Dear Sirs,

The International Organisation of Employers (IOE) hereby submits to the Committee of Experts on the Application of Conventions and Recommendations for its due consideration information concerning the violation by the Government of Uzbekistan of the Forced Labour Convention, 1930 (No.29) and the Abolition of Forced Labour Convention, 1957 (No.105).

The present submission is made in order that the Committee of Experts may have a better knowledge and understanding of the realities concerning the continued violations of the referred Conventions by the Government of Uzbekistan.

I. INTRODUCTION

Uzbekistan has been a member of the ILO since 1993 and has ratified 12 ILO Conventions —among them six of the eight Fundamental ILO Conventions, including the Forced Labour Convention, 1930 (No.29) and the Abolition of Forced Labour Convention, 1957 (No.105), which it ratified in 1992 and 1997 respectively. The latest Fundamental ILO Convention ratified by Uzbekistan (on 24 June 2008) is the Worst Form of Child Labour Convention, 1999 (No.182), which will enter into force in June 2009. In addition, the national laws of Uzbekistan prohibit the use of forced labour.

The legal framework against the use of forced labour exists in Uzbekistan. Despite this fact, there are continued non-governmental organizations and media reports denunciating the systemic and persistent use of forced labor, including forced child labor, in the cotton fields of Uzbekistan.
Many companies and their suppliers affiliated to IOE member federations are working to support human and workers' rights in their areas of operation and influence. They are committed to sourcing and doing business in countries respectful of human and worker rights. This commitment is demonstrated through their compliance with national law, but also the implementation of their supplier codes of conduct which guide them to source in countries and with business partners that follow workplace standards consistent with international labor standards. Consistent with this commitment to human and worker rights, a number of multinational brands and retailers have decided to prohibit the use of cotton sourced from Uzbekistan in the production of their products until there is clear evidence that action is being taken to eliminate the use of forced child labor in the Uzbek cotton industry.

Uzbekistan is a dry, landlocked country of which 11% consists of intensely cultivated, irrigated river valleys. More than 60% of its population lives in densely populated rural communities. Uzbekistan is now the world's second-largest cotton exporter and fifth largest producer; it relies heavily on cotton production as the major source of export earnings. Its cotton is considered to be of the highest quality which makes it most valuable to numerous companies. Annually, Uzbek cotton exports generate over U.S. $1 billion through the export of over 900,000 tons of cotton. This income is vital to the Uzbekistan’s economy, representing around 20 percent of the country’s exports. Cotton, in this context, has accounted for over 15 percent of the country’s Gross Domestic Product (GDP) in recent years. Consequently, any action by companies affiliated to our members to limit or exclude the use of Uzbek cotton harvested by forced labor in the production of merchandise could have extreme consequences for the Uzbek government and its ability to meet the social and economic needs of Uzbekistan and its people.

In the present submission, the IOE alleges that the Government of Uzbekistan has failed to secure observance within its jurisdiction of Article 1 (1) and Article 2 of Conventions No.29 and Article 1(b) of Convention No.105. The submission is made based on the following facts:

II. FACTS

The cotton monoculture in Uzbekistan, at the expense of all the other crops, is a legacy inherited from the former Soviet Union. The Soviet regime had designated certain of its republics as highly specialized producers of certain commodities. Uzbekistan was designated as a major producer of raw cotton. In order to expand the production of cotton in Uzbekistan, the Soviet Administration increased its planted acreage with massive irrigation and intensive use of fertilizers. This led to the forced labour of millions of people on state-owned farms. In the 1930s, thousands of special settlers (Karachais, Crimean Tatars, Meskhetian Turks, Russian Germans and many others) were deported to Central Asia and were forced to cultivate cotton.

The mass mobilization of children as from the age of 14 was one of the characteristics of cotton production during the Soviet regime. Public employees, including doctors, teachers, accountants and many others, were also mobilized and forced to harvest cotton.

The UK-based Environmental Justice Foundation (EJF), a non-profit advocacy organization, reported in late 2005 that every year hundreds of thousands of Uzbek schoolchildren, are forced by the Government of Uzbekistan to work in the national cotton harvest for up to three months. This report was substantiated by extensive interviews with individuals forced to work on the cotton harvest and with video footage. Field research by the International Labor Rights Forum (ILRF), conducted in the Ferghana Valley during the cotton harvest season in late 2005, further substantiated the descriptions of forced labour contained in the EJF report. Estimates of the number of children range from half a million to one and a half million.

In April 2006, the UN Committee on the Rights of the Child stated in its concluding observations that it is “deeply concerned at the information about the involvement of the very many school-age children in the harvesting of cotton resulting in serious health problems such as intestinal and respiratory infections, meningitis and hepatitis.” The Committee recommended the Government of Uzbekistan that it take all measures to comply with international child labor standards and establish mechanisms to monitor the situation.

Forced child labor was also mentioned by the Committee on Economic Social and Cultural Rights in its concluding observations for Uzbekistan. It stated: “The Committee is concerned about the persistent reports on the situation of school-age children obliged to participate in the cotton harvest every year who, for that reason, do not attend school during this period.”

