

# FORCED LABOR IN THE SOVIET UNION

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HEARING  
BEFORE THE  
SUBCOMMITTEE ON HUMAN RIGHTS  
AND INTERNATIONAL ORGANIZATIONS  
OF THE  
COMMITTEE ON FOREIGN AFFAIRS  
HOUSE OF REPRESENTATIVES  
AND THE  
COMMISSION ON SECURITY AND  
COOPERATION IN EUROPE  
NINETY-EIGHTH CONGRESS  
FIRST SESSION

NOVEMBER 9, 1983

Printed for the use of the Committee on Foreign Affairs



U.S. GOVERNMENT PRINTING OFFICE

29-596 O

WASHINGTON : 1984

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WEDNESDAY, NOVEMBER 9, 1983

HOUSE OF REPRESENTATIVES, COMMITTEE ON FOREIGN AFFAIRS, SUBCOMMITTEE ON HUMAN RIGHTS AND INTERNATIONAL ORGANIZATIONS, AND THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE,

*Washington, D.C.*

The subcommittee and the Commission met at 9:50 a.m., in room 2172, Rayburn House Office Building, Hon. Dante B. Fascell (chairman of the Commission) presiding.

Mr. FASCELL. I am delighted to welcome all of you here today to this hearing sponsored jointly by the Commission on Security and Cooperation in Europe and the House Foreign Affairs Subcommittee on Human Rights and International Organizations. The chairman of that subcommittee has asked me to state that he sends his regrets, but because of illness in the family he could not be here this morning. Otherwise, he would very much like to be here with us, since he is extremely interested in the subject.

The subject of our hearing is forced labor in the Soviet Union, and we look forward to learning a lot more about this important subject from our six distinguished witnesses who are here today. We have long been interested in the subject at the Commission, as many others have. The Commission issued staff reports on the subject as early as August 1980.

As with many topics which touch on the sensitive aspects of Soviet society, it is difficult to arrive at reliable statistics. For example, no exact statistics exist in the West on the central question of the total number of Soviets engaged in various types of forced labor. The generally accepted minimum number is 3 or 4 million people—including about 10,000 political prisoners—performing forced labor in places of imprisonment and on penal labor brigades.

An alarming new instance of increased Soviet reliance on forced labor has just recently come to light. On October 1, a new Soviet law went into effect empowering prison and camp officials to sentence prisoners to new 5-year terms merely for a second infraction of prison regulations. This new law legalizes a neo-Stalinist trend of the past few years: The creation of an eternal prisoner category by subjecting prisoners to repeated terms of imprisonment. This new law further facilitates this procedure, which had previously mainly been applied against political prisoners, by allowing trials to take place in camps and prisons.

The new law which was published in September 1983 in the "RSFSR Register of the Supreme Soviet," provides compelling additional evidence of Soviet reliance on forced labor. Indeed, experts

agree that there is not a single major sector of the Soviet economy which does not exploit prison labor.

Reliance on forced labor contravenes various conventions of the International Labor Organizations which the U.S.S.R. has ratified. In a provision of the 1930 Smoot-Hawley Tariff Act which forbids the import into the United States of goods produced with forced labor, the U.S. Congress has also gone on record condemning reliance on forced labor.

Discussions of the Soviet use of forced labor sometimes focuses on the fact that we in the United States also use prison labor. Of course, that is true, but it doesn't tell the whole story. International law on forced labor specifies, among other things, that penal labor should not be used to punish political crimes, something for which the Soviet Government is notorious.

International law also states that penal labor should not be used for economic development, a practice which the Soviet Government has engaged in. Even if one accepts the minimal number of 3 million Soviets performing forced labor, the vast extent of Soviet reliance on forced labor becomes clear.

This is a very important subject, and we are eager to hear our witnesses. But, first, let me ask my Republican colleague if he has a statement that he would like to make.

Mr. SMITH. Thank you, Mr. Chairman.

Allow me to begin by thanking you, the distinguished Chairman of the Helsinki Commission, Mr. Fascell, and my friend the chairman of the Human Rights and International Organization Subcommittee, Mr. Yatron, for your work in organizing this joint hearing.

Several months ago, I requested that this hearing be held to bring to light an issue that I consider to be one of the greatest atrocities of human-kind—the horrifying forced labor situation which exists in the Soviet Union today.

The purpose of this hearing, as you know, is twofold. First, we intend to discuss forced labor as a concept in international law and to uncover the role of the tremendous forced labor force in the Soviet Union. Second, we intend to discuss U.S. policy toward the issue and to consider what steps can and should be taken by this Government to respond to the human suffering and misery that results from such a system.

Clearly, the issue of forced labor is growing in national attention. Over 150 Members of Congress have cosponsored House Concurrent Resolution 100, a resolution I introduced on March 24, which condemns the use of forced labor by the Soviet Government.

Mr. Chairman, I am very pleased to note that we are hearing more and more protest from labor and human rights organizations against the Soviets for their actions. I would like to particularly commend the AFL-CIO, which is represented here this morning, for pursuing the resolution of this issue in general, and having raised this issue at the International Labor Organization and other international labor forums.

Mr. Chairman, we continue to read reports and scholarly studies of this issue, and even treatments of the subject in the mass circulation periodicals, such as the article in the September Readers Digest entitled "Made in the U.S.S.R.—By Forced Labor." In this brilliant article, Joseph Harris tells of how laborers in the camps

call the thin, half-putrid fish broth served every day "graveyard soup" because it contains nothing but bones.

He went on to describe how the harbinger of any new construction project is an anticrime campaign. In Harris' own words, "Police round up men and women for the forced labor pool, sometimes resorting to primitive entrapment." He related how Ivar Jukovski was sent to the camps: "As Jukovski was shopping in a Riga clothing store, an old lady asked him to try on a jacket to see if it would fit her son. Police promptly arrested him for shoplifting, and the 'corrective labor colonies' had another worker."

Living in freedom, Mr. Chairman, it is difficult for many Americans to imagine how a system that is so cruel and degrading would exist in the world today. But regardless of international outcry, this situation continues to exist and to grow. It is, in fact, a very part of the core of the Soviet economy, as you pointed out in your opening statement. The evidence as confirmed by the U.S. Department of State in their report issued earlier this year is as follows:

The Soviet Union "operates the largest forced labor system in the world, comprising some 1,100 forced labor camps, and that this system gravely infringes internationally recognized fundamental human rights."

The Soviet Union "includes an estimated 4 million forced laborers, of whom at least 10,000 are considered to be political and religious prisoners."

Further, according to the International Labor Organization, the Soviet prisoners include women and children, "forced to work under conditions of extreme hardship including malnutrition, inadequate shelter and clothing, and severe discipline."

Mr. Chairman, this deplorable situation not only deserves a response from the United States, but it demands one from this Government.

I think it is very clear that many individuals in this body, in the House and Senate, know what the response should be. Thanks to the work of the U.S. Customs Service, Commissioner von Raab recommended several weeks ago that the United States bar approximately three dozen products made in the Soviet Union from importation to this country because they were made with the help of forced labor.

This move, which I strongly support, would comply with the U.S. law which prohibits the importation into the United States of all goods made wholly or in part in any foreign country by forced labor. Let me point out that never before since this regulation was enacted as part of the Smoot-Hawley Act of 1930, except in 1951 when a prohibition was placed on the importation of Russian crabmeat, has any U.S. administration even attempted to enforce this provision of the law upon the Soviet Union.

I understand that, although Mr. von Raab's recommendations are still being studied by the Treasury Department, this law may be enforced against the forced labor goods we know about in the very near future. This, in my opinion, would be a reasonable but very firm protest by our Government in response to the tragic situation in the Soviet Union.

Mr. Chairman, based on reports by the CIA and the Department of Commerce, the Helsinki Commission has determined that the

enforcement of the Smoot-Hawley prohibition would involve about \$138 million in forced labor products which are imported into the United States each year from the Soviet Union. Although this is a mere 0.05 percent of all products imported into the United States each year, it would have a strong impact on the Soviet economy, where forced labor products are one of the chief exports.

Mr. Chairman, again, I want to thank you for holding this very important hearing this morning. I look forward to listening to the witnesses and to their explanation.

Mr. FASCELL. Thank you very much for that statement.

Let me say to my colleague that I am very pleased to be an original cosponsor on his resolution. I commend him for his dedication and his determination with respect to not only getting this hearing, but also getting the subcommittee, which is joining us in these hearings, to mark up this resolution, and to pursue the matter with the administration as we have.

It is not an easy issue, we all recognize that, and that is why it is very useful to get the parameters of the difficulty from the witnesses who will appear here today. We will start with our private sector panel first, Thomas Kahn, assistant to the president, AFL-CIO—we want to give a special thanks to labor for their continued determination on this question—Amy Young, executive director, International Human Rights Law Group; and Mr. Georgy Davydov, former forced labor political prisoner, who will be introduced by Ms. Padukov, executive director, U.S. Section of the International Society for Human Rights.

#### STATEMENT OF TOM KAHN, ASSISTANT TO THE PRESIDENT, AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUS- TRIAL ORGANIZATIONS

Mr. KAHN. Thank you, Mr. Chairman.

My name is Tom Kahn. I am an assistant to the president of the AFL-CIO, and I appreciate this opportunity to present the views of the federation on the issue of forced labor in the Soviet Union.

One year ago yesterday, AFL-CIO President Lane Kirkland issued a statement welcoming publication of the State Department's report documenting the massive use of forced labor in the Soviet Union. He pointed out that it was the American Federation of Labor in 1948 that first raised this issue by proposing that the International Labor Organization undertake a survey of forced labor in all member countries. A year before that, the Federation had published the first map of the Gulag Archipelago, for which Alexander Solzhenitzyn expressed his appreciation when he arrived in this country.

I recite this history to indicate the depth of the American labor movement's interest in the subject for many, many years.

Mr. Chairman, we have no sources of information about forced labor in the Soviet Union other than those available to the U.S. Government. We hope that the appropriate agencies of our Government will continue to document and publicize the extent of this problem. Indeed, consideration should be given to releasing more information on the Soviet camps, taking care, of course, not to compromise U.S. intelligence gathering capabilities. But even more im-

portant than measuring the enormity of this problem is responding to it.

In the State Department's letter transmitting its report to the Senate last year, there appear these sentences: "But be assured that we will continue diligently to conduct this investigation. We also are pursuing this issue vigorously through the ILO."

Unfortunately, Mr. Chairman, the U.S. Government lacks the legal standing to pursue this matter in the ILO, because it has not ratified the ILO Conventions on Forced Labor, and is therefore under the rules of the ILO precluded from bringing an ILO proceeding against a signatory member state. Any vigorous pursuing of this issue in the ILO would have to be done by the American labor movement.

The Conventions at issue are Convention No. 39 and Convention No. 105. Convention No. 29, formulated in 1930, was primarily aimed at the abolition of forced labor in the colonial territories. It was ratified by the Soviet Union in 1956. Convention No. 105, more applicable to the modern state, and certainly to the Soviet Union, was never ratified by the Soviets or by the United States.

Strictly speaking, therefore, even if the United States were to ratify both conventions, it could press complaints against the Soviets only on the basis of Convention No. 29. Nonetheless, the failure of our Government to ratify either convention has been effectively exploited by the Soviets in the ILO, and there can be no question but that our ratification of the conventions would enhance the moral authority of the United States in that body.

Convention No. 105 was adopted by the ILO Conference in 1957 by a vote of 240 to 0 with only the U.S. employer delegate abstaining. The U.S. labor delegate voted for the convention and the American labor movement supported ratification, but we were unable to prevail upon the Senate in the face of employer opposition.

Mr. Chairman, the AFL-CIO believes that whatever argument against ratification of these conventions may have seemed persuasive to some a quarter of a century ago are without weight in the present circumstances. We believe the time has come for the United States to ratify the ILO conventions on forced labor, and not these alone. Of the 150-odd conventions of the ILO, we have ratified only seven. This record is a self-inflicted embarrassment in an international arena where the United States should stand out as the champion of human rights.

There is another step to be taken, Mr. Chairman. It does not require ratification of anything. It only requires that we enforce our own laws.

We may be powerless to dismantle the Soviet slave labor camps that are so important to the functioning of the Soviet economy, but we are certainly not required to purchase the products produced in these camps. Indeed, we are forbidden to do so under section 307 of the Smoot-Hawley Tariff Act of 1930, which specifically bars the importation into this country of "all goods, wares, articles, and merchandize mined, produced or manufactured wholly or in part in any foreign country by convict labor or forced labor."

The Commissioner of Customs is charged with the responsibility of enforcing that law. Yet there are persistent reports that the law



is not being enforced and that the products of forced labor continue to find their way into the United States.

Among such products, according to one report appearing in the September issue of the Readers Digest, are chemicals, uranium, gold, wood and wood products, and tractors. That list may grow if certain commercial and banking interests, eager to enable the Soviets to earn hard currency for the repayment of its debts, have their way.

Mr. Chairman, it is bad enough when American workers are forced to compete with foreign workers earning 75 cents an hour in some countries, must they also compete with the slave labor of a totalitarian state?

But beyond this concern, we just don't believe that the United States should help provide markets for the fruits of the Gulag—to make slave labor more profitable, as it were. It is bad enough that we should bend our human rights standards to accommodate special interests; it is worse when we violate our own laws in the process.

Mr. Chairman, the AFL-CIO favors House Concurrent Resolution 100, denouncing the use of forced labor in the Soviet Union. But we believe that more is required of our Government than the expression of sentiment. The two steps we have urged today—ratification of the ILO Conventions on forced labor, and the enforcement of the ban on importing the products of forced labor—would give concrete effect to the sentiments of the resolution.

Finally, Mr. Chairman, I want to commend you and the members of this body for focusing public attention on the issue of Soviet forced labor, and indeed for all that you have done to ensure that the pursuit and protection of human rights remain an essential and visible ingredient of this nation's foreign policy.

Thank you.

Mr. FASCELL. Thank you, Mr. Kahn, for the statement of position of your organization, and for the recommendations contained in your statement.

Ms. Young.

#### STATEMENT OF AMY YOUNG, EXECUTIVE DIRECTOR, INTERNATIONAL HUMAN RIGHTS LAW GROUP

Ms. YOUNG. Thank you, Mr. Chairman.

My name is Amy Young. I am the executive director of the International Human Rights Law Group. The organization that I work for is a public interest law center concerned with the promotion of international norms of human rights. It is an honor for me to be here today to give testimony on the international law proscription against the practice of forced labor.

My testimony will address general concepts in international law concerning forced labor, including the relevant international treaties and pronouncements of the United Nations. It is my understanding that other witnesses will describe how these international norms have been monitored by international bodies such as the ILO, or how they have been implemented into domestic law such as the United States 1930 Tariff Act.

Freedom from slavery in all its forms is the oldest human right to be recognized and outlawed by the international community. The Slavery Convention of 1926, in article 1 defines slavery as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised."

In article 2 of the Slavery Convention, the contracting parties undertake to "prevent and suppress slave trade" and "bring about progressively and as soon as possible the complete abolition of slavery in all its forms." The words "slavery in all its forms" is of significance especially in light of article 5 of the convention in which the term "forced labor" first appears.

Article 5 states in part: "the High Contracting Parties recognize that recourse to compulsory or forced labor may have grave consequences and undertake to take all necessary measures to prevent compulsory or forced labor from developing into conditions analogous to slavery."

Concern over the condition of forced labor led the League of Nations to adopt a resolution calling on the ILO to study the best means of preventing forced or compulsory labor from developing into conditions analogous to slavery.

It is important to note from the outset that forced labor per se is not prohibited by international law. The ILO and the UN through various international agreements described here have sought to circumscribe in painstaking detail the very limited and specific circumstances under which forced labor will be tolerated by the international community.

The first of these international agreements was prepared by the ILO pursuant to the League's resolution. In 1930, the ILO adopted Convention 19 Concerning Forced or Compulsory Labor. One hundred and twenty-five States have ratified this treaty, including the Soviet Union.

Article 1 of that convention binds all the contracting parties "to suppress the use of forced or compulsory labor in all its forms within the shortest possible period." Forced or compulsory labor is defined as "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."

Article 2 of the convention exempts from this proscription "any work or service exacted by virtue of compulsory military service laws," "normal civic obligations," "a conviction in a court of law," "emergencies," and "minor communal services." While the convention unequivocally forbids forced labor for private purposes, encouraged is a policy of gradual elimination of forced labor for public purposes as well.

If a state party has met all those qualifications and engages in the practice of forced labor, it must still abide by subsequent articles of the convention, which prescribe in as detailed regulation as any missive from the U.S. Government the exact conditions and circumstances for the performance of such labor.

These include: the age and sex of forced laborers, namely, able-bodied males between 18 and 45 years of age; the time spent in forced labor, which should not exceed 60 days in any 12-month period; the number of daily working hours should be comparable to voluntary labor practices; the amount of remuneration and the

manner of payment; the provisions for workman's compensation, health safeguards, the existence of medical facilities on the premises; adequate shelter, food, and clothing.

In 1957, the ILO adopted another convention concerning the abolition of forced labor. This convention which came into force in 1959 has 97 state parties. Although the U.S.S.R.'s has not ratified this convention, the convention is still extremely relevant to the study of forced labor in that country as it reflects more current international norms proscribing the use of forced labor.

That convention's purported purpose is to abolish the practice of forced labor, and in article 1 various motives and reasons for states using forced labor at any time, which may previously have been tolerated by the international community, are now explicitly denounced. The one justification for forced labor which was accepted under the previous ILO convention, and is still tolerated under article 1 of this convention, is forced labor exacted as a consequence of a conviction in a court of law.

Since this is the justification frequently put forward by the Soviet Union for its forced labor camps, the question arises why the Soviet Union has not ratified a document that still recognizes and protects that exemption. The answer may lie in article 1 which articulates for the first time and explicitly prohibits using forced labor "as a means of political coercion or as a punishment for holding or expressing political views."

In a 1953 report on forced labor by the Economic and Social Council and the ILO, which reviewed the judicial and penal practices of countries suspected of illegal forced labor, the following conclusion concerning the Soviet Union is drawn, and I am quoting from this report.

Given the general aims of Soviet penal legislation, its definitions of crime in general and of political offense in particular, this legislation constitutes the basis of a system of forced labor employed as a means of political coercion or punishment for holding or expressing political views.

This finding may have deterred the Soviet Union from becoming a party to the later ILO convention, but it cannot exclude the Soviet Union from the scrutiny of the international community which is now armed with this more specific international norm.

In addition to these three specific conventions there are, of course, the panoply of international agreements, such as the Universal Declaration on Human Rights, which prohibit slavery, forced labor, cruel, inhuman, or degrading treatment of punishment and which obligate states to accord persons within their jurisdiction respect for human rights, such as life, liberty and the security of person, freedom of religion and ideas. And, of course, the Helsinki Final Act in Principal X of Basket I reinforces the obligations of all state parties to fulfill their obligations under international law, be those human rights, the Slavery or ILO Conventions, or any other international agreement.

I would like to note briefly the International Covenant on Civil and Political Rights which came into force in 1976 and to which the Soviet Union is a party. Article 8 of that Covenant prohibits slavery in all its forms, but excludes from that definition, as the other conventions have, "any work or service normally required of a person who is under detention in consequence of a lawful order of

a court, or of a person during conditional release from such detention."

The Human Rights Committee established under that International Covenant on Civil and Political Rights reviews and discusses reports submitted by state parties under article 40 concerning their compliance with the provisions of the Covenant. The Human Rights Committee considered the initial report of the Soviet Union in October 1978.

In connection with the article proscribing forced labor, members of the committee asked why the Soviet report had stated it was "impossible" that compulsory labor could occur in a socialist system.

They also asked how the obligation to work under article 60 of the Constitution was to be understood; what was the present meaning and practice of the provision against parasitism in article 209 of their criminal code, and finally, if it were possible to leave a collective farm without the agreement of the management committee.

The Soviet representative's response was woefully lacking and addressed only the question of collective farms whose membership, he assured the committee, was voluntary.

I submit this information to alert the Commission and the subcommittee of the existence of another international forum where serious questions such as forced labor in the Soviet Union might be raised. Since the United States is not a party to that Covenant, it cannot be a member of the Human Rights Committee nor can it participate in its discussions.

Although ratification of human rights treaties is not on the agenda today, I would like to make the point that the United States, by failing to ratify that Covenant, has foregone one important opportunity to focus international attention on that issue.

I would also note in conclusion that the United States has not ratified the ILO convention concerning the abolition of forced labor although it was submitted to the Senate for its advice and consent in 1963. To focus attention on this illegal practice of the Soviet Union in the context of these hearings should and will have a significant impact. It is equally important, however, for the United States to ascribe publicly to the international norms we seek to enforce.

Thank you, Mr. Chairman.

[Ms. Young's prepared statement follows:]

PREPARED STATEMENT OF AMY YOUNG, EXECUTIVE DIRECTOR, INTERNATIONAL HUMAN RIGHTS LAW GROUP

Mr. Chairman, My name is Amy Young. I am the Executive Director of the International Human Rights Law Group and a Lecturer at the University of Virginia School of Law, where I received an LL.M. in international law. The organization with which I work is a public interest law center concerned with the promotion of international norms of human rights. It is an honor for me to be here today to give testimony on the international law proscribing forced labor.

My testimony will address general concepts in international law concerning forced labor, including the relevant international treaties and pronouncements of the United Nations. It is my understanding that other witnesses will describe how these international norms have been monitored by international bodies such as the International Labor Organization (ILO) or how they have been implemented into domestic law such as provisions of the 1930 Tariff Act.

Freedom from slavery in all its forms is the oldest human right to be recognized and outlawed by the international community. The League of Nations in 1922 created the Temporary Slavery Commission to appraise global conditions concerning slavery and to make recommendations. The report of the Commission in 1925 led to the adoption by the League Assembly, on September 25, 1926, of an important convention that is still in effect. The Slavery Convention of 1926 which contains only twelve articles seeks in Article (1) to clarify the conception of slavery being prohibited:

- (1) "Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised."

In Article (2), the contracting parties undertake to "prevent and suppress the slave trade" and "bring about progressively and as soon as possible, the complete abolition of slavery in all its forms." The words "slavery in all its forms" is of significance especially in light of Article (5), in which the term forced labor first appears:

"The High Contracting Parties recognize that recourse to compulsory or forced labour may have grave consequences and undertake, each in respect of the territories, placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage, to take all necessary measures to prevent compulsory or forced labour from developing into conditions analogous to slavery."

Concern over the conditions of forced labor led the League of Nations to adopt at the same time a resolution calling on the International Labor Organization to study "the best means of preventing forced or compulsory labor from developing into conditions analogous to slavery." It is important to note from the outset that forced labor per se is not prohibited by international law. The International Labor Organization and the United Nations through various international agreements described below have sought to circumscribe in painstaking detail the circumstances under which forced labor will be tolerated.

The first of these international agreements was prepared by the ILO pursuant to the League's resolution. In 1930, the ILO adopted Convention 29 Concerning Forced or Compulsory

Labor. One hundred and twenty-five states have ratified this treaty including the Soviet Union. The United States did not ratify it.

Article 1 of the Convention binds all the contracting parties "to suppress the use of forced or compulsory labour in all its forms within the shortest possible period." "Forced or compulsory labour" is defined as "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." Article 2(2) exempts from this proscription "any work or service exacted in virtue of compulsory military service laws," "normal civic obligations," "a conviction in a court of law," "emergencies" and "minor communal services." While the Convention unequivocally forbids forced labor "for private purposes," encouraged is "a policy of gradual elimination" of forced labor "for public purposes."

Under Article 9, forced labor should not be practiced unless the State party is satisfied that the work to be performed is of direct interest to the community involved and imminently necessary. Article 9(c) requires as well that the State be satisfied that "it has been impossible to obtain voluntary labor" at the prevailing rate or under similar conditions of work in that area.

Article 10 states categorically that forced labor for

the execution of public works shall be abolished progressively. However, during that time period in which forced labor is used in the execution of public works, the state may do so only after satisfying itself that, as in Article 9, the work to be performed is of imminent necessity and importance to the community involved. In addition, Article 10 requires that such work will not entail the removal of workers from their homes and that such "rendering of service will be in accordance with the exigencies of religion...and social life...."

Any state party having met all those qualifications and wishing to practice forced labor must still abide by subsequent articles which prescribe in as detailed regulation as any missive from the U.S. government the exact conditions and circumstances for performing such labor. These include: the age and sex of forced laborers, namely able-bodied males between 18 and 45 years of age (Article 11); great deference is given to the physical fitness of any person so forced to labor as well as his conjugal and family ties (Article 11, (a) and (d)); the time spent in forced labor which should not exceed sixty days in any year (Article 12); the number of daily working hours which should be comparable to voluntary practices (Article 13); the amount of remuneration and the manner of payment (Article 14); and provisions for



workmen's compensation, health safeguards and medical facilities, adequate shelter, food and clothing.

In 1957 the ILO adopted the Convention concerning the Abolition of Forced Labor. This Convention which came into force in 1959 has 97 states parties. Although the U.S.S.R. has not ratified this convention - nor has the U.S. - this Convention is extremely relevant to the study of forced labor in that country.

The Convention's purported purpose is to abolish the practice of forced labor, and in Article 1 various motives or reasons which may have been previously tolerated are explicitly denounced. The one justification for forced labor excepted under Article 2 of the previous ILO Convention and still tolerated under Article 1 of this Convention is forced labor exacted as a consequence of a conviction in a court of law. Since this is the justification put forward by the Soviet Union for its forced labor camps, the question arises why they have not ratified a document that still recognizes and protects that exception.

The answer may lie in Article 1 which articulates for the first time and explicitly prohibits using forced labor "as a means of political coercion...or as a punishment for holding or expressing political views...." In a 1953 report on forced labor by the Economic and Social Council and the ILO which reviewed the judicial and penal practices of countries suspected of illegal forced labor, the following

conclusion concerning the Soviet Union was drawn:

"Given the general aims of Soviet penal legislation, its definitions of crime in general and of political offence in particular, ...this legislation constitutes the basis of a system of forced labour employed as a means of political coercion or punishment for holding or expressing political views...."

This finding may have deterred the Soviet Union from becoming a party to the later ILO Convention but cannot exclude the Soviet Union from the scrutiny of the international community now armed with this more specific international norm.

In addition to these three specific conventions there are of course the panoply of international agreements, such as the Universal Declaration on Human Rights, which prohibit slavery, cruel, inhuman or degrading treatment or punishment and which obligate states to accord persons within their jurisdiction respect for human rights such as life, liberty and the security of person, freedom of religion and ideas. And, of course, the Helsinki Final Act in Principle X of Basket I reinforces the obligation of all states parties to fulfill their obligations under international law, be those human rights, the Slavery or ILO Conventions or any other international agreement.

I would like to note briefly the International Covenant on Civil and Political Rights which came into force in 1976 and to which the Soviet Union is a party. Article 8 prohibits slavery in all its forms but excludes from that definition

- (i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequences of a lawful order of a court, or of a person during conditional release from such detention...."

The Human Rights Committee established under the Covenant reviews and discusses reports submitted by states parties under Article 40 concerning their compliance with provisions of the Covenant. The Human Rights Committee considered the initial report of the Soviet Union (CCPR/C/1/Add. 22) at its 108th, 109th and 112th meetings on 24 and 26 October 1978. Commenting on the report, members of the Committee noted that it was comprehensive and contained detailed information on the legislation aimed at securing civil and political rights provided for in the Covenant. However, additional information was sought as to how that legislation was applied in everyday reality.

In connection with Article 8 of the Covenant, which prohibits forced labor, members of the Committee asked why the Soviet report had stated it was "impossible" that compulsory labor could occur in a socialist system; how the obligation to work under Article 60 of the Constitution of the U.S.S.R. was to be understood; what was the present meaning and practice of the provision against parasitism in Article 209 of the Criminal Code of the RSFSR; and finally, if it were possible to leave a collective farm without the agreement of the management committee. The Soviet

representative's response was woefully lacking and addressed only the question of collective farms whose membership, he assured the Committee, was voluntary.

I submit this information to alert the Commission on Security and Cooperation in Europe and the Subcommittee on Human Rights and International Organizations to the existence of another international forum where serious questions such as forced labor in the Soviet Union could be raised. Since the U.S. is not a party to the Covenant, it cannot be a member of the Human Rights Committee nor can it participate in its discussions. Although ratification of human rights treaties is not on the agenda today, I would like to make the point that the United States by failing to ratify that Covenant has foregone one important opportunity to focus international attention on this issue.

I would also note in conclusion that the United States has not ratified the latest ILO Convention Concerning the Abolition of Forced Labor although it was submitted to the Senate for advice and consent in 1963. To focus attention on this illegal practice of the Soviet Union in the context of these hearings should and will have significant impact. It is equally important, however, for the United States to ascribe publicly to the international norms we seek to enforce.

Thank you.

TABLE I

## CONVENTIONS AND OTHER INTERNATIONAL AGREEMENTS CONCERNING SLAVERY/FORCED LABOR AND THEIR STATE PARTIES

International Agreements	Entered Into Force	States Parties	U.S.S.R. Party	U.S. Party
U.N. Charter	24 October 1943	all but Switzerland	X	X
Universal Declaration of Human Rights	10 December 1948	48	X	X
Slavery Convention of 1926 as amended	9 March 1927, as amended 7 December 1953	77	X	X
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practice Similar to Slavery	30 April 1957	88	X	X
ILO Convention 29 (1930)	1 May 1932	125	X	
ILO Convention 105 concerning the abolition of Forced Labour (1957)	17 January 1959	97		
Covenant on Civil and Political Rights	23 March 1976	69	X	S
Covenant on Economic, Social and Cultural Rights	23 March 1976	73	X	S
Final Act-Conference on Security and Cooperation in Europe (Helsinki Accords)	1 August 1975	35	X	X

Mr. FASCELL. Thank you very much, Ms. Young, for detailing the specific conventions and articles that involve the basic questions which has to be confronted not only by the committee, but by anyone seeking to enforce the law or raise the issue internationally. We appreciate the thoroughness of that presentation.

We are going to take a short recess to go over and answer this rollcall. Then we will be right back.

[Recess]

Mr. FASCELL. The Commission and the subcommittee will reconvene.

Our next witness will be introduced by Eileen Padukov, who is the Executive Director of the U.S. Section of the International Society of Human Rights.

**STATEMENT OF EILEEN PADUKOV, EXECUTIVE DIRECTOR, U.S.  
SECTION, INTERNATIONAL SOCIETY FOR HUMAN RIGHTS**

Ms. PADUKOV. Thank you, Mr. Chairman.

The International Society for Human Rights condemns the use of forced labor and has published documentation entitled "Forced Labor in Building the Gas Pipeline: Siberia-Europe."

On November 18 and 19, 1982, the International Society for Human Rights, Germany, and the International Sakharov Committee, Copenhagen, held an international hearing in Bonn, West Germany, on the use of forced labor in the Soviet Union. The international panel, headed by Mr. Alfred Fleuret, a joint prosecutor for France at the Nuremberg Trials, and consisting of lawyers, labor union leaders, political leaders, and human rights experts, heard testimony from witnesses who are former victims of forced labor or who have had direct contact with forced labor in the Soviet Union.

This panel concluded that the U.S.S.R. continues the deplorable practice of forced labor in manufacturing and construction products. Prisoners, including political prisoners and those imprisoned for their religious beliefs, among them women and children, are forced to work under conditions of extreme hardship, such as malnutrition, inadequate clothing and shelter, and severe discipline.

The International Society for Human Rights is a charitable, non-profit, humanitarian organization whose goals are primarily based upon the U.N. Universal Declaration of Human Rights. It is our purpose to assist and actively support isolated individuals and groups who are striving nonviolently to attain their human rights.

One of the expert witnesses at that international hearing is here today to address you. His name is Georgy Davydov. Mr. Davydov was born in Baku, U.S.S.R., in 1942. He received his degree in geology at the University of Leningrad, and worked as a geological engineer at the Leningrad Institute of Geology.

In 1972, he was arrested by the KGB for "anti-Soviet" activities and sentenced to 5 years in a concentration camp, and 2 years in banishment. He spent 2 years in the concentration camp at Perm. 36, and 3 years at the Vladimir Prison where he was transferred in 1974. From the fall of 1977 to the fall of 1979, he was banished to Tulin in Okutsku area.

