 and wages had fallen below the minimum. The workers were naturally discontented; but President Batista's police were arresting trade-union leaders, raiding the headquarters of trade unions and progressive political parties, maltreating the workers and shooting students.

33. The Australian representative had sent up a smoke-screen to conceal the facts in his country and its Trust Territories. But the 1952 edition of the *Australian Parliamentary Handbook* disclosed that the indigenous population in New Guinea was being thrust back into the infertile areas, that more and more of its land was being alienated, that the length of contracts had been increased for labourers who could not return to their villages while their contracts lasted and that legislation permitting corporal punishment, enacted between 1921 and 1938, had not been repealed.

34. The allegations made by the Costa Rican and Greek representatives did not warrant detailed refutation; they had merely echoed those of the United States representative.

35. In the Byelorussian SSR the situation was very different, because the workers, thanks to socialist organization and their ownership of the means of production, worked for themselves. The right to work was guaranteed by article 93 of the Constitution; that right was essentially the right to live, since life without work was impossible. Socialism had eliminated the threat of crisis and unemployment and the exploitation of man by man; thus the sources of forced labour had been eradicated. The freeing of labour had had amazingly successful results: Byelorussia, which had been regarded as a backward rural area in Czarist times, had become a thriving industrial region with a fully mechanized agriculture.

36. As a corollary of the right to work, the right to leisure had been guaranteed and the means to enjoy it had been made available to all workers. Women enjoyed complete equality with men in work and leisure.

37. It was regrettable that the Third Committee had been forced to devote so much time to a document worth so little.

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

39. The CHAIRMAN said that a number of delegations had not been present at the 533rd meeting when the Committee had agreed that the list of speakers should be closed. He suggested that they might be permitted to speak at some length before the voting in explanation of their vote.

*It was so agreed.*

40. Mr. BAROODY (Saudi Arabia) proposed that the meeting scheduled for 26 November 1953 should be cancelled, as that was a national holiday in the United States of America, the host country.

*The motion was adopted by 35 votes to 4, with 13 abstentions.*

The meeting rose at 6.5 p.m.