

Statement of Interpretation on Article 1§2

A. FORCED LABOUR – On this point, the Committee paid particular attention to the arguments presented in the various biennial reports.

In the course of this examination, the Committee reaffirmed its previous view that the coercion of any worker to carry out work against his wishes and without his freely expressed consent is contrary to the Charter. The same applied to the coercion of any worker to carry out work he had previously freely agreed to do, but which he subsequently no longer wanted to carry out; as was the case with seamen who did not report back for duty on board ship or who did not carry out certain orders and who were exposed to a measure of coercion, including, in certain cases, measures or penalties depriving them of liberty. The Committee was nevertheless very much aware of the fact that the safety of the ship and, above all, of the lives of those on board are factors of the greatest importance. It therefore, to clarify its concept of forced labour, held that penal measures could, in appropriate circumstances, be justified when they are applied in cases where the act giving rise to the charge endangered or was capable of endangering the safety of the ship or the life or health of those on board. The same was also true, in the Committee's view, of aircrew. The Committee would like to point out that this interpretation is in conformity with that given by the competent supervisory organ of the ILO to the corresponding provisions of conventions concluded under the aegis of that organisation. The Committee held that to be able to reach a fully-informed opinion, it should have information on the practical application of such provisions and therefore have available, inter alia, a summary of the relevant case law.

Finally, the Committee held that the peculiar status of the military may justify penal sanctions for breach of a voluntary engagement without constituting a breach of the prohibition of forced labour.