

(定訳)

強制労働ニ關スル條約(※)

昭和五年六月二八日ジュネーヴで採択

昭和七年五月一日効力發生

昭和七年一〇月一五日批 准

昭和七年十一月二日批准登録

昭和七年十一月二日効力發生

昭和七年十二月七日公布(條約第一〇号)

前 文

國際聯盟ノ國際労働機關ノ總會ハ

國際労働事務局ノ理事會ニ依リ「ジュネーヴ」ニ招
集セラレ千九百三十年六月十日ヲ以テ其ノ第十四回
會議ヲ開催シ

右會議ノ會議事項ノ第一項目ノ一部タル強制労働ニ
關スル提案ノ採擇ヲ決議シ且

該提案ハ國際條約案ノ形式ニ依ルベキモノナルコト
ヲ決定シ

CONVENTION CONCERNING FORCED OR COMPULSORY LABOUR

Adopted at Geneva, June 28, 1930

Entered into force, May 1, 1932

Ratified, October 15, 1932

Ratification registered, November 21, 1932

Entered into force, November 21, 1932

Promulgated, December 7, 1932

The General Conference of the International Labour
Organisation of the League of Nations,

Having been convened at Geneva by the Governing
Body of the International Labour Office, and having met
in its Fourteenth Session on 10 June 1930, and

Having decided upon the adoption of certain pro-
posals with regard to forced or compulsory labour, which
is included in the first item on the Agenda of the Ses-
sion, and

Having determined that these proposals shall take
the form of a draft international convention,

國際勞働機關ノ締盟國ニ依リ批准セラルルガ爲「ヴェルサイユ」條約ノ第十三編及他ノ平和諸條約ノ對當編ノ規定ニ從ヒ千九百三十年六月二十八日左ノ條約案ヲ採擇ス

第一條

強制勞働
の使用の
廃止

本條約ヲ批准スル國際勞働機關ノ各締盟國ハ能フ限り最短キ期間内ニ一切ノ形式ニ於ケル強制勞働ノ使用ヲ廢止スルコトヲ約ス

右完全ナル廢止ノ目的ヲ以テ強制勞働ハ經過期間中公ノ目的ノ爲ニノミ且例外ノ措置トシテ使用セラルルトヲ得尤モ以下ニ定メラルル條件及保障ニ從フモノトス

本條約ノ効力ノ發生ヨリ五年ノ期間滿了シ且國際勞働事務局ノ理事會ガ後ニ掲ゲラルル第三十一條ニ定メラルル報告ヲ作成スルニ當リ右理事會ハ更ニ經過期間ヲ設クルコトナクシテ一切ノ形式ニ於ケル強制勞働ヲ廢止スルコトヲ得ルヤ否ヤ及本問題ヲ總會ノ會議事項ニ掲グルコトノ望マシキヤ否ヤヲ審議スベシ

強制勞働ニ關スル條約

adopts, this twenty-eighth day of June of the year one thousand nine hundred and thirty, the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace:

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.

With a view to this complete suppression, recourse to forced or compulsory labour may be had, during the transitional period, for public purposes only and as an exceptional measure, subject to the conditions and guarantees herein-after provided.

At the expiration of a period of five years after the coming into force of this Convention, and when the Governing Body of the International Labour Office prepares the report provided for in Article 31 below, the said Governing Body shall consider the possibility of the suppression of forced or compulsory labour in all its forms without a fur-

第二條

本條約ニ於テ「強制労働」ト稱スルハ或者ガ處罰ノ脅威ノ下ニ強要セラレ且右ノ者ガ自ラ任意ニ申出デタルニ非ザル一切ノ勞務ヲ謂フ

尤モ本條約ニ於テ「強制労働」ト稱スルハ左記ヲ包含セザルベシ

(イ) 純然タル軍事的性質ノ作業ニ對シ強制兵役法ニ依リ強要セラルル勞務

(ロ) 完全ナル自治國ノ國民ノ通常ノ公民義務ヲ構成スル勞務

(ハ) 裁判所ニ於ケル判決ノ結果トシテ或者ガ強要セララル勞務尤モ右勞務ハ公ノ機關ノ監督及管理ノ下ニ行ハルベク且右ノ者ハ私ノ個人、會社若ハ團體ニ雇ハレ又ハ其ノ指揮ニ服セザル者タルベシ

ther transitional period and the desirability of placing this question on the Agenda of the Conference.

ARTICLE 2.

For the purposes of this Convention the term "forced or compulsory labour" shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

Nevertheless, for the purposes of this Convention, the term "forced or compulsory labour" shall not include:

(a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character;

(b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;

(c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or association;

(d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;

(e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

ARTICLE 3.

For the purposes of this Convention the term "competent authority" shall mean either an authority of the metropolitan country or the highest central authority in the territory concerned.

ARTICLE 4.

