



THE COVER-UP

WHITEWASHING UZBEKISTAN'S WHITE GOLD

Persecution of Independent
Monitors to Cover Up Mass Forced
Labor in the Cotton Sector

Uzbek-German Forum for Human Rights e.V., March 2016



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EXECUTIVE SUMMARY

The evidence from the 2015 cotton harvest in Uzbekistan indicates that the government has not undertaken reforms to end its systematic use of forced labor. Yet the 2015 cotton harvest in Uzbekistan differed from previous years in a significant way: While the government continued to force more than a million people to pick cotton and farmers to grow cotton under threat of penalty, it did so while making significant efforts to project the appearance of cooperation with the International Labour Organization (ILO) and to claim compliance with its commitments to the World Bank to apply labor laws.

The Uzbek government had a lot at stake. The World Bank has invested more than \$500 million USD in Uzbekistan's agricultural sector. Following a complaint from Uzbek civil society, the Bank attached loan covenants stipulating that the loans could be stopped and subject to repayment if forced or child labor was detected in project areas by monitors from the International Labor Organization, contracted by the World Bank to carry out labor monitoring during the harvest.

Instead of good faith efforts to reform, the government appeared to double down on coercion. The government's 2015 "re-optimization" plan for agriculture punished farmers in debt or who failed to meet production quotas by taking back their land. Under another plan known as "Clever," the prime minister ordered bailiffs and police to repossess the farmers' property for debts or unfulfilled production quotas. They confiscated livestock, tractors, even televisions without court orders or valuation processes. As in previous years, the government imposed cotton production quotas on farmers and exerted control over every aspect of production. The government's procurement price for cotton, set at less than production costs, and system of government-controlled monopolies for agricultural inputs and purchasing, conspired to keep farmers in a cycle of crippling debt.



Almost all of the cotton crop in Uzbekistan is being harvested by hand. (September 2015)

To harvest cotton, officials once again forced more than a million people, including students, teachers, doctors, nurses, and employees of government agencies and private businesses to the cotton fields, against their will and under threat of penalty, especially losing their jobs. The government forcibly mobilized teachers and medical workers to the fields en masse, despite stated policy commitments not to recruit from these sectors. People picked cotton for shifts of 15 – 40 days, working long hours and enduring abysmal living conditions, including overcrowding and insufficient access to safe drinking water and hygiene facilities. People with the means could avoid fieldwork by hiring replacement workers to pick cotton in their name or by paying off their supervisors. Officials and business owners, themselves under pressure to support the national plan, ordered 40% or more of their employees to pick cotton, often in written directives. The Uzbek-German Forum for Human Rights obtained several examples, included in an online table of documents¹, that illustrate the state organization of forced labor on a massive scale.

Uzbek citizens subsidized the government’s cotton industry with their labor and incomes. Through extensive field research throughout 2015, we found that cotton work is not viewed by the vast majority of people as an opportunity to supplement incomes. Instead, the forced labor system of cotton production exacted a significant economic toll on many workers, who earned little or failed to earn enough to cover their costs and justify the associated risks and personal and professional disruptions.

The government also undermined education and health care by mobilizing teachers and healthcare workers en masse across the country for long shifts as well as daily cotton work, leaving schools and medical facilities understaffed. Employees who remained at work while their colleagues picked cotton had to work extra for no overtime pay to cover their colleagues’ absences, especially as some institutions such as schools and hospitals experienced tremendous pressure to appear to be functioning normally. Many colleges (the equivalent of high school) and universities suspended classes entirely for students at the harvest, or, in the case of some colleges, nominally held classes only for first- and second-year students while third-year students picked.

A powerful climate of fear pervaded the harvest season and facilitated the government’s forced mobilization of workers. Nearly everyone we spoke with during the season indicated that they were directly threatened or understood implicit threats if they refused to pick cotton, most crucially that they would lose their jobs. The climate of fear prevented people from using a complaint hotline run by the Labor Ministry and state-controlled trade union federation, and from speaking openly to the ILO’s monitoring teams, which were comprised of one international member and five officials from government or government-controlled organizations.

The government unleashed an unprecedented campaign of harassment and persecution against independent monitors to attempt to cover up its use of forced labor while taking pains to make widespread, massive forced mobilization appear voluntary. In some cases it forced teachers, students,



A bus is delivering public sector employees to the cotton fields (in the bus window, there’s a sign saying “Cotton 2015”).

1 See Documentary Evidence, available at: <http://harvestreport2015.uzbekgermanforum.org/?page=evidence>.

and medical workers to sign statements attesting that they picked cotton of their own will and agreeing to disciplinary measures, including being fired or expelled, if they failed to pick cotton. It instructed people to lie to monitors saying they came to pick cotton of their own volition. Officials also repeatedly arrested, assaulted, and fabricated charges against citizens documenting forced labor, including Uzbek-German Forum's monitors.

Despite the government's efforts to cover up forced labor and impede effective monitoring, the ILO concluded that forced labor remains a problem and significant reform efforts are needed. Despite these findings, the Uzbek government continued to receive World Bank funds. As detailed in the final chapter of this report, the Uzbek-German Forum urges the Uzbek government to end the coercion and corruption that pervade its cotton sector and violate the rights of its citizens, and calls on the World Bank, United States, European Union and ILO to hold Tashkent accountable for its international commitments.



Evening delivery of cotton. Usually, employees from the public sector sign on to collect a daily quota of cotton (the average amounts to 50 kg per day).

Key Recommendations

To the Government of Uzbekistan

- Enforce national laws that prohibit the use of forced and child labor in alignment with ratified ILO conventions;
- Make public, high-level policy statements condemning forced labor, specifically including forced labor in the cotton sector, and making clear that all work should be voluntary and fairly compensated;
- Instruct government officials at all levels and citizens that act on behalf of the government to not use coercion to mobilize anyone to work, including farmers, children, students, public-sector workers, private-sector workers, pensioners, mothers and others receiving public welfare support, and the unemployed;
- Allow independent journalists, human rights defenders, and other individuals and organizations to document and report concerns about the use of forced labor without fear of reprisals;
- Ensure an immediate, prompt, independent and effective investigation into reprisals against independent monitors;
- Ratify and implement ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize; and
- Initiate a time-bound plan to reform root causes of forced labor in the agriculture sector.

To the International Labor Organization

- Establish, monitor and report on clear benchmarks for the government of Uzbekistan to fulfill its commitments to implement the fundamental labor conventions of the ILO, including the elimination of state-orchestrated forced labor of children and adults in the cotton sector;
- Ensure the participation of the IOE, ITUC, and International Union of Food Workers (IUF) as well as regular consultation with independent Uzbek civil society groups in the development and implementation of all monitoring and technical assistance activities in Uzbekistan;
- Raise concerns about the safety and access of independent monitors publicly and at the highest levels and make clear that their ability to work unimpeded is a vital sign of the government's good faith and requirement for ILO assistance;

To the World Bank and Asian Development Bank

- Suspend disbursements until the Uzbek government demonstrates meaningful progress reforming the root causes of forced labour, its financial system that incentivizes officials to use coercion and repression of citizens who report violations;
- Engage and work with the Uzbek government to develop and implement a time-bound plan to reform root causes of forced labor in the agriculture sector;
- Ensure robust and fully independent third-party monitoring of compliance with core labor conventions in the project areas;

- Establish a confidential and accessible grievance mechanism and provide effective remedies, including legal and financial, to any person who is subjected to forced labor in the project areas;
- Take all necessary measures to prevent reprisals against community members, journalists, and independent organizations for monitoring or reporting on human rights violations in these areas, for engaging with the Bank's project monitors, or for filing complaints, including by seeking an enforceable commitment from the government that it will not interfere with independent reporting and engagement.

To the United States and European Union

- Urge the government of Uzbekistan to end its use of forced labor including by implementing the specific recommendations above.
- In the U.S., place Uzbekistan in Tier 3 in the 2016 Global Trafficking in Persons Report and until the state-orchestrated forced-labor system for cotton production is ended.
- Exclude cotton from Uzbekistan from benefitting from trade preferences under the Generalized System of Preferences (GSP) until the government of Uzbekistan ends its forced-labor system of cotton production.
- Investigate and prosecute companies that are benefitting from or contributing to the forced labor system of cotton production that are in violation of international and national laws.

To Companies That Use Cotton

- Sign the Cotton Pledge "to not knowingly source Uzbek cotton for the manufacturing of any of our products until the Government of Uzbekistan ends the practice of forced child and adult labor in its cotton sector."

METHODOLOGY

A team of 22 experienced monitors working with the Uzbek-German Forum for Human Rights (UGF) carried out research in six regions in Uzbekistan: the Tashkent, Syrdarya, Jizzakh, Kashkadarya, Andijan, and Bukhara regions and in three districts in Karakalpakstan.² Jizzakh, Syrdarya, and Kashkadarya are the three regions in Uzbekistan that produce the most cotton. Residents of Tashkent mobilized to pick cotton are generally sent to one of these three regions. In most cases monitors are fluent in both Uzbek and Russian. In 2015 our monitors carried out research throughout the cotton production cycle, starting in the springtime period of field preparation and through the harvest, which started in early September concluded in early November.

Our monitors have received extensive training on research methodology by an expert in labor law with more than 20 years' experience working with the International Labor Organization (ILO). Monitors have a thorough knowledge of Uzbek labor law as well as international laws and regulations concerning forced labor. Researchers have, on average, five years' experience monitoring labor and human rights issues related to the cotton harvest. They live in the regions that they monitor and have a deep understanding of the local context including the prevalence of fear in the population. They have established networks of relatives, neighbors, colleagues, and acquaintances who provide information and are experienced in identifying the places and institutions that send workers to pick cotton, and in conducting interviews in dangerous conditions without putting respondents at risk. Several of the Uzbek-German Forum's monitors themselves participated in the cotton harvest. Monitors include farmers, teachers, and journalists from local agricultural publications. Their own information, supported by photographs and video, provided an additional key source of information.

Our monitors experienced significant harassment and interference by the Uzbek government in 2015 as it made efforts to appear cooperative with ILO monitoring and compliant with World Bank agreements while continuing to use forced labor. Government officials attempted to prevent monitors from observing mass mobilization of people to harvest, speaking with people being sent to pick cotton, visiting cotton fields, attending meetings, or gathering documents. Several monitors faced severe reprisals for conducting this work, as explained in further detail later in this report. Some had to curtail their monitoring due to harassment and interference. In 2015, monitors carried out research using a variety of methods, including the following six main methods:



Our monitors went to the cotton fields informing the pickers about their rights and handing over information flyers. (September 2015, Khorezm Region)

² See monitoring map. Karakalpakstan is an autonomous republic within Uzbekistan that covers 160,000 square kilometers (62,000 square miles) in Northwestern Uzbekistan. It is the site of a \$260 million World Bank funded project to support the modernization of irrigation and agriculture. We conducted monitoring in three districts: Beruni, Ellikkala, Turtkul, the sites of World Bank-funded projects.

Method 1: Observation and documentation of mobilization of workers and brief interviews

The largest organized mass mobilization of workers to live near the fields and pick cotton for extended shifts (as opposed to daily shifts) took place from September 6 – 15. During this time monitors visited hokimiyats (regional and district administrations) and other locations where workers were gathered and sent to the fields, usually on buses. Where possible, monitors conducted brief interviews with workers about the circumstances of their mobilization, including voluntariness of mobilization and length of shift. These interviews were generally anonymous given the risks to workers.

In addition, over the course of the research period, monitors conducted short interviews with 400 people who took direct part in the cotton harvest or paid to avoid picking cotton. Throughout September and October the Uzbek-German Forum sent 42 notifications of concrete cases of forced labor to labor unions in Uzbekistan, which were operating a hotline to report forced labor in conjunction with the governed, and copied the ILO. None of these notifications received a reply. In three separate cases, however, we learned that local officials harassed the victims of forced labor because of our intervention, including by warning them not to talk to international monitors.

Method 2: Visits to institutions

Monitors visited institutions such as hospitals, schools, universities, and businesses throughout the cotton harvest to conduct short interviews. In each region monitors visited at least five schools, three hospitals or clinics, five colleges³, a university, a large market, and five government institutions. Monitors documented the number of people sent to pick cotton from each of these institutions and corroborated the findings in later interviews. Monitors found, on average, that between 25 – 50% of employees of each institution as well as most students over 18, were at the fields throughout the harvest.

Method 3: Document collection

Monitors collected documents indicating the forced nature of the mobilization of cotton pickers. The evidence gathered includes orders signed by directors of private enterprises to send workers to the harvest, decrees by hokims (district and regional governors) ordering employees of public institutions to participate in the harvest, notes signed by students declaring their “voluntary participation in the cotton harvest,” and social media posts, primarily by students, discussing the conditions of mobilization, extortion, and the difficult living and working conditions in the cotton fields.⁴



Human Rights activist Uktam Pardaev.

³ In Uzbekistan, a college is the equivalent of high school or upper secondary school. First-year students are usually 16 years old; second-year students are usually 17; third-year students are usually 18.

⁴ See Documentary Evidence, available at: <http://harvestreport2015.uzbekgermanforum.org/?page=evidence>.

Method 4: Local media monitoring

The monitors tracked local newspapers that published articles propagandizing the cotton harvest as well as other local and international reporting on the cotton harvest. Some of these articles feature employees of various institutions, including medical workers, teachers, university students and third-year college students, working in the cotton fields. The articles indicate that mobilization of workers was organized by the local authorities, which also bestowed prizes, such as teakettles or cottonseed oil, on the best cotton pickers.⁵

Method 5: Visits to cotton fields

Monitors visited at least six housing facilities for pickers and five cotton fields in various regions to observe workers, document labor conditions, and interview cotton pickers. Due to strict controls, it was only safe for monitors to undertake visits to worker housing in the Khorezm and Syrdarya regions. Monitors conducted brief interviews with cotton pickers, primarily college and university students, and took photos, audio and video recordings of interviews and working conditions.⁶

Method 6: Detailed interviews

Following the harvest, monitors conducted detailed interviews with people who picked cotton or made a payment, using questionnaires developed in consultation with specialists, including legal experts and sociologists. Monitors conducted 97 detailed interviews, including with 25 schoolteachers, 25 students, 10 farmers, 15 employees of government institutions, 15 medical workers, and 7 entrepreneurs.

5 See Cotton Chronicles 2015, Uzbek-German Forum for Human Rights, available at: <http://uzbekgermanforum.org/category/cotton-chronicle/>.

6 Some of these photos and recordings are available on the independent news and analysis website El Tuz, <http://www.eltuz.com/?p=557>.



Distribution of booklets carrying information about the Uzbek legislation on the prohibition of Forced Labour (October 2015).

The Uzbek-German Forum for Human Rights has conducted in-depth monitoring of labor and human rights issues related to the cotton harvest since 2009, and some of our monitors have worked on these issues for many years before that. In this time, we have conducted more than detailed 1,000 interviews with people affected by the cotton harvest, visited numerous medical and educational facilities, cotton fields, businesses, and local government offices, collected dozens of documents indicating the mass use of forced labor in the cotton harvest, and monitored local media reports about the harvest. Read together, each interview adds to a fuller and more detailed picture of the system. This body of research gives us a deep understanding of the labor dynamics of the harvest and how the forced labor system affects individuals and public services. It also allows us to identify trends, developments, and changes from year to year. This report draws on that accumulated knowledge and experience as well as specific research from 2015 that shows the labor and human rights issues from this year.

INTRODUCTION

In 2015 the government of Uzbekistan carried out joint monitoring of forced labor with the ILO. It also used unprecedented deception and repression, including arrests and persecution of independent monitors to cover up the use of forced labor of more than a million of its citizens to harvest of cotton, the country's "white gold", while at the same time ostensibly cooperating with ILO monitors and attempting to show nominal compliance with World Bank agreements requiring remedial measures against labor violations. The government ordered posters and banners warning citizens about forced labor at the same time as it loaded students on to buses, pulling them out of classes for two months to pick cotton, and hung those banners – after many of the buses had departed – far from the fields where teachers, doctors, nurses, students and others, labored to fulfill daily picking quotas.

The government warned people to lie to international monitors, to tell them they were picking cotton voluntarily, even though they risked losing their jobs and other penalties if they refused. At the same time it made "policy commitments" lauded by the ILO not to recruit medical workers and teachers to pick cotton, it forced many of those workers to sign statements that they picked cotton of their own will, although they were forced to agree to be fired or face other punishment if they refused. While the ILO asserted that many workers view the harvest as an economic "opportunity," teachers, nurses, and other public sector employees were pulled from their jobs, worked grueling hours in the heat, suffered abysmal living conditions, including overcrowding, lack of access to safe water and hygiene facilities, often far from their families, to fulfill daily picking quotas under threats, harassment, and humiliation, all for wages that amounted to the equivalent of \$1.50 per day. In fact, the harvest imposed an economic burden on many, including those who hired day laborers to pick cotton for them, and those who had to pay expenses, including for food and transportation, that exceeded what they earned. While the government ran a hotline for people to register complaints about forced labor, it arrested, threatened, intimidated, and ill-treated independent monitors seeking to document labor rights conditions.

This stakes of this cynical enterprise are high: cotton, a strategic resource in Uzbekistan, nets the government some \$1 billion per year in revenue from sales.⁷ While proclaimed "the people's riches," the cotton industry is a corrupt enterprise directly subsidized by the people of Uzbekistan through their labor and forced payments extorted by government officials. The forced labor system, which exploits the vulnerability of more than a million people, contributing to their impoverishment, generates revenues for a tiny elite.

Given these stakes, cotton production is highly centralized and tightly controlled by top-level government officials



On the cotton fields (October 2015).

⁷ For detailed information on the cotton production system and its financial system, see: "Uzbekistan's Cotton Sector: Financial Flows and Distribution of Resources," Alisher Ilkhamov and Bakhodiy Muradov, Open Society Institute, October 2014, available at: <http://www.opensocietyfoundations.org/reports/uzbekistan-s-cotton-sector-financial-flows-and-distribution-resources>. For information on revenue, see p. 18.

starting with the president. The government commands every aspect of the production, processing, sale, and export of raw cotton and cotton fiber. The president and Cabinet of Ministers set national policy for cotton production, including the varieties grown and production quotas for farmers, and oversee its implementation. The prime minister directs the regional and local hokims (heads of regional and district administrations), who bear personal responsibility for fulfilling cotton production quotas in their areas.⁸ The prime minister conducts regular meetings and conference calls with local authorities and farmers across the country to ensure implementation of the cotton plan during all phases of production, including compliance with daily harvesting quotas.⁹ Cotton profits are shielded from public accountability in the Selkhozfond, an extra-budgetary account of the Ministry of Finance, accessible only to top officials.¹⁰

Although the harvest exacts an economic toll on many workers, a portion of people who pick cotton do work willingly for the economic opportunity it provides. However, the workers willing to pick cotton generally appear to be replacement workers or other laborers who were able to command a wage paid by individuals or institutions ordered to deliver a harvest quota. These workers participated primarily in the “first harvest” in early September, when cotton was abundant and easy to pick. Thus, it is crucial to assess “willingness” at all stages of the season and to examine more closely the circumstances of those workers, who wanted to be free to work for the highest pay available.

Farmers are forced to plant state-ordered acreage of cotton and wheat or face the loss of their land. The fact that they sign leases stipulating these requirements does not make them voluntary.¹¹ The Uzbek government regularly coercively mobilizes citizens to perform unpaid labor or low-paying agricultural work that is in addition to their regular employment. In the agricultural sector, this includes preparing fields for planting, planting cotton, weeding, and harvesting. Officials impose



Evening submission of cotton
(September 2015).

8 Despite the government’s tight orchestration of the cotton production system, one analysis concludes, “These draconian methods do not result in increased efficiency of cotton production...” Ibid, Executive Summary. See The Uzbek Government’s Forced Labor System Chain of Command in the Appendix. Presidential Resolution No. PP2830, “On Organizational Measures to Ensure the Timely and Quality Harvest of the 2014 Cotton Crop,” September 4, 2014. The resolution orders regional and district hokims, among other officials, to bear “personal responsibility” for the cotton harvest. This resolution is from 2014, but this aspect of the system remained unchanged in 2015.

