**MINISTARSTVO RADA I SOCIJALNE SKRBI**

**51**

1. Na temelju to?ke III. Odluke o objavljivanju konvencija Me?unarodne organizacije rada kojih je Republika Hrvatska stranka na temelju notifikacije o sukcesiji (»Narodne novine-Me?unarodni ugovori« broj 2/94), Ministarstvo rada i socijalne skrbi Republike Hrvatske objavljuje Konvenciju o prisilnom ili obveznom radu.

2. Tekst Konvencije u izvorniku na engleskom jeziku i u prijevodu na hrvatski jezik glasi:

***Konvencija 29***

**KONVENCIJA O PRISILNOM ILI OBVEZNOM RADU**

Op?a konferencija Me?unarodne organizacije rada koju je u &#142;enevi sazvalo Upravno vije?e Me?unarodnog ureda rada, sastavši se na ?etrnaestom zasjedanju 10. lipnja 1930., i

odlu?ivši prihvatiti odre?ene prijedloge u vezi s prisilnim ili obveznim radom, a što je prva to?ka dnevnog reda zasjedanja, i

odlu?ivši da ovi prijedlozi dobiju oblik me?unarodne konvencije;

usvaja dvadesetosmog lipnja tisu?u devetsto tridesete godine sljede?u konvenciju koja se naziva Konvencija o prisilnom radu iz 1930. na ratifikaciju ?lanicama Me?unarodne organizacije rada u skladu s odredbama Statuta Me?unarodne organizacije rada:

?lanak 1.

1. Svaka ?lanica Me?unarodne organizacije rada koja ratificira ovu Konvenciju se obvezuje ukinuti korištenje prisilnog ili obveznog rada u svim njegovim oblicima u što je mogu?e kra?em roku.

2. U cilju ovakvog potpunog ukidanja, prisilni ili obvezni rad ?e se mo?i koristiti, u prijelaznom razdoblju, samo u javne svrhe i kao izvanredna mjera, pod uvjetima i uz jamstva utvr?ena ovom Konvencijom.

3. Po isteku roka od pet godina nakon stupanja na snagu ove Konvencije i kada Upravno vije?e Me?unarodnog ureda rada pripremi izvješ?e predvi?eno ?lankom 31. ove Konvencije, navedeno Upravno vije?e ?e razmotriti mogu?nost ukidanja prisilnog ili obveznog rada u svim njegovim oblicima bez novog prijelaznog razdoblja, kao i potrebu uvrštavanja ovog pitanja na dnevni red Konferencije.

?lanak 2.

1. U smislu ove Konvencije izraz "prisilni ili obvezni rad" zna?i svaki rad ili uslugu koji se od neke osobe zahtijeva pod prijetnjom bilo kakve kazne, i za koje se ta osoba nije ponudila dobrovoljno.

2. Me?utim, izraz "prisilni ili obvezni rad", u smislu ove Konvencije, ne odnosi se na:

svaki rad ili uslugu koji se zahtijeva na temelju zakona o obveznoj vojnoj slu&#158;bi za poslove isklju?ivo vojne naravi;

svaki rad ili uslugu koji su dio uobi?ajenih gra?anskih obveza dr&#158;avljana cjelovito suverene dr&#158;ave;

svaki rad ili uslugu koji se od neke osobe zahtijeva kao posljedica osude proglašene sudskom presudom, pod uvjetom da se navedeni rad ili usluga obavljaju pod nadzorom i kontrolom javne vlasti i da navedena osoba nije ustupljena ili stavljena na raspolaganje privatnim osobama, poduze?ima ili udrugama;

svaki rad ili uslugu koji se zahtijeva u slu?aju iznenadne opasnosti, to jest u slu?aju rata, velike nesre?e ili prijetnje od velike nesre?e, kao što su po&#158;ar, poplava, glad, potres, epidemije velikih razmjera ili sto?ne bolesti, najezda &#158;ivotinja, insekata ili biljnih parazita, i op?enito svaka okolnost koja bi mogla ugroziti &#158;ivot ili dobrobit ?itavog ili jednog dijela pu?anstva.

manji društveni radovi takove vrste koji se, budu?i da ih obavljaju ?lanovi zajednice u izravnom interesu za navedenu zajednicu, mogu stoga smatrati uobi?ajenim gra?anskim du&#158;nostima koje obvezuju ?lanove zajednice, pod uvjetom da se sa ?lanovima zajednice ili njihovim izravnim predstavnicima obvezno savjetuje o potrebi za takvim radovima.