Importantly, the US Department of State also affirms that the Government of Uzbekistan does not effectively implement laws and policies to protect children from exploitation in the workplace. According to its 2006 report:

A 2001 Government decree prohibits those under age 18 from engaging in manual cotton harvesting and other jobs with unhealthy working conditions; however, in rural areas children often helped to harvest cotton and other crops. The large-scale compulsory mobilization of youth and

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3 At a 2006 regional trade unions conference of EVROZES countries on issues of employment and labour migration, the Council Federation Chair, stated that 1,641,690 school-children in grades 5 to 11 were regularly used for cotton picking.
4 Concluding Observations of the Committee on the Rights of the Child: UZBEKISTAN, Forty-second session. CRC/C/UZB/CO/2, 2 June 2006
5 UZBEKISTAN. Concluding observations of the Committee on Economic, Social and Cultural Rights E/C.12/UZB/CO/1, 24 January 2006, Thirty-fifth session
students to help in the fall cotton harvest continued in most rural areas. Such labour was poorly paid. There were occasional reports from human rights activists that local officials in some areas pressured teachers into releasing students from class to help in the harvest and, in many areas, schools closed for the harvest.\(^6\) (emphasis added)

The State Department’s Trafficking in Persons report released in June 2008 also confirmed and reinforced findings from previous years that men and women are trafficked for the purpose of forced labour in agriculture.\(^7\) Forced labour has a substantial negative impact upon the education of the country’s rural schoolchildren. Rural children are said to lag behind their urban peers in schooling, due to participation in the cotton harvest.\(^8\) Adults are also forced to plant and harvest cotton. According to the International Crisis Group (ICG), because there is no competition among buyers and the State is effectively the sole purchaser of cotton, farmers do not even achieve yields that allow them to break even on the cost of their inputs. The reason why farmers continue to plant, according to the ICG and others, is that farmers are not free in their choice of crops, and must plant up to 98 percent of their land with State-ordered crops. Failure to follow these directives may result in cutting off of water or in repossession of farmland by the Government.\(^9\)

The practice of compelling farmers to plant and harvest cotton was confirmed anecdotally by a New York Times reporter in June 2008.\(^10\) The article states:

Though the industry was rearranged several years ago to break the Soviet-era collective farms into private plots, the price paid for cotton is still set by the Government, as are the quotas for how much to grow. The State price is set at less than one quarter of the world market price. As yields decline and government prices remain low, farmers say that profits are increasingly elusive, and in some areas farmers have begun to abandon their fields. . . . As in Soviet times, production plans are not closely coordinated with the realities on the ground, and in Jizzax the local authorities, whose jobs depend on fulfilling quotas, have started to force bad fields — about a third of the cultivated land area in the region, according to local statistics — onto State institutions such as the post office, the State pension fund and schools, three farmers there said. Those, in turn, are forced to farm the land or to pay cash to satisfy the quota.


“Jizzax is an experiment,” said one of the farmers, who asked that his name not be published to avoid trouble with local officials. He provided a document for a plot of land that had been abandoned by a farmer and was now the responsibility of a local school. Farmers who did not meet quotas were fined and even taken to court, as was the case in April with 89 farmers.

“Farmers have no rights,” he said. “They are just ordered around by the Government.”

The farmers who are fined must pay with cash, which forms the heart of a cycle of corruption that has enriched officials for generations. Those officials, envied and vulnerable to charges of corruption, change with the seasons: in Jizzax, there have been five heads of the main cotton processing factory since 2000, the farmers said. 11

In September 2008, the Uzbek Prime Minister Shavkat Mirziyayev has signed a decree that puts a ban on using child labor in cotton plantations in Uzbekistan and approves a National Action Plan to eradicate forced child labor. This move of the Uzbek government, could be considered as a positive reaction to the constant pressure of international NGO’s and the world’s business community on the Uzbek government, including a group of industry associations which had begun to exclude Uzbekistan as a source for cotton goods. However, it remains uncertain if the implementation of these recently adopted measures will be sufficient to address these deeply rooted practices.

III. CONCLUDING REMARKS

As stated above, Uzbekistan has ratified six of the eight Fundamental ILO Conventions, including Conventions Nos.29 and 105.

Contrary to the provisions of Articles 1 (1) and 2 of Convention No.29, it has been the state policy of the Government of Uzbekistan to require persons to work in the cotton fields against their will and under penalty. Moreover, against the provisions of Article 1 (b) of Convention No.105, as described above, forced labor, including forced child labor, in the cotton harvest is both tolerated and promoted by the State as a means of mobilizing and using labor for purposes of economic development, even if of temporary nature. In addition, Uzbekistan’s forced labor practices do not qualify as an exception from Convention No.29 general prohibition on the use of forced or compulsory labor. The practices fail to satisfy any of the following five narrow exceptions allowed under the Convention: compulsory military service; normal civic obligations; labor as punishment for duly convicted prisoners; work carried out in circumstances of emergency threatening the population; and minor communal service.

11 Ibid.
While acknowledging recently adopted steps by the Government towards the eradication of forced labor and in particular forced child labor in the cotton harvest, the implementation of those steps remains to be proved. On the other hand, the joint decision by IPEC headquarters and the Subregional Office in Moscow to temporarily close the IPEC project office in Uzbekistan does not add much hope to resolve the alleged serious issues.

Through this submission, the IOE would like to provide to the Committee of Experts a clear picture of the continuous violations of Conventions Nos.29 and 105 incurred by the Government of Uzbekistan so that the Committee can take them into consideration when drafting its comments on the application of these Conventions by the Government of Uzbekistan.

The IOE hopes that the Government of Uzbekistan would be encouraged to take urgent action to end the practice of forced labor, including child labor, in cotton fields and to invite the ILO to provide an objective assessment of the nature, causes, extent, and impact of forced labor in the cotton fields in Uzbekistan.

Yours sincerely,

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Secretary-General

cc: Daniel Funes de Rioja
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