9 Ibid and Hornidge, Anna-Katharina and Shtaltovna, Anastasiya, “A Comparative Study on Cotton Production in Kazakhstan and Uzbekistan,” Center for Development Research (ZEF), University of Bonn, 2014, http://www.zef.de/uploads/tx_zefportal/Publications/ZEF-Cotton_Kasachstan-web.pdf, page 13-14.

10 Ilhamov and Murodov, p. 18.

11 The ILO observed the existence of a contract does not negate the possibility of forced labor, and that transfers of workers to tasks unrelated to their ordinary occupations raise a concern of contracts being used as a tool for compulsory labor. See ILO Committee of Experts on the Application of Conventions and Recommendations, Individual observation concerning the Abolition of Forced Labour Convention, 1957 (No. 105), Uzbekistan, 2015.

production quotas on farmers for both wheat and silk cocoons, and enforce the quotas with threats of penalties. Citizens, particularly public sector employees, are regularly required to clean streets, paint fences, and plant flowers, especially along major roadways used by high-level officials. The government requires people to make other forced contributions for public or quasi-public purposes, such as collecting scrap paper and metal, for road repairs, and city “beautification.” In interviews with us, numerous teachers and students described making forced contributions to subscribe to newspapers and magazines and to bring in scrap metal or make payments to help schools meet quotas for these items.¹²

While many people may accept these intrusions as a fact of life or the “cost” of employment in Uzbekistan, resignation should not be mistaken for voluntariness. In the vast majority of cases we documented in 2015 and over the last seven years, state-led coercion, not patriotism or desire to earn supplemental income, led people to work in the cotton sector. This feature of the forced labor system has remained unchanged.

Despite the Uzbek government’s attempted cover up, the ILO’s monitoring report reaffirmed the existence of forced labor in Uzbekistan’s cotton sector, concluding “the risk of forced labor under conditions of organized recruitment is real, and not merely theoretical.”¹³ The report findings include: (1) the practices of officials responsible for meeting cotton quotas did not change; (2) there were indicators of forced labor related to widespread organized recruitment of adults to pick cotton; and (3) public-sector workers in the education and health-care sectors were compelled to contribute labor or payments. In its review, the ILO Committee of Experts¹⁴ strongly urged the Uzbek government to continue work with the ILO to ensure compliance with the ILO conventions against forced labor.¹⁵

12 Regional and local officials tasked with collecting scrap metal and paper impose collection quotas on schools. Children are required to bring in a certain amount of scrap metal or pay a fee for every kilo not collected. See for example, “Школьников в Узбекистане продержали взаперти из-за несдачи металлолома [Schoolchildren in Uzbekistan Kept Locked Up for Not Bringing In Scrap Metal],” Radio Ozodlik, February 25, 2015, available at: <http://www.ozodlik.org/content/article/26867626.html>. Students and teachers also mentioned these forced contributions in their interviews, for example, Uzbek-German Forum interview with student in Kashkadarya region, November 5, 2015, in which the student notes that the 20,000 soum (approximately \$3.33 USD) he earned from picking cotton for 40 days was confiscated for mandatory subscriptions. A college instructor told us, “One problem we have is subscriptions to magazines and newspapers. Every year the college is sent a list of newspapers and magazines. The list is divided among the groups. The prices are not cheap. We struggle to collect the required amount from the students because many have parents without a stable income... And the newspapers and magazines don’t come regularly. Every teacher is forced to subscribe but the newspapers don’t reach us.” Uzbek-German Forum interview with a college instructor, Syrdarya region, November 3, 2015. See also, “Первоклашек в Узбекистане заставляют подписываться на общественно-политический журнал и покупать камеры видеонаблюдения, [First Graders in Uzbekistan Forced to Subscribe to Social-Political Magazine and Buy Cameras for Video Surveillance], Radio Ozodlik, December 21, 2015, available at: <http://www.ozodlik.org/content/article/27439604.html>.

13 International Labour Organization, “Third Party Monitoring of the use of child and forced labor during the Uzbekistan 2015 Cotton Harvest – An assessment submitted to the World Bank by the International Labor Office,” November 20, 2015.

14 The Committee of Experts on the Application of Conventions and Recommendations (CEACR) is an independent body composed of legal experts charged with examining the application of ILO Conventions and Recommendations by ILO member States. The annual report of the Committee of Experts covers numerous matters related to the application of ILO standards.

15 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual observation concerning the Abolition of Forced Labour Convention, 1957 (No. 105), Uzbekistan, 2016.

FORCED LABOR SYSTEM OF COTTON PRODUCTION IN 2015

National Plan and Coercion of Farmers

The government's direct and total control of the cotton sector sustains a system of patronage, is the root cause of forced labor, and remained unaltered in 2015. The system is organized from the top down and its implementation involves officials at every level.¹⁶ In the first quarter of the year, the president, prime minister, ministers of the Agriculture and Water Resources, the Economy, Finance, Foreign Economic Relations, and Investments and Trade ministries, and representatives from the state-controlled cotton association set the national production target.¹⁷ The prime minister issued quotas to the regional hokims, who, with the cotton association, imposed production quotas on farmers through their land lease agreements and procurement contracts. Farmers, who do not own their land but lease it from the government, were, as in previous years, obligated to sell their cotton to one of the state-controlled gins at the state price. The Finance Ministry set the procurement price for cotton – the price paid to farmers – below the government's own estimate of production costs.¹⁸ The government also establishes the rates paid to workers for harvesting, which are substantially lower than market wages, perpetuating the need for forced labor.



On the cotton fields (September 2015).

The forced labor system of cotton production in Uzbekistan begins with farmers, affecting millions.¹⁹ Many farmers, who must use inputs and agricultural services sold by government-controlled monopolies, believe that production plans are punitive and arbitrary. The plans and consequences for failure to fulfill them contribute to farmers' vulnerability and leave many farmers at economic disadvantage. The most profitable crops for farmers are horticultural products, such as fruits and vegetables.²⁰ Yet the government requires many farmers to dedicate significant land to cotton and

16 See: The Uzbek Government's Forced Labour System Chain of Command, available at: <http://harvestreport2015.uzbekgermanforum.org/>.

17 This association, known as Khlopkoprom in Russian and Uzpakhtasanoat in Uzbek, is the state-controlled association responsible for procurement and sales of raw cotton and ginning.

18 Ilkhamov and Muradov, pp. 20 – 23.

19 According to a World Bank estimate, there are some 4.7 million small farms in Uzbekistan most of which are operated by poor households, and 21,000 larger farms. Uzbekistan: Strengthening the Horticulture Value Chain, World Bank Policy Note, Khidirov, Dilshod; Larson, Donald F.; Schuman, Irina; Abstract, January 1, 2015, available at: <http://documents.worldbank.org/curated/en/2015/01/24003407/uzbekistan-strengthening-horticulture-value-chain>.

20 A World Bank analysis concludes: "Evidence in this note suggests that growing fruit and vegetables is among the most profitable activities on both dehkan [small peasant farms] and private farms and, over the last ten years, the incomes those activities generate comprised a growing share of national GDP. Horticultural export earnings have also surged in recent years, growing from USD 373 million in 2006 to USD 1.16 billion in 2010. Uzbekistan has special agro-ecological conditions that set it apart from most countries and provides the basis for its horticulture subsector. Like agriculture as a whole, the subsector benefits greatly from policies that support basic

wheat production and to fulfill annual production quotas of both crops, limiting their ability to make a profit. Farmers often enter into informal agreements with the local hokim in order to grow more profitable crops and compensate for the debts they often incur to fulfill their cotton quotas. A farmer from Syrdarya told us

The district hokim sets the [cotton] plan. The hokim meets with all the foremen of the territory to determine the fertility of the land. After he gathers all the information, he imposes the state production plan on the farmers. Although he knows how much the harvest depends on the strength of the land, he always makes the quota higher. And so some farmers can't even meet half of the production targets. Farmers that have a good relationship with the hokim and his team of advisors use any means to try to get lower quotas. They will even pay bribes to lower their production quotas and then secretly plant different crops.²¹

Punitive Measures Against Farmers

In 2015 the government relied on law enforcement structures to monitor and control various aspects of agriculture and instill fear in farmers. Police regularly patrolled cotton fields, inspected farms, and monitored both workers and the progress of the harvest. The legal basis for this presence is unclear, although the message to farmers was unmistakable: they face serious consequences for failure or error.²² The farmer from Syrdarya said, "When workers arrive at your fields, you become the center of attention to the district officials. They come to inspect – the foreman, prosecutors, police. You need to provide information about how the harvest is going today, who is picking, how many pickers, and tell the cotton collection headquarters how much cotton I will deliver today..."²³

In 2015 the government launched an agricultural "re-optimization" plan to reduce the size of most agricultural land allotments.²⁴ It also implemented a plan known as "Cleaver" (Oibolta in Uzbek), under which farmers in debt were required to give up their land local officials repossessed the land and possessions of farmers who had



Farmers who do not own their land but lease it from the government, were, as in previous years, obligated to grow cotton and sell it to one of the state-controlled gins at the state price.

research in agronomy and post-harvest technologies, from policies that support private investment and efficient markets, and from policies that promote the good stewardship of natural resources." World Bank Policy Note, "Uzbekistan: Strengthening the Horticulture Value Chain," Khidirov, Dilshod; Larson, Donald F.; Schuman, Irina; abstract, January 1, 2015, available at: <http://documents.worldbank.org/curated/en/2015/01/24003407/uzbekistan-strengthening-horticulture-value-chain>.

21 Uzbek-German Forum interview with a farmer, Syrdarya region, November 10, 2015.

22 Radio Ozodlik reported on the suicides of two farmers, one in June and one in July, who failed to meet the wheat production quota and faced other problems with their farms and were subjected to severe humiliation, and threatening and degrading treatment by the hokim and local officials. See "В Узбекистане оскорбления властей вынудили фермера покончить с собой [In Uzbekistan insults by officials forced farmer to kill himself]," Radio Ozodlik, July 4, 2015, available at: <http://www.ozodlik.org/content/article/27109836.html>.

23 Uzbek-German Forum interview with a farmer, Syrdarya region, November 10, 2015.

24 Over the last 13 years, Uzbekistan has undertaken a series of agricultural reforms designed to "optimize" production by increasing or decreasing the amount of land allocated to farmers and redistributing land assignments. Uzbek-German Forum interview with a farmer, Jizzakh region, October 2015.

failed to meet production quotas for cotton or wheat or incurred debts.²⁵ In a conference call with local authorities and farmers on October 12, 2015, Shavkat Mirziyayev, Uzbekistan's prime minister, ordered local officials to use court bailiffs and police to take property from indebted farmers. A farmer from Namangan who was on the call told Radio Ozodlik that the prime minister said, "Go to farmers' fields and tell them to fulfill the [production] plan. Go to the homes of farmers in debt, who can't repay their credit, take their cars, livestock, and if there are none, take the slate from their roofs!"²⁶ A farmer from Syrdarya described the Cleaver plan:

They have found a good way to deal [with people who fail to produce the quota]. The police and prosecutors come and seize your other crops. The farmer can never make a profit then. It's a big deal if he can even cover his expenses for cotton. As far as I know, there are no farmers who are not in debt to the banks. Everyone is in debt millions [of soum]. To cover them, they seize our vegetable crops, wheat, rice, and confiscate our belongings to pay the state banks.²⁷

A farmer from Kashkadarya said:

I didn't fulfill the cotton production plan this year, but I don't have any debt. But because I didn't meet the quota the police came and took my brother's car. We have a family farm. They haven't given it back. The [police] go to the houses of people with a lot of debt and take everything, anything they can find, without any documents. If [the farmer] has cattle, they sell the cattle...²⁸

A farmer from Jizzakh who did not meet his cotton production quota described in detail his debts to various government-controlled suppliers, including for diesel fuel, fertilizer, and the use of a combine for harvesting his wheat crop. He said:

I finished the year in debt 60 million soum (approximately \$10,000 USD) from my bank credit. [Prime Minister] Mirziyayev's Cleaver group took 10 sheep, three cows, as well as my tractor and cultivator from my home. They closed my farm. Now I don't know what will happen...²⁹

Fear and Control through Cotton Meetings

Throughout 2015, regional hokims were again held responsible for ensuring farmers grew enough and others picked enough cotton to complete their portion of the national cotton production plan. Hokims directed district and local officials in their regions to implement labor recruitment plans. Daily "cotton meetings" played a key role in overseeing and enforcing cotton harvest policy. The prime minister organized regular meetings by conference call with local officials and farmers across the country before and throughout the cotton season. Regional and district hokims also convened cotton meetings throughout the harvest season, and presided over them accompanied by local police, prosecutors, tax inspectors, and other officials. Farmers, administrators of education,

25 «Убийственная кампания» Мирзияева заработала полным ходом – десятки фермеров лишались имущества [Mirziyayev's 'Murderous Campaign' Has Had Complete Success – Tens of Farmers have Lost Their Property"], Radio Liberty, October 23, 2015, available at: <http://rus.ozodlik.org/content/article/27321803.html>. Uzbek-German Forum interview with farmer, Kashkadarya region, December 11, 2015.

26 "Премьер-министр Узбекистана начал «убийственную» кампанию против фермеров [The Prime Minister of Uzbekistan has Begun a 'Murderous' Campaign Against Farmers,]", Radio Ozodlik, October 14, 2015, available at: <http://rus.ozodlik.org/content/article/27305585.html>.

27 Uzbek-German Forum interview with a farmer, Syrdarya region, November 10, 2015.

28 Uzbek-German Forum interview with farmer, Kashkadarya region, December 11, 2015.

29 Uzbek-German Forum interview with farmer, Jizzakh region, December 10, 2014.

healthcare and other public institutions, mahalla committee members, and others were required to attend. The meetings often occurred late in the evening and lasted for hours. A farmer from Kashkadarya said, “During the harvest I spent every night at the cotton headquarters. The hokim convenes meetings until midnight. He tells us ‘you’d better find cotton from somewhere, even from under the dirt, and fulfill the quota.’ Next to him sit the prosecutor and police officers.”³⁰

Although the ostensible purpose of the meetings is to monitor progress on daily harvesting, their main objective appeared to be to instill fear into those responsible for carrying out cotton policy and humiliate those who do not meet the plan. The officials called on farmers, directors of institutions and enterprises to report how many people they sent to the fields and their progress in meeting harvesting quotas. Those who did not meet targets were excoriated, threatened, and sometimes beaten. The hokim of the Nizhnechirchik district of the Tashkent region beat a farmer at a cotton meeting on September 9, causing the farmer to be hospitalized for two days for his injuries.³¹

At a cotton meeting in the Khazarasp district of Khorezm, the hokim ordered full participation in the harvest, threatening to shut down organizations that did not send their employees. The hokim said:

*Cotton! You have to go and pick cotton and fulfill the quota. Is it clear!? ...[All] must go and pick cotton. This policy applies to everyone! If even one person does not go out, it will be bad for you! I’ll shut down your organizations! Everyone, without exception, whether from the hokimiyat, tax officials, the bank or other organizations, all will be shut down!*³²

30 Uzbek-German Forum interview with farmer, Kashkadarya region, November 9, 2014.

31 “Хоким Джохонгир Абдуразаков Нижнечирчикского района принуждает медиков и учителей собирать хлопок, а также является взяточником и хулиганом. Узбекистан. [Hokim Jahongir Abdurazakov of the Nizhnechirchik district is forcing medical workers and teachers to pick cotton, is taking bribes, and a scoundrel. Uzbekistan.], Human Rights Alliance of Uzbekistan press release, September 12, 2015.

32 Transcript of audio recording of Uktam Kurbanov, hokim of the Khazarasp district of Khorezm region, cotton meeting, September 29, 2015.

FORCED MOBILIZATION OF LABOR IN 2015

In 2015 the government forcibly mobilized more than a million people including students, public sector employees, and employees of private business to harvest cotton.³³ It sent teachers and medical workers to the fields in droves, despite stated policy commitments not to recruit from the health and education sectors.³⁴

Estimating the number of Uzbek citizens forced to work in the cotton sector is hampered by the lack of reliable economic data from Uzbekistan and the Uzbek government's active interference with attempts to gather data on practices in the cotton sector. Yet select figures are available and enable the approximation of the labor demand for the cotton harvest.

Official news sources cited the crop yield as over 3.35 million tons and the harvest lasted for two months.³⁵ While quotas varied by region and timing during the harvest, average daily norms across

33 International treaties to which Uzbekistan is a party, absolutely prohibits forced labor, defined by ILO convention No. 29 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 [or herself] voluntarily." ILO Convention No. 29 concerning Forced or Compulsory Labor (Forced Labor Convention), adopted June 28, 1930, 39 U.N.T.S. 55, entered into force May 1, 1932. For a, overview of Uzbek and international standards regulating forced child labor and forced labor, see Legal Standards, Appendix.

34 ILO Third Party Monitoring report, Policy Commitments, p. 84. For past research on forced labor in Uzbekistan, see the Uzbek-German Forum reports on forced labor in planting and weeding cotton, and on the annual cotton harvests, available at: <http://uzbekgermanforum.org/category/ugf-reports/>. The government uses forced labor in other sectors of the economy in Uzbekistan as well. Many respondents told the Uzbek-German Forum that they are regularly required to do forced, unpaid labor such as cleaning the streets, planting flowers, or guarding construction sites. The Uzbek-German Forum has also found systematic forced labor in silk production in Uzbekistan see: "Silk Loop for Uzbek Farmers," Uzbek-German Forum for Human Rights, September 12, 2015, available at: <http://uzbekgermanforum.org/report-silk-loop-for-uzbek-farmers/>.

35 "Хлопкоробы Узбекистана собрали в 2015 году более 3 миллионов 350 тысяч тонн хлопка [Cotton pickers in Uzbekistan harvested more than 3.35 million tons of cotton in 2015], STV, October 10, 2015, available at: <http://stv.uz/news/economic/3147-hlopkoroby-uzbekistana-sobrali-v-2015-godu-bolee-3-millionov-350-tysyach-tonn-hloпка.html>.



Public sector employees in the Tashkent region on their way to the cotton fields.

the harvest were in the range of 25 – 50 kilograms per person. This means that 67 – 134 million person days were required to harvest the crop. While a small amount was mechanically harvested, and some was picked by truly voluntary labor, the vast majority of the days in the cotton fields were put in by forced laborers or day laborers people paid out of their own pockets to avoid doing the work themselves. Conservatively estimating to account for the unknowns, the government forced more than a million people to pick cotton in 2015.



Drivers are being instructed by traffic police officers to safely bring students to the cotton fields (September 2015).

Mandatory Participation in the Harvest

A key indicator that participation in the cotton harvest was mandatory and not voluntary was the fact that people had to ensure that they or someone else picked cotton in their names. They were forced to go to the fields by their institutions – schools, universities, hospitals, or mahallas – so that the institutions could report to higher authorities that they had fulfilled their mobilization requirements. School, college, and university administrations, public health officials, mahalla committee chairpersons, and other heads of public sector institutions were responsible not for recruitment of any workers or even providing a certain number of workers, but for ensuring the mandatory participation of their students, employees, or residents. Even where someone hired a replacement worker to pick, the replacement worker picked – and received any payment – in the name of the individual who hired him or her. In the experience of some, administrators’ mobilization orders were disconnected from the production target. A teacher from Jizzakh said, “the most important thing was that we sent 15 people every day. The most important thing was how many teachers we sent, not how much we picked.”³⁶

Numerous interviewees told us that the key was to ensure that someone report to the fields in their name. It did not matter if they went themselves or sent a relative in their place or hired a replacement worker, as long as the cotton was picked in their name. For example a teacher from the Andijan region told us:

*For the school administration, it’s enough that you went to the fields. There the farmer or his deputy responsible for organization watches what you do. If you don’t pick much you won’t get paid for the work. For the school it’s enough that you go to the fields, it isn’t important that someone goes in your place as long as your name is in the list of those who have gone to the harvest.*³⁷

It is unclear why it would be necessary for these public officials to show participation of particular individuals for a truly voluntary activity, underscoring the mandatory nature of mobilization. Indeed, the ILO observed that a student had a letter from his university officials releasing him from cotton work and noted that such a release would not be necessary for a voluntary activity.³⁸

36 Uzbek-German Forum interview with a schoolteacher, Jizzakh region, November 8, 2015.

37 Uzbek-German Forum interview with a secondary schoolteacher, Andijan region, November 8, 2015. Uzbek-German Forum interview with a secondary schoolteacher, Andijan region, November 8, 2015.