?lanak 3.

U svrhu ove Konvencije izraz "nadle&#158;na vlast" zna?i vlast mati?ne zemlje ili najviša središnja vlast doti?nog teritorija.

?lanak 4.

1. Nadle&#158;na vlast ne smije narediti ili dopustiti da se naredi prisilni ili obvezni rad u korist privatnih osoba, poduze?a ili udruga.

2. Ako takav oblik prisilnog ili obveznog rada u korist privatnih osoba, poduze?a ili udruga postoji na dan kada glavni ravnatelj Me?unarodnog ureda rada registrira ratifikaciju ove Konvencije od strane ?lanice, ta ?lanica mora u potpunosti ukinuti takav prisilni ili obvezni rad od datuma kada ova Konvencija stupi na snagu u odnosu na tu ?lanicu.

?lanak 5.

1. Niti jedna koncesija dodijeljena privatnim osobama, poduze?ima ili udrugama ne smije imati za posljedicu bilo kakav oblik prisilnog ili obveznog rada u proizvodnji ili sabiranju proizvoda kojima se te privatne osobe, poduze?a ili udruge koriste ili kojima trguju.

2. Ako postoje?e koncesije sadr&#158;e odredbe koje imaju za posljedicu takav prisilni ili obvezni rad, te se odredbe moraju ukinuti što je prije mogu?e kako bi se osiguralo poštivanje ?lanka 1. ove Konvencije.

?lanak 6.

Slu&#158;benici u upravi, ?ak i kada imaju du&#158;nost poticati stanovništvo pod njihovim nadzorom da se uklju?i u neki oblik rada, ne smiju prisiljavati to stanovništvo niti bilo kojeg pojedinca da rade za privatne osobe, poduze?a ili udruge.

?lanak 7.

1. Poglavari koji ne vrše upravne funkcije ne smiju koristiti prisilni ili obvezni rad.

2. Poglavari koji vrše upravne funkcije mogu, uz izri?ito odobrenje nadle&#158;ne vlasti koristiti prisilni ili obvezni rad pod uvjetima predvi?enim ?lankom 10. ove Konvencije.

3. Poglavari koji su zakonski priznati i koji ne primaju primjerenu naknadu u nekom drugom obliku, mogu se koristiti osobnim uslugama pod uvjetom da je to na odgovaraju?i na?in propisano, te da su poduzete sve potrebne mjere za sprije?avanje zlouporabe.

?lanak 8.

1. Za svaku odluku o korištenju prisilnog ili obveznog rada odgovornost snosi najviša civilna vlast doti?nog teritorija.

2. Me?utim, ta vlast mo&#158;e ovlastiti najviše mjesne vlasti da narede obavljanje prisilnog ili obveznog rada koji nema za posljedicu udaljavanje radnika od njihovog uobi?ajenog boravišta. Ta vlast mo&#158;e tako?er ovlastiti najviše mjesne vlasti, za razdoblja i pod uvjetima predvi?enima ?lankom 23. ove Konvencije, da narede obavljanje prisilnog ili obveznog rada koji ima za posljedicu udaljavanje radnika od njihovog uobi?ajenog boravišta, u svrhu olakšavanja kretanja slu&#158;benika u upravi dok obavljaju svoju du&#158;nost, te za prijevoz dr&#158;avne imovine.

?lanak 9.

Osim ako nije druk?ije propisano ?lankom 10. ove Konvencije, svaka vlast nadle&#158;na za nalaganje prisilnog ili obveznog rada mora, prije donošenja odluke o korištenju takovog rada, utvrditi-

da je rad kojeg je potrebno obaviti ili usluga koju je potrebno pru&#158;iti od va&#158;nog izravnog interesa za zajednicu koja je pozvana da obavi rad ili pru&#158;i uslugu;

da su rad ili usluga trenutno i hitno potrebni;

da, za ponu?eni iznos nadnice i uz uvjete rada koji nisu nepovoljniji od pla?e i uvjeta rada koji se u doti?nom podru?ju nude za sli?an rad ili uslugu, nije bilo mogu?e osigurati dobrovoljnu radnu snagu za obavljanje rada ili pru&#158;anje usluge;

da rad ili usluga ne predstavljaju prete&#158;ak teret za doti?no stanovništvo, uzimaju?i u obzir raspolo&#158;ivu radnu snagu i njezinu sposobnost da obavi taj rad.

