

Report to the UN Human Rights Committee, 98th Session, Committee on Civil and Political Rights regarding Uzbekistan's failure to implement Article 8 of International Covenant on Civil and Political Rights regarding Forced Labor and Involuntary Servitude

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I. Submitting Organizations :

This report is submitted on behalf of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), the American Federation of Teachers (AFT), American Center for International Labor Solidarity, Freedom House, International Labor Rights Forum and the National Consumers League

The AFL-CIO is a federation of 57 national and international labor unions. The AFL-CIO represents 11.5 million members, including 3 million members in Working America, its community affiliate. Lead contact: Stanley Gacek, Associate Director, International Department, sgacek@aflcio.org.

The American Federation of Teachers, AFL-CIO, is a US trade union representing 1.4 million members. As a leader in Education International and co-chair of the US Child Labor Coalition, the AFT promotes policies and programs that eradicate the worse forms of child labor globally and puts children in the classroom where they are they are afforded the opportunity of becoming full participants in the social and economic development of their communities. Lead contact: Antonia Cortese, Secretary-Treasurer, acortese@aft.org/

The American Center for International Labor Solidarity is the international technical assistance organization associated with the AFL-CIO and promotes worker rights around the globe. The Solidarity Center has offices in 25 countries and has programs in 67 countries worldwide. Lead contact: Timothy Ryan, Regional Program Director Asia-Europe, tryan@solidaritycenter.org.

Freedom House is an independent watchdog organization that supports the expansion of freedom around the world. Freedom House supports democratic change, monitors freedom, and advocates for democracy and human rights. Lead contact: Sam Patten, Senior Program Manager for Eurasia, patten@freedomhouse.org.

The International Labor Rights Forum is a non-profit advocacy organization advocating for just and humane treatment for workers worldwide, including an end to child labor, forced labor, discrimination in the workplace and obstacles to the right to organize. Lead contact: Bama Athreya, Executive Director, bama.athreya@ilrf.org.

The National Consumers League is a private, nonprofit advocacy group representing consumers on marketplace and workplace issues. NCL provides government, businesses, and other organizations with the consumer's perspective on concerns including child labor, privacy, food safety, and medication information. Lead contact: Reid Maki, Director of Social Responsibility and Fair Labor Standards, reidm@nclnet.org.

II. Relevance of Submission to 98th Session Review of Uzbekistan

In the upcoming 98th session in March 2010, the Government of Uzbekistan implementation of commitments to the ICCPR will be reviewed. The submitting organizations respectfully note that among rights detailed in the ICCPR are freedom from compulsory labor and involuntary servitude. Article 8 of the ICCPR states that 1) No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited; 2) No one shall be held in servitude; 3) No one shall be required to perform forced or compulsory labour. .

The Government of Uzbekistan has reported on its obligations to this article as follows, in its submission of March 31, 2008 (relevant excerpts only):

477. Although Uzbekistan is not a party to the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, the core provisions of the Convention are observed in Uzbek territory. A ban has been imposed on forced and involuntary labour.

478. Article 37 of the Constitution contains a provision to the effect that everyone has the right to work, to free choice of work, to fair working conditions, and to protection against unemployment in accordance with the procedures established by law.

479. Forced labour, except in execution of a court sentence or in other instances specified by law, is prohibited.

480. Labour relations are governed by the rules laid down in the Labour Code. Article 6 prohibits discrimination in employment relations: "All citizens have equal opportunities to acquire and exercise labour rights. The imposition of any restrictions or the granting of privileges in labour relations on grounds of sex, age, race, nationality, language, social origin, property or official status, attitude to religion, opinions, membership of civil society associations or other circumstances unrelated to a worker's professional qualities or the results of his work is not permitted and constitutes discrimination. Differences due to the inherent requirements of the work concerned or the special care extended by the State to persons requiring a greater measure of social protection (women, minors, the disabled and others), do not constitute discrimination. Anyone who considers that he or she has been subjected to discrimination at work may request a court to remove the discrimination and order compensation for the material and moral harm suffered".