The competent authority shall not impose or permit the

(二) 緊急ノ場合即チ戦争ノ場合又ハ火災、洪水、飢饉、地震、猛烈ナル流行病若ハ家畜流行病、獸類、蟲類若ハ植物ノ害物ノ侵入ノ如キ災厄ノ若ハ其ノ虞アル場合及一般ニ住民ノ全部又ハ一部ノ生存又ハ幸福ヲ危殆ナラシムル一切ノ事情ニ於テ強要セラルル勞務

(ホ) 輕易ナル部落ノ勞務ニシテ該部落ノ直接ノ利益ノ爲部落民ニ依リ遂行セラレ從テ該部落民ノ負フベキ通常ノ公民義務ト認メラレ得ルモノ尤モ部落民又ハ其ノ直接ノ代表者ハ右勞務ノ必要ニ付意見ヲ求メラルルノ權利ヲ有スルモノトス

第三條

権限ある
機關の意
義

本條約ニ於テ「權限アル機關」ト稱スルハ本國ノ機關又ハ關係地域ニ於ケル最高中央機關ヲ謂フ

第四條

私人の利

權限アル機關ハ私ノ個人、會社又ハ團體ノ利益ノ爲強

強制勞働ニ關スル條約

強制労働ニ關スル條約

益のため
強制労働
の許可を
禁止す

制労働ヲ課シ又ハ課スルコトヲ許可スルコトヲ得ズ
一ノ締盟國ニ依ル本條約ノ批准ガ國際聯盟事務總長ニ
依リ登録セラルル日ニ於テ私人、會社又ハ團體ノ
利益ノ爲ノ右強制労働が存在スル場合ニハ當該締盟國
ハ本條約ガ右締盟國ニ對シ效力ヲ發生スル日ヨリ右強
制労働ヲ完全ニ廢止スベシ

第五條

私人に与
えられん
免許に強
制労働の
發生を伴
うことを
禁止す

私人、會社又ハ團體ニ與ヘラルル免許ハ右私人、個
人、會社又ハ團體ガ利用シ又ハ取引スル生産物ノ生産
又ハ蒐集ノ爲ノ如何ナル形式ノ強制労働ヲモ生ゼシム
ルコトヲ得ズ

右強制労働ヲ生ゼシムル規定ヲ包含スル免許が存在ス
ル場合ニハ本條約第一條ニ適合スル爲右規定ハ能フ限
リ速ニ廢止セラルベシ

第六條

住民に對

行政廳ノ職員ハ其ノ責任ノ下ニ在ル住民ニ何等カノ形

imposition of forced or compulsory labour for the benefit of private individuals, companies or associations.

Where such forced or compulsory labour for the benefit of private individuals, companies, or associations exists at the date on which a Member's ratification of this Convention is registered by the Secretary-General of the League of Nations, the Member shall completely suppress such forced or compulsory labour from the date on which this Convention comes into force for that Member.

ARTICLE 5.

No concession granted to private individuals, companies or associations shall involve any form of forced or compulsory labour for the production or the collection of products which such private individuals, companies or associations utilise or in which they trade.

Where concessions exist containing provisions involving such forced or compulsory labour, such provisions shall be rescinded as soon as possible, in order to comply with Article 1 of this Convention.

ARTICLE 6.

Officials of the administration, even when they have the

式ノ勞働ニ從事スルコトヲ獎勵スルノ職務ヲ有スル場合ニモ該住民ノ全部又ハ其ノ中ノ何人カニ對シ私ノ個人、會社又ハ團體ノ爲ニ勞働セシムル爲強制ヲ加フルコトヲ得ズ

行政上の職務を強う行使する

行政上ノ職務ヲ行ハザル首長ハ強制労働ヲ使用スルコトヲ得ズ
行政上ノ職務ヲ行フ首長ハ權限アル機關ノ明示ノ許可ヲ得テ強制労働ヲ使用スルコトヲ得尤モ本條約第十條ノ規定ニ從フモノトス

適法ニ認メラレタル首長ニシテ他ノ形式ニ於テ適當ノ報酬ヲ受ケザルモノハ個人ノ勞務ヲ使用スルコトヲ得尤モ適當ノ規則ニ從フベク且濫用ヲ防止スル爲一切ノ必要ナル措置ガ執ラルベキモノトス

強制的労働
使用を決定
する権限

強制労働ヲ使用スルノ一切ノ決定ニ付テノ責任ハ關係地域ニ於ケル最高民政機關ニ存スベシ

強制労働ニ關スル條約

(条二〇・文化、社会三)

duty of encouraging the populations under their charge to engage in some form of labour, shall not put constraint upon the said populations or upon any individual members thereof to work for private individuals, companies or associations.

ARTICLE 7.

Chiefs who do not exercise administrative functions shall not have recourse to forced or compulsory labour.

Chiefs who exercise administrative functions may, with the express permission of the competent authority, have recourse to forced or compulsory labour, subject to the provisions of Article 10 of this Convention.

Chiefs who are duly recognised and who do not receive adequate remuneration in other forms, may have the enjoyment of personal services, subject to due regulation and provided that all necessary measures are taken to prevent abuses.