?lanak 10.

1. Prisilni ili obvezni rad koji se zahtijeva s naslova poreza i prisilni ili obvezni rad kojeg su za obavljanje javnih radova naredili poglavari s upravnim funkcijama mora se postupno ukinuti.

2. U me?uvremenu, kada sa prisilni ili obvezni rad zahtjeva s naslova poreza i ako poglavari s upravnim funkcijama nala&#158;u prisilni ili obvezni rad u svrhu obavljanja javnih radova, nadle&#158;na vlast prethodno mora utvrditi -

da je rad kojeg je potrebno obaviti ili usluga koju je potrebno pru&#158;iti od va&#158;nog izravnog interesa za zajednicu koja je pozvana da obavi rad ili pru&#158;i uslugu;

da su rad ili usluga trenutno i hitno potrebni;

da, za ponu?eni iznos nadnice i uz uvjete rada koji nisu nepovoljniji od pla?e i uvjeta rada koji se u doti?nom podru?ju nude za sli?an rad ili uslugu, nije bilo mogu?e osigurati dobrovoljnu radnu snagu za obavljanje rada ili pru&#158;anje usluge;

da rad ili usluga nemaju za posljedicu udaljavanje radnika od njihovog uobi?ajenog boravišta;

da ?e se obavljanje rada ili pru&#158;anje usluge ravnati u skladu s potrebama vjere, društvenog &#158;ivota i poljoprivrede

?lanak 11.

1. Samo fizi?ki sposobni muškarci za koje se mo&#158;e pretpostaviti da nisu mla?i od 18 godina niti stariji od 45 godina mogu biti pozvani na prisilan ili obvezan rad. Osim za vrste rada predvi?ene ?lankom 10. ove Konvencije, moraju se primjenjivati sljede?a ograni?enja i uvjeti:

kad god je to mogu?e, prethodna potvrda lije?nika kojeg je ovlastila uprava da doti?ne osobe ne boluju niti od jedne infektivne ili zarazne bolesti te da su tjelesno sposobne za rad koji treba obaviti i da su sposobne raditi u uvjetima pod kojima ?e se rad obavljati;

op?e izuze?e nastavnika i u?enika, kao i slu&#158;benika u upravi;

odr&#158;avanje broja odraslih i fizi?ki sposobnih muškaraca neophodnih za obiteljski i društveni &#158;ivot u svakoj zajednici;

poštivanje bra?nih i obiteljskih veza.

2. U svrhu podstavka *(c)* prethodnog stavka, propisima predvi?enim ?lankom 23. se mora utvrditi udio fizi?ki sposobnih muškaraca koji se mogu u svako doba odvesti na prisilni ili obvezni rad, pod uvjetom da taj udio ni u kojem slu?aju ne bude ve?i od 25 posto. Pri utvr?ivanju tog udjela nadle&#158;na vlast mora voditi ra?una o gusto?i naseljenosti, o društvenom i fizi?kom razvoju stanovništva, o sezonama i o poslu kojeg doti?ne osobe moraju u svojem mjestu obaviti u svoju korist, a mora op?enito uzeti u obzir i gospodarske i društvene potrebe uobi?ajenog &#158;ivota doti?ne zajednice.

?lanak 12.

1. Najdu&#158;e razdoblje u kojem neka osoba mo&#158;e biti odvedena na prisilni ili obvezni rad bilo koje vrste, unutar bilo kojeg razdoblja od dvanaest mjeseci, ne smije biti dulje od 60 dana, uklju?uju?i i vrijeme potrebno za odlazak na i povratak s mjesta rada.

2. Svaka osoba koja je podvrgnuta prisilnom ili obveznom radu mora dobiti potvrdu u kojoj su nazna?ena razdoblja u kojima je obavila takav rad.

?lanak 13.

1.Redovno radno vrijeme svake osobe podvrgnute prisilnom ili obveznom radu mora biti isto kao i radno vrijeme koje je uobi?ajeno za dobrovoljni rad, a sati rada izvan redovnog radnog vremena se moraju nagraditi u iznosu uobi?ajenom za nagra?ivanje prekovremenih sati dobrovoljnog rada.

2. Svim osobama podvrgnutim prisilnom ili obveznom radu bilo koje vrste mora se dati jedan dan tjednog odmora, a taj dan, koliko je to mogu?e, mora se podudarati s danom utvr?enim tradicijom ili obi?ajima tog teritorija ili regije.