483. On 15 January 2007 the Government adopted the National Programme of Action for the Welfare of Children, together with an array of implementation measures providing for the formulation and introduction of practical arrangements for monitoring child labour and for ratification the Minimum Age Convention (No. 138) and the Worst Forms of Child Labour Convention (No. 182). The Legislative Chamber of the Oliy Majlis has now taken a decision to ratify these two ILO Conventions and has transmitted the matter to the Senate for approval.

484. On 7 January 2008 Uzbekistan adopted, on the recommendation of the Committee on the Rights of the Child, the Rights of the Child (Safeguards) Act, which incorporates virtually all of the provisions of the Convention on the Rights of the Child. Article 10 of this Act stipulates that the State must protect children against all forms of exploitation, including physical, mental and sexual aggression and torture and other cruel, harsh or degrading forms of treatment, as well as against soliciting for sexual purposes and involvement in criminal activities or prostitution.

485 In order to protect children's rights, freedoms and legitimate interests and to coordinate the work of State and other bodies, the Act provides for the establishment of an official children's rights agency (Children's Ombudsman).

486. Uzbekistan's legislation prohibits all forms of forced labour. Forced labour, i.e. coercion to perform work under threat of some kind of punishment (including as a means of maintaining labour discipline), is prohibited. Work is not deemed forced labour when it is required under a legislative act, as part of military or alternative service, during a state of emergency, under a final sentence of a court, or in the other cases prescribed by law.

Notwithstanding this submission the following additional information was requested by the Human Rights Committee at its 96th session in Geneva, 13 – 31 July 2009 (relevant excerpt only):

Elimination of slavery and servitude and child labor (arts. 8, 24)

Please provide information on the effectiveness of the steps taken by the State party to enforce the legal provisions (Rights of the Child [Safeguards] Act of 2008) aimed at eradicating child labor, including very young children e.g. in the cotton industry (previous concluding observations, para. 25).

The Government of Uzbekistan has and continues to engage in repeated, serious and direct violations of Convention 105. As a matter of state policy and enforced by various forms of punishment, the Government systematically mobilises both school-aged children and adults to work in the annual cotton harvest for purposes of economic development. In addition to the forcible nature of the work, workers are working in extremely exploitative, harmful and sometimes life threatening conditions, paid too little, sometimes resulting in debt bondage.

III. The Government of Uzbekistan Continues to Mobilize Children, Youths and Adults as Compulsory Labor in its Annual Cotton Harvest

Uzbekistan is the world's sixth largest producer of cotton, and the third largest exporter. For decades, it has used the forced labor of its schoolchildren starting in the early primary grades, college and university students, and civil servants, to harvest that cotton by hand. Unlike child labor in agricultural sectors in some other countries, this practice is organized and controlled by the central government. Each fall, shortly after the start of the school year, the government orders schools to close and school administrators to send the children out to the fields, where they remain until the cotton harvest is brought in.

Under pressure to meet centralised cotton production quota, local administrators shut down rural and some urban schools for up to two months, with tacit consent and endorsement of the Ministry of General Education and the central government. Head-teachers are issued with cotton harvesting quota, which are subdivided among teachers and then among the schoolchildren in each class.¹ Children failing to meet their cotton harvesting quota are threatened with expulsion from schools and their families are subject to pressure and intimidation.² Although local authorities have said that children are picking cotton voluntarily out of patriotic feelings, university authorities and school principals force students to join farmers in the fields in the beginning of the season. "If you fail to show up at the cotton field, you will be kicked out of the university or you may pay \$100 to the faculty dean" said a student at the Tashkent Agricultural University.³ Similar testimonies have been gathered during the 2007, 2008 and 2009 harvest seasons. Estimates prepared by Uzbek human rights defenders working regionally suggest that around 200,000 children may be involved in cotton harvesting in the Ferghana region alone, and an additional 60,000 in Jizzakh province. There are 13 provinces in Uzbekistan, all cotton growing, and field observations suggest that none of them is excepted from the ongoing practice of mobilizing school children and college students to pick cotton against their consent. Testimony from interviews with the children and adults in the region confirms that the labour is coerced and compulsory.