ARTICLE 8.

The responsibility for every decision to have recourse to forced or compulsory labour shall rest with the highest civil authority in the territory concerned.

尤モ右機關ハ労働者ノ其ノ平常ノ居所ヨリノ移轉ヲ伴ハザル強制労働ヲ強要スルノ權限ヲ最高地方機關ニ委任スルコトヲ得右機關ハ職務執行中ノ行政廳ノ職員ノ移動ヲ容易ナラシムル爲及政府貯藏品ノ運送ノ爲労働者ノ其ノ平常ノ居所ヨリノ移轉ヲ伴フ強制労働ヲ強要スルノ權限ヲモ本條約第二十三條ニ定メラルル規則ニ規定セラルルコトアルベキ期間ニ付及條件ニ從ヒ最高地方機關ニ委任スルコトヲ得

第九條

強制労働
の使用を
決定する
條件

本條約第十條ニ別ニ定メラルル場合ノ外強制労働ヲ強要スルノ權限アル機關ハ右労働ノ使用ヲ決定スルニ先チ左記ヲ確ムベシ

- (イ) 爲サルベキ労働ガ之ヲ爲スコトヲ要求セラルル部落ニ對シ重要ナル直接ノ利益ヲ有スルモノナルコト
- (ロ) 右労働ガ現ニ又ハ急迫ニ必要ナルモノナルコト

Nevertheless, that authority may delegate powers to the highest local authorities to exact forced or compulsory labour which does not involve the removal of the workers from their place of habitual residence. The authority may also delegate, for such periods and subject to such conditions as may be laid down in the regulations provided for in Article 23 of this Convention, powers to the highest local authorities to exact forced or compulsory labour which involves the removal of the workers from their place of habitual residence for the purpose of facilitating the movement of officials of the administrations, when on duty, and for the transport of Government stores.

ARTICLE 9.

Except as otherwise provided for in Article 10 of this Convention, any authority competent to exact forced or compulsory labour shall, before deciding to have recourse to such labour, satisfy itself:

- (a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service;
- (b) that the work or service is of present or imminent necessity;

(ハ) 右勞務ヲ遂行スル爲、類似ノ勞務ニ付關係地區ニ於テ通常行ハルモノヨリ不利ナラザル賃銀率及勞働條件ノ提供ニ依リ任意勞働ヲ得ルコト不可能ナリシコト竝ニ

(ニ) 利用シ得ベキ勞力及現在ノ住民ノ右勞務ヲ行フ能力ヲ考慮シ右勞務ガ過重ノ負擔ヲ右住民ニ對シ課セザルコト

第十條

租稅トシテ強要セラルル強制勞働及行政上ノ職務ヲ行フ首長ニ依リ公共事業ノ遂行ノ爲使用セラルル強制勞働ハ漸次廢止セラルベシ

右廢止ニ至ル迄、強制勞働ガ租稅トシテ強要セラルル場合及強制勞働ガ行政上ノ職務ヲ行フ首長ニ依リ公共事業ノ遂行ノ爲使用セラルル場合ニ於テハ關係機關ハ先ヅ左記ヲ確ムベシ

(イ) 爲サルベキ勞務ガ之ヲ爲スコトヲ要求セラルル部落ニ對シ重要ナル直接ノ利益ヲ有スルモノナルコト

(ロ) 右勞務ガ現ニ又ハ急迫ニ必要ナルモノナルコト

強制勞働ニ關スル條約

(c) that it has been impossible to obtain voluntary labour for carrying out the work or rendering the service by the offer of rates of wages and conditions of labour not less favourable than those prevailing in the area concerned for similar work or service; and

(d) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work.

ARTICLE 10.

Forced or compulsory labour exacted as a tax and forced or compulsory labour to which recourse is had for the execution of public works by chiefs who exercise administrative functions shall be progressively abolished.

Meanwhile, where forced or compulsory labour is exacted as a tax, and where recourse is had to forced or compulsory labour for the execution of public works by chiefs who exercise administrative functions, the authority concerned shall first satisfy itself:

(a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service;

(b) that the work or the service is of present or im-

租稅の強及し
ての強及び
労働の強
公共事業
遂行の強
めたる
労働の強
漸制

- (ハ) 利用シ得ベキ勞力及現在ノ住民ノ右勞務ヲ行フ能力ヲ考慮シ右勞務ガ過重ノ負擔ヲ右住民ニ對シ課セザルコト
- (ニ) 右勞務ガ勞働者ノ其ノ平常ノ居所ヨリノ移轉ヲ伴ハザルコト
- (ホ) 右勞働ノ遂行ガ宗教、社會生活及農業ノ要求ニ從ヒ指導セラルベキコト

第十一條

強制労働に徴集せらるる者及びその条件

推定年齢十八歳以上四十五歳以下ノ強壯ナル成年男子ノミ強制労働ニ徴集セラルコトヲ得本條約第十條ニ定メラルル種類ノ労働ニ付テノ外左ノ制限及條件ニ從フベシ

- (イ) 關係者ガ傳染病ニ罹リ居ラザルコト竝ニ右ノ者ガ所要勞務ニ及其ノ遂行條件ニ身體上適スルコトヲ行政廳ニ依リ任命セラルル醫師ガ可能ナル一切ノ場合ニ豫メ決定スルコト

minent necessity;

(c) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work;

(d) that the work or service will not entail the removal of the workers from their place of habitual residence;

(e) that the execution of the work or the rendering of the service will be directed in accordance with the exigencies of religion, social life and agriculture.