?lanak 14.

1. S iznimkom prisilnog ili obveznog rada utvr?enog ?lankom 10. ove Konvencije, prisilni ili obvezni rad bilo koje vrste se mora nov?ano nagraditi u iznosu koji ne smije biti ni&#158;i od onog koji je uobi?ajen za sli?ne vrste rada u okrugu u kojem je radna snaga zaposlena ili u okrugu iz kojeg je radna snaga vrbovana, prema tome koji je viši.

2. U slu?aju rada kojeg nare?uju poglavari u obavljanju svojih upravnih funkcija, pla?anje nadnica u skladu s odredbama prethodnog stavka mora se uvesti što je prije mogu?e.

3. Nadnica se mora isplatiti osobno svakom radniku, a ne njegovom plemenskom poglavaru ili nekoj drugoj vlasti.

4. U svrhu isplate nadnice dani provedeni na putu prema mjestu rada i iz njega se ra?unaju kao radni dani.

5. Odredbe ovog ?lanka ne sprje?avaju davanje uobi?ajenih dnevnih obroka hrane kao dijela nadnice, s time da ti obroci moraju imati barem istu vrijednost kao nov?ana isplata koju zamjenjuju, ali od pla?e se ne smiju oduzimati odbici za pla?anje poreza ili za posebnu hranu, odje?u ili smještaj koji se osiguravaju radniku kako bi ga se odr&#158;alo sposobnim da nastavi svoj rad u posebnim uvjetima bilo kojeg zaposlenja, ili za korištenje alata.

?lanak 15.

1. Svi zakoni ili drugi propisi koji ure?uju pitanja odštete za nesre?u ili bolest kao posljedicu zaposlenja radnika, kao i svi zakoni ili drugi propisi kojima se osigurava pla?anje odštete uzdr&#158;avanim ?lanovima obitelji radnika koji je umro ili postao invalid koji su ili ?e biti na snazi na doti?nom teritoriju, moraju se na jednak na?in primijeniti i na osobe podvrgnute prisilnom ili obveznom radu i na dobrovoljne radnike.

2. U svakom slu?aju svaka vlast koja zapošljava bilo kojeg radnika na prisilnom ili obveznom radu obvezna je osigurati sredstva za uzdr&#158;avanje svakom radniku koji, zbog nesre?e ili bolesti koja je posljedica zaposlenja, postane potpuno ili djelomi?no nesposoban brinuti se za sebe, te poduzeti mjere kako bi osigurala uzdr&#158;avanje za svaku osobu koju je taj radnik uzdr&#158;avao u slu?aju njegove invalidnosti ili smrti koja nastane kao posljedica zaposlenja.

?lanak 16.

1. Osim u slu?ajevima izvanredne potrebe, osobe podvrgnute prisilnom ili obveznom radu ne smiju biti premještene u podru?ja u kojima se prehrana i klima toliko znatno razlikuju od onih na koje su oni navikli da bi to moglo ugroziti njihovo zdravlje.

2. Ni u kojem slu?aju premještaj tih radnika nije dopušten ako se ne mogu strogo primijeniti sve mjere koje se odnose na higijenu ili smještaj potrebne za prilago?avanje tih radnika uvjetima i sve mjere za osiguranje zaštite njihovog zdravlja.

3. Kad se takav premještaj ne mo&#158;e izbje?i, moraju se, prema mišljenju nadle&#158;nog lije?nika, poduzeti mjere postupnog prilago?avanja na nove uvjete prehrane i klime.

4. U slu?ajevima kada se od takvih radnika tra&#158;i da obavljaju redoviti rad na koji nisu naviknuti, moraju se poduzeti mjere kako bi se osiguralo njihovo prilago?avanje na takav rad, posebice u pogledu postupnog osposobljavanja, radnog vremena i osiguranja razdoblja odmora, kao i pove?anja koli?ine ili poboljšanja kvalitete prehrane koja bi mogla biti potrebna.

?lanak 17.

