



# International Labor Rights Forum

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**April 29, 2014**

**Testimony by Brian Campbell, Director of Policy and Legal Programs**

**before the United States House of Representatives, Committee on Foreign Affairs,  
Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations,**

**Hearing “Effective Accountability: Tier Rankings and the Trafficking in Person's Report” and  
the government of Uzbekistan**

## **I. Introduction**

The evidence presented in today's testimony is possible only through sacrifices made by hundreds of Uzbekistan citizens who risk their lives year after year to fight against the mass crimes the Government of Uzbekistan is committing against its own people. Equipped only with pen, paper, cameras and specialized training in monitoring and interview methodologies, human rights defenders across Uzbekistan band together in networks to anonymously and effectively gather as much evidence as possible about the Government of Uzbekistan's forced labor system. Then, at great risk to them and their families, they find ways to get the evidence out of the country to their colleagues at the Uzbek-German Forum in Germany, the Association for Human Rights in Central Asia based in France, and others so the information can be shared publicly.

The evidence collected by the human rights defenders demonstrates clearly and unequivocally that the Government of Uzbekistan's system of forced labor on a massive scale continued unabated in 2013. The Uzbek government continued to compel farmers to cultivate cotton and force both adults and children to pick cotton under threat of punishment.

Last year, the U.S. Department of State placed Uzbekistan in Tier 3 in the *2013 Global Trafficking in Persons Report*. The placement reflected the fact that the government of Uzbekistan failed to meet the minimum standards of the Trafficking Victims Protection Act (TVPA) and continued to organize, orchestrate and benefit from forced labor on a massive scale. The U.S. government waived the restrictions on non-humanitarian, nontrade-related foreign assistance, as prescribed in the TVPA for Tier 3 countries.

The US Department of State's decision in 2013 to allow the automatic down-grade of the Government of Uzbekistan to Tier 3 was vital in convincing the Government of Uzbekistan to drop its long-standing opposition to monitoring of the cotton harvest by the International Labor Organization (ILO). And it was shortly after the State Department's decision was published last June that the Uzbek government finally relented to international pressure and began negotiating with the ILO on the terms of a monitoring mission. While the conditions imposed on the ILO by the Government of Uzbekistan made truly "independent" monitoring impossible because each ILO monitor was accompanied by a team of Uzbek government officials, the ILO was still able to document and report on the serious and continued use of forced labor by the Government of Uzbekistan. The ILO's findings were corroborated in 2013 by the World Bank Inspection Panel, which warned in its findings that the World Bank was investing in projects that could benefit the Government's forced labor system for cotton production.

That said, the Government of Uzbekistan's decision to allow in monitors from the ILO cannot be characterized a meaningful progress by the Government of Uzbekistan toward ending its forced labor system for cotton production. And while we are confident that the ILO will use whatever means it can to impress upon each and every government official that forced labor is crime in violation of international law, we are not hopeful that the Government of Uzbekistan will change and begin taking the first steps toward dismantling its highly profitable forced labor system and holding those who perpetrated these mass crimes accountable.

Therefore, based on the evidence by human rights monitors, and reports from the ILO and World Bank, that the Government Uzbekistan Government continued to impose a forced labor system for cotton production while at the same time denying its existence; and in recognition of the sacrifices made by human rights defenders who risked their lives to fighting against the Government's crimes, we adamantly urge the US Department of State maintain Uzbekistan on Tier 3 and to utilize all the tools at its disposal to bring an end to forced labor in Uzbekistan.

## **II. The Government of Uzbekistan imposed a state system of forced labor to grow and harvest cotton again in 2013.**

In 2013 the Uzbek government continued a state-order system of cotton production underpinned by forced labor. The root causes of forced labor in the cotton industry lie in the system of total government control of the sector. The Government continues to operate a "state order system" or "command economy" for cotton production that is underpinned by an extensive system of state-sponsored forced labor. Use of coercion begins with farmers, increasingly extends to all citizens, and is administered by government officials nationwide.

The Government controls all investment in the cotton sector, monopolizes cotton export sales, and dominates domestic cotton processing.<sup>1</sup> It acquires cotton by means of compulsory state purchase.

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<sup>1</sup> U.S. Department of State Bureau of Economic, Energy and Business Affairs, *2011 Investment Climate Statement – Uzbekistan*, March 2011

Farmers are legally obligated to deliver the cotton they harvest to their local gin, where it is sold to the state cotton ginning association, Uzhklopkoprom (UKP), for less than one third of its value, leaving farmers impoverished.<sup>2</sup> It is estimated that the Government earns over one billion US\$ annually from the cotton harvest.<sup>3</sup>

Farmers are financially and legally unable to manage their land, invest in new technology, or switch from cotton monoculture, even though it negatively affects the yields. Despite a formal transition to private farms in Uzbekistan, ownership of the land remains with the state, and farmers are granted tenancy rights. It is, however, a highly insecure tenancy.<sup>4</sup> The government's contracts with farmers establish a lease of the land averaging 40-60 years, specify the percentage of land on which cotton is to be grown, and define the annual cotton production quota. Percentages and quotas are renewed in the annual issuances of the contracts between the government and each farmer. Upwards of 50% of each farm is designated for cotton production, and many contracts also require another percentage of the farm to be dedicated to wheat production. Uzbek state media confirmed in 2013 that the government continued not to allow farmers to choose the crops they grow, in an announcement that the government would 'award' the most productive farmers with the freedom to grow non-cotton crops.<sup>5</sup> Government monopolies of the input market and cotton sales also burden farmers with significant debt. The government sets prices for farm inputs and outputs and is the sole buyer of cotton from farms and sole exporter of cotton to world markets. By one estimate, farmers' costs exceed returns by 1/3.<sup>6</sup>

Farmers who fail to meet the government-established quota for cotton production face severe consequences, including loss of their land, prosecution on criminal charges and physical punishment. During the cotton harvest, farmers regularly report being scolded, humiliated and even beaten at regular meetings held by *hokims* in which they are supposed to report on their progress in fulfilling their cotton quota.

In May 2013, Yangiyul District Department of Internal Affairs official Aziz Tashpulatov beat 63-year old farmer Tursunali Sadikov for arriving late to a cotton planning meeting, and the elderly farmer died of a

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<sup>2</sup> Environmental Justice Foundation, *Cotton in Uzbekistan*, <http://www.ejfoundation.org/page142.html> and Cotton Campaign and Uzbek-German Forum for Human Rights, "A Systemic Problem: State-Sponsored Forced Labour in Uzbekistan's Cotton Sector Continues in 2012," 2013, pages 13-15, [http://www.cottoncampaign.org/wp-content/uploads/2013/07/SystemicProblem-ForcedLabour\\_Uzbekistan\\_Cotton\\_Continues.pdf](http://www.cottoncampaign.org/wp-content/uploads/2013/07/SystemicProblem-ForcedLabour_Uzbekistan_Cotton_Continues.pdf)

<sup>3</sup> Source: Ministry of Water and Agriculture of the Republic of Uzbekistan, 2012, cited in Uzbek-German Forum for Human Rights, "Cotton: It's not a plant, it's politics – The System of forced labour in Uzbekistan's cotton sector," 2012, page 13, <http://uzbekgermanforum.org/wp-content/uploads/2012/12/cotton-its-not-a-plant-its-politics-online.pdf>.

<sup>4</sup> The School of Oriental and African Studies, University of London, *What has changed? Progress in eliminating the use of forced child labour in the cotton harvests of Uzbekistan and Tajikistan*, London, November 2010, p24

<sup>5</sup> "Uzbek farmers promised benefits for good cotton," *BBC*, 21 October 2013, [http://www.cottoncampaign.org/wp-content/uploads/2013/10/Gazeta\\_21October2013\\_farmers\\_promised\\_benefits.pdf](http://www.cottoncampaign.org/wp-content/uploads/2013/10/Gazeta_21October2013_farmers_promised_benefits.pdf)

<sup>6</sup> Uzbek-German Forum for Human Rights and Cotton Campaign, "A Systemic Problem: State-Sponsored Forced Labour in Uzbekistan's Cotton Sector Continues in 2012," July 2013, p. 14.

heart attack the following morning.<sup>7</sup> In Tashkent region during the harvest, authorities restrained farmers from participating in the weighing of cotton in their own fields, so the farmers had no way of knowing the yield and how much they the state owed them.<sup>8</sup> In October, at least three farmers, Mukhtar Bekimbetov, Anvar Ismoilov and Khamidjon Matrizaev, fled Uzbekistan to avoid arrest and imprisonment for failing to meet their quotas for the cotton harvest.<sup>9</sup> In Surkhandarya, Kizir District Administrator Olim Alimardanov insulted and beat Orif Ruziboyev, 29-year old farmer, for delivering less cotton than expected, on October 5.<sup>10</sup> Safarboy Karimov, a farmer from Karalkalpakstan, committed suicide in his cotton field for fear of the consequences of failing to fulfill his state quota.<sup>11</sup>

## **B. State Organized Mobilization of Labor for the Cotton Harvest**

The cotton harvest is a highly orchestrated affair, controlled and directed by the Government. A clear chain of command ensures the mobilization of the cotton pickers. Reporting directly to the President, the Prime Minister produces the national plan for cotton production, which includes the national production target. The Prime Minister then convenes the Regional Governors (*hokims*) and verbally dictates the cotton production quota for each region. The quotas are then further subdivided and enforced right down through the hierarchy of state institutions. Children and adults are forced to work alongside farmers to ensure that quotas are met.

As in previous years, in 2013 the Uzbek government assigned and enforced cotton production quotas. Regional Governors were held to account by central government for fulfilling their contribution to the national target. At the local level, authorities assigned daily quotas to individuals according to the amount of cotton in the fields. Average daily quotas were:

- Starting in early September, 70 kg of cotton a day;
- October 5 - 16, 60 kg per day;
- October 17 – 22, 40 kg per day; and
- October 23 – November 15, 30 kg per day.<sup>12</sup>

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<sup>7</sup> “В Янгиюле схвачен милиционер, обвиняемый в убийстве фермера,” Radio Free Europe / Radio Liberty “Ozodlik,” 3 May 2013, [http://www.uznews.net/news\\_single.php?lng=ru&cid=38&nid=22628](http://www.uznews.net/news_single.php?lng=ru&cid=38&nid=22628).

<sup>8</sup> Uzbek human rights monitor, September 2013.

<sup>9</sup> Uzbek human rights monitor, October 2013.