Article 11.

Only adult able-bodied males who are of an apparent age of not less than 18 and not more than 45 years may be called upon for forced or compulsory labour. Except in respect of the kinds of labour provided for in Article 10 of this Convention, the following limitations and conditions shall apply:

(a) whenever possible prior determination by a medical officer appointed by the administration that the persons concerned are not suffering from any infections or contagious disease and that they are physically fit for the work required and for the conditions under which it is to be carried out;

(ロ) 學校ノ教師及生徒並ニ一般行政廳ノ職員ヲ除外スルコト
(ハ) 各部落ニ於テ家族生活及社會生活ニ缺クベカラザル強壯ナル成年男子ノ數ヲ維持スルコト

(ニ) 夫婦及家族ノ關係ヲ尊重スルコト
前項(ハ)ノ適用ニ付テハ本條約第二十三條ニ定メラルル規則ハ一時ニ強制労働ニ徵集セラレ得ベキ常住ノ強壯ナル成年男子ノ割合ヲ定ムベシ尤モ常ニ右割合ハ如何ナル場合ニ於テモ二十五「パーセント」ヲ超ユルコトヲ得ズ右割合ヲ定ムルニ當リ權限アル機關ハ人口ノ密度、住民ノ社會上及身體上ノ發達、季節並ニ關係者ガ其ノ地方ニ於テ自己ノ爲遂行スルコトヲ要スル作業ヲ斟酌スベク且一般ニ關係部落ノ日常生活ノ經濟上及社會上ノ必要ヲ考慮スベシ

第十二條

強制労働
の最長
期間

或者ガ十二月ノ一期間ニ於テ一切ノ種類ノ強制労働ニ徵集セラレ得ベキ最長期間ハ勞務場所ニ住復スルニ要

強制労働ニ關スル條約

(b) exemption of school teachers and pupils and of officials of the administration in general;
(c) the maintenance in each community of the number of adult able-bodied men indispensable for family and social life;

(d) respect for conjugal and family ties.

For the purposes of sub-paragraph (c) of the preceding paragraph, the regulations provided for in Article 23 of this Convention shall fix the proportion of the resident adult able-bodied males who may be taken at any one time for forced or compulsory labour, provided always that this proportion shall in no case exceed 25 per cent. In fixing this proportion the competent authority shall take account of the density of the population, of its social and physical development, of the seasons, and of the work which must be done by the persons concerned on their own behalf in their locality, and, generally, shall have regard to the economic and social necessities of the normal life of the community concerned.

ARTICLE 12.

The maximum period for which any person may be taken for forced or compulsory labour of all kinds in any

強制労働ニ關スル條約

一六八六

スル期間ヲ含ミ六十日ヲ超ユルコトヲ得ズ

強制労働ガ強要セラルル各労働者ハ其ノ完了シタル右
労働ノ期間ヲ示セル證明書ヲ交付セラルベシ

第十三條

強制労働
の平常の
労働時間

強制労働ガ強要セラルル者ノ平常ノ労働時間ハ任意勞
働ニ付通常行ハルモノト同一タルベク且平常ノ労働
時間ヲ超ユル労働時間ハ任意労働ニ對スル超過時間ニ
付通常行ハル率ニ於テ報酬ヲ與ヘラルベシ

一週一日ノ休日ハ何レカノ種類ノ強制労働ガ強要セラ
ルル一切ノ者ニ對シ與ヘラルベク且右ノ日ハ關係地域
又ハ關係地方ニ於ケル傳統又ハ慣習ニ依リ定メラルル
日ト能フ限り合致スベシ

第十四條

強制労働
に對する

本條約第十條ニ定メラルル強制労働ヲ除キ一切ノ種類
ノ強制労働ハ勞力ガ使用セラルル地方又ハ勞力ガ徵集

one period of twelve months shall not exceed sixty days, including the time spent in going to and from the place of work.

Every person from whom forced or compulsory labour is exacted shall be furnished with a certificate indicating the periods of such labour which he has completed.

Article 13.

The normal working hours of any person from whom forced or compulsory labour is exacted shall be the same as those prevailing in the case of voluntary labour, and the hours worked in excess of the normal working hours shall be remunerated at the rates prevailing in the case of overtime for voluntary labour.

A weekly day of rest shall be granted to all persons from whom forced or compulsory labour of any kind is exacted and this day shall coincide as far as possible with the day fixed by tradition or custom in the territories or regions concerned.