Prije nego dopusti korištenje prisilnog ili obveznog rada za poslove izgradnje ili odr&#158;avanja koji podrazumijevaju boravak radnika na mjestima rada du&#158;e vremensko razdoblje, nadle&#158;na vlast mora utvrditi

(1) da su poduzete sve potrebne mjere za zaštitu zdravlja radnika i za osiguravanje potrebne medicinske skrbi, a posebice, *(a)*da se radnici podvrgavaju lije?ni?kom pregledu prije zapo?injanja s radom i u utvr?enim vremenskim razmacima tijekom slu&#158;be, *(b)*da je prisutan odre?en broj medicinskog osoblja koji imaju na raspolaganju ljekarne, ambulante, bolnice i opremu potrebnu za zadovoljavanje svih potreba, i *(c)* da su na mjestu rada zadovoljavaju?i sanitarni uvjeti, opskrba pitkom vodom, hranom, gorivom i kuhinjskim priborom, te, ako je potrebno, da smještaj i odje?a zadovoljavaju;

(2) da su poduzete odgovaraju?e mjere kako bi se osiguralo uzdr&#158;avanje obitelji radnika, posebice omogu?avanjem dostave, nov?anom pošiljkom i na siguran na?in, dijela nadnice obitelji, na zahtjev ili uz pristanak radnika;

(3) da su putovanja radnika na mjesto rada i s mjesta rada organizirana na teret i pod odgovornoš?u uprave koja takva putovanja mora olakšati koriste?i u najve?oj mogu?oj mjeri sva raspolo&#158;iva prijevozna sredstva;

(4) da bi, u slu?aju bolesti ili nesre?e koje bi prouzro?ile nesposobnost za rad za odre?eno vrijeme, radnik bio vra?en ku?i na teret uprave;

(5) da se svakom radniku koji po završetku razdoblja prisilnog ili obveznog rada &#158;eli ostati kao dobrovoljni radnik to dopušta bez da, u periodu od dvije godine, gubi pravo na besplatnu repatrijaciju.

?lanak 18.

1. Prisilni ili obvezni rad u svrhu prijevoza ljudi i robe, kao što je rad nosa?a ili vesla?a, mora se ukinuti u najkra?em mogu?em roku. U me?uvremenu nadle&#158;na vlast mora donijeti propise koji ?e utvr?ivati, izme?u ostalog, *(a)*da se takav rad mo&#158;e koristiti samo u svrhu olakšavanja kretanja slu&#158;benika uprave dok obavljaju svoje du&#158;nosti, ili za prijevoz dr&#158;avne imovine, ili, u veoma hitnim slu?ajevima, za prijevoz drugih osoba koje nisu slu&#158;benici, *(b)* da se, gdje je mogu?e obaviti lije?ni?ki pregled, radnicima koji su tako zaposleni mora lije?ni?kom potvrdom utvrditi da su tjelesno sposobni, a gdje takav lije?ni?ki pregled nije mogu?e obaviti iz prakti?nih razloga, da ?e osoba koja zapošljava takve radnike biti odgovorna osigurati da su oni tjelesno sposobni i da ne boluju od infektivnih ili zaraznih bolesti, *(c)* najve?i teret koji ti radnici mogu nositi, *(d)*najve?u udaljenost od njihovih domova na koju mogu biti odvedeni, *(e)*najve?i broj dana u mjesecu ili nekom drugom razdoblju za vrijeme kojih mogu biti odvedeni, uklju?uju?i dane provedene u povratku ku?i, i *(f)* osobe ovlaštene zahtijevati ovakav oblik prisilnog ili obveznog rada i opseg u kojem su one ovlaštene zahtijevati ga.

2. Pri utvr?ivanju najve?ih vrijednosti predvi?enih to?kama *(c),(d)*i *(e)*prethodnoga stavka, nadle&#158;na vlast mora uzeti u obzir sve relevantne ?imbenike, uklju?uju?i tjelesnu sposobnost stanovništva iz kojeg se takvi radnici vrbuju, karakteristike kraja kroz kojeg oni moraju putovati i klimatske uvjete.

3. Nadle&#158;na vlast mora tako?er osigurati da uobi?ajeno dnevno putovanje takvih radnika nije du&#158;e od udaljenosti koja odgovara prosje?nom osmosatnom radnom danu, s time da se podrazumijeva da se mora uzeti u obzir ne samo teret koji se nosi i udaljenost koju je potrebno prije?i, ve? i stanje puta, godišnje doba i ostali relevantni ?imbenici, a kada sati putovanja premašuju uobi?ajeno dnevno putovanje, ti sati moraju biti nakna?eni nadnicom ve?om od uobi?ajene.

?lanak 19.