<sup>10</sup> “Ҳақоратланган фермернинг кампир онаси Қизириқ ҳокимига этагини кўтарди,” Radio Free Europe / Radio Liberty “Ozodlik,” 9 September 2013, <http://www.ozodlik.org/content/article/25131695.html>

<sup>11</sup> “Farmer commits suicide on cotton field,” *Fergana News*, 20 October 2013, <http://enews.fergananews.com/news.php?id=2743&mode=snews>; “Тўрткўллик фермер қамалишдан кўрқиб, ўзини осди,” Radio Free Europe / Radio Liberty “Ozodlik,” 18 October 2013, <http://www.ozodlik.org/content/article/25140979.html>

<sup>12</sup> Университет ўқитувчиси: 40 кун пахта тердим, тушликни ўйдан ташидим,” Radio Free Europe, Radio Liberty “Ozodlik,” 25 October 2013, <http://www.ozodlik.org/content/article/25148101.html>, English summary: A teacher of Guliston State University picked 30-40 kilograms of cotton per day. Uzbek human rights monitor, 19 October; Uzbek human rights monitor, 20 October; Radio Free Europe, Radio Liberty “Ozodlik,” 10 October 2013, “WhatsApp Пахтакор: “Яна озгина териб беринглар, наварамни Австрияда ўқитволай!,” <http://www.ozodlik.org/content/article/25104210.html>, English summary: Students of Dustlik district, Jizzak region reported that the daily quota of 70 kilograms of cotton must be met to receive any payment, and deductions are taken for food and accommodations; “Ўзбекистан: Ученики колледжей переведены на

Many people were unable to pick enough cotton to fulfil their daily quotas and therefore had to pay farmers or local residents for the cotton they needed to make up the shortfall. In many cases, authorities also passed the cost of transportation and food to citizens sent to pick cotton.<sup>13</sup> Some students reported that school officials under-recorded the weight of cotton delivered.<sup>14</sup> As a result, many people forced to pick cotton contributed both their labor and their money to the state-controlled cotton harvest. Many who struggled to fulfil their cotton quotas also reported suffering verbal abuse, threats of punishment and, in some cases, physical abuse.

### C. State-Orchestrated Forced Labor of Children in 2013

In 2013, the Uzbek government systematically mobilized children aged 16 to 17 and adults throughout the country and 15-year old children in many regions. Authorities also mobilized even younger children in some locations. Forced child labor was organized through the state education system, under threat of expulsion from school.

Children in Uzbekistan enter high schools, known as “colleges” and “lyceums” in the Uzbek education system, at age 15 or 16.<sup>15</sup> According to national statistics, 1.7 million students attended high school in 2012, and over one third of the first-year students were 15 years old.<sup>16</sup> High-school administrators sent their students to prepare the cotton fields in May in the Tashkent region.<sup>17</sup> Beginning in August, high-school administrators around the country – who faced dismissal for failure to mobilize a sufficient number of students to participate in the harvest -- organized groups of students to lobby their peers on the importance of their participation in the nationwide, “voluntary” campaign to harvest cotton.<sup>18</sup> The

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казарменное положение на хлопок отправляют даже нарушителей ПДД,” *Fergana News*, 21 September 2013, <http://www.fergananews.com/news/21226>, English summary: Students from ages 16-18 are being mobilized to pick cotton and assigned daily quotas of 50-60 kilos. The article includes pictures of children in a bus being taken to the harvest and of a place in the town of Buka where students from one high school from another area are being housed while they pick cotton; “Uzbek Government to mobilize state employees for the cotton harvest,” *Fergana News*, 23 August 2013, <http://enews.fergananews.com/news.php?id=2699&mode=snews>, English summary: Tashkent, administrations of public-sector institutions informed staff that they would be required to pick cotton and pay for their travel, alimentation and lodging during the cotton harvest. The daily cotton picking quota told to city residents was 40-60 kilograms.

<sup>13</sup> “Университет ўқитувчиси: 40 кун пахта тердим, тушликни уйдан ташидим,” Radio Free Europe, Radio Liberty “Ozodlik,” 25 October 2013, <http://www.ozodlik.org/content/article/25148101.html>, English summary: He picked 30-40 kilograms of cotton per day and was paid less than \$200,000 soums (\$94), which did not cover the costs of his transportation.

<sup>14</sup> “WhatsApp Пахтакор: “Яна озгина териб беринглар, наварамни Австрияда ўқитволай!” *Radio Free Europe, Radio Liberty “Ozodlik,”* 10 October 2013, <http://www.ozodlik.org/content/article/25104210.html>

<sup>15</sup> United Nations Educational, Scientific and Cultural Organization (UNESCO), “World Data on Education, VII Ed. 2010/11: Uzbekistan,” August 2011, [http://www.ibe.unesco.org/fileadmin/user\\_upload/Publications/WDE/2010/pdf-versions/Uzbekistan.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Uzbekistan.pdf).

<sup>16</sup> Ministry of Education of the Republic of Uzbekistan, 2012, <http://uzedu.uz/rus/info/pokazateli/> (November 2013); “КОЛЛЕДЖИ УЗБЕКИСТАНА В НОВОМ УЧЕБНОМ ГОДУ ПРИМУТ ОКОЛО 500 ТЫСЯЧ УЧАЩИХСЯ,” *12uz.com*, 20 May 2013, <http://www.12uz.com/ru/news/show/education/14319/>.

<sup>17</sup> “In Angren all residents mobilized to weed cotton fields,” *UzNews*, 16 May 2013, [http://www.uznews.net/news\\_single.php?lng=en&sub=usual&cid=2&nid=22737](http://www.uznews.net/news_single.php?lng=en&sub=usual&cid=2&nid=22737).

<sup>18</sup> Uzbek human rights monitor, August 2013.

school administrators also required parents to sign contracts committing their children to pick cotton in order to register them for school.<sup>19</sup> One of these letters stated:

*"I \_\_\_\_\_, the student of course # \_\_\_\_ agree to obey all the internal rules and regulations of the school and to attend all the classes. I also agree to participate in cotton harvesting, the national wealth of our nation and sincerely fulfill my duty in front of my country, my nation and my family. I promise to earn respect of my teachers and administration of the school by my exemplary behavior. I will follow all the safety rules. If I do not fulfill my above mentioned promise, I agree to be left to re- take the course and be penalized by all means showed in the law."*<sup>20</sup>

In spite of the government's all-out effort to portray child labor in the harvest as voluntary, school administrators reported that it was necessary to threaten punishment to ensure that students would pick cotton.<sup>21</sup> In Tashkent region, school administrators sent teachers to students' homes to pressure families to send their children to pick cotton, pay 400,000 – 500,000 soums (\$188 - \$235 USD), or expect expulsion from school.<sup>22</sup> In other regions, school administrators and teachers offered exemptions from the cotton harvest for 300,000-800,000 soums (\$142-\$378).<sup>23</sup> On September 20, the dean of Lyceum No. 2 in Karshi expelled Barhayot Turaev, a 16-year old student, for refusing to pick cotton, indicating that he was following orders from the education department.<sup>24</sup>

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<sup>19</sup> Uzbek human rights monitor, August – September 2013; "Uzbek authorities conceal the true scope of forced labor, including that of children," *UzNews*, 7 October 2013, [http://www.uznews.net/news\\_single.php?lng=en&sub=hot&cid=30&nid=23979](http://www.uznews.net/news_single.php?lng=en&sub=hot&cid=30&nid=23979), English summary: The government authorities are requiring high-school students to signing statements of their volition to work in the cotton harvest, returning high-school students from the fields to their homes prior to the arrival of ILO monitors, and instructing students under age 18 to claim to be older; "Коллеж талабалари "пахтага бораман" деган тилхат ёзишга мажбурланмоқда," *Radio Free Europe, Radio Liberty "Ozodlik,"* 12 September 2013, <http://www.ozodlik.org/content/article/25103653.html>, English summary: Throughout the country, students were required to sign letters stating their agreement to pick cotton, 'to fulfill my duty to my country, my nation and my family,' and acknowledgement to accept punishment if they fail to fulfill this "duty." A high-school staff person confirmed the use of these letters and stated that punishment for not fulfilling the order is necessary to ensure the students pick cotton, as they have each year.

<sup>20</sup> "Коллеж талабалари "пахтага бораман" деган тилхат ёзишга мажбурланмоқда," *Radio Free Europe, Radio Liberty "Ozodlik,"* 12 September 2013, <http://www.ozodlik.org/content/article/25103653.html>, English summary: Throughout the country, students were required to sign letters stating their agreement to pick cotton, 'to fulfill my duty to my country, my nation and my family,' and acknowledgement to accept punishment if they fail to fulfill this "duty." A high-school staff person confirmed the use of these letters and stated that punishment for not fulfilling the order is necessary to ensure the students pick cotton, as they have each year.

<sup>21</sup> "Коллеж талабалари "пахтага бораман" деган тилхат ёзишга мажбурланмоқда," *Radio Free Europe, Radio Liberty "Ozodlik,"* 12 September 2013, <http://www.ozodlik.org/content/article/25103653.html>.

<sup>22</sup> "Police in Angren force children to pick cotton," *UzNews*, 25 October 2013, [http://www.uznews.net/news\\_single.php?lng=en&sub=hot&cid=2&nid=24188](http://www.uznews.net/news_single.php?lng=en&sub=hot&cid=2&nid=24188).

<sup>23</sup> Uzbek human rights monitor, September – November 2013.

<sup>24</sup> Uzbek human rights monitor, English summary: September 20, Karshi, Director of academic lyceum No. 2 expelled the 16-year old student Barhayot Turaev for refusing to pick cotton. Photograph depicts the teacher giving the expulsion note to the student:

<https://www.facebook.com/photo.php?fbid=635208806523144&set=a.600655889978436.1073741826.47535739>

Mass mobilization of children began on September 10 throughout the nation, although the extent and intensity of mobilization varied somewhat from place to place according to how district and regional government officials implemented orders.<sup>25</sup> As in past years, students who were deployed to pick cotton far from their homes were housed in schools and other public buildings, yet more proof of the government's continued, systematic involvement in mobilizing forced child labor. Administrators in the Syrdarya region sent all high-school students to the fields starting on September 12.<sup>26</sup> Of the 2,000 students of the Construction College in Gulistan, Syrdarya, 350 went to pick cotton, and the rest paid 150,000-200,000 soums (\$71-\$94 USD) for exemptions.<sup>27</sup> Jizzak high schools sent their students to pick cotton in Dustlik district in early September.<sup>28</sup> High-school administrators in Tashkent region conducted a mass mobilization of students on September 16.<sup>29</sup> Tashkent municipality staff reported that high schools sent students in shifts, beginning with first-year students (15-16 year olds), followed by second- and third-year students.<sup>30</sup> Andijan high schools sent large numbers of third-year students to pick cotton in early October.<sup>31</sup> School administrators required teachers to mobilize thirty students each to pick cotton and to report uncooperative students to the police.<sup>32</sup> By mid-October, high-school administrators

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[9174953&type=1&relevant\\_count=1](#); "Қаршида пахтага чиқмаган касал талаба ўқишдан ҳайдалди," Radio Free Europe / Radio Liberty "Ozodlik," 21 September 2013, <http://www.ozodlik.org/content/article/25113332.html>, English summary: Students of academic Lyceum # 2 in Karshi city who didn't go to pick cotton are being expelled. Barhayot Turaev, a third-year student at the high school, has a skin disorder, was refused a medical exemption, and was expelled for refusing to work in the cotton fields. The school dean confirmed the policy and stated that the education director had ordered school administrators to follow it.