After completing his sentence, Mr. Davydov returned to his home in Leningrad, but since he was not able to obtain a permit to

live there, he moved to Lugu just outside Leningrad. During this time, Mr. Davydov began to collect information on concentration camps. In March of the following year, Soviet authorities suggested to Mr. Davydov that he emigrate. One month later, he emigrated to Munich where he continues to gather information on concentration camps in the U.S.S.R.

The following is Mr. Davydov's statement.

Mr. FASCELL. Let me say that we will put his entire statement in the record as it appears. Then you can summarize it, or whatever you want to do.

Ms. PADUKOV. Thank you.

**STATEMENT OF GEORGY DAVYDOV, FORMER SOVIET POLITICAL PRISONER, PRESENTED BY EILEEN PADUKOV**

Ms. PADUKOV. The relative compulsion to work—that is, the obligation to work in a field designated by the state as “socially useful activity” with the right to choose a specific occupation within this field—extends to all able-bodied citizens of the U.S.S.R.

But in addition to this more or less liberal form of relatively compulsory labor, there is another brutal form of absolutely compulsory labor in the Soviet Union. In this case, the individual is not only obliged to work, but is also deprived of any degree of power to choose a specific occupation and is obligated to work wherever he is sent by the authorities.

The absolute compulsion to work is accomplished with the aid of a specifically designed repressive system, including torture by hunger and cold, right up to the point of physical torture. The absolute compulsion to work extends primarily to convicts and to the so-called parolees—that is the people who have been given a suspended sentence or who have been released from the camps on the condition that they work.

According to Mr. Davydov's preliminary estimates, convicts in the Soviet Union represent about 1 percent of the country's population, approximately 2.5 million people in absolute figures. This estimate is more likely to be low than to be high. There are almost no estimates on the number of parolees. It is quite possible, however, that their number is close to the number of convicts, that is millions in both cases.

The following information on branches of the national economy employing convict labor about the types of production in which convicts are employed is based upon data on 252 camps and prisons. This is around 10 percent of all the camps and prisons in the Soviet Union. The data below applies primarily to the 1970's and early 1980's.

After categorizing the types of work performed by convicts among branches of the national economy, Mr. Davydov singled out the following branches. I will cite them in descending order of frequency of convict employment.

Logging and woodworking—this work is mainly the felling of trees, the primary processing of timber in lumberyards, and various types of work connected with the use of timber. Convict labor is used on a particularly broad scale in furniture production.

Construction work and production of construction materials—this branch ranks second in terms of the frequency with which convict labor is used. Convict labor is used extensively in the construction of various facilities from ones as small as barracks to huge projects such as the construction of plants and factories.

Metallurgy and metal working—work in foundries is a form of hard labor and convicts are employed there.

Clothing and footwear production—convict labor is used most widely in the manufacture of sewn goods.

Production of packaging material and machine building are two other areas of industry. Convicts manufacture parts and machines, and assemble machines. In addition to performing other types of work, they make parts for motor vehicles, assemble vehicles, build trailers, pumps, motors, and ship parts. They also manufacture and assemble bearing parts.

Convicts also manufacture agricultural equipment. Agriculture, and mining and enrichment are two other aspects. Convicts from at least 11 camps extract construction materials from quarries or mines. Most of these camps are located in the Ukraine.

Production of electrical and radio parts and equipment, and chemical industry are other areas in which convict labor is used.

Data on 30 women's camps and 10 juvenile camps provide some idea of the characteristics of female and juvenile convict labor. Most of the women are employed in clothing production. Agriculture ranks second. Women convicts also work in brick and instrument plants and in mica factories, assemble radio parts, forge auto parts in the Gorky motor vehicle plant and produce coking coal and calcify lime in shops with an extremely high gas content in a metallurgy plant.

Juvenile prisoners under the age of 18 are employed to an equal degree in foundries and in furniture production. They also work on construction sites and in agriculture, clothing production, and metalworking, and are employed in lathe, fitter, and repair shops.

Convict labor is used in almost all aspects of the main branches of the economy. The food industry is not on the list. This exception stems from the specific methods used to compel convicts to work. One of the most effective methods is hunger.

Living conditions of convicts: Most Soviet convicts live in camps. They live in extremely crowded and unsanitary conditions with outbreaks of dysentery in almost all the camps in the summer months. Their clothing is inferior. They lack the necessary medical care. Their diet is meager and they are constantly derided by the guards and the administration.

It is no wonder that there are only two known causes of periodic riots in the camps: hunger and the despotic behavior of the administration. And, these riots occur in spite of savage reprisals the rioters know they will receive.

For the sake of comparison, Mr. Davydov states that the soldier's daily ration costs 1 ruble and 25 kopeks. In other words, the Soviet soldier's diet is three times as good as the convict's, but even the soldier does not complain of being too full.

Working conditions of the convicts. There are two ways in which convict labor is used. Most camps have their own production units, usually industrial, owned by the Ministry of Internal Affairs.



Camps which do not have these production units supply outside enterprises with convicts on the basis of contracts stipulating that the enterprise will pay the camp for the manpower, but guarding of the prisoners will be the responsibility of the camp administration.

Officially, a convict works an 8-hour day, 6 days per week. Quite often, however, particularly during rush periods, convicts are sent to work on days off and holidays. The overtime work for these days is not included on the convict's timesheet, and no compensatory time off was offered for the overtime work.

He states that women convicts work a 12-hour shift in clothing factories, but this is not recorded anywhere, and the official accounts stipulate that they work only 8 hours a day.

According to the instructions in the U.S.S.R. Ministry of Internal Affairs, 50 percent of the convict's earnings must be automatically deducted for camp maintenance. The convict pays income tax on the remaining half, which constitutes his actual wage. Other sums are deducted for food, clothing, and fees stipulated in court orders. Whatever, if anything, is left over after all of these deductions are entered is the convict's personal account. This is the only money—the money he has earned in the camp—that the inmate is allowed to spend in restricted amounts on food, tobacco, and on vital necessities in the camp store.

These are the usual conditions of convict labor. There are frequent cases, however, in which convicts are not paid for their work at all, or receive purely symbolic wages.

Economic impact of convict labor: The low labor productivity of the free worker is a sore point with the Soviet industry, but the productivity of convict labor is even lower. This is even acknowledged by the specialized Soviet literature on penitentiary law. Apparently, it was precisely the economic ineffectiveness of convict labor that compelled the Soviet authorities to search for new norms of absolutely compulsory labor. This search led to the appearance of so-called parolees or chemists.

Parolees do not live behind barbed wire. They are, therefore, much more mobile than the convicts. The necessary number of parolees can be concentrated quickly and easily whenever an acute need for manpower arises. Furthermore, they can be concentrated not only in large numbers, but even in small groups where economic considerations preclude the construction of a camp. After the work has been completed, it is easy to transfer them to a new place.

The economic advantages of employing parolees instead of convicts is self-evident, and when necessary it is easy to reclassify the parolee as a convict. It is with good reason that the witty inmates have described the authorities' new idea as "freedom on credit."

[Mr. Davydov's prepared statement follows:]

## PREPARED STATEMENT OF GEORGY DAVYDOV, FORMER SOVIET POLITICAL PRISONER

## Types of Forced Labor

In the Soviet Union the principle of forced labor is secured by the constitution. But the degree to which various groups of Soviet citizens are compelled to work differs. Depending on the degree of compulsion, we can speak of relatively and absolutely compulsory labor.

For example, Article 60 of the USSR Constitution says that labor is the obligation of each able-bodied citizen in the Soviet Union. But the government has certainly not confined itself to the constitutional declaration that labor is obligatory—that is, compulsory. The Soviet State actively compels its citizens to work with the threat of criminal prosecution. Furthermore, the state uses the term "labor" to signify only so-called "socially useful activity." This type of activity is also defined by the state, which excludes many forms of independent work by citizens from the category of "socially useful labor" and thereby forces them to work at state enterprises.

Therefore, the relative compulsion to work--that is, the obligation to work in a field designated by the state as "socially useful activity" with the right to choose a specific occupation within this field--extends to all able-bodied citizens of the USSR.

But in addition to this more or less liberal form of relatively compulsory labor, there is another, brutal form of absolutely compulsory labor in the Soviet Union. In this case, the individual is not only obligated to work, but is also deprived of any degree of power to choose a specific occupation and is obligated to work wherever he is sent by the authorities. The absolute compulsion to work is accomplished with the aid of a specially designed repressive system, including torture by hunger and cold--right up to the point of physical torture.

The absolute compulsion to work extends primarily to convicts and to so-called "parolees" (or "chemists")--that is, people who have been given a suspended sentence (or who have been released from camps) on the condition that they work.

According to my preliminary estimates, convicts in the Soviet Union represent around 1 percent of the country's population--around 2.5 million people in absolute figures. This estimate is more likely to be too low than too high. There are almost no estimates of the number of "parolees." It is quite probable, however, that their number is close to the number of convicts--that is, millions in both cases.

## Branches of National Economy Employing Convict Labor

The following information about the types of production in which convicts are employed is based on data on 252 camps and prisons. This is around 10 percent of all the camps and prisons in the Soviet Union. In the case of some of the camps I chose for this survey, the work performed by convicts is described in sufficient detail. In the case of the majority of camps, however, these data are fragmentary. The data below apply primarily to the 1970's and early 1980's.

After categorizing the types of work performed by convicts among branches of the national economy, I singled out the following branches. I will cite them in descending order of frequency of convict employment.

### Logging and Woodworking

This work is mainly the felling of trees, the primary processing of timber in lumberyards and various types of work connected with the use of timber: lumber production, the manufacture of ties and stanchions, joiner's work and the manufacture of prefabricated buildings. Convict labor is used on a particularly broad scale in furniture production.

Logging and woodworking camps are concentrated in the northern oblasts of the European part of the Soviet Union and in Siberia. Joiner's work and work connected with furniture production are performed in many camps scattered throughout the Soviet Union.

### Construction Work and Production of Construction Materials

This branch ranks second in terms of the frequency with which convict labor is used. Convict labor is used extensively in the construction of various facilities, from ones as small as barracks to huge projects: the construction of plants and factories. Convicts also produce bricks, glass, cement and ferro-concrete items.

Geographically, these types of work are not localized at all. There would seem to be small repair and construction brigades in each camp and prison.

### Metallurgy and Metalworking

Work in foundries is a form of hard labor and convicts are often employed here. This is attested to by data on camps in the Ukraine and Uzbekistan and camps in Leningrad, Kemerovo, Lipetsk, Sverdlovsk and Chelyabinsk Oblasts and Stavropol Kray.

Convict labor is used just as extensively in metalworking. For example, political prisoners from political camps 35 and 37 in Perm Oblast make cutting instruments -- drills, taps and others -- for the Sverdlovsk Instrument Plant.

### Clothing and Footwear Production

In these types of production, convict labor is used most widely in the manufacture of sewn goods. The scales of camp clothing production units range from

small shops to whole clothing factories. Convicts sew army uniforms, prison clothing, underwear and bed linens for soldiers and prisoners, work clothes and various types of civilian clothing. These types of work are not localized either.

#### Production of Packaging Materials

Convicts are employed in the manufacture of packaging materials so frequently that I had to list it as a separate type of production. They build crates, make the netting used in the transport of vegetables, sew sacks and make barrels, cardboard boxes and envelopes. These operations are performed in camps and prisons throughout the Soviet Union.

#### Machine Building

Convicts manufacture parts and machines and assemble machines. In addition to performing other types of work, they make parts for motor vehicles (Mordovia and Gor'kiy), assemble vehicles (Mordovia), build trailers (Stavropol Kray and Kherson Oblast), pumps (Tomsk Oblast), motors (Altay and Vladimir) and ship parts (Kherson Oblast) and manufacture and assemble bearing parts (Tomsk and Kharkov). Convicts in Alma-Ata, Voroshilovgrad, Dnepropetrovsk, Zhitomir and Ryazan Oblast manufacture agricultural equipment.

#### Agriculture

The data on camps in the Ukraine, Kazakhstan, Uzbekistan, Stavropol and Maritime Krays and Tomsk, Kemerovo and Irkutsk Oblasts indicate that convicts are employed directly in agriculture.

### Mining and Enrichment

Convicts from at least 11 camps extract construction materials from quarries or mines. Most of these camps are located in the Ukraine. The rest are in Kazakhstan, Uzbekistan, Armenia and Estonia and in Tyumen and Vladimir Oblasts. There have been reports that convicts in Bukhara and Tselinograd Oblasts are mining uranium; convicts in the settlement of Muruntau (Bukhara Oblast) work in a gold processing factory and women convicts in Slyudyanka (Irkutsk Oblast) split mica in a mica factory.

### Production of Electrical and Radio Parts and Equipment

Convicts in Vladimir and in Estonia make the coil for electric engines and convicts in Tyumen make projectors; political prisoners in the two political camps in Kuchino in Perm Oblast make parts for electric irons. Convicts in Irkutsk Oblast (Novolenino) work in a lamp plant and convicts in Lvov Oblast work in an electric plant. Convicts in Leningrad, Novgorod, Vladimir and Irkutsk Oblast make radio parts.

### Chemical Industry

There are reports that convicts in Chirchik in Tashkent Oblast work in a chemical plant and that convicts in Smolensk and Tashkent Oblasts are employed in rubber production and plastic molding.

### Auxiliary Work

Convicts in Sychevka (Smolensk Oblast) and Dvoryanskiy (Volgograd Oblast) are orderlies in mental hospitals. Convicts in Perm, Sverdlovsk and Tyumen Oblasts perform material handling operations. Camps in Magadan, Irkutsk and Sverdlovsk Oblasts have machine repair shops.

Convict labor is also used in other types of work.

Data on 30 women's camps and 10 juvenile camps provide some idea of the characteristics of female and juvenile convict labor.

According to this information, most of the women are employed in clothing production. Agriculture ranks second. Women convicts also work in brick and instrument plants and a mica factory, assemble radio parts, forge auto parts in the Gorkiy Motor Vehicle Plant and produce coking coal and calcify lime in shops with an extremely high gas content in the Chelyabinsk Metallurgical Plant.

Juvenile prisoners under the age of 18 are employed to an equal degree in foundries and in furniture production. They also work on construction sites and in agriculture, clothing production and metalworking and are employed in lathe, fitter's and repair shops.

In spite of insufficient data, a survey of the types of production in which convicts are employed indicates that convict labor is used in almost all of



the main branches of the economy. The food industry is not on the list. This exception stems from the specific methods used to compel convicts to work, one of the most effective of which is hunger.

#### Living Conditions of Convicts

Most Soviet convicts live in camps. They live in extremely crowded and unsanitary conditions with outbreaks of dysentery in almost all the camps in summer. Their clothing is inferior, they lack the necessary medical care, their diet is meager and they are constantly derided by the guards and the administration. I will discuss the inmates' diet in greater detail.

According to the calculations of the Moscow Helsinki group (Document 3), the caloric value of the standard ration of most convicts is below the minimum requirement of the human organism by one-fourth. These calculations were made on the basis of products of good quality, which the inmates have never even seen, and did not include the widespread theft of products intended for the inmates. If all of this is taken into account, the actual caloric value of the products received by convicts is much lower than the estimate. The semi-starvation diet is made worse by protein deficiency and by the virtually total absence of vitamins. In addition to the standard ration, there are also penalty rations. The worst of these is the punishment cell ration, which is nothing other than outright torture by starvation.

It is no wonder that there are only two known causes of the periodic riots in the camps: hunger and the despotic behavior of the administration. And these riots occur in spite of the savage reprisals the rioters can expect.

The cost of the convict's standard daily ration is 46 kopecks. For the sake of comparison, I can tell you that the soldier's daily ration costs 1 ruble 25 kopecks. In other words, the Soviet soldier's diet is three times as good as the convict's, but even the soldier does not complain of being too full.

Using Regular Women's Camp UTs-267/10 as an example (in Gornoye in Maritime Kray), I will briefly explain the daily living conditions of the inmates. There are 2,000 women in a camp designed for 500. Water is brought in from outside and is therefore in short supply. Baths are rare. The rules of feminine hygiene cannot be observed. The laundry has only 20 tubs--and this is for 2,000 women! There are only two paramedics (and no physician) in the medical unit. Women are excused from work only if they have a high temperature and only for one day at a time. The line for medical attention begins to form at five in the morning. The elderly and severely ill are quite simply physically incapable of standing in this kind of line. Those who are admitted to the medical unit must take a full day's dosage of medicine in the presence of medical personnel, because medicine is issued only once a day and the possession of medicine by inmates is prohibited. Fungus infections, dysentery and jaundice are rife in the camp. Pregnant women are not issued the supplementary ration ordered by the Ministry of Internal Affairs and are not sent to the mother's and infant's home (some women's camps have such institutions of their own). Incidentally, many pregnant women are afraid to go to the home because it is known for its high mortality rate.

It is not surprising that the harsh conditions of camp life stimulate the development of the baser instincts and that the law of the jungle prevails in the camp.

### Working Conditions of Convicts

There are two ways in which convict labor is used. Most camps have their own production units, usually industrial, owned by the Ministry of Internal Affairs. Camps which do not have these production units supply outside enterprises with convicts on the basis of contracts, stipulating that the enterprise will pay the camp for the manpower but guarding the prisoners will be the responsibility of the camp administration.

I will cite just one characteristic example to illustrate the conditions of convict labor. Regular Men's Camp YaTs-34/2 is located in the northern suburbs of Tyumen (West Siberia). The camp's industrial zone is a branch of the Tyumen Motor Plant. Here the convicts make projectors of various types and banks of cages—quadruple-tier sets of cages for poultry. These are delivered to Siberian poultry factories and are the camp's main source of income. Sometimes orders for these cages also come from Mongolia.

In the four work buildings of the industrial zone, convicts grind, drill and forge various projector and cage parts; they assemble, paint and pack the final product, which is then lifted over the camp fence by a crane. The camp's industrial zone is actually an entire plant, where several thousand convicts work in three shifts. What are the conditions of their labor here?

The machine tools operated by the convicts are often equipment discarded by outside plants because of defects. The punch-press and mechanical shops of this industrial zone were equipped with precisely this kind of worn and

irreparable equipment. The operators of punch-presses suffered frequent accidents. The main reason for the frequency of industrial accidents was that the controls of the punch-presses were extremely worn: When the convict removed his foot from the starter pedal (that is, at the most crucial moment, when his hands were under the press), the machine would suddenly start and the press would fall and cut off his fingers or even his hand. There have been times when a poorly secured heavy machine tool has fallen over during operation and has crippled the convict operating it.

In addition to the defective equipment, another reason for the frequent accidents was that the punch-presses were serviced primarily by young people who were untrained and unprepared for this kind of work and who did not do it out of the goodness of their hearts but were sent here by camp administrators as a punishment for "violations of camp rules."

Excessively high output norms compelled the convicts to work too quickly, and this also caused accidents.

But the industrial accidents were not connected only with the operation of punch-presses. Lathes, grinding tools and drills were not equipped with special safety devices and the convicts operating them did not have special protective goggles, and this caused eye injuries. Galvanizers suffered acid burns. Painters were frequently poisoned when they worked without protective masks in poorly ventilated painting sheds. This work was considered to be "hazardous" and the convicts who performed these operations were supposed to receive half a liter of milk each day. But milk of extremely poor quality was issued once or twice a month, several liters at a time.

The camp administration had its own way of combating on-the-job injuries. None of the accidents were recorded and the victims were punished severely when they recovered. On the orders of the camp director, they would lose parcel and visitation rights and even the right to receive letters.

The most dangerous and hazardous work in the camp was regarded as punishment. The work included drop-forging, painting and the cleaning of outdoor toilets, which was done at night. There is always a shortage of workers for these jobs and the director sends convict "offenders" to do them.

Officially, the convict works an 8-hour day 6 days a week. Quite often, however, particularly during "rush" periods, convicts were sent to work on days off and holidays. The overtime work for these days was not included on the convict's timesheet and no compensatory time off was offered for overtime work (I must tell you that women convicts work a 12-hour shift in clothing factories. But this is not recorded anywhere and the official accounts stipulate that they work only 8 hours a day).

In addition to their main jobs, convicts have to work in the living area during their free time: cleaning up the camp grounds, working in the kitchen and so forth. They are not paid for this work in any way, but the average monthly earnings of piece-rate workers in the industrial zone is 80 rubles. According to the instructions of the USSR Ministry of Internal Affairs, 50 percent of the convict's earnings must be automatically deducted for camp maintenance. The convict pays income tax on the remaining half, which constitutes his actual wage, and other sums are deducted for food, clothing and fees

stipulated in court orders. Whatever (if anything) is left over after <sup>all</sup> these deductions is entered in the convict's personal account. This is the only money, the money he earns in the camp, that the inmate is allowed to spend, in restricted amounts, on food, tobacco and vital necessities in the camp store.

These are the usual conditions of convict labor. There are frequent cases, however, in which convicts are not paid for their work at all or receive purely symbolic wages. In Women's Camp UK-272/11 (Bozoy, Irkutsk Oblast), for example, there are so-called "communal" jobs and the female convicts who perform these jobs are called "communal workers." The "communal" jobs include, in particular, the heavy field labor of splitting manure that has frozen rock-hard over the winter. Piles of manure must be chopped into pieces with pick-axes and scattered over the field. Taking advantage of the inmates' lack of rights, the camp administration does not pay them for this work.

Here is an example of symbolic wages for convict labor. The inmates of Karaganda Prison hammer packing crates together. The price of a finished crate is 1 kopeck.

#### Convict Protests

According to the Soviet corrective labor law, labor in the camps is an element of punishment. Special surveys of convicts, conducted by Ministry of Internal Affairs researchers, indicate that the inmates do regard camp labor precisely as such--as punishment--and display the corresponding attitude toward work.

Here is an example. A shop chief at an outside Odessa enterprise where convicts worked complained that the people did not want to work, they broke equipment and they caused absolutely new machine tools to malfunction, including costly foreign tools. What the shop chief was talking about is one of the most widespread forms of convict protest against forced camp labor.

General strikes in the camps are extremely rare--penalties are too severe. But individual strikes are a common occurrence. It is true that the word "strike" is never used; the striker is called a "work dodger." In spite of severe penalties, these "dodgers" exist in each camp and prison.

Self-mutilation is a covert form of protest. It is fairly widespread. People swallow all types of articles: needles, thermometers, spoons, dominoes and every other damned thing to make themselves sick, and all of this is done to somehow relieve the tedium of camp life and to spend at least a short time in the hospital. Here is one vivid example. In a Ukrainian camp where the inmates quickly "reached their limit" in exhausting work in a stone quarry, mutilation was put on a professional level. An enterprising convict opened a secret bone-breaking shop on the grounds. He had a full clientele. He equipped his shop with a simple improvised device: two semicircular wood blocks, covered with soft flannel for the patient's comfort. The patient placed his foot or hand on the blocks when they were separated. All it took was one blow and the patient would be on his way to the medical unit with his choice of a simple or compound fracture. The bone-breaker was paid for his services with tea, the most valuable commodity in the camps.

### Economic Impact of Convict Labor

Convict labor is quite cheap. In spite of this, the economic effectiveness of forced labor is dubious.

The low labor productivity of the free worker is a sore spot in Soviet industry. But the productivity of convict labor is even lower. This is even acknowledged by specialized Soviet literature on penitentiary law.

The construction and maintenance of camps and the maintenance of an entire army of guards and the camp administration cost a great deal and have a significant effect on the economic impact of forced labor.

Apparently, it was precisely the economic ineffectiveness of convict labor that compelled the Soviet authorities to search for new forms of absolutely compulsory labor. This search led to the appearance of so-called "parolees" or "chemists."

"Conditional release from custody for compulsory work on national economic construction projects" as a new form of forced labor came into being in Khrushchev's time, in 1964, was tested for many years and was secured by a special law in 1977. At that time, in 1977, the legalization of the institution of "parolees" was depicted by the Soviet press as the latest display of Soviet humanitarianism. Was this true?

While retaining all the features of absolutely compulsory labor, the labor of the "parolee" is much more profitable from the economic standpoint than



the labor of the convict. There is no need to build a camp for the maintenance of "parolees": They live in ordinary dormitories under the supervision of a special command, which is much smaller than the staff of camp guards.

"Parolees" do not live behind barbed wire and they are therefore much more mobile than convicts. The necessary number of "parolees" can be concentrated quickly and easily wherever an acute need for manpower arises. Furthermore, they can be concentrated not only in large numbers, but even in small groups, when economic considerations preclude the construction of a camp. After the work has been completed, it is easy to transfer them to a new place. The "parolee" is so mobile that he can be employed in remote or almost inaccessible locations, in operations requiring air-lifts. For example, workers, including "parolees," who are building gas and oil pipelines in West Siberia are transported to work sites by helicopter.

Therefore, the economic advantages of employing "parolees" instead of convicts are self-evident. And when necessary, it is easy to reclassify the "parolee" as a convict. The procedure for this kind of transfer is extremely simple. Furthermore, when he is transferred to the camp, the court does not have to include his time spent as a "parolee" in the prison term to which he has been sentenced and can therefore prolong the term of punishment considerably, over and above the court sentence. It is with good reason that witty inmates have described the authorities' new idea as "freedom on credit."

Incidentally, anyone who wants to know whether the authorities set up the institution of "parolees" for humanitarian reasons or had economic motives simply has to read Article 24<sup>2</sup> of the RSFSR Criminal Code. According to this article, a suspended sentence on the condition of labor cannot be handed down to disabled persons of all three categories, pregnant women and women with dependents under the age of 2 or people of retirement age. All of these people are sent to camps instead of specially supervised dormitories. Why? Because the institution of "parolees," the new form of absolutely compulsory labor, was invented for economic, and certainly not humanitarian, reasons.

Mr. FASCELL. Thank you very much.

As I said at the outset, the entire statement will be included in the record.

We will just wait for Mr. Finerty to move over so that he can do some translation in case there are questions of Mr. Davydov.

Mr. Smith.

Mr. SMITH. Thank you, Mr. Chairman.

First of all, I want to commend the panel for their comprehensive statements. I think this committee now has a much better handle on the situation.

Mr. Davydov, your comments, particularly with regard to self-mutilation and what happens to those who strike and who protest or dissent, are very moving, and I think we needed to hear that so as to get a better picture of what we are talking about.

Mr. Kahn, I have a couple of questions I would like to address to you. How have the Soviet officials responded to private and public inquiries from Western labor union officials on this issue, and have they responded?

Mr. KAHN. No, they have not, in general, responded. The AFL-CIO has not addressed specific inquiries to the Soviet Government. We don't correspond with the Soviet Government. We don't address communications to the Soviet Government, and that has been a long-standing tradition and policy. We have on many occasions asked the U. S. Government, specifically the State Department, to inquire about the conditions of specific individuals whose plight has come to our attention.

European trade unions have made direct inquiries. The International Confederation of Free Trade Unions has been active in this area. But, in general, the responses have not been very satisfying.

Mr. SMITH. Knowing that other organizations, including the VFW [Veterans of Foreign Wars], have made inquiries with regard to their issues—I know they were in contact with the Soviet war veterans group—and they have a dialog now on issues germane to veterans. If I could suggest that this could be an idea that the AFL-CIO would undertake, contacting them directly.

My second question—could you describe the difference between Convention 29 and Convention 105?

Mr. KAHN. I am not a lawyer, but Convention 29, when it was originally formulated in 1930, was aimed primarily at dealing with the problems of forced labor in the colonial territories. It does not go into some of the issues that Convention 105 addresses, including the question of the authorities' political motives in putting people into camps.

Convention 105 specifically, as I recall, prohibits putting people into prison camps because of their political views, and it would be the convention most applicable to the Soviet Union.

Mr. SMITH. It is my understanding that the AFL-CIO has standing to legally pursue the slave labor issue at the ILO level. Have you, and do you plan to?

Mr. KAHN. Yes, we pursue it very actively, and we do so in concert with the International Confederation of Free Trade Unions, which represents all of the free trade union movements in the world. We coordinate our strategies at the ILO conferences with

the ICFTU. Those strategies are thought out well in advance, and the ICFTU pursues them very vigorously.

Mr. SMITH. I have one final question. What has been the reaction of various U.S. labor unions, including the Longshoremen's Union, to this issue?

Mr. KAHN. There is very strong feeling among our affiliates about this question. The Longshoremen, in particular, as you know, have responded quite frequently to Soviet violations of trade union and human rights by refusing to load or unload Soviet ships when they arrive. They have, in fact, applied embargoes from time to time.

Regrettably, the shipping companies have seen fit to bring legal action against the union when it does that, and there have been some unfortunate court decisions which would mean that the union would be held liable for very substantial sums of money in damages for that activity.

But our Longshoremen are ingenious people and we maintain the view that we cannot, in a free society, compel workers to work at jobs that are helpful to those who would terminate their trade union freedoms if they had the opportunity to do so. We don't propose to have a system of forced labor in the United States.

Mr. SMITH. Thank you.

Ms. Young, I have one question, if you would answer it.

Which international organizations and, perhaps more importantly, what are the countries that are the most active on the slave labor issue in the Soviet Union?

Ms. YOUNG. I am not sure that I can answer that question. Perhaps I can submit to you information for the record at a later time. I know that there have been a number of studies done by the Anti-Slavery Society, which is located in London. I think they have been the organization on the forefront of this issue, and they have done studies of slave labor in Morocco, Mauritania, the Dominican Republic, probably the Soviet Union, and other countries. I will be glad to make that available to the Commission and to the subcommittee, for the record.<sup>1</sup>

Mr. SMITH. I think that would be very important, and we would appreciate it if you would submit that, because I know on other issues regarding the Soviets, it has been very helpful to bring other governments and parliaments into more of a unity on these issues. I speak particularly to the question of Jewish emigration in which there is a very well coordinated network of nations, Members of Congress and parliament, and other legislators throughout the world. It has kept steady pressure on the Soviets to at least try to respond to the great demand for Soviet Jewish emigration.

Mr. Davydov, I do have one question for you. Could you discuss Soviet public attitude towards forced labor, and maybe more to the point, are the Soviet citizens, the average Soviet citizens aware of what is going on in their country?

Mr. DAVYDOV [through interpreter]. It is without doubt all Soviet citizens know that these camps and prisons exist, but the fact of

<sup>1</sup> The subsequently submitted list of some organizations involved in the issue of forced labor in the Soviet Union follows: The International Human Rights Law Group, Helsinki Watch, AFL-CIO, and the Anti-Slavery Society (London)..

the matter is that in the Soviet Union there is no such thing as public opinion as we understand it.

Mr. FASCELL. Could we make it possible to hear Mr. Davydov's voice, because there are people who are taping this and others who understand Russian who might be interested. I know that your translation is impeccable, but just for the sake of others. My Russian is extremely limited, but I still like to hear Mr. Davydov's voice.

Mr. DAVYDOV [through interpreter]. Many Soviet citizens have gone through the system of camps and prisons, but when they get out, they have to reestablish themselves and get their life together again, and try to forget about what happened, and not talk about their camp experiences.

Also when a person gets out of a camp, he is an outcast. He has difficulty getting a place to live. He has difficulty finding a job.

Mr. SMITH. If I could follow up on that. Do you recall ever hearing about convict labor from the Soviet press?

Mr. DAVYDOV [through interpreter]. Any information about camps and prisons is forbidden to be discussed in Soviet print or electronic media. There is a special list of subjects that are not allowed to be discussed in print and electronic media. This list is made up by the commission for the preservation of state secrets, in the press and it is approved by the KGB.

In addition to such things as natural disasters and catastrophies, it is forbidden to discuss camps, the work that the prisoners do, where the camps are located, and the living conditions of the prisoners.

Thus, if there does happen to appear anything in Soviet print on this subject, it is in the most general terms and also as a rule in answer to criticism, in other words, a positive answer to criticism that might arise from abroad.

Mr. SMITH. Mr. Davydov, you have spoken in your testimony about savage reprisals for those who protest. Perhaps you could tell the committee what kind of solidarity exists among the various convicts. Obviously, there is a will to survive, but how strong is the will to protest?