1. Nadle&#158;na vlast mo&#158;e odobriti prisilno obra?ivanje zemlje samo kao mjeru opreza za sprje?avanja gladi ili nestašice zaliha hrane, i to uvijek pod uvjetom da hrana ili proizvodi ostanu u vlasništvu pojedinaca ili zajednice koja ih proizvodi.

2. Ništa se u ovom ?lanku ne smije tuma?iti kao ukidanje obveze ?lanova zajednice, u kojoj je proizvodnja organizirana na komunalnoj osnovi na temelju zakona ili obi?aja i u kojoj proizvod ili dobit ostvarena njegovom prodajom ostaju u vlasništvu zajednice, da obavljaju rad koji od njih tra&#158;i zajednica u skladu s tim zakonima ili obi?ajima.

?lanak 20.

Zakoni o kolektivnom ka&#158;njavanju prema kojima neka zajednica mo&#158;e biti ka&#158;njena za zlo?ine po?injene od strane bilo kojeg njezinog ?lana ne smiju sadr&#158;avati odredbe o prisilnom ili obveznom radu kojem se podvrgava zajednica kao na?inu ka&#158;njavanja.

?lanak 21.

Prisilni ili obvezni rad se ne smije koristiti za podzemne radove u rudnicima.

?lanak 22.

Godišnja izvješ?a, koja ?lanice koje ratificiraju ovu Konvenciju pristaju podnositi u skladu s ?lankom 22. Statuta Me?unarodne organizacije rada, o mjerama poduzetim u cilju provedbe odredaba ove Konvencije, moraju sadr&#158;avati što je mogu?e iscrpnije podatke, u odnosu na svaki doti?ni teritorij, o opsegu u kojem se na tom teritoriju pribjegavalo korištenju prisilnog ili obveznog rada, o tome u koje svrhe se on koristio, o stopama oboljelosti i smrtnosti, radnom vremenu, na?inima isplate nadnica i visinama nadnica, te sve ostale relevantne podatke.

?lanak 23.

1. U svrhu provedbe odredaba ove Konvencije nadle&#158;na vlast mora donijeti cjelovite i precizne propise koji ure?uje korištenje prisilnog ili obveznog rada.

2. Ti propisi moraju, izme?u ostalog, sadr&#158;avati odredbe kojima se svakoj osobi koja se podvrgava prisilnom ili obveznom radu dopušta da vlastima podnosi pritu&#158;be koje se odnose na uvjete rada, te kojima se osigurava da se takve pritu&#158;be ispitaju i razmotre.

?lanak 24.

U svim slu?ajevima moraju se poduzeti odgovaraju?e mjere za osiguranje stroge primjene propisa koji ure?uju pitanja prisilnog ili obveznog rada, bilo na na?in da se prošire nadle&#158;nosti postoje?e inspekcije rada koja je ustrojena za provo?enje inspekcije dobrovoljnog rada tako da obuhva?a i ispekciju prisilnog ili obveznog rada, bilo na neki drugi odgovaraju?i na?in. Moraju se tako?er poduzeti mjere kojima se osigurava da s tim propisima budu upoznate osobe od koje se podvrgavaju takvom radu.

?lanak 25.

Nezakonito podvrgavanje prisilnom ili obveznom radu mora biti ka&#158;njivo kao kazneno djelo, i svaka ?lanica koja ratificira ovu Konvenciju je obvezna osigurati da su zakonom propisane kazne zaista primjerene i da se strogo primjenjuju.

?lanak 26.

1. Svaka ?lanica Me?unarodne organizacije rada koja ratificira ovu Konvenciju se obvezuje primjenjivati je na teritorije stavljene pod njezin suverenitet, jurisdikciju, zaštitu, vrhovnu vlast, skrbništvo ili upravu, u onom opsegu u kojem ima pravo prihva?ati obveze koje se ti?u pitanja unutarnje jurisdikcije; pod uvjetom da, ako ta ?lanica &#158;eli primjenu odredba ?lanka 35. Statuta Me?unarodne organizacije rada, ona mora svojoj ratifikaciji prilo&#158;iti izjavu u kojoj navodi -

(1) teritorije na kojima namjerava primjenjivati odredbe ove Konvencije bez izmjene;

(2) teritorije na kojima namjerava primjenjivati odredbe ove Konvencije s izmjenama i pojedinosti o tim izmjenama;

(3) teritorije u odnosu na koje zadr&#158;ava pravo donošenja kona?ne odluke.