<sup>25</sup> Uzbek human rights monitor, English summary: 10 September, authorities began the nationwide mobilization of students to the cotton fields; "Қашқадарёда 9 сентябрдан оммавий пахта терими бошланади," BBC, 7 September 2013, [http://www.bbc.co.uk/uzbek/uzbekistan/2013/09/130907\\_cy\\_uzbek\\_cotton.shtml](http://www.bbc.co.uk/uzbek/uzbekistan/2013/09/130907_cy_uzbek_cotton.shtml)

<sup>26</sup> Uzbek human rights monitor, English summary: 15 September, Syrdarya, all high-school students sent to pick cotton, including from Jizzak, Pakhtakor, Zafarabad, Arnasay, Dustlik, Mirzachul, Zarbdor and Zaaminsky; Uzbek human rights monitor, English translation: 12 September, Syrdarya region, all high-school students began picking cotton. A student's mother reported that her daughter picked cotton in the Bayavut district, where they were required to pick 50 kilograms of cotton per day, for which they rise at 6:00 AM and return to their accommodations at 19:00 and 20:00, despite the high temperatures and insufficient drinking water.

<sup>27</sup> Uzbek human rights monitor, English summary: 15 September, Gulistan city, Syrdarya region, the Construction College mobilized its students. Of the 2,000 high-school students, 350 went to pick cotton, and rest paid 150,000-200,000 soums (\$71-\$94 USD) for an exemption.

<sup>28</sup> Uzbek human rights monitor, English summary: September 19, the Jizzak Politechnical Institute sent its adult university students to join the children, students of Jizzak's high schools, to pick cotton at farm No. 11 in the Dustlik district.

<sup>29</sup> Uzbek human rights monitor, English summary: 16-17 September, Angren, Tashkent region, mobilization of high-school students (ages 15-18):

<https://www.facebook.com/media/set/?set=a.633550863355605.1073741828.475357399174953&type=1>

<sup>30</sup> Uzbek human rights monitor, English summary: 25 October 201, Tashkent region, the city municipality reported that the harvest is expected to continue until November 5. High-school students were sent to pick cotton in shifts during October, starting with the first-year students, followed by the second- and third-year students. Some students were obliged to pay the expense of transportation to the cotton fields.

<sup>31</sup> Uzbek human rights monitor, English summary: 7 October, Andijan region, high schools sent a large number of third-year students (ages 17 and 18) to the cotton fields.

<sup>32</sup> "Пахта: Ўқитувчиларга талабаларни топишдек изқуварлар вазифаси берилган," BBC, 17 September 2013, [http://www.bbc.co.uk/uzbek/uzbekistan/2013/09/130917\\_cotton\\_teacher.shtml](http://www.bbc.co.uk/uzbek/uzbekistan/2013/09/130917_cotton_teacher.shtml), English summary: The BBC

in Samarkand had sent all grade levels to pick cotton.<sup>33</sup> Teachers worked as supervisors in the fields; for example, a high-school teacher from Syrdarya region supervised a group of 31 second-year students (16-17 year olds) for ten days, then the school administrator sent another teacher to take his place and ordered him to visit the homes of students who had not gone to pick cotton and send them to the fields.<sup>34</sup>

While the government did not mobilize children under the age of 15 on a national scale, in some places government officials forced children as young as age 10 to work in the cotton fields. Administrators of schools No. 170 and No. 35 of Chiroqchi district, Kashkadarya region suspended class and sent 5<sup>th</sup>- and 6<sup>th</sup>-grade students (ages 10-12) to weed and plough cotton fields in May.<sup>35</sup> Schools in Amudarya district of Karakalpakstan region also sent schoolchildren to weed and plough in May.<sup>36</sup> School administrators sent 7<sup>th</sup>-, 8<sup>th</sup>- and 9<sup>th</sup>-grade students (ages 14-15) to pick cotton in the Kasbi, Konlikol and Turtkol districts of Karakalpakstan, in October.<sup>37</sup> Some schools sent students after Saturday classes; others sent students for 3-4 days at a time, forcing them to miss classes.<sup>38</sup> Administrators of school N16 in Oltinkul

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interviewed a high-school teacher, who reported that they were ordered to pick cotton despite poor health; and they were ordered to coerce 30 students into picking cotton under their oversight. The teachers were instructed to report uncooperative students to police, who would record a list of their names. The target students were the 10-15% who register but work instead of attending school. The teacher also reported visiting a healthcare clinic, where staff instructed everyone the no medical exemptions would be granted, except by the mayor's office. Another teacher reported receiving the orders to recruit and oversee students in the cotton fields.

<sup>33</sup> Uzbek human rights monitor, English summary: 15 October, Samarkand region, high-school students from all grade levels were working in the cotton fields.

<sup>34</sup> Uzbek human rights monitor, English summary: 20 October, Syrdarya region, high-school teacher reported that he began overseeing a group of 31 second-year high-school students since September 12. Of the 966 students of his high school, 450 were sent to pick cotton. The daily cotton pick quota is 60 kilograms. After 10 days, another teacher took over his role as overseer, and he was ordered to visit homes of students who had not gone to pick cotton and to send them to the fields

<sup>35</sup> "Чироқчида ўқувчилар чоппиққа мажбурланмоқда," *Radio Free Europe, Radio Liberty "Ozodlik,"* 23 May 2013, <http://www.ozodlik.org/content/article/24994813.html>, English summary: Chiroqchi district, Kashkadarya region, classes for grades 5-6 at School No. 170 and No. 35 were suspended, and the children ages 10-12 were sent to weed and plough cotton fields.

<sup>36</sup> "Амударё туманида ўқувчилар ёўза чоппиғига чиқарилди," *Radio Free Europe, Radio Liberty "Ozodlik,"* 15 May 2013, <http://www.ozodlik.org/content/article/24987039.html>, English summary: Amudarya district, Karakalpakstan, schoolchildren were sent to weed and plough cotton fields. Jizzak region, teachers and other public-sector workers were forced to work in the cotton fields on the weekends.

<sup>37</sup> "Касби туманида ўқувчилар пахтага ҳайдалди," *Radio Free Europe, Radio Liberty "Ozodlik,"* 4 October 2013, <http://www.ozodlik.org/content/article/25126888.html>, English summary: Kasbi district, Kashkadarya region, schoolchildren of 7th, 8th and 9th grades were sent to pick cotton; "Қорақалпоғистонда мактаб ўқувчилари пахта теримига чиқарилди," *Radio Free Europe, Radio Liberty "Ozodlik,"* 12 October 2013, <http://www.ozodlik.org/content/article/25135028.html>, English summary: In the Turtkol and Konlikol districts of Karakalpakstan, schoolchildren were taken to pick cotton. In the Ordurdiv village, school #9 took 8th and 9th grade students (ages 14-15) to pick cotton on Saturday after classes. In the Konlikol district, most schools took 7th – 9th grade students to pick cotton for 3-4 days, instead of classes.

<sup>38</sup> "Қорақалпоғистонда мактаб ўқувчилари пахта теримига чиқарилди," *Radio Free Europe, Radio Liberty "Ozodlik,"* 12 October 2013, <http://www.ozodlik.org/content/article/25135028.html>, English summary: In the Turtkol and Konlikol districts of Karakalpakstan, schoolchildren were taken to pick cotton. In the Ordurdiv village, school #9 took 8th and 9th grade students (ages 14-15) to pick cotton on Saturday after classes. In the Konlikol district, most schools took 7th – 9th grade students to pick cotton for 3-4 days, instead of classes.



district, Andijan region, sent schoolchildren as young as age 11 to pick cotton in mid-October.<sup>39</sup> Doctors, themselves forced to pick cotton, reported seeing a group of children, apparently ages 12-14, on the edge of a cotton field with collection bags and accompanied by police officers, on October 15.<sup>40</sup> Local authorities ordered school administrators to send schoolchildren to pick cotton in Andijan and Kashkadarya regions in November.<sup>41</sup>

#### **D. State Orchestrated Forced Labor of Adults in 2013**

In 2013, the government's systematic use of adult forced labor affected farmers, public-sector workers, private-sector workers, unemployed citizens and those in receipt of public welfare benefits. Authorities forced pensioners, mothers receiving social benefits and other citizens to pick cotton under threat of losing the social security support on which they depend. Under pressure from authorities in higher positions, administrators of public institutions and private business owners forced their workers to pick cotton under threat of dismissal from their job. University administrators forced students to pick cotton under threat of expulsion from university.

Teachers and other public-sector professionals participated in the cotton harvest to avoid losing their jobs or salary.<sup>42</sup> In May, administrators of schools, hospitals, power plants and other public-sector institutions in Jizzak and Tashkent regions sent teachers, doctors, nurses and other staff to plough and weed the cotton fields.<sup>43</sup> School administrators in Tashkent offered exemptions from springtime field work for 20,000 soums (\$9USD).<sup>44</sup> Earlier in the year, the government had inserted a clause in public-

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<sup>39</sup> Uzbek human rights monitor, English summary: 16 October, Oltinkul district Andijan region, schoolchildren as young as age 11 from school N16 were sent to pick cotton.

<sup>40</sup> Uzbek human rights monitor, English summary: 15 October, Tashkent region, Buka district, doctors reported seeing a group of 15 children approximate ages 12-14, standing at the edge of a cotton field with bags used to collect cotton and accompanied by two police officers.

<sup>41</sup> Uzbek human rights monitor, English summary: November, Andijan and Kashkadarya regions, school children were sent to pick cotton on orders from the local government authorities.