38 ILO Third Party Monitoring Report, 7 (45), p. 14.

Even in some cases of workers willing to work but who wanted to seek the highest pay available, they were still forcibly recruited to work for their mahallas, colleges, or other institutions who were commanded to provide a certain number of workers. This coercion even in the face of the willingness of some workers underscores the fact that the cotton system is built around forced labor and local officials experience intense pressure to deliver target numbers of workers. One woman described attempting to evade forced mobilization by her mahalla, which was obligated to mobilize a labor quota for a particular farm where she would have only received the government-set price, so she could instead seek work as a replacement worker for hire wages.

We were prepared to pick cotton, but it is not desirable to pick for the mahalla. We like [being hired as replacement workers for people from Tashkent]. If you work for them you'll get 400 – 500 soum [approximately \$.07 – .08 USD] for every kilo. We wanted to pick for them [but] the mahalla chairman came and told us to work for the mahalla. Then a whole group of agitators came to get us to pick...They propagandized to us that cotton is our nation's wealth. I almost told them to their faces, 'fine, then you should pay better for it.' We would pick cotton but only for those who pay well.³⁹

Mobilization Orders

Our monitors collected a variety of official documents ordering the recruitment of workers that shed light on the forced recruitment system, presented in an infographic “The Uzbek Government’s Forced Labor System Chain of Command”⁴⁰. These documents corroborate testimony from our interviewees that they were ordered to work under threat of penalty. These orders cannot be understood as optional or, as the ILO reported, as the authorities “asking for volunteers.”⁴¹ One city official said that the cotton harvest is khashar [communal work] that is “voluntary-compulsory,” underscoring that while cotton picking is vaunted as civic work, it is actually mandatory, saying:

“Only college students under age 18 stayed at college. The rest of them went to the fields. It was on the order of the regional governor. Everybody knows it. This happens to us compulsory-voluntarily. We call it ‘khashar.’ 40% of all employees went to the fields by the order of the hokim.⁴²



Inscription on the Mahalla door in the Bayavut district in the Syrdarya region. Above is written: “Cotton headquarter”, underneath: “Everyone went to the cotton harvest”.

39 Uzbek-German Forum interview mahalla resident, Jizzakh region, November 12, 2015.

40 Infographic: The Uzbek Government’s Forced Labor System Chain of Command, available at: <http://harvestreport2015.uzbekgermanforum.org/>. All the documents can be downloaded at: <http://harvestreport2015.uzbekgermanforum.org/?page=evidence>.

41 In its section on health care, the ILO report states, “Monitors were told by 2 [hospital or clinic] Directors that they had been asked to provide staff (by the mahalla and the Farmers’ Council / farmer) so they had asked staff to volunteer for the harvest,” ILO TPM report, 7 (51), p. 14.

42 Uzbek-German Forum interview with city official, Tashkent region, September 2015.

Local officials responsible for recruitment of labor issued labor quotas to businesses and public sector institutions such as schools, medical facilities, and government offices. In all regions we monitored in 2015, people from different sectors consistently reported that up to 40% employees, and in a few cases more, were sent to the fields for shifts of 15 – 40 days. The remaining employees worked overtime or assumed additional responsibilities to cover for their colleagues in the fields for no additional compensation and often performed daily cotton work after normal working hours or on weekends. A mahalla committee chairperson in the Jizzakh region explained

We [the mahalla committee] were supposed to organize the entire mahalla and mobilize a minimum of 100 people to pick cotton in the name of the mahalla. Forced or mandatory, no matter how you formulate this word, the meaning is the same: to get people to go to the fields and harvest cotton. No one wants to go of their own will to harvest cotton for miserly wages.⁴³



Starting on September 4, columns of busses were organized to take cotton pickers to the fields.

The hokim of Angren, a city in the Tashkent region ordered every enterprise and institution in Angren to provide at least 40% of its workforce to the cotton harvest.⁴⁴ At an October 5 cotton meeting, the hokim of the Jizzakh region announced a general khashar in response to worsening weather. He ordered every organization in the region to close and mobilize people to the fields. A local farmer reported that all colleges from cotton producing regions closed, and all second-year students and some first-year students were sent to the fields.⁴⁵

A cotton headquarters monitoring document we obtained details the assignment of labor quotas to various institutions in the district and tracks daily tallies of workers and cotton picked.⁴⁶ The document appears to be a standard reporting form for use in any region. It lists all farms in the district and, under each, the organizations required to provide labor to the farms. These organizations include schools, clinics, colleges, private businesses, the post office, and local bazaar. The document specifies the number of workers each organization must provide. It also contains two columns for each day of the cotton harvest, the first noting how many workers each institution provided, and the second how much cotton they picked.

Teachers confirmed that the schools received government orders for them and their students to participate in the harvest. A college instructor from Syrdarya said,

It's a long chain [of command]. Many are responsible. Really, a lot of people come from the hokimiat, prosecutor's office, administration, to inspect the numbers of students and

⁴³ Interview with mahalla committee chairperson, Jizzakh region, November 15, 2015.

⁴⁴ Uzbek-German Forum interview with director of Angren Labor Exchange, a government entity under the direction of the hokimiyat (city administration) of Angren, September 2015.

⁴⁵ Report from a farmer [name withheld] present at the cotton meeting, Jizzakh region, October 5, 2015. The cotton producing districts of Jizzakh are: Jizzakh, Pakhtakor, Dustlik, Mirzachul, Arnasai, Zafarabad, Zarbdar, and Zaamin.

⁴⁶ A copy of the document is on file with the Uzbek-German Forum for Human Rights. Publishing it or the identifying the district could identify the source, putting the source at risk of retaliation.



Medical workers on their way to the cotton fields.

*teachers in the fields. The director of the college is in control every day and gives us the orders. We go the fields or don't go according to his orders. He tells us and we do it."*⁴⁷

A teacher in the Andijan region said, "Of course [the order] comes from above. Leaders from the entire republic participate in the cotton meetings. There, the prime minister gives the orders. The regional and district hokims give orders to school directors. We get lists in August to make preparations, and the directors give the orders to schoolteachers [to pick cotton]."⁴⁸

Through an "Urgent Message," the hokim of the Uchtepa district of Tashkent ordered private company managers to send their employees to pick cotton:

White gold is a gift for the people of Uzbekistan!

On the basis of an order from a Meeting of the Cabinet of Ministers dated August 28, 2015, and to take advantage of favorable weather conditions to harvest the cotton crop without loss, all organizations, enterprises and business entities of the Uchtepa district (Tashkent city), regardless of the form of management, must participate in the cotton harvest.

Based on the above, please select _____ employees for the cotton harvest. Submit a list of these employees (with copies of passports) according to the attached form to the headquarters of the Uchtepa district hokimiyat (5th floor), by _____ hour __ (date) _____ 2015.

*District Khokim signature A. Dosmukhamedov*⁴⁹

Our monitors also obtained copies of orders from private companies directing their employees to pick cotton. For example, the general director of Uzmetkombinat, a metallurgical factory in Bekabad,

⁴⁷ Uzbek-German Forum interview with college instructor, Syrdarya region, November 3, 2015.

⁴⁸ Uzbek-German Forum interview with secondary school teacher, Andijan region, November 8, 2015.

⁴⁹ A copy of the order is available at: <http://harvestreport2015.uzbekgermanforum.org/?page=evidence>.

in the Tashkent region, issued a written order for 3500 employees to pick cotton, more than 30% of its employees. The director named the managers responsible for fulfilling the recruitment order and provided a table indicating the number of workers each department must provide.⁵⁰ Similarly, the director of the Angren branch of the joint stock company O'zbekko'mir, ordered the company's workers to pick cotton in the Buka region from September 9 to the end of the season, in a directive signed on September 7.⁵¹ Point 3 of the directive threatens workers with dismissal for refusal to pick cotton or failure to meet the quota.

*Failure to pick cotton or to fulfill the quota, and disciplinary violations (drinking alcoholic beverages, playing games of chance, unauthorized absences, or violations of the sanitary-hygiene rules) by workers, failure to carry out the orders of, or insubordination to, brigade leaders are considered grounds for cancelling the labor contract at the employer's initiative [dismissal], in accordance with the laws of the Republic of Uzbekistan.*⁵²

Students

Students of colleges and universities comprise one of the most numerous and vulnerable groups subjected to forced labor.⁵³ In Uzbekistan, there are at least 1,600 colleges, universities, and educational institutions with 1.3 million students aged 18 and older. Testimony from students, teachers, parents, and farmers in all regions we monitored taken together with observations by our monitors, documentary evidence, and media reports indicates that in 2015 the government forcibly mobilized students 18 and older – third-year college students and university students – to the fields en masse for shifts of 25 – 40 days and that this mobilization was forced under threat of penalty.

Students told us they feared problems with their studies if they refused to pick. Some were directly threatened with expulsion if they refused to pick cotton. More commonly, however, students told us they feared they would receive poor grades, have disciplinary troubles, and experience difficulty entering university or getting jobs. For example, a college teacher from the Syrdarya region described threatening students to ensure their participation in the harvest, “[We warn] students that if they don't pick cotton they will not receive good grades. We say things to coerce them and ensure they go to the fields; we warn parents that their children will get expelled [if they don't pick cotton.”⁵⁴ A student from Kashkadarya said if students refuse to pick cotton “[teachers] tell us we won't



Columns of busses took students to the cotton fields



Students taking the bus to the cotton fields (September 2015).

50 A copy of the order is available at: <http://harvestreport2015.uzbekgermanforum.org/?page=evidence>.

51 Buka is the site of a World Bank-funded project.

52 Directive No. 760 “To Send Employees of the Razrez Angren Branch to the 2015 Cotton Harvest,” N.S. Usmanov, September 7, 2015. A copy of the directive is available at: <http://harvestreport2015.uzbekgermanforum.org/?page=evidence>.

53 In Uzbekistan college is the equivalent of high school; first-year students are usually 16 years old; second-years are usually 17; and third-years are usually 18.

54 Uzbek-German Forum interview with college instructor, Syrdarya region, November 11, 2015.

allow you to come to class, we'll kick you out of college...they won't give grades, saying 'you weren't at the harvest, and so you have to pay a lot of money for newspaper and magazine subscriptions.' They begin to pressure you every which way. They humiliate some students in front of the whole college, swearing at and degrading them in different ways."⁵⁵

In 2015 we observed intensification of efforts to make participation in the cotton harvest appear voluntary, or as a practical component of students' studies or to cover up their participation in the harvest by falsifying attendance records and curriculum journals.

We collected copies of statements signed by students at six educational institutions, all handwritten but substantially similar, in which students wrote that they agree to participate in the cotton harvest "voluntarily" or be subjected to disciplinary action, including expulsion. The statements refer variously to a resolution or meeting of the Cabinet of Ministers ordering mobilization of workers to the harvest. These statements came from students at institutions in different parts of the country, suggesting that they were not the spontaneous invention of individual officials, but part of a larger policy to make cotton picking appear voluntary. For example, a statement signed by a student at the Samarkand State Institute for Architecture and Construction reads:

*I, [name withheld] have familiarized myself with the disciplinary rules and internal regulations of the Samarkand State Institute for Architecture and Construction. I have personally received a warning from the administration of the institute that I will be expelled if I, without a reason, cannot participate in the cotton harvest organized on the basis of decisions of the Cabinet of Ministers of the Republic of Uzbekistan, the Hokimiat of Samarkand Region, orders of the Ministry of Higher and Secondary Specialized Education of the Republic of Uzbekistan, and the Rector of the Institute.*⁵⁶

A September 9 example from the Tashkent University of Information Technology reads:

To the Rector of the Tashkent University of Information Technologies, Ministry of Higher and Secondary Special Education of the Republic of Uzbekistan, Muydinov H.A.

*I [name withheld], a student in the telecommunications department of Tashkent University of Information Technology, will be actively involved of my own will in the harvest of cotton, the wealth of the state, in 2015. I will take an active part in cotton harvest on my own will. Statement written and signed by myself.*⁵⁷



One letter written by a student at the Tashkent Institute for Irrigation and Melioration refers to cotton picking as an "internship," and notes that "I have been warned about participation in practical work in the cotton harvest of 2015 to execute the protocol 'On Assembly on the preparation to cotton harvest in Syrdarya region in 2015,' of the Cabinet of Ministers of 15, August 2015."⁵⁸

55 Uzbek-German Forum interview with college student, Kashkadarya region, November 5, 2015.

56 See Documentary Evidence, available at: <http://harvestreport2015.uzbekgermanforum.org/?page=evidence>.

57 A copy of the letter is available at: <http://harvestreport2015.uzbekgermanforum.org/?page=evidence>.

58 A copy of the letter is available at: <http://harvestreport2015.uzbekgermanforum.org/?page=evidence>.

A college instructor in Karakalpakstan confirmed

We get statements from parents saying 'I am not opposed to my child taking part in the work of the college.' We, a teacher and a mahalla committee member, visit parents whose children refuse to go to the fields. We acquaint them with the recent orders and directives of the government regarding students' education and their participation in the work and activities of the college. Parents are required to send their son or daughter to the harvest.⁵⁹

When asked if a college that sent first-, second-, and third-year students to pick cotton asked parents' permission, a teacher responded,

No, why would we ask such a question? Don't you know our rules? The cotton harvest is the obligation of every citizen. We took a statement from the parents of first- and second-year students that from their side they will not allow their first- and second-year children to pick cotton. If they do, they accept full responsibility and are even prepared to accept the appropriate punishment. I even signed that kind of note for my son, who is a first-year student.⁶⁰

A farmer in Jizzakh told us of the conundrum faced by educational institutions ordered at once to send their students to the fields while at the same time appearing to function in case of inspection.

Today in [district withheld] the heads of the college received notification that the ILO inspection teams are coming to inspect them. They are terrified... They said 'if the hokim and prosecutor allow us, we would be happy to take the first- and second-year students out of the fields and return them to class, but they demand that we provide a certain number of third-years. But 70% of the third-years ran away. Of 200 third-years we can only get 40. So we send first- and second-years [to make up the difference]...if we don't send the required amount we'll get in trouble with the hokim and prosecutor. But if the first- and second-years aren't in class when the ILO comes, we'll also get in trouble with the hokim and prosecutor.'⁶¹

Education and Medical Workers

Education and health sector workers were another group forced en masse to work in the cotton fields in 2015. Notwithstanding the government's stated commitments not to recruit teachers and health care workers, our research shows no discernible difference in the forced mobilization of these workers in 2015 from previous years, when they were also forcibly recruited in large numbers.⁶² Officials sent teachers and medical workers to pick cotton for rotating shifts of 15 – 25 days or for single extended shifts of up to 40 days during the 2015 harvest. Those who had completed their shifts or did not pick cotton were forcibly mobilized to work on weekends and



Announcement at a clinic in Jizzak Region: "Everyone went to the cotton harvest".

59 Uzbek-German Forum interview with college instructor, Karakalpakstan, November 3, 2015.

60 Uzbek-German Forum interview with college teacher, Jizzakh region, November 5, 2015.

61 Report from a farmer in the Jizzakh region to the Uzbek-German Forum.

62 Statistics from 2013 indicate close to 1 million medical and social services providers in Uzbekistan and more than 1.6 million employees in the fields of education, culture, arts, and sciences. 45% of Uzbekistan's population of more than 30 million are under age 24, indicating a high number of teachers and instructors. See "Альманах Узбекистан 2013 [Uzbekistan Almanac 2013]," Center for Economic Research, available at: http://www.unece.org/fileadmin/DAM/hlm/prgm/cph/experts/uzbekistan/01_general_info/Almanach_Uzbekistana_2013_RUS.pdf.

after normal working hours. As in other sectors, approximately 40% of employees from educational and medical institutions were mobilized at a time, in some cases more.

According to the ILO's observers "schools and hospitals functioned normally," although the report noted that some attendance records were apparently altered. On the contrary, we found that the forced mobilization to the cotton harvest undermined the provision of basic services. Schools, hospitals, and clinics struggled to operate while significant portions of their workforce were in the fields.

Employees of the health and education sectors are among the lowest paid professionals in Uzbekistan, but tend to enjoy relatively stable employment. In interview after interview, employees of these sectors told us that they picked cotton for the sole reason that they feared losing their jobs above all. A nurse from Syrdarya told us:

*We have no understanding of the ability to refuse to pick cotton. People who work in public institutions are those who are prepared to tolerate [forced work]. Of course no one wants to lose his job. The chief doctor tells us 'I don't send you to the fields of my own accord. I am also only carrying out orders.' You need to understand him. He says he is required to fire any employee who refuses to work. There are a lot of unemployed people. Especially those who have completed medical training, with diplomas in hand, looking for jobs. He warned us, if any of us don't like to pick cotton, he'll hire one of them.*⁶³

A college instructor from Jizzakh said, "The college has instituted that every teacher must do his time [picking cotton]. Because if one doesn't go, the burden falls to another. Therefore even invalid and elderly teachers do their time. They either send one of their children to pick cotton or hire someone... Of course it would be better if we could just do our jobs. But we demand little. No one asks us. They only order us. And it is impossible to refuse."⁶⁴

As in previous years, in 2015 teachers and medical workers told us that they must pay significant bribes to secure employment.⁶⁵ This fact raises the cost to workers who may attempt to refuse to pick cotton – not only do they risk their jobs, they face financial costs in securing new employment. It was a major factor cited by the education and health care employees we interviewed for why they felt they could not refuse to pick cotton.

The notion that these workers embrace the harvest as an "opportunity" is borne out neither by logic nor our research, since nearly everyone we interviewed said that they did not earn much picking cotton, while picking cotton imposed costs on families, caused physical stress, and professional disruption. All teachers, doctors, and other professionals we interviewed said they would rather do their own jobs than pick cotton. None of the doctors or teachers we interviewed said that they were willing to pick cotton or viewed the harvest as a means to supplement their incomes. Instead, they

63 Uzbek-German Forum interview with nurse, Syrdarya region, November 10, 2015.

64 Uzbek-German Forum interview with a college teacher who was forced to pick cotton, Jizzakh region, November 5, 2015.

65 For example, we documented the case of a nurse who paid \$200 to get a job in a hospital that paid the equivalent of \$40 per month, and the case of a pediatrician with nine years' training who in unable to find employment because she does not have \$2000 required to pay a bribe. Uzbek-German Forum interview with nurse, Tashkent, September 2015; and Uzbek-German Forum interview with pediatrician, Tashkent, September 2015.

told us that they incurred direct costs, for food and necessities or replacement workers, as well as additional professional burdens. Regarding the mobilization of medical personnel, a source told us:

No one has any motivation to pick cotton of their own will because it pays very little. You bend over all day to pick 50 kilos of cotton and get paid only 8,000 soum (approximately \$1.50 USD). The government has promised 230 soum per kilo. When the money to pay the workers gets to the bank, the tax collectors withhold 8% for income tax, in total 30 soum per kilo, leaving 200 soum. And here the cotton collection headquarters accepts physical kilograms [the amount actually picked] but pays for conditional kilograms [clean cotton with no moisture or debris] and so for first harvest cotton it withholds about 10%. And then there are shortages, undercounting, mistakes by the farmer, falsification of the scales at the cotton headquarters and in the end the picker receives only 8,000 soum for 50 kilograms picked. The only ones who have desire [to pick] are those who are hired by people from Tashkent [as replacement workers]. People from Tashkent pay 10,000 – 25,000 (approximately \$1.67 – 4.17 USD) daily in cash to everyone they hire in addition to what they are paid for the cotton. A nurse would never go pick cotton of her own accord. She only goes because she is afraid to lose her job. To get hired as a nurse requires a bribe, minimum \$100 or the equivalent of a month's wages.⁶⁶

A medical worker from Bukhara said, "My family received no profit from cotton. My family only suffered losses."⁶⁷ A medical worker in Syrdarya reported a similar experience:

I was at the harvest around 40 days. I earned 600,000 soum [approximately \$100 USD]. But let's say 30% went for food, maybe even more... I spent 20% on clothes [for harvesting]. Half of my income went to expenses for cotton. And the remaining 300,000 soum [approximately \$50 USD] I spent on supplies for my children. I worked for 40 days with no rest and half the income went to expenses! I didn't buy anything for myself, I spent the 40-day profit on my children in one day. It's not much money.⁶⁸

In 2015 we received consistent reports from all regions monitored that, like with students, some teachers and medical workers were required to sign statements that their participation in the harvest was voluntary. Tellingly, often the statements included a note indicating that the person would be willing to accept disciplinary action or punishment if they opted not to pick.⁶⁹ For example, a doctor from Andijan said that

Before we were sent to the fields they made every employee sign a statement that 'I am going to the cotton harvest by my own volition, I will not organize weddings or celebrations [during the harvest], I will not go anywhere else, I will not even go out for recreation.' We all wrote these statements by hand and signed them ourselves because it also included the statement that 'otherwise I am prepared to accept any punishment by the administration.' And so I signed it even though I didn't want to because if they fire me, where will I go at my age?⁷⁰

66 Uzbek-German Forum, Jizzakh region monitor's report, January 27, 2016.

67 Uzbek-German Forum interview with medical worker, Bukhara region, November 7, 2015.

68 Uzbek-German Forum interview with medical worker, Syrdarya region, November 10, 2015.

69 Chronicle 4 "Ихтиро: Ирригация талабаларидан пахтага чиқиш ҳақида "ваъда хати" олинди," Radio Free Europe / Radio Liberty "Ozodlik," 8 September 2015, <http://www.ozodlik.org/content/article/27233035.html>.