Mr. DAVYDOV [through interpreter]. The camps are set up in the first place to use every possible means to divide the prisoners. It is only in the most extreme conditions that the prisoners manage to merge and to protest against some arbitrary decision of the camp administration. Such protest would only arise when the conditions reach the point that the prisoners simply can no longer tolerate them, and usually such a protest takes the form of a prison riot or revolt.

In this case, I am not necessarily talking about political prisoners, I am talking about the general mass of prisoners as a whole.

To the best of my knowledge, there are two cases that bring about these revolts. One is when the prisoners are brought to an extreme state of hunger, and the other is to protest against the arbitrary acts or decisions of the administration.

These protests are usually manifested by such acts as burning down the barracks, destroying equipment, or beating up prisoners who cooperate with the camp administration. This form of protest is really because they have no other form of protest.

Mass strikes in these camps virtually are nonexistent, because those who do undertake such strikes know that they will have savage reprisals waiting for them including resentencing in addition to their original sentence.

Individual strikes, which are not called strikes per se, but simply refusal to work, are very widespread throughout the camp system, although these individuals who do refuse to work know that they will be mistreated or dealt with later on. Moreover, there is another form of fairly widespread protest by the individual. This is self-mutilation where people avoid having to work.

Mr. FASCELL. Mr. Lantos.

Mr. LANTOS. Thank you very much, Mr. Chairman.

Mr. Chairman, first I would like to pay tribute to you for your continuing courageous leadership on this whole issue, as well as to Chairman Yatron of the Subcommittee on Human Rights and International Organizations who is unavoidably detained because of illness in his family.

I wonder if I might introduce his statement into the record.

Mr. FASCELL. Without objection, we will include his statement in the record at this point.

[Mr. Yatron's prepared statement follows:]

PREPARED STATEMENT OF HON. GUS YATRON, CHAIRMAN, SUBCOMMITTEE ON HUMAN RIGHTS AND INTERNATIONAL ORGANIZATIONS

The United States is a country where a free and independent labor movement has thrived, and struggled vigorously to preserve the dignity of the worker. The issue to be addressed today is whether we should continue to accept products made by forced labor in the Soviet Union. In making this determination, we must consider fundamental human rights concerns as well as the legal implication of our current trade practices.

Soviet forced labor practices violate internationally recognized standards of human rights. The system not only imprisons the physical being, but also holds the mind captive by forbidding freedom of thought and expression. Compulsory labor can be used for economic purposes, or as a means of political coercion. Regardless of why the system is employed, the result is always the same—suffering and hardship for the worker. It is a method which jeopardizes the right of the individual and undermines the Charter of the United Nations and the universal declaration of human rights.

Apart from undermining human rights, forced labor is strictly prohibited by Federal law. When Congress passed the Smoot-Hawley Tariff Act of 1930, it included a provision banning importation of products "mined, produced, or manufactured wholly or in part in any foreign country by convict labor." This measure has been used to bar certain imports from Cuba, Mexico, and the Soviet Union in the past.

Currently, there is evidence that numerous items produced in the Soviet Union were made with forced labor. Reports of these labor practices grew last year when U.S. officials indicated that Soviet political prisoners, Vietnamese, and other Asians were being forced to work on the construction of the natural gas pipeline from the Soviet Union to Western Europe.

Ignoring this Soviet labor system is incongruent with this country's reputation as a protector of human rights. I expect today's hearing to provide us with more background information, ideas, and suggestions about forced labor in the Soviet Union, and the actions the United States might take to affect this situation.

Mr. LANTOS. I would also like to take this opportunity, Mr. Chairman, to pay tribute both to the staff of the Helsinki Commission and to the Human Rights Subcommittee staff, because they have brought to this Congress a degree of professionalism and commitment which is remarkable and exemplary. I want to publicly express my appreciation for their work.

Mr. FASCELL. You won't mind if I join you in that commendation.

Mr. LANTOS. I will be very happy to have you join me.

Finally, Mr. Chairman, I want to commend my friend and colleague from New Jersey who brought this important issue to our attention. I am pleased to be, of course, a cosponsor of his resolution.

There are two issues here, Mr. Chairman. One is the broader issue of forced labor in the Soviet Union on which the literature is voluminous, which is a subject that I suspect is one of the dark and ugly chapters of a very ugly century.

Particularly in this room in the person of Mr. Davydov, we see yet another manifestation of a nightmare which is unfolding and has been unfolding in the Soviet Union since 1919 during some periods involving upward of 15 million human beings. At the present time, the estimates are that we have maybe 2, 3, 4 million people engaged in forced labor. Those of us, and I suspect that that is probably everybody in this room, who have read the classics on the Gulag know full well what we are dealing with.

But there is a narrower issue that we are dealing with this morning, and that is the responsibility of the Government of the United States to enforce the law with respect to the importation of products that are produced by forced labor. I suspect when our Government panel will appear, we will be dealing with that issue.

I just have one question to put to Ms. Young and Mr. Kahn. Before doing that, let me commend both of your organizations, Ms. Young, the International Human Rights Law Group, as well as the International Society for Human Rights, and, of course, the American labor movement for being in the forefront of focusing public attention on this matter.

There are those who feel that given the basically schizophrenic approach of the administration to the Soviet Union's strong rhetoric and, in the field of economic policy, action which is very helpful to the Soviet Union, such as long-term grain contracts that provide protection for the Achille's heel of the Soviet Union—the inability of Soviet agriculture to feed the people of the Soviet Union.

There are those who feel that we are really reduced to just symbolic actions, and clearly when we deal with Soviet exports to the United States produced by slave labor, we are dealing with a symbolic item. Of the 4 million Soviet slave laborers, perhaps no more than 10,000 to 15,000 are political prisoners. Only a very small fraction of slave labor output enters the export field, and only a very small portion of that is imported into the United States.

As a professional economist, I clearly understand that were we to place an effective ban on the importation of slave-labor-produced Soviet products to the United States, this would not be a very serious economic blow to the Soviet Union, given the magnitudes involved.

Nevertheless, I would like to get both of your views as to what the psychological impact would be if the U.S. Government would rigorously enforce the laws now on the books with respect to the importation of products which are the result of slave labor output?

Ms. Young.

Ms. YOUNG. Thank you.

I think that one can safely say that the psychological impact on the Soviet Union would be rather significant. I think rather more

importantly, if this action were taken by the United States, it would be a tool that governmental and nongovernmental organizations could use to further condemn that practice in the Soviet Union. I think the United States, after having delivered such a wonderful report by the Department of State, which clearly shows that the Soviet Union is engaged in the illegal practice of forced labor, that the next step should be to apply the sanctions that are mandated by our laws. I think that this would be a tremendous psychological blow to the Soviet Union.

Mr. LANTOS. Since you are a lawyer, I wonder if I might pursue a legal question with you.

Under the Smoot-Hawley Tariff Act of 1930, which is one of the most abominable pieces of legislation but which has perhaps one redeeming feature that deals with the issue of slave labor, the Government really doesn't have to produce uncontrovertible evidence that slave labor was involved in the production of exports to the United States. The Government merely needs to demonstrate that there are good and sufficient reasons to believe that slave labor was used in the production of products.

Would it be your view, as an attorney, that a generous interpretation of this provision would be appropriate under present circumstances, rather than an insistence that watertight proof be provided that a particular product was in fact produced by slave labor?

Ms. YOUNG. It is my reading of the statute, Congressman, that there does have to be a close connection, or a showing that the exact article that is being imported into the United States was indeed made under slave conditions or forced labor conditions.

Mr. LANTOS. Would circumstantial evidence be sufficient?

Ms. YOUNG. I believe it would, but I don't even think that that point need be raised in view of the report of the State Department from February 1983, and the uncontrovertible evidence produced by witnesses such as Mr. Davydov and other international organizations. I believe all the evidence is in place.

Mr. LANTOS. Thank you very much.

Mr. Kahn.

Mr. KAHN. I think we need to ask what the psychological effect is of not enforcing the law. Granted, the symbolic effect of enforcing it may be limited, but the symbolic and psychological effect of not enforcing it substantial. It says, in effect, that we don't take seriously, first of all, our own laws and, second, our concern with the issue of forced labor.

I don't know how much evidence has to be put together under the terms of the law before a decision can be made, but I would like to see more evidence compiled and more investigation. Perhaps a rigorous enforcement of the law would encourage those responsible for the law to investigate a little more closely what is being produced in what camps by what people under what circumstances.

So there may be a beneficial fallout in terms of focusing international attention on the existence and the character of slave labor camps in the Soviet Union if we were to enforce the law.

As I tried to indicate in my testimony, we are concerned that the problem will grow, because there are economic interests in the West generally and in the United States that are tied to the idea

that we ought to be importing more goods from the Soviet Union in order to enable them to earn the hard currency to pay off their debts.

Given the character of the forced labor system, its pervasiveness in the Soviet economy, I would imagine that larger and larger quantities of goods produced by forced labor would enter the United States under those circumstances. We would favor turning off that faucet now when the flow is smaller rather than waiting until later.

I would add, however, one further observation. I am not sure that we have no means to affect Soviet behavior beyond symbolic acts. The AFL-CIO has repeatedly called for limiting trade with the Soviet Union to cash-on-the-barrel transactions—and the termination of all credits to the Soviet bloc. We reiterated this position very strongly after the imposition of martial law in Poland—that would have a substantial effect.

We also had favored the grain embargo when it was imposed, and we opposed the lifting of that embargo. We don't dismiss the argument that the embargo might have been harmful to American agricultural interests, but the larger question here is whether there is any way we can influence Soviet behavior, or inflict damage on the Soviet system, unless we are also willing to absorb some damage ourselves. We are a richer society by far. We can afford to absorb more damage.

So long as we take the view that we are not willing to take any steps which might be considered financially harmful to any sector of our society or economy, we will be paralyzed, and we will be limited to purely symbolic acts. But that will be a self-inflicted limitation.

Mr. FASCELL. You saw how long the grain embargo lasted, my friend.

Mr. KAHN. Yes.

Mr. LANTOS. Thank you, Mr. Chairman.

Mr. FASCELL. We find getting specific information very useful. It is always good to talk as specifically as you can, rather than in the abstract.

The next question is, I gather, that both of your organizations are advocating not only ratification of the conventions, but also the strict enforcement of the prohibition that exists in the law now, regardless of the difficulty that may arise. Am I correct on that?

Ms. YOUNG. Yes.

Mr. KAHN. You are, sir.

Mr. FASCELL. In one case it is from a pure human rights standpoint, and in the other case, both from a human rights and an economic standpoint, affecting the workers in this country.

What is your reaction to the issue raised by Congressman Lantos in the first instance, which is that we seem to have a two-pronged policy in dealing with the Soviet problem, and that it might make it very difficult, for example, to enforce the Smoot-Hawley prohibition. You gave one answer which is that it is better to cut it off now when it is small for the psychological and humane impact, rather than to wait until it gets bigger, and then it is a real problem.



One of the things you advocated, for example, was "let's do business cash on the barrelhead." So I am constrained to ask, who in the world gives the Soviet Union credit? The ruble is not a convertible currency.

Mr. KAHN. Were you talking to me?

Mr. FASCELL. Yes, that is not only a rhetorical question, but a dramatic pause for effect.

Mr. KAHN. I don't care if nobody gives the Soviet Union credit.

Mr. FASCELL. I understand that, but cash on the barrelhead presumes that someone is giving them credit.

Mr. KAHN. Then they can't trade.

Mr. FASCELL. I am sorry.

Mr. KAHN. Then they can't trade. If they are purchasing goods from the United States or from the West, they should pay cash for them.

Mr. FASCELL. I understand that, but the statement presumes that they are now getting sufficient credit where they don't have to pay cash, that is the point.

Mr. KAHN. Are you suggesting that we have cut off the flow of credit to the Soviet Union?

Mr. FASCELL. No, I am saying, Tom, if they are not paying cash, they are getting credit, aren't they?

Mr. KAHN. Yes.

Mr. FASCELL. The question is, who are they getting credit from, Mr. Kahn?

Mr. KAHN. They get credit from the Western banks.

Mr. FASCELL. Do you want to speak into the mike a little louder, please, because this affects U.S. Government policy.

Mr. KAHN. They get credit from Western banks.

Mr. FASCELL. Does that include U.S. banks?

Mr. KAHN. I think it does include U.S. banks. I don't have the facts and figures, but it does include U.S. banks. I think that the bankers ought to be taken out of the business of foreign policy altogether. There should be no negotiations between private Western bankers and the governments abroad. Those negotiations should be on a government to government basis.

The banks have managed to get themselves deep into the hole lending money to certain countries abroad. Some of those loans I would favor, but the ones to the Soviet bloc countries I would not favor. Those loans were arranged in private negotiations.

There are now discussions about to begin on how to reschedule the Polish debt, for example, and those discussions involve private bankers. I would propose that we take them out of the business of negotiating with foreign governments and leave that job to the U.S. Government as a first step.

Mr. FASCELL. You see, all of that was by way of getting around to the point you make, which is that it is not so easy to do business, cash on the barrelhead. There are a lot of people involved here.

Mr. KAHN. Yes.

Mr. FASCELL. There are a lot of industries involved here, and a lot of commercial institutions.

Mr. KAHN. We ought to reduce the number involved.

Mr. FASCELL. I understand that. Now you are talking about major changes in policy, and probably a major change in the law in

order to affect the entire relationship of the Soviet Union which now closes the circle. We are right back to where Mr. Lantos started from.

Maybe, nevertheless, the best thing that we can get out of this thing—with respect to compulsory labor and forced labor—is simply to deal with this problem while we contemplate the complexities of all the other problems that confront us with the Soviet bloc.

I have a lot of things that I am unhappy about in the way the United States and the West deals with the Soviet bloc. I know that both of my colleagues share that, and we could speak on that for hours right now, but we will have to limit ourselves to this subject.

Before I ask the next panel to come up, let me just ask—I think I know the answer to this, but I would like to ask Mr. Davydov this question. If I am correct that when the Soviets talk about it, they don't talk about compulsory labor. They don't talk about forced labor. They call it either zero unemployment, or total employment. Am I correct?

Mr. DAVYDOV [through interpreter]. In the formal sense, as a matter of fact, there is no unemployment in the Soviet Union.

Mr. FASCELL. Yes.

Mr. DAVYDOV [through interpreter]. But in the Soviet Union there is not really a serious effort to try to determine employment statistics and examine the conditions of the workers.

Mr. FASCELL. They don't need any statistics. Everybody in their eyes is employed, so what statistics do they need? It is a fiction, you know.

Mr. DAVYDOV [through interpreter]. As a matter of fact, there are some areas of the Soviet Union where there is unemployment. For instance, in one area where there is a large dress manufacturing industry, there is not enough work for men. In another area, there is not enough work for women. They would like to work, but they don't have the opportunity.

There are instances also, where a working person will quit one job, and try to find another one, and is temporarily unemployed. This is not really considered unemployment and the person does not receive any sort of unemployment compensation. Also, the police agents keep track of people like this, who are unemployed, and force them to find work in a very short period of time.

If a person is not able to find a job quickly, then the administrative organs send him to a job of their choosing. If for one reason or another, he refuses to take a job suggested to him by the administrative organs, then he can be defined as a parasite.

As a matter of fact, there is unemployment in the Soviet Union, but it is never called by its name. Although people are unemployed, manpower is short in the Soviet Union. These situations are all indicators of the ineffectiveness of the Soviet economic system.

Mr. FASCELL. Thank you very much.

I want to thank our panelists, this first group, for your contribution to these hearings and to the record.

Now I would like to call up the second panel. The Honorable John M. Walker, Jr., Assistant Secretary of the Treasury for Enforcement and Operations; the Honorable William von Raab, Com-

missioner, U.S. Customs Service; the Honorable Robert Searby, Deputy Under Secretary of Labor for International Labor Affairs; and the Honorable Mark Palmer, Deputy Assistant Secretary of State for European Affairs.

Gentlemen, if you would draw up a chair. If all of you have statements, let me say that we will be happy to put all of your statements in the record, and you may summarize the salient points that you wish to make, or otherwise, if you so choose.

Mr. Walker.

**STATEMENT OF HON. JOHN M. WALKER, JR., ASSISTANT SECRETARY OF THE TREASURY FOR ENFORCEMENT AND OPERATIONS**

Mr. WALKER. I would propose, Mr. Chairman, I have a very brief statement, which I would like to present to the committee. Then, I think Commissioner von Raab would like to follow with his statement. Then we could both answer any questions, if the committee wanted to proceed that way.

Mr. FASCELL. Sure, that would be fine. Just go right ahead, and lead off.

Mr. WALKER. Thank you very much, Mr. Chairman.

Mr. LANTOS. Mr. Chairman.

Mr. FASCELL. Mr. Lantos.

Mr. LANTOS. I am afraid, if we have the reading of the prepared statements, we will not have any time for questioning, as I have other commitments. I would very much prefer to follow your suggestion that the written statements be placed in the record. We have copies of those, and there is not much point in our listening to them. I would like to get to the questions.

Mr. WALKER. Very well, we can do that. I will be perfectly happy, then, to submit my statement for the record, Mr. Chairman.

Mr. FASCELL. Why don't you let him make one salient point as far as the Treasury is concerned. I mean, is you, or ain't you, that is the gut issue. [Laughter.]

We will put your statement in the record without objection, and you tell us whether you are for or against.

[The prepared statements of Messrs. Walker, von Raab, Searby, and Palmer follow:]

**PREPARED STATEMENT OF HON. JOHN M. WALKER, JR., ASSISTANT SECRETARY OF THE TREASURY FOR ENFORCEMENT AND OPERATIONS**

**ENFORCEMENT OF PROHIBITIONS AGAINST THE IMPORTATION OF GOODS PRODUCED THROUGH FORCED LABOR**

Mr. Chairman, Members of the Commission and Subcommittee, I appreciate the opportunity to appear before you today to participate in the discussion of the enforcement of the United States statute prohibiting the importation of goods produced with the use of forced labor. The issue of the importation of goods produced by Soviet forced labor first came to the Treasury Department's attention when Commissioner von Raab of the Customs Service submitted for Treasury review his preliminary finding that certain articles from the Soviet Union that are produced with the use of forced, convict or indentured labor are actually being, or are likely to be, imported into the United States.

Shortly after the Commissioner's finding was forwarded to Treasury, we began an examination of the legislative history of the statute, section 307 of the Tariff Act of 1930, and the past practice in enforcing the statute. From this review, we concluded

that past enforcement actions—and instances when enforcement was considered but not executed—have been infrequent and inconsistent.

Consequently, Treasury began a number of actions that are intended to ensure that the law is enforced from this point forward in an even-handed manner, on the basis of well-reasoned and adequate factual support. Thus, the Customs Service, in concert with Treasury's General Counsel, is currently developing a clear set of standards that Treasury can apply consistently in this case of Soviet forced-labor products and in future cases that may arise under the statute. Concurrently, with this development of standards, we requested the Central Intelligence Agency to conduct a more intensive examination of the factual basis which would support enforcement of the statute. Together, the products of these two endeavors will serve as the basis for a decision by the Treasury Department on the review of the Commissioner's preliminary finding and in any final determination on the issue of Soviet forced-labor imports.

The Treasury Department is fully aware that enforcement of section 307 may carry with it international trade and foreign policy consequences both directly with the Soviet Union and collaterally with our allies and other nations throughout the world. Furthermore, we are not turning a blind eye toward the potential economic problems that enforcement could produce for United States businesses. Concerns such as these prompted Secretary Regan to inform the members of the Senior Inter-Agency Group on International Economic Policy—a Cabinet-level committee—of Customs' actions and the course Treasury intends to follow. Through that mechanism, Treasury will continue to consult the other interested elements of the Executive Branch and to advise them of its decisions in this matter.

Let me emphasize that Treasury is committed to enforcing this law where facts and circumstances warrant, as is true for all laws under its jurisdiction.

I would now like to introduce Commissioner von Raab, who will make a brief statement, after which we would be pleased to answer any questions you may have.

PREPARED STATEMENT OF HON. WILLIAM VON RAAB, COMMISSIONER OF U.S. CUSTOMS  
SERVICE

Mr. Chairman and members of the Committee, I am pleased to be here today to discuss the responsibility of the Customs Service to prevent goods made with forced labor from entering the country, and to explain what Customs can do to meet that responsibility.

As you know, Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) prohibits entry into the United States of any articles which are mined, produced, or manufactured wholly or in part in any foreign country by convict, forced, or indentured labor. This prohibition first appeared in the Tariff Act of 1890 and the current statutory language dates back to the Tariff Act of 1930.

As required by Section 307, the Secretary of the Treasury has prescribed regulations necessary for the enforcement of this law. Those regulations can be found in sections 12.42 through 12.45 of Title 19 of the Code of Federal Regulations. Authority has been delegated from the Secretary of the Treasury to the Commissioner of Customs to make the determinations and carry out the actions required by the law and the implementing regulations.

I would like to take a moment to describe the most important features of the regulations.

First, the regulations describe the kinds of information Customs needs and the procedure for getting that information to us. The regulations recognize that Customs cannot constantly monitor the activities of foreign countries, and that we are, to a great extent, dependent on the public to provide us with information on violations of customs law.

Second, upon receipt of the information required by the regulations, as Commissioner I must conduct whatever sort of investigation appears to be warranted by the circumstances of the case.

Third, if I find that information available reasonably, but not conclusively, indicates that merchandise subject to Section 307 is being, or is likely to be, imported, Customs' district directors must withhold release of such merchandise except for exportation.

Finally, when I am in a position to make a conclusive determination, I must obtain the approval of the Secretary of the Treasury. When that is done, the determination is published in the Customs Bulletin and in the Federal Register. The result is that articles subject to the determination are denied entry into the United States and must either be exported or destroyed.

Although the sanctions prescribed by section 307 are seldom invoked, nonetheless, they have been used on occasion to deny entry to certain products. Most notably, they were used to deny entry to a product from the Soviet Union during the period 1951-1960. Currently, the only restriction in force applies to certain merchandise being produced in another country.

As you may know, I recently forwarded a document to the Treasury Department that contained my determination that information available to me reasonably, but not conclusively, indicates that certain merchandise being imported, or likely to be imported, from the Soviet Union, falls within the purview of Section 307. My information is based in large part on unclassified reports and letters provided by the Central Intelligence Agency and the State Department to Senator Armstrong. These documents contained descriptions of merchandise being produced in the Soviet Union with extensive use of forced labor. On September 15, Senator Armstrong published this information in the Congressional Record. In view of the credibility and the specificity of the CIA information, I concluded that there was a reasonable indication that merchandise which is actually or likely to be imported from the Soviet Union is being produced with proscribed forms of labor.

Although I could have directed the immediate detention of this merchandise, under the regulations, I chose to publish a notice of this preliminary action, with a five day delayed effective date, in the Federal Register. Since all proposed Federal Register notices are routinely reviewed and must be approved at Treasury, this course of action insured Departmental review.

In response to my proposed action, the Department requested that Customs prepare a proposed set of standards for the exercise of section 307 authority at both the preliminary and final stages in all cases which might arise under the statute. That effort is currently nearing completion. In addition, a further examination of the evidence supporting enforcement of the statute is underway.

In view of the fact that Section 307 has been seldom invoked, and a review of past actions under this statute provides little guidance to its proper application, I believe Departmental review is especially appropriate.

Again, I am pleased to have this opportunity to discuss Customs' role in enforcing this very important law, and I shall be happy to answer any questions.



PREPARED STATEMENT OF HON. ROBERT W. SEARBY, DEPUTY  
UNDER SECRETARY OF LABOR FOR INTERNATIONAL AFFAIRS AND  
PERMANENT REPRESENTATIVE TO THE GOVERNING BODY OF THE IN-  
TERNATIONAL LABOR ORGANIZATION

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE AND COMMISSION, I  
APPRECIATE YOUR INVITATION TO SPEAK ABOUT FORCED LABOR IN THE  
SOVIET UNION AND THE INTERNATIONAL LABOR ORGANIZATION'S  
TREATMENT OF THIS ISSUE. MY MESSAGE IS VERY SIMPLE. THE ILO,  
THROUGH ITS VARIOUS MONITORING PROCEDURES, HAS TRACKED THE  
SOVIET UNION'S IMPLEMENTATION OF CONVENTION NO. 29 CONCERNING  
FORCED LABOR SINCE THE 1950'S AND HAS, WITH GROWING INSISTENCE,  
FOUND THE SOVIET UNION TO BE IN VIOLATION OF VARIOUS PROVISIONS  
OF THE CONVENTION.

THE SOVIET UNION IS BY NO MEANS THE ONLY NATION IN THE WORLD  
THAT EMPLOYS FORCED LABOR OR WHICH SANCTIONS ITS USE THROUGH  
NATIONAL LEGISLATION. A MAJOR DIFFERENCE, HOWEVER, BETWEEN THE  
SOVIET UNION AND OTHER NATIONS -- A DIFFERENCE WHICH IS CAUSE  
FOR OUR CONCERN -- IS THAT THE SOVIET UNION SYSTEMATICALLY  
EMPLOYS FORCED LABOR ON A SCALE LARGER THAN ANY OTHER NATION IN  
THE WORLD TO A POINT WHERE IT IS ENDEMIC TO SOVIET SOCIETY.  
THIS WAS AMPLY DOCUMENTED IN THE REPORT SUBMITTED TO CONGRESS  
LAST FEBRUARY 9 BY THE STATE DEPARTMENT, WHICH ESTIMATED THE  
TOTAL PENAL POPULATION TO BE AROUND 4 MILLION.

IN RESPONSE TO YOUR REQUEST, I WILL DISCUSS THE ISSUE OF WHAT THE ILO HAS FOUND WITH REGARD TO SOVIET FORCED LABOR, ACTION THE ILO HAS TAKEN, U.S. POLICY IN THE ILO ON SOVIET FORCED LABOR, AND ANY FURTHER ACTION THAT MIGHT BE TAKEN IN THE ILO.

BRIEF DEFINITION OF FORCED LABOR ACCORDING TO THE ILO

ILO CONVENTION NUMBER 29 WAS ADOPTED IN 1930 -- THE SAME YEAR AS THE TARIFF ACT UNDER DISCUSSION HERE -- AND WAS RATIFIED BY THE USSR IN 1956. BRIEFLY, THE CONVENTION DEFINES FORCED LABOR AS "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." THIS DEFINITION COINCIDES VIRTUALLY EXACTLY WITH THE DEFINITION OF FORCED LABOR PROVIDED IN THE 1930 TARIFF ACT.

I WOULD LIKE TO TOUCH ON JUST SOME OF THE MAJOR INTERPRETATIONS GIVEN TO THIS DEFINITION BY THE ILO. FIRST, FORCED LABOR DOES NOT INCLUDE COMPULSORY TRAINING OR EDUCATION. SECOND, THE TERM FORCED LABOR DOES NOT APPLY TO PERSONS WHO HAVE BEEN CONVICTED BY A COURT OF LAW FOR REGULAR CRIMES. THIRD, THE PENALTIES THAT MAY NOT BE USED TO FORCE PEOPLE TO WORK WOULD INCLUDE THE THREAT OF PENAL SANCTIONS OR THE LOSS OF RIGHTS OR PRIVILEGES.

PERSONS SENTENCED TO FORCED LABOR IN THE SOVIET UNION ARE NOW CONVICTED BY A COURT OF LAW, OSTENSIBLY IN ACCORDANCE WITH ILO STANDARDS; THE ILO IS NEVERTHELESS VERY CLEAR THAT CONVICTIONS BY A COURT OF LAW BASED ON VAGUELY DEFINED AND BROADLY TERMED LEGISLATION ARE NOT JUSTIFIED, SINCE SUCH LEGISLATION CAN BE SUBJECT TO ABUSE. IN FACT THE ILO HAS SPECIFICALLY POINTED TO SOVIET ANTI-PARASITE LEGISLATION AS A VIOLATION OF THE CONVENTION DESPITE THE FACT THAT THE LEGISLATION PROVIDES FOR CONVICTION BY A COURT OF LAW.

#### ILO ACTION ON SOVIET FORCED LABOR

THE ILO FIRST STARTED TRACKING THE ISSUE OF SOVIET FORCED LABOR IN 1952 WHEN IT APPOINTED JOINTLY, WITH ECOSOC, A COMMISSION OF INQUIRY TO SURVEY FORCED LABOR IN ALL MEMBER NATIONS. THE CONCLUSIONS OF THIS COMMISSION WERE FORTHRIGHT AND CLEAR, AND HAVE BEEN DISCUSSED AT LENGTH IN THE PRELIMINARY REPORT ON SOVIET FORCED LABOR SUBMITTED BY THE STATE DEPARTMENT TO CONGRESS IN NOVEMBER 1982.

WITH REGARD TO THE SOVIET UNION'S IMPLEMENTATION OF CONVENTION 29, IN PARTICULAR, THE ILO HAS IDENTIFIED SEVERAL AREAS OF CONTENTION. THE TWO MOST CURRENT AND PROMINENT ISSUES OF CONCERN ARE THE PARASITISM LEGISLATION (SECTION 209 OF THE PENAL CODE) AND TERMINATION OF MEMBERSHIP ON COLLECTIVE FARMS (MODEL COLLECTIVE FARM RULES OF 1969 AND AN ORDER OF 1975).

BRIEFLY. THE ILO HAS CRITICIZED THE ANTI-PARASITE LEGISLATION AS A MEANS OF DIRECTLY OR INDIRECTLY COMPELLING ALL CITIZENS TO WORK UNDER THE MENACE OF A PENALTY. THE PENALTY IN THIS CASE FOR NON-COMPLIANCE WITH THE OBLIGATION TO WORK CAN INVOLVE SUCH THINGS AS IMPRISONMENT, EXILE OR DETAINMENT IN A CORRECTIVE LABOR CAMP.

ON THE SECOND ISSUE, THE ILO HAS CRITICIZED THE FACT THAT MEMBERS OF A COLLECTIVE FARM CANNOT LEAVE UNLESS GIVEN CONSENT BY THE MANAGEMENT COMMITTEE AND GENERAL MEETING. THIS IS SEEN AS TANTAMOUNT TO FORCED LABOR, PARTICULARLY WHEN MEMBERS WHO LEAVE WITHOUT CONSENT OF THE MANAGEMENT ARE NOT PROVIDED WITH THEIR WORKBOOKS, AND THEREFORE ARE NOT ABLE TO FIND WORK AND MAY BE EVENTUALLY ARRESTED UNDER THE PARASITE LEGISLATION.

ALL OF THIS MAY SEEM RATHER LEGALISTIC, AND NOT VERY CONCRETE. THE ILO IS INDEED A LEGALISTIC ORGANIZATION. NEVERTHELESS, IT HAS TAKEN CONCRETE ACTION ON SOVIET FORCED LABOR. WITHIN THE PAST DECADE ILO BODIES HAVE CENSURED THE SOVIET UNION THREE TIMES (1974, 1976, 1977) FOR FAILING TO FULLY IMPLEMENT CONVENTION 29. MOREOVER, DUE TO THE ILO'S UNIQUE SUPERVISORY SYSTEM, THE ISSUE WILL NOT GO AWAY. UNDER CURRENT ILO REPORTING PROCEDURES, AT LEAST EVERY OTHER YEAR THE SOVIET GOVERNMENT IS OBLIGATED TO REPORT ON ITS APPLICATION OF THE CONVENTION. AN INDEPENDENT COMMITTEE OF LEGAL EXPERTS THEN

EXAMINES THE GOVERNMENT'S REPORT, AND ISSUES TO THE ANNUAL ILO CONFERENCE A DOCUMENT SUMMARIZING THE LEGAL SITUATION AND ANY DIVERGENCIES BETWEEN NATIONAL LAW AND THE ILO CONVENTION. AT THAT POINT THE ANNUAL CONFERENCE DECIDES WHETHER TO DISCUSS THE CASE, WHICH IS A DECISION LED BY THE WORKERS AND EMPLOYERS GROUPS. IN MOST INSTANCES THE SOVIET FORCED LABOR CASE HAS IN FACT BEEN DISCUSSED.

