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COMMISSION ON HUMAN RIGHTS

DRAFTING COMMITTEE

SECOND SESSION

LETTER FROM THE INTERNATIONAL LABOUR OFFICE TO THE
ASSISTANT SECRETARY-GENERAL IN CHARGE OF SOCIAL AFFAIRS CONCERNING
THE PRELIMINARY REPORT ON ARTICLE 8 OF THE DRAFT INTERNATIONAL
COVENANT ON HUMAN RIGHTS

Thank you for your letter of 24 March concerning the Draft International Covenant on Human Rights and in particular requesting the International Labour Office to make available for the Drafting Committee of the Commission on Human Rights and the Third Session of the Commission a preliminary report on Article 8 paragraph 3 (c) in accordance with the decision of the Economic and Social Council. I enclose herewith two copies of a preliminary report on this question for the use of the Commission on Human Rights and its Drafting Committee.

The text of paragraph 3 (c) of Article 8 relating to minor communal services has been carefully considered in conjunction with the text on the same subject contained in the Forced Labour Convention adopted by the International Labour Conference in 1930. This comparison has revealed certain points on which it is felt that the text adopted by the International Labour Conference has substantial advantages over the text proposed by the Commission on Human Rights and a detailed analysis of the two texts which has led to this conclusion is contained in the attached report as requested by the Council.

It was felt, however, during the analysis of paragraph 3 (c) of Article 8 of the Draft International Covenant, that it was difficult to consider the question of minor communal services independently of the whole problem of forced labour and a study was accordingly made of the rest of the text of Article 8 in relation to the corresponding text in the above-mentioned Convention. The results of this analysis and the points on which it is felt that the ILO text gives greater protection, particularly in the case of convict labour, are also included in the attached report for the information of the Commission.

The representative of the ILO at the Drafting Committee and at the Commission will of course be available to give any further information on this question which may be desired.

(signed) Edward Phelan

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