70 Uzbek-German Forum interview with doctor, Andijan region, November 7, 2015.

An orderly from Andijan said she had to write a “guarantee letter,” stating that she picked cotton of her own will, although in reality cotton picking was “state policy” and therefore “mandatory.”⁷¹ A nurse from Kashkadarya said “they took a statement from everyone saying we’d go pick cotton. If you complain they will say, ‘well, you yourself wrote that you were willing to pick cotton.’ So who could you complain to?”⁷²

Pick or Pay

People who could not pick cotton or did not want to pick cotton could pay to get out of it. In some cases employees paid their directors or students paid school or college administrators. In other cases people paid a replacement worker to pick cotton in his or her name. The pick or pay scheme constitutes a direct violation of labor rights. Employees made payments to avoid picking cotton solely because they were threatened with losing their jobs and other penalties if they refused to comply. People who paid were required to deliver a quota, either pick a certain number of days or deliver a certain amount of cotton. They had to fulfill that quota either by working themselves or paying someone else to work. This did not constitute a voluntary payment or a contribution to communal work, but a payment extracted under threat of penalty. In this way, the “pick or pay” scheme is a violation of the right to be free from forced labor.



It is possible to bypass the cotton picking by paying bribes to the supervisor or by paying someone else to pick as substitute.

Further, the system is plagued by corruption and a lack of transparency that suggests officials are individually and directly benefitting from the forced labor system by extorting money from people under threat of penalty. People who made direct payments to their employers or administrators told the Uzbek-German Forum that they did not receive any confirmation of payments or receipts, and they did not have any way of knowing how the money would actually be used.

One man from the Tashkent regions whose wife paid to get out of picking said, “My wife is an eye doctor in a clinic in [district withheld]. She is 53 years old. She paid the head doctor 400,000 soum [approximately \$66.67 USD] and provided a mattress, pillow, and bedding, apparently for the worker ‘they would hire with her money.’ There are 25 doctors and 46 nurses in the clinic. No one knows where the money is going! It’s a big hit to our family budget.”⁷³

In 2015, replacement workers cost approximately 10,000 – 25,000 soum [approximately \$1.67 – 4.17 USD] per day of work, an increase from previous years, and in some cases people paid food and transportation costs in addition to wages. A teacher from Andijan told us that in 2014 she paid for a replacement worker but this year she picked cotton because hiring a replacement was simply too expensive.

Last year I paid [the replacement worker] 10,000 soum per day. That’s a lot of money for me and this year it was even more expensive. Replacement workers were paid between 15,000 – 20,000 soum [approximately \$2.50 – 3.34 USD] per day. You need to pay for food on

71 Uzbek-German Forum interview with medical worker, Andijan region, November 13, 2015.

72 Uzbek-German Forum interview with a nurse who was forced to pick cotton, Kashkadarya region, November 10, 2015.

73 Uzbek-German Forum Tashkent region monitor’s mid-season report, October 2015.

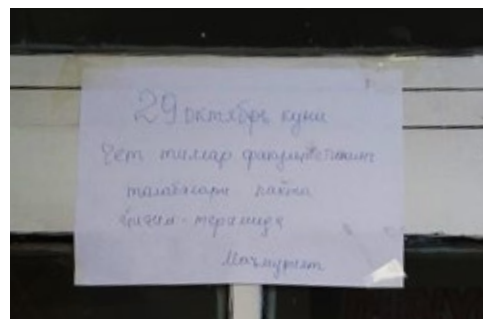
*top of that, about 100,000 soum [approximately \$16.67] for 10 days for every replacement worker. And it's hard to find them. It's the only way to get out of picking cotton unless you have close relationships with the authorities.*⁷⁴

Mobilization of Teachers and Impact on Education

Many colleges and universities shut down or operated at reduced levels during the harvest, holding classes sporadically or only for first and second-year students who were not mobilized en masse in 2015. Schools experienced significant disruptions, simultaneously expected to provide teachers and staff to harvest cotton while also under pressure to maintain the semblance of normal operations. Many schools shortened the school day because teachers were forced to pick cotton for daily shifts during the week as well as on weekends. In some cases children also picked cotton during the day, for example attending lessons in the morning and going to the fields for several hours in the afternoon. Some teachers attempted to teach multiple classes simultaneously, to cover their own teaching load as well as that of colleagues in the fields. They did not receive additional pay for this extra work.

The ILO noted that class registers appear to have been falsified, though it did not indicate how it took this observation into account when making its conclusions. Indeed, schoolteachers as well as college and university instructors in every region we monitored told us that they falsified class registers and curriculum journals to make it appear as though they had complete attendance and covered topics normally, when in fact they experienced absences or closures due to the harvest and skipped or combined topics from the curriculum to compensate for lost instructional time. They did this on the order of supervisors or local education officials. A college teacher from Karakalpakstan noted that the teachers falsify ledgers to make it appear as though students who picked cotton were really in class: "During the harvest the educational program is not cut. Officially, all students are in class and no one, not even for a day, was in the fields!"⁷⁵

All teachers, students, and parents interviewed said that the harvest had a significant detrimental impact on the quality of education. Everyone we interviewed reported that educational institutions lost up to two months of instructional time due to the harvest and these findings were consistent across regions and among school, college, and university teachers. In most cases schools, colleges, and universities attempted to compensate for lost educational time by speeding through material



Inscription on the Poster: "On the 29th of October, the students of foreign language faculty are at the cotton harvest."



Exercise book of 6-year school pupil from a school in Andijan City. Inscription on October 14, 2015: "Cotton → Day off".

⁷⁴ Uzbek-German Forum interview with a schoolteacher, Andijan region, November 8, 2015.

⁷⁵ Uzbek-German Forum interview with college instructor, Karakalpakstan, Turtkul district, November 3, 2015.

in the weeks following the harvest, covering several topics in a single class period, by foregoing the November recess, or by lengthening the school day.

A teacher from Andijan said

In the registers we write the topics that we were supposed to have covered. For example, on September 7 you write that you covered four topics and, while you were [actually] picking cotton with your group you made it to the 10th topic. If you continue from that point, the students won't understand anything. And so we continue, covering two topics at once until we catch up to what is written in the register. As a result, our students are becoming less and less educated. The situation is the same in colleges. Students who want to continue their education must hire private tutors [to catch up]. That's why all our best students leave the country. They don't want themselves or their children to live in such conditions.⁷⁶

Another said, "During class we try not to cut but to catch up. We have [extra] lessons every day [to make up the material]. But, one way or another the cotton harvest affects the quality of education. To be honest, many students don't stay for the extra lessons. But we fill in the class registers anyway. That is, on paper we write that we covered all the lessons and that the students even received marks, that everything is OK."⁷⁷

A teacher from Andijan said that "teachers received their salaries, even for the lessons they missed [while they picked cotton]. Who is this bad for? The pupils! After the harvest we cover two or three lessons during every period, and do not cover them completely. The pupils can't grasp it all. Is this really good?"⁷⁸

Mobilization of Medical Workers and Impact on Health Care

As in previous years, in 2015 officials ordered hospitals and clinics to send employees, including doctors and nurses, to pick cotton. Respondents told up that up 40 – 50% of the medical staff of hospitals and clinics were picking cotton for the duration of the harvest, and in some cases many more employees were mobilized but some staff, especially doctors, opted to pay instead of pick, so they could see patients. Even while some hospitals and clinics remained open, the harvest burdened the remaining staff, forcing them to work overtime for no additional pay and to risk providing unqualified services. Medical staff also described postponing preventative care.

A nurse from the Yakkabog district of Kashkadarya said

The harvest strongly affects [the quality of medical services]. For example, if 60 – 70% of doctors are at the harvest but the number of patients stays the same? We especially see cases of hepatitis and flu in the autumn. We get more patients in the autumn than any other time of year but [the staff] are picking cotton. Everyone has his own caseload. I am responsible for five wards. But after I go to the fields the nurse left behind has to look after ten wards instead or even more. If work normally done by two or three people is done by one? Will it affect the quality? Especially if we need to do a lot of surgeries but all the doctors are picking cotton, and there is only one doctor left, how can he handle all the cases?⁷⁹

76 Uzbek-German Forum interview with a schoolteacher, Andijan region, November 8, 2015.

77 Uzbek-German Forum interview with college instructor, Jizzakh region, November 9, 2015.

78 Uzbek-German Forum interview with a schoolteacher, Andijan region, November 8, 2015.

79 Uzbek-German Forum interview with a nurse, Kashkadarya region, November 7, 2015.

A doctor from Andijan reported that of the 80 staff at her clinic, 50 picked cotton at a time on rotating shifts, leaving only 30 to provide medical services. She said that this had a negative effect on patient health: “And what do you think happened to the patients [while we were picking cotton]? Therapists were treating ear infections and gynecologists were treating children because the other doctors were picking cotton.”⁸⁰ In the Shahrisabz district of the Kashkadarya region, of the 30 employees of a rural medical clinic, only four worked at the clinic during the harvest – the guard, an accountant, one doctor, and one nurse – the rest picked cotton, leaving the residents without basic health care.⁸¹

In another example, the complete mobilization of the clinic’s staff effectively closed the clinic. All 46 employees – 10 doctors, 10 technicians, and 26 nurses – of a rural medical clinic in the Jizzakh region were sent to pick cotton full time starting October 5. After two days the 10 doctors and the head nurse paid replacement workers to pick cotton so they could return to the clinic to treat patients. Yet they found the main entrance to the clinic closed and a sign hanging from it declaring, “EVERYONE IS AT THE COTTON FIELDS.” Patients accessed the clinic through the emergency door. It is unclear why the doctors would need to hide the fact that the clinic was functioning unless they feared retaliation from the officials who had ordered them to the fields. The nurses and technicians who picked cotton were those who could not afford to pay replacement workers.⁸²

Forced Child Labor

Although child labor did not occur on a systematic or mass scale in 2015, it remained a persistent feature of Uzbekistan’s cotton harvest.⁸³ The continued use of child labor reflects the key problem of coercion inherent in the cotton system in Uzbekistan. Although local officials and school and college administrators generally understood that they should not send children to the fields, they were simultaneously under enormous pressure from central officials to deliver harvest quotas or face penalties and in some cases resorted to the use of child labor. A third-year student from Jizzakh forced to pick cotton told us, “They started bringing second-year students to the fields on September 21 and first-years on September 26, and brought them back to class on September 30. They were brought to help us. They weren’t counted as first- and second-year students, they were counted as help for the third-years.”⁸⁴ A college teacher from Jizzakh told us that the college resorted to mobilizing second-year students to fulfill their recruitment requirements.



Usually, cotton pickers sleep on the floor - on mattresses they have to bring with them from home.

We have just 600 students in our college, 200 in each year. We brought 200 people to the fields right away, that is, third-year students. But many students were absent. So we covered the gap by sending other groups to the fields – second-year students, so it wouldn’t be noticeable. So in case the ILO suddenly shows up it would look like classes for second-year students were still taking place. So one group would pick and then others would come

80 Uzbek-German Forum interview with a doctor, Andijan region, November 13, 2015.

81 Uzbek-German Forum Kashkadarya region monitor’s report, October 15, 2015.

82 Uzbek-German Forum Jizzakh monitor’s report, October 2015.

83 Harvesting cotton is considered hazardous work unsuitable for children of any age and children are protected from picking cotton under international and Uzbek law.

84 Uzbek-German Forum interview with third-year student, Jizzakh region, November 8, 2015.

to take their place. And the third-year students picked from beginning to end... We worked that way for 40 days.⁸⁵

A teacher in Kashkadarya said,

We know [about laws prohibiting the use of forced labor]. And that's why they stopped forcing out the younger [college classes] for overnight shifts picking. It's forbidden to send children to do hard labor? Well, that's why, as much as they are able, colleges and schools try to comply with that rule. But where cotton is concerned, we can't do anything. We send them to the harvest anyway. The harvest requires a lot of people. And that's why we send [children]. Even though it's not like it used to be, with overnight shifts, we send them for daily shifts, there is no other way.⁸⁶

Some institutions that mobilized children to pick cotton sought ways to avoid accountability for child labor by making parents sign statements saying that they would accept the consequences if their first- or second-year student (usually 16 or 17 years old) picked cotton, even when the colleges were forcibly mobilizing these students.⁸⁷

Ultimately, the continued mobilization of adult labor through coercive means also contributed to child labor. Although many people we interviewed were aware that children should not pick cotton, they were also aware that adults should also not be subjected to forced labor. In the face of massive forced labor, these norms do not appear meaningful. A teacher in Andijan told us "In our school the children were not sent to the harvest. But children went to the fields to help their parents after school anyway. In the school where I work, during the cotton harvest 25 children from the 6 – 9th grades [approximately ages 11 – 14] didn't come to school at all, they were helping their parents [pick cotton] and the school administration shut its eyes."⁸⁸



The enhanced Awareness Campaign against the use of child labor during the cotton harvest could not completely eliminate the problem.

85 Uzbek-German Forum interview with college teacher, Jizzakh region, November 5, 2015.

86 Uzbek-German Forum interview with college teacher, Kashkadarya region, November 10, 2015.

87 Uzbek-German Forum interview with parent, Jizzakh region, November 2, 2015.

88 Uzbek-German Forum interview with schoolteacher, Andijan region, November 8, 2015.

CORRUPTION AND ECONOMIC OPPORTUNITY

Although the ILO report makes little mention of corruption, it is an inseparable feature of the forced labor system and in 2015 took its toll on citizens. Corruption in the harvest takes many forms. At the highest levels, cotton revenues go into a fund controlled by top officials and not publicly accounted for. Many respondents told us that they believe the government deploys public workers, mahalla residents, and students to pick cotton rather than using day laborers or unemployed people eager for work simply to make a bigger profit.

At lower levels, officials at every level exploited the vulnerability of their constituents for personal gain. Our monitors documented several instances where local officials continued to send workers to the fields and imposed daily picking quotas after the district harvest quota had been met and there was little cotton to pick in what appeared to be personal enrichment schemes. Some workers paid to avoid picking; those that picked paid “fines” for failure to meet unrealistic quotas. A nurse from Andijan who was in the fields with half the staff of the hospital late in the harvest reported that she could manage to pick only three kilos a day even though she was in the fields from early morning until late evening. The local officials imposed a daily quota of 10 kilos. She was forced to buy cotton to make up the shortfall or pay the officials directly.⁸⁹ Some workers, especially medical and education workers, told our monitors that the last ten days of the harvest provide a significant opportunity for local officials to extort money from workers.⁹⁰



Over the last ten years, in an international corruption ranking, Uzbekistan annually landed among the top ten of the most corrupt countries in the world. (Caricature by the Uzbek Artist Elsevar, available at: <http://www.eltuz.com/en/?p=305>)

Wage Violations and Losses to Workers from Payments and Costs

People who picked cotton in 2015 were responsible for significant expenses associated with this work, undermining its potential value as a reasonable source of supplemental income. These payments amounted to direct subsidies to the cotton industry by the people of Uzbekistan, many of whom live in poverty. People forced to pick cotton had to pay for food, bathing facilities, special clothing, and in some cases transportation, laundry and housing.

⁸⁹ Andijan monitor's report. November 2015.

⁹⁰ Andijan monitor's report. November 2015.

Numerous people told us that although they were promised money for picking cotton, due to mandatory withholdings for food and housing, fines for failing to meet the quota or for wet or dirty cotton, or other reasons, they did not receive the promised payments. Many received very little, and some people even went into debt. In 2015 workers were generally promised 239 soum/kilogram (approximately \$.03 USD). A lack of transparency around payments, fines, and costs combined with a lack of empowerment of workers to complain and mechanisms to seek redress plague the mobilization system.

A teacher told us, “We were supposed to get 239 soum for every kilo. At first they calculated every kilo. Then they got mixed up. By our own count, they never gave us the full amount. Every time it came out to be 5 – 10 kilos less. When we asked, they would tell us they would give it to us next time. But every time it was the same.”⁹¹

A third-year student who picked cotton with her college said that she would be willing to pick for decent compensation, but that officials lied to students, promising incentives that did not materialize, such as valuable prizes for everyone who exceeded the 60 kilo per day quota, and paying lower wages than promised. The student hoped to earn enough to purchase a mobile phone.

I threw myself into picking cotton. Every day I picked more than 60 kilos. But then... they forgot about the prizes. They not only didn't give us an iPhone, but not even a cheap mobile. And we had never really believed that the prize would really be an iPhone, but who doesn't need even the cheapest mobile phone if it's a prize, in addition to salary? But they even tried to forget about the money that we earned legally for the cotton we picked. I made a point of writing down how much I picked each day. Sixty kilos multiplied by 10 days multiplied by 260 soum is 150,000 soum (approximately \$25 USD). I demanded my 150,000 soum for the first 10 days' work from the teacher who accompanied us to the fields each day. But they explained to me that the cotton collection headquarters [where cotton is deposited] withholds 10% from the physical kilograms, which are called 'conditional kilograms,' and we are only paid for 'conditional kilograms' [this is ostensibly because cotton can contain moisture or debris that contribute to the weight]. And from every 260 soum they withhold 30 soum for income tax. So it works out that from the 600 kilograms [that I picked in 10 days], take away 60, 540 kilos are left; from 260 take away 30, 230 soum are left. So 540 kilos multiplied by 230 soum is 124,000 soum (approximately \$20.60 USD). But they didn't even give me that. They gave me only 120,000 (approximately \$20 USD). I continued to fight. I demanded the rest. I demanded the promised bonus. I wanted to use my earnings to buy a good mobile phone. Now, classes have started again and they are requiring us to pay for scrap metal – 50 kilos. Either we bring in 50 kilos or we pay 25,000



This poster promises cotton pickers 239,20 Soum (approximately 0.03 USD) per kilogram of cotton. For a daily amount of cotton (around 50 kilogram), a picker would receive the equivalent of approximately 1,30 USD.



91 Uzbek-German Forum interview with a schoolteacher, Andijan region, November 8, 2015.

soum (approximately \$4 USD). And another 10,000 (approximately \$1.60 USD) for magazines and newspapers.⁹²

In the end, the student, who missed two months of classes, earned 220,000 soum (approximately \$36.60 USD), with which she purchased a winter coat and boots.