<sup>42</sup> "Volunteering Gone Mad in Uzbekistan," *Institute for War and Peace Reporting*, 7 February 2013, <http://iwpr.net/report-news/volunteering-gone-mad-uzbekistan>; "Is teacher more useful at school or in a cotton field?" *BBC*, 1 October 2013,

[http://www.bbc.co.uk/uzbek/uzbekistan/2013/10/131001\\_cy\\_uzbek\\_teacher\\_day.shtml](http://www.bbc.co.uk/uzbek/uzbekistan/2013/10/131001_cy_uzbek_teacher_day.shtml), English summary: On Uzbekistan's Teachers' Day, a national holiday, President Islam Karimov did not mention the participation of teachers in the cotton harvest. Teachers shared their experiences of picking cotton, managing double workload while colleagues pick cotton, and being fired for reporting on the mobilization for the cotton harvest;

"Университет ўқитувчиси: 40 кун пахта тердим, тушликни ўйдан ташидим," *Radio Free Europe, Radio Liberty "Ozodlik"*, 25 October 2013, <http://www.ozodlik.org/content/article/25148101.html>, English summary: A teacher of Guliston State University picked cotton for 40 days, returning home each night, to avoid losing his salary.

<sup>43</sup> "Амударё туманида ўқувчилар ёўза чопиғига чиқарилди," *Radio Free Europe, Radio Liberty "Ozodlik"*, 15 May 2013, <http://www.ozodlik.org/content/article/24987039.html>, English summary: Jizzak region, teachers and other public-sector workers were forced to work in the cotton fields on the weekends; "In Angren all residents mobilized to weed cotton fields," *UzNews*, 16 May 2013,

[http://www.uznews.net/news\\_single.php?lng=en&sub=usual&cid=2&nid=22737](http://www.uznews.net/news_single.php?lng=en&sub=usual&cid=2&nid=22737).

<sup>44</sup> "In Angren all residents mobilized to weed cotton fields," *UzNews*, 16 May 2013, [http://www.uznews.net/news\\_single.php?lng=en&sub=usual&cid=2&nid=22737](http://www.uznews.net/news_single.php?lng=en&sub=usual&cid=2&nid=22737).

sector contracts making help with agricultural work a condition of employment for all public-sector workers.<sup>45</sup>

In August and September, public-sector administrators organized staff into shifts to pick cotton and docked the salaries of those not selected for field work, purportedly to hire additional workers to pick cotton.<sup>46</sup> Hospitals and other health care institution administrations instructed doctors, nurses and other staff that they would have to pick cotton or contribute approximately half of their salaries to cotton collection during the harvest season or they would be dismissed.<sup>47</sup> Nurses reported that they picked cotton because they could not afford to pay the exemption, which cost more than a month's salary.<sup>48</sup> In Tashkent region, public-sector administrators informed staff that they would be held to a daily cotton-picking quota of 50 kilograms and would have to pay for their own transportation, food and lodging during the harvest.<sup>49</sup> Authorities in Surkandarya and Tashkent regions ordered public institutions and private businesses to pay and arrange accommodations for students forced to participate in the cotton harvest.<sup>50</sup>

The tax inspectorate threatened private business owners with extraordinary investigations if they refused to contribute to the cotton harvest, forcing some businessmen to pay to hire day laborers to pick cotton in their place.<sup>51</sup> In September, local authorities in the Tashkent region, including the

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<sup>45</sup> “Янгийўллик тиббиёт ходимлари пахта яганасига мажбурланди,” *Radio Free Europe, Radio Liberty “Ozodlik,”* 27 May 2013, <http://www.ozodlik.org/content/article/24998716.html>, English summary: Tashkent region central hospital doctors, nurses and other staff were sent to weed cotton fields. A paramedic and head doctor stated that the contracts for the hospital staff included a statement that they would “voluntarily” help with agricultural work.

<sup>46</sup> Uzbek human rights monitor, August – September 2013.

<sup>47</sup> “Шифокорлар бу йил ҳам мажбуран пахтага олиб чиқилади,” *Radio Free Europe, Radio Liberty “Ozodlik,”* 18 August 2013, <http://www.ozodlik.org/content/article/25079622.html>; “Шифокорлар бу йил ҳам мажбуран пахтага олиб чиқилади,” *Radio Free Europe, Radio Liberty “Ozodlik,”* 18 August 2013, <http://www.ozodlik.org/content/article/25079622.html>, English summary: Around the country, hospitals and other health care institution administrations instructed the doctors, nurses and other staff that they would have to pick cotton or contribute approximately half of their salary to cotton collection during the harvest season, or they would be dismissed.

<sup>48</sup> Uzbek human rights monitor, September 2013.

<sup>49</sup> “Uzbek Government to mobilize state employees for the cotton harvest,” *Fergana News*, 23 August 2013, <http://enews.fergananews.com/news.php?id=2699&mode=snews>.

<sup>50</sup> “Uzbek teachers enlisted in preparation for child labour during the cotton harvest,” *UzNews*, 23 August 2013, [http://www.uznews.net/news\\_single.php?lng=en&sub=hot&cid=3&nid=23565](http://www.uznews.net/news_single.php?lng=en&sub=hot&cid=3&nid=23565); “Ҳашарчилар таъминоти ташкилотларга юкланди,” *Radio Free Europe, Radio Liberty “Ozodlik,”* 28 August 2013, <http://www.ozodlik.org/content/article/25089497.html>, English Summary: Surkhandarya region, authorities convened a meeting with heads of public-sector institutions and private companies and ordered them to pay the cost of refurbishing accommodations for people sent to pick cotton. The “Djarkorgonneft” society was responsible for refurbishing a field house with toilets and showers.

<sup>51</sup> “Пахта мавсуми сабаб Тошкентда мардикорларнинг нархи кескин кўтарилган,” *BBC*, 16 September 2013, [http://www.bbc.co.uk/uzbek/uzbekistan/2013/09/130916\\_cotton\\_season\\_mardikors.shtml](http://www.bbc.co.uk/uzbek/uzbekistan/2013/09/130916_cotton_season_mardikors.shtml), English summary: BBC interviewed Sur'at Ikromov, leader of the Action Group of Independent Human Rights Defenders of Uzbekistan. Mr. Ikromov reported that everyone – public sector and private sector – is required to contribute to the cotton harvest. Government tax inspectors threaten private business owners with extraordinary tax investigations to ensure their contribution. Businessmen avoid the field work by hiring day labourers, which transfers the labour cost from the government to the businesses.

Prosecutor's Office and the Tax Inspectorate, convened business owners to present these demands and threaten tax penalties for those who failed to comply.<sup>52</sup> Authorities in Tashkent city gave vendors operating in city parks a choice: pick cotton for forty days in Syrdarya region, pay 1.6 million soums, or expect criminal charges.<sup>53</sup> The Tashkent authorities ordered the city's business owners to transfer money to the Mega Food Store, purportedly to support the purchase of food for cotton pickers.<sup>54</sup> In Surkandarya region, authorities ordered private businesses with ten or more employees to send as much as half of their staff to pick cotton.<sup>55</sup> In September, Trastbank sent one-fifth of its staff, and the Shurtaneftegaz gas exploration company sent shifts of 800 workers to pick cotton.<sup>56</sup> GM Uzbekistan sent 32 people to pick cotton, nine of the company's own employees and the rest hired workers.<sup>57</sup>

Authorities coerced community residents to pick cotton with threats to cut their electricity and social welfare benefits.<sup>58</sup> In Tashkent region, mahalla committees, the local entities responsible for distributing

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<sup>52</sup> Uzbek citizen, Email to noforcedlabor[at]gmail.com, 19 September 2013, English translation: A self-described small businessman in Tashkent reported that received a call from the local administration in the district of Tashkent where his business is registered inviting him to a meeting the next day. When he showed up, he was taken in to see a Deputy Administrator who was accompanied by two men who identified themselves as working for the Prosecutor's Office and the Tax Inspectorate. He was told he needed to contribute two people to the cotton harvest. He explained he only employed four and could not spare two of them for the harvest. He was then told that in that case he should hire two unemployed people to do the harvesting. He again refused and was threatened with stepped up inspections of his business by a variety of government agencies. According to the author of the email, just during the time he was at the local administration office something like 40 other private businessmen were there, having been called in just as he was.

<sup>53</sup> *Uzmetronom.com*, 5 September 2013, English summary: Private businessmen whose firms work on the territory of Tashkent's parks were called together and told that according to the local administration they will all voluntarily spend 40 days picking cotton in Syrdarya. Those who don't wish to volunteer or wish to volunteer for a shorter period should pay 40,000 soums (\$18-19) per day or 1.6 million soums (\$755) for the full 40 day period (apparently no discounts given). According to the article: "Those who refused were threatened with administrative intervention (additional checks of their financial-economic activities leading to the opening of criminal cases in instances of causing harm to the national economy)." The article notes that teachers, doctors, clerks, industrial workers, etc. are getting the same message.

<sup>54</sup> "Ушли на грядки," *UzMetronom*, 16 September 2013,

[http://www.uzmetronom.com/2013/09/16/ushli\\_na\\_grjadki.html](http://www.uzmetronom.com/2013/09/16/ushli_na_grjadki.html), English summary: In Tashkent, authorities required business owners to send their workers to pick cotton and to sign an agreement to buy food for the cotton pickers from Mega Food Store, a company directed by O.Z. Ortikov, yet the actual use of the money is unknown. Example of the agreement is posted on the link. At the Sergeli automotive market in Tashkent, shop owners were compelled to pick cotton for three days in Jizzak region, hire someone to go in their place, or pay 40,000 soums (\$19) per day to the district administration, under threat of losing their shops.

<sup>55</sup> "Кейинги ҳафтадан пахта теримига сафарбарлик қўтилмоқда," *Radio Free Europe, Radio Liberty "Ozodlik,"* 3 September 2013, <http://www.ozodlik.org/content/article/25094184.html>, English summary: A listener wrote to Radio Liberty that in Surkandarya, region private companies employing 10 or more persons were ordered to send 2-5 employees to pick cotton.

<sup>56</sup> Uzbek human rights monitor, September 2013.

<sup>57</sup> Uzbek human rights monitor, interview of GM worker, November 2013, cited in Uzbek-German Forum for Human Rights, "A Chronicle of Forced Labor of Children and Adults: Issue 8," 7 November 2013, <http://uzbekgermanforum.org/wp-content/uploads/2013/11/8-Cotton-Chronicle-Issue-8-20131.pdf>.