IN THE PAST YEAR A NEW ELEMENT HAS BEEN ADDED TO THE SOVIET FORCED LABOR CASE IN THE ILO. IN OCTOBER 1982 THE ICFTU REQUESTED THE ILO TO INVESTIGATE THE POSSIBILITY THAT FORCED LABOR WAS BEING USED TO CONSTRUCT THE SIBERIAN EXPORT PIPELINE. DURING A VISIT BY AN ILO OFFICIAL TO THE SOVIET UNION ON ANOTHER MATTER, A HIGH-LEVEL SOVIET TRADE UNION OFFICIAL INVITED THE ILO TO CONDUCT AN ON-SITE VISIT. THE ILO THEN WROTE TO THE SOVIET GOVERNMENT ABOUT THE TERMS OF REFERENCE OF A POSSIBLE VISIT, WHICH THE ILO INSISTED SHOULD INCLUDE GUARANTEES OF PRIVATE DISCUSSIONS AND FREEDOM OF MOVEMENT. THE SOVIET GOVERNMENT, HOWEVER, APPARENTLY COULD NOT OFFER SUCH GUARANTEES AND NO VISIT HAS TAKEN PLACE.

IN ANY EVENT, THE SOVIET GOVERNMENT HAS BEEN ASKED TO SUPPLY A WRITTEN REPLY TO THE ILO REGARDING THE ICFTU ALLEGATIONS OF FORCED LABOR. ITS RESPONSE IS DUE TO BE CONSIDERED BY THE ILO COMMITTEE OF EXPERTS IN MARCH 1984, AND THE CASE MAY THEN BE DISCUSSED AT THE 1984 ILO CONFERENCE IF THE WORKERS AND EMPLOYERS MEMBERS AGREE TO PLACE IT ON THE AGENDA. THE ICFTU ALLEGATIONS HAVE BROADENED THE SOVIET FORCED LABOR CASE IN THE ILO: THEY GO BEYOND STRICTLY LEGAL ANALYSIS AND BRING THE CASE INTO THE REALM OF ACTUAL PRACTICE.

#### U.S. POLICY IN THE ILO ON SOVIET FORCED LABOR

THE UNITED STATES GOVERNMENT STRONGLY AND ACTIVELY SUPPORTS THE ILO SUPERVISORY MACHINERY. AS THE ONLY INTERNATIONAL ORGANIZATION WITH REPRESENTATION OF EMPLOYERS AND WORKERS, THE ILO HAS A DYNAMIC QUALITY WHICH IS REFLECTED IN ITS SUPERVISION OF HUMAN RIGHTS AROUND THE WORLD. THE ILO HAS A WIDE VARIETY OF MECHANISMS AND PROCEDURES WHEREBY WORKERS, EMPLOYERS AND GOVERNMENTS MAY INSTITUTE A COMPLAINT AGAINST ANOTHER GOVERNMENT FOR FAILURE TO RESPECT SUCH BASIC RIGHTS AS FREEDOM OF ASSOCIATION AND FREEDOM FROM FORCED LABOR. IN ADDITION, WORKERS, EMPLOYERS AND GOVERNMENTS HAVE AN OPPORTUNITY AT THE ANNUAL CONFERENCE TO QUESTION MEMBER STATES PUBLICLY ON THEIR LABOR RIGHTS PRACTICES.

UNDER THE ILO CONSTITUTION A GOVERNMENT MAY NOT FILE A COMPLAINT AGAINST ANOTHER GOVERNMENT'S IMPLEMENTATION OF A PARTICULAR CONVENTION UNLESS THE COMPLAINANT GOVERNMENT HAS RATIFIED THAT SAME CONVENTION. BECAUSE THE UNITED STATES HAS NOT RATIFIED ANY OF THE MAJOR HUMAN RIGHTS CONVENTIONS OF THE ILO, OUR PARTICIPATION IN ILO SUPERVISORY PROCEDURES IS LIMITED TO THE SUPPORT OF INITIATIVES TAKEN BY OTHERS.

DESPITE THIS, THE UNITED STATES HAS THE RIGHT TO TAKE PART IN ALL DISCUSSIONS CONCERNING ALLEGED VIOLATION OF CONVENTIONS, AND HAS DONE SO ACTIVELY. SPECIFICALLY WITH REGARD TO THE SOVIET CASE OF FORCED LABOR, THE UNITED STATES DELEGATION, INCLUDING INDEPENDENT WORKER AND EMPLOYER REPRESENTATIVES, HAS PERSISTENTLY QUESTIONED THE SOVIET GOVERNMENT ON ITS PRACTICE OF FORCED LABOR. OVER THE PAST TWO DECADES THE UNITED STATES GOVERNMENT HAS FOUND THAT THERE HAS BEEN LITTLE PROGRESS IN THE USSR'S APPLICATION OF CONVENTION 29 IN LAW AND PRACTICE. AS A CONSEQUENCE, THE UNITED STATES HAS CONSISTENTLY SUPPORTED RECOMMENDATIONS THAT THE USSR BE CITED FOR NON-COMPLIANCE WITH THE CONVENTION. WHENEVER POSSIBLE, IT HAS ALSO ENCOURAGED THE SOVIET GOVERNMENT TO RE-EXAMINE ITS POSITION WITH A VIEW TO BRINGING ITS LAW AND PRACTICE INTO COMPLIANCE WITH CONVENTION 29.

POSSIBILITIES FOR ILO ACTION

IN TERMS OF ENFORCEMENT OF ILO CONVENTIONS, THE ILO HAS FEW TOOLS AT ITS DISPOSITION. ITS POWER TO BRING ABOUT MODIFICATION OF NATIONAL LAWS AND PRACTICE IN MEMBER NATIONS RESTS WITH WHAT HAS BEEN APTLY TERMED "THE MOBILIZATION OF SHAME". THIS POWER, HOWEVER, IS NOT INEFFECTIVE, PARTICULARLY AS IT HAS THE SUPPORT OF EMPLOYERS AND WORKERS IN ADDITION TO GOVERNMENTS. ONE MEASURE OF THE SUCCESS OF THE ILO'S SUPERVISORY MACHINERY IS THE FACT THAT THE CASES OF PROGRESS IN THE APPLICATION OF ILO STANDARDS RECORDED WORLD-WIDE OVER THE PAST TWENTY YEARS EXCEED 1,500.

IN ADDITION, ANOTHER INDICATOR THAT THE ILO'S "MOBILIZATION OF SHAME" DOES HAVE AN EFFECT IS THE GREAT EXTENT TO WHICH THE SOVIET UNION HAS GONE TO UNDERMINE AND EVEN SCUTTLE THE ILO SUPERVISORY MACHINERY. IN RECENT YEARS, THE SOVIET BLOC HAS REPEATEDLY CHALLENGED THE VALIDITY OF THE ILO'S HUMAN RIGHTS WORK AND HAS NOW SUBMITTED PROPOSALS THAT WOULD VIRTUALLY EMASCULATE THE ILO'S ABILITY TO QUESTION AND CRITICIZE MEMBER NATIONS' ADHERENCE TO INTERNATIONAL STANDARDS AS WELL AS THE ILO'S ABILITY TO CALL FOR SPECIFIC REFORM OF NATIONAL LAW AND PRACTICE.



WITHIN THE FRAMEWORK OF ESTABLISHED ILO PROCEDURES, THE FOLLOWING OPTIONS ARE AVAILABLE TO INITIATE THE PROCESS OF MORAL AND LEGAL SUASION::

(1) A WORKER OR EMPLOYER ORGANIZATION, OR A GOVERNMENT THAT HAS RATIFIED THE CONVENTION, CAN FILE A COMPLAINT AGAINST A MEMBER GOVERNMENT UNDER ARTICLE 24 or 26 OF THE ILO CONSTITUTION. THIS NORMALLY WOULD RESULT IN THE ESTABLISHMENT OF A COMMISSION OF INQUIRY.

A COMMISSION OF INQUIRY THOROUGHLY INVESTIGATES THE COMPLAINT BY REQUESTING MEMBER NATIONS TO SUBMIT ALL INFORMATION AT THEIR DISPOSAL, BY HOLDING HEARINGS AT WHICH CONCERNED PARTIES ARE ASKED TO TESTIFY, AND -- WHERE POSSIBLE -- CONDUCTING AN ON-SITE VISIT TO COLLECT FIRST HAND EVIDENCE AND DATA. A COMMISSION OF INQUIRY USUALLY ISSUES ITS REPORT WITHIN ONE YEAR AND, IF THE COMPLAINANT'S ALLEGATIONS ARE CONFIRMED, THE COMMISSION WILL USUALLY RECOMMEND VERY SPECIFIC ACTIONS TO THE GOVERNMENT CONCERNED, IN TERMS OF BOTH LEGISLATIVE AND PRACTICAL ACTION. SHOULD THE GOVERNMENT REFUSE TO ACCEPT THE COMMISSION'S RECOMMENDATIONS, THE CASE MAY BE REFERRED TO THE INTERNATIONAL COURT OF JUSTICE.

THERE HAVE BEEN ONLY 7 COMMISSIONS ESTABLISHED IN ILO HISTORY. ONE OF THE MOST RECENT COMMISSIONS WAS ESTABLISHED TO INVESTIGATE VIOLATION OF FREEDOM OF ASSOCIATION IN POLAND.

(2) SECONDLY, THE ILO CAN -- AND WILL -- IN ITS ANNUAL REVIEW OF IMPLEMENTATION OF CONVENTIONS CONTINUE TO QUESTION THE SOVIET UNION ON ITS FORCED LABOR PRACTICES. WITHIN THIS FRAMEWORK, IT IS POSSIBLE THAT THE ILO COULD CONDUCT AN ON-SITE VISIT OR A DIRECT CONTACTS MISSION, BUT ONLY WITH THE AGREEMENT AND COOPERATION OF THE GOVERNMENT. GIVEN THE TRACK RECORD OF THE SOVIET GOVERNMENT ON THIS ISSUE, IT IS UNLIKELY THAT THE ILO WOULD BE ABLE TO CONDUCT SUCH A VISIT.

#### CONCLUSION

WITH REGARD TO THE SPECIFIC OBJECT OF THESE HEARINGS, THE ILO HAS PROVIDED CLEAR EVIDENCE THAT THE SOVIET UNION CONTRAVENES THE PROVISIONS OF ILO CONVENTION 29 CONCERNING FORCED LABOR, IN BOTH LAW AND PRACTICE. WHILE THE ILO HAS NOT ADDRESSED THE SPECIFIC ISSUE OF FORCED LABOR PRODUCTS MADE FOR EXPORT, IT WOULD SEEM REASONABLE TO ASSUME THAT A FORCED LABOR SYSTEM COMPRISING APPROXIMATELY 4 MILLION PERSONS COULD BE USED TO PRODUCE PRODUCTS THAT COULD BE ADAPTED TO AN ASSEMBLY-STYLE OF MANUFACTURE AND WOULD REQUIRE RELATIVELY LITTLE SKILL.

IN SUMMARY, AN INTERNATIONAL ORGANIZATION HAS INDEED CONFIRMED, AT LEAST FROM A LEGAL STANDPOINT, MUCH OF THE INFORMATION PROVIDED IN THE STATE DEPARTMENT REPORT ON THE SOVIET USE OF FORCED LABOR. THE ILO CONFERENCE DID ADOPT IN 1977 A RESOLUTION ENCOURAGING MEMBER STATES TO CUT OFF AID TO NATIONS VIOLATING BASIC LABOR RIGHTS, BUT IT HAS NEVER TO MY KNOWLEDGE SPECIFICALLY ADDRESSED THE POSSIBILITY OF MEMBER NATIONS IMPOSING IMPORT BANS ON PRODUCTS MADE BY FORCED LABOR. WHILE THE ILO DOES NOT PROVIDE FOR ENFORCEMENT OF ITS CONCLUSIONS, THE ORGANIZATION DOES INFLUENCE WORLD OPINION CONSIDERABLY. THE UNITED STATES WILL CONTINUE TO KEEP THE PRESSURE ON THE SOVIET UNION BY SUPPORTING INITIATIVES TAKEN BY OTHERS IN THE ILO AND PARTICIPATING ACTIVELY IN DEBATES CONCERNING SOVIET FORCED LABOR.

PREPARED STATEMENT OF MARK PALMER, DEPUTY ASSISTANT SECRETARY OF STATE,  
BUREAU OF EUROPEAN AFFAIRS, DEPARTMENT OF STATE

Thank you for the opportunity to appear before this Committee today to address Soviet forced labor practices. The use of forced labor in the USSR is a human rights issue of great concern to this Administration, as we have made clear repeatedly in our public statements.

While Soviet forced labor practices have changed significantly since Stalin's day, Soviet authorities still exploit such labor on a large scale. The Soviet forced labor system gravely infringes internationally recognized fundamental human rights. Forced labor is one of the key instruments with which Soviet authorities repress dissent and maintain their status quo. We must bear in mind this larger human rights issue posed by the existence of the Soviet forced labor system as I focus my discussion today upon the problem of Soviet economic exploitation of their forced labor system.

As mandated by the Congress last year, the Department of State and other interested Executive Branch agencies carefully examined the information on Soviet forced labor practices available to us. As a result of that examination, we made two reports to the Congress, an interim document in November, 1982, and a final report in February of this year.

While correctional labor colonies were first established by the Soviet regime in 1919, the system grew slowly until Stalin assumed power. Under Stalin, the forced labor system reached its peak population of some 15 million persons in 1947. After Stalin's death the camp population was reduced. Toward the end of the Krushchev era, criminal penalties, particularly for so-called "economic crimes", were toughened, and the camp system began to expand again. Criminal charges were used increasingly to control political dissidents. We estimate that some four million Soviet citizens -- about 1.5 per cent of the population -- are now serving sentences of forced labor. About two million of these are confined, 85 per cent in forced labor camps and the remainder in prisons. The remaining two million forced laborers are unconfined parolees or probationers.

Among these forced laborers are dissidents (political prisoners), perhaps as many as 10,000, according to Nobel Prize laureate Andrey Sakharov and Amnesty International. A former Soviet official reports that Ministry of Internal Affairs records listed 10,358 political prisoners in early 1977. Soviet dissidents fall into several categories: refuseniks (those refused permission to leave the USSR), religious nonconformists, human and civil rights activists, Russian and other ethnic nationalists, and discontented workers.

Throughout its history, the Soviet regime has attempted to derive some economic benefit from this substantial prisoner population. Indeed, this practice was widely used by the predecessor Czarist regime as well. As Undersecretary of State Lawrence Eagleburger stated in a letter which accompanied our report to Congress last February: "Forced labor, often under harsh and degrading conditions, is used to execute various Soviet developmental projects and to produce large amounts of primary and manufactured goods for both domestic and Western export markets".

Due to the closed nature of Soviet society, our information on the operation of the Soviet forced labor system is much less complete than we would like. One area in which the gap in our knowledge is considerable concerns distribution of products of the forced labor system once they leave the camps. As Director of Central Intelligence Casey noted in a letter written earlier this year which was printed in the Congressional Record, "While we have done extensive research on this question for many years, we cannot determine the exact magnitude of the contribution forced labor makes to the total output in each industry, nor can we give you a list of brand names or products".

While it is clear that some Soviet enterprises which utilize forced labor produce goods which are ultimately exported, neither the exact magnitude of the contribution forced labor makes to the total output nor the specific items produced with such labor have been determined. Moreover, the evidence seems clear that although forced laborers produce a substantial amount, in absolute terms, of primary and manufactured products, this is only a small, if not negligible, percentage of total Soviet industrial production. An even smaller percentage is exported, and, of this, only a very small fraction reaches the US. The absence of specific evidence that a particular good or article was produced using forced labor would certainly raise questions regarding any attempt to apply Section 307 broadly in regulating US-Soviet commerce.

I think, in this connection, it is instructive to examine the one instance in which this provision was invoked against the USSR. During the 1950's, we banned importation into this country of crabmeat produced in the Soviet Union using Japanese prisoners of war. That decision was based in part on affidavits obtained from ex-prisoners which indicated that forced labor had been used to can crabmeat at particular prisons. The ban was rescinded in the following decade, on the ground that Japanese soldiers captured by the Soviets during World War II had by that time all been repatriated -- or had died in Soviet custody.

I think we can all agree that Section 307 applies where we have relatively specific information that a particular product is being made in a particular location with forced labor. . The application of Section 307 is far more difficult when we have only general information that forced labor is being employed within certain sectors of an economy. General information of this type does not permit us to identify those specific articles whose importation would violate U.S. law. An additional problem concerns the extent to which an entire category of goods should be banned when the information we have suggests that only a very small and unspecified percentage of those goods was produced with forced labor.

In deciding whether to enforce Section 307 in a particular instance, we should be guided by objective criteria uniformly applied to all countries. The existence of such a standard of proof is consistent with the well-established legal principle against selective enforcement.



The need to follow uniform, objective criteria is especially important in this context, since the application of Section 307 involves not only human rights issues, but sensitive trade and foreign policy considerations as well. The use of objective, uniform criteria will minimize the likelihood that our actions will be seen as politically motivated. Conversely, the selective enforcement of Section 307, or its enforcement in the absence of sufficiently detailed and reliable evidence could be considered by our Allies and by the Soviets as an attempt to wage economic warfare against the USSR. This perception could substantially impair our efforts to coordinate East-West trade policies with our Allies. Therefore, we need to take into account our larger interests in consolidating a unified and firm Allied position on trade towards the Soviet Union. We must also keep in mind the likely Soviet response.

Economic warfare is not the policy of this Administration.

Despite the downturn in our overall relationship in recent years and our sanctions related to events in Afghanistan and Poland, we have maintained the key elements of our structure for trade with the Soviet Union. This includes the signing last August of a new five-year long-term grain agreement calling for a fifty per cent increase in minimum Soviet purchases of US grain. Together with our Allies, we are aware that economic transactions can confer important strategic benefits and that we must be mindful of the implications for our security. At the same time, we recognize the rewards of mutually beneficial trade in non-strategic items as long as it is in harmony with our overall political and strategic objectives. It is for this reason that we have supported non-strategic trade with the Soviet Union, which provided US exporters with a \$2.4 billion trade surplus in 1982, mostly accounted for by grain sales.

As I noted at the outset, this Administration regards Soviet forced labor practices as a human rights issue of great concern. We fully intend to enforce domestic laws designed to eliminate any subsidization of forced labor -- in the Soviet Union or elsewhere. The judicious enforcement of Section 307 in accordance with objective and uniform criteria is not only consistent with the well-established principle against selective enforcement, but also advances important foreign policy and national security interests. In weighing policy options with respect to forced labor, the Administration must carefully consider the policy, legal and commercial implications.

The Department welcomes House Concurrent Resolution 100, denouncing Soviet use of forced labor. This strong Congressional condemnation sent a strong message to the Soviet Union that such human rights abuses are abhorrent to the American people. Such efforts are a useful and necessary compliment to the Administration's continuing attempt to win improvement in Soviet conduct.

Mr. WALKER. Mr. Chairman, as you know, in late September, Commissioner von Raab brought his preliminary finding to the Treasury Department.

Mr. FASCELL. Did that come to you?

Mr. WALKER. It did. It came to my office.

Mr. FASCELL. You bucked it upstairs?

Mr. WALKER. I didn't buck it upstairs. I reviewed it with the Secretary and with others at Treasury.

Mr. FASCELL. Do you comment first before you take it up for review, or do you comment after you have had a review with the Secretary?

Mr. WALKER. In this particular case, it raised, obviously, a number of issues which touched upon areas outside of Treasury's expertise, including trade, foreign policy, and human rights, and issues of that sort. So my contacts initially were with people who are experts in those areas.

Based upon that determination, I discussed the matter with the Secretary. The Secretary felt that before a decision was made that we needed to get as many facts as were presently available to see whether or not standards could be developed which would enable us to apply the statute equitably in this case and in future cases, bearing in mind that any enforcement action here would have precedential weight and could be applied in other cases at the request of other parties. We needed also to get the views of the various interested people in Government. The Secretary acted expeditiously to do that.

That review is currently underway and we are moving forward rapidly on it. Obviously, we are doing it carefully.

Mr. FASCELL. Let me see if I have the sequence of events up until now straight, because I have not had an opportunity personally to follow this on a day-to-day basis as far as internal problems are concerned.

Commissioner von Raab examines the problem for whatever reasons, and makes a recommendation, which comes to you, that the law be enforced. You take it up with the Secretary, and the determination there is made, which seems to me quite normal and natural and reasonable, to get all the facts, to determine the standards, the criteria, the problems that would be consonant with enforcement.

Then you determined also that other agencies of Government would have to be advised and included in this discussion, since it involves more than simply Treasury problems. Those other agencies are all across the board, obviously—NSC, CIA, FBI, State, Locomotive Brotherhood, and a few others.

[Laughter.]

Mr. FASCELL. Is there or was there an interagency task force on this, or an interagency committee, or an ad hoc group, or what do you call it?

Mr. WALKER. An interagency group was called, which I chaired.

Mr. FASCELL. Is it still in existence?

Mr. WALKER. Yes, but after considering it, we recommended to the Secretary that he take the matter and refer it to a senior interdepartmental group, which he did, for consultation. The decision remains with the Secretary of the Treasury. He is simply trying to

seek the advice and counsel of other wise heads in the Government at the present time.

Mr. FASCELL. The matter is just on the stove right now.

Mr. WALKER. That is correct.

Mr. FASCELL. You wouldn't say that it is on the back-burner or the front-burner, or in the oven, it is just some place on the stove.

Mr. WALKER. It is moving nearer to the front-burner than the back-burner.

Mr. FASCELL. I see. That is interesting. The power of the press is amazing. It is certainly not the power of the Congress.

Mr. WALKER. I wouldn't underestimate the power of the Congress. [Laughter.]

Mr. LANTOS. Mr. Chairman.

Mr. FASCELL. Go ahead, Mr. Lantos. I just wanted to get this thing started. I was going to ask State where their horny hand was on this. [Laughter.]

Mr. WALKER. Mr. Chairman, I would like to say something, if I could, that is not in my prepared statement.

Mr. FASCELL. I thought that all of this was outside of your prepared statement. [Laughter.]

Mr. WALKER. This is. Treasury does commend the work of this committee, and particularly your efforts, Mr. Chairman, in developing this important resolution. Treasury wholeheartedly supports the resolution that is before this committee.

Mr. FASCELL. Thank you. That is certainly an affirmative, positive, and definitive step. I am glad, and we do welcome the definite response to the resolution.

Mr. Lantos.

Mr. LANTOS. Thank you, Mr. Chairman.

There is an old Hungarian proverb, Mr. Chairman, there is a difference between licking honey and licking honey through the glass. What we have been doing now, we have been licking honey through the glass, which has neither flavor nor substance, it is just an illusion. So let's get down to reality.

As I understand it, Mr. von Raab, it was your judgment as Commissioner of Customs that you had sufficient reason to believe that products were imported or were about to be imported from the Soviet Union which were produced by slave labor. As a law-abiding Republican political appointee of this administration, you intended to enforce the law that you are compelled to enforce, the Smoot-Hawley Act, and you reported this to your superiors.

Then the explosion occurred, because rather than this being treated as a routine matter—U.S. Commissioners of Customs do lots of things that are handled fairly routinely—since the Soviet Union was involved, and the concept of slave labor was involved, we suddenly find that a senior interagency group is appointed to deal with all ramifications of this issue.

It is quite clear to those of us who were not born yesterday that we are really not after facts. No one can quarrel with going after facts. There isn't a person in this room who doesn't believe that Mr. von Raab, our Commissioner of Customs, did not act entirely frivolously and irresponsibly, and just out of a personal whim, suddenly discovering that there might be such items which are being imported from the Soviet Union.

He acted on the basis—and I am going to ask him this question—I presume some years of study and experience, and reports, and evidence, and proof that this was likely to be the case. If you had not done that, then you would have acted very irresponsibly, telling your superiors that you have reason to believe that slave labor produced items are being imported into the country.

Let me first ask you, Mr. von Raab, did you consider or do you now consider your initial report to your superiors as having been made on the basis of serious, thoughtful, legitimate concerns, or do you consider your report to have been frivolous and unfounded?

#### STATEMENT OF WILLIAM von RAAB, COMMISSIONER OF THE U.S. CUSTOMS SERVICE

Mr. VON RAAB. My determination was made upon information largely contained in the State Department report to which reference has been made several times during these hearings, in addition to which there was a letter from the Director of the Central Intelligence Agency, Mr. Casey, to Senator Armstrong with respect to the use of forced labor for certain products.

Those are, specifically, the documents, or the evidence, upon which I relied for making this preliminary determination. I don't regard that as frivolous by any stretch of the imagination.

Mr. LANTOS. Do you consider those documents to have been carefully prepared, thought through, and presented with a degree of responsibility?

Mr. VON RAAB. Yes, sir.

Mr. LANTOS. As you sit here this morning before our committee, and although the chairman didn't swear you in, you are all considered to be testifying under oath, is it your personal judgment that products are being imported into the United States from the Soviet Union in the production of which slave labor was used?

Mr. VON RAAB. My personal judgment necessarily must be based upon someone else's personal judgment, which in this case are the reports of the State Department and of the Central Intelligence Agency. So based upon that, it is my belief that such products are being imported into the United States.

Mr. LANTOS. In view of that testimony, Mr. von Raab, were you surprised that what you presumably expected to be a fairly routine report on which your superiors would act, suddenly became a major Cabinet-level-wide issue?

Mr. VON RAAB. No.

Mr. LANTOS. You expected that?

Mr. VON RAAB. Let me respond in more detail. I would only quarrel with a few comments that you have made, and really it is a characterization that you made. I wouldn't suggest that there was any explosion that took place upon the delivery to Mr. Walker, or even subsequent to that, with respect to my proposal to the Treasury Department. I think that was largely a media issue, rather than one that accurately described what happened within the Department.

Mr. LANTOS. Are you accusing the media of inaccurate reporting?

Mr. VON RAAB. In this case, I would accuse them of inaccurate reporting, that is correct.

As far as the review, or the consultation with other senior advisers within the administration, that is commonplace. Many issues in which I am involved as Commissioner of Customs find themselves discussed at one level or the other by various interagency groups. So in a sense, none of the action that took place subsequent to my proposal to the Treasury Department is particularly unusual, except in the way it was treated in the media.

Mr. LANTOS. If I may ask a couple more questions, Mr. Chairman.

Mr. FASCELL. Certainly, go right ahead.

Mr. LANTOS. Mr. Walker, what kind of evidence would you consider satisfactory to come to the conclusion that slave labor was used in the production of the items being imported?

Mr. WALKER. If by the kind of evidence, you mean the quality of the evidence, I think that the Treasury could act, certainly, on the basis of reports by the State Department and by the Central Intelligence Agency. The review that we are undertaking now is as much focused on how any decision could be crafted so as to minimize unnecessary impact on trade, while at the same time effectuating the purposes of the act, rather than the kind of evidence that we are getting.

I think we all recognize that under these circumstances, nobody is going to get the same kind of evidence of these kinds of violations as we could get in a court of law in this country of a violation occurring here. I mean, we are dealing with a closed society. We intend, in developing our standards, and certainly have clearly in mind, as we go forward with our review, the fact that we are dealing with a closed society, and that we will act on the basis of information that we have, that is available to us, in a reasonable manner. We are not going to demand, quite obviously, that the level of proof that one would expect in a court of law in this country be applied.

Mr. LANTOS. When you talk about damage to trade, that was your phrase or something similar to that, are you talking about the immediate negative impact on the specific importer of products that are the result of slave labor, or are you talking about the broader ramifications that if, for instance, the U.S. Government were to invoke the slave labor clause of Smoot-Hawley, the Soviet Union would take retaliatory action which would have negative repercussions on U.S. exports to the Soviet Union?

Mr. WALKER. We always try to look at the consequences of any enforcement action, both in the short term and in the long term. But the primary interest that we have is how this particular statute as on the books can be applied in the particular trade context of the goods in question, rather than the larger question.

Mr. LANTOS. It was applied by the Government of the United States in the early 1950's when we claimed that the Soviets were exporting canned crab produced with slave labor.

Mr. WALKER. That is correct.

Mr. LANTOS. So it is not an unprecedented action. There is evidence. The evidence, presumably, in the early 1950's that slave labor was used in producing canned crab exported to the United States was no better than the evidence that we have now.

Mr. WALKER. I agree. The interesting aspect of this is that the act, as you know, was essentially a trade provision when it was enacted in 1930.

Mr. LANTOS. Yes.

Mr. WALKER. It goes back to a McKinley Tariff Act, I believe back in 1890. It is now sought to be enforced, and the discussion is focusing on human rights violations which does not seem to have been the case in prior enforcement actions. I just would note that for the record. I am not commenting one way or the other on the value of it, I just note that historically.

There does not seem to be a discussion that any of the prior enforcement actions here were related to human rights so much as to trade issues, protectionist efforts by domestic labor and domestic industry to prevent the importation of cheap foreign made products.

Mr. LANTOS. I wonder whether there is not a semantic problem, however, that may be the source of your confusion. I think the term human rights in the international arena is a term of relatively recent origin. I think that it is probably quite true that in our own debate on the subject of slavery in the 1850's, human rights was not the operative phrase. There were other words like slavery, or antislavery, or abolition.

I think it would be a very serious mistake if the Government would hang its very questionable case, if in fact you come down on the side that Mr. von Raab was wrong, on the notion that this is a new item, and that human rights have never been used before.

The statute deals with slave labor, and some of us feel that slave labor is a human rights issue. But don't confuse that with the notion that we are introducing a new element. We are just labeling it differently, because the word is human rights in 1983, it is not slave labor.

Mr. WALKER. I appreciate those remarks, Mr. Congressman.

Mr. LANTOS. Thank you, Mr. Chairman.

Mr. FASCELL. Before I leave Secretary Walker, somewhere I recall in all of the paperwork I read on this that you approved von Raab's recommendation on the way up to the Secretary. You never gave it a negative shot.

Mr. WALKER. No, I have not, but I have not commented officially one way or the other on the recommendation.

Mr. FASCELL. Somebody commented for you, then, because they said that you approved it on the way up.

Mr. WALKER. I did not kill the forward motion of the proposition, that is for sure.

Mr. FASCELL. I don't want to put words in your mouth, I just wanted to get your comment on the allegation. I think you have answered it, which is that you didn't kill it when you got it.

Mr. WALKER. No, in fact, I wanted to see it go forward in the process.

Mr. FASCELL. Right. Thank you.

Mr. Smith.

Mr. SMITH. Thank you, Mr. Chairman.

First of all, I want to thank Mr. Walker for supporting House Concurrent Resolution 100, which is the legislation that hopefully



will soon be marked up by the Subcommittee on Human Rights and International Organizations, and I do appreciate that.

I hope it has some impact on the senior interagency group that is meeting to discuss it, not only that, but the testimony that we have received today, particularly from Mr. Davydov, went into very clear detail as to what is going on within the slave labor camps.

I have a couple of questions that I would like to ask you, gentlemen.

First of all, Mr. von Raab, in your judgment, has section 307 of the 1930 Tariff Act ever been adequately enforced by any President since its enactment in 1930?

Mr. VON RAAB. I have not made a study of the prior applications of section 307, so I wouldn't be able to answer that question. I would be happy to come back and give you some thoughts on it, but I don't have any right now.

Mr. SMITH. We would appreciate it if you would submit something for the record. It is as if the 1930 provisions have all of a sudden been discovered. President Carter didn't know about them, or he didn't do anything about them, neither did President Ford or President Nixon, and right on back, except for that brief period with the crabmeat. So I think it would help this committee, perhaps if State could provide some input on this issue.

Mr. WALKER. Mr. Smith, there was some considerations given to enforcement of this as late as 1974, according to our records, and there were about 14 or so instances since World War II in which serious consideration has been given to the enforcement of this provision by the Treasury Department.

I believe that, according to our records anyway, some 75 requests for enforcement by domestic labor interests and industry interests have been made to the Treasury Department. I just note that for the record.

Mr. SMITH. Thank you, Mr. Walker.

Mr. VON RAAB. Perhaps what would be helpful, in my answer that I will provide for the record, would be a synopsis of some of the cases that have been considered over the past 20 years or so, then you can make your own judgment of whether the President in office did a good job or not. I will give you the information on what has been done in the past.