A student from Jizzakh who picked cotton for 40 days said, "I received about 20,000 soum (approximately \$3.33 USD) for the entire season. But they had withheld for food. So since we were at the fields for 40 days and they withheld 4000 soum (approximately \$.67 USD) per day for food, so for food alone they withheld 160,000 soum (approximately 26.67 USD). That means if you add what I took home I really earned 180,000 soum (approximately \$30). And the 20,000 I did receive they took for newspaper and magazine subscriptions."⁹³

Another student reported that by occasionally exceeding the norm and selling the extra cotton to other students for slightly more than the established rate of 230 soum/kilogram, she earned 450,000 soum (approximately \$75 USD) in six weeks of 10-hour days with no days. She noted that the amount was just enough to cover her expenses. "I earned about 450,000 soum (approximately \$75 USD). I covered my expenses. Every day we had to buy food... every three days we went to bathe. There were also other expenses. The money I earned picking cotton was enough to cover what it cost to pick and that's all."⁹⁴

A doctor told us that although she earned 75,000 soum (\$12.50 USD) during the season, leaving home at 7:00 a.m. every day, and returning at 6:30 or 7:00 every evening, she ended up paying 200,000 soum (\$33) for clothing, food, and transportation. She also saw patients at her home in the evenings for no payment, because they could not get treatment during the day, when so many medical staff were in the fields. In addition, her daughter was forced to spend a month and a half picking cotton with her university, and the family spent more than 2 million soum (\$330 USD) to buy food for her and her teachers, in part to ensure better treatment for their daughter.⁹⁵

Generally, workers reported that living conditions at the fields were extremely poor, with serious problems regarding access to sufficient potable water, hygiene, and overcrowding. Although a few workers expressed satisfaction with food supplied by farmers, most said that the food was



On the cotton fields, people got water from containers.

92 Uzbek-German Forum interview with third-year student, Jizzakh region, November 3, 2015.

93 Uzbek-German Forum interview with third-year student, Jizzakh region, November 8, 2015.

94 Uzbek-German Forum interview with college student, Syrdarya region, November 7, 2015.

95 Uzbek-German Forum interview with doctor, Andijan region, November 13, 2015.

insufficient, poor quality, monotonous, and contained few fruits or vegetables. Most workers reported that they brought food from home or purchased food to supplement whatever they received from farmers.

As in previous years, in 2015 many pickers reported that automatic deductions were taken from their wages ostensibly to pay for food. In no cases were workers provided a transparent accounting for how money deducted from their salaries was spent or given an option to forego the deduction and provide their own food. A teacher from Jizzakh said, “the entire amount we were paid went to our food costs. The pickers received next to nothing.”⁹⁶

*In the morning we eat breakfast from whatever we can find. They only give us tea. We have lunch at the field. The farmer prepares food. He gives us bread – everyone gets two rolls. That’s all. In the evening we again eat whatever we can find or what people have been brought from home. This year the conditions were very bad. We thought that the 5,000 – 10,000 soum (approximately \$.83 – 1.67 USD) withheld every 5 or 10 days goes to food. We asked the farmer and he said no, that he buys food for us at his own expense.*⁹⁷

A student from Karakalpakstan said, “the price for one kilo from start to finish was 230 soum. But they didn’t pay students any money, telling them it was all spent on food. Those who didn’t pick much went into debt for the food.”⁹⁸

96 Uzbek-German Forum interview with college teacher, Jizzakh region, November 9, 2015.

97 Uzbek-German Forum interview with secondary school teacher, Andijan region, November 8, 2015.

98 Uzbek-German Forum interview with college student, Karakalpakstan, November 3, 2015.



In some regions, tents were set up for accomodating cotton pickers. This picture was taken from an anonymous facebook user.

CLIMATE OF FEAR

The unwilling participation of millions of people in a system that strips them of basic labor protections is made possible by fear. Forced labor in Uzbekistan occurs in a context of entrenched repression and widespread human rights violations.⁹⁹ Uzbekistan consistently ranks among the worst human rights abusers in the world.¹⁰⁰ Courts are neither independent nor trusted by the population as impartial, and serious due process and other rights violations are rife in the criminal justice system. The use of torture against detainees and convicted prisoners is systematic and routine.¹⁰¹ The government imposes severe and undue restrictions on the freedoms of religion, speech, assembly, association, and other fundamental freedoms.¹⁰² The government subjects journalists, civic activists, independent political and religious figures, and human rights defenders to harassment, surveillance, and interference in their work, and in some cases imprisonment, ill-treatment, and torture.¹⁰³ Local neighborhood councils, known as mahalla committees, cooperate closely with the police to monitor and report on residents. Mahalla committees have authority over welfare payments, such as invalid and child benefits, as well as utilities, and withhold these punitively against residents.¹⁰⁴ Citizens who complain



A relative of a dead forced labor victim.
(Tashkent region)

99 World Report 2016: Uzbekistan, Human Rights Watch, available at: <https://www.hrw.org/world-report/2016/country-chapters/uzbekistan>.

100 See for example the International Human Rights Rank Indicator (<http://www.ihri.com/>) and the Freedom in the World Index (<http://www.freedomhouse.org/report-types/freedom-world>). In 2015, Freedom House rated freedom in Uzbekistan 3 out of 100, only three other countries in the world received a worse ranking.

101 The United Nations special rapporteur on torture made the finding that the use of torture in Uzbekistan is “systematic,” following his 2002 visit to the country. See: United Nations Economic and Social Council, Civil and Political Rights, Including the Questions of Torture and Detention, Torture and other cruel, inhuman or degrading treatment. UN Commission on Human Rights, Report of the Special Rapporteur on the question of torture, Theo van Boven, Visit to Uzbekistan, E/CN.4/2003/68/Add.2. February 3, 2003, <http://www.refworld.org/pdfid/4090ffc80.pdf>. In the Concluding Observations of its 2013 periodic review of Uzbekistan, the Committee Against Torture reiterated its concerns about the persistent use of torture in Uzbekistan, CAT/C/UZB/CO/4, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fUZB%2fCO%2f4&Lang=en. In the Concluding Observations of its 2015 fourth periodic review of Uzbekistan, the Human Rights Committee said “The Committee remains concerned about reports that torture continues to be routinely used throughout the criminal justice system; that, despite the existing legal prohibition, forced confessions are in practice used as evidence in court, and that judges fail to order investigations into allegations of forced confessions even when signs of torture are visible; that persons complaining of torture are subjected to reprisals and family members are often intimidated and threatened to ensure that complaints are retracted; and that the rate of prosecution is very low and impunity is prevalent (arts. 2, 7 and 14),” CCPR/C/UZB/CO/4.

102 See for example, UN Human Rights Committee, Concluding observations on the fourth periodic report of Uzbekistan, August 17, 2015, CCPR/C/UZB/CO/4.

103 “US: Press Uzbekistan on Political Prisoners, Prison Death,” Human Rights Watch, January 15, 2016, available at: <https://www.hrw.org/news/2016/01/15/us-press-uzbekistan-political-prisoners-prison-death>.

104 Uzbek-German Forum interview with mahalla resident of the Yakkabog district of the Kashkadarya region, November 10, 2015. The resident said, “You could say that those who pick cotton for the mahalla are required to do so. Because they get money, welfare payments and so the mahalla can demand it. If you don’t go, the mahalla won’t

about the government or are perceived as critics often face severe reprisals. For example, Radio Ozodlik reported that local police arbitrarily detained a young man for five days and accused him of being homosexual for complaining about electricity shortages¹⁰⁵ and a store in Gulistan in the Syrdarya region refused to sell flour to an ill elderly woman because her local mahalla committee had reported that she didn't pick cotton.¹⁰⁶

In 2015 the use of fear was especially pronounced as the government made significant efforts to cover up its use of forced labor through intimidation, threats, and persecution of independent monitors who sought to document and expose labor practices. A worrisome feature of forced mobilization in 2015 was the supervisory role played by local law enforcement officials. Police and prosecutors supervised mobilization; for example, a local newspaper reported "The transport of people to the fields will take place over several days according to procedure, under the careful scrutiny of the hokimiat authorities and law enforcement agencies."¹⁰⁷ The hokim of Angren assigned supervisory role in recruitment to the head of the Angren police department and the Angren prosecutor, although it is unclear why these officials would have legal jurisdiction to supervise a voluntary activity.¹⁰⁸ To a population with a deep and well-founded fear of law enforcement, law enforcement presence reinforces the message that cotton picking is mandatory and that people could face reprisals for refusing.

In addition to this overt pressure, an onslaught of intense propaganda accompanied the 2015 mobilization. Everywhere people confronted messages from authorities at every level that picking cotton amounts to the patriotic duty of every Uzbek citizen and refusal amounts to opposing the government, the state, and even God. In one example, Imam Khasanboi Asanov wrote in a local newspaper that "picking cotton is God's work and every person must fulfill his obligation to help pick cotton to the very last cotton ball."¹⁰⁹

Due to intense propaganda linking cotton to the Uzbek identity and duty, there is the pervasive sense that those who refuse to pick cotton could be viewed as anti-state or opposing the government.¹¹⁰ In the atmosphere of intense political repression and intolerance of any opposition that prevails in Uzbekistan, many viewed this as dangerous. The parent of a 17-year old student who was forced to pick cotton said he was threatened to be exposed as anti-government by school officials sent to recruit his daughter if he refused to send her to pick. They told him "if you don't send your daughter to pick cotton then write a note that you oppose the policies of Uzbekistan. You are welcome to keep your daughter out of the fields but then we will make copies of this note and send one to the director of your bank [where you work] and others to the Central Bank and the regional hokim and we will

give you your money."

105 "Пожаловавшегося на отсутствие света молодого учителя обвинили в гомосексуализме [A Young Teacher Who Complained about the Lack of Electricity was Accused of Homosexuality]," Radio Ozodlik, November 23, 2015, available at: <http://www.ozodlik.org/content/article/27381102.html>. Consensual sex between adult males is a criminal offense punishable by up to three years' imprisonment. In a recent speech, President Karimov called homosexuals "psychologically sick people," "Ислам Каримов назвал геев «психически нездоровыми людьми» [President Karimov Called Gays 'Psychologically Sick People']," Radio Ozodlik, February 6, 2016, available at: <http://rus.ozodlik.org/content/article/27536052.html>.

106 "Больной старушке отказались продавать муку за невыход на сбор хлопка, [Sick Old Woman refused Flour for Not Picking Cotton]," Radio Ozodlik, November 23, 2015, available at: <http://www.ozodlik.org/content/article/27381096.html>.

107 ПАХТАКОРЛАРГА КЎМАКДОШМИЗ В помощь хлопкоробам, October 3, 2015, available at: <http://amunews.uz/news/show/1217>.

108 Tashkent region monitor's report, September 15, 2015.

109 Ohangaron Hayoti (Akhanganar Life) newspaper, September 25, 2015.

110 Picking cotton in Uzbekistan is often referred to as khashar, an Uzbek word meaning collective work undertaken for the good of the community.

see if you will have a job after that.”¹¹¹
A businessman from the Syrdarya region told us that people are afraid to complain about forced labor, fearing severe consequences. He said he heard that someone who refused to pick cotton disappeared during the night together with his entire family. While there is no evidence to support the truth of the rumor, the fact that some Uzbek citizens believe such rumors underscores the depth of fear pervading the harvest.¹¹²



Coercion and Vulnerability

While in some cases the government uses heavy-handed tactics to coerce people to pick cotton, in many other cases the pressure exerted may be harder to see. Almost universally, respondents told us they could not refuse to pick cotton. For many, the very notion was unthinkable. In many cases people simply understand that cotton harvesting is a requirement to keeping their jobs, and if they refuse they will suffer catastrophic economic consequences such as loss of employment or welfare benefit. Our respondents told us they picked cotton because their employment, education, or benefits were threatened. Teachers, doctors, nurses, and other professionals all told us that they would lose their jobs if they refused to pick cotton or pay for a replacement worker. In some cases their supervisors directly threatened that they would lose their jobs if they refuse. Teachers, medical workers, and other public employees and those receiving social welfare benefits are particularly vulnerable to coercion because they depend on the government for their income. One college instructor called public employees “the most obedient people on earth.”¹¹³ A teacher from the Andijan region said “It’s impossible [to refuse]. [Teachers] won’t argue about this. If not now then at some time in the future, their bosses will dismiss them from their jobs. When teachers are hired, they make an oral promise that they won’t refuse to do public work. That’s enough.”¹¹⁴ Radio Ozodlik reported that officials threatened pensioners with loss of 50% of their pension if they do not pick cotton.¹¹⁵

A teacher from the district of the Syrdarya region said,

I have observed lots of changes [during the harvest]. To send people to the fields they cut off electricity during the day. In the morning they yell through a microphone, calling everyone to the fields. You need to buy food to take to the fields but the markets are closed. You come home from hard work [in the fields] and there is no hot food or groceries at home. Don’t even speak of a rural medical clinic. They paste a sign on its doors saying ‘everyone is at the harvest’ and they go to the fields. If you go to the mahalla committee to get some kind of document, there won’t be anyone there.”¹¹⁶

111 Uzbek-German Forum interview with parent of a 17-year old lyceum student who was forced to pick cotton, Andijan region, November 15, 2015.

112 Uzbek-German Forum interview with businessman, Syrdarya region, November 12, 2015.

113 Uzbek-German Forum interview with a college instructor, Jizzakh region, November 9, 2015.

114 Uzbek-German Forum interview with a schoolteacher, Andijan region, November 8, 2015.

115 “В Узбекистане пенсионеров заставляют выйти на сбор хлопка или отказаться от половины своих пенсий [In Uzbekistan pensioners are forced to pick cotton or give up half their pensions],” Radio Ozodlik, September 9, 2015, available at: <http://www.ozodlik.org/content/article/27244283.html>.

116 Uzbek-German Forum interview with schoolteacher, Syrdarya region, November 6, 2015.

A teacher, who was pregnant, recounted to us a conversation she had with a school official in September, when the official told her she had to pick cotton.

I heard that forcing people to go to the cotton harvest is against the law. But you won't leave me alone. Even seeing my condition, you are forcing me and other pregnant women to go pick cotton. You are a woman, you understand that it's dangerous to be bending down all the time while pregnant. Why can't you tell your bosses that we have a certain number of pregnant women and they can't pick cotton so we can't fulfill the quota?

The official responded:

Who told you that picking cotton is forced labor? You are a teacher with higher education, how dare you talk like that? Do you really not understand the policy around cotton? It's not news to you. If you won't pick and the students won't pick, then who will pick? I understand that you're pregnant. But we aren't forcing you to pick cotton yourself. You can hire someone in your place. Or your husband can go instead of you. Today you tell me you're pregnant. Tomorrow, someone else will say 'I'm ill.' A third will say 'I'm old,' Our [school] director is also a woman but she sits every night at the [cotton] meetings at the hokimiat with hundreds of men. I have been to those meetings several times myself. Ekh. If you only knew what kind of cursing we have to listen to at those meetings. Our director sits there for hours shaking with fear. She is ready to buy the cotton to fulfill the quota assigned to us. Do you think she takes the money for herself? All the money goes to cotton.

Our monitor suggested that the pregnant teacher call the Feedback Mechanism hotline, but the woman refused. She said that the complaint would only cause bigger problems for her.¹¹⁷

A former mahalla official from Andijan said

Oy! How could you refuse [to pick cotton]?! It's government business. The government pays your salary so you will pick or you could be asked to give up your post. Now, there is no work...so you can't refuse [to pick cotton], you are obligated...Yes, obligated. What kind of fool would go to work in the dirt in the cotton fields on a cold day of his own accord instead of sitting inside in a nice warm office? Even a fool can understand it. To understand that [picking cotton] is mandatory, you don't have to be a genius and solve puzzles. But we pretend we don't understand. We say, 'cotton is the people's khashar [communal work].' But for real khashar you only participate if you really want to, right? If, for example, your neighbor, calls you for khashar, you go if you want but if you don't your neighbor doesn't threaten 'you'll come or else I will do something against you.'¹¹⁸

117 Uzbek-German Forum interview with a schoolteacher, region withheld, September 29, 2015.

118 Uzbek-German Forum interview with a retired mahalla employee, Andijan region, November 20, 2015.

PERSECUTION OF INDEPENDENT MONITORS

The government has responded with particular vehemence to attempts by activists to monitor labor and human rights issues related to cotton work. In 2015 this harassment reached unprecedented levels as the government used arbitrary detention, threats, degrading ill-treatment, and other repressive means to silence monitors and undermine their ability to conduct research and provide information to the ILO and other international institutions.

This interference undermines the government's stated commitments to take steps to reform its cotton sector and calls into serious question the government's role as a good faith partner in reform. Interference with the work of independent monitors should raise deep concerns on the part of the World Bank, ILO, and other international partners. Our monitors who met with the World Bank and the ILO told us that these institutions did not appear to prioritize the safety of independent monitors, rarely making inquiries and not making public statements or offering other support when monitors were arrested, ill-treated, or experienced other trouble.

In 2015 the government imposed spurious criminal sanctions on one Uzbek-German Forum monitor that prevent him from future human rights monitoring work and forced another to flee the country. The government's persecution of independent monitors is deeply troubling both for the individual harms suffered and also because it threatens the ability to carry out independent monitoring of cotton harvest labor practices at all.

Home Burning and Charges against Dmitry Tikhonov

Dmitry Tikhonov, a journalist, civic activist, and human rights defender, has worked for four years with the Uzbek-German Forum to document labor and other human rights issues connected to cotton production in Uzbekistan. Tikhonov, who was based in Angren, and had a home office in nearby Yangiabad, conducted this work openly and, over the last several years has regularly provided information to the ILO, World Bank, and international organizations working in Uzbekistan. In August 2015, Tikhonov learned that the police had begun questioning his friends and acquaintances to gather information about him and his work.¹¹⁹



The Journalist and Human Rights Activist Dmitry Tikhonov

On September 19, a group of about 10 people, including several mahalla chairpersons, approached Tikhonov when he was observing laborers departing for the cotton fields from a central square in Angren, and began demanding his documents and shouting accusations, including that Tikhonov

¹¹⁹ The information in this section comes from letters, emails, and telephone interviews with Dmitry Tikhonov from September 2015-February 2016.

was gathering information intended to taint Uzbekistan's reputation. After the incident, three mahalla chairpersons complained to the police that Tikhonov was interfering with the campaign to mobilize workers to pick cotton and that he insulted and swore at them. The next day, while Tikhonov was again observing departing workers, a man approached him and told him that he did not want to pick cotton and was forced to hire someone to pick in his name. The police took Tikhonov and the man to the police station where they were held in separate rooms. Police questioned Tikhonov and told him to write a statement explaining why he is "against cotton." A senior officer entered and swore at him, threatened physical violence, and began hitting Tikhonov repeatedly on his face and head with a thick stack of paper, yelling, "cotton is the achievement of our fatherland! Cotton is our nation's wealth!"

Several days later, Tikhonov was briefly detained after a spurious traffic stop. A police officer temporarily confiscated his research materials including mobile phone, smartphone, and flash drives, and Tikhonov credibly believes police copied the materials.

On September 30, Tikhonov arranged for an ILO monitoring team to meet with people from Angren who were forcibly mobilized to pick cotton. On the way to the meeting he noticed he was followed by plainclothes men in three cars. He later learned that police visited the workplaces of all the people who spoke to ILO monitors and interrogated them.

Tikhonov learned that police charged him with hooliganism, a misdemeanor that carries a penalty of up to 15 days' administrative detention, stemming from the complaint made by the three mahalla chairpersons.¹²⁰

Tikhonov remained away from home for several weeks until October 27, when he learned that there had been a major fire at his home in Yangiabad October 20. The police knew about the fire when it occurred, but failed to inform Tikhonov's lawyer, who maintained regular contact with them. Tikhonov found that only the room he had used as his home office had burned but the entire room and its contents were completely destroyed – even the roof had collapsed. He lost everything he used for his work, including two computers, a laptop, a printer/scanner, video and sound equipment, all his contacts, papers and files as well as his legal library. Tikhonov's cash savings in the amount of \$1500 was also burned and most of his clothing was destroyed. Tikhonov also noted that a box containing about 100 legal guides on child and forced labor that he had created for distribution had disappeared even though it was kept in another room that did not burn. In addition, Tikhonov said that his two hard drives went missing after the fire. One contained his archive and database, and the other had his current work. The hard drives were stored in a metal box that Tikhonov dug out of the burned debris. The box was there but the hard drives were missing and no parts of them were visible.