<sup>58</sup> Uzbek citizen, Email to noforcedlabor[at]gmail.com, 17 September 2013, English translation: Mahalla committee in Tashkent suburbs visited the homes of the community residents and asked them to give 89,000 soums (\$42) to the cotton harvest. The mahalla committee representatives informed the residents that they would have problems

public welfare benefits, visited residents' homes, demanded they pay 89,000 soums (\$42) for the cotton harvest, and threatened cutting off electricity if they refused.<sup>59</sup> In the Buka district of Tashkent region local authorities carried out orders to mobilize five people from each neighborhood.<sup>60</sup> The regional governor of Namangan issued a public statement in September instructing mahalla committees to mobilize residents.<sup>61</sup> Authorities of Zaaminksi district, Jizzak region, ordered residents to pick cotton in order to maintain their electricity and receive pension, child-care and other social welfare payments.<sup>62</sup> Police rounded up day laborers at the Koylik market in Tashkent and sent them to pick cotton, citing their lack of Tashkent residence permits.<sup>63</sup>

In the south of Uzbekistan, the authorities began mass mobilization of public-sector workers, businesses' employees, and unemployed residents to the cotton fields on September 5.<sup>64</sup> By September 10, authorities had expanded the mobilization nationwide.<sup>65</sup> Many public institutions sent their workers

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with their electricity if they refused to pay. One pensioner reported that he already refused to pay and lost power; he then paid, and the power returned.

<sup>59</sup> *Ibid.*

<sup>60</sup> "Тошкент мактаблари пахта теримига "команда" олди," *Radio Free Europe, Radio Liberty "Ozodlik,"* 9 September 2013, <http://www.ozodlik.org/content/article/25100550.html>, English summary: In Buka district, Tashkent region, local authorities mobilized five people from each neighborhood.

<sup>61</sup> "Наманганда пахта учун аҳоли ва тадбиркорлардан пул ундирилмоқда," *Radio Free Europe, Radio Liberty "Ozodlik,"* 13 September 2013, <http://www.ozodlik.org/content/article/25105254.html>, English summary: The Namangan regional governor issued a statement to the local media that neighborhood "mahalla" committees would mobilize residents for the harvest.

<sup>62</sup> "Зааминцев заставляют собирать хлопок бесплатно," *UzNews,* 18 September 2013, [http://www.uznews.net/news\\_single.php?lng=ru&sub=top&cid=2&nid=23785](http://www.uznews.net/news_single.php?lng=ru&sub=top&cid=2&nid=23785), English summary: Residents of villages in the Zaaminski district of Dzhizak province were gathered together by local authorities and told they must all pick cotton, for which they will receive no payment, not even the token amounts received in past years. There are to be no exceptions; if anyone is too old or sick to participate they must hire a replacement with their own money. The authorities threatened to cut off electricity and/or hold up child support or pension payments to those who refuse to participate.

<sup>63</sup> "Тошкентда мардикорлар мажбурий пахта теримига ҳайдалмоқда," *Radio Free Europe, Radio Liberty "Ozodlik,"* 5 October 2013, <http://www.ozodlik.org/content/article/25127584.html>, English summary: At the Koylik market in Tashkent, police rounded up day labourers from Syrdarya region and forcibly took them to pick cotton, citing their lack of residence permits to be in Tashkent.

<sup>64</sup> "Жанубий вилоятларда пахта теримига "старт" берилди," *Radio Free Europe, Radio Liberty "Ozodlik,"* 5 September 2013, <http://www.ozodlik.org/content/article/25096739.html>, English summary: September 5, in southern regions, under orders from the authorities, public-sector institutions and private companies began sending their employees to the cotton fields; "Тошкент мактаблари пахта теримига "команда" олди," *Radio Free Europe, Radio Liberty "Ozodlik,"* 9 September 2013, <http://www.ozodlik.org/content/article/25100550.html>, English summary: Starting September 6, Navoi city, Kashkadarya region, nurses were sent to pick cotton and stay overnight in the cotton fields of Kiziltepa district. The nurses reported picking cotton in shifts for 10-15 days. September 6, Surkhandarya district, workers of several private companies and public institutions were sent to pick cotton.

<sup>65</sup> "Тошкент мактаблари пахта теримига "команда" олди," *Radio Free Europe, Radio Liberty "Ozodlik,"* 9 September 2013, <http://www.ozodlik.org/content/article/25100550.html>, English summary: Starting September 9, school staff were sent to pick cotton or required to pay a fine of 400,000 soums (\$189). Public sector workers in Tashkent received orders to begin picking cotton on September 10.

to pick cotton for shifts of 10-15 days.<sup>66</sup> The regional governor of Namangan issued a statement on September 13 that all students of the three regional universities and all workers of private and public-sector institutions would pick cotton.<sup>67</sup> In a statement delivered at Tashkent's South Station on September 17, the Mayor of Tashkent ordered city residents to pick cotton in Jizzak region.<sup>68</sup> In Syrdarya region, local authorities closed markets to prevent people from avoiding work in the cotton fields.<sup>69</sup> In Kashkadarya region, authorities informed residents that transportation, food and accommodation costs would be residents' responsibilities, and that penalties for refusing to participate in the harvest would include dismissal from work, docked salary, and denied social welfare benefits.<sup>70</sup> Education officials offered exemptions for 400,000 soums, and other public sector workers reported fees for an exemption up to 700,000 soums.<sup>71</sup> Some citizens hired day laborers to work in their place, for rates that ranged 400,000 - 500,000 soums (\$189-\$236 USD).<sup>72</sup>

### III. Severe Impacts Suffered by Uzbek Citizens

The Uzbek government policy and practice of forced labor directly afflicts nearly every citizen, either through the violation of their rights, damage to their health, reduced access to medical care and education, or even the loss of a loved one.

#### A. Deaths

In 2013, at least eleven Uzbek citizens died as a result of the forced-labor cotton production system:

- Tursunali Sadikov, a 63-year old farmer from Yangiyul district of Tashkent region was beaten by the Head of the Yangiyul District Department of Internal Affairs Aziz Tashpulatov and died from

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<sup>66</sup> "Тошкент мактаблари пахта теримига "команда" олди," *Radio Free Europe, Radio Liberty "Ozodlik,"* 9 September 2013, <http://www.ozodlik.org/content/article/25100550.html>, English summary: Starting September 6, Navoi city, Kashkadarya region, nurses were sent to pick cotton and stay overnight in the cotton fields of Kiziltepa district. The nurses reported picking cotton in shifts for 10-15 days. September 6, Surkhandarya district, workers of several private companies and public institutions were sent to pick cotton; Uzbek human rights monitor, September – November 2013.

<sup>67</sup> "Наманганда пахта учун аҳоли ва тадбиркорлардан пул ундирилмоқда," *Radio Free Europe, Radio Liberty "Ozodlik,"* 13 September 2013, <http://www.ozodlik.org/content/article/25105254.html>, English summary: The Namangan regional governor issued a statement to the local media that the students of the three regional universities and all workers of companies and public-sector institutions would work in the cotton harvest.

<sup>68</sup> Uzbek citizen, Email to noforcedlabor[at]gmail.com, 17 September 2013, English translation: On 17 September 2013, at 6:00 AM at South Station, the Tashkent city mayor sent "volunteers" to the cotton harvest, somewhere in Jizzak region. The people would stay in a college gymnasium.

<sup>69</sup> "Daytime markets shutdown in Uzbekistan, police chasing vendors," *Fergana News*, 4 October 2013, <http://enews.fergananews.com/news.php?id=2732&mode=snews>.

<sup>70</sup> "Қашқадарёда 9 сентябрдан оммавий пахта терими бошланади," *BBC*, 7 September 2013, [http://www.bbc.co.uk/uzbek/uzbekistan/2013/09/130907\\_сy\\_uzbek\\_cotton.shtml](http://www.bbc.co.uk/uzbek/uzbekistan/2013/09/130907_сy_uzbek_cotton.shtml), English summary: Kashkadarya region, leading up to September 10, university students, public-sector and private sector workers and members of neighborhood "mahalla" committees received orders to pick cotton or pay the value of their daily cotton quota. Authorities also informed residents that transportation and food expenses would be the responsibility of the citizens, and that penalties for disobeying the orders included dismissal from work, docked salary, and expulsion from school.

<sup>71</sup> Uzbek human rights monitor, October 2013.

<sup>72</sup> Uzbek human rights monitor, September – November 2013.

a heart attack the following morning April 16, 2013. Tashpulatov beat the farmer for being late to a cotton planning meeting.<sup>73</sup>

- Mukhlisa Rajabova, a 17-year old second-year student of Kashkadarya Region Agro-Industrial High School, died of electric shock while working in the cotton fields on September 9, 2013. Authorities returned her body to the family after a forensic examination, and no other circumstances of the case have been disclosed.<sup>74</sup>
- Amirbek Rakhmatov, a six-year old first-year schoolboy from Vobkent district of Bukhara region, died on September 15, 2013. Amirbek had accompanied his mother, and while she picked cotton, he fell asleep in a trailer and suffocated when cotton was loaded on top of him. They only found his body when they emptied the trailer.<sup>75</sup>
- Kozim Omonov, a 22-year old fourth-year student of Karshi State University, and Samandar Nurmatov, a 23-year old fourth-year student at Karshi State University, died from stab wounds suffered during a fight with Akram Sadatovich Urolov, a 23-year old student of Karshi State University, on September 16. Urolov knifed Omonov, Nurmatov, 25-year old Zafar Tukhtaev and 24-year old Vokhid Qodirov during a fight over cotton quotas. Tukhtaev and Qodirov were hospitalized.<sup>76</sup>
- Malika Embergenova, a 17-year old second-year student at Nukus City Medical College No. 1, hanged herself on September 23, 2013, in the village of Atakul, Tahtakupir District, Karakalpakstan.<sup>77</sup> The high school (“college”) had sent Embergenova to pick cotton and stay in the village during the harvest.
- Zulajkho Jergasheva, a 30-year old teacher at school no. 55 in Samarkand region, died in a car accident while returning home from picking cotton. Ms. Jergasheva had stayed near the cotton fields for five days and was driving home to visit her two small children.<sup>78</sup>
- Khayrulla Nurmatov, a 31-year old resident of Tashkent region, died after an epileptic seizure on October 4, 2013, in a cotton field in Dustlik District, Jizzak region. Nurmatov was picking cotton in place of Dustmurod Abraev, a surgeon of Clinic No. 49 in Yunusobod District of Tashkent City, who had hired Nurmatov to replace him in the cotton fields and pick his quota.<sup>79</sup>

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73 “В Янгиюле схвачен милиционер, обвиняемый в убийстве фермера,” Radio Free Europe / Radio Liberty “Ozodlik,” 3 May 2013, [http://www.uznews.net/news\\_single.php?lng=ru&cid=38&nid=22628](http://www.uznews.net/news_single.php?lng=ru&cid=38&nid=22628)

74 “‘Пахта – 2013’ нинг илк қурбони Қаршида қайд этилди,” Radio Free Europe / Radio Liberty “Ozodlik,” 16 September 2013, <http://www.ozodlik.org/content/article/25107660.html>

75 “Вобкентда 1-синф ўқувчиси пахта тагида қолиб ўлди,” Radio Free Europe / Radio Liberty “Ozodlik,” 19 September 2013, <http://www.ozodlik.org/content/article/25111365.html>

76 *Fergana News*, October 28, <http://enews.fergananews.com/news.php?id=2750&mode=snews>; “Қаршида пахтага чиқмаган касал талаба ўқишдан ҳайдалди,” Radio Free Europe / Radio Liberty “Ozodlik,” 21 September 2013, <http://www.ozodlik.org/content/article/25113332.html>.