[The information follows:]

## Synopsis of Sample Cases Under 19 U.S.C. 1307

Crabmeat from the Soviet Union--1950-1961

This case appears to be similar to the current situation. A complaint was received from six Congressmen. The finding was based primarily upon summary information provided by the Central Intelligence Agency. The background briefing memo to the Secretary of the Treasury indicates that the finding was based primarily on this C.I.A. information. It also reflects, that based upon discussions with the Department of State, it was decided to obtain some information which would be available for use in Court should the finding be challenged. Since the Korean War precluded the obtaining of such affidavits through normal channels, a small contingent of Customs officers went to Japan and interviewed some ex-prisoners. Affidavits were obtained from the ex-prisoners indicating that forced labor had been used to can the subject crabmeat. This finding was revoked in 1961 based upon assurances from the State Department that the crabmeat was no longer produced with convict or forced labor.

Cameras from East Germany--1962-1963

The October 11, 1962, background memo reflects that available facts were not very specific but recognized that they were the best facts which could be obtained given the circumstances. Approximately one year later, in June of 1963, the Commissioner determined not to issue a finding based upon the conclusion that "the affidavits furnished do not show that any of the deponents thereof had any first hand knowledge that the particular prison made goods with which they had been associated were exported to the United States."

Cameras from Japan--1965

This case appears to reflect the strongest evidence where the Commissioner did not issue a preliminary determination. The file reflects very specific information that the merchandise in question was produced by convict labor and that indeed some of that merchandise had been actually exported to the United States. The Commissioner determined not to issue a detention order based upon the conclusion that the investigation failed to disclose positive evidence of the use of convict labor for goods imported into the United States "subsequent to its apparent use during 1965."

Rugs from Pakistan--1972

This case appears to represent the situation where the Commissioner issued a detention order on the basis of inconclusive evidence. The

merchandise in question was described as flat, hand woven mats of waste cotton yarns of poor quality and design, lacking in appeal. Based upon the mere allegation that these rugs were woven by convicts in prisons in Pakistan, a detention order was issued. Subsequent investigation resulted in the revocation of the initial determination.

Coal from South Africa--1974

The file reflects that the issue concerning South African mining laws and labor practices was held in abeyance pending a determination of the question of whether "low sulfur coal" was a separate class or commodity of goods from coal generally. The Commissioner declined to issue a detention notice based upon the decision that low sulfur coal did indeed constitute a separate class or commodity of merchandise that was not being produced in sufficient quantity in the United States.

Mini Tanks (Toy Tanks) from Austria--1963

This case represents a situation where very detailed allegations were made concerning specific merchandise manufactured at a specific prison facility. The investigation confirmed the allegations and further found that as of October 2, 1963, the practice had ceased. Accordingly, a finding was issued to prohibit the importation of the subject merchandise exported to the United States prior to October 2, 1963.

Candy filled Toys from East Germany--1958

This case concerned allegations that East Germany was using prisoners to fill toys with candy. After investigation and extensive internal debate, the Commissioner concluded that the mere filling of the toys with candy did not constitute a manufacture or a production and, therefore, neither a detention order nor a finding was issued.

Petroleum Products from Romania--1959

Pursuant to allegations of the use of "convict labor" in oil imported from Romania, the American legation in Romania was asked to investigate the matter. Their response was that convict labor was used in the production of almost everything in Romania. However, the Treasury Department decided not to pursue this case because oil was no longer being imported into the United States from Romania.

Hams from Poland--1956

The allegation by the Department of Agriculture was that Polish farmers were required to meet a production quota and that failure to meet the quota was the basis for the imposition of fines or jail sentences. Although Treasury accepted the proposition that such a practice would be covered by § 1307, it found evidence of such a practice to be insufficient for making a finding to prohibit importation of the hams. The file also contains some discussion of whether Polish hams were comparable to American hams for purposes of determining sufficient domestic production.

Dolls from Hungary--1964

The allegation was mere speculation that low invoice prices were due to convict labor. Field officers were instructed to pursue an investigation under 19 U.S.C. 1592 instead.

Artificial Flowers from East Germany--1957-1959

The allegation was based on a newspaper article. The Department of Treasury declined to issue a finding in the absence of "eye witnesses," although the file does contain declarations from former prisoners regarding the use of convict labor in making the artificial flowers for export.

Furniture from Mexico--1971

A note in the file indicates that on the basis of a preliminary investigation, detention or "constructive seizure" was ordered. At the conclusion of the investigation, a finding was not issued on assurances of no future convict labor shipments. Goods already under detention or "constructive seizure" were exported.

Iron Ore from Algeria--1931 and 1935

Detailed investigation showed that convict labor was used in mining the iron ore imported into the United States. No finding was issued on the basis of assurances that the iron ore shipped to the United States would not involve convict labor. It was discovered in 1935 that "convict labor" iron ore was being imported. Field ordered to detain and report any shipments to Headquarters. No indication in file as to ultimate action.

In addition to the above cases, files were located on approximately 50-60 more cases which were felt not to merit individual synopsis. Some of the cases were closed because they involved one-time shipments or because the allegations were totally unsubstantiated. Many of the cases did result in investigations, but no findings were issued on the basis that convict labor, as intended by the statute, were not involved. Often the merchandise was clearly produced by prisoners, but according to the standard used by Customs at the time, there was no convict labor. Briefly stated, this standard held that if it was found that the work was done voluntarily, on a prisoner's own time, for compensation and with no pecuniary interest to the states (although deductions for room and board were frequently allowed), then there was no convict labor.

Mr. SMITH. Thank you.

Mr. Palmer, would you agree with the statement that there is not a single major segment of the Soviet economy in which prison labor is not exploited, I would point out, with the notable exception of food processing. Mr. Davydov made the point today that that segment is excluded for obvious reasons, since hunger is one of the weapons utilized by the slave masters. Would you comment on that?

**STATEMENT OF MARK PALMER, DEPUTY ASSISTANT SECRETARY,  
BUREAU OF EUROPEAN AFFAIRS, DEPARTMENT OF STATE**

Mr. PALMER. It is certainly true that it is used broadly, whether it is used in every single segment depends, of course, in part on the definition of how you divide up segments. It is true that it is used very broadly as the State Department report, that I had a hand in producing, demonstrates.

Mr. SMITH. Could you just comment on how the forced labor issue in the U.S.S.R. figures in U.S. policy. Is it an emerging issue, or is it an issue that finally has come to fore and you see it really playing a part in our policy considerations?

Mr. PALMER. It is in our view part of our overall human rights policy. We have placed a very high priority in this administration on human rights in our dealings with the Soviet Union, as high as I think any other administration in history.

Personally, George Shultz places a higher premium on it than any other Secretary that I have worked with. In his talks with Mr. Gromyko, and in his dealing, Mr. Dobrynin, our Ambassador in Moscow, we make very clear, as we do in our speeches, that human rights, of which this is a critical and important part, is central to our relationship. The Soviets, I might add, are painfully aware of that, and they complain constantly and bitterly about that fact.

Mr. SMITH. Mr. Walker, do we have any timeline as to when the senior interagency group may render a decision?

Mr. WALKER. Let me clarify that. The decision rests clearly with the Secretary of the Treasury. He took the matter to a senior interagency group, the group that he chairs for International Economic Policy, simply to surface the issue for information purposes, and to solicit advice and comments that he might use in making his decision.

So the matter has not been put before the senior interagency group for a decision by that group as one might otherwise understand it. To that extent, the media reports were wrong. The media reports said that somehow this issue had been side tracked to a SIG [Senior Interagency Group] on Economic Policy. That was not the case. The Secretary simply presented it to a SIG for information purposes and he will be listening to their viewpoints along with all other viewpoints, including the viewpoints of Congress, as he goes forward.

Mr. FASCELL. Would the gentleman yield right there?

Mr. SMITH. I will be happy to yield.

Mr. FASCELL. I think that we had better get to the allegation that the Secretary of State stopped the whole consideration of this

matter, and it is just floundering around somewhere in the inter-agency group. What has State got to say about that allegation?

Mr. PALMER. Mr. Chairman, as Mr. Walker has said, that is absolutely not correct. The State Department has been consulting with Treasury. It is Treasury's responsibility to make a determination, however, as he noted, we produced one of the key reports. There is a very intensive process, which we expected to be completed very shortly, of looking at the evidence again.

I would like, Mr. Chairman, just to draw your attention to one sentence in my testimony, which we think is important. CIA Director Casey, writing to the Congress, in a letter which is printed in the Congressional Record,<sup>1</sup> said:

While we have done extensive research on this question for many years, we cannot determine the exact magnitude of the contribution forced labor makes to the total output in each industry, nor can we give you a list of brand names or products.

We are trying right now, with the agency, to refine our evidence so that we have the best possible basis on which to proceed. There are important problems related to implementation of this. The State Department's position is that the law will and must be implemented. There should be no ambiguity about that.

However, because of the other problems which we cite in the State Department testimony this morning, it is very important that we do not proceed in a slap-dash manner. There is going to be criticism if we implement this, and we do not want this to turn around and bite us in the derriere because we have not proceeded in a careful way knowing what kinds of situations we are going to face.

Mr. FASCELL. We have only got one foot left to get shot into.

Mr. SMITH. Mr. Palmer, do you support the resolution, House Concurrent Resolution 100?

Mr. PALMER. Yes, we do, and my testimony says that we strongly support it.

Mr. FASCELL. Mr. Ritter.

Mr. RITTER. We have to go and vote, so I will be brief, and perhaps ask some more questions when we return.

Mr. von Raab, can you detail the specific objections that were raised to your recommendation that certain Soviet products be prohibited from entry into the United States?

Mr. VON RAAB. There have not been any objections raised to my proposal specifically. It has been thought, and I agree with it, that an examination of the standards that should be applied in this case, and the facts upon which they would be applied, should be reviewed by the Treasury Department to insure that the standards are proper and will hold up under any subsequent challenges that may be made to it, and that the facts are refined to the degree that is necessary.

Mr. RITTER. When were your recommendations kind of side-tracked into the interagency group?

Mr. VON RAAB. My recommendations weren't side-tracked. My recommendations were forwarded to the Treasury around the 1st of October.

<sup>1</sup> The letter is printed in the Congressional Record of September 15, 1983 on page S 12293.

Mr. RITTER. So all of these considerations are within the recent time period where there has been some significant deterioration of our relations with the Soviet Union?

Mr. VON RAAB. I don't quite understand that question.

Mr. RITTER. I might ask that to Mr. Palmer, then. Is the deterioration of our relations with the Soviet Union over Cruise and Pershing, over Grenada, over Central America, are they the main reasons behind the reconsideration or the more intensive consideration of these recommendations by Mr. von Raab?

Mr. PALMER. The State Department would have wanted the same kind of careful review regardless of the deterioration, and those are not a factor in our consideration of how to proceed in this matter.

I have, Congressman, detailed in my testimony the kinds of considerations we do believe should be brought into play, and I will be happy to discuss them with you, but you have said that you are in a hurry.

Mr. RITTER. I have just a comment. Slave labor in a Communist country is only one more intensive way of repressing the people. One could almost make the case that all workers in Communist countries suffer from some degree of the forced governmental repression of their work product and their ability to organize, and the whole spectrum.

I notice that the numbers that you are talking about are very, very small in comparison to Western European numbers. We are talking in the low hundreds of millions in our country, is that true, and they are talking about several billions of dollars in European countries, and I suppose Japan should be added in there as well.

Mr. WALKER. We are talking about \$230 million as far as U.S. trade is concerned of total imports from the Soviet Union, about maybe half of which could be tied in, depending on the classifications and so forth to forced labor production in some way. Whereas the imports into other countries in Western Europe and Japan are in the billions.

Mr. RITTER. Is it possible for our Government to coordinate with willing independent, private human rights organizations a program of exposure of this practice to the rest of the world, particularly in Allied countries where the volumes are far more significant than in our country. If we took the lead, is that a worthwhile objective for our kind of Project Democracy ideas, or something like that?

Mr. PALMER. Yes, I think it is. I think it is a good suggestion. Congress has done a number of things like that. We have a group in Europe doing some of those things. But I think that an effort focused on this specific problem would be very worthwhile.

If I could, Mr. Chairman, I just wanted to in that context mention, when Mr. Lantos, who is no longer with us, said that we had not done anything about this issue, I think it is a mistake to view it that way.

My own view is that the Soviets understand very well the power of the written word and propaganda, if you want to call it that, and that they have already suffered. We have had a lot of articles in the American and European press about this issue because of the reports that we issued, and because of this committee's efforts. So I think that we shouldn't see this as the only thing we can do is to

limit a very small amount of their exports, much more serious is to affect their image.

Mr. FASCELL. We are on the second bells of a vote, which means that you are going to have to leave right now, unless you want to miss the vote. If you have some other questions, why don't you submit them for a response, if you like.

Mr. RITTER. This panel has finished?

Mr. FASCELL. Yes.

Mr. RITTER. I would just like to propose to the State Department that bilateral contacts with the aim of promoting bilateral arrangements with our allies, both in Europe and the Far East, deal with this question of slave labor according to some of the principles of the Smith resolution. I think that it is awfully important in this battle of ideas that the countries that are the major trading partners have a very good idea of what is actually going on.

Thank you, Mr. Chairman, and I thank the panel.

Mr. FASCELL. I want to thank all of you.

Secretary Searby, I know that you have the responsibility in ILO, so I hope you keep on them and after them. I assure all of you that your statements and the points that you have made will be considered in the committee report, certainly they are part of the record. Whatever essential points have to be made will be made.

I would like to point out again that prior to the markup in the Subcommittee on Human Rights and International Organizations, if you want to make some points with them, now is the time to do it.

[Whereupon, at 11:58 a.m., the subcommittee and the Commission adjourned.]



## APPENDIX 1

### STATEMENT OF HON. EDWARD J. MARKEY, MEMBER OF CONGRESS FROM THE STATE OF MASSACHUSETTS REGARDING FORCED LABOR IN THE SOVIET UNION

Mr. Chairman, Distinguished Panel Members, and Interested Participants, I have just a few comments to make on the use of Soviet Forced Labor. However, I would like to first commend the Chairman, Mr. Fascell, for holding these critical hearings to call attention to a tragic situation, and I also commend my colleague on the Helsinki Commission, Mr. Smith, for both his initiating this hearing as well as the resolution condemning forced labor in the Soviet Union.

I believe that the testimony here provides ample confirmation of the extent of forced labor within the Soviet economy. In my opinion, while we may deplore the system of Government that controls such gross exploitation of human dignity and flagrant violation of essential rights, the critical question beyond the rhetoric is: What can we in the United States Congress do about it? I believe that the bottom line of the answer to this question is whether or not any of the products of Soviet slavery have slipped through our economic import bureaucracy to the point where either ourselves or other responsible Governments might be inadvertently reinforcing the Soviet system of forced labor. It seems to me that the Administration has the proper legislation in the Smoot-Hawley Act, as well as the clear sense, direction and support of the American Labor Movement, to insure that the American prohibition of the products of forced labor is enforced to the fullest extent.

Thank you.

## APPENDIX 2

TEXT OF LETTER FROM ERNEST LANDY, CONSULTANT, U.S. DEPARTMENT OF LABOR, TO CHAIRMEN DANTE FASCELL AND GUS YATRON REGARDING THE INTERNATIONAL LABOR ORGANIZATION'S TREATMENT OF THE ISSUE OF FORCED LABOR IN THE SOVIET UNION

Gentlemen, as I was unable, much to my regret, to respond to your invitation to testify in person at the public hearing held on November 9, 1983, I welcome this opportunity to comment briefly in writing on certain aspects of the International Labor Organization's treatment of the issue of forced labor in the Soviet Union and on the role of House Concurrent Resolution 100 in relation to this issue.

While I was directly concerned for many years with the application of international labor standards and have continued to follow developments in this area since retiring from the International Labor Office in 1976, my comments here are of course put forward on a personal basis.

I understand that some of the testimony submitted to your November 9 hearing dealt with the ILO's action to identify Soviet legislation (on parasitism and collective farm membership) which violates Convention 29 concerning forced labor, ratified by the USSR in 1956. A year later the ILO framed another important instrument on the same subject, Convention 105 concerning the abolition of forced labor which the Soviet Union has also found difficult to implement.

The United States had played a major role during the early 1950s in the course of events that led to the adoption of Convention 105: it was on the initiative of the American Federation of Labor and on the basis of a draft resolution presented by the U.S. government that the UN and the ILO carried out a joint investigation of systems of forced labor in various parts of the world. It was the wide-spread existence of such systems as a means of political coercion and for economic purposes, revealed by this inquiry, which led the ILO to adopt Convention 105 and to use it as a major yardstick in monitoring respect for human rights.

As part of these activities the ILO Committee of Experts on the Application of Conventions and Recommendations carried out a general survey in 1979 of the effect given to the two forced labor Conventions by all member countries, regardless of whether or not they were bound by the instruments. In the USSR, which has not ratified Convention 105, the Committee found that legislation against "propaganda aimed at subverting or weakening state authority" (RSFSR Penal Code, section 70, read in conjunction with section 24) can be used to impose compulsory labor "as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system," a clear violation of Article 1(a) of Convention 105.

In line with its condemnation of forced labor as spelled out in § 307 of the Smoot-Hawley Tariff Act, the United States strongly supported the adoption of Convention 105, when John Foster Dulles was Secretary of State. Six years later, in 1963, President John F. Kennedy asked the advice and consent of the Senate to its ratification.

House Concurrent Resolution 100 aptly voices our opposition to the reprehensible policies of forced labor and calls on the Soviet Union to cease these practices. If our own steadfast commitment to political freedom, economic morality and human dignity could be given specific expression, at the global level, through the ratification of Convention 105, this would surely serve to reinforce our position in calling violators to account.

To sum up, the United States' strong stand against forced labor, as embodied in H. Con. Res. 100, should continue as an important element of our membership in the ILO and could be given further substance by joining the over 100 countries which so far have ratified Convention 105.

## APPENDIX 3

## STATEMENT OF THOMAS SGOVIO, AN AMERICAN FORMERLY IMPRISONED IN SOVIET LABOR CAMPS

Many millions of human beings have been exterminated in the concentration labor camps of the Soviet Union during the past 66 years. My father, Joseph Sgovio, who served 10 years in the coal mining camps of Vorkuta, was one of these millions. I spent 25 years in the USSR—16 of them in the Gulag Archipelago. There were many times it seemed I would never return to my native United States and Freedom. Miraculously however, God saved me and I did return in 1963.

My first ten years (1938-1948) in the Archipelago were spent in the gold mining camps of KOLYMA, the remote northeast tip of the USSR which is separated from Alaska by the Bering Strait. Kolyma is a region which is about four times the size of France where, beginning in 1932, millions of slave laborers were sent to die. Their frozen remains are buried in mass graves in the icy permafrost of the Kolyma hills.

Besides gold, convict labor was used to mine other metals and produce goods such as—tin, lead, uranium, coal, gypsum and diamonds. Women prisoners were assigned mostly to fishery, farming and logging camps.

The living and working conditions of the Kolyma slave laborers were the deadliest. Alexander Solzhenitsyn referred to Kolyma as "the pole of cold and cruelty" of the Soviet labor camp system. We worked from 12 to 18 hours a day. There were no rest days or holidays. In the winter the temperature dropped frequently to 90° below zero Fahrenheit. After a month's work in the gold fields a man became a human wreck. Convicts chopped off their fingers or toes so as to become invalids and escape the killing work of the gold fields. I witnessed hundreds of such cases and was on the verge of dying many times—but I survived mainly because of my sign-painting abilities—for which I was rewarded with an extra piece of bread and a few hours of precious rest while painting signs inside—out of the cold.

During my 16 years in the Archipelago, I met thousands of prisoners from all parts of the Soviet empire and from all walks of life. I learned that in the Soviet Union, for over 60 years, forced labor has been used on a very large scale. It is an integral part of the Soviet economy. Many grandiose projects, even large cities have been built and completed with slave labor. Back in 1932 the whole Kolyma region was virgin territory. The towns, roads and industries that stand there today were built by slave labor. This has never been acknowledged by the present Soviet rulers, nor by the West.

Here in America, we learn only after many years, of the existence of certain slave labor camps where certain goods were manufactured by slave labor when some poor, lone survivor manages to make his way to the West. Such will probably be the case with the present construction of the pipeline. Perhaps in 10 or 20 years from now a human wreck will tell us about it, but by then, because so many years have passed, it will no longer be newsworthy—the media is so reluctant to shout about the atrocities that occur under communism.

In Kolyma, I was saved several times by people because I was an American. In so doing, those people prayed that by some miracle I would someday return to America and tell the world how they had died. On behalf of those who saved me and all others who perished and are still perishing in communist labor camps, I appeal to the Subcommittee on Human Rights and to all my fellow-Americans: Please heed the cries of the slaves in the Soviet Union. For over 60 years they have been appealing to us. Let us, at last, take some sort of action on their behalf.

## APPENDIX 4

## LIST OF U.S. LAWS PROHIBITING THE IMPORTATION OF FORCED LABOR PRODUCED GOODS, COMPILED BY THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

## 1930 TARIFF ACT

U.S. law prohibiting the importation of goods made with the use of forced labor dates back to the 1930 Tariff Act (Smoot-Hawley), section 307 of which states that "All goods, wares, articles, merchandise mined, produced or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited." (19 U.S.C. 1307) The only exception to this is if the item specified is "not mined, produced or manufactured in such quantities in the United States as to meet the consumptive demands of the United States."

## CUSTOMS REGULATIONS

Responsibility for the enforcement of this provision was directed to the U.S. Customs Service under the Department of the Treasury. The regulations promulgated to implement section 307 are contained in Title 19 C.F.R., sec. 12.42. They state that if any one has reason to believe that merchandise produced in the way described in section 307 is to be imported into the United States, "He shall communicate his belief to the Commissioner of Customs." (para. (a). This communication shall contain "(1) a full statement for the reasons for the belief, (2) a detailed description or sample of the merchandise and (3) all pertinent facts obtainable as to the production of the merchandise abroad." (para. (b). When the Commission receives a complying communication, he "will cause such investigation to be made as appears to be warranted by the circumstances of the case." (para. (d). If, at any time, the Commissioner finds "information that reasonably but not conclusively indicates that merchandise within the purview of section 307 is being, or is likely to be, imported, he will promptly advise all district directors accordingly and the district directors will withhold release of any such merchandise pending instructions from the Commissioner." (para. (e). If it is later determined that the merchandise under investigation is in violation of section 307, "the Commissioner of Customs, with the approval of the Secretary of the Treasury, will publish a finding to that effect in a weekly issue of the Customs Bulletin and in the Federal Register." (para. (f). Any merchandise specified in the finding that has not been released by the Customs Service before the date published in the Federal Register, "shall be considered and treated as an importation prohibited by section 307, Tariff Act of 1930." (para. (g).

The importer of any merchandise detained under para. (e) or (g) may submit within three months from the date the item was imported a certificate of origin which states that the item was not produced with the use of the labor specified in the finding. He must also submit a statement "showing in detail that he has made very reasonable effort" to ascertain the character of labor used in the production of the merchandise and each of its components, the full results of his investigation, and his belief with respect to the use of the class of labor specified in any stage of the production of the item. If this is done and the Commissioner finds the merchandise admissible, the Customs Service "shall release the merchandise upon compliance with the usual entry requirements." (19 U.S.C., sec. 12.43).

## CANNED CRAB MEAT

There has only been one instance that section 307 of the 1930 Tariff Act has been used to prohibit the entry of goods into the United States from the Soviet Union. In January 1951, with the approval of the Acting Secretary of the Treasury, the Customs Commissioner published a finding that "convict labor, forced labor and indentured labor under penal sanctions are used in whole and in part in the manufacture and production of canned crab meat in the Union of Soviet Socialist Republics. . . and that canned crab meat is manufactured or produced in the United States in sufficient quantities to meet the consumptive demands of the United States." (Federal Register, vol. 16 (1951) p. 776) Soviet canned crab meat was therefore banned from entry into the United States until 1961, when it was determined no longer to come under the purview of section 307. (Federal Register, vol. 26 (1961) p. 2552)

## RECENT EVENTS

The pipeline debate of last year aroused public and congressional interest in the issue of forced labor in the U.S.S.R. The Senate Subcommittee on International Finance held hearings on Soviet utilization of forced labor in June 1982. A February 1983 report by the State Department on forced labor in the Soviet Union (requested by the U.S. Congress) and a CIA list of Soviet industries which utilize forced labor have given the U.S. Government increasingly specific information on forced labor in the Soviet Union.

On September 28, 1983, the Commissioner of Customs, William von Raab, recommended in a letter to Secretary of the Treasury Donald T. Regan that three dozen items from the U.S.S.R. be barred from entry into the United States due to his belief that they are produced with forced labor. The enclosed articles reveal the details of the debate that is currently going on in the Administration over this recommendation.

## APPENDIX 5

LIST OF U.S. IMPORTS FROM THE U.S.S.R. PRODUCED BY SOVIET INDUSTRIES WHICH, IN PART, UTILIZE FORCED LABOR; COMPILED BY THE COMMISSION ON SECURITY AND CO-OPERATION IN EUROPE

<u>Description</u>	<u>1982</u>	<u>Jan.-Jun. 1983</u>
WOOD PRODUCTS		
-lumber	3,517,000	1,543,000
-furniture	19,000	35,000
-cabinets for radio & TV sets	5,000	3,000
-wooden chess pieces	1,000	0
-wooden souvenirs	13,000	7,000
-cardboard containers	440,000	0
ELECTRONIC		
-resistors	1,000	2,000
GLASS		
-glassware	221,000	56,000
AUTOMOTIVE		
-auto parts	23,000	4,000
-parts for agricultural machinery	80,000	88,000
MINING/ORE PROCESSING		
-gold	4,085,000	887,000
-iron	2,000	0
-aluminum	1,543,000	0
-uranium	9,647,000	0
-limestone	0	2,210,000
-construction stone & gravel	1,000	0
PETROLEUM PRODUCTS AND CHEMICALS	118,203,000	67,066,000
FOOD		
-tea	400,000	477,000
MISCELLANEOUS	1,000	0
TOTAL	138,201,000	72,378,000
TOTAL U.S. IMPORTS FROM USSR (less than 0.1% of total U.S. Imports)	227,584,000	125,996,000
TOTAL U.S. IMPORTS	247,000,000,000	

1. Industries which, in part, utilize forced labor and produce goods for export based on CIA study, September 27, 1983. Value of imports based on U.S. Department of Commerce.

2. The CIA does not specify which petroleum products and chemicals. Commerce figures used for this chart are: Ammonia (88,765,000), Gasoline and other Motor Fuels (10,341,000), Potassium Chloride (4,600,000), Urea (10,434,000) and miscellaneous other chemicals.

\* \* \* \* \*

This chart of estimated import values has been compiled by the staff of the Commission on Security and Cooperation in Europe and is based on two sources: a CIA list of Soviet industries which partially rely on forced labor and a Commerce Department list of the value of all items imported into the U.S. from the U.S.S.R. This chart does not reveal the total value of the component of these imports produced through forced labor, since this component has not been determined.

## APPENDIX 6

IV

98TH CONGRESS  
1ST SESSION**H. CON. RES. 100**

Calling upon the Union of Soviet Socialist Republics to end the current repressive policies of forced labor and expressing the sense of the Congress that the exploitation of workers in forced-labor camps by the Union of Soviet Socialist Republics is morally reprehensible.

**IN THE HOUSE OF REPRESENTATIVES**

MARCH 24, 1983

Mr. SMITH of New Jersey submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

APRIL 29, 1982

Additional sponsors: Mr. FASCELL, Mr. RITTER, Mr. KEMP, Mr. WIRTH, Mr. WORTLEY, Mr. SOLOMON, Mr. FORSYTHE, Mr. COURTER, Mr. LAGOMARINO, Mr. SMITH of Florida, Mr. RINALDO, Mr. COYNE, Mr. MOAKLEY, Mr. KINDNESS, Mr. FROST, Mr. ARCHER, Mr. LIVINGSTON, Mr. KASICH, Mr. WILSON, Mr. LEVIN of Michigan, Mr. FRENZEL, Mr. HALL of Ohio, Mr. CORCORAN, Mr. GILMAN, Mr. BLILEY, Mr. MCCOLLUM, Mr. JEFFORDS, Mr. FAUNTBOY, Mr. FIELDS, Mr. WON PAT, Mr. LENT, Mr. SCHUMER, Mr. MCGRATH, Mr. HARKIN, Mr. GUARINI, Mr. WOLF, and Mr. LUNGREN

JUNE 3, 1983

Additional sponsors: Mr. YATRON, Mr. WALKER, Mr. HYDE, Mr. ROE, Mr. PORTER, Mr. SILJANDER, Mr. HUGHES, Mrs. ROUKEMA, Mr. FAZIO, Mr. DWYER of New Jersey, Mr. DANNEMEYER, Mrs. MARTIN of Illinois, Mr. KOSTMAYER, Mr. SYNAR, Mr. MORRISON of Connecticut, Mr. BROOMFIELD, Mr. MARKEY, Mr. GLICKMAN, Mr. LANTOS, Mr. EMERSON, Mr. ANNUNZIO, Mr. JACOBS, Mr. BEVILL, Mr. VANDERGRIF, Mr. RICHARDSON, Mr. MCCAIN, Mrs. SCHNEIDER, Mr. CONTE, Mr. STANGELAND, Mr. WARGREN, Mr. PATTERSON, Mr. WHITEHURST, Mr. LOWERY of California, Mr. HORTON, Mr. LEWIS of Florida, Mr. DIXON, Mr. CORRADA, Mr. MADIGAN, Ms. OAKAR, Mr. PHILIP M. CRANE, Mr. FLORIO, Mr. BROWN of California, Mr. HILER, Mr. LEHMAN of Florida, Mr. FISH, Mr. MCKINNEY, Mr. DASCHLE, Mr. BILIRAKIS, Mr. FOGLIETTA, Mrs. BOXER, Mr. WILLIAMS of Montana, Mr. LEACH of Iowa, Mr. ADDABBO, Mr. REID, Mr. DEWINE, Mr. TORRICELLI, Mr. VENTO, Mr. EDGAR, Mr. KILDEE, Mr. PEASE, Mr. EVANS of Illinois, Mr. NIELSON of Utah, Mr. BROWN of Colorado, Mr.

AUCOIN, Mr. SCHEUER, Mr. BURTON, Ms. FIEDLER, Mr. OXLEY, and Mr. HARTNETT

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## CONCURRENT RESOLUTION

Calling upon the Union of Soviet Socialist Republics to end the current repressive policies of forced labor and expressing the sense of the Congress that the exploitation of workers in forced-labor camps by the Union of Soviet Socialist Republics is morally reprehensible.

Whereas international law in this century has recognized that everyone has the right to liberty and security of person, and has repeatedly condemned the use of forced or compulsory labor;

Whereas on February 9, 1983, the United States Department of State documented that the Government of the Union of Soviet Socialist Republics operates the largest forced-labor system in the world, comprising some one thousand one hundred forced-labor camps, and that this system "gravely infringes internationally recognized fundamental human rights";

Whereas the United States Department of State has estimated that the Soviet system "includes an estimated four million forced laborers, of whom at least ten thousand are considered to be political and religious prisoners";

Whereas the International Commission on Human Rights, following a hearing in Bonn on November 18 and 19, 1982, concluded that the Union of Soviet Socialist Republics "continues the deplorable practice of forced labor in manufacturing and construction projects" and that prisoners, "among them women and children, are forced to work under condi-



tions of extreme hardship including malnutrition, inadequate shelter and clothing, and severe discipline”;

Whereas for nearly thirty years the International Labor Organization has investigated allegations concerning forced labor in the Union of Soviet Socialist Republics, and that the Soviet authorities have refused to provide responses satisfactory to the International Labor Organization or to open their entire forced-labor system to impartial international investigation;

Whereas through these repressive policies the Union of Soviet Socialist Republics has failed to fulfill its solemn undertakings as a signatory of the Helsinki Accords, the United Nations Charter, the Universal Declaration of Human Rights, the Anti-Slavery Convention of 1926, as well as the Soviet Constitution; and

Whereas the continued violations of human rights by the Union of Soviet Socialist Republics, and in particular the use of forced labor, are factors that contribute to world tension and create concern about the validity of the international commitments of the Soviet Union: Now, therefore, be it

1        *Resolved by the House of Representatives (the Senate*  
 2        *concurring)*, That it is the sense of the Congress that the  
 3        policies of forced labor are morally reprehensible, and that  
 4        the President, at every opportunity and in the strongest  
 5        terms, should express to the Government of the Union of  
 6        Soviet Socialist Republics the opposition of the United States  
 7        to these reprehensible policies, and that they cease these  
 8        practices and honor the international commitments agreed  
 9        upon.