In 2005 the Environmental Justice Foundation (EJF) reported forced child labour by school children to up to three months.⁴ An independent survey conducted by Uzbek human rights advocates in late 2006⁵, a new study of the EJF⁶, and reports from human rights advocates within Uzbekistan published by the International Labor Rights Forum (ILRF) in 2008 and 2009⁷ all contained direct evidence of the use of forced labour in

¹ IWPR investigation into Uzbekistan cotton 10.12.2004 cited by Ibid.

² Ibid.p.4

³ Report by the Human Rights Group Veritas

⁴ *White Gold: The True Cost of Cotton; Uzbekistan, Cotton and the Crushing of a Nation*. Environmental Justice Foundation, 2005. London, UK

⁵ Group of Human Rights Defenders and Journalists of Uzbekistan, "Forced Child Labour in Uzbekistan's 2007 Cotton Harvest: Survey Results", April 2008.

⁶ EJF, 2009: Still in the Fields: The continuing use of state-sponsored forced child labour in Uzbekistan's cotton fields; Environmental Justice Foundation, London, UK, 2009.

⁷ "Pick All the Cotton: Update on Uzbekistan's Use of Child Labor in 2009 Harvest," A group of human rights defenders in Uzbekistan in cooperation with the International Labor Rights Forum, Washington, DC,

Uzbekistan. A recent report by the EJF confirmed the continuing use of state-sponsored forced child labour in Uzbekistan's cotton fields with information on the 2008 harvest. The report mentions threats, beatings and detention for those failing to meet their picking targets, children missing up to three months education as their schools are closed and inhumane working conditions and accommodation leading to exhaustion, serious injuries and illness with a number of reported deaths as a consequence.⁸

In its 2006, 2007 and 2008 reports the US Department of State affirmed that the Government of Uzbekistan did not effectively implement laws and policies to protect children from exploitation in the workplace despite government decrees prohibiting those under age 18 from engaging in manual cotton harvesting and other jobs with unhealthy working conditions. The 2008 State Department's Trafficking in Persons report released in June 2009 also confirmed and reinforced findings from previous years that men and women are trafficked for the purpose of forced labour in agriculture. In the report of 2009 it is stated that "Uzbekistan did not make significant efforts to eliminate the use of forced labour of adults and children in the cotton harvest and did not make efforts to investigate, prosecute or convict government officials complicit in the use of forced labour during the harvest".⁹

Adults are also subject to forced labour during the cotton harvest. Local administration employees, teachers, factory workers and doctors are commonly forced to leave their jobs for weeks at a time and pick cotton with no additional compensation. In some instances refusal to co-operate can lead to dismissal from work.

Neighbourhood committees are allegedly enlisted to ensure the implementation of these orders. Human rights activists reported that interviews they held with *Mahalla* (area division) chairmen in Fergana, Khorezm and Surkhandarya regions confirmed that failure to recruit 30 to 40 residents to work in the cotton harvest would result in their having to pay bribes of around 70-80,000 sums (US\$65-75) to local authorities. Violence and beatings have also been meted out by those working for *hokims* (regional governors) when too few local people have been conscripted to the fields.¹⁰

In 2008 in the Samarkand region the authorities temporarily closed down food and clothes markets to force traders to pick cotton. Each morning the police forced the market traders and shoppers out of the market, and patrol drivers were reportedly travelling through the region to drive cotton pickers to the fields. They reportedly also sometimes force drivers and their passengers to pick cotton in nearby fields for no pay. Women -

December 4, 2009 available at <http://www.laborrights.org/sites/default/files/publications-and-resources/UzbekCottonFall09Update.pdf>; also "We Live Subject to Their Orders': A Three-Province Survey of Forced Child Labor in Uzbekistan's 2008 Cotton Harvest," A group of human rights defenders in cooperation with the International Labor Rights Forum, Washington, DC, June 4, 2009 available at <http://www.laborrights.org/stop-child-labor/cotton-campaign/uzbekistan/resources/10811>

⁸ EJF, 2009: Still in the Fields: The continuing use of state-sponsored forced child labour in Uzbekistan's cotton fields; Environmental Justice Foundation, London, UK, 2009.

⁹ US Department of State: "Trafficking in Persons Report", June 2006, 2008, 2009.