Around the same time, police brought two more administrative cases of hooliganism against Tikonov, one stemming from video recordings the officials could only have accessed from his equipment or email, since he had the only copy and the video was never made public, alleging that



After several fabricated cases and false accusations, Dmitry's house in Angren was burned in October last year.

¹²⁰ Minor hooliganism is art. 183 of the administrative code.

he made the recordings without permission. The other charges allege that on October 27, the day Tikhonov went to assess the damage at his home, he caused a scandal with some people in Angren, 13 kilometers away. Tikhonov does not know the other people allegedly involved. Committing a third administrative offense in the course of a year can result in criminal, rather than misdemeanor charges, and Tikhonov feared that he could go to prison. Eventually he was convicted and fined on the third set of charges. In addition, a series of articles appeared on pre-government websites discrediting Tikhonov, accusing him of corruption and of being an American agent. Some of the articles “analyzed” Tikhonov’s unpublished research findings that could only have been taken from his computer and email. Fearing possible spurious criminal prosecution and other forms of persecution, Tikhonov was forced to flee Uzbekistan and is now residing outside the country, unable to continue his monitoring.

Arrest and Sentencing of Uktam Paradaev

Uktam Paradaev, a human rights defender from the Jizzakh region, for years has advocated on behalf of victims of corruption and monitored the use of child and forced labor in the cotton sector. On November 16, 2015 police arrested Paradaev on spurious charges of taking a bribe, insult, and fraud on the basis of a complaint allegedly made by someone who had previously sought Paradaev’s assistance with whom Paradaev had never exchanged any money. In the weeks prior to his arrest, Paradaev noticed increased surveillance of his activities. The National Security Service, known widely by its Russian acronym, the SNB, summoned several of Paradaev’s acquaintances and people he had assisted and interrogated them, beating some of them. He told staff at several international embassies that he feared arrest.



Uktam Paradaev and his family.

Paradaev was held for 57 days in a pretrial detention center in the Dustlik district of Jizzakh and on December 26 was transferred to pretrial detention in Khavast, in the Syrdaryo region. Guards there beat him severely in one occasion, apparently for failing to get undressed quickly. Paradaev went to trial on January 11. After a single hearing, a judge of the Dustlik district court convicted Paradaev of all charges and sentenced him to 5 and a half years in prison. The judge suspended the sentence, imposing three years’ probation, and Paradaev risks prison if found to violate any conditions of his probation, which include a 10 p.m. curfew, registering twice monthly at the police station, and not traveling outside the Jizzakh region. Police have also told him that he is forbidden from all human rights work, although this prohibition is not included in the sentencing documents.

Arbitrary Detentions and Ill-treatment of Elena Urlaeva

A long-time human rights and civic activist, Elena Urlaeva, head of the Tashkent-based Human Rights Alliance of Uzbekistan, has monitored labor rights and the cotton harvest for many years and

met regularly with the ILO during the 2015 season.¹²¹ She was arrested on at least four occasions during the 2015 cotton harvest as well as twice during the spring planting and weeding season. On one occasion, on September 19, police in Kuychirchik, in the Tashkent region, arrested Urlaeva, her husband, their 11-year-old son, a family friend and a farmer who had invited them to stay on his land. Police arrested them ostensibly because Urlaeva “photographed the fields without permission,” when she was walking with the farmer. Urlaeva and her family were released late that evening after lengthy interrogations, but police held the farmer in custody overnight.



Elena Urlaeva on the cotton field.

Police also arrested Urlaeva twice in May when she distributed information about the prohibition against forced labor when local officials were sending people to weed the cotton fields. Police in Chinaz arrested Urlaeva on May 31 as she observed the forced mobilization of medical workers to the fields. They held her for 11 hours and subjected her to severe ill-treatment, including forcibly injecting her with sedatives, subjecting her to a forced x-ray, and carrying out a body cavity search to look for a flash drive. Police refused her access to a toilet, making her relieve herself outside in front of police officers, who filmed her and humiliated her. They later posted a video of the incident on the internet. Urlaeva also observed near constant surveillance from August through November, including plainclothes men posted outside her home, following her, and taking video recordings and photographs of her. She described this as psychologically exhausting as well as a serious impediment to her work.

Arrests of Malohat Eshankulova and Elena Urlaeva

Malohat Eshankulova is a Tashkent-based independent journalist and activist who has monitored and written about labor rights in the cotton industry for several years, including with the Uzbek-German Forum.¹²² On September 27, police in the Saikhunbad district of the Khorezm region arrested Eshankulova along with Elena Urlaeva and held them at the police station for several hours.



Elena Urlaeva and Malohat Eshankulova (Khorezm Region, September 2015).

121 Information in this section comes from telephone conversations and email correspondence between Elena Urlaeva and the Uzbek-German Forum for Human Rights.

122 Information in this section comes from telephone conversations and email correspondence between Malohat Eshankulova and the Uzbek-German Forum for Human Rights.

On September 29, Eshankulova, Urlaeva, and two local activists who together were observing college students being sent to the harvest in the Khazarasp district of Khorezm. Police arbitrarily detained them for 14 hours, during which they were interrogated constantly about their activities and accused by the police of "treason to the motherland." Police also subjected Eshankulova and Urlaeva to a strip search and body cavity search. Police released them without charge after threatening to kill them if they ever returned to Khorezm.

Security services officers in the Ellikkala and Beruni districts of Karakalpakstan, sites of World Bank-funded projects, prevented Eshankulova and Urlaeva from meeting with teachers and medical workers forcibly sent to the cotton fields in October.

ILO AND WORLD BANK ENGAGEMENT IN UZBEKISTAN

After years of sustained international pressure, in 2014 the Uzbek government signed a Decent Work Country Program with the International Labour Organization, in which it committed to work with the ILO to apply labor conventions.¹²³ Uzbekistan has made legal and policy commitments to stop the use of forced labor and is a signatory to major human rights and labor treaties that prohibit the use of forced labor and forced child labor.¹²⁴

As a result of a complaint by independent Uzbek civil society organization, to the World Bank's Inspection Panel,¹²⁵ in October 2014 the Bank and ILO signed a Memorandum of Understanding regarding their cooperation on child and forced labor in cotton production in Uzbekistan and the Bank selected the ILO to assess the use of child and forced labor in certain Bank-supported projects.¹²⁶

In 2014 the World Bank approved three new loans to Uzbekistan, one for education and two for agricultural development and modernization, bringing its total financing for the two sectors to over \$500 million.¹²⁷ The World Bank, whose stated goals for lending in Uzbekistan include stated goals

123 In 2005 the ILO Committee of Experts first included an observation of forced and child labor in Uzbekistan's cotton sector and pressure has steadily mounted since then (see http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11110:0::NO::P11110_COUNTRY_ID:103538). Some key developments include the November 2011 vote of the European Parliament to defer a textile protocol with Uzbekistan over labor concerns (see <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2011-0427&language=EN>); a recommendation by the ILO Tripartite Conference Committee on the Application of Standards to monitor forced child labor in Uzbekistan's 2013 cotton harvest see http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3132643); the US government's review of Uzbekistan's eligibility for trade preferences due to labor concerns (see <http://www.regulations.gov/#!docketDetail;D=USTR-2013-0007>); the US government's downgrading of Uzbekistan to the lowest rating in its annual Trafficking in Persons report in 2013 (see <http://www.state.gov/j/tip/rls/tiprpt/countries/2013/215647.htm>); and the public pledge of more than 200 global companies to avoid cotton from Uzbekistan while it is produced with forced or child labor. In 2013 the government of Uzbekistan agreed to allow the International Labor Organization (ILO) to monitor the use of child labor in the cotton harvest (see <http://www.sourcingnetwork.org/the-cotton-pledge>).

124 Conventions prohibiting forced and child labor ratified by Uzbekistan are: International Convention on Civil and Political Rights (Article 8), Abolition of Forced Labor Convention (ILO Convention No. 105), Forced Labor Convention (ILO Convention No. 29), UN Convention on the Rights of the Child, ILO Minimum Age Convention (ILO Convention No. 138), and the Worst Forms of Child Labor Convention (ILO Convention 182). Nationally, Article 37 of the Uzbek Constitution guarantees the right to work and to fair labor conditions and prohibits forced labor. Section 241 of the Labor Code prohibits the employment of persons under 18 years of age in hazardous work, including cotton picking. The Law on the Protection of the Rights of the Child, Art. 20 provides that child labor is only permissible if it does not harm development or interfere with education and makes labor permissible from age 15 only with a parent or guardian's written consent. The Law on the State Youth Policy Framework of the Republic of Uzbekistan, Art. 8, prohibits the use of school children and college students in public works.

125 The Inspection Panel is an independent complaints mechanism that reviews the concerns of communities and individuals who allege they are adversely affected by a Bank-funded project, see: Inspection Panel: About us, available at: <http://ewebapps.worldbank.org/apps/ip/Pages/AboutUs.aspx>. The complaint, which regarded the use of forced and child labor in Bank-funded project areas, was filed by the Uzbek-German Forum for Human Rights, Ezgulik, and the Association for Human Rights in Central Asia See: link to case docs. See complaint and Inspection Panel Reports at: <http://ewebapps.worldbank.org/apps/ip/Pages/ViewCase.aspx?CaseId=92/> and <http://www.cottoncampaign.org/what-the-world-bank-and-asian-development-bank-can-do.html>. See also, "World Bank: No Probe of Link to Abuses in Uzbekistan, Cotton Campaign, February 2, 2105, available at: <http://www.cottoncampaign.org/world-bank-no-probe-of-link-to-abuses-in-uzbekistan.html>.

126 ILO Third Party Monitoring Report, background, p. 3.

127 The projects are: a Global Partnership for Education grant, Improving Pre-primary and General Secondary Education Project, Rural Enterprise Support Project, Phase-II (including associated "Additional Financing" and

include poverty reduction and shared prosperity,¹²⁸ added covenants in the loan contracts stipulating that the loans could be subject to cancellation and repayment if third-party monitors detected forced labor or forced child labor in the project areas.¹²⁹ The World Bank contracted with the ILO to conduct third-party monitoring (TPM) during the 2015 cotton harvest¹³⁰ and to implement other remedial measures, such as a “feedback mechanism” to receive complaints of forced labor.¹³¹ The government of Uzbekistan also agreed to implement an information campaign to raise awareness among the population about the prohibition of forced labor as part of the Decent Work Country program agreed to with the ILO.

During the 2015 cotton harvest, ILO monitoring teams visited cotton fields, medical facilities, education institutions, businesses, local administrations, mahalla committees (local neighborhood councils) and other sites in 10 of 13 regions in Uzbekistan and administered questionnaires, reviewed records, and gathered documents.¹³² The ILO found that “Large numbers of citizens seem to be willing recruits and see the harvest as an opportunity,”¹³³ and “Monitoring has not provided conclusive information



Signatories of the Uzbekistan Decent Work Country Programme. (from left to right): Mr. Alisher Shaykhov, Chairman of the Chamber of Commerce and Industry of the Republic of Uzbekistan, Mr. Aktam Khaitov, Minister of Labour and Social Protection of Population of the Republic of Uzbekistan, Ms. Dimitrina Dimitrova, Director of the ILO Decent Work Technical Support Team and Country Office for Eastern Europe and Central Asia, Ms. Tanzila Narbaeva, Chairperson of the Federation of Trade Unions of the Republic of Uzbekistan (available at: http://www.ilo.org/moscow/news/WCMS_244857/lang--en/index.htm)

“GEF Sustainable Agriculture and Climate Change Mitigation Project”), Horticulture Development Project, and South Karakalpakstan Water Resources Management Improvement Project. See: <http://www.worldbank.org/content/dam/Worldbank/document/Uzbekistan-Snapshot.pdf>.

128 See: <http://consultations.worldbank.org/consultation/uzbekistan-systematic-country-diagnostic>.

129 See: Financing Agreement, South Karakalpakstan Water Resources Management Improvement Project, between Republic of Uzbekistan and International Development Association [part of the World Bank group], October 29, 2014, available at: http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/ECA/2014/11/17/090224b082867c9a/1_0/Rendered/PDF/OfficialODocum0Z00ClosingOPackage00.pdf.

130 The ILO issued a report on the results of this monitoring, “Third Party Monitoring of the use of child labour and forced labour during the Uzbekistan 2015 Cotton Harvest: An assessment submitted to the World Bank,” International Labour Office, November 20, 2015, <http://pubdocs.worldbank.org/pubdocs/publicdoc/2015/11/307241448038866033/Uzbek-2015-TPM-Report-20112015.pdf>, hereinafter the ILO Third Party Monitoring Report.

131 See: http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/ECA/2014/11/17/090224b082867c9a/1_0/Rendered/PDF/OfficialODocum0Z00ClosingOPackage00.pdf.

132 ILO Third Party Monitoring Report, 2 (11, 13, 14, 15), p. 6.

133 ILO Third Party Monitoring Report, Key Findings, p. 2.

that beneficiaries of World Bank projects used child or forced labor during the cotton harvest.”¹³⁴ Other key findings include: the practices of officials responsible for meeting cotton quotas did not change; there were indicators of forced labor related to widespread organized recruitment of adults to pick cotton; and public-sector workers in the education and health-care sectors were compelled to contribute labor or payments.¹³⁵ The report concludes “Robust further steps are required to remove the risk of forced labor.”¹³⁶

However, in its report, the ILO noted several concerns “with respect to candidness of interviewees, to the real degree of voluntarism of the university and college students deployed to [Bank-funded project areas] project areas, and to the veracity of staff attendance registers of [Bank-supported] project schools.”¹³⁷ The report also noted “Worrying reports were received from other sources which have reported forced labor practices, and of harassment and threats to people conducting their own monitoring,” and that “organized recruitment of large numbers of people in such a short period of time carries certain risks linked to workers’ rights...and certain indicators of forced labor have been observed.”¹³⁸

Methodological Shortcomings

The very selection of the ILO as the TPM for World Bank projects in Uzbekistan calls into question the ability of the monitoring to be truly independent. According to a tender to recruit a monitoring organization, TPM “is defined as monitoring by parties that are external to a project’s direct beneficiary chain and management structure.”¹³⁹ The government, a member of the ILO, is also the main beneficiary of the World Bank’s projects in Uzbekistan, so the ILO is, by definition, not external.

Even more fundamentally, the ILO’s monitoring methodology suffered from several key problems that undermine its results. Critically, each monitoring team consisted of a foreign ILO lead monitor and five monitors from Uzbekistan, each representing government or government-controlled organizations, the Ministry of Labor, the Trade Union Federation, Chamber of Commerce, Women’s Committee, and an accredited NGO.¹⁴⁰ Given the pervasive climate of fear in Uzbekistan, deep-



Ellikkala is one of the districts in Karakalpakstan the World Bank is currently giving money to.



Currently, the World Bank runs 15 projects in Uzbekistan. In its monitoring, the ILO focused mainly but not exclusively on World Bank-supported areas. (World Bank Project Map, available at: <http://maps.worldbank.org/p2e/mcmap/map.html?code=UZ&level=country&indicatorcode=0553&title=Uzbekistan&org=ibrd>)

134 ILO Third Party Monitoring Report, Key Findings, p. 3.

135 ILO Third Party Monitoring Report, Key Findings, p. 2.

136 ILO Third Party Monitoring Report, 10 (69), p. 19.

137 ILO Third Party Monitoring Report, Key Findings, p. 3.

138 ILO Third Party Monitoring Report, Key Findings, p. 2.

139 This description was included as part of a tender on a recruiting website used by the World Bank to identify a suitable partner to implement the monitoring. The description of the tender is no longer active but was originally found at: <https://www.devex.com/projects/tenders/firm-third-party-monitoring-feedback-mechanisms-in-world-bank-financed-projects-in-uzbekistan/148176> [accessed in January 2015].

140 ILO Third Party Monitoring Report, 2 (12), p. 6. In Uzbekistan the trade unions, and chamber of commerce are

seated and well-founded distrust of government officials, and the government's documented history of reprisals against people it perceives as critics, the large presence of government officials and officials from government-controlled organizations on monitoring teams makes it extremely unlikely that they would receive accurate information from interviews.

Indeed, in its monitoring report, the ILO acknowledged that monitors encountered difficulties obtaining accurate information from people interviewed, some of whom were wary of talking to monitors and could not substantiate or provide convincing answers. According to the ILO report, "this is unsurprising because in such interviews almost no one will directly admit to either being a forced laborer or forcing someone else to work. Instead, interviewees were more willing to say that they knew of others who were told to pick cotton against their will than to say that they were in such a situation themselves."¹⁴¹ The ILO's report also noted "reports that the authorities obstruct, detain and threaten people who are gathering information on labor standards during the harvest do not provide a conducive environment in which to assess and investigate labor practices."¹⁴² The report acknowledges the ILO received information from diverse sources described as "worrying,"¹⁴³ and "consistent enough to be accorded attention."¹⁴⁴ The report adds that education and health-care officials presented monitors with apparently inaccurate attendance records. The ILO did not explain why it proceeded with this interview methodology given its own acknowledgement that it was unlikely to produce credible results or how it accounted for these information gaps when drawing its conclusions.

Further, although the cotton harvest officially began on September 10, with some pickers deployed as early as the end of August, ILO monitoring teams only got underway with their initial training on September 14-15, with deployment and field visits after that.¹⁴⁵ Massive labor deployments to the fields started in early September, in preparation for the "first harvest", when cotton is most abundant and the work is most intense, before ILO monitoring teams were in a position to observe the deployments and before any of the banners or signs announcing the prohibition of forced labor were displayed.

As was the case when the ILO monitored the use of child labor in 2013, government officials instructed people to lie to monitors and some institutions sending pickers attempted to evade



Meeting of the tripartite partners (Ministry of Labor & Social Protection, the Federation of Trade Unions and the Chamber of Commerce) with the ILO mission headed by Special Advisor Kari Tapiola, July 2015. (Report about the Meeting and Picture available at: http://news.uzreport.uz/news_2_e_133643.html)

government-controlled organizations. The Women's Committee is a governmental organization. Independent NGOs are not able to receive government accreditation.

141 ILO Third Party Monitoring Report, 2 (14), p. 6.

142 ILO Third Party Monitoring Report, 9 (60), p. 17.

143 ILO Third Party Monitoring Report, Key Findings, p. 2.

144 ILO Third Party Monitoring Report, 9 (59), p. 17.

145 ILO Third Party Monitoring Report, 2 (10), p. 6.

detection by monitors, further undermining the results. Pressure to avoid the monitors or to show voluntariness was especially intense on medical workers, teachers, and educational institutions that sent children to pick cotton, given the government's "policy commitments" not to recruit medical staff and teachers or use child labor.¹⁴⁶ Numerous respondents told us that they received instructions to tell monitors that they picked cotton voluntarily even when they were forced. For example, a medical worker from the Bayavut district of the Syrdarya region said, "we were told that monitors could come during the harvest. If monitors come, we must tell them that we came to the harvest voluntarily, that no one forced us. We were told that if we answer them unthinkingly [and admit we were forced] it will be disastrous for us. They can spread bad information about us to the whole world and we can end up in a very bad situation."¹⁴⁷ A doctor from Andijan said

Once a woman came to talk to us [while we were picking cotton]. She asked everything – who are you? Who sent you to pick cotton? How much did you pick? We didn't know anything so we answered her truthfully, that we're doctors from the city and are here picking cotton. She talked to us for a long time. She asked us 'and are you doing your [regular] jobs?' Two or three days later the head doctor came and told us, 'if you meet an inspector, don't say that you are doctors. Say that you are unemployed.' My colleague and I got scared but didn't tell anyone what we had done, how should we have known?¹⁴⁸

Media also reported that workers were also told to say they picked cotton of their own accord.¹⁴⁹ Additionally, some workers, particularly students, were moved around in deliberate attempts to evade ILO monitoring teams and to make it appear as though colleges and other institutions were functioning normally.