## APPENDIX 7

LETTER FROM HON. LAWRENCE S. EAGLEBURGER, UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS, TO SEN. WILLIAM ARMSTRONG OF COLORADO, TRANSMITTING A COPY OF THE REPORT PREPARED BY THE DEPARTMENT OF STATE FOR CONGRESS ON FORCED LABOR IN THE U.S.S.R., FEBRUARY 1983

United States Department of State

*Under Secretary of State  
for Political Affairs*

Washington, D.C. 20520

February 9, 1983

Dear Senator Armstrong:

The Department of State is pleased to submit the accompanying report on forced labor in the USSR in compliance with Senate Resolution 449 and Conference Report No. 97/891 which accompanied H.R. 6956 of September 29, 1982.

Soviet forced labor practices have changed considerably since Stalin's day, but Soviet authorities still exploit forced labor on a large scale. The Soviet forced labor system gravely infringes internationally recognized fundamental human rights. Forced labor, often under harsh and degrading conditions, is used to execute various Soviet developmental projects and to produce large amounts of primary and manufactured goods for both domestic and Western export markets. As stated in our preliminary report of 5 November 1982, forced labor in the Soviet Union is a longstanding and grave human rights issue. The Soviet forced labor system, the largest in the world, comprises a network of some 1100 forced labor camps, which cover most areas of the USSR. The system includes an estimated four million forced laborers, of whom at least 10,000 are considered to be political and religious prisoners.

In maintaining its extensive forced labor system to serve both the political and the economic purposes of the State, the Government of the Soviet Union--as discussed in the paper entitled "Legal Issues Relating to Forced Labor in the Soviet Union" (Tab 2)--is contravening the United Nations Charter and failing to fulfill its solemn undertakings in the Universal Declaration of Human Rights and the Anti-Slavery Convention of 1926.

Since our interim report on this issue was released in November, 1982, we have continued our efforts to gather information and have prepared several studies on particular facets of the issue. We have examined, for example, current Soviet forced labor law and practices as well as international law and agreements relating to forced labor. In addition, we have reviewed the human rights aspects of the issue and prepared an update of international labor activities regarding the Soviet forced labor issue. Finally, we have examined Soviet efforts to recruit voluntary workers to Siberia and explored the status of the growing number of Vietnamese workers in the USSR. Papers on these issues are included in the present report.

The Honorable  
William L. Armstrong  
United States Senate.

We also have followed closely the efforts of private organizations to develop further information. The International Society for Human Rights, based in Frankfurt, Germany held hearings on this issue in Bonn on November 18-19, 1982. Our summary of those hearings is included in this submission. The Society intends to release the full testimony, transcripts, and other documents early this year. We will ensure that this documentation is made available to the Congress.

We have examined further the Soviet authorities' use of broadly worded legislation against "anti-Soviet agitation," "hooliganism" and "parasitism" intended to intimidate, punish and exploit political dissidents and religious activists. As we stated in our earlier report, for nearly 30 years the International Labor Organization (ILO) has investigated allegations concerning these Soviet practices. The Soviet authorities refuse to provide responses satisfactory to the ILO. The United States believes that these issues need to be addressed and that the burden of proof is on the USSR. We reiterate, therefore, that to resolve this issue the Soviet authorities must open to impartial international investigation their entire forced labor system.

It is well known that forced labor has been used on pipeline projects in the past and we have evidence that it is being used now, as well, in domestic pipeline construction. As noted in our November, 1982 submission, a number of reports suggest that forced labor was used in the difficult and dangerous site preparation and other preliminary work related to the export pipeline. The media directed public attention to this matter, illuminating the Soviet Union's current forced labor practices. The publicity, we believe, has made Soviet authorities sensitive to the additional problems that would attend future exploitation of forced labor on the export pipeline project.

In early December, 1982 the USSR offered, and a delegation of Western trade unionists accepted, an invitation to observe ongoing construction of the export pipeline. While praising the visit, the official Soviet news agency TASS revealed on 10 December, 1982 that the delegation inspected only a single 300 kilometer section of the 4000 kilometer line; the inspection was performed largely by helicopter. One delegate--from a union ordinarily sympathetic to Soviet interests--later characterized the visit as a typical guided show tour of the USSR, and described the pipeline inspection itself as unsatisfactory.

The ILO has accepted "in principle" an invitation from the official Soviet trade union apparatus to send an on-site mission to examine charges of forced labor on the export pipeline. The ILO has received no formal invitation from the Soviet government itself, which bears official responsibility for Soviet international obligations. Whether such an invitation comes formally from the Soviet Government or from its official trade union apparatus, there is continuing concern that without assurances from the Soviet Government that it could conduct a full inquiry into the Soviet forced labor system, such a mission would not be in a position to secure full disclosure of the facts.

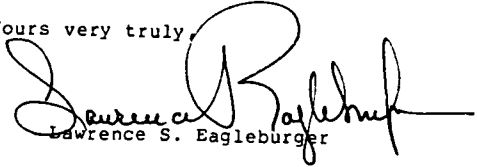
The situation of the growing number of Vietnamese workers in the USSR, under conditions which may violate agreed international labor standards, continues to be of concern. It appears that many of the workers enter the Vietnam/USSR labor program in order to escape the poverty and unemployment of present-day Vietnam. At the same time, however, there are reports that working conditions in the USSR are harsh and that net wages of the Vietnamese workers are lower than those paid Soviets doing comparable work. There is little doubt that a significant part of the Vietnamese workers' pay is sequestered to offset the Vietnamese Government's official debts to the USSR. Also the workers' communication with their families probably is monitored and constrained. Further it is unclear whether Vietnamese contract workers, who must make a commitment for up to seven years, may quit their employment and return home freely.

We have obtained no convincing evidence that Vietnamese contract workers are employed on the export gas pipeline project. The secrecy with which both the Vietnamese and Soviet governments have surrounded this labor program has made it difficult to monitor. Considering its inherent potential for abuse and the human rights issues involved, we will continue to follow this program closely and to encourage greater international scrutiny.

We have included in this report two detailed graphic representations of forced labor installations in the Soviet Union. One depicts the site of a gas pipeline compressor station under construction, the other a manufacturing site which incorporates the grounds and building of a former church. These materials derive from intelligence sources. We will continue to make available to the Congress further intelligence regarding the use of forced labor in the USSR. This will be done through the Senate and House Select Committees on Intelligence.

The last major United Nations global survey on forced labor appeared in 1953. That report of the UN Ad Hoc Committee on Forced Labor, which focused on the exploitation of forced labor for political or economic purposes, is discussed in the Legal Issues paper at Tab 2. Since the exploitation of forced labor remains an important international issue and infringes fundamental human rights, the U.S. Government considers it appropriate that in 1983--the 30th Anniversary of the Ad Hoc Committee Report--the international community again review this issue and rededicate itself to eliminating such practices.

Yours very truly,

  
Lawrence S. Eagleburger

REPORT TO CONGRESS ON  
FORCED LABOR IN THE USSR

"A system of forced labour as a means of political coercion...is, by its very nature and attributes, a violation of the fundamental rights of the human person as guaranteed by the Charter of the United Nations and proclaimed in the Universal Declaration of Human Rights. Apart from the physical suffering and hardship involved, what makes the system most dangerous to human freedom and dignity is that it trespasses on the inner convictions and ideas of persons to the extent of forcing them to change their opinions, convictions and even mental attitudes to the satisfaction of the State.

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"While less seriously jeopardising the fundamental rights of the human person, systems of forced labour for economic purposes are no less a violation of the Charter of the United Nations and the Universal Declaration of Human Rights."

-- From The Report of the Ad Hoc Committee  
on Forced Labor, UN Document E/2431,  
Economic and Social Council, Sixteenth  
Session, Supplement No. 13 (May 1953).

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## FORCED LABOR ON SOVIET CONSTRUCTION PROJECTS

The Soviet Union has used persons under sentence of forced labor to construct crude oil and natural gas pipelines and pumping and compressor stations (such as the one shown in the accompanying graphic). It has been reported that political prisoners are sometimes used to perform heavy labor, normally in isolated areas where heavy equipment cannot be used.

Parolees (forced laborers released from camps to serve the remainder of their sentences at construction sites) and probationers (forced laborers sentenced directly to construction sites instead of incarceration) are often housed at construction sites in mobile trailers, sometimes in fenced areas. Mobile trailers are not known to be used to transport and house prisoners, because standard prison security practices are difficult to duplicate at construction sites. Trailers used to house parolees measure 12 meters long by 2 meters wide by 3.5 meters high. Parolees and their trailer lodgings move as the actual pipeline or pumping station construction is completed. Trailer compounds associated with pumping and compressor stations normally stay semi-permanent during the construction period.

Prisoners used on pipeline installation projects would ordinarily be transported back and forth from nearby prison camps in trucks. Prisoners are guarded during transport and at the work sites by armed Ministry of Interior (MVD) militia.

The accompanying graphics, which derive from intelligence sources, detail the physical layouts of two Soviet forced labor installations; one built around a pipeline compressor under construction, the other incorporating the grounds and building of a former church.



United States Department of State

Washington, D.C. 20520

REPORT ON LEGAL ISSUES RELATING TO FORCED LABOR IN THE SOVIET UNION

I. CURRENT SOVIET FORCED LABOR LAW AND PRACTICES

A. INTRODUCTION

The Soviet Union's forced labor system, involving more than four million laborers under various conditions of detention, functions primarily as an apparatus for punishment of crimes, both common and political, but also as an important means of economic production.

All societies have some form of incarceration and, indeed, most attempt to employ prisoners in some form of gainful activity. The vast Soviet forced labor system, however, is distinguished by its large scale and the harshness by which it operates to threaten and punish those who are convicted of violating Soviet law, including those who attempt to assert freedom of speech, assembly or religion.

The Soviet system of charges and sentencing in effect classifies as crimes many political, religious, and cultural activities cited for protection by the United Nations Charter and the Universal Declaration of Human Rights. The Soviet system of courts operates as an instrument of official policy at the direction of the Soviet Communist Party. Through these systems, the Government of the Soviet Union brings large numbers of individuals into its forced labor camp network in violation of their internationally recognized rights.

B. THE ROLE OF CORRECTIVE LABOR IN SOVIET LAW

Soviet policy on the use of corrective labor as punishment imposed by court sentence is set forth in the Soviet law entitled "Principles for Corrective Labor Legislation of the USSR and Union Republics," which was approved by the USSR Supreme Soviet on July 11, 1969.<sup>1</sup> This basic statute, as amended,<sup>2</sup> serves as a model for implementing legislation by Union Republics.

Soviet penal authorities regard corrective labor as an essential element of punishment in all sentences involving deprivation of freedom. The premise is that corrective labor rehabilitates the criminal and has a deterrent effect on others. The only exceptions to the general practice include minor misdemeanors involving very



short terms in jail and a relatively small number of especially dangerous crimes the sentence for which specifies incarceration in a maximum security prison. Prison regimes are harsher than corrective labor camps and are reserved for recidivist hardened criminals and for some of the more important political prisoners.

Corrective labor may also be imposed as punishment without confinement to a camp; such sentences usually are imposed for lesser crimes or administrative offenses and involve terms ranging from one month to two years. The offender continues to work under close supervision at his usual job with a deduction of up to 20 per cent from his wages for the period of the sentence. He may be required to work elsewhere within his district of domicile. Of the unconfined individuals engaged in corrective labor, however, most by far are parolees, probationers, and individuals sentenced to penal "colony-settlements" who are usually sent to work in remote areas. They remain subject to incarceration if they violate the terms of their sentences.

Economic considerations play an important role in the Soviet corrective labor system. According to the official Soviet account, prisoners are expected to work so they will not be a burden on society while serving their sentences. Their pay is in theory commensurate with rates paid to free workers, but a substantial portion is deducted for food, clothing, and other expenses. Most corrective labor is performed in small manufacturing facilities within the confines of a camp, but it is also used routinely on major construction projects of all kinds, including dams, buildings, roads, railroads, pipelines, and timber cutting and hauling. Among the major projects on which forced labor has been used are military installations and to this extent forced labor plays a role in the Soviet defense effort.

We estimate the total Soviet penal population to be around 4 million -- around 2 million incarcerated in labor camps, and another 2 million in the status of unconfined forced laborers (probationers, parolees released from labor camp, or individuals sentenced directly to a term of forced labor).

Most inmates in the Soviet penal system would in most any society be considered ordinary criminals convicted for common crimes. Some of the most comprehensive data on Soviet crime were provided by a former official in the Moscow Procurator's office. He has published in the West what appear to be official records on criminal convictions in the USSR: In 1976, Soviet courts sentenced 976,000 persons for serious crimes, and another 1,684,355 persons for lesser crimes and misdemeanors handled administratively or by "comrades' courts." The breakdown of serious crimes by category, however, does not provide a basis for estimating the number of crimes that could be categorized as political or religious.

The total number of persons convicted for political or religious offenses is not known with any degree of assurance. A report by Amnesty International and two other studies agree on an estimate

of at least 10,000, but other estimates range much higher. One specialist in the field has compiled a list of 848 political prisoners (as of May 1982) known by him to be in various categories of confinement. This, however, is only the visible tip of the iceberg.

Thus, the Soviet economy has at its disposal a huge labor force that is cheap, flexible, and subject to discipline. It is especially suitable for deployment as needed for projects in remote areas with difficult climatic conditions, where authorities find it difficult to attract and hold free workers. When authorities need convict labor, they expect the judicial system to supply it.

The reliance of the Soviet economy on the availability of convict labor has had an insidious effect on the Soviet judicial system, which has always in any event functioned as an instrument of official Soviet policy. Soviet criminal courts operate under pressure to produce findings of guilt. As a result, authorities tend to adopt the attitude that the law enforcement organs, including the militia (police), the KGB, the Prosecutor, and the judge can do no wrong when implementing official policy; any questioning of the correctness of criminal charges or of the case presented by the prosecutor in court, even by defense counsel during the trial, tends to be regarded as a challenge to state authority. Given the fact that criminal cases in Soviet "peoples' courts" are tried without jury by a judge and two lay assistants, defense attorneys find it extremely difficult to obtain an acquittal in cases of ordinary crime, and even more difficult to do so when the case involves a political element. (In the view of Western specialists in Soviet law, Soviet courts have greater freedom to base decisions on applicable law and evidence only in cases involving civil law.)

Statistics on the number of convictions by Soviet courts on criminal charges involving a miscarriage of justice are of course not available. The evidence suggests that this number is high, even though some convictions in ordinary criminal cases are reversed on appeal. Individuals denied an opportunity to prove their innocence in court -- regardless of whether they face charges for common crimes or prosecution essentially for political beliefs and activities -- must be regarded as having been deprived of a basic human right.

Despite certain advantages of convict labor over free labor for work on large-scale construction projects in remote areas, its utilization presents some problems for the authorities. Soviet law and policy requires convicts who work outside the camp compound to be under constant guard and to be returned to the compound for the night. The authorities are also reluctant to permit persons convicted for serious crimes and "especially serious state crimes," including

political prisoners, to work outside the camp compound. Such convicts are usually sentenced to "strict regime" or "special regime" camps and are not normally used for work outside the camp compound. The Law on Corrective Labor Legislation authorizes four categories of "correctional labor colonies" (i.e., forced labor camps); in order of increasing severity, these are: General regime (generally for first offenders), intensified regime (for first offenders serving terms of more than three years for premeditated felonies); strict regime (for individuals convicted of especially dangerous crimes against the State and for recidivists), and special regime (for especially dangerous male recidivists and men whose death sentences have been commuted).

In recent years, Soviet judicial authorities increased the practice of placing persons convicted for criminal offenses on probation instead of sentencing them to labor camp and assigning them to corrective labor in areas where their skills could be used. Procedures were also relaxed for paroling inmates of labor camps and converting their status to that of unconfined forced laborers. What the authorities needed was a more flexible category of forced laborers who could be used wherever needed without the restrictions applicable to convicts serving sentences in confinement. Therefore, this segment of forced labor began to expand.

In February 1977 the Soviet Government amended Par. 44 of the Statute for Corrective Labor Legislation to permit parole from a sentence of confinement, on condition that the parolee perform corrective labor "in locations designated by the appropriate organs empowered to execute the sentence."<sup>3</sup> This measure specifically did not apply to persons convicted for serious crimes, including "especially serious state crimes." The list of exclusions was further expanded by amendment of the Statute in July 1982.<sup>4</sup> Their effect was to disqualify from parole not only hardened criminals but persons convicted for political or religious offenses.

In effect, the penal system as presently constituted allows authorities to ship convicts to labor camps, where they are separated into categories. Ordinary criminals are usually kept in camp long enough to impress them with the rigorous conditions prevailing there; they are then offered the slightly more desirable option -- on condition of their good behavior -- to perform corrective labor without confinement in locations designated by the authorities. Their status becomes similar to that of indentured labor. Convicts deemed unsuitable for conditional release -- a category including those sentenced for serious crimes, repeat offenders, and political prisoners -- remain in labor camp for the duration of their sentence.

## C. POLITICAL CRIMES, POLITICAL PRISONERS

The Soviet regime denies that Soviet citizens are imprisoned for their political or religious beliefs or for exercising rights guaranteed under the Soviet Constitution. Nevertheless, citizens who express views contrary to official Soviet policies and views, or who act individually or as members of unofficial groups on behalf of their views, are subject to harassment, intimidation, and arrest. They frequently are charged with violating a number of vaguely-worded articles in the criminal codes of Soviet republics which severely restrict the exercise of basic political, religious, and civil rights, including those guaranteed by the Soviet Constitution. Of course, all such constitutional guarantees are in any event expressly subject to the caveat that they may not be exercised "to the detriment of the interests of society or the state." (USSR Constitution, Article 39)

## 1. Political Crimes

Article 24 of the Criminal Code of the Russian Soviet Federated Socialist Republic ("RSFSR")<sup>5</sup> defines the offenses covered in Articles 64-73 as "especially dangerous crimes against the State." These include Treason (Art. 64), Espionage (Art. 65), Terrorist Acts (Art. 66), Sabotage (Art. 68), Wrecking (Art. 69), Anti-Soviet Agitation and Propaganda (Art. 70), and "Organizational Activity Directed to Commission of Especially Dangerous Crimes against the State and Participation in Anti-Soviet Organizations." (Art. 72).

Of these articles, only Article 70 is used frequently in prosecuting political dissidents, although others may be used in exceptional cases. For example, Anatoly Shcharansky, the Jewish activist and member of the Moscow Helsinki Watch Group, which was organized to monitor Soviet implementation of the Helsinki Final Act, was convicted on charges of treason (Art. 64) in July 1978 and sentenced to a term of 3 years in prison and 10 years of corrective labor. (Soviet authorities recently forced all Soviet Helsinki Watch Groups to disband.)

Article 70 defines "Anti-Soviet Agitation and Propaganda" as "agitation or propaganda carried on for the purpose of subverting or weakening Soviet authority or of committing particular, especially dangerous crimes against the State, or circulating for the same purpose slanderous fabrications which defame the Soviet State and social system, or circulating or preparing or keeping, for the same purpose, literature of such content." It prescribes punishment of "deprivation of freedom for a term of six months to seven years, with or without additional exile for a term of two to five years, or by exile for a term of two to five years." A record of previous convictions for "especially dangerous crimes against the state" increases the maximum sentence to ten years of imprisonment, plus exile for two-to-five years.

Prosecution of Soviet intellectuals in the 1960's under Article 70 proved awkward occasionally because it required the state to prove the defendant's intent "to subvert or weaken state authority." Consequently, Article 190 ("Failure to Report Crimes") was expanded in 1967 to include (190.1) "Spreading orally or in writing intentionally false fabrications harmful to the Soviet state and social system" and (190.3) "The organization or participation in group actions attended by obvious disobedience to legal demands by representatives of authority or which involve violation of the operation of transport, state or social institutions, or enterprises."

Article 190.1 did not require the state to prove intent to harm the system and was so loosely worded that it could be used to prosecute anyone making a statement deemed libelous by the state prosecutor. Conviction on such charges follows as a matter of course because, in practice in Soviet courts, the defense lacks the opportunity to rebut charges of libel through proof that the allegedly libelous statement was in fact accurate and truthful. For example, during the trial of Seventh Day Adventist Ilya Zvyagin in Leningrad in November 1980, the accused was charged under Article 190.1 with disseminating two Adventist documents, but these documents were not permitted to be read in court, nor was any description of their contents provided during the trial. The court simply accepted the prosecutor's charge that the documents libeled the Soviet system. The defendant was sentenced to two years in a general regime labor camp.

Similarly, charges under Article 190.3 could cover a wide range of challenges to the established order, including political demonstrations and strikes. Although the maximum sentence of three years' deprivation of freedom under 190.1 and 190.3 is lighter than the maximum punishment under Article 70, the authorities now have more leeway than previously in arresting and prosecuting political activists.

## 2. Parasitism and Hooliganism

"Parasitism" (i.e., the failure to engage in socially useful work) was not initially incorporated into the Criminal Code and was treated as a misdemeanor punishable as an administrative offense. In 1975, however, parasitism was added to Article 209 (prohibiting vagrancy or begging) and became punishable by a maximum of 2 years of deprivation of freedom. In October 1982 the maximum punishment was increased to 3 years for repeat offenders.

Paragraph 206 of the Criminal Code defines "hooliganism" as an intentional violation of public order and disrespect for society, punishable by up to one year deprivation of freedom or a fine not exceeding 50 rubles. In practice, hooliganism is a catch-all category including such offenses as disorderly conduct, brawling, and vandalism. "Malicious hooliganism," defined as a charge against a person previously convicted for hooliganism, or involving resisting an officer of the law, or as "distinguished in content by exceptional cynicism or impudence," is punishable by a maximum of 5 years' deprivation of freedom.

Charges of parasitism or hooliganism are frequently leveled against political activists. For example, an applicant for emigration who is discharged from his job as a form of harassment and then fails to find new employment within the prescribed period may be so charged. The fact that he is unable to find new employment because he has been effectively blacklisted by the authorities does not constitute a valid defense in court. For example, Estonian Methodist activist Herbert Murd was arrested in March 1980 on charges of parasitism after being expelled from a music conservatory. The basis for the charge appeared to be the fact that he had engaged in Christian work among young people. Shortly after completing his one-year labor camp sentence, he was again arrested, this time for alleged non-payment of alimony even though he had had no income after his release because he was systematically dismissed from every job he managed to find. Individuals engaged in unofficial or unacceptable occupations (such as teaching Hebrew or engaging in unofficial literary or artistic endeavors) may also face charges of parasitism.

Similarly, activists may be charged with hooliganism for publicly demanding the right to emigrate, or for meeting in an apartment and then arguing with a militiaman or other representative of authority who knocks on the door and demands that they disperse. In June 1978, for example, Jewish activist Vladimir Slepak, who has repeatedly been denied permission to emigrate from the Soviet Union, was convicted on charges of malicious hooliganism for hanging a placard outside his apartment balcony demanding permission to emigrate.

#### D. ECONOMIC CRIMES

Article 162 imposes a maximum sentence of 4 years' deprivation of freedom with confiscation of property for "engaging in a trade concerning which there is a special prohibition." Even conceding a socialist state's interest in regulating economic activities by prohibiting specific forms of private enterprise, the enforcement of this article with respect to individuals who attract the attention of the authorities for their nonconformity often involves prosecution on technicalities carried to unreasonable limits.

For example, in September 1979 a Leningrad court sentenced physicist and art collector Georgiy Mikhaylov to 4 years of corrective labor on charges of engaging in a prohibited occupation and ordered the destruction of his art collection. Mikhaylov was accused of preparing and selling to friends several slides of unofficial art from his private collection. He was found guilty even though an expert witness for the prosecution refused to testify that Mikhaylov's act constituted a violation of Article 162. In another example, Orthodox nun Valeriya Makeyeva was convicted in April 1970 on charges under Article 162 because she made and sold belts embroidered with words from Psalm 90 ("He that dwelleth in the care of the Most High ...").<sup>6</sup> Political or religious activists who engage in illegal printing and publishing may be prosecuted under Article 162, although they can also be charged under Article 70 (anti-Soviet agitation and propaganda) or 190.1 (slandering the Soviet system).

In addition, there are economic "crimes" whose commission is an inevitable consequence of fundamental defects in the Soviet economic system, which often leaves citizens with no legal alternative if they wish to lead anything like a normal life. If, as frequently happens, there is no feed available for farm animals, "the purchase in state or cooperative stores of bread, flour, groats, and other grain products to feed livestock and poultry" renders a Soviet peasant liable to "deprivation of freedom for a period of between one and three years, with or without confiscation of his livestock," under Article 154.1 of the Criminal Code. Other such "crimes" include "private entrepreneurial activity and acting as a commercial middleman;" for example, in the manufacture of spare parts which cannot be procured through legal channels.

#### E. RELIGIOUS CRIMES

Soviet leaders cite the guarantees found in the Soviet Constitution as evidence that religious believers in the USSR enjoy full religious freedom. Article 52 of the Constitution adopted in October 1977 guarantees freedom of conscience and the right "to conduct religious worship or atheist propaganda," separates church and state and prohibits "incitement of hostility or hatred on religious grounds." Article 34 guarantees citizens equality before the law "without distinction of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile, or other status."

At the same time, the 1929 RSFSR Law on Religious Association (comparable laws also exist in other Soviet republics), as well as a series of other statutes and administrative practices effectively circumscribe these constitutional guarantees and impose Draconian restrictions on religious believers in the USSR. The effect of these restrictions and controls has been to place individual believers and religious associations under full state control by making them dependent upon state authorities for the exercise of their activities (indeed, for their very legal existence) and to undermine the organizational integrity of each religious denomination.

Any attempt by religious believers to assert freedom of conscience outside the scope of these controls thus automatically brings them in conflict with the authorities. Thus, the question of whether Soviet religious believers can be arrested, prosecuted and sentenced to long terms of corrective labor for actions they regard to be essential for the practice of their religious beliefs hinges on how religious freedom is defined by the laws and administrative regulations of a regime committed to the implementation of atheism as state policy.

The Law of Religious Associations does not confer on religious denominations the status of public organizations as defined by the Soviet Constitution or the juridical status of a person-at-law.

Instead, the law reduces church-state relations to a local-level relationship between the state and each primary unit of believers (at least 20 persons acquiring official recognition through registration). This initial legal premise thus undermines the concept of an institutional church transcending a local area. Leaders of a religious denomination properly designated through the denomination's own internal procedures have no recognized status under the law, nor does the law require state authorities to deal with them, although in practice they may do so to the extent it serves regime interests. The law, moreover, is structured to inhibit church leaders from exercising effective control over affairs of the church, its hierarchy, or members. Church organizations cannot own property or inherit funds or property as other Soviet public bodies may. Religious "cults" <sup>7</sup> have no specific legal right to maintain seminaries, publishing facilities, or other institutions, such as monasteries -- they exist only by special permission.

Notable provisions of the law include the following:

-- No individual may belong to more than one "religious cult group" (Article 2).

-- Religious associations may not function unless they register with local authorities (Article 4). The procedure for registering and satisfying all other official requirements is complex and allows authorities -- by refusing to register a group -- to deny legal status not only to individual groups but collectively to an entire religious denomination. This has been the fate of the Eastern Rite (Uniate) Catholic Church and the Jehovah's Witnesses. Congregations of some religious denominations, such as the Pentacostals and Seventh Day Adventists, are denied registration on the grounds that they do not accept the limitations imposed on believers by the Law on Religious Associations. A legally functioning religious group ceases to exist if authorities withdraw registration. In effect, Article 4 can prevent a Soviet citizen from practicing the faith of his or her choice.

-- Individual religious groups may organize general meetings or participate with other groups in conferences or councils only with official permission (Articles 12 and 20). By withholding such permission, state authorities have prevented denominations from holding a general conference (e.g., the Jews) or establishing central administrative bodies (e.g., Jews, Moslems). In other instances, authorities have required such meetings to be held for specific regime purposes (e.g., the irregularly convened Council -- Synod -- of the Russian Orthodox Church in 1961, and the irregularly convened Congress -- Sobor -- of the Eastern Rite Catholic Church in 1946 which approved the union of the Church with the Russian Orthodox Church under regime pressure).



-- Registered religious groups must elect their executive body by open ballot (Article 13). Individual members of a group may be removed "by the registering agencies" (Article 14). These two articles provide authorities with the necessary leverage to control the composition and membership of each religious group and to manipulate its choice of leaders -- hence, its activities and policies as well.

-- The law regards members of the clergy as persons hired by individual religious groups only for the performance of religious rites, a status which prevents the clergy from exercising a leadership role in a religious community. They also are wholly dependent on authorities for permission to practice their calling. Soviet law and administrative practices place at a special disadvantage those denominations (such as the Roman Catholic and Russian Orthodox Churches) where the priesthood is regarded as a sacrament, since official interference in ordination and appointment of clergy and in the discharge of their duties infringes on canon law.

-- Article 17 imposes a lengthy list of restrictions on the activity and rights of religious groups and members of the clergy: They may not engage in charitable, social, or "political" activities; organize prayer or study groups for adults or proselytize. Nor can they establish children's playgrounds, kindergartens, libraries, reading rooms, mutual aid societies, cooperatives, or sanatoriums. Neither the religious association nor its clergy can organize religious instruction for children; such instruction may be given only by parents to their children at home (Article 17).

-- The activity of clergy of a "cult" is restricted to the residential area of the religious association's members and the location of the "prayer premises" (Article 19).

-- Property necessary for the functioning of the "cult" is nationalized and under state control (Article 25).

-- Religious associations are denied property rights and may use "cult buildings" only by contractual agreement with Soviet authorities (Article 28).

-- "Prayer buildings" not under state protection as historical monuments may be used and reequipped for other purposes or demolished by Soviet authorities (Article 41).

-- All "cult property" is subjected to compulsory inventory by Soviet authorities (Article 55).

-- The performance of religious rites and ceremonies is not permitted in state, social, or cooperative institutions, although these rites and ceremonies may be held in "especially isolated premises" as well as at cemeteries and crematoria (Article 58).

-- Permission must be obtained from Soviet authorities before religious festivals can be held under an "open sky" or in the apartments or houses of believers (Article 59).

-- "Supervision" of religious associations is entrusted to the registering agencies (Article 64). Before the Law was amended in 1975, "surveillance" of religious associations, not "supervision," was entrusted to the "appropriate" Soviet authorities rather than "registering agencies."

The Law on Religious Associations prescribes relatively light penalties for violations: "Religious cult associations which have not fulfilled the requirements ... shall be considered closed with the consequences provided for by the present Decree." A decree on "Administrative Liability for Violation of Legislation on Religious Cults" of March 1966 also imposes a fine not exceeding 50 rubles for violating enumerated prohibited activities. Persistent attempts by believers to organize religious groups and activities outside the provisions of the Law, however, may be prosecuted -- and are in fact regularly prosecuted -- under general articles of the Criminal Code dealing with deviant behavior. These include Article 70 (Anti-Soviet agitation and propaganda), Article 190.1 (Circulation of knowingly false fabrications), Article 190.2 (Organization of or active participation in group actions which violate public order), Article 162 (Engaging in a prohibited trade), Article 206 (Hooliganism), Article 209 (Vagrancy, Begging and Parasitism), and Article 151 (Crimes against property of associations not constituting Socialist organizations).

In addition, Articles 142 and 227 of the Criminal Code are aimed specifically against religious activists. Violation of laws on separation of church and state and of church and school (Article 142) is punishable by three years deprivation of freedom for repeat offenders. A clarification by the Presidium of the RSFSR Supreme Soviet regarding the practical application of Article 142 explained that violations involving criminal responsibility shall include:

-- compulsory collection of funds for the benefit of religious organizations or cult ministers;

-- the preparation for mass dissemination, or the mass dissemination of written appeals, letters, leaflets, and other documents calling for the nonobservance of the legislation on religious cults;

-- the commission of fraudulent actions for the purpose of inciting religious superstition among the masses of the population;

-- the organization and conduct of religious meetings, processions, and other cultic ceremonies which violate the social order; and

-- the organization and systematic conduct of religious instruction to minors in violation of established legislation.