2. Izjava iz prethodnog stavka se smatra sastavnim dijelom ratifikacije i ima snagu ratifikacije. Svaka ?lanica mo&#158;e, naknadnom izjavom otkazati u cjelosti ili djelomi?no rezerve stavljene u izvornoj izjavi u skladu s odredbama podstavaka (2) i (3) ovoga ?lanka.

?lanak 27.

Formalne ratifikacije ove Konvencije, pod uvjetima utvr?enim Statutom Me?unarodne organizacije rada, priop?avaju se glavnom ravnatelju Me?unarodnog ureda rada radi registracije.

?lanak 28.

1. Ova Konvencija obvezuje samo one ?lanice ?ije su ratifikacije registrirane u Me?unarodnom uredu rada.

2. Ona stupa na snagu dvanaest mjeseci od datuma kada su kod glavnog ravnatelja registrirane ratifikacije dviju ?lanica Me?unarodne organizacije rada.

3. Nakon toga, ova Konvencija stupa na snagu u odnosu na svaku ?lanicu dvanaest mjeseci nakon datuma registracije njene ratifikacija u Me?unarodnom uredu rada.

?lanak 29.

?im ratifikacije dviju ?lanica Me?unarodne organizacije rada budu registrirane u Me?unarodnom uredu rada, glavni ravnatelj Me?unarodnog ureda rada ?e to notificirati svim ?lanicama Me?unarodne organizacije rada. On ?e im tako?er notificirati registraciju svih ratifikacija koje mu naknadno priop?e druge ?lanice Organizacije.

?lanak 30.

1. ?lanica koja je ratificirala ovu Konvenciju mo&#158;e je otkazati nakon isteka roka od deset godina od datuma kada je Konvencija stupila na snagu, izjavom koju dostavlja glavnom ravnatelju Me?unarodnog ureda rada radi registracije. Takav otkaz po?inje djelovati godinu dana nakon datuma kada je registriran u Me?unarodnom uredu rada.

2. Svaka ?lanica koja je ratificirala ovu Konvenciju, i koja u roku od godine dana nakon proteka razdoblja od deset godina iz prethodnog stavka ne iskoristi pravo otkaza utvr?eno u ovom ?lanku, bit ?e vezana za još jedno razdoblje od pet godina, a nakon toga mo&#158;e otkazati Konvenciju po proteku svakog novog razdoblja od pet godina prema uvjetima utvr?enim ovim ?lankom.

?lanak 31.

Kada to bude smatralo potrebnim, Upravno vije?e Me?unarodnog ureda rada podnijet ?e Op?oj konferenciji izvješ?e o primjeni ove Konvencije i razmotrit ?e potrebu uvrštavanja pitanja njene cjelovite ili djelomi?ne revizije na dnevni red Konferencije.

?lanak 32.

1. Ako Konferencija usvoji novu konvenciju koja bi ovu Konvenciju revidirala u cijelosti ili djelomi?no, ratifikacija nove konvencije od strane ?lanice *ipso iure* zna?i otkazivanje ove Konvencije bez obzira na odredbu ?lanka 30., ako i kada nova revidiraju?a konvencija stupi na snagu.

2. Od datuma kada nova revidiraju?a konvencija stupi na snagu ova Konvencija prestaje biti otvorena za ratifikaciju ?lanicama.

3. Ova Konvencija u svakom slu?aju ostaje na snazi u sadašnjem obliku i sadr&#158;aju za one dr&#158;ave ?lanice koje su je ratificirale ali nisu ratificirale novu revidiraju?u konvenciju.

?lanak 33.

Engleski i francuski tekst ove Konvencije jednako su vjerodostojni.

***Convention No. 29***

**CONVENTION CONCERNING FORCED OR COMPULSORY LABOUR**

The General Conference of the International Labour Organisation,

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

Having decided upon the adoption of certain proposals with regard to forced or compulsory labour, which is included in the first item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty, the following Convention, which may be cited as the Forced Labour Convention, 1930, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

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

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

3. At the expiration of a period of five years after the coming into force of this Convention, and when the Governing Body of the International Labour Office prepares the report provided for in Article 31 below, the said Governing Body shall consider the possibility of the suppression of forced or compulsory labour in all its forms without a further transitional period and the desirability of placing this question on the agenda of the Conference.

Article 2

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

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

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

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

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

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

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

Article 3

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

Article 4

1. The competent authority shall not impose or permit the imposition of forced or compulsory labour for the benefit of private individuals, companies or associations.