Article 14.

With the exception of the forced or compulsory labour provided for in Article 10 of this Convention, forced or

セラルル地方ノ何レカニ於テ類似ノ勞務ニ付通常行ハ
ルル率（其ノ何レガ高キヲ問ハズ）ヨリ低カラザル率
ニ於テ現金ヲ以テ報酬ヲ與ヘラルベシ

首長ニ依リ其ノ行政上ノ職務ノ執行上使用セラルル勞
力ニ付テハ前項ノ規定ニ依ル賃銀ノ支拂ハ能フ限り速
ニ採用セラルベシ

賃銀ハ各勞働者ニ各別ニ支拂ハルベク且其ノ部落ノ首
長又ハ他ノ權力者ニ支拂ハルベカラズ
賃銀支拂ニ付テハ勞務場所ヘノ旅行ノ往復ニ要スル日
數ハ勞務日數トシテ計算セラルベシ

本條ハ日常ノ糧食ガ賃銀ノ一部トシテ與ヘラルコト
ヲ妨ゲザルベク右糧食ハ其ノ相當スト認メラル金額
ト少クトモ同價值タルベシ尤モ賃銀ヨリノ控除ハ租稅
ノ支拂ノ爲ニモ、作業ノ特殊ナル狀態ノ下ニ勞働者ヲ
其ノ勞務ヲ行フニ適スル狀態ニ於テ維持スル爲勞働者
ニ供給セラルル特殊ノ食物、被服若ハ宿泊ノ爲ニモ又
ハ工具類ノ供給ノ爲ニモ爲サルコトヲ得ズ

compulsory labour of all kinds shall be remunerated in
cash at rates not less than those prevailing for similar
kinds of work either in the district in which the labour is
employed or in the district from which the labour is recruit-
ed, whichever may be the higher.

In the case of labour to which recourse is had by chiefs
in the exercise of their administrative functions, payment
of wages in accordance with the provisions of the preceding
paragraph shall be introduced as soon as possible.

The wages shall be paid to each worker individually
and not to his tribal chief or to any other authority.

For the purpose of payment of wages the days spent
in travelling to and from the place of work shall be counted
as working days.

Nothing in this Article shall prevent ordinary rations
being given as a part of wages, such rations to be at least
equivalent in value to the money payment they are taken
to represent, but deductions from wages shall not be made
either for the payment of taxes or for special food, clothing
or accommodation supplied to a worker for the purpose of
maintaining him in a fit condition to carry on his work
under the special conditions of any employment, or for the
supply of tools.

第十五條

労働補償に關する法規

労働者ノ労働ニ基因スル災害又ハ疾病ニ對スル労働者補償ニ關スル法令又ハ規則及死亡シ又ハ無能力ト爲リタル労働者ノ被扶養者ノ爲ノ補償ヲ規定スル法令又ハ規則ニシテ關係地域ニ於テ實施セラレ又ハ實施セラルベキモノハ強制労働ガ強要セラルル者及任意労働者ニ均シク適用セラルベシ

労働者ニシテ其ノ労働ニ基因スル災害又ハ疾病ニ依リ自己ヲ養フコトガ全部又ハ一部不能ト爲レル者ノ生計ヲ確保シ及其ノ労働ニ基因スル無能力又ハ死亡ノ場合ニ於テ右労働者ガ實際ニ扶養スル者ノ生活ヲ確保スル措置ヲ執ルハ何レノ場合ニ於テモ労働者ヲ強制労働ニ使用スル機關ノ義務タルベシ

第十六條

強制労働者ノ移送上ノ制限措置

特殊ノ必要ノ場合ノ外強制労働ガ強要セラルル者ハ食物及氣候ガ其ノ慣レタルモノト著シク異ルガ爲其ノ健康ヲ害スルガ如キ地方ニ移送セラレザルベシ

Article 15.

Any laws or regulations relating to workmen's compensation for accidents or sickness arising out of the employment of the worker and any laws or regulations providing compensation for the dependants of deceased or incapacitated workers which are or shall be in force in the territory concerned shall be equally applicable to persons from whom forced or compulsory labour is exacted and to voluntary workers.

In any case it shall be an obligation on any authority employing any worker on forced or compulsory labour to ensure the subsistence of any such worker who, by accident or sickness arising out of his employment, is rendered wholly or partially incapable of providing for himself, and to take measures to ensure the maintenance of any persons actually dependent upon such a worker in the event of his incapacity or decease arising out of his employment.

Article 16.

Except in cases of special necessity, persons from whom forced or compulsory labour is exacted shall not be transferred to districts where the food and climate differ so con-

siderably from those to which they have been accustomed as to endanger their health.

In no case shall the transfer of such workers be permitted unless all measures relating to hygiene and accommodation which are necessary to adapt such workers to the conditions and to safeguard their health can be strictly applied.

When such transfer cannot be avoided, measures of gradual habituation to the new conditions of diet and of climate shall be adopted on competent medical advice.