The infringement of rights of citizens under appearance of performing religious ceremonies (Article 227) carries a maximum punishment of 5 years deprivation of freedom. Religious actions infringing on the rights of citizens are defined to include:

-- Activities "carried on under the appearance of preaching religious beliefs and performing religious ceremonies" which can harm health or induce citizens "to refuse social activity or performance of civic duty, or draw minors into such a group ..."

-- Active participation in such activities or "systematic propaganda directed at the commission of such acts."

Members of fundamentalist evangelical sects where religious practices may include faith healing, refusal of conventional medical treatments, trances, glossolalia, or other forms of religious exaltation are subject to charges under Article 142. Similarly, Article 227 allows the prosecution of believers who refuse to perform military service on religious grounds, or who induce others to do so, or who forbid their children to attend state schools.

The statutory limitations on freedom of conscience and religious activity impose on religious believers difficult moral choices. Many believers who attempt to stay within the letter of the law find the conflict between faith and law irreconcilable and choose to ignore the law. Such activists can be found in every denomination and some, such as the Roman Catholics in Lithuania and the Baptists exhibit a high degree of organization and achieve impressive results. In 1980, for example, Lithuanian Catholics sent Brezhnev a petition signed by 143,869 believers asking for the return of a church which had been constructed with official permission at the expense of Catholics in the town of Klaipeda and then confiscated by the authorities. (The petition evoked no response from the authorities.) In the early sixties, a sizeable group of Baptists broke with the officially-endorsed "All-Union Council of Churches of Evangelical Christians and Baptists" and established a rival -- and illegal -- "Council of Churches of Evangelical Christians and Baptists." The dissident Baptists could not accept State restrictions including the ban on religious instruction to children, State control over clergy and the content of sermons, and the prohibition against religious "propaganda." Despite arrests and harassments, they continue to defy the authorities and have even established a clandestine publishing house producing printed unofficial editions of religious literature as well as two monthly journals and a bulletin issued by a "Council of Prisoners' Relatives."

While all religious denominations without exception are bound by the restrictions enumerated above, enforcement of the law is carried out with especial severity against the Soviet Jewish community. Alone among the recognized religious groups in the USSR, Soviet Jews have no functioning seminary for the training of clergy, no authorized religious publications, no national organization, and no approved ties with co-religionists abroad.

#### F. OTHER GROUNDS FOR PROSECUTION

Because of the extensive restrictions Soviet laws place on the exercise of individual rights, a Soviet citizen can hardly achieve the status of a political or religious activist without running afoul of one of the political or religious articles of the Criminal Code, and for this reason Soviet citizens who incur official displeasure often face charges under such articles. However, their individual circumstances may also make them vulnerable to a variety of other charges. The authorities readily use a legal pretext, however flimsy the evidence, or fabricate a case if they decide to act against an activist.

For this reason, the political essence of some trials is not apparent from the formal criminal charges, which may involve common crimes such as assault, embezzlement, or theft of state property. Such cases, especially if they take place in provincial areas, may not come to the attention of Western observers or be reflected in statistical data. At the same time, the Soviet penal system often treats activists convicted for ordinary crimes as common criminals rather than political offenders. They may be directed to serve their sentence in "general regime" corrective labor camps and may in time even qualify for leniency, parole, or amnesty which is usually denied to political prisoners.

It is possible, of course, that criminal prosecution of an individual who happens to be an activist may be justified on the basis of evidence in matters unrelated to his nonconformist views or behavior. Dissidents are not necessarily above reproach. At the same time, a large body of evidence accumulated over the years regarding the disposition of individual cases indicates that trials of political and religious activists are preprogrammed to achieve conviction of the defendant regardless of the evidence at hand. Such trials involve flagrant violations of declared Soviet judicial procedure. Defendants are prevented from preparing or presenting an effective defense. Even the decision about the length of the sentence may have been made before the start of the trial. In short, if the regime chooses to take punitive action against an individual, the question of his formal guilt or innocence is irrelevant.

#### G. POLITICAL PRISONERS, PRISONERS OF CONSCIENCE, AND REFORM OF "CRIMINALS"

Soviet authorities contend that Soviet citizens are never prosecuted for political views or religious beliefs, but only for criminal acts specified by the Criminal Code, and that therefore political prisoners do not exist in the Soviet Union in law or as a special category of the penal population. That contention is contradicted by evidence that activists convicted under the political or religious articles of the Criminal Code are treated differently during pretrial investigation and during the judicial process, and are subsequently singled out for especially harsh treatment during confinement:

-- The investigation of such cases is conducted by the KGB, which retains control over them and determines their disposition.

-- Persons convicted for "especially dangerous crimes against the State"--including those convicted for anti-Soviet agitation and propaganda (Art. 70) -- are sentenced to "strict regime" (i.e., maximum security) corrective labor camps.

-- They are systematically denied packages, mail, and meetings with relatives to which they are entitled under prison regulations.

-- They run the risk of facing new criminal charges just before they complete serving a term of imprisonment if authorities do not wish to release them.

-- Upon completion of a term of corrective labor or internal exile, political and religious activists are often deprived of the right to return to their former city of residence. In effect, this perpetuates their exile status and they are forced to move from place to place in search of permission to establish legal residence. This has been the fate of Ida Nudel, the Jewish activist, who recently completed a four-year term of internal exile for "malicious hooliganism." She has been prevented from returning to Moscow.

-- Religious believers sentenced to a term of imprisonment are not permitted access to religious literature, not even the religious literature that is occasionally published in the Soviet Union with official permission. In 1982, Russian Orthodox activist Gleb Yakunin staged an unsuccessful hunger strike when he was denied permission to have a Soviet edition of the Bible in labor camp.

-- Life in corrective labor camps is made even more difficult for individuals who regard themselves as political prisoners or "prisoners of conscience" because they fail to meet the two basic criteria the penal system requires from inmates to qualify for privileges and leniency -- admission of guilt and evidence of "reform." In the case of persons convicted essentially for political, religious, or nationalistic beliefs or other forms of intellectual nonconformity, "reform" in the eyes of the authorities would require renunciation of personal beliefs and public espousal of official ideology. Therefore, authorities regard those who refuse to do this as uncooperative and incorrigible, and not qualified to receive privileges, lenient treatment, early release, or consideration for pardon or amnesty.

An amnesty announced for the sixtieth anniversary of the USSR in December 1982 carefully excluded not only serious common criminals, but also political and religious offenders. The amnesty did not cover:

-- Individuals convicted for especially dangerous state crimes (including Article 70) and recidivists (many political and religious activists, it should be noted, are repeat offenders);

-- Individuals convicted under Article 142 (separation of Church and State), Article 162 (engaging in a prohibited profession), Article 190.1-190.3 (slandering the Soviet system; organizing or participating in group activities violating social order), Article 206 (hooliganism), Article 209 (parasitism), and Article 227 (infringing on citizens' rights under guise of performing religious ceremonies).

The language of the amnesty demonstrates that an individual who organizes religious instruction for children or who circulates a petition protesting an official action is deemed more dangerous by Soviet authorities than one who commits assault, robbery, or rape.

The Soviet Government's official position regarding political prisoners was stated by First Deputy Chief Zagladin of the Central Committee's International Department at a press conference before the December 1982 amnesty was announced. He explained that the amnesty would not include political prisoners because there are none in the Soviet Union.

## II. CONDITIONS UNDER WHICH SOVIET FORCED LABORERS WORK AND LIVE

Physical conditions in corrective labor colonies of the special regime, to which political prisoners often are sentenced, are usually harsh, and much more severe than the usual conditions in camps for common criminals. Political prisoners in an especially harsh special regime camp in the Mordovskaya region (see plate) are reported to be confined to cells holding between three and five prisoners each, with a bucket serving as a toilet. The wife of former Soviet political prisoner Alexander Ginzburg reported, after visiting him in 1978:

"The cell in which my husband and other prisoners are kept is so damp that water drips down the walls and the plaster is crumbling off. Mice run about in the cell." (Prisoners of Conscience in the USSR: Their Treatment and Condition, Amnesty International, London 1980, p. 111)

Barrack-type quarters are common in ordinary, reinforced, and strict regime camps. The norm is overcrowded conditions, lack of ventilation, lack of sufficient heating during the cold months, and inadequate or unsanitary toilet facilities. Clothing is strictly limited by official regulation, causing numerous instances of sickness when prisoners are not permitted to wear warm clothes in addition to the inadequate regulation clothing.

Soviet authorities use the prison diet as a means of punishment. The regular diet itself is a form of punishment but may also be reduced in response to infractions of prison rules.

Article 56 of the RSFSR Corrective Labor Code reads:

"Convicted people shall receive food ensuring the normal vital activity of the human organism. Food rations shall be differentiated according to the climatic conditions at the location of the corrective labour colony, the nature of the work done by the convicted person and his attitude to work. People who are put in a punishment- or discipline-isolation cell, in a punishment cell, in the cell-type premises of colonies with ordinary, reinforced and strict regime and in a solitary cell in colony with special regime shall receive reduced food rations."

The official Commentary to Article 56 goes further:

"Convicted persons who systematically and maliciously do not fulfil their output norms of work may be put on reduced food rations."

Prisoners are theoretically permitted to receive extra food in the form of packages from the outside or by purchasing a few items from the camp commissary. Yet penal authorities often withhold this privilege, especially in the case of political prisoners. For example, penal authorities have repeatedly rejected packages sent to imprisoned human rights activist Anatoly Shcharansky by his mother; the authorities have also prohibited her from visiting Shcharansky.

There are also numerous reports of poor or nonexistent health care in the camps. One from the Chronicle of Current Events (No. 5, December 31, 1968) regarding the experience of the former political prisoner Vladimir Bukovsky relates circumstances that are reported to continue to exist:

"In October Vladimir Bukovsky was concussed when a pile of timber collapsed on him. He was unable to work as a result, but was accused of malingering and put in a punishment cell. He started a hunger strike in protest. Against the usual rule he was put in a communal cell and his cellmates declared a ten-day hunger strike in support of him. Only after this was Bukovsky transferred to hospital for a while."

Additional information on conditions in Soviet forced labor camps is contained in a letter, dated October 25, 1982, from P. Paritskaya, wife of Soviet political prisoner Aleksandr Paritskiy:

"My husband Aleksandr Solomonovich Paritskiy, 44, a Jew, a refusenik, a scientist, candidate of technical sciences, having worked in the field of oceanology, was condemned by the Khar'Kov district court in November, 1981, and sentenced to three years in an ordinary-regime (corrective labor) camp.

"He was accused of having distributed slanderous fabrications denigrating the Soviet state and social system.

"Since February, 1982, he has been in camp no. 94/4 (near) the village of Vydrino in the Buryat autonomous Soviet socialist republic. Upon his arrival in camp, my husband was assigned very strenuous manual labor in a railroad tie factory.

"He was placed under special, constant supervision. Approximately 2,000 prisoners are held in the Vydrino camp. There, tuberculosis and (other) diseases are endemic. Last year, the death-rate reached 2 percent, and there were many traumatic cases since hygienic rules and techniques were not observed.

"The bodies of many prisoners were covered with perforated ulcers. Their clothing stuck to their bodies and had to be ripped off along with their skin. The prisoners are denied quality medical assistance.

"Forty-two kopecks a day are spent to feed (each prisoner). Their daily diet basically is about 700 grams of bread and three scoops (one scoop -- 200 - 250 grams) of porridge. At lunch soup is added to the porridge. Fat is almost, and vitamins are completely, absent from their diet.

"In the section of the barracks where my husband lives, about 75 persons are housed in one room.

"At the end of June, 1982, the chief of the zone Major N.N. Anikeyev called my husband in and demanded that he publicly recant and repudiate the idea of emigrating from the Soviet Union.

"When my husband refused to comply with this demand, Anikeyev cynically said that it made no difference, that he would force him to recant.



"Since the end of July, they have transferred my husband to work in the zone's so-called local industry and have assigned him to the job of transporting gun-carriage plates weighing as much as 200 kilos. Two unidentified persons travelled to the camp each day to ensure that my husband did only his work.

"On August 22, when my husband began to talk about himself at our meeting, they interrupted it, seized him, and put him in punitive, solitary confinement (SHNZO) for 15 days.

"Punitive solitary confinement occurs in a cell in the camp site. Food is provided every other day. All warm clothing and underwear are confiscated. Bed linens are not provided. During the day, the sleeping area is cleaned. There, it is very cold, and even at night it is impossible to get warm.

"At our meeting, my husband was able to say that his blood pressure had increased to such an extent that he could not do all of his work, and so he refused to continue working. He had changed so much that it was hard to recognize him. His face was pale and emaciated; he had lost a lot of weight.

"After releasing him from solitary confinement, they again assigned him to his old job and then threw him back into solitary confinement.

"When I went to camp authorities on September 7, Major Sautin told me that my husband had high blood pressure and had been complaining about heart pains.

"My husband had no warm clothing, but winter already had begun in Buryatia.

"Despite that the procurator had ordered that my husband be allowed to receive things from me, the camp chief director refused to allow it, saying that the procurator had not instructed him to do so.

"I declare that my husband is undergoing the tortures of hunger, cold, and work beyond his endurance.

"They threaten him now with a new trial and a transfer to a prison regime.

"During the last two months, I have not received any letters from my husband, although his correspondence is not restricted. Even a package of warm clothing sent to him was returned.

"They subject him to all these insults to force him publicly to repudiate emigration to Israel. My husband at present finds himself in the position of a hostage.

[signed] P. Paritskaya"

### III. FORCED LABOR AND THE SOVIET UNION'S OBLIGATIONS UNDER INTERNATIONAL LAW

International law distinguishes between forced or compulsory labor on the one hand and slavery on the other. In countries that have established permanent and extensive systems of forced labor to serve the economic as well as political purposes of the government, however, the distinction becomes in large part academic.

In the 1920's and 30's, the League of Nations evinced strong interest in the dangers that slavery and forced labor posed to fundamental human rights. Two multilateral treaties dealing with such matters -- the Anti-Slavery Convention of 1926 and ILO Convention 29, both discussed below -- were concluded in that period; both were ratified by the Soviet Union, and both remain in force today.<sup>8</sup>

#### A. THE ANTI-SLAVERY CONVENTION (1926)

The Convention on Suppression of the Slave Trade and Slavery ("Anti-Slavery Convention") deals primarily with slavery but also notes that "grave consequences" may result from exploitation of forced labor. Resulting from a recommendation of the Temporary Slave Commission established by the League of Nations, the Anti-Slavery Convention was adopted by the Assembly of the League on September 25, 1926.

Article 1 of the Anti-Slavery Convention defines slavery as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised." It would violate the Anti-Slavery Convention for a State party to enforce a private property right in an individual as a slave.

The international community, through the Anti-Slavery Convention, recognized that the large-scale use of forced labor tends inevitably to undermine universally acknowledged human rights and called attention to the comparability of forced labor abuses and the crime of slavery. Article 5 of the Anti-Slavery Convention states:

"The High Contracting Parties recognize that recourse to compulsory or forced labour may have grave consequences and undertake each in respect of the territories placed under its sovereignty ... to take all necessary measures to prevent compulsory or forced labour from developing into conditions analogous to slavery."

The Soviet Union's forced labor system comprises approximately four million laborers and constitutes an important element in the Soviet economy. Most major construction projects in the Soviet Union involve exploitation of such laborers. Soviet forced laborers work under conditions of severe hardship and some of them, political prisoners in particular, suffer deliberate maltreatment. The scope and economic purposes of the Soviet Union's forced labor system and the abuses inflicted on forced laborers there support the conclusion that the Soviet Union is failing to fulfill its solemn undertaking in Article 5 of the Anti-Slavery Convention.

## B. FORCED LABOR CONVENTION (1930)

At the time of its adoption of the Anti-Slavery Convention in 1926, the Assembly of the League of Nations also adopted a resolution calling on the International Labor Organization (ILO) to study "the best means of preventing forced or compulsory labour from developing into conditions analogous to slavery."

Four years later, on June 28, 1930, the ILO General Conference adopted Convention 29 -- Concerning Forced or Compulsory Labor.

The term "forced labor," as defined by Article 2 of ILO Convention 29, comprises "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." Forced labor does not necessarily involve private property rights in individuals.

States parties to ILO Convention 29 undertake to suppress the use of forced or compulsory labor in all its forms within the shortest period possible. ILO Convention 29 requires, *inter alia*, the abolition of forced labor for work underground in mines. The Convention lists a set of strict determinations that the highest civil authority in a given territory must make before that authority allows recourse to forced labor. The Convention mandates that (1) an individual's forced labor term not exceed sixty days per year, (2) a forced laborer receive prevailing wage rates, including overtime pay, and (3) a forced laborer work no more than normal hours, and receive the benefit of days of rest and holidays. Also in ILO Convention 29 are standards governing workmen's compensation, safety and health, and age limits for forced laborers.

For a discussion of the ILO's formal reproaches against the Soviet Union for violations of ILO Convention 29, see the U.S. Department of State's November 1982 Preliminary Report to the Congress on Forced Labor in the USSR, Tab 2 ("The International Labor Organization: Forced Labor in the Soviet Union").

## C. REPORT OF AD HOC COMMITTEE ON FORCED LABOR (1953)

In the decades following the initial signing of the Anti-Slavery Convention, it became increasingly clear that those human rights which the Anti-Slavery Convention and ILO Convention 29 were drafted to protect are subject to the most salient and persistent violation in countries that have established actual systems for exploiting forced labor. On March 19, 1951, the UN Economic and Social Council ("ECOSOC") acted to expose such violations through adoption of its Resolution 350(XII).

In that resolution, ECOSOC stated that it was "deeply moved by the documents and evidence brought to its knowledge and revealing in law and in fact the existence in the world of systems

of forced labour under which a large proportion of the populations of certain States are subjected to a penitentiary regime." The resolution then invited the ILO to cooperate with ECOSOC to establish an ad hoc committee on forced labor

"to study the nature and extent of the problem raised by the existence in the world of systems of forced or 'corrective' labour, which are employed as a means of political coercion or punishment for holding or expressing political views, and which are on such a scale as to constitute an important element in the economy of a given country, by examining the texts of laws and regulations and their application ... and, if the Committee thinks fit, by taking additional evidence into consideration ..."

and to report on the results of its study. According to the resolution, the Ad Hoc Committee's work was to be guided by the principles laid down in ILO Convention 29, "the principles of the [UN] Charter relating to respect for human rights and fundamental freedoms, and the principles of the Universal Declaration of Human Rights."

The resulting Ad Hoc Committee on Forced Labor, comprising individuals from Norway, India, and Peru, carried out its study for almost two years, issuing in May 1953 its comprehensive 600-plus page report on forced labor, UN Document E/2431, Economic and Social Council, Sixteenth Session, Supplement No. 13. The report is a meticulous review of the relevant legislation and the relevant judicial and penal practices of over 20 various countries against which allegations had been made regarding forced labor abuses.

After discussing the Soviet case in detail, the Committee report stated the following conclusions:

"Given the general aims of Soviet penal legislation, its definitions of crime in general and of political offences in particular, the restrictions it imposes on the rights of the defence in cases involving political offences, the extensive powers of punishment it accords to purely administrative authorities in respect of persons considered to constitute a danger to society, and the purpose of political re-education it assigns to penalties of corrective labour served in camps, in colonies, in exile and even at the normal place of work, this legislation constitutes the basis of a system of forced labour employed as a means of political coercion or punishment for holding or expressing political views and it is evident from the many testimonies examined by the Committee that this legislation is in fact employed in such a way.

"Persons sentenced to deprivation of liberty by a court of law or by an administrative authority, particularly political offenders, are for the most part employed in corrective labour camps or colonies on large-scale projects, on the development of mining areas or previously uncultivated regions, or on other activities of benefit to the community, and the system therefore seems to play a part of some significance in the national economy."

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"Soviet legislation makes or places restrictions on the freedom of employment; these measures seem to be applied on a large scale in the interests of the national economy and, considered as a whole, they lead, in the Committee's view, to a system of forced or compulsory labour constituting an important element in the economy of the country."

The Committee report's general conclusions included the following:

"A system of forced labour as a means of political coercion... is, by its very nature and attributes, a violation of the fundamental rights of the human person as guaranteed by the Charter of the United Nations and proclaimed in the Universal Declaration of Human Rights. Apart from the physical suffering and hardship involved, what makes the system most dangerous to human freedom and dignity is that it trespasses on the inner convictions and ideas of persons to the extent of forcing them to change their opinions, convictions and even mental attitudes to the satisfaction of the State."

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"While less seriously jeopardising the fundamental rights of the human person, systems of forced labour for economic purposes are no less a violation of the Charter of the United Nations and the Universal Declaration of Human Rights."

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"Such systems of forced labour affecting the working population of fully self-governing countries result from various general measures involving compulsion in the recruitment, mobilisation or direction of labour. The Committee finds that these measures, taken in conjunction with other restrictions on the freedom of employment and stringent rules of labour discipline--coupled with severe penalties for any failure to observe them--go beyond the 'general obligation to work' embodied in several modern Constitutions, as well as the 'normal civic obligations' and 'emergency' regulations contemplated in international labour Convention No.29."

(emphasis in original; footnotes deleted).

These conclusions led to the adoption by UN bodies of several resolutions condemning systems of forced labor such as that existing in the Soviet Union. In Resolution 740(VIII), adopted on December 7, 1953, the UN General Assembly, "considering that systems of forced labour constitute a serious threat to fundamental human rights and jeopardize the freedom and status of workers in contravention of obligations and provisions of the Charter of the United Nations," affirmed "the importance which it attaches to the abolition of all systems of forced or 'corrective' labour, whether employed as a means of political coercion or punishment for holding or expressing political views or on such a scale as to constitute an important element in the economy of a country." In Resolution 842(IX), adopted on December 17, 1954, the UN General Assembly reiterated its condemnation of such systems of forced labor.

The international community, primarily through the ILO, has continued to highlight the importance of abolishing systems of forced labor, especially those used for political coercion or for economic purposes. The ILO has been the principal UN agency overseeing forced labor since ECOSOC adopted Resolution 524 (XVII) (April 27, 1954) calling on the ILO to continue its consideration of forced labor and to take whatever further action it deemed appropriate toward its abolition. Indeed, the ILO Committee of Experts has conducted three general surveys on forced labor since the 1950's, the latest one published in 1979; all have been critical of relevant Soviet law. In addition, the ILO General Conference of 1977 adopted a Resolution calling for the strengthening of the ILO supervision system for the application of international labor standards, particularly human rights standards such as those relating to forced labor.

#### D. CONCLUSION

In the period since the Ad Hoc Committee of Forced Labour issued its report, changes have been made in the Soviet Union's forced labor laws and practices. Soviet penal legislation today, however, still aims to punish individuals for their political views and for peaceful actions of an essentially political or religious nature. Moreover, in practice, Soviet authorities continue to use such legislation for that purpose. In Soviet courts, the rights of the defense, especially when political charges are involved, remain severely restricted. Soviet administrative authorities continue to possess and exercise extensive powers of punishment and corrective labor camp penalties continue to have as a goal the coerced alteration of the personal opinions of political prisoners. Furthermore, the Soviet Union's forced labor system remains an important element in the Soviet economy and forced laborers in the Soviet Union are still subjected to exceedingly harsh conditions and maltreatment. Thus, notwithstanding the changes in the Soviet Union's forced labor system since the issuance of the Ad Hoc Committee's report in 1953, the Government of the Soviet Union is persisting in practices that contravene the UN Charter and failing to fulfill its solemn undertakings in the Universal Declaration of Human Rights and the Anti-Slavery Convention of 1926.

NOTES

1. Vedomosti Presidiuma Verkhovnogo Soveta SSSR, No. 29(1969), Art. 247.
2. Vedomosti SSSR, No. 7(1977), Art. 118; No. 33(1981), Art. 967; No. 30(1982), Art. 572; No. 42(1982), Art. 793.
3. Vedomosti SSSR, No. 7(1977), Art. 118.
4. Vedomosti SSSR, No. 30(1982), Art. 572.
5. Equivalent articles exist in the criminal codes of other Soviet republics, although their numerical designation may differ.
6. The Bible (Russian-language edition of the Moscow Patriarchate, 1956).
7. "Cult" is the disparaging Soviet statutory term for a religion.
8. The United States is a party to the Anti-Slavery Convention, but not to ILO Convention 29. The United States Government has signed ILO Convention 29; but the Senate has not yet consented to ratification.

U.S. Department of Labor

Bureau of International Labor Affairs  
Washington, D.C. 20210

January 10, 1983

UPDATE ON ILO ACTIVITIES

## Direct Contacts Mission to the USSR

The International Labor Organization (ILO) has accepted "in principle" an invitation from the Soviet All Union Central Council of Trade Unions (AUCCTU) to send an on-site mission to examine charges of forced labor on the export pipeline. Arrangements for the ILO visit as well as its terms of reference have yet to be worked out. The invitation nevertheless marks the first time that the ILO may be permitted to conduct an on-site mission specifically concerning Soviet use of forced labor. The invitation should be viewed with caution, however, in light of the potential limitations, discussed below, on the mission's terms of reference.

Background

On August 20, 1982 the International Confederation of Free Trade Unions (ICFTU) sent a letter to ILO Director-General Francis Blanchard requesting him to raise with the competent Soviet authorities the allegation that forced labor is used in the construction of the natural gas pipeline from Siberia to Western Europe. The ICFTU also requested that the matter be transmitted to the ILO Committee of Experts on the Application of Conventions and Recommendations.

The ICFTU letter did not constitute a formal complaint under Article 24 of the ILO Constitution, nor did it request that a direct contacts mission be established with the Soviet Union.

In response, the ILO informed the ICFTU on September 2 that its letter was being transmitted to the Soviet government with a request for comments on the issue. In addition, as requested by the ICFTU, the matter would be communicated to the Experts.

Later that month, while on a visit to the Soviet Union (September 24-October 4), ILO Deputy Director-General Bertil Bolin raised the matter of working conditions on the pipeline project. At that time Bolin was extended a verbal invitation by the official Soviet trade union organization to send a mission to examine working conditions and the life of workers on the Siberian gas export pipeline. The invitation was formally confirmed by an October 25 letter from Vasili Prokhorov, Vice-President of the Central Council of Soviet Trade Unions and worker member of the ILO Governing Body (See Appendix 1).



The terms of reference of the mission, as stipulated in the Prokhorov letter, would permit one senior ILO official accompanied by two advisers to visit only the export pipeline. No mention is made of visiting labor camps in close proximity to the export pipeline, or camps elsewhere in the Soviet Union. In addition, it is not clear whether ILO officials would be able to choose the sites for visit, or that they would be able to talk privately with pipeline workers.

### The ILO Reaction

#### A. The Office

On November 2 during an interview with United Nations television, ILO Director-General Blanchard was reported by Reuter to have announced an ILO request to send a mission to the Soviet Union. In response to press inquiries concerning the Blanchard statement, the U.S. Department of State said on November 2 that it considered the ILO's request for a mission appropriate in view of the controversy surrounding the use of forced labor in the USSR. The Department stressed at the same time, however, that it is incumbent upon the Soviet authorities to disprove the numerous and grave charges concerning their use of forced labor -- including that of political prisoners -- by opening all of their labor camps and involuntary labor sites to international inspection.

The ILO announced receipt of the Soviet trade union invitation on November 9. Director-General Blanchard, however, denied that the ILO had actually solicited an invitation for a mission. The ILO issued a press release on November 10 in which Blanchard stated only that "the ILO is more effective when it can make on-site visits, not to conduct inquiries in the judicial sense, but to examine problems where they may arise" (See Appendix 1).

Following the ILO's announcement on November 9 of receipt of the Soviet trade union invitation on that date, the Department noted that to be meaningful any invitation would have to have the full commitment of the Soviet Government to guarantee full access to the mission to investigate the charges.

In any event, the ILO must make a decision on how to deal with the Soviet trade union invitation. Many questions remain unanswered: Although Soviet trade unions are under total government control, it can be asked why the invitation did not come directly from the Soviet Government, which is responsible for the Soviet Union's international obligations? Would the Soviet Government disavow unfavorable conclusions on the basis that it was "not involved?" By contrast, would it exploit favorable conclusions as the "definitive statement" on forced labor in the Soviet Union? Will the mission be limited to pre-selected sites on the export pipeline?

There are considerable grounds for concern, as indicated already by the ICPTU and AFL-CIO, that as in the case of an ILO survey of the Soviet Union in 1959, a mission on Soviet forced labor would accomplish nothing or would be a "whitewash". (For conclusions of the 1959 Survey, see History of the International Labor Organization, Antony Alcock, New York (1971), page 315). The U.S. Government, for its part, made clear in the statement by the Department of State on September 22, 1982 and in its transmittal letter to Congressional leaders on November 4, 1982, that in the light of the very serious allegations which remain unresolved, it is incumbent upon the Soviet Union to open to impartial international inspection its entire system of forced labor camps and projects.

#### B. The Committee of Experts

As stated above, the ICPTU's letter will be transmitted to the ILO Committee of Experts. Since the USSR ratified ILO Convention 29 on forced labor in 1956, the Experts examine Soviet application of this Convention on a biennial basis. The next session at which the Experts definitely will examine the issue of Soviet forced labor is in March 1984, by which time the biennial Soviet report is due.

However, as noted above, the ICPTU has asked the Committee of Experts to look into the matter which, if it so desires, it could do at its March 1983 session. The most that might normally be expected in 1983, however, would be a request from the Experts that the Soviet Government respond to the allegations by March 1984.

#### C. ILO June Conference

With regard to the annual ILO June Conference, it is possible that the issue of forced labor in the Soviet Union may be raised in June 1983 by a delegate during the general discussion on the application of standards. However, as a major discussion on freedom of association in all member States, including the Soviet Union and Poland, is scheduled for June 1983, the issue of Soviet forced labor may not be debated until the following Conference in June 1984.

RECENT CHRONOLOGY

June 18, 1982	Subcommittee on International Finance, Senator William Armstrong presiding, held hearings on Soviet labor practices.
August 1982	The German International Society for Human Rights (ISHR) issues a report entitled "The Use of Forced Labor on the Siberian Gas-Pipeline."
August 17, 1982	Senator Armstrong submits Resolution requesting the Department of State to investigate allegations concerning the use of forced labor on the Soviet pipeline.
August 20, 1982	The ICFTU sends a letter to ILO Director-General requesting that the ILO investigate allegations of forced labor on the Soviet pipeline.
September 2, 1982	ILO Director-General responds to ICFTU, indicating that it is transmitting ICFTU letter to Soviet government and to ILO Committee of Experts.
September 6, 1982	ICFTU publicizes its request of the ILO.
September 22, 1982	Department of State issues an official statement on the issue of Soviet forced labor, calling for the entire Soviet forced labor system to be opened to impartial international inspection.
September 29, 1982	Conference Report 97-891 directs the Secretary of State to report on allegations concerning the use of Soviet forced labor.
September 24 - October 4, 1982	ILO Deputy Director-General Bertil Bolin visits the USSR and raises the issue of working conditions on the pipeline project.

October 25, 1982	Vasili Prokhorov, Vice Chairman of the Soviet All Union Central Council of Trade Unions (AUCCTU) sends a formal invitation to the ILO to send a mission to visit the pipeline.
November 2, 1982	ILO Director-General Blanchard holds interview with U.N. television.
November 3, 1982	Department of State issues public comment in response to inquiries concerning Blanchard's interview.
November 4/5, 1982	Department of State submits preliminary report to Congress.
November 10, 1982	ILO issues press release concerning invitation from Soviet trade union organization for a mission.



Wednesday 10 November 1982  
For immediate release

# Press

## SIBERIA-EUROPE GAS PIPELINE

32-82

GENEVA (ILO News) - Following an interview given to United Nations television in New York on 2 November, during which he spoke, among other matters, of problems of conditions of work on the sites of the gas pipeline in the Soviet Union, Director-General Francis Blanchard of the International Labour Office wishes to make the following clarification:

Contrary to some of the comments to which this interview has given rise, among others from the United States, the Director-General limited himself exclusively to recalling the responsibilities of the International Labour Organisation, whose mandate is to watch over the application of international labour Conventions, and in particular the basic Conventions ratified by member States in the field of human rights.