At first they only sent us third-year students. The daily quota was 60 kilos. Then, at some point after around September 25, they sent the second-year students to pick. But they returned them back to classes pretty quickly when they were told the ILO was coming and going to make a close inspection and that a lot of teachers could get fired. Then, a day or two later they brought the second-year students back to the fields, but only in the afternoons, after classes, and Saturdays and Sundays starting in the mornings. A lot of teachers were in constant fear that they brought the second-years to the fields.¹⁵⁰

The student's testimony reveals not only that institutions attempted to conceal their labor practices, particularly the use of child labor, from ILO monitoring teams, but also the fact that teachers were required to force students to the fields despite their own fear. The ILO's report acknowledges that some institutions attempted to conceal forced recruitment but does not describe how it took this into account when drawing its conclusions.¹⁵¹

Public Awareness Campaign and Feedback Mechanism

In 2015 the government agreed to a campaign to raise awareness against child and forced labor through posters and banners in public places that contained messages about forced labor as well as telephone numbers for the hotlines of the Feedback Mechanism (more below) a remedial measure

146 ILO Third Party Monitoring Report, Key Findings, p. 2 and 3, and Policy Commitments 1(1) and (9), p. 3 and 4.

147 Uzbek-German Forum interview with medical worker, Syrdarya region, November 10, 2015.

148 Uzbek-German Forum interview a doctor, Andijan region, November 13, 2015

149 See for example, "«Хамма пахтага» – оммавий сафарбарликка старт берилди", Radio Free Europe / Radio Liberty "Ozodlik," 10 September 2015, <http://www.ozodlik.org/content/article/27236925.html>, the chief doctor of medical institution in Tashkent told his staff that if they are approached by UN workers [sic] they should respond that they are picking cotton of their own accord.

150 Uzbek-German Forum interview with third-year student, Jizzakh region, November 3, 2015.

151 ILO Third Party Monitoring report, 7 (45–47), p. 13.

undertaken as part of the Decent Work Country Program. As the ILO explains in its report, “procurement problems” led to a delay posting the banners until the third week of the harvest, when many workers had already been deployed or had received orders to participate in the harvest. Awareness raising also included seminars with regional and district stakeholders on the implementation of ILO conventions “toward the end of the harvest,” and briefings and trainings of people in positions of authority such as local officials, school and hospital directors, and mahalla committee officials prior to and during the harvest, however these are not the officials responsible for making or enforcing recruitment policies. The ILO’s report indicated that the public awareness program did not change the practices of officials responsible for cotton quotas and states that further efforts are required.

The primary barrier to effectiveness of the public awareness raising measures and Feedback Mechanism is their credibility. The vast majority of people were afraid to complain and saw no use in complaining, especially since the Feedback Mechanism offered no protection from reprisals for complainants. We asked everyone we interviewed if they had seen the signs for the mechanism what they thought of them. All our respondents who had seen the materials expressed skepticism about their effectiveness and we did not find in our research or in media reports a single case of someone who had seen these materials and understood that he or she was able to refuse. Instead, their common view was that the materials did not indicate any change in government practice or policy and were purely for show.

The Feedback mechanism consisted of hotlines, posted on billboards. The ILO reported that “usage rates were low,” a conclusion corroborated by our research. Of all the people we interviewed, no one used or even considered using the feedback mechanism to register their grievances, and some expressed incredulity at the very suggestion. For example, when asked why she did not complain about being forced to pick cotton a teacher said, “Hello! Go on! Don’t tell me fairy tales... We also had a poster in our school [advertising the feedback mechanism]. We saw it.”¹⁵² The lack of protection for people using the mechanism was a key factor undermining its effectiveness. Respondents universally expressed skepticism about the potential effectiveness of such mechanisms and, tellingly, many also expressed fear that they could experience reprisals for complaining. A doctor from Andijan said “If someone tells me, here’s



The information billboards were often placed at unfavorable places, the telephone numbers for complaints often difficult to read.

152 Uzbek-German Forum interview with schoolteacher, Jizzakh region, November 8, 2015.

a number, call and report your problems, I am not going to do that because I don't believe anyone. This problem of cotton is not going to disappear until cotton goes away. That's my opinion. Think for yourself – we have no days off, we even pick cotton on Sundays, and eid [a major Muslim holiday]. On eid women are supposed to go visit their neighbors but we are picking cotton.”¹⁵³ A medical worker from Syrdarya said “The posters had telephone numbers where you could call [to complain about forced labor]. But I didn't call. I don't see that anything positive would come of it. There are millions of people like me sent to the fields. Why don't they call? There is a reason. People are afraid and don't see the use.”¹⁵⁴

Furthermore, several people who called the hotline or tried to complain to the ILO about forced labor suffered harassment from the officials. For example, on September our monitor in Angren arranged a meeting between an ILO monitoring team and a group of people who wanted to provide information about forced labor, including that they were forcibly mobilized to pick cotton. Plainclothes officers in unmarked cars followed the group on the way to the meeting. Law enforcement officers later went to the workplaces of the people who met with the monitors to speak with them, a form of intimidation and shaming.¹⁵⁵

The delay in posting public messages against forced labor and advertising the Feedback Mechanism until after recruitment was organized and after the first massive wave of laborers was sent to the fields also undermined their potential effectiveness. In some cases, even superficial work to raise public awareness may not have occurred at all or occurred too late to have an effect. Our monitor in Angren, a city in Tashkent region, visited the Angren Labor department on September 17, 2015 and found that no one had any information about banners, posters, or handbooks on labor rights and that no one had conducted any information campaigns among the population. In fact, of the 30 employees of the department, 14 were ordered to pick cotton (of whom eight were paid replacement workers).¹⁵⁶

The posters and banners were displayed in public places, but not near farms or fields where people picking cotton could see them. In the six regions we monitored, we observed that the banners were generally displayed near markets and on main streets. We found the smaller posters displayed on and in buildings of public institutions, such as colleges and local administrations. When asked if she saw the awareness raising materials a nurse from Kashkadarya replied “I didn't see them. Because we were at the fields. Who brings posters to the fields? Maybe they were in other places but there was nothing like that where I was.”¹⁵⁷ There appeared to have been little oversight as to whether the



Inscription on the poster: “We invite to harvest cotton in the Gulistan district”. On the right side is a very small note informing about the telephone numbers for complaints within the Feedback Mechanism.

153 Uzbek-German Forum interview with a doctor, Andijan region, November 13, 2015.

154 Uzbek-German Forum interview with a medical worker, Syrdarya region, November 10, 2015. The worker is from the Bayavut district, the site of a World Bank-funded project.

155 Uzbek-German Forum Tashkent region monitor's report, September 20, 2015.

156 Uzbek-German Forum Tashkent region monitor's report, September 17, 2015.

157 Uzbek-German Forum interview with nurse, Kashkadarya, November 10, 2015.

banners were displayed at all. Our monitor in Jizzakh asked administrators of a local agricultural college about the banners. They told him that they had had the banners since the beginning of the harvest but only remembered to hang them up weeks later.¹⁵⁸

ILO Indicators of Forced Labor

The ILO has identified 11 indicators of forced labor that “represent the most common signs or ‘clues’ that point to the possible existence of a forced labor case.” The indicators, derived from theoretical and practical experience by the ILO’s Special Action Program to Combat Forced Labor, are based on the definition of forced labor as specified in the ILO Forced Labor Convention 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.”¹⁵⁹ The indicators are listed and defined below.¹⁶⁰ In our monitoring, we found compelling, credible evidence of many of these indicators, noted here and discussed in greater detail throughout the report. The only indicator we did not find evidence for is the retention of identity documents by employers. These indicators are persistent features of the forced labor system in Uzbekistan and ones we have consistently documented since 2009.

Abuse of vulnerability

A forced labor situation may arise when an employer takes advantage of a worker’s vulnerable position, for example, to impose excessive working hours or to withhold wages. Officials coerce people to pick cotton by exploiting their vulnerabilities, especially their precarious economic situations, for example threatening them with loss of employment or social benefits. The complete lack of independent national institutions that can protect workers’ rights, provide independent review of workplace complaints, including firings, and provide remedies, exacerbates this vulnerability and leaves workers fearful of losing their jobs with no alternative except to pick cotton.

Deception

Deception relates to free and informed consent and occurs when promises, for example regarding compensation or conditions, are not delivered and workers end up in abusive conditions. The extent to which deception is used in the forced labor system in Uzbekistan must be understood in context. People who pick cotton are not lured to the work by promise of good conditions. Most people know from their own or others’ experience exactly what the work and conditions entail. However, free and informed consent to these conditions among cotton pickers is rare. Most of those who willingly consent are paid day laborers, many of whom are hired as replacement workers and paid directly by people who are forced to pick cotton. However, an element of deception exists around payments, as many workers promised payment for the cotton picked receive less than the expected amounts due to fines, costs, mandatory withholdings, and corruption.

158 Uzbek-German Forum Jizzakh monitor’s report, November, 2015.

159 ILO Forced Labor Convention, 1930 (No. 29), as cited in “ILO Indicators of Forced Labor,” Booklet of the Special Action Program to Combat Forced Labor, undated, available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf.

160 List of indicators and definitions taken from ILO Indicators of Forced Labor,” Booklet of the Special Action Program to Combat Forced Labor, undated, available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf.



Restriction of movement

A strong indicator of forced labor exists when workers are not permitted to freely enter or leave their workplace or when they are locked up in transport. In the cotton harvest, workers forcibly recruited in large groups, such as students, teachers, medical workers, and mahalla brigades. Our monitors have documented these mobilizations, which often occur under the eye or with the participation of local law enforcement officials. During the harvest, workers, including students, who live at the fields, are usually not allowed to leave or have rest days, sometimes for a period of up to two months. A few students reported being allowed to visit home for a day or two during their shifts, but most workers were not allowed to leave for the duration.

Isolation

According to the ILO, signs of isolation include cases where forced labor victims are denied contact with the outside world or held in remote locations far from service, including transportation. Such conditions are commonplace in the Uzbek cotton harvest. Pickers are often forced to work in fields far from their homes for weeks or months. The fields and housing are often in remote locations where no transportation is available, making it difficult for family members to visit to deliver food. There are few if any places to charge mobile phones, limiting contact for pickers with their families and others.¹⁶¹

Physical and sexual violence

Physical violence is a very strong indicator of forced labor. Violence and threats of violence occur regularly in the cotton harvest. In 2015 we received reports of violence and threats of violence used to impose discipline among pickers and to punish workers for failure to meet the picking quota. This was most prevalent among college students, aged 18 – 19 years old. A student from Kashkadarya said, “if the teachers are men, some of them severely yell at us and beat us. Then some students run away.”¹⁶² In particular, several respondents told us that some college and university instructors use

161 For example, Uzbek-German Forum interview with college student, Syrdarya region, November 7, 2015. The student said there was 1 outlet for every 50 students living in worker housing.

162 Uzbek-German Forum interview with college student, Kashkadarya region, November 5, 2015.

older students as proxies to enforce discipline and permit them to beat and use other violence against other students.

We also received reports of local officials who use violence, including beating and kicking farmers, sometimes at public meetings, to punish and humiliate them for failure to meet production quotas and to instill fear in them and others.¹⁶³ While physical violence may not occur on a mass scale, it is an enduring feature of the forced labor system, one we have consistently over years. Violence and threats of violence do not need to occur often to have the effect of instilling fear.

Intimidation and threats

The ILO notes that “...common threats used against workers include ... loss of wages or access to housing or land, sacking of family members, further worsening of working conditions or withdrawal of “privileges” such as the right to leave the workplace. Constantly insulting and undermining workers also constitutes a form of psychological coercion, designed to increase their sense of vulnerability.”



In September, the traffic police is very busy with organizing busses to take cotton pickers to the fields.

This factor is a significant component of the forced labor system in Uzbekistan. Every respondent indicated that they were directly threatened or understood implicit threats if they refused to pick cotton and insults and humiliation are commonplace. Threats included, but were not limited to, loss of employment, poor grades, inability to enter university, expulsion, loss of child payments and other social benefits, and loss of utilities, such as electricity and gas. Loss of employment is the key threat used against adults and was widespread in 2015; we also saw employees forced to sign statements attesting to the “voluntariness” of their participation in the harvest and their willingness to be fired if they do not participate.¹⁶⁴ Other threats also occurred, although less frequently, such as threat of violence and prosecution. Local officials threatened farmers with the loss of their land if they fail to meet the quota, and this threat is real, since officials did repossess the land and even possessions of indebted farmers who did not meet the quotas. The officials also used psychological coercion, such as berating people who do not pick cotton or who do not meet their quotas for failure to fulfill their patriotic duties.

Withholding of wages

Although withholding of wages is not conclusive of forced labor, forced labor is indicated when wages are systematically withheld to prevent workers from changing employers. Withholding and underpayment of wages occurs deliberately and systematically in the cotton harvest. Many workers receive very little or no money or have costs, fines, and other deductions taken from their wages. In some cases workers reported to us that cotton officials or other officials withheld or delayed wage payments to ensure that workers stayed on to the end of the harvest.

¹⁶³ See for example a report from Radio Ozodlik about the death of a chief physician on the cotton fields due to pressure exerted on him by officials: <http://www.ozodlik.org/content/article/27303184.html>.

¹⁶⁴ Uzbek-German Forum interview with nurse, Kashkadarya region, November 10, 2015.

Debt bondage

Farmers in Uzbekistan are trapped in a debt cycle that could amount to debt bondage. The government-established price for cotton is below the costs a farmer incurs to fulfill the state-assigned production quota. The government owns farmers' land and restricts how farmers can use it, depriving farmers of what would otherwise be their primary asset and means to break out of debt. It also denies farmers liquidity by using a cashless system of transfers between the Selkhozfond, banks with accounts in farmers' names, and the state-controlled input suppliers and cotton buyer. The government mandates that farmers buy inputs from monopoly input suppliers, and the single cotton buyer denies farmers the ability to negotiate in either direction, to reduce their costs or increase their returns. A farmer in Jizzakh noted:

*As everyone knows grain and cotton farmers are required to plant only the crops indicated. It is categorically forbidden to plant other crops. Everyone knows that we farmers aren't able to get cash from banks to pay our employees. Farmers simply don't have that money. As the prime minister said during a republic-wide conference call with farmers, many farmers owe suppliers from 100 – 200 million soum (approximately \$16,660 USD – 33,330 USD). I would add that all cotton and grain farmers are in that situation.*¹⁶⁵

Abusive working and living conditions

Victims of forced labor may endure conditions degrading and hazardous working conditions, and substandard, overcrowded, and unhealthy living conditions. All our respondents reported abysmal living conditions in the cotton harvest. We have detailed these conditions extensively in past reports on the cotton harvest.¹⁶⁶ As in previous years, in 2015 workers sent to fields away from their homes lived in schools, kindergartens, unused garages and farm buildings. These facilities were generally extremely crowded, unheated, and workers slept on the floor or on thin mattresses they brought from home. Many complained of insufficient or unsafe drinking water and poor hygiene facilities. There were often only one or two toilets or outhouses and faucets for groups of 80 – 100 workers. Most workers described the food provided as poor and insufficient; most purchased additional food. One doctor described her colleagues being punished for complaining about poor bread, "they woke them up at 4 a.m. two or three days in a row and made them go to the fields early. They were punished for complaining."¹⁶⁷

A parent of a student forced to pick cotton described terrible living conditions. He said, "In my view, not one person of sound mind would ever willingly let his children go there. There was no water, no gas, barely any living conditions. There was no heating system to speak of. The windows were hung with rags. The glass was broken. There were no arrangements for hygiene. There was nowhere to wash."¹⁶⁸



Students are preparing dinner for other cotton pickers on the accommodation sites next to the fields.

¹⁶⁵ Uzbek-German Forum interview with cotton farmer, Jizzakh region, November 6, 2015.

¹⁶⁶ See for example, "The Government's Riches, the Population's Burden," human rights violations in Uzbekistan's 2014 cotton harvest, April 2015, available at: http://uzbekgermanforum.org/wp-content/uploads/2015/04/cotton_harvest_Online.pdf.

¹⁶⁷ Uzbek-German Forum interview with medical worker, Kashkadarya region,

¹⁶⁸ Uzbek-German Forum interview with a parent whose 18-year old daughter was forced to pick cotton until he paid for

Excessive overtime

“Forced laborers may be obliged to work excessive hours or days beyond the limits prescribed by national law or collective agreement. They can be denied breaks and days off, having to take over the shifts and working hours of colleagues who are absent...” Nearly all our respondents reported working long hours. Many awoke daily at 5 or 6 a.m. to wash and have breakfast and be in the fields by 7 or 8 a.m. They remained in the fields until 6 or 7 p.m. picking cotton and having it weighed and registered. Most took a daily lunch break of 40 minutes to an hour. Many people had no days off for the duration of their shift, which ranged from about 10 days to 40 days. Workers who remained behind in schools, colleges and universities, medical facilities, public sector jobs, and businesses, generally had to perform the work of their colleagues picking cotton in addition to their own duties and did not receive extra pay. More detail regarding extra work performed by teachers discussed below.

On their face, Uzbekistan’s harvest practices violate numerous national labor laws and regulations. While many people we spoke with had labor contracts for their usual jobs, and sometimes these contracts referenced participation in “public works,” no one we spoke with had a contract for agricultural work or to harvest cotton, as required by law.¹⁶⁹ Further, the by-law regulating “public interest work” does not include picking cotton or other agricultural work.¹⁷⁰ National law also limits regular working hours without overtime to 40 hours per week (8 hours/5 days or 7 hours/six days), requires days off for rest, and establishes shortened working hours for certain categories of workers, for particular professions, including teachers and health workers, and for work in difficult conditions.¹⁷¹ Overtime work should be paid double and should not exceed four hours total over two consecutive days.¹⁷² Other provisions routinely violated by cotton work include those regulating occupational safety, conditions, and the requirement to conduct investigations into accidents.¹⁷³

her release, Syrdarya region, November 8, 2015.

169 Art. 119 of the Labor Code of the Republic of Uzbekistan.

170 Cabinet of Ministers Decree No. 43, “Regulations on part-time work and combining professions and positions,” October 29, 2012, available at: http://www.norma.uz/gazeta_norma/sovmetitelstvo_i_sovmeshchenie_v_novoy_redakcii.

171 Arts. 114, 115, 116, 118, and 120 of the Labor Code of the Republic of Uzbekistan.

172 Arts. 124, 125, 157, 220, 228, and 245 of the Labor Code of the Republic of Uzbekistan.

173 Arts. 211 and 222 of the Labor Code of the Republic of Uzbekistan.



RECOMMENDATIONS

To the Government of Uzbekistan

- Enforce national laws that prohibit the use of forced and child labor in alignment with ratified ILO conventions;
- Make public, high-level policy statements condemning forced labor, specifically including forced labor in the cotton sector, and making clear that all work should be voluntary and fairly compensated;
- Instruct government officials at all levels and citizens that act on behalf of the government to not use coercion to mobilize anyone to work, including farmers, children, students, public-sector workers, private-sector workers, pensioners, mothers and others receiving public welfare support, and the unemployed;
- Initiate fair judicial processes that conform to international standards against government officials found to have forced citizens to pick cotton and hold accountable those found guilty with penalties that reflect the severity of the crime and serve as a deterrent for future crimes;
- Allow independent journalists, human rights defenders, and other individuals and organizations to document and report concerns about the use of forced labor without fear of reprisals;
- Ensure an immediate, prompt, independent and effective investigation into reprisals against independent monitors, including the arrest, conviction, and ill-treatment of Uktam Pardaev; the arrests and ill-treatment of Elena Urlaeva and Malohat Eshankulova; and the detentions, ill-treatment, harassment, and home burning of Dmitry Tikhonov, and hold accountable any officials found responsible;
- Ratify and implement ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize so farmers and farmworkers can form independent organizations to represent their interests, speak out against and seek redress for violations such as forced labor, and negotiate for better working conditions; and
- Initiate a time-bound plan to reform root causes of forced labor in the agriculture sector, including:
 - Cease punitive measures, including “re-optimization” and Oibolta [Cleaver], against farmers for debts and not meeting state-mandated production quotas for cotton and other agricultural products;
 - Increase financial transparency in the agriculture sector, including by ensuring national budgets reviewed by the Oliy Majlis include expenditures and income in the agriculture sector, eliminating the Selkoyfond, ensuring taxes paid in the sector go to the national budget, and replacing the dual system of credit and banking operations with a transparent system of banking that provides farmers’ access to cash and credit;
 - Abolish mandatory production quotas and grant farmers autonomous management of agricultural land;

- Ensure the state-established procurement prices for cotton, wheat and silk reflect the costs of production, including costs of voluntary labor at market rates, and, over time abolish the state monopsony on cotton, wheat and silk purchasing;
- De-monopolize agricultural input suppliers; and
- Conduct a complete survey of the condition of agricultural land to create an updated inventory and use the results to guide reform of the tax system for participants in the chain of cotton production – cultivation, production, processing, and sale – to ensure equitable distribution of the tax burden throughout the production chain.