<http://www.state.gov/g/tip/rls/tiprpt/2007/82807.htm>

¹⁰ *Cotton idiocy growing strong*, Uznews.net, 29.10.2008, http://www.uznews.net/news_single.php?lng=en&cid=2&sub=top&nid=7862

including mothers at home with young children and babies - claimed that local officials warned them that they would lose their child benefit payments if they did not pick cotton.¹¹

Forced child labour has a substantial negative impact upon the education of the country's rural schoolchildren as from the age of seven, children living in rural areas can expect to lose up to three months of their education every year as they are sent to the fields. This represents a loss of up to one third of the time available for study each year. Rural children are said to lag behind their urban peers in schooling, due to participation in the cotton harvest. According to UNDP's 2006 Human Development Index (HDI) report, indicators of life expectancy, access to improved sanitation and water along with education have been constantly decreasing in Uzbekistan. The HDI for Uzbekistan is 0.696, which gives Uzbekistan a rank of 113 out of 177 countries.¹²

For their arduous work, children are paid very little or nothing. Students are assessed the cost of their meals which in practice may leave the students in debt by the end of the harvest season.¹³ As one Uzbek human rights activist explained, the small amount of money that children earn through cotton harvesting is taken by the government to compensate for food, transport and accommodation provided, which is charged as debt to the children throughout the period of the harvest.¹⁴ As a result some child workers are in fact placed in debt bondage by the state.

Due to continued international attention to, and criticism of, Uzbekistan's practice of forced child labor, the authorities have sought to minimize the publicly visible evidence of their involvement in the practice during the September – November 2009 harvest.¹⁵ Thus they stopped overseeing the safe transport of children to and from the cotton fields. Unless they brought drinking water from home, children were forced to drink unhealthy water from canals and ditches. They ate their food sitting on the grounds beside the cotton fields, where pesticides and herbicides are widely used. There were no medical personnel attending to their health needs and the physicians themselves have also been mobilized to pick cotton. This year it was nearly impossible for children to obtain permission to leave the cotton fields even for reasons of illness or poor health.

While in many developing countries child labor is driven by poverty, in Uzbekistan the situation is entirely different. There is evidence that senior officials of the Government of Uzbekistan ordered that Uzbek schoolchildren be forced to work in the cotton fields. The orders to mobilize schoolchildren during the 2009 harvest were documented to originate from local governments, which in turn received instructions from the central authorities in Tashkent. All these instructions were given orally.

¹¹ *Elderly people, breastfeeding women ordered to pick cotton in Samarkand Region*, Uznews.net, 16.10.2008

¹² <http://hdr.undp.org/hdr2006/pdfs/report/HDR06-complete.pdf>

¹³ Ezgulik Human Rights NGO report 2006.

¹⁴ EJF interview with Galima Bukharbaeva, Uzbek human rights campaigner (March 2005) cited by Ibid.n.4

¹⁵ "Pick All the Cotton: Update on Uzbekistan's Use of Child Labor in 2009 Harvest."

On September 22, 2009, Prime Minister Shavkat Mirziyayev held a conference call with local officials, prosecutors, police chiefs, and farmers in all of Uzbekistan's regions. He instructed local governors to arrange a so-called "*khashar*," which is a form of forced labor, the practice of which has been known since Soviet times.¹⁶ Initially, the cotton harvest "*khashar*" was expected to last until October 12, but was later extended a number of times. In practical terms, this meant that all schoolchildren, college students, and local civil servants in cotton growing provinces were subject to "conscription." Such conference calls took place every 15 days at the initiative of the Prime Minister, who is charged with overseeing Uzbekistan's agricultural sector. During these conference calls, Mirziyayev instructed local governments and farmers when to begin certain agricultural tasks such as seeding, weeding, using pesticides and defoliants, harvesting, etc. This style of governance suggests that little has changed since the times of the Soviet *kolkhozes* and *sovkhozes*.