In case where such workers are required to perform regular work to which they are not accustomed, measures shall be taken to ensure their habituation to it, especially as regards progressive training, the hours of work and the provision of rest intervals, and any increase or amelioration of diet which may be necessary.

ARTICLE 17.

Before permitting recourse to forced or compulsory labour for works of construction or maintenance which entail the workers remaining at the workplaces for considerable periods, the competent authority shall satisfy itself:

- (1) that all necessary measures are taken to safeguard

如何ナル場合ニ於テモ右労働者ノ移送ハ右労働者ヲ其ノ状態ニ適合セシメ且其ノ健康ヲ保障スル爲必要ナル衛生及宿泊ニ關スル一切ノ措置ガ嚴格ニ施サレ得ルニ非ザレバ許可セラルコトヲ得ズ

右移送ガ避ケ得ラレザル場合ニハ權限アル醫師ノ勸告ニ基キ食物及氣候ノ新シキ状態ニ漸次慣レシムル措置ヲ執ルベシ

右労働者ガ其ノ慣レザル規則正シキ労働ヲ爲スコトヲ要求セラルル場合ニ於テハ其ノ規則正シキ労働ニ慣ルルコトヲ確保スル爲特ニ漸進的訓練、労働時間、休憩時間ノ設定及必要ナルコトアルベキ食物ノ増加又ハ改善ニ關シ措置ヲ執ルベシ

第十七條

労働者ガ勞務場所ニ長期間留ルコトヲ必要ナラシムル建設又ハ保存ノ事業ノ爲強制労働ヲ使用スルコトヲ許可スルニ先チ權限アル機關ハ左記ヲ確ムベシ

- (一) 労働者ノ健康ヲ保障シ且必要ナル醫療ヲ確保スル

労働者
を
勞務
場所
に
長期
留め
させ
る
こと
に
必要
な
条件
を
要す

爲一切ノ必要ナル措置ガ執ラルルコト就中(イ)労働者ガ勞務開始ニ先チ及勞務期間中一定ノ期間毎ニ醫學的検査ヲ受クルコト(ロ)一切ノ要求ニ應ズル爲必要ナル藥局、病舎、病院及設備ト共ニ充分ナル醫員ガ存在スルコト及(ハ)勞務場所ノ衛生狀態竝ニ飲料水、食糧、燃料、炊事道具及必要アル場合ノ住居及被服ノ供給ガ満足ナルコト

(ニ) 労働者ノ家族ノ生計ヲ確保スル爲特ニ、労働者ノ要求ニ基キ又ハ其ノ同意ヲ得テ安全ナル方法ヲ以テ賃銀ノ一部ヲ家族ニ送付スルコトヲ容易ナラシムルコトニ依リ右生計ヲ確保スル爲一定ノ措置ヲ執ルコト

(三) 労働者ガ勞務場所ニ往復スル旅行ハ行政廳ノ費用ヲ以テ且其ノ責任ノ下ニ爲サルベク右行政廳ハ利用シ得ベキ一切ノ運送方法ヲ最完全ニ使用スルコトニ依リ右旅行ヲ容易ナラシムベキコト

(四) 一定期間ノ労働不能ヲ生ゼシムル疾病又ハ災害ノ場合ニ於テハ労働者ガ行政廳ノ費用ヲ以テ送還セララルコト

the health of the workers and to guarantee the necessary medical care, and, in particular, (a) that the workers are medically examined before commencing the work and at fixed intervals during the period of service, (b) that there is an adequate medical staff, provided with the dispensaries, infirmaries, hospitals and equipment necessary to meet all requirements, and (c) that the sanitary conditions of the workplaces, the supply of drinking water, food, fuel, and cooking utensils, and, where necessary, of housing and clothing, are satisfactory;

(2) that definite arrangements are made to ensure the subsistence of the families of the workers, in particular by facilitating the remittance, by a safe method, of part of the wages to the family, at the request or with the consent of the workers;

(3) that the journeys of the workers to and from the workplaces are made at the expense and under the responsibility of the administration, which shall facilitate such journeys by making the fullest use of all available means of transport;

(4) that, in case of illness or accident causing incapacity to work of a certain duration, the worker is repatriated at the expense of the administration;

運送の強制的な
労働の短制
め及内
止期間
用及び
規則の
規定

(五) 労働者ニシテ其ノ強制労働ノ期間満了ノ際任意労働者トシテ留ルコトヲ欲スルコトアルベキモノガ其ノ無料ニテ送還セラルルノ權利ヲ二年間喪失スルコトナクシテ之ヲ許可セラルルコト