77 “Student commits suicide during cotton harvest,” *UzNews*, 4 October 2013, [http://www.uznews.net/news\\_single.php?lng=en&sub=hot&cid=4&nid=23954](http://www.uznews.net/news_single.php?lng=en&sub=hot&cid=4&nid=23954).

78 “Another cotton-related death – teacher dies in car crash,” *UzNews*, 4 October 2013, [http://www.uznews.net/news\\_single.php?lng=en&sub=hot&cid=4&nid=23966](http://www.uznews.net/news_single.php?lng=en&sub=hot&cid=4&nid=23966)

79 “Шифокор ёллаган мардикор пахтазорда ўлиб қолди,” Radio Free Europe / Radio Liberty “Ozodlik,” 8 October 2013, <http://www.ozodlik.org/content/article/25130163.html>; “Наманганда пахта учун аҳоли ва

- Safarboy Karimov, a 38-year old farmer from Karakalpakstan, hanged himself in his cotton field, on October 17. Three days prior, authorities scolded him for not meeting his quotas for cotton and wheat.<sup>80</sup>
- Erkinboj Yoldashev, a 16-year old first-year student at the Urgench Industrial High School, died of a heart attack on the evening of October 21, 2013, in the village of Galaba of the Urgench District of the Khorezm Region.<sup>81</sup> The school administrators had sent Erkinboj to pick cotton in mid-September.<sup>82</sup> In an interview the day of the tragedy, Erkinboj’s mother said Dilfuza Jumaniyozova expressed grief and outrage: “He died at 10 PM, and they came at 5 a.m. saying, ‘Your child is dead. He’s in the morgue,’ and ran away. None of them visited us since then. If my child dies, why don’t they call for me right away? Why did they inform us only after my son had undergone an autopsy? Why did they do this to my child?”<sup>83</sup>
- Zulfira Akhmedova, a third-year student at Andijan State University, died on October 25 from stab wounds, inflicted by a day laborer who accused Ms. Akhmedova and her mother of underpaying him for picking the daughter’s quota of cotton. Authorities denied Ms. Akhmedova a medical exemption, even though she presented a certificate from the medical advisory board stating that she was unfit to work in the cotton fields.<sup>84</sup>

## B. Hazardous Conditions

In addition to the fatalities, the Uzbek government forced children and adults to pick cotton in hazardous conditions. The authorities denied virtually all requests for medical exemptions and ignored health risks.<sup>85</sup> In early September, authorities ordered citizens to manually spray defoliants on the

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тадбиркорлардан пул ундирилмоқда,” *Radio Free Europe, Radio Liberty “Ozodlik,”* 13 September 2013, <http://www.ozodlik.org/content/article/25105254.html>.

<sup>80</sup> “Farmer commits suicide on cotton field,” *Fergana News*, 20 October 2013, <http://enews.fergananews.com/news.php?id=2743&mode=news>; “Тўрткўллик фермер қамалишдан қўрқиб, ўзини осди,” *Radio Free Europe / Radio Liberty “Ozodlik,”* 18 October 2013, <http://www.ozodlik.org/content/article/25140979.html>

<sup>81</sup> “Урганчда пахта теришга мажбурланган 16 яшар бола ётоқда ўлиб қолди,” *Radio Free Europe / Radio Liberty “Ozodlik,”* 22 October 2013, <http://www.ozodlik.org/content/article/25144742.html>, English summary: 16-year old Yuldoshev Erkaboy Shuhratovich died unexpectedly in the barracks during the cotton harvest in Galaba village, Urgench, Khorezm region, on October 21. Yuldoshev was a 1st-year student of at the Urgench Vocational College. He died in the barracks at 10 p.m., shortly after his returning from the cotton field; “16-year old dies during cotton harvest,” *UzNews*, 23 October 2013, [http://www.uznews.net/news\\_single.php?lng=en&sub=hot&cid=3&nid=24150](http://www.uznews.net/news_single.php?lng=en&sub=hot&cid=3&nid=24150). “Uzbek Cotton-Picking Claims Eighth Victim,” *Radio Free Europe, Radio Liberty*, 23 October 2013, <http://www.rferl.org/content/article/25145827.html>.

<sup>82</sup> *Ibid.*

<sup>83</sup> Interview, *RadioFree Europe, Radio Liberty “Ozodlik,”* 22 October 2013, starting at minute 9, <http://www.ozodlik.org/audio/audio/1017350.html>.

<sup>84</sup> “Uzbek Student Stabbed to Death in Dispute over Cotton Picking,” *Radio Free Europe, Radio Liberty*, 31 October 2013, <http://www.rferl.org/content/uzbekistan-cotton-picking-killing/25153889.html>; *Fergana News*, 31 October 2013, <http://www.fergananews.com/news/21431>.

<sup>85</sup> “Пахта: Ўқитувчиларга талабаларни топишдек изқуварлар вазифаси берилган,” *BBC*, 17 September 2013, [http://www.bbc.co.uk/uzbek/uzbekistan/2013/09/130917\\_cotton\\_teacher.shtml](http://www.bbc.co.uk/uzbek/uzbekistan/2013/09/130917_cotton_teacher.shtml), English summary: The teacher

cotton fields, without personal protection equipment or training.<sup>86</sup> In October, a teacher suffered severe back injuries incurred by lifting bags of cotton day after day, following orders to weigh cotton picked at a farm in Syrdarya region.<sup>87</sup> People forced to pick cotton around the country, of all ages, reported a lack of potable water at the fields, despite extreme heat at the beginning of the harvest and 10-hour work days throughout the harvest.

Citizens forced to pick cotton also reported unhygienic conditions at the accommodations arranged by authorities near the fields.<sup>88</sup> Accommodations were in school gymnasiums, hallways and classrooms and unused buildings in the countryside. Adults and children often slept on the floors and reported a lack of washing facilities, heat, electricity and adequate food. A week into the harvest, children from high schools in Tashkent fled the cotton fields because of the poor living conditions. Those with resources paid local residents 500-1000 soums (\$0.23 - \$0.47) per night to sleep in their houses. Many students fell ill and were sent home early.<sup>89</sup>

### **C. Cotton at the Expense of Health Care and Education**

The Uzbek government's massive use of government employees strains the delivery of essential public services, including medical care and education. Doctors, nurses, emergency medical technicians and other staff of hospitals and clinics from around the country are sent to the fields. The education sector was also severely affected. Even where younger school children were not mobilized for the harvest, the state-sponsored mobilization of teachers, parents and older school children continued to negatively affect the learning process.

Following its investigation in November 2013, the World Bank Inspection Panel reported,

"The Panel also heard concerns about the weakened provision of essential social services, especially in health and education due to the alleged forced involvement of social service workers (including doctors, nurses and teachers) in the picking of cotton. During its field visit, the Panel heard direct testimony of

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also reported visiting a healthcare clinic, where staff instructed everyone the no medical exemptions would be granted, except by the mayor's office; "Зааминцев заставляють збирати хлопок безплатно," *UzNews*, 18 September 2013, [http://www.uznews.net/news\\_single.php?lng=ru&sub=top&cid=2&nid=23785](http://www.uznews.net/news_single.php?lng=ru&sub=top&cid=2&nid=23785), English summary: There are to be no exceptions; if anyone is too old or sick to participate they must hire a replacement with their own money; "WhatsApp Пахтакор: "Битта домла камида 3-4 миллион сўм пул ишлаяпти," *Radio Free Europe / Radio Liberty "Ozodlik,"* 19 September 2013, <http://www.ozodlik.org/content/article/25104210.html>, English summary: A Radio Liberty reader posted a blog stating that students diagnosed with health issues were forced to pick cotton.

<sup>86</sup> Uzbek human rights monitor, September 2013.

<sup>87</sup> Uzbek human rights monitor, October 2013.

<sup>88</sup> Uzbek human rights monitors, September – November 2013.

<sup>89</sup> Uzbek human rights monitor, September - November 2013; "WhatsApp Пахтакор: "Битта домла камида 3-4 миллион сўм пул ишлаяпти," *Radio Free Europe / Radio Liberty "Ozodlik,"* 19 September 2013, <http://www.ozodlik.org/content/article/25111213.html>, English summary: A listener reported abysmal conditions of accommodations for cotton pickers in Samarkand, including no gas, electricity or appropriate washing facilities; therefore, some pay 35,000 soums (\$17 USD) for rent and 3,000 soums (\$1.42) per shower in other facilities, expenditures far exceeding any pay for the cotton picked.



cases where school teachers were forced to abandon their duties to go pick cotton for two months during the school year in this year's cotton harvest. There is concern that the recent alleged trend of substituting forced adult labor for child labor is said to be aggravating these concerns, as more public sector workers may be forced to go to the fields."<sup>90</sup>

#### **IV. Denial and Repression of Citizen Monitors**

The government continued to deny forced labor and misrepresented international organizations to support its claims. In public testimony before the United States Trade Representative in March 2013, the Uzbek Ambassador to the US denied that forced labor is used in the cotton harvest.<sup>91</sup> In June, in public comments made on the floor of the International Labour Conference, the Uzbek government misrepresented UNICEF's program in Uzbekistan and claimed to quote a UNICEF report, stating, "the outcome of monitoring exercises carried out by UNICEF in 2012, in which investigations confirmed that in all 13 regions none of the 3.5 million pupils were obliged to participate in the harvest."<sup>92</sup> UNICEF corrected the record immediately after the Conference, reporting, "UNICEF's observations do confirm that forced child labour in Uzbekistan remains a major and extensive problem as it observed in 2012 the mass mobilization of senior secondary school students for weeks at a time in the cotton fields."<sup>93</sup>

In Uzbekistan, the GOU intensified its efforts to deny forced labor by attempting to create the impression that work in the cotton fields is voluntary. In January 2013, the government inserted a clause in contracts for public-sector workers making work in the cotton harvest a condition of employment. Leading up to the harvest, school administrators required students and parents to sign commitments at enrollment that students would pick cotton. Throughout the country, authorities instructed children at schools and adults in their workplaces and communities to report to foreigners that they picked cotton "voluntarily" and "for the love of the motherland."