2. Where such forced or compulsory labour for the benefit of private individuals, companies or associations exists at the date on which a Member&#158;s ratification of this Convention is registered by the Director-General of the International Labour Office, the Member shall completely suppress such forced or compulsory labour from the date on which this Convention comes into force for that Member.

Article 5

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

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

Article 6

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

Article 7

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

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

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

Article 8

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

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

Article 9

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

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

(b) that the work or service is of present or imminent necessity;

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

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

Article 10

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

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

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

(b) that the work or the service is of present or imminent necessity;

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

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

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

Article 11

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

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

(b) exemption of school teachers and pupils and of officials of the administration in general;

(c) the maintenance in each community of the number of adult able-bodied men indispensable for family and social life;

(d) respect for conjugal and family ties.

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

Article 12

1. The maximum period for which any person may be taken for forced or compulsory labour of all kinds in any one period of twelve months shall not exceed sixty days, including the time spent in going to and from the place of work.

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

Article 13

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

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

Article 14

1. With the exception of the forced or compulsory labour provided for in Article 10 of this Convention, forced or compulsory labour of all kinds shall be remunerated in cash at rates not less than those prevailing for similar kinds of work either in the district in which the labour is employed or in the district from which the labour is recruited, whichever may be the higher.

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

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

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

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

Article 15

1. Any laws or regulations relating to workmen&#158;s compensation for accidents or sickness arising out of the employment of the worker and any laws or regulations providing compensation for the dependants of deceased or incapacitated workers which are or shall be in force in the territory concerned shall be equally applicable to persons from whom forced or compulsory labour is exacted and to voluntary workers.

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

Article 16

1. Except in cases of special necessity, persons from whom forced or compulsory labour is exacted shall not be transferred to districts where the food and climate differ so considerably from those to which they have been accustomed as to endanger their health.

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

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

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

Article 17

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

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

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

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

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

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

Article 18

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

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

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

Article 19

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

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

Article 20

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

Article 21

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

Article 22

The annual reports that Members which ratify this Convention agree to make to the International Labour Office, pursuant to the provisions of Article 22 of the Constitution of the International Labour Organisation, on the measures they have taken to give effect to the provisions of this Convention, shall contain as full information as possible, in respect of each territory concerned, regarding the extent to which recourse has been had to forced or compulsory labour in that territory, the purposes for which it has been employed, the sickness and death rates, hours of work, methods of payment of wages and rates of wages, and any other relevant information.

Article 23

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

2. These regulations shall contain, inter alia, rules permitting any person from whom forced or compulsory labour is exacted to forward all complaints relative to the conditions of labour to the authorities and ensuring that such complaints will be examined and taken into consideration.

Article 24

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

Article 25

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

Article 26

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to apply it to the territories placed under its sovereignty, jurisdiction, protection, suzerainty, tutelage or authority, so far as it has the right to accept obligations affecting matters of internal jurisdiction; provided that, if such Member may desire to take advantage of the provisions of Article 35 of the Constitution of the International Labour Organisation, it shall append to its ratification a declaration stating

(1) the territories to which it intends to apply the provisions of this Convention without modification;

(2) the territories to which it intends to apply the provisions of this Convention with modifications, together with details of the said modifications;

(3) the territories in respect of which it reserves its decision.

2. The aforesaid declaration shall be deemed to be an integral part of the ratification and shall have the force of ratification. It shall be open to any Member, by a subsequent declaration, to cancel in whole or in part the reservations made, in pursuance of the provisions of subparagraphs (2) and (3) of this Article, in the original declaration.

Article 27

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 28

1. This Convention shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

2. It shall come into force twelve months after the date on which the ratifications of two members of the International Labour Organisation have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 29

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 30

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an Act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

2. Each member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of five years under the terms provided for in this Article.

Article 31

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 32

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Member of the new revising Convention shall *ipso jure* involve denunciation of this Convention without any requirement of delay, notwithstanding the provisions of Article 30 above, if and when the new revising Convention shall have come into force.

2. As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the Members.

3. Nevertheless, this Convention shall remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising convention.

Article 33

The French and English texts of this Convention shall both be authentic.

Klasa: 910-01/00-01/177
Urbroj: 524-02/3-00-9
Zagreb, 21. velja?e 2000.

Ministar rada i socijalne skrbi
**Davorko Vidović**, v. r.