According to a farmer in the Bukhara region, in early October all farmers received a telegram signed by the Prime Minister stating that: "By October 15 of this year, all farms that have not fulfilled their contractual obligations for the sale of raw cotton will be singled out. Separate explanatory talks will be held with those farmers who have not fulfilled the harvest plan. Above all, the harvesting of cotton must be organized using each hour of clement weather. *Khokims*, prosecutors and departments of internal affairs of districts must take under control those farms where cotton has not been picked and organize the final cotton harvest. In those cases where farms have not complied with their contractual obligations, a schedule will be made to levy damages from them. Under the law, their land lease will be revoked." According to this farmer, other farmers and local officials responded to this threat by keeping schoolchildren in the fields longer than previously planned in order to fulfill the plan.

There were also reports that local administrations created divisions charged with mobilizing schoolchildren and their teachers to participate in the cotton harvest. Human rights activists reported that in Angren city the headquarters for the campaign to mobilize schoolchildren and university students to participate in the cotton harvest was based at the city *khokimiyat's* (local administration) department of education. In another example reported on the website Ferghana.ru, on September 27, more than one thousand students of Bukhara State University were forcibly sent to pick cotton under threat of expulsion. A signed and sealed letter sent to students who failed to show up for the harvest stated that:

"In accordance with the Presidential Decree of August 20, 2008, 'On the Organization and Conduct of the Cotton-Harvesting Campaign' and in accordance with directives from local administrations, the participation of students in the cotton harvest is considered 'practical training in the autumn fields'. Students who do not take part in field work without valid reason will be expelled. In connection with this, I urge you to appear immediately for the cotton harvest. Otherwise, I

¹⁶ The term "*khashar*" means voluntary, collective work done for the sake of the common good or to help out one's neighbors, a practice that is in keeping with Uzbek tradition. However, the Uzbek regime exploits the concept to put a positive spin on its policy of forced labor, which contravenes international conventions to which it is a signatory, as well as its own constitution.

warn you that you could face expulsion. S.S. Raupov, Dean of the Humanities Faculty of the Bukhara State University."

In 2009, the government of Uzbekistan became increasingly hostile toward efforts to gather information about its child labor practices, and increasingly hostile toward international proposals for an assessment or technical assistance mission by the ILO. Under ILO procedures, international employers and trade unions brought forward information related to forced labor in Uzbekistan's cotton sector and requested an ILO review of the country's compliance with its commitments to ILO conventions on forced labor (Nos. 29 and 105). International union and employer representatives were prepared to discuss Uzbekistan and ILO Convention 105 as one of 26 individual country cases to be reviewed by the Committee on the Application of Standards at the ILO's annual International Labour Conference in June 2009. Despite promises by some Uzbek officials to engage with ILO procedures, the Government of Uzbekistan failed to register a delegation to attend the June conference, and thus the case could not be placed on the agenda. However, after the conference began, representatives from the Government of Uzbekistan did appear, and made a floor statement denying that the problem was pervasive or that it was government-orchestrated, claiming instead that it was perpetuated by ignorant families. Instead of seeking ILO engagement to develop appropriate strategies to implement its ban on child labor, the Uzbek government chose to deny the problem and once again refused to invite an ILO assessment mission to observe the fall 2009 harvest.

IV. Conclusion

It is the state policy of the Government of Uzbekistan to systematically require persons to work in the cotton fields against their will, under the threat of a penalty and in extremely perilous conditions for the purposes of the country's development. Even if the forced labour in the cotton field were not the result of a *de jure* state policy, the Government of Uzbekistan still violates Convention 105 for failing to ensure the effective observance of that convention. Contrary to the recent assertions by the Government that it has taken action to ban this practice, including the ratification of ILO Convention 182 on the Worst Forms of Child Labour and the creation of a National Action Plan on Child Labour, multiple credible reports from Uzbek human rights defenders and independent media showed that forced labour was once again used during the September- November 2009 cotton harvest season. There is a vast disparity between legal commitments made to eradicate forced labour and their practical implementation.

We recommend that the Human Rights Committee raises this issue with the government of Uzbekistan and make a special subject of concern the gap between Uzbekistan's legal commitments and the daily practices with regards to forced child labor. He Committee should encourage the government of Uzbekistan to closely cooperate with the International Labour Organization and invite it for technical assistance.