Instead of protecting victims of forced labor, the Uzbek government continued to repress and detain Uzbek citizens seeking to document state-sponsored forced labor. In September, authorities arrested and detained independent journalist Sergei Naumov for 12 days, during which time they denied him access to his lawyer and family.<sup>94</sup> The Bukhara City Criminal Court sentenced Bobomurad Razzakov, a

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<sup>90</sup> The Inspection Panel, "Report and Recommendation on Request for Inspection: Republic of Uzbekistan- Second Rural Enterprise Support Project (P109126) and Additional Financing for Second Rural Enterprise Support Project (P126962)," 9 December 2013, Paragraph 68, page 16, [http://siteresources.worldbank.org/EXTINSPECTIONPANEL/Resources/PanelReport\\_Uzbekistan\\_SRESP\\_Dec9\\_2013.pdf](http://siteresources.worldbank.org/EXTINSPECTIONPANEL/Resources/PanelReport_Uzbekistan_SRESP_Dec9_2013.pdf).

<sup>91</sup> Executive Office of the President, Office of the U.S. Trade Representative, *Public Hearing for U.S. Generalized System of Preferences (GSP): 2012 Annual Review of Country Practices*, March 28, 2013, Washington DC.

<sup>92</sup> Report of the Committee on the Application of Standards, Part Two, Record of Proceedings, 19 June 2013. Uzbekistan. Worst Forms of Child Labour Convention, 1999 (No. 182)

<sup>93</sup> Statement provided by the Vice-President of Public Policy and Advocacy of the US Fund for UNICEF, June 2013

<sup>94</sup> See Association for Human Rights in Central Asia, <http://nadejda-atayeva-en.blogspot.com/>; Human Rights Watch, <http://www.hrw.org/news/2013/09/24/uzbekistan-journalist-forcibly-disappeared>; Organization for Security and Co-operation in Europe, <http://www.osce.org/fom/105392>; and Reporters Without Borders, <http://www.trust.org/item/20130923125113-rpyi0/?source=hppartner>.

farmer and human rights activist who has frequently represented fellow farmers' interests before the prosecutor's office, to four years imprisonment, on politically motivated charges of 'human trafficking'. In Jizzak, authorities took human rights activist Uktam Pardaev into police custody and then placed him under house arrest, following his meeting with a visiting delegation from South Korea. Authorities also detained Pardaev incommunicado during the 2012 cotton harvest.

Also during the 2013 cotton harvest, the ILO for the first time monitored the application of ILO Convention No. 182 on the Worst Forms of Child Labour. The ILO's stated goal of the exercise was to subsequently develop "a comprehensive national cooperation programme in collaboration with the Sub-Regional Office and Decent Work Team covering Eastern Europe and Central Asia."<sup>95</sup> Limitations under which the ILO monitors observed the 2013 harvest included the restriction of its mandate to ILO Convention No. 182, presence of representatives of the government with all monitoring teams, lack of participation by the International Trade Union Confederation and International Organisation of Employers, lack of participation by Uzbek civil society, and efforts by the Uzbek government to undermine monitoring, including moving people around to avoid inspections and instructing people to lie to monitors.

In the ILO mission report, the conclusion that "forced child labour has not been used on a systematic basis in Uzbekistan to harvest cotton in 2013" reflected both the goal of the exercise and the limitations imposed on the ILO monitors. It also contrasts with the evidence presented in the ILO mission report of the use of the state school system to mobilize students to the harvest. For example, the ILO monitors reported that in 8 of 9 high schools ("colleges") they visited, classes were not in session due to cotton picking, and school officials provided no attendance registers or other evidence to support the reasons given to monitors, e.g. that students were engaged in extra-curricular activities.<sup>96</sup> Despite the limitations under which the ILO observed the harvest, their mission report noted the use of child labor, emphasized concerns about the use of forced labor for the cotton harvest, and recommended that the government take action to implement ILO Convention No. 105.<sup>97</sup>

## **V. A Convergence of International Concern**

International observers from multilateral organizations and bilateral partners of Uzbekistan share the ILO's serious concern for the Uzbek government's continued use of forced labor in the cotton industry.

The June 2013 Concluding Observations of the UN Committee on the Rights of the Child states that the Committee "remains gravely concerned about: (b) The continued involvement of children above the age of 16 years in forced labour in the cotton industry; and, (c) The lack of positive responses to the recommendation contained in the observations issued in 2011 by the Committee of Experts on the

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<sup>95</sup> International Labour Organization, "ILO High Level Mission Report on the Monitoring of Child Labour During 2013 Cotton Harvest in Uzbekistan," 19 November 2013, paragraph 7, page 5.

<sup>96</sup> *Ibid* Annex D, page 77.

<sup>97</sup> *Ibid*, paragraphs 35-36, page 13.

Application of Conventions and Recommendations of the International Labour Organisation (ILO) to accept a high-level tripartite mission and avail itself to ILO technical assistance.”<sup>98</sup>

During the 2013 cotton harvest, the National Human Rights Commission of Korea sent a mission to investigate human rights impacts of South Korean companies in Uzbekistan. The mission’s report concludes that “forced child/adult labor persists in the cotton fields in Uzbekistan.”<sup>99</sup> The report further concludes that the Korean companies Daewoo Textile and Global KOMSCO Daewoo have failed to avoid complicity in the violations of international conventions prohibiting forced labor and child labor in Uzbekistan, and that the Korean government has failed to fulfill its duty, as a member of the Organization for Economic Cooperation and Development, to work proactively to ensure these Korean companies respect international labor standards in their operations and supply chains.<sup>100</sup>

In October 2013, the U.S. Customs and Border Protection applied the Tariff Act prohibition on the entry of goods produced with forced labor into the United States. The action reminded the Uzbek government that its continued practice of forced labor to produce cotton prevents companies around the world from legally importing goods into the U.S. that contain Uzbek cotton.

In November 2013, the United Nations Committee Against Torture (CAT) highlighted forced labor and child labor among the “principle subjects of concern” in Uzbekistan.<sup>101</sup> The CAT recommended “that the State party should end the practice of using forced labour of adults and children in the cotton sector, and permit international and independent national nongovernmental organizations and activists to conduct regular independent monitoring,” citing the Uzbek government’s duty to prevent acts of degrading treatment or punishment through the effective application of the law and regardless of any public authority’s orders.<sup>102</sup>

In December, the World Bank Inspection Panel issued their report on the Request for Inspection of the World Bank’s Second Rural Enterprise Support Project (RESP II).<sup>103</sup> The Panel visited with civil society activists and victims of forced labor in Uzbekistan and concluded that the plausible link between bank

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<sup>98</sup> Committee on the Rights of the Child, Concluding observations on the combined third and fourth periodic reports of Uzbekistan, adopted by the Committee at its sixty-third session (27 May- 14 June 2013), CRC/C/UZB/CO/3-4, Geneva, 10 July 2013, paragraph 65b and c

<sup>99</sup> See the report on the National Human Rights Commission of Korea website at: English, <http://www.apil.or.kr/attachment/cfile7.uf@2137684452AAA61E0A2FE4.docx> and Korean, [http://www.humanrights.go.kr/03\\_sub/body02\\_4.jsp](http://www.humanrights.go.kr/03_sub/body02_4.jsp).

<sup>100</sup> *Ibid*

<sup>101</sup> United Nations Committee against Torture, “Concluding observations on the fourth periodic report of Uzbekistan,” November 2013, [http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/UZB/CAT\\_C\\_UZB\\_CO\\_4\\_15833\\_E.doc](http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/UZB/CAT_C_UZB_CO_4_15833_E.doc).

<sup>102</sup> *Ibid*.

<sup>103</sup> The World Bank Inspection Panel, “Report and Recommendation: Republic of Uzbekistan- Second Rural Enterprise Support Project (P109126) and Additional Financing for Second Rural Enterprise Support Project (P126962), 9 December 2013, [http://siteresources.worldbank.org/EXTINSPECTIONPANEL/Resources/PanelReport\\_Uzbekistan\\_SRESP\\_Dec9\\_2013.pdf](http://siteresources.worldbank.org/EXTINSPECTIONPANEL/Resources/PanelReport_Uzbekistan_SRESP_Dec9_2013.pdf)

financing for the agricultural sector and the perpetuation of forced labor raises serious policy compliance issues. Further action by the Inspection Panel depends on progress in the World Bank's discussion with the Uzbek government about ending the use of forced labor in cotton production and the Bank establishing third-party labor rights monitoring of its project activities.

## **VI. Implications for Investment in Uzbekistan**

Forced labor is a crime. US has laws that prohibit any person from knowingly benefiting from forced labor. Under U.S. law, it is a crime for any person to knowingly benefit from forced labor.<sup>104</sup> Furthermore, the Tariff Act of 1930 prohibits any person from importing into the United States a good made "in whole or in part" with forced labor.<sup>105</sup> The Government of Uzbekistan's forced-labor system is so pervasive that all companies must be on notice that doing business in Uzbekistan will expose them to possible legal liability whether or not they are investing in the cotton system itself.

### **A. Daewoo International, Indorama Corporation and others in the Textile sector**

For those investing in the cotton system, like Daewoo International and Indorama Corporation, the potential for liability is very clear.

One year ago the International Labor Rights Forum filed a petition with the U.S. Department of Homeland Security, Customs and Boarder Protection (CBP) to enforce the Tariff Act of 1930 and halt imports of forced-labor cotton from Uzbekistan.<sup>106</sup> The complaint calls on U.S. Customs to issue an immediate detention order on all pending and future imports of cotton goods manufactured by Daewoo International Corporation, Indorama Corporation, and other companies processing cotton in Uzbekistan. Daewoo International, a South Korean-based company owned by the steel manufacturer POSCO (NYSE:

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<sup>104</sup> 18 USC §1589 states "(a) Whoever knowingly provides or obtains the labor or services of a person by any one of, or by any combination of, the following means—

(1) by means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person;

(2) by means of serious harm or threats of serious harm to that person or another person;

(3) by means of the abuse or threatened abuse of law or legal process; or

(4) by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint, shall be punished as provided under subsection (d).

(b) Whoever knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in the providing or obtaining of labor or services by any of the means described in subsection (a), knowing or in reckless disregard of the fact that the venture has engaged in the providing or obtaining of labor or services by any of such means, shall be punished as provided in subsection (d)."

<sup>105</sup> 19 USC §1307 states "All goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision."

