



NINTH ITEM ON THE AGENDA

Form for reports on the application of unratified Conventions (article 19 of the Constitution): The Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105)

1. In accordance with the decision taken by the Governing Body at its 291st (November 2004) Session, the Committee is requested to examine the appended draft forms to be used as a basis for the reports on the instruments which member States will be required to submit in 2006 in accordance with the recommendations made by the Committee. The report form approved by the Governing Body will also be made available on the ILO web site, and member States will be encouraged to submit their replies in electronic format.
2. It should be noted that neither of these instruments is accompanied by a Recommendation. Given the high numbers of ratifications attained (164 for Convention No. 29 and 162 for Convention No. 105), a special effort should be made to obtain reports from all the non-ratifying States in order to have the widest possible coverage.
3. *The Committee is invited to decide on the report form for the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105).*

Geneva, 25 January 2005.

Point for decision: Paragraph 3.

Appendix

Appl. 19
C. 29, C. 105

INTERNATIONAL LABOUR OFFICE
REPORTS ON
UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

*(Article 19 of the Constitution of the
International Labour Organization)*

REPORT FORM FOR THE FOLLOWING INSTRUMENTS:
FORCED LABOUR CONVENTION,
1930 (No. 29)
ABOLITION OF FORCED LABOUR CONVENTION,
1957 (No. 105)

Geneva

2005

INTERNATIONAL LABOUR OFFICE

Article 19 of the Constitution of the International Labour Organization relates to the adoption of Conventions and Recommendations by the Conference, as well as to the obligations resulting therefrom for the Members of the Organization. The relevant provisions of paragraphs 5, 6 and 7 of this article read as follows:

5. In the case of a Convention:

...

- (e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.

7. In the case of a federal State, the following provisions shall apply:

- (a) in respect of Conventions and Recommendations which the federal government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;
- (b) in respect of Conventions and Recommendations which the federal government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent States, provinces or cantons rather than for federal action, the federal Government shall:

...

- (iv) in respect of each such Convention which it has not ratified, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise;

...

In accordance with the above provisions, the Governing Body of the International Labour Office examined and approved the present form of report. This has been drawn up in such a manner as to facilitate the supply of the required information on uniform lines.

Report to be made no later than, in accordance with article 19 of the Constitution of the International Labour Organization by the Government of, on the position of national law and practice in regard to the matters dealt with in the following instruments:

Forced Labour Convention, 1930 (No. 29), and Abolition of Forced Labour Convention, 1957 (No. 105)

Forced Labour Convention, 1930 (No. 29)

- I. Please indicate the manner in which effect is given to the Convention in your country in law and in practice.
 - (a) Please indicate in particular the provisions of the national Constitution, penal or labour law, or specific laws, that prohibit the exaction of forced or compulsory labour, and any provisions that provide for penal or other sanctions.
 - (b) Please indicate whether in your country practices have been identified that constitute or could constitute cases of forced labour within the meaning of the Convention.
 - (c) Please provide copies of any national legislation concerning compulsory military service, civic obligations, compulsory work in cases of emergency, and communal work.
 - (d) Please indicate any restrictions placed on the freedom of workers to leave their employment, subject to a reasonable period of notice, in particular in the public service and in essential services.
 - (e) Please provide information on law and practice with regard to prison labour:
 - please indicate whether legislation provides for compulsory prison labour and whether such labour is required of persons convicted by a court or in accordance with an administrative decision;
 - please indicate the organization of and arrangements for prison labour employed by private individuals or enterprises, including:
 - (i) work done by prisoners for private individuals or enterprises established within prison premises;
 - (ii) work done by prisoners for private enterprises outside prison premises;
 - (iii) work done by prisoners in prisons administered by private enterprises, or outside prisons under the authority of the enterprises in question or of other enterprises;
 - (iv) the conditions of employment in any of the forms indicated above, with regard to the consent of the prisoner, remuneration, safety and health and social security.
 - (f) Please indicate whether laws or regulations provide for sentences involving work in the general interest, communal work, etc., in particular with regard to the alternative nature of the work in question, the consent of the person concerned, and the bodies for whose benefit such work is performed.
 - (g) Please indicate whether national legislation includes provisions concerning any obligation to perform work as a condition for the payment of unemployment benefit.
 - (h) Please indicate whether national legislation expressly prohibits trafficking in human beings and indicate the provisions defining this crime, as well as any measures intended to encourage victims to report such cases (protection from reprisals, authorization to remain in the country, etc.).
- II. (a) Please indicate any difficulties presented by the Convention, in national law or practice, or any other reasons which prevent or delay ratification of the Convention, and any measures taken or envisaged to overcome these obstacles.
 - (b) Please indicate whether ratification is envisaged and, if so, how soon.
- III. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organization.

IV. Please indicate whether you have received from organizations of employers or workers any observation on the effect given or to be given to the Convention.

Abolition of Forced Labour Convention, 1957 (No. 105)

- I. Please give a general indication on the extent to which the Convention is given effect in your country in law and practice, and include copies of the national legislation governing the following matters:
- (a) the rights and freedoms of expression, assembly and association, including any provisions of law limiting these rights and freedoms that are enforceable with penal sanctions involving penal labour, deprivation of liberty, and re-education through labour, as well as the legislation governing the performance of penal or prison labour and any provisions exempting specific categories of convicted prisoners from the obligation to perform prison labour;
 - (b) national service obligations (civil and military);
 - (c) labour discipline, including specific provisions governing public servants, essential services and seafarers;
 - (d) the right to strike, including specific provisions governing public servants, essential services and seafarers;
 - (e) any provisions of administrative or penal law involving an obligation to perform work or service, or enforceable with sanctions involving such an obligation, that establish a distinction on the basis of racial, social, national or religious criteria.
- II. (a) Please indicate any difficulties presented by the Convention, in legislation or national practice, or any other reasons which prevent or delay the ratification of the Convention and any measures taken or envisaged to overcome these obstacles.
- (b) Please indicate whether ratification of the Convention is envisaged and, if so, how soon.
- III. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organization.
- IV. Please indicate whether you have received from organizations of employers or workers any observations on the effect given or to be given to the Convention.