第十八條

人又ハ貨物ノ運送ノ爲ノ強制労働例ヘバ運搬夫又ハ船頭ノ労働ハ能フ限り最短キ期間内ニ廃止セラルベシ右廢止ニ至ル迄ハ權限アル機關ハ就中左記ヲ定ムル規則ヲ公布スベシ(イ)右労働ガ職務執行中ノ行政廳ノ職員ノ移動ヲ容易ナラシムル爲若ハ政府貯藏品ノ運送ノ爲又ハ極メテ緊急ナル必要ノ場合ニ於テ職員以外ノ者ノ運送ノ爲ノミニ使用セラルベキコト(ロ)右ニ使用セラルル労働者ガ醫學的検査ノ可能ナル場合ニハ身體上適スト醫學上證明セラルベキコト及右醫學的検査ノ實行シ難キ場合ニハ右労働者ヲ使用スル者ガ労働者ガ身體上適スル者ニシテ且傳染病ニ罹リ居ラザルコトヲ確保スルノ責任ヲ負フベキコト(ハ)右労働者ガ運搬スルコトヲ得ベキ最大荷重(ニ)右労働者ガ其ノ家庭ヨリノ徵集セラルルコトアルベキ最大距離(ホ)労働者ガ其ノ家庭ニ歸還スルニ要スル日數ヲ含ミ一月又ハ他ノ期間ニ付其ノ徵集セラルルコトアルベキ最大日數並ニ(ヘ)此ノ種ノ強制労働

強制労働ニ關スル條約

(条二〇・文化、社会三)

(5) that any worker who may wish to remain as a voluntary worker at the end of his period of forced or compulsory labour is permitted to do so without, for a period of two years, losing his right to repatriation free of expense to himself.

Article 18.

Forced or compulsory labour for the transport of persons or goods, such as the labour of porters or boatmen, shall be abolished within the shortest possible period. Meanwhile the competent authority shall promulgate regulations determining, *inter alia*, (a) that such labour shall only be employed for the purpose of facilitating the movement of officials of the administration, when on duty, or for the transport of Government stores, or in cases of very urgent necessity, the transport of persons other than officials, (b) that the workers so employed shall be medically certified to be physically fit, where medical examination is possible, and that where such medical examination is not practicable the person employing such workers shall be held responsible for ensuring that they are physically fit and not suffering from any infectious or contagious disease, (c) the maximum load which these workers may carry, (d) the

働ヲ要求シ得ル者及右ノ者ガ之ヲ要求シ得ル限度

前項(ハ)、(ニ)及(ホ)ニ掲ゲラルル最大限度ヲ定ムルニ當リ
權限アル機關ハ當該労働者ガ徵集セラルル住民ノ身體
上ノ發達、労働者ガ旅行スルコトヲ要スル地方ノ性質
及氣候狀態ヲ含ム一切ノ關係要素ヲ考慮スベシ

權限アル機關ハ運搬セラルベキ重量及通行セラルベキ
距離ノミナラズ道路ノ性質、季節及他ノ一切ノ關係要
素ヲモ考慮スベキモノト解シ右労働者ノ通常ノ日程ガ
平均一日八時間労働ニ相當スル距離ヲ超エザルベキ
ト竝ニ通常ノ日程ヲ超ユル行程時間ガ課セラル場合
ニハ右労働者ハ普通率ヨリモ一層高キ率ニ於テ報酬ヲ
與ヘラルベキコトヲ尙規定スベシ

第十九條

maximum distance from their homes to which they may be taken, (e) the maximum number of days per month or other period for which they may be taken, including the days spent in returning to their homes, and (f) the persons entitled to demand this form of forced or compulsory labour and the extent to which they are entitled to demand it.

In fixing the maxima referred to under (c), (d) and (e) in the foregoing paragraph, the competent authority shall have regard to all relevant factors, including the physical development of the population from which the workers are recruited, the nature of the country through which they must travel and the climatic conditions.

The competent authority shall further provide that the normal daily journey of such workers shall not exceed a distance corresponding to an average working day of eight hours, it being understood that account shall be taken not only of the weight to be carried and the distance to be covered, but also of the nature of the road, the season and all other relevant factors, and that, where hours of journey in excess of the normal daily journey are exacted, they shall be remunerated at rates higher than the normal rates.

Article 19.

強制耕作
を許可で
きる場合

権限アル機關ハ飢饉又ハ食糧品ノ缺乏ニ對スル用意ノ手段トシテノミ且常ニ食糧又ハ生産物ガ之ヲ生産スル個人又ハ部落ノ所有ニ歸スベキコトノ條件ノ下ニシテ強制耕作ヲ使用スルコトヲ許可スベシ

本條ハ生産ガ法令又ハ慣習ニ基キ部落ヲ基本トシテ組織セラレ且生産物又ハ其ノ販賣ヨリ生ズル利益ガ該部落ノ所有ニ歸スル場合ニハ法令又ハ慣習ニ基キ該部落ニ依リ要求セラルル勞務ヲ遂行スルノ該部落民ノ義務ヲ解除スルモノト解セラルルコトヲ得ズ

第二十條

団体処罰
法令に關
係労働強
制規定包
含禁止

部落ガ其ノ部落民ノ或者ニ依リ犯サルル犯罪ニ對シ罰セラルルコトアルベキ團體處罰法令ハ處罰手段ノ一トシテノ部落ニ依ル強制労働ニ關スル規定ヲ包含スルコトヲ得ズ

第二十一條

鉱山の地
下労働に

強制労働ハ鑛山ニ於ケル地下労働ノ爲使用セラルルコトヲ得ズ

強制労働ニ關スル條約

(条二〇・文化・社会三)

The competent authority shall only authorise recourse to compulsory cultivation as a method of precaution against famine or a deficiency of food supplies and always under the condition that the food or produce shall remain the property of the individuals or the community producing it.