<sup>106</sup> The petitions is available at: <http://laborrights.org/publications/tariff-act-complaint-ilrf-calls-us-customs-service-halt-imports-forced-labor-cotton>

PKX), and Indorama Corporation ([www.indorama.com](http://www.indorama.com)), a Singapore based multi-national that produces yarn, fabrics and organic cotton products, are two of the largest processors of Uzbek cotton.

Indorama Kokand Textiles and Daewoo International both operate cotton processing facilities that produce cotton yarn and fabric for export to garment producers globally. Since Uzbekistan does not import one single bale of cotton, cotton grown and harvested by forced labor is the sole component of the cotton yarn and cotton fabric processed in Uzbekistan by Indorama Kokand Textile, Daewoo International, and other cotton processors. Daewoo International described its operations and its knowledge of the ongoing forced labor in Uzbekistan, in an on-line statement February 19, 2013.<sup>107</sup>

Companies like Daewoo International and Indorama, who agree to buy into the Government's state order system for cotton production receive significant benefits, including a 15% discount from the export price of cotton, a full 20% value-added tax (VAT) reimbursement, and, when they receive a delivery of cotton, they pay only 15% of the cost and pay the remainder in 120 days at zero interest. However, those benefits come with a cost. Once in the system, the companies themselves become vehicles for distributing cotton products from cotton produced by forced labor, and according to State Department report, efforts to keep tainted cotton out of their supply chains are futile.

*Local [government of Uzbekistan] authorities are interfering in the management of [the Central Asia Seed Company's] farms by keeping farmers under state production plans, even though the original business plan, approved by the GOU, states the company's farms are exempt from state orders.*<sup>108</sup>

We are pleased the Department of Homeland Security and the Department of Justice are taking this very seriously and welcome the criminal investigation currently underway by the Department of Homeland Security and Department of Justice into Daewoo and Indorama and the legal action taken against Indorama under the Tariff Act of 1930 in October 2013.<sup>109</sup>

## **B. General Motors**

For companies not investing in the forced-labor system, like Daewoo and Indorama, the risks are still as great. For the third consecutive year, human rights defenders collected evidence demonstrating that employees of General Motors were compelled to pick cotton during the harvest. This past Fall, the

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<sup>107</sup> See [http://www.business-humanrights.org/media/documents/company\\_responses/daewoo-re-uzbek-child-labour-19-02-2013.doc](http://www.business-humanrights.org/media/documents/company_responses/daewoo-re-uzbek-child-labour-19-02-2013.doc)

<sup>108</sup> U.S. Department of State. (Unclassified) Cable from US Embassy in Tashkent: *Uzbekistan: Report on Investment Disputes and Expropriation* (June 18, 2008). Accessed at: <http://wikileaks.org/cable/2008/06/08TASHKENT694.html>

<sup>109</sup> *12Uz.com*, В ЧЕМ ПРИЧИНА ЗАДЕРЖАНИЯ КОНТЕЙНЕРА С 22 ТОННАМИ УЗБЕКСКОЙ ПРЯЖИ В США? December 31, 2013, <http://www.12uz.com/#ru/news/show/comments/16037/> and In response to a Freedom of Information Act request for information about determinations and actions taken by the U.S. Government concerning cotton and cotton products from Uzbekistan, Immigration and Customs Enforcement stated "the information you are seeking relates to an ongoing law enforcement investigation," and therefore withheld the information.

Federation of Trade Unions of Uzbekistan working with managers at the General Motors Uzbekistan plant in Andijan compelled employees of the plant to pick cotton during harvest.<sup>110</sup>

Since 2011, these reports have been brought to the attention of GM management, starting with a letter sent by the United Auto Workers union in October 2011. GM has not publicly reported on the steps it took to investigate or address any actual violations or prevent its employees or their families members from becoming potential victims of forced labor.

By committing to the OECD Guidelines for Multinational Enterprises, as well as the United Nation's Guiding Principles on Business and Human Rights, the US Government has a duty to protect human rights by working proactively to ensure that US multinational enterprises, including GM and its subsidiaries in Uzbekistan:

- (1) respect the internationally recognized human rights of those affected by their activities"<sup>111</sup>
- (2) take adequate steps to ensure that forced or compulsory labor does not exist in their operations."<sup>112</sup>
- (3) avoid "causing or contributing" to human rights violations, and "address violations when they occur;"<sup>113</sup>
- (4) Prevent or mitigate human rights violations directly linked to their operations, products, or services by a business relationship even when the company has not "contributed to" or caused the human rights violation;<sup>114</sup> and
- (5) Carry out risk-based due diligence to identify, prevent, and mitigate actual and potential" human rights violations.<sup>115</sup>

As noted before, GM is aware of the government's forced labor program and the program's actual and potential impact on its employees and others from the public sector as well as private enterprises across Uzbekistan. Therefore, it is vital that GM work with Uzbekistan civil society to develop and implement an effective program of independent and transparent monitoring and publicly available reporting for forced labor and other human rights violations in GM's operations and in communities where GM operates and its employees live. Only through a robust monitoring and public reporting program implemented by independent civil society in Uzbekistan will GM be able to begin to prevent its employees, their family members, and others in GM's impacted communities from becoming victims of the GOU's forced labor program. Otherwise, GM and its shareholders risk indirectly supporting, benefiting from, or worse, directly contributing to the government's forced labor program.

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<sup>110</sup> Uzbek-German Forum for Human Rights, Personal interview, Andijan region, February 2014.

<sup>111</sup> OECD Guidelines for Multinational Enterprises (2011), Ch. II (A)(2)

<sup>112</sup> Id., Ch V (1)(d)

<sup>113</sup> Id., Ch. II (A)(11)

<sup>114</sup> Id., Ch II (A)(12) Ch. IV(1)(3)

<sup>115</sup> Id., Ch. II (A)(10);

### **C. Multilateral finance institutions**

We are concerned that any investment by multilateral finance institutions to support the development of the agriculture sector in Uzbekistan, including support for the purchase of equipment to mechanize cotton harvesting, before the Government of Uzbekistan ends its forced labor production system for cotton is a violation of US policy. We note that our concern is shared by the World Bank's own Inspection Panel, which found that "the information reviewed by the Panel indicates that it cannot be ruled out that the project has and may still be supporting cotton production either directly or indirectly" and that "the Bank's support [for agriculture development] may be contributing to a perpetuation of the alleged harm [of forced labor]."<sup>116</sup>

Yet the ABD and World Bank seem to be increasing their investments. The Asian Development Bank began financing the Uzbek Government for the purpose of improving irrigation, while the ADB recognized its Modernization and Improved Performance of the Amu Bukhara Irrigation System (ABIS) project would primarily benefit the cotton sector. The ADB should take note of the ILO and World Bank Inspection Panel reports and halt the ABIS project until the Uzbek Government ends the forced labor system. During the 2014 Spring meetings in Washington, the World Bank indicated plans to increase its lending to the Uzbek Government for the agriculture sector.

The forced labor system of production in Uzbekistan must end for development projects to address the real needs of the Uzbek people, including support for farmers for the purchase of equipment to mechanize cotton harvesting. Under the current system, a farmer forced to grow cotton and harvest it with a tractor is still a forced laborer growing cotton for the Uzbek Government.

The United States Treasury should vote against any loan to the Uzbek Government that lacks a clear precondition to end the forced labor system.

### **VI. Tier 3 Placement in the *2014 Trafficking in Persons Report***

Currently, Uzbekistan does not meet the minimum standards of the Trafficking Victims Protection Act, nor is it yet taking real steps to meet those standards. On this basis, we call on the State Department to

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<sup>116</sup> See The World Bank Inspection Panel, "Report and Recommendation: Republic of Uzbekistan- Second Rural Enterprise Support Project (P109126) and Additional Financing for Second Rural Enterprise Support Project (P126962), 9 December 2013, Paragraph 80 ["Nevertheless, it is the Panel's view that as long as Bank financing is supporting in some measure cotton production and there is a residual possibility that there can be child/forced labor on farms receiving project support (since they do not allegedly have a choice of whether to accept child or forced labor), then it is plausible that the Project can contribute to perpetuating the harm of child and forced labor. The information reviewed by the Panel indicates that it cannot be ruled out that the project has and may still be supporting cotton production either directly or indirectly through the different project components, including the credit line, and that this production may be using labor practices of concern to the Requesters. While the Panel cannot make definitive findings on these linkages at this stage in its process, the Panel considers that there is a plausible link between the Project and the harms alleged in the Request, and that the Bank's support through the Project may be contributing to a perpetuation of this alleged harm."]

place Uzbekistan in Tier 3 in the *2014 Trafficking in Persons Report*. An upgrade to another placement would reward the government of Uzbekistan in spite of its continued, flagrant disregard of its national laws and international commitments.

The Tier 3 placement would, on the other hand, communicate the need to end forced labor to the Uzbek government. Clear messages from the U.S. government, the European Union and multilateral agencies have contributed to key policy decisions by the Uzbek government.

In 2005 the ILO supervisory bodies began to consistently express concern for the use of forced labor of children and adults in cotton production in Uzbekistan. In 2008 the U.S. Department of Labor investigated forced child labor in cotton production in Uzbekistan and added cotton from Uzbekistan to the list of goods made by forced child labor in 2009. The Uzbek government ratified international conventions on child labor in 2008 and 2009. In December 2011, the European Parliament voted 603 to 8 not to extend the EU-Uzbekistan Partnership and Cooperation Agreement to trade in cotton and textiles, and in January 2012 the United States Trade Representative reviewed the Generalized System of Trade Preferences for Uzbekistan. The Uzbek government met with the ILO in Tashkent in March 2012. In October 2012, the French National Contact Point of the OECD issued guidance to multinational enterprises not to trade Uzbek cotton, and in June 2013 the U.S. government placed Uzbekistan in Tier 3 of the *2013 Trafficking in Persons Report*. In July 2013 the Uzbek government agreed to allow ILO monitors to observe the cotton harvest, albeit under restricted terms. From September to November 2013, the South Korean Human Rights Commission investigated companies operating in Uzbekistan; the U.S. government applied the Tariff Act by holding shipments of cotton from Uzbekistan; and the World Bank Inspection Panel investigated the World Bank's project in Uzbekistan. The ILO reports that in November the Uzbek government "expressed their willingness to continue to collaborate with the ILO to address child labour and other related issues," including all fundamental rights of workers.<sup>117</sup>

Yet the Uzbek people continue to suffer under the state forced labor system, because the Uzbek government has not made serious and significant efforts to end its forced labor policy and practice.

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<sup>117</sup> International Labour Organization, "ILO High Level Mission Report on the Monitoring of Child Labour During 2013 Cotton Harvest in Uzbekistan," 19 November 2013 paragraph 34, page 12.