Within the framework of this mandate it is the task of the International Labour Office to gather information from member States so as to enable the International Labour Conference and the supervisory bodies to discharge their responsibilities. The Director-General added, in this connection, that the ILO is more effective when it can make on-site visits, not to conduct inquiries in the judicial sense, but to examine problems where they might arise.

In this connection the Director-General wishes to publish the following letter, dated 25 October 1982, sent by Mr. Vassili Prokhorov, Vice-President of the Central Council of Soviet Trade Unions,

Tel. 99.61.11  
ext.7940  
Distribution:  
ext.7913

to Mr. Bertil Bolin, Deputy Director-General of the ILO:

"In the course of our talks in Moscow a question was raised in regard to IOFTU General Secretary O. Kersten's letter alleging that in this country prisoners' forced labour is used for building the Siberia-Western Europe gas-main.

"With a view of initiating a dialogue between the ILO and the Soviet Trade Unions on this matter I have already expressed our readiness to arrange for you and one or two advisers who may accompany you, to visit the gas-main construction site.

"On behalf of the AUCCTU I formally confirm hereby the invitation to visit the construction site of the Siberian-Western Europe gas-main at any convenient time and to become acquainted on the spot with the conditions of labour and life of Soviet workers employed at the above-mentioned project."

\* \* \* \* \*

### Soviet Efforts to Recruit Workers to Siberia

The Soviet regime has from its inception mounted an advertising campaign designed to attract workers to Siberia and other labor-short regions of the USSR. This effort has consistently fallen short of its goal of attracting and holding labor in the numbers needed for this resource-rich area.

Siberia has always been sparsely populated. Despite the vigorous attempts made by both the Imperial and Communist governments to settle it during the 19th and 20th centuries, the region continues to be characterized by low population density. Siberia includes about 30 percent of the territory of the USSR, but in 1979 only 8 percent of the total Soviet population lived there. Even more striking, the Far Eastern region which occupies another 28 percent of the country's territory, contained only 2.5 percent of the population. There has been a substantial increase in the number of people living in these areas since 1939, but because of population growth elsewhere, the increase in the proportion of the Soviet population living in Siberia and the Far East has been negligible.

The natural increase in Siberia's population has not been sufficient to meet the area's manpower needs, and these deficiencies can only be made up through migration. But if the area's experience to date is any guide to the future, it will be extremely difficult to attract and retain enough workers to satisfy the planners. For example, in Tyumen' Oblast where energy development is concentrated, the population of two administrative sub-units almost quadrupled since 1959, growing from one-tenth to one-fourth of West Siberia's total. This massive influx does not, however, represent permanent or even long-term settlement. About 80 percent of the immigrants to Tyumen' Oblast during 1965-75 left, and the exodus is said to be continuing at about the same rate.

### Incentive Program

For more than 50 years the Soviet government has provided financial and other incentives to recruit workers to Siberia. Extra benefits for those willing to work in the northern regions were first made available by a 1932 decree for a "northern increment" to regular wages, longer annual leave, increased pension rights and certain privileges in housing and education. Wages were set 20-30 percent higher than the level prevailing in the European portions of the USSR. Other benefits included income tax exemptions for 5-10 years, free food and seed, home-building loans and the like. Despite the government's

efforts, by 1959 it was found that the West-to-East resettlement program was not successful. The number of those leaving Siberia was greater than the number moving in.

A 1960 decree abolished the existing wage differentials, reducing benefits available to those thinking of moving to Siberia and to those already working there. This measure proved to be a mistake as it produced a mass exodus of workers; financial incentives to encourage migration were reintroduced by 1967. Further changes in 1969, 1972, 1973 and 1977 increased allocations for wages, pensions and other amenities, extending them to categories of workers not previously covered by the benefits, and making them applicable to all parts of Siberia and the Far East.

Those who leave for work in Siberia try to conclude contracts with particular establishments in advance, since in this case the law provides special benefits. Fundamental benefits include higher wages (1.5-4.0 times the national average), a bonus for a signing up, additional payments for seasonal unemployment, additional leave (1.5-2.0 times the national average), and extra time and money once every three years for a round-trip to a "place of rest." Supplementary benefits include special advantages in the calculation of pensions and disability payments, retention of the right to live in one's former place of residence, and payment of expenses (upon expiration of the labor contract or for some other valid reason) for the return trip of the worker and his family to his former place of residence. Agricultural resettlers in certain regions are offered similar incentives as well.

However, the promise of a better life and higher wages soon collides with the harsh realities of living in Siberia. The extreme weather and isolation, inadequate housing, limited social amenities, and high prices for food and consumer goods all contribute to worker dissatisfaction and high turnover.

#### Other Employment Alternatives

Because of Siberia's huge manpower needs required by the 1981-85 Five Year Plan, the Soviets will undoubtedly continue to rely on the traditional incentive approach to recruit workers to Siberia. However, the expense and limited success involved in establishing permanent settlements and the high turnover of workers have prompted the government to experiment with other employment schemes. They will increase the tour-of-duty and expedition methods of employment which rotate short-term workteams from established areas. These methods entail flying



workers into makeshift settlements in the North from southern base cities (within Siberia for tour-of-duty method and from European USSR for expedition approach) for a predetermined period and then returning them for rest and recreation before their next tour.

Other sources of labor for work in Siberia include some foreign workers, inmates from labor camps, and some unconfined parolees and probationers. There are, for example, forced labor camps located in West Siberia which are engaged in manufacturing and light industry. Recent evidence -- including reports from the International Society for Human Rights -- indicates that some unconfined forced laborers are used regularly in large construction projects -- including domestic pipeline compressor stations.

#### "Help Wanted"

As an illustration of official Soviet recruiting efforts, the following is the complete text of an advertisement which was placed earlier this year in "Ekonomicheskaya Gazeta", a Soviet weekly which can be roughly equated with "Business Week", by a Soviet construction organization seeking to recruit engineers and skilled workers for pipeline construction work in the vicinity of the Urengoy gas field, the pipeline's Soviet terminus. The generous financial incentives offered free Soviet workers willing to sign up for such jobs, and the primitive living conditions they must endure, are graphically depicted in the ad.

(Begin Text) "In Tyumenskaya Oblast

The Priob'truboprovodstroy Trust  
is hiring for work on trunk pipeline construction  
in North Tyumenskaya Oblast

experienced specialists: professionally qualified overhead welders, category 6 operators of semi-automatic machine tools to weld pipes 1020-1040 mm in diameter; category 6 machine operators-pipe layers (KATO, KOMATSU), category 6 operators of EO-4121 hydraulic excavators, KATO machine operators; bulldozer operators (imported and Soviet-made equipment), category 6 foremen for fitters' brigades, drivers of MAZ-543 and KRAZ-255 truck tractors; defectoscope operators for narrow gammagraphing; operators of Tyumen BT-361 marsh vehicles; TG-502 pipe layers;

specialists with appropriate educational background and work experience: chief mechanics

of administrative sections, deputy chief and senior engineer for the trust's Central Industrial Research Laboratory, heads and chief engineers of administrative sections, deputy chiefs of administrative sections, Mechanical Repair Shop mechanics, mechanics for imported equipment, radiography experts, budget engineers, senior engineers for the trust's wage and hour and administrative sections;

for line work on construction of trunk pipelines: senior foremen, foremen, experts, line mechanics to repair and operate construction equipment, automobile mechanics, convoy foremen and senior convoy foremen.

Specialists will be provided with housing for six months, and workmen will be provided with temporary living quarters in trailers or a dormitory on a first come first served basis.

The regional wage premium is 70 per cent, and the allowance for working in the North is ten per cent for every year of work. A lump sum payment of two months' salary is made upon signature of a three year contract, and additional preferential leave, including payment of travel costs, is granted once during the three years. Those working directly on the pipeline are paid a line bonus of 40 per cent, and housing is reserved for them at their place of permanent residence.

To be accepted for employment, send a certified copy of your labor book, a copy of your diploma and your personnel form.

Our address: Personnel Department of the Trust, pos. Igrim, Berezovskiy rayon, Khanty-Mansiyskiy autonomous okrug, Tyumentskaya Oblast 626806."  
(End Text)

Forced Labor at the Soviet Pipeline:  
 HEARINGS HELD BY THE INTERNATIONAL SOCIETY FOR  
 HUMAN RIGHTS (IGFM)  
 Bad Godesberg, FRG  
 November 18-19, 1982

The German branch of the International Society for Human Rights (Internationale Gesellschaft fuer Menschenrechte, IGFM) based in Frankfurt and the International Sakharov Committee based in Copenhagen held hearings on November 18-19 in Bad Godesberg on Soviet use of forced labor to build gas pipelines.

The meeting was conducted jointly by its Honorary President, Alfred Coste Floret, a leader of the French International Society for Human Rights and former member of the Nuernberg War Crimes Tribunal, Dr. Reinhard Gnauck, President of the German IGFM, and Feldsted Andresen, President of the International Sakharov Committee.

The "Examining Commission" included two Americans: Senator William Armstrong of Colorado and Mr. James Baker of the Paris office of the AFL/CIO. Other members were: Marcel Aeschbacher, from the Swiss Labor Movement; Professor Raymond Aron from the Sorbonne; Professor Felix Ermacora, University of Vienna; Hans Graf Huyn, CSU member of the German Bundestag; Detlef Lutz, from the Christian Labor Movement in the FRG; Ludwig Martin, from the International Commission of Tourists; Carlos Ripa Di Meana, Italian Socialist member of the European Parliament; and Victor Sparre, Norwegian writer and publisher.

Three prominent exiles from the Eastern bloc served as expert witnesses: Georgij Dawydow, from Baku, in the West since 1980; Professor Andrzej Kaminski, from Warsaw, in the West since 1973; and Professor Michael Voslensky, formerly of the Soviet Academy of Sciences, living in the West since 1972. Represented by non-participating observers were, among others, Amnesty International, Freedom House, and The (Lutheran) Bishops Conference. The American, French, Dutch, and Belgian Embassies in Bonn were also represented. The International Press was fairly well represented, including West German television. There were in addition at most of the hearings some 100 to 150 others.

The IGFM distributed the following press release, in addition to the materials submitted earlier (The Use of Forced Labor on the Siberian Gas Pipeline: Documentation) for the August 1982 hearings. The IGFM expects to issue a report on the Bad Godesberg hearings in early 1983.

Purpose of the Hearing

This Hearing shall examine witness accounts about forced labor at the Soviet gas pipeline system. This huge network of pipelines is under construction for decades already and western countries participate with their technology and credits for many years. For decades pipes are supplied, for instance. The credit from German banks on February 1, 1970 of 1.2 billion DM for this gas-pipeline deal was probably not the first and the 4.0 billion DM credit of July 13, 1982 might not be the last one. Already since October 1, 1973 Soviet gas reaches the Federal Republic of Germany. Therefore, the witnesses will have to be questioned about forced labor at the gas pipelines during the last 10-15 years.

Building a network of pipelines does not consist only of welding tubes and laying them into the ground - this is only one step, usually done by complicated machines. Preparatory and other work for such a huge construction site has to be done also - cutting trees, draining the ground, preparing roads and telephone connections, building shelter and factories, sewing workmen's clothes, unloading trucks etc. The witnesses shall report about these works also.

The results of this Hearing will be presented to all governments concerned and to the world public, in order that a moral decision can be reached about continuation of the cooperation with the USSR on this industrial project.

Dr. med. Reinhard Gnauck  
Chairman, IGFM

(IGFM translation)

Example of Testimony at the Hearings:Statement

I, Wladimir Grigorjewitsch Titow, was born 1938 in the village Wersebnowo, district Ljudinowski, area Kaluga. I had a higher technical education and completed a training in a KGB-school. I am a KGB-lieutenant. But my conscience did not allow me to commit unlawful acts and harm good people, i.e. to actually serve the KGB. Therefore I tried to leave the KGB. For attempting this I was sentenced to 10 years in prison and psychiatric confinement according to S 70 of the penal code of the RSFSR. Even after this 10 years I was persecuted cruelly. I was beaten to unconsciousness, my bones were broken, I had to be hospitalized. I was refused any job and I starved. The KGB tried to provoke me and watched me continuously, other people were instigated against me, relatives likewise. The only way out of this true hell was to emigrate from the USSR on invitation from Israel. The KGB promised mercy and would let me go. Israel sent another invitation for my wife and daughter. With great hope I started to collect the necessary documents for our emigration. But another torture was started by the KGB - again and again they tried to enlist me to work for them abroad. For 5 months I was dragged to conversations, instructions, had to take oaths and received promises from the highest ranks, the generals of the KGB. In September 1981 Lieutenant General Zwigun personally talked with me about working for the KGB abroad. The telephone number of the main agent, conducting this campaign, Juri Semenowitsch, Major for special services, is 2-23-00-23. Their friendly talks were mixed with threats to persecute my relatives in the USSR and to follow me abroad. I could not stand this devilish scheme and refused any cooperation. Once more I lost my job. I received an order from a psychiatrist and was declared mentally ill. My situation is desperate. These are the conditions here and such is our life in the USSR.

Moscow, October 1982

Wl. Titow  
(signed)

(IGFM translation)

Summary of Private Letters of W. Titow sent to Ju. Below  
October 1982

In 1963 I have been working on the construction line Buchará-Ural (gas supply pipes) as manager of a sector for mounting and installing controlling and measuring devices as well as automatic machines. Here, as nearly everywhere, prisoners are doing the hardest work. From 1980 to 1981 I have been working in the district of Tjumen on gas pipes installing controlling and measuring devices as well as automatic machines. Here as well prisoners did work coming of the concentration camps of Surgut, Nadym and Urengoj. These camps are situated in impassable marshland. In summer they (the prisoners) will be transported in helicopters of the type MI-6 and MI-10 to the constructing line, squeezed together like "herrings", in winter with vehicles and helicopters. Among the prisoners there are many specialists with higher education, they are working as chief operators and brigadiers. Working with prisoners requires a special permit of the militia for those finding themselves in free working conditions. Unrestrained violence is the rule. Economic benefit is obvious.

When I have been for the last time on a reception on Dzerskinski place with high-ranking people of the KGB, they insulted me for some time because of my refusal to work for them abroad, and they told me: "We shall let you putrefy, we shall let you putrefy for a long time. Nobody will us declare the war because of you, all will be running down from us like water."

Within a short time they will arrest me. In what kind of torture-chamber they will bring me - I don't know.

On 11th November 1982 news came by telephone out of dissident circles at Moscow, that W. Titow has been arrested at the end of October and sent into the psychiatric clinic at Kaluga, department 7, where he will be subject to a forced treatment.

(IGFM translation and summary)

Concluding Statement

Statement of the International Commission on Human Rights in Conclusion of the Hearing 'Forced Labour - Siberian Pipeline', November 18./19., 1982, in Bonn - Bad Godesberg (Stadthalle).

The Hearing was arranged by the International Society for Human Rights (ISHR), Frankfurt, in cooperation with the International Sakharov Committee, Copenhagen. Presiding was Mr. Alfred Coste Floret, a joint prosecutor for France at the Nuremberg trials.

Based upon the testimony of expert witnesses and upon the testimony and documents of former Soviet prisoners, the Commission finds:

1. The USSR continues the deplorable practice of forced labour in manufacturing and construction projects including the Siberian Gas Pipeline.
2. Prisoners, including political prisoners and those imprisoned for their religious beliefs, among them women and children, are forced to work under conditions of extreme hardship including malnutrition, inadequate shelter and clothing and severe discipline. Many prisoners have died.

The Commission calls upon the Soviet Union to end the vicious practice of forced labour and upon all nations and enterprises for support of our conclusion.

We have presented the truth to the world and no one can say: "I did not know."

(IGFM translation)

Press Accounts

Some of the press reports of the hearings:

"Witnesses: Forced Labor Building Gas Pipeline",  
Sueddeutsche Zeitung, November 19

- In Bonn on Thursday, the International Society for Human Rights (IGFM) addressed an appeal to European Governments to show restraint in the European-Soviet Gas Pipeline deal notwithstanding the lifting of U.S. sanctions. All Western Governments, banks and firms should be advised with even greater emphasis than before that they were participating in the exploitation of forced labor said IGFM Chairman Reinhard Gnauck (Frankfurt) at the opening of a two-day hearing on the alleged use of forced labor in the construction of Soviet gas pipelines.

- At the hearing, sponsored jointly by the IGM and the Sakharov Committee (Copenhagen), former Soviet prisoners and experts now living in the West reaffirmed statements already published by the Conservative Human Rights Society, that political as well as other prisoners are used in the construction of Soviet gas pipelines. Even female prisoners were required to work under the worst conditions in the construction of the gas pipelines, either directly or indirectly, by making prisoners' garments, reported a woman from Leningrad who had been imprisoned in a camp near Workuta (Siberia).

- Witnesses also reported on the bad food situation, insufficient clothing and accommodation as well as on lack of medical care. There were many dozens of camps alongside the gas pipeline, among them a number for women exclusively, witnesses said. According to these reports, each camp has from 700 to 2,500 inmates, whose working hours total up to twelve hours per day, sometimes also up to 16 hours. Non-compliance with the work norm results in solitary confinement. Moreover, prisoners are not allowed to be visited by relatives or write letters. In many camps, prisoners were allowed access to a wash-room only once a week. Often prisoners were compelled to wash themselves with the same water others had already used. Because of inadequate hygiene, prisoners were frequently vermin-ridden and there were epidemics to which many prisoners fell victim. Nourishment of the slave laborers was often totally inadequate. Also there was talk of "sexual terror" to which the women were exposed in camp.

(Abridged Text)



"Human Rights Fighters Call for Restraint in Trading with the USSR", General-Anzeiger, November 19

The Bonn General-Anzeiger cited several exiled Russians who testified at the hearings on their use as forced laborers in the construction of the Siberian gas pipeline. Victor Gasko, an 81-year old exiled Russian who said that he worked "on the Siberian gas pipeline ten years ago," is quoted as having seen frequently "prisoner camps alongside the individual building sites." He also reported that "in some cities registered prisoners outnumbered residents four to one." Prisoners were often required to work 16 hours a day under most inadequate food conditions, Gasko said.

Forty-two year old author Julia Wosnessenskaja confirmed these statements, saying that she had to spend two years of confined labor because of "slandorous remarks" in her books. She said that about 40 other women were confined in the camp with her and "no one of them left it healthy." They had to work in bitter cold, "lightly dressed, without a sweater" and had also been subjected to "sexual terror." Wosnessenskaja said.

Statements by other witnesses spoke of many camp inmates falling victim to epidemics because of inadequate hygiene. Those who were weakened because of malnutrition and could not complete their work norm were subjected to special confinement. Visits by next-of-kin were stopped and no prisoner dared to register a complaint.

General-Anzeiger says that the organizers of the hearing thought it of special importance to prove that political prisoners were also used in preparatory work for the gas pipeline construction. Introductory statements by Georgij Davydov, who spent seven years as a prisoner, served this end. He confirmed use of political prisoners in all preparatory work for the gas pipeline. This applied especially to chemical and pre-metallurgic industries, Davydov said. He reported that the Soviets pardoned about 35 per cent of the 10,000 prisoners in Estonia under the prerequisite of their signing up for work on the gas pipeline. According to Davydov, prisoners also "participated" in a similar way in the building sites for the Tallinn Olympic games.

Reinhard Gnauck, Chairman of the International Society for Human Rights, emphasized in his statement that all Western Governments, banks and firms should be advised that they were "exploiting slave laborers." Gnauck made an urgent appeal to all responsible authorities for restraint in gas pipeline supplies to the Soviets.

(Summarized by U.S. Embassy Bonn)

Agence France-Presse Dispatch, "Detainees Working on Soviet Gas Pipeline", La Suisse, November 19

"Labor-camp inmates are working on the construction of the Siberia-to-Europe gas pipeline. Eyewitnesses testified at Bonn yesterday to an International Commission of Inquiry on the employment of political prisoners on the project. Prisoners sentenced to hard labor are working on the construction of the pipeline, said Mr. Machmet Kulmagambetov, in one of the first testimonies heard by the Commission, whose Chairman is French jurist Alfred Coste-Floret, former assistant prosecutor at the Nuremberg trials.

"Mr. Kulmagambetov was put onto the building of compressor stations when undergoing a period of internal exile for 'anti-Soviet agitation'. He said that detainees at the Surgut labor camp, between Urengoi and Tiumen, were brought daily in special vehicles to work on the gas pipeline sites.

"Mr. Kulmagambetov, a former Professor of Marxist-Leninist philosophy, worked for six years on gas-pipeline sites. As proof, he showed the Commission his official work permit, recording where he spent his internal exile.

"Earlier, the Commission had heard the testimony of Mrs. Julia Vosnessenskaya, a Soviet writer condemned in 1976 to five years' exile for 'defamation of the Soviet State.' She said she had personally known women sentenced to forced labor who were put onto making clothes for detainees working on the gas pipeline. She also described conditions in the labor camps for women, where the inmates had to work twelve hours a day -- suffering from cold and hunger but especially from the 'sexual terror' inspired on them by the guards."

(Abridged Text)

J.B. Bilke, "Witnesses Confirm Forced Labor", Die Welt, November 19

- Eyewitnesses have confirmed indications that forced labor is being used in the construction of the Soviet gas pipeline between Siberia and Europe. At a two-day hearing sponsored by the International Society for Human Rights (IGFM), former Soviet camp inmates pointed out in Bonn yesterday that working conditions for the slave laborers were frequently inhumane, the required work norm excessive and punishment for even the smallest misdemeanor was harsh.

- Clarification of the special problem of the Soviet system of forced labor required an initial analysis of the accompanying circumstances from a historico-political point of view. Thus, at the start of the hearing, the three experts Georgij Davidov (Munich), Professor Andrzej Kaminski (Wuppertal) and Professor Michail Voslensky (Munich) discussed the legal and historical classification of forced labor in the Soviet Union, "Slave Labor in Totalitarian Regimes" in general and "Forced Labor in Practice."

- Paragraph 60 of the Constitution of the USSR specifies the duty to work as "socially useful activity" for each Soviet citizen. In the Penal Code this has been re-interpreted as compulsory work. Compulsory work may entail hunger, cold, being kept from sleeping, physical terror and other privations.

- The first witness called to testify was Julia Wosnessenskaja (Ruesselsheim), a civil rights activist, who departed from the USSR in July 1980. She reported on the inhumane working conditions in women's camps.

- Civil rights activist Machmet Kulmagambetov (Munich), who comes from Kazakstan and left the USSR in September 1979 with an Israeli visa, presented as documentary evidence his work log with an official stamp revealing that he was used as slave laborer in the construction of the gas pipeline.

(Full Text)

VIETNAMESE "EXPORT" OF WORKERS  
TO THE USSR AND EASTERN EUROPE

Summary

Reports have been received that some of the Vietnamese now working in the USSR are employed under harsh -- and, in some cases, involuntary -- conditions. The following brings together the information available to the Department of State on this issue.

Since 1981, the Government of Vietnam has sent Vietnamese citizens to work on a variety of projects in the USSR and Eastern Europe under unpublished intergovernmental agreements that are not part of long-standing training and study programs. Estimates from a variety of sources for the 1981-1985 period range from 100,000 to 500,000 workers. Communist media reveal that about 45,000 already are in place, including 11,000 in the Soviet Union. There is little doubt that the Vietnamese work for fixed periods--labor contracts are said to extend up to seven years-- in a capacity similar to indentured status, with a substantial portion of their wages withheld to be credited against Hanoi's mounting deficits in these countries. The technical terms of employment evidently are spelled out beforehand when the worker signs a contract with the Hanoi government, although precise working and living conditions probably are not detailed.

There are a considerable number of reports which indicate that many of the Vietnamese youths working in the USSR and Eastern Europe have volunteered, though perhaps without full information, for that service. They hope for an improvement over the poverty and unemployment in Vietnam, although some express bitterness upon experiencing the reality of labor in the USSR. There are charges that dissidents from "reeducation" camps are being forced into the program. However, other reports indicate that the Vietnamese authorities exclude such individuals as well as others who were associated with the US or with the former Republic of Vietnam.

Complaints have been reported from some Vietnamese workers in the USSR about the cold, hard work, surveillance, and the less-than-expected availability of goods. In addition, the workers live a largely segregated existence as do other foreign laborers. In addition to factory work, the Vietnamese are involved in construction projects in southern Siberia. It has been charged that they are working on the export gas pipeline, but this has not been substantiated.

### New "Labor Cooperation" Program

Since 1981, the Vietnamese government has been engaged in a new program of exporting labor under intergovernmental agreements. Although the program probably began earlier on an experimental basis, the first agreement was signed with the USSR on April 2, 1981, followed by a protocol in November presumably covering 1982. It was recently reported that another agreement is now under negotiation. Czechoslovakia first signed an accord with Vietnam in September 1981 -- although Prague probably also had received earlier contingents -- followed by Bulgaria in November and by East Germany in January 1982. Additional protocols were signed with the Czechoslovak Government in early November 1982 and with Bulgaria in January, 1983.

The Vietnamese regime apparently hopes to receive some training for its many unemployed youths, as well as to use some of their earnings to repay its debts to other communist countries. The number of workers has not been published officially. Estimates of the number of workers to be sent to the USSR and Eastern Europe through 1985 range from 100,000 (Vietnamese Embassy spokesman in Bangkok, 11/81 and pro-Hanoi publication in Paris 12/81) to 500,000 (East European source cited in London Economist 9/81). According to Soviet and Vietnamese media, the number already in the USSR has grown from 7,200 last spring to over 11,000 in October.1

Although the text of the April 1981 Soviet-Vietnamese accord on "labor cooperation" remains unpublished, descriptions of it by official Soviet and Vietnamese spokesmen a year later suggest that it covers wages and social benefits (allegedly comparable to those of their Soviet counterparts), living conditions, social benefits, vacations and length of service. A subsequent, published treaty signed in December 1981 defined the legal rights of Vietnamese in the USSR as well as those of Soviet citizens in Vietnam. It went into effect in September 1982. Each foreign resident is entitled to the same legal safeguards as the citizen of the country of employment, and the country in which a crime is committed has the sole right to try the offender.

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1. The number of Vietnamese in Eastern Europe, according to Communist press reports, include 7,500 in East Germany last spring and 26,000 in Czechoslovakia in December. No figures have been published for Bulgaria. There may be serious assimilation problems. For example, popular discrimination against the Vietnamese and instances of open hostility have cropped up in Czechoslovakia, according to official Prague press reports.

### Selection of Workers

Participants in the program are recruited by the Vietnamese Ministry of Labor, and their backgrounds are checked by the Ministry of Interior. They must be relatively young (age ranges of both 17-25 and 17-35 have been given). The term of participation can be as long as seven years, an extraordinarily long period for a labor contract. There have been charges that "reeducation" camp inmates or parolees are among the participants in the program, but other reports say that those with personal backgrounds unacceptable to the authorities are specifically excluded. Recruits, if eligible, also reportedly must have fulfilled their military obligation.

Once recruited, and having completed an orientation course in Hanoi, the candidates sign contracts which lay out their duties, rights and wages, including the fact that a considerable portion of their wages will be retained by the state. They are not allowed to choose their destination, but most reportedly hope for Czechoslovakia or East Germany, rather than Bulgaria or the USSR.

Reports that pressure has been applied in recruitment are countered by evidence that there is little difficulty in securing volunteers who perceive a chance to leave the poverty of Vietnam. Over two dozen refugees, who recently departed Vietnam legally, reported that places in the "work-study" program were sought by youths who believe they will be able to remit substantial goods and funds back to Vietnam. Similar opinions were offered by Southern boat refugees recently interviewed. When concern about the program is voiced, it is usually by skeptical Southerners -- acquainted with "reeducation" camps -- who fear a repetition under more frigid conditions.

### Deductions to Credit Vietnam's Accounts

There is little doubt that, after a deduction for living expenses and a monthly allowance, at least one-third of the salary is credited against Vietnam's account in the USSR or the East European country involved. Although the monthly allowance is low, there are reports that incentive bonuses are paid directly to the workers. In short, although communist spokesmen claim that the Vietnamese receive wages comparable to their Soviet counterparts, the actual salary after deductions probably is less, lending credence to complaints from some Vietnamese working there.

Both Moscow and Hanoi have labeled as "slander" reports that Vietnamese workers are laboring to pay off Vietnam's large scale indebtedness to the USSR. However, they have not directly denied it or denied that the labor is being credited against Vietnamese imports of Soviet goods which, in 1981 alone, ran almost 600 million rubles over Vietnam's exports to the USSR. Both sides claim that Vietnam's war debt was forgiven by Moscow in 1975, and Vietnamese Foreign Minister Thach said that further debts were forgiven in 1978. Nonetheless, although figures are not available, much of the Soviet aid since the war has been in the form of loans and credits, not grants.

Crediting labor against present or future imports has been standard practice in the case of East European and Finnish "guest workers" in the USSR, and the Yugoslav newspaper Borba (June 10, 1982) suggested that this was the arrangement for the Vietnamese as well. Furthermore, sources in Hanoi reportedly acknowledged (Far Eastern Economic Review, May 14, 1982) that an unspecified amount is withheld from the Vietnamese workers. Other reports estimate that between 30 and 70 percent of wages is withheld.

#### Living Conditions

Most workers contract to work for five to six years after a period of language and technical training, depending on the job involved. A mid-way "home leave" in Vietnam, partially at Soviet expense, is said to be part of the arrangement. The April 1981 accord apparently provided that the Soviets arrange suitable housing, eating and social facilities. As implied in communist propaganda and reported back in letters from Vietnamese workers in the USSR, the Vietnamese generally live apart in dormitories or compounds and lead a segregated life, as do other foreign workers there (and as do Soviets in Vietnam). Although the official Soviet trade unions and youth organizations are said to be involved with the workers, it seems likely that the primary off-the-job supervision comes from the Vietnamese cadre who accompany the contingents.

Most groups appear to be sent to European Russia or to the southern tier of Siberia which, to a Vietnamese, still would seem exceedingly cold in the winter. Adjustment to winter conditions appears to be a problem. The Soviets issue winter clothing which, according to some workers, is inadequate.

Letters complaining about the cold, working conditions, low allowances and surveillance by Vietnamese overseers reportedly have reached Vietnam as well as the West. There are a number of refugee reports that letters have been received by families in Vietnam, a fact which suggests that correspondence itself is permitted. However, it may be subjected to censorship by Vietnamese cadres in charge at the work sites. To avoid this, some Vietnamese purportedly have found ways to smuggle letters out.

### Types of Work

The April 1981 accord presumably also covered types of employment and training, as well as how wages were to be allocated and perhaps even the location of work. The Communist press claims that the Vietnamese are working in a variety of jobs which require some skill. This may reflect Vietnam's concern that some workers gain experience that will be useful later at home. However, we do not know the extent of training received. A considerable number clearly are engaged in manual labor.

Among the work sites mentioned by Soviet and Vietnamese media are textile and chemical factories, machine-tool factories, coal mines, land reclamation and transportation projects. The latter two undoubtedly absorb large amounts of manual labor. A letter from one worker, which appears authentic, tells of his "hard work" on the new railroad paralleling the Trans-Siberian line. In addition, a contingent of Vietnamese was observed working near a railroad in the Soviet Far East and subsequently another was seen in Khabarovsk by Western travelers -- an area which has not been mentioned in communist media.

The Soviets, speaking through Soviet labor official Vladimir Lomonosov who negotiated the original agreement with Vietnam, have flatly denied that any Vietnamese are working on the Siberia-Western Europe pipeline. In Congressional testimony last summer, Vietnamese expatriate Doan Van Toai (a former supporter of the communist-led National Liberation Front) said he knew of nine Vietnamese working on the pipeline; he supplied names and their Vietnamese addresses. The US government has no independent evidence to confirm that Vietnamese are working on the export pipeline.

The evidence we have regarding the Vietnamese-Soviet labor program is still incomplete; it is made difficult to gather by the closed nature of the Vietnamese and Soviet societies. Allegations of human rights violations in connection with the program, including the possibility that some of the workers may be indentured in some manner, are of concern to the US Government. The program's secrecy and its inherent potential for abuse is obvious, especially when considered against the environment and history of known Soviet labor practices. The US Government will continue to do its best to monitor the program, with close attention to the human rights issues involved, and to encourage greater international interest in this issue.