To the International Labor Organization

- Establish, monitor and report on clear benchmarks for the government of Uzbekistan to fulfill its commitments to implement the fundamental labor conventions of the ILO, including the elimination of state-orchestrated forced labor of children and adults in the cotton sector;
- Ensure the participation of the IOE, ITUC, and International Union of Food Workers (IUF) as well as regular consultation with independent Uzbek civil society groups in the development and implementation of all monitoring and technical assistance activities in Uzbekistan;
- Raise concerns about the safety and access of independent monitors publicly and at the highest levels and make clear that their ability to work unimpeded is a vital sign of the government's good faith and requirement for ILO assistance;
- Conduct a survey of the application of ILO Convention No. 105 on the Abolition of Forced Labor and ensure that all forms of coercion are reported as forced labor;
- Ensure ILO-led monitoring in 2016 and going forward includes the participation of independent Uzbek civil-society members and uses and reports on all ILO Indicators of Forced Labor; and
- Ensure that public awareness measures be accompanied by steps to end coercive recruitment and real, public accountability measures against officials for illegal practices.

To the World Bank

- Suspend disbursements until the Uzbek government demonstrates meaningful progress reforming the root causes of forced labour, its financial system that incentivizes officials to use coercion and repression of citizens who report violations;
- Engage and work with the Uzbek government to develop and implement a time-bound plan to reform root causes of forced labor in the agriculture sector, including the steps recommended to the government above;
- Ensure robust and fully independent third-party monitoring of compliance with core labor conventions in the project areas;
- Establish a confidential and accessible grievance mechanism and provide effective remedies, including legal and financial, to any person who is subjected to forced labor in the project areas;
- Take all necessary measures to prevent reprisals against community members, journalists, and independent organizations for monitoring or reporting on human rights violations in

these areas, for engaging with the Bank's project monitors, or for filing complaints, including by seeking an enforceable commitment from the government that it will not interfere with independent reporting and engagement; and

- Raise concerns about the safety and access of independent monitors publicly and at the highest levels and make clear that their ability to work unimpeded is a vital sign of the government's good faith and requirement for World Bank financing.

To the United States and European Union

- Urge the government of Uzbekistan to end its use of forced labor including by implementing the specific recommendations above.
- In the U.S., place Uzbekistan in Tier 3 in the 2016 Global Trafficking in Persons Report and until the state-orchestrated forced-labor system for cotton production is ended.
- Exclude cotton from Uzbekistan from benefitting from trade preferences under the Generalized System of Preferences (GSP) until the government of Uzbekistan ends its forced-labor system of cotton production.
- Exercise 'voice and vote' at the World Bank and European Bank for Reconstruction and Development to prevent any investment that would benefit the Uzbek Government's forced-labor system for cotton production.
- Investigate and prosecute companies that are benefitting from or contributing to the forced labor system of cotton production that are in violation of international and national laws.
- Publicly communicate to other companies operating in Uzbekistan the importance of fulfilling their human rights due diligence responsibilities, as established in the United Nations Principles for Business and Human Rights and Organization for Economic Cooperation and Development Guidelines for Multinational Enterprises.
- Prior to providing any development assistance to Uzbekistan, consult independent civil society organizations (in the country and in exile), require that the government of Uzbekistan demonstrate financial transparency and accountability around cotton production as a condition for releasing project loans, and publicly report on progress.

To Companies That Use Cotton

- Sign the Cotton Pledge "to not knowingly source Uzbek cotton for the manufacturing of any of our products until the Government of Uzbekistan ends the practice of forced child and adult labor in its cotton sector;"
- Communicate directly to the Uzbek government that products made with forced labor cannot be used, and communicate to other governments and international institutions to urge the Uzbek government to end its forced labor system; and
- Implement the Pledge by:
 - Establishing a policy that prohibits the use of Uzbekistan's cotton and prohibits business with companies that are either invested in the cotton sector in Uzbekistan or using

Uzbekistan's cotton, including explicitly all companies of Daewoo International, Indorama Corporation, Youngone and other companies operating in Uzbekistan;

- Mapping the full supply chain, engaging all supply-chain partners, including raw materials suppliers, and incorporating language into vendor agreements and purchase orders that effectively prohibits suppliers from doing business with all companies that are either invested in the cotton sector in Uzbekistan or using its cotton;
- Requiring suppliers, suppliers' subsidiaries and suppliers' affiliates to implement steps these steps as well;
- Verifying compliance with the company policy by incorporating into supplier social compliance assessments a check on implementation of the ban on business with companies that are either invested in the cotton sector in Uzbekistan or using its cotton; and
- Publicly reporting implementation of these steps.



APPENDIX

List of Terms

College

The equivalent of high school or upper secondary school. First-year students are usually 16 years old; second-year students are usually 17; third-year students are usually 18.

Hokim

Local ruler who is the head of district or regional administration.

Hokimiat

District or regional administration.

Khashar

Traditional Uzbek term describing communal work.

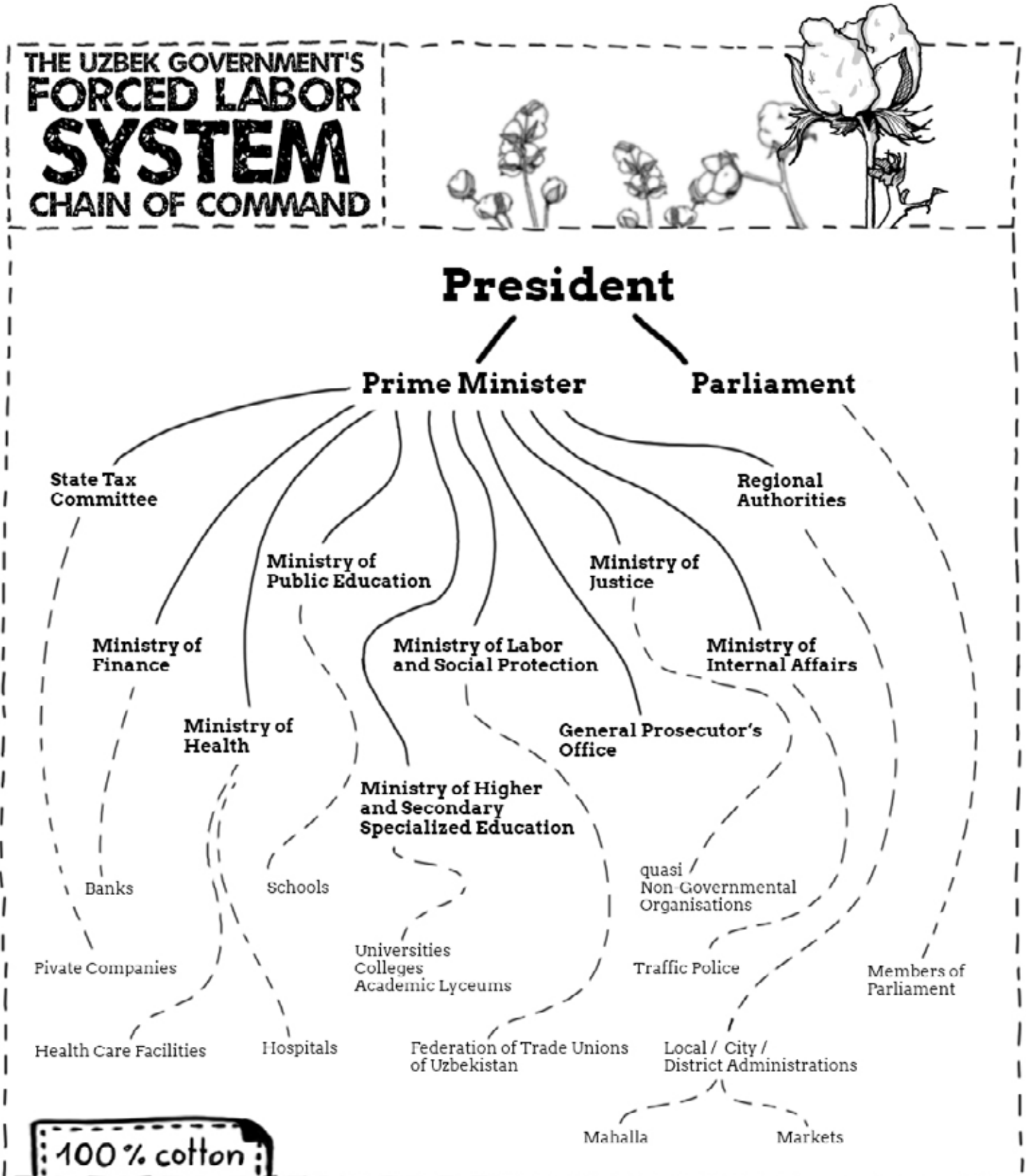
Mahalla

Traditional Uzbek neighborhood, overseen by a mahalla committee that controls distribution of social benefits payments.

Radio Ozodlik

The Uzbek-language service of Radio Free Europe/Radio Liberty.

The Uzbek Government's Forced Labor System Chain of Command



Legal Standards

International Legal Standards

Forced Labor

International law absolutely prohibits a government or other entity from forcing a person to work against his or her will under threat of punishment or penalty. International law also enshrines special protections for children. Uzbekistan is a member of the International Labor Organization (ILO) and has ratified seven of the ILO's eight fundamental treaties.¹⁷⁴ Uzbekistan is also a party to key international human rights treaties that prohibit the forced labor of children and adults. These include the International Convention on Civil and Political Rights (Article 8)¹⁷⁵, and the Abolition of Forced Labor Convention (ILO Convention No. 105)¹⁷⁶, and the Forced Labor Convention (ILO Convention No. 29).¹⁷⁷ These fundamental conventions prohibit forced or compulsory labor as political coercion, as punishment for expressing particular political views, as a means of mobilizing, and for purposes of economic development.

Convention No. 29 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 [or herself] voluntarily."¹⁷⁸ According to the ILO's Committee of Experts¹⁷⁹, "under menace of penalty" "should be understood in a very broad sense: it covers penal sanctions, as well as various forms of coercion, such as physical violence, psychological coercion, retention of identity documents, etc. The penalty here in question might also take the form of a loss of rights or privileges."¹⁸⁰

In its 2015 observation on the application of ILO Convention No. 105 in Uzbekistan, the Committee of Experts clarified that even where a government may claim that work is part of a civic obligation and therefore exempted from the forced labor conventions, "these exceptions are limited to minor works or services performed in the direct interest of the population, and do not include work intended to

174 The International Labor Organization's Fundamental Conventions are: C87 Freedom of Association and Protection of the Right to Organize Convention (1948), C98 Right to Organize and Collective Bargaining Convention (1949), C29 Forced Labor Convention (1930), C105 Abolition of Forced Labor Convention (1957), C138 Minimum Age Convention (1973), C182 Worst Forms of Child Labor Convention (1999), C100 Equal Remuneration Convention (1951), C111 Discrimination (Employment and Occupation) Convention (1958), which apply to member states regardless of ratification. See ILO, "The International Labor Organization's Fundamental Conventions," 2003, http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_095895.pdf. Uzbekistan has not ratified ILO Convention No. 87.

175 International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976. (ICCPR), ratified by Uzbekistan on September 28, 1995.

176 ILO Convention No. 105 concerning Abolition of Forced Labor, adopted June 25, 1957, entered into force, January 17, 1959.

177 ILO Convention No. 29 concerning Forced or Compulsory Labor, adopted June 28, 1930, entered into force, May 1, 1932.

178 ILO Convention No. 29 concerning Forced or Compulsory Labour (Forced Labour Convention), adopted June 28, 1930, 39 U.N.T.S. 55, entered into force May 1, 1932.

179 The Committee of Experts on the Application of Conventions and Recommendations (CEACR) is an independent body composed of legal experts charged with examining the application of ILO Conventions and Recommendations by ILO member States. The annual report of the Committee of Experts covers numerous matters related to the application of ILO standards. The report of the Committee of Experts is also available at: <http://www.ilo.org/global/standards/lang-en/index.htm>.

180 International Labour Organization, "Giving Globalization a Human Face," 2012, ILC.101/III/1B, Para 308 http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_174846.pdf, at paragraph 270.

benefit a wider group or work for purposes of economic development, which is explicitly prohibited by the present Convention.”¹⁸¹

Additionally, the existence of a contract does not negate the possibility of forced labor.¹⁸² According to the Committee, even in cases where employment is originally the result of a freely concluded agreement, the right of workers to free choice of employment remains inalienable.”¹⁸³

Forced Child Labor

International law recognizes that many children must work to contribute to their families' income and that some work may have benefits for or be appropriate for children. However international law establishes standards to protect children from exploitation, hazardous work, and work that interferes with children's schooling, development, and future livelihoods.

The UN Convention on the Rights of the Child¹⁸⁴, the ILO Minimum Age Convention¹⁸⁵, and ILO Convention 182 on the Worst Forms of Child Labor¹⁸⁶, all ratified by Uzbekistan, generally prohibit the employment of children under the age of 18 in harmful or hazardous work. The Worst Forms of Child Labor Convention defines the worst forms of child labor as “slavery or practices similar to slavery, such as the sale and trafficking of children and forced or compulsory labor.” It establishes four categories of the worst forms of child labor, one of which is “hazardous labor.” Hazardous labor is “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.... Convention No. 182 has universal coverage, which means it applies to all sectors of the economy and status in employment (for example including unpaid family labor on family farms) with no exception possible.”¹⁸⁷ Additionally, the recommendation accompanying Convention 182 notes that the worst forms of child labor also include work with dangerous machinery or tools; work under particularly difficult conditions, such as long hours or during the night, or work that does not allow for the possibility of returning home each day; and work that may expose children to hazardous substances or to temperatures damaging to their health. Put another way, “in essence,

181 International Labor Organization (ILO), Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III(1A)-2015-[NORME-141218-1]-En.docx, at page 175 (reviewing the Government of Uzbekistan's implementation of the Forced Labour Convention 105).

182 International Labor Organization (ILO), Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III(1A)-2015-[NORME-141218-1]-En.docx, at page 175 (reviewing the Government of Uzbekistan's implementation of the Forced Labor Convention 105), stating: “In this context, ‘voluntary offer’ refers to the freely given and informed consent of workers to enter into an employment relationship, as well as to their freedom to leave their employment at any time, without fear of retaliation or loss of any privilege. In this regard, the Committee recalls, referring also to paragraph 271 of its 2012 General Survey on the fundamental Conventions, that, even in cases where employment is originally the result of a freely concluded agreement, the right of workers to free choice of employment, without being subject to the menace of any penalty, remains inalienable. Accordingly, while temporary transfers of employment might be inherent to certain professions and activities, the Committee considers that the application in practice of provisions, orders or regulations allowing for the systematic transfer of workers for the performance of activities which are unrelated to their ordinary occupations (e.g. the transfer of a health-care professional to perform agricultural work) should be carefully examined in order to ensure that such practice would not result in a contractual relationship based on the will of the parties turning into work by compulsion of law.”

183 Ibid and ILO, “Giving Globalization a Human Face,” Id. at ¶ 271.

184 Convention on the Rights of the Child, G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force Sept. 2, 1990, acceded to by Uzbekistan December 23, 2008.

185 ILO Convention No. 138 concerning Minimum Age for Admission to Employment, adopted June 26, 1973, entered into force, June 19, 1976.

186 ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, adopted June 17, 1999, entered into force November 19, 2000.

187 International Labor Standards and Child Labor in Agriculture, ILO. Available at: http://www.ilo.org/ipec/areas/Agriculture/WCMS_172348/lang-en/index.htm.

child labor is work that deprives children of their childhood, their potential and their dignity and is considered a violation of fundamental human rights.”¹⁸⁸

While the ILO does not have a specific list of prohibited occupations for children or occupations that constitute the worst forms of child labor, agriculture is considered one of the most dangerous sectors in which children work. Each country establishes its own national list of hazardous work prohibited for children. Picking cotton is included in Uzbekistan’s national hazardous work list and is thus prohibited for all children, defined as all persons under age 18, in accordance with Convention 182.¹⁸⁹ Further, the ILO has identified specific “major health hazards in cotton cultivation that children under 18 should not be exposed to.”¹⁹⁰

Uzbek Law

Uzbek law, including the Constitution, provisions of the Labor Code and laws on child protection, generally prohibit forced and child labor in accordance with Uzbekistan’s international legal obligations.¹⁹¹ Article 37 of the Constitution guarantees the right to work and to fair labor conditions and prohibits forced labor.¹⁹²

Uzbek law recognizes persons under age 18 as children¹⁹³ entitled to specific protections, including protection from exploitation.¹⁹⁴ Section 241 of the Labor Code prohibits the employment of persons under 18 years of age in hazardous work, including cotton picking.¹⁹⁵ Other laws provide that child labor is only permissible if it does not harm development or interfere with education,¹⁹⁶ prohibit the use of school children and college students in public works,¹⁹⁷ and make labor permissible from age 15 only with a parent or guardian’s written consent.¹⁹⁸

188 “Child Labor in the Cotton and Textile Sectors,” Alejandro Plastina, International Cotton Advisory Committee, 2009. Available at: https://www.icac.org/cotton_info/speeches/plastina/2009/child_labor_lodz.pdf, accessed April 25, 2014.

189 ILO High Level Mission Report on the Monitoring of Child Labor 2013, paragraph 24, p. 7 of 78.

190 These are: 1. Musculoskeletal injuries from repetitive and forceful movements, and lifting and carrying heavy or awkward loads. 2. Poisoning and long term health problems such as respiratory problems, negative effects of pesticides on central nervous system, heart, liver, kidneys, reproductive function. Endocrine system and fast metabolism disorders, manifested abnormalities due to body-size ratio, skin burns, eye irritation, and mouth irritation from overuse of fertilizers. 3. Acute skin irritation from handling tough fibers and leaves. 4. Injuries from contact with, or entanglement in, unguarded machinery or being hit by motorized vehicles. 5. Symptoms of skin cancer and heat exhaustion due to sun exposure. ILO High Level Mission Report on the Monitoring of Child Labor 2013, Annex A, p. 21.

191 For a detailed overview of protection of the rights of the child and protections against child labor in Uzbek law, see: National Laws of Uzbekistan, Child Rights International Network, available at: <http://www.crin.org/en/library/publications/uzbekistan-national-laws>; Какие различия существуют между детским трудом и принудительным трудом? [“What Are the Differences Between Child Labor and Forced Labor?”], October 29, 2013, available at: <http://tashabbus.com/razlichiya-mejdu-detskim-trudom/> and ILO Report Annex A, p. 27.

192 Constitution of the Republic of Uzbekistan, Art. 37, available at: <http://www.gov.uz/en/constitution/>.

193 The terms “child” and “children” are used in this report to refer to persons under age 18, in accordance with Uzbek law and international standards.

194 The Law on the Protection of the Rights of the Child of the Republic of Uzbekistan, Art. 10.

195 Labor Code of the Republic of Uzbekistan, Art. 241.

196 The Law on the Protection of the Rights of the Child, Art. 20

197 Law on the State Youth Policy Framework of the Republic of Uzbekistan, Art. 8.

198 The law on the protection of the rights of the child, Art. 20

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