Nothing in this Article shall be construed as abrogating the obligation on members of a community, where production is organised on a communal basis by virtue of law or custom and where the produce or any profit accruing from the sale thereof remain the property of the community, to perform the work demanded by the community by virtue of law or custom.

ARTICLE 20.

Collective punishment laws under which a community may be punished for crimes committed by any of its members shall not contain provisions for forced or compulsory labour by the community as one of the methods of punishment.

ARTICLE 21.

Forced or compulsory labour shall not be used for work underground in mines.

強制労働ニ關スル條約

一六九四

強制労働
禁止

強制労働
に關する
情報

第二十二條

本條約ヲ批准スル締盟國ガ其ノ本條約ノ規定ノ實施ノ爲執リタル措置ニ關シ「ヴェルサイユ」條約ノ第四百八條及他ノ平和諸條約ノ對當條項ノ規定ニ從ヒ國際勞働事務局ニ提出スルコトヲ約スル年報ハ各關係地域ニ付強制労働ガ該地域ニ於テ使用セラレタル程度、之ガ使用セラレタル目的、疾病及死亡ノ率、勞働時間、賃銀支拂方法及賃銀率ニ關スル能フ限り完全ナル情報並ニ他ノ一切ノ關係情報ヲ包含スベシ

第二十三條

本條約ノ規定ノ實施ノ爲權限アル機關ハ強制労働ノ使用ヲ規律スル完全且精細ナル規則ヲ公布スベシ

強制労働
の使用を
規律する
規則

右規則ハ就中強制労働が強要セラルル者ヲシテ勞働條件ニ關スル一切ノ異議ヲ當該機關ニ申立ツルコトヲ得

ARTICLE 22.

The annual reports that Members which ratify this Convention agree to make to the International Labour Office, pursuant to the provisions of Article 408 of the Treaty of Versailles and of the Corresponding Articles of the other Treaties of Peace, on the measures they have taken to give effect to the provisions of this Convention, shall contain as full information as possible, in respect of each territory concerned, regarding the extent to which recourse has been had to forced or compulsory labour in that territory, the purposes for which it has been employed, the sickness and death rates, hours of work, methods of payment of wages and rates of wages, and any other relevant information.

ARTICLE 23.

To give effect to the provisions of this Convention the competent authority shall issue complete and precise regulations governing the use of forced or compulsory labour.

These regulations shall contain, *inter alia*, rules permitting any person from whom forced or compulsory labour is exacted to forward all complaints relative to the conditions

シメ及右異議ガ審査セラレ且考慮セラルルコトヲ確保
スル規定ヲ包含スベシ

第二十四條

任意労働ノ監督ノ爲設ケラレタル現在ノ労働監督機關
ノ權限ヲ強制労働ノ監督ニ及ブ様擴張スルコトニ依リ
又ハ他ノ何等カノ適當ナル方法ニ依リ強制労働ノ使用
ヲ規律スル規則ガ嚴格ニ實施セラルルコトヲ確保スル
爲一切ノ場合ニ於テ適當ナル措置ヲ執ルベシ右労働ガ
強要セラルル者ニ右規則ヲ知悉セシムルコトヲ確保ス
ル爲ノ措置ヲモ亦執ルベシ

第二十五條

強制労働ノ不法ナル強要ハ刑事犯罪トシテ處罰セラル
ベク又法令ニ依リ科セラルル刑罰ガ眞ニ適當ニシテ且
嚴格ニ實施セラルルコトヲ確保スルコトハ本條約ヲ批
准スル締盟國ノ義務タルベシ

第二十六條

本條約ヲ批准スル國際労働機關ノ各締盟國ハ右締盟國

強制労働ニ關スル條約

of labour to the authorities and ensuring that such com-
plaints will be examined and taken into consideration.

ARTICLE 24.

Adequate measures shall in all cases be taken to ensure
that the regulations governing the employment of forced or
compulsory labour are strictly applied, either by extending
the duties of any existing labour inspectorate which has
been established for the inspection of voluntary labour to
cover the inspection of forced or compulsory labour or in
some other appropriate manner. Measures shall also be
taken to ensure that the regulations are brought to the
knowledge of persons from whom such labour is exacted.

ARTICLE 25.

The illegal exaction of forced or compulsory labour
shall be punishable as a penal offence, and it shall be an
obligation on any Member ratifying this Convention to en-
sure that the penalties imposed by law are really adequate
and are strictly enforced.

ARTICLE 26.

Each Member of the International Labour Organisation